

DILEMMA OF BANK LOCKER'S FACILITY: A SPECIAL CASE W.R.T SONIPAT (HARYANA)

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ABSTRACT

We can use a saving bank account and fixed deposits to keep our money safely, similarly we can use "Safe Bank Lockers" to store our physical belongings like jewelry and various kind of important documents like WILL, Property Papers and other valuable items which we feel should not be kept at home. So, this paper emphasis on the dilemma between accountholders and bankers, If in case any theft is there bank has no responsibility as per law.

I. INTRODUCTION

Generally it happens to be 2 keys for the locker, one key is kept with Bank and the other with the locker holder. The locker can only be opened when both the keys are used at the same time. In use to bank official applies the key and then leaves the locker room and only after he/she leaves, you should open the locker door and do what you wanted to do. The banks use very high quality, strong lockers (generally Godrej). So overall, this all makes sure that your locker is very safe.

Lockers are to be apportioned on first come, first serve premise (according to controls) and in the event that the lockers are depleted, the bank is assume to keep a holding up rundown of clients who have petitioned the lockers and need to educate them when the lockers are free in the same request of use. On the off chance that bank says that they don't have any lockers left right now, you can approach them for the "Holding up Register."

What level of security bank lockers provide ? Whom we can hold responsible if something lost from there ?

Presently this can be brand new information to numerous, and a stunner, yet in truth, Banks are not in charge of your bank lockers for any unforeseen occasions which is outside the ability to control of banks, gave they have done each due determination from their side to ensure it. You need to comprehend what precisely a locker facility is. The bank simply gives out the space they have, on rent and verify that its sheltered and secured professionally. They are assume to verify they have all the wellbeing and efforts to establish safety set up, to guarantee that the lockers are sheltered and secure. So its all the more a proprietor and an inhabitant relationship. In the event that there is a burglary (not in control of bank), Earthquake, Tsunami, Fire (which is not in control of bank) then bank is NOT capable, or at risk to repay you.

II. REVIEW OF EXISTING STATUS

On the off chance that there is a theft in the bank and your locker is one of the unfortunate ones to get ransacked, you lose it totally and the bank is not at risk to repay you for the reason that it wasn't in their control

to stop it, particularly when they have all the efforts to establish safety set up like a security watch, compelling lockers, CCTV cams introduced, and crisis alerts set up. The demonstration of theft is to a greater extent an unfortunate occasion for them and you. (However there are a few approaches in business which guarantees the jewelry in your bank locker like this approach from Axis Bank). In the event that you feel that burglaries in bank (with locker plundered) don't happen actually, I must let you know that it happens and has happened in past. Here is one such illustration in this article.

III. LEGAL STATUS

According to the Reserve Bank of India rules, banks are not in charge of the substance of the lockers. A bank just needs to accommodate assurance of the lockers.

"The relationship between the bank and the locker client is that of a lessor and a resident," said Narayan Raja, CEO, Banking Code and Standard Board of India (BCSBI). "Since the substance of the locker are never imparted to the bank, it is not in charge of the substance."

As indicated by Section 152 of the Indian Contract Act, a bank is not in charge of any misfortune or harm to the substance of a locker.

Indeed the resources saved in lockers are not guaranteed. "A bank does not have the proprietorship or information of the substance of the locker and henceforth does not have any insurable enthusiasm for the matter," said a representative of Axis Bank.

The law obviously seems stacked against the client for this situation. The client is not just needed to demonstrate that the locker was victimized additionally submit proof of the degree of the misfortune. In the Sonapat occurrence, it won't be simple for the clients to give confirmation of the misfortunes they claim even as there is clear proof that the lockers were surely burglarized.

In any case, clients can guarantee some remuneration on the off chance that they can demonstrate that the misfortune or harm happened because of carelessness on a piece of the bank. "In the event that the carelessness by the bank is demonstrated, or a bank representative was included (in the robbery), it turns into a vicarious risk and the bank is subject to pay remuneration," said Mumbai-based promoter VT Gokhale.

Anyhow the remuneration may not cover the full misfortune. For one situation chose by the managing an account ombudsman, it was made that the locker had been broken into. On the other hand, the most extreme payment that the ombudsman could recompense was rs 10 lakh in spite of the fact that the client had asserted a loss of Rs 23 lakh.

Buyer courts have likewise acted the hero of clients in situations where carelessness is demonstrated.

In July 2007, the National Consumer Disputes Redressal Commission (NCDRC) honored payment to a client after termites consumed into money notes and critical papers kept in the bank locker. It decided that "the bank was certain to guarantee that the respondent's locker stayed protected in all regards".

There is very little that a client can do to stay away from such issues. Perusing the terms and states of the locker assentment before procuring one is dependably a sensible precautionary measure, however.

Maintain a strategic distance from substances that make clients sign an assertion saying that the bank won't be obligated for loss of merchandise in the locker. Essentially, watch that the locker is in great physical condition and is not put in a cellar.

IV. BANK CHARGES FOR LOCKER FACILITY

Banks give Lockers in distinctive sizes and the yearly lease differs appropriately. The State Bank of India charges Rs 1,019 every year for a little locker, Rs 2,547 for medium, Rs 3,056 for huge and Rs 5,093 for additional extensive lockers.

In private banks, the charges are steeper. Citibank charges Rs 2,500 for the littlest locker and it goes up to Rs 40,000 for the best facility on offer. There is an one-time enlistment charge also. The SBI charges Rs 509, yet it fluctuates crosswise over banks. Banks likewise charge rent late charges of 10-half of the yearly lease.

There are governs on the quantity of visits in a year also. Case in point, the SBI permits 12 free visits a year and charges Rs 51 for additional visits. You should, be that as it may, visit your locker every once in a while.

Banks are additionally permitted to recuperate charges to tear open a locker and a base administration charge of Rs 500 far beyond the real cost, in the event that you lose your locker keys.

The RBI says banks can't deny the locker facility to the individuals who are not existing clients. Nonetheless, banks can request an alert store of up to three years of a locker's rent, in addition to charges, to tear open a locker in crises, alongside the pertinent administration charge.

For instance, on the off chance that you pay a yearly lease of Rs 1,019, banks can approach you to open a FD for Rs 4,066 (Rs 1,019 x 3 + 509 administration charge + 500 breaking charges).

Truly, however, banks make it compulsory to open a funds ledger on the appearance of accomplishing your KYC. The more forceful ones power you to open a settled store of Rs 1-5 lakh, or miss offer high-cost Ulips or protection plans.

Banks are not in charge of the substance of the locker. In the event of regular catastrophes, including a tremor or surge, and even on account of a terrorist assault, where your locker substance are obliterated or lost, banks can undoubtedly wash their uninvolved the payment.

Indeed if there should be an occurrence of a break-in or a termite assault, banks can contend that since they have no information of what you had put away in the locker, they can't repay you. Notwithstanding, they can be considered in charge of not giving satisfactory security or absence of fundamental upkeep. In this way, you could get some payment in the event that you move the court.

V. PRESENT SCANARIO

A view on the plan- Criminals burrowed through 125 feet of earth and cement to break into a nationalized bank's solid room and plunder money and resources worth crores of rupees in Haryana's Gohana township. Despite the fact that the burglary was found on Monday morning, police said the posse carried out the wrong doing between Saturday night and early Monday. The daring burglary – with shades of a comparative wrong doing demonstrated in the hit Bollywood film Dhoom - was one of the greatest in the nation as of late and matched the astounding Chelambra bank theft in Malappuram locale of Kerala in 2007. The extension supervisor Davinder Malik said the looters figured out how to tear open 90 lockers out of 360 at the solid room. Gohana is in Sonapat area and around 200 km from capital Chandigarh. The 2.5 feet width shaft was dug from a relinquished building spotted over a path of the Punjab National Bank limb at the old transport stand region of the town. Police discovered two rooms in the relinquished building loaded with earth expelled from the passage.

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The criminals had likewise obstructed the building's windows with cardboard to conceal their exercises from the outside world.

Police said that the wrongdoing was arranged and executed over numerous days, probably extending for more a month. Gohana representative administrator of police Rajeev Deshwal said they were considering CCTV footage in the bank to identify suspicious persons in the recent weeks. Banks, in any case, don't introduce CCTV cams inside solid rooms. With news of the heist turning into all the rage, individuals ran the PNB branch for the duration of the day however nobody was permitted inside by police.

Uncovering that all his men recuperated was "a solitary razor sharp edge", Rao included, "We couldn't discover the apparatuses that they utilized. Additionally, its hard to make sense of to what extent they took, on the grounds that it relies on upon the quantity of individuals included." The examining group, he said, is currently attempting to follow the responsibility for abandoned building.

On the other hand, its not simply the police that is confronting the hotness, with PMO agent R N Ravi, who heads the Joint Intelligence Committee, arriving at the spot and working with top authorities from neighboring states to seize the looters. The bank authorities excessively are confronting the fire from the holders of the lockers who asserted that their misfortunes together add up to "very nearly Rs 100 crores".

The bottomline is police have enlisted two criminal cases: An instance of theft enrolled on a grumbling from bank authorities; an alternate argument enlisted against the bank authorities by the managers of the lockers who affirmed that the bank didn't develop the locker room "according to standards of the coin midsection"; did not introduce a "steel plate into the carpet"; and that the "almirahs in the bank were additionally 60-70 years of age". With respect to the managers, bank authorities said the lockers were rented to 268 people. "The bank had truly no security precautionary measures," said Rajesh Bhatia, who runs an online consultancy. "Bank locker rooms have a carpet, strengthened also with cement or steel. There was nothing of the sort here at Gohana. They didn't have CCTV cams."

And afterward the police: Detailing the data gathered as such, a senior officer said, "The dirt that was dug out was gathered in hills in diverse rooms in the neighboring building. The shaft at first goes downwards and afterward makes its path from under the bank and in the long run turns out in the locker room."

The gatekeeper on obligation on Sunday night, case in point, told police that he doesn't hear anything. Raghu Lal, who runs a sweet shop inverse the deserted building by the bank, said he saw "nobody entering or leaving the building" in the course of the most recent month. On the opposite side of the bank, close to the outer surface divider of the locker room, is Sonu who offers icy beverages, tea and snacks – he excessively said, "I have not heard anything or seen anything whatsoever."

"Swiss banks might never again be a place of refuge for unaccounted cash, yet even riches on which charge has been rightfully paid is not protected in a bank locker. In an emotional heist a few months ago, the culprits dug a shaft prompting the locker room of a Punjab National Bank branch in Sonapat, prised open 89 lockers, and deserted with the plunder.

Bank lockers may not be as secure as you think they seem to be. In addition, if the substance of your locker is stolen, you may not be qualified for payment. The Reserve Bank of India rules say that banks are not in charge of the substance of the lockers they lease, however they are obliged to take precautionary measures for their insurance. Your assets are additionally not guaranteed. "A bank does not have the possession or information of

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the substance of the locker. Consequently, it doesn't have any insurable enthusiasm for the matter," says an Axis Bank representative.

"Nonetheless, the National Consumer Disputes Redressal Commission (NCDRC) has rejected the contention that locker clients are just inhabitants and, subsequently, banks can't be held obligated for any misfortune endured by them in 2000, it ruled: "the investors had taken the lockers on rent simply because of the security gave by the bank, and it is not just a landowner and inhabitant relationship."

"On the other hand, as things stand, the law is stacked against the client. He not just needs to demonstrate that the locker was victimized, additionally submit proof to build the degree of misfortune. In the Sonapat occurrence, while there is clear proof that the lockers were for sure looted, clients will be obliged to give prove in backing of the misfortunes they guarantee".

The silver coating for clients is that on the off chance that they find themselves able to demonstrate that the misfortune or harm has happened because of the carelessness by the bank, they can guarantee recompense. "In the event that the carelessness by the bank is demonstrated, or a bank representative is discovered to be included (in the burglary), it turns into a vicarious risk and the bank is subject to pay payment," says Mumbai-based supporter V T Gokhale.

Be that as it may, the recompense may not cover the full misfortune. For one situation, chose by the managing an account ombudsman, it was secured that the client's locker had been broken into. Then again, the remuneration honored was only '10 lakh, despite the fact that the client had guaranteed a loss of '23 lakh. Influenced clients can likewise approach purchaser courts. In a few cases, where carelessness from bank has been demonstrated, courts have arrived at the salvage of clients. In July 2007, the NCDRC recompensed payment to a client after termites consumed into money notes and essential papers kept in the bank locker. "The bank was certain to guarantee that the respondent's locker stayed sheltered in all regards," he commission ruled.

VI. CONCLUSION

As per the above arguments it is observed that on the one hand the locker holders are taking lockers for the safety of their belongings and paying huge charges as well as fulfilling the conditions of the banks but on the other hand as per law the bank is not responsible for the theft Or any lost substances, this has lead to a pathetic situation in the domain. Not only this but one more additional thing to be added here that because bank professional don't see what is being kept inside the lockers, so the users can use it in a negative manner and store their illegal items over their and the bank has no knowledge of the things being put up there. Some suggestions even to the facility users, The things should have to be done to keep your locker safe.

Read the terms and conditions of the locker agreement before hiring one. Some banks make customers sign a declaration saying the bank will not be liable for loss of goods in the locker. Avoid such banks. Make sure that the locker is in good physical condition. Avoid lockers in the basement. Also, don't take the ones in lower rows. Keep documents and cash in an air- and water-tight plastic pouch or bag. However the situation is worth grabbing attention because leading to the problems of the legal issues in the future in many areas.

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