



Indian Banks' Association

BANKERS' GUIDE

FOR CUSTOMERS

WITH SPECIAL NEEDS

AND

PERSONS WITH DISABILITIES

RULES, DIRECTIVES AND ACTS FOR CUSTOMERS WITH SPECIAL NEEDS AND PERSONS WITH DISABILITIES

**Compiled by Indian Banks Association
(IBA Working Group on Banking Facilities for Persons
with Special Needs)**

November 2017

“Accessibility of banking services is critical to build
financial inclusion for Persons with Disabilities”

About the Book

This handbook is a compilation of **rules** and **regulations** related to **inclusive banking** that needs to be complied to ensure effective implementation of the obligations and legislations available for customers with special needs and persons with disabilities.

Compilation of rules, acts and guidelines are updated as on **November 2017**.

The purpose of this document is to serve as a **ready reference** of all relevant information in one place for **bankers** as well as for **persons with special needs and disabilities**. This book will help in spreading awareness and to sensitize bank staff about the rights of persons with disabilities. Bank staff needs to ensure stricter implementation of the guidelines issued by the RBI and other regulatory agencies.

- ❖ **Reserve Bank of India (RBI)** rules mandate that all banking services must be offered to blind and low vision customers without any discrimination. RBI guidelines also ensure that all the banking facilities such as cheque book facility including third party cheques, ATM facility, net banking facility, locker facility, retail loans and credit cards are invariably offered to the visually challenged without any discrimination.
- ❖ **Indian Banks' Association (IBA)** procedural guidelines also state that blind and low vision customers must be offered all banking services without any discrimination, on par with sighted customers.
- ❖ **Banking Codes and Standards Board of India (BCSBI)**'s code of bank's commitment states "We will make our best efforts to make it easy and convenient for our special customers like senior citizens, differently-abled and illiterate persons to bank with us".
- ❖ **Rights of Persons with Disability (RPD) Act 2016** has affected to the United Nations Convention on the Rights of Persons with Disabilities and **RPD Rules 2017** mandates each establishment to publish an equal opportunity policy for persons with disabilities.
- ❖ **Mental Health Care Act 2017** defines 'informed consent' and 'mental illness'. Section 3.5 of the act states "The determination of a person's mental illness shall alone not imply or be taken to mean that the person is of unsound mind unless he has been declared as such by a competent court."
- ❖ Compliance with the **Web and Mobile Accessibility Standards** to make banking digital products usable and accessible for persons with disabilities.

TABLE OF CONTENTS

Sr. No.	Topics	Page No.
RBI -		6
1.	BANKING FACILITY FOR SENIOR CITIZENS AND DIFFERENTLY ABLED PERSONS - 9th November 2017	7
2.	FAQs ON BANKING OMBUDSMAN SCHEME, 2006 - (UPDATED AS ON July 14, 2017)	10
3.	BANKING OMBUDSMAN SCHEME (AS AMENDED UPTO AND EFFECTIVE FROM July 1, 2017)	15
4.	WITHDRAWAL OF PENSION BY OLD/ SICK/ DISABLED/ INCAPACITATED PENSIONERS - 1st July 2017	16
5.	LOAN FACILITY TO VISUALLY IMPAIRED PERSONS BY HFCS - 3rd December 2015	18
6.	ANNEXURE - ILLUSTRATIVE GUIDELINES FOR LOAN FACILITIES TO VISUALLY IMPAIRED PERSONS	19
7.	RBI MASTER CIRCULAR ON CUSTOMER SERVICE - 1st July 2015	21
8.	KEY POINTS RELATED TO PWD CUSTOMER SERVICE FROM THE RBI MASTER CIRCULAR 2015	22
9.	PRIORITY SECTOR LENDING - PERSONS WITH DISABILITIES (PWD) - INCLUSION UNDER WEAKER SECTIONS -13th March 2015	27
10.	NEED FOR BANK BRANCHES ATMs TO BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES - 11th June 2014	28
11.	NEED FOR BANK BRANCHES ATMS TO BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES - 21st May 2014	30
12.	LEGAL GUARDIANSHIP CERTIFICATES - 13th January 2014	32
13.	BANKING FACILITIES TO VISUALLY CHALLENGED / PERSONS WITH DISABILITIES - 5th September 2012	34
14.	NEED FOR BANK BRANCHES ATMS TO BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES - 13th April 2009	35
15.	BANKING FACILITIES TO THE VISUALLY CHALLENGED - 4th June 2008	36
IBA -		37
16.	IBA MODEL CUSTOMER RIGHTS POLICY-5th February 2015	38
17.	IBA MODEL POLICY FOR GRIEVANCE REDRESSAL IN BANKS- 5th February 2015	47
18.	IBA POSTER TO BE DISPLAYED AT THE ENTRANCE OF TALKING ATM - 16th January 2014	50
19.	IBA STANDARDS ON ACCESSIBLE ATM - 27th February 2013	53

20.	IBA GUIDELINES PROVIDING BANKING FACILITIES TO VISUALLY IMPAIRED PERSONS - 18th November 2008	73
BCSBI -		78
21.	BCSBI CODE OF BANK'S COMMITMENT TO CUSTOMERS - January 2014	79
22.	GRIEVANCE REDRESSAL	81
NSDL -		82
23.	OPENING AND OPERATION OF DEPOSITORY ACCOUNT OF BLIND PERSONS	83
24.	OPENING OF AN ACCOUNT OF A BLIND PERSON	85
Acts & Directives -		86
25.	RIGHTS OF PERSONS WITH DISABILITIES RULES, 2017	87
26.	RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016	88
27.	UNCRPD OBLIGATION	92
28.	THE NATIONAL TRUST REGULATIONS, 2001	94
29.	THE NATIONAL TRUST FOR WELFARE OF PERSONS WITH AUTISM, CEREBRAL PALSY, MENTAL RETARDATION AND MULTIPLE DISABILITIES ACT, 1999	97
30.	THE MENTAL HEALTH CARE ACT, 2017	98
31.	CONTRACTUAL CAPACITY OF PERSONS WITH DISABILITIES	100
32.	PENSION PROCESS FOR PERMANENTLY DISABLED CHILDREN/SIBLINGS AND DEPENDANT PARENTS	101
Court Orders -		102
33.	CCPD ORDER DATED: 23.02.2012	103
34.	CCPD ORDER DATED: 05.09.2005	108
Accessibility -		115
35.	ACCESSIBLE INDIA CAMPAIGN (SUGAMYA BHARAT ABHIYAAN)	116
36.	GUIDELINES FOR INDIAN GOVERNMENT WEBSITES	118
37.	WEB ACCESSIBILITY	119
38.	MOBILE ACCESSIBILITY	120
39.	NATIONAL POLICY ON UNIVERSAL ELECTRONIC ACCESSIBILITY	121
40.	THE ELECTRONIC DELIVERY OF SERVICES BILL, 2011	122
41.	HARMONISED GUIDELINES & SPACE STANDARDS FOR BARRIER FREE BUILT ENVIRONMENT FOR PERSONS WITH DISABILITIES	123
42.	INTERNATIONAL PRACTICES - ACCESSIBLE BANKING	124
Terms References -		125

RBI

- 1. BANKING FACILITY FOR SENIOR CITIZENS AND DIFFERENTLY ABLED PERSONS - 9th November 2017**
- 2. FAQs ON BANKING OMBUDSMAN SCHEME, 2006 - (UPDATED AS ON JULY 14, 2017)**
- 3. BANKING OMBUDSMAN SCHEME (AS AMENDED UPTO AND EFFECTIVE FROM JULY 1, 2017)**
- 4. WITHDRAWAL OF PENSION BY OLD/ SICK/ DISABLED/ INCAPACITATED PENSIONERS - 1st JULY 2017**
- 5. LOAN FACILITY TO VISUALLY IMPAIRED PERSONS BY HFCS - 3rd DECEMBER 2015**
- 6. ANNEXURE - ILLUSTRATIVE GUIDELINES FOR LOAN FACILITIES TO VISUALLY IMPAIRED PERSONS**
- 7. RBI MASTER CIRCULAR ON CUSTOMER SERVICE - 1st JULY 2015**
- 8. KEY POINTS RELATED TO PWD CUSTOMER SERVICE FROM THE MASTER CIRCULAR - 1st JULY 2015**
- 9. PRIORITY SECTOR LENDING - PERSONS WITH DISABILITIES (PWD) - INCLUSION UNDER WEAKER SECTIONS - 13th MARCH 2015**
- 10. NEED FOR BANK BRANCHES ATMs TO BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES - 11th JUNE 2014**
- 11. NEED FOR BANK BRANCHES ATMS TO BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES - 21st MAY 2014**
- 12. LEGAL GUARDIANSHIP CERTIFICATES - 13th JANUARY 2014**
- 13. BANKING FACILITIES TO VISUALLY CHALLENGED / PERSONS WITH DISABILITIES - 5th SEPTEMBER 2012**
- 14. NEED FOR BANK BRANCHES ATMS TO BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES - 13th APRIL 2009**
- 15. BANKING FACILITIES TO THE VISUALLY CHALLENGED - 4th JUNE 2008**

1. BANKING FACILITY FOR SENIOR CITIZENS AND DIFFERENTLY ABLED PERSONS - 9th November 2017

Reserve Bank of India

www.rbi.org.in

Department of Banking Regulation, Central Office, 12th & 13th Floor, Central Office Building, Shahid Bhagat Singh Marg, Mumbai - 400001 Tel No: 22661602, 22601000 Fax No: 022-2270 5670, 2260 5671, 5691 2270, 2260 5692

RBI/2017-18/89

DBR.No.Leg.BC.96/09.07.005/2017-18

November 9, 2017

All Scheduled Commercial Banks (including RRBs)
All Small Finance Banks and Payments Banks

Dear Sir/ Madam

Statement on Developmental and Regulatory Policies - October 4, 2017- Banking Facility for Senior Citizens and Differently abled Persons

Please refer to Paragraph 8 of Statement on Developmental and Regulatory Policies, released by Reserve Bank of India on October 4, 2017 as part of Fourth Bi-monthly Monetary Policy Statement 2017-18, a copy of which is enclosed. It has been observed that there are occasions when banks discourage or turn away senior citizens and differently abled persons from availing banking facilities in branches. Notwithstanding the need to push digital transactions and use of ATMs, it is imperative to be sensitive to the requirements of senior citizens and differently abled persons.

2. In view of the above, banks are required to put in place appropriate mechanism with the following specific provisions for meeting the needs of such customers so that they are able to avail of the bank's services without difficulty.

(a) Dedicated Counters/Preference to Senior Citizens, Differently abled persons

Banks are advised to provide a clearly identifiable dedicated counter or a counter which provides priority to senior citizens and people who are differently abled including visually impaired persons.

(b) Ease of submitting Life Certificate

As per extant guidelines issued by Department of Government and Bank Accounts, in addition to the facility of Digital Life Certificate under "Jeevan Praman" Scheme (refer circular DGBA.GAD.H-2529/45.01.001/2014-15 dated December 9, 2014), pensioners can submit physical Life Certificate form at any branch of the pension paying bank. However, it is observed that often the same is not updated promptly by the receiving branch in the Core Banking Solution (CBS) system of the bank, resulting in avoidable hardship to the pensioners. It is, therefore, advised that banks shall ensure that when a Life Certificate is

submitted in any branch, including a nonhome branch, of the pension paying bank, the same is updated/ uploaded promptly in CBS by the receiving branch itself, to avoid any delay in credit of pension.

(c) Cheque Book Facility

- (i) Banks shall issue cheque books to customers, whenever a request is received, through a requisition slip which is part of the cheque book issued earlier.
- (ii) Banks are advised to provide minimum 25 cheque leaves every year, if requested, in savings bank account, free of charge.
- (iii) Banks shall not insist on physical presence of any customer including senior citizens and differently abled persons for getting cheque books.
- (iv) Banks may also issue cheque books, on requisition, by any other mode as per bank's laid down policy.

It is further clarified that providing such facility in BSBDA will not render the account to be classified as non-BSBDA (c.f. Bank's response to query number 14 and 24 of our circular "DBOD.No. Leg. BC.52/09.07.005/2013-14 dated September 11, 2013 on Financial Inclusion - Access to Banking Services - BSBDA - FAQs").

(d) Automatic conversion of status of accounts

Presently, in some banks, even fully KYC - compliant accounts are not automatically converted into 'Senior Citizen Accounts' on the basis of date of birth maintained in the bank's records. Banks are advised that a fully KYC compliant account should automatically be converted into a 'Senior Citizen Account' based on the date of birth available in bank's records.

(e) Additional Facilities to visually impaired customers

Banks are advised that the facilities provided to sick/old/incapacitated persons vide Paragraph 9 of our Master Circular DBR.No.Leg.BC.21/09.07.006/2015-16 dated July 1, 2015 on Customer Service in Banks (regarding operations of accounts through identification of thumb/toe impression/mark by two independent witnesses and authorising a person who would withdraw the amount on behalf of such customers) shall also be extended to the visually impaired customers.

(f) Ease of filing Form 15G/H

Banks are advised to provide senior citizens and differently abled persons Form 15G/H once in a year (preferably in April) to enable them to submit the same, where applicable, within the stipulated time.

(g) Door Step Banking

We have issued instructions on Doorstep Banking vide circular DBOD.No.BL.BC.59/22.01.010/2006-2007 dated February 21, 2007 under Section 23 of Banking Regulation Act, 1949. However, in view of the difficulties faced by senior citizens of more than 70 years of age and differently abled or infirm persons (having medically certified chronic illness or disability) including those who are visually impaired, banks are advised to make concerted effort to provide basic banking facilities, such as pick up of cash and instruments against receipt, delivery of cash against withdrawal from account, delivery of demand drafts, submission of Know Your Customer (KYC) documents and Life certificate at the premises/ residence of such customers.

3. Banks are advised to implement these instructions by December 31, 2017 in letter and spirit and give due publicity in their bank branches and website.

Yours faithfully

(Saurav Sinha)
Chief General Manager

Statement on Developmental and Regulatory Policies, Reserve Bank of India issued by the Governor on October 4, 2017

8. Banking Facility for Senior Citizens and Differently abled Persons

It has been reported that banks are discouraging or turning away senior citizens and differently abled persons from availing banking facilities in branches. Notwithstanding the need to push digital transactions and use of ATMs, it is imperative to be sensitive to the requirements of senior citizens and differently abled persons. It has been decided to instruct banks to put in place explicit mechanisms for meeting the needs of such persons so that they do not feel marginalised. Ombudsmen will also be advised to pay heed to complaints in this context. Necessary instructions in this regard will be issued by end-October 2017.

Source:

https://rbi.org.in//Scripts/BS_CircularIndexDisplay.aspx?Id=11163

[top](#)

2. FAQs ON BANKING OMBUDSMAN SCHEME, 2006 - (UPDATED AS ON JULY 14, 2017)

1. What is the Banking Ombudsman Scheme?

The Banking Ombudsman Scheme is an expeditious and inexpensive forum for bank customers for resolution of complaints relating to certain services rendered by banks. The Banking Ombudsman Scheme is introduced under Section 35 A of the Banking Regulation Act, 1949 by RBI with effect from 1995. Presently the Banking Ombudsman Scheme 2006 (As amended upto July 1, 2017) is in operation.

2. Who is a Banking Ombudsman?

The Banking Ombudsman is a senior official appointed by the Reserve Bank of India to redress customer complaints against deficiency in certain banking services covered under the grounds of complaint specified under Clause 8 of the Banking Ombudsman Scheme 2006 (As amended upto July 1, 2017).

3. How many Banking Ombudsmen have been appointed and where are they located?

As on date, twenty Banking Ombudsmen have been appointed with their offices located mostly in state capitals. The addresses and contact details of the Banking Ombudsman offices have been provided under Annex I of the Scheme.

4. Which are the banks covered under the Banking Ombudsman Scheme, 2006?

All Scheduled Commercial Banks, Regional Rural Banks and Scheduled Primary Co-operative Banks are covered under the Scheme.

5. What are the grounds of complaints?

The Banking Ombudsman can receive and consider any complaint relating to the following deficiency in banking services:

- non-payment or inordinate delay in the payment or collection of cheques, drafts, bills etc.;
- non-acceptance, without sufficient cause, of small denomination notes tendered for any purpose, and for charging of commission in respect thereof;
- non-acceptance, without sufficient cause, of coins tendered and for charging of commission in respect thereof;
- non-payment or delay in payment of inward remittances ;
- failure to issue or delay in issue of drafts, pay orders or bankers' cheques;
- non-adherence to prescribed working hours ;
- failure to provide or delay in providing a banking facility (other than loans and advances) promised in writing by a bank or its direct selling agents;
- delays, non-credit of proceeds to parties' accounts, non-payment of deposit or non-observance of the Reserve Bank directives, if any, applicable to rate of interest on deposits in any savings, current or other account maintained with a bank ;

- complaints from Non-Resident Indians having accounts in India in relation to their remittances from abroad, deposits and other bank related matters;
- refusal to open deposit accounts without any valid reason for refusal;
- levying of charges without adequate prior notice to the customer;
- Non-adherence to the instructions of Reserve Bank on ATM / Debit Card and Prepaid Card operations in India by the bank or its subsidiaries
- Non-adherence by the bank or its subsidiaries to the instructions of Reserve Bank on credit card operations
- Non-adherence to the instructions of Reserve Bank with regard to Mobile Banking / Electronic Banking service in India by the bank
- Non-disbursement or delay in disbursement of pension (to the extent the grievance can be attributed to the action on the part of the bank concerned, but not with regard to its employees);
- Refusal to accept or delay in accepting payment towards taxes, as required by Reserve Bank/Government;
- Refusal to issue or delay in issuing, or failure to service or delay in servicing or redemption of Government securities;
- Forced closure of deposit accounts without due notice or without sufficient reason;
- Refusal to close or delay in closing the accounts;
- Non-adherence to the fair practices code as adopted by the bank;
- Non-adherence to the provisions of the Code of Bank's Commitments to Customers issued by Banking Codes and Standards Board of India and as adopted by the bank ;
- Non-observance of Reserve Bank guidelines on engagement of recovery agents by banks;
- Non-adherence to Reserve Bank guidelines on para-banking activities like sale of insurance / mutual fund /other third party investment products by banks
- Any other matter relating to the violation of the directives issued by the Reserve Bank in relation to banking or other services.

A customer can also lodge a complaint on the following grounds of deficiency in service with respect to loans and advances

- non-observance of Reserve Bank Directives on interest rates;
- delays in sanction, disbursement or non-observance of prescribed time schedule for disposal of loan applications;
- non-acceptance of application for loans without furnishing valid reasons to the applicant; and
- non-adherence to the provisions of the fair practices code for lenders as adopted by the bank or Code of Bank's Commitment to Customers, as the case may be;
- non-observance of any other direction or instruction of the Reserve Bank as may be specified by the Reserve Bank for this purpose from time to time.
- The Banking Ombudsman may also deal with such other matter as may be specified by the Reserve Bank from time to time.

6. When can one file a complaint?

One can file a complaint before the Banking Ombudsman if the reply is not received from the bank within a period of one month after the bank concerned has received one's complaint, or the bank rejects the complaint, or if the complainant is not satisfied with the reply given by the bank.

7. When will one's complaint not be considered by the Ombudsman?

One's complaint will not be considered if:

- a. One has not approached his bank for redressal of his grievance first.
- b. One has not made the complaint within one year from the date of receipt of the reply of the bank or if no reply is received, and the complaint to Banking Ombudsman is made after the lapse of more than one year and one month from the date of complaint made to the bank.
- c. The subject matter of the complaint is pending for disposal / has already been dealt with at any other forum like court of law, consumer court etc.
- d. Frivolous or vexatious complaints.
- e. The institution complained against is not covered under the scheme.
- f. The subject matter of the complaint is not pertaining to the grounds of complaint specified under Clause 8 of the Banking Ombudsman Scheme. If the complaint is for the same subject matter that was settled through the office of the Banking Ombudsman in any previous proceedings.

8. What is the procedure for filing the complaint before the Banking Ombudsman?

One can file a complaint with the Banking Ombudsman simply by writing on a plain paper. One can also file it online at ("click here to lodge a complaint") or by sending an email to the Banking Ombudsman. There is a form along with details of the scheme in our website. However, it is not mandatory to use this format.

9. Where can one lodge his/her complaint?

One may lodge his/ her complaint at the office of the Banking Ombudsman under whose jurisdiction, the bank branch complained against is situated.

For complaints relating to credit cards and other types of services with centralized operations, complaints may be filed before the Banking Ombudsman within whose territorial jurisdiction the billing address of the customer is located. (Click here for address and area of operation of the Banking Ombudsman)

10. Can a complaint be filed by one's authorized representative?

Yes. The complainant can be filed by one's authorized representative (other than an advocate).

11. Is there any cost involved in filing complaints with Banking Ombudsman?

No. The Banking Ombudsman does not charge any fee for filing and resolving customers' complaints.

12. Is there any limit on the amount of compensation as specified in an Award?

The amount, if any, to be paid by the bank to the complainant by way of compensation for any loss suffered by the complainant is limited to the amount arising directly out of the act or omission of the bank or ₹ 20 lakhs (₹ Two Million), whichever is lower.

13. Can compensation be claimed for mental agony and harassment?

The Banking Ombudsman may award compensation not exceeding ₹ 1 lakh (₹ One Hundred Thousand) to the complainant for mental agony and harassment. The Banking Ombudsman will take into account the loss of the complainant's time, expenses incurred by the complainant, harassment and mental anguish suffered by the complainant while passing such award.

14. What details are required in the application?

Name and address of the complainant, the name and address of the branch or office of the bank against which the complaint is made, facts giving rise to the complaint supported by documents, if any, the nature and extent of the loss caused to the complainant, the relief sought from the Banking Ombudsman and a declaration about the compliance with conditions which are required to be complied with by the complainant under Clause 9(3) of the Banking Ombudsman Scheme.

15. What happens after a complaint is received by the Banking Ombudsman?

The Banking Ombudsman endeavours to promote, through conciliation or mediation, a settlement of the complaint by agreement between the complainant and the bank named in the complaint.

If the terms of settlement (offered by the bank) are acceptable to one in full and final settlement of one's complaint, the Banking Ombudsman will pass an order as per the terms of settlement which becomes binding on the bank and the complainant.

16. Can the Banking Ombudsman reject a complaint at any stage?

Yes. The Banking Ombudsman may reject a complaint at any stage if it appears to him that a complaint made to him is:

- not on the grounds of complaint referred to above
- compensation sought from the Banking Ombudsman is beyond ₹ 20 lakh (₹ Two Million).
- requires consideration of elaborate documentary and oral evidence and the proceedings before the Banking Ombudsman are not appropriate for adjudication of such complaint
- the complaint is without any sufficient cause
- the complaint that it is not pursued by the complainant with reasonable diligence

- in the opinion of the Banking Ombudsman there is no loss or damage or inconvenience caused to the complainant.

17. What happens if the complaint is not settled by agreement?

If a complaint is not settled by an agreement within a period of one month, the Banking Ombudsman proceeds further to pass an Award. Before passing an award, the Banking Ombudsman provides reasonable opportunity to the complainant and the bank, to present their case.

It is up to the complainant to accept the award in full and final settlement of or to reject it.

18. Is there any further recourse available if one rejects the Banking Ombudsman's decision?

Any person aggrieved by an Award issued under Clause 12 or the decision of the Banking Ombudsman rejecting the complaint for the reasons specified in sub-clause (d) to (g) of Clause 13 of the Banking Ombudsman Scheme 2006 (As amended up to July 1, 2017) can approach the Appellate Authority. The Appellate Authority is vested with a Deputy Governor of the RBI.

Other recourse and/or remedies available to him/her as per the law can also be explored. The bank also has the option to file an appeal before the Appellate Authority under the Scheme.

19. Is there any time limit for filing an appeal?

One can file the appeal against the award or decision of the Banking Ombudsman rejecting the complaint within 30 days of the date of receipt of the Award, The Appellate Authority may, if he/ she is satisfied that the applicant had sufficient cause for not making an application for appeal within time, also allow a further period not exceeding 30 days.

20. How does the appellate authority deal with the appeal?

The appellate authority may:

- i. dismiss the appeal; or
- ii. allow the appeal and set aside the Award; or
- iii. send the matter to the Banking Ombudsman for fresh disposal in accordance with such directions as the appellate authority may consider necessary or proper; or
- iv. modify the Award and pass such directions as may be necessary to give effect to the modified award; or
- v. pass any other order as it may deem fit.

Source: <https://www.rbi.org.in/scripts/FAQView.aspx?Id=24>
[top](#)

3. BANKING OMBUDSMAN SCHEME (AS AMENDED UPTO AND EFFECTIVE FROM JULY 1, 2017)

The Banking Ombudsman Scheme 2006
(As amended upto July 1, 2017)
Reserve Bank of India
Central Office
Mumbai

THE BANKING OMBUDSMAN SCHEME 2006 NOTIFICATION

Ref. CEPD. PRS. No. 6317 /13.01.01/2016-17
JUNE 16, 2017

In exercise of the powers conferred by Section 35A of the Banking Regulation Act, 1949 (10 of 1949) and in partial modification of its Notifications Ref. (i) RPCD. BOS. No. 441/ 13.01.01/2005-06 dated December 26, 2005, (ii) CSD. BOS 4638 /13.01.01 /2006-07 dated May 24, 2007 and (iii) CSD. BOS. No. 4736 /13.01.01/2008-09 dated February 3, 2009, Reserve Bank of India hereby amends the Banking Ombudsman Scheme 2006 to the extent specified in the Annex hereto. The Reserve Bank of India, hereby directs that all commercial banks, regional rural banks and scheduled primary co-operative banks shall comply with the Banking Ombudsman Scheme, 2006 as amended hereby.

2. The amendments in the Scheme shall come into force from **July 1, 2017**.

Sd/-
(S S Mundra)

Source: https://rbidocs.rbi.org.in/rdocs/Content/PDFs/BOS2006_2302017.pdf

NAME & ADDRESS OF THE OFFICE OF BANKING OMBUDSMAN

Source: <https://rbi.org.in/Scripts/AboutUsDisplay.aspx?pg=BankingOmbudsmen.htm>
[top](#)

4. WITHDRAWAL OF PENSION BY OLD/ SICK/ DISABLED/ INCAPACITATED PENSIONERS- 1st JULY 2017

Master Circular - Disbursement of Government Pension by Agency Banks

RBI/2017-18/1

DGBA.GBD.No.-1/31.05.001/2017-18

July 1, 2017

All Agency Banks

Dear Sir/Madam

Master Circular - Disbursement of Government Pension by Agency Banks

Please refer to our Master Circular RBI/2015-16/63 dated July 1, 2015 on the above subject. We have now revised and updated the Master Circular which consolidates important instructions on the subject issued by the Reserve Bank of India till June 30, 2017.

2. A copy of the revised Master Circular is enclosed for your information. This circular may also be downloaded from our website www.mastercirculars.rbi.org.in.

Yours faithfully

(S. Ramaswamy)

Principal Chief General Manager

Encl.: As above

Withdrawal of pension by old/ sick/ disabled/ incapacitated pensioners

14. In order to take care of problems/ difficulties faced by sick and disabled pensioners in withdrawal of pension / family pension from the banks, agency banks may categorise such pensioners as under:

- Pensioner who is too ill to sign a cheque / unable to be physically present in the bank
- Pensioner who is not only unable to be physically present in the bank but also not even able to put his/her thumb impression on the cheque/ withdrawal form due to certain physical defect / incapacity.

15. With a view to enabling such old/sick/incapacitated pensioners to operate their accounts, banks may follow the procedure as under:

- Wherever thumb or toe impression of the old/sick pensioner is obtained, it should be identified by two independent witnesses known to the bank, one of whom should be a responsible bank official.
- Where the pensioner cannot even put his/her thumb/ toe impression and also would not be able to be physically present in the bank, a mark can be obtained on the cheque/withdrawal form, which should be identified by two independent witnesses, one of whom should be a responsible bank official.

Accordingly, the agency banks are requested to instruct their branches to display the instructions issued in this regard on their notice board so that sick and disabled pensioners could make full use of these facilities. Banks are also advised to sensitise staff members in the matter and to refer to the FAQs on pension disbursement hosted on our website www.rbi.org.in in case of any doubt.

Source: https://rbi.org.in/Scripts/BS_ViewMasCirculardetails.aspx?id=11020

[top](#)

5. LOAN FACILITY TO VISUALLY IMPAIRED PERSONS BY HFCS - 3rd DECEMBER 2015

National Housing Bank

NHB(ND)/DRS/Policy Circular No.73/2015-16
December 3, 2015

All Registered Housing Finance Companies

Dear Sir/Madam

Loan facility to visually impaired persons by HFCs

It has been brought to our notice that some visually challenged persons are facing problem in availing housing loan facilities from Housing Finance Companies (HFCs). It may be noted that loan facilities offered by HFCs cannot be denied to the visually impaired on the ground of disability as they are legally competent to contract.

2. HFCs are, therefore, advised to ensure that there shall be no discrimination in extending products, services, facilities, etc., including loan facilities to the visually impaired person on the grounds of disability. HFCs may also advise their branches/offices to render all possible assistance to the visually impaired for availing the various product / services offered by them. Illustrative guidelines for loan facilities in this regard are given in Annex.

3. Kindly ensure compliance.

Yours faithfully

(Dr. Sanjeev Sharma)
Executive Director

Encl.: As above

Wholly owned by Reserve Bank of India

Core 5-A, 4th Floor, India Habitat Centre. Lodhi Road, New Delhi-110003.
Phone : PBX 011-2464 9031 Fax : 011-2464 6988, 24649041
Website : www.nhb.org.in E- mail : ho@nhb.org.in Gram : NIWAS Bank

Source : http://test.nhb.org.in/Regulation/Policy_Circular.php
[http://test.nhb.org.in/Regulation/NHB\(ND\)-DRS-Policy-Circular-No-73-2015-16.pdf](http://test.nhb.org.in/Regulation/NHB(ND)-DRS-Policy-Circular-No-73-2015-16.pdf)

[top](#)

6. ANNEXURE - ILLUSTRATIVE GUIDELINES FOR LOAN FACILITIES TO VISUALLY IMPAIRED PERSONS

1. All products, services, facilities, etc. offered by Housing Finance Companies (HFCs) should be made available to visually impaired persons and should be offered at all branches / offices of the HFC.
2. All products, services, facilities, etc. must be made available to visually impaired customers as are offered to other customers and their impairment of vision should not be a criterion for sanctioning/denying a loan.
3. HFCs must provide the same facilities to a visually impaired customer as it would to any other customer.
4. HFCs must follow the same procedure for extending products, services, facilities, etc. offered by them to a visually impaired customer as it does for its other customers.
5. No additional burden of interest payment, collateral and other terms should be imposed on the visually impaired customer.
6. If the credit policy of an HFC does not insist for a co-borrower or a guarantor for other customers for any type of loan facilities extended by it, the same should not be insisted upon for a visually impaired customer.
7. HFCs should not equate visually impaired customers with illiterate customers.
8. HFCs should not deny any services to visually impaired customers including visually impaired customers who use their thumb impression. If necessary, HFCs may take a Declaration of Thumb Impression as an additional documents from visually impaired customer.
9. Additional facilities like reading and filling up of forms, slips, etc. should be provided to a visually impaired customer. The Officer / Manager of the branch / office should read out the rules of business and other terms and conditions in the presence of a witness, if required by the customer.
10. HFC must allow the visually impaired customer to take a loan or avail any other facilities offered by them jointly with anybody that he/she chooses including person(s) who is/are visually impaired.
11. Visually impaired customers may be allowed to appoint a person/persons as their Power of Attorney or Mandate Holder to operate their account, if the visually impaired customer so desires.
12. The Officer / Manager of the branch / office must inform a visually impaired customer / prospective customer of his rights and liabilities before offering the product.

13. The documentation requirements of a visually impaired customer must be the same as any other customer. The account has to be clearly marked as "the account holder is visually impaired".

14. HFCs should provide a copy of all documents to visually impaired customer in digital form also, if required.

15. HFCs should provide a copy of the Most Important Terms and Conditions (MITC) to visually impaired customer in Braille form or text readable PDF, if so desired by them.

16. HFCs should preferably provide Electronic Clearing Service (ECS) facility to the visually impaired customer.

It may be kept in mind that this guidelines are only illustrative and by no measures exhaustive.

[top](#)

7. RBI MASTER CIRCULAR ON CUSTOMER SERVICE - 1st JULY 2015

RBI/2015-16/59

DBR No.Leg.BC. 21/09.07.006/2015-16

July 1, 2015

Ashadha 10, 1937

All Scheduled Commercial Banks
(Excluding RRBs)

Dear Sir,

Master Circular on Customer Service in Banks

Please refer to the Master Circular DBOD No.Leg.BC.21/09.07.006/2014-15 dated July 01, 2014 consolidating the important instructions issued by us in the area of customer service up to June 30, 2014. This Master Circular consolidates instructions on the above matters issued up to June 30, 2015.

2. Banks are also advised to ensure that copies of the circular are available in all their branches so that the customers can peruse the same.

Yours faithfully,

(Sudarshan Sen)

Chief General Manager-in-Charge

Source: https://rbi.org.in/scripts/BS_ViewMasCirculardetails.aspx?id=9862

[top](#)

8. KEY POINTS RELATED TO PWD CUSTOMER SERVICE FROM THE RBI MASTER CIRCULAR 2015

1.1 General

Policy for general management of the branches

Banks' systems should be oriented towards providing better customer service and they should periodically study their systems and their impact on customer service. Banks should have a Board approved policy for general management of the branches which may include the following aspects: -

(a) providing infrastructure facilities by branches by bestowing particular attention to providing adequate space, proper furniture, drinking water facilities, with specific emphasis on pensioners, senior citizens, disabled persons, etc.

9. Operation of Accounts by Old & Incapacitated Persons

9.1 Facility to sick/old/incapacitated non-pension account holders

The facilities offered to pension account holders should be extended to the non-pension account holders also who are sick / old / incapacitated and are not willing to open and operate joint accounts.

9.2 Types of sick / old / incapacitated account holders

The cases of sick / old / incapacitated account holders fall into following categories:

(a) An account holder who is too ill to sign a cheque / cannot be physically present in the bank to withdraw money from his bank account but can put his/her thumb impression on the cheque/withdrawal form;

(b) An account holder who is not only unable to be physically present in the bank but is also not even able to put his/her thumb impression on the cheque/withdrawal form due to certain physical incapacity.

9.3 Operational Procedure

With a view to enabling the old / sick account holders operate their bank accounts, banks may follow the procedure as under:-

- a. Wherever thumb or toe impression of the sick/old/incapacitated account holder is obtained, it should be identified by two independent witnesses known to the bank, one of whom should be a responsible bank official.
- b. Where the customer cannot even put his / her thumb impression and also would not be able to be physically present in the bank, a mark can be obtained on the cheque / withdrawal form which should be identified by two independent witnesses, one of whom should be a responsible bank official.
- c. The customer may also be asked to indicate to the bank as to who would withdraw the amount from the bank on the basis of cheque / withdrawal form as obtained above and that person should be identified by two independent witnesses. The person who would be actually drawing the money from the bank should be asked to furnish his signature to the bank.

9.4 Opinion of IBA in case of a person who cannot sign due to loss of both hands

Opinion obtained by the Indian Banks' Association from their consultant on the question of opening of a bank account of a person who has lost both his hands and could not sign the cheque / withdrawal form is as under:

"In terms of the General Clauses Act, the term "Sign" with its grammatical variations and cognate expressions, shall with reference to a person who is unable to write his name, include "mark" with its grammatical variations and cognate expressions. The Supreme Court has held in AIR 1950 - Supreme Court, 265 that there must be physical contact between the person who is to sign and the signature can be by means of a mark. This mark can be placed by the person in any manner. It could be the toe impression, as suggested. It can be by means of mark which anybody can put on behalf of the person who has to sign, the mark being put by an instrument which has had a physical contact with the person who has to sign".

10. Providing bank facilities to persons with disabilities

10.1 Guidelines framed by IBA based on the judgment of Chief Commissioner for Persons with Disabilities

Indian Banks' Association has framed operational guidelines for implementation of its member banks on providing banking facilities to persons with disabilities. Banks should adopt / follow the operational guidelines meticulously.

10.2 Need for Bank Branches / ATMs to be made accessible to persons with disabilities

Banks are advised to take necessary steps to provide all existing ATMs / future ATMs with ramps so that wheel chair users / persons with disabilities can easily access them. Care may also be taken to make arrangements in such a way that the height of the ATMs does not create an impediment in their use by wheelchair users. However, in cases where it is impracticable to provide such ramp facilities, whether permanently fixed to earth or otherwise, this requirement may be dispensed with, for reasons recorded and displayed in branches or ATMs concerned.

Banks are also to take appropriate steps, including providing of ramps at the entrance of the bank branches, wherever feasible, so that the persons with disabilities/wheel chair users can enter bank branches and conduct business without difficulty. Banks are advised to report the progress made in this regard periodically to their respective Customer Service Committee of the Board and ensure compliance.

10.3 Providing banking facilities to Visually Impaired Persons

In order to facilitate access to banking facilities by visually challenged persons, banks are advised to offer banking facilities including cheque book facility / operation of ATM / locker, etc., to the visually challenged as they are legally competent to contract.

In the Case No. 2791/2003, the Honourable Court of Chief Commissioner for Persons with Disabilities had passed Orders dated September 5, 2005 which was forwarded by IBA to all the member banks vide their circular letter dated October 20, 2005. In the above Order, the Honorable Court has instructed that banks should offer all the banking facilities including cheque book facility, ATM facility and locker facility to the visually challenged and also assist them in withdrawal of cash.

Further, in Paragraph 14 of the above Order, the Honorable Court has observed that visually impaired persons cannot be denied the facility of cheque book, locker and ATM on the possibility of risk in operating / using the said facility, as the element of risk is involved in case of other customers as well.

Banks should therefore ensure that all the banking facilities such as cheque book facility including third party cheques, ATM facility, Net banking facility, locker facility, retail loans, credit cards etc., are invariably offered to the visually challenged without any discrimination.

Banks may also advise their branches to render all possible assistance to the visually challenged for availing the various banking facilities.

10.3.1 Talking ATMs with Braille keypads to facilitate use by persons with visual impairment

Banks should make all new ATMs installed from July 1, 2014 as talking ATMs with Braille keypads. Banks should lay down a road map for converting all existing ATMs as talking ATMs with Braille keypads and the same may be reviewed from time to time by the Customer Service Committee of the Board.

In addition to the above, magnifying glasses should also be provided in all bank branches for the use of persons with low vision, wherever they require for carrying out banking transactions with ease. The branches should display at a prominent place notice about the availability of magnifying glasses and other facilities available for persons with disabilities.

**** 11. Guidelines for the purpose of opening/ operating bank accounts of Persons with Autism, Cerebral Palsy, Mental Retardation, Mental Illness and Mental Disabilities**

The following guidelines would be applicable for the purpose of opening / operating bank accounts of the above persons:

- i. The Mental Health Act, 1987 provides a law relating to the treatment and care of mentally ill persons and to make better provision with respect to their property and affairs. According to the said Act, "mentally ill person" means a person who is in need of treatment by reason of any mental disorder other than mental retardation. Sections 53 and 54 of this Act provide for the appointment of guardians for mentally ill persons and in certain cases, managers in respect of their property. The prescribed appointing authorities are the district courts and collectors of districts under the Mental Health Act, 1987.
- ii. The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 provides a law relating to certain specified disabilities. Clause (j) of Section 2 of that Act defines a "person with disability" to mean a person suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disabilities. This Act empowers a Local Level Committee to appoint a guardian, to a person with disabilities, who shall have the care of the person and property of the disabled person.
- iii. Banks are advised to take note of the legal position stated above and may rely on and be guided by the orders/certificates issued by the competent authority, under the respective Acts, appointing guardians/managers for the purposes of opening/operating bank accounts. In case of doubt, care may be taken to obtain proper legal advice.

Banks may also ensure that their branches give proper guidance to their customers so that the guardians/managers of the disabled persons do not face any difficulties in this regard.

11.1 Display of information regarding Local Level Committees set up under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999

In a case which came up before the High Court of Delhi, the Honorable Court had directed that all banks should ensure that their branches display in a conspicuous place (i) essential details about the facilities under the enactment (Mental Disabilities Act); (ii) the fact that the parties can approach the Local Level Committees, for the purpose of issuance of the certificate and that the certificate issued under the Mental Disabilities Act is acceptable; and (iii) the details of the Local Level Committees in that area. The Court had further directed that the information shall be displayed in the local language and English / Hindi (or both). Banks are advised to strictly comply with the above orders of the Court.

Source: https://rbi.org.in/scripts/BS_ViewMasCirculardetails.aspx?id=9862

**** (Note for banks - Mental Health Act, 1987 is replaced by Mental Health Care Act 2017. Also refer Rights to Persons with Disabilities Act 2016)**

[top](#)

9. PRIORITY SECTOR LENDING - PERSONS WITH DISABILITIES (PWD) - INCLUSION UNDER WEAKER SECTIONS -13th MARCH 2015

RBI/2014-15/499

FIDD.CO.Plan.BC.51/04.09.01/2014-15

March 13, 2015

The Chairman / Managing Director/
Chief Executive Officer
[All Scheduled Commercial Banks,
(excluding Regional Rural Banks)]

Dear Sir/Madam,

Priority Sector Lending - Persons with Disabilities (PwD) - Inclusion under Weaker Sections

Please refer to Paragraph IV of our Master Circular RPCD.CO.Plan.BC 10/04.09.01/2014-15 dated July 1, 2014 on Priority Sector Lending-Targets and Classification.

2. It has been decided that priority sector loans to Persons with Disabilities will be eligible for classification under Weaker Sections category.

3. These guidelines are effective from the date of this circular.

Yours faithfully,
(P Manoj)
Deputy General Manager

Source: <https://www.rbi.org.in/scripts/NotificationUser.aspx?Id=9600&Mode=0>

[top](#)

10. NEED FOR BANK BRANCHES ATMs TO BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES - 11th JUNE 2014

RESERVE BANK OF INDIA

RBI/2013-14/ 637
UBD.BPD.Cir.No. 70/13.03.000/2013-14
June 11, 2014

The Chief Executive Officer
All Primary (Urban) Co-operative Banks

Dear Sir / Madam

Need for bank branches/ATMs to be made Accessible to persons with disabilities

Please refer to our circular UBD.CO.BPD.(PCB) Cir. No.63/9.39.000/2008-09 dated April 29, 2009 on the captioned subject, wherein banks were advised to provide, inter alia, ramps in all existing and future ATMs, and make at least one third of new ATMs installed as talking ATMs with Braille keypads. It was also advised to ensure that at least one talking ATM with Braille keypad is generally available in each locality for catering to the needs of visually impaired persons.

2. UCBs are now advised to take appropriate steps to provide ramps at the entrance of the bank branches so that persons with disabilities / wheel chair users can enter bank branches and conduct business without difficulty. Banks are advised to report the progress made in this regard periodically to their Board of Directors/Customer Service Committee of the Board and ensure compliance. However, in cases where it is impracticable to provide such ramp facilities, whether permanently fixed to earth or otherwise, the requirement may be dispensed with, for reasons recorded or displayed in branches or ATMs concerned.

3. It is observed that some banks have not yet made at least one third of the new ATMs installed as talking ATMs with Braille keypads as advised vide our circular referred to above. It is, therefore, advised that banks should make all new ATMs installed from July 1, 2014 as talking ATMs with Braille keypads and lay down a road map for converting existing ATMs as

talking ATMs with Braille keypads as advised in our circular dated April 24, 2009 *ibid* and the same may be reviewed from time to time by the Board of Directors/Customer Service Committee of the Board.

4. In addition to the above, magnifying glasses should also be provided in all bank branches for the use of persons with low vision, wherever they require, for carrying out banking transactions with ease. Branches should display at a prominent place notice about the availability of magnifying glasses and other facilities available for persons with disabilities.

Yours faithfully,
(P.K.Arora)
General Manager

Source: <https://rbi.org.in/scripts/NotificationUser.aspx?Id=8936&Mode=0>

[top](#)

11. NEED FOR BANK BRANCHES ATMS TO BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES - 21st MAY 2014

RESERVE BANK OF INDIA

RBI/2013-14/598
DBOD.No.Leg.BC.113 /09.07.005/2013-14
May 21, 2014

All Scheduled Commercial Banks (excluding RRBs)

Dear Sir/Madam,

Need for Bank Branches / ATMs to be made accessible to persons with disabilities

Please refer to our circular DBOD.No.Leg.BC.123 /09.07.005/2008-09 dated April 13, 2009 on the captioned subject, wherein banks were advised to provide, inter alia, ramps in all existing and future ATMs, and make at least one third of new ATMs installed as talking ATMs with Braille keypads.

2. We have been receiving several suggestions from members of public through Government of India and otherwise, on facilitating easy access to bank branches and ATMs by persons with disabilities for undertaking day to day banking transactions. We have examined such suggestions. As advised in the above circular, banks have to take necessary steps to provide all existing ATMs / future ATMs with ramps so that wheel chair users / persons with disabilities can easily access them. Care may also be taken to make arrangements in such a way that the height of the ATMs do not create an impediment in their use by wheelchair users. However, in cases where it is impracticable to provide such ramp facilities, whether permanently fixed to earth or otherwise, this requirement may be dispensed with, for reasons recorded and displayed in branches or ATMs concerned.

3. Banks are also to take appropriate steps, including providing of ramps at the entrance of the bank branches, wherever feasible, so that the persons with disabilities/wheel chair users can enter bank branches and conduct business without difficulty. Banks are advised to report the progress made in this regard periodically to their respective Customer Service Committee of the Board and ensure compliance. 2

4. Further, it has come to our notice that some of the banks have not made at least one third of the new ATMs installed as talking ATMs with Braille keypads as advised vide circular referred to above. It is, therefore, reiterated that banks should make all new ATMs installed from July 1, 2014 as talking ATMs with Braille keypads. Banks should lay down a road map for converting all existing ATMs as talking ATMs with Braille keypads and the same may be reviewed from time to time by the Customer Service Committee of the Board.

5. In addition to the above, magnifying glasses should also be provided in all bank branches for the use of persons with low vision, wherever they require for carrying out banking transactions with ease. The branches should display at a prominent place notice about the availability of magnifying glasses and other facilities available for persons with disabilities.

Yours faithfully,
(Rajesh Verma)
Chief General Manager

Source: <https://www.rbi.org.in/scripts/NotificationUser.aspx?Id=8891&Mode=0>

[top](#)

12. LEGAL GUARDIANSHIP CERTIFICATES - 13th JANUARY 2014

RESERVE BANK OF INDIA

RBI/2013-14/444
DBOD.No.Leg.BC.84/09.07.005/2013-14
January 13, 2014

All Scheduled Commercial Banks
(excluding RRBs)

Dear Sir/Madam,

****Legal Guardianship Certificates Issued under the Mental Health Act, 1987 and National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999**

Please refer to our Circular DBOD.No.Leg.BC.51/09.07.005/2007-08 dated November 19, 2007 wherein banks were advised, inter alia, to rely upon the Guardianship Certificate issued either by the District Court under Mental Health Act, 1987 or by the Local Level Committees under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 for the purposes of opening / operating bank accounts by disabled persons with autism, cerebral palsy, mental retardation and multiple disabilities.

2. In supersession of the instructions contained in the above-mentioned circular, following guidelines would be applicable for the purpose of opening / operating bank accounts:

- i. The Mental Health Act, 1987 provides for a law relating to the treatment and care of mentally ill persons and to make better provision with respect to their property and affairs. According to the said Act, "mentally ill person" means a person who is in need of treatment by reason of any mental disorder other than mental retardation. Sections 53 and 54 of this Act provide for the appointment of guardians for mentally ill persons and in certain cases, managers in respect of their property. The prescribed appointing authorities are the district courts and collectors of districts under the Mental Health Act, 1987.
- ii. The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 provides for a law relating to certain specified disabilities. Clause (j) of Section 2 of that Act defines a "person with disability" to mean a person suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disabilities. This Act

empowers a Local Level Committee to appoint a guardian, to a person with disabilities, who shall have the care of the person and property of the disabled person.

iii. Banks are advised to take note of the legal position stated above and may rely on and be guided by the orders/certificates issued by the competent authority, under the respective Acts, appointing guardians/managers for the purposes of opening/operating bank accounts. In case of doubt, care may be taken to obtain proper legal advice.

3. Banks may also ensure that their branches give proper guidance to their customers so that the guardians/managers of the disabled persons do not face any difficulties in this regard.

Yours faithfully,

(Rajesh Verma)

Chief General Manager

Source: <https://rbi.org.in/SCRIPTs/NotificationUser.aspx?Id=8689&Mode=0>

**** (Note for banks - Mental Health Act, 1987 is replaced by Mental Health Care Act 2017.)**

[top](#)

13. BANKING FACILITIES TO VISUALLY CHALLENGED / PERSONS WITH DISABILITIES - 5th SEPTEMBER 2012

RESERVE BANK OF INDIA

RBI /2012-13/191
DBOD.No. Leg.BC. 38/09.07.005/2012-13
September 5, 2012

All Scheduled Commercial Banks
(excluding RRBs)

Dear Sir

Banking facilities to visually challenged / persons with disabilities

Please refer to our Circular DBOD. No. Leg BC. 91 /09.07.005/2007-08 dated June 4, 2008 on the captioned subject advising that all banking facilities such as cheque book facility including third party cheques, ATM facility, Net banking facility, locker facility, retail loans, credit cards etc., are invariably offered to visually challenged persons without any discrimination as they are legally competent to contract. Further, please also refer to Circular DBOD.No.Leg.BC.123 /09.07.005/2008-09 dated April 13, 2009 advising banks to take necessary steps to provide all existing ATMs / future ATMs with ramps and to make at least one third of new ATMs installed as talking ATMs with Braille keypads.

2. It has been brought to our notice by Office of the Chief Commissioner for Persons with Disabilities that visually challenged persons are facing problems in availing banking facilities like internet banking. Banks are, therefore, advised to strictly adhere to instructions contained in the above circulars and extend all banking facilities to persons with blindness, low-vision and other disabilities.

Yours faithfully,
(Rajesh Verma)
Chief General Manager

Source: https://www.rbi.org.in/scripts/BS_CircularIndexDisplay.aspx?Id=7548

[top](#)

14. NEED FOR BANK BRANCHES ATMS TO BE MADE ACCESSIBLE TO PERSONS WITH DISABILITIES - 13th APRIL 2009

RESERVE BANK OF INDIA

RBI/2008-09/431

DBOD.No.Leg.BC.123 /09.07.005/2008-09 April 13, 2009

All Scheduled Commercial Banks

(Excluding RRBs)

Dear Sir,

Need for Bank Branches / ATMs to be made accessible to persons with disabilities

We have been receiving several suggestions including from Government of India to make bank branches and ATMs easily accessible to persons with disability by providing ramps so that wheel chair users can access them and the height of the machine is also appropriate for them. Further we have also been receiving suggestions for installing speaking software and key pads with letters in Braille to facilitate use by persons with visual impairment.

2. We have examined the above suggestions and banks are advised to take necessary steps **to provide all existing ATMs / future ATMs with ramps** so that wheel chair users / persons with disabilities can easily access them and also make arrangements in such a way that the height of the ATM does not create an impediment in its use by a wheelchair user. **Banks may also take appropriate steps including providing ramps at the entrance of the bank branches** so that the persons with disabilities / wheel chair users can enter the bank branches and conduct business without much difficulty.

3. Further, banks should **make at least one third of new ATMs installed as talking ATMs with Braille keypads and place them strategically in consultation with other banks to ensure that at least one talking ATM with Braille keypad is generally available in each locality** for catering to needs of visually impaired persons. Banks may also bring the locations of such talking ATMs to the notice of their visually impaired customers.

Yours faithfully

(Prashant Saran)

Chief General Manager-in-Charge

Source: <https://www.rbi.org.in/scripts/NotificationUser.aspx?Mode=0&Id=4923>

[top](#)

15. BANKING FACILITIES TO THE VISUALLY CHALLENGED - 4th JUNE 2008

RESERVE BANK OF INDIA

RBI / 2007-08 / 358
DBOD.No.Leg BC. 91 /09.07.005/2007-08
June 4, 2008

To
All Scheduled Commercial Banks
(excluding RRBs)
Dear Sir,

Banking facilities to the visually challenged

It has been brought to our notice that visually challenged persons are facing problems in availing banking facilities. It may be noted that banking facilities including cheque book facility / operation of ATM / locker etc. cannot be denied to the visually challenged as they are legally competent to contract.

2. It may be recalled that in the Case No. 2791/2003, the Honourable Court of Chief Commissioner for Persons with Disabilities had passed Orders dated 05.09.2005 which was forwarded by IBA to all the member banks vide their circular letter dated October 20, 2005. In the above Order, the Honorable Court has instructed that banks should offer all the banking facilities including cheque book facility, ATM facility and locker facility to the visually challenged and also assist them in withdrawal of cash. Further, in Para 14 of the above Order, the Honorable Court has observed that visually impaired persons cannot be denied the facility of cheque book, locker and ATM on the possibility of risk in operating / using the said facility, as the element of risk is involved in case of other customers as well.

3. Banks are therefore advised to ensure that all the banking facilities such as cheque book facility including third party cheques, ATM facility, Net banking facility, locker facility, retail loans, credit cards etc. are invariably offered to the visually challenged without any discrimination. Banks may also advise their branches to render all possible assistance to the visually challenged for availing the various banking facilities.

Yours faithfully
(Prashant Saran)
Chief General Manager-in-Charge

Source: <https://www.rbi.org.in/Scripts/NotificationUser.aspx?Id=4226&Mode=0>

[top](#)



- 16. IBA MODEL CUSTOMER RIGHTS POLICY - 5th FEBRUARY 2015**
- 17. IBA MODEL POLICY FOR GRIVANCE REDRESSAL IN BANKS - 5th FEBRUARY 2015**
- 18. IBA POSTER TO BE DISPLAYED AT THE ENTRANCE OF TALKING ATM - 16th JANUARY 2014**
- 19. IBA STANDARDS ON ACCESSIBLE ATM - 27th FEBRUARY 2013**
- 20. IBA GUIDELINES PROVIDING BANKING FACILITIES TO VISUALLY IMPAIRED PERSONS - 18th NOVEMBER 2008**

16. IBA MODEL CUSTOMER RIGHTS POLICY-5th FEBRUARY 2015

No.CIR/RB/CS/1292

February 5, 2015

The Chief Executives of all Banks

Dear Sir/Madam,

Model Customer Rights Policy

The RBI had placed a draft Charter of Customer Rights comprising the following five basic customer rights - (i) Right to Fair Treatment (ii) Right to Transparency and Honest Dealing, (iii) Right to Suitability, (iv) Right to Privacy, (v) Right to Grievance Redress and

Compensation along with the explanatory notes on each Right for public comments at their website on 22nd August 2014. IBA had collated the views received from its member banks on the draft and forwarded to RBI after scrutiny by the Managing Committee Meeting on 26th September 2014. After studying the feedback from various stake holders, RBI had requested IBA and BCSBI to draft a ***Model Customer Rights Policy inter alia in line with the extant regulatory guidelines***. Accordingly, the Draft Model Customer Rights Policy encompassing the five basic customer rights prepared and forwarded to RBI duly approved by the Managing Committee.

Now, RBI vide their communication dated January 27, 2015 has advised us of having approved the Model Policy document with certain changes in the draft and requested IBA to forward the document to member banks asking them to formulate their own Board Approved Policy at the earliest but not later than July 31, 2015. A copy of the RBI letter along with the Model Policy document is enclosed.

The matter was placed in the IBA Managing Committee Meeting held on 31st January 2015. The Committee accorded its approval for IBA to circulate the Model Customer Rights Policy among its member banks.

We request you to kindly formulate your own Board Approved Customer Rights Policy at the earliest but not later than July 31, 2015 under advice to RBI. We further request you to advise RRBs sponsored by you also to adopt similar Board approved Customer Rights Policy. The Model Policy document is uploaded on our website www.iba.org.in [under heading Customer Care - Model Policy Documents].

Yours faithfully,

K Unnikrishnan
Deputy Chief Executive

Source : <http://www.iba.org.in/ModelPolicy.asp>
[http://www.iba.org.in/Model%20Policy/No CIR RB CS 1292 dtd 05 02 15 Model Customer Rights%20Policy.pdf](http://www.iba.org.in/Model%20Policy/No_CIR_RB_CS_1292_dtd_05_02_15_Model_Customer_Rights%20Policy.pdf)

[top](#)

IBA MODEL CUSTOMER RIGHTS POLICY

Customer protection is an integral aspect of financial inclusion. The following comprehensive Customer Rights Policy based on domestic experience and global best practices is brought out to enhance such protection.

The Customer Rights Policy enshrines basic rights of the customers of the banks regulated by the Reserve Bank of India. It spells out the rights of the customer and also the responsibilities of the bank. The Policy applies to all products and services offered by the bank or its agents, whether provided across the counter, over phone, by post, through interactive electronic devices, on internet or by any other method.

1. Right to Fair Treatment

Both the customer and the financial services provider have a right to be treated with courtesy. The customer should not be unfairly discriminated against on grounds such as gender, age, religion, caste and physical ability when offering and delivering financial products.

In pursuance of the above Right, bank will -

- i) Promote good and fair banking practices by setting minimum standards in all dealings with the customers;
- ii) Promote a fair and equitable relationship between the bank and the customer;
- iii) Train bank staff attending to the customers, adequately and appropriately;
- iv) Ensure that staff members attend to customers and their business promptly and courteously;
- v) Treat all customers fairly and not discriminate against any customer on grounds such as gender, age, religion, caste, literacy, economic status physical ability, etc.. Bank may, however, have special schemes or products which are specifically designed for members of a target market group or may use defensible, commercially acceptable economic rationale for customer differentiation. Bank may also have schemes or products as part of an affirmative action such as for women or backward classes. Such schemes / products will not tantamount to unfair discrimination. The rationale for such special schemes or terms will be explained by bank wherever required;
- vi) Ensure that the above principle is applied while offering all products and services;
- vii) Ensure that the products and services offered are in accordance with relevant laws and regulations;

While it shall be the endeavour of the bank to provide their customers with hassle free and fair treatment, bank would expect their customers to behave courteously and honestly in their dealings with the bank.

It shall also be the bank's endeavour to encourage their customers to approach the bank's internal grievance redressal machinery and approach alternate forum after exhausting all their remedies under bank's internal grievance mechanism.

2. Right to Transparency, Fair and Honest Dealing

The financial services provider should make every effort to ensure that the contracts or agreements it frames are transparent, easily understood by and well communicated to, the common person. The product's price, the associated risks, the terms and conditions that govern use over the product's life cycle and the responsibilities of the customer and financial service provider, should be clearly disclosed. The customer should not be subject to unfair business or marketing practices, coercive contractual terms or misleading representations. Over the course of their relationship, the financial services provider cannot threaten the customer with physical harm, exert undue influence, or engage in blatant harassment.

In pursuance of the above Right, the bank will -

- i) Ensure complete transparency so that the customer can have a better understanding of what he or she can reasonably / fairly expect from the bank;
- ii) Ensure that the bank's dealings with the customer rest on ethical principles of equity, integrity and transparency;
- iii) Provide customers with clear information about its products and services, terms and conditions, and the interest rates / service charges in simple and easily understandable language, and with sufficient information so that the customer could be reasonably expected to make an appropriate and informed choice of product;
- iv) Ensure that all terms and conditions are fair and set out the respective rights, liabilities and obligations clearly and as far as possible in plain and simple language;
- v) Make known the key risks associated with the product as well as any features that may especially disadvantage the customer to him/her. Most Important Terms and Conditions (MITC) associated with the product or service will be clearly brought to the notice of the customer while offering the product. In general, it will be ensured that such terms will not inhibit a customer's future choice.
- vi) Provide information on interest rates, fees and charges either on the Notice Board in the branches or website or through help-lines or help-desk and where appropriate the customer will be informed directly;
- vii) Display the tariff Schedule on their website and a copy of it will be made available at every branch for customer's perusal. Also will display in its branches a notice about the availability of the Tariff Schedule at the branch;
- viii) Give details, in their Tariff Schedule, of all charges, if any, applicable to the products and services chosen by customer;

ix) Inform the customer of any change in the terms and conditions through a letter or Statement of Account, SMS or email as agreed by the customer at least one month prior to the revised terms and conditions becoming effective;

x) Ensure that such changes are made only with prospective effect after giving notice of one month. If the bank has made any change without giving such notice which is favorable to the customer, it will notify the change within 30 days of such change. If the change is adverse to the customer, prior notice of minimum 30 days will be provided and the customer may be provided options, to close the account or switch to any other eligible account without having to pay the revised charge or interest within 60 days of such notice;

xi) Provide information about the penalties available in case of non-observance / breach of any of the terms and conditions governing the product / services chosen by the customer;

xii) Display on public domain the Banks' Policies on Deposits, Cheque Collection, Grievance Redressal, Compensation and Collection of Dues and Security Repossession;

xiii) Make every effort to ensure that staff dealing in a particular product is properly trained to provide relevant information to customers fully, correctly and honestly;

xiv) Ensure to communicate to the applicant within a reasonable time period as decided by the bank about the acceptance / non-acceptance of applications submitted for availing a product / service and convey in writing the reasons for not accepting / declining the application. Such period will be notified in the bank's website and also in the application of the particular product or service

xv) Communicate unambiguously the information about -

- a. discontinuation of particular products,
- b. relocation of their offices
- c. changes in working hours
- d. change in telephone numbers
- e. closure of any office or branch

- with advance notice of at least 30 days. Also affirms that disclosure of information is an on-going process through the life-cycle of the product / relationship and will be diligently followed by them. Ensure to use all possible channels of communication, including web-site, to ensure that information on all changes are made known to the customer upfront;

xvi) Advise the customer at the time of selling the product of the rights and obligations embedded in law and/or banking regulation including the need to report any critical incidents that the customer suspect, discover or encounter;

xvii) The bank's staff members shall, when approached by the customer for availing a product or service, provide all relevant information related to the product / service and also provide direction to informational resources on similar products available in the market with a view to enable the customer to make an informed decision;

xviii) Not terminate a customer relationship without giving reasonable or contractual prior notice to the customer;

xix) Assist the customer in all available ways for managing his/her account, financial relationship by providing regular inputs in the bank's realms such as account statements/passbooks, alerts, timely information about the product's performance, term deposits maturity etc.;

xx) Ensure that all marketing and promotional material is clear and not misleading;

xxi) Not threaten the customer with physical harm, exert influence or engage in behavior that would reasonably be construed as unwarranted harassment. Ensure adherence only to the normal appropriate business practices.

xxii) Ensure that the fees and charges on products/services and its structure are not unreasonable to the customer

3. Right to Suitability

The products offered should be appropriate to the needs of the customer and based on an assessment of the customer's financial circumstances and understanding.

In pursuance of the above Right, the bank will -

i) Ensure that it has a Board approved policy for assessing suitability of products for customers prior to sale;

ii) Endeavour to make sure that the product or service sold or offered is appropriate to the customer's needs and not inappropriate to the customer's financial standing and understanding based on the assessment made by it. Such assessment will be appropriately documented in the its records

iii) Sell third party products only if it is authorized to do so, after putting in place a Board approved policy for marketing and distributing third party financial products;

iv) Not compel a customer to subscribe to any third party products as a quid-pro-quo for any service availed from the bank;

v) Ensure that the products being sold or service being offered, including third party products, are in accordance with extant rules and regulations;

vi) Inform the customer about his responsibility to promptly and honestly provide all relevant and reasonable information that is sought by bank to enable them to determine the suitability of the product to the customer.

4. Right to Privacy

Customers' personal information should be kept confidential unless they have offered specific consent to the financial services provider or such information is required to be provided under the law or it is provided for a mandated business purpose (for example, to credit information companies). The customer should be informed upfront about likely mandated business purposes. Customers have the right to protection from all kinds of communications, electronic or otherwise, which infringe upon their privacy.

In pursuance of the above Right, bank will -

- i) Treat customer's personal information as private and confidential (even when the customer is no longer banking with us), and, as a general rule, not disclose such information to any other individual/institutions including its subsidiaries / associates, tie-up institutions etc. for any purpose unless :
 - a. The customer has authorized such disclosure explicitly in writing
 - b. Disclosure is compelled by law / regulation;
 - c. Bank has a duty to the public to disclose i.e. in public interest
 - d. Bank has to protect its interests through disclosure
 - e. It is for a regulatorily mandated business purpose such as disclosure of default to credit information companies or debt collection agencies
- ii) Ensure such likely mandated disclosures be communicated immediately to the customer in writing
- iii) Shall not use or share customer's personal information for marketing purpose, unless the customer has specifically authorized it;
- iv) Shall adhere to Telecom Commercial Communications Customer Preference Regulations, 2010 (National Customer Preference Registry) issued by Telecom Regulatory Authority of India, while communicating with customers.

5. Right to Grievance Redress and Compensation

The customer has a right to hold the financial services provider accountable for the products offered and to have a clear and easy way to have any valid grievances redressed. The provider should also facilitate redress of grievances stemming from its sale of third party products. The financial services provider must communicate its policy for compensating mistakes, lapses in conduct, as well as non-performance or delays in performance, whether caused by the provider or otherwise. The policy must lay out the rights and duties of the customer when such events occur.

In pursuance of the above Right, bank will -

- i) deal sympathetically and expeditiously with all things that go wrong;

- ii) correct mistakes promptly;
- iii) cancel any charge that has been applied wrongly and by mistake;
- iv) compensate the customer for any direct financial loss that might have been incurred by the customer due to its lapses.

The bank will also -

- i) Place in public domain its Customer Grievance Redressal Policy, including the grievance redressal procedure available for the customer;
- ii) Place in public domain the compensation policy for delays / lapses in conducting / settling customer transactions within the stipulated time and in accordance with the agreed terms of contract;
- iii) Ensure to have a robust and responsive grievance redressal procedure and clearly indicate the grievance resolution authority who shall be approached by the customer;
- iv) Make grievance redressal mechanism easily accessible to customers;
- v) Advise the customer about how to make a complaint, to whom such a complaint is to be made, when to expect a reply and what to do if the customer is not satisfied with the outcome;
- vi) Display name, address and contact details of the Grievance Redressal Authority / Nodal Officer. The time limit for resolution of complaints will be clearly displayed / accessible at all service delivery locations;
- vii) Inform the complainant of the option to escalate his complaint to the Banking Ombudsman if the complaint is not redressed within the pre-set time;
- viii) Place in public domain information about Banking Ombudsman Scheme;
- ix) Display at customer contact points the name and contact details of the Banking Ombudsman under whose jurisdiction the bank's branch falls.

Further, the bank will -

- i) Acknowledge all formal complaints (including complaints lodged through electronic means) within three working days and work to resolve it within a reasonable period, not exceeding 30 days (including the time for escalation and examination of the complaint by the highest ranking internal official responsible for grievance redressal). The 30 day period will be reckoned after all the necessary information sought from the customer is received;
- ii) Provide aggrieved customers with the details of the Banking Ombudsman Scheme for resolution of a complaint if the customer is not satisfied with the resolution of a dispute, or with the outcome of a dispute handling process;

In addition, the bank will a) clearly spell out, at the time of establishing a customer relationship, the liability for losses, as well as the rights and responsibilities of all parties, in the event of products not performing as per specifications or things going wrong. However, the bank will not be liable for any losses caused by extraneous circumstances that are beyond its reasonable control (such as market changes, performance of the product due to market variables, etc.). b) Ensure the customer is refunded without delay and demur, if it

cannot show beyond reasonable doubt to the customer on any disputed transaction (along with interest/charges)

Source:

[http://www.iba.org.in/Model%20Policy/Model Customer Rights Policy Amended Final 27 1 15.pdf](http://www.iba.org.in/Model%20Policy/Model%20Customer%20Rights%20Policy%20Amended%20Final%2027%201%2015.pdf)

[top](#)

17. IBA MODEL POLICY FOR GRIEVANCE REDRESSAL IN BANKS-

5th FEBRUARY 2015

1. Introduction

In the present scenario of competitive banking, excellence in customer service is the most important tool for sustained business growth. Customer complaints are part of the business life of any corporate entity. This is more so for banks because banks are service organizations. As a service organization, customer service and customer satisfaction should be the prime concern of any bank. The bank believes that providing prompt and efficient service is essential not only to attract new customers, but also to retain existing ones. This policy document aims at minimizing instances of customer complaints and grievances through proper service delivery and review mechanism and to ensure prompt redressal of customer complaints and grievances. The review mechanism should help in identifying shortcomings in product features and service delivery. Customer dissatisfaction would spoil bank's name and image. The bank's policy on grievance redressal follows the under noted principles.

- Customers be treated fairly at all times
- Complaints raised by customers are dealt with courtesy and on time
- Customers are fully informed of avenues to escalate their complaints/grievances within the organization and their rights to alternative remedy, if they are not fully satisfied with the response of the bank to their complaints.
- Bank will treat all complaints efficiently and fairly as they can damage the bank's reputation and business if handled otherwise.
- The bank employees must work in good faith and without prejudice to the interests of the customer.

In order to make bank's redressal mechanism more meaningful and effective, a structured system needs to be built up towards such end. Such system would ensure that the redressal sought is just and fair and is permissible within the given frame-work of rules and regulation. The policy document would be made available at all branches. The concerned employees should be made aware about the Complaint handling process.

1.1 The customer complaint arises due to;

- a. The attitudinal aspects in dealing with customers
- b. Inadequacy of the functions/arrangements made available to the customers or gaps in standards of services expected and actual services rendered.

The customer is having full right to register his complaint if he is not satisfied with the services provided by the bank. He can give his complaint in writing, orally or over telephone. If customer's complaint is not resolved within given time or if he is not satisfied with the solution provided by the bank, he can approach Banking Ombudsman with his complaint or other legal avenues available for grievance redressal.

2. Internal Machinery to handle Customer complaints/ grievances

2.1 Customer Service Committee of the Board

This sub-committee of the Board would be responsible for formulation of a Comprehensive Deposit Policy incorporating the issues such as the treatment of death of a depositor for operations of his account, the product approval process and the annual survey of depositor satisfaction and the triennial audit of such services. The Committee would also examine any other issues having a bearing on the quality of customer service rendered. This Committee would also review the functioning of Standing Committee on Customer Service.

2.2 Standing Committee on Customer Service

The Standing Committee on Customer Service will be chaired by the Managing Director/ Executive Director of the bank. Besides two to three senior executives of the bank, the committee would also have two to three eminent non-executives drawn from the public as members. The committee would have the following functions.

- Evaluate feed-back on quality of customer service received from various quarters. The committee would also review comments/feed-back on customer service and implementation of commitments in the Code of Bank's
- Commitments to Customers received from BCSBI.
- The Committee would be responsible to ensure that all regulatory instructions regarding customer service are followed by the bank. Towards this, the committee would obtain necessary feed-back from zonal/regional managers/ functional heads.
- The committee also would consider unresolved complaints/grievances referred to it by functional heads responsible for redressal and offer their advice.
- The committee would submit report on its performance to the customer service committee of the board at quarterly intervals.

2.3 Nodal Officer and other designated officials to handle complaints and grievances *

Bank would appoint a Nodal Officer of the rank of General Manager (or its equivalent) who will be responsible for the implementation of customer service and complaint handling for the entire bank. The bank may also appoint *other* designated officers at specified centres Customer Relation Officer at Zonal/Regional offices to handle complaint grievances in respect of branches following under their control. The name and contact details of nodal officer (s) will be displayed on branch notice boards.

[*Individual banks may decide on the appointment of officials at various levels to handle complaints and grievances depending upon its administrative structure/ channels used for delivery of product and services.]

3. Mandatory display requirements

It is mandatory for the bank to provide;

- Appropriate arrangement for receiving complaints and suggestions.
- The name, address and contact number of Nodal Officer(s)
- Contact details of Banking Ombudsman of the area
- Code of bank's commitments to customers/Fair Practice code

4. Resolution of Grievances

Branch Manager is responsible for the resolution of complaints/grievances in respect of customer's service by the branch. He would be responsible for ensuring closure of all complaints received at the branches. It is his foremost duty to see that the complaint should be resolved completely to the customer's satisfaction and if the customer is not satisfied, then he should be provided with alternate avenues to escalate the issue. If the branch manager feels that it is not possible at his level to solve the problem he can refer the case to Regional or Zonal Office for guidance. Similarly, if Regional or Zonal office finds that they are not able to solve the problem such cases may be referred to the Nodal Officer.

4.1 Time frame

Complaint has to be seen in the right perspective because they indirectly reveal a weak spot in the working of the bank. Complaint received should be analyzed from all possible angles. Specific time schedule may be set up for handling complaints and disposing them at all levels including branches, zonal and head office. Branch manager should try to resolve the complaint within specified time frames, decided by the bank.

Communication of bank's stand on any issue to the customer is a vital requirement. Complaints received which would require some time for examination of issues involved should invariably be acknowledged promptly. Branch and zonal office must send action taken report on complaints received to the head office at the end of every month.

5. Interaction with customers

The bank recognizes that customer's expectation/requirement/grievances can be better appreciated through personal interaction with customers by bank's staff. Structured customer meets, say once in a month will give a message to the customers that the bank cares for them and values their feedback/suggestions for improvement in customer service. Many of the complaints arise on account of lack of awareness among customers about bank services and such interactions will help the customers appreciate banking services better. As for the bank the feedback from customers would be valuable input for revising its product and services to meet customer requirements.

6. Sensitizing operating staff on handling complaints

Staff should be properly trained for handling complaints. We are dealing with people and hence difference of opinion and areas of friction can arise. With an open mind and a smile on the face we should be able to win the customer's confidence. **Imparting soft skills required for handling irate agitated customers, to be will be an integral part of the training programs. schedule.** It would be the responsibility of the Nodal Officer to ensure that internal machinery for handling complaints/grievances operates smoothly and efficiently at all levels. He should give feedback on training needs of staff at various levels to the HR Dept.

Source: <http://www.iba.org.in/ModelPolicy.asp>
[http://www.iba.org.in/Model%20Policy/b\)%20IBA%20Model%20Policy%20for%20Grivance%20Redressal%20in%20Banks.pdf](http://www.iba.org.in/Model%20Policy/b)%20IBA%20Model%20Policy%20for%20Grivance%20Redressal%20in%20Banks.pdf)

[top](#)

18. IBA POSTER TO BE DISPLAYED AT THE ENTRANCE OF TALKING ATM - 16th JANUARY 2014

Indian Banks' Association
No.CIR/RB/ATMVCP/8667
January 16, 2014

The Chief Executives of all Member Banks

Dear Sirs/Madam,

ATMs installed for Visually Challenged Persons

As part of the measures aimed at inclusive banking, RBI in the recent past have issued guidelines for providing all banking facilities to the visually challenged persons as being provided to normal customers. These services include cheque book facility, ATM cards, mobile and Internet Banking facilities. India has over 15 million visually challenged persons, and banks need to make special efforts to ensure that they are able to meet banking needs of these persons. In line with the RBI guidelines, all the banks have made efforts to provide banking services to visually Challenged Persons. However, feedback indicate that visually challenged persons face lot of difficulties at the ground level, be it for opening of accounts, securing cheque book, ATM cards or getting net banking facilities.

2. The Reserve Bank of India had advised that banks should make at least one third of new ATMs installed as talking ATMs with Braille keypads and place them strategically in consultation with other banks to ensure that at least one talking ATM with Braille keypad is generally available in each locality for catering to needs of visually impaired persons.

3. The IBA Sub-Committee on ATM System for Visually Challenged Persons had deliberated on the issue of talking ATMs and has designed Standards for Accessible ATM with Complete example of the workflow and screen shots for an Accessible ATM as adopted by Accessible ATMs which is complete, comprehensive and extremely user friendly. These standards outline what constitutes 'accessibility' features for blind and low vision users and wheelchair users and process standards that ought to be followed to ensure effective deployment and uniformity amongst accessible ATMs of different banks and therefore facilitating ease at the level of the end consumer. The Standards for Accessible ATM with Complete example of the

workflow and screen shots for an Accessible ATM as adopted by Accessible ATMs was thereafter circulated to member banks for adoption vide IBA.

4. The IBA Sub-Committee while adopting the Standards for Accessible ATMs, also suggested that IBA may also consider displaying a board at the ATM entrance, so as to give the information that a particular ATM is SPECIALLY DESIGNED FOR VISUALLY CHALLENGED. Annexure - 1

5. The matter was deliberated at the meeting of the managing committee of the association and decided that member banks may be requested to display the Board as given in Annexure (as per the colors shown) at the ATM entrance which has been enabled for the same, for the benefit of visually challenged person.

6. Accordingly we request you to consider displaying the board for the benefit of the visually challenged fraternity.

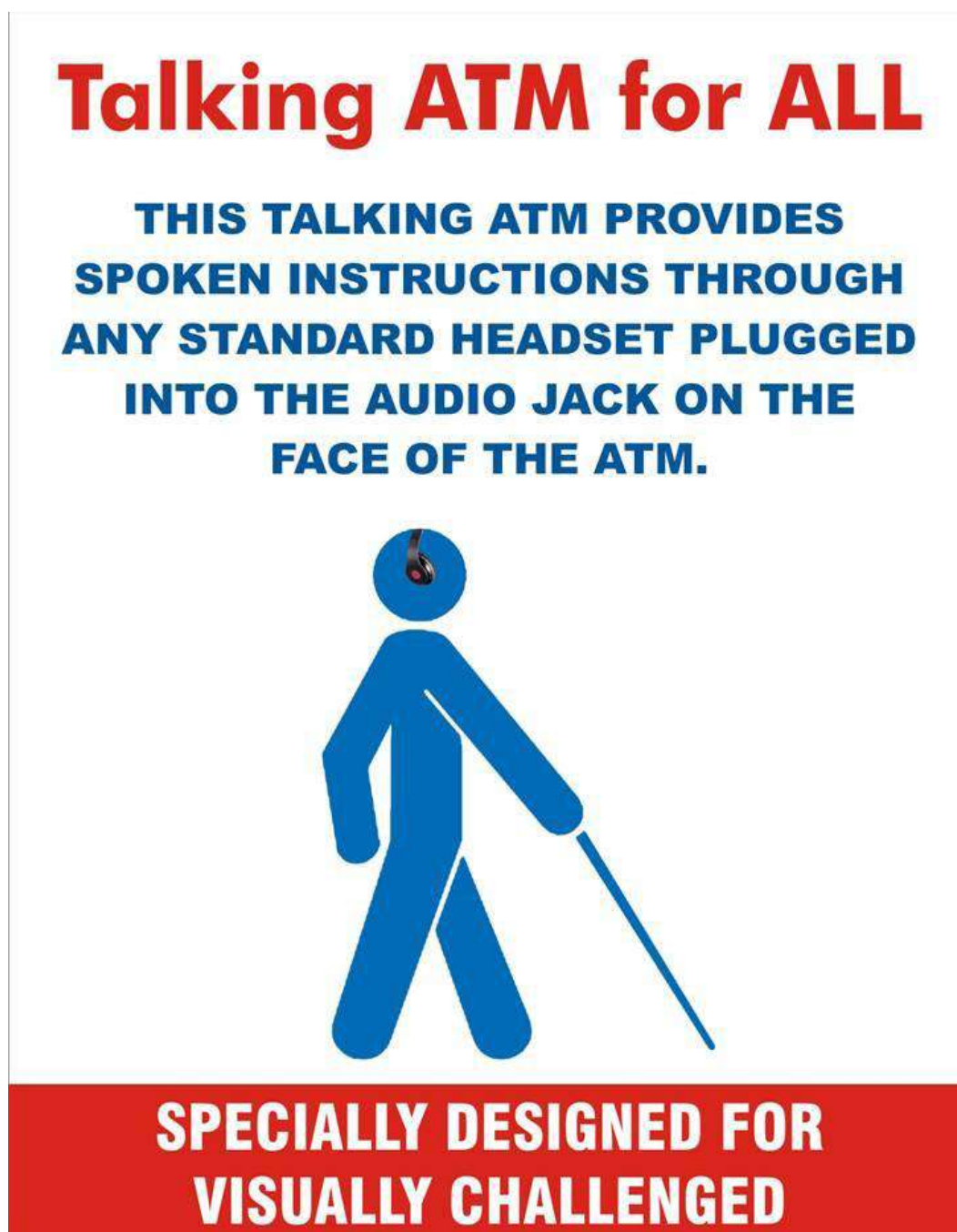
Yours faithfully,

K Unnikrishnan
Deputy Chief Executive

Encl: as above

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ANNEXED - IBA TALKING ATM POSTER



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19. IBA STANDARDS ON ACCESSIBLE ATM - 27th FEBRUARY 2013

No.CIR/RB/ATMVCP/6846

February 27, 2013

The Chief Executives of all Member Banks

Dear Sirs/Madam,

ATMs installed for Visually Challenged Persons

We refer to the RBI circular vide DBOD.No.Leg.BC.123 /09.07.005/2008-09 dated 13th April 2009 which mandates that all new and existing ATMs have accessibility features for wheel chair users. It also mandates that 1/3rd of all new ATMs ensure accessibility features for blind and low vision users. There has also been a follow up RBI circular vide DBOD.No.Leg.BC.38 /09.07.005/2012-13 dated 5th September 2012 reiterating the same. Following the RBI circulars the IBA had constituted a Sub-Committee on ATM systems for Visually Challenged Persons. The Subcommittee was set up to iron out initial problems resulting in the field because of ineffective models as well as lack of standardization. It was also aimed to collectively work at ensuring that cross country deployment of accessible ATMs effective and possible. The Sub-Committee through its deliberations and interactions with ATM manufacturers over the past years has been able to address the key concerns and take forward the initiative of effective deployment of accessible ATMs across the country. It is worth mentioning that the successful working of the Sub-committee in collaboration with the Xavier's Resource Centre for the Visually Challenged (XRCVC) and pioneering initiatives taken by Union Bank of India and State Bank of India has made bi-lingual accessible ATMs a reality in India with over 2000 such machines deployed across the country. These were required in order to avoid partially speaking ATMs which may have a few voice prompts but do not meet the criteria of accessibility as also avoid duplication of efforts by learning from already successful models. Keeping in view of the above, the present document on Standards for Accessible ATMs aims to lay down industry criteria which may be adopted by all banks to ensure effective deployment and uniformity among accessible ATM machines of different banks and therefore facilitate ease at the level of the end consumer. .../-

At the Meeting of the above Sub-Committee held on 24th August 2012, a Report was submitted by the Working Group consisting members from State Bank of India, ICICI Bank and HDFC Bank constituted by the Sub-Committee. The Report suggested a Process Flow for cash withdrawal by a visually challenged person at an ATM. The Report was submitted to the Standing Committee at its meeting on 19th November 2012. The Committee deliberated on the issue in detail and decided to circulate (1) The Standards for Accessible ATMs prepared by Union Bank of India and XRCVC and

(2), The Suggested Process Flows and Additional Features among the member banks. The decision of the Standing Committee was ratified by the Managing Committee of the Association at its meeting held on 30th November 2012. A copy of the Standards for Accessible ATMs (**Annexure -I**) and the Process Flow for cash withdrawal by a visually challenged person at an ATM (**Annexure -II**) are enclosed for upgrading the ATM Standards. Member banks are requested to kindly consider adopting the Standards for Accessible ATMs and the Process Flow for cash withdrawal by a visually challenged person at an ATM, within your deployment process.

Yours faithfully,

K Unnikrishnan
Deputy Chief Executive

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ANNEXURE - IBA STANDARDS FOR ACCESSIBLE ATM

STANDARDS FOR ACCESSIBLE ATM



Adopted by

INDIAN BANKS' ASSOCIATION

The RBI circular - RBI/2008-09/431 DBOD.No.Leg.BC.123/09.07.005/2008-09 dated 13th April 2009 mandates that all new and existing ATMs have accessibility features for wheelchair users. It also mandates that 1/3rd of all new ATMs ensure accessibility features for blind and low vision users. Based on the ground work since the issuance of the said circular by various Banks as also the R & D work undertaken by the Xavier's Resource Centre for the Visually Challenged (XRCVC) in partnership with various ATM Manufacturers and Banks, it has been felt appropriate to have a standards document highlighting the specific features that constitute an Accessible ATM.

These standards outline what constitutes 'accessibility' features for blind and low vision users and wheelchair users and process standards that ought to be followed to ensure effective deployment and uniformity amongst accessible ATMs of different banks and therefore facilitating ease at the level of the end consumer. There is a necessity to standardize the talking ATM process across the industry both between banks and ATM manufacturers.



FEATURES TO BE COMPLIED FOR ACCESSIBLE ATMs

The fundamental principle of an Accessible ATM for development, testing and implementation purposes is to ensure a machine which enable the user to complete all transactions successfully with a blank screen simply through voice guidance for totally blind users, permit independent use through clear screen data for low vision / partially sighted users and effective physical access for wheel chair users. The Features below are listed as per different user profiles.

Totally Blind Users

TRANSACTION FEATURES: (The Features are listed as per the sequence they should appear in the ATM transaction flow.)

1. **Audio Start-up Option:** The audio activation to be provided through insertion of the headphone in the ATM headphone jack.



2. **Welcome Message and Language Option:** The audio start-up should begin with a welcome address for the user with a menu choice of languages (one of the following: English, Hindi / Regional). This choice should be activated by number pad keys 1, 2 or 3.
3. **Volume Control Option:** A volume control capability on the unit to be provided with and the same needs to be provided as an audio prompt. Number pad keys 1 and 2 to be given as options to increase or decrease the volume. Since at this time the help functionality is yet not given, use of any function key other than the number pad keys need to be given a complete orientation of in reference to the number pad.
4. **Hide / Blank out Screen:** The transaction session needs to begin with the option to hide / blank out the visual display. This choice should be activated / deactivated by pressing a pre-announced number pad key. This feature allows for additional security for the user. Based on the option chosen the machine needs to announce whether the screen is hidden or is still visible.
5. **Help / Orientation Functionality:** A complete voice guided orientation option to the machine or skip to transaction directly to be given. The orientation needs to give a full layout of the ATM Machine, the function keys - their number, their position, the number pad - the number of keys on the number pad including the symbol keys, card slots, money outlets and the position of the receipt printer. The option of listening to

the orientation or jumping directly to transaction should be activated by pressing a pre-announced key on the number pad. The orientation text should be simple to understand.

Example of audio orientation message: *There is a screen in front of you. The keypad is below your screen, you will be using keypad throughout your ATM operations, to select various options and to enter data. This keypad is a standard telephone keypad, along with four additional keys to its right. CLEAR key is right of number 3, having a raised vertical symbol. CANCEL key is right of number 6 having a raised cross symbol. ENTER key is right of number 9, having a raised circle symbol. The cash dispenser slot is below the keypad, on the front face of ATM, the receipt printer slot is at the bottom left of the screen on the front face of the ATM. The card insertion slot is on the bottom right of the screen on the front face of the ATM. In addition, Braille labels are put in to find positions of, Receipt, Cash, and Card slot. Please pull out your headphone pin, once you complete your ATM operation. To repeat orientation message - Press, 1, or to continue your transaction, Press 2.*

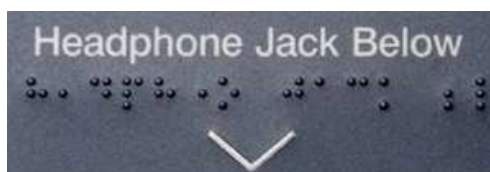
6. Transaction Menus and Processes: There has to be complete voice guided assistance for all the ATM Functions. The specific features that need to be kept in mind are:

- Every single screen display needs to be completely voiced. E.g. menus, error messages, prompts etc. The only not spoken audio output would be the PIN which needs to beep or voiced out as * (star) for each entry.
- Repeat: A repeat functionality would help the user verify the correctness of choices and entries before Enter / OK. Messages should be repeated automatically. At appropriate places voice guidance is paused when a blind user is entering data e.g. PIN entry or amount entry, etc.
- IVR Type Operation: All operation to be performed through Keypad only. Interactive Voice Response type. FDK functionality is disabled during talking mode. The said is simpler, easier and more accessible. All transactions can be conducted through using number keys 1 and 2 and so on in a menu-submenu format.
- A touch screen ATM always requires to be accompanied by a regular keypad system.
- Whilst entering amount / account number or feeding any other data (except PIN) on the screen the keypad numbers should be self voicing.
- In the case of value added services such as bill and other payments, similar accessibility standards as described in these guidelines need to be followed.
- The transaction commands need to be clear and specific in informing which key needs to be pressed for the function to be performed and where the key will be found. The flow of orientation to keys needs to be standardized for the entire module.
- In transactions of collecting cash, inserting card and collecting the receipt, the user in the transaction commands needs to be voice prompted with regards to the position of the card slots, the money outlets and the position of the receipt printer.
- Error Messages: The error messages need to be voice indicated. An inverted card should result in an audio prompt that the card is put in wrongly.
- Complete screen text synchronization with voice output.

Complete Example of Work Flow for all the Transaction is attached in Annexure A.

Additional Features

1. **Headphones:** The Headphone jack should use the universal standard pin size.
2. **Braille Labels:**
 - The card slot, the cash dispenser, the receipt printer and headphone jack slots to be aided with Braille labels.
 - An additional Braille label stating 'This is a talking ATM' also needs to be placed on top of the screen.
 - Braille labels to be created using Contracted Braille.
 - All Braille labels to be placed as close to the specific item as possible. As far as possible a gap not exceeding 1 inch (25 mm) should be maintained.
3. In case a user does not press any button for 10 seconds, the system should automatically **repeat the prompts**.
4. The **time out** for ATM machines is recommended to be 30 seconds as this allows for enough time for a visually challenged person to complete the transactions.
5. **Use of Text-To-Speech (TTS) technology.** Use of pleasant TTS voices preferably Indian accent with lexicon adjustments if words are not announced correctly by TTS engine.
6. There needs to be **tactile / textured floor guidance** from the entrance of the ATM kiosk to the machine which is accessible. This will ensure that visually challenged person can independently locate the accessible machine from all that exist within the kiosk.
7. **Feature of skipability for Quick ATM operation:** The Customer inserts headphone pin into the ATM audio jack to enable Talking mode and Inserts his / her ATM card: By default English language is selected and Screens are hidden.



The suggested work flow in case of quick ATM operation for a blind user is as follows:

→ Inserts his / her ATM card.

By default language selected is **English** and Screens are **hidden** (as explained above).

→ Please enter your PIN message.

→ After entering PIN

ATM gives transactions options.

- Cash Withdrawal.
- Balance Enquiry.
- PIN Change.

8. Language Support: **Multilingual** support. To start with two languages offered, English and Hindi both.
9. ATM Usage for both **Sighted** and **Disabled**.
10. **No Special** ATM Card.
11. **Own bank** as well as **other banks** ATM card usage possible.
12. **Accessible Manual**: It is recommended that the Banks make available a manual in accessible formats (accessible formats for blind persons are **Braille**, **DAISY** digital talking book, **accessible pdf**, **e-text**, **html**, **large font book**, etc.) on features and functionalities of accessible ATMs so as to give a complete orientation to the user.
13. Also it is **recommended** that after starting with **three key ATM operations** (Cash Withdrawal, Balance Inquiry and PIN Change) banks should aim **to make available all ATM functions** in accessible talking mode in a **phase wise manner**.

Low Vision / Partially Sighted Users

1. **Colour Contrast**: Good contrast (dark and light) for text and background- on the monitor as also on the function keys. (Bright colours against dark backgrounds. E.g. White on Black or Yellow on Blue).
2. **Font Style**: Non Serif fonts.
3. **Font Size**: Large: Characters should be 3/16 inch high minimum based on the uppercase letter "I".
4. **Synchronisation** of text and voice.
5. **Bold and big numbers** / names on the keys for easy reading.

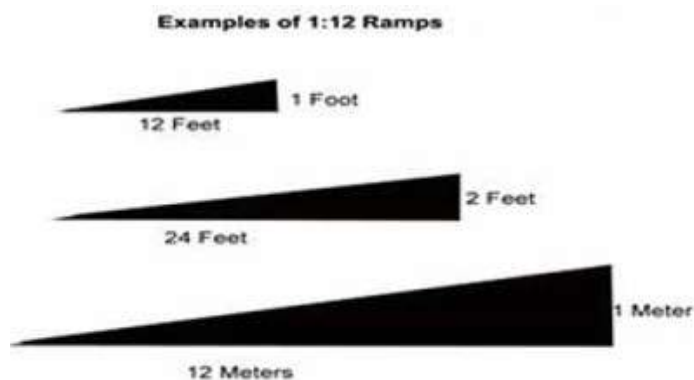
Wheelchair Users

1. Entry Point:

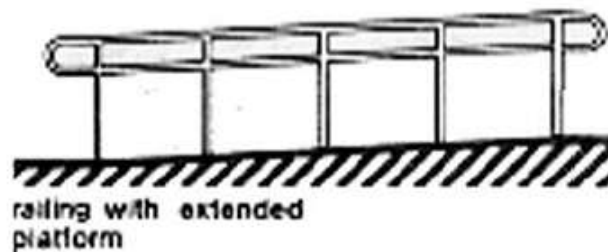
- Ground level surface.
- No threshold.
- If the Surface is at a height then a ramp needs to be provided.

2. Ramp:

- Slope: A ramp with gradient of 1:12 maximum. For every inch (25 mm) above the ground that the ramp rises, provide 12 inches (305 mm) of ramp length.



- Width: The width should be minimum of 1200 mm (48 inches).
- Landing Space: There should be landing at every 750 mm (30 inches) of a vertical rise. The size of the landing space needs to be a minimum of 1500 mm x 1500 mm (60 x 60 inches) of clear space. There should also be a clear landing space at the top and bottom of the ramp.
- Hand rails: Ideally hand rails on both sides of the ramp. Hand rails at two levels 760 mm (30 inches) and 900 mm (36 inches). Both ends to be rounded or grouted and extend 300mm (12 inches) beyond top and bottom of the ramp.
- Surface of the ramp and landings needs to be slip resistant.



3. Door:

- Clear Door Opening: If the ATM kiosk has a door it should provide a clear opening of 900mm (36 inches).
- Handles: Need to be places between 800mm (32 inches) and 1000mm (40 inches) from floor level.
- Type and Hinges: Handles should be of lever type and hinges to be smooth to be operable with force not more than 20Newton.
- Landing Space: For all doors opening inside or outside or sliding type, a landing space of 1500mm x 1500mm (60 x 60 inches) after the ramp is a must, to allow wheelchair user to open the door. The landing needs to be slip resistant.

4. Cubicle size:

- Diameter Space: In order to facilitate a 180 degree maneuver of the wheelchair a 60 inch (1524 mm) diameter space or a 60 inch (1524 mm) by 60 inch (1524 mm) T-shape space should be available.
- Clear Floor Size: Minimum clear floor size of the cubicle needs to be 1800 mm (72 inch) by 1800 mm (72 inch). (i.e. beside the ATM machine).

5. Height and Depth of Machine:

- Maximum height: Of any object expected to be reached by the wheelchair user, either the touch screen, num pad or any other shelf in the ATM cubicle has to be placed in the range of 800mm - 1000mm (32 inch - 40 inch).
- Depth: If there is a table / shelf provided, there should be leg and knee space for the wheelchair with a minimum clear knee space of 700mm (28 inch) high and 280mm - 300mm (11 inch - 12 inch) deep.

SPECIAL NOTE

In actual ATM transactions there can be many scenarios. For each screen - text should be voiced out properly in both English and Hindi.

There is a need to spend time on testing and getting feedback from blind, low vision and wheelchair users to fine tune the accessibility features. This is a must especially for the first talking ATM model.

The actual work flow between banks, ATM manufactures and different models may vary. There is however a need to standardize the flow and talking ATM operations as much as possible as per the suggested guidelines. This is mainly from blind users' perspective and it will be good for the banks and ATMs manufacturers to have one solution for all.

ANNEXURE A

Complete example of the workflow and screen shots for an Accessible ATM as adopted by Accessible ATMs

(This flow is complete, comprehensive and extremely user friendly.)

There will be two parts in the work flow.

First part is prior to insertion of ATM card and entering PIN (before connecting to bank's switch. In an **offline** mode)

Second part is after insertion of ATM card and entering PIN (i.e. after connected to bank's switch. In an **online** mode)

Work flow for the First part - Offline mode.

1. Customer plugs in the headphone into the ATM audio jack - talking mode is enabled.
2. Welcome audio message.
3. Languages choice.
4. Volume control adjustment through keypad (EPP).
5. Hide or display option for ATM screens.
6. Listen to orientation message or skip.
7. Repeat orientation message or continue.
8. Insert ATM card.

Work flow for the Second part - Online mode.

1. Enter your PIN.
2. ATM transactions
 - Cash Withdrawal
 - Balance Enquiry
 - PIN Change
3. For Cash Withdrawal press X.
For Balance Enquiry press X.
For PIN Change press X.
(Here used X as keypad numbers mapping will depend on bank's FDK options.)

TRANSACTION FLOW FOR VARIOUS TRANSACTIONS

I. CASH WITHDRAWAL

- You have selected Cash Withdrawal.
Press
1 - To Confirm
2 - To go back
- Please select your account.
Press
1 - Savings account
2 - Current account
- Please enter the amount and press enter (amount entered should be announced in full not just single digits. E.g. one, ten, hundred, thousand, ten thousand, etc.).
- You have entered Rupees XXXX /-
Press
1 - To Confirm / if correct
2 - To go back / if incorrect
- If you want receipt
Press
1 - If Yes
2 - If No
- Please wait; we are processing your request.
- Please collect your cash & receipt, if you have asked for receipt.
- Thank you for using XXX bank ATM.

II. BALANCE ENQUIRY

- You have selected Balance Enquiry.
Press
1 - To Confirm
2 - To go back
- Please select your account.
Press
1 - Savings account
2 - Current account

- If you want receipt
Press
1 - If Yes
2 - If No
- Please wait; we are processing your request.
- Balance in your Account is Rs XXXX /- .
- Please collect your receipt, if you have asked for it.
- Thank you for using XXX bank ATM.

III. PIN change

- You have selected PIN Change.
Press
1 - To Confirm
2 - To go back
- Please enter your new PIN.
- Please Re-enter your new PIN (While entering the PIN the audio prompt of a beep or *(star) needs to be spoken).
- Please wait; we are processing your request.
- Your PIN has been changed successfully.
- Thank you for using XXX bank ATM.

XYZ BANK'S WORK FLOW FOR A TALKING ATM IS AS GIVEN BELOW IN A TABLE FORMAT WITH BOTH AUDIO AND SCREEN TEXT. SAME CAN BE STANDARDIZED.

<u>Audio Spoken</u>		<u>Screen Text</u>	
As soon as headphone is plugged into the jack, voice guidance (talking mode) will start.		First screen is XYZ Bank's standard ATM screen. Screen keeps changing with latest products info and "Please insert your card" message. XYZ Bank has bilingual Hindi and English text for "Please insert your card" as screen text.	
English audio	Hindi audio	English screen text	Hindi screen text
Welcome to the XYZ Bank accessible ATM	XYZ बैंक के एक्सेसिबल एटीएम में आपका स्वागत है.	XYZ Bank's branded screens text displayed as below. WELCOME TO XYZ Bank's ATM PLEASE INSERT YOUR CARD	XYZ Bank's branded screens text displayed as below. XYZ Bank's ATM MEIN AAPKA SWAGAT HAI KRIPAYA APNA CARD PRAVISTHA KARE
Please select a language of your choice. Select 1 for English, 2 for Hindi	अपनी पसन्दकी भाषा का चयन करें, इंग्लिश के लिये एक दबायें, हिन्दी के लिये दो दबायें.	SELECT YOUR LANGUAGE - ENGLISH - HINDI	APANI PASAND KI BHASHA KA CHUNAV KARE - ENGLISH - HINDI
Volume control Press 1 to increase volume, press 2 to decrease volume Press enter to proceed Enter key is right of number 9 (Beeps to know volume increase / decrease)	ध्वनि नियंत्रण. आवाज बढ़ाने के लिए एक दबाएं. आवाज कम करने के लिए दो दबाएं. आगे बढ़ने के लिए एन्टर दबाएं. एन्टर बटन संख्या 9 की दाहिनी ओर है.	PRESS "1" TO INCREASE THE VOLUME PRESS "2" TO DECREASE THE VOLUME PRESS ENTER TO PROCEED.	AAWAJ BADHANE KE LIYE "1" DABANYE AAWAJ KAM KARNE KE LIYE "2" DABANYE AAGE JANE KE LIYE "ENTER" DABANYE

The audio session allows you to hide and display ATM screens for privacy during a banking session To hide the ATM screens please press 1 To display the ATM screens please press 2	यह ऑडियो सत्र, आपके बैंकिंग सत्र, के दौरान, आपकी गोपनीयता के लिए आपको एटीएम स्क्रीन छुपाने या दिखाने की सुविधा देता है. एटीएम स्क्रीन छुपाने के लिए, कृपया एक दबाएं एटीएम स्क्रीन दिखाने के लिए, दो दबाएं.	PRESS "1" TO HIDE THE SCREENS PRESS "2" TO DISPLAY THE SCREENS	SCREEN CCHIPANE KE LIYE "1" DABANYE SCREEN DIKHANE KE LIYE "2" DABANYE
Your ATM screens are hidden.	आपकी एटीएम स्क्रीन प्रदर्शित नहीं की जा रही हैं.	---	---
Your ATM screens are displayed	आपकी एटीएम स्क्रीन प्रदर्शित की जा रही हैं.	---	---
The audio session allows you to hear a short-ATM-orientation before starting your transaction, To skip the orientation, please press 1, To hear the orientation, please press 2.	ये ऑडियो सत्र, लेनदेन शुरू करने से पहले, एटीएम इस्तेमाल करने सम्बन्धी संक्षिप्त जानकारी, सुनने की सुविधा प्रदान करता है. यदि आप एटीएम इस्तेमाल करने सम्बन्धी जानकारी नहीं सुनना चाहते, तो कृपया एक दबायें, यदि आप एटीएम इस्तेमाल करने सम्बन्धी जानकारी सुनना चाहते हैं, तो दो दबायें.	PRESS "1" TO SKIP THE ATM ORIENTATION PRESS "2" TO HEAR ATM ORIENTATION	ATM NIRDESHON KO BAND KARNE KE LIYE "1" DABANYE ATM NIRDESHON KO SUNANE KE LIYE "2" DABANYE
Orientation of the ATM audio - the orientation message will as per ATM model. An example for the same is provided in the guidelines section.			
You have chosen, to, listen to the orientation	आपने एटीएम इस्तेमाल करने सम्बन्धी संक्षिप्त जानकारी, सुनने का, विकल्प चुना है.	---	---
You have chosen, not to, listen to the orientation.	आपने एटीएम इस्तेमाल करने सम्बन्धी संक्षिप्त	---	---

	जानकारी, नहीं सुनने का, विकल्प चुना है.		
To repeat orientation message press 1 or to continue your transaction press 2.	संक्षिप्त जानकारी फिर से सुनने के लिए १ दबाएं. आगे बढ़ने के लिए २ दबाएं.	PRESS "1" TO REPEAT ATM ORIENTATION PRESS "2" TO CONTINUE	ATM NIRDESHON KO DOBARA SURANE KE LIYE "1" DABANYE JARI RAKHANE KE LIYE "2" DABANYE
Please Insert Your ATM card. Card slot is at the right hand side.	कृपया अपना, एटीएम कार्ड डालें. कार्ड खांचा आपके दाहिनी ओर है.	XYZ Bank's branded screen displaying bilingual text PLEASE INSERT YOUR CARD KRIPAYA APNA CARD PRAVISTHA KARE	
Please enter your ATM PIN and press enter to continue, if you make any mistake just press clear, The clear key is to the right of number 3.	कृपया अपना एटीएम पिन दर्ज करें. लेनदेन की प्रक्रिया जारी रखने के लिये, एन्टर दबाएँ. पिन दर्ज करते समय कोई गलती होने पर, क्लियर दबाएँ और पिन फिर से दर्ज करें, क्लियर बटन, संख्या तीन के दाहिनी ओर है.	XYZ Bank's branded screen PLEASE ENTER YOUR PIN	
For Cash Withdrawal press X For Balance Enquiry press X For PIN change press X	नकद राशि के लिए, X दबाएं, खाते का बैलेंस जानने के लिए, X दबाएं, पिन नम्बर में बदलाव करने के लिये, X दबायें.	XYZ Bank's branded screen PLEASE SELECT YOUR TRANSACTION	

(Here used X as keypad numbers mapping will depend on bank's FDK options.)

SUGGESTED PROCESS FLOW FOR CASH WITHDRAWAL BY A VISUALLY CHALLENGED PERSON AT AN ATM

ADOPTED BY

INDIAN BANKS' ASSOCIATION

Suggested process flow for cash withdrawal by a visually challenged person at an ATM by the Working Group constituted by the Sub-Committee consisting members from State Bank of India, ICICI Bank and HDFC Bank

Customer inserts the Audio jack:

1.

Welcome to XYZ Bank ATM.
2.

Please select the language. Press
1 - English
2 - Hindi
3.

You have selected English/Hindi as your language of choice. Press
1-to increase the volume
2-to decrease the volume
4.

The audio session allows you to hide or display ATM screens for privacy during a banking session. Press
1 - to hide the ATM screen
2 - to display the ATM screen
5.

Screen hidden for privacy/Your ATM screens are displayed. The audio session allows you to hear a short ATM orientation before starting your transaction. Press
1 - to hear orientation
2 - to skip orientation
6.

To repeat orientation message, press
1 - yes
2 - to continue your transaction
7.

Please insert your ATM cum Debit card and remove it.
8.

Please enter your PIN and press enter.
9.

Please select your transaction. Press
1 - Cash Withdrawal
2 - Balance Enquiry
3 - PIN Change

10. You have selected Cash Withdrawal. Press
1 – To Confirm
2 – To Cancel
11. Please select your account.
1 – Savings account
2 – Current account
12. Please enter the amount and press enter.
13. You have entered Rs 100/- Press
1 – To Confirm
2 – To Cancel
14. Please wait, we are processing your request.
15. Please collect your cash & receipt.
16. Your transaction is complete. Thank you for using XYZ Bank ATM.

Suggested process flow for Balance Enquiry by a visually challenged person at an ATM

Customer inserts the Audio jack: **(Steps from 1 to 9 are common)**

10. You have selected Balance Enquiry. Press
1 – To Confirm
2 – To go back
11. Please select your account.
1 – Savings account
2 – Current account
12. Please wait. We are processing your request.
13. Balance in your Account is Rs 100/-. Please collect your receipt.
14. Your transaction is complete. Thank you for using XYZ Bank ATM.

Suggested process flow for PIN Change by a visually challenged person at an ATM

Customer inserts the Audio jack: **(Steps from 1 to 9 are common)**

- | | |
|-----|---|
| 10. | You have selected PIN Change. Press
1 – To Confirm
2 – To go back |
| 11. | Please enter your new PIN. |
| 12. | Please Re-enter your new PIN. |
| 13. | Please wait, we are processing your request. |
| 14. | Your PIN has been changed successfully. |
| 15. | Your transaction is complete. Thank you for using XYZ bank ATM. |

Language of Step -7 may vary depending on the type of card reader at ATM (Dip card reader or motorized one). **In case of transaction failure at any stage the message that appears on the screen is to be read out to the customer.** The orientation will be about the location of slots like key pad, cash dispenser, Card reader, transaction receipt and description of key pad etc.

Additional features:

1. Feature of skipability for fast ATM operation.

If a Visually Challenged customer inserts the Card after insertion of audio jack, then the default language will be English and steps 1 to 6 will be skipped for fast operation.

2. Feature of Enabling Talking Mode through any number key.

After completion of first ATM operation if a customer who is using talking mode, wishes to continue with more ATM operations, he/she should be able to enable the talking mode again by pressing any one of number key. (To avoid removing and inserting headphone jack for 2nd/3rd transactions.)

[top](#)

20. IBA GUIDELINES PROVIDING BANKING FACILITIES TO VISUALLY IMPAIRED PERSONS - 18th NOVEMBER 2008

No.CE/RB-1/vip/1766
November 18, 2008

The Chief Executives of all Member Banks

Dear Sirs,

Providing Banking Facilities to Visually Impaired Persons

We refer to our circular No.CIR/RB/1230 dated February 4, 2006 enclosing procedural guidelines on the captioned subject. Subsequent to which, we have received several representations from visually impaired persons regarding the facilities and services being provided by banks and the ground level difficulties being faced by them. As you are aware, procedural guidelines were issued in the context of the order dated September 5, 2005 passed by the Court of Chief Commissioner for Persons with Disabilities, New Delhi regarding facilities to be provided to visually impaired persons.

Following complaints from Visually Impaired Persons, the Commissioner for Persons with Disabilities had again issued an advisory to the Finance Ministry and the Reserve Bank of India (RBI) in May 2008 to take necessary steps to ensure that visually impaired persons are not denied normal banking facilities.

Subsequently, the RBI, vide circular DBOD.No.Leg BC.91/09.07.005/2007-08 dated 4th June 2008 advised banks that all banks must render the same services to a visually impaired person as it would to any other person without discrimination. The Circular stated that the banks must provide the visually impaired with every facility viz., cheque Book facility, ATM facility, net banking facility, locker facility, retail loans, credit cards etc.

Following the above RBI circular, we had examined the need to revise the procedural guidelines issued in February 2006 in consultation with IBA Sub-committee on Customer Service and Customer Rights. We also had interactions with a Mumbai based voluntary organization working for the welfare of Impaired persons. The interactions indicated that technology innovation in the recent years had greatly empowered visually impaired persons in leading a normal life. Technology applications such as screen readers for computers and mobile phones, which are being used by the visually impaired persons for online/net banking, were demonstrated to us. Visually impaired persons can read and understand printed documents etc. by first scanning them and then getting them read out by the screen reader.

Further, we have seen demonstration of finger print technology being developed by software firm which would enable banks to store thumb impression of visually impaired persons in place of signature in their system. Cheques authenticated by them with thumb impression can be scanned and the image compared with that stored in the system to honor the cheque. It is suggested that when this technology is fully developed and made available in the market, banks should consider integrating it with their core banking platform so that cheque book facility can be extended to a larger segment of visually impaired persons.

Our attention was also drawn to the United Nations Convention on the Rights of Persons with Disabilities, which clearly commits to rights of persons with disability and their access to services. Article 9 of the Convention enables persons with disabilities to live independently and participate fully in all aspects of life and also gives them access to facilities and services open or provided to the public, both in urban and rural areas.

Additionally, Article 12 states "Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property."

It is expected that the guidelines issued by the RBI would result in an increase in the number of ATM cards issued to visually impaired persons. This would enhance the case for installation of talking ATMs to facilitate hassle free operations by visually impaired persons. Banks are requested to consider installing talking ATMs wherever feasible. Keeping in view the above, we have revised the procedural guidelines for providing banking facilities to visually impaired persons, copy of which is enclosed. While finalizing the document the Sub-Committee took into consideration that request for ATM facilities, online banking facilities etc., would come only from visually impaired persons who are capable of using the applications. Members are requested to kindly consider the revised procedural guidelines and issue necessary instructions to the operating staff.

Yours faithfully,

K Unnikrishnan
Dy. Chief Executive

Encl: As above

PROCEDURAL GUIDELINES FOR BANKING FACILITIES TO VISUALLY IMPAIRED PERSONS

I. General Instructions

1. Banking facilities for visually impaired persons should be offered at all branches of the bank.
2. Banks should not equate visually impaired customers with illiterate customers.
3. All Banks must provide the same facilities to a visually impaired customer/prospective customer as it would to any other customer. But at the same time the customers should be made aware of the risk involved in some of these facilities which may be higher than that for a normal customer.
4. Additional facilities like reading and filling up of forms, slips, cheques should be provided to a visually impaired customer, if required.
5. Banks should not deny any services to visually impaired customers including visually impaired customers who use their thumb impression for operating the bank account.
6. A visually impaired customer must not be forced to operate the bank account jointly with any person or in the presence of any person.
7. Visually impaired customers may be allowed to appoint a person/persons as their Power of Attorney or Mandate Holder to operate their bank account if the visually impaired customer so.

II. Opening of Bank Accounts

1. All banking products offered by the bank should be made available to visually impaired persons.
2. The bank must follow the same procedure for opening the account of a visually impaired person as it does for its other customers.
3. He / She must be allowed to open the account either singly or jointly with others.
4. The Bank must allow the visually impaired customer to open a joint account with anybody that he/she chooses including person(s) who is/are visually impaired.
5. The Officer / Manager of the branch should read out the rules of business and other terms and conditions in the presence of a witness, if required by the customer.
6. The bank branch manager must inform a visually impaired customer/prospective customer of his rights and liabilities before opening the account.
7. The documentation requirements of a visually impaired customer must be the same as any other customer.
8. The account has to be clearly marked as "the account holder is visually impaired".

III. Withdrawal of cash / Cheque book facility

1. Facilities for withdrawal of cash as are provided to all customers regarding cash payments must be provided to visually impaired customers.
2. In case a visually impaired customer makes cash withdrawals at the bank then the payment must be made in the presence of another bank employee/officer. No outside witnesses are required unless the visually impaired customer requests that such witnesses be present.
3. Operations should not be restricted to self-withdrawals.

4. Cheque book facility should not be denied to visually impaired person.
5. All procedures pertaining to the use of such cheque books by visually impaired customers must be in accordance with that the other customers.
6. Cheques issued by visually impaired persons to third parties should be honoured, if otherwise in order.

IV. Credit Cards /Debit Cards

1. Visually impaired customers must be issued credit cards/debit cards on request.
2. All rules and regulation regarding credit/debit card must be available on the web-site of the respective bank in accessible format. These should be read out to visually impaired persons and perceived risk factors explained to them.
3. Banks may consider issuing Credit/Debit Card with Photograph. This Photograph will work as an identification/verification.

V. ATM/Debit Cards

1. Visually impaired customers must be permitted to avail of ATM facilities.
2. Banks should also ensure that the ATMs are accessible to other categories of persons with disabilities such as the orthopedically disabled.

VI. On Line Banking / Mobile Banking and Tele Banking/Phone Banking

1. All banks must have Accessible websites and conform to international accessibility standards.
2. All customer facing applications such as web applications, desktop applications and mobile applications should be accessible to visually impaired persons.
3. The banks should have alternate methods of user authentication/password verification.
4. All features especially those related to customer security must be accessible visually impaired persons.

VII. Lockers

1. Visually impaired customers should be provided with locker facility on request.
2. Suitable lockers conveniently located for operations may be allotted.
3. Bank procedures for issuing a locker to a visually impaired customer must be the same as to any other customer.
4. A visually impaired customer may be given the following options for operation of locker:
 - a. Operation - Singly
 - b. Operation - Singly with the assistance of a reliable person, as per the choice of the Applicant.
 - c. Operation - Jointly.
5. A visually impaired customer may request the person in-charge of the locker to be present when the locker is opened or to check if nothing has been left behind or fallen after the locker is closed.

VIII. Loans

1. Loans must be made available to visually impaired customers as are offered to other customers and their impairment of vision should not be a criterion for sanctioning/denying a loan.
2. No additional burden of interest payment, collateral and other terms should be imposed on the visually impaired customer.

[top](#)



21. BCSBI CODE OF BANK'S COMMITMENT TO CUSTOMERS - JANUARY 2014

22. GRIEVANCE REDRESSAL

21. BCSBI CODE OF BANK'S COMMITMENT TO CUSTOMERS - JANUARY 2014

Banking Codes and Standards Board of India

11. SENIOR CITIZENS AND DIFFERENTLY ABLED PERSONS

- a) We will make our best efforts to make it easy and convenient for our special customers like senior citizens, differently-abled and illiterate persons to bank with us. This will include making convenient policies, products and services for such applicants and customers.
- b) We will endeavour to develop systems and procedures to improve access to banking services by you.
- c) We will endeavour to make physical access to our branches and ATMs convenient for you.
- d) We will sensitise our staff interacting with you to assist you in carrying out your banking transactions.
- e) In addition to all the other commitments made in this Code -
 - I. We will accord due priority to you. We will endeavour to provide you personalized services for banking transactions and redressal of grievances.
 - II. We will endeavour to provide seating arrangements in the banking hall.
 - III. We will endeavour to provide you our services through a Single Window mechanism.
 - IV. We will permit withdrawal of your funds, up to limits set by you, by persons authorized by you on production of the authorization letter and passbook.
 - V. We will endeavour to provide 'Doorstep' banking (pick up of cash /instruments for credit to the account or delivery of cash / demand drafts against issue of cheque / requisition in writing) in special circumstances like ill health, inability to come to the branch, etc.
 - VI. We will issue a pension slip to you (pensioners) containing details of the pension credited to your account.
 - VII. We will endeavour to arrange to disburse the pension at the doorstep, in special circumstances.
 - VIII. We will accept the Life Certificate that is required to be submitted by you (pensioners) at any branch of our bank.

- IX. We will guide relatives / parents of disabled persons on how to appoint a legal guardian, under the National Trust Act, 1999, for disabled persons with autism, cerebral palsy, mental retardation and multiple disabilities who can then open and operate accounts for such persons.
- X. We will ensure that all the banking facilities such as cheque book facility, ATM facility, Net banking facility, locker facility, retail loans, credit cards etc., are invariably offered to the visually challenged without any discrimination.
- XI. We will render all possible assistance to the visually challenged for availing various banking facilities.
- XII. We will endeavour to arrange regular meetings so that you may voice your concerns and benefit from collective experience.

Source: http://www.bcsbi.org.in/Codes_CommitmentCustomers.html

[top](#)

22. GRIEVANCE REDRESSAL

To get your grievance redressed, this is what you must do

- Lodge a complaint, in writing, with the branch concerned.
- If your grievance is not redressed at the branch, you may approach the higher authorities of the bank (Regional / Zonal Manager) whose contact details should be available at the branch.
- If you do not receive a reply within 30 days of lodging your complaint with the bank or you are not satisfied with the reply, you may approach the Banking Ombudsman under whose jurisdiction the branch falls. The contact details of the Banking Ombudsman should be available at the branch as also at [www.rbi.org.in>Home>MoreLink>Complaints>Banking Ombudsman Scheme](http://www.rbi.org.in/Home/MoreLink/Complaints/Banking%20Ombudsman%20Scheme)

Banking Codes and Standards Board of India endeavours to bring about systemic changes in the member banks so as to ensure that these banks will at the minimum, render banking services as committed in terms of the Codes. BCSBI does not deal with individual complaints.

Source: <http://www.bcsbi.org.in/GrievanceRedressal.html>

[top](#)



- 23. OPENING AND OPERATION OF DEPOSITORY ACCOUNT OF BLIND PERSONS**
- 24. OPENING OF AN ACCOUNT OF A BLIND PERSON**

23. OPENING AND OPERATION OF DEPOSITORY ACCOUNT OF BLIND PERSONS

NATIONAL SECURITIES DEPOSITORY LIMITED

Participant Interface

Circular

Circular No. NSDL/POLICY/2007/0049

Date : August 21, 2007

Sub : Revised procedure - Opening and operation of depository account of blind persons

As all Depository Participants (DPs) are aware that NSDL vide its Circular No. NSDL/PI/2005/1584 dated August 26, 2005 issued clarification regarding opening of beneficiary account by a blind person. The aforesaid clarification was issued by NSDL with the objective of protecting and safeguarding the interest of person(s) who is/are blind.

NSDL has received collective representations from several organisations working for the development and welfare of blind persons, regarding the practical difficulties faced by blind person(s) in meeting with the requirements specified in the aforesaid circular.

In consideration of the various representations received by NSDL and after hearing the representatives of organisations working for the development & welfare of blind persons and keeping in view the technological advancements and the desire of the blind person(s) to act and represent themselves independently, DPs are hereby advised to treat the contents of Circular No. NSDL/PI/2005/1584 dated August 26, 2005 as cancelled and deal with the application received from blind person(s) for opening and operation of the beneficiary account in the following manner with immediate effect:

1) Obtain Proof of Identity, Proof of Address and the photograph of the blind person(s) (hereinafter referred as Client) as per the procedure laid down in NSDL Circular Nos. NSDL/PI/2004/1622 and NSDL/PI/2004/2117 dated September 7, 2004 and November 25, 2004 respectively. Carry-out 'in-person' verification of the Client as per the procedure laid down in NSDL Circular Nos. NSDL/POLICY/2007/0016 and NSDL/POLICY/2007/0022 dated March 16, 2007 and April 18, 2007 respectively. Obtain PAN card of the Client and follow the procedure laid down in NSDL Circular No. NSDL/POLICY/2006/0007 dated March 3, 2006.

2) The requirement of companion(s) stands withdrawn.

3) The DP should read out and explain to the Client, the contents of the account opening form and DP-Client agreement whenever so requested by the Clients. In case the Client is an illiterate, DP should follow the procedure laid down in NSDL Circular No. NSDL/PI/2002/0709 dated May 3, 2002.

4) The DP should capture the Clients' signature(s) as given in the Account Opening Form in the DPM system. Further, a remark should be put in the DPM system (under the authorised

signatory details in 'signatories' screen) that the Client is "Visually Challenged". Further, if the Client is illiterate, then DP should put in the remark as "Visually Challenged and Thumb Impression".

5) For issuance, re-issuance and processing of Delivery Instruction Slips (DIS) of such Clients, DPs are advised to follow the procedure laid down in NSDL Circular No. NSDL/PI/2004/1401 dated August 5, 2004. DPs would also be required to comply with NSDL Circular No. NSDL/POLICY/2007/0011 dated February 15, 2007 regarding SEBI circular on DIS. It is also added that the DIS issued to such Clients should be pre-stamped as "Visually Challenged" or "Visually Challenged and Thumb Impression" as the case may be. Further, these Client(s) should visit the office of the DP to deliver the DIS, only if they are illiterate.

DPs are requested to note that the above mentioned procedures will be applicable for new accounts opened after issuance of this circular as well as for processing of DIS for the existing Clients.

For and on behalf of
National Securities Depository Limited

sd/-

Bhushan Maideo
Vice President

Source: https://nsdl.co.in/business/cirRec_21Aug07.php

[top](#)

24. OPENING OF AN ACCOUNT OF A BLIND PERSON

NATIONAL SECURITIES DEPOSITORY LIMITED

Participant Interface

Annexure

Master Circular on 'Account Opening' - Version 1

(9) Opening of an account of a Blind person (NSDL/POLICY/2007/0049 dated August 21, 2007)

(a) Obtain POI, Proof of Address and the photograph of the blind person(s) (hereinafter referred as Client) as per the procedure laid down in point no. (I) (1) 1.3. Carry-out 'in-person' verification of the Client as per the procedure laid down in point no. (I) (1) 1.1. Obtain PAN card of the Client and follow the procedure laid down in point no. (I) (2) 2.1.

(b) The DP should read out and explain to the Client, the contents of the account opening form and DP-Client agreement whenever so requested by the Clients. In case the Client is an illiterate, DP should follow the procedure laid down in point no. 8.

(c) The DP should capture the Clients' signature(s) as given in the Account Opening Form in the DPM System. Further, a remark should be put in the DPM System (under the authorised signatory details in 'signatories' screen) that the Client is "Visually Challenged". Further, if the Client is illiterate, then DP should put in the remark as "Visually Challenged and Thumb Impression".

(d) For issuance, re-issuance and processing of Delivery Instruction Slips (DIS) of such Clients, DPs are advised to follow the procedure laid down in NSDL Circular No. NSDL/PI/2004/1401 dated August 5, 2004. DPs would also be required to comply with NSDL Circular No. NSDL/POLICY/2007/0011 dated February 15, 2007 regarding SEBI circular on DIS. It is also added that the DIS issued to such Clients should be pre-stamped as "Visually Challenged" or "Visually Challenged and Thumb Impression" as the case may be. Further, these Client(s) should visit the office of the DP to deliver the DIS, only if they are illiterate.

DPs are requested to note that the above mentioned procedures will be applicable for new accounts opened since August 21, 2007 (issuance of the revised circular) as well as for processing of DIS for the existing Clients.

Source: https://nsdl.co.in/business/cirRec_19Dec07annex.php

[top](#)

Acts & Directives

- 25. RIGHTS OF PERSONS WITH DISABILITIES RULES, 2017**
- 26. RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016**
- 27. UNCRPD OBLIGATION**
- 28. THE NATIONAL TRUST REGULATIONS, 2001**
- 29. THE NATIONAL TRUST FOR WELFARE OF PERSONS WITH AUTISM,
CEREBRAL PALSY, MENTAL RETARDATION AND MULTIPLE DISABILITIES
ACT, 1999**
- 30. THE MENTAL HEALTHCARE ACT, 2017**
- 31. CONTRACTUAL CAPACITY OF PERSONS WITH DISABILITIES**
- 32. PENSION PROCESS FOR PERMANENTLY DISABLED CHILDREN/SIBLINGS
AND DEPENDANT PARENTS**

25. RIGHTS OF PERSONS WITH DISABILITIES RULES, 2017

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

[Department of Empowerment and Persons with Disabilities (Divyangjan)]

NOTIFICATION

New Delhi, the 10th March, 2017

The Ministry of Social Justice and Empowerment notified the Rights of Persons with Disabilities Rules, 2017.

- The Rules mandate each establishment to publish an equal opportunity policy for persons with disabilities. This policy is supposed to be published preferably on its website and should include facilities & amenities to be provided and posts identified for such persons.
- Further, every establishment is required to comply with standards relating to physical environment, transport, information & communication technology etc. Documents to be placed on the website have to be in Electronic Publication (ePUB) or accessible PDF format.

(S.No.25) - RPDA Rules 2017 - Chapter 3 -Sec 7 mandates for setting up and procedures of grievance redressal mechanism.

7. Manner of maintenance of register of complaints by the Government establishments.-
- (1) The grievance redressal officer shall maintain a register of complaints and soft copy specifically maintained for the purpose and separate page shall be allotted for each complaint.
- (2) The grievance redressal officer shall record the following particulars in the register, namely:-
- (a) date of complaint; (b) name of complainant; (c) name of the person who is enquiring the complaint; (d) place of incident; (e) the name the establishment or person against whom the complaint is made; (f) gist of the complaint; (g) any additional information; (h) documentary evidence, if any; (i) date of disposal by the grievance redressal officer; (j) details of disposal of the appeal by the district level committee; and (k) any other information.

Source: <http://www.egazette.nic.in/WriteReadData/2017/174740.pdf>

[top](#)

26. RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 28th December, 2016/Pausha 17, 1938 (Saka)

The following Act of Parliament received the assent of the President on the 27th December, 2016, and is hereby published for general information:-

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

(NO. 49 OF 2016)

[27th December, 2016]

An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

WHEREAS the United Nations General Assembly adopted its Convention on the Rights of Persons with Disabilities on the 13th day of December, 2006;

AND WHEREAS the aforesaid Convention lays down the following principles for empowerment of persons with disabilities, -

- (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) non-discrimination;
- (c) full and effective participation and inclusion in society;
- (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) equality of opportunity;
- (f) accessibility;
- (g) equality between men and women;
- (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

AND WHEREAS India is a signatory to the said Convention;

AND WHEREAS India ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is considered necessary to implement the Convention aforesaid.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India

(The Act replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It fulfils the obligations to the United National Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory. The Act came into force in December 2016.)

The types of disabilities have been increased from existing 7 to 21 and the Central Government will have the power to add more types of disabilities. The 21 disabilities are given below:-

1. Blindness
2. Low-vision
3. Leprosy Cured persons
4. Hearing Impairment (deaf and hard of hearing)
5. Locomotor Disability
6. Dwarfism
7. Intellectual Disability
8. Mental Illness
9. Autism Spectrum Disorder
10. Cerebral Palsy
11. Muscular Dystrophy
12. Chronic Neurological conditions
13. Specific Learning Disabilities
14. Multiple Sclerosis
15. Speech and Language disability
16. Thalassemia
17. Hemophilia
18. Sickle Cell disease
19. Multiple Disabilities including deafblindness
20. Acid Attack victim
21. Parkinson's disease

Persons with "benchmark disabilities" are defined as those certified to have at least 40 per cent of the disabilities specified above.

RPDA 2016 Sec 13 provides for the right to legal capacity, the right to financial affairs and access to bank loan, mortgages and other forms of financial credit to all persons with disabilities:

13. (1) The appropriate Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

(2) The appropriate Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law.

RPDA 2016 sec 15 provides for appropriate govt to ensure support to persons with disabilities to exercise their legal capacity.

15. (1) The appropriate Government shall designate one or more authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.
- (2) The authority designated under sub-section (1) shall take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

RPDA 2016 Sec 19 mandates appropriate govt to formulate schemes & programmes that provide loans to persons with disabilities:

19. (1) The appropriate Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment.

RPDA 2016 Sec 21 mandates every establishment to come up with equal opportunity policy to persons with disabilities:

21. (1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.
- (2) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.

RPDA 2016 Sec 23 mandates every establishment to appoint a grievance redressal officer for persons with disabilities:

23. (1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.
- (2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.
- (3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.
- (4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

RPDA 2016 Sec 40, 42 & 43 provides for accessibility in built environment, services, ICT, consumer products and accessories for persons with disabilities:

40. The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.
42. The appropriate Government shall take measures to ensure that,-
 - (i) all contents available in audio, print and electronic media are in accessible format;
 - (ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;
 - (iii) electronic goods and equipment which are meant for everyday use are available in universal design.
43. The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

RPDA 2016 Sec 46 provides for the timeline for adapting accessibility of services for persons with disabilities:

46. The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules: Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

CHAPTER XVI of the RPDA 2016 Act has sections on Offences and Penalties committed against persons with disabilities and also violation of the provisions of the act.

Source:

<http://www.disabilityaffairs.gov.in/upload/uploadfiles/files/RPWD%20ACT%202016.pdf>

[top](#)

27. UNCRPD OBLIGATION

India is a signatory to the United Nations Convention on the Rights of Persons with Disabilities, 2006[4] (hereinafter, "UNCRPD"). Thus, has an international obligation to ensure equal access to all members of the population. This obligation extends to giving people with disabilities the right to conduct banking services.

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) is an international instrument that provides persons with disabilities same human rights that everyone else enjoys.

United Nations Convention on Rights of Persons with Disabilities (UN CRPD) establishes internal equality between physical and mental disabilities as per Article 5.2. Hence the need for restoring equality and rights of the mentally ill, mentally retarded, autism etc., on par with physically disabled Indian citizens.

Article 5 - Equality and non-discrimination

1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.
2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.
3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.
4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Source:

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-5-equality-and-non-discrimination.html>

Article 12 - Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are

proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Source:

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-12-equal-recognition-before-the-law.html>

[top](#)

28. THE NATIONAL TRUST REGULATIONS, 2001

11. Who may apply for guardianship?

1. Both the parents may jointly, or, in the event of the absence of one due to death, divorce, legal separation, desertion or conviction, may singly apply for guardianship of their or as the case may be his ward beyond the age of 18 years.
2. In the event of death, desertion, conviction of both the parents, the siblings (including half and step siblings) jointly or singly (reason of single application to be explained separately) may apply for guardianship of a disabled member of the family.
3. In the event of non-application of sub-regulation (1) and (2) above, a relative may make an application for guardianship.
4. In the event of non-application of sub-regulation (1), (2) and (3), any registered organization may make an application for guardianship.
5. The Local Level Committee may direct a registered organization to make an application for guardianship in case of a destitute or abandoned person.

12. Who may be indicated by applicant as guardian?

1. Both the parents jointly, or, singly in the event of the absence of one due to death, divorce, legal separation, desertion or conviction, being natural guardian of minor may apply to the Local Level Committee to get themselves or himself as the case may be, appointed as guardian of their or as the case may be, his disabled ward beyond the age of 18, in which case the application shall be accepted unless the parent is disqualified on account of
 - i. loss of citizenship;
 - ii. being of unsound mind;
 - iii. being convicted by a court of law; or iv. being a destitute.
2. The applicant may indicate siblings, or any member of the family or any other person or a registered institution for consideration as a guardian and in case of institutions, the conditions of eligibility of institutions shall be as stipulated in sub-regulations (3), (4) and (5).
3. In the case of considering the institution as a guardian, the institution must be registered under a law and be capable of providing care of the person.
4. In the event of institution ceasing to be registered under a law or stops functioning, or is found otherwise unsuitable, the Local Level Committee shall make alternative

arrangements for the foster care of any such inmate or the ward, who is under the care of any such institute.

5. The alternative care under sub-regulation (4) shall not be permanent in nature and shall be placed by permanent guardianship within a period of one year.

6. The applicant must be living in the vicinity or close proximity to the place where the ward has been habitually living at the time of appointment of guardian.

7. No single male shall be considered as a guardian for a female ward and in the case of female wards, the male person shall be given co-guardianship with his spouse, who shall be master co- guardian.

13. Guidelines for receiving, processing and confirmation of application for appointment of a guardian

1. The Local Level Committee shall receive applications for appointment of guardian in Form D or Form A under the rules.

2. On receipt of the application for appointment of guardian, the Local Level Committee shall scrutinize the application and call for any supporting document or information that may be necessary for deciding the issue of guardianship.

3. In case of application received from parents for guardian other than themselves, the Local Level Committee may decide to get parent's counselling in any manner, it may decide to determine the genuineness of having a guardian other than parents.

4. If parents or relatives are not available for the person with disability who is in need of guardian, because of being a vagrant or destitute or found abandoned, member or members of the Committee may ask for applications from a registered organization to initiate the process of guardianship for the person.

5. The person with disability must be assessed by the Local Level Committee, to determine the genuineness of the need of guardianship and it shall be open to the Local Level Committee to seek the assistance of technical personnel or their services to determine the need.

6. The Local Level Committee shall satisfy itself about the capabilities and the suitability of the person on whom guardianship is being conferred.

7. The application for guardianship for personal care and maintenance shall be accepted to cover the following areas, namely:-

1. Food, clothing and shelter needs;
2. Health care needs;

3. Religious needs;
4. Education, training and employment needs;
5. Leisure and nutrition needs;
6. Protection from exploitation and abuse;
7. Protection of constitutional and human rights; and
8. Medical and surgical needs.

8. The confirmation of appointment of the guardian on application made by (1) a registered organization; or (2) the parent or relative of a person with disability shall be made in Form B under the rules.

14. Particulars of orders passed by the Local Level Committee

The Local Level Committee shall send to the Board once every quarter the particulars of the applications received by it, the orders passed thereon, and a report on the assessment of the functioning of the guardianship to be determined by it in consultation with the registered parent's association.

Source:

[http://disabilityaffairs.gov.in/upload/uploadfiles/files/The National Trust Regulations 2001.pdf](http://disabilityaffairs.gov.in/upload/uploadfiles/files/The_National_Trust_Regulations_2001.pdf)

[top](#)

29. THE NATIONAL TRUST FOR WELFARE OF PERSONS WITH AUTISM, CEREBRAL PALSY, MENTAL RETARDATION AND MULTIPLE DISABILITIES ACT, 1999

Section 14 Appointment for guardianship.-

(1) A parent of a person with disability or his relative may make an application to the local level committee for appointment of any person of his choice to act as a guardian of the persons with disability.

(2) Any registered organisation may make an application in the prescribed form to the local level committee for appointment of a guardian for a person with disability\ Provided that no such application shall be entertained by the local level committee, unless the consent of the guardian of the disabled person is also obtained.

Provided that no such application shall be entertained by the local level committee, unless the consent of the guardian of the disabled person is also obtained.

(3) While considering the application for appointment of a guardian, the local level committee shall consider-

(a) whether the person with disability needs a guardian;

(b) the purposes for which the guardianship is required for person with disability.

(4) The local level committee shall receive, process and decide applications received under sub-sections (1) and (2), in such manner as may be determined by regulations\:

Provided that while making recommendation for the appointment of a guardian, the local level committee shall provide for the obligations which are to be fulfilled by the guardian.

(5) The local level committee shall send to the Board the particulars of the applications received by it and orders passed thereon at such interval as may be determined by regulations.

****Section 15 Duties of Guardian**

15. Duties of Guardian - Every person appointed as a guardian of a person with disability under this Chapter shall, wherever required, either have the care of such persons of disability and his property or be responsible for the maintenance of the person with disability.

*(** this section implies that a guardian, even if appointed, need not necessarily take care of financial matters of the person with disability but may do with care of person alone.)*

Source: http://disabilityaffairs.gov.in/upload/uploadfiles/files/National_Trust_act-english.pdf

[top](#)

30. THE MENTAL HEALTHCARE ACT, 2017

CHAPTER I - DEFINITIONS

(i) “**informed consent**” means consent given for a specific intervention, without any force, undue influence, fraud, threat, mistake or misrepresentation, and obtained after disclosing to a person adequate information including risks and benefits of, and alternatives to, the specific intervention in a language and manner understood by the person;

(s) “**mental illness**” means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs, but does not include mental retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by sub normality of intelligence;

CHAPTER II - MENTAL ILLNESS AND CAPACITY TO MAKE MENTAL HEALTHCARE AND TREATMENT DECISIONS

3. (1) Mental illness shall be determined in accordance with such nationally or internationally accepted medical standards (including the latest edition of the International Classification of Disease of the World Health Organisation) as may be notified by the Central Government.

(2) No person or authority shall classify a person as a person with mental illness, except for purposes directly relating to the treatment of the mental illness or in other matters as covered under this Act or any other law for the time being in force.

(3) Mental illness of a person shall not be determined on the basis of,-

(a) political, economic or social status or membership of a cultural, racial or religious group, or for any other reason not directly relevant to mental health status of the person;

(b) non-conformity with moral, social, cultural, work or political values or religious beliefs prevailing in a person's community.

(4) Past treatment or hospitalisation in a mental health establishment though relevant, shall not by itself justify any present or future determination of the person's mental illness.

(5) The determination of a person's mental illness shall alone not imply or be taken to mean that the person is of unsound mind unless he has been declared as such by a competent court.

Source:

<http://www.prsindia.org/uploads/media/Mental%20Health/Mental%20Healthcare%20Act,%202017.pdf>

[top](#)

31. CONTRACTUAL CAPACITY OF PERSONS WITH DISABILITIES

➤ Section 11 of the Indian Contract Act :-

Every person who is of the age of majority and is of sound mind and is not disqualified under any law is competent to enter into a contract.

Hence adult persons with disabilities are presumed to be able to contract unless they are shown to be of 'unsound mind'. The manner of communication of the person is not a ground to refer to them as being of unsound mind.

➤ Section 12 of the Indian Contract explains what unsoundness of mind means as follows:-

A person is said to be of sound mind for the purpose of making a contract, if, at the time when he makes it, he is capable of understanding it and of forming a rational judgement as to its effect upon his interest.

A person who is usually of unsound mind, but occasionally of sound mind, may make a contract when he is of sound mind.

A person who is usually of sound mind, but occasionally of unsound mind, may not make a contract when he is of unsound mind.

Illustrations

(a) A patient in a lunatic asylum, who is, at intervals, of sound mind, may contract during those intervals.

(b) A sane man, who is delirious from fever, or who is so drunk that he cannot understand the terms of a contract, or form a rational judgment as to its effect on his interests, cannot contract whilst such delirium or drunkenness lasts.

Source: <http://lawmin.nic.in/ld/P-ACT/1872/A1872-9.pdf>

[top](#)

32. PENSION PROCESS FOR PERMANENTLY DISABLED CHILDREN/SIBLINGS AND DEPENDANT PARENTS

Simplification of pension process for permanently disabled children/siblings and dependant parents vide circular No. 1/27/2011-P&PW (E) dated 01.07.2013 issued by Ministry of Personnel, P.G and Pensions

To remove the difficulties faced in obtaining revised Pension Payment Orders(PPO's) issued for old parents and disabled children/siblings.

- The employee/pensioner may at any time before or after retirement make a request to the appointing authority seeking advance approval for the grant of family pension to a permanently disabled child/sibling as per the terms of rule 54 of the CCS (Pension) Rules,1972.
- Before allowing the family pension to any such son or daughter, the appointing authority shall satisfy that the handicap is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate from the duly constituted Medical Board.
- Family pension shall be payable to the disabled dependant siblings, if such siblings were wholly dependent upon the pensioner who is not survived by a widow or an eligible child or eligible parents.
- On acceptance of such a request, the Head of Office(HOO) will immediately issue a sanction order for grant of family pension to such children/siblings/dependant parents. No further authorization for grant of Family Pension to the disabled child/sibling/dependant parents would be required.
- The pension disbursing authority shall start disbursing family pension to the permanently disabled child/sibling or dependant parents after the death of the pensioner on the basis of Pension Payment Orders(PPO's), approval of the appointing authority and the death certificate of the pensioner and the self-certificate of income.
- In order to facilitate the Bank Authorities to promptly sanction the family pension in such cases, the Govt. Employees/Pensioners/spouses may open a bank account of such children/siblings/parents and indicate this information to the Head of Office for inclusion in the Pension Payment Orders(PPO's).

Source:

http://ccis.nic.in/CP_Circular_Report.asp?MinCode=2&DepCode=3&DivCode=10&SecCode=%280%29&CNCode=1&MctCode=5&SctCode=30&ArchCode=2

[top](#)

Court Orders

33. CCPD ORDER DATED: 23.02.2012

34. CCPD ORDER DATED: 05.09.2005

33. CCPD ORDER DATED: 23.02.2012

OFFICE OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
Ministry of Social Justice and Empowerment, Govt. of India

Case No.21/1102/2011-12

Dated: 23.02.2012

Dispatch No.

In the matter of
Ramji Tripathi
Old H/9, Kabir Colony, B.H.U.,
- R1554
Varansi

Complainant

Versus

State Bank of India
(Through: Chief Manager)
Banaras Hindu University Branch
- R1555

Respondent

Date of Hearing: 21.02.2012

Present:

i) Shri Ramji Tripathi.

ii) Shri Rama Kant Gupta, Chief Manager, SBI, BHU, Varansi

ORDER

The above named complainant a person with visual impairment filed a complaint dated 14.11.2011 before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 here in after referred to as the 'Act' regarding refusing to provide banking facilities including ATM card by State Bank of India, BHU Branch on an equal basis with others.

2. The complainant submitted that he is a Visually impaired person and working as

Personal Assistant in Banaras Hindu University. He is maintaining a Saving Bank account with State Bank of India BHU, Branch, Banaras. The said bank had expressed its inability to provide ATM card to visually impaired persons.

3. The matter was taken up with the respondent bank vide letter No 21/1102/11-12 dated 01.12.2011.

4 The respondent vide reply dated 12.01.2012 informed that the cheque book could not be issued to Shri Tripathi keeping in view his financial interest as his signatures were not consistent and could be copied easily. As regards ATM, as per the Instructions of Higher

offices, as of now no ATMs have been "installed for persons with visual Impairment, therefore , ATM card could not be issued to Shri Tripathi".

Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 Tel.: 23386054, 23386154, Telefax: 23386006

E-mail: ccpd@nic.in Website: www.ccdisabilities.nic.in

(Please quote the above file/case number in future correspondence)

5. Upon considering the written submissions of the respondent, a personal hearing with scheduled for 21.02.2012. In the meantime vide letter dated 13.02.2012 the respondent informed that the complainant was issued cheque book on 09 02 2012 following submission of the prescribed proforma by the complainant. He upon submission of the application in the prescribed proforma for ATM card and his details have been put in the CVS system. ATM Card No. 5048 0980 0211 0000 018 was also being issued to him. He also enclosed the supporting documents as proof of having issued the cheque book and the ATM card to the complainant

6. During the hearing the parties reiterated their written submissions. The complainant added that he has been issued the cheque book but only after he gave an undertaking on being asked by the bank, though initially, he was not willing to give any undertaking for providing any banking products. He feels that no additional requirement should be insisted upon which is not obtained from other citizens of the country. As regards ATM card he submitted that he was yet to receive the same.

7. The representative of the respondent submitted that the State Bank of India, Banaras Hindu University branch followed the instructions issued by State Bank of India, Corporate Centre, Mumbai vide Circular No.NBG/S&P-SP/4/2009-10 dated 06/07.05.2009 The same instructions have also been circulated vide the Master Circular. The said Circulars require the following undertaking to be given by an account holder with visual impairment for issue of a self- operated cheque book facility:-

i. That I am I we are visually impaired/ disabled and incapacitated from vision in both the eyes. Whereas, at my / our personal request the State Bank of India, BHU Branch has agreed to Issue / provide me / us with a 'cheque book facility' so as to enable me/ us to operate my / our account by means of '**Self Operated Cheques**', to facilitate various transactions relating to my / our account. I / We do hereby agree and undertake to utilize the said Cheque Book at my / own risk, costs and consequences.

ii. The Bank will not be responsible for any loss that may be attributed to me / us for negligence or misuse or otherwise by any third party whatsoever in so far as the cheque book is concerned.

iii. The undertaking has been read to me I us by my next friend and have been understood by me / us in the language known to me / us in the presence of the following witnesses

Signature of account holder(s) with left / right hand thumb impression".

8 He further submitted that the Corporate Centre Mumbai's circular No.NBG/S&P-Misc./20/2009-10 dated 31.10.2009 provides that the third party self-drawn cheques by visually impaired persons are now permitted. Earlier, only the crossed cheques were being issued to them. He also submitted that the format of undertaking has since been revised as per which clauses relating to the instances of inconsistency in the signatures have been added. The bank has no intention to harass the complainant or any customer with disability.

9. It is observed that the Reserve Bank of India vide its Circular No. DBOD.No.Leg BC.91/09.07.00512007-08 dated 04.06.2008 had advised all the scheduled commercial banks including RRBs that persons with visual impairment are facing problems in availing banking facilities including cheque book facility/operation of ATM, Locker etc. and the said facilities cannot be denied to the visually challenged **as they are legally competent to contract**. The banks have further been advised that all the banking facilities such as cheque book facility including third party cheque facility, net banking facility, locker facility, retail loans, credit cards etc. are invariably offered to the visually challenged without any discrimination. Banks have also been requested to advise their branches to render all possible help to visually impaired persons for availing the above facilities.

10. Pursuant to the R.B.I. Circular dated 04.06.2008 the Indian Banks Association (IBA) vide its Circular No. CE/RB-1Nip/1766 dt. 18.11.2008 refers to the available technology of storing thumb impression of visually impaired persons in place of signature, and also to Article 9 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in respect of accessibility to all facilities by persons with disabilities on an equal basis with others, and, accordingly, advises the banks to install Talking ATMs wherever feasible. IBA also requested its members to consider the revision of procedural guidelines and issuance of necessary Instructions to the operating staff. The general instructions of RBI on procedural guidelines for banking facilities to visually impaired persons also state that all banks must provide the same facilities to a customer with visual impairment as it would provide to any other customer. At the same time the customer should be made aware of the risk involved in some of these facilities which may be higher than that for a non-disabled customer. It is also pertinent for us to mention that Hon'ble Guwahati High Court in WP(C) No.2215 of 2006 filed by Shri Prasanna Kumar Pincha, the undersigned, who happened to face discrimination of similar nature while passing an interim order directed the respondent bank namely IDBI Bank, Guwahati that the petitioner be allowed to open a saving bank account in the Guwahati branch of IDBI with cheque book facility as in the case of persons with no Visual impairment or any other disabilities. The Hon'ble court further directed that the petitioner would also be allowed to normal/usual operation of the said bank account. The said interim order of the court was implemented by IDBI bank in letter and spirit with the result that the petitioner has been enjoying all the banking facilities on an equal basis with others. If one bank in the country for one visually Impaired customer can successfully implement the said order, there is no reason why all other banks in the country cannot do so for all persons with visual impairment.

11. It is also observed that under the current procedure followed by the respondent bank, it requires a person with visual impairment to visit the bank in person every time, she/he needs to draw money thereby subjecting that person to avoidable harassment and iniquitous situation .

12. In the facts and circumstances stated above, and being alive to the discrimination routinely encountered by persons with visual and other disabilities , we hereby direct the respondent as follows:

- i) Ensure that all persons with visual and other disabilities including the complainant are allowed to access, use and enjoy all banking facilities on an equal basis with others. Such facilities include cheque facility, net banking facility, ATM facility, locker facility etc.
- ii) While evolving safety mechanisms to safeguard the interests of the customers with disabilities rights of persons with visual and other disabilities should not be compromised at any cost
- iii) Issues arising out of possible inconsistencies in relation to signature of the customer with visual disability can be handled in a variety of ways including by installation of Finger Probe Machines etc.
- iv) Customers with visual disability be given the choice to operate the bank account either by putting their thumb impression or by the usual process of signature.
- v) No additional undertaking (undertaking which is not obtained from any non-disabled citizen) be obtained from customers with visual disability; and banking policy should have a human face.

13. Since the respondent branch of SBI is reportedly following the procedure circulated by the Corporate Centre. It will be appropriate that the Corporate Centre, Mumbai of State Bank of India issues the revised circular and procedure in the light of the directions given above. A copy of this order is also being marked to Reserve Bank of India and IBA who may also issue appropriate circulars to all commercial banks/members. Moreover, the current procedure followed by the respondent bank is so utterly inconsistent with, and runs counter to the spirit and purpose of the aforesaid RBI circular dated 04.01.2008 and IBA circular dated 18.11.2008.

14. The case is disposed of accordingly.

(Prasanna Kumar Pincha)
Chief Commissioner for
Persons with Disabilities

Copy to:

1. CMD, State Bank of India. Corporate Centre, - R1556 State Bank Bhavan, 8th Floor, Madam Cama Road, Mumbai, Maharashtra.
2. Chief General Manager (HRD), Reserve Bank of India, Department of Banking Operations & Development, Central Office, 20th Floor, Central Office Building, Shah Bhagat Singh Marg, Mumbai - 400 001
3. Chairman, Indian Banks Association, World Trade Centre Complex, Centre-1 - R1555, Cuffee Parade, Mumbai-400005.

[top](#)

34. CCPD ORDER DATED: 05.09.2005

(2005) CCDJI

IN THE COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES

[Under the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995]

V.P. SINGHANIA v. BANKING DIVISION AND ORS.

Case No. 2791 of 2003 - Decided on 05.09.2005

V.P. Singhania

President

National Federation of the Blind (Ghaziabad Unit)

D-51, Sec. IX. Vijay Nagar

Ghaziabad (U.P.)

Complaint

v.

Banking Division

(Through the Secretary)

Ministry of Finance, Govt. of India

Jeevan Deep Building

Parliament Street

New Delhi

Respondent No. 1

Indian Bank's Association

(Through its vice president, Operations)

World Trade Centre, 6th Floor

Centre 1 Bldg., World Trade Centre Complex

Cufe Parade

Mumbai - 400005

Respondent No. 2

Reserve bank of India

(Through its chief General Manager, Banking Operations)

Department of Banking Operations and Development

Central Office, Centre 1

Cufe Parade, Colaba

Mumbai - 400005

Banking Service - Complainant is a visually impaired person working as an officer with a Nationalised Bank - Complaint is aggrieved because Banks do not provide cheque book facility to visually impaired persons especially to those who cannot sign thus making it impossible for such persons to avail of any loan facilities where issuing of post-dated cheques are necessary - Complainant prayed that cheque book facility be extended to visually impaired account holders after verification/certification of Left Hand Thumb

Impression (LHTI)/Right Hand Thumb impression (RHTI) - Respondent No. 1 submitted that Banks already follow the practice of issuing cheque book facility to visually impaired persons on case-to-case basis - Further, stated that visually impaired persons can avail the benefit of Electronic mechanism like ECS Debit for the purpose of payment of Equal Monthly Instalments (EMI) - Respondent No. 3 was of the opinion that as visually impaired persons were otherwise legally competent to contract therefore issue of cheque book facility or operation of ATM/locker cannot be denied to them - Further, same benefits could be extended under the signature of a duly authorized persons or person having notarized power of attorney - Recognising the importance of the matter various issues were framed for the opinion of Respondents - Respondent No. 2 referred the matter to the Standing Committee of Seniors Bankers which vide its decision proposed that no imminent change is required in the existing system as steps suggested by the complainant is fraught with risk of fraud - Held, operation of cheque book, locker and ATM facilities cannot be denied to visually impaired account holders - Detailed instructions issued.

Key term(s): Banking Service: Cheque Book: Thumb Impression

Represented by: Complainant in person, M.K. Rastogi and Subhash Vashishta, Advocate (for Complainant): A Thomas, Under Secretary, V.P. Grover. Sr. Research Officer, Ram Ranwar, Section Officer, Prem Misra, Section Officer and Hem Blutiya Assistant (for Respondents No. 1): V. Ramchandran. Vice President (for Respondent No. 2): Subata Das. Dy. General Manager (for Respondent No. 3)

T.D. Dhariyal, DCC. - Sh. V.P. Singhania, a person with visual impairment filed a complaint dated 18.08.2003 in the court of chief commissioner for persons with Disabilities. He is the president of National Federation of the Blind (Ghaziabad Unit) and individuals, especially those, who cannot sign, are not at all provided cheque books by any bank. Lender financial institutions demand post-dated cheques signed by the borrowers in advance. This way they are not allowed to avail housing or other loan facilities. He suggested that Bank should provide cheque books to their blind account holders after verification/certification of Left Hand Thumb Impression (LHTI)/Right Hand Thumb Impression (RHTI) of such customers on each cheque leaf, all the cheque leaves may be crossed in favour of lending institution. He therefore, requested to take up the matter with Respondent No. 1 and 3.

2. Office of the Chief Commissioner for Persons with Disabilities registered the complaint under Section 59 of the persons with Disabilities Act, 1955, hereafter referred to as the Act and served Notice to Respondent No. 1 to show cause dated 09.09.2003 to submit his/her version of the case.

3. As there was no response, personal hearing was held on 21.01.2004. Ministry of Finance, Banking Division in the mean time informed that it did not receive the Notice, Which was provided, on 21.01.2004, the representative of respondent No. 1 stated that Ministry of Finance needed to consult reserve Bank of India and sought more time. He was advised to submit reply within one month and the Complainant to submit rejoinder within two weeks thereafter.

4. Respondent No.1 vide letter No.3/2/2004-SCT (B) dated 12th March 2004 received on 12th March 2004 informed that the matter had been examined in consultation with the Indian Banks' Association. It was stated that Banks on case-to-case basis, extend Cheque Book facility to visually impaired account-holders. They are so cautioned against misuse of Cheques by unscrupulous persons. The use of thumb impression is restricted for cash payments across the counter. The mechanism of electronic clearing arrangements (ECS Debit) could be used to collect the Equated Monthly Instalments by the lenders. The account holder could give a mandate to his banker to honor claims received from the lending institutions representing the EMI. In view of the foregoing, the Banking Division was of the view that it was not advisable to issue directions to the banks to issue compulsorily Cheque Books to visually impaired persons as a matter of routine. The Complainant vide his rejoinder dated 17th March 2004 submitted that thumb impression of customer is verified by the Bank Officer on a cheque leaf, there was therefore no chance of any fraud at all. It seemed that this was not made clear to RBI or IBA. He requested to call Banking Division, Reserve Bank of India and Indian Bank Association.

5. Second personal hearing was scheduled on 14.05.2004 during which Respondent No.1 informed that the matter had been taken up with the Reserve Bank of India (RBI) for examining the proposal for using cheque books to visually impaired person for specific purpose where amount of instalments is known. As soon as their views become available, the decision would be conveyed. The Complainant, appreciating the initiative being taken by the Ministry of Finance, submitted that the cheque book facility should also be allowed for any other specific purpose such as payment of electricity bill to be made to the concerned agency, the charges to be paid to the housing societies where the amount of payment is not known in advance. In such cases, he suggested that at the time of issuing the cheque book, the concerned bank should write the name of the payee and verify the thumb impression of the visually impaired account holder who cannot sign.

6. Respondent No. 1 vide letter No.3/2/2004-SOT(B) dated 25.06.2004 informed that IBA in consultation with RBI, had issued certain guidelines to the Member Banks vide letter No. OPR/JSM/17-04/2008 dated 15.04.2004. As per the letter, RBI had examined the issue and was of the view that legally speaking, the cheque book facility/operation of ATM/locker cannot be denied to blind persons/persons with low vision as they are legally competent to contract. Further, it would be safe and legally valid if such cheque book facility/operation of locker was allowed under the signature of a duly authorized person/persons having notarized power of attorney. The operation of ATM by blind person/persons with low vision would also be safe and legally valid with change of technology. In view of the above RBI was of the view that the banks could issue post-dated cheques after verification/certification of the LHTI/RHTI of the blind persons so that they could avail of loans from financial institutions.

7. Vide letter 04.08.2004 of this Court, Respondent No.1 was advised to take up with RBI for issuing instructions to Banks to issue cheque books and allow ATM/locker facility to blind/low vision persons. Vide letter No. 3/2/2004-SCT (B) DATED 27.08.2004, Respondent No. 1 forwarded a copy of letter dated 14.08.2004 of RBI which dated that the matter was being

further examined in consultation with IBA with a view to find a legally sound and operationally feasible solution. RBI mentioned about the advice of IBA that where payment is not known in advance, the scope of misuse/fraudulent use of the cheques cannot be ruled out as the blind persons would not be able to independently fill the details on the cheque forms. As a probable solution, the blind persons may have to come to the bank with the electricity bill or such other bills and seek the assistance of the concerned bank official in filling the amount of the cheque since the concerned bank official would be one of the persons who would be witnessing/identifying the thumb impression of the blind persons. IBA further mentioned that they did not find any other workable proposition and have sought the views of the Office of the Chief Commissioner for persons with Disabilities on the above proposal.

8. The matter was pending since August, 2003 and considering the problems faced by visually challenged persons, a meeting of the representatives of Ministry of Finance , RBI, IBA, National Confederation of the India and All India Confederation of the Blind was called in the office of The Commissioner for Persons With Disabilities on 22.02.2005. After detailed deliberations, the following suggestions were made unanimously for examination by IBA in consultation with RBI.

- i) The persons with blindness and low vision should be allowed to open individual accounts and be issued account payee cheques only.
- ii) At the time of issuing of cheque book, signature or the thumb impression, as the case may be, of the accountholder should be attested by the bank officials to avoid matching of signatures at the time of making payments to third parties.
- iii) IBA will examine the feasibility of printing appropriate warning on the cheques such as "Care-Cheque for Visually Impaired" to alert the bank officials.
- iv) The account holder should give an undertaking to the bank to the effect that the cheque book be issued to him/her at his/her own risk at the time of issuing.
- v) IBA will examine the concerns relating to allotment of locker and its operation by visually impaired persons in consultation with RBI. The fact that the individual himself/herself has to go to the bank to operate the locker and hence it would not involve much of the security problems, should be kept in view.
- vi) IBA will also examine the question of providing ATM facilities to visually impaired persons and explore the possibility of adopting latest banking technology for their benefit.

A report on the above issues was to be submitted by IBA by 31st March, 2005. IBA was also advised to address the issues relating to the eligibility conditions of scribes, extra time in examination etc. raised in the representation dated 12th September 2004 of the All India Confederation of the Blind, a copy of which was handed over to Sh. Ramchandran.

IBA was also advised to intimate the outcome to this Court and All India Confederation of the Blind.

9. Vide letter No. OPR/17-04/007 dated 5th April 2005 IBA informed that they were referring the matter to their Standing Committee of Senior Bankers' for consideration. Vide letter dated 17.06.2005, IBA communicated the following decisions of its Legal and Operational Committee, a Standing Committee chaired by Chairman and Managing Director, Vijaya Bank:

"The Committee discussed the above suggestions in detail and were of the view that with a view to protect the interest of the visually impaired (blind) customers to come personally to the bank with an escort and withdraw cash from their account. The withdrawal forms/cheques are filled by the escorts and the signature/thumb impression of the visually impaired customer are attested by the bank official and the amount withdrawn are also informed to such customers so that he/she is aware of the amount actually withdrawn from the account. The Committee felt that issuing cheque books to the visually impaired account holders is fraught with risk as there was scope for misuse/fraudulent withdrawal of money from such account holders' account due to their impairment of vision. It was therefore, decided that with a view to protect the interest of such customers, as well as the bank, no change be recommended in the existing system of providing services to the visually impaired persons as stated above. In respect of the suggestion to provide account payee cheques to visually impaired customers for payment of predetermined EMIS for retail loan such as housing loan, consumer loans etc. the individual bank may take appropriate view in the matter. As regards providing ATM facilities to such class of customers, considering their disabilities and the possibility of unauthorized use of ATM cards of fraudulent withdrawal from the account, the committee felt that providing ATM facility to such customer was not a feasible proposition unless technological advancements are made for providing ATM facility in a secured manner to a visually impaired person.

As regards providing Locker facility to visually impaired customers, the Committee was of the view that banks may open joint account with such customers with appropriate terms and conditions so as to protect the interest of the visually impaired customers as well as the banks.

Concluding the discussion on the issue, the Chairman stated an account holder should be equally responsible when fraudulent withdrawal from his account takes place allegedly signed by the account holder's next kin or relatives etc. copying his signature as the account holder has not taken adequate care/safe custody of the cheque issued to him by the bank."

10. As this Court, was not inclined to go along the above recommendation s/decisions of IBA, another hearing was scheduled for 28th July 2005, which had to be adjourned twice due to heavy rain in Mumbai and was finally held on 23rd August, 2005. During the hearing Sh. V Ramchandran, Vice President (Operations) Indian Banks' Association stated that the views and the decisions of the Standing Committee of IBA to consider the issues involved had already been communicated vide letter No. BD/L&O/200 dated 17.06.2005. He had nothing

to add. He, however, stated that this Court may take a view after hearing the views of Reserve Bank of India and Ministry of Finance (Banking Division).

11. Sh. Ram Kanwar, Section Officer the representative of the Ministry of Finance, Banking Division, said that RBI being the regulatory authority for the banking industry. Its decisions will have to be followed by all concerned.

12. Sh. V .P.Singhania, the Complainant stated that availability of a notarized power of attorney or a duly authorized person to such visually impaired persons whose spouse also happens to be blind and has minor children or a blind person who is single, is difficult. Therefore, issue of crossed cheque book for specific purpose like payment of loan, utility bills, etc. should not be denied. Crossed blank cheques with the undertaking of the visually impaired account holder that the cheque book be issued to him/her at his/her own risk should not be a problem. He further stated that operation of ATM and the Locker should also be allowed to visually impaired persons.

13. During the hearing on 22.02.2005 various issues as mentioned in para 8 were discussed in detail and suggestions were made for examination and consideration with a view to find a positive solution to the problems being faced by visually impaired persons in availing banking facilities.

14. Upon considering the written and oral submissions of IBA, RBI, Ministry of Finance (Banking Division) and the Complainant, this Court is of the firm opinion that visually impaired persons cannot be denied the facility of cheque book, locker and ATM on the possibility of risk in operating/using the said facility, as the element of risk is involved in case of other customers as well. Some banks have allowed almost every banking facility to the visually impaired customers. If one bank can allow the facility to such customers, other banks can also do so. This Court, therefore, advises Ministry of Finance , Banking Division and RBI to issue appropriate instructions to the following effect for implementation by all the banks within 45 days of receipt of this Order.

a) Visually impaired persons be allowed to open an account with cheque book facility (cheques to be crossed at the time of issue) with an undertaking by the account holder that the cheque book be issued at his/her own risk. On the request of the account holder, the bank should issue the cheques in the name of the specified payee to make periodic payments for the retail loans, utility bills, etc. At the time of issuing of cheque books, thumb impression of the account holder should be duly affixed and authenticated by the bank official.

A) For cash withdrawals the visually impaired person should personally present himself/herself before the bank official who will facilitate "filling up the cheque/withdrawal slips.

B) The facility of operating the Lockers be also allowed to the visually impaired account holders without insisting on the joint account, as this may not be possible for those who are single or whose spouse is also visually Impaired and children are minor,

C) ATM facility be also allowed on demand to the visually impaired customer As available to other customers, Bank should procedure talking ATMs whenever they install new ones. Such an ATM machine has already been installed by some bank in Pune/Mumbai.

E) Banks should also ensure that the ATMs, are accessible to other categories of persons with disabilities such as the wheelchair users.

[top](#)

Accessibility

- 35. ACCESSIBLE INDIA CAMPAIGN (SUGAMYA BHARAT ABHIYAAN)**
- 36. GUIDELINES FOR INDIAN GOVERNMENT WEBSITES**
- 37. WEB ACCESSIBILITY**
- 38. MOBILE ACCESSIBILITY**
- 39. NATIONAL POLICY ON UNIVERSAL ELECTRONIC ACCESSIBILITY**
- 40. THE ELECTRONIC DELIVERY OF SERVICES BILL, 2011**
- 41. HARMONISED GUIDELINES & SPACE STANDARDS FOR BARRIER FREE BUILT ENVIRONMENT FOR PERSONS WITH DISABILITIES**
- 42. INTERNATIONAL PRACTICES - ACCESSIBLE BANKING**

35. ACCESSIBLE INDIA CAMPAIGN (SUGAMYA BHARAT ABHIYAAN)

Creation of Accessible Environment for PwDs

1. For Persons with Disabilities (PwDs) universal accessibility is critical for enabling them to gain access for equal opportunity and live independently and participate fully in all aspects of life in an inclusive society. Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 under sections 44, 45 and 46 categorically provides for non-discrimination in transport, non-discrimination on the road and non-discrimination in built environment respectively. United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory, under Article 9 casts obligations on the Governments for ensuring to PwDs accessibility to (a) Information, (b) Transportation, (c) Physical Environment, (d) Communication Technology and (e) Accessibility to Services as well as emergency services. The Department hosted the Second Session of the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) Working Group on Asian and Pacific Decade of Persons with Disabilities during 2-3 March, 2015 at New Delhi in association with the UNESCAP Secretariat. This Working Group has been constituted by UNESCAP Secretariat to monitor implementation of the Incheon Strategy “Make the Right Real” for Persons with Disabilities. Goal No. ‘3’ of Incheon Strategy concerns “Enhance access to the physical environment, public transportation, knowledge, information and communication”.

2. It is the vision of the Government to have an inclusive society in which equal opportunities and access is provided for the growth and development of PwDs to lead productive, safe and dignified lives. In furtherance of the vision of the Department, it is imperative to launch a Nation-wide Awareness Campaign towards achieving universal accessibility for all citizens including PwDs in creating an enabling and barrier-free environment. In this direction, Department of Empowerment of Persons with Disabilities (DEPwD), Ministry of Social Justice & Empowerment has conceptualised the “Accessible India Campaign (Sugamya Bharat Abhiyan)” as a nation-wide flagship campaign for achieving universal accessibility that will enable persons with disabilities to gain access for equal opportunity and live

independently and participate fully in all aspects of life in an inclusive society. The campaign targets at enhancing the accessibility of built environment, transport system and Information & communication eco-System.

3. A multi-pronged strategy will be adopted for the campaign with key components as (a) leadership endorsements of the campaign, (b) mass awareness, (c) capacity building through workshops, (d) interventions (legal frame-work, technology solutions, resource generation, etc. and (e) leverage corporate sector efforts in a Public-Private Partnership.

4. Department of Empowerment of Persons with Disabilities will sign MOU with State to support spreading awareness about accessibility and help create accessible buildings, accessible transport and accessible websites etc.

Source: <http://accessibleindia.gov.in/content/>

[top](#)

36. GUIDELINES FOR INDIAN GOVERNMENT WEBSITES

'Guidelines for Indian Government Websites (GIGW)' were formulated by National Informatics Centre (NIC). GIGW was adopted by the Department of Administrative Reform and Public Grievances (DARPG), and made an integral part of the Central Secretariat Manual of Office Procedure (CSMOP) in January 2009 to ensure Indian Government websites conform to the UUU trilogy, viz., user-centric, user-friendly & universally accessible.

Websites and bank digital banking channels e.g. mobile apps, internet banking, etc. should be user friendly for disabled people to access with ease. For example, for blind persons, websites have to meet the guidelines of Worldwide Web Consortium.

Banks digital banking products and all websites/portals in conformity with Government of India Accessibility Standards.

To help Indian Government websites become compliant with GIGW, a detailed manual is available

It provided Tools and Resources on

- Validation Tools: HTML, CSS, Broken Links
- Accessibility
- Mobile Friendliness
- Assistive Technologies
- Screen Reader Access

Source: <http://guidelines.gov.in/>

[top](#)

37. WEB ACCESSIBILITY

Web accessibility means that people with disabilities can use the Web. More specifically, Web accessibility means that people with disabilities can perceive, understand, navigate, and interact with the Web, and that they can contribute to the Web. Web accessibility also benefits others, including older people with changing abilities due to aging.

Source: <http://www.w3.org/WAI/intro/accessibility.php>

WCAG 2.0

The Web Content Accessibility Guidelines (WCAG) is currently on version 2.0, updated to help various individuals in the field of web development and design to implement certain accessibility points that can help disabled users of the Internet in accessing useful information through websites. WCAG 2.0 consists of 12 guidelines governed by 4 principles: perceivable, operable, understandable, and robust. This guide does not only give out recommendations on what should be done in a website. It also suggests how you can implement accessibility functions within the website through the help of examples and snippets of HTML Codes. This is the best resource to implement accessibility right at the designing and developing stage of the website

Resources on Web accessibility

<http://www.w3c.org/wai>

<http://www.w3.org/TR/WCAG/>

<http://www.w3.org/WAI/WCAG20/glance/>

[top](#)

38. MOBILE ACCESSIBILITY

Resources on mobile accessibility

How WCAG 2.0 and Other W3C/WAI Guidelines Apply to Mobile

<https://www.w3.org/TR/mobile-accessibility-mapping/>

Making Your iOS App Accessible

https://developer.apple.com/library/content/documentation/UserExperience/Conceptual/iPhoneAccessibility/Making_Application_Accessible/Making_Application_Accessible.html

Making Apps More Accessible | Android Developers

<https://developer.android.com/training/accessibility/accessible-app.html>

Mobile Accessibility Practices - (Making mobile applications accessible and usable for persons with disabilities)12 April, 2017

<https://cis-india.org/accessibility/files/mobile-accessibility-practices.pdf>

<https://cis-india.org/accessibility/files/mobile-accessibility-practices.pdf>

[top](#)

39. NATIONAL POLICY ON UNIVERSAL ELECTRONIC ACCESSIBILITY

The Union Cabinet on 03-October-2013 approved the National Policy on Universal Electronic Accessibility that recognizes the need to eliminate discrimination on the basis of disabilities as well as to facilitate equal access to electronics and Information and Communication Technologies (ICTs). This policy has been prepared after incorporating comments and suggestions from various stakeholders. The policy will facilitate equal and unhindered access to electronics and ICTs products and services by differently abled persons (both physically and mentally challenged) and to facilitate local language support for the same. This shall be achieved through universal access to electronics and ICT products and services to synchronize with barrier free environment and preferably usable without adaptation. Differently abled persons all over the country will benefit from this policy

Source: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=99845>

[top](#)

40. THE ELECTRONIC DELIVERY OF SERVICES BILL, 2011

To provide for electronic delivery of public services by the Government to all persons to ensure transparency, efficiency, accountability, accessibility and reliability in delivery of such services and for matters connected therewith or incidental thereto.

Source:

http://meity.gov.in/sites/upload_files/dit/files/Electronic_Delivery_of_Services_Bill_2011_16thNov_Legal_17112011.pdf

[top](#)

41. HARMONISED GUIDELINES & SPACE STANDARDS FOR BARRIER FREE BUILT ENVIRONMENT FOR PERSONS WITH DISABILITIES

Harmonised Guidelines & Space Standards for Barrier Free Built Environment for Persons with Disabilities published by the Ministry of Urban Development

February 2016

These guidelines will apply to all public buildings in India, including the buildings where access is open to general public.

The guidelines and specifications deal with access to, movement within and around buildings, by persons with disabilities and elderly persons.

The intent is to make buildings and facilities accessible to and usable by all people including those living with disabilities and may include those with inability to walk or difficulty in walking, reliance on walking / mobility aids, blindness and visual impairments, speech and hearing impairments, limited-coordination of motor movements, reaching and manipulation, lack of stamina, difficulty in interpretation and reacting to sensory information and extremities of physical size.

Source:

<http://cpwd.gov.in/Publication/Harmonisedguidelinesreleasedon23rdMarch2016.pdf>

[top](#)

42. INTERNATIONAL PRACTICES - ACCESSIBLE BANKING

Bank of America - Accessible banking

<https://www.bankofamerica.com/accessiblebanking/overview.go>

Barclays - Accessibility and Disability support

<https://www.barclays.co.uk/accessibility/>

Accessibility at U.S. Bank

<https://www.usbank.com/accessibility-banking/index.html>

Lloyds bank - Accessibility and disability

<https://www.lloydsbank.com/accessibility.asp>

ANZ - Accessible banking

<https://www.anz.com.au/personal/bank-accounts/your-account/accessible-banking/>

PNC - Accessible Banking Empowering Our Customers

<https://www.pnc.com/en/customer-service/accessible-banking.html>

Terms References

ACCESSIBILITY:-

Accessibility is for everyone. It is an “Access to All” policy for products. Accessible products provides better reach and use by all persons, majorly benefiting diverse population, elderly and persons with disabilities.

ALTERNATE FORMATS:-

A person with disability might need a bank statement in an alternate format like Braille, Large Print, HTML, text, word, Accessible PDF, etc.

ASSISTIVE TECHNOLOGY:-

Assistive technology products are designed to provide additional accessibility to individuals who have physical or cognitive difficulties, impairments, and disabilities. E.g. Alternative keyboards, Electronic pointing devices, Joysticks, Trackballs, Touch screens, Braille embossers , Keyboard filters , reading devices with OCR, Light alerts monitor, On-screen keyboards, Reading tools and learning disabilities programs, Refreshable Braille displays, Screen magnifiers, Screen readers, Speech recognition or voice recognition programs, Text-to-Speech (TTS) or speech synthesizers, Talking and large-print word processors, TTY/TDD conversion modems, etc.

CCPD:-

Office of The Chief Commissioner for Persons with Disabilities (Ministry of Social Justice and Empowerment, Government of India). The Office of the Chief Commissioner for Persons with Disabilities has been set up under Section 57 of the Persons with Disabilities (Equal

Opportunities, Protection of Rights & Full Participation) Act, 1995 and has been mandated to take steps to safeguard the rights of persons with disabilities.

NATIONAL TRUST:-

The National Trust is an autonomous organization of the Ministry of Social Justice and Empowerment, Government of India, set up under the "National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities" Act (Act 44 of 1999).

PwD:-

Person with Disability (PwD) has an impairment that may be cognitive, developmental, intellectual, mental, physical, sensory or some combination of these. It substantially affects a person's life activities and may be present from birth or occur during a person's lifetime.

REASONABLE ACCOMMODATION:-

"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

SCREEN READER:-

A screen reader transforms a graphic user interface (GUI) into an audio interface. Screen readers are essential for computer and mobile devices users who are blind.

UNIVERSAL DESIGN:-

“Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

WCAG 2.0:-

Web Content Accessibility Guidelines (WCAG) version 2.0 are part of a series of web accessibility guidelines published by the Web Accessibility Initiative (WAI) of the World Wide Web Consortium (w3c), the main international standards organization for the internet.

[top](#)



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