

**OPERATION OF
BANK ACCOUNTS BY
OLD / SICK / INCAPACITATED
CUSTOMERS**

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Following are the instructions issued by RBI on the facilities offered to account holders, who are sick/old/incapacitated and are not willing to open and operate joint accounts.

Types of sick/old/incapacitated account holders

The cases of sick/old/incapacitated account holders fall into the 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.

Operational Procedure

With a view to enabling the old/sick/incapacitated 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.

In case of a person who cannot sign the cheque/withdrawal form due to loss of both hands, 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. (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 or the mark put on the document.)