

**MOST RESPECTFULLY SHOWETH :****This Writ Petition is being filed in Public Interest, to  
(Constitutional Provisions)**

- 1) The present petition seeking writ(s)/direction(s) towards making it mandatory to imprint – Photograph and Signature of the legal holder in whose name the specific paperless banking instruments of – Debit Cards, Credit Cards & ATM. Cards are issued, because non adherence to the implementation being sought gives considerable opportunity to the criminals to indulge in all criminal activities like committing frauds, snatching, misappropriation, kidnapping, murder, grievous injury and many other forms of criminal misuse related to paperless banking instruments.
- 2) The petitioner is a law abiding Indian citizen specially engaged in social work as a public activist.
- 3) The respondent is the Union of India through the Ministry of Finance and also the (100%) owner of Reserve Bank of India since Nationalization in

1949 and appoints the board of directors which govern the affairs of Reserve Bank of India.

4) That the petitioner has not filed any other similar writ petition either before this Hon'ble court or before any other High Court in India.

5) The manner in which there has been excessive rise in various criminal activities with relation to the paperless banking instruments especially owing to the huge surge in penetration level of these instruments, across the length & width of the nation and aided by a weak security apparatus which is evident by the nation having one of the lowest police to population ratio among all nations of the Globe. The petition specifically seeks the following measures of controlling and preventing the crime by –

A) Every Credit Card (already issued or to be issued) should have the Photograph and Signature of the legal holder imprinted on the face of the card. The Photograph should be a current one and the same can be ensured if the same is clicked or matched by a representative of the issuing authority.

B) Every Debit Card (already issued or to be issued) should have the Photograph and Signature of the legal holder imprinted on the face of the card. The Photograph should be a current one and the same can be insured if the same is clicked by a representative of the issuing authority.

C) Every ATM. Card (already issued or to be issued) should have the Photograph and Signature of the legal holder imprinted on the face of the card. The Photograph should be a current one and the same can be insured if the same is clicked by a representative of the issuing authority.

6) As per report published in Kolkata Edition of Telegraph, The Indian Police Journal, published by the Bureau of Police Research and Development states that - crime statistics are lower than incidence because policemen are reluctant to register F.I.R. The study was conducted in North Bengal by the Superintendent of Police and reflected that the number of recorded cases of crime went up by more than (400%) after registration of

F.I.R.S was made mandatory. Hence it can be very well be concluded that the actual nos. of criminal cases with relation to the cards are by far more than those actually reported.

A copy of Media Article has been annexed as

**ANNEXURE P/1. PAGES 00 TO 00.(27/06/2010)**

- 7) As per reply against an RTI query by the petitioner, from Dr. Dhani Ram APIO. Bureau of Police Research and Development New Delhi, reflecting the actual no. of Police personnel against the sanctioned no. per lac of population in Indian States as on (01/01/2009) and also showing the comparison of police availability per lac of population for the years (2001 & 2002) between different countries of the Globe – It is clearly visible that our nation lags far behind among many nations of the Globe in terms of ensuring higher number of police personnel against every lac of population. Due to this insufficient no. the police is in all probabilities unable to provide the required security cover which ought to be extended to the citizens of the nation for ensuring proper and

adequate safety and peace. Coupled with the comparative shortage of police personnel when matched with most other nations of the Globe, what has further aggravated the situation is that – even there is a remarkable difference between the actual and the sanctioned number of police personnel in the nation. Additionally it is not a hidden fact that our police force is ill equipped and compares poorly with the developed nations – (both in terms of technology & weaponry) who are benchmarks in terms of internal security. This double punch of lack of adequate manpower coupled with lack of latest technology – presents a strong case for effective deterrents.

A copy of RTI reply has been annexed as

**ANNEXURE P/2. PAGES 00 TO 00.**

**(07/01/2011)**

- 8) That in the month of August'2011 the petitioner had given an intimation to the Finance Minister, regarding implementation of the system for imprinting Photographs in both Debit & Credit Cards. Although the letter was **acknowledged to**

**have been received** but there was no further reply or any other communication in response to the letter of the petitioner. The remedy being sought in the intimation is similar to that of being prayed in this petition. A copy of the said letter of the petitioner and the confirmation of receiving has been annexed as **ANNEXUREP/3 PAGES 00 TO 00. (11/08/2011 & 01/09/2011)**

9) That in the month of October'2011 the petitioner made the following RTI.queries fromdifferent wings of Reserve Bank of India regarding – Debit & Credit Cards.

A] Whatis thetotal number of Credit Cards in circulation ?

B] Whatis thetotal number of Debit Cards in circulation ?

C]Is there any system to track common users of multiple cards ? Example - if Mr.X of a particular postal address is using (6) cards in total, is it considered to be (01) user or (06) users ?

D] What is the total spend value of Credit Cards ?

E] What is the total spend value of Debit Cards ?

F] What is the value of transactions at cash counters,  
both - inclusive of Debit and Credit cards &  
individually too ??

G] What is the value of -ATM, Cash withdrawal  
individually through the Debit and Credit cards ?

H] Is there any mandatory instruction to all Credit  
Card issuing entities, to send a text message  
to the user - once a transaction is executed ?

\*\*If yes, please extend a copy of the said instruction.

I] Is there any mandatory instruction to all Debit Card  
issuing entities, to send a text message to the  
user - once a transaction is executed ?

\*\*If yes, please extend a copy of the said  
instruction.

J] Is there any mandatory instruction to all Credit  
Card issuing entities, to issue cards - with  
current and clear photograph of the user ?

\*\*If yes, please supply a copy of the said instruction.

K] Is there any mandatory instruction to all Debit

Cardissuing entities, to issue cards - with  
current and clear photograph of the user ?

\*\*If yes, please extend a copy of the said  
instruction.

The details of AWB Nos. of the postal receipts and the  
authority to which the RTI. queries were  
addressed by the petitioner has been annexed as

**ANNEXURE P/4. PAGES 00 TO 00.**

**(10/10/2011)**

10) As per a report published on (25/10/2011) in the  
newspaper – Economic Times Kolkata Edition, the  
Finance Ministry has drawn up a comprehensive  
plan that requires banks to provide a Kissan Credit  
Card to every farmer and a general purpose card  
to other household. With the country having  
(14) crore rural households, the growth in number  
of Credit Cards from current (1.70) crores, post  
implementation of Finance Ministry plan of  
financial inclusion through spread in usage of  
Credit Cards can very well be imagined. The  
report also mentioned the emphasis of the  
financial inclusion drive will now change from the

village to gram panchayat level, as that has become the basic planning unit for the various government schemes. The report further mentions that the lead banks have to work out a roadmap for Electronic Benefit Transfer in respect of each of the (32) government schemes, including the flagship Mahatma Gandhi National Rural Employment Guarantee Act, which involve some sort of financial transfer. The Reserve Bank of India has already issued guidelines on Electronic Benefit Transfer and its convergence with financial inclusion plan. Given the exhaustive plans by the Finance Ministry with regards to Credit Cards one can very well imagine how remarkably the nos. of Credit Cards in circulation is poised to grow and hence the need for deterrents which are very much essential to check and prevent the commission of crime.

A copy of Media Article has been annexed as

**ANNEXURE P/5 PAGES TO . (25/10/2011)**

11) In November'2011 the petitioner received a reply from ShriJagmohanRao – CPIO. RBI. confirming the following –

A) Total number of credit card holders of ScheduledCommercial Banks (excluding RRBs) and their subsidiaries areas as reported bybanks aggregate 2,28,55,376 as at end March'2011.

B) Total amount outstanding through these credit cards as at end March'2011 is Rs. 21,584 croreas perinformation furnished by the banks.

Acopy ofRTI. reply dated 1.11.2011has been filed as **ANNEXURE P/6 (PAGES )**

Further in November'2011 itself the petitioner received a reply fromShriVijay Chugh CPIO. RBI. confirming the following -

A) As at end of August'2011, 17.58 million credit cards werein circulation. This info is also available on RBI. website and updated from time to time.

- B) As at end of August'2011, 251.48 million debit cards were in circulation. This info is also available on RBI. website and updated from time to time.
- C) During the month of August'2011, the total spend value of credit cards (at POS) was Rs. 8078.98 Crore.
- D) During the month of August'2011, the total spend value of debit cards (at POS) was Rs. 4560.52 Crore.
- E) During the month of August'2011, the value of cash withdrawal was: Debit Cards – Rs. 112273.89 Crore & Credit Cards – Rs. 108.85 Crore
- F) RBI. issued instructions to the banks vide circular No. DPSS.CO. PD. 2224/02.14.003/2010-2011 dated March 29, 2011 to take steps to put in place a system of online alerts for all types of transactions irrespective of the amount, involving usage of cards at various channels by June 30, 2011.
- G) RBI. has issued mandate to the banks vide circular No. DPSS.CO. PD. 2224/02.14.003/2010-2011 dated March 29,

2011 to take immediate steps to put in place a system of online alerts for all types of transactions irrespective of the amount, involving usage of cards at various channels by June 30, 2011.

A copy of RTI. reply has been annexed as

**ANNEXURE P/7. PAGES TO. (04/11/2011)**

- 12) Further in November'2011 the petitioner also received a RTI. reply from Shri Deepak Singhal CPIO. RBI. confirming the following –
- A) In terms of paragraph 9.3 of our Master Circular DBOD. No. FSD. BC. 14/24.01.011/2011-12 dated July 01, 2011 on Credit **Card Operations**, banks have been advised in terms of instruction contained in the circular RBI/DPSS. NO. 1501/02.14.003/2008-09 dated February 18, 2009 issued by Department of Payment and Settlement Systems, Reserve Bank of India on security issues and risk mitigation measures relating to online card transactions using

Credit/Debit cards, to put in place with effect from August 01, 2009.

- I) A system of providing for additional authentication/validation based on information not visible on the cards for all on-line card not present transactions except IVR transactions.
- II) A system of “Online Alerts” to the cardholder for all ‘card not present’ transactions of the value of Rs. 5,000/- and above.

In terms of circular no.

DPSS.CO.PD.2224/02.14.003/2010-11 dated March 29, 2011 the banks have been advised to take steps to put in action a system of online alerts for all types of transactions irrespective of the amount, involving usage of cards at various channels. The measures were to be implemented latest by June 30, 2011.

- B) In terms of paragraph 9.3 of our Master Circular DBOD. No. FSD. BC.

14/24.01.011/2011-12 dated July 01, 2011

on Credit Card Operations, banks have been advised in terms of instruction contained in the circular RBI/DPSS. NO.

1501/02.14.003/2008-09 dated February 18, 2009 issued by Department of Payment and Settlement Systems, Reserve Bank of India on security issues and risk mitigation measures relating to online card transactions using Credit/Debit cards, to put in place with effect from August 01, 2009.

- I) A system of providing for additional authentication/validation based on information not visible on the cards for all on-line card not present transactions except IVR transactions.
- II) A system of "Online Alerts" to the cardholder for all 'card not present' transactions of the value of Rs. 5,000/- and above.

In terms of circular No

DPSS.CO.PD.2224/02.14.003/2010-11 dated March 29, 2011 banks have been advised to take steps to put in place a

system of online alerts for all types of transactions irrespective of the amount, involving usage of cards at various channels. The measures were to be implemented latest by June 30, 2011.

C) In terms of paragraph 9.2 of our Master

Circular DBOD. No. FSD.BC.

14/24.01.011/201-12 dated July 01, 2011

on Credit Card Operations, banks have been

advised that with a view to reducing the

instances of misuse of lost/stolen cards, it is

recommended to Banks/NBFCs that they

may consider issuing

i) Cards with photographs of the cardholder.

ii) Cards with PIN and iii) Signature laminated

cards or any other advanced methods that

may evolve from time to time. A copy

of the above Master Circular is enclosed.

A copy of RTI reply has been annexed as **ANNEXURE**

**P/8. PAGES 00 TO 00. (04/11/2011)**

13) That in the month of November'2011 the petitioner made the following RTI queries to different police establishments of India regarding – Debit & Credit Cards.

A] What kind of crimes, related to credit cards can be prevented, if photograph is made compulsory in all credit cards being used currently and also in new ones which are to be issued in future ??

B] What kind of crimes, related to debit cards can be prevented, if photograph is made compulsory in all debit cards being used currently and also in new ones which are to be issued in future ??

The details of AWB Nos. of the postal receipts and the authority to which the RTI queries were addressed to has been annexed as  
**ANNEXURE P/9. PAGES 00 TO 00.**  
**(12/11/2011)**

14) Mr. B.K. Singh PIO. Cum ADCP. North East District. Delhi. in reply to our RTI queries communicated the under mentioned -

No comments can be offered without going through the whole matter. However, if photograph is made

compulsory, nobody other than holder of card can use credit card and misuse of such card can be prevented.

A copy of RTI.reply has been annexed as **ANNEXURE P/10. PAGES TO. (14/12/2011)**

15) ShriR.A.Sanjeev PIO. Cum DCP. IGI Airport, New Delhi. in reply to our RTI. queries communicated the under mentioned -

Yes, it can help in preventing crimes related to misuse of Credit/Debit Cards, if the photographs are made compulsory in Credit/Debit Cards.

A copy of RTI.replyhas been annexed as **ANNEXURE P/11. PAGES TO .(21/12/2011)**

16) ShriSurender Kumar PIO. Cum ADCP. South District, New Delhi.in replyto our RTI. queries communicated the under mentioned -

If photograph of credit card holder ismade compulsory on credit card, then crimes pertaining to misuse of

cards can be curbed to an extent. The same is also true in respect to Debit cards.

A copy of RTI Reply has been annexed as **ANNEXURE P/12. PAGES TO . (22/12/2011)**

17) Shri Rishi Pal CPIO. Cum ADCP.-1 West District, New Delhi. in reply to our RTI. queries communicated the under mentioned –

In this regard, it is submitted that if photographs of the holder is made compulsory on the credit / debit cards criminal misappropriation can be prevented in case if the credit or debit card is lost or stolen. The criminal will be unable to misuse the cards while making some transaction through the cards till it is deactivated. Also if any criminal attempts to use stolen debit / credit card for making some transaction through the cards till it is deactivated. Also if any criminal attempts to use stolen debit / credit card for making some transaction, the merchant at whose outlet the criminal is attempting to make transaction can

help police by looking on to the photograph which if don't match with that of the holder. With this there are ample possibilities that misuse and misappropriation can be prevented.

A copy of RTI.reply has been annexed as **ANNEXURE**

**P/13. PAGES TO . (22/12/2011)**

- 18) Shri Seju P. Kuruvilla PIO. Cum ADCP. New Delhi District. in reply to our RTI. queries communicated the under mentioned -

It may be helpful for shoppers to match the photograph with the customer to ascertain the original owner/holder of the Credit Card/Debit Card. Unauthorized person should not be allowed to swap Credit Card/Debit Card for shopping. It will also be helpful in preventing misuse of Credit/Debit Card by unauthorized person.

A copy of RTI.reply has been annexed as **ANNEXURE**

**P/14. PAGES TO . (22/12/2011)**

On basis of the above facts the petitioner files this Public Interest Litigation on the following amongst other grounds inter alia:

### **GROUND**

- A) Because there would not be any infraction of decisions of this Court, rather infact it would only further the intent of this Hon'ble Court on those lines.
- B) Because the right to peaceful and safe environment is one of the tenets of right to life. The purpose underneath this constitutional right given to an individual is for protecting public interest and every endeavour should be made by State to create a peaceful and safe society/environment to live in. In the present case the petitioner is only seeking to imprint the Photograph and Signature of the legal holder for the following paperless banking instruments – Credit Card, Debit card &ATM.Card, as it would act as an deterrent towards commission of multiple crimes in relation to the above mentioned paperless banking products and hence ensure greater safety for the end users.

- C) Because the respondent is the (100%) owner of Reserve Bank of India since nationalization in 1949 and appoints the board of directors which govern the affairs of Reserve Bank of India, it is duty cast on the R.B.I. to implement this system of safety.
- D) Because the Finance Ministry has drawn up a comprehensive plan which requires the banks to provide a Kissan Credit Card to every farmer and a general purpose card to other household. This will result in a (10) fold increase in the no. of Creditcards under circulation for which also this system shall be a boon for the safety of the users.
- E) Because there is no mandatory instruction to the banks for imprinting signature and photograph of the legal holder on the face of paperless banking instruments of – Debit Cards, Credit Cards & ATM. Cards, large number of crime is being committed at the moment.
- F) Because the responsible officers of police force themselves admit that imprinting of photographs and signatures on the face of paperless banking instruments of – Debit Cards,

Credit Cards & ATM. Cards, will be helpful in preventing most of the crimes related to the above mentioned cards.

- G) Because the guard at the ATM. Counter can always check the photograph on the ATM. Card and match that with the face of the user to prevent misuse of lost or stolen cards.
- H) Because the shopkeeper who expresses inability to track the actual owner of the card being presented for encashment, can always be made accountable once the imprinting mechanism is in place.
- I) Because due to one of the lowest police to population ratio among the nations of the Globe, there is lack of effective policing and resultant in sufficient security cover to the users of Credit/Debit/ATM. – Cards.
- J) Because due to one of the lowest police to population ratio among the nations of the Globe, the resources of the police establishment are stretched and hence there is an urgent need of proper precautionary measures with relation to Credit/Debit/ATM. – Cards, so that the police establishment is not pushed into matters which

can be best avoided and instead focus on areas which are prone to crime even after incorporation of deterrents.

- K) Because there is a remarkable difference between the sanctioned and the actual availability of police personnel, the system is essentially required for security and safety measures .
- L) Because the probability of committing any kind of crime with relation to Credit/Debit/ATM. – Cards with Photographs & Signatures imprinted is far less in comparison to those without them.
- M) Because the personal security of end users for Credit/Debit/ATM. – Cards is highly endangered due to lack of effective deterrents.
- N) Because with passage of time the number of Credit/Debit/ATM. – Cards in circulation is growing rapidly and there is an urgent need for incorporation of basic deterrents apart from high end deterrents to check crimes related to Credit/Debit/ATM. – Cards, this system shall be very much effective.
- O) Because the lack of seriousness on part of the respondent will further aggravate the existing

alarming situation with regards to the criminal activities related with Credit/Debit/ATM. – Cards and hence there is an urgent need for judicial direction and control for implementing the safety and security measures in the system.

P) Because the Respondent can very well ask the Banks and N.B.F.C.S. to issue Credit, Debit, ATM. – Cards with Photographs and Signatures of the legal holder imprinted on them to reduce the crime and improve the safety and security measures.

Q) Because the respondents should compulsorily formulate guidelines for Credit, Debit, ATM. – Cards with Photographs and Signatures of the legal holder imprinted on them.

R) Because as per latest know your customer norms it is mandatory that all Credit Card users to furnish to the Banks for obtaining Credit/Debit cards the following -

1) A copy of your Photo ID proof \* duly signed by Cardholder.

2) A copy of Address proof \* duly signed by Cardholder.

3) Latest Passport Size Photograph.

5) Because the mobile text message being sent after any transaction to the users mobile might get delayed or the mobile itself might stand confiscated hence rendering the purpose of the text message ineffective.

**PRAYER**

In view of the above it is most respectfully prayed that this Hon'ble Court may most graciously be pleased to:

1. issue appropriate writ or writs, order or orders or direction or directions for making it mandatory to imprint – Photograph and Signature of the legal holder in whose name the instruments is issued and further issue appropriate writ or writs, Order or orders or direction or directions to the Respondents to ensure proper implementation of the regulations/laws pertaining to imprint - Photograph and Signature of the legal holder in whose name the instruments already stands issued.
2. Issue appropriate writ or writs, direction or directions to the Respondent to take stringent actions against the issuing banks of paperless

banking instruments of – Debit Cards, Credit Cards & ATM. Cards, if the imprinting of photographs & signatures on the face of the card is not implemented in a time bound manner.

3. Pass any such other and further orders as this Hon'ble Court may deem fit and necessary in the facts and circumstances of this case.

Draw & filed by

Avishek Goenka

Place: New Delhi

Dated: 23.01.2012