

DR. HARSH VARDHAN: Yes, Sir.

MR. CHAIRMAN: Now, Question No. 238. Dr. Sasikala Pushpa Ramaswamy.

ATM frauds by card cloning

*238. DR. SASIKALA PUSHPA RAMASWAMY: Will the Minister of FINANCE be pleased to state:

(a) whether Government is aware of the fact that offences of ATM frauds by card cloning have increased over the years, if so, the details thereof; and

(b) whether Government has taken any steps to augment the safety and security at ATMs and if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI ANURAG SINGH THAKUR): (a) and (b) A Statement is laid on the Table of the House.

Statement

(a) As apprised by Reserve Bank of India (RBI), the details of all types of frauds reported in the category "Card/Internet-ATM and Debit cards/Credit cards/Internet banking" reported since 2017-18 are as below:—

Year	Number of Frauds	Amount of Frauds (₹ in crore)
2017-18	34791	168.99
2018-19	52304	149.42

As it is observed from the table, while the number of frauds reported between 2017-18 and 2018-19 has increased, the amount involved in the frauds has declined during the same period. As apprised by RBI, disaggregated data on ATM frauds through cloning of cards is not maintained by them.

(b) RBI has advised banks to, *inter alia*, take the following steps to augment the safety and security at ATMs:—

- (i) RBI, *vide* its circular on 'Control measures for ATMs – Timelines for compliance' dated 21.6.2018 have advised banks to implement various controls within a time bound manner, including implementation of anti skimming, whitelisting solution, up-gradation of software and to closely monitor the compliance.

The Government has also instructed the banks to comply with the timelines prescribed by the RBI for upgradation of software for ATMs and to monitor the progress.

- (ii) To ensure all active cards issued by them are EMV Chip and Pin-based.
- (iii) To provide customers with 24x7 access through multiple channels (at a minimum *via* website, phone banking, SMS, e-mail, IVR, a dedicated toll-free helpline, reporting to home branch, etc.) for reporting unauthorised transactions that have taken place and/or loss or theft of payment instrument, such as, card, etc.
- (iv) *Vide* RBI's Master Circular on 'Frauds-Classification and Reporting', dated 1.7.2015, concerned banks are advised to examine the fraud cases and report them to law enforcement agencies, examine staff accountability, complete proceedings against the erring staff expeditiously, take steps to recover the amount involved in the fraud, claim insurance wherever applicable and streamline the system as also the procedures so that frauds do not recur.
- (v) As per RBI's circular on 'Customer Protection – Limiting Liability of Customers in Unauthorised Electronic Banking Transactions' dated 6.7.2017, in case of unauthorised transactions occurring due to contributory fraud/negligence/deficiency on the part of the bank and due to third party breach with customer notifying such unauthorized transaction to the bank within three working days of receiving communication from the bank, he/she is entitled to zero liability. Further, on being notified by the customer, the bank has to credit (shadow reversal) the amount involved in the unauthorised electronic transaction to the customer's account within 10 working days from the date of such notification by the customer (without waiting for settlement of insurance claim, if any).
- (vi) RBI is also running the awareness campaign under the banner of 'RBI Kehta Hai' on safe digital banking which *inter alia* include:—

- Not to share password/PIN/OTP received through SMS.
- Act swiftly on alerts received on transactions, which customer have not initiated or not authorized.
- Practicing safe mobile banking, such as awareness on benefits of registering mobile number with bank for instant alerts.
- Not storing important banking data in mobile.
- Use only verified, secure and trusted website.
- Avoid banking transactions on free networks,
- Change PIN regularly.
- Blocking ATM card, Credit Card and prepaid card immediately if it is lost or stolen.

DR. SASIKALA PUSHPA RAMASWAMY: Sir, nowadays, every common man has started using ATM cards like Visa Card, Master Card and many things. Thanks to the hon. Prime Minister for making 'Digital economy'.

Sir, many ATM frauds are occurring like ATM cloning, ATM phishing and all that. Ordinary customers are helpless and clueless also. My question is, whether the Government has taken any steps towards formalisation of a dedicated 24x7 toll-free helpline for the customers as recommended by Department-related Parliamentary Standing Committee's 56th and 69th Reports?

SHRI ANURAG SINGH THAKUR: Sir, not only this but the Financial Literacy Programmes are also run by the Government throughout the country and thousands of crores of rupees have been spent on creating awareness. As far as frauds are concerned and the helpline is concerned, even if the fraud which is reported within three days' time, the customer doesn't have to lose even a single penny. That is being reimbursed by the bank. Even if that is late after three days, then certain amount has to be paid by the bank. Sir, every bank has their helpline number.

DR. SASIKALA PUSHPA RAMASWAMY: Sir, what are the legal provisions available to the customers to pinpoint consequential liability; some says it is banks' fraud, some says it is financial institution or any other entity connected with the transaction, so that the customer is not put to hardship?

SHRI ANURAG SINGH THAKUR: Sir, as I said earlier, if reported within three days, there is zero liability, and, after three days, it is limited liability to the customer.

**239 [प्रश्नकर्ता अनुपस्थित थे]*

सीएसआर निधि संबंधी दिशानिर्देशों का अनुपालन

**239. डा. सत्यनारायण जटिया:* क्या कारपोरेट कार्य मंत्री यह बताने की कृपा करेंगे कि:

(क) कारपोरेट, सामाजिक उत्तरदायित्व (सीएसआर), सीएसआर निधि के आवंटन, व्यय के निर्दिष्ट दायरे तथा समय-समय पर सरकारी योजनाओं में किए जाने वाले अंशदान के संबंध में बनाए गए दिशानिर्देश क्या हैं; और

(ख) इनके अनुपालन का ब्यौरा क्या है?

कारपोरेट कार्य मंत्रालय में राज्य मंत्री (श्री अनुराग सिंह ठाकुर): (क) और (ख) विवरण सभा पटल पर रखा गया है।

विवरण

(क) और (ख) कारपोरेट सामाजिक दायित्व (सीएसआर) के संबंध में प्रचालन ढांचा कंपनी (कारपोरेट सामाजिक दायित्व नीति) नियम, 2014 में निहित है, जो अन्य बातों के साथ-साथ सीएसआर समिति, सीएसआर व्यय, सीएसआर रिपोर्टिंग और सीएसआर के लिए कार्यान्वयन अभिकरणों को कवर करता है। कंपनी अधिनियम, 2013 (अधिनियम) की धारा 135 तत्काल विगत वित्तीय वर्ष के दौरान 500 करोड़ रुपये अथवा अधिक का निवल मूल्य अथवा 1000 करोड़ रुपये अथवा अधिक का कारबार अथवा 5 करोड़ रुपये अथवा अधिक का निवल लाभ वाली प्रत्येक कंपनी को अधिदेशित करती है कि वह कंपनी की सीएसआर नीति के अनुसार सीएसआर के लिए कंपनी के औसत निवल लाभ का कम से कम 2 प्रतिशत खर्च करे।

सीएसआर की दिशा में किए गए कार्यकलराप अधिनियम की अनुसूची-VII में निर्दिष्ट क्षेत्रों या विषयों से संबंधित होने चाहिए। प्रयोज्यता निर्धारित करते समय अधिनियम की अनुसूची-VII के अधीन शामिल क्षेत्रों/विषयों की स्वतंत्र व्याख्या की अनुमति है। विधि के अनुसार सीएसआर व्यय को अधिदेशित करने की मंशा किसी सरकारी कार्यक्रम/योजना के लिए बजटीय आबंटन को प्रतिस्थापित करने की नहीं है, लेकिन सीएसआर के माध्यम से सरकारी प्रयासों को अनुपूरित अथवा संपूरित करने पर कोई रोक नहीं है। कंपनियों को सीएसआर आबंटन करने और इसे अनुमत्य कार्यकलापों पर खर्च करने की बाध्यता है और उनके लिए एमसीए 21 पर निर्धारित प्ररूप में इस बारे में आवश्यक प्रकटीकरण करना अपेक्षित है। जब भी, सीएसआर उपबंधों के उल्लंघन की सूचना मिलती है, ऐसी गैर-अनुपालक कंपनियों के विरुद्ध कंपनी अधिनियम, 2013 के उपबंधों के अनुसार अभिलेखों की विधिवत् जांच और समुचित विधि प्रक्रिया को अपनाते हुए कार्रवाई आरंभ की जाती है।