

FREQUENTLY ASKED QUESTIONS ON ACCOUNT OPENING BY PERSONS WITH DISABILITY

A uniform KYC process is being followed while establishing an account based relationship in securities market. To ensure the said process is more inclusive and accessible to all clients including persons with disability in securities market, the FAQ on account opening by persons with disability is being issued. This FAQ is applicable to intermediaries establishing account based relationship including Mutual Funds.

1. Can persons with disability establish account based relationship?

Yes. Establishing an account based relationship can be performed in the name of persons with disability.

2. Is a guardian required for establishing account based relationship by persons with disability?

Every person who has attained the age of eighteen years is considered as major. Only a major, who is of sound mind and is not disqualified from contracting by law is competent to enter into contract. In accordance with the provisions of the Mental Health Care Act, 2017 and the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, if the individual would require a guardian, the intermediary may rely upon the Guardianship Certificate issued by the Local Level Committee under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

3. If a person with disability is unable to sign for himself / herself, under whose signature can the account be opened?

The account can be opened with the signature of the guardian.

4. Whether the guardian and the person with disability are required to comply with Know Your Client (KYC) norms at the time of opening account?

Yes. The guardian and the person with disability have to comply with the applicable KYC norms.

5. Are persons with disability classified as minor or major?

The persons with disability may be classified as minor or major based on their age. Every person who has attained the age of eighteen years is considered as major and only a major, who is of sound mind and is not disqualified from contracting by any law is competent to enter into contract. FAQs with regard to opening demat account and trading account for minor on September 25, 2018 and the same is available on SEBI website.

6. Is the facility of online / digital KYC extended to persons with disability?

Yes. The facility of online / digital KYC can be extended to persons with disability by adopting accessibility standards. On request of the client, the intermediary should extend their assistance for video capturing in live environment to facilitate online / digital KYC to persons with disability.

7. How to verify the liveness of the person with disability if he / she is unable to blink eyes?

For the purpose of 'liveness' check, intermediaries may use various parameters which not only involves checking the movement of eyelid and eyeball or blinking, but also may use other factors viz live facial expressions, nodding of head, client showing OTP while being clearly visible on screen, real time video recording and displaying copies of documents on the screen etc.

8. Which account opening form is required by persons with disability for establishing account based relationship?

SEBI Master Circular on KYC dated October 13, 2023 has listed the details of the documents such as Know Your Client (KYC) form capturing the basis information about the client to be followed by intermediaries while establishing an account based relationship. The said circular is applicable for persons with disability.

9. Is there any provision to share the KYC information through Central KYC Registry?

Yes. The intermediary may rely on the KYC information downloaded from Central KYC registry based on consent of the person with disability.

10. Can intermediary capture the disability type and percentage of a person with disability?

Yes. The intermediaries may capture the disability type and percentage of the client during digital KYC.

The Principal Officer shall review the automated KYC application rejections in cases where accessibility-related challenges prevent successful verification and approve them on a case-to-case basis.

11. Is the option of signing by way of thumb impression for online / digital KYC available?

Yes. Currently, for any online KYC mode, the documents along with the wet / cropped signature are e-signed and thereafter uploaded. Similarly, the thumb impression of the investor can also be accepted if the page is e-signed along with all documents.
