



भारतीय रिजर्व बैंक

RESERVE BANK OF INDIA

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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