

Guidance Note on Audit of Banks (2019 Edition)

Section C - Bank Branch Audit other than Foreign Exchange Transactions

Attention

Members' attention is invited to relevant directions/circulars issued by the Reserve Bank of India up to January 1, 2019 included in a Pen Drive/CD accompanying this Guidance Note for ease of use and reference. Members are advised to keep track of legislative/regulatory developments, for example, circulars of the Reserve Bank of India, issued subsequent to the aforementioned date and having a bearing on the statutory audit of banks/bank branches for the year ended March 31, 2019.



The Institute of Chartered Accountants of India
(Set up by an Act of Parliament)
New Delhi

Foreword

The banking sector in India is one of the largest in the world as far as its extensive network of branches is concerned. The role of the sector in the overall growth and development of the Indian economy is quite significant and laudable. Over the years, the sector has been through a long journey and has also achieved new heights with the changing times. The widespread use of technology has completely changed the working of banks resulting in lesser requirements for people to visit banks physically. Nevertheless, the fundamental aspects of banking i.e. trust and confidence of people on banking sector remains the same. This trust and confidence come on the back of strong quality of audit system and practices in place in India.

The Guidance Note on Audit of Banks is issued by the Auditing and Assurance Standards Board (AASB) of ICAI every year with the objective to provide detailed and updated guidance to the members on various aspects of bank audits. The Guidance Note is an important resource for the members carrying out audits of banks and bank branches. I am happy that AASB has come out with this revised 2019 edition of the Guidance Note on Audit of Banks for the benefit of the members. I am also happy that the Guidance Note is comprehensive and self-contained reference document for the members.

I wish to place my appreciation for CA. Shyam Lal Agarwal, Chairman, CA. Sanjay Vasudeva, Vice-Chairman and other members of AASB for bringing out this revised Guidance Note to help the members in maintaining quality in bank audits.

I am confident that the members would find the Guidance Note highly useful in their professional assignments.

January 13, 2019
New Delhi

CA. Naveen N.D. Gupta
President, ICAI

Preface

Every year, the Auditing and Assurance Standards Board (AASB) of ICAI brings out the publication, “Guidance Note on Audit of Banks” to provide detailed guidance to the members who undertake audits of banks and bank branches. The Guidance Note is updated every year to incorporate the impact of developments that have taken place in the banking sector which require attention of statutory auditors, such as, master directions/circulars of RBI, other relevant circulars issued by RBI, relevant pronouncements of ICAI having bearing on bank audits, amendments/changes in applicable laws or regulations.

I am happy to place in hands of the members, this revised 2019 edition of the Guidance Note on Audit of Banks. The Guidance Note covers in detail various aspects like knowledge of the banking industry, initial considerations, special considerations in a CIS Environment, risk assessment and internal control, various items of banks’ financial statements and their peculiarities, manner of disclosure in financial statements, the RBI prudential guidelines thereon, audit procedures, reporting on Long Form Audit Reports both at central and branch level, Ghosh and Jilani Committee recommendations, special purpose reports and certificates, etc.

For benefit of the members, the pen drive/CD accompanying the Guidance Note contains illustrative formats of engagement letter, illustrative formats of auditor’s report both in case of nationalized banks and banking companies, illustrative formats of management representation letter, illustrative list of special purpose/ exception reports in CBS, illustrative audit checklist for capital adequacy, illustrative checklist on audit considerations in a CIS Environment, Features of the Gold Monetization Scheme, Suggested Abbreviations used in the Banking Industry, Basis of Selection of Advances Accounts in case of bank branch audit, updated bank branch audit programme for the year 2018-19, Verification of the aspects of the Treasury/ Investments of the Bank in Statutory Audit, Flow Charts for Use of Core Banking Solution software in case of Bank Branch Audit, the text of Master Directions, Master Circulars and other relevant Circulars issued by RBI.

Readers may note that this edition of the Guidance Note has been divided in three separate sections as follows:

- , Section A - Statutory Central Audit.
- , Section B - Foreign Exchange Transactions and Integrated Treasury.
- , Section C - Bank Branch Audit other than Foreign Exchange Transactions.

At this juncture, I wish to place on record my gratitude to all the members of Mumbai study group viz., CA. Dhananjay J. Gokhale (Convenor), CA. Viren H. Mehta, CA. Shriniwas Y. Joshi, CA. Sandeep D. Welling, CA. Sanjay Khemani, CA. Niranjana Joshi, CA. Abhijit Sanzgiri, CA. Vipul K. Choksi, CA. Abhay V. Kamat, CA. N. Sampath Ganesh, CA. Sanat Ulhas Chitale, CA. Gautam V. Shah, CA. Manish Sampat, CA. Nilesh Joshi, CA. Parag Hangekar, CA. Shivratana Agarwal, CA. Vikas Kumar, CA. Ketan Jogalekar, CA. Nachiket Deo, CA. Parag V. Kulkarni, CA. Dilip Dixit, CA. Jitendra Ranawat, CA. Prakash P. Kulkarni, CA. Kuntal P. Shah, CA. Giriraj Soni, CA. Vitesh Gandhi, CA. Hitesh Pomal, CA. Pankaj Tiwari, CA. Saurabh Peshwe, and CA. Pankaj Mittal for their dedicated efforts in revising the Guidance Note despite the demands of their professional and personal lives under the overall supervision of CA. Nihar Niranjana Jambusaria, Central Council Member, ICAI. I am thankful to CA. M. P. Vijay Kumar, Central Council Member, ICAI and his team for their efforts.

My sincere thanks to all the Members of Jaipur Study Group constituted under my convenorship viz., CA. Bhupendra Mantri (Dy. Convenor), CA. Vimal Chopra, CA. Prahalad Gupta, CA. Vikas Gupta, CA. Vishnu Dutt Mantri, CA. Ajay Atolia, CA. Jugal Kishore Agrawal, CA. P. D. Baid, CA. Mukesh Gupta, CA. Vikas Rajvanshi, CA. Thalendra Sharma, CA. Varun Bansal, CA. Sandeep Jhanwar, and CA. Keshav Garg for reviewing exposure draft of the Guidance Note and providing their valuable suggestions thereon.

I wish to express my sincere thanks to CA. Naveen N.D. Gupta, Honourable President, ICAI and CA. Prafulla P. Chhajed, Honourable Vice-President, ICAI for their guidance and support to the activities of the Board.

I am also thankful to all my Central Council colleagues for their guidance and support to the activities of the Board. I also express my gratitude to CA. Sanjay Vasudeva (Vice-Chairman, AASB) and all the members and special invitees on AASB for their guidance and support in finalizing this Guidance Note. I also thank CA. Megha Saxena (Secretary), CA. Rajnish Aggarwal (Assistant Director), CA. Nitish Kumar (Executive Officer) and other staff of the Board for their hard work in giving the Guidance Note its final shape.

I am sure that the members would find the Guidance Note useful while conducting audits of banks/ bank branches.

January 13, 2019
Jaipur

CA. Shyam Lal Agarwal
Chairman,
Auditing and Assurance Standards Board

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PART – I

I

Knowledge of the Banking Industry

1.01 The banking industry is the backbone of any economy as it is essential for sustainable socio-economic growth and financial stability in the economy. There are different types of banking institutions prevailing in India which are as follows:

- (a) Commercial Banks
- (b) Regional Rural Banks
- (c) Co-operative Banks
- (d) Development Banks (more commonly known as 'Term-Lending Institutions')
- (e) Foreign Banks
- (f) Payment Banks
- (g) Small Finance Banks
- (h) EXIM Bank

1.02 All these banks have their unique features and perform various functions / activities subject to complying with the RBI guidelines issued from time to time. Section 6 of the Banking Regulation Act, 1949, lists down the forms of business in which banking companies may engage. The text of the Section 6 has been reproduced in **Appendix I** of the Guidance Note (given in Pen Drive/CD accompanying the Guidance Note).

1.03 Of these banks, commercial banks are the most wide spread banking institutions in India. Commercial banks provide a number of products and services to general public and other segments of economy. Two of the main functions of commercial banks are (1) accepting deposits and (2) granting advances. In addition to their main banking activities, commercial banks also undertake certain eligible Para Banking activities which are governed by the RBI guidelines on Para Banking activities.

1.04 The functioning of banking industry in India is regulated by the Reserve Bank of India (RBI) which acts as the Central Bank of our country. RBI is responsible for development and supervision of the constituents of the Indian financial system (which comprises banks and non-banking financial institutions) as well as for determining, in conjunction with the Central Government, the monetary and credit policies keeping in with the need of the hour. Important functions of RBI are issuance of currency; regulation of currency issue; acting as banker to the central and state governments; and acting as banker to commercial and other types of banks including term-lending institutions. Besides, RBI has also been entrusted with the responsibility of regulating the activities of commercial and other banks. No bank can commence the business of banking or open new branches without obtaining licence from RBI. The RBI also has the power to inspect any bank.

1.05 The provisions regarding the financial statements of banks are governed by the Banking Regulation Act, 1949. The Third schedule to the aforesaid Act, prescribes the forms of balance sheet and profit and loss account in case of banks. Readers may refer **Appendix II** of the Guidance Note (given in Pen Drive/CD accompanying the Guidance Note) for text of third schedule to the Banking Regulation Act, 1949. Further, in case of banking companies, the requirements of the Companies Act, 2013, relating to the balance sheet, profit and loss account and cash flow statement of a company, in so far as they are not inconsistent with the Banking Regulation Act, 1949, also apply to the financial statements, as the case may be, of a banking company. It may be noted that this provision does not apply to Nationalised Banks, State Bank of India, its Subsidiaries and Regional Rural Banks (RRBs).

1.06 The provisions regarding audit of Nationalised Banks are governed by the Banking Regulation Act, 1949 and the RBI Guidelines. The provisions regarding audit of Banking Companies are governed by the Banking Regulation Act, 1949, RBI Guidelines and the provisions of the Companies Act, 2013. The illustrative formats of auditor's report are given in **Appendices III to IV** of the Guidance Note (given in Pen Drive/CD accompanying the Guidance Note) as follows:

Appendix III - Illustrative Format of Report of the Branch Auditor of a Nationalised Bank

Appendix IV - Illustrative Format of Report of the Branch Auditor of a Banking Company

1.07 The auditors (both central statutory auditors and branch auditors) should also ensure that their audit report complies with the requirements of SA 700(Revised), "Forming an Opinion and Reporting on Financial Statements", SA 705(Revised), "Modifications to the Opinion in the Independent Auditor's Report" and SA 706 (Revised), "Emphasis of Matter Paragraphs and Other Matter Paragraphs in the Independent Auditor's Report".

1.08 Besides the main audit report, the terms of appointment of auditors of public sector banks, private sector banks and foreign banks (as well as their branches), require the auditors to also furnish a Long Form Audit Report (LFAR). The matters to be dealt with by auditors in LFAR have been specified by the RBI. If the auditor intends to issue modified opinion, reasons for such modified opinion need to be mentioned.

1.09 For the reference and benefit of the members, illustrative Formats for Engagement Letter to be sent to the appointing authority of the Nationalised Bank by Branch Auditor & Written Representation Letter to be obtained from Branch Management are given in **Appendices V & VI** of the Guidance Note.

1.10 Further various Illustrative Audit Checklists and Broad features of the Gold Monetization Scheme are given in **Appendices VII to XII** of the Guidance Note (given in Pen Drive/CD accompanying the Guidance Note) as follows:

Appendix VII - Illustrative Checklist on Audit Considerations in CIS environment

Appendix VIII - Overview of various CBS and Basic Concepts

Appendix IX - List of important Menu Commands of CBS

Appendix X - Illustrative Checklist on Audit activity through CBS

Appendix XI - The Broad features of the Gold Monetization Scheme

Appendix XII - Illustrative Audit Checklist for Capital Adequacy

Important Note

Readers may refer the Pen Drive/CD accompanying the Guidance Note wherein the details of the following Chapters of “Part I - Knowledge of the Banking Industry” have been given:

Chapter 1: Banking in India

Chapter 2: Accounting and Auditing Framework

Chapter 3: Accounting Systems

Chapter 4: Legal Framework

PART - II

Initial Considerations

1.01 This section discusses the matters to be considered by a proposed statutory branch auditor (SBA) upon receiving intimation of appointment and before commencing the actual audit engagement. It deals with aspects of preliminary work to be undertaken by the branch auditor before actually commencing the audit work. The letter of appointment sent by banks to branch auditors typically contains the following:

- , Appointment under the Banking Regulation Act, 1949, and the underlying duties and responsibilities of the SBA.
- , Particulars of branch(s) to be audited and of the region/zone to which the branch reports.
- , Particulars of statutory central auditors.
- , Particulars of previous auditors.
- , Guidelines for conducting audit of Branches, completion of audit, eligible audit fees and reimbursement of expenses etc.
- , Procedural requirements to be complied with in accepting the assignment, e.g., letter of acceptance, declaration of indebtedness, declaration of fidelity and secrecy, other undertaking by the firm/SBA, specimen signatures, etc.
- , Scope of work - Besides the statutory audit under the provisions of the Banking Regulation Act, 1949, SBA is also required to verify certain other areas and issue various report and certificates like LFAR, Tax Audit Report, certificates for cash verification on odd dates, Ghosh & Jilani reports etc.
- , Auditors need to note compliance with relevant and applicable Engagement and Quality Control Standards issued by the ICAI.

An illustrative format of engagement letter to be sent to the appointing authority of the Nationalised Bank by Branch Auditor is given in **Appendix – V** of the Guidance Note.

Co-ordination with Branch Management

1.02 Now a days typically, SBA, are given limited time within which they have to undertake the audit of branches allotted to them. Co-ordination between the auditor and the branch management is essential for an effective audit, timely

completion with the highest audit quality. NOC from the previous auditor should be obtained and kept on record by SBA. It is advisable that immediately after accepting the appointment, the SBA should send a formal communication to the branch management/HO accepting his appointment and other declarations and undertakings so required. Further, the SBA should also specify the books, records, and other information that he would require in the course of his audit. Such a communication would enable the branch management to keep the requisite documents, information, etc., ready.

1.03 After the completion of the appointment formalities, the SBA should immediately visit the concerned branches allotted, so as to get the feel of the business, nature and competences of the staff and understanding of the flow of information and authority. Thereafter, the SBA should draw up a detailed plan for the audit and it is advisable to complete the entire non-financial verification (like documentation, sanctioning terms, review of the supervision and monitoring terms, review of the concurrent/internal audit and inspection reports before the year-end. An illustrative format of written representation letter to be obtained from the branch management is given in **Appendix – VI** of this Guidance Note.

Standard on Auditing (SA) 600, "Using the Work of Another Auditor"

1.04 The SBA's report on the financial statements examined by him is forwarded to the SCA with a copy to the management of the bank. The SCA, in preparing his report on the financial statements of the bank as a whole, deals with the branch audit reports in such manner as he considers necessary. In such a reporting arrangement, Standard on Auditing (SA) 600, "Using the Work of Another Auditor" needs to be emphasized.

1.05 Considering the volume of transactions to be verified and the organizational structure of bank, particularly in the case of public sector banks, SCA's reliance on work done by the SBA is of utmost importance.

1.06 The SCA would be the Principal Auditor (PA), who is responsible for the reporting on the financial information for the bank as a whole and the SBA would be the other auditor (OA) other than the PA, who is responsible for reporting on financial information of the branch as a component. As per SA 600, the degree of reliance, SCA would have on the SBA would depend upon many considerations, few of which are discussed as follows:

- (a) the materiality of the portion of the financial information which the SBA audits and its effect on the overall financial position;
- (b) the technical competence and knowledge of the SBA and the degree of confidence he provides to the SCA;

- (c) the SCA's assessment of risk of material misstatements in the financial information of the components audited by the other auditor; and
- (d) the performance of additional procedures as set out in SA 600 regarding the components audited by other auditor resulting in the principal auditor having significant participation in such audit.

1.07 The SCA should perform procedures to obtain sufficient appropriate audit evidence, that the work of the SBA is adequate for the SCA's purposes in the context of the specific assignment. The SCA might discuss with the SBA the audit procedures applied or review a written summary of the SBA's procedures and findings which may be in the form of a completed questionnaire or check-list or an Audit Summary Memorandum. This is usually done via the personal meeting between the SCA and all the SBA or via the bank's closing instruction (as discussed before). The nature, timing and extent of procedures will depend on the circumstances of the engagement and the SCA's knowledge of the professional competence of the SBA. The SCA may conclude that it is not necessary to apply procedures such as those described in above paragraph because sufficient appropriate audit evidence has been previously obtained that acceptable quality control policies and procedures are complied with in the conduct of SBA's practice.

1.08 The SCA should consider the significant findings of the SBA. The SCA may consider it appropriate to discuss with the SBA and the management of the component, the audit findings or other matters affecting the financial information of the components. He may also decide that supplemental tests of the records or the financial statements of the component are necessary. Such tests may, depending upon the circumstances, be performed by the SCA or the SBA.

1.09 In certain circumstances, the SBA may happen to be a person other than a professionally qualified auditor. This may happen, for instance, where a component is situated in a foreign country and the applicable laws permit a person other than a professionally qualified auditor to audit the financial statements of such component. In such circumstances, the procedures outlined above assume added importance.

1.10 The SCAs should document in working papers the extent of reliance placed upon the work done by other auditors with reasons therefor. The SCA should also document the procedures performed as prescribed by SA 600 and conclusions reached. The SCAs should document how they have dealt with a specified opinion (i.e. qualified, adverse or disclaimer) of the SBAs in framing their report.

1.11 Further, it is also the responsibility of the SBAs to inform or bring to the notice of the SCA any areas of concern that have come to their knowledge in the context in which his work is to be used by the SCA. For example, by bringing to the SCA's immediate attention any significant findings requiring to be dealt with at entity level, adhering to the time-table for audit of the component, etc. SBA should ensure compliance with the relevant statutory requirements. Similarly, the SCA should advise the SBA of any matters that come to his attention that he thinks may have an important bearing on the SBA's work.

1.12 When the SCAs has to base their opinion on the financial information of the entity as a whole relying upon the statements and reports of the SBAs, their report should state clearly the division of responsibility for the financial information of the entity by indicating the extent to which the financial information of components audited by the SBAs have been included in the financial information of the entity, e.g., the number of divisions/branches/ subsidiaries or other components audited by SBAs. The SCA would not be responsible in respect of the work entrusted to the SBAs, except in circumstances which should have aroused his suspicion about the reliability of the work performed by the SBAs.

Engagement and Quality Control Standards

1.13 The auditor/audit firm should establish a system of quality control designed to provide reasonable assurance that the auditor/firm and its personnel comply with professional standards and regulatory and legal requirements, and that reports issued by the firm or engagement partner(s) are appropriate in the circumstances and will survive the test of any regulatory, legal or other action that may arise in future. This system of quality control should consist of policies designed to achieve its objectives and the procedures necessary to implement and monitor compliance with those policies. The nature of the policies and procedures developed by individual or firms to comply with SQC will greatly depend on various factors such as the size, maturity, geographical location, type of work handled and other operating characteristics.

1.14 The ICAI has issued various Engagement and Quality Control Standards applicable to an audit of financial statements which are mandatorily to be followed by all practitioners. Understanding of the concepts in these Engagement Standards would help the auditor in discharging his duties in a diligent way.

Special Audit Considerations in Foreign Banks

1.15 Audit of foreign banks operating in India, poses unique challenges compared to local banks in India. Foreign banks have different operating models

compared to local banks, and, to a limited extent, they also operate in a different regulatory environment.

1.16 Foreign banks operate in India through branches and do not have a separate legal entity existence in India. However, for all practical purposes, the RBI regulates their functioning in India, with regards to scale and nature of business they undertake in India.

1.17 Auditors of foreign bank will have to modify their audit procedures so as to take care of the operational structure and operations of these banks. Some of the important elements related to foreign banks which may have a bearing on the audit plan and procedure are listed below:-

- , Management structure.
- , More centralised operational functions.
- , Core banking software used globally.
- , Requirement for compliance with foreign legal and regulatory requirements.
- , Cross border flow and processing of data.
- , Complex treasury operations and cross border forex deals.
- , Operational processes.

II-2, Risk Assessment and Internal Control,

Characteristics of a Bank

2.01 Banks have certain characteristics distinguishing them from most other commercial enterprises e.g.,

- , Custody of large volumes of monetary items, including cash and negotiable instruments, whose physical security has to be ensured. This applies to storage and the transfer of monetary items making banks vulnerable to misappropriation and fraud necessitating establishment of formal operating procedures, well-defined limits for individual discretion and rigorous systems of internal control.
- , Significant dependence on third party agencies e.g. Cash Replenishment Agencies, Telcos, etc. bearing risks of outsourcing of certain important banking processes.
- , Engagement in a large volume and variety of transactions in terms of number and value which necessarily requires complex accounting and internal control systems and extensive use of Information Technology (IT).
- , Operation through a wide network of geographically dispersed branches and offices necessitating a greater decentralization of authority and dispersal of accounting and control functions, with consequent difficult challenges in maintaining uniform operating practices and accounting systems, particularly when the branch network transcends national boundaries.
- , Assumption of significant commitments including those without actual outflow of funds. These items, called 'off-balance sheet' items, may at times not involve accounting entries and the failure to record such items may be difficult to detect.
- , Engagement in transactions that are initiated at one location, recorded at a different location and managed at yet another location.
- , Direct Initiation and completion of transactions by the customer without any intervention by the bank's employees. For example, over the Internet or mobile or through automatic teller machines (ATMs).

- , Integration and linkages of national and international settlement systems could pose a systemic risk to the countries in which they operate.
- , Regulatory requirements by governmental authorities often influence accounting and auditing practices in the banking sector.
- , Continuing development of new products and services and banking practices

The auditor should consider the effect of the above factors in designing his audit approach. It is imperative for SCAs to have detailed knowledge of the products offered by banks and risks associated with them, and appropriately address them in their audit plan to the extent they give rise to the risk of material misstatements in the financial statements.

In today's environment, the banks use different applications to carry out different transactions which may include data flow from one application to other application; the auditor while designing his plans should also understand interface controls between the various applications.

Identifying and Assessing the Risks of Material Misstatements

2.02 Standard on Auditing (SA) 315, "Identifying and Assessing the Risks of Material Misstatement Through Understanding the Entity and Its Environment" requires the auditor to identify and assess the risks of material misstatement at the financial statement level and the assertion level for classes of transactions, account balances, and disclosures and paragraph 26 of SA 315 provides a basis for designing and performing further audit procedures.

SA 315 requires the auditor to put specific emphasis on the risks arising out of the fraud, changes in regulatory environment, complex transactions, related party transactions, and abnormal business transactions.

2.03 The risk assessment and internal control assessment differs from the perspective of Statutory Central Auditor (SCA) and Statutory Branch Auditor (SBA) and needs to be considered based on the need of the work at respective levels. The level of work at SCA level would be much more comprehensive as compared to the work required at SBA level. The level of work required at SBA level would also differ based on the size of the branch and the nature of business being carried out at the branch level and would be a matter of professional judgement. The SCA as well as SBA would need to carry out certain common risk assessment and internal control assessment apart from specific assessment required to be carried out at their level. The SBA is required to make assessment of their work based on the size of the branch, nature of assets and liabilities and

type of business being done at branch. The SBA can get detailed guidance based on the risk assessment and control given for SCAs and determine as to what shall be applicable for them at the branch level and do the needful accordingly. Some of such key items to be looked upon at the branch level are discussed below.

Understanding the Bank Branch and Its Environment including Internal Control

2.04 As per SA 315, the auditor's objective is to identify and assess the risks of material misstatement, whether due to fraud or error, at the financial statement and assertion levels, through understanding the entity and its environment, including the entity's internal control, thereby providing a basis for designing and implementing responses to the assessed risks of material misstatement.

2.05 The audit engagement partner should appropriately be involved so as to achieve its basic objective of identifying and assessing the risks of material misstatement, whether due to fraud or error, at the financial statement and assertion levels. The use of professional skepticism, and experience acquired during the course of other audits play a vital role in this process.

2.06 The auditor is also required to:

- Obtain an understanding of the bank's branch accounting process relevant to financial reporting.
- Obtain an understanding of the bank's branch internal control relevant to the audit.

Structure of overall internal control environment of a bank

2.07 The auditor should obtain an understanding of the control environment sufficient to assess management's attitudes, awareness and actions regarding internal control and their importance in the entity. Such an understanding would help to make a preliminary assessment of the adequacy of the accounting and internal control system as a basis for the preparation of the financial statements, and of the likely nature, timing and extent of audit procedures.

2.08 The overall control environment of a bank generally includes a mix of the various controls in place. The SBA should review the same relating to branch with respect to internal audit being done relating to branch and adequacy of the same, revenue audit conducted during the year at branch, inspection of the branch carried out by bank staff as well as RBI inspectors, concurrent audit prevalent in the branch, systems audit carried out, etc. These reports shall help

the auditor to understand the controls and risk prevalent at the branch which shall help the SBA to plan his working accordingly.

Structure of Internal Control Procedures in a Bank

I. Delegation of Powers

2.09 Banks have detailed policy on delegation of powers. The financial and administrative powers of each committee/each official/each position are fixed and communicated to all persons concerned. This approved policy on delegation of powers should be taken by SBA.

II. Authorisation of Transactions

2.10 Authorisation may be general (i.e., it may relate to all transactions that conform to prescribed conditions referred to as routine transactions) or it may be specific with reference to a single transaction (non-routine transactions and accounting estimates). It is necessary to establish procedures which provide assurance that authorisations are issued by persons acting within the scope of their authority, and that the transactions conform fully to the terms of the authorisations. The following procedures are usually established in banks for this purpose:

- , All financial decisions at any level are required to be reported to the next higher level for confirmation/information. For example, in case of a money market transaction, if the dealer exceeds the pre-defined limits such as a position limit or counterparty limit, then the transaction has to be vetted and confirmed by the head dealer.
- , All transactions entered into the applications require authorization at different level based on authority to get executed.
- , Any deviation from the laid down procedures requires confirmation from/intimation to higher authorities.
- , Branches have to send periodic confirmation to their controlling authority on compliance of the laid down systems and procedures.

SBA's should specifically review the delegation of powers to note the authorization, approval, exception, waiver and ratification powers of each bank official.

III. Segregation and Rotation of Duties

2.11 A fundamental feature of an effective internal control system is the segregation and rotation of duties in a manner conducive to prevention and timely detection of occurrence of frauds and errors. Work of one staff member is

invariably supervised / checked by another staff member, irrespective of the nature of work.

Banks have a system of rotation of job amongst staff members, which reduces the possibility of frauds and is also useful in detection of frauds and errors. Most banks usually have a process of giving “block” leave to its staff members wherein the employee stays away from work for at least a continuous period of 2 weeks.

IV. Maintenance of Adequate Records and Documents

2.12 Accounting controls should ensure that the transactions are recorded at correct amount and in the accounting periods in which they are executed, and that they are classified in appropriate accounts. The procedures established in banks to achieve these objectives usually include the following:

- , All records are maintained in the prescribed books and registers only. This ensures that all requisite particulars of a transaction are adequately recorded and also that the work of finalisation of accounts is facilitated.
- , All Bank branches have a unique code number which is circulated amongst all offices of the bank and is required to be put on all important instruments.
- , All books are to be balanced periodically and it is to be confirmed by an official specifically assigned for the same.
- , All inter-office transactions are to be reconciled at regular intervals within a specified time frame.

V. Accountability for and Safeguarding of Assets

2.13 The accountability for assets starts at the time of their acquisition and continues till their disposal. The accountability for assets is achieved by maintenance of records of assets and their periodic physical verification. To safeguard the assets, it is also necessary that access to assets is limited to authorised personnel and covers direct physical access and also indirect access through preparation or processing of documents that authorise the use or disposal of assets. The following are some of the important controls implemented by banks in this regard:

- , Particulars of lost security forms which are immediately advised to branches to exercise caution.
- , Specimen signatures of all officers are captured and scanned in the system and available for view/access in all branches which were earlier maintained in a book. The officials approving the payment of the instruments drawn on

their branches by other branches are required to confirm the signatures on the instruments with reference to the specimen signatures. Likewise, the branches have on record the specimen signatures of the authorised officials of approved correspondent banks also.

- , Instruments of fund remittances above a cut-off level are to be signed by more than one official.
- , Important financial messages, when transmitted electronically, are generally encrypted.
- , Negative lists like stop-payment cheques or stop payment instructions are kept, which may deal with the particular kind of transaction. There may be a caution list for advances also.
- , Sensitive items like currency, valuables, draft forms, term deposit receipts, traveller's cheques and other such security forms are in the custody of at least two officials of the branch. (However, in the case of very small branches having only one official, single custody is also permitted.)
- , All assets of the bank/charged to the bank are physically verified at specified intervals.

Engagement Team Discussions

2.14 The engagement team should hold discussions to gain better understanding of the bank branch and its environment, including internal control, and also to assess the potential for material misstatements of the financial statements. All these discussions should be appropriately documented for future reference.

2.15 The discussion between the members of the engagement team and the audit engagement partner should be done on the susceptibility of the bank's branch financial statements to material misstatements. These discussions are ordinarily done at the planning stage of an audit. Specific emphasis should be provided to the susceptibility of the bank's financial statements to material misstatement due to fraud, that enables the engagement team to consider an appropriate response to fraud risks, including those related to engagement risk, pervasive risks, and specific risks. It further enables the audit engagement partner to delegate the work to the experienced engagement team members, and to determine the procedures to be followed when fraud is identified. Further, audit engagement partner may review the need to involve specialists to address the issues relating to fraud.

Establish the Overall Audit Strategy

2.16 Standard on Auditing (SA) 300, “Planning an Audit of Financial Statements” states that the objective of the auditor is to plan the audit so that it will be performed in an effective manner. For this purpose, the audit engagement partner should:

- , establish overall audit strategy, prior to the commencement of an audit; and
- , involve key engagement team members and other appropriate specialists while establishing the overall audit strategy depending on the characteristics of the audit engagement.

2.17 The overall audit strategy sets the scope, timing and direction of the audit as it guides the development of detailed audit plan. The establishment of the overall audit strategy involves:

- , Consider the guidance / closing checklist given by Head Office / SCAs.
- , Consider the various RBI Circulars, Master Circulars and Master Directions issued from time to time, as applicable.
- , Consider the requirements of various Accounting Standards, Guidance Notes and Standards on Auditing, to the extent applicable, to assess the nature and extent of audit procedures to be performed.
- , Ascertaining the reporting objectives of the audit engagement to plan the timing of the audit and the nature of the communications required, such as deadlines for interim and final reporting, key dates for expected communications with the management and with those charged with governance.
- , Consider the results of preliminary engagement activities and, where applicable, whether knowledge gained on other engagements performed by the engagement partner for the bank is relevant.

Audit Planning Memorandum

2.18 The auditor should summarise audit plan by preparing an audit planning memorandum in order to:

- , Describe the expected scope and extent of the audit procedures to be performed.
- , Highlight all significant issues and risks identified during planning and risk assessment activities, as well as decisions of reliance on controls.

- , Provide evidence that they have planned the audit engagement appropriately and have responded to engagement risk, pervasive risks, specific risks, and other matters affecting the audit engagement.

Operating Framework for Identifying and Dealing with Frauds

2.19 All banks have policy and operating framework in place for detection, reporting and monitoring of frauds as also the surveillance/ oversight process in operation so as to prevent the perpetration of frauds. The RBI, *vide* its Circular No. DBS. CO.FrMC.BC.No.10/23.04.001/2010-11 dated 31st May 2011 had identified certain areas wherein frauds had shown occurrence or increasing trend in banks. These areas include:

- , loans/ advances against hypothecation of stocks.
- , housing loans cases.
- , submission of forged documents including letters of credit.
- , escalation of overall cost of the property to obtain higher loan amount.
- , over valuation of mortgaged properties at the time of sanction.
- , grant of loans against forged FDRs.
- , over-invoicing of export bills resulting in concessional bank finance, exemptions from various duties, etc.
- , frauds stemming from housekeeping deficiencies.

2.20 RBI has accordingly prescribed certain guidelines to be incorporated by the banks in their operating framework for identifying and dealing with frauds. The operating framework for tracking frauds and dealing with them should be structured along the following tracks:

- i., Detection and reporting of frauds.
- ii., Corrective action.
- iii., Preventive and punitive action.
- iv., Provisioning for Frauds.

RBI has *vide* its circular RBI/2015-16/376 DBR.No.BP.BC.92/21.04.048/ 2015-16 dated 18th April, 2016, decided to amend the provisioning norms in respect of all cases of fraud, as under:

- a., Banks should normally provide for the entire amount due to the bank or for which the bank is liable (including in case of deposit accounts), immediately upon a fraud being detected. While computing the provisioning requirement,

banks may adjust financial collateral eligible under Basel III Capital Regulations - Capital Charge for Credit Risk (Standardised Approach), if any, available with them with regard to the accounts declared as fraud account;

- b., However, to smoothen the effect of such provisioning on quarterly profit and loss, banks have the option to make the provisions over a period, not exceeding four quarters, commencing from the quarter in which the fraud has been detected;
- c., Where the bank chooses to provide for the fraud over two to four quarters and this results in the full provisioning being made in more than one financial year, banks should debit 'other reserves' [i.e., reserves other than the one created in terms of Section 17(2) of the Banking Regulation Act 1949] by the amount remaining un-provided at the end of the financial year by credit to provisions. However, banks should proportionately reverse the debits to 'other reserves' and complete the provisioning by debiting profit and loss account, in the subsequent quarters of the next financial year;

Assess the Risk of Fraud

2.21 As per SA 240, "The Auditor's Responsibilities Relating to Fraud in an Audit of Financial Statements", the auditor's objectives are to identify and assess the risks of material misstatement in the financial statements due to fraud, to obtain sufficient appropriate audit evidence on those identified misstatements and to respond appropriately. The attitude of professional skepticism should be maintained by the auditor so as to recognise the possibility of misstatements due to fraud. When obtaining an understanding of the bank and its environment, the auditor should make inquiries of branch management, internal auditors and others.

2.22 ICAI in February 2016 issued the Revised Guidance Note on Reporting on Fraud under Section 143(12) of the Companies Act, 2013. Part B of the Guidance Note paragraph 11 deals with reporting to RBI in case of frauds noted in audit of banks. Auditors of banking companies may also refer the aforesaid Guidance Note for further clarity.

2.23 RBI circular dated 7th May 2015 on framework for dealing with loan frauds has introduced the concept of a Red Flag Account (RFA), i.e., an account where suspicion of fraudulent activity is thrown up by the presence of one or more early warning signals (EWS).

2.24 These Early Warning signals are as advised by RBI which should alert the bank officials about some wrongdoings in the loan accounts which may turn out to be fraudulent.

Assess the Risk of Money Laundering

2.25 Due to the nature of their business, banks are ready target for those who are engaged in the money laundering activities by which the proceeds of illegal acts are converted into proceeds from the legal acts. The RBI has framed specific guidelines that deal with prevention of money laundering and “Know Your Customer (KYC)” norms. The RBI has from time to time issued guidelines (“Know Your Customer Guidelines – Anti Money Laundering Standards”), requiring banks to establish policies, procedures and controls to deter and to recognise and report money laundering activities. The RBI, vide its master direction no. RBI/DBR/2015-16/18 Master Direction DBR.AML.BC.No.81/14.01.001/2015-16 dated December 08, 2016, (Updated July 12, 2018) on “Know Your Customer (KYC) Direction, 2016”, have advised the banks to follow certain customer identification procedure for opening of accounts and monitoring transactions of a suspicious nature for the purpose of reporting it to appropriate authority. These policies, procedures and controls commonly extend to the following:

- , *Customer acceptance policy*, i.e., criteria for accepting the customers.
- , *Customer identification procedure*, i.e., procedures to be carried out while establishing a banking relationship; carrying out a financial transaction or when the bank has a doubt about the authenticity/veracity or the adequacy of the previously obtained customer identification data. A requirement to obtain customer identification (know your client).
- , *Monitoring of transactions* – Banks are advised to set key indicators for risk sensitive (e.g., high turnover accounts or complex or unusual transactions accounts) accounts, taking note of the background of the customer, such as the country of origin, sources of funds, the type of transactions involved and other risk factors. Banks should also put in place a system of periodical review of risk categorisation of accounts and the need for applying enhanced due diligence measures. Such review of risk categorisation of customers should be carried out at a periodicity of not less than once in six months. In view of the risks involved in cash intensive businesses, accounts of bullion dealers (including sub-dealers) and jewellers, the banks are also advised to categorise these accounts as ‘high risk’ requiring enhanced due diligence. Further, the banks are also required to subject these 'high risk accounts ' to intensified transaction monitoring. High risk associated with such accounts should be taken into account by banks to identify suspicious transactions for filing Suspicious Transaction Reports (STRs) to Financial Intelligence Unit India (FIU-IND).

2.26 Further, banks should closely monitor the transactions in accounts of marketing firms (MLM Companies). In cases where a large number of cheque books are sought by the company, there are multiple small deposits (generally in cash) across the country and where a large number of cheques are issued bearing similar amounts/dates, the bank should carefully analyse such data and in case they find such unusual operations in accounts, the matter should be immediately reported to Reserve Bank and other appropriate authorities such as Financial Intelligence Unit India (FIU-Ind) under Department of Revenue, Ministry of Finance.

2.27 Banks were advised to complete the process of risk categorization and compiling/updating profiles of all of their existing customers in a time-bound manner latest by end-March 2013.

2.28 Such review of risk categorisation of customers has to be carried out at a periodicity of not less than once in six months.

2.29 Some methods in which money laundering takes place are as under -

- , Breaking up of cash into smaller amounts and depositing it in to the bank below the monitored reporting thresholds.
- , Physically moving the cash into locations or jurisdictions and depositing it in off shore banks with lesser stringent enforcement laws and regulations.
- , Using business typically known to receive revenue in cash to be used to deposit criminally derived cash.
- , Trade based laundering – Over or Under Invoicing.
- , Shell companies operating in jurisdictions not requiring reporting of beneficial owner to earn tax favored profits.
- , Round Tripping wherein money is deposited in a controlled foreign corporation offshore preferably a tax haven where minimal records are kept & then shipped back as FDI to earn tax favored profits through a shell company.
- , Use of Casinos – Chips are purchased with laundered cash and on winning, the buyer either gets back the winnings in cheque or gets a receipt for the winnings.
- , Real estate Transactions – seller agrees to understate the value of the property and collects the difference in cash.
- , Bank capture – Buying a controlling interest in a Bank in a jurisdiction with weak money laundering controls and then move money through the bank without much scrutiny.

At Branch level the Statutory Branch Auditors may review process of documenting explanations received from customer regarding AML alerts.

Response to the Assessed Risks

2.30 SA 330, “The Auditor’s Responses to Assessed Risks” deals with the auditor’s responsibility to design and implement responses to the risks of material misstatement identified and assessed by the auditor in accordance with SA 315. Further, it requires the auditor to design and implement overall responses to address the assessed risks of material misstatement at the financial statement level. The auditor should design and perform further audit procedures whose nature, timing and extent are based on and are responsive to the assessed risks of material misstatement at the assertion level.

2.31 The auditor shall design and perform tests of controls and substantive procedures to obtain sufficient appropriate audit evidence, as to the operating effectiveness of relevant controls, and to detect material misstatements at the assertion level.

II-3

Special Considerations in a CIS Environment

Introduction

3.01 The face of Banking Industry is changing rapidly. What Banking is today is quite different from what it was in the years gone by. Rapid strides in technological advancements, payment systems, integration of AADHAR for Card Less transactions is changing the way of banking. However, in recent times there have been few instances of manipulating the banking system for unlawful gains and frauds.

Responsibilities of Branch Auditors

3.02 Generally, the branch auditors do not have access to the overall IT policy, processes, controls and accounting procedures implemented by the bank. Moreover, the branch auditors confront following practical issues at fully computerised branches:

- , Accounting manual, entries, calculations and framework is built in computerised accounting systems.
- , Critical IT and manual controls are centralised at HO level.
- , Limited access to periodical MIS and exception reports generated by the system.
- , Documentation of critical processes performed for accounting and book keeping (IT and Manual).
- , Access to primary records and entry level transactions.
- , Audit sampling.
- , Hard copies of transactions.
- , Independent IT Audit at branches, etc.

3.03 The overall review of IT environment and of the computerised accounting system has to be taken up at central level. The management plays a more proactive role to ensure that the computerised accounting systems are working properly and effectively. It is for the central auditor to review whether

the management is performing this role effectively. The roles and responsibilities of bank, and the branch auditors are enumerated below -.

Role and responsibilities of the Bank

3.04 Considering the importance of IT systems in the preparation and presentation of financial statement, it is imperative that the bank should share the detailed information about the following key aspects relating to IT environment of the bank with the central/branch auditor at regular intervals:

- , Overall IT Policy, structure and environment of the bank's IT system and changes/developments, if any, thereto.
- , Data processing and data interface under various systems.
- , Data integrity and data security.
- , Business Continuity Plans and Disaster Recovery Plans.
- , Accounting manual and critical accounting entries (including month-end and year-end) and the processes and involvement of IT systems.
- , Controls over key aspects, such as, account codes and mapping thereof, use of various account heads including other assets and other liabilities, asset classification, income recognition, expense booking, overdue identification, month-end and year-end procedures, valuation and re-valuation of various items of the financial statements, KYC, ALM, etc.
- , Controls and recording of various e-banking and internet banking products & Channels.
- , Manual processing of key transactions.
- , MIS reports being generated and the periodicity thereof.
- , Hard copies being generated and the periodicity thereof.
- , Process of generating information related to various disclosures in the financial statements and the involvement of the IT systems.
- , Major exception reports and the process of generation thereof along with logic embedded in generation of such reports.
- , Major IT related issues (including frauds and failures) faced and resolved/unresolved during the year, such as, data/system corruption, system break-down, etc., having bearing on the preparation and presentation of financial statements.
- , Significant observations of internal auditors, concurrent auditors, system

auditors, RBI inspection and internal inspection, etc., related to computerised accounting and overall IT systems.

- , Customer complaints related to mistakes in transactions (interest application, balances, etc.).
- , In order to ensure that the technology deployed to operate the payment system/s authorised is/are being operated in a safe, secure, sound and efficient manner and as per the process flow submitted by the bank for which authorisation has been issued, banks are required to get a System audit done by a firm of Chartered Accountants / Certified Information System Auditor. The scope of the System audit would include evaluation of the hardware structure, operating systems and critical applications, security and controls in place, including access controls on key applications, disaster recovery plans, training of personnel managing systems and applications, documentation, etc. The system auditor is also required to comment on the deviations, if any, in the processes followed from the process flow submitted to RBI while seeking authorisation.¹
- , Compliance documentation with RBI IT and Security directives and guidelines.

Role and responsibilities of branch auditors

3.05 Based on the guidance and information received from the Statutory Central Auditor / Bank, the branch auditors need to ensure that:

- , Their roles and responsibilities are clearly understood and implemented.
- , To the extent possible, data analysis tools are used for better and effective audit.
- , Test of controls and substantive checking of sample transactions is carried out at the branch level and, where considered necessary, the results are shared with the statutory central auditors.
- , Data review and analysis through CBS is carried out.
- , Significant observations having bearing on the true and fair view are reported to the statutory central auditors.
- , Any other limitations on audit which are required to be reported to the central auditors are reported in a timely manner.

¹ Refer RBI circular No. DPSS.AD.No./ 1206/02.27.005/2009-2010 dated 7thDecember, 2009 on "System Audit of the Payment Systems operated under the PSS Act, 2007".

Audit in a CIS environment

Assessment of Inherent and Control Risks

3.06 The nature of banking operations is such that the auditors may not be able to reduce audit risk to an acceptably low level by the performance of substantive procedures alone. This is because of factors such as the following:

- , The extensive use of IT and EFT systems, which means that much of the audit evidence is available only in electronic form and is produced by the bank's own IT systems.
- , The high volume of transactions processed by banks, which makes reliance on substantive procedures alone impracticable.
- , The geographic spread of banks' operations.
- , Complex trading transactions (Highly inter connected and automated systems such as card, mobile banking and payment systems).

3.07 In most situations, the auditors' ability to reduce audit risk to an acceptably low level would be affected by the internal control systems established by the management that allow the auditors to be able to assess the level of inherent and control risks as less than high. The auditors obtain sufficient appropriate audit evidence to assess the level of inherent and control risks.

The auditor's procedures would need to be adapted as the circumstances warrant and in respect of each account, different procedures may be necessary. An illustrative checklist on audit considerations in CIS environment is given in **Appendix VII** of this Guidance Note.

3.08 The principal objective of the auditor in undertaking an audit in a CIS environment is to evaluate the effectiveness of controls. In simple words, controls are those policies and procedures which the organisation implements to minimise the events and circumstances whose occurrence could result in a loss / misstatement. There are mainly four types of controls.

- A., *Deterrent controls* - Deterrent Controls are designed to deter people, internal as well as external, from doing undesirable activities. For example, written policies including the punitive measures may deter people from doing undesired activities.
- B., *Preventive Controls* - Preventive Controls prevent the cause of exposure from occurring or at least minimise the probability of unlawful event taking place. For example, security controls at various levels like hardware,

software, application software, database, network, etc.

C., *Detective Controls* - When a cause of exposure has occurred, detective controls report its existence in an effort to arrest the damage further or minimise the extent of the damage. Thus, detective controls limit the losses if an unlawful event has occurred.

D., *Corrective Controls* - Corrective Controls are designed to recover from a loss situation. For example, Business Continuity Planning is a corrective control. Without corrective controls in place, the bank has risk of loss of business and other losses due to its inability to recover essential IT based services, information and other resources after the disaster has taken place.

3.09 The auditor should obtain a preliminary understanding of the IT environment and various controls put in place by the management, including entity-level controls and then test and evaluate whether the controls are operating effectively. The auditor should discuss the methodology adopted by the bank in implementing controls and their monitoring with the Head of the IT department and the Head of the audit department. These discussions will enable the auditor to get a view on the manner in which the bank has implemented controls. Based on these discussions, the auditor could interact with the various officials of the bank to determine whether they are sensitised to the control expectations of the management considering the technology deployed. If this sensitisation level is low, the auditor may need to perform more extensive audit procedures.

Security Control Aspects

3.10 The key security control aspects that an auditor needs to address when undertaking audit in a computerised bank include:

- , Ensure that authorised, accurate and complete data is made available for processing.
- , Ensure that in case of interruption due to power, mechanical or processing failures, the system restarts without distorting the completion of the entries and records.
- , Verify whether “access controls” assigned to the staff-working match with the responsibilities as per manual. It is important for the auditor to ensure that access and authorisation rights given to employees are appropriate.
- , Verify that segregation of duties is ensured while granting system access

to users and that the user activities are monitored by performing an activities log review.

- , Verify that changes made in the parameters or user levels are authenticated.
- , Verify that charges calculated manually for accounts when function is not regulated through parameters are properly accounted for and authorised.
- , Verify that exceptional transaction reports are being authorised and verified on a daily basis by the concerned officials. It is important for auditor to understand the nature of exception and its impact on financials.
- , Verify that the account master and balance cannot be modified/amended/alterd except by the authorised personnel.
- , Verify that all the general ledger accounts codes authorised by Head Office are in existence in the system.
- , Verify that balance in general ledger tallies with the balance in subsidiary book.

Credit Risk

3.11 Generally, the bank's credit risk is not increased by the mere fact that a loan is originated through an e-banking channel. However, the bank should ensure that additional precautions are in place when originating and approving loans electronically including assuring management information systems effectiveness by preparing a track of the performance of portfolios originated through e-banking channels. The following aspects of on-line loan origination and approval tend to make risk management of the lending process more challenging:

- , Verifying the customer's ID for on-line credit applications and executing an enforceable contract;
- , Monitoring and controlling the growth, pricing, and on-going credit quality of loans originated through e-banking channels;
- , Monitoring and oversight of third-parties operations doing business as agents or on behalf of the banks;
- , Valuing collateral and perfecting liens over a potentially wider geographic area; and
- , Collecting loans from individuals over a potentially wider geographic area.

If not properly managed, these aspects can significantly increase credit risk.

Compliance/ Legal Risk

3.12 Compliance and legal issues arise out of the rapid growth in usage of e-banking services and the differences between the electronic and paper-based processes. E-banking is a new delivery channel where the laws and rules governing the electronic delivery of certain financial products or services may be ambiguous or still evolving. Specific regulatory and legal challenges include:

- , Uncertainty over the legal jurisdictions applicable to the transaction taking place through e-banking;
- , Delivery of credit and deposit related disclosures/notices as required by law or regulation;
- , Retention of required compliance documentation for on-line advertising, applications, statements, disclosures, notices; and
- , Establishment of legally binding electronic agreements.

3.13 Banks offering e-banking services, both informational and transactional, assume a higher level of compliance risk because of the changing nature of the technology, the speed at which errors can be replicated, and the frequency of regulatory changes to address e-banking issues. The potential for violations is further heightened by the need to ensure consistency between paper and electronic advertisements, disclosures and notices.

Reputational Risk

3.14 The rise of the sophisticated cyber-crime has become one of the fastest growing security and reputational risks to banks. The cyber-crime landscape features malware exploits that can routinely evade traditional security controls. The reactive attack and penetration approaches of the past may no longer be sufficient to deal effectively with that level of ingenuity of cyber-attacks and are being replaced with new forms of cyber intelligence capable of enhancing traditional security programs. Adding a layer of complexity to the issue is the rise of social networking, online communications, and online financial transactions. The bank has a significant role to play in identifying and addressing this risk thereby safeguarding its reputation and instilling the confidence in its customers.

Audit through CBS

3.15 With the adoption of CBS by banks, amendment in the conventional audit methodology has also become inevitable.

What is CBS?

3.16 The core banking system is the set of basic software components that manage the services provided by a bank to its customers through its branches (branch network). The bank's customers can make their transactions from any branch, ATM, Service Outlets, Internet, Phone at their disposal. The CBS is based on Service Oriented Architecture (SOA). It helps banks to reduce risk that can result from manual data entry and out-of date information. It also helps banks to improve Service Delivery quality and time to its customer. The software is accessed from different branches of bank via communication lines like telephones, satellite, internet etc.

3.17 Core Banking Solution [CBS] works on a concept of Centralized Database and Processing. Transactions take place at various geographical locations which get recorded and processed at a Centralized Server. Updation of Database is on Real Time Basis. Due to the Centralization of Transaction Processing, issue of Out of Date Information is eliminated. All the users connected to CBS will be able to get upto date information. CBS also enhances quality of Reporting and strengthens Access Control.

3.18 Under CBS data is stored in centralized servers at Data Centre. This effectively means that all operations at the connected branches, back offices are carried out through servers at Data Centre including transactions through other delivery channels like ATMs, Internet Banking, Phone Banking.

3.19 Under CBS, the branches, back offices are defined as SOL (i.e. Service Outlets) where each SOL functions as a service window. The CBS is capable of processing any transaction from any branch location connected to CBS. It can be equated with single window operations at airline counters or railway reservation counters wherein all the services can be obtained at one place. Hence, under CBS customer is now a customer of the bank and not merely a customer of a branch of the Bank. This has facilitated Any-where, Anytime Banking convenience for the customer.

3.20 From Bank's perspective, control over the application and processes has been entrusted at Data Center Level. In addition to it CBS also makes available effective MIS on real-time basis. It enables generation of all periodical returns centrally.

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3.21 There are various CBS developed by various software companies are available in the market. Few widely used CBS are a) FINACLE, b) BaNCS and c) FlexCube.

3.22 Various other Appendices such as Overview of various CBS and basic concepts, List of important Menu commands in CBS, Illustrative Checklist on Audit Activity through CBS are given in **Appendices VIII to X** of the *Guidance Note*.

PART - III

Advances-Agriculture

Introduction

1.01 Indian Agriculture has always been the backbone of Indian economy despite sustained progress in industrial and service(s) sector. It still contributes around 18% of the GVA (Gross Value Added) and provides employment opportunities to around 50% of the population. Indian agriculture has been source of raw materials to many of our leading industries like cotton, jute textile industries, sugar, flour mills, vanaspati, oil mills etc. Besides, many industries like handloom weaving, rice-dehusking etc. depend indirectly on the agriculture. Rapid growth in agriculture is essential not only for self-reliance but also to earn valuable foreign exchange.

1.02 The agriculture sector in India is pre-dominantly dependent on Monsoon rains which more often than not tend to be of erratic nature. Hence, agricultural credit is considered as one of the most basic input for conducting all agricultural development programmes. In India there is an immense need for proper agricultural credit as the economic condition of Indian farmers generally is of subsistence. From the very beginning the prime source of agricultural credit in India has been money lenders as many of the commercial banks were generally discouraged by inherent characteristics of Indian agriculture like uncertain character of Indian agriculture, small amounts of individual loans, inadequate security for loans, difficulty in recovery of loans from farmers and lack of business experience of working with rural sector.

1.03 With a view to ensure wider spread of agricultural credit, the Government adopted the institutional credit approach through various agencies like co-operatives, commercial banks, regional rural banks etc. to provide adequate credit to farmers, at a cheaper rate of interest. The long term and short term credit needs of these institutions are also being met by National Bank for Agricultural and Rural Development (NABARD). It is the evolution of agricultural finance. It has the objective of promoting the health and the strength of the credit institutions which are in the forefront of the delivery system namely, cooperatives, commercial banks and regional rural bank. It is, in brief, an institution for the

purpose of refinance; with the complementary work of directing, inspecting and supervising the credit- flows for agricultural and rural development.

1.04 The evolution of institutional credit to agriculture could be broadly classified into four distinct phases –

- i., 1904-1969 (predominance of co-operatives and setting up of RBI);
- ii., 1969-1975 [nationalization of commercial banks and setting up of Regional Rural Banks (RRBs)];
- iii., 1975 - 1990 (setting up of NABARD); and

From 1991 onwards (financial sector reforms): The genesis of institutional involvement in the sphere of agricultural credit could be traced back to the enactment of the Cooperative Societies Act in 1904. The establishment of the RBI in 1935 reinforced the process of institutional development for agricultural credit.

1.05 Government has increasingly begun to tap institutional finance from banks and other term lending institutions for financing various developmental programmes in the State in view of the need to supplement plan financing. Banks in the State have also played a pivotal role in this regard. However, credit should be utilized in prudent manner to maximize returns and spread the benefit over wider sections of the population. Successful implementation of socioeconomic developmental programmes calls for effective co-ordination between financial agencies and government departments. It also helps in improvising efficiency of resource allocation & identifying infrastructural gaps.

1.06 The State Level Bankers' Committee ('SLBC'), constituted by the Reserve Bank of India under the Lead Bank Scheme periodically takes up the review performance and monitors progress under special schemes. At the district level the District Consultative Committee with the Chief Executive Officer of Zilla Panchayat as chairperson and representatives of financial institutions and Heads of Government departments at the district level as members' monitors the implementation of government sponsored schemes & Service Area Credit Plans. At the block level, Block Level Bankers' Committee chaired by Lead District Manager with bank managers and departmental heads of government at block level as members periodically reviews the implementation of government sponsored schemes & Service Area Credit Plans and sorts out problems encountered in the implementation of various programmes. In order to select & prioritise the works for loan assistance from National Bank for Agriculture and Rural Development (NABARD) under Rural Infrastructure Development Fund

(RIDF) Scheme, launched in 1995-96, a Cabinet Sub-Committee on RIDF has been constituted under the chairmanship of the Minister for Public Works. There is also a High Power Committee chaired by the Additional Chief Secretary and Development Commissioner for reviewing the implementation of RIDF projects. These policy measures have resulted in the increase in the share of institutional credit of the rural households.

Role of Commercial Banks (CBs) in providing agricultural credit

1.07 Commercial banks are guided by priority sector lending policy of providing credit to various deserving sectors/sections including agriculture and allied activities.

1.08 Commercial banks entered the field of agricultural credit in a major way following their nationalisation in 1969. Growth in commercial bank credit to agriculture, which was lower than the growth in aggregate bank credit during the 1990, picked up sharply in the first half of the 2005 and largely coincided with the growth in aggregate bank credit. There was a downturn in the growth in commercial bank credit to agriculture after 2005-06, when growth in aggregate bank credit also slowed down. Previously Commercial Banks (CBs) were confined only to urban areas serving mainly to trade, commerce and industry. Their role in rural credit was abysmally low i.e., 0.9 per cent in 1951-52 and 0.7 per cent in 1961-62. The insignificant participation of CBs in rural lending was explained by the risky nature of agriculture due to its heavy dependence on monsoon, unorganized nature and subsistence approach. In the year 1990-91 share of commercial banks increased up to 54 percent. At present, they are the largest source of institutional credit to agriculture.

Priority Sector Lending (PSL)

1.09 With a view to regulate and encourage the flow of agricultural credit by all scheduled Commercial Banks, the RBI from time to time, issues a number of guidelines /instructions/directives to banks on Priority Sector Lending.

1.10 Priority Sector Lending programme has been an integral part of the banking policy in India. It is a major public policy intervention through which credit is directed to the sectors of national priorities critical for both employment and equity. The Priority Sector Lending programme of India is one among the longest serving direct lending programmes in the world. This scheme is intended to give loans to the important sectors of the economy (agriculture, small scale industries etc.) in such a way to ensure maximum credit flow to the last man in the last village of the country through a strong banking network. The origin of the PSL

programme can be traced back to the Credit Policy for 1967-68, when public sector banks were advised to increase their involvement in financing of certain sectors identified as priority sectors in line with the national economic policy. Priority sector lending in its present form was introduced in 1980, when it was also made applicable to private sector banks and a sub-target was stipulated for lending to the “weaker” sections of the society within the priority sector.

Meaning – Priority Sector & Priority sector advances

1.11 Priority sector refers to those sectors of the economy which may not get timely and adequate credit in the absence of this special dispensation. Priority sector advances are small value loans to farmers for agriculture and allied activities, micro and small enterprises, poor people for housing, students for education and other low income groups and weaker sections.

1.12 In terms of RBI Master Direction- RBI/ FIDD/ 2016-17/ 33 Master Direction FIDD.CO.Plan.1/04.09.01/2016-17 “Master Direction-Priority Sector Lending- Targets and Classification” dated July 7, 2016 (updated December 04, 2018) the categories under priority sector are as follows:

- (i), Agriculture
- (ii), Micro, Small and Medium Enterprises
- (iii), Export Credit
- (iv), Education
- (v), Housing
- (vi), Social Infrastructure
- (vii), Renewable Energy
- (viii), Others

1.13 The targets and sub-targets for agriculture set under priority sector lending for all scheduled commercial banks operating in India are furnished below for domestic scheduled commercial banks and foreign banks with 20 branches and above:

Agriculture	18 percent of Adjusted Net Bank Credit (ANBC) or Credit Equivalent Amount of Off-Balance Sheet Exposure, whichever is higher. Within the 18 percent target for agriculture, a target of 8 percent of ANBC or Credit Equivalent Amount of Off-Balance Sheet Exposure, whichever is higher is prescribed for Small and Marginal Farmers. Additionally, domestic banks are directed to ensure that the overall lending to non-corporate farmers does not fall below the system-wide average of the
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	<p>last three years achievement. All efforts should be maintained to reach the level of 13.5 percent direct lending to the beneficiaries who earlier constituted the direct agriculture sector. The applicable system wide average figure for computing achievement under priority sector lending will be notified every year. For FY 2018-19, the applicable system wide average figure is 11.99 percent.</p> <p>Foreign banks with less than 20 branches have to achieve the Agriculture Target of 40% in phased wise manner by 2019-20 and the target for FY: 2018-19 is 38%.</p> <p>Guidelines issued by RBI for Priority Sector lendings by Small Finance Banks are different and these should be noted separately.</p>
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Computation of Adjusted Net Bank Credit (ANBC)

1.14

Bank Credit in India [As prescribed in item No.VI of Form 'A' under Section 42 (2) of the RBI Act, 1934].	I
Bills Rediscounted with RBI and other approved Financial Institutions	II
Net Bank Credit (NBC)*	III (I - II)
Bonds/debentures in Non-SLR categories under HTM category + other investments eligible to be treated as priority sector + Outstanding Deposits under RIDF and other eligible funds with NABARD, NHB, SIDBI and MUDRA Ltd. on account of priority sector shortfall + outstanding PSLCs	IV
Eligible amount for exemptions on issuance of long-term bonds for infrastructure and affordable housing as per circular DBOD.BP.BC.No.25/08.12.014/2014-15 dated July 15, 2014.	V
Eligible advances extended in India against the incremental FCNR (B)/NRE deposits, qualifying for exemption from CRR/SLR requirements.	VI
ANBC	III+IV-V-VI
<p>* For the purpose of priority sector computation only. Banks should not deduct / net any amount like provisions, accrued interest, etc. from NBC</p> <p>A., The computation of priority sector targets/sub-targets achievement will be based on the ANBC or Credit Equivalent Amount of Off-Balance Sheet</p>	

Exposures, whichever is higher, as on the corresponding date of the preceding year.

- B., For the purpose of priority sector lending, ANBC denotes the outstanding Bank Credit in India [As prescribed in item No.VI of Form 'A' under Section 42 (2) of the RBI Act, 1934] minus bills rediscounted with RBI and other approved Financial Institutions plus permitted non SLR bonds/debentures under Held to Maturity (HTM) category plus other investments eligible to be treated as part of priority sector lending (e.g. investments in securitised assets).
- C., The outstanding deposits under RIDF and other funds with NABARD, NHB, SIDBI and MUDRA Ltd. in lieu of non-achievement of priority sector lending targets/sub-targets will form part of ANBC.
- D., Advances extended in India against the incremental FCNR (B)/NRE deposits, qualifying for exemption from CRR/SLR requirements, as per the Reserve Bank's circulars DBOD.No.Ret.BC.36/12.01.001/2013-14 dated August 14, 2013 read with DBOD.No.Ret.BC.93/12.01.001/2013-14 dated January 31, 2014 and DBOD mailbox clarification issued on February 6, 2014 will be excluded from the ANBC for computation of priority sector lending targets, till their repayment.
- E., The eligible amount for exemption on account of issuance of long-term bonds for infrastructure and affordable housing as per Reserve Bank's circular DBOD.BP.BC.No.25/08.12.014/2014-15 dated July 15, 2014 will also be excluded from the ANBC for computation of priority sector lending targets.
- F., For the purpose of calculation of Credit Equivalent Amount of Off-Balance Sheet Exposures, banks may be guided by the Master Circular on Exposure Norms issued by the Department of Banking Regulation.
- G., If a banks opts to subtract prudential write off at Corporate/Head Office level while reporting Bank Credit as above, bank credit to priority sector and all other sub-sectors so written off should also be subtracted category wise from priority sector and sub-target achievement.

Agriculture Credit

1.15 Hitherto the agriculture advances were bifurcated into direct / indirect agriculture advances, however, in terms of revised guidelines issued by Reserve Bank of India (RBI-2014-15/573 FIDD.CO.Plan.BC.54/04.09.01/2014-15 dated April 23, 2015), the present distinction has been dispensed with and the lending to agriculture sector has been defined to include (i) Farm Credit

(which will include short-term crop loans and medium/long-term credit to farmers) (ii) Agriculture Infrastructure and (iii) Ancillary Activities.

1.16 A list of eligible activities under the three sub-categories is indicated below:

(i) Farm Credit

A., Loans to individual farmers [including Self Help Groups (SHGs) or Joint Liability Groups (JLGs), i.e. groups of individual farmers, provided banks maintain disaggregated data of such loans] and Proprietorship firms of farmers, directly engaged in Agriculture and Allied Activities, viz., dairy, fishery, animal husbandry, poultry, bee-keeping and sericulture. This will include:

- a., Crop loans to farmers, which will include traditional/non-traditional plantations and horticulture, and, loans for allied activities.
- b., Medium and long-term loans to farmers for agriculture and allied activities. (e.g. purchase of agricultural implements and machinery, loans for irrigation and other developmental activities undertaken in the farm, and developmental loans for allied activities.)
- c., Loans to farmers for pre and post-harvest activities, viz., spraying, weeding, harvesting, sorting, grading and transporting of their own farm produce.
- d., Loans to farmers up to Rs. 50 lakh against pledge/hypothecation of agricultural produce (including warehouse receipts) for a period not exceeding 12 months.
- e., Loans to distressed farmers indebted to non-institutional lenders.
- f., Loans to farmers under the Kisan Credit Card Scheme.
- g., Loans to small and marginal farmers for purchase of land for agricultural purposes.

B., Loans to corporate farmers, farmers' producer organizations/companies of individual farmers, partnership firms and co-operatives of farmers directly engaged in Agriculture and Allied Activities, viz., dairy, fishery, animal husbandry, poultry, bee-keeping and sericulture up to an aggregate limit of Rs. 2 crore per borrower.

This will include:

- a., Crop loans to farmers which will include traditional/non-traditional plantations and horticulture, and, loans for allied activities.

- b., Medium and long-term loans to farmers for agriculture and allied activities. (e.g. purchase of agricultural implements and machinery, loans for irrigation and other developmental activities undertaken in the farm, and developmental loans for allied activities.)
- c., Loans to farmers for pre and post-harvest activities, viz., spraying, weeding, harvesting, sorting, grading and transporting of their own farm produce.
- d., Loans up to Rs. 50 lakh against pledge/hypothecation of agricultural produce (including warehouse receipts) for a period not exceeding 12 months.

(ii) Agriculture Infrastructure

- a., Loans for construction of storage facilities (warehouses, market yards, godowns and silos) including cold storage units/ cold storage chains designed to store agriculture produce/products, irrespective of their location.
- b., Soil conservation and watershed development.
- c., Plant tissue culture and agri-biotechnology, seed production, production of bio-pesticides, bio-fertilizer, and vermi composting.

For the above loans, an aggregate sanctioned limit of Rs. 100 crore per borrower from the banking system, will apply.

(iii) Ancillary activities

- a., Loans up to Rs. 5 crore to co-operative societies of farmers for disposing of the produce of members.
- b., Loans for setting up of Agriclincs and Agribusiness Centres.
- c., Loans for Food and Agro-processing up to an aggregate sanctioned limit of Rs. 100 crore per borrower from the banking system.
- d., Loans to Custom Service Units managed by individuals, institutions or organizations who maintain a fleet of tractors, bulldozers, well-boring equipment, threshers, combines, etc., and undertake the farm work for farmers on contract basis.
- e., Bank loans to Primary Agricultural Credit Societies (PACS), Farmers' Service Societies (FSS) and Large-sized Adivasi Multi-Purpose Societies (LAMPS) for on-lending to agriculture.
- f., Loans sanctioned by banks to MFIs for on-lending to agriculture sector as per the conditions specified in paragraph IX of the aforesaid Master Directions.

g., Outstanding deposits under RIDF and other eligible funds with NABARD on account of priority sector shortfall.

1.17 For the purpose of computation of achievement of the sub-target, Small & Marginal Farmers will include the following:-

- a., Farmers with landholding of up to 1 hectare (Marginal Farmers). Farmers with a landholding of more than 1 hectare and up to 2 hectares (Small Farmers).
- b., Landless agricultural labourers, tenant farmers, oral lessees and share-croppers, whose share of landholding is within the limits prescribed for small and marginal farmers.
- c., Loans to Self Help Groups (SHGs) or Joint Liability Groups (JLGs), i.e. groups of individuals Small and Marginal farmers directly engaged in Agriculture and Allied Activities, provided banks maintain disaggregated data of such loans.
- d., Loans to farmers' producer companies of individual farmers, and co-operatives of farmers directly engaged in Agriculture and Allied Activities, where the membership of Small and Marginal Farmers is not less than 75 percent by number and whose land-holding share is also not less than 75 percent of the total land-holding.

1.18 Kisan Credit Card (KCC)

- a., In terms of RBI Cir. No. RPCD:F.S.D. BC No. 77/05/09/2011-12 dated 11th May, 2012 revised scheme for issue of Kisan Credit card was introduced by RBI which was subsequently modified vide various circulars. Latest Master cir. No. RBI/2018-19/10 FIDD.CO.FSD.BC. No. 6/05.05.010/2018-19 dated July 04, 2018.
- b., The scheme was simple and hassle free for both the farmers and bankers. The scheme was aimed at providing adequate & timely credit support under single window to the farmers for their cultivation and other needs as indicated below:
 - , Short term credit limits.
 - i., To meet the short-term credit requirement for cultivation of crops.
 - ii., Post-harvest expenses.
 - iii., Produce marketing loan.
 - iv., Consumption requirement of farmer household.

- v., Working capital for maintenance of farm assets & activities allied to agriculture like dairy, inland fishery etc.
- , Long term Credit Limit:
 - i. Investment credit requirement for agriculture & allied activities.
- c., It may be noted that KCC is not a type of loan, but is a channel for granting either short term or long term agricultural finance.

1.19 Interest Application

- a., Unlike normal loans, the interest on agricultural advances is not charged at monthly rests but is charged normally at half yearly or annual rests.
- b., Compounding of Interest is generally not permitted in respect of an Agricultural advance, unless it turns out to be a non-performing advance.
- c., The RBI *vide* its circular no.: DBOD No. Dir. BC. 25/13.03.00/2002-03 dated September 19, 2002 had advised the banks that instructions regarding charging of interest on monthly rests shall not be applicable to agricultural advances and banks shall continue to follow the existing practice of charging/compounding of interest on agricultural advances linked to crop seasons.

Examples of Interest application according to crop seasons and for other activities:

Crop Season	Kharif	Rabi	Horticulture
Disbursement Period	April 01 to Sept 30	Oct 01 to March 31	
Interest Application	Annual	Annual	Annual
Interest Application date	31st March	30th June	31st March
Compounding	Annual	Annual	Annual
Due Date	31st March	30th June	One year after first disbursement every year.
Compounding from date	After 31st March	After 30th June	After end of year (to be calculated from date of first disbursement every year)

Penal Interest	If overdue, after 31st March	If overdue, after 30th June	If overdue, from the due date
	Allied Activities		
	Dairy, Poultry	Goat Rearing, Piggery	
Repayment	Quarterly	Half Yearly / Yearly	
Interest Application	Quarterly	Half Yearly / Yearly	
Interest application date	Quarter end	Half Year end / Year end	
Compounding Frequency	Quarterly	Half Yearly / Yearly	
Compounding from date	After Quarter end	After Half Year end / Year end	
Penal Interest	If overdue, after Quarter end	If overdue after half year /year end.	

Interest Subvention

1.20 Public / Private Sector Scheduled Commercial Banks (in respect of loans given by the rural and semi urban branches) are eligible under the scheme. Interest subvention of 2% p.a. is allowed on their own funds used for short term crop loans upto Rs.3.00 lakh per farmer. Short term credit made available at 7% p.a. to farmers is considered for interest subvention. This is calculated on the crop loan amount from the date of its disbursement/ drawal up to the date of actual repayment of the crop loan by the farmer or up to the due date of the loan fixed by the banks, whichever is earlier, subject to a maximum period of one year.

From 2011-12, additional interest subvention of 3% to those farmers, who repay their short term crop loans promptly and on or before the due date. Farmers, who promptly repay their crop loans as per the repayment schedule fixed by the banks, are offered loans at an effective interest rate of 4% p.a.

1.21 The RBI vide its circular no.: RBI/2017-18/190 FIDD.CO.FSD.BC.No.21/05.04.001/2017-18 dated June 07, 2018 has specified continuation of the interest subvention scheme for 2018-19 on the terms and conditions approved for the scheme for 2017-18.

Further, As notified by the Government of India (Subject to inclusion in the Interest Subvention Scheme on short term crop loans) from time to time, to provide relief to farmers availing short term crop loans and affected by a natural calamity, an interest subvention of 2 percent per annum shall be made available to banks for the first year on the restructured loan amount. Such restructured loans shall attract normal rate of interest from the second year onwards.

Interest subvention scheme to post harvest loans

1.22 Scheme extended to small and marginal farmers (having Kisan Credit Card) for a further period upto six months, post-harvest, against negotiable warehouse receipt for keeping their produce in warehouses. To discourage distress sale by farmers and to encourage them to store their produce in warehouses against warehouse receipts.

1.23 Auditors have to submit certificate of Interest Subvention alongwith annual accounts of the branch audited by them.

Audit Procedure

- 1., Obtain written representation from the management about the scheme and its applicability.
- 2., Obtain list of eligible borrowers with outstanding balance.
- 3., Interest on the loan account has been properly charged.
- 4., The subvention is computed properly for the eligible year and credited in respective borrower account.
- 5., Inquire about any rejection made in earlier year claims and reasons thereof.

As per RBI circular, the auditor need to certify the correctness of the claim, so the substantive testing needs to be carried out for examinations.

Non-achievement of priority sector targets

1.24 Scheduled Commercial Banks having any shortfall in lending to priority sector shall be allocated amounts for contribution to the Rural Infrastructure Development Fund (RIDF) established with NABARD and other Funds with NABARD/NHB/SIDBI/ MUDRA Ltd., as decided by the Reserve Bank from time to time. The achievement will be arrived at the end of financial year based on the average of priority sector target /sub-target achievement as at the end of each quarter.

1.25 While computing priority sector target achievement, shortfall / excess lending for each quarter will be monitored separately. A simple average of all quarters will be arrived at and considered for computation of overall shortfall / excess at the end of the year. The same method will be followed for calculating the achievement of priority sector sub-targets. An Illustrative example is given in Annex A of Master Directions – Priority Sector lending – Target and Classification issued dated July 07, 2016 (Updated as on December 04, 2018).

1.26 The interest rates on banks' contribution to RIDF or any other Funds, tenure of deposits, etc. shall be fixed by Reserve Bank of India from time to time.

1.27 The misclassifications reported by the Reserve Bank's Department of Banking Supervision would be adjusted/ reduced from the achievement of that year, to which the amount of declassification/ misclassification pertains, for allocation to various funds in subsequent years.

1.28 Non-achievement of priority sector targets and sub-targets will be taken into account while granting regulatory clearances/approvals for various purposes.

Term wise Categories of Agriculture Credit

1.29 The credit needs of cultivators fall into three broad categories:

- i. Crop Loan or Short Term - mainly for financing current expenditure in connection with the raising of crops.
- ii. Medium Term - for meeting outlay relating to the replacement and maintenance of assets and for capital investment designed to increase the output from land. Such loans are generally repayable in 3 to 5 years. They are sanctioned for purposes such as deepening of wells, sinking of new wells, installation of pump sets, purchase of agricultural machinery or a pair of bullocks, etc.
- iii. Long Term - for capital investments in agriculture such as sinking of new wells, construction of tube wells, land levelling, bunding, terracing, purchase of tractors, power tillers and other costly machinery, electrical motors, purchase of land, etc. Such loans are generally repayable over a period of 5 to 15 years and in exceptional cases in 20 years.

As per the extant RBI guidelines, "long duration" crops would be crops with crop season longer than one year and crops, which are not "long duration" crops would be treated as "short duration" crops. The crop season for each crop, which means the period up to harvesting of the crops raised, would be as determined by the State Level Bankers' Committee in each State depending upon the duration of crops raised by an agriculturist.

State Level Banker's Committee (SLBC)

1.30 The Agriculture finance is supervised and monitor by State Level Banker's Committee ('SLBC') and its decisions are implemented by all banking sector having branches in the state. Every state has its own SLBC and guidelines have been issued to banks to develop agricultural finance.

1.31 The SLBC is an inter-institutional forum for co-ordination and joint implementation of development programmes and policies by all the financial

institutions operating in a state. Although SLBC is envisaged as a bankers' forum, Government officials are also included. The Lead Bank designated as 'Convener Bank'. The State Level Banker's Committee meets once a quarter.

1.32 The SLBC of the respective state decides the crop season for each crop, which effectively means the period upto harvesting of the crop raised and the banks of the respective state have to adhere with the crop season as decided by the SLBC of that respective state. Hence, practically it may occur that same crop may have different harvesting season in different states as decided by the respective SLBC of those states. In these cases the auditor needs to verify whether the Banks have the requisite mechanism to map the crop season(s) vis-à-vis the crop season(s) as defined by the SLBC of each state as any discrepancies may have a direct impact on identification of NPAs.

1.33 Auditors are advised to refer to the guidelines issued by SLBC of the state wherein the branch under the audit is located.

1.34 Few examples of Harvesting Season as defined by SLBC in different states in various years are as follows:

A. SLBC Rajasthan

As per guidelines², the SLBC has to determine crop season for each crop so as to decide the NPA norms to be followed in the State for asset classification under Agriculture Advance. Based on the sowing, harvesting period prevailing in the State & looking to the crop pattern, Agro Climatic condition, the Crop season for Kharif & Rabi season was proposed as under, which was unanimously approved by the house.

Kharif Crop - April – Dec - Due date of repayment may be fixed 31st March

Rabi Crop - Oct – April - Due date of repayment may be fixed 30th June

B. SLBC Gujarat

Short duration Mono cropping farmers:

PARTICULARS	KHARIF SEASON	RABI / SUMMER SEASON
Year of sanction of Loan	2004-05	2004-05
Month of sanction	April 04 to June 04	October 04 to November 04
Season start	June -July 04	November-December 04
Harvest Time	October-November 04	February-March 05

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² Excerpts from minutes of 108th meeting of SLBC Rajasthan held on 16.03.2011.

Due date for Repayment	31.03.2005	30.06.2005
1st crop season	June 05 to December 05	October 05 to March 06
2nd crop season	June 06 to December 06	October 06 to March 07

Short duration Double cropping farmers:

PARTICULARS	KHARIF SEASON	RABI / SUMMER SEASON
Year of sanction of Loan	2004-05	2004-05
Month of sanction	April - June 04	October - November 04
Season start	June -July 04	November-December 04
	October-November 04	February-March 04
Due date for Repayment	31.03.2005	30.06.2005
1 st crop season	October 04 - March 05	June 05 - December 05
2 nd crop season	June 05 - December 05	October 05 - March 06

Two Crops seasons is considered as under:

- If a farmer is growing Crops only in Kharif season and land remains fallow during the rest of the year, two crop seasons will spread over two years. Similar is the case if crops are grown only in Rabi season by a farmer. In this case, repayment date will be fixed once in a year.
- If the farmer is growing Kharif as well as Rabi crops, two crop seasons will spread over one year period. There will be two repayment dates during one year period.

(Excerpts from minutes of 119th State Level Bankers' Committee Meeting held on December 22, 2008 at Dena bank)

Security for Crop Loan

1.35 An essential feature of the crop loan system is that a cultivator's eligibility for loan and its size are determined not with reference to the value of the land or any other tangible security that he is in position to offer but on the basis of the size of the land holding he cultivates and the crops he grows. The repayment of loans is expected out of the sale proceeds of the crops raised. A distinction has to be drawn between:

- i., loan to a cultivator and loan for agricultural production;

- ii., Loans given without reference to outlays on the crops and repaying capacity generated thereby will fall in the former category; whereas, crop loans fall in the latter category, as they are essentially need based and production-oriented (and not security oriented).

1.36 While the security offered will not be the basis for a crop loan, it does not mean that the security aspect should be completely done away with. Security is necessary to provide against the possibility of a loan becoming unrealisable. Many Cooperative Societies Acts and Banks provide for a charge on the “standing crops as security” for advances made for agricultural purposes. If the crops grown are really to constitute the security for advances, it is necessary to ensure that the repayment of loan is made out of the sale proceeds of crops grown. However, partly because of the ineffective linking of credit with marketing and partly because of inadequate and inefficient supervision, the credit agency has little or no control over the sale of crops. Further, it is also difficult to enforce the charge on crops in spite of the provision therefor in the Cooperative Societies Acts.

1.37 Mortgage of land would appear to be a sound security from the point of view of the lending agency. But insistence on such security is likely to create difficulties to the borrowers. Firstly, the procedure and formalities which an execution of mortgage involves are generally time consuming and elaborate. Secondly, it may handicap a borrower in raising medium or long term loans for which mortgage of land is normally insisted upon. Thirdly, a large number of cultivators would be deprived of loans because of their inability to provide mortgage security e.g., tenants, oral lessees, etc.

NPA Norms for Agriculture Advances

1.38 NPA classification of Agricultural Loans is linked with:

- i., Nature of crop.
- ii., Duration of crop / crop season.

Applying a single form for NPA & setting up the system parameters in CBS is difficult. System is required to be configured to capture relevant SLBC guidelines for crop seasons & classification of crops and also implementation of relaxations due to natural calamities.

1.39 A loan granted for short duration crops will be treated as NPA, if the instalment of principal or interest thereon remains overdue for two crop seasons and, a loan granted for long duration crops will be treated as NPA, if the instalment of principal or interest thereon remains overdue for one crop season. Depending upon the duration of crops raised by an agriculturist, the above

NPA norms would also be made applicable to agricultural term loans availed by him.

1.40 These NPA norms should be made applicable only to Farm Credit extended to agricultural activities as listed at paragraph 6.1 of the Master Direction on Priority Sector Lending – Targets and Classification RBI/FIDD/2016-17/33 Master Direction FIDD.CO.Plan.1/04.09.01/2016-17 dated July 07, 2016 (updated December 04, 2018). An extract of the list of these items is furnished in the Annex – 2 of the Master Circular – Prudential Norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances.

1.41 In respect of agricultural loans, other than those specified in the Annex-2 and term loans given to non-agriculturists, identification of NPAs would be done on the same basis as non-agricultural advances, which, at present, is the 90 days delinquency norm.

1.42 It is important to note that the duration of crops / crop season and the overdue period for NPA's would be determined by the State Level Bankers' Committee ('SLBC') of each state as per the extant guidelines of RBI. Further, based on the harvesting period as noted by the SLBC would be taken into consideration while identification of accounts as NPA's.

Following in an example to elaborate this point further:

C. Maharashtra SLBC

1.43 Based on the resolution and minutes of 71st steering committee meeting of SLBC held on Sep 6, 2004 following guidelines have been framed for identification of NPA's in respect of Farm credit (erstwhile Direct Agricultural Advances) and come into effect from Sep 30, 2004.

It was decided that in Maharashtra State except sugarcane and banana, all other crops would be reckoned as Short duration crops.

A.A Short Duration Crops:

- 1., Kharif / Rabi crops: A loan granted for Kharif / Rabi crop will be treated as NPA if the instalment of principal or interest thereon remains overdue for a period of 21 months from repayment due date.
- 2., Horticulture Crops: A loan granted for Horticultural crop will be treated as NPA if the instalment of principal or interest thereon remains overdue for a period of 24 months from repayment due date.

B.A Long Duration Crops:

- 1., Perennial Crop Sugarcane (Adsali): A loan granted for sugarcane (Adsali) will be treated as NPA if the instalment of principal or interest remains overdue for a period of 18 months from repayment due date.
- 2., Perennial Crop Banana (Mrig Bahar): A loan granted for banana crop will be treated as NPA if the instalment of principal or interest remains overdue for a period of 21 months from repayment due date.
- 3., Repayment due date means the date fixed at the time of sanction of loan for repayment of crop loan or instalments/interest of term loan.

C.A Agricultural term Loan:

Depending upon the duration of crops raised (e.g., short duration, long duration or both), by an agriculturalist, respective overdue period as applicable to the crops mentioned above in (A) and (B) will be applicable for identification of NPAs in agricultural term loans availed by the borrower.

While identifying NPAs following points may be noted:

1.44

- a., Term loan/s availed with crop loan/s: Where an agriculturist has availed loans both for short duration as well as long duration crops along with Term loan/s, such term loan/s will be classified as NPA if either of the loans for short duration or long duration crops is classified as NPA.

Example 1: An agriculturist avails following loans

- i), Crop loan for kharif crop (a short duration crop) is availed on 1.6.2004 for which repayment due date prescribed is 31.03.2005.
- ii), Crop loan for Adsali sugarcane (a long duration crop) is availed on 1.7.2004 for which repayment due date prescribed is 30.06.2006.
- iii), A term loan for deepening of well is availed on 01.05.2004 for which first repayment instalment is due on 30.06.2006.

If crop loan for Kharif crop remains overdue up to 31.12.2006 (i.e. overdue for 21 months after repayment due date of 31.03.2005) this crop loan along with the crop loan for sugarcane and term loan for deepening of well, will be classified as NPA with effect from 31.12.2006.

- b., Term loan/s availed without crop loan: where an agriculturist has availed only Agricultural Term Loan without availing any crop loan, details of crops grown (i.e. whether kharif / Rabi, horticulture, sugarcane or banana) are required to be obtained, verified and recorded. Based on the duration of these crops, overdue period for each crop as stated in (A) or (B) above will

be identified and recorded. If the term loan remains overdue for the period identified as above, the same will be classified as NPA.

Example 2: In the example 1 referred to above, if only term loan is availed without availing crop loan for kharif crop & sugarcane, which are actually grown by the borrower, overdue period will be identified as 21 months for kharif crop and 18 months for sugarcane crop as mentioned above paras. The term loan will become NPA if its instalment of principal or interest remains overdue for 18 months from repayment due date i.e., from 30.06.2006 (overdue period applicable will be the lower of 18 or 21 months as applicable for crops grown by the borrower). Thus the loan for deepening of well will become NPA on 31.12.2007.

RBI Clarification received by Maharashtra SLBC

1.45 Loan may be treated as NPA immediately on completion of two crop seasons / one crop season (as the case may be, depending on the duration of the crops) after the repayment due date. Two crop seasons after the due date should refer to only those two consecutive crop seasons in which the farmer usually undertakes crop production.

1.46 The crop season for each crop, means the period up to harvesting of the crops raised. The asset classification norms assume that there is normal crop yield during the season for which credit is extended. Hence, immediately after consecutive two harvest seasons (as per the cultivation pattern followed by the farmer borrower) from repayment due date, the account is to be identified as NPA as per the revised guidelines. In case the yield is affected by natural calamities as declared by the State Government, the loan accounts should be restructured / rescheduled.

Example of NPA identification

1.47 Example of NPA identification for various types of Crop loans is given as follows.

Particulars	Rabi Season	Kharif Season	Rabi Season	Sugarcane	Banana
Year of Finance	2014-15	2015	2015-16	October	July
Date of Finance	From 1/10/2014	From 1/4/2015	From 1/10/2015	From 1/10/2014	From 1/7/2014
Season starts	Oct. 2014	May/June 2015	Oct. 2015	Oct-Nov.14	July-Oct.14

Guidance Note on Audit of Banks (Revised 2019)

Harvesting Time	March / April 2015	Nov. 2015	March/ April 2016	Oct/Dec.15	Sept.15- Dec.15
Repayment Due date	Up to 30/9/2015	Up to 31/3/2016	Up to 30/9/2016	Up to 31/12/2015	Up to 31/12/2015
First Crop Season after due date: (For Dual Crop Farmer i.e. he is growing Rabi and Kharif Crop both in a year)					
Season starts	May/June 15	Oct., 2015	June 16	1/10/2015	1/7/2015
Harvesting Time	Nov. 2015	March/ April 16	Nov. 2016	Oct./Nov.16	Sept.16- Dec.16
Second Crop Season after due date: (For Dual Crop Farmer i.e. he is growing Rabi and Kharif Crop both in a year)					
Season starts	Oct/Nov 15	May/June 2016	Oct./Nov 16		
Harvesting Time	March/ April 2016	Nov. 16	March 2017		
NPA Date	30/6/2016	31/12/16	30/6/2017	31/12/2016	31/12/2016
First Crop Season after due date: (For Mono Crop Farmer i.e. he is growing only one crop in a year.)					
Season starts	Oct/Nov 15	May/June 2016	Oct./Nov 16		
Harvesting Time	March/ April 2016	Nov. 16	March 2017		
Second Crop Season after due date: (For Mono Crop Farmer i.e. he is growing only one crop in a year.)					
Season starts	Oct/Nov 16	May/June 2017	Oct./Nov 17		
Harvesting Time	March/ April 2017	Nov. 17	March 2018		
NPA Date	30/6/2017	31/12/17	30/6/2018		

Allied Activity (Instalment)				
Type	Dairy	Goat Rearing	Piggery	Poultry
		(equated quarterly installment with moratorium period, first	(equated half yearly / yearly installment considering moratorium period of six	(equated half yearly / yearly installment considering moratorium

	installment will due on Sept 30, 2013)	months first installment is due on June 30, 2014)	period of six months first installment is due on June 30, 2014)	installment will due on Sept 30, 2013)
Loan Disbursed	1-Jun-13	1-Jul-13	1-Jul-13	1-Jun-13
Due Date	30-Sep-13	30-Jun-14	30-Jun-14	30-Sep-13
Overdue Date	1-Oct-13	1-Jul-14	1-Jul-14	1-Oct-13
Compounding	1-Oct-13	1-Jul-14	1-Jul-14	1-Oct-13
NPA turning date	31-Dec-13	30-Sep-14	30-Sep-14	31-Dec-13
Remark	After 90 days overdue	After 90 days overdue	After 90 days overdue	After 90 days overdue

Investment Credit (Instalment)	
Type	Investment Credit - Minor Irrigation system to a farmer cultivating cotton
Loan Disbursed	1-Jun-13
Due Date	31-Mar-14
Overdue Date	1-Apr-14
Compounding	1-Apr-14
NPA turning date	31-Mar-16
Remark	After two crop season. First crop season will end at March 2015 and other will end at March 2016

Some of the Key Points while Auditing Agriculture Advances

1.48 The audit approach for agriculture advances has to be on the similar lines as that of other advances. The following is a summary of few Key aspects in the audit of Agricultural Advances:

- a., Sanctioned amount of Agriculture Loans should be as per scale of finance applicable to the land under cultivation and the crop being cultivated. Further, necessary securities should be obtained as per the guidelines framed by the bank.
- b., Auditors should verify that the agricultural credit is extended only after obtaining 'No dues/ No objection certificates' from the existing credit agencies in the area of finance.
- c., Disbursement of agricultural finance is required to be carried out in various 'stages' based on the requirements of farming activity. This needs to be ensured strictly. In some cases, the expenditure is incurred by farmer from

his/her own sources or from non-institutional lenders and subsequently banks are requested to reimburse the same. In such cases, auditors have to carefully verify the facts from the documents/evidences available on record. Under all situations, auditors should verify that the bank holds documents evidencing the utilisation of loans for agricultural activities.

- d., For crop loans, primary security is normally the standing crops under cultivation, as such pre and post sanction visits by the officers of bank, who are experts in Agriculture finance and adequate documentation of visit report is a key control.
- e., While verifying the security offered for agricultural loans, it is to be confirmed that the security is legally enforceable. Standing crops and agricultural machinery and implements are secured by a hypothecation charge, while the agricultural land is secured by a mortgage charge. Auditors have to ensure that amongst others, the following has been duly taken on record by the banks:
- , Copy of the land revenue extracts.
 - , Land Tax Assessment and payment receipt.
 - , Copy of record with sub registrar. (wherever applicable)
 - , Original copies of the title deeds.
 - , Search of title deeds and Legal opinion from the advocate on the Bank's approved panel.
 - , Valuation of land from a valuer on the Bank's approved panel.
- f., Loans granted to farmers against the security of NSC, KVP or Fixed Deposits of Banks, which has been utilised for agricultural purposes, is allowed to be classified under the category of finance to agriculture. However, auditors should carefully verify the loan documents and other supporting documents to ensure that non-agricultural loans are not classified as Agricultural Finance.
- g., Agricultural Advances are required to be serviced through realisation of sale proceeds to crop. Auditors should be skeptical about the nature and timing credits coming in to service the agricultural loans and ensure that they are from genuine sources.

Agricultural Advances Affected by Natural Calamities

1.49 Paragraph 4.2.13 of the Master Circular - Prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances dated July 1, 2015 deals elaborately with the classification and income recognition issues due to impairment caused by natural calamities. Banks may

decide on their own relief measures, viz., conversion of the short term production loan into a term loan or re-schedulement of the repayment period and the sanctioning of fresh short-term loan, subject to the guidelines contained in RBI's latest Master Circular on "Prudential Norms on Income Recognition, Asset Classification and Provisioning Pertaining to Advances" dated July 1, 2015 and directions contained in RBI Master Direction RBI/FIDD/2018-19/64 FIDD.CO.FSD.BC No.9/05.10.001/2018-19 dated October 17, 2018 on "Master Direction - Reserve Bank of India (Relief Measures by Banks in Areas Affected by Natural Calamities) Directions, 2018". In such cases the NPA classification would be governed by such rescheduled terms. Asset classification of remaining amount (if any), not restructured, continue to be governed by original terms & conditions.

1.50 Additional finance granted due to natural calamities treated as standard assets, and will be governed by the terms & conditions of its sanction. Different dues from the borrower (e.g. current dues, dues which are not restructured etc.) will be classified under different asset classification norms. This is accepted departure from the basic principle of IRAC norms, i.e. NPA should be borrower-wise and not facility-wise.

1.51 In such cases of conversion or re-schedulement, the term loan as well as fresh short-term loan may be treated as current dues and need not be classified as NPA. The said benefit of restructuring of assets would not be available for Short-term Crop Loans if the said loan was overdue at the time of occurrence of natural calamity and for Long-term Credits if the borrower has wilfully defaulted in repayment of loan in earlier years. The asset classification of these loans would thereafter be governed by the revised terms & conditions and would be treated as NPA if interest and/or instalment of principal remain overdue for two crop seasons for short duration crops and for one crop season for long duration crops. For the purpose of these guidelines, "long duration" crops would be crops with crop season longer than one year and crops, which are not "long duration" would be treated as "short duration" crops.

1.52 In case of receipt of claim of (crop) insurance, the insurance proceeds shall ideally compensate the losses. Under the Prime Minister Fasal Bima Yojana (PMFBY), all Seasonal Agricultural Operations (SAO) loans for notified crops in notified areas are to be compulsorily provided insurance cover for all stages of the crop cycle including post-harvest risks in specified instances.

1.53 There are further ancillary measures prescribed by RBI for providing relief in terms of relaxation on KYC norms, providing access to banking services, etc.

Agricultural Debt Relief / Waiver Schemes

1.54 There are various state and central government debt waiver / relief schemes which are implemented for providing relief to the affected agriculture borrowers. An auditor is advised to go through the schemes so declared and implemented by state / central government for providing agricultural debt relief / waiver as the case may be and consider the same in terms of eligible loans under the scheme, amount of relief / waiver provided, asset classification norms and accounting.

Audit Procedure

1.55

- 1., Obtain the copy of relevant schemes and bank's circular in this regard.
- 2., Obtain list of eligible borrowers with outstanding balance.
- 3., Check the claim amount statement submitted to RO/ZO for claiming the same.
- 4., Check the accounting entries passed for the credit of eligible amount in the account of the borrower.
- 5., Verify the accounting of interest and other charges to be borne by the lending institution as per the scheme.
- 6., Ensure reporting requirement as per closing instructions of the bank.
- 7., Obtain written representation from the management about the scheme and its applicability including cutoff amount and period of loan disbursed.

III-2

Advances-Other than Agriculture

This Chapter is divided into following parts:

- A., Introduction
- B., Type of Advances and Nature of Security
- C., Bank's Process
- D., Regulatory Aspects
- E., Accounting and Audit Process

A. Introduction

2.01 Lending constitutes a major activity of a bank besides the investment function. The core business of banks is accepting deposits for onward lending. Advances, generally, constitute the largest item on the assets side of the balance sheet of a bank and are major source of its income.

2.02 Audit of advances is one of the most important areas covered by auditors in bank audit. It is necessary that auditors should have adequate knowledge of the banking industry and the regulations governing the banks. Auditors must be aware of the various functional areas of the bank/branches, its processes, procedures, systems and prevailing internal controls with regard to advances.

2.03 Advances generally comprise of:

- a) Money lent by bank to its customers including interest accrued & due;
- b) Debit balances in the account of the depositors;
- c) Inter-Bank Participation Certificates.

2.04 Every bank has its credit policy approved by its board of directors. The credit policy is generally in line with the applicable RBI guidelines, relevant laws and regulations. Auditors must acquaint themselves with the credit policy of the bank and composition of its advances portfolio. Generally, this policy is updated at regular intervals.

B. Type of Advances and Nature of Security

Fund Based and Non-Fund Based Credit Facilities

2.05 Fund based credit facilities are those where, upon sanction, there is an actual outflow of funds from the bank to the borrower, whereas non-fund based facilities are those, at the time of sanction which do not involve such outflow of the bank's funds. Typical examples of fund based facilities are term loan, cash credit and overdraft and that of non-fund based facilities are letters of credit, bank guarantees, letter of comfort/undertaking, etc. Non-fund based facility may turn into a fund based facility on due date, if not paid by the borrower, for eg. devolvement of bills under LC, invocation of Bank Guarantee, etc.

Cash Credit

2.06 Cash credit facility is provided usually to entities (borrowers) engaged in manufacturing and / or trading activities to enable them to meet the gap in their working capital requirements. This facility is repayable on demand. The cash credit facility is generally granted against the security of stocks of goods (net of trade creditors), standing crops, bills / book debts representing genuine sales (restricted to pre-defined age of such book debts).

2.07 Cheque book is issued to the borrower for withdrawal of money against the limit sanctioned. The withdrawals are permitted to the extent, lower of drawing power or sanctioned limit. This is a revolving facility and is, generally, reviewed and renewed annually or on other intervals as per the policy of the bank. The Bank based on the credit assessment of the borrower performs periodical review of the borrower.

2.08 The cash credit advances are generally on 'floating' interest rate basis. The rate is reset periodically, depending upon any changes in the bank's base rate (MCLR – Marginal Cost of fund based Lending Rate) / spread in relation to the class of borrower / risk perception about the borrower.

Working Capital Demand Loan (WCDL)

2.09 WCDL is granted for a fixed period on the expiry of which it has to be liquidated, renewed or rolled over. Depending on the terms of sanction the repayment of WCDL can either be in the form of instalments spread over the tenure of the facility or bullet payment at the end of the tenure of the loan. WCDL is generally granted to meet the gap in working capital requirement & considered as a part of working capital facility at the time of renewal or roll over.

Term Loans

2.10 Term loans are repayable in instalments spread over a period of time excluding the moratorium period, if granted. The moratorium period is assessed by the lender based on future cash flows and requirements of borrower. However, if there is a default in compliance with terms and conditions by the borrower, the bank has the right to demand repayment of the entire loan outstanding, before due date. In few cases, there are terms for increase in interest rate of the borrower as stipulated in sanction terms and conditions. The amount, periodicity of repayment, last draw down date and other terms and conditions are fixed at the time of sanction and duly recorded in the loan documents. The amount and the periodicity may be uniform throughout the life of the loan, or either or both of them may differ from instalment to instalment. Besides, repayment schedule may either be drawn only for the principal amount in which case periodic interest has to be paid by the borrower separately as and when due, or a schedule may be fixed with 'equated monthly instalments' which also includes the amount of interest likely to be applied to the account during its entire tenure at the rate of interest applicable at the time of sanction/documentation/first disbursement. The disbursal may happen in one tranche or more than one tranche as per the requirements of the borrower.

2.11 The interest rate for loans may be either on 'fixed' terms' in which event, the rate contracted originally holds good during the entire currency of the loan, or it may be on 'variable' terms; which means that the rate may undergo changes at unspecified periods on happening of certain events as outlined in the loan agreement. This aspect is a subject matter of negotiation between the bank and the borrower. Interest is charged on reducing balance method.

2.12 The term loans are generally extended for the following purposes:

- , For setting up of plants, acquisition of fixed assets like land and building, plant and machinery, furniture, vehicles, implements, houses, consumer durables, etc.
- , For meeting expenses on education/medical treatment of self/dependants.
- , For meeting other personal expenses.
- , For meeting deficit in the net working capital requirements as assessed by the bank.(WCTL)
- , For Marketing / Launching / Branding etc.

2.13 Banks may give general purpose loans also i.e. without stipulating any end-use of funds, on the strength of a suitable security, or even without security based on the credit worthiness of the borrower. The bank policy provides guidance and documentation to be obtained for end use of funds.

Foreign Currency Loans

2.14 Banks are authorised to lend in foreign currency. These loans are sanctioned as per the EXIM Policy and guidelines issued by Reserve Bank of India from time to time. Foreign Currency Loans may be in nature of Term loans or Working Capital loans. These loans may be issued independently or through conversion of rupee term/working capital loan to foreign currency loan for a stipulated period as per the guidelines issued by RBI.

Overdrafts

2.15 The overdraft facility may be either secured or clean (i.e., without security) and does not generally carry a fix repayment schedule. The most common form of security for an overdraft arrangement is term deposit receipts. In such cases, care is taken to ensure that lien marking is done in the system and also on physical fixed deposit receipt (and not on fixed deposit advice). Fixed deposits are generally for specific period and need to be renewed on the maturity. The care should be taken to ensure that interest rate spread between overdraft and fixed deposit are maintained. Also, the bank has updated lien mark on new fixed deposit. Overdrafts may also be granted against other securities like immovable properties, life insurance policies, shares, bonds, NSCs, Kisan Vikas Patra, Indra Vikas Patra, etc. The bank has to ensure that proper margin i.e. security value and loan amount has been kept while sanctioning the overdraft.

Bills

2.16 The finance against bills is meant to finance the actual sale transactions. The finance against bills can be in any of the below mentioned form:

- , Purchase of bills by the bank if these are payable 'on demand'.
- , Discounting of bills by the bank if these are usance (or time) bills.
- , Advance against bills under collection from the drawees, whether sent for realisation through the bank or sent directly by the drawer to the drawees.

2.17 A unique kind of facility under this head is advances against bills drawn on public sector undertakings / government departments which do not accept bills. In such cases, pre-receipted challans are submitted by the borrower to the bank as an evidence for availing finance there against (a pre-receipted challan establishes genuine movement of goods and ensures that the funds of the bank

are used for sanctioned purposes only). This facility is commonly known in the banking sector as 'government bills facility' or 'supply bills facility'. It may also be mentioned that the purchase / discounting of bills may be either under a letter of credit or without a letter of credit. In case of dishonour of bills, banks have the right to recover the amount from the drawer with penalty, additional interest, etc.

2.18 Bills may be either 'documentary', i.e., accompanied by the original documents of title to the goods, or 'clean', i.e., without the original documents of title to the goods. In the case of documentary bills, the bank releases the documents of title to the drawee only against payment (in the case of demand bills purchased) or against acceptance (in the case of usance bills discounted). On release of documents of title after acceptance of usance bills, these also assume the nature of clean bills. The bills may be domestic (denominated in rupee for domestic trade) or foreign (denominated in foreign currency for import/export).

2.19 The RBI has issued guidelines for regulation of discounting and rediscounting of bills (Ref. Master Circular No. DBR.No.Dir.BC.10/13.03.00/2015-16, dated July 01, 2015, "Loans and Advances-Statutory and other Restrictions").

Export

Export Credit

2.20 Exporters are granted facilities in the form of cash credit and bills only but, being of a special nature, require a separate mention here. These facilities extended to exporters are in the form of 'pre-shipment credit' and 'post-shipment credit'. All type of advances sanctioned to finance the production cycle – i.e. from procurement of raw materials to bringing them to the port for despatch fall under 'pre-shipment credit' category. It also includes financing of working capital expenses towards rendering of services. The advance is given either on the basis of individual order obtained, or the customer is sanctioned an Export Packing Credit (EPC) limit and the advances are disbursed on submission of individual orders; in the latter case, EPC becomes a running account. The exporter usually adjusts the account by drawing bills of exchange on the foreign buyer, which are discounted by the bank under the letter of credit and the proceeds collected from the foreign bank. The post-shipment credit relates to financing of bills raised on the overseas buyer upon shipment of goods/ services. Another feature of export credit is that the advance may be granted in Indian Rupees or a designated foreign currency. In the latter case, the loan is disbursed in a foreign currency. The export credit is granted at concessional rates of interest. The pre-shipment credit has to be liquidated out of the export proceeds only and cannot be adjusted out of rupee funds (except

where the raw materials required for processing exceed the FOB value of the contract, in which the excess advance has to be repaid within a maximum of 30 days from the date of advance). The export proceeds have normally to be received within 9 months from the date of shipment. The period can be extended in genuine cases, with the approval of the bank (within the discretion available to it under the regulations in force at the relevant time) or of the RBI, as permitted by the Exchange Control Manual and the operating instructions issued by the Reserve Bank from time to time. The bills representing the export proceeds can be handled only by branches permitted to act as authorised foreign exchange dealers as they involve handling transactions in a foreign currency and reporting to Reserve Bank.

2.21 Pre-shipment credit granted in a foreign currency is called 'Packing Credit in Foreign Currency' (PCFC) advance and has to be repaid out of the export bills discounted under the Export Bills Rediscounting (EBR) scheme or out of export proceeds. Each bank designates a few select branches to handle PCFC and EBR transactions. The Rupee Export credit is also allowed to be shared between export order holders and manufacturer of the goods to be exported. Similarly, bank may extend PCFC also to the manufacturer on the basis of disclaimer from the export order holder through his bank. PCFC granted to the manufacturer can be repaid by transfer of foreign currency from the export order holder by availing of PCFC or by discounting of bills. It should be ensured that no double financing is involved in the transaction and total period of packing credit is limited to the actual cycle of production of the exported goods. (Ref. Para 5.12 of the Master Circular No. DBR No.DIR.BC.14/04.02.002/2015-16 dated July 1, 2015, "Rupee/Foreign Currency Export Credit & Customer Service to Exporter"). PCFC may be made available to both the supplier of EOU/EPZ/SEZ unit and the receiver of EOU / EPZ / SEZ unit and PCFC for supplier EOU / EPZ / SEZ unit will be for supply of raw material/components of goods which will be further processed and finally exported by receiver EOU / EPZ / SEZ unit. The PCFC extended to the supplier EOU/EPZ/SEZ unit will have to be liquidated by receipt of foreign exchange from the receiver EOU/EPZ/SEZ unit, for which purpose, the receiver EOU/EPZ/SEZ unit may avail of PCFC. The stipulation regarding liquidation of PCFC by payment in foreign exchange will be met in such cases not by negotiation of export documents but by transfer of foreign exchange from the banker of the receiver EOU/EPZ/SEZ unit to the banker of supplier EOU/EPZ/SEZ unit. Thus, there will not normally be any post-shipment credit in the transaction from the supplier EOU/EPZ/ SEZ unit's point of view. In all such cases, it has to be ensured by banks that there is no double financing for the same transaction. Needless to add, the PCFC to receiver EOU/EPZ/SEZ unit

will be liquidated by discounting of export bills or by receipt of export proceeds as per Master Circular DBR No.DIR.BC.14/04.02.002/2015-16 dated July 01, 2015, on “Rupee/Foreign Currency Export Credit & Customer Service to Exporter”. In this context, attention of the readers is also invited to RBI’s Circular No. DBOD.Dir.BC.NO.57/04.02.001/2013-14 on “Export Credit in Foreign Currency” dated September 25, 2013.

Import

Trade Credit – Buyer’s Credit

2.22 In Indian context, this facility is provided by overseas banks / foreign branches of Indian banks to the importers of capital goods and raw material through Indian Banks to its customers (importers) towards payment of imports in India. The overseas bank either (i) credits the amount of Buyer’s credit in the NOSTRO account of the Indian bank and the Indian bank remits the funds to the overseas supplier of the importer for payment of import bill or (ii) remits the funds to the overseas supplier of the importer for payment of import bill of the importer. The typical flow of transaction of Buyer’s Credit (with underlying import through LC transaction) is as follows:

- 1), The borrower imports goods from foreign supplier against Foreign Letter of Credit (FLC) drawn in favour of foreign supplier;
- 2), The borrower either through its Indian bank or on its own approaches foreign bank (or overseas / foreign branches / offices of Indian banks) for availing Buyer’s Credit for payment to be made to the foreign supplier;
- 3), The borrower’s bank arranges the credit and provides a quote with details like the tenure, rate of interest applicable (including margin) and foreign currency conversion rate to the borrower;
- 4), The Letter of Comfort is issued by Indian bank to the foreign bank on approval of terms and conditions through SWIFT message for the proposed Buyers Credit;
- 5), The foreign Bank remits funds to the NOSTRO Account of Indian bank which is handling import transaction, on the strength of the Letter of Comfort (LoC)/ Letter of Undertaking (LoU) which is issued by the Indian bank in its favour;
- 6), The Indian bank remits the funds to foreign supplier through its NOSTRO Accounts;
- 7), The Indian bank subsequently retires and reverses the Letter of Credit in its book and passes another entry for creation of a non-fund based (contingent) liability of Letter of Comfort;

- 8), On the due date of Buyer's Credit, the Indian bank remits the funds (inclusive of interest) to the overseas bank and recovers the similar amount from its customer;
- 9), With respect to liability towards Letter of Comfort, the Indian banks accounts for the same as a "Contingent Liability".

The entries of the inward and outward remittances (specified in steps 4 and 5) are to be recorded in the books of accounts (NOSTRO Mirror Account) of the Indian bank.

Nature of Security

2.23 A brief reference has been made in the preceding section to the types of securities commonly accepted by banks for granting different kinds of credit facilities. In this section, the aspect will be examined in greater detail.

Primary and Collateral Securities

2.24 The term 'primary security' refers to the security offered by the borrower for bank finance or the one against which credit has been extended by the bank. Primary security is the principal security for an advance. A collateral security is an additional security. Security can be in any form i.e. tangible or intangible asset, movable or immovable asset.

Mode of Creation of Security

2.25 Depending on the nature of the item concerned, creation of security may take the form of a mortgage, pledge, hypothecation, assignment, set-off, or lien.

Mortgage

2.26 Mortgage has been defined under section 58 of the Transfer of Property Act, 1882, as "the transfer of an interest in specific immovable property for the purpose of securing the payment of money advanced by way of loan, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability".

2.27 Mortgages are of several kinds but the most important are the Registered Mortgage and the Equitable Mortgage. A Registered Mortgage can be affected by a registered instrument called the 'Mortgage Deed' signed by the mortgagor. It registers the property to the mortgagee as a security. Equitable mortgage, on the other hand, is effected by a mere delivery of title deeds or other documents of title with intent to create security thereof. The government mandate to register all types of mortgages with Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI) should be strictly followed by banks.

Pledge

2.28 A pledge is defined under section 172 of the Indian Contract Act, 1872, as “the bailment of goods as security for payment of a debt or performance of a promise.” A pledge thus involves bailment or delivery of goods by the borrower to the lending bank with the intention of creating a charge thereon as security for the advance. The legal ownership of the goods remains with the pledger while the lending banker gets certain defined interests in the goods. The pledge of goods constitutes a specific (or fixed) charge. In a pledge, the bank has all the liabilities and responsibilities of a bailee of goods. The bank may be held responsible for not carrying out their obligations as bailee.

Hypothecation

2.29 The term ‘hypothecation’ is not defined in law. In commercial parlance, the term refers to the creation of an equitable charge (i.e., a charge created not by an express enactment but by equity and reason), which is created in favour of the lending bank by execution of hypothecation agreement in respect of the moveable securities belonging to the borrower. Neither ownership nor possession is transferred to the bank. However, the borrower holds the physical possession of the goods as an agent/trustee of the bank. The borrower periodically submits statements regarding quantity and value of hypothecated assets (stocks, debtors, etc.) to the lending banker on the basis of which the drawing power of the borrower is fixed.

Assignment

2.30 Assignment represents a transfer of an existing or future debt, right or property belonging to a person in favour of another person. Only actionable claims (i.e., claim to any debt other than a debt secured by a mortgage of immovable property or by hypothecation or pledge of moveable property) such as book debts and life insurance policies are accepted by banks as security by way of assignment. An assignment gives the assignee absolute right over the moneys/debts assigned to him. The transfer of debt, right or property is subject to all the liabilities and equity to which the transferor was subject on the date of transfer. In other words, the assignee cannot get a better title than that of the assignor.

Set-off

2.31 Set-off is a statutory right of a creditor to adjust, wholly or partly, the debit balance in the debtor’s account against any credit balance lying in another account of the debtor. A lending bank has the right of set-off in the

absence of an agreement, express or implied, to the contrary with the borrower. The right of set-off enables a bank to combine two accounts (a deposit account and a loan account) of the same person provided both the accounts are in the same name and in the same right (i.e., the capacity of the account holder in both the accounts should be the same). For the purpose of set-off, all the branches of a bank are treated as one single entity. The right of set-off can be exercised in respect of time-barred debts also.

Lien

2.32 Lien is creation of a legal charge with the consent of the owner, which gives lender a legal right to seize and dispose / liquidate the asset under lien.

Types of Securities

2.33 The characteristics of a good security from the view point of the lending bank are marketability; easy ascertainability of value, stability of value, clean title, realisability and transferability/transportability. The most common types of securities accepted by banks are the following.

Personal Security of Guarantor

2.34 The personal security of guarantor comprises a guarantee by a third party for payment of loan outstanding, in the event of default by the borrower. No charge is created on the guarantor's movable or immovable assets.

Fixed and Floating Charges

2.35 A fixed charge (also called 'specific charge') is a charge on some specific and ascertained assets. The creator of the charge (i.e., the borrower) cannot deal with the asset without the specific consent of the holder of the charge (i.e., the lender). A floating charge, on the other hand, is an equitable charge on the assets, present as well as future. A floating charge attaches to assets whose condition varies from time to time in the ordinary course of business (e.g., work-in-process). A floating charge crystallises (i.e., becomes a fixed charge) when money becomes repayable and the holder of the charge (i.e., lender) takes necessary steps for the enforcement of the security.

Margin

2.36 Margin on Loans is upfront payment by the borrower towards the purpose of the loan sanctioned. Banks provide finance after keeping suitable margin, depending upon the risk perception of the bank. Margin is deducted from the value of the assets to take care of any downward fluctuations in the market value of the assets. Generally, margin is prescribed in every sanction letter in terms of percentage of security value, as per credit policy of bank. For

certain types of loans such as advances against gold ornaments and jewellery, RBI has defined limits on the loan to value.

Stock Exchange Securities and Other Instruments

2.37 Stock exchange securities include shares, debentures and bonds which are traded on stock exchanges. These securities are easily marketable; their market value is readily ascertainable; it is easy to ascertain the title of the depositor; and they are easy to pledge. The banks have policy for shares against which they provide the loan and periodically re-assess the eligible share as security for lending against the same. In addition to stock exchange securities, banks also make advances against such instruments as gilt-edged securities, National Savings Certificates, Kisan Vikas Patras, Indira Vikas Patras, Gold Bonds, etc. It may be noted that the banks are not allowed to provide loans to companies for buy back of shares / securities. Further, the banks are not allowed to provide loans against security of its own shares.

2.38 These securities are usually in the possession of the bank. Wherever the shares are held as security by a bank (whether as primary or as collateral security), banks are required to have them transferred in their own names if the loan amount exceeds the ceiling prescribed by RBI. The ceiling is different for shares in dematerialised form and those in physical form. In other cases, (i.e., where the loan amount does not exceed the prescribed ceiling), banks accept the aforesaid securities subject to the following conditions:

- (a) in the case of physical shares, if they are accompanied by blank transfer deeds duly signed by the person in whose name they are registered; in case of shares held in dematerialised form, authorisation slips should be obtained from the borrower and should be passed on to relevant depository participant who immediately marks those shares as pledged; or
- (b) if the bank holds a general power of attorney from the person in whose name they are registered.

2.39 If the person in whose name the securities are registered is other than the borrower, the bank has to particularly satisfy itself that the person has a good title to the security. The bank also obtains a letter of renunciation from the person in whose name the securities are registered.

2.40 In the case of advances against bearer securities (Kisan Vikas Patras/ Indira Vikas Patras), banks obtain independent/direct confirmation of the genuineness of the certificates from issuing authorities. After obtaining such confirmation, in the case of bearer securities, only possession by the bank is sufficient.

2.41 In the case of government paper and inscribed stock, the banks should get them registered in their own name while accepting them as security.

2.42 Before accepting shares as security, the lending bank has to ensure that the provisions of section 19 of the Banking Regulation Act, 1949 are not contravened except otherwise specifically permitted by RBI regulations. This section prohibits a banking company from holding shares in any company, whether as pledge, mortgagee or absolute owner, of an amount exceeding thirty per cent of the paid up share capital of that company or thirty per cent of its own paid-up share capital and reserves, whichever is less.

Goods

2.43 Goods constitute a significant proportion of the securities taken by banks. They are either the stock-in-trade of its trading customers or the finished products of manufacturers. Raw materials, work-in-process, etc., are also accepted as security. Banks should have a system in place to ensure that the security in terms of stock offered by borrower is as per the Policy of Bank.

2.44 Goods may be either hypothecated to, or pledged with, the bank. As mentioned earlier, in case of hypothecation of goods, banks obtain periodic statements from the borrowers (monthly/quarterly), declaring the quantity and value of the goods on the basis of which the drawing power of the borrowers is fixed. The officers of the lending bank pay regular visits to godowns or factories of the borrowers to inspect them and to check the correctness of records maintained by the borrowers on the basis of which, the periodic statements are prepared by them. They also check the value of the goods in stock with reference to sale bills, market quotations, etc. In case of large advances, the inventory is subject to inspection and verification (stock audit) by external agency at stipulated intervals. The auditor may go through the same for determining existence and adequacy of security and also to determine the irregularity in the account, if any.

2.45 Stock registers are maintained by the godown keepers of the lending bank in respect of goods pledged with the bank. The godown are regularly inspected by the inspectors and other officers of the bank. When goods are brought into the godown, the godown keeper has to satisfy himself, by appropriate test checks, regarding the quantity and quality of goods. Banks have to exercise care to ensure that frauds are not perpetrated against them by pledging packages not containing the specified goods and later on holding them responsible for the goods supposed to have been pledged according to the documents.

2.46 The goods are insured against fire and other risks involved and the insurance policies are either in the name of, or endorsed in favour of, the bank.

2.47 In case the borrower is a company, the bank has to ensure that charge on the goods hypothecated is registered with the Registrar of Companies.

Documents of Title to Goods

2.48 A document of title to goods is a negotiable or quasi-negotiable instrument. According to section 2(4) of the Sale of Goods Act, 1930, a document of title is any document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of the document to transfer or receive the goods represented thereby. Documents of title include:

- , Bill of lading
- , Railway receipt
- , Transporter's receipt
- , Dock warrant
- , Warehouse-keeper's certificate
- , Wharfinger's receipt
- , Warrant or order for delivery of goods

Before being pledged with the bank, these documents have to be appropriately endorsed in favour of the bank.

Gold Ornaments and Bullion

2.49 Gold ornaments are accepted by banks as security on the basis of assessor's certificate regarding the content, purity and weight of gold and the value thereof. Valuation, however, keeps on changing as a result of market fluctuations. Loans are given only on the basis of gold content of ornaments, no regard being had to labour charges. RBI has, vide its Master Circular No. DBR.No.Dir.BC.10/13.03.00/2015-16 on Loans and Advances-Statutory and Other Restrictions dated July 1, 2015, directed banks to give preference to hallmarked jewellery for granting advances. RBI has, vide its Circular No. DBOD.BP.BC.No.86/21.01.023/2013-14 on "Lending against Gold Jewellery" dated January 20, 2014, issued guidance in respect of Advances against Gold Ornaments and Jewellery for the purpose of Medical Expenses and Meeting Unforeseen Liabilities". In this context, attention of the readers is also invited to RBI's Circular No. DBOD.No.BP.79/21.04.048/2013-14 on "Non-Agriculture Loans against Gold Ornaments and Jewellery" dated December 30, 2013 containing guidelines on bullet repayment of loans extended against pledge of gold ornaments and jewellery for other than agricultural purposes.

Life Insurance Policies

2.50 Life insurance policies have to be assigned in favour of the bank and such assignment has to be registered with the insurer. The surrender value of the policies is taken as the basis of valuation.

Plantations

2.51 Advances are made to agriculturists such as tea gardeners to finance their growing crops. When the produce is harvested, processed and sold, the money is repaid to the bank.

2.52 The basis of calculating the amount of the advance is the estimated crop of the season. This depends upon the area under cultivation, expected yield, etc. Separate advances are made for each season's crop. Please refer chapter on Agricultural advances for detail.

2.53 The crop to be produced is hypothecated to the bank. Generally, the fixed assets of the plantation are also mortgaged with the bank as collateral security. Finance is taken from the bank to incur expenditure on the crop. As such, the amount of the advance increases as the crop grows.

Immovable Property

2.54 Before advancing money on mortgage of immovable property, the lending bank has to satisfy itself that the borrower has a clear and unencumbered title to the property, and that the property is marketable and adequately insured. For this purpose, banks also ascertain whether the property in question has already been mortgaged to any other financial institution and if so, the details of the charges already created on the property. In respect of advances to public companies against the mortgage of a block of assets, it is essential that the provisions of section 180(1)(a) of the Companies Act, 2013 need to be kept in view.

Third Party Guarantees

2.55 Advances covered only by the personal guarantee of third parties (except banks and government) in addition to the personal security of the borrower are not classified as 'secured' advances and would be classified as 'unsecured' advances in the financial statements.

2.56 The guarantee bond executed by the guarantor in favour of the bank may be in bank's own prescribed form or otherwise. Such bonds are generally executed by holding companies, overseas customers, overseas principals, insurance companies, etc. A letter of continuity is also obtained from the guarantor.

Banker's General Lien

2.57 Besides the above securities, which are created by an agreement between the borrower and the bank, a lending bank also has a general lien under the law. A lien represents the right of retaining the goods/securities unless a debt due by a debtor is paid to the creditor (retainer), provided there is no agreement, express or implied, to the contrary. A lien is a statutory right, which does not require any separate agreement. Under section 171 of the Indian Contract Act, 1872, a banker may, in the absence of an agreement to the contrary, retain as security for a general balance of account, any goods and securities bailed to him. This is called banker's general lien. Two conditions necessary for creating such lien are:

- (a) the securities must have been placed in his hands as a banker by his customers; and
- (b) they are not specifically appropriated.

2.58 Examples of securities over which a banker has general lien are credit balance in any other account, bonds and coupons deposited for collection, securities allowed to remain in the banker's hands after repayment of a secured advance, etc. Examples of securities on which a banker does not have a general lien are securities deposited for safe custody, money deposited or earmarked for a specific purpose, documents executed for a special purpose, etc. Lien is applicable even in respect of the borrower's obligations as a surety. The banker's right of general lien over the security is not barred by the law of limitation and can be exercised in the case of unenforceable or time-barred debts also.

2.59 The term 'negative lien' is commonly used to refer to an undertaking given by the borrower to the bank that borrower will not create any charge such as lien, pledge, hypothecation, or mortgage, over his immovable and moveable properties and assets including uncalled capital without the prior permission of the bank. A negative lien relates to goods, securities, etc., which are not in the possession of the bank. Negative lien does not require registration with the Registrar of Companies or similar other authorities.

C. Bank's Process

Procedure for Sanction, Documentation, Disbursement, Supervision and Renewal of Advances

2.60 Each bank has its own procedures for sanctioning, disbursal, supervision and renewal of advances. Following is the common process across banks w.r.t. advances.

Sanction

Loan Application

2.61 Initiation of process of sanction of advance is receipt of a formal request from the applicant. The request may be in the form of a standard format (Loan Application Form) of the bank or in the form of a letter in which case the bank requests the intending borrower to furnish the standard format duly filled in. All applications are entered in a Loan Applications Received Register (the exact nomenclature may vary from bank to bank). The required supporting documents are to be furnished along with the application. The Bank should ensure that the documents are obtained from respective borrowers as per the Loan policy of the Bank.

Credit Appraisal

2.62 The proposal is evaluated in the context of the directions of the RBI including prudential exposure limits and the bank's own credit policy and risk management guidelines. Besides, the proposal is appraised on the following parameters to ensure technical feasibility, economic viability and commercial acceptability (the degree of scrutiny depends largely on the amount of the advance):

- , Performance of the unit *vis-a-vis* other similar units.
- , Conduct of its accounts with the lenders.
- , Experience, competence and profile of the management of the unit.
- , Guarantees and collateral securities offered.
- , Trend and ratio analysis to see that the unit's growth is healthy, financials are sound, liquidity is comfortable and the promoters have a reasonable stake in the unit.
- , Availability of inputs for production.
- , Market condition.
- , Technology in use.
- , Unit's capability to achieve the projected operating and performance levels and to service the debt.
- , Applicability of norms/benchmarks relating to scale of finance, e.g., Nayak Committee recommendations for SSI units, scale of finance fixed by the bank for agricultural finance to be extended in the local area, etc.
- , CIBIL, RBI List of defaulter, Credit and confidential reports from other banks. These are to be checked from respective websites.
- , Various disclosure/notices issued by the government/government authority

such as with regard to shell companies, defunct companies, directors of these types of companies, etc.

- , Latest Government. policy about particular industry / Locational restriction, etc.

Sanctioning Authority

2.63 If the official concerned finds the proposal acceptable, a detailed appraisal note is submitted along with necessary supporting documents with recommendations to the authority having powers to sanction it. Each official who has been vested with powers to sanction advances has a monetary ceiling upto which he/she can sanction advances to the specified kind of borrowers (like individuals, partnerships, companies, etc.) and/or for the specified activities (like agriculture, industry, professional education, business, etc.) and / or for the type of facility (term loan, overdraft, cash credit, etc.). Such powers are properly documented and circulated by the bank to all its offices as Delegation of Powers. The officials at the branch can sanction only those advances, which fall within their delegated powers. For advances, which require to be sanctioned by higher authorities, the branch has to carry out the appraisal and send the proposal along with its recommendations to its controlling office for necessary sanction. As and when the advance is sanctioned by the competent authority (which could be an official, a committee of officials or the board of directors of the bank, depending on the amount involved), the fact of sanction along with detailed terms and conditions of the sanction are communicated by the controlling office to the branch.

Documentation and Disbursement

2.64 After the sanction of the advance, the branch communicates the terms and conditions of the sanction to the applicant and obtains its consent for the arrangement. Thereafter, the documents as prescribed by the bank are obtained, charges created and, the bank's charge over the unit's assets noted with the authorities concerned, e.g., Registrar of Companies, Road Transport Authority, Insurance Company, Land Records Authority, CERSAI, etc. In the case of an advance to a partnership firm, while the account is opened in the trade name of the firm, the security documents are got executed from the partners in both their individual capacity (i.e., without mentioning the name of the firm or affixing the stamp of the firm) and in their capacity as partners of the firm. This is to ensure that the advance may be recovered from the assets of the firm as well as from the individual assets of the partners. The bank generally records the sanction details and stipulation in the system. In many cases, the system is updated for pre-sanction, pre-disbursement documents for

each loan. The document discrepancy report then acts as a check for documents received and pending for monitoring purposes.

2.65 After the above formalities have been completed, the advance is released in the following manner:

- , Term loans (granted generally for acquisition of fixed assets, etc.) are disbursed on the basis of quotations/ proforma invoices obtained by the borrower from the vendors and submitted to the bank either along with the application or later. In case of large projects, the schedule and status of completion of projects have also to be seen. Banks generally stipulate a stated percentage of the cost to be met by the borrower from his own funds. Once the borrower provides his contribution to the bank, the branch debits the Term Loan account with the balance amount and pays the amount to the vendor directly along with a letter stating the purpose of the funds. The term loan may be released in one or more instalments. As and when the asset is received by the borrower, the bank officials inspect it, record the particulars in their books, and obtain copies of the final invoices for their record from the borrower.
- , There may be instances where, on business considerations, the borrower has already acquired the asset. In such a case, he submits the documentary evidence to the branch and seeks reimbursement to the extent permissible. The branch officials inspect the asset and verify books of account of the borrower and, if satisfied, credit the eligible amount to the borrower's account (current / cash credit, as desired by the borrower) by debiting his term loan account.
- , Cash credit advances are released on the basis of drawing power calculated as per the stock statements submitted by the borrower as per the periodicity laid down in the terms of sanction. The branch officials verify the stock statements and calculate the 'drawing power' based on the security held by the borrower and the margin prescribed in the sanction. In case of consortium accounts, the drawing power calculation and allocation is made by the Lead Bank and is binding on the Member Banks (Circular No. C&I/Circular/2014-15/689 dated 29 September 2014 issued by the Indian Banks Association). This 'drawing power' is noted in the system in respect of Cash Credit accounts and is a guide to the official concerned while authorising debits to the account.
- , The procedures of many banks require the branch manager to periodically submit a certificate to the controlling authority (i.e., regional or zonal office) that all disbursements during the relevant period have been made only after completion of the necessary formalities.

- , Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI) - The auditor needs to keep abreast the mandatory requirements related to registration of mortgages and compliance thereof by the lender bank, as applicable to the various forms of securities offered as security for the advances.

Monitoring and Supervision

2.66 The following are the procedures usually adopted by banks for monitoring and supervision of advances after disbursement:

- , Regular inspection of the borrower's assets and books. The main purposes of inspection are as follows:
 - , To ensure that the amounts disbursed have been utilised for purposes for which the advance was sought.
 - , To check that the borrower has not acquired / disposed of any asset without the consent / knowledge of the bank, depending upon the terms of the advance. Acquisition of fixed assets from working capital funds may amount to diversion of short-term funds which, from the viewpoint of the bankers, is not a sign of financial prudence.
 - , To cross-check the figures declared in the stock statements with the books maintained by the borrower (including excise and other statutory records, as applicable) as well as to physically verify the stock items, to the extent possible.
 - , To check that the unit has been working on projected levels particularly in the areas of sales and production and the general working of the unit is satisfactory.
 - , To ensure that the borrower has not availed of finance against stocks for which it has itself not made the payment.
 - , To ensure that the borrower has not availed of unauthorised finance from any other lender.
 - , To ensure that the borrower has not made any investment in, or advances to, its associates without the bank's approval, if such approval is required as per the terms of the loan or otherwise diverted the funds.
 - , To check that there is a regular turnover of stocks and the unit does not carry any obsolete, unusable stocks. Generally, banks place a limit on the age of stocks which are eligible for bank finance; the items older than such limit are not financed. Similarly, in the case of book debts, debts outstanding beyond a specified period are also not

eligible for bank finance. Also to check Sundry creditors for goods.

- , To ensure that the borrower continues to be engaged in the activity for which the loan has been granted.
- , Periodic review of the progress in implementation of the project (to note whether project timelines given at the time of processing loan are being adhered to. If there are delays, it may hamper the project completion and may affect servicing of loan). Generally, in large and complex projects, banks appoint lead engineer agency who provides the status of the project on periodically basis.
- , Review of the conduct of the account.
- , Obtaining and scrutinising stock statements.
- , Obtaining other relevant financial data periodically and analysis of the data. Banks obtain information at monthly / quarterly / half yearly / yearly intervals about on the levels of sales, production, profit, cash accruals, break up of assets and liabilities, cash flows etc. The analysis covers the following points:
 - , Comparison of the data with the projections contained in the appraisal note to find out the deviations, the reasons thereof, and the corrective action to be taken, wherever necessary.
 - , Comparison of the unit's performance, on an on-going basis, with other similar units.
 - , Ratio analysis based on the provisional data submitted by the unit to find out the liquidity and solvency position and any diversion of short-term resources towards long term uses.
 - , Observing the credits to the account.
- , Whenever the above analysis indicates weaknesses in operations, or the need for additional documentation or security, a dialogue is held with the borrower, with consequent follow-up.

2.67 RBI, *vide* its circular no. DBS.CO.PPD.BC.No. 5 /11.01.005/2010-11 dated January 14, 2011 on "End Use of Funds - Monitoring", has advised to evaluate and strengthen the efficacy of the existing machinery in the banks for post-sanction inspection by the bank officers, supervision and follow-up of advances. There needs to be a proper process of stock audit of the borrowers. Effective monitoring of the end use of funds lent is of critical importance in safeguarding a bank's interest. Further, this would also act as a deterrent for borrowers to misuse the credit facilities sanctioned, and in the process, help build a healthy credit culture in the Indian banking system.

Early Recognition of Financial Distress, Prompt Steps for Resolution and Fair recovery of lenders – Framework for revitalisation of distressed assets

2.68 The RBI has issued guidelines for classification of standard assets into three sub-categories, viz., SMA-0, SMA-1 and SMA2 in order to recognise the financial distress in any performing asset at an early stage, besides regulatory compliances like forming of Joint Lender's Forum, reporting to CRILC, etc. for specified categories of Special Mention Accounts (SMA). In case if the bank does not follow the said regulatory compliances, such accounts are subjected to accelerated provisions. These provisions are elaborately given in Paragraphs 4.111 to 4.114 of Part III of the Guidance Note.

Renewal of Advances

2.69 Working capital advances are generally granted for one year at a time and require renewal if the borrower wants to continue the facility beyond that period at the same level, reduced level or increased level, depending upon the borrower's needs, its financial ratios, the bank's perception of risk and so on. Loans repayable over a period of time in instalments are not renewed. However, some banks have a system of reviewing these loans from time to time primarily with the objective of risk evaluation and interest rate resetting. The procedure described above for sanction of advances is also followed, to the extent applicable, for renewal of advances already granted to an applicant.

2.70 The RBI guidelines require banks to renew the advances within 6 months of the expiry of the limit. Hence no working capital limit can remain without reviewed for more than 18 months. It should be ensured that the latest audited balance sheet, various compliance proofs should be on bank's record. Further the various monitoring reports such as inspections, stock audit and operations in the account should be taken cognisance of during renewal.

2.71 Non-renewal sometimes may appear to be administrative delay but it may not be so. Hence stricter compliances should be ensured.

Nature of Borrowing Arrangements

2.72 The following paragraphs explain the different ways in which a banking arrangement can be tied up by a borrower.

Sole Banking

2.73 In this arrangement, the borrower obtains credit from a single bank. This is the simplest form of tie-up and is operationally convenient for both the lender and the borrower. Most of the banking tie-ups in India are of this type because the quantum of bank finance in an individual case is usually small. Depending on

the nature and extent of credit facility offered, the lending bank itself may stipulate that the borrower will not avail of finance from another bank.

Consortium Arrangement

2.74 In this type of arrangement, the number of lending banks is more than one. The lending banks form a formal consortium. Salient features of the arrangement are:

- , The consortium has a formal leader, called the 'lead bank' (normally though not necessarily, the bank with the largest exposure).
- , The consortium frames and adopts its rules within the RBI framework for conducting its business with the borrower.
- , There is a common set of loan documents, which is obtained by the lead bank on behalf of other participating banks also.
- , The lead bank is responsible for overall monitoring.
- , The member banks of the consortium have rights over the security in an agreed proportion.
- , The borrower maintains direct business relationship with all member banks of the consortium.
- , Minutes of the consortium meetings are circulated amongst the members.
- , Banks should exchange information about the conduct of the borrowers' accounts with other banks at least at quarterly intervals.

Multiple Banking

2.75 In this type of arrangement, there is no formal arrangement amongst the lending banks. Each of them has its set of loan documents, securities and mode of lending, independent of other lending banks. The borrower has to deal with each of the banks separately.

2.76 The RBI, *vide* its Circular No. DBOD No. BP. BC.46/ 08.12.001/2008-09 dated September 19, 2008 on "Lending under Consortium Arrangement/Multiple Banking Arrangements", encourages the banks to strengthen their information back-up about the borrowers enjoying credit facilities from multiple banks as under:

- (i), At the time of granting fresh facilities, banks may obtain declaration from the borrowers about the credit facilities already enjoyed by them from other banks, as prescribed in the RBI Circular No. DBOD.No.BP.BC.94 /08.12.001/2008-09 dated December 08, 2008 on "Lending under Consortium Arrangement/Multiple Banking Arrangements". In the case of existing lenders, all the banks may seek a declaration from their existing borrowers availing sanctioned limits of Rs.5.00 crores and above or

wherever, it is in their knowledge that their borrowers are availing credit facilities from other banks, and introduce a system of exchange of information with other banks as indicated above.

- (ii), Subsequently, banks should exchange information about the conduct of the borrowers' accounts with other banks at least at quarterly intervals.
- (iii), Obtain Diligence Report by a professional at regular intervals, regarding compliance of various statutory prescriptions that are in vogue, as per specimen given in the RBI Circular.

D. Regulatory Aspects

Guidelines of the RBI on Income Recognition, Asset Classification, Provisioning and Other Related Matters

2.77 Detailed guidelines w.r.t. Income Recognition, Asset Classification and provisioning requirements have been given in Chapter 4 of Part III of the Guidance Note.1

Restrictions on Advances

2.78 The Master Circular no. RBI/2015-16/95 DBR.No.Dir.BC.10 /13.03.00/2015-16 dated July 1, 2015, on "Loans and Advances - Statutory and other Restrictions" issued by the RBI contains detailed requirements and guidelines in respect of statutory and other restrictions on loans and advances by banks.

Statutory Restrictions

Advances against Bank's own Shares

2.79 In terms of Section 20(1) of the Banking Regulation Act 1949, a bank cannot grant any loan or advance against the security of its own shares.

Advances to Bank's Directors

2.80 Section 20(1) of the Banking Regulation Act, 1949 also lays down the restrictions on loans and advances to the directors and the firms in which they hold substantial interest.

2.81 Banks are prohibited from entering into any commitment for granting any loans or advances to or on behalf of any of its directors, or any firm in which any of its directors is interested as partner, manager, employee or guarantor, or any company (not being a subsidiary of the banking company or a company registered under Section 8 of the Companies Act, 2013 or a Government company) of which, or the subsidiary or the holding company of which any of the

directors of the bank is a director, managing agent, manager, employee or guarantor or in which he holds substantial interest, or any individual in respect of whom any of its directors is a partner or guarantor. There are certain exemptions given in the aforesaid Master Circular in this regard.

2.82 For the above purpose, the term 'loans and advances' shall not include the following:

- (a) loans or advances against Government securities, life insurance policies or fixed deposit;
- (b) loans or advances to the Agricultural Finance Corporation Ltd;
- (c) such loans or advances as can be made by a banking company to any of its directors (who immediately prior to becoming a director, was an employee of the banking company) in his capacity as an employee of that banking company and on the same terms and conditions as would have been applicable to him as an employee of that banking company, if he had not become a director of the banking company. The banking company includes every bank to which the provisions of Section 20 of the Banking Regulation Act, 1949 apply;
- (d) such loans or advances as are granted by the banking company to its Chairman and Chief Executive Officer, who was not an employee of the banking company immediately prior to his appointment as Chairman/Managing Director/CEO, for the purpose of purchasing a car, personal computer, furniture or constructing/ acquiring a house for his personal use and festival advance, with the prior approval of the RBI and on such terms and conditions as may be stipulated by it;
- (e) such loans or advances as are granted by a banking company to its whole time director for the purpose of purchasing furniture, car, Personal Computer or constructing/acquiring house for personal use, festival advance with the prior approval of RBI and on such terms & conditions as may be stipulated by it;
- (f) call loans made by banking companies to one another;
- (g) facilities like bills purchased/discounted (whether documentary or clean and sight or usance and whether on D/A basis or D/P basis), purchase of cheques, other non-fund based facilities like acceptance/co-acceptance of bills, opening of L/Cs and issue of guarantees, purchase of debentures from third parties, etc.;

- (h) line of credit/overdraft facility extended by settlement bankers to National Securities Clearing Corporation Ltd.(NSCCL) / Clearing Corporation of India Ltd. (CCIL) to facilitate smooth settlement; and
- (i) a credit limit granted under credit card facility provided by a bank to its directors to the extent the credit limit so granted is determined by the bank by applying the same criteria as applied by it in the normal conduct of the credit card business.

2.83 Purchase of or discount of bills from directors and their concerns, which is in the nature of clean accommodation, is reckoned as 'loans and advances' for the purpose of Section 20 of the Banking Regulation Act, 1949.

Restrictions on Power to Remit Debts

2.84 Section 20A of the Banking Regulation Act, 1949 stipulates that notwithstanding anything to the contrary contained in Section 180 of the Companies Act, 2013, a banking company shall not, except with the prior approval of the Reserve Bank, remit in whole or in part any debt due to it by -

- any of its directors, or
- any firm or company in which any of its directors is interested as director, partner, managing agent or guarantor, or
- any individual, if any of its directors is his partner or guarantor.

Any remission made in contravention of the provisions stated above shall be void and have no effect.

Restriction on Holding Shares in Companies

2.85 In terms of Section 19(2) of the Banking Regulation Act, 1949, banks should not hold shares in any company except as provided in sub-section (1) whether as pledgee, mortgagee or absolute owner, of an amount exceeding 30 percent of the paid-up share capital of that company or 30 percent of its own paid-up share capital and reserves, whichever is less, except otherwise specifically permitted by RBI regulations.

2.86 Further, in terms of Section 19(3) of the Banking Regulation Act, 1949, the banks should not hold shares whether as pledgee, mortgagee or absolute owner, in any company in the management of which any managing director or manager of the bank is in any manner concerned or interested.

2.87 Accordingly, while granting loans and advances against shares, statutory provisions contained in Sections 19(2) and 19(3) should be strictly observed, except otherwise specifically permitted by RBI regulations.

Restrictions on Credit to Companies for Buy-back of their Securities

2.88 In terms of Section 68 of the Companies Act, 2013, companies are permitted to purchase their own shares or other specified securities out of their:

- , Free reserves;
- , Securities premium account; or
- , Proceeds of any shares or other specified securities.

subject to compliance of various conditions specified in sub-section (2) of section 68 of Companies Act, 2013. Therefore, banks should not provide loans to companies for buy-back of shares/securities.

Regulatory Restrictions

Granting Loans and Advances to relatives of Directors

2.89 Without prior approval of the Board or without the knowledge of the Board, no loans and advances should be granted to relatives of bank's Chairman/Managing Director or other Directors, Directors (including Chairman/Managing Director) of other banks and their relatives, Directors of Scheduled Co-operative Banks and their relatives, Directors of Subsidiaries/Trustees of Mutual Funds/Venture Capital Funds set up by the financing banks or other banks. However, banks may grant loan or advance to or on behalf of spouses of their Directors in cases where the spouse has his/her own independent source of income arising out of his/her employment or profession and the facility so granted is based on standard procedures and norms for assessing the creditworthiness of the borrower. Such facility should be extended on commercial terms. Accordingly, the Banks should not grant loans and advances without the approval of Board of Directors/Management Committee aggregating Rupees twenty five lakhs and above to –

- a., directors (including the Chairman/Managing Director) of other banks;
- b., any firm in which any of the directors of other banks is interested as a partner or guarantor;
- c., any company in which any of the directors of other banks holds substantial interest or is interested as a director or as a guarantor;
- d., any relative other than spouse and minor/dependent children of their own Chairmen/Managing Directors or other Directors;
- e., any relative other than spouse and minor/dependent children of the Chairman/Managing Director or other directors of other banks;
- f., any firm in which any of the relatives other than spouse and minor/

dependent children as mentioned in (d) & (e) above is interested as a partner or guarantor;

- g., any company in which any of the relatives other than spouse and minor / dependent children as mentioned in (d) & (e) above hold substantial interest or is interested as a director or as a guarantor.

Restrictions on Grant of Loans and Advances to Officers and the Relatives of Senior Officers of Banks

2.90 Loans and advances to officers of the bank - No officer or any Committee comprising, *inter alia*, an officer as member, shall, while exercising powers of sanction of any credit facility, sanction any credit facility to his/her relative. Such a facility shall ordinarily be sanctioned only by the next higher sanctioning authority. Credit facilities sanctioned to senior officers of the financing bank should be reported to the Board. Loans and advances and award of contracts to relatives of senior officers of the bank or proposals for credit facilities to the relatives of senior officers of the bank sanctioned by the appropriate authority should be reported to the Board. Further, when a credit facility is sanctioned by an authority, other than the Board, to -

- , any firm in which any of the relatives of any senior officer of the financing bank holds substantial interest, or is interested as a partner or guarantor; or
- , any company in which any of the relatives of any senior officer of the financing bank holds substantial interest, or is interested as a director or as a guarantor, such transaction should also be reported to the Board.

Credit facility will not include loans and advances such as housing loans, car advances, consumption loans, etc., granted to an officer of the bank under any scheme applicable generally to bank employees.

Restrictions on Grant of Financial Assistance to Industries Producing / Consuming Ozone Depleting Substances (ODS)

2.91 Banks should not extend finance for setting up of new units consuming/producing the Ozone Depleting Substances (ODS). No financial assistance should be extended to small/medium scale units engaged in the manufacture of the aerosol units using chlorofluorocarbons (CFC) and no refinance would be extended to any project assisted in this sector.

Restriction on Advances against Sensitive Commodities under Selective Credit Control (SCC)

2.92 With a view to prevent speculative holding of essential commodities with the help of bank credit and the resultant rise in their prices, in exercise of powers conferred by Section 21 & 35A of the Banking Regulation Act, 1949, the Reserve Bank of India, issues, from time to time, directives to all commercial banks, stipulating specific restrictions on bank advances against specified sensitive commodities.

2.93 Commodities presently under the Selective Credit Control include:

- a) food grains i.e. cereals and pulses;
- b) selected major oil seeds indigenously grown, viz. groundnut, rapeseed / mustard, cottonseed, linseed and castor seed, oils thereof, vanaspati and all imported oils and vegetable oils;
- c) raw cotton and kapas;
- d) sugar/ gur / khandsari;
- e) Cotton textiles which include cotton yarn, man-made fibres and yarn and fabrics made out of man-made fibres and partly out of cotton yarn and partly out of man-made fibres.

Restriction on payment of commission to staff members including officers

2.94 Section 10(1)(b)(ii) of Banking Regulation Act, 1934, stipulates that a banking company shall not employ or continue the employment of any person whose remuneration or part of whose remuneration takes the form of commission or a share in the profits of the company. Further, clause (b) of Section 10(1)(b)(ii) permits payment of commission to any person who is employed only otherwise than as a regular staff. Therefore, banks should not pay commission to staff members and officers for recovery of loans.

Restrictions on offering incentives on any banking products

2.95 Banks are also not permitted to offer any banking products, including online remittance schemes etc., with prizes /lottery/free trips (in India and/or abroad), etc. or any other incentives having an element of chance, except inexpensive gifts costing not more than Rs. 250/-, as such products involve non-transparency in the pricing mechanism. Such products, if offered, by banks are considered as violation of the extant guidelines and the banks concerned are liable for penal action.

Restrictions on Other Loans and Advances

Loans and Advances Against Shares, Debentures and Bonds

2.96 Banks are required to strictly observe regulatory restrictions on grant of loans and advances against shares, debentures and bonds which are detailed in the July, 2015 Master Circular on Exposure Norms'. The restrictions, *inter alia*, on Loans and Advances – Statutory and Other Restrictions loans and advances against shares and debentures, are:

- (a) No loans to be granted against partly paid shares.
- (b) No loans to be granted to partnership/proprietorship concerns against the primary security of shares and debentures.

2.97 RBI's Master Circular on "Loans and Advances - Statutory and Other Restrictions" contains guidelines for granting Loan and Advances against Shares, Debentures and Bonds as follows:

Advances to individuals

2.98 Banks may grant advances against the security of shares, debentures or bonds to individuals subject to the following conditions:

- (i) **Amount of advance:** Loans against the security of shares, debentures and bonds should not exceed the limit of Rs. 10 lakhs per individual if the securities are held in physical form and Rs. 20 lakhs per individual if the securities are held in dematerialised form.
- (ii) **Margin:** Banks should maintain a minimum margin of 50 percent of the market value of equity shares / convertible debentures held in physical form. In the case of shares / convertible debentures held in dematerialised form, a minimum margin of 25 percent should be maintained. These are minimum margin stipulations and banks may stipulate higher margins for shares whether held in physical form or dematerialized form. The margin requirements for advances against preference shares / nonconvertible debentures and bonds may be determined by the banks themselves.
- (iii) **Lending policy:** Each bank should formulate with the approval of their Board of Directors, a Loan Policy for grant of advances to individuals against shares / debentures / bonds keeping in view the RBI guidelines. Banks should obtain a declaration from the borrower indicating the extent of loans availed of by him from other banks as input for credit evaluation. It would also be necessary to ensure that such accommodation from different banks is not obtained against shares of a single company or a group of

companies. As a prudential measure, each bank may also consider laying down appropriate aggregate sub-limits of such advances.

Advances to Share and Stock Brokers/ Commodity Brokers

2.99

- (i) Banks and their subsidiaries are not permitted to undertake financing of 'Badla' transactions. Banks can grant advances only to share and stock brokers registered with SEBI and who comply with capital adequacy norms prescribed by SEBI / Stock Exchanges. This could be towards their need based overdraft facilities / line of credit against shares and debentures held by them as stock in trade. A careful assessment of need based requirements for such finance should be made taking into account the financial position of the borrower, operations on his own account and on behalf of clients, income earned, the average turnover period of stocks and shares and the extent to which the broker's funds are required to be involved in his business operations. Banks may also grant working capital facilities to such stock brokers to meet the cash flow gap between delivery and payment for DVP transactions undertaken on behalf of institutional clients viz. FIs, FII, mutual funds and banks, the duration of such a facility will be short and would be based on an assessment of the financing requirements keeping in view the cash flow gaps, the broker's funds required to be deployed for the transaction and the overall financial position of the broker. The utilization to be monitored on the basis of individual transactions. Further, Banks may institute adequate safeguards and monitoring mechanisms. A uniform margin of 50 per cent is required to be applied on all advances/ financing of IPOs/ issue of guarantees on behalf of share and stockbrokers. A minimum cash margin of 25 per cent (within the margin of 50%) shall be maintained in respect of guarantees issued by banks for capital market operations. The above minimum margin will also apply to guarantees issued by banks on behalf of commodity brokers in favour of commodity exchanges viz. National Commodity & Derivatives Exchange (NCDEX), Multi Commodity Exchange of India Ltd. (MCX) and National Multi Commodity Exchange of India Ltd. (NMCEIL), in lieu of margin requirements as per the commodity exchange regulations. These margin requirements will also be applicable in respect of bank finance to stock brokers by way of temporary overdrafts for DVP transactions. Banks may issue guarantees on behalf of share and stock brokers/commodity brokers in favour of stock exchanges in lieu of security deposit to the extent it is acceptable in the form of bank guarantee as laid down by stock exchanges. Banks may also issue guarantees in lieu of margin requirements as per stock exchange regulations.

- (ii) The requirement relating to transfer of shares in bank's name in respect of shares held in physical form mentioned at Sl. No. (ix) of paragraph 2.3.1.14 of Master Circular on Loans and Advances would not apply in respect of advances granted to share and stock brokers provided such shares are held as security for a period not exceeding nine months. In the case of dematerialised shares, the depository system provides a facility for pledging and banks may avail themselves of this facility and in such cases, there will not be need to transfer the shares in the name of the bank irrespective of the period of holding. The share and stock brokers are free to substitute the shares pledged by them as and when necessary. In case of a default in the account, the bank should exercise the option to get the shares transferred in its name.

Bank Finance for Market Makers

2.100 Banks may provide need based finance to meet the genuine credit requirements of approved Market Makers. For this purpose, they should lay down appropriate norms for financing them including exposure limits, method of valuation, etc. They should also follow the guidelines given below:

- a) Market Makers approved by stock exchange would only be eligible for grant of advances by scheduled commercial banks.
- b) Market Making may be for equity as well as for debt securities including State and Central Government securities.
- c) A uniform margin of 50 per cent shall be applied on all advances / financing of IPOs / issue of guarantees on behalf of market makers. A minimum cash margin of 25 per cent (within the margin of 50%) shall be maintained in respect of guarantees issued by banks for capital market operations.
- d) Banks may accept, as collateral for the advances to the Market Makers, scrips other than the scrips in which the market making operations are undertaken.
- e) Banks should ensure that advances provided for Market Making are not diverted for investment in shares other than the scrip earmarked for Market Making purpose. For this purpose, a suitable follow-up and monitoring mechanism must be evolved.
- f) The ceiling of Rupees ten lakhs / Rupees twenty lakhs for advances against shares/debentures to individuals will not be applicable in the case of Market Makers.

2.101 Each bank should lay down a detailed loan policy for granting advances to Stock Brokers and Market Makers and also a policy for grant of guarantees on behalf of brokers which should include, *inter alia*, the following:

- , Purpose and use of such advances / guarantees.
- , Pricing of such advances.
- , Control features that specifically recognise the unique characteristics and risks of such financing.
- , Method of valuation of collateral.
- , Frequency of valuation of shares and other securities taken as collateral.
- , Guidelines for transfer of shares in bank's name.
- , Maximum exposure for individual credits (within the RBI prescribed prudential Single Borrower Limit). The Board may also consider laying down a limit on the aggregate exposure of the bank to this sector.
- , Approval process for identification of eligible securities against which loan can be provided.
- , Periodic re-assessment of eligible security so that they continued to be allowed as eligible security.

The aggregate portfolio, its quality and performance should be reviewed and put up at least on a half-yearly basis to the Board.

Advances to Individuals against shares to joint holders or third party beneficiaries

2.102 While granting advances against Shares held in joint names to joint holders or third party beneficiaries, banks should ensure that no advances to other joint holders or third party beneficiaries is granted to circumvent the above limits placed on loans/advances against shares and other securities.

Financing of Initial Public Offerings (IPOs)

2.103 Banks should ensure that no advances exceed the limit of Rs. 10 lakhs to any individual against security of shares, convertible bonds, convertible debentures, units of equity oriented mutual funds and PSU bonds for subscribing to IPOs. Further, the Bank should not extend any credit or financing to Corporates for investment in other companies' IPOs and to NBFCs for further lending to individuals for IPOs.

Bank Finance to assist employees to buy shares of their own companies

2.104

- (i) Banks may extend finance to employees for purchasing shares of their own companies under Employees Stock Option Plan (ESOP)/ reserved by way of employees' quota under IPO to the extent of 90% of the purchase price

of the shares or Rs. 20.00 lakh, whichever is lower. Banks are not allowed to extend advances including advances to their employees/ Employees' Trusts set up by them for the purpose of purchasing their own banks' share under ESOPs/IPOs or from the secondary market irrespective of whether the advances are secured or unsecured. Follow – on Public Offers (FPOs) will also be included under IPO.

- (ii) Banks should obtain declaration from the borrower indicating the details of the loan/advances availed against shares and other securities specified above, from any other bank/s in order to ensure compliance with the ceilings prescribed for the purpose.

Advances to other borrowers against shares / debentures / bonds

2.105

- (i) The question of granting advances against Primary Security of shares and debenture including promoters' shares to industrial, corporate or other borrowers should not normally arise except for secured loans granted towards working capital or for other productive purposes other than NBFCs. In such cases, Banks should accept shares only in dematerialised form. Banks may accept shares of promoters only in dematerialized form wherever demat facility is available. The question of granting advances against Primary Security of shares and debenture including promoters' shares to industrial, corporate or other borrowers should not normally arise except for secured loans granted towards working capital or for other productive purposes other than NBFCs. In such cases, Banks should accept shares only in dematerialised form. Banks may accept shares of promoters only in dematerialised form wherever demat facility is available.
- (ii) Banks may obtain collateral security of shares and debentures by way of margin for a temporary period of one year from borrowers other than NBFCs who are in the course of setting up of new projects or expansion of existing business or for the purpose of raising additional working capital required by units Banks have to satisfy themselves regarding the capacity of the borrower to raise the required funds and to repay the advance within the stipulated period.

Bank Loans for Financing Promoters Contribution

2.106 The promoters' contribution towards the equity capital of a company should come from their own resources and the bank should not normally grant advances to take up shares of other companies. However, banks are permitted to extend loans to corporate against the security of shares (as far as possible in dematerialised form) held by them to meet the promoters' contribution to the

equity of new companies in anticipation of raising resources subject to the following terms and conditions and as detailed in the loan policy of the bank, in addition to the general guidelines given in para 2.3.1.14 of the Master Circular on Loans and Advances – Statutory and Other restrictions dated July 1, 2015.

- i) The margin and period of repayment of the loans may be determined by the banks.
- ii) Loans sanctioned to corporates against the security of shares (as far as possible, demat shares) for meeting promoters' contribution to the equity of new companies in anticipation of raising resources, should be treated as a bank's investments in shares which would thus come under the ceiling of 40 percent of the bank's net worth as on March 31 of the previous year prescribed for the bank's total exposure including both fund based and non-fund based to capital market in all forms. These loans will also be subject to individual/group of borrowers exposure norms as well as the statutory limit on shareholding in companies, as detailed in the Master Circular RBI/2015-16/70 DBR.No.Dir.BC.12/13.03.00/2015-16 dated July 1, 2015 on Exposure Norms.
- iii) Banks may extend financial assistance to Indian companies for acquisition of equity in overseas joint ventures / wholly owned subsidiaries or in other overseas companies, new or existing, as strategic investment, in terms of a Board approved policy, duly incorporated in the loan policy of the banks. Such policy should include overall limit on such financing, terms and conditions of eligibility of borrowers, security, margin, etc. The finance would be subject to compliance with the statutory requirements under Section 19(2) of the Banking Regulation Act, 1949.
- iv) The restriction on grant of bank advances for financing promoters' contribution towards equity capital would also extend to bank finance to activities related to such acquisitions like payment of non-compete fee, etc. Further, these restrictions would also be applicable to bank finance to such activities by overseas branches / subsidiaries of Indian banks.
- v) With the approval of the Board of Directors, the banks should formulate internal guidelines with appropriate safeguards for this purpose.
- vi) Under the refinance scheme of Export-Import Bank of India, the banks may sanction term loans on merits to eligible Indian promoters for acquisition of equity in overseas joint ventures / wholly owned subsidiaries, provided the term loans have been approved by the EXIM Bank for refinance.

Advances against Units of Mutual Funds

2.107 While granting advances against Units of mutual funds, the banks should adhere to the following guidelines:

- i) The Units should be listed in the Stock Exchanges or repurchase facility for the Units of mutual fund should be available at the time of lending.
- ii) The Units should have completed the minimum lock-in-period stipulated in the relevant scheme.
- iii) The amount of advances should be linked to the Net Asset Value (NAV) / repurchase price or the market value, whichever is less and not to the face value.
- iv) Advance against units of mutual funds (except units of exclusively debt oriented funds) would attract the quantum and margin requirements as applicable to advance against shares and debentures. However, the quantum and margin requirement for loans/ advances to individuals against units of exclusively debt-oriented mutual funds may be decided by individual banks themselves in accordance with their loan policy.
- v) The advances should be purpose oriented, taking into account the credit requirement of the investor. Advances should not be granted for subscribing to or boosting up the sales of another scheme of the mutual funds or for the purchase of shares/ debentures/ bonds etc.

For exposure norms w.r.t. Advances against Mutual Funds, please refer to para 4.6 of the Master Circular on Exposure Norms dated July 1, 2015.

Margin Trading

2.108 Banks may extend finance to stockbrokers for margin trading. The Board of each bank should formulate detailed guidelines for lending for margin trading, subject to the following parameters:

- (a) The finance extended for margin trading should be within the overall ceiling of 40% of net worth prescribed for exposure to capital market.
- (b) A minimum margin of 50 per cent should be maintained on the funds lent for margin trading.
- (c) The shares purchased with margin trading should be in dematerialised mode under pledge to the lending bank. The bank should put in place an appropriate system for monitoring and maintaining the margin of 50% on an ongoing basis.
- (d) The Bank's Board should prescribe necessary safeguards to ensure that no "nexus" develops between inter-connected stock broking entities/ stockbrokers and the bank in respect of margin trading. Margin trading should be spread out by the bank among a reasonable number of stockbrokers and stock broking entities.

2.109 The Audit Committee of the Board should monitor periodically the bank's exposure by way of financing for margin trading and ensure that the guidelines formulated by the bank's Board, subject to the above parameters, are complied with. Banks should disclose the total finance extended for margin trading in the "Notes on Account" to their Balance Sheet.

Financing for Acquisition of Equity in Overseas Companies

2.110 Banks may extend financial assistance to Indian companies for acquisition of equity in overseas joint ventures / wholly owned subsidiaries or in other overseas companies, new or existing, as strategic investment, in terms of a Board approved policy, duly incorporated in the loan policy of the banks. Such policy should include overall limit on such financing, terms and conditions of eligibility of borrowers, security, margin, etc. While the Board may frame its own guidelines and safeguards for such lending, such acquisition(s) should be beneficial to the company and the country. The finance would be subject to compliance with the statutory requirements under Section 19(2) of the Banking Regulation Act, 1949.

Refinance Scheme of Export Import Bank of India

2.111 Under the refinance scheme of Export Import Bank of India (EXIM Bank), the banks may sanction term loans on merits to eligible Indian promoters for acquisition of equity in overseas joint ventures / wholly owned subsidiaries, provided that the term loans have been approved by the EXIM Bank for refinance.

Arbitrage Operations

2.112 Banks should not undertake arbitrage operations themselves or extend credit facilities directly or indirectly to stockbrokers for arbitrage operations in Stock Exchanges. While banks are permitted to acquire shares from the secondary market, they should ensure that no sale transaction is undertaken without actually holding the shares in their investment accounts.

General guidelines applicable to advances against shares / debentures / bonds

2.113 Statutory provisions regarding the grant of advances against shares contained in Sections 19(2) and (3) and 20(1) (a) of the Banking Regulation Act 1949 should be strictly observed. Shares held in dematerialised form should also be included for the purpose of determining the limits under Section 19(2) and 19(3) *ibid*.

2.114 While considering grant of advances against shares / debentures banks must follow the normal procedures for the sanction, appraisal and post sanction follow-up.

2.115 Advances against the primary security of shares / debentures / bonds should be kept distinct and separate and not combined with any other advance.

2.116 Banks should satisfy themselves about the marketability/realisability of the shares / debentures and the net worth and working of the company whose shares / debentures / bonds are offered as security.

2.117 Shares/ debentures/ bonds should be valued at prevailing market prices when they are lodged as security for advances.

2.118 Banks should exercise particular care when advances are sought against large blocks of shares by a borrower or a group of borrowers. It should be ensured that advances against shares are not used to enable the borrower to acquire or retain a controlling interest in the company/ companies or to facilitate or retain inter-corporate investments.

2.119 No advance against partly paid shares shall be granted.

2.120 No loans to be granted to partnership/ proprietorship concerns against the primary security of shares and debentures.

2.121 Whenever the limit/limits of advances granted to a borrower exceed Rupees ten lakhs, it should be ensured that the said shares / debentures / bonds are transferred in the bank's name and that the bank has exclusive and unconditional voting rights in respect of such shares. For this purpose the aggregate of limits against shares/ debentures/ bonds granted by a bank at all its offices to a single borrower should be taken into account. Where securities are held in dematerialised form, the requirement relating to transfer of shares in bank's name will not apply and banks may take their own decision in this regard.

2.122 Whenever the limit/limits of advances granted to a borrower exceed Rupees ten lakhs, it should be ensured that the said shares / debentures / bonds are transferred in the bank's name and that the bank has exclusive and unconditional voting rights in respect of such shares. For this purpose the aggregate of limits against shares / debentures / bonds granted by a bank at all its offices to a single borrower should be taken into account. Where securities are held in dematerialised form, the requirement relating to transfer of shares in bank's name will not apply and banks may take their own decision in this regard. Banks should, however, avail of the facility provided in the depository system for pledging securities held in dematerialised form under which the securities pledged by the borrower get blocked in favour of the lending bank. In case of default by the borrower and on the bank exercising the option of invocation of pledge, the shares and debentures get transferred in the bank's name immediately.

2.123 Banks may take their own decision in regard to exercise of voting rights and may prescribe procedures for this purpose.

2.124 Banks should ensure that the scrip lodged with them as security are not stolen / duplicate / fake / benami. Any irregularities coming to their notice should be immediately reported to RBI.

2.125 Banks operating in India should not be a party to transactions such as making advances or issuing back-up guarantees favouring other banks for extending credit to clients of Indian nationality / origin by some of their overseas branches, to enable the borrowers to make investments in shares and debentures / bonds of Indian companies.

2.126 A uniform margin of 50% shall be applied on all advances against shares/financing of IPOs/issue of Guarantees. A minimum cash margin of 25% (within margin of 50%) shall be maintained in respect of guarantees issued by banks for capital market operations. These margin requirements will also be applicable in respect of bank finance to stock brokers by way of temporary overdrafts for DVP transactions.

Advances against Fixed Deposit Receipts issued by Other Banks

2.127 There have been instances where fake term deposit receipts, purported to have been issued by some banks, were used for obtaining advances from other banks. In the light of these happenings, RBI has advised the banks to desist from sanctioning advances against FDRs, or other term deposits of other banks.

Advances to Agents/Intermediaries Based on Consideration of Deposit Mobilisation

2.128 Banks should desist from being party to unethical practices of raising of resources through agents/intermediaries to meet the credit needs of the existing/prospective borrowers or from granting loans to the intermediaries, based on the consideration of deposit mobilisation, who may not require the funds for their genuine business requirements.

Loans Against Certificate of Deposits (CDs)

2.129 Banks cannot grant loans against CDs. Furthermore, they are also not permitted to buy-back their own CDs before maturity. However, these restrictions on lending and buy back in respect of CDs held by mutual funds are relaxed. While granting such loans to the mutual funds, banks should keep in view the provisions of paragraph 44(2) of the SEBI (Mutual Funds)

Regulations, 1996. Further, such finance if extended to equity-oriented mutual funds, will form part of banks' capital market exposure, as hitherto.

Finance for and Loans/Advances against Indian Depository Receipts (IDRs)

2.130 Banks are not permitted to grant any loan / advance for subscription to Indian Depository Receipts (IDRs). Further, no loans/ advances can be granted against security / collateral of IDRs issued in India.

Bank Finance to Non-Banking Financial Companies (NBFCs)

2.131 The RBI, vide its Master Circular No. DBR.BP.BC.No.5/21.04.172/2015-16 on Bank Finance to Non-Banking Financial Companies (NBFCs) dated July 1, 2015 provides as follows:

2.132 The ceiling on bank credit linked to Net Owned Fund (NOF) of NBFCs has been withdrawn in respect of all NBFCs which are statutorily registered with RBI and are engaged in principal business of asset financing, loan, factoring and investment activities. Accordingly, banks may extend need based working capital facilities as well as term loans to all NBFCs registered with RBI and engaged in infrastructure financing, equipment leasing, hire-purchase, loan, factoring and investment activities.

2.133 In the light of the experience gained by NBFCs in financing second hand assets, banks may also extend finance to NBFCs against second hand assets financed by them.

2.134 Banks may formulate suitable loan policy with the approval of their Boards of Directors within the prudential guidelines and exposure norms prescribed by the Reserve Bank to extend various kinds of credit facilities to NBFCs subject to the condition that the activities indicated in the Master Circular are not financed by them.

2.135 In respect of NBFCs which do not require to be registered with RBI, viz.:

- i), Insurance Companies registered under Section 3 of the Insurance Act, 1938;
- ii), Nidhi Companies notified under Section 406 of the Companies Act, 2013;
- iii), Chit Fund Companies carrying on Chit Fund business as their principal business as per Explanation to Clause (vii) of Section 45-I(bb) of the Reserve Bank of India Act, 1934;
- iv), Stock Broking Companies / Merchant Banking Companies registered under Section 12 of the Securities & Exchange Board of India Act; and

v), Housing Finance Companies being regulated by the National Housing Bank (NHB) which have been exempted from the requirement of registration by RBI], banks may take their credit decisions on the basis of usual factors like the purpose of credit, nature and quality of underlying assets, repayment capacity of borrowers as also risk perception, etc.

2.136 Banks are prohibited from providing credit for the following activities of NBFCs:

- (i) Bills discounted/rediscounted by NBFCs, except for rediscounting of bills discounted by NBFCs arising from the sale of –
 - (a) commercial vehicles (including light commercial vehicles), and
 - (b) two-wheeler and three-wheeler vehicles, subject to the following conditions:
 - , the bills should have been drawn by the manufacturers on dealers only.
 - , the bills should represent genuine sale transactions as may be ascertained from the chassis/engine numbers.
 - , before rediscounting the bills, banks should satisfy themselves about the *bona fides* and track record of NBFCs which have discounted the bills.
- (ii) Investments of NBFCs both of current and long term nature, in any company/entity by way of shares, debentures, etc. However, Stock Broking Companies may be provided need-based credit against shares and debentures held by them as stock-in-trade.
- (iii) Unsecured loans/inter-corporate deposits by NBFCs to/in any company.
- (iv) All types of loans/advances by NBFCs to their subsidiaries, group companies/entities.
- (v) Finance to NBFCs for further lending to individuals for subscribing to Initial Public Offerings (IPOs) and for purchase of shares from secondary market.

Bank Finance to Residuary Non-Banking Companies (RNBCs)

2.137 Residuary Non-Banking Companies (RNBCs) are also required to be mandatorily registered with RBI. In respect of such companies registered with RBI, bank finance would be restricted to the extent of their Net Owned Fund (NOF). The computation of NOF will be as per definition of NOF as given in the explanation to Section 45-IA of the Reserve Bank of India Act, 1934.

Bridge loans / interim finance to NBFCs

2.138 Banks should not grant bridge loans of any nature, or interim finance against capital / debenture issues and / or in the form of loans of a bridging nature pending raising of long-term funds from the market by way of capital, deposits, etc. to all categories of Non-Banking Financial Companies, i.e., equipment leasing and hire-purchase finance companies, loan and investment companies and also Residuary Non-Banking Companies (RNBCs).

2.139 Banks should strictly follow these instructions and ensure that these are not circumvented in any manner whatsoever by purport and / or intent by sanction of credit under a different nomenclature like unsecured negotiable notes, floating rate interest bonds, etc., as also short-term loans, the repayment of which is proposed / expected to be made out of funds to be or likely to be mobilised from external / other sources and not out of the surplus generated by the use of the asset(s).

Advances against collateral security of shares to NBFCs

2.140 Shares and debentures cannot be accepted as collateral securities for secured loans granted to NBFCs borrowers for any purpose.

Restriction on Guarantees for placement of funds with NBFCs

2.141 Banks should not execute guarantees covering inter-company deposits / loans thereby guaranteeing refund of deposits / loans accepted by NBFCs / firms from other NBFCs / firms. The restriction would cover all types of deposits / loans irrespective of their source, including deposits / loans received by NBFCs from trusts and other institutions. Guarantees should not be issued for the purpose of indirectly enabling the placement of deposits with NBFCs.

Bank Finance to Equipment Leasing Companies

2.142 Banks should not enter into lease agreements departmentally with equipment leasing companies as well as other Non-Banking Financial Companies engaged in equipment leasing.

Bank Finance to Factoring Companies

2.143 Banks are permitted to extend financial assistance to support the factoring business of Factoring Companies which comply with the following criteria:

- (a) The companies qualify as factoring companies and carry out their business under the provisions of the Factoring Regulation Act, 2011 and Notifications issued by the Reserve Bank in this regard from time to time.

- (b) They derive at least 75 per cent of their income from factoring activity.
- (c) The receivables purchased / financed, irrespective of whether on 'with recourse' or 'without recourse' basis, form at least 75 per cent of the assets of the Factoring Company.
- (d) The assets / income referred to above would not include the assets / income relating to any bill discounting facility extended by the Factoring Company.
- (e) The financial assistance extended by the Factoring Companies is secured by hypothecation or assignment of receivables in their favour.
- (f) Banks offering factoring services may decide percentage of the invoice to be paid upfront based on their own assessment of the credit worthiness of the assignor / buyer, due diligence carried out by them and other commercial considerations.
- (g) Factoring transactions on 'with recourse' basis shall be eligible for priority sector classification by banks, which are carrying out the business of factoring departmentally. The factoring transactions taking place through TReDS shall also be eligible for classification under priority sector upon operationalization of the platform. For detailed guidelines, refer RBI circular FIDD.CO.Plan.BC.10/04.09.01/2016-17 on "Priority Sector Lending status for Factoring Transactions"

Restrictions regarding investments made by banks in securities/ instruments issued by NBFCs

2.144 Banks should not invest in Zero Coupon Bonds (ZCBs) issued by NBFCs unless the issuer NBFC builds up sinking fund for all accrued interest and keeps it invested in liquid investments / securities (Government bonds).

2.145 Banks are permitted to invest in Non-Convertible Debentures (NCDs) with original or initial maturity up to one year issued by NBFCs. However, while investing in such instruments banks should be guided by the extant prudential guidelines in force, ensure that the issuer has disclosed the purpose for which the NCDs are being issued in the disclosure document and such purposes are eligible for bank finance in terms of instructions given in the preceding paragraphs.

Advances Against NR(E) and FCNR(B) Deposits

2.146 Grant of advance against NR(E) and FCNR(B) deposits would be subject to the guidelines issued under Foreign Exchange Management Act, 1999.

Advances Against Bullion/Primary Gold

2.147 Banks are prohibited from granting any advance against bullion/primary gold. However, specially minted gold coins sold by banks are not treated as “bullion” or “primary gold” and hence the same is acceptable as security upto 50 gms per customer. Such loans to be granted by the bank, may be covered under the policy framed by the bank’s Board, in terms of RBI circular DBOD.No. BC. 138/21.01.023/94 dated November 22, 1994. Further, for cases wherein advances have been granted against the gold coins it should be ensured that the end use of funds is for approved, non- speculative purposes. Banks are also required to desist from granting advances to silver bullion dealers which are likely to be utilised for speculative purposes.

Loans for Acquisition of KVPs

2.148 The grant of loans for acquiring/investing in KVPs does not promote fresh savings and, rather, channelises the existing savings in the form of bank deposits to small savings instruments and thereby defeats the very purpose of such schemes. Banks should therefore ensure that no loans are sanctioned for acquisition of/investing in Small Savings Instruments including Kisan Vikas Patras.

Advances against Gold Ornaments & Jewellery

2.149 The RBI vide its Master Circular No. RBI/2015-16/95 DBR.No.Dir.BC.10/ 13.03.00/2015-16 dated July 1, 2015 provides that hallmarking of gold jewellery ensures the quality of gold used in the jewellery as to carat fineness and purity. Hence, banks find granting of advances against the security of such hallmarked jewellery safer and easier. Preferential treatment is given to loans against hallmarked jewellery which will also be in the long-term interest of consumer, lenders and the industry. Based on gold purity and content the bank decides on the margin and rates of interest.

Loan to Value Ratio for Loan against Gold Ornaments & Jewellery

2.150 The RBI vide its Master Circular No. RBI/2015-16/95 DBR.No.Dir.BC. 10/13.03.00/2015-16 dated July 1, 2015 provides that loans (including bullet repayment loans) sanctioned by banks against pledge of gold ornaments and jewellery for non-agricultural purposes should not exceed 75 per cent of the value of gold ornaments and jewellery.

2.151 In order to standardize the valuation and make it more transparent to the borrower, gold ornaments and jewellery accepted as security / collateral will have to be valued at the average of the closing price of 22 carat gold for the

preceding 30 days as quoted by the India Bullion and Jewellers Association Ltd. [Formerly known as the Bombay Bullion Association Ltd. (BBA)]. If the gold is of purity less than 22 carats, the bank should translate the collateral into 22 carat and value the exact grams of the collateral. In other words, jewellery of lower purity of gold shall be valued proportionately.

2.152 Loans extended against pledge of gold ornaments and jewellery for other than agricultural purposes, where both interest and principal are due for payment at maturity of the loan will be subject to the following conditions:

- (i) Banks, as per their Board approved policy, may decide upon the ceiling with regard to the quantum of loan that may be granted against the pledge of gold jewellery and ornaments for non-agricultural end uses.
- (ii) The period of the loan shall not exceed 12 months from the date of sanction.
- (iii) Interest will be charged to the account at monthly rests and may be recognized on accrual basis provided the account is classified as 'standard' account. This will also apply to existing loans.
- (iv) Such loans shall also be governed by other extant norms pertaining to income recognition, asset classification and provisioning which shall be applicable once the principal and interest become overdue.

Gold (Metal) Loans

2.153 Presently, nominated banks can extend Gold (Metal) Loans to exporters of jewellery who are customers of other scheduled commercial banks, by accepting stand-by letter of credit or bank guarantee issued by their bankers in favour of the nominated banks subject to authorised banks' own norms for lending and other conditions stipulated by RBI. Banks may also extend the facility to domestic jewellery manufacturers, subject to the conditions as specified by RBI's Master Circular RBI/2015-16/95 DBR.No.Dir.BC.10/13.03.00/2015-16 dated July 1, 2015 on Loans and Advances- Statutory and Other restrictions.

2.154 The nominated banks may continue to extend Gold (Metal) Loans to jewellery exporters subject to the following conditions:

- , The exposure assumed by the nominated bank extending the Gold (Metal) Loan against the stand-by LC / BG of another bank will be deemed as an exposure on the guaranteeing bank and attract appropriate risk weight as per the extant guidelines.

- , The transaction should be purely on back-to-back basis i.e. the nominated banks should extend Gold (Metal) Loan directly to the customer of a non-nominated bank, against the stand-by LC / BG issued by the latter.
- , Gold (Metal) Loans should not involve any direct or indirect liability of the borrowing entity towards foreign suppliers of gold.
- , The banks may calculate their exposure and compliance with prudential norms daily by converting into Rupee the gold quantity by crossing London AM fixing for Gold / US Dollar rate with the rupee-dollar reference rate announced by RBI.

2.155 Banks should recognise the overall risks in extending Gold (Metal) Loans as also in extending SBLC / BG. Banks should lay down an appropriate risk management / lending policy in this regard and comply with the recommendations of the Ghosh Committee and other internal requirements relating to acceptance of guarantees of other banks to obviate the possibility of frauds in this area.

2.156 Nominated banks are not permitted to enter into any tie up arrangements for retailing of gold / gold coins with any other entity including non-banking financial companies / co-operative banks / non-nominated banks.

Loans and advances to Micro and Small Enterprises (MSEs)

2.157 The Reserve Bank of India has issued Master Directions on Lending to Micro, Small & Medium Enterprises (MSME) sector vide Master Directions no.FIDD. MSME & NFS.12/ 06.02.31/2017-18 dated July 24, 2017 (Updated April 25, 2018), in which definition of MSME and common guidelines/instructions for lending to MSME section have been given.¹

Working Capital Finance to Information Technology and Software Industry

2.158 Following the recommendations of the “National Taskforce on Information Technology and Software Development“, Reserve Bank has framed guidelines for extending working capital to the said industry. Banks are, however, free to modify the guidelines based on their own experience without reference to the Reserve Bank of India to achieve the purpose of the guidelines in letter and spirit. The salient features of these guidelines are set forth below:

- (i), Banks may consider sanction of working capital limits based on the track record of the promoter’s group affiliation, composition of the management team and their work experience as well as the infrastructure.
- (ii), In the case of the borrowers with working capital limits of up to Rs 2 crore, assessment may be made at 20 percent of the projected turnover. However, in other cases, the banks may consider assessment of MPBF on

the basis of the monthly cash budget system. For the borrowers enjoying working capital limits of Rs 10 crore and above from the banking system, the guidelines regarding the loan system would be applicable.

- (iii), Banks may obtain collateral security wherever available. First/ second charge on current assets, if available, may be obtained.
- (iv), The rate of interest as prescribed for general category of borrowers may be levied. Concessional rate of interest as applicable to pre-shipment/post-shipment credit may be levied.
- (v), Banks may evolve tailor-made follow up system for such advances. The banks could obtain quarterly statements of cash flows to monitor the operations. In case the sanction was not made on the basis of the cash budgets, they can devise a reporting system, as they deem fit.

Guidelines for bank finance for PSU disinvestments of Government of India

2.159 In terms of RBI circular DBOD No. Dir.BC.90/13.07.05/98 dated August 28, 1998, banks have been advised that the promoters' contribution towards the equity capital of a company should come from their own resources and the bank should not normally grant advances to take up shares of other companies. Banks were also advised to ensure that advances against shares were not used to enable the borrower to acquire or retain a controlling interest in the company/companies or to facilitate or retain inter-corporate investment. It is clarified that the aforesaid instructions of the 1998 circular would not apply in the case of bank finance to the successful bidders under the PSU disinvestment programme of the Government, subject to the following:

- , Banks' proposals for financing the successful bidders in the PSU disinvestment programme should be approved by their Board of Directors.
- , Bank finance should be for acquisition of shares of PSU under a disinvestment programme approved by Government of India, including the secondary stage mandatory open offer, wherever applicable and not for subsequent acquisition of the PSU shares. Bank finance should be made available only for prospective disinvestments by Government of India.
- , The companies, including the promoters, to which bank finance is to be extended, should have adequate net worth and an excellent track record of servicing loans availed from the banking system.
- , The amount of bank finance thus provided should be reasonable with reference to the banks' size, its net worth and business and risk profile.

2.160 In case the advances against the PSU disinvestment is secured by the shares of the disinvested PSUs or any other shares, banks should follow RBI's extant guidelines on capital market exposures on margin, ceiling on overall exposure to the capital market, risk management and internal control systems, surveillance and monitoring by the Audit Committee of the Board, valuation and disclosure, etc. In this regard, banks may be guided by the Master Circular on Exposure Norms dated July 1, 2015.

Stipulation of lock-in period for shares

2.161 Banks may extend finance to the successful bidders even though the shares of the disinvested company acquired/ to be acquired by the successful bidder are subjected to a lock-in period/ other such restrictions which affect their liquidity, subject to fulfillment of following conditions:

- (a), The documentation between the Government of India and the successful bidder should contain a specific provision permitting the pledgee to liquidate the shares even during lock-in period that may be prescribed in respect of such disinvestments, in case of shortfall in margin requirements or default by the borrower.
- (b), If the documentation does not contain such a specific provision, the borrower (successful bidder) should obtain waiver from the Government for disposal of shares acquired under PSU disinvestment programme during the lock-in period.

2.162 As per the terms and conditions of the PSU disinvestments by the Government of India, the pledgee bank will not be allowed to invoke the pledge during the first year of the lock-in period. During the second and third year of the lock-in period, in case of inability of the borrower to restore the margin prescribed for the purpose by way of additional security or non-performance of the payment obligations as per the repayment schedule agreed upon between the bank and the borrower, the bank would have the right to invoke the pledge. The pledgee bank's right to invoke the pledge during the second and third years of the lock-in period, would be subject to the terms and conditions of the documentation between Government and the successful bidder, which might also cast certain responsibilities on the pledge banks.

2.163 RBI has also clarified that the concerned bank must make a proper appraisal and exercise due caution about creditworthiness of the borrower and the financial viability of the proposal. The bank must also satisfy itself that the proposed documentation, relating to the disposal of shares pledged with the bank, are fully acceptable to the bank and do not involve unacceptable risks on the part of the bank.

2.164 Further, in terms of IECD Circular No. 10/ 08.12.01/ 2000- 2001 dated 8 January 2001, banks are precluded from financing investments of NBFCs in other companies and inter-corporate loans / deposits to/ in other companies. However, the Special Purpose Vehicles (SPVs) which comply with the following conditions would not be treated as investment companies and therefore would not be considered as NBFCs:

- a), They function as holding companies, special purpose vehicles, etc., with not less than 90 per cent of their total assets as investment in securities held for the purpose of holding ownership stake;
- b), They do not trade in these securities except for block sale;
- c), They do not undertake any other financial activities; and
- d), They do not hold/accept public deposits.

Financing Housing Projects

2.165 During the recent period, housing sector has emerged as one of the biggest loan portfolios of banks. The focus of the RBI, therefore, is to ensure orderly growth of this portfolio. The Master Circular No.DBR.No.DIR.BC.13/ 08.12.001/2015-16 dated July 1, 2015 on Housing Finance provides guidance in respect of the housing finance provided by the banks. Banks could deploy their funds under the housing finance allocation in any of the three categories as per the norms provided in the Master Circular, i.e.

- , Direct Finance.
- , Indirect Finance.
- , Investment in Bonds of NHB/HUDCO, or combination thereof.

2.166 The Master Circular also contains a number of guidelines for this purpose, including conditions wherein a bank cannot extend credit for housing purposes. These conditions are as follows:

- (i) In case of *lending to housing intermediary agencies*, the banks are required to ensure that the former have complied with the guidelines of the National Housing Board (NHB). In terms of the NHB guidelines, a housing finance companies' total borrowings, whether by way of deposits, issue of debentures/ bonds, loans and advances from banks or from financial institutions including any loans obtained from NHB, should not exceed 16 times of their net owned funds. (i.e., paid up capital and free reserves less accumulated balance of loss, deferred revenue expenditure and intangible assets.)

- (ii) Banks are also not permitted to extend fund based or non-fund based facilities to private builders for acquisition of land even as part of a housing project.
- (iii) Banks cannot grant finance for construction of buildings meant purely for Government/Semi-Government offices, including Municipal and Panchayat offices. However, banks may grant loans for activities, which will be refinanced by institutions like NABARD.
- (iv), *Projects undertaken by public sector entities* which are not corporate bodies (i.e., public sector undertakings which are not registered under Companies Act or which are not Corporations established under the relevant statute) also cannot be financed by banks.
- (v) In terms of the orders of the Delhi High Court, banks also cannot grant loans in respect of:
- , Properties which fall in the category of unauthorised colonies unless and until they have been regularised and development and other charges paid.
 - , Properties which are meant for residential use but which the applicant intends to use for commercial purposes and declares so while applying for the loan.

Loan to Value (LTV) ratio

2.167 In order to prevent excessive leveraging, the LTV ratio and risk weight and standard as set provisioning in respect of individual housing loans have been prescribed. Vide RBI circular dated June 7, 2017 revised LTV ratio is applicable for all loan sanctioned post June 7, 2017 is as under.

Category of loan	LTV ratio (%)	Risk Weight (%)
Upto ₹ 30 lakh	≤ 80	35
	> 80 and ≤ 90	50
Above ₹ 30 lakh and upto ₹ 75 lakh	≤ 80	35
Above ₹ 75 lakh	≤ 75	50

2.168 The LTV ratios, Risk Weights and Standard Asset Provision set out in the circular DBR.BP.BC.No.44/08.12.015/ 2015-16 dated October 8, 2015, on the captioned subject, shall continue to apply to loans sanctioned up to June 6, 2017.

Category of loan	LTV ratio (%)	Risk Weight (%)
Upto ₹ 30 lakh	≤ 80	35
	> 80 and ≤ 90	50
Above ₹ 30 lakh and upto ₹ 75 lakh	≤ 75	35
	> 75 and ≤ 80	50
Above ₹ 75 lakh	≤ 75	75

2.169 The LTV ratio should not exceed the prescribed ceiling in all fresh cases of sanction. In case the LTV ratio is currently above the ceiling prescribed for any reasons, efforts should be made to bring it within limits.

Waiver of EMI in case of regular payment of home loans

2.170 It has been observed that some banks have introduced certain incentive to home loans from regular payment of EMI/dues. As per the feature, the borrower gets waiver of some EMI amount either at the end of the loan or on some periodical basis. The auditor needs to ensure that the bank has made sufficient provision for future waiver of EMI in the books in the books.

Innovative Housing Loan Products – Upfront Disbursal of Housing Loans

2.171 It has been observed that some banks have introduced certain innovative Housing Loan Schemes in association with developers / builders, e.g. upfront disbursal of sanctioned individual housing loans to the builders without linking the disbursals to various stages of construction of housing project, interest / EMI on the housing loan availed of by the individual borrower being serviced by the builders during the construction period / specified period, etc. This might include signing of tripartite agreements between the bank, the builder and the buyer of the housing unit.

2.172 These loan products are popularly known by various names like 80:20, 75:25 Schemes. Such housing loan products are likely to expose the banks as well as their home loan borrowers to additional risks e.g. in case of disputes between individual borrowers and developers / builders, default / delayed payment of interest / EMI by the developer / builder during the agreed period on behalf of the borrower, non-completion of the project on time, etc. Further, any delayed payments by developers / builders on behalf of individual borrowers to banks may lead to lower credit rating / scoring of such borrowers by credit information companies (CICs) as information about servicing of loans gets passed on to the CICs on a regular basis. In cases where bank loans are also disbursed upfront on behalf of their individual borrowers in a lump-sum to builders / developers without any linkage to stages of construction, banks run disproportionately higher exposures with concomitant risks of diversion of funds.

2.173 In view of the higher risks associated with such lump-sum disbursement of sanctioned housing loans and customer suitability issues, banks are advised that disbursement of housing loans sanctioned to individuals should be closely linked to the stages of construction of the housing project / houses and upfront disbursement should not be made in cases of incomplete / under-construction / green field housing projects.

2.174 It is emphasized that banks while introducing any kind of product should take into account the customer suitability and appropriateness issues and also ensure that the borrowers / customers are made fully aware of the risks and liabilities under such products.

Retail loans

2.175 The banks generally provide other various retail advances namely:

- , Home loans and loans against property.
- , Vehicle loans.
- , Personal loan.
- , Consumer durable loans.
- , Credit cards.

2.176 Generally, loans are either sourced through direct selling agents or through bank's own branches. The bank has a credit policy which defines process to be followed for sanction and disbursement of loan and the various documents required.

2.177 Generally, the credit assessment process is not as detailed as followed in the corporate loans. The bank generally collects following documents:

- , Completely filled Loan Application Form with customers' signature.
- , Income proof like Salary slip, financial statement, Income tax returns, Bank statement.
- , Photograph.
- , Business continuity proof. (e.g. Form D of Maharashtra Shops and Establishment Act, Any other govt. certificate for doing business)
- , Residence proof.
- , Identification proof.
- , Contact Point – Mobile No of applicants is mandatory.
- , Age proof.
- , PAN Card.

2.178 The banks generally have a system in which various information collected are inputted. The system generally automatically runs a credit filter report. The credit Filter report is based on pre-defined criteria as per the credit policy like minimum income criteria, employment details, age, telephone etc. and the score are generated from the system.

2.179 As a part of sanction process of the loan, the bank also runs CIBIL score and if CIBIL score is above specific score than the bank considers for further sanction.

2.180 The bank also conducts field investigations on the proposed customer which generally involve residential and office visits. Few banks also have the process of Fraud Containment Unit (FCU) screening of selected sample of file. At the FCU, the FCU officer screens through the genuineness and authenticity of the documents from the perspective of any traces of a fraud.

2.181 Post the above verification by FCU, the bank also initiates the Positive De dupe check for positive database, wherein if the customer is existing customer of the bank, the system gets the popup of such links on his screen.

2.182 The credit officer initiates the negative de dupe check on the negative database through system, Negative De dupe check against the RBI defaulter list, Terrorist list and declined applications. Such list is uploaded in the system by Central team of the bank. If the customer is traced under such negative listing then loan application is rejected by the credit officer in the system. Once, all the processes are completed and based on the results, the bank sanctions the loan.

Financing of Infrastructure Projects

2.183 The RBI has revised the definition of Infrastructure Lending *vide* Master Circular on Loans and Advances – Statutory and Other Restrictions dated July 1, 2015 read with Circular No. RBI/2012 13/297/DBOD.BP.BC.No 58/08.12.014/2012-13 dated 20/11/2012 on “Second Quarter Review of Monetary Policy 2012-13 - Definition of ‘Infrastructure Lending’”. RBI has periodically added certain sectors as infrastructure lending from time to time.

2.184 The revised definition of ‘infrastructure lending’ will be effective from the date of this circular. The exposure of banks to projects under sub-sectors which were included under the previous definition of infrastructure, but not included under the revised definition, will continue to get the benefits under ‘infrastructure lending’ for such exposures till the completion of the projects. However, any fresh lending to those sub-sectors from the date of this circular will not qualify as ‘infrastructure lending’.

2.185 The definition of Infrastructure Lending would include credit facility extended by Lenders (i.e., Banks & Selected AIFs) to a borrower for exposure in

the various infrastructure sub-sectors as per paragraph 2.3.7.2 of Master Circular on Loans and Advances- Statutory and Other Restrictions dated July 1, 2015, read with Circular No. DBOD.BP.BC.No.66/08.12.2014/2013-14 on "Financing of Infrastructure – Definition of 'Infrastructure Lending'" dated November 25, 2013.

2.186 In view of the critical importance of the infrastructure sector and high priority being accorded for development of various infrastructure services, Banks/FIs are free to finance technically feasible, financially viable and bankable projects undertaken by both public sector and private sector undertakings subject to the following conditions:

- i., The amount sanctioned should be within the overall ceiling of the prudential exposure norms prescribed by RBI for infrastructure financing.
- ii., Banks/ FIs should have the requisite expertise for appraising technical feasibility, financial viability and bankability of projects, with particular reference to the risk analysis and sensitivity analysis.
- iii., In respect of projects undertaken by public sector units, such term loans should not be in lieu of or to substitute budgetary resources envisaged for the project. The term loan could supplement the budgetary resources if such supplementing was contemplated in the project design. Banks/FIs are, advised to follow the above instructions scrupulously, even while making investment in bonds of sick State PSUs as part of the rehabilitation effort.
- iv., Banks may also lend to SPVs in the private sector, registered under the Companies Act for directly undertaking infrastructure projects which are financially viable and not for acting as mere financial intermediaries. Banks may ensure that the bankruptcy or financial difficulties of the parent/ sponsor should not affect the financial health of the SPV.
- v., In few cases where the completion of the project gets delayed, the RBI vide its Master Circular No. RBI/2015-16/95 DBR.No.Dir.BC. 2/21.04.048/2015-16 dated July 1, 2015 provides detailed guideline on the classification and provision for project loans. The RBI its Circular No. RBI/2016-17/122 DBR.No.BP.BC.34 /21.04.132/2016-17 provides guideline for project companies where change of ownership are happen/happening and date of commencement of commercial operation ('DCCO'). Detailed guidelines in this regard are given in Chapter 4 of Part III of this Guidance Note.
- vi., The auditor should obtain the list of all outstanding project loans of the bank. The details should also include information about original DCCO and revision of DCCO, if any. The auditor should verify that the revision of the project DCCO is based on the technical and financial study and is approved by competent authority. The auditor should also verify the revision in DCCO, and check whether the same is permissible under the extent RBI guidelines. Auditor should apply professional judgement and skepticism while

evaluating/ accessing and concluding on compliance of the said guidelines for deferment of DCCO and retaining standard/standard restructured classification. To verify compliance of the same, auditor shall obtain documentary evidences for e.g.: legal documents for Court cases, Lead engineers report/ Review note/ consortium meeting minutes specifying the event that is beyond promoter's control etc., as the case may be.,

- vii., RBI has issued clarification on their mail box on the assessment of project cost and revision in the project cost. RBI mail box clarification also provides guidance on classification of loan in case revision of project cost is above certain percentage of original project cost. The auditor should also ensure compliance with those clarification.

Types of Financing by Banks

2.187

- (i) In order to meet financial requirements of infrastructure projects, banks may extend credit facility by way of working capital finance, term loan, project loan, subscription to bonds and debentures/ preference shares/ equity shares acquired as a part of the project finance package which is treated as "deemed advance" and any other form of funded or non-funded facility.
- (ii) Take-out Financing Banks may enter into take-out financing arrangement with IDFC/ other financial institutions or avail of liquidity support from IDFC/ other FIs. Banks may also be guided by the instructions regarding take-out finance contained in Circular No.DBOD.BP.BC.144/21.04.048/2000 dated February 29, 2000.
- (iii) Inter-institutional Guarantees: Banks are permitted to issue guarantees favouring other lending institutions in respect of infrastructure projects, provided the bank issuing the guarantee takes a funded share in the project at least to the extent of 5 per cent of the project cost and undertakes normal credit appraisal, monitoring and follow-up of the project.
- (iv), Financing promoter's equity: In terms of Circular No.DBOD.Dir.BC.90/13.07.05/98 dated August 28, 1998, Banks were advised that the promoters' contribution towards the equity capital of a company should come from their own resources and the bank should not normally grant advances to take up shares of other companies. In view of the importance attached to the infrastructure sector, it has been decided that, under certain circumstances, an exception may be made to this policy for financing the acquisition of the promoters' shares in an existing company, which is engaged in implementing or operating an infrastructure project in India. The conditions, subject to which an exception may be made, are as follows:

- , The bank finance would be only for acquisition of shares of existing companies providing infrastructure facilities. Further, acquisition of such shares should be in respect of companies where the existing foreign promoters (and/ or domestic joint promoters) voluntarily propose to disinvest their majority shares in compliance with SEBI guidelines, where applicable.
- , The companies to which loans are extended should, *inter alia*, have a satisfactory net worth.
- , The company financed and the promoters/ directors of such companies should not be a defaulter to banks/ FIs.
- , In order to ensure that the borrower has a substantial stake in the infrastructure company, bank finance should be restricted to 50% of the finance required for acquiring the promoter's stake in the company being acquired.
- , Finance extended should be against the security of the assets of the borrowing company or the assets of the company acquired and not against the shares of that company or the company being acquired. The shares of the Borrower Company / Company being acquired may be accepted as additional security and not as primary security. The security charged to the banks should be marketable.
- , Banks should ensure maintenance of stipulated margins at all times.
- , The tenor of the bank loans may not be longer than seven years. However, the Boards of banks can make an exception in specific cases, where necessary, for financial viability of the project.
- , This financing would be subject to compliance with the statutory requirements under Section 19(2) of the Banking Regulation Act, 1949.
- , The banks financing acquisition of equity shares by promoters should be within the regulatory ceiling of 40 per cent of their net worth as on March 31 of the previous year for the aggregate exposure of the banks to the capital markets in all forms. (both fund based and non-fund based)
- , The proposal for bank finance should have the approval of the Board.

Prudential Exposure Limits

Single and Group Borrower Limits³

2.188 With a view to achieve a better risk management and avoidance of concentration of credit risk, the RBI from time to time, prescribes, limits on exposure of a bank to individual borrowers and groups of borrowers in India. The Master Circular No. RBI/2015-16/70 DBR.No.Dir.BC.12/13.03.00/ 2015-16 dated July 1, 2015 on “Exposure Norms”, lays down the ceiling on credit exposure to individual/group borrowers in relation to bank’s capital fund as defined under capital adequacy standards (Tier-I and Tier-II Capital). The ceiling on exposure to individual borrowers is 15 per cent of capital funds and 40 per cent in the case of a borrower group. However, exposure to borrowers belonging to a group may exceed the exposure norms of the 40 per cent of the bank’s capital funds by an additional 10 per cent, provided the additional credit exposure is on account of extension of credit for infrastructure projects. Exposure to single borrower may also exceed by 5 per cent, provided the additional exposure is on account of infrastructure projects. Derivative Products such as Forward Rate Agreements and Interest Rate Swaps are also captured for computing exposure by applying the conversion factors to notional principal amounts. Banks should also include forward contracts in foreign exchange and other derivative products like currency swaps, options, etc., at their replacement cost value in determining individual/ group borrower exposure. The Master Circular on Exposure Norms contains guidelines on calculation of the credit exposure in derivative products.

2.189 In addition to the exposure limit as permitted above, banks may, in exceptional circumstances, with the approval of their Boards, consider enhancement of the exposure to a borrower (single as well as group) upto a further 5 per cent of capital funds.

2.190 With effect from May 29, 2008, the exposure limit in respect of single borrower has been raised to twenty five per cent of the capital funds, only in respect of Oil Companies who have been issued Oil Bonds (which do not have SLR status) by Government of India. In addition to this, banks may in exceptional circumstances, consider enhancement of the exposure to the Oil Companies up to a further 5 per cent of capital funds.

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³ RBI vide its circular No. DBOD.No.BP.BC.96/21.06.102/2013-14 on *Guidelines on Management of Intra-Group Transactions and Exposures* providing guidelines on Intra-Group Transactions and Exposures (ITEs) for banks. The guidelines contain quantitative limits on financial ITEs and prudential measures for the non-financial ITEs to ensure that banks engage in ITEs in safe and sound manner in order to contain concentration and contagion risks arising out of ITEs. These guidelines become effective from October 1, 2014.

2.191 Such exposures where the bank has exceeded the prudential exposure limit should be appropriately disclosed in the “Notes to Accounts” to the Balance Sheet.

Disinvestment Programme of the Government of India

2.192 On account of banks’ financing of acquisition of PSU shares under the Government of India disinvestment programmes, if any bank, is likely to exceed the regulatory ceiling of single / group borrower limit, RBI will consider relaxation on specific requests from banks in the single/group credit exposure norms on a case by case basis, provided that the bank’s total exposure to the borrower, net of its exposure due to acquisition of PSU shares under the Government of India disinvestment programme, should be within the prudential single/group borrower exposure ceiling prescribed by RBI.

Sector Specific Limit

2.193 Apart from limiting the exposures to an individual or a borrower group as indicated above, banks may also consider fixing internal limits for aggregate commitments to specific sectors, e.g. textiles, jute, tea, etc., so that the exposures are evenly spread over various sectors. These limits could be fixed by the banks having regard to the performance of different sectors and the risks perceived. The limits so fixed may be reviewed periodically and revised, as necessary.

Lending to NBFCs

2.194 The exposure (both lending and investment, including off balance sheet exposures) of a bank to a single NBFC / NBFC-AFC (Asset Financing Companies) should not exceed 10% / 15% respectively, of the bank’s capital funds as per its last audited balance sheet. Banks may, however, assume exposures on a single NBFC / NBFC-AFC up to 15%/20% respectively, of their capital funds provided the exposure in excess of 10%/15% respectively, is on account of funds on-lent by the NBFC / NBFC-AFC to the infrastructure sector. Exposure of a bank to Infrastructure Finance Companies (IFCs) should not exceed 15% of its capital funds as per its last audited balance sheet, with a provision to increase it to 20% if the same is on account of funds on-lent by the IFCs to the infrastructure sector. Further, banks may also consider fixing internal limits for their aggregate exposure to all NBFCs put together. Infusion of capital funds after the published balance sheet date may also be taken into account for the purpose of computing exposure ceiling. Banks should obtain an external auditor’s certificate on completion of the augmentation of capital and submit the same to the Reserve Bank of India (Department of Banking Supervision) before reckoning the additions to capital funds.

Bills Purchased/Discounted under Letter of Credit

2.195 In cases where the bills discounting/purchasing/negotiating bank and LC issuing bank are different entities, bills purchased/ discounted/ negotiated under L/C (where payment to the beneficiary is not “under reserve”) is to be treated as an exposure on L/C issuing bank and not on borrower. In the case of negotiations “under reserve”, the exposure will be treated as an exposure on the borrower. However, in cases where the bills discounting/purchasing/negotiating bank and LC issuing bank are part of the same bank, i.e. where LC is issued by the Head Office or branch of the same bank, then the exposure should be taken on the third party/borrower and not on the LC issuing bank.

Unhedged Foreign Currency Exposure of Corporates

2.196 To ensure that each bank has a policy that explicitly recognises and takes account of risks arising out of foreign exchange exposure of their clients, foreign currency loans above US\$ 10 million, or such lower limits as may be deemed appropriate *vis-à-vis* the banks’ portfolios of such exposures, should be extended by banks only on the basis of a well laid out policy of their Boards with regard to hedging of such foreign currency loans. Further, the policy for hedging, to be framed by their Boards, may consider, as appropriate for convenience, excluding the following:

- , Where forex loans are extended to finance exports, banks may not insist on hedging but assure themselves that such customers have uncovered receivables to cover the loan amount.
- , Where the forex loans are extended for meeting forex expenditure.

2.197 Banks may also consider stipulating a limit on unhedged position of corporates on the basis of bank’s Board approved policy. In this context, attention of the readers is also invited to RBI’s Circular No. DBOD.No.BP.BC.85/21.06.200/2013-14 on “Capital and Provisioning Requirements for Exposures to entities with Unhedged Foreign Currency Exposure” dated January 15, 2014 and clarification DBOD.No.BP.BC.116/21.06.200/2013-14 dated June 3, 2014 providing requirements for exposures to entities with unhedged foreign currency exposure.

2.198 The auditor while carrying out the audit of the Unhedged Foreign Currency Exposure (UFCE), should ensure that the Bank has:-

- , Obtained the UFCE information from all its branches (including foreign branches) in respect of large borrowers.
- , Obtained a certificate in respect of UFCE from entities on a quarterly basis on self-certification basis, and which has preferably been internally

audited by the entity concerned. However, at least on an annual basis, UFCE information should be audited and certified by the statutory auditors of the entity for its authenticity.

- , Computed “Capital and Provisioning Requirements for Exposures to entities with UFCE” at least on a quarterly basis, as per the applicable RBI guidelines.

Lending for Real Estate

2.199 Banks are required to frame comprehensive prudential norms relating to the ceiling on the total amount of real estate loans, single/group exposure limits for such loans, margins, security, repayment schedule and availability of supplementary finance and the policy should be approved by the banks' Boards. The disbursements in case of these loans should be made only after the borrower has obtained requisite clearances from the government authorities.

2.200 RBI has also required that the banks' Boards may also consider incorporation of aspects relating to adherence to National Building Code (NBC) in their policies on exposure to real estate. The information regarding the NBC can be accessed from the website of Bureau of Indian Standards (www.bis.org.in). Banks should also adopt the National Disaster Management Authority (NDMA) guidelines and suitably incorporate them as part of their loan policies, procedures and documentation.

Financing of Joint Ventures

2.201 Banks are allowed to extend credit/non-credit facilities (*viz.* letters of credit and guarantees) to Indian Joint Ventures/Wholly-owned Subsidiaries abroad and step-down subsidiaries which are wholly owned by the overseas subsidiaries of Indian Corporates. Banks are also permitted to provide at their discretion, buyer's credit/acceptance finance to overseas parties for facilitating export of goods and services from India. The above exposure will, however, be subject to a limit of 20 percent of banks' unimpaired capital funds (Tier I and Tier II capital) and would be subject to the conditions laid down in this regard in the Master Circular on 'Loans and Advances – Statutory and Other Restrictions' dated July 1, 2015.

Limits on Banks' Exposure to Capital Markets

Statutory limit on shareholding in companies

2.202 No banking company is permitted to hold shares in any company, whether as pledgee, mortgagee or absolute owner, of an amount exceeding 30 percent of the paid-up share capital of that company or 30 percent of its own paid-up share capital and reserves, whichever is less, except as provided in sub-

section (1) of Section 19 of the Banking Regulation Act, 1949. Shares held in demat form should also be included for the purpose of determining the exposure limit. This is an aggregate holding limit for each company.

Regulatory Limit

A. Solo Basis

2.203 The aggregate exposure of a bank to the capital markets in all forms (both fund based and non-fund based) should not exceed 40 per cent of its net worth as on March 31 of the previous year. Within this overall ceiling, the bank's direct investment in shares, convertible bonds / debentures, units of equity-oriented mutual funds and all exposures to Venture Capital Funds (VCFs) [both registered and unregistered] should not exceed 20 per cent of its net worth.

B. Consolidated Basis

2.204 The aggregate exposure of a consolidated bank to capital markets (both fund based and non-fund based) should not exceed 40 per cent of its consolidated net worth as on March 31 of the previous year. Within this overall ceiling, the aggregate direct exposure by way of the consolidated bank's investment in shares, convertible bonds/debentures, units of equity-oriented mutual funds and all exposures to Venture Capital Funds (VCFs) [both registered and unregistered] should not exceed 20 per cent of its consolidated net worth⁴.

Sectoral Distribution

2.205 Advances are required to be classified, *inter alia*, into those in India and those outside India, with further sub-classification under each category. One such sub-classification that merits discussion from an auditor's perspective is advances in India to priority sectors.

2.206 Priority sector advances include:

- , Advances for agriculture and other allied activities – However, RBI, *vide* its circular no. RPCD.CO.Plan.BC. 51 /04.09.01/2010-11 dated February 2, 2011 on “Classification of loans against gold jewellery” clarifies that loans sanctioned to NBFCs for on-lending to individuals or other entities against gold jewellery, are not eligible for classification under agriculture sector. Similarly, investments made by banks in securitised assets originated by NBFCs, where the underlying assets are loans against gold jewellery, and purchase/assignment of gold loan portfolio from NBFCs are also not eligible for classification under agriculture sector.

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⁴ Attention of the readers is drawn to Master Circular of RBI, DBR.No.Dir.BC.12/13.03.00/2015-16 dated 1 July 2015, for components of capital exposure, exclusions, method of computation of capital exposure for the purpose and Intra-day limits.

- , RBI *vide* its master circular no RBI/2018-19/07 FIDD.FID.BC.No.04/12.01.033/2018-19 dated July 02, 2018 has provided details on SHG- Bank linkage Programme. In order to enable the banks to report their SHG lending without difficulty, it was decided that the banks should report their lending to SHGs and/or to NGOs for on-lending to SHGs/members of SHGs under the new segment, viz. 'Advances to SHGs' irrespective of the purposes for which the members of SHGs have been disbursed loans. Lending to SHGs should be included by the banks as part of their lending to the weaker sections (under priority section).
- , Advances to minority communities.
- , Advances to micro/small/medium scale enterprises⁵.
- , Advances to small road transport operators.
- , Advances to retail traders and small business enterprises.
- , Advances to professionals and self-employed.
- , Advances sanctioned to State sponsored organisations for scheduled castes/scheduled tribes.
- , Educational loans upto the prescribed limit – RBI, *vide* its circular no. RPCD.SME & NFS.BC.No. 69/06.12.05 /2009-10 dated April 12, 2010 on “Collateral Free Loans - Educational Loan Scheme”, clarified that banks must not, mandatorily, obtain collateral security in the case of educational loans upto Rs. 4 lakh.
- , Housing loans upto prescribed limits⁶.
- , Funds provided to RRBs.
- , Micro credit⁷.
- , Any other priority sector advances, such as SEPUP (Self-Employment Programme for Urban Poor), PMRY (Prime Minister's Rozgar Yojana),

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⁵ The RBI has issued a master Direction no. RBI/FIDD/2017-18/56 FIDD.MSME & NFS. 12/06.02.31/2017-18 on “Lending to Micro, Small and Medium Enterprises (MSME) Sector” dated July 24, 2017. Also refer to the circular no. RPCD.SME & NFS.BC.No.79/06.02.31/2009-10 dated May 6, 2010 on “Working Group to Review the Credit Guarantee Scheme for Micro and Small Enterprises (MSEs) – Collateral free loans to MSEs”.

⁶ Attention is also invited to circular no. DBOD.No.BP.BC. 69 /08.12.001/2010-11 dated December 23, 2010 on “Housing Loans by Commercial Banks – LTV Ratio, Risk Weight and Provisioning”, circular no. RPCD.MSME & NFS.BC.No. 30 /06.11.01/ 2012-13 dated September 18, 2012 on “Scheme of 1% interest subvention on housing loans up to Rs. 15 lakh” and Master circular no. DBR. No.DIR.BC.13/08.12.001/2015-16 dated July 1, 2015 on “Housing Finance”.

⁷ The RBI has issued a master circular no. RPCD.MFFI.BC.No. 05/12.01.001/2010-11 dated July 1, 2010 on “Micro Credit”.

SEEUY (Self-Employment Scheme for Educated Unemployed Youth)
SGSY (Swarna jayanti Gram swaraj Swarojgar Yojana)⁸, SJSRY (Swarna jayanti Sahakari Rozgar Yojana).

2.207 Priority sector advances generally carry an interest rate, which is lower than the normal rate of interest on lending to other sectors. These advances are also known as DRI advances, i.e., advances on which differential rate of interest is applicable. Under the Reserve Bank of India's guidelines, a specified proportion of the total advances of banks are to be made to priority sectors necessarily. Depending upon the nature and type of facilities extended, the bank may get subsidy from the Government to fully or partly offset the shortfall in interest rate and/or get indemnified for bad debts for the whole or a portion of such advances.

2.208 RBI has issued guidelines for the targets and sub-targets set under priority sector lending for all scheduled commercial banks operating in India. For detailed information on the guidelines, refer RBI circular FIDD.CO.Plan.BC.54/04.09.01/2014-15 on "Priority Sector Lending – Targets and Classification".

2.209 Government of India vide Notification dated February 04, 2016 has specified "Dealing in Priority Sector Lending Certificates (PSLCs) in accordance with the Guidelines issued by Reserve Bank of India" as a form of business under Section 6 (1)(o) of the Banking Regulation Act, 1949. The purpose of PSLCs is to enable banks to achieve the priority sector lending target and sub-targets by purchase of these instruments in the event of shortfall and at the same time incentivize the surplus banks; thereby enhancing lending to the categories under priority sector. Refer RBI circular FIDD.CO.Plan.BC.23/04.09.01/2015-16 for detailed guidelines on PSLCs.

System of Base Rate and Interest Rate/ Marginal Cost of Funds based Lending Rate (MCLR)

2.210 The RBI vide its Circular No. DBR.No.Dir.BC.9/ 13.03.00/2015-16 dated April 1, 2015 and DBR.No.Dir.BC.67/13.03.00/2015-16 dated December 17, 2015 on "Interest Rates on Advances" required the banks to freely determine the lending rates on the advances as per their Board approved policy subject to the guidelines contained in the circular. The Base Rate system

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⁸ Attention is drawn to the readers is drawn to master circular No. FIDD.CO.Plan.BC.04/04.09.01/2015-16 dated July 1, 2015 on "Priority Sector Lending - Special Programmes – Swarna jayanti Gram Swarozgar Yojana (SGSY)" and Circular No. RPCD.GSSD.BC.No.30 /09.01.01/2010 -11 dated December 15, 2010 on "Swarna jayanti Gram Swarozgar Yojana (SGSY) - Group Life Insurance Scheme". (Add circular related to NRLM as well)

is aimed at enhancing transparency in lending rates of banks and enabling better assessment of transmission of monetary policy. Accordingly, the following is the summary guidelines were issued by RBI for implementation by banks. For detailed guidelines, refer above mentioned RBI circulars:

- , Banks were required to obtain the approval of their respective Boards for the Prime Lending Rate which was the minimum rate charged by them for the credit limits of over Rs 2 lakhs. In case of loans up to Rupees two lakh, it was decided to continue to protect these borrowers by prescribing the lending rates. With effect from April 29, 1998, it was decided that interest on Credit limit of Rs. 2 lakh and below shall not exceed PLR which was available to the best customer of the concerned bank. In order to enhance transparency in bank's pricing of their loan products as also to ensure that the PLR truly reflects the actual cost, in year 2003, it was decided to abolish the prescription of minimum lending rate for credit limits of over Rupees two lakh and banks were given the freedom to fix the lending rates for such credit limits subject to Benchmark Prime Lending Rate (BPLR) and spread guidelines. Banks were required to obtain the approval of their respective Boards for the BPLR, which would be the reference rate for credit limits of over Rs. 2 lakh. Each bank's BPLR had to be declared and be made uniformly applicable at all branches. BPLR continued to be the ceiling rate of interest for advances upto Rs. 2 lakh.
- , Base Rate shall include all those elements of the lending rates that are common across all categories of borrowers. There can be only one Base Rate for each bank. Banks may choose any benchmark to arrive at the Base Rate that may be disclosed transparently. Banks are free to use any other methodology, as considered appropriate, provided it is consistent and is made available for supervisory review/scrutiny, as and when required.
- , Banks are required to review the Base Rate at least once in a quarter with the approval of the Board or the Asset Liability Management Committees (ALCOs) as per the bank's practice. Banks are allowed to review Base Rate methodology after three years from date of its finalization with the approval of their Board of Directors/ ALCO.
- , All rupee loans sanctioned and credit limits renewed w.e.f. April 1, 2016 will be priced with reference to the Marginal Cost of Funds based Lending Rate (MCLR) which will be the internal benchmark for such purposes. Audit teams should verify whether new loans sanctioned and credit limits renewed post April 1, 2016 is under the new MCLR regime.

- , The MCLR will comprise of Marginal cost of funds, Negative carry on account of CRR, Operating costs and Tenor premium.

Spread

2.211

- (i) Banks should have a Board approved policy delineating the components of spread charged to a customer. It should be ensured that any price differentiation is consistent with bank's credit pricing policy.
- (ii) Bank's internal pricing policy must spell out the rationale for, and range of, the spread in the case of a given category of borrower, as also, the delegation of powers in respect of loan pricing. The rationale of the policy should be available for supervisory review.
- (iii) The spread charged to an existing borrower should not be increased except on account of deterioration in the credit risk profile of the customer or change in the tenor premium. Any such decision regarding change in spread on account of change in credit risk profile should be supported by a full-fledged risk profile review of the customer. The change in tenor premium should not be borrower specific or loan class specific. In other words, the change in tenor premium will be uniform for all types of loans for a given residual tenor.
- (iv) The guidelines contained in sub-paragraph (iii) above are, however, not applicable to loans under consortium/ multiple banking arrangements.

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SRFAESI) Act, 2002

Securitisation of Standard Assets

2.212 After the enactment of the Securitization and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002, banks have got significant power to possess the securities of defaulting borrower. Banks can now take possession of the assets from borrower and convert the same in Security Receipts. In the process of securitisation, assets are sold to a bankruptcy remote special purpose vehicle (SPV) in return for an immediate cash payment. The cash flow from the underlying pool of assets is used to service the securities issued by the SPV. Securitisation thus follows a two-stage process. In the first stage, there is sale of single asset or pooling and sale of pool of assets to a 'bankruptcy remote' special purpose vehicle (SPV) in return for an immediate cash payment and in the second stage repackaging and selling the security interests representing claims on incoming cash flows from the asset or pool of assets to third party investors by issuance of tradable debt securities. Thus, the non-performing asset of the banker is taken out of the balance sheet of the bank and converted into Security Receipts.

2.213 In order to further strengthen banks' ability to resolve their stressed assets effectively, RBI has issued revised guideline to improved framework governing sale of such assets by banks to SCs/RCs/other banks/Non-Banking Financial Companies /Financial Institutions etc., In order to enhance transparency in the entire process of sale of stressed assets, banks are required to do following:

- , Identification of stressed assets beyond a specified value, as may be determined by bank's policy, for sale shall be top-down i.e., the head office/corporate office of the bank shall be actively involved in identification of stressed assets, including assets which are classified as Special Mention. Account, to be put on sale. Early identification will help in low vintage and better price realisation for banks;
- , At least once in a year, preferably at the beginning of the year, banks shall, with the approval of their Board, identify and list internally the specific financial assets identified for sale to other institutions, including SCs/RCs;
- , At a minimum, all assets classified as 'doubtful asset' above a threshold amount should be reviewed by the board/board committee on periodic basis and a view, with documented rationale, is to be taken on exit or otherwise. The assets identified for exit shall be listed for the purpose of sale as indicated above;
- , Prospective buyers need not be restricted to SCs/RCs. Banks may also offer the assets to other banks/NBFCs/FIs, etc. who have the necessary capital and expertise in resolving stressed assets. Participation of more buyers will result in better price discovery;
- , In order to attract a wide variety of buyers, the invitation for bids should preferably be publicly solicited so as to enable participation of as many prospective buyers as possible. In such cases, it would be desirable to use e-auction platforms. An open auction process, apart from attracting a larger set of borrowers, is expected to result in better price discovery. Banks should lay down a Board approved policy in this regard;
- , Banks must provide adequate time for due diligence by prospective buyers which may vary as per the size of the assets, with a floor of two weeks;
- , Banks should have clear policies with regard to valuation of assets proposed to be sold. In particular it must be clearly specified as to in which cases internal valuation would be accepted and where external

valuation would be needed. However, in case of exposures beyond Rs.50 crore, banks shall obtain two external valuation reports;

- , The cost of valuation exercise shall be borne by the bank, to ensure that the bank's interests are protected;
- , The discount rate used by banks in the valuation exercise shall be spelt out in the policy. This may be either cost of equity or average cost of funds or opportunity cost or some other relevant rate, subject to a floor of the contracted interest rate and penalty, if any.

2.214 In order to make sure that sale of stressed assets by banks actually result in 'true sale' of assets and to create a vibrant stressed assets market, it has been decided to progressively restrict banks' investment in SRs backed by their own stressed assets.

- i) With effect from April 1, 2017, where the investment by a bank in SRs backed by stressed assets sold by it, under an asset securitisation, is more than 50 percent of SRs backed by its sold assets and issued under that securitisation, the provisions held in respect of these SRs will be subject to a floor; this floor shall be progressive provisioning as per extant asset classification and provisioning norms, notionally treating book value of these SRs as the corresponding stressed loans, assuming these had remained, without recovery of principal, on the bank's books. In effect, provisioning requirement on SRs will be higher of the:
 - a. provisioning rate required in terms of net asset value declared by the SCs/RCs; and
 - b. provisioning rate as applicable to the underlying loans, assuming that the loans notionally continued in the books of the bank;
- ii) With effect from April 1, 2018, the above threshold of 50 percent will stand reduced to 10 percent.

2.215 These Security Receipts are treated as non-SLR security (Investment) in the books of subscribing bank as per RBI guidelines. In the absence of ready market for the Security Receipts, the subscribing bank needs to value Security Receipts on the basis of Net Asset Value to be declared by Securitising Company on a quarterly basis. Further, when a bank sells the non-performing assets to securitising company, if the sale value of assets is less than the Net book Value, i.e., books value of advances less provisions, the shortfall needs to be debited to Profit & Loss Account. However, in case the sale value being higher, excess provision cannot be reversed and is kept to meet the shortfall/ loss on account of other non-performing assets.

E. Accounting and Auditing Aspects

Balance Sheet Disclosure

2.216 The Third Schedule to the Act requires classification of advances made by a bank from three different angles, viz., nature of advance, nature and extent of security, and place of making advance (i.e. whether in India or outside India). Accordingly, the advances are to be classified in Schedule 9 to the balance sheet as follows.

- A. (i) Bills purchased and discounted
- (ii) Cash Credits, Overdrafts and Loans repayable on demand
- (iii) Term loans
- B. (i) Secured by tangible assets
- (ii) Covered by bank/government guarantees
- (iii) Unsecured
- C. I. Advances in India
 - (i) Priority sectors
 - (ii) Public sector
 - (iii) Banks
 - (iv) Others
- II. Advances outside India
 - (i) Due from banks
 - (ii) Due from others
 - (iii) Bills purchased and discounted
 - (iv) Syndicated loans
 - (v) Others

Classification Based on Nature of Advance (Section A)

2.217 Different classifications under section A will be as follows:

- (a) In classification under section 'A', all outstandings – in India as well as outside India – less provisions made, will be classified under three heads.
- (b) Outstandings in credit card operations should be shown as part of advances under the head 'cash credits, overdrafts and loans repayable on demand'.
- (c) Term loans will be loans not repayable on demand and would include overdue instalments.

- (d) All interest bearing loans and advances granted by the bank to its employees should be shown as part of advances.

Classification Based on Nature and Extent of Security (Section B)

2.218 Different classifications under section B will be as follows:

- (a) All advances or part of advances, which are secured⁹ by tangible assets, whether in India or outside India, should be shown under the heading 'secured by tangible assets'. Advances against book debts may be included under the head 'Secured by Tangible Assets', and presented in Schedule 9 (Advances) as follows:

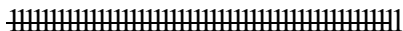
“B Secured by Tangible Assets” (includes advances against book debt)

- (b) Advances in India and outside India to the extent they are covered by guarantees of Indian and foreign governments and Indian and foreign banks and DICGC and ECGC are to be included under the head 'advances – covered by bank/government guarantees'.
- (c) Unsecured advances will include advances not classified under (i) & (ii) of section B.

Classification based on Place of Making Advances (Section C)

2.219

- a) Advances to sectors, which are classified as priority sectors according to the instructions of the RBI, are to be classified under the head 'priority sectors'. Such advances should be excluded from, 'Advances to Public Sector'.
- b) Advances to Central and State Governments and other government undertakings including government companies and corporations which are, according to the statutes, to be treated as public sector companies, are to be included in the category 'Public Sector'.
- c) All advances to the banking sector including co-operative banks will come under the head 'Banks'.
- d) All the remaining advances will be included under the residual head 'Others'; typically this category will include non-priority advances to the private, joint and co-operative sectors.



⁹ A 'secured advance', according to section 5(n) of the Banking Regulation Act, 1949 means an advance made on the security of assets the market value of which is not at any time less than the amount of such advance.

Audit Approach and Procedures

2.220 Advances generally constitute the major part of the assets of the bank. There are large number of borrowers to whom variety of advances are granted. The audit of advances requires the major attention from the auditors. In carrying out audit of advances, the auditor is primarily concerned with obtaining evidence about the following:

- a), Amounts included in balance sheet in respect of advances are outstanding at the date of the balance sheet.
- b), Advances represent amount due to the bank.
- c), Amounts due to the bank are appropriately supported by Loan documents and other documents as applicable to the nature of advances.
- d), There are no unrecorded advances.
- e), The stated basis of valuation of advances is appropriate and properly applied, and that the recoverability of advances is recognised in their valuation.
- f), The advances are disclosed, classified and described in accordance with recognised accounting policies and practices and relevant statutory and regulatory requirements.
- g), Appropriate provisions towards advances have been made as per the RBI norms, Accounting Standards and Generally Accepted Accounting Practices.

2.221 The auditor can obtain sufficient appropriate audit evidence about advances by study and evaluation of internal controls relating to advances, and by:

- , examining the validity of the recorded amounts;
- , examining loan documentation;
- , reviewing the operation of the accounts;
- , examining the existence, enforceability and valuation of the security;
- , checking compliance with RBI norms including appropriate classification and provisioning; and
- , carrying out appropriate analytical procedures.

2.222 In carrying out substantive procedures, the auditor should examine all large advances while other advances may be examined on a sampling basis. The accounts identified to be problem accounts however need to be examined in detail unless the amount involved is insignificant. The auditor can obtain the list of SMA 1 and SMA 2 borrowers from the bank and the same should also be

considered for selection of problematic accounts. The extent of sample checking would also depend on the auditor's assessment of efficacy of internal controls. What constitutes a 'large advance' would need to be determined in the context of volume of operations of the branch. As a general rule, however, an advance may be considered to be a large advance if the year-end balance is in excess of Rs.2 crore or 5% of the aggregate year-end advances of the branch, whichever is less.

2.223 Advances which are sanctioned during the year or which are adversely commented by RBI inspection team, concurrent auditors, bank's internal inspection, etc., should, generally, be included in audit sample. Besides this new advances sanctioned during the year should be included on selective basis in the sample.

2.224 In nutshell, auditor at branch may keep following in mind to plan comprehensive coverage of advances and for selection of sample.

- 1., **Obtain top 10 exposure accounts:** It may be advisable for a branch auditor to visit the branch and ask the list of top 10 accounts/ exposures along with all the details such as status and security etc. before starting of the audit.
- 2., **Obtain the list of stressed accounts:** Stressed Accounts includes accounts classified as SMA 1 or SMA 2 of projects where implementation is delayed. The banks monitor stressed accounts on daily basis. The account that generally has overdue beyond 60 days or likely to slip to NPA at the quarter end is termed as stressed account (some banks may use different terminology). It is advisable to obtain such list of stressed accounts at least 15 days ahead of the closing date i.e. say stressed account list as on 15th March. This will provide the auditor a ready list of such accounts. The auditor then can scrutinise (based on materiality) to know whether the account has slipped or if not whether has been kept standard by unusual transaction that cannot be termed as business transaction. The RBI through its circulars has time and again been emphasising that stray credit at the quarter end need not qualify to keep account standard. We need to assess whether account is inherently weak. If so the same may have to be downgraded. As regards the partial recovery in overdue account (qualifying the criteria for classification of an account as NPA), such account cannot be upgraded unless overdue portion is recovered in entirety. As regards subsequent credit (after the date of balance sheet), the same will not improve the classification of an advance.

- 3., **Obtain the list of restructured accounts:** As we are aware restructured account portfolio requires separate additional provisioning. It is necessary to obtain the list of such accounts and ensure whether the restructure is as per the RBI directives.
- 4., **Obtain the list of bi-lateral, CDR, SDR, S4A or 5/25 Accounts:** Please ensure the compliance with the RBI guidelines in respect of all such accounts.
- 5., **Obtain the list of unsecured exposures above Rs. 1 Cr.:** Unsecured exposure has significant impact on the bank, if slips to NPA. Many a times such accounts are reviewed in the traditional manner. These require close monitoring not only from the perspective of financial parameters of the prudential guidelines but also non-financial parameters that give signals of the possible ill health. The banking industry (especially PSUs) has faced severe damages on account non-identification of such non-financial parameters.
- 6., **Early mortality cases:** Any advance slippage to NPA within 12 months of its sanction is called early mortality case. Early mortality cases invoke penalty to the sanctioning authorities. This will have to be checked to understand the reason for such happening to avoid such cases in future and also to find out whether there are any cases classified as performing on some untenable ground to push it beyond early mortality.

Evaluation of Internal Controls over Advances

2.225 The auditor should examine the efficacy of various internal controls over advances to determine the nature, timing and extent of his substantive procedures. In general, the internal controls over advances should include, *inter alia*, the following:

- , The bank should make an advance only after satisfying itself as to the credit worthiness of the borrower by doing KYC compliance, proper credit appraisal etc. and after obtaining sanction from the appropriate authorities of the bank. The sanction for an advance should specify, among other things, the limit of borrowing, nature of security, margin to be kept, interest, terms of repayment etc. It also needs to be ensured that the loans sanctioned are as per the Loan Policy of the bank and adhere to the regulatory (RBI) norms unless a specific exemption is taken in this regard.
- , All the necessary documents (e.g., agreements, demand promissory notes, letters of hypothecation, etc.) should be executed by the parties before advances are made.

- , The compliance with the terms of sanction and end use of funds should be ensured.
- , Sufficient margin as specified in the sanction letter should be kept against securities taken so as to cover for any decline in the value thereof. The availability of sufficient margin needs to be ensured at regular intervals.
- , If the securities taken are in the nature of shares, debentures, etc., the ownership of the same should be transferred in the name of the bank and the effective control of such securities be retained as a part of documentation.
- , All securities requiring registration should be registered in the name of the bank or otherwise accompanied by documents sufficient to give title to the bank.
- , In the case of goods in the possession of the bank, contents of the packages should be test checked at the time of receipt. The godowns should be frequently inspected by responsible officers of the branch concerned, in addition to the inspectors of the bank.
- , Surprise checks should be made in respect of hypothecated goods not in the physical possession of the bank.
- , Drawing Power Register should be updated every month to record the value of securities hypothecated. These entries should be checked by an officer.
- , The accounts should be kept within both the drawing power and the sanctioned limit.
- , All the accounts which exceed the sanctioned limit or drawing power or are otherwise irregular should be brought to the notice of the controlling authority regularly.
- , The operation of each advance account should be reviewed at least once a year, and at more frequent intervals in the case of large advances.

Consideration of Drawing Power/Limits in respect of stocks hypothecated

2.226 In respect of credit facilities against hypothecation of stocks (inventories) being the primary security, the Bank's system of appraisal for determining the maximum permissible finance to borrowers and fixing of limits, *inter alia*, should generally take into consideration the level of sundry creditors. The sanction is expected to be in tune with the appraisal so made. While sanctioning such credit facility, the bank is expected to stipulate in the documents, that for computing the Drawing Power, the value of declared stocks is to be considered only net of the stipulated margin; and that the declared stocks

shall not cover the borrower's liability outstanding in the form of sundry creditors for goods or covered by LCs/ guarantees/ co-acceptances or Buyer's Credit availed for procurement of material. The Bank should also insist on such information from borrowers. In case of consortium accounts, the drawing power calculation and allocation is made by the Lead Bank and is binding on the Member Banks.

2.227 The Reserve Bank of India has been issuing guidelines on the treatment of unpaid stocks while arriving at the drawing power available in the borrowal accounts. The thrust of the guidelines is avoidance of double financing on the unpaid stocks, if such stocks are taken as eligible for computation of drawing power.

2.228 The matter having been re-examined by Reserve Bank of India, vide directive No. IEC.D.No.32/08.10.01/92-93 dated 28th April, 1993 had advised as regards the treatment of unpaid stocks while arriving at the drawing power available in the borrower accounts, wherein the thrust is avoidance of the double finance on the unpaid stock, if such stocks are taken as eligible for computation of drawing power. Thus, it would be unrealistic to assume that the composition of the stock items, the level of stock held and the portion of unpaid stock considered at the time of appraisal would be static and should be presumed to be at the same level for subsequent period. For the said reason, the drawing power needs to be recomputed based on variations, not only in composition and level of stock but also in the unpaid portion of stocks before the stipulated margin is applied as per the sanction terms of a working capital finance.

2.229 The auditor should review the policy of the bank in this regard for any inherent weakness in the credit system, where the stringency in appraisal, is relaxed while sanctioning the advances, having consequential effect on monitoring and supervision, and may have effect on the classification status of the Borrower, where the drawing power falls short of the outstanding.

2.230 Banks usually consider credit facilities by way of Hypothecation of stocks and a charge on the sundry debtors. The Drawing Power is required to be computed net of the stipulated margin, based on and applied to the total eligible current assets comprising:

- , Net Value of Stock as stated above, and
- , Net Value of Debtors (i.e., eligible Trade Debtors Less Bills Discounted with Bank). The bank usually prescribes the conditions as to what comprise eligible trade debtors, and stipulates the period for debts being considered as current and good on which the margin is computed.

2.231 For the purposes of classification of advances, the computation of

drawing power based on realistic value of hypothecated stocks (net of unpaid for stocks, whether covered by Buyer's Credit, LCs/ Guarantees/ Co-acceptances or otherwise) and margin as stipulated, is vital, particularly in cases of default, and in border-line cases where the health status of borrowers may be in question, to gauge slippages.

2.232 Due care is required to be exercised by the auditor in case of

- , Documents retained in original at centralised offices where these are not available at the branches that are advised of drawing power limits; and
- , consortium advances, where the bank, not being the leader, gets the related figures of drawing power from the leader bank, without the related evidence of computation or appropriateness of the drawing power.

The auditor needs to look into this aspect to verify that there is no slippage of the account into NPA classification.

Long Form Audit Report

2.233 The auditor has to comment on various specific issues as mentioned in the Long Form Audit Report of the bank. While evaluating the efficacy of internal controls over advances, the auditor should particularly examine those aspects on which he is required to comment in his long form audit report. Thus, he should examine, *inter alia*, whether the loan applications are complete and in prescribed form; procedural instructions regarding grant/ renewal/enhancement of facilities have been complied with; sanctions are within delegated authority and disbursements are as per terms of the sanction; documentation is complete; and supervision is timely, effective and as per prescribed guidelines. The auditor can gather the requisite evidence by examining relevant documents (such as loan application forms, supporting documentation, sanctions, security documents, etc.) and by obtaining information and explanations from the branch management in appropriate cases. The detailed directives / guidance with regard to such issues are given in a separate Chapter on Long Form Audit Report. The auditors must familiarise themselves with those issues and guidance relating to the same and should cover the same during the regular course of audit of advances.

2.234 Observations relating to procedural significance should be mentioned in LFAR. Please note that the whole bank LFAR gets finalised within 60 days of signing of financial statements. Hence during finalisation CSA predominantly concentrates on main audit report submitted by the branch auditor. Any observation that requires to be dealt with during finalisation may miss the attention of CSA if the same is mentioned in LFAR alone. Such observations that

need to be dealt with for finalisation of the banks financial statements should find place in main audit report along with appropriate MOC, if required.

Examining the Validity of Recorded Amounts

2.235 The auditor should ascertain the status of balancing of subsidiary ledgers relating to advances. The total of balances in the subsidiary ledgers should agree with the control accounts in the General Ledger. The auditor should also tally the total of the statement of advances with the balances as per general ledger/ subsidiary ledgers. He should also cross-check the balances of the advances selected for examination as listed in the statement of advances with the balances in the relevant advance accounts in the subsidiary ledgers. Banks often obtain balance confirmation statements from borrowers periodically. Such statements have a dual advantage in preventing disputes by the customer and extending the period of limitation by reference to the date of confirmation. Wherever available, such confirmations may be seen.

2.236 These days most of the banks have their 'advances' statements generated through the system. The auditor should ensure that the fields which system copies from last year are the same and he should take extra care in relation with the date of NPA and date of becoming doubtful asset as these facts have great bearing on the provisioning. The auditor should obtain audit trail from the bank to verify whether there are any changes or not.

Examination of Loan Documents

2.237 As indicated earlier, the documents relating to advances would be affected by the legal status of the borrower and the nature of security. Thus, where the borrower is a company, loan documents would include certificate of incorporation, memorandum and articles of association, certificate of commencement of business (in the case of public limited companies), resolution of board of directors, and special resolution of shareholders [in cases covered by section 180 (1)(c) of the Companies Act, 2013, etc. Where the borrower is a partnership firm, loan documents would include copy of partnership deed. Where the security is in the form of mortgage, apart from mortgage deed (in the case of English Mortgage) or letter of intent to create mortgage (in the case of Equitable Mortgage), the evidence of registration of the charge with the Registrar of Companies would also form part of loan documentation if the borrower is a company. Each bank has its own set of rules regarding the documents to be obtained from various types of borrowers and in respect of different kinds of securities. The formats of many of the documents are also prescribed. The auditor should evaluate the adequacy of the loan documents in the context of the rules framed by the bank in this regard.

Centralisation and location of original loan documents at Loan Processing Centres

2.238 Of late, there is an increasing propensity in banks to process the loans and advances, including appraisal, sanction, documentation, initial disbursements, etc., at Loan Processing Centres/Offices (by whatever name called) and to execute and physically hold all the documents at such locations, that may not be in very close proximity to the branch, where the borrowal accounts are maintained/served. The Branch places reliance only on the Sanction letters, on the presumption that all the required legal and documentation formalities are correct and complete at the centralized location.

2.239 In the absence of the original documents (or even authenticated copies thereof) on an updated basis, the auditor would need to request the management for the files identified for examination by him. The branch auditor must be satisfied on the authenticity and terms of the sanction (in case the sanction letters are only computer generated but not authenticated), the completeness of the records, duly updated, for all accounts where the sanction was so conveyed; and further whether the number of accounts and amounts recorded at such centres tally with the corresponding data at the branch. It needs to be confirmed as to whether there are any cheques held by such centres that remain unbanked affecting the borrowal account balance. Reference must also be made to any adverse observations in the related monitoring/supervisory report on the documentation aspects at the centralized location.

Review of Operation of Account

2.240 The auditor should review the operation of the advance accounts. In doing so, an intelligent scrutiny of the operation of the account should be carried out to see that the limit is not generally exceeded; that the account is not becoming stagnant; that the customer is not drawing against deposits which are not free from lien; that the account is not window-dressed by running down overdrafts at the year end and again drawing further advances in the new year, etc. The audit procedure should be able to highlight disbursements from pre/freshly sanctioned limits made either to the same borrower or to group entities near the repayment dates of critical dues.

2.241 The auditor should also examine whether there is a healthy turnover in the account. It should be seen that the frequency and the amounts of credits in the account are commensurate with the sanctioned limit and the nature and volume of business of the borrower. Any unusual items in the account should be carefully examined by the auditor. If the auditor's review indicates any unhealthy trends, the account should be further examined. The auditor's examination should also cover transactions in the post-balance sheet date period. Large

transactions in major accounts particularly as at the year-end may be looked into, to identify any irregularities in these accounts. A written note/explanation may be obtained from the management as regards any major irregularities which may have a bearing on his report.

2.242 The auditor may also review the following to assess the recoverability of advances:

- (a), Periodic statements submitted by the borrowers indicating the extent of compliance with terms and conditions.
- (b), Latest financial statements of borrowers.
- (c), Reports on inspection of security.
- (d), Auditors' reports in the case of borrowers enjoying aggregate credit limits of Rs. 10 lakh (or as approved by Board of Directors of respective banks) or above for working capital from the banking system.

2.243 The auditor should verify that interest is being charged on all performing accounts regularly and also should compare the rate of interest with the agreement and the sanction and with the credit rating reports where the rate of interest is linked to credit rating. In case the interest rate is to be revised based on the changes in PLR/BPLR/Base Rate of the bank, it needs to be ensured that the rate of interest to be charged from the borrower is suitably revised as and when there are changes in PLR/BPLR/Base Rate. Calculation of interest should be test-checked. The auditor should examine that interest not received on any account, which is a non-performing asset as per the guidelines of the RBI, has not been recognised as income. It may be noted that interest accrued but not due on advances does not form part of advances.

2.244 The penal interest in case of delayed submission of stock statements, non-creation of security, overdrawn accounts etc., needs to be charged as per sanctioned terms and norms of the bank. The compliance of the same should be checked in detail by the auditors.

2.245 In the case of advances covered by guarantees of DICGC/ECGC/CGTS, in case of default the auditor should examine whether appropriate steps have been taken for lodging of claims for guarantees in accordance with the applicable procedure. The claims declined by DICGC/ECGC/CGTS should not be considered as recoverable while calculating the provisions against the respective advances.

2.246 In respect of consortium advances, the auditor should particularly examine—

- (a) compliance with the limits stipulated by the consortium in lending moneys to the borrower;

- (b) the bank's monitoring of securities like stocks, etc., which are in its custody/charge; and
- (c) follow-up with lead bank on pending issues.

2.247 Apart from the usual audit procedures applicable in respect of advances, the auditor should examine whether the bank has correctly classified the inter-bank participation certificates. In the case of participations on risk-sharing basis, the auditor should examine whether any loss has devolved on the bank as on the balance sheet date and, if so, whether adequate provision in respect of such loss has been made.

Verification of Security against Advances

2.248 From the view point of security, advances are to be classified in the balance sheet in the following manner:

- (a) Secured by tangible assets.
- (b) Covered by bank/government guarantees.
- (c) Unsecured.

2.249 An advance should be treated as secured to the extent of the value of the security on the reporting date. If only a part of the advance is covered by the value of the security as at the date of the balance sheet, that part only should be classified as secured; the remaining amount should be classified as unsecured.

2.250 As mentioned earlier, the Reserve Bank has specified that advances against book debts may be included under the head 'secured by tangible assets'.

2.251 The following points are relevant for classifying the advances based on security.

- (a), Government guarantees include guarantees of Central/State Governments and also advances guaranteed by Central/State Government owned corporations and financial institutions like IDBI, IFCI, ICICI, State Financial Corporations, State Industrial Development Corporations, ECGC, DICGC, CGTS, etc.
- (b), Advances covered by bank guarantees also include advances guaranteed against any negotiable instrument, the payment of which is guaranteed by a bank.
- (c), Advances covered by bank/government guarantees should be included in unsecured advances to the extent the outstanding in these advances exceed the amount of related guarantees.
- (d), While classifying the advances as secured, the primary security should be applied first and for the residual balance, if any, the value of collateral

security should be taken into account. If the advance is still not fully covered, then, to the extent of bank/government guarantees available, the advance should be classified as 'covered by bank/government guarantee'. The balance, if any, remaining after the above classification, should be classified as 'unsecured'.

- (e), There may be situations where more than one facility is granted to a single borrower and a facility is secured, apart from primary and collateral securities relating specifically to that facility, by the residual value of primary security relating to any other credit facility (or facilities) granted to the borrower. In such a case, in the event of shortfall in the value of primary security in such a credit facility, the residual value of primary security of the other facility (or facilities, as the case may be) may be applied first to the shortfall and the value of collateral securities should be applied next.
- (f), In the case of common collateral security for advances granted to more than one borrower, if there is a shortfall in value of primary security in any one or more of the borrowal accounts, the value of collateral security may be applied proportionately to the shortfall in each borrowal account.
- (g), Advances covered by ECGC/DICGC,CGTS guarantees should be treated as covered by guarantees to the extent of guarantee cover available. The amount already received from DICGC/ECGC/CGTS and kept in sundry creditors account pending adjustment should be deducted from advances.
- (h), An account which is fully secured but the margin in which is lower than that stipulated by the bank should nevertheless be treated as fully secured for the purposes of balance sheet presentation.
- (i), All documentary bills under delivery-against-payment terms (i.e., covered by RR/Airway Bill/Bill of lading) for which the documents are with the bank as on the balance sheet date should be classified as 'secured'.
- (j), Documentary bills under delivery-against-acceptance terms which remain unaccepted as at the close of 31st March (i.e., for which the documents of title are with the bank on this date) should be classified as secured. All accepted bills should be classified as 'unsecured' unless collaterally secured.
- (k), Cheques purchased including self-cheques (i.e., where the drawer and payee are one and the same) should be treated as unsecured.
- (l), Advances against supply bills, unless collaterally secured, should be classified as unsecured even if they have been accepted by the drawees.
- (m), 'Security' means tangible security properly discharged to the bank and will not include intangible securities like guarantees (including State

government guarantees), comfort letters, etc. Moreover, the rights, licenses, authorisations, etc., charged to the banks as collateral in respect of projects (including infrastructure projects) financed by them, should not be reckoned as tangible security. (Ref Master Circular No. RBI/2015-16/99DBR.BP.BC.No.23/21.04.018/2015-16 dated July 1 2015 on Disclosure in Financial Statements- Notes to Accounts)

2.252 In examining whether an advance is secured and, if so, to what extent, the auditor is concerned with determining –

- (a) whether the security is legally enforceable, i.e., whether the necessary legal formalities regarding documentation, registration, etc., have been complied with;
- (b) whether the security is in the effective control of the bank; and
- (c) to what extent the value of the security, assessed realistically, covers the amount outstanding in the advance.

2.253 The auditor should examine the following aspects in respect of advances classified as 'secured':

- (a) Documents executed are complete and in force.
- (b) Where documents have not been renewed, the limitation period has not expired.
- (c) Evidence is available as to the market value of the security.
- (d) Evidence is available that –
 - i., hypothecated/pledged goods are the property of the borrowers and are not old/obsolete or otherwise unsaleable;
 - ii., advances against book debts of borrowers are related to their current debts and not old/doubtful debts; and
 - iii., Stocks hypothecated/pledged are paid stocks owned by the borrower.
- (e) In the case of companies, the charge is appropriately registered with the Registrar of Companies and a certificate of registration of charge or other evidence of registration is held.
- (f) Borrowers are regular in furnishing the requisite information regarding the value of security lodged with the bank.
- (g) In respect of the second charge being available in respect of certain assets, the amount of the lender(s) enjoying the first charge on such asset be worked out and only the residuary value, if any, available for second charge holders, be considered.

2.254 The following paragraphs deal with the different types of securities against advances generally accepted by banks and the manner in which the auditor should verify them.

Stock Exchange Securities and Other Securities

2.255 The auditor should verify stock exchange securities and their market value in the same manner as in the case of investments. The auditor should examine whether the securities have been registered or assigned in favour of the bank, wherever required and verify the same with Demat Statement.

2.256 It sometimes happens that a quoted security may not have frequent transactions on the stock exchange and the quotation included in the official quotations may be that of a very old transaction. In such a case, the auditor should satisfy himself as to the market value by scrutiny of balance sheet, etc., of the company concerned, particularly, if the amount of advance made against such security is large.

2.257 Banks do not generally make advances against partly paid securities. If, however, any such shares are accepted by the bank as security and these are registered in the name of the bank, the auditor should examine whether the issuing company has called up any amount on such securities and, if so, whether the amount has been paid in time by the borrower/bank.

Goods

2.258 In respect of hypothecated goods, the auditor should check the quantity and value of goods hypothecated with reference to the statement received from the borrower. He should also examine the reasonableness of valuation. Letter of hypothecation should also be examined by the auditor. If the value of the goods is higher than the amount mentioned in the letter of hypothecation, the bank's security is only to the extent of the latter. Auditor should also verify that the Bank has system of maintenance of proper register in this regard as also system of scrutiny of stock/book debt statement furnished by the borrower.

2.259 The auditor should also check nature of goods hypothecated/pledged. If the goods are of perishable nature, it will not have market value.

2.260 In case of goods/book debts, movable assets hypothecated, auditor should also examine whether the Bank has system in place for periodical inspection of such goods/debts/assets and records of borrowers by its own officer or by external agencies like firm of Chartered Accountants. Whether proper register is maintained in this regard and timely action is taken whenever there is an adverse remark in the inspection report. Auditor should also check that there is adequate insurance cover in respect of goods /assets hypothecated and there is a bankers' clause in the policy.

2.261 In respect of goods pledged with the bank, the auditor should check the statement received from the borrower regarding the quantity and value of goods pledged by him. He should test check the godown registers and the valuation of the goods. If there is any outstanding delivery order against the goods as on the balance sheet date, the same should be deducted from the total quantity in hand in ascertaining the value of the goods constituting the security. The auditor may also examine the key movement register to verify the movement of goods inwards and/or outwards.

2.262 Sometimes, goods are in the possession of third parties, such as clearing and forwarding agents, transporters, brokers, warehouse-keepers, etc. If these parties have given an undertaking to the bank that they will hand over the goods or sale proceeds thereof to the bank only, i.e., they have 'attorned' to the bank the advances made against such goods should be considered as secured. In such cases, certificates should be obtained by the bank from such third parties regarding quantities on hand on balance sheet date. The valuation of such goods should be checked by the auditor. In case the borrower is a company, the auditor should examine the certificate of registration of charge on the goods hypothecated with the Registrar of Companies. It may be mentioned that in case of pledge of goods, registration of charge is not necessary.

Gold Ornaments and Bullion

2.263 The auditor may inspect and weigh (on a test basis) the ornaments on the closing date. He should also see the assayer's certificate regarding the net gold content of the ornaments and their valuation. Valuation should also be checked with reference to the current market price of gold. In context to the valuation, attention is also invited to the valuation norms as given in the RBI circular no. DBOD.No.BP.BC.27/21.04.048/2014-15 on "Loans against Gold Ornaments and Jewellery for Non-Agricultural End-uses" dated July 22, 2014.

2.264 In respect of gold and silver bars, the auditor should inspect the bars on a test basis and see that the mint seals are intact. The weights mentioned on the bars may generally be accepted as correct.

Life Insurance Policies

2.265 The auditor should inspect the policies and see whether they are assigned to the bank and whether such assignment has been registered with the insurer. The auditor should also examine whether premium has been paid on the policies and whether they are in force. Certificate regarding surrender value obtained from the insurer should be examined. The auditor should particularly see that if such surrender value is subject to payment of certain *premia*, the amount of such *premia* has been deducted from the surrender value.

2.266 It should be verified whether the policies are assignable in bank's favour. In certain types of policies, the assignment to third party are restricted.

Bank's Own Deposit Certificates

2.267 The auditor should inspect such certificates and examine whether they have been properly discharged and whether the lien of the bank is noted on the face of the certificates as well as in the relevant register of the bank and also in CBS master data.

Hire-purchase Documents

2.268 These advances may be classified as secured against the hypothecation of goods. Where there is no hypothecation, the advance will be classified as unsecured.

Plantations

2.269 These advances are classified as secured against the crop and/or the fixed assets (viz., mortgage of land) of the plantation. The auditor should examine the agreement and the title deeds. Regarding the estimate of the crop, he may examine the record of the garden for the last few years. He should also ascertain whether the crop is properly insured against natural calamities and other disasters such as hail, etc.

2.270 Auditor should keep in mind that where moratorium is available for payment of interest in such plantation projects, the payment of interests becomes due only after the moratorium or gestation period is over and in such a case the account will become NPA in case interest is not recovered after the due date of such interest after moratorium period, if specifically mentioned in the sanction letter.

Immovable Property

2.271 The auditor should inspect the title deed, the solicitor's/advocate's opinion taken by the bank in respect thereof, and the mortgage deed. For valuation, he may rely upon the architect's or valuer's report (which should be taken at least once in three years) after carrying out appropriate audit procedures to satisfy himself about the adequacy of the work of the architect/valuer for this purpose.¹⁰ He should also examine the insurance policies.

2.272 In some cases, banks make advances against immovable properties where the title deeds are not in the name of the borrower. For example, an advance may be given against the security of a flat in a co-operative group housing society, the title deeds of which may not be in the name of the borrower.

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¹⁰ Reference may be made in this regard to SA 620, "Using the Work of an Auditor's Expert".

In such cases, the auditor should examine the evidence regarding the right or interest of the borrower in the property mortgaged, e.g., power of attorney, share certificate of co-operative group housing society, 'no objection certificate' from the society/lessor (in the case of leasehold properties) for offering the property as security, etc.

2.273 In case the bank have accepted third party property as a security. The owner of the property should also execute guarantee bond in bank's favour. The mortgage value in bank's favour should be equal/in excess of loan amount covered by such mortgage.

Reliance on / review of other reports

2.274 The auditor should take into account the adverse comments, if any, on advances appearing in the following:

- , Previous years audit reports.
- , Latest internal inspection reports of bank officials.
- , Reserve Bank's latest inspection Report/Asset Quality Review/ Risk Based Supervision report.
- , Concurrent /internal audit report.
- , Report on verification of security.
- , Any other internal reports specially related to particular accounts.
- , Manager's charge-handing-over report when incumbent is changed.

2.275 The above reports should be reviewed in detail. The SCAs must review the Annual Financial Inspection report of RBI relating to the bank and should check whether the variations in provisions, etc., reported by RBI have been properly considered by the bank management. The statutory auditors should consider the issues emerging from recent RBI inspections and obtain an understanding of changes made by the banks pursuant to the inspection process to enhance their identification of NPA. Further, the audit procedures should be suitably re-designed to consider such issues.

Third Party Guarantees

2.276 The auditor should examine the guarantee bonds and the demand promissory notes in order to verify the third party liability. Auditor should satisfy that the guarantee is in force as at the date of the balance sheet. In the absence of a provision to the contrary, a guarantee terminates by revocation or upon death of the surety. The surety is also discharged (unless there is a specific covenant to the contrary) if the creditor arranges with the principal debtor for compromise, or agrees to give time or agrees not to sue him, without consulting

the surety. If any variation is made in the terms of the contract between the principal debtor and the creditor without the surety's consent, it discharges the surety as to transactions subsequent to the variation. The guarantee forms used by banks normally seek to ensure the continuing obligation of the guarantor in spite of these contingencies. If such clause is absent then Auditor has to see the acknowledgement to debt from the borrower as well as guarantor is obtained by the Bank.

Verification of Bills Purchased and Discounted

2.277 The auditor should familiarise with the guidelines issued by RBI and the policies framed by the bank itself regarding the discounting and rediscounting of bills. The auditor should ascertain that the policy framed by the bank conforms to the requirements laid down by the RBI.

2.278 Bills purchased and discounted have to be shown separately in the balance sheet as a part of 'advances'. Further, under the head 'advances outside India' in the balance sheet, bills purchased and discounted outside India have to be shown separately. This category will include bills covering export of goods, bills discounted by foreign branches of the bank and payable in their respective countries, etc.

2.279 Banks purchase or discount bills of exchange drawn or endorsed by their customers. The bank credits the amount of the bill to its customer after deducting the discount. The total amount of such bills is shown as an asset in the balance sheet.

2.280 In certain eligible cases, the bills purchased or discounted by the bank may be rediscounted by it with the RBI IDBI/SIDBI. Such bills would not be included under advance but would constitute a contingent liability.

2.281 Bills purchased and discounted by the bank are generally drawn on outstation parties and are, therefore, sent by the bank to its branches or agents for collection immediately after their receipt. They are generally not in the possession of the bank on the closing date. The auditor therefore has to rely upon the Register of Bills Purchased and Discounted and the party-wise Register of Bills maintained by the bank. The auditor should examine these registers and satisfy himself that:

- (a) all the outstanding bills have been taken in the balance sheet;
- (b) all the details, including the nature of the bills and documents, are mentioned in the register and that the bills have been correctly classified;
- (c) the bills purchased or discounted from different parties are in accordance

with the agreements with them and the total of outstanding bills of each party is not in excess of the sanctioned limit; and

- (d) the bills are not overdue. If there are any overdue bills, the auditors should ascertain the reasons for the delay and the action taken by the bank.

2.282 The auditor should examine whether registers of bills purchased and discounted are properly maintained and the transactions are recorded therein correctly. He should examine whether the bills and the documents accompanying the bills are properly endorsed and assigned in favour of the bank. In checking the bills, it should be ensured that the bills are held along with the documents of title. In the case of documentary bills, it should be examined whether that the related RRs/TRs are held along with the invoices/ hundies / bills and that these have not been parted with. Wherever such RRs/TRs are not held on record, the fact should be duly considered by the auditor. The auditor should also examine bills collected subsequent to the year-end to obtain assurance regarding completeness and validity of the recorded bill amounts.

Verification of Buyer's Credit Transaction

2.283 Following documents are required to be verified by the statutory auditors during review of Buyers' Credit Transaction and its accounting treatment in the Indian Bank's books.

- (a), (Loan) Agreement, if any, entered between the Indian importer (borrower), overseas bank (lender), the Indian bank (facilitator);
- (b), Underlying documents for import of capital goods or raw materials;
- (c), Maximum tenure of buyer's credit as per guidelines of RBI;
- (d), SWIFT messages originated by overseas bank specifying the terms of Buyer's Credit;
- (e), The calculation of contingent liability towards LoC/ LoU is inclusive of interest accrued on the Buyer's Credit as on financial statement date;
- (f), Documentation / Agreement between overseas bank and Indian bank, and, any further confirmatory documents exchanged between overseas bank and Indian bank;
- (g), Review of documents specifying right of recovery against borrower, in case if the borrower defaults in repayment of Buyer's Credit;
- (h), Balance confirmations obtained from the overseas bank;

- (i), Charge created in records of RoC related to the security offered for Buyer's Credit *vis-à-vis* disclosure of Buyer's Credit in the financials of borrowers as secured / unsecured loan;
- (j), Acknowledgement of debt, if any, obtained from the borrower;
- (k), The calculation of drawing power for working capital finance availed by the borrower is net of the Buyer's Credit;¹
- (l), Form 15CA / Form 15CB compliance made by the borrower.¹

The RBI vide its circular dated March 13, 2018, has advised the AD Category –I banks to discontinue the practice of issuance of LoUs / LoCs for Trade Credits for imports into India with immediate effect.

Other Aspects

2.284 Sometimes, a customer is sanctioned a cash credit limit at one branch but is authorised to utilise such overall limit at a number of other branches also, for each of which a sub-limit is fixed. In such a case, the determination of status of the account as NPA or otherwise should be determined at the limit-sanctioning branch with reference to the overall sanctioned limit/drawing power, and not by each of the other branches where a sub-limit has been fixed. The auditor of the limit-sanctioning branch should examine whether it receives particulars of all transactions in the account at sub-limit branches and whether the status of the account has been determined by considering the total position of operation of the account at all concerned branches. As far as sub-limit branches are concerned, they should follow the classification adopted by the limit-sanctioning branch.

2.285 The auditor should examine that any advances made by a banking company otherwise than in the course of banking business, such as, prepaid expenses, advance for purchase of assets, etc., is not included under the head 'advances' but is included under 'other assets'.

2.286 The amounts of advances in India and those outside India are to be shown separately in the balance sheet. This classification will depend upon where the advance was actually made and not where it has been utilised. Generally speaking, figures of Indian branches will be shown as advances in India and figures of foreign branches as advances outside India.

2.287 The auditor should examine whether any loan has been granted in violation of the statutory limitations contained in section 20 of the Banking Regulations Act, 1949. If any such loan has been granted the report will have to be drafted with suitable qualifications, as the transaction would be ultra vires.

2.288 It may also be examined whether the bank has a system of ensuring the

end use of the funds granted as compared with the purpose of sanction. The reports submitted by the inspectors/officers in this regard should be reviewed to form opinion on the quality of the asset and also to consider reporting any matter in the LFAR.

2.289 Adverse features in a borrower's account are required to be reported in LFAR and hence during the course of verification all material information should be noted and documented in appropriate format. Following is an illustrative but not an exhaustive format:

1. Name of the Borrower.
2. Constitution.
3. Sanctioned limits as on Balance Sheet date.
4. Any change in limit during the year.
5. Terms of sanction.
6. Details of fulfilment of terms of sanction.
7. Details of Loan documents and observations on the same.
8. Balance outstanding as at balance sheet date.
9. Classification as per bank.
10. Whether classification requires a change.
11. If so the reasons for the differing view and the impact of the same.
12. Whether necessary changes made in Memorandum of Changes.
13. Observations on the conduct of the account.
14. Deficiencies noted in the account.
15. Availability of security and adequacy of its insurance cover along with Bank's name.
16. Timely submission of stock statement and other statements.
17. Analysis of stock statements *vis a vis* financial statements.

Drawing Power Consideration

2.290 Working capital borrowal account, drawing power calculated from stock statement older than 3 months has to be considered as "irregular" (overdue). If such "irregular" continues for 90 days, account has to be classified as NPA, even though the account is otherwise operated regularly.

2.291 The stock statements, quarterly returns and other statements submitted by the borrower to the bank should be scrutinised in detail.

2.292 The audited Annual Report submitted by the borrower should be scrutinised properly. The monthly stock statement of the month for which the audited accounts are prepared and submitted should be compared and the reasons for deviations, if any, should be ascertained.

2.293 It needs to be examined whether the drawing power is calculated as per the extant guidelines formulated by the bank, which should also be in line with RBI guidelines/directives. Special consideration should be given to proper reporting of sundry creditors for the purposes of calculating drawing power.

2.294 The stock audit should be carried out by the bank for all accounts having funded exposure of more than Rs.5 crores. Auditors can also advise for stock audit in other cases if the situation warrants the same. Branches should obtain the stock audit reports from lead bank or any other member, as decided in consortium in the cases where the Bank is not leader of the consortium of working capital. The report submitted by the stock auditors should be reviewed during the course of the audit and special focus should be given to the comments made by the stock auditors on valuation of security and calculation of drawing power.

2.295 The drawing power needs to be verified carefully in case of working capital advances to entities engaged in construction business. The valuation of work in progress should be ensured in consistent and proper manner. It also needs to be examined whether the mobilization advance being received by the contractors is reduced while calculating drawing power. Further in respect of certain businesses such as diamond merchants and jewellers, the auditor should exercise due caution while verifying realisable value of the inventory of precious metals, diamonds, jewellery etc. The auditor may also consider obtaining assistance of an expert in case circumstances so warrant.

2.296 In case of consortium accounts, the drawing power calculation and allocation is made by the Lead Bank and is binding on the Member Banks.

Lending under Consortium Arrangement / Multiple Banking Arrangements

2.297 In order to strengthen the information sharing system among banks in respect of the borrowers enjoying credit facilities from multiple banks, the banks are required to obtain regular certification by a professional, preferably a Company Secretary, Chartered Accountants or Cost Accountants regarding compliance of various statutory prescriptions that are in vogue, as per specimen given in Annexure III (Part I and II), to the RBI Circular No. DBOD.No. BP.BC.110/08.12.001/2008-09 dated February 10, 2009.

2.298 The LFAR should include non-compliance of the RBI Circular, indicating the cases in which the reports have not been obtained for review by the auditors.

2.299 Accounts under Consortium arrangements may, notwithstanding that these are classified as Standard, due to servicing thereof in a Bank, may nonetheless be intrinsically weak or may even be NPA in other participating bank(s), including on the basis of the certificate/report as aforesaid. The auditor should consider this aspect and classify the account appropriately based on facts and circumstances, particularly based on any serious adverse remarks/comments in the certificate issued pursuant to the RBI circular.

2.300 The auditor should check the compliance with RBI guidelines on unhedged foreign currency exposure. Self-declaration from the client or Independent auditors' certificate of foreign currency exposure should be obtained by the Bank. Such declaration/certificate can be cross checked with the computation of standard asset provisioning.

Retail Assets

2.301 The retail assets in various banks at present form a significant part of their portfolio. As there are large numbers of accounts in these cases, the same poses a challenge for the auditors. The classification and provisioning towards the same should, however, be done as in case of other assets.

2.302 There may be a large number of accounts under retail assets, which have been restructured/rescheduled during respective years including repetitive rephasements. The process of the bank to report / record all such reschedulement/restructuring needs to be reviewed and adequacy of the same should be checked. In case of restructuring of consumer and personal advances, the same should immediately be treated as NPA. The accounts are treated as restructured when the bank, for economic or legal reasons relating to borrower's financial difficulty, grants to the borrower concessions that the bank would otherwise not consider. The HO of the bank should instruct properly to branches in this regard.

Restructuring of cases

2.303 RBI has given guidelines for treatment of restructured accounts in part B of the Master Circular on Prudential Norms on Income Recognition, Assets Classification and Provisioning Pertaining to Advances dated July 1, 2015. Further, RBI has issued circular dated February 12, 2018 regarding Resolution of Stressed Assets – Revised Framework. The provisions of this Circular has been discussed in Chapter 4 of Part III of Guidance Note. The auditor should verify compliance with the requirements of the said circular.

Once the bank receives an application/proposal in respect of an account for restructuring, it implies that the account is intrinsically weak. Thereby during the time the account remains pending for restructuring, the auditors need to take a view whether provision needs to be made in respect of such accounts pending approval for restructuring.

Funding of Interest

2.304 In addition, the auditor should also consider the fact that during the course of restructuring/rescheduling in any manner, the interest element, in addition to the principal may also be rescheduled by the bank. This reschedulement of interest may be with or without sacrifice. In some cases future interest may also be funded apart from the principal. In such cases, the auditor should examine whether the RBI's requirements with regard to provisioning for sacrifice have been complied with by the bank. In case of interest sacrifice, the model prescribed by RBI includes calculation and provisioning for sacrifice on future interest as well. The auditor should examine the terms of funding of interest and if the same is in the nature of moratorium for payment of interest, then the interest would become due only after the moratorium period is over. The funded interest cannot be recognised as income if the account is treated as NPA.

Sacrifice of interest

2.305 In respect of sacrifice of interest, the auditor should examine whether:

- (a) Interest sacrifice involved in the amount of interest has been provided for by debit to Profit & Loss account and held in a distinct account.
- (b) Sacrifice is recomputed on each balance sheet date till satisfactory completion of all repayment obligations and full repayment of the outstanding in the account, so as to capture the changes in the fair value on account of changes in BPLR/ Base Rate, term premium and the credit category of the borrower and the consequent shortfall in provision or reversal of the amount of excess provision has been held in the distinct account.
- (c) In the event any security is taken against interest sacrifice, the same has been valued at Re.1/- till maturity of the security. As per RBI norms, the interest sacrifice in all the restructured cases needs to be worked out including for Working Capital Loans. In the case of working capital facilities, the diminution in the fair value of the cash credit /overdraft component may be computed reckoning the higher of the outstanding amount or the limit sanctioned as the principal amount and taking the tenor of the advance as one year. The term premium in the discount factor

would be as applicable for one year. The fair value of the term loan components (Working Capital Term Loan and Funded Interest Term Loan) would be computed as per actual cash flows and taking the term premium in the discount factor as applicable for the maturity of the respective term loan components. The process of identifying such interest sacrifice in case of working capital loans needs to be looked upon in detail.

2.306 In case the bank has agreed to convert existing/future exposure to the borrower in to Funded Interest Term Loan, such interest should be parked under sundry liabilities and should not be reckoned as income.

Other Aspects

2.307 Separate norms for classification have been prescribed for accounts covered under schemes for 'Restructuring / Rescheduling of Loans', 'Corporate Debt Restructuring (CDR)' or 'Small & Medium Enterprises (SME)'. The auditors should go through the same to see whether these have been properly applied by the bank.

2.308 The Branch Auditor is advised to verify the advances based on the criteria for the selection as per "Illustrative list of Basis of selection of Advances accounts in case of Bank Branch Audit" as given in the Pen Drive/CD.

III-3

Scrutiny of Advance Accounts Presented in Ind AS by Borrowers

Introduction

3.01 The Ministry of Corporate Affairs (MCA) on 6th April 2016 amended Schedule III of Companies Act 2013 to include general instructions for preparation of financial statements of a company whose financial statements are required to comply with Ind AS.

3.02 The amendment is applicable to following classes of companies from 1 April 2016:

- , Companies listed/ being listed and Net worth is Rs. 500 crore or more.
- , Unlisted Companies whose Net worth is Rs. 500 crore or more.
- , Holding/ Subsidiary/ Joint Venture or associate of above.

3.03 From 1 April 2017, the amendment will also be applicable to following classes of companies:

- , All other Companies listed/being listed.
- , Unlisted Companies whose Net worth is Rs. 250 crore or more and less than Rs. 500 crore.
- , Holding/ Subsidiary/ Joint Venture or associate of above.

3.04 The amendment divides Schedule III into two parts i.e. Division I and II. Division II covers the complete set of Financial Statements under Ind AS which include:

- 1., Balance Sheet.
- 2., Statement of Profit and Loss divided in two parts as profit or Loss section and Other Comprehensive Income.
- 3., Statement of changes in equity.
- 4., Cash Flow Statement.
- 5., Notes.

3.05 Banks often refer to the Financial Statements of companies for credit decision regarding new lending, review and credit monitoring in the form of end use of funds, ratio analysis etc. The Financial statements are thus treated as Base Document for the purpose of Credit Appraisal, Review and monitoring. Since the accounting treatment, disclosures and formats of Financial statements have changed due to compliance with Ind AS, it is important for Banks to understand the intricacies of this changing reporting structure.

Major Financial Impacts (List is illustrative)

3.06

1. Property, Plant & Equipment (IND AS 16)

Key Area	Impact
<p>For first time adoption three option of transition are available-</p> <p>a., Recomputation of cost as on transition date since inception.</p> <p>b., Fair Valuation of PPE as on transition date.</p> <p>c., Carrying value of PPE as of transition date as per Indian GAAP.</p>	<ul style="list-style-type: none"> •, First two options will lead to changes in Debt equity ratio. •, In case of fair valuation, value adopted by the company <i>vis-a-vis</i> considered by the bank (for collateral security) needs to be cross referenced. •, It needs to be analysed whether fair value option has been availed and how it impacts the financial position and future cash flows. •, The difference between fair value and carrying value of assets is transferred to retained earnings as at date of transition (not revaluation surplus). This reflects an inflated networth. For networth assessment, it might be necessary to evaluate increase in networth due to fair valuation and increase due to increase in earnings.
<p>Decommissioning, restoration and similar liabilities:</p> <ul style="list-style-type: none"> •, To be recognised as part of the cost of an item of PPE. •, To be recognised as a liability 	<p>Such accounting treatment will have following impact:</p> <ul style="list-style-type: none"> •, Increased depreciation. •, Increase in interest cost due to unwinding of discounted liability.

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in accordance with Ind AS 37.	Whenever such type of provision is done, the nature and impact of such provision should be analyzed. Detailed calculation should be checked for analyzing the possible deviations.
<p>Spare parts</p> <ul style="list-style-type: none"> •, Spare parts are to be recognized as Property, Plant and Equipment if they are held for use in production or supply of goods or services and are expected to be used during more than one period. Otherwise such items are to be recognized as Inventory 	<ul style="list-style-type: none"> •, There will be addition to PPE incase spare that were earlier classified as inventory are reclassified as PPE. •, It will impact the current ratio (inventory will decrease) and also fixed assets turnover ratio. •, Also, the value of spares included in PPE needs to be considered while hypothecating the assets.
<p>Pre-operative expenses</p> <ul style="list-style-type: none"> •, Pre-operative expenses are specifically excluded from the cost of Property, Plant and Equipment (such expenses were capitalized under Previous GAAP). 	<ul style="list-style-type: none"> •, It is essential to note the reason of change in valuation of PPE. •, In case pre-operative expenses have been capitalized previously, they need to be excluded from carrying cost of PPE. Thus, the opening block of assets will reduce. Also, depreciation relating to pre-operative expenses (capitalized under previous GAAP) will be reversed. •, Any movement in PPE also impact the assets hypothecated and fixed assets turnover ratio.

2. Investment Property (IND AS 40)

Key Area	Impact
<p>IND AS 40 requires separate disclosure in Balance sheet for assets which qualifies as Investment property as follows:</p> <ul style="list-style-type: none"> •, Fair value of Investment Properties. 	<p>Information about assets held for capital appreciation/rental purposes will be separately available.</p> <p>Such readily available information will be useful in assessing the real net worth of the company. Also, details of method used to</p>

<ul style="list-style-type: none"> •, Revenue generating and non-revenue generating Investment properties with details of income and direct operating expenses. •, Restrictions on realizability and contractual commitments. 	<p>calculate fair value will be useful in assessing the possible deviations in value.</p> <p>This disclosure will give an idea of the income earning capacity. This may also give indication about the fair value of the property.</p> <p>This information about all encumbrances will help in analyzing the practical usefulness of the property.</p> <p>From banker's perspective, while computing the total value of land, investment property also needs to be considered.</p>
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3. Accounting for Government Grants and disclosure of Government Assistance (IND AS 20)

Key Area	Impact
<p>Government grants are bifurcated in two categories:</p> <ul style="list-style-type: none"> •, Grants related to assets; and •, Grants related to income. <p>Para 24 states that Government grants related to assets, including non-monetary grants at fair value, shall be presented in the balance sheet by setting up the grant as deferred income.</p> <p>Disclosure regarding unfulfilled conditions and other contingencies attaching to government assistance that has been recognized.</p>	<p>It is pertinent to note that IND AS 20 does not recognize the concept of grant in the nature of promoters contribution. Thus, concept of capital reserve has been done away with.</p> <p>Recognition of grant as operating income will increase the EBITDA.</p> <p>This disclosure requirement allows the stakeholders to assess the nature and impact of liabilities attaching the assistance received.</p>

4. Revenue (IND AS 18)

Key Area	Impact
<p>Para 9 states that revenue shall be measured at the fair value of</p>	<ul style="list-style-type: none"> •, Grossing up of excise duty. •, This will have an impact while

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<p>the consideration received or receivable. As a result:</p> <ul style="list-style-type: none"> •, Revenue is to be presented gross of excise duty; and •, Revenue is to be presented net of incentives, quantity discounts, trade discounts, volume rebates, etc. 	<p>comparing information with earlier periods.</p> <ul style="list-style-type: none"> •, Any sales incentive, discounts or rebates in any form, including cash discounts given to customers will be considered as selling price reductions and accounted as reduction from revenue. Under IGAAP, some of these costs were included in 'advertising and sales promotion' expenses. •, Reduction in revenue by large amounts where the company operates customer loyalty programs/discount coupons/gift vouchers, etc.
<p>Para 11 states that when the arrangement effectively constitutes a financing transaction, the fair value of the consideration is determined by discounting all future receipts using an imputed rate of interest.</p>	<p>Whenever the sale is made at deferred credit terms, revenue will be reduced and will be recognized as interest in other income.</p>
<p>Ind AS 115 – Revenue from contract with customers (Applicable from 1st April 2018)</p> <ul style="list-style-type: none"> •, Ind AS 115 prescribes a five-step revenue recognition model. •, Entities will have to focus on defining performance obligation and determining transfer of control. •, The income terms may not necessarily depict the transfer of control in real sense. Hence identification of point of transfer and thereby recognizing revenue is essential. 	<ul style="list-style-type: none"> •, The change from Ind AS 18 to Ind AS 115 is mainly in the timing of recognizing revenue. •, In case revenue recognized is deferred as compared to Ind AS 18, inventory will continue to exist in the books of accounts. Conversely, if revenue is recognized, receivables will increase. •, The impact on either receivables or inventory will affect the drawing power and current ratio.

5. Inventories (IND AS 2)

Key Area	Impact
Para 36 of IND AS 2 requires disclosure of the amount of any write-down of inventories recognized as an expense in the period.	The stakeholders will be able to analyze the quantum of the non moving inventories. This can be utilized while calculating drawing power.

6. Events after the Reporting Period (IND AS 10)

Key Area	Impact
Para 12 states that If an entity declares dividends to holders of equity instruments (as defined in Ind AS 32, Financial Instruments: Presentation) after the reporting period, the entity shall not recognise those dividends as a liability at the end of the reporting period.	This change will have huge impact on the retained earnings of many companies. Dividends recognized as liability will now be added back to reserves which will largely impact the debt equity ratio.

7. Accounting Policies, Changes in Accounting Estimates and Errors (IND AS 8)

Key Area	Impact
Para 32 states that changes in the useful lives of, or expected pattern of consumption of the future economic benefits embodied in, depreciable assets are to be regarded as changes in estimates.	<p>Earlier, change in the method of depreciation was considered as a change in accounting policy. However, IND AS 8 regards it as change in estimate.</p> <p>This change implies that the changes in depreciation method will have to be accounted for prospectively as against the earlier treatment of retrospective application.</p> <p>Such change is very important since it will restrict the companies from profit management by using changes in depreciation method as a tool.</p>

8. Financial Instruments (IND AS 109, IND AS 32)

Key Area	Impact
<p>Para 15 of IND AS 32 states that the issuer of a financial instrument shall classify the instrument, or its component parts, on initial recognition as a financial liability, a financial asset or an equity instrument in accordance with the substance of the contractual arrangement and the definitions of a financial liability, a financial asset and an equity instrument.</p>	<p>The definition of equity has wide impact on the various instruments issued by the company. This standard gives importance to substance over form. Thus, classification of an instrument into equity or liability is very crucial.</p> <p>Such classifications might change the entire composition of the balance sheet.</p> <p>This might have significant impact on the debt-equity ratio of the company as well as P&L.</p> <p>Real estate and start ups will be most affected.</p>
<p>Preference shares</p> <ul style="list-style-type: none"> •, The preference shares are classified as financial liability. •, The liability was initially recognized on fair value and considering these shares are issued to promoters, the difference between the fair value and transaction price as deemed equity contribution by promoters. •, Subsequently, the liability is measured at amortised cost using effective interest rate. •, The impact on this account is recognized in the reserve on the transition date and the subsequent impact is recognized 	<ul style="list-style-type: none"> •, The reclassification of preference shares from equity to debt will impact the entire composition of debt and equity. •, The opening equity will go down, the profitability will also have a negative impact. •, The major impact will be on the debt-equity ratio. •, Bankers will have to specifically consider such adjustment as the debt will increase substantially due to this adjustment.
<p>Foreign currency convertible bonds (FCCB)</p>	<p>Interest cost will be increased since in these cases the premium to be paid while redemption is to be factored at the time of</p>

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	issue of loan instrument itself.
Structured Instrument	Impact on the interest cost to a large extent Wherever instruments have been structured to provide for lower interest rates at the beginning and higher interest rates towards the end, such instruments will have to be fair valued w.r.t the prevailing market interest rates and accounting will have to be done accordingly.
<i>Compound Financial instruments</i> Para 28 of IND AS 32 states that the issuer of a non-derivative financial instrument shall evaluate the terms of the financial instrument to determine whether it contains both a liability and an equity component. Such components shall be classified separately as financial liabilities, financial assets or equity instruments in accordance with paragraph 15.	An instrument may contain an option to convert the debt instrument into equity. Here, since the instrument contain both the features of equity and debt, the amount needs to be bifurcated into equity and debt by computing the fair value of the equity portion.
<i>Classification of investments</i> For equity instruments not held for trading the standards provides two options – FVTOCI and FVTPL. Investments held for trading will always be classified as FVTPL.	The strategic investments made by the company will be classified as FVTOCI. The fluctuations in the fair value will not affect P&L but affect the reserves. The Bank can judge the group structure and its performance. All fluctuations in fair value will be accounted for in P&L. Careful study for the purpose of profitability is needed here by Banks. There will be an initial substantial impact on the networth as the fair value gain/loss will be transferred to retained earnings. Majorly the networth of Ind AS compliant entities has inflated due to this adjustment. But, the profitability in the future years will be volatile as the fair value gain/loss will be transferred to profit or loss each year. For companies

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	<p>who are in the process of setting up and have invested surplus funds, the profit may be high due to fair valuation of investments rather than from operations.</p>
<p><i>Loans extended with conversion option</i></p> <p>Such loans will always be classified as FVTPL since SPPI criteria is not met.</p>	<p>Such accounting treatment will ensure the real value of loans extended in the balance sheet. Wherever the companies are loss making, fair value of loans advanced to such companies will be a crucial aspect.</p>
<p>Fair valuation of startup companies – Crucial aspect</p>	<p>Since FVTPL instruments will have direct impact on P&L Wherever the companies have invested in startups, fair valuation of such investments will always be crucial. It would vary based on the business performance.</p>
<p><i>Investments in mutual funds</i></p> <p>It will be classified as FVTPL instrument since SPPI criteria will not be met. Also, it will always be held for trading.</p>	<p>P&L volatility will increase due to the fair valuation of investments on mutual funds.</p>
<p><i>Classification of a liability/asset</i></p> <p>An entity needs to classify a liability as financial or other liability as well as an asset as a financial or other asset.</p> <p>The classification of liability/asset into financial or other is very important since the provisions of IND AS 109 applies to only financial liabilities/asset.</p>	<p>A financial liability/asset implies that the settlement will be either in cash or by transfer of other financial liability/asset.</p> <p>Other liabilities/asset implies settlement in other than cash mostly through delivery of services/goods.</p> <p>This classification to a large extent provides insight about the liabilities in monetary and non monetary terms.</p> <p>Thus, the stakeholders might be able to approximate the cash flows of the company at a gross level.</p>
<p>Impact of expected credit loss model</p> <p>Para 5.5 of IND AS 109 requires impairment of financial assets based expected credit loss model. Two approaches have</p>	<p>The companies needs to evaluate the increases in credit risks associated with the financial assets and make loss allowance in the books of accounts wherever required.</p> <p>The stakeholders can enquire about the details of assessment made by the company</p>

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<p>been specified:</p> <ul style="list-style-type: none"> •, General approach •, Simplified approach 	<p>for evaluating the credit risks of the financial assets.</p> <p>Similarly such enquiries can be made for other major financial assets also.</p>
<p>Security deposits</p> <ul style="list-style-type: none"> •, Under Ind AS, all financial assets are required to be recognised at fair value. Under Ind AS, security deposits are measured at fair value at inception and measured at the higher of the amortised value or the obligation amount in case it is probable that the amount is payable/receivable. 	<ul style="list-style-type: none"> •, Since the deposits are discounted, the opening equity goes down whereas the profitability goes up. It also impacts the current ratio negatively. •, Security deposits are usually seen in all companies either in the form of electricity deposits, telephone deposits, statutory deposits, lease deposits, etc. Statutory deposits are not discounted.

9. Business Combinations (IND AS 103)

Key Area	Impact
No concept of appointed date or effective date	IND AS recognizes only the date when the control is obtained. This implies that agreements entered into will form basis of accounting.
Intangible assets needs to be carved out	All kinds of intangible assets to be identified separately from goodwill and accounted for in a business combination at fair value. This will provide real information about what the company is paying for. It will provide true value of goodwill after identifying all other intangibles.
<i>Measurement at fair value</i> - The acquirer shall measure the identifiable assets acquired and the liabilities assumed at their acquisition-date fair values.	This requirement ensures that the businesses are being acquired at real values. It will provide readily available data to stakeholders about the true values of businesses being acquired.

10. Disclosure Impacts

a.A Presentation of Financial Statements (IND AS 1)

Key Area	Impact
<p><i>Capital Management</i></p> <p>Para 134 states that an entity shall disclose information that enables users of its financial statements to evaluate the entity's objectives, policies and processes for managing capital.</p>	<p>This is an important disclosure with regard to the capital management policy of the company.</p> <ul style="list-style-type: none"> •, This disclosure gives information about what are the objectives of the company w.r.t the capital requirements/adequacy. •, It describes the policies adopted by the company to achieve the objectives set by the company. •, Further, it also provides useful information about the steps which the company takes to adhere to the policies. <p>The above information showcases the overall thought process of the company i.e. the policies adopted to maximize shareholder value, what kind of risks and how much risk the company is willing to take, the need for raising capital.</p>

b.A Operating segment (IND AS 108)

Key Area	Impact
<p>New concept of Chief operating decision maker (CODM) introduced.</p> <p>Operating segments to be disclosed based on how CODM reviews the operating results.</p> <p>Apart from the segment disclosures, following entity wide</p>	<p>Major change in the disclosure requirements. Stakeholders will get to know how the businesses are getting managed, the overall decision making process and the allocation of resources of the company.</p> <p>Information of revenues against each product/service offered by the company is useful for analyzing the major stream.</p>

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<p>disclosures are mandatory:</p> <ul style="list-style-type: none"> •, Information about products and services. •, Information about geographical areas. •, Information about major customers. (revenue above 10%) 	<p>Information about exports and assets located outside India will provide information about the major area of operation of the company.</p> <p>This will provide information about the concentration of the source of revenue of the company which enables to analyse the quantum of risks associated.</p>
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c.A Financial Instruments (IND AS 107)

Key Area	Impact
<p>This standard requires wide disclosures in relation to financial instruments. Some of them are as under:</p> <p>Disclosures regarding nature and extent of risks arising from financial instruments (Para 31-39):</p> <ul style="list-style-type: none"> •, Credit risk •, Liquidity risk •, Market risk 	<p>Such disclosures enable the stakeholders to analyze what kind of risk the company is exposed to and the quantum of risk. This will enable to ascertain the possible impact on the profitability of the company.</p> <p>Credit risk disclosure enables the user of financial statements to understand the effect of credit risk on the amount, timing and uncertainty of future cash flows.</p> <p>Liquidity risk disclosures enables the user of financial statements to understand the information such as maturity profile of the financial liabilities which gives an idea about the requirement of cash and it's sufficiency as well as information about policies to manage liquidity needs.</p>
<p>Sensitivity Analysis of market risks (Para 40-42):</p> <ul style="list-style-type: none"> •, Foreign currency risks •, Interest rate risks •, Other price risks 	<p>Such information enables the stakeholders to analyse the exposure to each type of market risk and the possible volume of change that could affect the financial position of the company.</p> <p>Further, the disclosures regarding how company manages such risks also provides</p>

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	<p>useful information regarding the mitigation plan in case the risk materialize and also the sufficiency of such management.</p> <p>All these disclosures regarding the risk exposure and management gives vast information and enables the stakeholders for internal credit rating purposes.</p>
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11. Leases (Ind AS 17)

Key Area	Impact
<p>Lease of land</p> <ul style="list-style-type: none"> •, As per Ind AS 17, where the substantial risks and rewards incidental to ownership of an asset (including Land) has been transferred, it is considered as Finance lease, else, as Operating Leases. 	<ul style="list-style-type: none"> •, As per international practices, lease of land above 999 years is considered as finance lease, else, as operating lease. •, Many companies have reclassified the leased land from finance lease to operating lease. This leads to an addition in the non-financial assets and decrease in PPE. •, It needs to be analysed if such land has been hypothecated. •, It will also impact the fixed assets turnover ratio.
<p>Interest free Security Deposit under a lease</p> <ul style="list-style-type: none"> •, Under Ind AS, all financial assets are required to be recognised at fair value. •, The difference between the fair value and the transaction price is recognized as prepaid rent and amortised over the lease term. Deposit asset is subsequently measured at amortised cost resulting into finance income in the statement of profit and loss. 	<ul style="list-style-type: none"> •, It has an overall negative impact on opening equity, profitability during transition, profitability subsequent to transition and current ratio.

12. Deferred tax (Ind AS 12)

Key Area	Impact
<ul style="list-style-type: none"> Deferred taxes are recognized for future tax consequences of temporary differences between the carrying value of assets and liabilities in books and their respective tax base i.e., balance sheet approach. (Income statement approach was followed under Previous GAAP) 	<ul style="list-style-type: none"> Additional deferred tax assets/liabilities are now created on those adjustments that are routed through other than income statement. The general impact on opening equity and debt-equity ratio is negative.

13. Employee Benefits (Ind AS 19)

Key Area	Impact
<ul style="list-style-type: none"> Under Ind AS, re-measurements i.e. actuarial gains and losses and the return on plan assets on the net defined benefit liability are recognized under other comprehensive income (OCI). 	<ul style="list-style-type: none"> There is no impact on opening equity. The impact on profitability during transition and subsequent to transition is usually positive. EPS is calculated on net profit from continuing operations. EPS is not calculated on OCI. The re-measurements thus will not be included in EPS calculation. Also, such re-measurements shall form a part of reserves and be presented in the statement of changes in equity.

Asset Classification, Income Recognition and Provisioning

Guidelines of the Reserve Bank of India on Income Recognition, Asset Classification, Provisioning and Other Related Matters

4.01 In its report submitted in 1992, the Committee on Financial System set up by the RBI under the Chairmanship of Mr. M. Narasimham made several recommendations concerning accounts of banks. The Committee recommended that a policy of income recognition should be objective and based on record of recovery rather than on any subjective considerations. Likewise, the classification of assets should be done on the basis of objective criteria which would ensure a uniform and consistent application of norms. As regards provisioning, the Committee recommended that provisions should be made on the basis of classification of assets under different categories. Vide its Circular No. BP.BC.129/21.04.043-92 dated April 27, 1992, the Reserve Bank issued guidelines to be followed by all scheduled commercial banks (excluding regional rural banks) for income recognition, asset classification, provisioning and other related matters. These guidelines (commonly referred to as 'prudential guidelines' or 'prudential norms') have since been modified in several respects through various circulars of the Reserve Bank. The latest Master Circular No. RBI/2015-16/101DBR.No.BP.BC.2/21.04.048/2015-16 was issued on July 1, 2015 on 'Prudential Norms on Income Recognition, Asset Classification and Provisioning Pertaining to Advances'. The salient points of the guidelines as presently in force are discussed below:

Non-Performing Assets

4.02 Under the guidelines, income recognition, and provisioning in respect of a credit facility are based on its status of classification as performing or non-performing. A credit facility becomes non-performing "when it ceases to generate income for a bank". Detailed guidelines have been laid down for determining the status of different kinds of credit facilities (term loans, cash credits and overdrafts, bills purchased and discounted, and other credit facilities) as performing or non-performing. These are discussed below:

Criteria for Classification of Various Types of Credit Facilities

4.03 In line with the international best practices and to ensure greater transparency, the RBI has directed the banks to adopt the '90 days' overdue' norm for identification of NPAs from the year ending March 31, 2004.

4.04 Banks have been charging interest at monthly rests, from April 1, 2002. However, the banks should continue to classify an account as NPA only if the interest charged during any quarter is not serviced fully within 90 days from the end of the quarter.

4.05 An account should be treated as 'out of order' if the outstanding balance remains continuously in excess of the sanctioned limit/drawing power. In cases where the outstanding balance in the principal operating account is less than the sanctioned limit/drawing power, but there are no credits continuously for 90 days as on the date of Balance Sheet or credits are not enough to cover the interest debited during the same period, these accounts should also be treated as 'out of order'. Further, any amount due to the bank under any credit facility is 'overdue' if it is not paid on the due date fixed by the bank.

4.06 The following criteria are to be applied for determining the status of various types of credit facilities:

- (a) *Term Loans:* A term loan is treated as a non-performing asset (NPA) if interest and/or instalment of principal remain overdue for a period of more than 90 days.
- (b) *Cash Credits and Overdrafts:* A cash credit or overdraft account is treated as NPA if it remains out of order as indicated above.
- (c) *Bills Purchased and Discounted:* Bills purchased and discounted are treated as NPA if they remain overdue and unpaid for a period of more than 90 days.
- (d) *Securitisation:* The asset is to be treated as NPA if the amount of liquidity facility remains outstanding for more than 90 days, in respect of a securitisation transaction undertaken in terms of guidelines on securitisation dated February 1, 2006.
- (e) *Agricultural Advances:* A loan granted for short duration crops will be treated as NPA, if the instalment of principal or interest thereon remains overdue for two crop seasons and, a loan granted for long duration crops will be treated as NPA, if the instalment of principal or interest thereon remains overdue for one crop season.
- (f) *Credit Card Accounts:* credit card account will be treated as non-performing asset if the minimum amount due, as mentioned in the

statement, is not paid fully within 90 days from the payment due date mentioned in the statement as per Circular DBR.No.BP.BC.30/21.04.048/2015-16 dated July 16 2015. It is further suggested by RBI that banks should follow this uniform method of determining over-due status for credit card accounts while reporting to credit information companies (CIC) and for the purpose of levying of penal charges, viz., late payment charges, etc., if any.

4.07 As per the guidelines, “long duration” crops would be crops with crop season longer than one year and crops, which are not “long duration” crops would be treated as “short duration” crops. The crop season for each crop, which means the period up to harvesting of the crops raised, would be as determined by the State Level Bankers’ Committee in each State. Depending upon the duration of crops raised by an agriculturist, the above NPA norms would also be made applicable to agricultural term loans availed of by him.

4.08 The above norms should be made applicable to all direct agricultural advances as listed in the Master Direction on Lending to Priority Sector-Target and Classification. In respect of all other agricultural loans, identification of NPAs would be done on the same basis as non-agricultural advances, which, at present, is the 90 days delinquency norm.

Classification Norms relating to NPAs

Temporary Deficiencies

4.09 The classification of an asset as NPA should be based on the record of recovery. Bank should not classify an advance account as NPA merely due to the existence of some deficiencies which are temporary in nature such as non-availability of adequate drawing power based on the latest available stock statement, balance outstanding exceeding the limit temporarily, non-submission of stock statements and non-renewal of the limits on the due date, etc. In the matter of classification of accounts with temporary deficiencies, banks have to follow the following guidelines:

- (a) Banks should ensure that drawings in the working capital account are covered by the adequacy of the current assets, since current assets are first appropriated in times of distress. Drawing Power (DP) is required to be arrived at based on current stock statement. Proper computation of drawing power (as per Bank’s policy) is imperative as the advances are to be checked with reference thereto. The auditor should review the Bank’s policy for treatment of creditor’s balances for computation of DP. However, considering the difficulties of large borrowers, stock statements relied upon by the banks for determining drawing power

should not be older than three months. In case of consortium accounts, the drawing power calculation and allocation is made by the Lead Bank and is binding on the Member Banks (circular no. No. C&I/Circular/2014-15/689 dated 29 September 2014 issued by the Indian Banks Association).

- (b) The outstanding in the account based on drawing power calculated from stock statements older than three months is deemed as irregular.
- (c) A working capital borrowing account will become NPA if such irregular drawings are permitted in the account for a continuous period of 90 days even though the unit may be working or the borrower's financial position is satisfactory.
- (d) Regular and ad hoc credit limits need to be reviewed/ regularised not later than three months from the due date/date of ad hoc sanction. In case of constraints such as non-availability of financial statements and other data from the borrowers, the branch should furnish evidence to show that renewal/ review of credit limits is already on and would be completed soon. In any case, delay beyond six months is not considered desirable as a general discipline. Hence, an account where the regular/ adhoc credit limits have not been reviewed/ renewed within 180 days from the due date/ date of adhoc sanction will be treated as NPA.

Regularisation Near About Balance Sheet date

4.10 The asset classification of borrower accounts where a solitary or a few credits are recorded before the balance sheet date should be handled with care and without scope for subjectivity. Where the account indicates inherent weakness on the basis of the data available, the account should be deemed as a NPA. In other genuine cases, the banks must furnish satisfactory evidence about the manner of regularisation of the account to eliminate doubts on their performing status.

Cheque bounce

4.11 In case the account is regularised by making payment through cheque, the Auditor should review the actual realisation of cheques to assess the NPA classification. In case, the cheque is bounced, same should not be considered as credit in the Advance account for assessing the NPA classification.

Asset Classification to be Borrower-wise not Facility-wise

4.12 All facilities granted to a borrower and investment made in securities issued by the borrower will have to be treated as NPA/NPI, once any or a part of the facility/investment has become irregular.

4.13 In case debits arising out of devolvement of letters of credit or invoked guarantees are parked in a separate account, the balance outstanding in that account also should be treated as a part of the borrower's principal operating account for the purpose of application of prudential norms on income recognition, asset classification and provisioning. The following provisions are given in the master circular in this regard:

- (i), The bills discounted under LC favouring a borrower may not be classified as a Non-performing advance (NPA), when any other facility granted to the borrower is classified as NPA. However, in case documents under LC are not accepted on presentation or the payment under the LC is not made on the due date by the LC issuing bank for any reason and the borrower does not immediately make good the amount disbursed as a result of discounting of concerned bills, the outstanding bills discounted will immediately be classified as NPA with effect from the date when the other facilities had been classified as NPA.
- (ii), The overdue receivables representing positive mark-to-market value of a derivative contract will be treated as a non-performing asset, if these remain unpaid for 90 days or more. In case the overdues arising from forward contracts and plain vanilla swaps and options become NPAs, all other funded facilities granted to the client shall also be classified as non-performing asset following the principle of borrower-wise classification as per the existing asset classification norms. Accordingly, any amount, representing positive mark-to-market value of the foreign exchange derivative contracts (other than forward contract and plain vanilla swaps and options) that were entered into during the period April 2007 to June 2008, which has already crystallised or might crystallise in future and is / becomes receivable from the client, should be parked in a separate account maintained in the name of the client / counterparty. This amount, even if overdue for a period of 90 days or more, will not make other funded facilities provided to the client, NPA on account of the principle of borrower-wise asset classification, though such receivable overdue for 90 days or more shall itself be classified as NPA, as per the extant IRAC norms. The classification of all other assets of such clients will, however, continue to be governed by the extant IRAC norms.
- (iii), If the client concerned is also a borrower of the bank enjoying a Cash Credit or Overdraft facility from the bank, the receivables mentioned at item (ii) above may be debited to that account on due date and the impact of its non-payment would be reflected in the cash credit / overdraft facility account. The principle of borrower-wise asset classification would be applicable here also, as per extant norms.

- (iv), In cases where the contract provides for settlement of the current mark-to-market value of a derivative contract before its maturity, only the current credit exposure (not the potential future exposure) will be classified as a non-performing asset after an overdue period of 90 days.
- (v), As the overdue receivables mentioned above would represent unrealised income already booked by the bank on accrual basis, after 90 days of overdue period, the amount already taken to 'Profit and Loss a/c' should be reversed and held in a 'Suspense Account-Crystallised Receivables' in the same manner as done in the case of overdue advances.
- (vi), Further, in cases where the derivative contracts provide for more settlements in future, the MTM value will comprise of (a) crystallised receivables and (b) positive or negative MTM in respect of future receivables. If the derivative contract is not terminated on the overdue receivable remaining unpaid for 90 days, in addition to reversing the crystallised receivable from Profit and Loss Account as stipulated in para above, the positive MTM pertaining to future receivables may also be reversed from Profit and Loss Account to another account styled as 'Suspense Account – Positive MTM'. The subsequent positive changes in the MTM value may be credited to the 'Suspense Account – Positive MTM', not to P&L Account. The subsequent decline in MTM value may be adjusted against the balance in 'Suspense Account – Positive MTM'. If the balance in this account is not sufficient, the remaining amount may be debited to the P&L Account. On payment of the overdues in cash, the balance in the 'Suspense Account-Crystallised Receivables' may be transferred to the 'Profit and Loss Account', to the extent payment is received.
- (vii), If the bank has other derivative exposures on the borrower, it follows that the MTMs of other derivative exposures should also be dealt with / accounted for in the manner as described in para above, subsequent to the crystallised/settlement amount in respect of a particular derivative transaction being treated as NPA.
- (viii), Since the legal position regarding bilateral netting is not unambiguously clear, receivables and payables from/to the same counterparty including that relating to a single derivative contract should not be netted.
- (ix), Similarly, in case a fund-based credit facility extended to a borrower is classified as NPA, the MTMs of all the derivative exposures should be treated in the manner discussed above.

4.14 The Auditor needs to ensure that each customer of the bank is tagged under one single Customer ID in respect of all its accounts, including those in which credit facilities are granted, irrespective of their location, to enable the bank, (subject to the relaxations/exceptions for the time being applicable to any account/facility), to accord the same NPA classification status to the customer/borrower, based on the most adverse classification determined for any of its account/ facility. The auditor should also review the facilities enjoyed by such borrower's related or group entities. The NPA classification so made does not automatically extend to such related or group entities, where the classification would have to be judged based on independently, i.e., at the entity level and not at a group level.

Non Financial Parameters

4.15 Normally NPA assessment is done based on record of recovery of dues in advances account. However, there are many other non-financial parameters which also should be considered while assessing classification of NPA account such as:

- , Inherent weakness in account.
- , Non-Achievement of DCCO.
- , Failure to comply with key restructuring conditions.
- , Erosion in value of security.

All above aspects are dealt with in detail in various paragraphs of this chapter.

Advances to Primary Agricultural Credit Society (PACS) Farmers Service Society (FSS) ceded to Commercial Banks

4.16 In case of advances granted under the on-lending system, however, only the particular credit facility granted to PACSs or FSSs, which is in default for a period of two crop seasons in case of short duration crops and one crop season in case of long duration crops, as the case may be, after it has become due will be classified as NPA and not all the credit facilities sanctioned subject to such conditions as specified in the RBI's latest Master Circular on Prudential Norms on Income Recognition, Asset Classification and provisioning pertaining to Advances dated July 1, 2015. The other direct loans & advances, if any, granted by the bank to the member borrower of a PACS/ FSS outside the on-lending arrangement will become NPA even if one of the credit facilities granted to the same borrower becomes NPA.

Erosion in Value of Securities/ Frauds Committed by Borrowers

4.17 In respect of accounts where there are potential threats for recovery

on account of erosion in the value of security or non-availability of security and existence of other factors such as frauds committed by borrowers, such accounts need not go through the stages of asset classification. In such cases, the asset should be straightaway classified as doubtful or loss asset, as appropriate. Further,

- (i) Erosion in the value of securities by more than 50% of the value assessed by the bank or accepted by RBI inspection team at the time of last inspection, as the case may be, would be considered as “significant”, requiring the asset to be classified as doubtful straightaway and provided for adequately.
- (ii) The realisable value of security as assessed by bank/approved valuers/RBI is less than 10% of the outstanding in the borrower accounts, the existence of the security should be ignored and the asset should be classified as loss asset. In such cases the asset should either be written off or fully provided for.
- (iii), Provisioning norms in respect of all cases of fraud:
 - a., The entire amount due to the bank (irrespective of the quantum of security held against such assets), or for which the bank is liable (including in case of deposit accounts), is to be provided for over a period not exceeding four quarters commencing with the quarter in which the fraud has been detected;
 - b., However, where there has been delay, beyond the prescribed period, in reporting the fraud to the Reserve Bank, the entire provisioning is required to be made at once. In addition, Reserve Bank of India may also initiate appropriate supervisory action where there has been a delay by the bank in reporting a fraud, or provisioning there against;
 - c., Where the bank chooses to provide for the fraud over two to four quarters and this results in the full provisioning being made in more than one financial year, banks should debit 'other reserves' [i.e., reserves other than the one created in terms of Section 17(2) of the Banking Regulation Act 1949] by the amount remaining un-provided at the end of the financial year by credit to provisions. However, banks should proportionately reverse the debits to 'other reserves' and complete the provisioning by debiting profit and loss account, in the subsequent quarters of the next financial year.

Government Guaranteed Advances

4.18 The credit facilities backed by guarantees of Central Government though overdue may be treated as NPA only when the government repudiates its guarantee, when invoked. This exemption from classification of Central Government guaranteed advances as NPA is not for the purpose of recognition of income. In case of State Government guaranteed loans, this exemption will not be available and such account will be NPA if interest / principal / other dues remain overdue for more than 90 days.

Advances under Consortium

4.19 Consortium advances should be based on the record of recovery of the respective individual member banks and other aspects having a bearing on the recoverability of the advances. Where the remittances by the borrower under consortium lending arrangements are pooled with one bank and/or where the bank receiving remittances is not parting with the share of other member banks, the account should be treated as not serviced in the books of the other member banks and therefore, an NPA.

4.20 The banks participating in the consortium, therefore, need to arrange to get their share of recovery transferred from the lead bank or to get an express consent from the lead bank for the transfer of their share of recovery, to ensure proper asset classification in their respective books.

Advances Against Term Deposits, NSCs, KVPs/ IVPs, etc.

4.21 Advances against Term Deposits, NSCs eligible for surrender, KVP/IVP and life policies need not be treated as NPAs, provided adequate margin is available in the accounts. Advance against gold ornaments, government securities and all other securities are not covered by this exemption and should be classified as NPA as per the extant IRAC norms. However, in respect of Jewel Loans taken for Agricultural Purposes, the classification has to be continued in accordance with Crop Seasons only.

Agricultural Advances Affected by Natural Calamities

4.22 Paragraph 4.2.13 of the Master Circular on Prudential Norms on Income Recognition, Asset Classification and Provisioning deals elaborately with the classification and income recognition issues due to impairment caused by natural calamities. Banks may decide on their own relief measures, viz., conversion of the short term production loan into a term loan or rescheduling of the repayment period and the sanctioning of fresh short-term loan, subject to the guidelines contained in RBI's latest Master Circular on "Prudential Norms on Income Recognition, Asset Classification and

Provisioning Pertaining to Advances” dated July 1, 2015 and guidelines contained in RBI FIDD.No.FSD.BC.01/05.10.001/2015-16 dated July 1, 2015 on “Guidelines for Relief Measures by Bank in Areas Affected by Natural Calamities”. In such cases the NPA classification would be governed by such rescheduled terms. The Auditors are advised to obtain the latest decisions of State Level Banking Committee (SLBC) and the minutes of the SLBC meeting will be accessible in website.

4.23 In such cases of conversion or re-schedulement, the term loan as well as fresh short-term loan may be treated as current dues and need not be classified as NPA. The asset classification of these loans would thereafter be governed by the revised terms & conditions and would be treated as NPA if interest and/or instalment of principal remain overdue for two crop seasons for short duration crops and for one crop season for long duration crops. For the purpose of these guidelines, "long duration" crops would be crops with crop season longer than one year and crops, which are not "long duration" would be treated as "short duration" crops.

4.24 While fixing the repayment schedule in case of rural housing advances granted to agriculturist under Indira Awas Yojana and Golden Jubilee Rural Housing Finance Scheme, banks should ensure that the interest/ instalment payable on such advances are linked to crop cycles.

Advances Granted Under Rehabilitation Packages Approved by BIFR/Term Lending Institutions

4.25 In respect of advances under rehabilitation package approved by BIFR/term lending institutions, the provision should continue to be made in respect of dues to the bank on the existing credit facilities as per their classification as sub-standard or doubtful asset. This classification cannot be upgraded by the bank unless the package of renegotiated terms has worked satisfactorily for a period of one year. As regards the additional facilities sanctioned as per package finalised by BIFR and/or term lending institutions, the income recognition, asset classification norms would apply after a period of one year from the date of disbursement.

Transactions Involving Transfer of Assets through Direct Assignment of Cash Flows and the Underlying Securities

4.26 Originating Bank: The asset classification and provisioning rules in respect of the exposure representing the Minimum Retention Requirement (MRR) of the Originator of the asset would be as under:

- a) The originating bank may maintain a consolidated account of the amount representing MRR if the loans transferred are retail loans. In such a case,

the consolidated amount receivable in amortisation of the MRR and its periodicity should be clearly established and the overdue status of the MRR should be determined with reference to repayment of such amount. Alternatively, the originating bank may continue to maintain borrower-wise accounts for the proportionate amounts retained in respect of those accounts. In such a case, the overdue status of the individual loan accounts should be determined with reference to repayment received in each account.

- b) In the case of transfer of a pool of loans other than retail loans, the originator should maintain borrower-wise accounts for the proportionate amounts retained in respect of each loan. In such a case, the overdue status of the individual loan accounts should be determined with reference to repayment received in each account.
- c) If the originating bank acts as a servicing agent of the assignee bank for the loans transferred, it would know the overdue status of loans transferred which should form the basis of classification of the entire MRR/individual loans representing MRR as NPA in the books of the originating bank, depending upon the method of accounting followed as explained in para (a) and (b) above.

4.27 Purchasing Bank: In purchase of pools of both retail and non-retail loans, income recognition, asset classification and provisioning norms for the purchasing bank will be applicable based on individual obligors and not based on portfolio. Banks should not apply the asset classification, income recognition and provisioning norms at portfolio level, as such treatment is likely to weaken the credit supervision due to its inability to detect and address weaknesses in individual accounts in a timely manner. If the purchasing bank is not maintaining the individual obligor-wise accounts for the portfolio of loans purchased, it should have an alternative mechanism to ensure application of prudential norms on individual obligor basis, especially the classification of the amounts corresponding to the obligors which need to be treated as NPAs as per existing prudential norms. One such mechanism could be to seek monthly statements containing account-wise details from the servicing agent to facilitate classification of the portfolio into different asset classification categories. Such details should be certified by the authorized officials of the servicing agent. Bank's concurrent auditors, internal auditors and statutory auditors should also conduct checks of these portfolios with reference to the basic records maintained by the servicing agent. The servicing agreement should provide for such verifications by the auditors of the purchasing bank. All relevant information and audit reports should be available for verification by the Inspecting Officials of RBI during the Annual Financial Inspections of the purchasing banks.

4.28 The above guidelines prescribed for Originating Bank and Purchasing Bank do not apply to:

- (a) Transfer of loan accounts of borrowers by a bank to other bank/FIs/NBFCs and vice versa, at the request/instance of borrower;
- (b) Inter-bank participations;
- (c) Trading in bonds;
- (d) Sale of entire portfolio of assets consequent upon a decision to exit the line of business completely. Such a decision should have the approval of Board of Directors of the bank;
- (e) Consortium and syndication arrangements and arrangement under Corporate Debt Restructuring mechanism;
- (f) Any other arrangement/transactions, specifically exempted by the Reserve Bank of India.

Post Shipment Supplier's Credit

4.29 In respect of post-shipment credit extended by the banks covering export of goods to countries for which the ECGC's cover is available, EXIM Bank has introduced a guarantee-cum-refinance programme whereby, in the event of default, EXIM Bank will pay the guaranteed amount to the bank within a period of 30 days from the day the bank invokes the guarantee after the exporter has filed claim with ECGC.

4.30 Accordingly, where the credit extended by banks are guaranteed by EXIM Bank, the extent to which payment has been received from EXIM bank on guarantee the advance may not be treated as NPA.

Takeout Finance

4.31 Takeout finance is the product emerging in the context of the funding of long-term infrastructure projects. Under such an arrangement, the bank or financial institution financing infrastructure projects will have an arrangement with any financial institution for transferring to the latter the outstanding in respect of such financing in their books on a predetermined basis. In view of the time-lag involved in taking-over, the possibility of a default in the meantime cannot be ruled out. The norms of asset classification will have to be followed by the concerned bank/financial institution in whose books the account stands as balance sheet item as on the relevant date. If the lending institution observes that the asset has turned NPA on the basis of the record of recovery, it should be classified accordingly. The lending institution should not recognise income on accrual basis and account for the same only when it is paid by the

borrower/ taking over institution (if the arrangement so provides). The lending institution should also make provisions against any asset turning into NPA pending its takeover by taking over institution. As and when the asset is taken over by the taking over institution, the corresponding provisions could be reversed. However, the taking over institution, on taking over such assets, should make provisions treating the account as NPA from the actual date of it becoming NPA even though the account was not in its books as on that date.

Export Project Finance

4.32 Where the actual importer has paid the dues to the bank abroad and the proceeds have not been made good to the bank granting finance due to any political reasons, such account need not be classified as NPA if the bank is able to establish through documentary evidence that the importer has cleared the dues in full. The account will, however, have to be considered as NPA if at the end of one year from the date the amount was deposited by the importer in the bank abroad, the amount has not still been remitted to the bank.

Net Worth of Borrower/Guarantor or Availability of Security

4.33 Since income recognition is based on recoveries, net worth of borrower/guarantor should not be taken into account for the purpose of treating an advance as NPA or otherwise, except to the extent provided in Para 4.2.9 of the Master Circular dated July 1, 2015. Likewise, the availability of security and/or guarantee is not relevant for determining whether an account is an NPA or not.

Project Finance Under Moratorium Period

4.34 In the case of bank finance given for industrial projects or for agricultural plantations etc., where moratorium is available for payment of interest, payment of interest becomes due after the moratorium or gestation period is over, and not on the date of debit of interest. Therefore, such amounts of interest do not become overdue and hence the accounts do not become NPA, with reference to the date of debit of interest. They become overdue after due date for payment of interest as per the terms of sanction and consequently NPA norms would apply to those advances from that due date.

Advances to Staff

4.35 Interest bearing staff advances as a banker should be included as part of advances portfolio of the bank. In the case of housing loan or similar advances granted to staff members where interest is payable after recovery of principal, interest need not be considered as overdue from first due date onwards. Such loans/advances should be classified as NPA only when there is a default in repayment of instalment of principal or payment of interest on the

respective due dates. The staff advances by a bank as an employer and not as a banker are required to be included under the sub-head 'Others' under the schedule of Other Assets.

Partial Credit Enhancement to Corporate Bonds

4.36 In a waterfall mechanism, Credit Enhancement (CE) gets drawn only in a contingent situation of cash flow shortfall for servicing a debt / bond etc., and not in the normal course of business. Hence, such an event is indicative of financial distress of the project. Keeping this aspect in view, a drawn tranche of the contingent PCE facility will be required to be repaid within 30 days from the date of its drawal (due date). The facility will be treated as NPA if it remains outstanding for 90 days or more from the due date and provided for as per the usual asset classification and provisioning norms. In that event, the bank's other facilities to the borrower will also be classified as NPA as per extant guidelines.

NPA Management

4.37 The RBI has issued Master Circular dated July 1, 2015 on Prudential Norms on Income Recognition, Asset Classification and provisioning pertaining to Advances. The Circular stresses the importance of effective mechanism and granular data on NPA management in the banks and provides as follows:

- Asset quality of banks is one of the most important indicators of their financial health. However, it has been observed that existing MIS on the early warning systems of asset quality, needed improvement. Banks are, therefore, advised that they should review their existing IT and MIS framework and put in place a robust MIS mechanism for early detection of signs of distress at individual account level as well as at segment level (asset class, industry, geographic, size, etc.). Such early warning signals should be used for putting in place an effective preventive asset quality management framework, including a transparent restructuring mechanism for viable accounts under distress within the prevailing regulatory framework, for preserving the economic value of those entities in all segments.
- The banks' IT and MIS system should be robust and able to generate reliable and quality information with regard to their asset quality for effective decision making. There should be no inconsistencies between information furnished under regulatory/statutory reporting and the banks' own MIS reporting. Banks are also advised to have system generated segment-wise information on non-performing assets and restructured assets which may include data on the opening balances, additions, reductions, (upgradations, actual recoveries, write-offs etc.) closing balances, provisions held, technical write-offs, etc.

Income Recognition

On Advances Granted

4.38 Banks recognise income (such as interest, fees and commission) on accrual basis, i.e., as it is earned. It is an essential condition for accrual of income that it should not be unreasonable to expect its ultimate collection. In view of the significant uncertainty regarding ultimate collection of income arising in respect of non-performing assets, the guidelines require that banks should not recognise income on non-performing assets until it is actually realised.

4.39 If any advance including Bills purchased and discounted, becomes NPA, the entire interest accrued and credited to the income account in the past periods should be reversed if the same is not realised. Interest for the current year if recognised till the date of identification but not realised should also be reversed. Further,

- i. Interest income on advances against term deposits, NSCs, IVPs, KVPs and life policies may be taken to income account on the due date, provided adequate margin is available in the accounts.
- ii. Fees and commissions earned by the banks as a result of re-negotiations or rescheduling of outstanding debts should be recognised on an accrual basis over the period of time covered by the re-negotiated or rescheduled extension of credit.
- iii. If Government guaranteed advances become NPA (subject to what is stated hereunder in respect of Central Govt. guaranteed accounts), the interest on such advances should not be taken to income account unless the interest has been realised.

Credit facilities backed by guarantee of the Central Government, though overdue, may be treated as NPA only when the Government repudiates its guarantee when invoked. Thus, where the guarantee is not invoked/repudiated, the related account cannot be classified as NPA and by implication, the advance is to be treated as "Standard" for the purpose of provisioning. This exemption from classification of such Central Government guaranteed advances as NPA is not for the purpose of recognition of income; and income is to be recognized only based on realisations made.

Reversal of Income

4.40 If any advance, including bills purchased and discounted, becomes NPA, the entire interest accrued and credited to income account in the past periods, should be reversed or provided for if the same is not realised. This will apply to Government guaranteed accounts also.

4.41 In respect of NPAs, fees, commission and similar income that have accrued should cease to accrue in the current period and should be reversed or provided for with respect to past periods, if uncollected.

4.42 Further, in case of banks which have wrongly recognised income in the past should reverse the interest if it was recognised as income during the current year or make a provision for an equivalent amount if it was recognised as income in the previous year(s).

On Leased Assets

4.43 The finance charge component of finance income (as defined in AS 19 – Leases) on the leased asset which has accrued and was credited to income account before the asset became non-performing, and remaining unrealised, should be reversed or provided for in the current accounting period.

On Take-out Finance

4.44 In the case of take-out finance, if based on record of recovery, the account is classified by the lending bank as NPA, it should not recognise income unless realised from the borrower/taking-over institution (if the arrangement so provides).

On Partial Recoveries in NPAs (Appropriation of recoveries in NPAs)

4.45 In the absence of a clear agreement between the bank and the borrower for the purpose of appropriation of recoveries in NPAs (i.e., towards principal or interest due), banks are required to adopt an accounting policy and exercise the right of appropriation of recoveries in a uniform and consistent manner. The appropriate policy to be followed is to recognise income as per AS 9 when certainty attaches to realisation and accordingly amount reversed/derecognised or not recognised in the past should be accounted.

4.46 Interest partly/fully realised in NPAs can be taken to income. However, it should be ensured that the credits towards interest in the relevant accounts are not out of fresh/additional credit facilities sanctioned to the borrowers concerned.

Memorandum Account

4.47 On an account turning NPA, banks should reverse the interest already charged and not collected by debiting Profit and Loss account, and stop further application of interest. However, banks may continue to record such accrued interest in a Memorandum account in their books for control purposes. For the purpose of computing Gross Advances, interest recorded in the Memorandum account should not be taken into account.

Classification of Advances

4.48 The guidelines require banks to classify their advances into four broad categories for the purpose of provisioning as follows:

(a) **Standard assets**

4.49 A standard asset is one which does not disclose any problems and which does not carry more than normal risk attached to the business. Such an asset is not a non-performing asset.

4.50 As per RBI Circular RBI/2017-18/131 DBR.No.BP.BC.101/2104.048/2017-18 dated February 12, 2018 regarding Resolution of Stressed Assets, banks should identify incipient stress in loan accounts, immediately on default by classifying stressed assets as special Mention accounts (SMA) as per the above categories.

SMA Sub-categories	Basis of Classification
SMA-0	1-30 days
SMA-1	31-60 days
SMA-2	61-90 days

Such classification also serves to be useful for bank officers monitoring as well as audit perspective to check the transactions & methods of keeping these standard at the balance sheet date.

(b) **Sub-standard assets**

4.51 A sub-standard asset is one which has remained NPA for a period less than or equal to 12 months. Such an asset will have well defined credit weaknesses that jeopardize the liquidation of the debt and are characterized by the distinct possibility that the banks will sustain some loss, if deficiencies are not corrected.

(c) **Doubtful assets**

4.52 An asset is classified as doubtful if it has remained in the sub-standard category for a period of 12 months. Such an asset has all the inherent weaknesses as in a substandard asset and an added characteristic that the weaknesses make the collection or liquidation in full highly improbable or questionable.

(d) **Loss assets**

4.53 A loss asset is one where loss has been identified by:

- (a) the bank; or
- (b) the internal or external auditors; or
- (c) the RBI inspection.

but the amount has not been written off wholly. In other words, such an asset is considered uncollectible and of such little value that its continuance as a bankable asset is not warranted although there may be some salvage or recovery value.

It may be noted that the above classification is meant for the purpose of computing the amount of provision to be made in respect of advances. The balance sheet presentation of advances is governed by the Third Schedule to the Banking Regulation Act, 1949, which requires classification/presentation of advances altogether differently.

Guidelines on Restructuring of Advances by Banks

4.54 The RBI, vide its Master Circular No.DBR.No.BP.BC.2/21.04.048/2015-16 dated July 1, 2015 issued prudential guidelines on restructuring of advances by banks. The Guidelines also contain the organisational framework for restructuring of advances under consortium/ multiple banking/ syndication arrangements, i.e., the CDR mechanism.

4.55 In line with the recommendation of the Working Group under the Chairmanship of Shri B. Mahapatra, to review the existing prudential guidelines on restructuring of advances by banks/financial institutions, the extant incentive for quick implementation of restructuring package and asset classification benefits (paragraphs 4.226 to 4.228 (available on restructuring on fulfilling the conditions will however be withdrawn for all restructurings effective from April 1, 2015 with the exception of provisions related to changes in DCCO in respect of infrastructure as well as non-infrastructure project loans. It implies that with effect from April 1, 2015, a standard account on restructuring (for reasons other than change in Date of Commencement of Commercial Operations (DCCO)) would be immediately classified as sub-standard on restructuring as also the non-performing assets, upon restructuring, would continue to have the same asset classification as prior to restructuring and slip into further lower asset classification categories as per the extant asset classification norms with reference to the pre-restructuring repayment schedule.

4.56 The guidelines issued by the Reserve Bank of India on restructuring of advances (other than those restructured under a separate set of guidelines

issued by the Rural Planning and Credit Department (RPCD) of the RBI on restructuring of advances on account of natural calamities) are divided into the following four categories:

- , Guidelines on restructuring of advances extended to industrial units.
- , Industrial units under the Corporate Debt Restructuring (CDR) Mechanism.
- , Small and Medium Enterprises (SME).
- , All other advances.

In these four sets of guidelines on restructuring of advances, the differentiations were broadly made based on whether a borrower is engaged in an industrial activity or a non-industrial activity. In addition, an elaborate institutional mechanism was laid down for accounts restructured under CDR Mechanism.

4.57 In the backdrop of extraordinary rise in restructured standard advances, these prudential norms were further revised by taking into account the recommendations of the Working Group under the Chairmanship of Shri B. Mahapatra, to review the existing prudential guidelines on restructuring of advances by banks/financial institutions. The details of the institutional / organizational framework for CDR Mechanism and SME Debt Restructuring Mechanism are given in Annex - 4 to the RBI's Master Circular on "Prudential Norms on Income Recognition, Asset Classification and Provisioning to Advances" dated July 1, 2015 to be read along with circular no. DBOD.BP. BC.No.45/21.04.132/2014-15.

4.58 The CDR Mechanism (Annex - 4 of the Master circular) will also be available to the corporates engaged in non-industrial activities, if they are otherwise eligible for restructuring as per the criteria laid down for this purpose. Further, banks are also encouraged to strengthen the co-ordination among themselves in the matter of restructuring of consortium / multiple banking accounts, which are not covered under the CDR Mechanism.

Key Concepts

4.59 Key concepts used in these guidelines are defined in Annex – 5 to the RBI's Master Circular on "Prudential Norms on Income Recognition, Asset Classification and Provisioning to Advances" dated July 1, 2015.

General Principles and Prudential Norms for Restructured Advances

4.60 The principles and prudential norms laid down in below given paragraphs are applicable to all advances including the borrowers, who are eligible for special regulatory treatment for asset classification.

Eligibility criteria for restructuring of advances

4.61 Banks may restructure the accounts classified under 'standard', 'sub-standard' and 'doubtful' categories. Banks cannot reschedule / restructure / renegotiate borrowal accounts with retrospective effect. While a restructuring proposal is under consideration, the usual asset classification norms would continue to apply. The process of re- classification of an asset should not stop merely because restructuring proposal is under consideration. The asset classification status as on the date of approval of the restructured package by the competent authority would be relevant to decide the asset classification status of the account after restructuring/ rescheduling/ renegotiation. In case there is undue delay in sanctioning a restructuring package and in the meantime the asset classification status of the account undergoes deterioration, it would be a matter of supervisory concern.

4.62 Normally, restructuring cannot take place unless alteration / changes in the original loan agreement are made with the formal consent / application of the debtor. However, the process of restructuring can be initiated by the bank in deserving cases subject to customer agreeing to the terms and conditions.

4.63 No account will be taken up for restructuring by the banks unless the financial viability is established and there is a reasonable certainty of repayment from the borrower, as per the terms of restructuring package. Any restructuring done without looking into cash flows of the borrower and assessing the viability of the projects / activity financed by banks would be treated as an attempt at ever greening a weak credit facility and would invite supervisory concerns / action. Banks should accelerate the recovery measures in respect of such accounts. The viability should be determined by the banks based on the acceptable viability benchmarks determined by them, which may be applied on a case-by-case basis, depending on merits of each case. Illustratively, the parameters may include:

- , The Return on Capital Employed;
- , Debt Service Coverage Ratio;
- , Gap between the Internal Rate of Return;
- , Cost of Funds; and
- , The amount of provision required in lieu of the diminution in the fair value of the restructured advance.

4.64 The viability should be determined by the banks based on the acceptable viability parameters and benchmarks for each parameter determined by them. The benchmarks for the viability parameters adopted by the CDR Mechanism are given in the Appendix to Part – B of this Master Circular on

“Prudential Norms on Income Recognition, Asset Classification and Provisioning” and individual banks may suitably adopt them with appropriate adjustments, if any, for specific sectors while restructuring of accounts in non-CDR cases.

4.65 The borrowers indulging in frauds and malfeasance will continue to remain ineligible for restructuring. Banks may review the reasons for classification of the borrowers as willful defaulters, especially in old cases where the manner of classification of a borrower as a willful defaulter was not transparent, and satisfy itself that the borrower is in a position to rectify the willful default. The restructuring of such cases may be done with Board's approval, while for such accounts the restructuring under the CDR Mechanism may be carried out with the approval of the Core Group only.

4.66 BIFR cases are not eligible for restructuring without their express approval. CDR Core Group in the case of advances restructured under CDR Mechanism, the lead bank in the case of SME Debt Restructuring Mechanism and the individual banks in other cases, may consider the proposals for restructuring in such cases, after ensuring that all the formalities in seeking the approval from BIFR are completed before implementing the package.

Miscellaneous

4.67 The banks should decide on the issue regarding convertibility (into equity) option as a part of restructuring exercise whereby the banks / financial institutions shall have the right to convert a portion of the restructured amount into equity, keeping in view the statutory requirement under Section 19 of the Banking Regulation Act, 1949, (in the case of banks) and relevant SEBI Regulations.

4.68 Conversion of debt into preference shares should be done only as a last resort and such conversion of debt into equity/preference shares should, in any case, be restricted to a cap (say 10 per cent of the restructured debt). Further, any conversion of debt into equity should be done only in the case of listed companies.

4.69 Acquisition of equity shares / convertible bonds / convertible debentures in companies by way of conversion of debt / overdue interest can be done without seeking prior approval from RBI, even if by such acquisition the prudential capital market exposure limit prescribed by the RBI is breached. However, this will be subject to reporting of such holdings to RBI, Department of Banking Supervision (DBS), every month along with the regular Department of Supervision by Banks (DSB) Return on Asset Quality. Nonetheless, banks will

have to comply with the provisions of Section 19(2) of the Banking Regulation Act, 1949.

4.70 Acquisition of non-SLR securities by way of conversion of debt is exempted from the mandatory rating requirement and the prudential limit on investment in unlisted non-SLR securities, prescribed by the RBI, subject to periodical reporting to the RBI in the aforesaid DSB return.

4.71 Banks may consider incorporating in the approved restructuring packages creditor's rights to accelerate repayment and the borrower's right to pre-pay. Further, all restructuring packages must incorporate 'Right to recompense' clause and it should be based on certain performance criteria of the borrower. In any case, minimum 75 per cent of the recompense amount should be recovered by the lenders and in cases where some facility under restructuring has been extended below base rate, 100 per cent of the recompense amount should be recovered.

4.72 As stipulating personal guarantee will ensure promoters' "skin in the game" or commitment to the restructuring package, promoters' personal guarantee should be obtained in all cases of restructuring and corporate guarantee cannot be accepted as a substitute for personal guarantee. However, corporate guarantee can be accepted in those cases where the promoters of a company are not individuals but other corporate bodies or where the individual promoters cannot be clearly identified.

Disclosures

4.73 With effect from the financial year 2012-13, banks are required to disclose in their published annual Balance Sheets, under 'Notes on Accounts' information relating to number of accounts and amount of advances restructured, and the amount of diminution in the fair value of the restructured advances as per the format given in Annex – 6 to the RBI circular. The information would be required for advances restructured under CDR Mechanism, SME Debt Restructuring Mechanism and other categories separately. Banks must disclose the total amount outstanding in all the accounts / facilities of borrowers whose accounts have been restructured along with the restructured part or facility. This means even if only one of the facilities / accounts of a borrower has been restructured, the bank should also disclose the entire outstanding amount pertaining to all the facilities / accounts of that particular borrower. The disclosure format prescribed in Annex-6, *inter-alia*, includes the following:

- i. details of accounts restructured on a cumulative basis excluding the standard restructured accounts which cease to attract higher provision and risk weight (if applicable);
- ii. provisions made on restructured accounts under various categories; and
- iii. details of movement of restructured accounts.

4.74 This implies that once the higher provisions and risk weights (if applicable) on restructured advances (classified as standard either *ab initio* or on upgradation from NPA category) revert to the normal level on account of satisfactory performance during the prescribed period, such advances should no longer be required to be disclosed by banks as restructured accounts in the “Notes on Accounts” in their Annual Balance Sheets. However, the provision for diminution in the fair value of restructured accounts on such restructured accounts should continue to be maintained by banks as per the existing instructions.

4.75 It has been reiterated that the basic objective of restructuring is to preserve economic value of units, not ever greening of problem accounts. This can be achieved by banks and the borrowers only by careful assessment of the viability, quick detection of weaknesses in accounts and a time-bound implementation of restructuring packages. (Text of RBI Master circular on “Prudential Norms on Income Recognition, Asset Classification and Provisioning pertains to Advances” for Annex 1 to 6 is given in Pen Drive/CD.)

The Guidelines for various type of Restructuring discussed below are as under:

- i. Joint Lenders Forum (JLF) and Corrective Action Plan (CAP).
- ii. Strategic Debt Restructuring (SDR).
- iii. Scheme for Sustainable structuring of Stressed Assets (S4A).
- iv. Corporate Debt Restructuring (CDR) Mechanism.
- v. Resolution of Stressed Assets – Revised Framework w.e.f. February 12, 2018.

Guidelines on Joint Lenders Forum (JLF) and Corrective Action Plan (CAP)

4.76 These guidelines are applicable for lending under Consortium and Multiple Banking Arrangements (MBA) [except instructions in paragraphs 4.77, 4.111, 4.118 and 4.119 below and in case of dissemination of Information, which are applicable in all cases of lending], and should be read with prudential norms on ‘Restructuring of Advances by banks’ as contained in Part B of this

Master Circular no. RBI/2015-16/101 DBR.No.BP.BC.2/ 21.04.048/2015-16 dated July 1, 2015 issued prudential guidelines on restructuring of advances by banks.

Formation of Joint Lenders' Forum

4.77 Bank is required to classify the loan accounts into 3 categories as special mention accounts as given below:

- 1), SMA-0: Principal or interest payment not overdue for more than 30 days but account showing signs of incipient stress as given in appendix to Part C of Master Circular no. RBI/2015-16/101DBR.No.BP.BC.2/21.04.048/ 2015-16 dated July 1, 2015.
- 2), SMA-1: Principal or interest payment overdue between 31-60 days.
- 3), SMA-2: Principal or interest payment overdue between 61-90 days.

Banks are required to report credit information, including classification of an account as SMA to CRILC (Central Repository of Information on Large Credits) on all their borrowers having aggregate fund-based and non-fund based exposure of Rs.50 million and above. Except the exemption granted for Crop loans, interbank exposure and exposure to NABARD, SIDBI, EXIM Bank and NHB from reporting as per Reserve Bank of India circular no. DBOD.BP.BC.No.45/21.04.132/2014-15 dated October 21, 2014.

4.78 Reserve Bank of India vide circular no. DBOD.BP.BC.No.45/21.04.132/ 2014-15 dated October 21, 2014 clarified that bank must report Cash credit (CC) and Overdraft (OD) accounts, including overdraft arising out of devolved LCs/Invoked guarantees to CRILC as SMA 2 when these are 'out of order' for more than 60 days. Similarly, bills purchased or discounted (other than those backed by LCs issued by banks) and derivative exposures with receivables representing positive mark to market value remaining overdue for more than 60 days should be reported to CRILC as SMA-2.

4.79 Further, Banks should continue to report the credit information and SMA status to CRILC on loans including loans extended by their overseas branches. However, formation of JLF will not be mandatory in cases of offshore borrowers which do not have any presence in India, either by way of a subsidiary, parent or a group entity. Further, the inclusion of offshore lenders as part of JLF shall not be mandatory. Formation of JLF will not be mandatory on reporting of investment portfolio as SMA, except in cases of bonds/debentures acquired on private placement basis or due to conversion of debt under restructuring of advances.

- 1), Banks should mandatorily form a committee to be called Joint Lenders' Forum (JLF) if the aggregate exposure (AE) [fund based and non-fund based taken together] of lenders in that account is Rs 1000 million and above and the account is reported by any of the lenders to CRILC as SMA-2.
- 2), Lenders also have the option of forming a JLF even when the AE in an account is less than Rs.1000 million and/or when the account is reported as SMA-0 or SMA-1.

4.80 Existing Consortium Arrangement for consortium accounts will serve as JLF with the Consortium Leader as convener, for accounts under Multiple Banking Arrangements (MBA), the lender with the highest AE will convene JLF. In case of a borrower's request for formation of JLF, the account should be reported as SMA-0 on such request to CRILC and the lender should form the JLF immediately if the AE is Rs 1000 million and above. The formation of JLF is optional for other cases of SMA-0 reporting.

4.81 All the lenders should formulate and sign an Agreement (which may be called JLF agreement) incorporating the broad rules for the functioning of the JLF. The Indian Banks' Association (IBA) has prepared a Master JLF agreement and operational guidelines for JLF which can be adopted by all lenders. JLF formation and subsequent corrective actions will be mandatory in accounts having AE of Rs.1000 million and above, in other cases also the lenders will have to monitor the asset quality closely and take corrective action for effective resolution as deemed appropriate.

Corrective Action Plan (CAP) by JLF

4.82 The options under Corrective Action Plan (CAP) by the JLF would generally include –

- a), Rectification: Obtaining a specific commitment from the borrower to regularise the account so that the account comes out of SMA status or does not slip into the NPA category. Commitment should be supported by identifiable cash flows without loss or sacrifice to existing lenders, additional funding through equity/strategic investors. These measures are intended to turnaround the entity/company without any changes to the terms and conditions of the loan.
- b), Restructuring: Consider the possibility of Restructuring the account if it is prima facie viable and the borrower is not a willful defaulter (i.e. there is no diversion of funds, fraud or malfeasances etc. At this stage, commitment from promoters for extending their personal guarantees along with their net

worth statement supported by copies of legal titles to assets may be obtained along with a declaration that they would not undertake any transaction that would alienate assets without the permission of the JLF.

- c), Recovery: Once the first two options at (a) and (b) above are seen as not feasible, due recovery process may be resorted to. The JLF may decide the best recovery process to be followed, among the various legal and other recovery options available, with a view to optimising the efforts and results.

4.83 The decisions agreed upon by a minimum of 60% of creditors by value and 50% of creditors by number in the JLF would be considered as the basis for proceeding with the restructuring of the account, and will be binding on all lenders under the terms of the ICA (Inter creditor agreement). However, if the JLF decides to proceed with recovery, the minimum criteria for binding decision, if any, under any relevant laws/Acts would be applicable.

4.84 The JLF is required to arrive at an agreement on the option to be adopted for CAP within 45 days from (i) the date of an account being reported as SMA-2 by one or more lender, or (ii) receipt of request from the borrower to form a JLF, with substantiated grounds, if it senses imminent stress. The JLF should sign off the detailed final CAP within the next 30 days from the date of arriving at such an agreement.

4.85 If the JLF decides on option of rectification or restructuring given above, but the account fails to perform as per the agreed terms under the option, the JLF should initiate recovery.

4.86 Joint Lenders' Forum Empowered Group (JLF – EG)

- A. Sometimes Boards of the banks find it difficult to approve the decisions taken by JLF as the JLFs do not have senior level representations from the participating lenders. In this regard, it is clarified that, although RBI has not explicitly prescribed the level of representation in its guidelines, banks are expected to depute sufficiently empowered senior level officials for deliberations and decisions in the meetings of JLF.
- B. Nevertheless, it has been decided that JLF will finalise the CAP and the same will be placed before an Empowered Group (EG) of lenders, which will be tasked to approve the rectification/restructuring packages under CAPs. The JLF-EG shall have the following composition:
- i. A representative each of SBI and ICICI Bank as standing members;
 - ii. A representative each of the top three lenders to the borrower. If SBI or ICICI Bank is among the top three lenders to the borrower, then a

representative of the fourth largest or a representative each of the fourth and the fifth largest lenders as the case may be;

- iii. A representative each of the two largest banks in terms of advances who do not have any exposure to the borrower; and
- iv. The participation in the JLF-EG shall not be less than the rank of an Executive Director in a PSB or equivalent.

The JLF convening bank will convene the JLF-EG and provide the secretarial support to it.

Restructuring under JLF

4.87 If the JLF decide to restructure as CAP, it can be referred to CDR cell or restructure the same independent of CDR mechanism. For restructuring process refer Master Circular no. RBI/2015-16/101DBR.No.BP.BC.2/21.04.048/2015-16 dated July 1, 2015 along with clarification issued by Reserve bank of India circular no. DBOD.BP.BC.No.45/21.04.132/2014-15 dated October 21, 2014.

Restructuring of Doubtful accounts under JLF

4.88 In terms of paragraph 4.3.6 of the circular DBOD.BP.BC.No.97/21.04.132/2013-14 dated February 26, 2014, while generally no account classified as doubtful should be considered by the JLF for restructuring, in cases where a small portion of debt is doubtful i.e. the account is standard/sub-standard in the books of at least 90% of creditors (by value), the account may then be considered under JLF for restructuring.

4.89 In partial modification of the above, it has been decided that a JLF may decide on restructuring of an account classified as 'doubtful' in the books of one or more lenders similar to that of SMA2 and sub-standard assets, if the account has been assessed as viable under the Technology Economic Viability (TEV) and the JLF-EG concurs with the assessment and approves the proposal.

Asset Classification Norms

4.90 While a restructuring proposal is under consideration by the JLF/CDR, the usual asset classification norm would continue to apply. The process of re-classification of an asset should not stop merely because restructuring proposal is under consideration by the JLF/CDR.

4.91 The auditor should also verify whether that in case a standard asset has been restructured, it has been downgraded to "substandard" asset immediately. As mentioned in paragraph 20.2.3 in Part – B of this Master Circular on Prudential Norms on Income Recognition, Asset Classification and

Provisioning, the special asset classification benefit as given below has been withdrawn for all restructurings with effect from April 1, 2015 with the exception of provisions related to changes in Date of Commencement of Commercial Operations (DCCO) in respect of infrastructure and non-infrastructure project loans.

4.92 Incentive for quick implementation of a restructuring package, the special asset classification benefit on restructuring of accounts as per extant instructions would be available for accounts undertaken for restructuring under these guidelines, subject to adherence to the overall timeframe for approval of restructuring package detailed in paragraphs 28.3 and 28.4 of Master Circular no. RBI/2015-16/101 DBR.No.BP.BC.2/21.04.048/2015-16 dated July 1, 2015 to be read along with Reserve bank of India circular no. DBOD.BP.BC.No.45/21.04.132/2014-15 dated October 21, 2014 and implementation of the approved package within 90 days from the date of approval. The asset classification status as on the date of formation of JLF would be the relevant date to decide the asset classification status of the account after implementation of the final restructuring package.

Strategic Debt Restructuring:

4.93 RBI circular DBOD.BP.BC.No.97/21.04.132/2013-14 dated February 26, 2014 on “Framework for Revitalising Distressed Assets in the Economy – Guidelines on Joint Lenders’ Forum (JLF) and Corrective Action Plan (CAP)”, wherein change of management was envisaged as a part of restructuring of stressed assets. Paragraph 5.3 of the circular states that the general principle of restructuring should be that the shareholders bear the first loss rather than the debt holders. With this principle in view and also to ensure more ‘skin in the game’ of promoters, JLF/Corporate Debt Restructuring Cell (CDR) may consider the following options when a loan is restructured:

- Possibility of transferring equity of the company by promoters to the lenders to compensate for their sacrifices;
- Promoters infusing more equity into their companies;
- Transfer of the promoters’ holdings to a security trustee or an escrow arrangement till turnaround of company. This will enable a change in management control, should lenders favour it.

4.94 It has been observed that in many cases of restructuring of accounts, borrower companies are not able to come out of stress due to operational/managerial inefficiencies despite substantial sacrifices made by the lending banks. In such cases, change of ownership will be a preferred option. Further, under JLF and CDR mechanism, the restructuring package should also stipulate

the timeline during which certain viability milestones (e.g. improvement in certain financial ratios after a period of time, say, 6 months or 1 year and so on) would be achieved. The JLF must periodically review the account for achievement/non-achievement of milestones and should consider initiating suitable measures including recovery measures as deemed appropriate. With a view to ensuring more stake of promoters in reviving stressed accounts and provide banks with enhanced capabilities to initiate change of ownership in accounts which fail to achieve the projected viability milestones, banks may, at their discretion, undertake a 'Strategic Debt Restructuring (SDR)' by converting loan dues to equity shares, which will have the following features:

- (i), At the time of initial restructuring, the JLF must incorporate, in the terms and conditions attached to the restructured loan/s agreed with the borrower, an option to convert the entire loan (including unpaid interest), or part thereof, into shares in the company in the event the borrower is not able to achieve the viability milestones and/or adhere to 'critical conditions' as stipulated in the restructuring package. This should be supported by necessary approvals/authorisations (including special resolution by the shareholders) from the borrower company, as required under extant laws/regulations, to enable the lenders to exercise the said option effectively. Restructuring of loans without the said approvals/authorisations for SDR is not permitted. If the borrower is not able to achieve the viability milestones and/or adhere to the 'critical conditions' referred to above, the JLF must immediately review the account and examine whether the account will be viable by effecting a change in ownership. If found viable under such examination, the JLF may decide on whether to invoke the SDR, i.e. convert the whole or part of the loan and interest outstanding into equity shares in the borrower company, so as to acquire majority shareholding in the company;
- (ii), Provisions of the SDR would also be applicable to the accounts which have been restructured before the date of this circular provided that the necessary enabling clauses, as indicated in the above paragraph, are included in the agreement between the banks and borrower;
- (iii), The decision on invoking the SDR by converting the whole or part of the loan into equity shares should be taken by the JLF as early as possible but within 30 days from the above review of the account. Such decision should be well documented and approved by the majority of the JLF members (minimum of 60% of creditors by value and 50% of creditors by number);
- (iv), In order to achieve the change in ownership, the lenders under the JLF should collectively become the majority shareholder by conversion of their

dues from the borrower into equity. However, the conversion by JLF lenders of their outstanding debt (principal as well as unpaid interest) into equity instruments shall be subject to the member banks' respective total holdings in shares of the company conforming to the statutory limit in terms of Section 19(2) of Banking Regulation Act, 1949;

- (v), Post the conversion, all lenders under the JLF must collectively hold 51% or more of the equity shares issued by the company;
- (vi), The share price for such conversion of debt into equity will be determined as per the method given para 4.95;
- (vii), Henceforth, banks should include necessary covenants in all loan agreements, including restructuring, supported by necessary approvals/authorisations (including special resolution by the shareholders) from the borrower company, as required under extant laws/regulations, to enable invocation of SDR in applicable cases;
- (viii), The JLF must approve the SDR conversion package within 90 days from the date of deciding to undertake SDR;
- (ix), The conversion of debt into equity as approved under the SDR should be completed within a period of 90 days from the date of approval of the SDR package by the JLF. For accounts which have been referred by the JLF to CDR Cell for restructuring in terms of paragraph 4.2 of circular DBOD.BP.BC.No.97/21.04.132/2013-14 dated February 26, 2014 cited above, JLF may decide to undertake the SDR either directly or under the CDR Cell;
- (x), The invocation of SDR will not be treated as restructuring for the purpose of asset classification and provisioning norms;
- (xi), On completion of conversion of debt to equity as approved under SDR, the existing asset classification of the account, as on the reference date indicated at para 4.95(ii) below, will continue for a period of 18 months from the reference date. Thereafter, the asset classification will be as per the extant IRAC norms, assuming the aforesaid 'stand-still' in asset classification had not been given. However, when banks' holdings are divested to a new promoter, the asset classification will be as per the para 4.94(xiii) below;
- (xii), Banks should ensure compliance with the provisions of Section 6 of Banking Regulation Act and JLF should closely monitor the performance of the company and consider appointing suitable professional management to run the affairs of the company;

- (xiii), JLF and lenders should divest their holdings in the equity of the company as soon as possible. On divestment of banks' holding in favour of a 'new promoter', the asset classification of the account may be upgraded to 'Standard'. However, the quantum of provision held by the bank against the said account as on the date of divestment, which shall not be less than what was held as at the 'reference date', shall not be reversed. At the time of divestment of their holdings to a 'new promoter', banks may refinance the existing debt of the company considering the changed risk profile of the company without treating the exercise as 'restructuring' subject to banks making provision for any diminution in fair value of the existing debt on account of the refinance. Banks may reverse the provision held against the said account only when all the outstanding loan/facilities in the account perform satisfactorily during the 'specified period' (as defined in the extant norms on restructuring of advances), i.e. principal and interest on all facilities in the account are serviced as per terms of payment during that period. In case, however, satisfactory performance during the specified period is not evidenced, the asset classification of the restructured account would be governed by the extant IRAC norms as per the repayment schedule that existed as on the reference date indicated at para 4.95(ii) below, assuming that 'stand-still' / above upgrade in asset classification had not been given. However, in cases where the bank exits the account completely, i.e. no longer has any exposure to the borrower, the provision may be reversed/absorbed as on the date of exit;
- (xiv), The asset classification benefit provided at the above paragraph is subject to the following conditions:
- a), The 'new promoter' should not be a person/entity/subsidiary/associate etc. (domestic as well as overseas), from the existing promoter/promoter group. Banks should clearly establish that the acquirer does not belong to the existing promoter group; and
 - b), The new promoters should have acquired at least 51 per cent of the paid up equity capital of the borrower company. If the new promoter is a non-resident, and in sectors where the ceiling on foreign investment is less than 51 per cent, the new promoter should own at least 26 per cent of the paid up equity capital or up to applicable foreign investment limit, whichever is higher, provided banks are satisfied that with this equity stake the new non-resident promoter controls the management of the company.
 - c), *Vide* circular dated 10th November, 2016, it has been decided to modify paragraph (xiv)(b) of circular DBR.BP.BC.No.101/21.04.132/2014-15

dated June 8, 2015 and paragraph 7 of circular DBR.BP.BC.No.82 / 21.04.132/2015-16 dated February 25, 2016 as under:

“The new promoter should have acquired at least 26 percent of the paid up equity capital of the borrower company and shall be the single largest shareholder of the borrower company. Further, the new promoter shall be in ‘control’ of the borrower company as per the definition of ‘control’ provided in the Companies Act 2013 / regulations issued by the Securities and Exchange Board of India / any other applicable regulations / accounting standards as the case may be.”

In terms of extant instructions, JLFs are required to adhere to certain prescribed timelines during SDR process. In partial modification of the extant instructions, it is advised that the JLF can have flexibility in the time taken for completion of individual activities up to conversion of debt into equity in favour of lenders (i.e. up to 210 days from the review of achievement of milestones/critical conditions) as per the SDR 4 package approved by JLF. It is also clarified that the benefit of ‘stand-still’ in asset classification will apply from the reference date itself. However, if the targeted conversion of debt into equity shares does not take place within 210 days from the review of achievement of milestones/critical conditions, the benefit will cease to exist. Thereafter, the loans will be classified as per the conduct of the account as per the extant Income Recognition, Asset Classification and Provisioning norms.

It is clarified that ‘stand-still’ clause only applies to asset classification and banks shall not recognize income on accrual basis if the interest is not serviced within 90 days from the due date.

Banks shall make disclosures on invocation of SDR in annual financial statements as per the format given.

4.95 The conversion price of the equity shall be determined as per the guidelines given below:

- (i) Conversion of outstanding debt (principal as well as unpaid interest) into equity instruments should be at a ‘Fair Value’ which will not exceed the lowest of the following, subject to the floor of ‘Face Value’ (restriction under section 53 of the Companies Act, 2013):
 - a), Market value (for listed companies): Average of the closing prices of the instrument on a recognized stock exchange during the ten trading days preceding the ‘reference date’ indicated at (ii) below;

b), Break-up value: Book value per share to be calculated from the company's latest audited balance sheet (without considering 'revaluation reserves', if any) adjusted for cash flows and financials post the earlier restructuring; the balance sheet should not be more than a year old. In case the latest balance sheet is not available this break-up value shall be Re.1.

(ii) The above Fair Value will be decided at a 'reference date' which is the date of JLF's decision to undertake SDR.

4.96 The above pricing formula under Strategic Debt Restructuring Scheme has been exempted from the Securities and Exchange Board of India (SEBI) (Issue of Capital and Disclosure Requirements) Regulations, 2009 subject to certain conditions, in terms of SEBI (Issue of Capital and Disclosure Requirements) (Second Amendment) Regulations, 2015 notified *vide* the Gazette of India Extraordinary Part-III-Section 4, published on May 5, 2015. Further, in the case of listed companies, the acquiring lender on account of conversion of debt into equity under SDR will also be exempted from the obligation to make an open offer under regulation 3 and regulation 4 of the provisions of the Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 2011 in terms of SEBI (Substantial Acquisition of Shares and Takeovers) (Second Amendment) Regulations, 2015. This has been notified *vide* the Gazette of India Extraordinary Part-III-Section 4 published on May 05, 2015. Banks should adhere to all the prescribed conditions by SEBI in this regard.

4.97 In addition to conversion of debt into equity under SDR, banks may also convert their debt into equity at the time of restructuring of credit facilities under the extant restructuring guidelines. However, exemption from regulations of SEBI, as detailed in paragraph 4.96 above, shall be subject to adhering to the guidelines stipulated in the above paragraphs.

4.98 Acquisition of shares due to such conversion will be exempted from regulatory ceilings/restrictions on Capital Market Exposures, investment in Para-Banking activities and intra-group exposure. However, this will require reporting to RBI (reporting to DBS, CO every month along with the regular DSB Return on Asset Quality) and disclosure by banks in the Notes to Accounts in Annual Financial Statements. Equity shares of entities acquired by the banks under SDR shall be assigned a 150% risk weight for a period of 18 months from the 'reference date' indicated in paragraph 4.95(ii). After 18 months from the 'reference date', these shares shall be assigned risk weights as per the extant capital adequacy regulations.

4.99 Equity shares acquired and held by banks under the scheme shall be exempt from the requirement of periodic mark-to-market (stipulated vide Prudential Norms for Classification, Valuation and Operation of Investment Portfolio by Banks) for the 18 months' period indicated at para 4.94(xi).

4.100 Conversion of debt into equity in an enterprise by a bank may result in the bank holding more than 20% of voting power, which will normally result in an investor-associate relationship under applicable accounting standards. However, as the lender acquires such voting power in the borrower entity in satisfaction of its advances under the SDR, and the rights exercised by the lenders are more protective in nature and not participative, such investment may not be treated as investment in associate in terms of paragraph 10.2.3 of Annexure to circular DBOD.No.BP.BC.89/21.04.018/2002-03 dated March 29, 2003 on 'Guidelines on Compliance with Accounting Standards (AS) by Banks'.

4.101 With reference to the provisions contained in circular DBR.BP.BC.No. 101/21.04.132/2014-15 dated June 8, 2015 on "Strategic Debt Restructuring", it is advised that in cases of failure of rectification or restructuring as a CAP as decided by JLF in terms of paragraph 3 of circular DBOD.BP.BC.No.97/21.04.132/2013-14 dated February 26, 2014, JLF will have the option to initiate SDR to effect change of management of the borrower company subject to compliance with the conditions as stated above.

Audit Procedure for Accounts falling under CDR Programme

4.102 The details of the institutional/organizational framework for CDR Mechanism and SME Debt Restructuring Mechanism are given in Annexure-4 to the RBI's Master Circular on "Prudential Norms on Income Recognition, Assets Classification and Provisioning to Advances" dated July 01, 2015 to be read along with circular no. DBOD.BP.BC.No.45/21.04.132/2014-15. Following audit procedures are to be carried out to assess / gain an understanding about the borrower account.

- (a), Review the present classification of the account under IRAC norms adopted by the bank and corresponding provision made in the books of accounts, if any. If the account is already treated as NPA in the books of the bank, the same cannot be upgraded only because of the CDR package.
- (b), Review the Debtor- Creditor Agreement (DCA) and Inter Creditor Agreement (ICA) with respect to availability of such agreements and necessary provisions in the agreement for reference to CDR cell in case of necessity, penal clauses, stand-still clause, to abide by the various elements of CDR system etc., (DCA may be entered into at the time of original sanction of loan or at the time of reference to CDR).

(c), Auditor has to ascertain the terms of rehabilitation along with the sacrifices, if any, assumed in the rehabilitation program to verify whether such sacrifices have been accounted in the books of accounts of the lender. Ascertain whether any additional financing / conversion of loan into equity have been envisaged in the rehabilitation / restructuring program.

4.103 There are two Categories of CDR system namely Category 1 CDR system and Category 2 CDR system. Category 1 CDR system covers borrower accounts classified as 'Standard' and 'Sub-Standard' assets whereas Category 2 CDR system covers advances classified as 'Doubtful' asset. Corporates classified as willful defaulter, indulging in fraud or misfeasance even in a single bank will not be considered for CDR scheme. Auditor needs to ascertain whether the borrower account falls under Category 1 CDR system or Category 2 CDR system or classified as willful defaulter, fraud etc.

4.104 Auditor should also ascertain whether account has been referred to BIFR, as such cases are not eligible for restructuring under CDR system. Large value BIFR cases may be eligible for restructuring under CDR if specifically recommended by CDR core group. Auditor has to verify the necessary approvals/ recommendations by CDR core group if auditor comes across any BIFR cases.

4.105 Auditor has to examine whether the accounts wherein recovery suits have been filed, the initiative to resolve under CDR system is taken by at least by 75% of the creditors by value and 60% in number provided the account meets the basic criteria for becoming eligible under CDR mechanism.

Treatment of accounts restructured under CDR program: Classification and Provisioning

4.106 The criteria for classification of accounts will be on the basis of record of recovery as per the existing prudential norms. The asset classification will be as per the lender bank's record of recovery and will be bank specific.

4.107 The auditor should examine whether the lender has applied the usual asset classification norms pending outcome of the account with the CDR Cell. The asset classification status should be restored to the position, which existed at the time of reference to the cell if the restructuring under the CDR system takes place.

4.108 The auditor should also verify whether that in case a standard asset has been restructured it has been downgraded to "substandard" asset. The auditor

should also verify whether the proper disclosure in the Notes to Accounts in respect of CDR of SME undertaken by the bank during the year, as prescribed in the RBI's circular, has been made.

Guidelines on Scheme for Sustainable Structuring of Stressed Assets (S4A)

4.109

- , Resolution of large borrowal accounts which are facing severe financial difficulties may, inter-alia, require co-ordinated deep financial restructuring which often involves a substantial write-down of debt and/or making large provisions.
- , In order to ensure that adequate deep financial restructuring is done to give projects a chance of sustained revival, the Reserve Bank, after due consultation with banks, has decided to facilitate the resolution of large accounts, which satisfy the conditions set out in the following paragraphs.
- , Eligible Accounts

For being eligible under the scheme, the account (In respect of Securitisation Companies/ Reconstruction Companies (SCs/RCs), only those accounts are eligible which, in addition to meeting the listed criteria, have been acquired against consideration in cash only, i.e. not by issuing any Security Receipts) should meet all the following conditions:

- (i) The project has commenced commercial operations;
 - (ii) The aggregate exposure (including accrued interest) of all institutional lenders in the account is more than Rs.500 crore (including Rupee loans, Foreign Currency loans/External Commercial Borrowings);
 - (iii) The debt meets the test of sustainability as outlined in Debt Sustainability below.
- , Debt Sustainability
- A debt level will be deemed sustainable if the Joint Lenders Forum (JLF)/Consortium of lenders/bank conclude through independent techno-economic viability (TEV) that debt of that principal value amongst the current funded/non-funded liabilities owed to institutional lenders can be serviced over the same tenor as that of the existing facilities even if the future cash flows remain at their current level. For this scheme to apply, sustainable debt should not be less than 50 percent of current funded liabilities. This is referred to as Part A in paragraph 2 of Sustainable Debt below.
- , Sustainable Debt

1. The resolution plan may involve one of the following options with regard to the post-resolution ownership of the borrowing entity:
 - (a) The current promoter continues to hold majority of the shares or shares required to have control;
 - (b) The current promoter has been replaced with a new promoter, in one of the following ways:
 - (i) Through conversion of a part of the debt into equity under SDR mechanism which is thereafter sold to a new promoter;
 - (ii) In the manner contemplated as per Prudential Norms on Change in Ownership of Borrowing Entities (Outside SDR Scheme);
 - (c) The lenders have acquired majority shareholding in the entity through conversion of debt into equity either under SDR or otherwise; and
 - (i) allow the current management to continue; or
 - (ii) hand over management to another agency/professionals under an operate and manage contract.

Note: Where malfeasance on the part of the promoter has been established, through a forensic audit or otherwise, this scheme shall not be applicable if there is no change in promoter or the management is vested in the delinquent promoter.

2. In any of the circumstances mentioned above, the JLF/consortium/bank shall, after an independent TEV, bifurcate the current dues of the borrower into Part A and Part B as described below:
 - (a) Determine the level of debt (including new funding required to be sanctioned within next six months and non-funded credit facilities crystallising within next 6 months) that can be serviced (both interest and principal) within the respective residual maturities of existing debt, from all sources, based on the cash flows available from the current as well as immediately prospective (not more than six months) level of operations. For this purpose, free cash flows (i.e., cash flow from operations minus committed capital expenditure) available for servicing debt as per latest audited/reviewed financial statement will be considered. Where there is more than one debt facility, the maturity profile of each facility shall be that which exists on the date of finalising this

resolution plan. For the purpose of determining the level of debt that can be serviced, the assessed free cash flow shall be allocated to servicing each existing debt facility in the order in which its servicing falls due. The level of debt so determined will be referred to as Part A in these guidelines.

- (b) The difference between the aggregate current outstanding debt, from all sources, and Part A will be referred to as Part B in these guidelines.
- (c) The security position of lenders will, however, not be diluted and Part A portion of loan will continue to have at least the same amount of security cover as was available prior to this resolution.

- , The Resolution Plan

- , The Resolution Plan shall have the following features:

- (a) There shall be no fresh moratorium granted on interest or principal repayment for servicing of Part A.
 - (b) There shall not be any extension of the repayment schedule or reduction in the interest rate for servicing of Part A, as compared to repayment schedule and interest rate prior to this resolution.
 - (c) Part B shall be converted into equity/redeemable cumulative optionally convertible preference shares. However, in cases where the resolution plan does not involve change in promoter, banks may, at their discretion, also convert a portion of Part B into optionally convertible debentures. All such instruments will continue to be referred to as Part B instruments in this circular for ease of reference.

- , Valuation and marking to market

For the purpose of this scheme, the fair value for Part B instruments will be arrived at as per the following methodologies:

- (a), Equity - The equity shares in the bank's portfolio should be marked to market preferably on a daily basis, but at least on a weekly basis. Equity shares for which current quotations are not available or where the shares are not listed on the stock exchanges, should be valued at the lowest value arrived using the following valuation methodologies:
 - o Break-up value (without considering 'revaluation reserves', if any) which is to be ascertained from the company's latest

audited balance sheet (which should not be more than one year prior to the date of valuation). In case the latest audited balance sheet is not available the shares are to be valued at Re.1 per company. The independent TEV will assist in ascertaining the break-up value.

- o Discounted cash flow method where the discount factor is the actual interest rate charged to the borrower plus 3 per cent, subject to floor of 14 per cent. Further, cash flows (cash flow available from the current as well as immediately prospective (not more than six months) level of operations) occurring within 85 per cent of the useful economic life of the project only shall be reckoned.
- (b), Redeemable cumulative optionally convertible preference shares/ optionally convertible debentures - The valuation should be on discounted cash flow (DCF) basis. These will be valued with a discount rate of a minimum mark up of 1.5 per cent over the weighted average actual interest rate charged to the borrower for the various facilities. Where preference dividends are in arrears, no credit should be taken for accrued dividends and the value determined as above on DCF basis should be discounted further by at least 15 per cent if arrears are for one year, 25 per cent if arrears are for two years, so on and so forth (i.e., with 10 percent increments).
- , Where the resolution plan does not involve a change in promoter or where existing promoter is allowed to operate and manage the company as minority owner by lenders, the principle of proportionate loss sharing by the promoters should be met. In such cases, lenders shall, therefore, require the existing promoters to dilute their shareholdings, by way of conversion of debt into equity /sale of some portion of promoter's equity to lenders, at least in the same proportion as that of part B to total dues to lenders. JLF/Consortium/bank should also obtain promoters' personal guarantee in all such cases, for at least the amount of Part A.
- , The upside for the lenders will be primarily through equity/quasi equity, if the borrowing entity turns around. The terms for exercise of option for the conversion of preference shares/debentures to equity shall be clearly spelt out. The existing promoter or the new promoter, as the case may be, may have the right of first refusal in case the lenders decide to sell the share, at a price beyond some predetermined price. The lenders may also include appropriate covenants to cover the use of

cash flows arising beyond the projected levels having regard to quasi-equity instruments held in Part B.

➤, Other important principles for this scheme are the following:

- (a) The JLF/Consortium/bank shall engage the services of credible professional agencies to conduct the TEV and prepare the resolution plan. While engaging professional agencies, the JLF/Consortium/bank shall ensure that the agency is reputed, truly independent/free from any conflict of interest, has proven expertise and will be in a position to safeguard the interest of lenders while preserving the economic value of the assets.
- (b) The resolution plan shall be agreed upon by a minimum of 75 percent of lenders by value and 50 percent of lenders by number in the JLF/ consortium/ bank.
- (c) At individual bank level, the bifurcation into Part A and part B shall be in the proportion of Part A to Part B at the aggregate level.

•, **Overseeing Committee**

- a) An Overseeing Committee (OC), comprising of eminent persons, will be constituted by IBA in consultation with RBI. The members of OC cannot be changed without the prior approval of RBI.
- b) The resolution plan shall be submitted by the JLF/consortium/bank to the OC.
- c) The OC will review the processes involved in preparation of resolution plan, etc. for reasonableness and adherence to the provisions of these guidelines, and opine on it.
- d) The OC will be an advisory body.

•, **Asset Classification and Provisioning**

(A) Where there is a change of promoter –

In case a change of promoter takes place, i.e. a new promoter comes in, the asset classification and provisioning requirement will be as per the 'SDR' scheme or 'outside SDR' scheme as applicable.

(B) Where there is no change of promoters –

- (i) In view of the need to provide reasonable time to the overseeing committee to review the processes involved in the resolution plan, the Asset classification as on the date of lenders' decision to resolve the account under these guidelines (reference date) will

continue for a period of 180 days from this date. This standstill clause is permitted to enable JLF/consortium/bank to formulate the resolution plan, submit the same to the overseeing committee formed under the guidelines and implement it.

Banks should normally submit the resolution plan to the overseeing committee within 90 days from the reference date. It is expected that the overseeing committee would review the processes involved in preparation of resolution plan, etc. for reasonableness and adherence to the provisions of these guidelines, and convey its final opinion on it within a period of 45 days. Subsequently, banks shall implement the resolution plan within the next 45 days. However, banks will have flexibility on the above time lines, within the overall period of 180 days. If the resolution plan is not implemented within this period, the asset classification will be as per the extant asset classification norms, assuming there was no such 'stand-still'. It is clarified that 'stand-still' clause only applies to asset classification and banks shall not recognize income on accrual basis if the interest is not serviced within 90 days from the due date.

- (ii) In respect of an account that is 'Standard' as on the reference date, the entire outstanding (both Part A and part B) may be treated as 'Standard' subject to provisions made upfront by the lenders being at least the higher of 40 percent of the amount held in part B or 20 percent of the aggregate outstanding (sum of Part A and part B). For this purpose, the provisions already held in the account can be reckoned. These provisions may be reversed one year after the date of implementing the resolution plan or one year after completion of the longest pre-existing moratorium, whichever is later, subject to satisfactory performance of Part A and Part B during this period.
- (iii) In respect of an account that is classified as a non-performing asset as on the reference date, the Part B instruments shall continue to be classified as non-performing investment and provided for as a non-performing asset as per extant prudential norms, as long as such instruments remain in Part B. The sustainable portion (Part A) may optionally be treated as 'Standard' upon implementation of the resolution plan by all banks, subject to provisions made upfront by the lenders being at least the higher of 50 percent of the amount held in part B or 25 percent of the aggregate outstanding (sum

of Part A and part B). For this purpose, the provisions already held in the account can be reckoned.

- (iv) In all cases, lenders may upgrade Part B to standard category and reverse the associated enhanced provisions after one year of satisfactory performance of Part A loans. In case of any pre-existing moratorium in the account, this upgrade will be permitted one year after completion of the longest such moratorium, subject to satisfactory performance of Part A debt during this period. However, in all cases, the required MTM provisions on Part B instruments must be maintained at all times. The transition benefit available in terms of paragraph 9(B)(vi) can however be availed.

Banks shall make disclosures in their annual financial statements on application of the Scheme for Sustainable Structuring of Financial Assets, as per the format in the Appendix. These disclosures shall be made with respect to the accounts under the observation period specified at (iv) above.

Disclosures on the Scheme for Sustainable Structuring of Stressed Assets (S4A), as on (INR Crore)

No. of accounts where S4A has been applied	Aggregate amount outstanding	Amount outstanding		Provision Held
		In Part A	In Part B	
Classified as Standard	XXXXX	XXXXX	XXXXX	XXXXX
Classified as NPA	XXXXX	XXXXX	XXXXX	XXXXX

- (v) Any provisioning requirement on account of difference between the book value of Part B instruments and their fair value as indicated in para 7.2 *ibid*, in excess of the minimum requirements prescribed as per the above para (ii) and (iii), shall be made within four quarters commencing with the quarter in which the resolution plan is actually implemented in the lender's books, such that the MTM provision held is not less than 25 percent of the required provision in the first quarter, not less than 50 percent in the second quarter and so on. For this purpose, the provision already held in the account can be reckoned.

- (vi) If the provisions held by the bank in respect of an account prior to this resolution are more than the cumulative provisioning requirement prescribed in the applicable sub-paragraphs above, the excess can be reversed only after one year from the date of implementation of resolution plan (i.e. when it is reflected in the books of the lender, hereinafter referred to as 'date of restructuring'), subject to satisfactory performance during this period.
- (vii) The resolution plan and control rights should be structured in such a way so that the promoters are not in a position to sell the company/firm without the prior approval of lenders and without sharing the upside, if any, with the lenders towards loss in Part B.
- (viii) If Part A subsequently slips into NPA category, the account will be classified with slippage in category with reference to the classification obtaining on the reference date and necessary provisions should be made immediately.
- (ix) Where a bank/NBFC/AIFI chooses to make the prescribed provisions/write downs over more than one quarter and this results in the full provisioning/write down remaining to be made as on the close of a financial year, banks/NBFCs/AIFIs should debit 'other reserves' [i.e., reserves other than the one created in terms of Section 17(2) of the Banking Regulation Act 1949] by the amount remaining un-provided/not written down at the end of the financial year, by credit to specific provisions. However, bank/NBFC/AIFI should proportionately reverse the debits to 'other reserves' and complete the provisioning/write down by debiting profit and loss account, in the subsequent quarters of the next financial year. Banks shall make suitable disclosures in Notes to Accounts with regard to the quantum of provision made during the year under this scheme and the quantum of unamortised provisions debited to 'other reserves' as at the end of the year.

- **Mandatory Implementation**

Once the resolution plan prepared/presented by the lenders is ratified by the OC, it will be binding on all lenders. They will, however, have the option to exit as per the extant guidelines on Joint Lenders' Forum (JLF) and Corrective Action Plan (CAP).

Timelines for Stressed Assets Resolution

4.110 RBI Circular DBR.BP.BC.No.67/21.04.048/2016-17 dated May 05, 2017 describes the timelines for stressed assets resolution.

- , “Framework for Revitalising Distressed Assets in the Economy – Guidelines on Joint Lenders’ Forum (JLF) and Corrective Action Plan (CAP)” aims at early identification of stressed assets and timely implementation of a corrective action plan (CAP) to preserve the economic value of stressed assets. In order to ensure that the CAP is finalised and formulated in an expeditious manner, the Framework specifies various timelines within which lenders have to decide and implement the CAP. The Framework also contains disincentives, in the form of asset classification and accelerated provisioning where lenders fail to adhere to the provisions of the Framework. Despite this, delays have been observed in finalising and implementation of the CAP, leading to delays in resolution of stressed assets in the banking system.
- , CAP can also include resolution by way of Flexible Structuring of Project Loans, Change in Ownership under Strategic Debt Restructuring, Scheme for Sustainable Structuring of Stressed Assets (S4A), etc.
- , Lenders must scrupulously adhere to the timelines prescribed in the Framework for finalising and implementing the CAP. To facilitate timely decision making, it has been decided that, henceforth, the decisions agreed upon by a minimum of 60 percent of creditors by value and 50 percent of creditors by number in the JLF would be considered as the basis for deciding the CAP, and will be binding on all lenders, subject to the exit (by substitution) option available in the Framework. Lenders shall ensure that their representatives in the JLF are equipped with appropriate mandates, and that decisions taken at the JLF are implemented by the lenders within the timelines.
- , It shall be noted that
 - (i) the stand of the participating banks while voting on the final proposal before the JLF shall be unambiguous and unconditional;
 - (ii) any bank which does not support the majority decision on the CAP may exit subject to substitution within the stipulated time line, failing which it shall abide the decision of the JLF;
 - (iii) the bank shall implement the JLF decision without any additional conditionalities; and

- (iv) the Boards shall empower their executives to implement the JLF decision without requiring further approval from the Board.

Accelerated Provision Norms

4.111 In cases where banks fail to report SMA status of the accounts to CRILC or resort to methods with the intent to conceal the actual status of the accounts or evergreen the account, banks will be subjected to accelerated provisioning for these accounts and/or other supervisory actions as deemed appropriate by RBI. The current provisioning requirement and the revised accelerated provisioning in respect of such non-performing accounts are provided in para 31.1 of Master Circular no. RBI/2015-16/101 DBR.No.BP.BC.2/21.04.048/ 2015-16 dated July 1, 2015.

4.112 Further, any of the lenders who have agreed to the restructuring decision under the CAP by JLF and is a signatory to the ICA and DCA, but changes their stance later on, or delays/refuses to implement the package, will also be subjected to accelerated provisioning requirement as indicated at para 31.1 of the aforementioned Master Circular, on their exposure to this borrower i.e., if it is classified as an NPA. If the account is standard in those lenders' books, the provisioning requirement would be 5%.

4.113 Presently, asset classification is based on record of recovery at individual banks and provisioning is based on asset classification status at the level of each bank. However, if lead bank or the bank with second largest AE as per Reserve bank of India circular no. DBOD.BP.BC.No.45/21.04.132/2014-15 dated October 21, 2014 fail to convene the JLF or fail to agree upon a common CAP within the stipulated time frame, the account will be subjected to accelerated provisioning as indicated at para 31.1 of the aforementioned Master Circular, if it is classified as an NPA. If the account is standard in those lenders' books, the provisioning requirement would be 5%.

4.114 If an escrow maintaining bank under JLF/CDR mechanism does not appropriate proceeds of repayment by the borrower among the lenders as per agreed terms resulting into down gradation of asset classification of the account in books of other lenders, the account with the escrow maintaining bank will attract the asset classification which is lowest among the lending member banks but will also be subjected to corresponding accelerated provision instead of normal provision. Further, such accelerated provision will be applicable for a period of one year from the effective date of provisioning or till rectification of the error, whichever is later.

Duration of application of extant penal provisions (5% in case of Standard account and accelerated provision in case of NPAs)

4.115 Penal provisions are applicable under certain cases vide circular DBOD.BP.BC.No.97/21.04.132/ 2013-14 dated February 26, 2014. While the duration of such penal provision has been specified in case of an escrow account maintaining bank which does not appropriate proceeds of repayment by the borrower among the lenders as per agreed terms resulting into down gradation of asset classification of the account in books of other lenders, the duration has not been prescribed in other cases. Banks are advised that the penal provisions in the other cases under the Framework will be applicable for the following durations:

Sl. No.	Reason for Penal Provision	Duration
(i)	Banks fail to report SMA status of the accounts to CRILC or resort to methods with the intent to conceal the actual status of the accounts or evergreen the account.	From the date of imposition of penal provision as advised by RBI Inspection/Statutory Auditor till one year or rectification of defect, whichever is later.
(ii)	Lenders who have agreed to the restructuring decision under the CAP by JLF and are signatories to the ICA and DCA, but change their stance later on, or delay/refuse to implement the package.	
(iii)	Lenders fail to convene the JLF or fail to agree upon a common CAP within the stipulated time frame.	
(iv)	Accelerated provision for existing loans/exposures of banks to companies having director/s (other than nominee directors of government/financial institutions brought on board at the time of distress), whose name/s appear more than once in the list of wilful defaulters.	From the date of notification as wilful defaulter in the list of wilful defaulters till the removal of the name from the list.

Disagreement on restructuring as CAP and Exit Option

4.116 In terms of para 10.3 of circular DBOD.BP.BC.No.45 / 21.04.132 / 2014-15 dated October 21, 2014 banks, irrespective of whether they are within or outside the minimum 75 per cent and 60 per cent, can exercise the exit option for providing additional finance only by way of arranging their share of additional finance to be provided by a new or existing creditor.

4.117 It has been brought to notice that sometimes disagreement arises among lenders on deciding the CAP on rectification or restructuring, resulting in delay in initiating timely corrective action. Although co-operation among lenders for deciding a CAP by consensus is desirable for timely turn-around of a viable account, it is also important to enable all lenders to have an independent view on the viability of account and consequent participation in rectification or restructuring of accounts, without allowing them to free ride on efforts made by others. In view of this, it has been decided that dissenting lenders who do not want to participate in the rectification or restructuring of the account as CAP, which may or may not involve additional financing, will have an option to exit their exposure completely by selling their exposure to a new or existing lender(s) within the prescribed timeline for implementation of the agreed CAP. The exiting lender will not have the option to continue with their existing exposure and simultaneously not agreeing for rectification or restructuring as CAP. The new lender to whom the exiting lender sells its stake may not be required to commit any additional finance, if the agreed CAP involves additional finance. In such cases, if the new lender chooses to not to participate in additional finance, the share of additional finance pertaining to the exiting lender will be met by the existing lenders on a pro-rata basis.

Wilful Defaulter and Non-Cooperative Borrower

4.118 The provisioning in respect of existing loans/exposures of banks to companies having director/s (other than nominee directors of government/financial institutions brought on board at the time of distress), whose name/s appear more than once in the list of wilful defaulters, will be 5% in cases of standard accounts; if such account is classified as NPA, it will attract accelerated provisioning as indicated at para 31.1 of Master Circular on Prudential Norms. This is a prudential measure since the expected losses on exposures to such borrowers are likely to be higher. It is reiterated that no additional facilities should be granted by any bank/FI to the listed wilful defaulters, in terms of paragraph 2.5 (a) of Master Circular on Wilful Defaulters dated July 1, 2015.

4.119 With a view to discouraging borrowers/defaulters from being

unreasonable and non-cooperative with lenders in their *bona fide* resolution/recovery efforts, banks may classify such borrowers as non-cooperative borrowers, after giving them due notice if satisfactory clarifications are not furnished. Banks will be required to report classification of such borrowers to CRILC. Further, banks will be required to make higher/accelerated provisioning in respect of new loans/exposures to such borrowers as also new loans/exposures to any other company promoted by such promoters/ directors or to a company on whose board any of the promoter / directors of this non-cooperative borrower is a director. The provisioning applicable in such cases will be at the rate of 5% if it is a standard account and accelerated provisioning as per para 31.1 of Master Circular on Prudential Norms, if it is an NPA. Reporting of non-cooperative borrower has to be read along with Reserve Bank of India circular no. DBR.No.CID.BC.54/20.16.064/2014-15.

Resolution of Stressed Assets – Revised Framework w.e.f. February 12, 2018

4.120 The RBI has issued a circular dated February 12, 2018 about 'Resolution of Stressed Assets – Revised Framework', wherein the existing provisions w.r.t. stress assets have been revised in entirety with discontinuation of various enabling provisions for retention of class of assets (under Corrective Action Plan (CAP), Strategic Debt Restructuring (SDR), Scheme for Sustainable Structuring of Stressed Assets (S4A). All accounts including the one where any of the schemes have been invoked but not yet implemented, shall be governed by revised framework.

4.121 RBI had put a comma for restructuring by discontinuing special regulatory treatment for Asset classification from 31 March 2015. However, the introduction / continuation of schemes like CAP, SDR, S4A, etc. allowed banks to keep accounts standard after restructuring. With the new guidelines issued on February 12, 2018, the RBI has overhauled the restructuring framework by discontinuing prevalent restructuring schemes like CAP, SDR, S4A, etc. The new framework goes one step ahead as it aims at resolution of stressed asset and not just restructuring. With the enactment of Insolvency & Bankruptcy Code, 2016 (IBC), the process of resolution in case of failure of restructuring can be expedited.

4.122 The key highlights of the Resolution of Stressed Assets – Revised Framework are as under;

- 1., Early identification and reporting of stress
 - a., Lenders shall identify emerging stress in loan accounts and categorise the same as under:

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SMA Categories	Sub -	Basis for classification – Principal or interest payment or any other amount wholly or partly overdue between
	SMA – 0	1 – 30 days
	SMA – 1	31 – 60 days
	SMA – 2	61 – 90 days

- b., The lenders to report credit information and SMA classification of all borrower entities in default with aggregate exposure of Rs.5 crore and above to CRILC.
- 2., Implementation of resolution plan (RP)
- a., All lenders should put Board approved policies for resolution of stressed assets under this framework with timelines.
- b., Lenders (singly or jointly) shall initiate steps to cure the default.
- c., The resolution plan may involve any of the following actions:
- i., Regularisation of the account by payment of all overdues by borrower entity.
- ii., Sale of exposures to other entities / investors.
- iii., Change in ownership.
- iv., Restructuring.
- d., RP shall be clearly documented by all lenders irrespective of (and including no) change in terms and conditions.
- 3., Implementation Conditions for RP
- a., Borrower entity is no longer in default with any of the lenders.
- b., Resolution plan involves restructuring.
- i., Completion of documentation by all lenders.
- ii., New capital structure and / or revised terms and conditions of existing loans get reflected in books of all lenders and borrower.
- c., RPs involving restructuring / change in ownership where exposure is Rs.100 crores and above:
- i., Independent Credit Evaluation (ICE) by authorized Credit rating agencies (CRA) of residual debt.
- ii., Exposure of Rs. 500 Crore and above, ICE from two CRAs & that not more than Rs.500 Crore, ICE from one CRA.

- iii., RP 4 or better shall be considered for implementation.
 - iv., If ICE from more than one CRA all CRA should give RP4 or better.
 - v., Payment to CRA should be made by lenders. (instead of borrower as per earlier norms)
 - vi., ICE is applicable for all large accounts immediately. (i.e., from February 12, 2018) irrespective whether restructuring is carried out before March 01, 2018.
- 4., Timelines for Large Accounts to be referred under IBC
- i., Aggregate exposure of Rs. 2000 crores and above on or after March 01, 2018. (reference date)
 - ii., Resolution initiated in new or existing framework or restructured standard account, RP shall be implemented as per following timelines:
 - i), Default on 1 March 2018 within 180 days.
 - ii), Default after 1 March 2018, within 180 days from default.
 - iii., If, RP not implemented within timeline then insolvency application under Insolvency and Bankruptcy Code, 2016 (IBC) within 15 days from date of expiry of timeline.
 - iv., RP implemented no default within specified period. (one year from end of moratorium period or date by which 20% of principal and capitalised interest is repaid, whichever is later)
 - v., If default during specified period referred file insolvency petition within 15 days of default.
 - vi., Default after specified period to be considered as Fresh default.
 - vii., Aggregate Exposure below 2000 crore & not less than Rs. 100 crore separate guidelines to be issued.
 - viii., Borrower under Specific instructions by RBI, earlier instructions continue.
- 5., Prudential Norms applicable to any restructuring (whether under IBC or outside IBC framework):
- i., During process of RP, usual asset classification norms continue to apply.
 - ii., Restructuring – Standard advance to be downgraded as NPA. NPA remain in existing bucket.
 - iii., Ageing criteria as per Extant norms continues.
 - iv., Upgraded based on

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- i), Satisfactory performance during 'specified period'.
 - ii), Aggregate Exposure of Rs.100 crore and above, satisfactory performance and Credit rating of BBB- or better at the end of specified period from CRA.
 - iii), Aggregate Exposure of Rs.500 crore and above, credit rating by two CRAs and all ratings should be BBB- or better.
 - v., Default during specified period then NPA date will be reckoned as per pre-restructuring repayment schedule.
 - vi., Provisioning as per Extant IRAC norms.
 - vii., Existing restructured accounts as per norms applicable to existing restructuring schemes.
 - viii., Additional Finance – Classified as “Standard” during specified period. In case of default or non-upgradation as per restructured debt.
 - ix., Income recognition: For Restructured Standard asset, income would be recognized on Accrual basis and for Additional Finance to restructured NPA and Restructured NPA, income would be recognized on Cash basis, except in case wherein the restructuring is accompanied by change in ownership.
- 6., Conversion of principal into Debt / Equity & unpaid interest into FITL, Debt or Equity Instrument:
- i. Asset classification – Same as per restructured account.
 - ii. Valuation Equity: Marked to Market, if quoted. Otherwise breakup value as per previous year balance sheet. If previous year balance sheet portfolio is valued at Re.1. No set off for depreciation with appreciation in other shares.
 - iii. Unrealised income recognition
 - i), FITL / Debt: On sale or redemption
 - ii), Unquoted Equity: On sale
 - iii), Quoted equity: Market value of equity on date of upgradation not exceeding unrealized income.
- 7., Change in ownership
- In case of change in ownership, Advance can be classified as standard, if
- (i), Acquirer is not a person disqualified as per IBC.
 - (ii), New promoter holds 26% equity and largest shareholder.

(iii), New promoter shall be in control of borrowing entity.

(iv), RP implemented as per existing guidelines - Such accounts, will continue to be classified as standard based on satisfactory performance during specified period. In case of default, the facilities would be classified as Sub standard and future upgradation would be contingent on implementation of fresh RP.

Provision held cannot be reversed till demonstration of satisfactory performance during specified period.

8., Sale & Leaseback transaction as restructuring will be treated as restructuring in case of debt of buyer and seller, if

(i), Seller is in financial difficulty; and,

(ii), More than 50% revenue of buyer from leased asset to seller; and,

(iii), 25% or more loan by buyer for purchase of asset are funded by lenders of seller.

9., Refinancing of Exposure in foreign or Indian Currency

Foreign Currency / Export Advances for the purpose of repayment of rupee loan to be treated as restructuring, if borrower is in financial difficulty; and

(i), Foreign currency borrowing from Indian Banking System or based on BGs, LCs Letter of comfort from Indian banking System; or

(ii), Rupee loans for refinancing.

In case of extension of DCCO, the existing IRAC norms are applicable.

Upgradation of Loan Accounts Classified as NPAs

4.123

(i) If arrears of interest and principal are paid by the borrower in the case of loan accounts classified as NPAs, the account should no longer be treated as non-performing and may be classified as 'standard' accounts. Upgradation is allowed only if the account reaches "no overdues" status. This should not be misunderstood with "overdues brought within 90 days". Upgradation of a restructured/ rescheduled/CDR accounts is governed by the restructuring / reschedulement/CDR norms.

(ii) Auditor has to verify that any upgrading of accounts classified as 'Sub-Standard' or 'Doubtful' category wherein restructuring / rephasing of principal or interest has taken place should be upgraded to the 'Standard Asset' category only after a period of one year after the date when first payment of interest or of principal, whichever is earlier, falls due under the

rescheduled terms, subject to satisfactory performance during the period. The total amount becoming due during this period of one year should be recovered and there should be no overdues to make it eligible for upgradation. If the amount which has become due during this one year period is on a lower side *vis a vis* total amount outstanding, the other aspects of the account, *viz* financial performance, availability of security, operations in account, etc., should be reviewed in detail and only if found satisfactory, the account should be upgraded.

- (iii), Recovery in an advance which was rescheduled cannot give the advance a better classification than the previous one. NPA accounts can be upgraded to Performing Accounts, provided all overdue are adjusted.
- (iv), Upgradation within the NPA category is not permitted i.e. a Doubtful account cannot be made Sub-standard even if the overdue are reduced to less than 12 months.

Relief for MSME borrowers registered under GST

4.124 The RBI has issued a circular dated February 07, 2018 granting relief for MSME Borrowers registered under GST, thus, the auditors need to be vigilant as regards the applicability of the said circular and eligibility of the borrower. This circular applies only to borrowers which are classified as micro, small and medium enterprise under the MSMED Act, 2006. The exposure of banks to such borrowers would be classified as standard assets subject to conditions specified in the circular:

- 1., The borrower is registered under the GST regime as on January 31, 2018.
- 2., The aggregate exposure including non-fund-based facilities of banks and NBFCs, to the borrower does not exceed Rs. 25 crores as on January 31, 2018.

Thus, the overall exposure of the borrower (including that of multiple banking, consortium banking) as on January 31, 2018 should not exceed Rs. 25 crores, i.e. the overall exposure of the borrower to banks and NBFCs combined should not exceed the cap of Rs. 25 crores. Further, it is to be noted that as per RBI Master Circular on Exposure Norms – ‘Exposure’ shall include credit exposure (funded and non-funded credit limits) and investment exposure (including underwriting and similar commitments). The sanctioned limits or outstandings, whichever are higher, shall be reckoned for arriving at the exposure limit. However, in the case of fully drawn term loans, where there is no scope for re-drawal of any portion of the sanctioned limit, banks may reckon the outstanding as the exposure.

- 3., The borrower’s account should be standard account as on August 31, 2017.

It would be pertinent to note that some banks may be following a system of marking of accounts as NPA in the system as at quarter-end instead of marking the accounts on on-going basis. However, the borrower account needs to be tested for classification purpose as on August 31, 2017 and in case if such account is a NPA account as per the extant of IRAC norms specified by RBI as on August 31, 2017, irrespective of the account being marked or not by the bank, such accounts will not be eligible for relief granted by this circular.

- 4., The amount from the borrower, overdue as on September 01, 2017 and payments from the borrower due between September 01, 2017 and January 31, 2018 are paid not later than 180 days from their respective original due date.

As per para 2.3 of Master Circular of RBI on IRAC norms – ‘any amount due to the bank under any credit facility is ‘overdue’ if it is not paid on the due date fixed by the bank’. Thus, the extension period of 180 days granted for the repayment of the overdue amount as on September 01, 2017 as well as the amounts due between the specified period is restricted to the extent of 180 days from the respective ‘due date’. Further, as per the email dated April 03, 2018 from DBR, Reserve Bank of India, Central Office – “It is clarified that CC/OD limits are part of the aggregate exposure to the borrower. OD/CC accounts which become ‘out of order’ as per para 2.2 of our master circular on IRAC norms dated July 1, 2015 between September 01, 2017 and January 31, 2018 may continue to be classified as standard provided that the irregularity in the account is removed within a period not exceeding 90 days from the original date of the account becoming ‘out of order’.

- 5., A provision of 5% shall be made against such exposures which are not classified as NPA (due to the relaxation as provided above), which otherwise would have been classified as NPA as per usual IRAC norms (of accounts overdue beyond 90 days period).
- 6., The additional time provided is for the purpose of asset classification only and not for income recognition.

Thus, if an account is otherwise eligible to be classified as NPA as per usual IRAC norms (of accounts overdue beyond 90 days period) but is classified as PA based on the above-mentioned relaxation granted, the income is required to be recognised on realisation basis and not on accrual basis.

4.125 Further RBI has issued a circular RBI/2017-18/186 DBR.No.BP.BC.108/21.04.048/2017-18 dated June 06, 2018 for Encouraging Formalisation of MSME Sector. This circular is in continuity with the February 07, 2018 Circular on MSME Borrowers registered under GST, thus, the auditors needs to be vigilant

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as regards the applicability of these both circulars and eligibility of the borrowers. This circular applies only to borrowers which are classified as micro, small and medium enterprise under the MSMED Act, 2006. The exposure of banks to such borrowers would be classified as standard assets subject to conditions specified in the circular as detailed below:

- i. The aggregate exposure, including non-fund based facilities, of banks and NBFCs to the borrower does not exceed ₹ 250 million as on May 31, 2018.
- ii. The borrower's account was standard as on August 31, 2017.
- iii. The payments due from the borrower as on September 1, 2017 and falling due thereafter up to December 31, 2018 were/are paid not later than 180 days from their original due date.
- iv. In respect of dues payable by GST-registered MSMEs from January 1, 2019 onwards, the 180 days past due criterion shall be aligned to the extant IRAC norms in a phased manner, as given in the Annexure below. However, for MSMEs that are not registered under GST as on December 31, 2018, the asset classification in respect of dues payable from January 1, 2019 onwards shall immediately revert to the extant IRAC norms.

Period during which any payment falls due	Time Permitted
September 01, 2017 – December 31, 2018	180 days
January 01, 2019 – February 28, 2019	150 days
March 01, 2019 – April 30, 2019	120 days
May 01, 2019 onwards	90 days

- v. The other terms and conditions of the circular dated February 07, 2018 remain unchanged.

4.126 The RBI has recently issued a circular RBI/2018-19/100 DBR.No.BP.BC.18/21.04.048/2018-19 dated January 01, 2019 permitting one time restructuring of existing loans of MSMEs classified as 'Standard' without a downgrade in asset classification subject to certain conditions. The said circular is issued with reference to the earlier circulars related to MSME borrowers issued on February 07, 2018 and June 06, 2018. The one time restructuring as stated above is subject to conditions in specified in the circular as detailed below:

- i. The aggregate exposure, including non-fund based facilities, of banks and NBFCs to the borrower does not exceed ₹ 250 million as on January 01, 2019.

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- ii. The borrower's account (can be in default but) is standard as on January 01, 2019 and continues to be standard asset till the date of implementation of the restructuring.
- iii. The borrower is registered under GST as on the date of implementation of restructuring. However, this condition will not apply to MSMEs which are exempt from GST registration.
- iv. The restructuring of the borrower account is implemented on or before March 31, 2020. A restructuring would be treated as implemented if the following conditions are met:
 - a. All related documentation including execution of necessary agreements between lenders and borrowers / creation of security charges / perfection of securities are completed by all lenders; and,
 - b. The new capital structure and / or changes in the terms and conditions of existing loans gets duly reflected in books of all lenders and the borrower.
- v. A provision of 5% in addition to the provision already held shall be made w.r.t. the accounts restructured under these instructions. Such provision can be reversed at the end of specified period subject to the account demonstrating satisfactory performance during the specified period.

'Specified Period' means a period of one year from the commencement of the first payment of interest or principal, whichever is later, on the credit facility with longest period of moratorium under the terms of restructuring package. 'Satisfactory Performance' means no payment (interest and/or principal) shall remain overdue for a period of more than 30 days. In case of cash credit / overdraft account, satisfactory performance means that the outstanding in the account shall not be more than the sanctioned limit or drawing power, whichever is lower, for a period of more than 30 days.
- vi. Subsequent to the restructuring, NPA Classification of these accounts shall be as per extant IRAC norms.
- vii. Appropriate disclosure in the financial statements under 'Notes on Accounts' related to MSME restructured accounts under these instructions would be required specifying number of accounts restructured and Amount.
- viii. All other instructions applicable to restructuring of loans to MSME borrowers shall continue to be applicable.

The RBI has further clarified that the accounts classified as NPA can be restructured, however, the extant asset classification norms governing restructuring of NPAs continues to apply.

As a general rule, barring the above one-time exception, any MSME account, which is restructured must be downgraded to NPA upon restructuring and will slip into progressively lower asset classification and higher provisioning requirements as per extant IRAC norms. Such an account may be considered for upgradation to 'standard' only if it demonstrates satisfactory performance during the specified period.

Provisioning for Loans and Advances

4.127 The RBI's Master Circular of July 1, 2015 on Income Recognition, Asset Classification and Provisioning Pertaining to Advances contains the principles to be followed by the bank in calculating the provisions required for the NPAs in conformity with the prudential norms. The circular also requires the bank to take into consideration aspects such as time lag between an account becoming an NPA, its recognition as such, realisation of security and the erosion over time in the value of security charged to the bank, while calculating the required amount of provision. The specific requirements of the Master Circular in respect of provisioning are as follows:

(a) Loss assets

4.128 The entire amount should be written off. If the assets are permitted to remain in the books for any reason, 100 percent of the outstanding should be provided for.

(b) Doubtful assets

4.129 The provisioning for doubtful assets under loans and advances is as under:

- (i) Full provision to the extent of the unsecured portion should be made. In doing so, the realisable value of the security available, to which the bank has a valid recourse, should be determined on a realistic basis. Auditor should verify whether that the security is considered based on the latest information available with the bank. DICGC/ECGC cover is also taken into account.
- (ii) In regard to the secured portion, provision may be made on the following basis, at the rates ranging from 25% to 100% of secured portion depending upon the period for which the asset has remained doubtful. In case the advance covered by CGTSI guarantee becomes non-performing, no provision need be made towards the guaranteed portion. The amount outstanding in excess of the guaranteed portion should be provided for as per the extant guidelines on provisioning for non-performing advances.

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<i>Period for which the advance has been considered as doubtful</i>	<i>% of provision on secured portion</i>
Upto 1 year	25
More than 1 year and upto 3 years	40
More than three years	100

Valuation of Security: With a view to bringing down divergence arising out of difference in assessment of the value of security, in cases of NPAs with balance of Rs. 5 crore and above, stock audit at annual intervals by external agencies appointed as per the guidelines approved by the Board is mandatory in order to enhance the reliability on stock valuation. Collaterals, such as immovable properties charged in favour of the bank are required to be got valued once in three years by valuers appointed as per the guidelines approved by the Board of Directors.

(c) **Sub-standard assets**

4.130 A general provision of 15% on total outstanding should be made without making any allowance for DICGC/ECGC cover and securities available. Unsecured exposures, which are identified, as sub-standard would attract an additional provision of 10%. (i.e., total 25% of total outstanding). However, in view of certain safeguards such as escrow accounts available in respect of infrastructure lending, infrastructure loan accounts which are classified as sub-standard will attract a provisioning of 20 per cent instead of the aforesaid prescription of 25 per cent. To avail of this benefit of lower provisioning, the banks should have in place an appropriate mechanism to escrow the cash flows and also have a clear and legal first claim on these cash flows. Unsecured exposure' is defined as an exposure (including all funded and non-funded exposures) where realisable value of the tangible security properly charged to the bank, as assessed by bank/approved valuers/RBI inspectors, is not more than 10%, *ab initio*, of the outstanding exposure. 'Security' means tangible security properly discharged to the bank and will not include intangible securities like guarantees (including State government guarantees), comfort letters, etc.

4.131 In order to enhance transparency and ensure correct reflection of the unsecured advances in Schedule 9 of the banks' balance sheet, the following RBI requirements are applicable from the financial year 2009-10 onwards:

- a) For determining the amount of unsecured advances for reflecting in schedule 9 of the published balance sheet, the rights, licenses, authorisations, etc., charged to the banks as collateral in respect of projects (including infrastructure projects) financed by them, should not be

reckoned as tangible security. Hence such advances shall be reckoned as unsecured.

- b) However, banks may treat annuities under Build-Operate-Transfer (BOT) model in respect of road / highway projects and toll collection rights, where there are provisions to compensate the project sponsor if a certain level of traffic is not achieved, as tangible securities subject to the condition that banks' right to receive annuities and toll collection rights is legally enforceable and irrevocable.
- c) It is noticed that most of the infrastructure projects, especially road/highway projects are user-charge based, for which the Planning Commission has published Model Concession Agreements (MCAs). These have been adopted by various Ministries and State Governments for their respective public-private partnership (PPP) projects and they provide adequate comfort to the lenders regarding security of their debt. In view of the above features, in case of PPP projects, the debts due to the lenders may be considered as secured to the extent assured by the project authority in terms of the Concession Agreement, subject to the following conditions:
 - i) User charges / toll / tariff payments are kept in an escrow account where senior lenders have priority over withdrawals by the concessionaire;
 - ii) There is sufficient risk mitigation, such as pre-determined increase in user charges or increase in concession period, in case project revenues are lower than anticipated;
 - iii) The lenders have a right of substitution in case of concessionaire default;
 - iv) The lenders have a right to trigger termination in case of default in debt service; and
 - v) Upon termination, the Project Authority has an obligation of (i) compulsory buy-out and (ii) repayment of debt due in a pre-determined manner.

In all such cases, banks must satisfy themselves about the legal enforceability of the provisions of the tripartite agreement and factor in their past experience with such contracts.

- d) Banks should also disclose the total amount of advances for which intangible securities such as charge over the rights, licenses, authority, etc., has been taken as also the estimated value of such intangible

collateral. The disclosure may be made under a separate head in "Notes to Accounts". This would differentiate such loans from other entirely unsecured loans.

4.132 As per the existing instructions of RBI, in the Balance Sheet of the banks, the amounts comprising Debtors (though not tangible assets), charged as security are grouped as secured by tangible assets and disclosure is made with a remark in parenthesis in the Schedule 9, without any quantification of the advances covered by security of Debtors. The amounts comprising the intangibles as per the RBI's Master Circular on Income recognition and Asset Classification Norms will need to be culled out of the secured exposures and quantified to be reflected as unsecured advances; which would also require corresponding reclassification of advances for the earlier year. More importantly, in case of NPAs, the unsecured portion would attract a higher provision, when segregated from the secured portion.

(d) Standard Assets

4.133 The bank is required to make a general provision for standard assets at the following rates for the funded outstanding on global loan portfolio basis. The general provision towards standard assets as per Master Circular is as follows:

- a), Farm Credit to Agricultural and Small and Micro Enterprises (SMEs) sectors - 0.25%.
- b), Advances to Commercial Real Estate (CRE) sector – 1.00%.
- c), Advances to Commercial Real Estate – Residential Housing Sector (CRE - RH) at 0.75 per cent.

For this purpose, CRE-RH would consist of loans to builders/developers for residential housing projects (except for captive consumption) under CRE segment. Such projects should ordinarily not include non-residential commercial real estate. However, integrated housing projects comprising of some commercial space (e.g. shopping complex, school, etc.) can also be classified under CRE-RH, provided that the commercial area in the residential housing project does not exceed 10% of the total Floor Space Index (FSI) of the project. In case the FSI of the commercial area in the predominantly residential housing complex exceeds the ceiling of 10%, the project loans should be classified as CRE and not CRE-RH.

- d), Housing loans extended at teaser rates– 2.00%- The provisioning on these assets would revert to 0.40 per cent after 1 year from the date on which the rates are reset at higher rates if the accounts remain 'standard'.

- e), In terms of RBI Circular No. RBI/2016-17/317-DBR.BP.BC.No. 72/08.12.015/2016-17 dated June 7,2017, the bank should make standard asset provision of 0.25% on individual housing loan sanctioned on or after 7th June 2017. In respect of individual housing loan sanctioned before that date provisions @ 0.40% is required to be made on standard assets in terms of Circular No. DBR.BP.BC.No.44/ 08.12.015/ 2015-16 dated October 8, 2015.
- f), Restructured accounts classified as standard advances will attract a higher provision (as prescribed from time to time) in the first two years from the date of restructuring. In cases of moratorium on payment of interest/principal after restructuring, such advances will attract the prescribed higher provision for the period covering moratorium and two years thereafter.

Restructured accounts classified as non-performing advances, when upgraded to standard category will attract a higher provision (as prescribed from time to time) in the first year from the date of upgradation.

As per para 17.4.1 of IRAC Norms, with effect from April 1, 2016 provision on new restructured standard accounts would be made at 5 per cent. The phased manner plan for increase in the provision to 5 per cent was in existence till March 31, 2016.

All other loans and advances not included in (a), (b), (c), (d) and (e) above - 0.40%.

4.134 It is clarified that the Medium Enterprises will attract 0.40% standard asset provisioning. The definition of the terms Micro Enterprises, Small Enterprises, and Medium Enterprises shall be in terms of Master Circular on Lending to Micro, Small & Medium Enterprises (MSME) Sector.

4.135 While the provisions on individual portfolios are required to be calculated at the rates applicable to them, the excess or shortfall in the provisioning, *vis-a-vis* the position as on any previous date, should be determined on an aggregate basis. If the provisions required to be held on an aggregate basis are less than the provisions held as on November 15, 2008, the provisions rendered surplus should not be reversed to P&L account but should continue to be maintained at the level, existed as on November 15, 2008. In case of shortfall determined on aggregate basis, the balance should be provided for by debit to P&L account.

4.136 The provisions on standard assets should not be reckoned for arriving at net NPAs. The provisions towards Standard Assets need not be netted from

gross advances but included as 'Contingent Provisions against Standard Assets' under 'Other Liabilities and Provisions - Others' in Schedule 5 of the balance sheet.

4.137 Banks shall make additional provision of 2% (in addition to country risk provision that is applicable to all overseas exposures) against standard assets representing all exposures to the step-down subsidiaries of Indian companies, to cover the additional risk arising from complexity in the structure, location of different intermediary entities in different jurisdictions exposing the Indian company, and hence the bank, to greater political and regulatory risk. All the step-down subsidiaries, including the intermediate ones, must be wholly owned subsidiary of the immediate parent company or its entire shares shall be jointly held by the immediate parent company and the Indian parent company and / or its wholly owned subsidiary. The immediate parent should, wholly or jointly with Indian parent company and / or its wholly owned subsidiary, have control over the step-down subsidiary.

4.138 A high level of unhedged foreign currency exposures of the entities can increase the probability of default in times of high currency volatility. Hence, banks are required to estimate the riskiness of unhedged position of their borrowers as per the instructions contained in RBI circular DBOD.No.BP.BC.85/21.06.200/2013-14 dated January 15, 2014 and circular DBOD.No.BP.BC.116/21.06.200/2013-14 dated June 3, 2014 and make incremental provisions on their exposures to such entities:

Likely Loss / EBID (%)	Incremental Provisioning Requirement on the total credit exposures over and above extant standard asset provisioning
Upto 15 per cent	0
More than 15 per cent and upto 30 per cent	20 bps
More than 30 per cent and upto 50 per cent	40 bps
More than 50 per cent and upto 75 per cent	60 bps
More than 75 per cent	80 bps

Provisioning requirements for derivative exposures

4.139 Credit exposures computed as per the current marked to market value of the contract, arising on account of the interest rate & foreign exchange derivative transactions, and gold, shall also attract provisioning requirement as applicable to the loan assets in the 'standard' category, of the concerned counterparties. All conditions applicable for treatment of the provisions for

standard assets would also apply to the aforesaid provisions for derivative and gold exposures.

Provisioning Norms for Leased Assets

4.140

- i) Substandard assets
 - a) 15 percent of the sum of the net investment in the lease and the unrealised portion of finance income net of finance charge component. The terms 'net investment in the lease', 'finance income' and 'finance charge' are as defined in 'AS 19 Leases' issued by the ICAI.
 - b) Unsecured lease exposures which are identified as 'substandard' would attract additional provision of 10 per cent, i.e., a total of 25 per cent.
- ii) Doubtful; and
- iii) Loss assets

This is same as for Loan Assets.

Provisioning Coverage Ratio

4.141

- i., Provisioning Coverage Ratio (PCR) is essentially the ratio of provisioning to gross non-performing assets and indicates the extent of funds a bank has kept aside to cover loan losses.
- ii., From a macro-prudential perspective, RBI had required that the banks should build up provisioning and capital buffers in good times i.e. when the profits are good, which can be used for absorbing losses in a downturn. This was aimed at enhancing the soundness of individual banks, as also the stability of the financial sector. It was, therefore, decided that banks should augment their provisioning cushions consisting of specific provisions against NPAs as well as floating provisions, and ensure that their total provisioning coverage ratio, including floating provisions, is not less than 70 per cent. Accordingly, banks were advised to achieve this norm not later than end-September 2010.

RBI has further advised the banks that:

- a., the PCR of 70 percent may be with reference to the gross NPA position in banks as on September 30, 2010;
- b., the surplus of the provision under PCR *vis-a-vis* as required as per prudential norms should be segregated into an account styled as "countercyclical provisioning buffer", computation of which may be

undertaken as per the format given in Annex – 3 to the RBI's Master Circular on "Prudential Norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances" dated July 1, 2015; and

- c., this buffer will be allowed to be used by banks for making specific provisions for NPAs during periods of system wide downturn, with the prior approval of RBI. As a countercyclical measure, vide RBI circular No. DBOD.No.BP. 95/21.04.048/2013-14 on "Utilisation of Floating Provisions/Counter Cyclical Provisioning Buffer" dated February 7, 2014 banks were permitted to utilise upto 33 per cent of countercyclical provisioning buffer / floating provisions held by them as on March 31, 2013, for making specific provisions for non-performing assets, as per the policy approved by their Board of Directors;
 - d., banks are required to build up 'Dynamic Provisioning Account' during good times and utilize the same during downturn. Under the proposed framework, banks are expected to either compute parameters such as probability of default, loss given default, etc. for different asset classes to arrive at long term average annual expected loss or use the standardized parameters prescribed by RBI towards computation of Dynamic Provisioning requirement. Dynamic loan loss provisioning framework is expected to be in place with improvement in the system. Meanwhile, banks should develop necessary capabilities to compute their long term average annual expected loss for different asset classes, for switching over to the dynamic provisioning framework.
- iii., The PCR of the bank should be disclosed in the Notes to Accounts to the Balance Sheet.

Accounting and Provisioning Norms for Equipment Leasing Activity

4.142 While the accounting and provisioning norms discussed above shall also apply in respect of equipment leasing activities the bank should follow the AS 19 on "Leases" issued by ICAI in accounting for lease transactions.

Provisioning for Certain Specific Types of Advances

4.143 The guidelines also deal with provisioning for certain specific types of advances as follows.

Advances Guaranteed by ECGC

4.144 In the case of advances guaranteed by ECGC, provision should be made only for the balance in excess of the amount of such guarantee. Further, while arriving at the provision required to be made for doubtful assets, realisable value of the securities should first be deducted from the outstanding

balance in respect of the amount guaranteed by these Corporations and then provision should be made. (For examples on calculation of the provision, refer the Master Circular on Income Recognition, Asset Classification and Provisioning Pertaining to Advances, dated July 1, 2015)

Advance covered by guarantees of Credit Guarantee Fund Trust for Micro and Small Enterprises (CGTMSE) or Credit Risk Guarantee Fund Trust for Low Income Housing (CRGFTLIH)

4.145 In case the advance covered by CGTMSE or CRGFTLIH guarantee becomes non-performing, no provision need be made towards the guaranteed portion. The amount outstanding in excess of the guaranteed portion should be provided for as per the extant guidelines on provisioning for non- performing advances. For illustrative examples of provisioning in case of advances covered by CGTSLI guarantee, refer the paragraph 5.9.5 of the Master Circular No. on Prudential Norms on Income Recognition, Asset Classification and Provisioning Pertaining to Advances, dated July 1, 2015.

4.146 After statutory audit, RBI conducts annual financial inspection of banks. Auditors may go through the divergence reported by RBI, if any, in terms of classification as well as provisioning and whether the same divergence has been appropriately addressed /clarified, by Banks. Accordingly, auditor would be well advised to consider these aspects while take final view on classification /provisioning of such accounts.

Treatment of interest suspense account

4.147 Amounts held in Interest Suspense Account should not be reckoned as part of provisions. Amounts lying in the Interest Suspense Account should be deducted from the relative advances and thereafter, provisioning as per the norms, should be made on the balances after such deduction.

Disclosures

4.148 The information with respect to NPAs required to be disclosed under “Notes to Accounts” in the financial statements of banks is discussed in the Chapter 8 “Disclosure Requirement in Financial Statements” of Part III of the Guidance Note on Audit of Banks, 2019 edition (Section A –Statutory Central Audit).

Provisioning Norms

Normal provisions

4.149 Banks will hold provision against these advances as per the existing provisioning norms.

Income Recognition

4.150 The banks may recognise income on accrual basis in respect of the three categories of projects under implementation which are classified as 'standard'. RBI, however, prohibits banks from recognising income on accrual basis in respect of the above three categories of projects under implementation which are classified as a 'substandard' asset. Banks may recognise income in such accounts only on realisation on cash basis.

Reserve for Exchange Rate Fluctuations Account (RERFA)

4.151 When exchange rate movements of Indian rupee turn adverse, the outstanding amount of foreign currency denominated loans (where actual disbursement was made in Indian Rupee) which become overdue goes up correspondingly, with its attendant implications of provisioning requirements. Such assets should not normally be revalued. In case such assets need to be revalued as per requirement of accounting practices or for any other requirement, the following procedure may be adopted:

- , The loss on revaluation of assets has to be booked in the bank's Profit & Loss Account.
- , Besides the provisioning requirement as per Asset Classification, banks should treat the full amount of the Revaluation Gain relating to the corresponding assets, if any, on account of Foreign Exchange Fluctuation as provision against the particular assets.

Provisioning For Country Risk

4.152 Banks are required to make provisions, with effect from the year ending 31 March 2003, on the net funded country exposures on a graded scale ranging from 0.25 to 100 percent according to the risk categories mentioned below. To begin with, banks are required to make provisions as per the following schedule:

Risk Category	ECGC Classification	Provisioning requirement (per cent)
Insignificant	A1	0.25
Low	A2	0.25
Moderate	B1	5
High	B2	20
Very high	C1	25
Restricted	C2	100
Off-credit	D	100

4.153 Banks are required to make provision for country risk in respect of a country where its net funded exposure is one per cent or more of its total assets. The provision for country risk shall be in addition to the provisions required to be held according to the asset classification status of the asset. In the case of 'loss assets' and 'doubtful assets', provision held, including provision held for country risk, may not exceed 100% of the outstanding. Banks may not make any provision for 'home country' exposures i.e. exposure to India. The exposures of foreign branches of Indian banks to the host country should be included. Foreign banks shall compute the country exposures of their Indian branches and shall hold appropriate provisions in their Indian books. However, their exposures to India will be excluded. Banks may make a lower level of provisioning (say 25% of the requirement) in respect of short-term exposures (i.e., exposures with contractual maturity of less than 180 days).

4.154 Provisioning norms for sale of financial assets to Securitisation Company (SC) / Reconstruction company (RC) –

- (i) When a bank / FI sells its financial assets to SC/ RC, on transfer the same will be removed from its books.
- (ii) If the sale of financial assets to SC/RC, is at a price below the net book value (NBV) (i.e., book value less provisions held), the shortfall should be debited to the profit and loss account of that year. Banks can also use countercyclical / floating provisions for meeting any shortfall on sale of NPAs i.e., when the sale is at a price below the net book value (NBV).

However, for assets sold on or after February 26, 2014 and upto March 31, 2015, as an incentive for early sale of NPAs, banks can spread over any shortfall, if the sale value is lower than the NBV, over a period of two years. This facility of spreading over the shortfall will be subject to necessary disclosures in the Notes to Account in Annual Financial Statements of the banks. The RBI vide Notification dated May 21, 2015 had decided to extend this dispensation for assets sold on or after March 31, 2015 and up to March 31, 2016.

Further RBI has vide notification DBR.No.BP.BC.102/21.04.048/2015-16 dated June 13, 2016 has decided to extend the dispensation of amortising the shortfall up to March 31, 2017. However, for the assets sold from the period April 1, 2016 to March 31, 2017, banks will be allowed to amortise the shortfall over a period of only four quarter from the quarter in which the sale took place.

Further, where a bank chooses to make the necessary provisions over more than one quarter and this results in the full provisioning remaining to be made as on the close of a financial year, banks should debit 'other

reserves' [i.e., reserves other than the one created in terms of Section 17(2) of the Banking Regulation Act 1949] by the amount remaining un-provided at the end of the financial year, by credit to specific provisions. However, banks should proportionately reverse the debits to 'other reserves' and complete the provisioning by debiting profit and loss account, in the subsequent quarters of the next financial year.

Banks shall make suitable disclosures in Notes to Accounts with regard to the quantum of provision made during the year to meet the shortfall in sale of NPAs to SCs/RCs and the quantum of unamortised provision debited to 'other reserves' as at the end of the year.

- (iii) For assets sold on or after February 26, 2014, banks can reverse the excess provision on sale of NPAs, if the sale value is for a value higher than the NBV, to its profit and loss account in the year the amounts are received. However, banks can reverse excess provision arising out of sale of NPAs only when the cash received (by way of initial consideration and / or redemption of SRs / PTCs) is higher than the net book value (NBV) of the asset. Further, reversal of excess provision will be limited to the extent to which cash received exceeds the NBV of the asset. With regard to assets sold before February 26, 2014, excess provision, on account of sale value being higher than NBV, should not be reversed but should be utilized to meet the shortfall/ loss on account of sale of other financial assets to SC/RC.
- (iv) When banks/ FIs invest in the security receipts/ pass-through certificates issued by SC/RC in respect of the financial assets sold by them to the SC/RC, the sale shall be recognised in books of the banks / FIs at the lower of:
- , the redemption value of the security receipts/ pass-through certificates, and
 - , the NBV of the financial asset.

The above investment should be carried in the books of the bank / FI at the price as determined above until its sale or realization, and on such sale or realization, the loss or gain must be dealt with in the same manner as at (ii) and (iii) above.

4.155 All instruments received by banks/FIs from SC/RC as sale consideration for financial assets sold to them and also other instruments issued by SC/ RC in which banks/ FIs invest will be in the nature of non SLR securities. Accordingly, the valuation, classification and other norms applicable to investment in non-SLR instruments prescribed by RBI from time to time

would be applicable to bank's/ FI's investment in debentures/ bonds/ security receipts/PTCs issued by SC/ RC. However, if any of the above instruments issued by SC/RC is limited to the actual realisation of the financial assets assigned to the instruments in the concerned scheme the bank/ FI shall reckon the Net Asset Value (NAV), obtained from SC/RC from time to time, for valuation of such investments.

4.156 Banks'/ FIs' investments in debentures/ bonds/ security receipts/PTCs issued by a SC/RC will constitute exposure on the SC/RC. As only a few SC/RC are being set up now, banks'/ FIs' exposure on SC/RC through their investments in debentures/ bonds/security receipts/PTCs issued by the SC/ RC may go beyond their prudential exposure ceiling. In view of the extra ordinary nature of event, banks/ FIs will be allowed, in the initial years, to exceed prudential exposure ceiling on a case-to-case basis.

4.157 Banks/ FIs, which sell their financial assets to an SC/ RC, shall be required to make the disclosures in the Notes on Accounts to their Balance sheets. For guidelines on the presentation of the disclosures, refer para 6.6 of the master circular BR.No.BP.BC.2/21.04.048/2015-16 - Prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances.

4.158 Prudential Guidelines on provisioning in case of Revitalising Stressed Assets in the Economy.

Pursuant to the RBI notification DBR.BP.BC.No.82/ 21.04.132 / 2015-16 dated February 25, 2016 on Review of Prudential Guidelines- Revitalising Stressed Assets in the Economy, the classification of the advances and provisioning thereon will be as follows:

Category A-

In case the lender agreed to Corrective Action Plan (CAP) in the Joint Leander Forum (JLF) meeting and also conveyed final approval to the CAP within the stipulated period.

Asset classification- As per the extant asset classification norms

Provisioning- As per the extant provisioning norms.

Category-B

In case the lender agreed to CAP as approved in the JLF meeting but conveyed final approval and signed off the detailed final CAP after the stipulated period but within the prescribed implementation period.

Asset classification: Lowest asset classification of the borrower among all the

JLF lenders.

Provisioning- A penal provisioning of 10 per cent in addition to provisioning applicable as per Lowest asset classification of the borrower with any JLF lender, for one year from the date of sign off of CAP.

Category-C

In case the lender agreed to CAP, as approved, in the JLF meeting but failed to convey final approval and sign off the detailed final CAP within prescribed implementation period.

Asset classification: Lowest asset classification of the borrower among all the JLF lenders.

Provisioning: A penal provisioning of 15 per cent in addition to provisioning applicable as per Lowest asset classification of the borrower with any JLF lender, for one year from the date of sign off of CAP.

As the prescribed implementation period is over, the lender has to compulsorily abide by the terms of the approved CAP.

4.159 RBI vide their circular dated 1 September 2016 has issued guidelines on Sale of Stressed Assets by Banks. In terms of these guidelines, the Board of the bank need to lay down detailed policies and guidelines on sale of stressed assets to SC/ RC which should, *inter alia*, cover the following aspects:

- i. Financial assets to be sold.
- ii. Norms and procedure for sale for such financial assets.
- iii. Valuation procedure to be followed to ensure that the realisable value of financial assets is reasonably estimated.
- iv. Delegation of powers of various functionaries for taking decision on the sale of the financial assets; etc.

Auditors need to ensure that the Bank comply with the RBI Guidelines issued on 1 September *vide* circular number RBI/2016-17/56 DBR.No.BP.BC.9/ 21.04.048/2016-17. In addition to the existing disclosure, Banks need to comply with the disclosure requirement in this circular.

4.160 *Disclosure Requirements*

A. Details of financial assets sold to SC/RC: (Amounts in Rupees crore)

1. No. of accounts sold.
2. Aggregate outstanding. (net of provisions)
3. Aggregate consideration received.

4. Additional consideration realized in respect of accounts transferred in earlier years.
 5. Aggregate gain / loss over net book value.
- B. Details of Book Value of investments in Security receipts: (Amounts in Rupees crore)
1. Book Value of investments in Security receipts - Backed by NPA's sold by bank as underlying.
 2. Book Value of investments in Security receipts – Backed by NPA's sold by other banks / financial institutions/ non – banking financial companies as underlying.
 3. Totals of above.

Other Aspects

4.161 Certain other important aspects of the guidelines relating to provisioning are discussed below.

Floating Provisions

Principle for Creation and Utilisation of Floating Provisions by Banks

4.162 RBI mandates banks to hold floating provisions in respect of “Advances” as well as “Investments” separately. The Master Circular of July 1, 2015 on Prudential Norms on Income Recognition, Asset Classification and Provisioning Pertaining to Advances, requires the Board of Directors of banks to lay down a policy regarding the level to which floating provisions can be created. The floating provisions should not be used for making specific provisions as per the extant prudential guidelines in respect of nonperforming assets or for making regulatory provisions for standard assets. The floating provisions can be used only for contingencies under extraordinary circumstances for making specific provisions in impaired accounts after obtaining board's approval and with prior permission of RBI. The boards of the banks should lay down an approved policy as to what circumstances would be considered extraordinary.

4.163 It is clarified that the extra-ordinary circumstances refer to losses which do not arise in the normal course of business and are exceptional and non-recurring in nature. These extra-ordinary circumstances could broadly fall under three categories viz. General, Market and Credit. Under general category, there can be situations where bank is put unexpectedly to loss due to events such as civil unrest or collapse of currency in a country. Natural calamities and pandemics may also be included in the general category.

Market category would include events such as a general melt down in the markets, which affects the entire financial system. Among the credit category, only exceptional credit losses would be considered as an extra-ordinary circumstance.

4.164 Floating provisions cannot be reversed by credit to the profit and loss account. They can only be utilised for making specific provisions in extraordinary circumstances as mentioned above. Until such utilisation, these provisions can be netted off from gross NPAs to arrive at disclosure of net NPAs. Alternatively, they can be treated as part of Tier II capital within the overall ceiling of 1.25 % of total risk weighted assets. Banks should make comprehensive disclosures on floating provisions in the “notes on accounts” to the balance sheet on (a) opening balance in the floating provisions account, (b) the quantum of floating provisions made in the accounting year, (c) purpose and amount of draw down made during the accounting year, and (d) closing balance in the floating provisions account.

Additional Provisions for NPAs at higher than prescribed rates

4.165 A bank may voluntarily make specific provisions for advances at rates which are higher than the rates prescribed under existing regulations, to provide for estimated actual loss in collectible amount, provided such higher rates are approved by the Board of Directors and consistently adopted from year to year. Such additional provisions are not to be considered as floating provisions. The additional provisions for NPAs, like the minimum regulatory provision on NPAs, may be netted off from gross NPAs to arrive at the net NPAs.

Loss Assets

4.166 Every bank should have board approved policy for classification of advance account as Loss Asset. The Auditor should review the policy and ensure that all important criteria for classification of account as Loss Asset is covered in policy.

Further, the Bank should consistently apply policy to all advance accounts and in case of any deviation same also need to be approved by board. The auditor should ensure compliance with policy of classification of account as Loss Asset.

Write-off of NPAs

4.167 The banks should either make full provision as per the guidelines or write off the advances and claim the tax benefits as are applicable, by evolving appropriate methodology in consultation with their auditors/tax consultants. Recoveries made in such accounts should be offered for tax purposes as per the rules. Banks may write-off advances at Head Office level, even though the

advances are still outstanding in the branch books. At the branch level, provision requirement as per classification norms shall be made and in respect of loss assets 100% provision shall be made.

Guidelines on Sale/Purchase of NPAs

4.168 The Master Circular on Advances require the Board of Directors of the banks to lay down policy in respect of the aspects relating to sale/ purchase of NPAs, including:

- (a) Non-performing financial assets that may be purchased/ sold;
- (b) Norms and procedure for purchase/ sale of such financial assets;
- (c) Valuation procedure to be followed to ensure that the economic value of financial assets is reasonably estimated based on the estimated cash flows arising out of repayments and recovery prospects;
- (d) Delegation of powers of various functionaries for taking decision on the purchase/ sale of the financial assets etc.; and
- (e) Accounting policy.

4.169 RBI also casts a responsibility on the Board to satisfy itself that the bank has adequate skills to purchase non-performing financial assets and deal with them in an efficient manner which will result in value addition to the bank.

4.170 Banks should, while selling NPAs, work out the net present value of the estimated cash flows associated with the realisable value of the available securities net of the cost of realisation. The sale price should generally not be lower than the net present value so arrived.

4.171 The estimated cash flows are normally expected to be realised within a period of three years and at least 10% of the estimated cash flows should be realised in the first year and at least 5% in each half year thereafter, subject to full recovery within three years.

4.172 A bank may purchase/sell nonperforming financial assets from/to other banks only on 'without recourse' basis, i.e., the entire credit risk associated with the nonperforming financial assets should be transferred to the purchasing bank. Selling bank shall ensure that the effect of the sale of the financial assets should be such that the asset is taken off the books of the bank and after the sale there should not be any known liability devolving on the selling bank.

4.173 Banks should ensure that subsequent to sale of the non-performing financial assets to other banks. They do not have any involvement with reference to assets sold and do not assume operational, legal or any other type of risks relating to the financial assets sold. Consequently, the specific financial asset

should not enjoy the support of credit enhancements / liquidity facilities in any form or manner.

4.174 Under no circumstances can a sale to other banks be made at a contingent price whereby in the event of shortfall in the realisation by the purchasing banks, the selling banks would have to bear a part of the shortfall. Further, NPAs can be sold to other banks only on cash basis. The entire sale consideration should be received upfront and the asset can be taken out of the books of the selling bank only on receipt of the entire sale consideration.

4.175 A non-performing financial asset should be held by the purchasing bank in its books at least for a period of 15 months before it is sold to other banks. Banks should not sell such assets back to the bank, which had sold the NPFA.

4.176 Banks are also permitted to sell/buy homogeneous pool within retail non-performing financial assets, on a portfolio basis provided each of the non-performing financial assets of the pool has remained as non-performing financial asset for at least 2 years in the books of the selling bank. The pool of assets would be treated as a single asset in the books of the purchasing bank.

4.177 The selling bank should pursue the staff accountability aspects as per the existing instructions in respect of the non-performing assets sold to other banks.

4.178 Prudential norms for banks for the purchase/sale transactions issued by RBI, from time to time, should be adhered to.

4.179 As per the Master Circular on Prudential Norms on Advances dated July 1, 2015, if the sale is in respect of Standard Asset and the sale consideration is higher than the book value, the excess provisions may be credited to Profit and Loss Account. Excess provisions which arise on sale of NPAs can be admitted as Tier II capital subject to the overall ceiling of 1.25% of total Risk Weighted Assets. Accordingly, these excess provisions that arise on sale of NPAs would be eligible for Tier II status.

Asset Classification Norms

4.180 The asset classification norms for sale/purchase of NPAs are as follows:

- (i) The non-performing financial asset purchased, may be classified as 'standard' in the books of the purchasing bank for a period of 90 days from the date of purchase. Thereafter, the asset classification status of the financial asset purchased, shall be determined by the record of recovery in the books of the purchasing bank with reference to cash flows estimated while purchasing the asset which should be in compliance with requirements as discussed in preceding paragraphs.

- (ii) The asset classification status of an existing exposure (other than purchased financial asset) to the same obligor in the books of the purchasing bank will continue to be governed by the record of recovery of that exposure and hence may be different.
- (iii) Where the purchase/sale does not satisfy any of the prudential requirements prescribed in these guidelines the asset classification status of the financial asset in the books of the purchasing bank at the time of purchase shall be the same as in the books of the selling bank. Thereafter, the asset classification status will continue to be determined with reference to the date of NPA in the selling bank.
- (iv) Any restructure/reschedule/rephrase of the repayment schedule or the estimated cash flow of the non-performing financial asset by the purchasing bank shall render the account as a non-performing asset.

Provisioning Norms

Books of Selling Bank

4.181 The provisioning norms for books of selling bank are as under:

- (i) When a bank sells its nonperforming financial assets to other banks, the same will be removed from its books on transfer.
- (ii) If the sale is at a price below the net book value (NBV) (i.e., book value less provisions held), the shortfall should be debited to the profit and loss account of that year.
- (iii) If the sale is for a value higher than the NBV, the excess provision shall not be reversed but will be utilised to meet the shortfall/ loss on account of sale of other non-performing financial assets.

Books of Purchasing Bank

4.182 The provisioning norms for books of purchasing bank are as under:

The asset shall attract provisioning requirement appropriate to its asset classification status in the books of the purchasing bank.

Accounting of Recoveries

4.183 Any recovery in respect of a non-performing asset purchased from other banks should first be adjusted against its acquisition cost. Recoveries in excess of the acquisition cost can be recognised as profit.

Capital Adequacy

4.184 For the purpose of capital adequacy, banks should assign 100% risk weights to the non-performing financial assets purchased from other banks. In

case the nonperforming asset purchased is an investment, then it would attract capital charge for market risks also.

Exposure Norms

4.185 The purchasing bank will reckon exposure on the obligor of the specific financial asset. Hence these banks should ensure compliance with the prudential credit exposure ceilings (both single and group) after reckoning the exposures to the obligors arising on account of the purchase.

Disclosure Requirements

4.186 Banks which purchase nonperforming financial assets from other banks shall be required to make the following disclosures in the Notes on Accounts to their Balance sheets:

- A. Details of non-performing financial assets purchased: (Amounts in Rupees crore)
1. (a) No. of accounts purchased during the year.
(b) Aggregate outstanding.
 2. (a) Of these, number of accounts restructured during the year.
(b) Aggregate outstanding.
- B. Details of nonperforming financial assets sold: (Amounts in Rupees crore)
1. No. of accounts sold.
 2. Aggregate outstanding.
 3. Aggregate consideration received.
 4. Additional consideration realized in respect of accounts transferred in earlier years.
 5. Aggregate gain / loss over net book value.
- C. Details of Book Value of investments in Security receipts: (Amounts in Rupees crore)
1. Book Value of investments in Security receipts - Backed by NPA's sold by bank as underlying.
 2. Book Value of investments in Security receipts – Backed by NPA's sold by other banks / financial institutions/ non – banking financial companies as underlying.
 3. Totals of above.

The purchasing bank shall furnish all relevant reports to RBI, Credit Information Company which has obtained Certificate of Registration from RBI and of which the bank is a member etc. in respect of the nonperforming financial assets purchased by it.

Auditor's Report in case of Bank Borrowers

4.187 The RBI *vide* its circular no. DBOD.No. CAS(COD)BC.146/27-77 dated December 22, 1977 had prescribed that all borrowers having credit limit of Rs.10 lakh and above from the banking system should get their annual accounts audited by chartered accountants. Further the RBI *vide* its circular DBOD.No.BP.BC.33/21.04.018/2002-03 dated October 21, 2002 has authorised the Board of Directors of banks to fix a suitable cut off limit with reference to the borrowing entity's overall exposure on the banking system, over which audit of accounts of borrower by chartered accountants would be mandatory.

Sale/ Purchase of NPAs

4.188 In case of a sale/ purchase of NPAs by the bank, the auditor should examine the policy laid down by the Board of Directors in this regard relating to procedures, valuation and delegation of powers.

4.189 The auditor should also examine that:

- (i) only such NPA has been sold which has remained NPA in the books of the bank for at least 2 years.
- (ii) the assets have been sold/ purchased "without recourse" only.
- (iii) subsequent to the sale of the NPA, the bank does not assume any legal, operational or any other type of risk relating to the sold NPAs.
- (iv) the NPA has been sold at cash basis only.
- (v) the bank has not purchased an NPA which it had originally sold.

4.190 In case of sale of an NPA, the auditor should also examine that:

- (i) on the sale of the NPA, the same has been removed from the books of the account.
- (ii) the short fall in the net book value (NBV) has been charged to the profit and loss account.
- (iii) where the sale is for a value higher than the NBV, no profit is recognised and the excess provision has not been reversed but retained to meet the shortfall/ loss on account of sale of other non-performing financial assets.

4.191 Similarly, in case of purchase of NPAs, the auditor should verify that:

- (i) the NPA purchased has been subjected to the provisioning requirements appropriate to the classification status in the books of the selling bank.

- (ii) any recovery in respect of an NPA purchased from other banks is first adjusted against its acquisition cost and only the recovered amount in excess of the acquisition cost has been recognised as profit.
- (iii) for the purpose of capital adequacy, bank has assigned 100% risk weights to the NPAs purchased from other banks.

Verification of Provision for Non-performing assets

4.192 An important aspect of audit of advances relates to their classification and provisioning. This implies that a proper provision should be made in respect of advances where the recovery is doubtful. As mentioned earlier, the Reserve Bank has prescribed objective norms for determining the quantum of provisions required in respect of advances. The auditors must familiarise himself fully with the norms prescribed by RBI in this regard. However, these norms should be construed as laying down the minimum provisioning requirements and wherever a higher provision is warranted in the context of the threats to recovery, such higher provision should be made. Provisions of section 15 of the Banking Regulation Act, 1949, which applies to banking companies, nationalised banks, State Bank of India, its subsidiaries, and regional rural banks, the bank concerned should make adequate provision for bad debts to the satisfaction of its auditor before paying any dividends on its shares.

4.193 The accounting entry for provision in respect of debts that are doubtful of recovery is usually made at the head office level and is not recorded in the books at the branch level. The amount of provision to be made at the head office level is based largely on the classification of various advances into standard, sub-standard, doubtful and loss categories. The auditor should carefully examine whether the classification made by the branch is appropriate. In doing so, he should particularly examine the classification of advances where there are threats to recovery. The auditor should also examine whether the secured and the unsecured portions of advances have been segregated correctly and provisions have been calculated properly.

4.194 As per the Reserve Bank guidelines, if an account has been regularised before the balance sheet date by payment of overdue amount through genuine sources, the account need not be treated as NPA. Where, subsequent to repayment by the borrower (which makes the account regular), the branch has provided further funds to the borrower (including by way of subscription to its debentures or in other accounts of the borrower), the auditor should carefully assess whether the repayment was out of genuine sources or not. Where the account indicates inherent weakness on the basis of the data available, the account should be deemed as a NPA. In other genuine cases, the banks must furnish satisfactory evidence to the satisfaction of Statutory Auditors about the

manner of regularisation of the account to eliminate doubts on their performing status.

4.195 The statutory auditors should consider the issues emerging from recent RBI inspections and obtain an understanding of changes made by the banks pursuant to the inspection process to enhance their identification of NPA. Further, the audit procedures should be suitably re-designed to consider such issues. It is to be examined whether that the classification is made as per the position as on date and hence classification of all standard accounts be reviewed as on balance sheet date. The sample of loans selected during the statutory audit should have greater considerations of large corporate borrowers in Special Mention Accounts II (SMA-II) Category, projects where implementation is delayed and accounts subjected to any form of restructuring. The date of NPA is of significant importance to determine the classification and hence specific care be taken in this regard. The regularisation and / or closure of account subsequent to the date of balance sheet will not have any impact on improvisation of the classification of advance as on the date of NPA.

Projects under Implementation

4.196 For all projects financed by the FIs/ banks after 28th May 2002, the date of completion of the project should be clearly spelt out at the time of financial closure of the project.

Project Loans

4.197 There are occasions when the completion of projects is delayed for legal and other extraneous reasons like delays in Government approvals etc. All these factors, which are beyond the control of the promoters, may lead to delay in project implementation and involve restructuring/reschedulement of loans by banks. Accordingly, the following asset classification norms would apply to the project loans before commencement of commercial operations. These guidelines will, however, not be applicable to restructuring of Advances classified as Commercial Real Estate exposures; Advances classified as Capital Market exposure; and Consumer and Personal Advances which will continue to be dealt with in terms of the extant provisions.

4.198 For this purpose, all project loans have been divided into the following two categories:

- a., Project Loans for infrastructure sector.
- b., Project Loans for non-infrastructure sector.

'Project Loan' would mean any term loan which has been extended for the purpose of setting up of an economic venture. Banks must fix a Date of Commencement of Commercial Operations (DCCO) for all project loans at the time of sanction of the loan / financial closure (in the case of multiple banking or consortium arrangements).

Project Loans for Infrastructure Sector

4.199

- (i) A loan for an infrastructure project will be classified as NPA during any time before commencement of commercial operations as per record of recovery (90 days overdue), unless it is restructured and becomes eligible for classification as 'standard asset' in terms of paras (iii) to (v) below.
- (ii) A loan for an infrastructure project will be classified as NPA if it fails to commence commercial operations within two years from the original DCCO, even if it is regular as per record of recovery, unless it is restructured and becomes eligible for classification as 'standard asset' in terms of paras (iii) to (v) below.
- (iii) If a project loan classified as 'standard asset' is restructured any time during the period up to two years from the original date of commencement of commercial operations (DCCO), in accordance with the provisions of Part B of this Master Circular, it can be retained as a standard asset if the fresh DCCO is fixed within the following limits, and further provided the account continues to be serviced as per the restructured terms.
 - (a) Infrastructure Projects involving court cases
Up to another 2 years (beyond the existing extended period of 2 years i.e. total extension of 4 years), in case the reason for extension of date of commencement of production is arbitration proceedings or a court case.
 - (b) Infrastructure Projects delayed for other reasons beyond the control of promoters
Up to another 1 year (beyond the existing extended period of 2 years i.e. total extension of 3 years), in other than court cases.
- (iv) It is re-iterated that the dispensation is subject to adherence to the provisions regarding restructuring of accounts as contained in the Master Circular which would *inter alia* require that the application for restructuring should be received before the expiry of period of two years from the original DCCO and when the account is still standard as per record of recovery.

Asset Classification, Income Recognition and Provisioning

The other conditions applicable would be:

- a. In cases where there is moratorium for payment of interest, banks should not book income on accrual basis beyond two years from the original DCCO, considering the high risk involved in such restructured accounts.
- b. Banks should maintain provisions on such accounts as long as these are classified as standard assets as under:

Particulars	Provisioning Requirement
If the revised DCCO is within two years from the original DCCO prescribed at the time of financial closure	0.40 per cent
If the DCCO is extended beyond two years and upto four years or three years from the original DCCO, as the case may be, depending upon the reasons for such delay	<p>Project loans restructured with effect from June 1, 2013:</p> <p>5.00 per cent – From the date of such restructuring till the revised DCCO or 2 years from the date of restructuring, whichever is later</p> <p>Stock of project loans classified as restructured as on June 1, 2013:</p> <ul style="list-style-type: none"> •, 3.50 per cent - with effect from March 31, 2014 (spread over the four quarters of 2013-14) •, 4.25 per cent - with effect from March 31, 2015 (spread over the four quarters of 2014-15) •, 5.00 per cent - - with effect from March 31, 2016 (spread over the four quarters of 2015-16) <p>The above provisions will be applicable from the date of restructuring till the revised DCCO or 2 years from the date of restructuring, whichever is later.</p>

- (v) For the purpose of these guidelines, mere extension of DCCO would not be considered as restructuring, if the revised DCCO falls within the period of two years from the original DCCO. In such cases the consequential shift in repayment period by equal or shorter duration (including the start date and end date of revised repayment schedule) than the extension of DCCO

would also not be considered as restructuring provided all other terms and conditions of the loan remain unchanged.

- (vi) In case of infrastructure projects under implementation, where Appointed Date (as defined in the concession agreement) is shifted due to the inability of the Concession Authority to comply with the requisite conditions, change in date of commencement of commercial operations (DCCO) need not be treated as 'restructuring', subject to following conditions:
- a., The project is an infrastructure project under public private partnership model awarded by a public authority;
 - b., The loan disbursement is yet to begin;
 - c., The revised date of commencement of commercial operations is documented by way of a supplementary agreement between the borrower and lender; and
 - d., Project viability has been reassessed and sanction from appropriate authority has been obtained at the time of supplementary agreement.

Change in Ownership

4.200

- i. In order to facilitate revival of the projects stalled primarily due to inadequacies of the current promoters, if a change in ownership takes place any time during the periods quoted in paragraphs 4.2.15.3 of the circular or before the original DCCO, banks may permit extension of the DCCO of the project up to two years in addition to the periods quoted at paragraph 4.2.15.3 of the circular as the case may be, without any change in asset classification of the account subject to the conditions stipulated in the following paragraphs. Banks may also consequentially shift/extend repayment schedule, if required, by an equal or shorter duration.
- ii. In cases where change in ownership and extension of DCCO (as indicated in paragraph 4.2.15.5 (i) of the circular) takes place before the original DCCO, and if the project fails to commence commercial operations by the extended DCCO, the project will be eligible for further extension of DCCO in terms of guidelines quoted at paragraph 4.2.15.3 of the circular. Similarly, where change in ownership and extension of DCCO takes place during the period quoted in paragraph 4.2.15.3 (i) of the circular, the account may still be restructured by extension of DCCO in terms of guidelines quoted at paragraph 4.2.15.3 (ii) of the circular, without classifying the account as non-performing asset.

- iii. The provisions of paragraphs 4.2.15.4 (i) and 4.2.15.4 (ii) of the circular are subject to the following conditions:
- a., Banks should establish that implementation of the project is stalled/affected primarily due to inadequacies of the current promoters/management and with a change in ownership there is a very high probability of commencement of commercial operations by the project within the extended period;
 - b., The project in consideration should be taken-over/acquired by a new promoter/promoter group with sufficient expertise in the field of operation. If the acquisition is being carried out by a special purpose vehicle (domestic or overseas), the bank should be able to clearly demonstrate that the acquiring entity is part of a new promoter group with sufficient expertise in the field of operation;
 - c., The new promoters should own at least 51 per cent of the paid up equity capital of stake in the acquired project. If the new promoter is a non-resident, and in sectors where the ceiling on foreign investment is less than 51 per cent, the new promoter should own atleast 26 per cent of the paid up equity capital or up to applicable foreign investment limit, whichever is higher, provided banks are satisfied that with this equity stake the new non-resident promoter controls the management of the project;
 - d., Viability of the project should be established to the satisfaction of the banks;
 - e., Intra-group business restructuring/mergers/acquisitions and/or takeover/acquisition of the project by other entities/subsidiaries/associates etc. (domestic as well as overseas), belonging to the existing promoter/promoter group will not qualify for this facility. The banks should clearly establish that the acquirer does not belong to the existing promoter group;
 - f., Asset classification of the account as on the 'reference date' would continue during the extended period. For this purpose, the 'reference date' would be the date of execution of preliminary binding agreement between the parties to the transaction, provided that the acquisition/takeover of ownership as per the provisions of law/regulations governing such acquisition/takeover is completed within a period of 90 days from the date of execution of preliminary binding agreement. During the intervening period, the usual asset classification norms would continue to apply. If the change in ownership is not completed within 90 days from the preliminary binding agreement, the 'reference date' would be the effective date of acquisition/takeover as

- per the provisions of law/regulations governing such acquisition/takeover;
- g., The new owners/promoters are expected to demonstrate their commitment by bringing in substantial portion of additional monies required to complete the project within the extended time period. As such, treatment of financing of cost overruns for the project shall be subject to the guidelines prescribed in paragraph 13 of the circular. Financing of cost overrun beyond the ceiling prescribed in paragraph 13 of the circular would be treated as an event of restructuring even if the extension of DCCO is within the limits prescribed above;
 - h., While considering the extension of DCCO (up to an additional period of 2 years) for the benefits envisaged hereinabove, banks shall make sure that the repayment schedule does not extend beyond 85 per cent of the economic life/concession period of the project; and
 - i., This facility would be available to a project only once and will not be available during subsequent change in ownership, if any.
- iv. Loans covered under this guideline would attract provisioning as per the extant provisioning norms depending upon their asset classification status.

Project Loans for Non-Infrastructure Sector

4.201

- (i) A loan for a non-infrastructure project will be classified as NPA during any time before commencement of commercial operations as per record of recovery (90 days overdue), unless it is restructured and becomes eligible for classification as 'standard asset' in terms of paras (iii) to (iv) below.
- (ii) A loan for a non-infrastructure project will be classified as NPA if it fails to commence commercial operations within one year from the original DCCO, even if is regular as per record of recovery, unless it is restructured and becomes eligible for classification as 'standard asset' in terms of paras (iii) to (iv) below.
- (iii) In case of non-infrastructure projects, if the delay in commencement of commercial operations extends beyond the period of one year from the date of completion as determined at the time of financial closure, banks can prescribe a fresh DCCO, and retain the "standard" classification by undertaking restructuring of accounts in accordance with the provisions contained in this Master Circular, provided the fresh DCCO does not extend beyond a period of two years from the original DCCO. This would among others also imply that the restructuring application is received before the

Asset Classification, Income Recognition and Provisioning

expiry of one year from the original DCCO, and when the account is still "standard" as per the record of recovery.

The other conditions applicable would be:

- a. In cases where there is moratorium for payment of interest, banks should not book income on accrual basis beyond one year from the original DCCO, considering the high risk involved in such restructured accounts.
- b. Banks should maintain provisions on such accounts as long as these are classified as standard assets as under:

Particulars	Provisioning Requirement
If the revised DCCO is within one year from the original DCCO prescribed at the time of financial closure	0.40 per cent
If the DCCO is extended beyond one year and upto two years from the original DCCO prescribed at the time of financial closure	<p>Project loans restructured with effect from June 1, 2013: 5.00 per cent – From the date of restructuring for 2 years</p> <p>Stock of Project loans classified as restructured before June 01, 2013:</p> <ul style="list-style-type: none"> ●, 3.50 per cent - with effect from March 31, 2014 (spread over the four quarters of 2013-14) ●, 4.25 per cent - with effect from March 31, 2015 (spread over the four quarters of 2014-15) ●, 5.00 per cent - with effect from March 31, 2016 (spread over the four quarters of 2015-16) <p>The above provisions will be applicable from the date of restructuring for 2 years.</p>

- (iv) For this purpose, mere extension of DCCO would not be considered as restructuring, if the revised DCCO falls within the period of two years from the original DCCO. In such cases the consequential shift in repayment period by equal or shorter duration (including the start date and end date of revised repayment schedule) than the extension of DCCO would also not be considered as restructuring provided all other terms and conditions of the loan remain unchanged.

Other Issues

4.202

- (i) All other aspects of restructuring of project loans before commencement of commercial operations would be governed by the provisions of Part B of Master Circular on Prudential norms on Income Recognition, Asset Classification and Provisioning Pertaining to Advances. Restructuring of project loans after commencement of commercial operations will also be governed by these instructions.
- (ii) Any change in the repayment schedule of a project loan caused due to an increase in the project outlay on account of increase in scope and size of the project, would not be treated as restructuring if:
 - (a) The increase in scope and size of the project takes place before commencement of commercial operations of the existing project.
 - (b) The rise in cost excluding any cost-overrun in respect of the original project is 25% or more of the original outlay.
 - (c) The bank re-assesses the viability of the project before approving the enhancement of scope and fixing a fresh DCCO.
 - (d) On re-rating, (if already rated) the new rating is not below the previous rating by more than one notch.
- (iii) Project loans for Commercial Real Estate
CRE projects mere extension of DCCO would not be considered as restructuring, if the revised DCCO falls within the period of one year from the original DCCO and there is no change in other terms and conditions except possible shift of the repayment schedule and servicing of the loan by equal or shorter duration compared to the period by which DCCO has been extended. However, the asset classification benefit would not be available to CRE projects if they are restructured.
- (iv) Multiple revisions of the DCCO and consequential shift in repayment schedule for equal or shorter duration (including the start date and end date of revised repayment schedule) will be treated as a single event of restructuring provided that the revised DCCO is fixed within the respective

time limits stipulated at paragraphs 4.2.15.3 (iii) and 4.2.15.4 (iii) of the Master Circular No. RBI/2015-16/101DBR.No.BP.BC.2/21.04.048/2015-16 on Prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances, dated July 1, 2015 and all other terms and conditions of the loan remained unchanged.

- (v) Banks, if deemed fit, may extend DCCO beyond the respective time limits stipulated at paragraphs 4.2.15.3 (iii) and 4.2.15.4 (iii) of the Master Circular No. RBI/2015-16/101 DBR.No.BP.BC.2/21.04.048/2015-16 on Prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances, dated July 1, 2015; however, in that case, banks will not be able to retain the 'standard' asset classification status of such loan accounts.
- (vi) In all the above cases of restructuring where regulatory forbearance has been extended, the Boards of banks should satisfy themselves about the viability of the project and the restructuring plan.

4.203

- (i) The RBI vide its Circular No. RBI/2014-15/182 DBOB. No.BP.BC.33/21.04.048/2014-15 dated August 14, 2014 on "Prudential Norms on Income Recognition, Assets Classification and Provisioning Pertaining to Advances – Project under Implementation" mentions that banks have represented to RBI that in respect of funding of cost overruns, which may arise on account of extension of DCCO within the above (i.e.; two years and one year for infrastructure and non-infrastructure projects from original DCCO date with other terms and conditions remain unchanged), time limits may be allowed without treating the loans as restructured.
- (ii) In cases where banks have specifically sanctioned a 'standby facility' at the time of initial financial closure to fund cost overruns, they may fund cost overruns as per the agreed terms and conditions.
- (iii) In cases Where the initial financial closure does not envisage such financing of cost overruns, based on the representations from banks, it has been decided to allow banks to fund cost overruns, which may arise on account of extension of DCCO within the time limits quoted at paragraph (i) above, without treating the loans as 'restructured asset' subject to the following conditions:
 - (a) Banks may fund additional 'Interest during Construction', which may arise on account of delay in completion of a project;

- (b) Other cost overruns (excluding Interest during Construction) up to a maximum of 10% of the original project cost;
- (c) Debt Equity Ratio as agreed at the time of initial financial closure should remain unchanged subsequent to funding cost overruns or improve in favour of the lenders and the revised Debt Service Coverage Ratio should be acceptable to the lenders;
- (d) Disbursement of funds for cost overruns should start only after the Sponsors/Promoters bring in their share of funding of the cost overruns; and
- (e) All other terms and conditions of the loan should remain unchanged or enhanced in favour of the lenders.

Flexible structuring of Long Term Project Loans to Infrastructure and Core Industries

4.204

- (i) In view of the challenges faced by Banks, the RBI has clarified in its circular no. DBOD.No.BP.BC.24/21.04.132/2014-15 on Flexible Structuring of Long Term Project Loans to Infrastructure and Core Industries dated July 15, 2014, that it has no objection to banks' to fix longer amortisation period for loans to projects in infrastructure and core industries sectors, say 25 years, based on the economic life or concession period of the project, with periodic refinancing, say every 5 years. For details refer to the circular.
- (ii) The RBI has further clarified in its circular no. DBOD.No.BP.BC.24/21.04.132/2014-15 Flexible Structuring of Long Term Project Loans to Infrastructure and Core Industries dated December 15, 2014 that the flexible structuring of existing loans will be allowed in addition to new loans as per the norms given in the circular.
- (iii) For detailed guidelines on the Flexible structuring of Long Term Project Loans, refer para 10 and 11 of the master circular DBR.No. BP.BC.2/21.04.048/2015-16 - Master Circular - Prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances.

Income recognition

4.205

- (i) Banks may recognise income on accrual basis in respect of the projects under implementation, which are classified as 'standard'.
- (ii) Banks should not recognise income on accrual basis in respect of the projects under implementation which are classified as a 'substandard' asset. Banks may recognise income in such accounts only on realisation on

cash basis. Consequently, banks which have wrongly recognised income in the past should reverse the interest if it was recognised as income during the current year or make a provision for an equivalent amount if it was recognised as income in the previous year(s). As regards the regulatory treatment of 'funded interest' recognised as income and 'conversion into equity, debentures or any other instrument' banks should adopt the following:

- a), **Funded Interest:** Income recognition in respect of the NPAs, regardless of whether these are or are not subjected to restructuring/ rescheduling/ renegotiation of terms of the loan agreement, should be done strictly on cash basis, only on realisation and not if the amount of interest overdue has been funded. If, however, the amount of funded interest is recognised as income, a provision for an equal amount should also be made simultaneously. In other words, any funding of interest in respect of NPAs, if recognised as income, should be fully provided for.
- b) **Conversion into equity, debentures or any other instrument:** The amount outstanding converted into other instruments would normally comprise principal and the interest components. If the amount of interest dues is converted into equity or any other instrument, and income is recognised in consequence, full provision should be made for the amount of income so recognised to offset the effect of such income recognition. Such provision would be in addition to the amount of provision that may be necessary for the depreciation in the value of the equity or other instruments, as per the investment valuation norms. However, if the conversion of interest is into equity which is quoted, interest income can be recognised at market value of equity, as on the date of conversion, not exceeding the amount of interest converted to equity. Such equity must thereafter be classified in the "available for sale" category and valued at lower of cost or market value. In case of conversion of principal and /or interest in respect of NPAs into debentures, such debentures should be treated as NPA, *ab initio*, in the same asset classification as was applicable to loan just before conversion and provision made as per norms. This norm would also apply to zero coupon bonds or other instruments which seek to defer the liability of the issuer. On such debentures, income should be recognised only on realization basis. The income in respect of unrealised interest which is converted into debentures or any other fixed maturity instrument should be recognized only on redemption of such instrument. Subject to the above, the equity shares or other

instruments arising from conversion of the principal amount of loan would also be subject to the usual prudential valuation norms as applicable to such instruments.

Provisioning norms on restructured advances

Normal provisions

4.206

- (i) Banks will hold provision against the restructured advances as per the extant provisioning norms.
- (ii) Restructured accounts classified as standard advances will attract a higher provision (as prescribed from time to time) in the first two years from the date of restructuring. In cases of moratorium on payment of interest/principal after restructuring, such advances will attract the prescribed higher provision for the period covering moratorium and two years thereafter.
- (iii) Restructured accounts classified as non-performing advances, when upgraded to standard category will attract a higher provision (as prescribed from time to time) in the first year from the date of upgradation.
- (iv) The above-mentioned higher provision on restructured standard advances (2.75 per cent as prescribed vide circular dated November 26, 2012) would increase to 5 per cent in respect of new restructured standard accounts (flow) with effect from June 1, 2013 and increase to 5% by FY: 2015-16 in a phased manner for the stock of restructured standard accounts as on May 31, 2013.

Provision for diminution in the fair value of restructured advances-

4.207

- (i) Reduction in the rate of interest and/or reschedulement of the repayment of principal amount, as part of the restructuring, will result in diminution in the fair value of the advance. Such diminution in value is an economic loss for the bank and will have impact on the bank's market value of equity. It is, therefore, necessary for banks to measure such diminution in the fair value of the advance and make provisions for it by debit to Profit & Loss Account. Such provision should be held in addition to the provisions as per existing provisioning norms and in an account distinct from that for normal provisions.

For this purpose, the erosion in the fair value of the advance should be computed as the difference between the fair value of the loan before and after restructuring. Fair value of the loan before restructuring will be

computed as the present value of cash flows representing the interest at the existing rate charged on the advance before restructuring and the principal, discounted at a rate equal to the bank's BPLR or Base Rate¹¹ (whichever is applicable to the borrower) as on the date of restructuring plus the appropriate term premium and credit risk premium for the borrower category on the date of restructuring. Fair value of the loan after restructuring will be computed as the present value of cash flows representing the interest at the rate charged on the advance on restructuring and the principal, discounted at a rate equal to the bank's BPLR or base rate (whichever is applicable to the borrower) as on the date of restructuring plus the appropriate term premium and credit risk premium for the borrower category on the date of restructuring.

The above formula moderates the swing in the diminution of present value of loans with the interest rate cycle and will have to be followed consistently by banks in future. Further, it is reiterated that the provisions required as above arise due to the action of the banks resulting in change in contractual terms of the loan upon restructuring which are in the nature of financial concessions. These provisions are distinct from the provisions which are linked to the asset classification of the account classified as NPA and reflect the impairment due to deterioration in the credit quality of the loan. Thus, the two types of the provisions are not substitute for each other.

- ii) There could be divergences in the calculation of diminution of fair value of accounts by banks. For example, divergences could occur if banks do not appropriately factor in the term premium on account of elongation of repayment period on restructuring. In such a case the term premium used while calculating the present value of cash flows after restructuring would be higher than the term premium used while calculating the present value of cash flows before restructuring.

Further, the amount of principal converted into debt/equity instruments on restructuring would need to be held under AFS and valued as per usual valuation norms. Since these instruments are getting marked to market, the erosion in fair value gets captured on such valuation. Therefore, for the purpose of arriving at the erosion in the fair value, the NPV calculation of the portion of principal not converted into debt/equity has to be carried out separately. However, the total sacrifice involved for the bank would be NPV of the above portion plus valuation loss on account of conversion into debt/equity instruments.

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¹¹ This change has been introduced as a result of the introduction of Base Rate System w.e.f. July 1, 2010 vide circular DBOD.No.Dir.BC.88/13.03.00/2009-10 dated April 9, 2010 on 'Guidelines on the Base Rate'.

Auditor should therefore verify that Bank has correctly captured diminution in fair value of restructured accounts as it will have a bearing not only on the provisioning required to be made by them but also on the amount of sacrifice required from the promoters.

Auditors should also verify that there is no any effort on the part of banks to artificially reduce the net present value of cash flows by resorting to any sort of financial engineering. Auditor should also verify that there is a proper mechanism in place of checks and balances to ensure accurate calculation of erosion in the fair value of restructured accounts.

4.208 In the case of working capital facilities, the diminution in the fair value of the cash credit / overdraft component may be computed as indicated in para 4.207(i) above, reckoning the higher of the outstanding amount or the limit sanctioned as the principal amount and taking the tenor of the advance as one year. The term premium in the discount factor would be as applicable for one year. The fair value of the term loan components (Working Capital Term Loan and Funded Interest Term Loan) would be computed as per actual cash flows and taking the term premium in the discount factor as applicable for the maturity of the respective term loan components.

4.209 In the event any security is taken in lieu of the diminution in the fair value of the advance, it should be valued at Re.1/- till maturity of the security. This will ensure that the effect of charging off the economic sacrifice to the Profit & Loss account is not negated.

4.210 The diminution in the fair value may be re-computed on each balance sheet date till satisfactory completion of all repayment obligations and full repayment of the outstanding in the account, so as to capture the changes in the fair value on account of changes in BPLR or base rate (whichever is applicable to the borrower), term premium and the credit category of the borrower. Consequently, banks may provide for the shortfall in provision or reverse the amount of excess provision held in the distinct account.

4.211 If due to lack of expertise / appropriate infrastructure, a bank finds it difficult to ensure computation of diminution in the fair value of advances, as an alternative to the methodology prescribed above for computing the amount of diminution in the fair value, the banks has the option of notionally computing the amount of diminution in the fair value and providing therefor, at five percent of the total exposure, in respect of all restructured accounts where the total dues to bank(s) are less than rupees one crore.

4.212 The total provisions required against an account (normal provisions plus provisions in lieu of diminution in the fair value of the advance) are capped at 100% of the outstanding debt amount.

Risk-Weights

4.213 The RBI circular also provides that:

- a. Restructured housing loans should be risk weighted with an additional risk weight of 25 percentage points.
- b. With a view to reflecting a higher element of inherent risk which may be latent in entities whose obligations have been subjected to restructuring / rescheduling either by banks on their own or along with other bankers / creditors, the unrated standard / performing claims on corporates should be assigned a higher risk weight of 125% until satisfactory performance under the revised payment schedule has been established for one year from the date when the first payment of interest / principal falls due under the revised schedule.
- c. For details on risk weights, Master Circular RBI/2015-16/58 DBR.No.BP.BC.1/21.06.201/2015-16 dated July 1, 2015 on 'Basel III Capital Regulations' may be referred.

Prudential Norms for Conversion of Principal into Debt / Equity

Asset classification norms

4.214 A part of the outstanding, principal amount can be converted into debt or equity instruments as part of restructuring. The debt / equity instruments so created will be classified in the same asset classification category in which the restructured advance has been classified. Further movement in the asset classification of these instruments would also be determined based on the subsequent asset classification of the restructured advance.

Income recognition norms

Standard Accounts

4.215 In the case of restructured accounts classified as 'standard', the income, if any, generated by these instruments may be recognised on accrual basis.

Non- Performing Accounts

4.216 In the case of restructured accounts classified as non-performing assets, the income, if any, generated by these instruments may be recognised only on cash basis.

Valuation and provisioning norms

4.217 These instruments should be held under AFS and valued as per usual valuation norms. Equity classified as standard asset should be valued either at market value, if quoted, or at break-up value, if not quoted (without considering

the revaluation reserve, if any) which is to be ascertained from the company's latest balance sheet. In case the latest balance sheet is not available, the shares are to be valued at Re. 1. Equity instrument classified as NPA should be valued at market value, if quoted, and in case where equity is not quoted, it should be valued at Re. 1. Depreciation on these instruments should not be offset against the appreciation in any other securities held under the AFS category.

Prudential Norms for Conversion of Unpaid Interest into 'Funded Interest Term Loan' (FITL), Debt or Equity Instruments

Asset classification norms

4.218 The FITL / debt or equity instrument created by conversion of unpaid interest will be classified in the same asset classification category in which the restructured advance has been classified. Further movement in the asset classification of FITL / debt or equity instruments would also be determined based on the subsequent asset classification of the restructured advance.

Income recognition norms

4.219 The income, if any, generated by these instruments may be recognised on accrual basis, if these instruments are classified as 'standard', and on cash basis in the cases where these have been classified as a non-performing asset.

4.220 The unrealised income represented by FITL / Debt or equity instrument should have a corresponding credit in an account styled as "Sundry Liabilities Account (Interest Capitalization)".

4.221 In the case of conversion of unrealised interest income into equity, which is quoted, interest income can be recognized after the account is upgraded to standard category at market value of equity, on the date of such upgradation, not exceeding the amount of interest converted into equity.

4.222 Only on repayment in case of FITL or sale / redemption proceeds of the debt / equity instruments, the amount received will be recognized in the P&L Account, while simultaneously reducing the balance in the "Sundry Liabilities Account (Interest Capitalisation)".

Valuation & Provisioning norms

4.223 Valuation and provisioning norms would be as per para 4.217 above. The depreciation, if any, on valuation may be charged to the Sundry Liabilities (Interest Capitalisation) Account.

Special Regulatory Treatment for Asset Classification

4.224 The special regulatory treatment for asset classification, in modification to the provisions in this regard stipulated in para 18 of the Master Circular No.

RBI/2015-16/101 DBR.No.BP.BC.2/21.04.048/2015-16 on Prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances, dated July 1, 2015, will be available to the borrowers engaged in important business activities, subject to compliance with certain conditions as enumerated in para 20.2 of the above mentioned master circular. Such treatment is not extended to the following categories of advances:

- i. Consumer and personal advances;
- ii. Advances classified as Capital market exposures;
- iii. Advances classified as commercial real estate exposures.

The asset classification of these three categories accounts as well as that of other accounts which do not comply with the conditions enumerated in para 20.2 of the aforesaid Master Circular, are governed by the prudential norms in this regard described in para 17 of the Master Circular.

Elements of special regulatory framework

4.225 The special regulatory treatment has the following two components:

- (i) Incentive for quick implementation of the restructuring package.
- (ii) Retention of the asset classification of the restructured account in the pre-restructuring asset classification category.

Incentive for quick implementation of the restructuring package

4.226 During the pendency of the application for restructuring of the advance with the bank, the usual asset classification norms would continue to apply. The process of reclassification of an asset should not stop merely because the application is under consideration. However, as an incentive for quick implementation of the package, if the approved package is implemented by the bank as per the following time schedule, the asset classification status may be restored to the position which existed when the reference was made to the CDR Cell in respect of cases covered under the CDR Mechanism or when the restructuring application was received by the bank in non-CDR cases:

- (i) Within 120 days from the date of approval under the CDR Mechanism.
- (ii) Within 120 days from the date of receipt of application by the bank in cases other than those restructured under the CDR Mechanism.

Asset classification benefits

4.227 Subject to the compliance with the undernoted conditions in addition to the adherence to the prudential framework laid down in para 17 of the Master

Circular DBR.No.BP.BC.2/21.04.048/2015-16 on Prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances dated July 1, 2015:

- (i) In modification to para 17.2.1 of aforesaid Master Circular, an existing 'standard asset' will not be downgraded to the sub-standard category upon restructuring.
- (ii) In modification to para 17.2.2 of aforesaid Master Circular, during the specified period, the asset classification of the sub-standard / doubtful accounts will not deteriorate upon restructuring, if satisfactory performance is demonstrated during the specified period.

4.228 However, these benefits will be available subject to compliance with the following conditions:

- i) The dues to the bank are 'fully secured' as defined in Annex – 5 of the Master Circular on Prudential Norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances dated July 1, 2015. The condition of being fully secured by tangible security will not be applicable in the following cases:
 - (a) MSE borrowers, where the outstanding is up to Rs. 25 lakh.
 - (b) Infrastructure projects, provided the cash flows generated from these projects are adequate for repayment of the advance, the financing bank(s) have in place an appropriate mechanism to escrow the cash flows, and also have a clear and legal first claim on these cash flows.
- ii) The unit becomes viable in 8 years, if it is engaged in infrastructure activities, and in 5 years in the case of other units.
- iii) The repayment period of the restructured advance including the moratorium, if any, does not exceed 15 years in the case of infrastructure advances and 10 years in the case of other advances. The aforesaid ceiling of 10 years would not be applicable for restructured home loans; in these cases the Board of Directors of the banks should prescribe the maximum period for restructured advance keeping in view the safety and soundness of the advances.
- iv) Promoters' sacrifice and additional funds brought by them should be a minimum of 20 per cent of banks' sacrifice or 2 per cent of the restructured debt, whichever is higher. This stipulation is the minimum and banks may decide on a higher sacrifice by promoters depending on the riskiness of the project and promoters' ability to bring in higher sacrifice amount. Further, such higher sacrifice may invariably be insisted upon in larger accounts,

especially CDR accounts. The promoters' sacrifice should invariably be brought upfront while extending the restructuring benefits to the borrowers. The term 'bank's sacrifice' means the amount of 'erosion in the fair value of the advance'; or "total sacrifice", to be computed as per the methodology enumerated in para 4.207(i) and (ii) above.

(Prior to May 30, 2013, if banks were convinced that the promoters face genuine difficulty in bringing their share of the sacrifice immediately and need some extension of time to fulfill their commitments, the promoters could be allowed to bring in 50% of their sacrifice, i.e. 50% of 15%, upfront and the balance within a period of one year. However, in such cases, if the promoters fail to bring in their balance share of sacrifice within the extended time limit of one year, the asset classification benefits derived by banks will cease to accrue and the banks will have to revert to classifying such accounts as per the asset classification norms as given in para 17.2 of aforesaid Master Circular.

- v) Promoter's contribution need not necessarily be brought in cash and can be brought in the form of de-rating of equity, conversion of unsecured loan brought by the promoter into equity and interest free loans.
- vi) The restructuring under consideration is not a 'repeated restructuring' as defined in para (v) of Annex - 5 of the Master Circular on Prudential Norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances dated July 1, 2015.

4.229 As per para 20.2.3 of the Master Circular dated July 1, 2015 the extant incentive for quick implementation of restructuring package and asset classification benefits (paragraphs 4.226 to 4.228 (available on restructuring on fulfilling the conditions will however be withdrawn for all restructurings effective from April 1, 2015 with the exception of provisions related to changes in DCCO in respect of infrastructure as well as non-infrastructure project loans. It implies that with effect from April 1, 2015, a standard account on restructuring (for reasons other than change in DCCO and) would be immediately classified as sub-standard on restructuring as also the non-performing assets, upon restructuring, would continue to have the same asset classification as prior to restructuring and slip into further lower asset classification categories as per the extant asset classification norms with reference to the pre-restructuring repayment schedule.

4.230 Accelerated Provisioning

In cases where banks fail to report SMA status to the accounts to CRILIC or resort to methods with the intent to conceal the actual status of the accounts or evergreen the accounts, banks will be subjected to accelerated provisioning for these accounts as under:

Guidance Note on Audit of Banks (Revised 2019)

Asset Classification	Period as NPA	Current Provisioning	Revised accelerated provisioning (%)
Sub Standard (Secured)	Upto 6 months 6 months to 1 year	15 15	15 (no change) 25
Sub Standard (unsecured <i>ab initio</i>)	Upto 6 months 6 months to 1 year	25(other than infrastructure loans) 20 (infrastructure loans) Same as above	25 40
Doubtful I	2 nd year	25(secured portion) 100(unsecured portion)	40 100
Doubtful II	3 rd & 4 th year	40(secured portion) 100 (unsecured portion)	100 for both secured and unsecured portion
Doubtful III	5 year onwards	100	100

The auditor should check bank's process to identify SMA accounts and reporting of same. If report is generated from system, parameters considered for identification of SMA accounts and system controls to be checked.

Integration of SMA identification system with Core banking system to be checked and to ensure that there is no manual intervention which may result in intentional concealment of data.

Relevant access controls and modification rights in system need to be checked.

4.231 The accelerated provisioning requirement as above is not only for non-reporting or delayed reporting or wrong reporting of SMA status bit also for delay/refusal in implementation of package already agreed by lender under CAP by JLF.

PART - IV

IV-1

Cash, Balances with RBI and Other Banks, ₹ and Money at Call and Short Notice

1.01 Cash, Balances with RBI and Other Banks, and Money at Call and Short Notice constitutes one of the important items of balance sheet of a bank. Of these items, only a few select branches in each bank handle the transactions relating to money at call and short notice.

Balance Sheet Disclosure

1.02 The Third Schedule to the Banking Regulation Act, 1949, requires the following disclosures to be made in the Schedule 6 & Schedule 7 of balance sheet regarding cash, balances with RBI, balances with other banks, and money at call and short notice.

Cash and Balances with Reserve Bank of India-Schedule 6

- I. Cash in hand (including foreign currency notes)
- II. Balance with Reserve Bank of India
 - (i) in Current Account
 - (ii) in Other Accounts

Balances with Banks and Money at Call and Short Notice-Schedule 7

- I. *In India*
 - (i) Balances with other banks
 - (a) in Current Accounts
 - (b) in Other Deposit Accounts
 - (ii) Money at call and short notice
 - (a) with banks
 - (b) with other institutions
- II. *Outside India*
 - (i) in Current Accounts
 - (ii) in Other Deposit Accounts
 - (iii) Money at call and short notice

Balances with Reserve Bank of India, Balances with Other Banks

1.03 Banks maintain accounts with RBI and other Banks for Banking Operations however only select branches maintain account with RBI. The branches also maintain accounts with other banks for banking operations.

Money at Call and Short Notice

1.04 Money at call and short notice represents short-term investment of surplus funds in the money market. Money lent for one day is money at 'call' or 'call money' means deals in overnight funds, while money lent for a period of more than one day and up to fourteen days is money at 'short notice'. The lender bank does not get any security for money lent at call or short notice. The participants of call and notice money market are scheduled commercial banks (excluding RRBs), co-operative banks (other than land development banks) and primary dealers (PDs), both as borrowers and lenders. Non-bank institutions (other than PDs) are not permitted to participate in call/notice money market. Scheduled commercial banks usually borrow from this market to meet the requirements relating to cash reserve ratio or statutory liquidity ratio. The decisions to borrow from, or lend in, the market are taken usually at the head office level and communicated to select branches for effecting the borrowing/lending.

1.05 RBI vide its Master Direction no. RBI/FMRD/2016-17/32 FMRD. Master Direction No. 2/2016-17 dated July 7, 2016 on "Money Market Instruments: Call/ Notice Money Market, Commercial Paper, Certificates of Deposit and Non-Convertible Debentures (original maturity up to one year)" provides the detailed guidelines on the prudential limits in respect of both outstanding and lending transactions in call/notice money market for scheduled commercial banks, co-operative banks and PDs. The eligible participants are free to decide the interest rates in call/notice money market. Computation of interest payable would be based on the methodology given in handbook of market practices brought out by the Fixed Income Money Market and Derivates Association of India (FIMMDA) and the eligible participants may adopt the documentation suggested by FIMMDA from time to time. The Call/Notice Money transactions can be executed either on NDS-Call, a screen-based, negotiated, quote-driven electronic trading system managed by the Clearing Corporation of India (CCIL), or over the counter (OTC) through bilateral communication. NDS-Call (a screen-based, negotiated, quote-driven system), do not require separate reporting, however, it is mandatory that all OTC deals should be reported within 15 minutes on NDS-Call reporting platform irrespective of the size of the deal.

Audit Approach and Procedures

Cash

1.06 The auditor should carry out verification of the balance of cash on hand. As far as possible, the auditor should visit the branch at the close of business on the last working day of the year or before the commencement of business on the next day for carrying out the physical verification of cash. If, for any reason, the auditor is unable to do so, he should carry out the physical verification of cash as close to the balance sheet date as possible, at the time of audit and also reconcile with the cash register/balance in CBS. In few banks, the branch deposits a large portion of its cash balance with the RBI or the State Bank of India or any other bank on the closing day, in such cases, the auditor must request the branch to provide sufficient appropriate evidence for the same and also ensure that the same is effected in books of accounts and is not appearing as a bank reconciliation item.

1.07 Care should be taken to ensure that if cash is kept separately in different departments or at different locations (e.g., at extension counters, onsite ATMs linked with the branch, all the balances are verified by the auditor simultaneously. The auditor should also ensure that there is no movement of cash till such cash is physically verified.

1.08 The auditor should evaluate the effectiveness of the system of internal controls in branch regarding daily verification of cash, maintenance of cash balance registers and vault register, custody of cash, custody of vault keys, daily cash holding and retention limit of the branch, etc. The auditor should examine/inquire whether there is a global (insurance) policy taken for safety of cash from theft or burglary and such policy is effective as on reporting date. This would be relevant for a bank as a whole and there would not be any insurance policy available at the branch level, however, the branch auditor should seek a Xerox copy of the same from the Head office or confirmation from the head office seeking details of the insurance coverage of the branch. The Statutory Auditor should also make an analysis of the quantum of cash holding and whether the insurance cover is adequate. This will also be important from the perspective of reporting in Long Form Audit Report (LFAR) under (I) Assets-Cash.

1.09 For physically verifying the cash-on-hand, the auditor may proceed as below:

- (a) Physically verify the cash-on-hand available at the branch. The extent of verification would depend upon the auditor's assessment of the efficacy of internal control system including adherence to cash retention limits fixed by the head office, mode of custody of cash (whether single or joint) and

frequency of cash verification by branch officials and/or by internal or concurrent auditors. Normally, in a bank, 100 notes of each denomination and thereafter 10 packets of 100 notes each are bundled together. Wherever sample checking is conducted, it is advisable that number of bundles of 100's is fully counted. Besides, the number of notes in samples of bundles of old notes of different denominations may also be checked, the sample size for larger denomination notes being higher than that in the case of smaller denomination notes. The number of notes in a small sample of bundle of new notes of larger denominations (say, Rs. 100 or more) may also be counted. In any event, care should be taken to ensure that all bundles produced for audit verification are properly sealed. Loose/soiled notes should be counted in full. Coins may be counted, or weighed and converted into monetary value as per RBI guidelines. The processed and unprocessed notes should be separately kept and the denomination of the same should be separately mentioned in the cash balance register.

- (b) Obtain a certificate from the bank indicating denomination-wise cash balance as on the date of verification.

1.10 Notes/coins in sealed packets may be accepted based on a written representation from the branch management and cross-checked with subsequent entries in the books of account.

1.11 The cash balance as physically verified should be agreed with the balance shown in the cash book and the books of account. When the physical verification of cash is carried out by the auditor before or after the date of the balance sheet, the auditor should perform the additional audit procedure to reconcile the results of verification with the cash balance as at the balance sheet date.

1.12 Foreign currency notes should also be verified at the time of physical verification of cash. The auditor should also ensure that these notes are converted at the market rate prevailing on the closing day as notified by the Foreign Exchange Dealers' Association of India (FEDAI) in accordance with the accounting policy followed by the bank.

1.13 Special care needs to be exercised in cases where the branch operates currency chest and/or small coin deposits. In respect of currency chest operations, the branch merely acts as an agent of the RBI to facilitate the distribution of bank notes and rupee coins. The balance in currency chest at any point of time is the property of the RBI and not of the bank. Therefore, while the auditor may not physically count the balance in currency chest on closing day, but should take sufficient safeguards to ensure that currency chest

balance is not mixed up in the cash balances produced for physical verification. Also, it should be recognised that the bank may be contingently liable for any shortfall in the currency chest balance. Accordingly, the branch auditor should pay special attention to the system of operation of currency chest transactions, recording of such transactions, method and frequency of counting of cash, and reconciliation with the link office. The auditor should perform compliance tests to evaluate the effectiveness of the system of operation of currency chest. The auditor should also examine whether the system is such that the transactions relating to deposits into and withdrawals from, currency chest are recorded appropriately. In case the relevant transactions are required to be communicated to a link office of the bank (which maintains the account of RBI) for the purpose of reporting the same to the RBI, the auditor should evaluate the effectiveness of the system of reporting in terms of timeliness and accuracy.

1.14 In terms of the Master Direction No RBI/DCM/2018-19/62 Master Direction DCM(CC) No.G - 5/03.35.01/2018-19 dated July 03, 2018 on “Levy of Penal Interest for Delayed Reporting/Wrong Reporting/Non-Reporting of Currency Chest Transactions and Inclusion of Ineligible Amounts in Currency Chest Balances” the banks are required to report the minimum amount of deposit into/withdrawal from currency chest of Rs.1,00,000/- and thereafter, in multiples of Rs. 50,000/-. Further, the banks are obliged to follow the instructions regarding timely reporting of currency chest transactions by the banks for branches to which currency chests are attached; and non-compliance of the RBI instructions invite levy of penal interest for delayed reporting/wrong reporting/non-reporting of Currency Chest transactions and penal measures for cases involving shortages/inclusion of counterfeit bank notes in chest balances/ chest remittances.

1.15 All currency chest transactions (deposits into /withdrawals from currency chest) at the respective branch must be reported through ICCOMS on the same day by 9 PM [by uploading data through the Secured Website (SWS)] to the link office to which the branch is attached for this purpose. Each link office must, in turn, report to the RBI Issue Office concerned, latest by 11 PM on the same day, the consolidated net position for all the linked branches; except in certain exceptional circumstances, like during strike period and on account of genuine difficulties faced by chests especially in hilly/remote areas and other chests affected by natural calamities, etc., where the default may be acceptable to the RBI, at its discretion. However, in case of wrong reporting representations for waiver will not be considered.

1.16 The said directions cover:

- (a) ₹ Levy of penal interest for delays.
- (b) ₹ Wrong reporting and levy of penal interest.
- (c) ₹ Maximum penal interest to be charged.
- (d) ₹ Penal interest for inclusion of ineligible amounts in the currency chest balances.
- (e) ₹ Rate of penal interest (to be levied at the rate of 2% over the prevailing bank rate for the period of delayed reporting/wrong reporting/non-reporting /inclusion of ineligible amounts in chest balances).
- (f) ₹ Levy of penal interest in respect of currency chests at treasuries.

1.17 The operation of currency chests attached to the various branches of the bank, affects the balances in accounts of RBI maintained by the bank at the designated branches; and it is imperative that the transactions on value date basis are recorded (as it affects the cash balance and that with RBI, on the day of the cash withdrawal from or deposit into the currency chest). Designated branches that maintain the RBI account should pass the entries on the day of the transaction for currency chest attached to it; and as the Link Office for other branches operating currency chests, based on inward communication from such other branches linked to it.

1.18 Due to any delays in communication by such branches to the Link Office, the amount required to be debited or credited to RBI Account, remains in a nominal account (Inter branch Adjustments) and affects the RBI account balance in the books of the Link Office. On line communication system should remedy this to ensure recording of entries at the designated Link Office, simultaneously as they take place at all currency chest branches.

1.19 The auditor should examine whether the account of the RBI at the designated branch maintaining the RBI Account has incorporated all the currency chest transactions on a value date basis as at the year end. He should also enquire as to whether the bank has received any communication from RBI regarding any defaults in the operation of the currency chests, that may have penal consequences and whether during the year, any penalties have been levied on this account.

1.20 RBI Master Circular No. RBI/2018-19/3DCM (NE) No.G-2/08.07.18/2018-19dated July 02, 2018 on "Facility for Exchange of Notes and Coins" requires that all designated bank branches should display at their branch premises, at a prominent place, a board indicating the availability of note exchange facility with the legend, "Soiled/Mutilated notes are Accepted And

Exchanged Here". Banks should ensure that all their designated branches provide facilities for exchange of notes and coins. The branches should ensure that the note exchange facility is not cornered by private money changers / professional dealers in defective notes. The auditor should also inquire about the service charges levied by the bank on Exchange of soiled notes as per RBI Notification No.RBI/2016-17/15 DCM (NE) No.120/08.07.18/2016-17 dated July 14, 2016 to identify the revenue leakage in the bank.

1.21 The auditor should verify that the banks have not stapled the notes. Some banks in spite of RBI's instructions continue to follow the practice of stapling of note packets. This practice, apart from damaging notes, reduces the life span of notes and renders it difficult for customers to open note packets easily. Banks should do away with stapling of any note packets and instead secure them with paper bands. Further, RBI has issued, Master Circular No. RBI/2018-19/04DCM(FNVD)G – 1/16.01.05/2018-19 dated July 02, 2018 on "Detection and Impounding of Counterfeit Notes" which provides operational guidance on detection and impounding of Counterfeit notes. The Government of India has framed Investigation of High Quality Counterfeit Indian Currency Offences Rules, 2013 under Unlawful Activities (Prevention) Act (UAPA), 1967. The Third Schedule of the Act defines High Quality Counterfeit Indian Currency Note. Activity of production, smuggling distribution and circulation of High Quality Counterfeit Notes has been brought under the ambit of UAPA, 1967.

1.22 Increasingly banks are entering into an agreement with third party vendors for management of their ATM operations. These vendors collect amount from banks and are responsible for loading amount in the ATM. They are also responsible for collecting amount (deposited by customers) from ATM and depositing it with bank. The auditor should verify an agreement entered with these vendors. The auditors should also understand the process of providing, collecting and reconciliation etc. with these vendors and test controls in the process.

At each period end, the auditor should send independent balance confirmation to these vendors about balance held by them and should verify reconciliation statements.

1.23 Also in respect of ATM operations, banks are centralizing the process of monitoring ATM balance. This division monitors balance as per the books and balance as per ATM machine (commonly termed as Switch balance) and their reconciliation and ensuring timely adjustment of reconciling entries. The auditor should understand the process of monitoring of balance, reconciliation etc. and based on the risk assessment should understand controls in the process and strategy of testing these controls.

1.24 Where ATMs are operated by bank themselves, auditor should verify the cash at ATMs also and tally the same with books of accounts. At each reporting period end, the auditor should obtain the reconciliation statement and should verify the reconciliation statement.

1.25 in case of RRB each branch should maintain a set of marked notes consisting of new currency notes of various denominations. The numbers of such notes along with their prefixes and suffixes, if any, should be recorded on the last page of the Cash Summary Register under the initials of both the custodians of cash. During business hours, the set of marked notes should remain permanently in the cash at the counter. This will help the investigating agencies in the event of thefts burglary, robbery and dacoity.

Balance With RBI

1.26 In a bank, only a few select branches are designated to have accounts (Deposit/Current) with the RBI, the main account generally being with the Treasury Branch. The procedures of confirmation/reconciliation are not different as compared to accounts and balances with other banks.

1.27 It is relevant to point out that, amongst others, currency chest operations involve entries in the accounts maintained with RBI. Where currency chest is attached to the branch maintaining RBI account, all deposits into and withdrawals from the currency chest trigger a debit /credit to the account maintained at the Branch itself. Other branches of the bank having currency chests but not maintaining the RBI Account would be linked to such Branch and would be required to transmit information forthwith for all deposits into/withdrawal from the attached currency chest through Inter branch mechanism. The effect of such entries is required to be considered in the RBI account on a value date basis.

1.28 The auditor of the Branch maintaining the RBI account should follow direct confirmation procedures of the balances in the RBI account and examine the reconciliation to ensure that all transactions originating in the account statement of the RBI are duly responded on value date basis.

1.29 The auditor should enquire into the reasons/justification for the following items appearing in the reconciliation statements:

- (i) cash transactions remaining unresponded;
- (ii) revenue items requiring adjustments/write-offs; and
- (iii) old outstanding balances remaining unexplained/ unadjusted for significant period.

Balance with Banks (Other than Reserve Bank of India)

1.30 The auditor should also apply the procedures described in paragraphs above in examining the balances with banks other than RBI. While reviewing the reconciliation statements, the auditor should pay particular attention to the following:

- (a) Examine that no debit for charges or credit for interest is outstanding and all the items which ought to have been taken to books of accounts for the year have been considered. This should be particularly observed when the bills collected, etc., are credited with net amount and entries for commission, etc., are not made separately in the statement of account.
- (b) Examine that no cheque sent or received in clearing is outstanding. As per the practice prevalent among banks, any cheques returned unpaid are accounted for on the same day on which they were sent in clearing or on the following day.
- (c) Examine that all bills or outstanding cheques sent for collection and outstanding as on the closing date have been credited subsequently.

1.31 The auditor should also examine the large transactions in inter-bank accounts, particularly towards the year-end, to ensure that no transactions have been put through for window-dressing.

1.32 In respect of balances in deposit accounts, original deposit receipts should be examined in addition to confirmation certificates obtained from banks in respect of outstanding deposits. Balances in deposit accounts are usually (though not necessarily) in round figures. Where such balances are in odd figures, the auditor should enquire whether the account concerned is actually of the nature of a deposit account. The auditor should also ensure that interest on such deposits have been recorded on time proportion basis and interest have been recorded till the closing day.

1.33 The balances with banks outside India should also be verified in the manner described above. These balances should be converted into the Indian currency at the exchange rates prevailing on the balance sheet date.

1.34 Increasingly banks are automating the process of reconciliation with other banks. In case of system process, the auditor should understand the system, system controls and manual controls. The auditor should also assess the system access control and program change controls of the reconciliation system. (Also refer chapter 3, Special Considerations in a CIS Environment of Part II of Guidance Note).

Money at Call and Short Notice

1.35 The auditor needs to enquire whether the bank has an approved risk policy of lending money at call or short notice and the same has been adhered before lending money at call or short notice. This would be more relevant at the head office rather than at the branch level.

1.36 The auditor should examine whether there is proper authorisation, general or specific, for lending of the money at call or short notice. Compliance with the instructions or guidelines laid down in this behalf by the head office or controlling office of the branch, including the limits on lending in inter-bank call money market, should also be examined.

1.37 Call loans should be verified with the certificates of the borrowers and the call loan receipts held by the bank. The auditor should examine whether the aggregate balances comprising this item as shown in the relevant register/account tally with the control accounts as per the general ledger. The auditor should also examine subsequent repayments received from borrowing banks to verify the amounts shown under this head as at the year-end. It may be noted that call loans made by a bank cannot be netted-off against call loans received.

1.38 Like deposits with banks, money at call and short notice are also usually (though not necessarily) in round figures. Any odd balances should, therefore, put the auditor to enquiry.

1.39 The auditor should also verify that borrowing or lending for more than 14 days are not classified under this head, but are classified as 'deposits' or 'advances', depending on the nature of lending and the parties to whom the moneys have been lent.

1.40 The auditor needs to verify monies at call to banks, whether they are fresh or roll over of the old transactions and ascertain whether any provision or write off is required.

1.41 It may be noted that as per the directions of the RBI, banks cannot pay any brokerage on deposit and call loans, except to the extent specified in paragraph 8(e) of the RBI circular dated July 22, 1971.

1.42 The auditor should examine whether interest has been properly accrued and accounted for on year-end outstanding balances of money at call and short notice by confirming the same from the opposite party.

IV-2

Fixed Assets and Other Assets

Fixed Assets

2.01 Fixed assets comprise premises and other fixed assets such as furniture and fixtures, motor vehicles, office equipment, computers, intangible assets such as application software and other computer software, etc.

2.02 In the case of most banks, fixed assets can be purchased by the head office, regional/zonal offices and branches up to the monetary ceiling specified (though purchase of land and buildings is usually centralised) for themselves as also for offices within their control. However, banks generally prefer to centralise the function of obtaining insurance and obtain a comprehensive policy for assets at numerous locations (to avail the benefit of rebate on bulk business). Fixed assets, particularly furniture and fixture, consumer durables, etc. are provided by banks to the staff and the account for the same is maintained at the office where the employee is posted. For disposal of fixed assets, powers are delegated to various levels in the bank.

2.03 As far as maintenance of records relating to fixed assets is concerned, practices vary among banks. In some banks, the offices acquiring the fixed assets have to maintain proper records including the provision of depreciation thereon whereas in case of some banks, the same is being done at the Head Office. In such a case, the acquisitions, disposals, etc. are advised by the branch/other office concerned to the head office through the inter-branch accounting mechanism. A variant of this practice involves the recording of depreciation by branches and other offices based on the advice received from the head office. In recent times, some of the banks have installed Fixed Asset Management Software and the information relating to purchase, sale of fixed assets and depreciation thereon (in some cases) is accounted for with the help of such software. This is usually done at a centralized HO level and reports are generated at branches and/or regional/zonal offices. In some cases, passing of entries of certain types of IT assets, like computers, printers, ATMs etc., are centralized at the HO. However, physical records need to be updated at branches. Also branches need to update records/inform HO in case there has been physical movement of assets from one branch/location to another including in case of transfers at staff quarters or disposal. At the branch level, an auditor

needs to conduct a physical verification of all assets particularly those acquired during the year and match the same with fixed asset management system (manual or electronic). At head office level SCAs should obtain reconciliation of inter-branch/inter-office transfers made during the year. Discrepancies, noticed if any, on such verification/transfer should have been properly dealt with in the books.

Balance Sheet Disclosure

2.04 The Third Schedule to the Banking Regulation Act, 1949 requires fixed assets to be classified into two categories in the balance sheet, viz., Premises and Other Fixed Assets. Though not specifically mentioned under the Banking Regulation Act, 1949, the assets taken on lease and intangible assets should be shown separately for proper classification and disclosure and also to comply with the requirements of the Accounting Standards (ASs) issued by the Institute of Chartered Accountants of India (ICAI).

2.05 As per the Notes and Instructions for compilation of balance sheet, issued by the RBI, premises wholly or partly owned by the banking company for the purpose of business including residential premises should be shown under the head, 'Premises'. Furniture and fixtures, motor vehicles, office equipment, computers and all other fixed assets except premises should be shown under the head 'Other Fixed Assets'.

2.06 The original cost of fixed assets as on 31st March of the preceding year, additions thereto and deductions therefrom during the year, and total depreciation written off to date are to be disclosed in the financial statements. The Notes and Instructions for Compilation of Balance Sheet, issued by the RBI, require that where sums have been written-off on reduction of capital or revaluation of assets, every balance sheet after the first balance sheet subsequent to the reduction or revaluation should show the revised figures for a period of five years with the date and amount of revision made.

2.07 No rates of depreciation on fixed assets have been prescribed by the Banking Regulation Act, 1949. The provisions of the Schedule II to the Companies Act, 2013, should, therefore, be kept in mind in this respect especially in so far as the banking companies are concerned. Disclosure is mandatory in respect of the method adopted to compute the revalued amounts, the nature of the indices used, the year of any appraisal made and whether an external valuer was involved in case the assets are stated at revalued amounts. The Banking Regulation Act, 1949 requires that the auditor should examine whether the rates of depreciation are appropriate in the context of the expected useful lives of the respective fixed assets. Depreciation rates must be reconfirmed with the accounting policy of the bank. In respect of computers and

data processing equipment, RBI has directed that depreciation should be provided over three year period. With respect to fixed assets held at foreign offices/branches, depreciation policy should be consistent with that followed by the bank as a whole and to the extent not contradictory with the local laws and regulations. Further, as per note 4 of Schedule II of the Companies Act, 2013, useful life specified in Part C of the Schedule is for whole of the asset. Where cost of a part of the asset is significant to total cost of the asset and useful life of that part is different from the useful life of the remaining asset, useful life of that significant part shall be determined separately, in other words component accounting with respect to fixed assets would be mandatory effective from financial year 2015-16 onwards.

2.08 An immovable property acquired by the bank in satisfaction of debts due should be included under the head 'fixed assets', if it is held by the bank for its own use.

2.09 The Third Schedule to the Banking Regulation Act, 1949, does not specifically deal with disclosure of land. Land is generally shown under the heading 'Premises'.

Other Assets

2.10 The following items broadly are to be disclosed under the head 'Other Assets':

- | | |
|--|---|
| • ₹ Inter-office adjustments (net) | • ₹ Stationery and stamps |
| • ₹ Interest accrued | • ₹ Non-banking assets acquired in satisfaction of claims |
| • ₹ Tax paid in advance/tax deducted at source | • ₹ Others |

2.11 As per RBI Circular no. DBOD.BP.BC.24/21.04.048 dated March 30, 1999, credit card outstanding is not to be included under 'Other Assets'. Instead, they have to be shown as part of advances.

2.12 As per RBI circular DBOD.BP.BC.83/21.01.002/2000-01 dated February 28, 2001, all loans and advances given to staff, which are non-interest bearing should be included in item 'Others' under 'Other Assets' and should not be reflected as 'Advances'.

Audit Approach and Procedures

Fixed Assets

2.13 In carrying out the audit of fixed assets, the auditor is concerned, primarily, with obtaining evidence about their ownership, existence and

valuation. For this purpose, the auditor should review the system of internal controls relating to fixed assets, particularly the following:

- ₹ Control over expenditures incurred on fixed assets acquired or self-constructed;
- ₹ Accountability and utilisation controls; and
- ₹ Information controls for ensuring availability of reliable information about fixed assets.

2.14 The branch auditor should ascertain whether the accounts in respect of fixed assets are maintained at the branch or centrally. Similarly, the auditor should ascertain the location of documents of title or other documents evidencing ownership of various items of fixed assets. The procedures described in the following paragraphs would be relevant only to the extent the accounts and documents of title, etc., relating to fixed assets are maintained at the branch. Where the acquisition, disposal, etc., of fixed assets take place at branches / other offices, but accounting of fixed assets is done at the head office, the branch auditor should examine whether acquisitions, disposals, etc. effected at the branch during the year have been properly communicated to the head office. In cases where, for any reason acquisition of fixed asset is shown in suspense account then the branch cannot classify the asset in the Balance Sheet under this head unless the asset is put to use or ready for use, as the case may be, and all internal formalities are completed. A long-standing suspense entry of this type should be properly dealt with by the auditor and may need to be escalated to the statutory central auditors if the amount involved is material.

Premises

2.15 The auditor should verify the opening balance of premises with reference to schedule of fixed assets, ledger or fixed assets register. Acquisition of new premises should be verified with reference to authorisation, title deeds, record of payment, etc. Self-constructed fixed assets should be verified with reference to authorisation from appropriate authority and documents such as, contractors' bills, work order records, record of payments and completion certificate. The auditor should also examine whether the balances as per the fixed assets register reconcile with those as per the ledger and the final statements.

2.16 In the case of leasehold premises, capitalisation and amortisation of lease premium, if any, should be examined. Any improvements to leasehold premises should be amortised over their balance residual life. It would be

appropriate to segregate the cost/value of the land from the building/superstructures to ensure that depreciation/amortisation is appropriately considered in case of leasehold premises.

2.17 In case the title deeds are held at the head office or some other location, the branch auditor should obtain a written representation to this effect from the branch management and should bring this fact to the notice of the statutory central auditor through a suitable mention in his report. This fact should also be brought in the Long Form Audit Report (LFAR).

2.18 Where premises are under construction, it should be seen that they are shown under a separate heading, e.g., 'premises under construction'. Advances to contractors may be shown as a separate item under the head 'fixed assets' or under the head 'Other Assets'. It should be verified that where the branch has obtained the licence to commence business and is ready for use then the same is not shown as "premises under construction". In such cases even if all the bills/ documents from the contractors/suppliers are not received, at the year end, an estimate of the expenditure thereon should be made and capitalised on a provisional basis.

2.19 As per the AS-10 (Revised), Property, Plant & Equipment, the banks can adopt the policy to follow Cost Model or Revaluation Model for Premises or any other class of Property, Plant & Equipment(PPE). The auditor should inquire about the policy followed by the bank and verify the accounting treatment more specifically with reference to revaluation model. The auditor should also check the impairment, if any, by applying the principles laid down in Accounting Standard (AS) 28, "Impairment of Assets".

2.20 The auditor should specifically keep in mind the provisions of section 9 of the Banking Regulation Act, 1949, which prohibit a banking company from holding any immovable property, howsoever acquired (i.e., whether acquired by way of satisfaction of claims or otherwise), for a period exceeding seven years from the date of acquisition, except such as is required for its own use. The auditor should specifically examine that no immovable properties other than those required for the own use of the bank have been included in fixed assets (own use would cover use by employees of the bank, e.g., residential premises provided to employees). The branch auditor should also obtain a written representation to the above effect from the branch management.

Other Fixed Assets

2.21 The procedures discussed above regarding premises also apply, to the extent relevant, to verification of other fixed assets. In respect of movable fixed assets, the auditor should pay particular attention to the system of

recording the movements as well as other controls over such fixed assets, e.g., their physical verification at periodic intervals by the branch management and/or by inspection/internal/concurrent audit team. The auditor should also examine whether discrepancies have been properly dealt in the books of account and adequate provision in respect of any damaged assets has been made – as per the physical verification of fixed assets reports available on record.

2.22 Banks incur substantial expenditure on computer hardware and software. Computer hardware qualifies the definition of a property, plant and equipment' as given in AS 10 (Revised), "Property, Plant and Equipment". Computer software that is essential for the functioning of the hardware (e.g., operating system) can be considered an integral part of the related hardware. The expenditure incurred on acquisition and installation of the hardware (as also on any systems software considered to be an integral part of the related hardware) should be capitalised in accordance with the principles laid down in AS 10 (Revised) and depreciated over the remaining useful life of the hardware. Hardware and software are susceptible to faster rate of technical obsolescence; hence the auditor must take into consideration this fact while verifying the provision for depreciation on these assets. The same, however, should not be depreciated for a period of more than three years.

2.23 Application software is not an integral part of the related hardware and is treated as an intangible asset. Accordingly, the same should be accounted for as per Accounting Standard (AS 26), "Intangible Assets". The treatment of expenditure on application software, whether acquired from outside or developed in-house, would also be similar. However, in estimating the useful life of application software, the rapid pace of changes in software as also the need for periodic modification/ upgradation of software to cater to changes in nature of transactions, information needs etc. need special consideration. As far as expenditure during the stage of in-house development of software is concerned, the same needs to be accounted for in accordance with AS 26, according to which expenditure incurred during the research phase should not be capitalised as part of cost of intangibles. While capitalising the development phase expenditure, due consideration should be given to Paragraph 44 of the said Standard. Further, due care should be taken in verifying the date of capitalization and date on which asset was put to use/ ready for intended use, particularly in case of implementation of application software and system. While conducting the audit of intangible assets, the auditor should also consider the guidelines issued by RBI by way of Circular No.DBOD.No.BP.BC.82/21.04.018/2003-04, dated April 30, 2004.

2.24 In case of banking companies, the auditor needs to verify that the

requirements of Schedule II to the Companies Act, 2013 are also complied with including identification of components wherever applicable. Banks may acquire software at considerable expenditure. The system of recording this expenditure as part of the fixed assets (so that it may be depreciated) or to defer expenditure (for amortisation over its useful life) may be reviewed. The Bank's Accounting Policy in this regard must be enquired into, and a note kept on record. Non-provision for this intangible asset will not attract the provisions of Section 15 of the Banking Regulation Act, 1949 as per a notification specifically issued by the Government of India.

2.25 At times, though depreciation has been fully provided on certain types of assets, however, they continue to be in use. In such cases the auditor should verify that the bank's policy in this regard has been followed.

2.26 Many a times, fixed assets like furniture, office equipments, etc., are transferred from one branch to another. The auditor should examine whether accumulated depreciation in respect of such assets is also transferred. It may be noted that the consolidated accounts of the bank would not be affected by such transfers. In recent times, the fixed asset management software are in use. The auditor has to examine the reasonableness of the internal controls with respect to recording such inter branch transfer of assets.

2.27 It should be examined whether fixed assets have been properly classified. Fixed assets of similar nature only should be grouped together. For example, items like safe deposit vaults should not be clubbed together with the office equipment or the theft alarm system of the bank.

2.28 In respect of fixed assets sold during the year, a copy of the sale deed, if any, and receipt of the sale value should be examined by the auditor. In such a case, it should also be seen that the original cost and accumulated depreciation on the assets sold have been correctly adjusted. Profit earned or loss incurred on such sales should also be checked.

2.29 In case of sale/disposal/scraping of fixed assets, the auditor should examine whether there is an adequate control system in place and the same has been adhered to. The auditor should also ensure that proper accounting for the same has been done.

2.30 The auditor should examine whether any expenditure incurred on a fixed asset after it has been brought to its working condition for its intended use, has been dealt with properly. According to AS 10 (Revised), "Property, Plant & Equipment", such expenditure should be added to the book value of the fixed asset concerned only if it increases the future benefits from the asset beyond its previously assessed standard of performance.

2.31 The auditor at head office level should examine if the consolidated fixed assets schedule matches in all respect and all the transfers' ins/outs, are tallied. A broad check on the depreciation amount *vis-a-vis* the gross block of assets must be reviewed with special emphasis on the computer hardware/software.

Leased Assets

2.32 RBI's Circular No. DBOD No.FSC.BC.70/24.01.001/99 dated July 17, 1999 deals with accounting and provisioning norms to be followed by banks undertaking leasing activity. The auditor, in respect of leased assets, should also have regard to the requirements of AS 19, "Leases". Assets given on Lease need to be separately shown in the same manner as other assets.

Impairment of Assets

2.33 AS 28, "Impairment of Assets" prescribes the procedures that an enterprise should apply to ensure that its assets are carried at not more than their recoverable amount. An asset is treated as carried at more than its recoverable amount if its carrying amount exceeds the amount to be recovered through use or sale of the asset. If this is the case, the asset is described as impaired and this Standard requires the enterprise to recognise an impairment loss. This Standard also prescribes when an enterprise should reverse an impairment loss and it prescribes certain disclosures for impaired assets. This Standard requires that an enterprise should assess at each balance sheet date whether there is any indication that an asset may be impaired. The impairment loss, if recognised, shall be debited to the profit and loss account provided no revaluation reserve exists at that date in relation to the asset, and if it exists, the loss should first be debited to revaluation reserve. After debiting the revaluation reserve, if still there is impairment loss then the same should be debited to profit and loss account. RBI's circular on compliance with Accounting Standards, issued in April 2004 states as follows in respect of AS 28:

- ₹ The Standard would not apply to investments, inventories and financial assets such as loans and advances and may generally be applicable to banks in so far as it relates to fixed assets.
- ₹ Banks may also take into account the following specific factors while complying with the Standard:
 - ₹ Paragraphs 7 and 8 of the Standard have clearly listed the triggers which may indicate impairment of the value of assets. Hence, banks may be guided by these in determining the circumstances when the Standard is applicable to banks and how frequently the assets covered by the Standard need to be reviewed to measure impairment.

- ₹ In addition to the assets of banks which are specifically identified above, viz., financial assets, inventories, investment, loans and advances etc., to which the Standard does not apply, the Standard would apply to financial lease assets and non-banking assets acquired in settlement of claims only when the indications of impairment of the entity are evident.

Other Assets

2.34 The branch auditor may carry out the audit of various items appearing under the head 'Other Assets' in the following manner.

Inter-Office Adjustments

2.35 Inter Office Adjustments/Inter Branch Account is dealt separately in Chapter 11 "Inter-office Transactions" of Part III of the Guidance Note on Audit of Banks, 2019 edition (Section A – Statutory Central Audit).

Interest Accrued

2.36 The main components of this item are interest accrued but not due on investments and advances and interest due but not collected on investments. As banks normally debit the borrower's account with interest due on the borrower's repayment cycle date, there would usually be an amount of interest accrued but not due on advances on balance sheet date. On the other hand, interest on government securities, debentures, bonds, etc., which accrues from day to day should be calculated and brought into account, in so far as it has accrued on the date of the balance sheet. The auditor should examine whether the interest has been accrued on the entire loans and advances portfolio of the bank. Special consideration should be given to the overdue bills purchased/discounted. Several times the interest accrued on such advances is manually computed by the Branch and the auditors should check the workings thoroughly so as to avoid any income leakages. As far as possible, the detailed breakup of the loan portfolio and the interest accrual should be obtained and the same should agree with the general ledger balance. This would ensure completeness of the interest accrual of advances. The auditor should also examine the interest accrued on advances by re-computing it on a test check basis by referring to the loan parameters like frequency of payment of interest amount, rate of interest, period elapsed till the date of balance sheet, etc., from the loan agreements. This would ensure the completeness of the interest accrual on advances. In the current banking scenario, the interest accrual setup is automated system driven for most banks and the auditor should verify the in-built logic and controls of the system.

2.37 The auditor should examine whether only such interest as can be

realised in the ordinary course of business should be shown under this head. This is based on the principle, recognised in AS 9, "Revenue Recognition" that revenue cannot be recognised if there is a significant uncertainty about its collectability; as also with instructions given by RBI to the effect that interest be not recorded as income in respect of Non-Performing Assets (NPAs). Interest accrued in the current year in respect of accounts identified as NPAs must be reversed to Income and derecognised and cannot be the subject matter of a provision. Dividends recognised as income but not received may be included in the residuary sub-head of 'Others'. Dividends and interest on investments would be recognised in the books of the branch only if it is handling the work relating to investments or receipt of income on investments.

Tax Paid in Advance/Tax Deducted at Source

2.38 Generally, this item is dealt at the head office only and would, therefore, not appear in the balance sheet of a branch, except that tax deducted at source on fixed deposits and other products/services if handled at the branch level. The procedures to be followed by the branch auditor for verification of tax deducted at source by the branch would be similar to those in an audit of other types of entities. The branch auditor needs to examine whether the certificates for such tax deducted at source is collected by the branch and the original copy is sent to the Head Office along with the transfer of such Tax Deducted at Source (TDS) amount to Head Office on periodic basis as defined.

2.39 At Head Office, the availability of all the TDS Certificates, submission of the same with Income Tax Department/claim of the same in Income Tax returns filed should be checked to verify the justification of the claim towards such certificates. The auditor should also verify the online tax credit from the Income Tax website with the TDS/advance tax recorded in the books and ask for a reconciliation of the same. Income recognized in the books could also be cross verified by this analysis. If there is any TDS, the auditor needs to enquire as to the income to which it pertains so that the bank claims it in its assessments.

Stationery and Stamps

2.40 Internal controls over stationery of security items (like term deposit receipts, drafts, pay orders, cheque books, traveller's cheques, gift cheques, etc.) assume special significance in the case of banks as their loss or misuse could eventually lead to misappropriation of the most valuable physical asset of a bank, viz., cash. The branch auditor should study and evaluate the existence, effectiveness and continuity of internal controls over these items in the normal

course of his audit. It may be noted that the branch auditor is required to specifically comment on the adequacy of the relevant internal controls in his LFAR.

2.41 As per RBI instructions, the item “Stationery and Stamps” should include only exceptional items of expenditure on stationery like, bulk purchase of security paper, loose leaf or other ledgers, etc., which are shown as quasi-asset to be written off over a period of time. The valuation of such items is suggested to be at cost without any element of escalation/appreciation. In other words, the normal expenditure on stationery may be treated as an expense in the profit and loss account, while unusually heavy expenditure may be treated as an asset to be written off based on issue/consumption. At the branch level, the expenditure on latter category may not appear since a considerable part of the stationery is supplied to branches by the head office.

2.42 The auditor should physically verify the stationery and stamps on hand as at the year-end, especially stationery of security items. Any shortage should be inquired into as it could expose the bank to a potential loss from misuse. The auditor should examine whether the cost of stationery and stamps consumed during the year has been properly charged to the profit and loss account for the year in the context of the accounting policy/instructions from the head office regarding treatment of cost of stationery and stamps.

Non-Banking Assets Acquired in Satisfaction of Claims

2.43 Under this heading, will be included, those immovable properties/tangible assets, which the bank has acquired in satisfaction of debts due or its other claims and are being held with the intention of being disposed of.

2.44 While examining this item, the auditor should specifically keep in mind the provisions of section 9 of the Banking Regulation Act, 1949, which prohibit a banking company from holding any immovable property, however acquired (i.e. whether acquired by way of satisfaction of claims or otherwise), except such as required for its own use, for any period exceeding seven years from the date of acquisition thereof. During this period, the bank may deal or trade in any such property for the purpose of facilitating the disposal thereof. The RBI has the power to extend the aforesaid period in a particular case up to another five years.

2.45 Except when held for its own use, AS 10 (Revised), “Property, Plant & Equipment”, would not be applicable on those fixed assets which are held with the bank in satisfaction of claim. At the date of acquisition, the assets should be recorded at amount lower of the net book value of the advance or net realisable value of asset acquired. At each balance sheet date, net realisable value of such assets may be re-assessed and necessary adjustments may be made.

2.46 The auditor should verify such assets with reference to the relevant documentary evidence, e.g., terms of settlement with the party, order of the Court or the award of arbitration, etc. The auditor should verify that the ownership of the property is legally vested in the bank's name. If there is any dispute or other claim about the property, the auditor should examine whether the recording of the asset is appropriate or not. In case the dispute arises subsequently, the auditor should examine whether a provision for liability or disclosure of a contingent liability is appropriate, keeping in view the requirements of AS 29 "Provisions, Contingent Liabilities and Contingent Assets".

Others

2.47 This is the residual heading, which will include items not specifically covered under other sub-heads, e.g., claims which have not been received, debit items representing additions to assets or reductions in liabilities which have not been adjusted for technical reasons or want of particulars, etc., receivables on account of government business, prepaid expenses, Accrued income other than interest (e.g., dividend declared but not received) may also be included under this head. The audit procedures relating to some of the major items included under this head are discussed below.

Non-Interest Bearing Staff Advances

2.48 The auditor should examine non-interest bearing staff advances with reference to the relevant documentation and the bank's policy in this regard. The availability, enforceability and valuation of security, if any, should also be examined. It needs to be examined whether the same relates to employees on the roll of the bank on the date of the preparation of financial statements.

2.49 Banks grant unsecured advances to staff like festival/drought relief/housing advances etc. due to the employer- employee relationship where normally lien is marked on the terminal benefits of the employee; but advances against FDRs and other securities etc. are also given. While distinction needs to be made between advances given by the bank as an "employer" and as "banker", the RBI's latest applicable circular needs to be kept in view as regards disclosure requirement of advances in the latter category i.e. as banker.

Security Deposits

2.50 Security deposits with various authorities (e.g., on account of telephone, electricity, etc.) and with others (e.g., deposits in respect of premises taken on rent) should be examined with reference to documents containing relevant terms and conditions, and receipts obtained from the parties concerned. The auditor should verify that the deposits have not become

due as per the terms and conditions. If it is so, then the recoverability of the same needs to be looked into in detail and appropriate provision should be suggested against the amount where recovery is in doubt.

2.51 The auditor, based on the materiality, should send independent balance confirmation for security deposit at period end and should document the reason in the case of any differences. Verification of all security deposits given during the year should be conducted and that of older deposits can be done on a test check basis.

Suspense Account

2.52 'Suspense' account is another item included under 'other assets'. Ideally, where accounts are maintained properly and on a timely basis, the suspense account may not arise. However, in a practical situation, suspense account is often used to temporarily record certain items such as the following:

- (i) amounts temporarily recorded under this head till determination of the precise nature thereof or pending transfer thereof to the appropriate head of account;
- (ii) debit balances arising from payment of interest warrants/ dividend warrants pending reconciliation of amounts deposited by the company concerned with the bank and the payment made by various branches on this account;
- (iii) amounts of losses on account of frauds awaiting adjustment.

2.53 RBI has also suggested a quick audit of entries in Suspense Account and the status thereof to be reported in terms of its circulars dated 6.7.95/18.8.95 and reference may also to be made to the RBI Circular DBOD.BP.BC.4/21.04.018/2003-04 dated 19.7.03.

2.54 The auditor should pay special attention to any unusual items in suspense account since these are prone to fraud risk. The auditor should obtain the management policy for provision/write off for old outstanding items. He should obtain from the management, details of old outstanding entries/age-wise balances along with narrations in suspense account. The auditor should also verify the reasons for such delay in adjusting the entries. Where the outstanding balances comprised in suspense account require a provision/write-off, the auditor should examine whether the necessary provision has been made/written off. All items of more than 6 months in suspense accounts need special attention of the auditor. The auditor has to certify all the suspense account entries through a separate certificate in the annual closing sets.

Prepaid Expenses

2.55 The auditor should verify prepaid expenses in the same manner as in the case of other entities. The auditor should examine whether the basis of allocation of expenditure to different periods is reasonable. The auditor should particularly examine whether the allocation of discounting and rediscounting charges paid by the bank to different accounting periods is in consonance with the accounting policy followed for the bank as a whole.

Miscellaneous Debit Balances on Government Account

2.56 Miscellaneous debit balances on government account in respect of pension, public provident funds, compulsory deposit scheme payments, etc., for which the branch obtains reimbursement from the government through a designated branch, are also included under the head 'others'. In many cases, the accounting for this is outside the core banking solution and needs the special attention of the auditor. The auditor should review the ageing statements pertaining to these items. He should particularly examine the recoverability of old outstanding items. The auditor should also examine whether claims for reimbursement have been lodged by the branch in accordance with the relevant guidelines, terms and conditions. The net balances of the amount recoverable at the Head Office level should also be taken along with the age-wise analysis of the same. In case of old outstanding balances without any confirmation or proper justification of the same, should be provided for /written off as the case may be in the accounts.

2.57 The residual item of "Others" in "Other Assets" generally constitutes a significant amount in the Balance Sheet of the bank. The Head Office auditors should obtain the head wise details of the same along with the previous year figures. The age-wise details of the major outstanding should also be obtained. Further, the major variance as compared to the previous year figures should also be enquired into and reasons for the same should be recorded and reviewed. In case any amount seems doubtful of recovery, appropriate provisions against the same should be made.

IV-3

Borrowings and Deposits

Borrowings

3.01 Borrowings usually take place only at head office of the bank. In case of exception there is a borrowing at few designated branches authorised in this behalf by the head office or other controlling authority either generally or specifically in respect of a particular borrowing. As such, this item generally does not figure in the balance sheets of most branches of the bank.

Balance Sheet Disclosure

3.02 Borrowings of a bank are required to be shown in balance sheet as follows.

I. *Borrowings in India*

- (i) Reserve Bank of India
- (ii) Other Banks
- (iii) Other Institutions and Agencies

II. *Borrowings outside India*

RBI *vide* its circular no. DBOD.BP.BC No.81/ 21.01.002/2009 -10 dated March 30, 2010 on “Classification in the Balance Sheet - Capital Instruments” advised that the following classification may be adopted in the balance sheet from the financial year ending March 31, 2010:

Under Schedule 1 Capital

1) ₹ Perpetual Non-Cumulative preference shares (PNCPS).

Under Schedule 4 Borrowings

- 1. ₹ Innovative Perpetual Debt Instruments (IPDI).
- 2. ₹ Hybrid debt capital instruments issued as bonds/debentures.
- 3. ₹ Perpetual Cumulative Preference Shares (PCPS).
- 4. ₹ Redeemable Non-Cumulative Preference Shares (RNCPS).
- 5. ₹ Redeemable Cumulative Preference Shares (RCPS).
- 6. ₹ Subordinated Debt.

3.03 The total amount of secured borrowings included under the above

heads is to be shown by way of a note to the relevant schedule (Schedule 4). Secured borrowings for this purpose include borrowings/refinance in India as well as outside India. It may be noted that the inter-office transactions are not borrowings and therefore, should not be presented as such.

3.04 RBI, Export-Import Bank of India (EXIM Bank), National Bank for Agriculture and Rural Development (NABARD) and Small Industries Development Bank of India (SIDBI) are the major agencies providing refinance to banks, generally for loans extended to specified sectors. Borrowings from RBI include refinance obtained by the bank from the RBI. Similarly, borrowings from other banks include refinance obtained by the bank from commercial banks, co-operative banks, etc. Refinance obtained by the bank from EXIM Bank, NABARD, SIDBI and other similar institutions and agencies is to be included under 'Borrowings from other institutions and agencies'. This head will also include the bank's liability against participation certificates on non-risk sharing basis issued by it to participating banks.

3.05 VOSTRO Accounts which are akin to Current account balances and do not constitute borrowings unless an overdraft/borrowing facility is obtained and evidenced on record.

If NOSTRO Mirror Account as well as NOSTRO Account is having adverse balance, the same represents borrowings from banks outside India.

If NOSTRO Mirror Account is representing an adverse balance but NOSTRO Account is not having an adverse balance, the same indicates that there are certain unresponded reconciliation entries resulting in NOSTRO Mirror adverse balance. The auditor needs to review such reconciliation entries and ensure that the same are effected appropriately to ensure that the NOSTRO Mirror Account is not reflecting adverse balance in Financials (wherein NOSTRO Account is not having an adverse balance).

3.06 'Borrowings outside India' include borrowings of Indian branches abroad as well as borrowings of foreign branches. Funds raised by foreign branches by way of certificates of deposit, notes, bonds, etc. have to be classified as 'deposits' or as 'borrowings' depending upon documentation. The Notes and Instructions for Compilation of balance sheet and profit and loss account, issued by the RBI, clarify that since refinance obtained by a bank from the RBI and various institutions is to be shown under the head 'borrowings', the related advances should be shown on the assets side at the gross amount.

3.07 Money at call or short notice taken by the bank is also shown under this head. RBI through its "Master Circular no. RBI/FMRD/2016-17/32 FMRD. Master Direction No. 2/2016-17 on "Money Market Instruments: Call/Notice Money Market, Commercial Paper, Certificates of Deposit and Non-

Convertible Debentures (original maturity up to one year)” dated July 07, 2016 has set down the prudential limit for transactions in call/notice money market. In terms of the said circular, on a fortnightly average basis, the borrowings should not exceed 100 percent of the capital funds (i.e., sum of Tier I and Tier II capital) of latest audited balance sheet. However, banks are allowed to borrow a maximum of 125 percent of their capital funds on any day, during a fortnight.

Certificates of deposits are to be treated (at the discounted value at the year-end), as deposits and not as borrowings.

Inter Bank Liabilities (IBL)

3.08 Liability side management has its own merits from the point of view of financial stability. Controlling the concentration risk on the liability side of banks is, therefore, as important as controlling the concentration risk on the asset side. More particularly, uncontrolled IBL may have systemic implications, even if, the individual counterparty banks are within the allocated exposure.

3.09 Further, uncontrolled liability of a larger bank may also have a domino effect. In view of this, it has become important to put in place a comprehensive framework of liability management so that banks are aware of the risks inherent in following a business model based on large amount of IBL and the systemic risks such a model may entail. In order to reduce the extent of concentration on the liability side of banks, the following guidelines have been prescribed by the RBI (applicable from April 1, 2007) vide its circular no. DBOD.BP.BC.66/ 21.01.002/2006-07 dated March 6, 2007.

- (a) The IBL of a bank should not exceed 200% of its net worth as on 31st March of the previous year. However, individual banks may, with the approval of their Boards of Directors, fix a lower limit for their inter-bank liabilities, keeping in view their business model.
- (b) The banks whose CRAR is at least 25% more than the minimum CRAR as on March 31 of the previous year, are allowed to have a higher limit up to 300% of the net worth for IBL.
- (c) The limit prescribed above will include only fund based IBL within India (including inter-bank liabilities in foreign currency to banks operating within India). In other words, the IBL outside India are excluded.
- (d) The above limits will not include collateralised borrowings under CBLO and refinance from NABARD, SIDBI etc.
- (e) The existing limit on the call money borrowings prescribed by RBI will

operate as a sub-limit within the above limits.

- (f) Banks having high concentration of wholesale deposits should be aware of potential risk associated with such deposits and may frame suitable policies to contain the liquidity risk arising out of excessive dependence on such deposits.

Deposits

3.10 Deposits represent the most important source of funds for banks. Deposits are received from a large number of constituents, generally in small amounts.

Balance Sheet Disclosure

3.11 Deposits are required to be classified in the balance sheet under the following heads.

A. I. *Demand Deposits*

- (i) From Banks
- (ii) From Others

II. *Savings Bank Deposits*

III. *Term Deposits*

- (i) From Banks
- (ii) From Others

B. I. *Deposits of branches in India*

II. *Deposits of branches outside India*

Types of Deposits

3.12 Deposits accepted by banks are primarily of two types – those repayable on demand (demand deposits) and those repayable after a fixed term (term deposits), though in this case also, the deposits may be repaid prematurely at the request of the depositor.

Demand Deposits

3.13 Current accounts are the most common form of demand deposits of banks. Though savings bank deposits are also, in substance in the nature of demand deposits, the Third Schedule to the Banking Regulation Act, 1949, does not consider them demand deposits. This may, perhaps, be due to the fact that withdrawals from savings bank accounts in excess of the limits prescribed by the bank can be made only with prior notice to the bank. Further it includes overdue/matured deposits, credit balance in overdraft account, deposits payable at call, in operating current account, VOSTRO account, merchant

bankers and similar deposits, Interest accrued and due on deposits and excluding margins by way of book adjustments if any against bill purchased and discounted.

3.14 Current accounts can be opened in the names of individuals, associations of persons, corporate bodies, trusts, societies, etc., i.e., for all kinds of customers. The operations on current accounts opened in joint names may be joint, single, by either holder or by surviving holder, depending on the mode of operation chosen by the account holders. The salient features of this type of accounts are:

- ₹ There is no restriction on the quantum of funds that can be withdrawn by the account holder at any one time.
- ₹ There is no restriction on the number of transactions in the account during any period of time.
- ₹ No interest is payable on this deposit except where it may be specifically permitted by the bank / RBI.

Savings Bank Deposits

3.15 Savings accounts are generally in the names of individuals – either singly or jointly, and sometimes, in the names of institutions which are specifically approved by the RBI for maintaining savings bank accounts with banks. In terms of RBI's guidelines, no bank can open a savings bank account for government departments, municipal corporations, municipal committees, any political party, or any trade, business or professional concern, whether such concern is a proprietary or a partnership firm or a company or an association. As in the case of current accounts, savings bank accounts can also be opened in joint names.

3.16 The salient features of this type of accounts are:

- ₹ Banks place restrictions on the maintenance of minimum balance (separate for accounts with cheque book facility and those without cheque book facility), amount of funds that can be withdrawn by the account holder at any point of time. Beyond this cut-off level, banks require the depositors to give notice of a specified period for withdrawal of the amount.
- ₹ Banks also place restrictions on the number of withdrawals from the account during a stated period of time, usually one year. For the number of withdrawals beyond this number, banks have the right to levy service charges. The intention behind putting this restriction is to ensure that the savings bank accounts (on which the account holder is entitled to payment of interest) are used to promote genuine savings and are not used as substitutes for current accounts (on which the account holder usually does not get interest).

- ₹ Interest is payable as per the RBI guidelines in force. In the past, interest was paid annually but now, banks pay interest at quarterly / half-yearly intervals on daily outstanding balances. Depending on the practice adopted by each bank provision for the balance period up to the year-end may be made at branches/Head Office.
- ₹ Interest on savings bank accounts is required to be calculated on a daily product basis in terms of Para 3.2.1 of the RBI Master Circular DBR.No.Dir.BC. 7/13.03.00/2015-16 dated 1-7-2015; and the banks have been given freedom to fix the rate of interest on savings accounts.

3.17 In the case of both current and savings bank accounts, if there are no operations on the account by the account holder during a prescribed period (such period may vary from bank to bank), such accounts are identified as 'dormant' or 'inoperative' accounts and may be transferred to a separate ledger. Further, transactions in these accounts are allowed only with authority of the official designated by the bank for this purpose. Removing of "Specimen signature" cards from active cards can be one of the controls.

Term Deposits

3.18 Term deposits (known by different nomenclature in different banks) are repayable after a specified period of time. The minimum period of these deposits, at present, is 7 days. The salient features of this kind of deposits are given below:

- ₹ Interest is payable at periodic intervals to the depositors or as per their instructions.
- ₹ In case a depositor so desires, the periodic interest can be reinvested in fresh term deposits. Such schemes are generally called 'reinvestment plans'. In this case, the interest payable is compounded at the specified intervals and the resultant maturity value is indicated on the deposit receipt at the time of issuing the receipt. The head offices of banks issue maturity value charts for the guidance of their branches from time to time.

3.19 Recurring deposit accounts are an important variant of term deposit. In a recurring deposit, a specified sum is deposited at regular intervals, generally once a month, for a pre-determined period. On the expiry of this period, the maturity proceeds, which are known at the time of opening the account, are repaid to the depositors or as per their instructions. No recurring deposit is accepted under FCNR(B) Scheme. Some of the banks are offering fixed / flexible recurring deposit accounts in recent times where the customer chooses amount of deposit each time based on their convenience.

3.20 Cash Certificates and Certificates of Deposit (CD), in demat form or

otherwise, are two other variants of term deposits. Cash certificates are issued at discounted value, e.g., a certificate with face value of Rs. 100 and term of 5 years may be issued at, say, Rs. 49. The certificates of deposit are short-term negotiable money market instruments and are issued in only dematerialised form or as a Usance Promissory Note. However, according to the Depositories Act, 1996, investors have the option to seek certificate in physical form. Further, issuance of CDs will attract stamp duty. In this regard, the RBI has issued Master Direction No. RBI/FMRD/2016-17/32FMRD. Master Direction No. 2/2016-17 dated July 07, 2016 on Money Market Instruments (which include Certificate of Deposit). CDs may be issued at a discount on face value. The rate of interest thereon is negotiable with the depositor and may vary on a daily basis. The maturity period of CDs issued by banks should not be less than 7 days and not more than one year. Banks are allowed to issue CDs on floating rate basis provided the methodology of compiling the floating rate is objective, transparent and market-based. The issuing bank/FI is free to determine the discount / coupon rate. The interest rate on floating rate CDs would have to be reset periodically in accordance with a pre-determined formula that indicates the spread over a transparent benchmark. CDs can be issued in Demat or in physical form, and in the latter case must be issued on security paper stationery, in denomination of Rs. 1 lac (for a single subscriber) or in multiple of Rs 1 lac and without the benefits of repatriation if issued to NRI. Other than for NRIs, CDs are transferrable by endorsement and delivery.

3.21 There is no grace period for repayment of CDs. If maturity date happens to be on holiday it should be paid on the immediately preceding working day. Banks may, therefore, so fix the period of deposit that the maturity date does not coincide with a holiday to avoid loss of discount / interest rate. All OTC trades in CDs shall be reported within 15 minutes of the trade on the FIMMDA reporting platform.

3.22 In respect of term deposits, banks issue Deposit Receipts. These receipts are not negotiable, and therefore, deposits cannot be transferred without the consent of the bank. Certificates of deposits are, however, transferable. CDs held in physical form are transferable by endorsement and delivery. CDs in dematerialised form can be transferred as per the procedure applicable to other demat securities. There is no lock-in period for CDs. Banks / FIs cannot grant loans against CDs. Furthermore, premature buyback is not permitted and no loans can be taken against CDs. However, the Reserve Bank may relax these restrictions for temporary periods through a separate notification.

3.23 Banks should include the amount of CDs in the fortnightly return under

Section 42 of the Reserve Bank of India Act, 1934 and also separately indicate the amount so included by way of a footnote in the return. Further, banks / FIs should report the data on issuance of CDs on the web-based module under the Online Returns Filing System (ORFS) within 10 days from the end of the fortnight to which it pertains.

3.24 Banks normally allow repayment of the deposits before the due date; however, the rate of interest paid to the depositor in case of premature repayment is lower than the rate contracted initially. Auditor has to verify the scheme of fixed deposits thoroughly. If a depositor does not take repayment on the date of expiry, the interest ceases to run from the date, though the bank continues to be a debtor of the depositor. A matured deposit can be renewed by the depositor for a further period. Where a deposit is renewed sometime after its maturity, banks generally allow interest from the date of maturity rather than from the date of renewal. In other words, the renewal is given a retrospective effect. In case the deposit is matured and not renewed by the customer, the rate of interest same as saving bank rate is provided on the same as per RBI Guidelines.

3.25 Pro-rated expenditure by way of discounts up to the year end on each certificate must be accrued / adjusted and included under the head "Other Liabilities", as the terms of issue warrant that the proceeds be paid only on maturity.

3.26 Rate of interest payable on fixed deposits as well as other deposits depends on current economic conditions, decided by banks from time to time. Interest rates are regulated by an Inter-Bank Agreement which is revised from time to time. The rate of interest on certificates of deposits is negotiable with the depositor, especially in the case of bulk/wholesale deposits.

3.27 Following are important issues in respect of different category of accounts which auditor must consider:

(a) **FCNR Accounts**

- ₹ Maintenance of position viz. details of deposits – tallying the position with reference to branches periodically.
- ₹ System of reporting to the position maintenance office by the branches including "C" category branch.
- ₹ Applicability of notional rate.
- ₹ Revaluation is done every reporting Friday for CRR purposes.
- ₹ Provisions/payment of interest on a regular basis to reflect the due liability.

- ₹ Is it debited to the proper Head of accounts?
- ₹ Random check of interest as interest is charged every month based on LIBOR.
- ₹ How the payment is effected-expeditiously?
- ₹ On payment whether the liability is reversed.
- ₹ Method of reconciliation of Nostro account with FCNR (B).
- ₹ It should not be revalued and taken to profit and loss.
- ₹ Many banks have a separate Nostro account for FCNR (B) balances converted on a notional basis.

Further, RBI, *vide* its Master Circular No. RBI/2015-16/40 DBR.No.Dir.BC.8/13.03.00/2015-16 dated July 1, 2015 on "Interest rates on deposits held in FCNR (B) Accounts", provides guidance on the interest rates on deposits held in FCNR(B) accounts. The Circular further prohibit banks to:

- (i) ₹ accept or renew a deposit over five years;
- (ii) ₹ discriminate in the matter of rate of interest paid on the deposits, between one deposit and another accepted on the same date and for the same maturity, whether such deposits are accepted at the same office or at different offices of the bank, except on the size group basis. The permission to offer varying rates of interest based on size of the deposits will be subject to the following conditions:
 - a. ₹ Banks should, at their discretion, decide the currency-wise minimum quantum on which differential rates of interest may be offered. For term deposits below the prescribed quantum with the same maturity, the same rate should apply.
 - b. ₹ The differential rates of interest so offered should be subject to the overall ceiling prescribed.
 - c. ₹ Interest rates paid by the bank should be as per the schedule and not subject to negotiation between the depositor and the bank.
- (iii) ₹ pay brokerage, commission or incentives on deposits mobilized under FCNR(B) Scheme in any form to any individual, firm, company, association, institution or any other person.
- (iv) ₹ employ/ engage any individual, firm, company, association, institution or any other person for collection of deposit or for selling any other deposit linked products on payment of remuneration or fees or commission in any form or manner.
- (v) ₹ accept interest-free deposit or pay compensation indirectly.

(b) Resident Foreign Currency Accounts

- ₹ Exporters having good track record to open foreign currency account with banks.
- ₹ RBI will permit.
- ₹ Unit located in SEZ may hold an account in Foreign Currency.
- ₹ Diamond Dollar Accounts may be opened with permission from RBI to transact business in Foreign Currency.
- ₹ The returning Indians can have their foreign currency accounts to be covered into RFC same feature as of FCNR.

(c) EEFC accounts

- ₹ Non-interest bearing – No credit facilities against the security of the balances.
- ₹ 100% of inward remittance for Status Holder Exports, professional service rendered in personal capacity.
- ₹ 100% of EOU, STP and EHTP, 50% for other payments received from a unit DTA for goods supplied to SEZ.

(d) Non-resident Bank Accounts

- ₹ Name of such accounts and type of arrangement.
- ₹ Funding of these accounts – *bonafide* transactions – freely convertible balance.
- ₹ System of monitoring overseas bank not to take a speculative view on rupees.
- ₹ Forward purchase/sale of foreign currencies against rupee for funding is prohibited – offer two ways quote is also prohibited.
- ₹ Temporary overdrawals to overseas branch/ correspondent not to exceed Rs. 500.00 lakh in aggregate in all overseas branch/correspondent in the books of the bank.
- ₹ Purpose is essential.
- ₹ Period not to exceed 5 days.
- ₹ Statement to be sent to Forex Market Division of RBI.

Further, RBI, *vide* its Master Direction No. RBI/DBR/2015-16/19DBR. Dir. No.84/13.03.00/2015-16 dated March 03, 2016 on Reserve Bank of India (Interest Rate on Deposits) Directions, 2016 provides guidance on the interest rates on rupee deposits held in Domestic, Ordinary Non-Resident (NRO) and Non-Resident (External) (NRE) Accounts.

Further, RBI Circular RBI/2009-10/408DBOD. No. Dir. BC.

91/13.03.00/2009-2010 dated April 20, 2010, provides the guidelines with respect to the conversion of a term deposit, a deposit in the form of daily deposit or a recurring deposit for reinvestment in term deposit and states that a bank, on a request from the depositor, should allow conversion of a term deposit, a deposit in the form of daily deposit or recurring deposit, to enable the depositor to immediately reinvest the amount lying in the aforesaid deposits with the same bank in another term deposit. On a review and in order to facilitate better asset-liability management (ALM), with effect from April 20, 2010, banks are permitted to formulate their own policies towards conversion of deposits.

(e) **Rupee Accounts (Exchange House)**

- ₹ Accounts opening require approval from RBI.
- ₹ Trade transaction per transaction upto Rs.2.00 lakh is permitted.
- ₹ Reconciliation issues and concurrent auditor overseas report.
- ₹ Debits/claims outstanding as the branches pending receipt of the credit.
- ₹ Method of value dating the transactions and overdraft arisen thereon.
- ₹ Collection of overdue interest for such over drawn balances.

Accounting

3.28 Banks may account the CDs at issue price under the Head “CDs issued” and show the same under “Deposits”. Accounting entries towards discount will be same as in case of ‘Cash Certificate’. Banks should maintain a register of CDs issued with complete particulars. Banks will maintain “CD Redemption Account” represented by specific ISIN.

Combinations of Demand and Term Deposits

3.29 Although the above are the basic types of deposits, these days, most of the banks are also offering combinations of two or more of them. These blended products are known by different names in different banks.

Unclaimed Deposits/ Inoperative Accounts

3.30 As per RBI Circular no. DBOD No. Leg.BC.34/ 09.07.005/2008-09 dated August 22, 2008 on “Unclaimed Deposits/inoperative accounts in Banks”, a bank is required to make an annual review of accounts in which there are no operations (other than crediting of periodic interest or debiting of service charges) for more than one year. A savings as well as current account should be treated as inoperative/ dormant if there are no transactions in the account for over a period of two years. In case any reply is given by the account holder giving the reasons for not operating the account, banks should continue classifying the same as an operative account for one more year within which

period the account holder may be requested to operate the account. However, in case the account holder still does not operate the same during the extended period, banks should classify the same as inoperative account after the expiry of the extended period. If a Fixed Deposit Receipt matures and proceeds are unpaid, the amount left unclaimed with the bank will attract savings bank rate of interest. In terms of Foreign Exchange Management (Crystallization of Inoperative Foreign Currency Deposits) Regulations, 2014 and vide Notification No. FEMA 10A/2014-RB dated March 21, 2014, issued under Foreign Exchange Management Act (FEMA), 1999 relating to inoperative foreign currency deposits, directions have been issued under Sections 10(4) and 11(1) of FEMA; and as per Clause 2.7 of the RBI Master Circular DBOD.No.Dir.BC.14/13.03.00/2014-15 dated 1-7-2014, inoperative deposits having a fixed term and those with no fixed term maturity, after the expiry of a three month notice upon completion of three years, will get crystallized into Rupees.

Depositor Education and Awareness Fund (DEAF) Scheme 2014

3.31 Reserve Bank of India vide its circular no. DBOD.DEAF Cell. BC. No. 101/ 30.01.002/2013-14 dated March 21, 2014 namely “The Depositor Education and Awareness Fund Scheme, 2014 - Section 26A of Banking Regulation Act, 1949” has laid down certain guidelines with respect to the said fund. Under the provisions of Section 26A of the Banking Regulation Act, 1949 the amount to the credit of any account in India with any bank which has not been operated upon for a period of ten years or any deposit or any amount remaining unclaimed for more than ten years shall be credited to the Fund, within a period of three months from the expiry of the said period of ten years. The Fund shall be utilised for promotion of depositors’ interest and for such other purposes which may be necessary for the promotion of depositors’ interests as specified by RBI from time to time. The depositor would, however, be entitled to claim from the bank the deposit or any other unclaimed amount or operate the account after the expiry of ten years, even after such amount has been transferred to the Fund. The bank would be liable to pay the amount to the depositor/claimant and claim refund of such amount from the Fund.

3.32 All such unclaimed liabilities (where amount due has been transferred to DEAF) may be reflected as “Contingent Liability – Others, items for which the bank is contingently liable” under Schedule 12 of the annual financial statements. Banks are also required to disclose the amounts transferred to DEAF under the notes to accounts.

Reserve Bank of India (Gold Monetization Scheme) Direction, 2015

3.33 The RBI issued Master Direction No.DBR.IBD.No.45/23.67.003/2015-16 dated 22-10-2015 to all Scheduled Commercial Banks that decide to implement the Scheme(*excluding Regional Rural Banks*), requiring such banks that decide

to implement the Scheme (Designated Bank), to formulate a comprehensive policy with approval of their respective boards.

3.34 The Gold Monetization Scheme, 2015 (GMS) which includes the Revamped Gold Deposit Scheme (R-GDS) and Revamped Gold Metal Loan Scheme (R-GML) was intended to mobilise gold held by households and institutions to facilitate its use for productive purposes, and to reduce country's reliance on the import of gold.

3.35 Designated Banks are authorised to accept deposits, the principal and interest of which, under the scheme, shall be denominated in gold. Such deposits can be accepted from eligible persons viz., Resident Indians (Individuals, HUFs, Trusts including Mutual Funds/Exchange Traded Funds registered under SEBI (Mutual Fund) Regulations and Companies. Joint deposits of two or more eligible depositors can be made on the same basis as other joint deposit accounts and with nomination facility. The Broad features of the Gold Monetization Scheme are summarised in **Appendix XI** of the Guidance Note.

Procedural Aspects

3.36 Some banks use a single application form for opening various types of accounts, viz., Savings, Current and Term Deposits while some others adopt the system whereby, for each type of account, a different type of form is used. The form essentially provides for particulars of the account holder(s), mode of operation on the account, term of the deposit (if applicable), signatures of the account holder(s), photograph of the account holder(s) etc. In the case of partnership firms, a copy of the partnership deed and in the case of companies, copies of the memorandum and articles of association, certificate of incorporation and resolution passed by the board for opening the account/making the deposit are obtained. Particulars of all new accounts opened are recorded in a register.

Know Your Customer Requirements (KYC)

3.37 Reserve Bank of India *vide* its master direction no. RBI/DBR/2015-16/18DBR.AML.BC.No.81/14.01.001/2015-16 updated as on April 20, 2018 on "Know Your Customer (KYC) norms/Anti-Money Laundering (AML) standards/Combating Financing of Terrorism (CFT)/Obligation of banks and financial institutions under PMLA, 2002" has laid down certain guidelines to prevent banks from being used, intentionally or unintentionally, by criminal elements for money laundering or terrorist financing activities. The guidelines prescribed in this circular, popularly known as KYC guidelines, also enable banks to know/understand their customers and their financial dealings better which in turn help them manage their risks prudently.

These guidelines contain detailed requirements for banks in respect of

customer acceptance policy, customer identification procedures, monitoring of transactions and risk management.

Audit Approach and Procedures

Borrowings

3.38 Where borrowings are shown by branch, the auditor must ensure that the borrowings/refinance:

- i) ₹ is separately disclosed as required by law;
- ii) ₹ balance confirmation certificates are obtained in evidence of borrowings from each lender; and
- iii) ₹ the nature and extent of security is determined and disclosed.

3.39 The auditor should understand process of new borrowing, repayment of borrowings and test controls around these processes.

3.40 Borrowings from RBI, other banks/financial institutions, etc., should be verified by the auditor with reference to confirmation certificates and other supporting documents such as, application form, sanction letter, agreements, interest rate, security, correspondence, etc. Audit evidence in the form of external confirmations received directly by the auditor from appropriate confirming parties / lenders may assist the auditor in obtaining audit evidence that the auditor requires to respond to significant risks of material misstatement. The auditor is required to comply with the requirements of Standard on Auditing (SA) 505, "External Confirmations" which contains guidance on designing and performing external confirmation procedures to obtain relevant and reliable audit evidence.

3.41 The auditor should also examine whether a clear distinction has been made between 'rediscount' and 'refinance' for disclosure of the amount under the above head since rediscount does not figure under this head.

3.42 The auditor should examine whether borrowings of money at call and short notice are properly authorised. The rate of interest paid/payable on, as well as duration of such borrowings should also be examined by the auditor.

3.43 The auditor should similarly examine the relevant correspondence or other documents to verify whether the branch has been authorised by the head office to borrow/retain other borrowings and that the terms on which borrowings have been made are in accordance with the authorisation.

3.44 The auditor should examine whether the amount shown in the branch accounts is properly classified based on security or otherwise.

3.45 In case of borrowing through bonds and debentures, generally banks

appoint the registrar for maintenance of records of borrowing such as bond holders etc. The auditor can obtain the balance confirmation from registrar of the bonds including other parameters of borrowing at each period end.

Deposits

3.46 In carrying out audit of deposits and liabilities, the auditor is primarily concerned with obtaining reasonable assurance that all known liabilities are recorded and stated at appropriate amounts.

The auditor may verify various types of deposits in the following manner.

Current Accounts

3.47 The auditor should verify the balances in individual accounts on a test check basis and should also examine whether the balances as per subsidiary ledgers tally with the related control accounts in the General Ledger. In case of any differences, the auditor should examine the reconciliation prepared by the branch in this regard.

3.48 Some banks have a procedure for obtaining confirmation of balances periodically. The auditor should examine whether the procedure laid down in this behalf has been followed consistently throughout the year. He should also examine, on a test check basis, the confirmations received.

3.49 The auditor should examine whether the debit balances in current accounts are not netted out on the liabilities side but are appropriately included under the head 'Advances'.

3.50 Inoperative accounts are a high risk area of frauds in banks. While examining current accounts, the auditor should specifically cover in his sample some of the inoperative accounts revived / closed during the year. The auditor should also ascertain whether inoperative accounts are 'revived' only with proper authority. For this purpose, the auditor should identify cases where there has been a significant reduction in balances compared to the previous year and examine the authorisation for withdrawals. Ratio analysis and comparatives can be used to select / identify such variation.

Savings Bank Deposits

3.51 The auditor should verify the balances in individual accounts on a test check basis and should also examine whether the balances as per subsidiary ledgers tally with the related control accounts in the General Ledger. In case of any differences, the auditor should examine the reconciliation prepared by the branch in this regard.

3.52 The auditor should also check the calculation of interest on a test check basis. In case of branch under Core Banking Solution (CBS) the product sheet for calculation of interest on saving bank accounts can be obtained in selected sample and auditor can verify the calculation.

3.53 Similar to in-operative current accounts, the auditor should pay special attention to inoperative savings bank accounts.

Term Deposits

3.54 While evaluating the internal controls over term deposits, the auditor should specifically examine whether the deposit receipts and cash certificates are issued serially and all of them are accounted for in the registers. The auditor should also satisfy himself that there is a proper control over the unused forms of deposit receipts and cash certificates to prevent their misuse.

3.55 As stated earlier, the rate of interest on Certificates of Deposits (CDs) is negotiable with the depositor. This area is quite sensitive. The auditor should bear this fact in mind while examining the efficacy of prescribed internal controls with regard to rates of interest on CDs.

3.56 The auditor should verify the deposits with reference to the relevant registers. The auditor should also examine, on a test check basis, the registers with the counter-foils of the receipts issued and with the discharged receipts returned to the bank. The reconciliation of subsidiary records for various types of term deposits with the related control accounts in the General Ledger should be examined. The auditor should also examine whether provision has been made for interest accrued on the deposits up to the date of the balance sheet. Auditor should also examine whether the proper provision for interest payable on deposits is made.

3.57 In some cases, banks employ some persons as 'collectors' to collect the deposits from depositors, e.g., in case of recurring deposits. In such cases, the auditor should specifically examine the efficacy of the internal control procedures for reconciling the records of the bank with those of the collectors.

3.58 Term deposits from banks are usually (though not necessarily) in round figures. Any odd balances in term deposits should therefore be selected by the auditor for verification on a sample basis.

3.59 If a Fixed Deposit Receipt matures and proceeds are unpaid, the amount left unclaimed with the bank will attract savings bank rate of interest as given in Para 3.4 of the Master Circular on Interest Rates on Rupee Deposits held in Domestic, Ordinary Non-Resident (NRO) and Non-Resident (External) (NRE) Accounts.

Deposits Designated in Foreign Currencies

3.60 In the case of deposits designated in a foreign currency, e.g., foreign

currency non-resident deposits, the auditor should examine whether they have been converted into Indian rupees at the rate notified in this behalf by the head office. The auditor should also examine whether any resultant increase or decrease has been taken to the profit and loss account. It may also be seen that interest on deposits has been paid on the basis of 360 days in a year:

- i) For deposits up to one year, at the applicable rate without any compounding effect.
- ii) In respect of deposits for more than 1 year, the interest on FCNR (B) deposits should be calculated at intervals of 180 days each and thereafter for remaining actual number of days, till normal maturity.

Further, in case of conversion of FCNR (B) deposits into NRE deposits or vice versa before maturity has been subjected to the provisions relating to premature withdrawal.

Interest Accrued But Not Due

3.61 The auditor should examine that interest accrued but not due on deposits is not included under the relevant deposits but is shown under the head 'other liabilities and provisions'.

Overall Reconciliation

3.62 The procedures of banks usually provide for periodic correlation of outstanding deposits with the cost of deposits. The auditor should ascertain from the management whether such an exercise has been carried out and if so, he should review the same. The auditor should examine that interest accrued but not due has also been considered for this purpose.

Inoperative Accounts

3.63 Internal controls over inoperative accounts, is imperative. A response to the letter addressed to the Branch will assist the auditor to take a view on the system of dealing with inoperative Accounts. Attention needs to be sharply focused on debits/withdrawals to ascertain whether these are unauthorised. In testing the debits, attention should be specially paid to large and repetitive debits out of otherwise dormant accounts. Centralisation of these needs to be encouraged and such a recommendation needs to be made through the LFAR.

3.64 While scrutinising deposit ledgers, it is appropriate to ensure whether there are any stagnant/ inoperative accounts, which remain to be transferred. Computer generated exception reports will also reveal the status of the inoperative accounts.

Window-dressing

3.65 There are several ways in which the deposits of a bank may be inflated for purposes of balance sheet presentation. For example, some of the

constituents may be allowed overdraft on or around the date of the balance sheet, the overdrawn amounts may be placed as deposits with the bank, and further advances may be given on the security of the deposit receipts, thus inflating deposits as well as advances. The transactions may be reversed immediately after the close of the year. Where the auditor comes across transactions, which indicate the possibility of window-dressing, he may report the same in his long form audit report. In appropriate cases, the auditor should consider making a suitable qualification in his main audit report also.

3.66 Unauthorised Deposits, particularly, during the period that deposits of demonetized currency notes were allowed, comprise the bank's liability and can be treated as Deposits, pending completion of any enquiry/investigation, with the safeguards the bank may take to avoid any wrongful claim thereon. The auditor may consider reporting the same in the LFAR by way of information.

Know Your Customers Norms

3.67 RBI has issued instructions to all banks to implement without fail certain procedural norms on KYC. Failure would attract levy of penalty and if penalty has been levied the same is to be disclosed in the notes to accounts. In view of the nature of the directive the audit procedure may be suitably adopted to enquire the system of implementation and review of other reports in respect of this area. The auditor should examine that there exists proper procedure in place to ensure that framework relating to 'Know Your Customer' and Anti-Money Laundering measures is formulated and put in place by the bank.

IV-4

Other Liabilities and Provisions

Balance Sheet Disclosure

4.01 The Third Schedule to the Banking Regulation Act, 1949, requires disclosure of the following items under the head 'Other Liabilities and Provisions':

- | | |
|-------------------------------------|-----------------------------------|
| (a) Bills payable | (c) Interest accrued |
| (b) Inter-office adjustments (net)₹ | (d) Others (including provisions) |

Bills Payable

4.02 Bills payable represent instruments issued by the branch against moneys received from customers, which are to be paid to the customer or as per his order (usually at a different branch). These include demand drafts, telegraphic transfers, mail transfers, traveller's cheques, pay-orders, banker's cheques and similar instruments issued by the bank but not presented for payment till the balance sheet date.

Inter-office Adjustments

4.03 The balance in inter-office adjustments account, if in credit, is to be shown under this head. Chapter 11 "Inter-office Transactions" of Part III of the Guidance Note on Audit of Banks, 2019 edition (Section A – Statutory Central Audit) provides the detailed guidelines on the aspects of Inter-office Transactions. Further at branch SBA should take the confirmation from the Head Office regarding the Inter-office adjustment account and its reconciliation

Interest Accrued

4.04 Interest due and payable and interest accrued but not due on deposits and borrowings are to be shown under this head. The interest accrued in accordance with the terms of the various types of deposits and borrowings are considered under this head. Such interest is not to be clubbed with the figures of deposits and borrowings shown under the head 'Deposits and Borrowings'.

Further auditor should check provisioning of interest on Matured Term Deposits.

Others (Including Provisions)

4.05 According to the Notes and Instructions for compilation of balance sheet and profit and loss account, issued by the RBI, the following items are to be included under this head:

- (a) Net provision for income tax and other taxes like interest tax, less advance payment and tax deducted at source.
- (b) Surplus in bad and doubtful debts provision account (such surplus is in the nature of a reserve).
- (c) Surplus in provisions for depreciation in securities (such surplus is in the nature of a reserve).
- (d) Contingency funds, which are actually in the nature of reserves but are not disclosed as such.
- (e) Proposed dividend/transfer to Government.
- (f) Other liabilities, which are not disclosed under any of the major heads such as unclaimed dividend, provisions and funds kept for specific purposes, unexpired discount, outstanding charges like rent, conveyance, etc. and tax deduction by bank payable on or before the due date.
- (g) Certain types of deposits like staff security deposits, margin deposits, etc., which are repayable only subject to compliance with certain conditions. (The interest on such deposits would also be included under this head).
- (h) Blocked Account arising from transfer of credit entries in inter-branch accounts outstanding for more than five years.

4.06 Besides the above items, the following are other important items usually included under this head:

- (a) Collections in respect of suit-filed accounts. These are not adjusted against advances till final settlement. (However, for the purpose of provisioning against non-performing advances, such credit balances are taken into account for ascertaining net outstanding).
- (b) Collection of income-tax on behalf of the Government.
- (c) Collection from DICGC. These are carried till final realisation/write-off of the concerned advance account.
- (d) Provisions for frauds. These are ultimately adjusted by way of a write-off.
- (e) Insurance claims received in respect of frauds. These are retained separately till final write-off in respect of fraud.
- (f) Provision for gratuity, pension and other staff benefits.

- (g) Provision for bank's share in the expenses of the Banking Services Recruitment Board.
- (h) Provision for audit fees.
- (i) Unamortized interest income on the bills purchased/ discounted.

4.07 It may be noted that many of the items to be disclosed under this head are accounted for at the head office level and would not therefore form part of balance sheet of a branch.

Audit Approach and Procedures

4.08 The auditor may verify the various items under the head 'other liabilities and provisions' in the following manner.

Bills Payable

4.09 The auditor should evaluate the existence, effectiveness and continuity of internal controls over bills payable. Such controls should usually include the following:

- (a) Demand drafts, mail transfers, traveller's cheques, etc., should be made out in standard printed forms.
- (b) Unused forms relating to demand drafts, traveller's cheques, etc., should be kept under the custody of a responsible officer.
- (c) The bank should have a reliable private code known only to the responsible officers of its branches coding and decoding of the telegrams¹² should be done only by such officers.
- (d) The signatures on a demand draft should be checked by an officer with the specimen signature book.
- (e) All the telegraphic transfers and demand drafts issued by a branch should be immediately confirmed by advices to the branches concerned. On payment of these instruments, the paying branch should send a debit advice to the originating branch.
- (f) If the paying branch does not receive proper confirmation of any telegraphic transfers or demand draft from the issuing branch, it should take immediate steps to ascertain the reasons.
- (g) In case an instrument prepared on a security paper, e.g., demand draft, has to be cancelled (say, due to error in preparation), it should be examined whether the manner of cancellation is such that the instrument cannot be misused. (For example, in the case of demand drafts, banks

¹²Telegrams has been discontinued since 15th July, 2013 and this is now just for academic purposes.

generally cut the distinctive serial number printed on the form and paste it in the book in which demand drafts issued are entered.) Cases of frequent cancellation and re-issuance of demand drafts, pay orders, etc., should be carefully looked into by a responsible official.

4.10 Based on auditor's evaluation of the efficacy of the relevant internal controls, the auditor should examine an appropriate sample of outstanding items comprised in bills payable accounts with the relevant registers. Reasons for old outstanding debits in respect of drafts or other similar instruments paid without advice should be ascertained. Correspondence with other branches after the year-end (e.g., responding advices received from other branches, advices received from other branches in respect of drafts issued by the branch and paid by the other branches without advice) should also be examined specially in so far as large value items outstanding on the balance sheet date are concerned.

Others (Including Provisions)

4.11 It may be noted that the figure of advances and investments in the balance sheet of a bank excludes provisions in respect thereof made to the satisfaction of auditors. The issue of determining the adequacy of provision for doubtful advances is discussed in detail under Chapter on Assets Classification, Income Recognition and Provisioning of the Guidance Note. The auditor should examine other provisions and other items of liabilities in the same manner as in the case of other entities. Specifically, in case of tax deducted by the bank and payable to the government authorities on or before the due date, this function may be centralized or de-centralized. While verifying this, the auditor must check whether tax has been correctly deducted from payments as per the provisions of the Income Tax Act, 1961 and paid on or before the due date as specified under the Act or Rules thereunder. Many a times in case of branch audit, reporting has to be done before the due date of paying tax deducted at source for the month of March. In such cases the auditor should report delays observed till the date of his verification and clearly bring out the fact that he has not verified the payment of tax, due date of which would be after the date of the audit report.

IV-5

Contingent Liabilities and Bills for Collection

Introduction

Contingent Liabilities

5.01 The term 'contingent liabilities' can take two forms. On the one hand, a contingent liability refers to possible obligations arising from past transactions or other events or conditions, the existence of which will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the enterprise. On the other hand, a contingent liability may also take form of a present obligation that arises from past events or transactions but is not recognised due to the fact that either it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligation, or a reliable estimate of the amount of obligation cannot be made. Thus, contingent liabilities may or may not crystallise into actual liabilities. If they do become actual liabilities, they give rise to a loss or an expense. The uncertainty as to whether there will be any obligation differentiates a contingent liability from a liability that has crystallised. Contingent liabilities should also be distinguished from those contingencies which are likely to result in an obligation on the entity (i.e., the obligation is not merely possible but probable) and which, therefore, require creation of a provision in the financial statements. (*Members may refer to Accounting Standard (AS) 29, "Provisions, Contingent Liabilities and Contingent Assets"*)

Letter of Credit, Bank Guarantees and Letters of Comfort, Letter of Undertaking¹³

5.02 The concepts of Letters of Credit, Bank Guarantees and Letters of Comfort, Letter of Undertaking have been discussed in the Chapter 2 "Advances - Other than Agriculture" of Part III of the Guidance Note.

Liability on Partly Paid Investments

¹³ The reserve bank of India has issued circular dated March 13, 2018, to discontinue the practice of issuance of LoUs/ LoCs for Trade Credits for imports into India by AD Category –I banks with immediate effect.

5.03 If the bank holds any partly paid shares, debentures, etc., the auditor should examine whether the uncalled amounts thereof are shown as contingent liability in the balance sheet.

Liability on Account of Outstanding Forward Exchange Contracts and Derivatives Contract

5.04 All branches which undertake foreign exchange business (i.e., those which are authorised foreign exchange dealers) usually enter into forward exchange contracts. The amount of forward exchange contracts, which are outstanding on the balance sheet date, is to be shown under this head. The treasury of the bank enters into derivatives contracts like Interest Rate Swap, Cross currency Swaps, etc. The notional amount of these contracts should be disclosed either separately or under this head as separate sub head.

Guarantees Given on Behalf of Constituents

5.05 The amount of all guarantees outstanding on the balance sheet is to be shown under the above head after deducting therefrom any cash margin.

Acceptances, Endorsements and Other Obligations

5.06 This item includes the following balances:

- (a) letters of credit opened by the bank on behalf of its customers; and
- (b) Bills drawn by the bank's customers and accepted or endorsed by the bank (to provide security to the payees).

5.07 The total of all outstanding letters of credit as reduced by the cash margin and after deducting the payments made for the bills negotiated under them should be included in the balance sheet. In case of revolving credit, the maximum permissible limit of letters of credit that may remain outstanding at any point of time as reduced by the cash margin should be shown. If the transactions against which the letter of credit was opened have been completed and the liability has been marked off in the books of the bank, no amount should be shown as contingent liability on this account.

Other Acceptances and Endorsements

5.08 Sometimes, a customer of the bank may issue a usance bill payable to his creditor and drawn on the bank. The bank, on accepting such a bill, becomes liable to pay it on maturity. In turn, it has to recover this amount from its customer.

5.09 The total of all outstanding acceptances and endorsements at the end of the year, as reduced by the cash margin, should be disclosed as contingent

liability.

Other Items for Which the Bank is Contingently Liable

5.10 Under this head are to be included such items as arrears of unpaid dividend on cumulative preference shares bills re-discounted, commitments under underwriting contracts, estimated amounts of contracts remaining to be executed on capital account, disputed tax liabilities, credit enhancement in respect of securitised loans to which the assignee or the special purpose vehicle has recourse, etc.

5.11 Underwriting involves an agreement by the bank to subscribe for the shares or debentures which remain unsubscribed in a public issue, in consideration of commission.

5.12 Rediscounting is generally done with the RBI, or other financial institutions or, in the case of foreign bills, with foreign banks. If the drawer dishonours the bill, the re-discounting bank has a right to proceed against the bank as an endorser of the bill.

5.13 Tax demands, which has been disputed are in the nature of contingent liability and should be disclosed. Where an application for rectification of mistake has been made by the entity, the amount should be regarded as disputed. Where the demand notice/intimation for the payment of tax is for a certain amount and the dispute relates to only a part and not the whole of the amount, only such amount should be treated as disputed. A disputed tax liability may require a provision or suitable disclosure as per provisions of Accounting Standard (AS) 29, "Provisions, Contingent Liabilities and Contingent Assets".

5.14 Disputed tax liabilities in respect of income-tax and similar central taxes would not form part of balance sheet of a branch as these items are dealt with at the head office level.

5.15 The liability involved in cases lodged against the bank in various courts including consumer dispute redressal forums, Banking Ombudsman as per Reserve Bank of India and any other Authority are in the nature of contingent liability and should be disclosed.

5.16 **Depositor Education and Awareness Fund** : As per RBI circular dated RBI/2013-14/ 614 DBOD. No. DEAF Cell. BC. 114/ 30.01.002/ 2013-14 dated May 27, 2014, all such unclaimed liabilities (where amount due has been transferred to DEAF) may be reflected as "Contingent Liability – Others, items for which the bank is contingently liable" under Schedule 12 of the annual financial statements.

Bills for Collection

5.17 Bills held by a bank for collection on behalf of its customers are to be shown as a footnote to the balance sheet.

5.18 These bills are generally *hundies* or bills of exchange accompanied by documents of title to goods. Frequently, no bills of exchange are actually drawn; the bank is asked to present invoices and documents of title with instructions to collect the amount thereof from the party in whose name the invoice has been made. The documents of title enclosed with the bills for collection are usually not assigned to the bank.

5.19 A bank may get bills for collection from -

- (a) its customers, drawn on outstation parties; or
- (b) its other branches or other outstation banks or parties, drawn on local parties.

5.20 On receipt of the bills drawn on outstation parties, the bank forwards them to its branch or other correspondent at the place where they are to be collected. Such bills are called Outward Bills for Collection.

5.21 Bills received by the bank from its outstation branches and agents, etc. for collections are called Inward Bills for Collection.

5.22 It may be noted that if a bill is received by one branch of the bank from a customer and sent by it to another branch of the bank for collection, the same bill will be shown as an Outward Bill at the first branch and as an Inward Bill at the other branch. In the consolidated balance sheet of the bank, however, all such bills should be shown only once. Therefore, Inward Bills for Collection are excluded from the balance sheet of each branch.

Co-acceptance of Bills

5.23 In its Master Circular No. RBI/2015-16/76 DBR. No. Dir. BC.11/13.03.00/2015-16 dated July 1, 2015 on "Guarantees and Co-acceptances", the RBI had reiterated the need for the banks to be cautious while co-accepting bills of their customers and discounting the same so as to avoid loss to banks arising on account of frauds perpetrated in the guise of bills. The circular requires the banks, *inter alia*, not to extend their co-acceptances to house bills/ accommodation bills drawn by group concerns on one another. In the circular, the RBI had also listed a number of safeguards to be undertaken by banks while co-accepting bills.

Audit Approach and Procedures

Contingent Liabilities

5.24 In respect of contingent liabilities, the auditor is primarily concerned with seeking reasonable assurance that all contingent liabilities are identified and properly valued. To this end, the auditor should, generally follow the audit procedures given below:

- (a) The auditor should verify whether there exists a system whereby the non-fund based facilities to parties are extended only to their regular constituents, etc.
- (b) Ascertain whether there are adequate internal controls to ensure that transactions giving rise to contingent liabilities are executed only by persons authorised to do so and in accordance with the laid down procedures.
- (c) The auditor should also examine whether in case of LCs for import of goods, as required by the abovementioned Master Circular on guarantees and co-acceptances, the payment to the overseas suppliers is made on the basis of shipping documents and after ensuring that the said documents are in strict conformity with the terms of LCs.
- (d) Ascertain whether the accounting system of the bank provides for maintenance of adequate records in respect of such obligations and whether the internal controls ensure that contingent liabilities are properly identified and recorded.
- (e) Performs substantive audit tests to establish the completeness of the recorded obligations. Such tests include confirmation procedures as well as examination of relevant records in appropriate cases.
- (f) ₹ Review the reasonableness of the year-end amount of contingent liabilities in the light of previous experience and knowledge of the current year's activities.
- (g) ₹ Review whether comfort letters issued by the bank has been considered for disclosure of contingent liabilities.
- (h) ₹ The auditor should also examine whether the bank has given any guarantees in respect of any trade credit (buyer's credit or seller's credit)¹⁴. The period of guarantees is co-terminus with the period of credit reckoned from the date of shipment.

¹⁴ In terms of the Circular No. A.P. (Dir. Series) 60 dated January 31, 2004, any trade credit extended for a period of three years and above comes under the category of external commercial borrowings.

- (i) ₹ Verify whether the bank has extended any non-fund facility or additional/*ad hoc* credit facilities to persons other than its regular customers. In such cases, auditor should examine the existence of concurrence of existing bankers of such borrowers and enquire regarding financial position of those customers.
- (j) ₹ If the Bank is using separate application for communicating, transacting, executing any coacceptance / guarantees, the auditor should verify the interface controls in respect of these applications and CBS. If the system-based interface is not available and manual intervention is involved then Auditor should verify controls put in place by Bank for confirming completeness and correctness of transactions.
- (k) Obtain representation from the management that:
 - (i) ₹ all contingent liabilities have been disclosed;
 - (ii) ₹ the disclosed contingent liabilities do not include any contingencies which are likely to result in a loss/ expense and which, therefore, require creation of a provision in the financial statements;
 - (iii) ₹ the estimated amounts of financial effect of the contingent liabilities are based on the best estimates in terms of Accounting Standard 29, including any possibility of any reimbursement;
 - (iv) in case of guarantees issued on behalf of the bank's directors, the bank has taken appropriate steps to ensure that adequate and effective arrangements have been made so that the commitments would be met out of the party's own resources and that the bank will not be called upon to grant any loan or advances to meet the liability consequent upon the invocation of the said guarantee(s) and that no violation of section 20 of the Banking Regulation Act, 1949 has arisen on account of such guarantee; and
 - (v) such contingent liabilities which have not been disclosed on account of the fact that the possibility of their outcome is remote include the management's justification for reaching such a decision in respect of those contingent liabilities.

5.25 The specific procedures to be employed by the auditor to verify various items of contingent liabilities are discussed in the following paragraphs. It may be noted that many of the items discussed in the following paragraphs, may be designated in foreign currencies.

Claims Against the Bank Not Acknowledged as Debts

5.26 The auditor should examine the relevant evidence, e.g.,

correspondence with lawyers/others, claimants, workers/officers, and workmen's/officers' unions. The auditor should also review the minutes of meetings of board of directors/committees of board of directors, contracts, agreements and arrangements, list of pending legal cases, and correspondence relating to taxes, and duties, etc., to identify claims against the bank. The auditor should ascertain from the management the status of claims outstanding as at the end of the year. A review of subsequent events would also provide evidence about completeness and valuation of claims. Based on the circumstances of each case, the auditor should verify whether the item would remain a claim against the bank not acknowledged as debt or it would be a liability requiring provisioning. The auditor may ask for an opinion from empanelled lawyer of the Bank in respect of crystallisation of claim against the Bank. The auditor should use professional judgement to determine as to which claims can be construed as a contingent liability and which needs to be provided.

Liability on Account of Outstanding Forward Exchange Contracts & Derivatives Contracts

5.27 Forward Exchange Contract: The auditor may verify the outstanding forward exchange contracts with the register maintained by the branch and with the broker's advice notes. In particular, the net "position" of the branch in relation to each foreign currency should be examined to see that the position is generally squared and not uncovered by a substantial amount. The net "position" as reported in the financial statements may be verified with reference to the foreign exchange position report prepared by the back office.

5.28 Derivatives Contract: The auditor may verify outstanding derivatives contracts (options, cross currency swaps, interest rate swaps, etc.) with report generated from treasury application. The 'notional' amount of these derivatives contracts should be shown as contingent liability in financial statements.

Guarantees Given on Behalf of Constituents

5.29 The auditor should ascertain whether there are adequate internal controls over issuance of guarantees, e.g., whether guarantees are issued under proper sanctions, whether adherence to limits sanctioned for guarantees is ensured, whether margins are taken from customers before issuance of guarantees as per the prescribed procedures, etc.

5.30 The auditor should ascertain whether there are adequate controls over unused guarantee forms, e.g., whether these are kept under the custody of a responsible official, whether a proper record is kept of forms issued, whether stock of forms is periodically verified and reconciled with the book records, etc.

5.31 The auditor should examine the guarantee register to seek evidence whether the prescribed procedure of marking off the expired guarantees is being followed or not.

5.32 The auditor should check the relevant guarantee registers with the list of outstanding guarantees to obtain assurance that all outstanding guarantees are included in the amount disclosed in this behalf. The auditor should also examine that expired guarantees are not included in this head. He should verify guarantees with the copies of the letters of guarantee issued by the bank and with the counter-guarantees received from the customers. He should also verify the securities held as margin. If a claim has arisen, the auditor should consider whether a provision is required in terms of the requirements of AS 29, "Provisions, Contingent Liabilities and Contingent Assets".

5.33 The auditor should obtain a written confirmation from the management that all obligations in respect of guarantees have been duly recorded and that there are no guarantees issued upto the year-end which are yet to be recorded. Many a times it is observed that in certain cases, old and expired bank guarantees are not cancelled from the records. This would result in excess capital adequacy provisioning for the bank. Also, it should be confirmed that the margins are recorded at their proper value including the interest accrued. The auditor should verify the Bank Guarantee register for the purpose.

Acceptances, Endorsements and Other Obligations

5.34 The auditor should evaluate the adequacy of internal controls over issuance of letters of credit and over custody of unused LC forms in the same manner as in the case of guarantees.

5.35 The auditor should verify the balance of letters of credit from the register maintained by the bank. The register indicates the amount of the letters of credits and payments made under them. The auditor may examine the guarantees of the customers and copies of the letters of credit issued. The security obtained for issuing letters of credit should also be verified.

Other Acceptances and Endorsements

5.36 The auditor should study the arrangements made by the bank with its customers. He should test check the amounts of the bills with the register maintained by the bank for such bills. The auditor should also examine whether such bills are marked off in the register on payment at the time of maturity.

5.37 In respect of letters of comfort, the auditor should examine whether the bank has incurred a potential financial obligation under such a letter. If a comfort letter does not cast any such obligation on the bank, no disclosure

under contingent liability is required on this account.

Common Procedures

5.38 The auditor should obtain a written confirmation from the management that all obligations assumed by way of acceptances, endorsements and letters of credit have been duly recorded and there are no such obligations assumed upto the year-end, which are yet to be recorded.

5.39 The auditor should ascertain whether a contingent obligation assumed by a bank either by way of acceptance, endorsement etc., has resulted in an actual obligation owing to any act or default on the part of its constituent. In such a case, a provision would have to be made in the accounts for the bank's obligation. The amount of the provision should be determined taking into account the probable recovery from the customer.

Other Items for Which the Bank is Contingently Liable

5.40 The auditor should examine whether commitments under all outstanding underwriting contracts have been disclosed as contingent liabilities. For this purpose, the auditor should examine the terms and conditions of the relevant contracts.

5.41 Rediscounting is generally done with the RBI, Industrial Development Bank of India or other financial institutions or, in the case of foreign bills, with foreign banks. If the drawer dishonours the bill, the rediscounting bank has a right to proceed against the bank as an endorser of the bill. The auditor may check this item from the register of bills rediscounted maintained by the branch. He should satisfy himself that all the bills are properly marked off on payment at the time of maturity.

5.42 In respect of disputed tax demands, the auditor should examine whether there is a positive evidence or action on the part of the bank to show that it has not accepted the demand for payment of tax or duty. Where an application for rectification of mistake has been made by the entity, the amount should be regarded as disputed. Where the demand notice/intimation for the payment of tax is for a certain amount and the dispute relates to only a part and not the whole of the amount, only such amount should be treated as disputed. A disputed tax liability may require a provision or suitable disclosure as per provisions of AS 29, "Provisions, Contingent Liabilities and Contingent Assets". In determining whether a provision is required, the auditor should, among other procedures, make appropriate inquiries with management, review minutes of the meetings of the board of directors and correspondence with the entity's lawyers, judgments on similar matters of other banks and obtain appropriate management representations.

5.43 Disputed tax liabilities in respect of income-tax and similar central taxes would not form part of balance sheet of a branch as these items are dealt with at the head office level. However, the principles enunciated above should be followed in dealing with taxes and duties (such as, local taxes) dealt with at the branch level.

5.44 The auditor should check whether any liability is involved in cases lodged against the bank.

5.45 The auditor may verify other items under this head in the same manner as in case of other entities.

Bills for Collection

5.46 The auditor should examine whether the bills drawn on other branches of the bank are not included in bills for collection.

5.47 Inward bills are generally available with the bank on the closing day and the auditor may inspect them at that time. The bank dispatches outward bills for collection soon after they are received. They are, therefore, not likely to be in hand at the date of the balance sheet. The auditor may verify them with reference to the register maintained for outward bills for collection.

5.48 The auditor should also examine collections made subsequent to the date of the balance sheet to obtain further evidence about the existence and completeness of bills for collection.

5.49 Regarding bills for collection, the auditor should also examine the procedure for crediting the party on whose behalf the bill has been collected. The procedure is usually such that the customer's account is credited only after the bill has actually been collected from the drawee either by the bank itself or through its agents, etc. This procedure is in consonance with the nature of obligations of the bank in respect of bills for collection.

5.50 The commission of the branch becomes due only when the bill has been collected. The auditor should, accordingly, examine that there exists adequate internal control system that debits the customer's account with the amount of bank's commission as soon as a bill collected is credited to the customer's account. The auditor should also examine that no income has been accrued in the accounts in respect of bills outstanding on the balance sheet date.

Co-acceptance of Bills

5.51 The auditor should examine whether the bank has instituted an adequate internal control system to comply with the safeguards as set out by the RBI's Master Circular No. RBI/2015-16/76 DBR. No. Dir. BC.11/13.03.00/2015-16 dated July 1, 2015 on "Guarantees and Co-

acceptances” to ascertain whether such system, *inter alia*, captures all such items, appropriately records the same and also determines all the material items forming contingent liabilities, whether any item needs a provision in the books.

Disclosures

Balance Sheet Disclosure

5.52 The Third Schedule to the Banking Regulation Act, 1949, requires the disclosure of the following as a footnote to the balance sheet.

(a) *Contingent Liabilities*

- I. Claims against the bank not acknowledged as debts
- II. Liability for partly paid investments
- III. Liability on account of outstanding forward exchange contracts & Derivatives Contracts
- IV. Guarantees given on behalf of constituents
 - (a) In India
 - (b) Outside India
- V. Acceptances, endorsements and other obligations
- VI. Other items for which the bank is contingently liable

(b) *Bills for Collection*

IV-6

Profit and Loss Account

6.01 Sub-section (1) of section 29 of the Banking Regulation Act, 1949, requires the preparation of Profit and Loss Account in Form B of Third Schedule to the Act or as near thereto as the circumstances admit. This sub-section is applicable to Banking Companies, Nationalised Banks, State Bank of India and its Subsidiaries, and Regional Rural Banks.

Disclosures

6.02 The Profit and Loss Account as set out in Form B has four broad heads:

- ₹ Income
- ₹ Expenditure
- ₹ Profit/ Loss
- ₹ Appropriations

The information to be provided under each of the above heads is also specified in the Schedule. It would be pertinent to note that knowledge of the Bank's accounting policies is of utmost importance before verifying the items within the profit and loss account. The auditor must make enquiries with the management to ascertain whether there have been any changes in the accounting policies and also review the closing circulars issued by the controlling authorities of the Bank.

Applicability of AS 5 and Materiality

6.03 Accounting Standards are intended to apply only to items that are material. Since materiality is not objectively defined, RBI, vide its Circular No. DBOD. No.BP. BC. 89 /21.04.018/2002-03 dated March 29, 2003 on "Guidelines on compliance with Accounting Standards (AS) by banks", has advised that all banks should ensure compliance with the provisions of accounting standards in respect of any item of prior period income or expenditure, which exceeds one per cent of total income/ total expenditure of the bank if the income or expenditure is reckoned on gross basis or one per cent of the net profit before taxes or net losses as the case may be if the income is reckoned on net of costs.

6.04 Since the format of the profit and loss accounts of banks prescribed in Form B under Third Schedule to the Banking Regulation Act, 1949 does not specifically provide for disclosure of the impact of prior period items on the

current year's profit and loss, such disclosures, wherever warranted, may be made in the Notes on Accounts to the balance sheet of banks.

Income

Interest Earned

6.05 The following items are included under this head:

- (a) *Interest/Discount on Advances/Bills*: This includes interest and discount on all types of loans and advances like cash credit, overdrafts, demand loans, term loans, export loans, domestic and foreign bills purchased and discounted (including those rediscounted), overdue and penal interest and interest subsidy, if any, relating to such advances/bills. The amount to be included under this head is net of the share of participating banks under inter-bank participation schemes on risk-sharing basis. In modern day banking, the entries for interest income on advances are automatically generated through a batch process in the CBS system.
- (b) *Interest Income on Investments*: This will be generally dealt by treasury so branch will not have any income under such head.
- (c) *Interest on Balances with RBI and Other Inter-bank Funds*: This will be generally dealt by treasury so branch will not have any income under such head.
- (d) *Others*: This includes any other interest/discount income not included in the above heads. Interest on advances given by the bank to staff member in its capacity as employer rather than as banker should be included under this head.

Income from Investments

6.06 Interest and dividend on investments is usually accounted for at the Treasury Branch of the bank. Thus, a branch will not have any income under such head.

Other Income

6.07 The following items are included under this head:

- (i) *Commission, Exchange and Brokerage*: This item comprises of the following:
 - (a) Commission on bills for collection.
 - (b) Commission/exchange on remittances and transfers, e.g. demand drafts, NEFT, RTGS, etc.
 - (c) Commission on letters of credit and guarantees, letter of comforts.

- (d) Loan processing, arranger and syndication fees.
 - (e) Mobile banking fees.
 - (f) Credit/Debit card fee income including annual fee income, merchant acquiring income, interchange fees, etc.
 - (g) Rent from letting out of lockers.¹⁵
 - (h) Commission on Government business.
 - (i) Commission on other permitted agency business including consultancy and other services.
 - (j) Brokerage on securities.
 - (k) Fee on insurance referral.
 - (l) Commission on referral of mutual fund clients.
 - (m) Service/transaction banking charges including charges levied for transaction at other branches.
 - (n) Income from rendering other services like custodian, demat, investment advisory, cash management and other fee based services.
- (ii) *Profit on sale of Land, Buildings and Other Assets:* This item includes profit (net of any loss) on sale of land, buildings, furniture, motor vehicles, gold, silver, etc.
- (iii) *Profit on exchange transactions:* This includes revaluation gains/losses on forward exchange contracts and other derivative contracts, premium income/expenses on options, etc.
- (iv) Income earned by way of dividends, etc., from subsidiaries and joint ventures abroad/in India.
- (v) Miscellaneous income.

Profit/Loss on Revaluation of Property, Plant & Equipment (PPE)

6.08 According to the Notes and Instructions for compilation of profit and loss account, issued by the RBI, the net profit/loss on revaluation of the aforesaid assets may also be shown under this item. In this regard, the requirements of AS 10 (Revised), *Property, Plant & Equipment*, relating to revaluation of fixed assets assume significance. According to the AS 10 (Revised), when a PPE is revalued in financial statements, the entire class of assets should be revalued, or the selection of assets for revaluation should be made on a systematic basis. It is also provided that an increase in net book value arising on revaluation of fixed assets should be credited directly to

¹⁵ As per the Notes and Instructions for compilation of the profit and loss account, issued by the Reserve Bank, this item should come under this head. There is, however, a contrary view in some quarters that locker rent should be included in miscellaneous income. The latter view seems more plausible.

owners' interests under the head of revaluation reserve. However, if such increase is related to and not greater than a decrease arising on revaluation which was previously recorded as a charge to the profit and loss account, it may be credited to the profit and loss account. On the other hand, any decrease in net book value arising on revaluation of fixed assets should be charged directly to the profit and loss account except that to the extent that such a decrease is related to an increase which was previously recorded as a credit to revaluation reserve and which has not been subsequently reversed or utilised, it may be charged directly to revaluation reserve account.

6.09 From the above, it can be seen that as per AS 10 (Revised), surplus on revaluation of a fixed asset cannot be credited to the profit and loss account except to the extent that such surplus represents a reversal of a related previous revaluation decrease that was charged to the profit and loss account.

Profit on Exchange Transactions

6.10 This item includes profit (net of loss) on dealings in foreign exchange and will be applicable at treasury or selected foreign designated branches.

Income Earned by Way of Dividends, etc. from Subsidiaries and Joint Ventures abroad/in India

6.11 As investments are usually dealt with at the head office level, this item may not appear in the profit and loss account of a branch.

Miscellaneous Income

6.12 This head generally includes following items of income:

- (a) Recovery in Written off Accounts;
- (b) Rental income from bank's properties;
- (c) Security charges;
- (d) Insurance charges recoverable from customers;
- (e) Other income from carrying out other services like selling of gold coins etc.

6.13 The Notes and Instructions for compilation of profit and loss account, issued by the Reserve Bank, require that in case any item under this head exceeds one per cent of the total income, particulars thereof may be given in the notes.

Expenses

6.14 Expenditure is to be shown under three broad heads: interest expended; operating expenses; and provisions and contingencies.

Interest Expended

6.15 The following items are included under this head:

- (a) *Interest on Deposits:* This includes interest paid/ payable on all types of deposits including deposits from banks and other institutions. Usually, the rates of term deposits of banks are amended from time to time by the ALCO or the Board.
- (b) *Interest on Reserve Bank of India/ Inter-Bank Borrowings:* This includes interest/ discount on all borrowings and refinance from the RBI and other banks.
- (c) *Others:* This includes discount/ interest on all borrowings/ refinance from financial institutions. All other payments like interest on participation certificates, penal interest paid, etc. may also be included here.

6.16 The RBI has issued Interest Rate on Deposits Directions, 2016 on March 03, 2016 which contains 'Interest Rate Framework'.

The RBI has deregulated the savings bank deposit interest rate. In other words, the banks are free to determine their savings bank deposit interest rate. The auditor should verify that prior approval of the Board/Asset Liability Management Committee (if powers are delegated by the Board) has been obtained by a bank while fixing interest rates on such deposits.

6.17 The RBI has also deregulated the interest rates on Non Resident (External) Rupee Deposits and Ordinary Non-Resident (NRO) Accounts as follows:

- ₹ Banks are free to determine their interest rates on both savings deposits and term deposits of maturity of one year and above under Non-Resident (External) Rupee (NRE) Deposit accounts and savings deposits under Ordinary Non-Resident (NRO) Accounts. However, interest rates offered by banks on NRE and NRO deposits cannot be higher than those offered by them on comparable domestic rupee deposits.
- ₹ Prior approval of the Board/Asset Liability Management Committee (if powers are delegated by the Board) needs to be obtained by a bank while fixing interest rates on such deposits. At any point of time, individual banks need to offer uniform rates at all their branches.
- ₹ The revised deposit rates apply only to fresh deposits and on renewal of maturing deposits.
- ₹ Banks also need to closely monitor their external liability arising on account of such deregulation and ensure asset-liability compatibility from systemic risk point of view.

6.18 The RBI has consolidated instructions pertaining to FCNR(B) deposits by Banks. Specific consideration should be given to the ceiling on interest rates, 360 days to a year basis for interest payment, rounding off of interest etc. Recurring Deposits should not be accepted under the FCNR (B) Scheme. The interest on FCNR (B) deposits should be calculated and paid at intervals of 180 days each and thereafter for the remaining actual number of days. However, the depositor will have the option to receive the interest on maturity with compounding effect.

Auditor should verify concurrent or internal audit reports for revenue leakages detected but not rectified till date. Appropriate entries if necessary could be passed.

Operating Expenses

6.19 The following items are included under this head:

- (i) *Payments to and Provisions for Employees:* This item includes salaries and wages of staff, allowances, bonus, other staff benefits like provident fund, pension, gratuity, leave fare concession, staff welfare, medical allowance to staff, etc. It may be noted that provision for terminal benefits like pension and gratuity is usually made only at the head office level. Salaries and allowances payable to the bank's staff and officers are usually governed by agreement with the employee unions or awards of a judicial tribunal. The payroll process is generally centralized in all banks. Auditors should ascertain the control available to branch level and test check sample working.
- (ii) *Rent, Taxes and Lighting:* This item includes rent paid by the bank on buildings, municipal and other taxes, electricity charges and other similar charges and levies. Auditor should specifically review cases where rental increases are in dispute & unpaid. Necessary provisions / disclosures should be appropriately made. It may be noted that income-tax and interest on tax are not to be included under this head. Similarly, house rent allowance and other similar payments to staff would not appear under this head.
- (iii) *Printing and Stationery:* This item includes books and forms and stationery used by the bank and other printing charges except those incurred by way of publicity expenditure. While some stationery may have been purchased by the branch, other stationery (security paper like draft forms, cheque books) would have been received by the branch from the head office. Auditor should specifically note the bank policy in this regard whether the same is expensed out on purchase or on usage. In any case any unusable or outdated stationery should be expensed out. If any Stationery is shown

as an asset, necessary physical verifications should be done.

- (iv) *Advertisement and Publicity*: This item includes expenditure incurred by the bank for advertisement and publicity, including printing charges of publicity material. Auditor should specifically review such agreements to find out commitments made for such expenses in future periods.
- (v) *Depreciation on Bank's Property*: This item includes depreciation on bank's own property, motor cars and other vehicles, furniture, electrical fittings, vaults, lifts, leasehold properties, non-banking assets, etc. Depending on the procedure followed in the bank, provision for depreciation may be either centralised at the head office level through fixed asset management software or decentralized and manual at branches and other offices. Auditor should specifically review the useful life at the year end and provide for additional depreciation in case there is any downward revision in the useful life. Auditor should ensure that fixed assets are accounted from the date the asset is put to use. Necessary accounting of the asset to be done & depreciation calculated from this date. Generally, banks account for fixed assets on date of final payment irrespective of the asset being put to use much earlier.

Auditor should note the process for verifying assets booked by branch but allotted to employees & located at Bank residential premises allotted to these employees. Auditors should verify the calculation of depreciation by exporting the relevant report from software.

- (vi) *Directors' Fees, Allowances and Expenses*: Expenditure incurred in this regard is recorded under this head. This item is dealt with at the head office level and would not therefore be relevant at the branch level.
- (vii) *Auditors' Fees and Expenses*: Remuneration payable to Statutory Auditors and Branch auditors and expenses in connection with audit like reimbursements are recorded under this head. This item is usually dealt with at the head office level and would not therefore be relevant at the branch level.
- (viii) *Law Charges*: All legal expenses and reimbursement of expenses incurred in connection with legal services are to be included here. Auditor should specifically review the Legal agreements to note future commitments for payables. Expenses paid to advocates recovered from Borrowers by direct debit to that account should be specifically noted for consistency in accounting. The auditor should also co-relate law charges with the contingent liability appearing in financial statement or with the specific annexure/report to be certified by the Branch Auditors'.
- (ix) *Postage, Telegrams, Telephones, etc.*: This item includes all postal charges like stamps, telegrams, telephones, teleprinters, etc. Issuance of

Telegrams has been discontinued since 15th July 2013 and this head is now just for academic purposes.

- (x) *Repairs and Maintenance*: This item includes repairs to bank's property, their maintenance charges, etc. Amortization of such expenses should be specifically noted.
- (xi) *Insurance*: This item is usually dealt with at the head office level and may not therefore be relevant at the branch level. This includes Premium paid to DICGC, Insurance of Cash on Hand, in ATM & in transit and also Insurance of Fixed Assets, Employee Fidelity Insurance, Fraud Covers, Coverage for Cyber Risks. Auditor should specifically ensure that all risks are insured adequately. Decision not to insure specific risks / assets should be approved at appropriate Management levels & Auditor should obtain the relevant documents for record.
- (xii) *Direct Marketing Expenses*: These are the expenses incurred majorly for sourcing of retails loans/credit cards and collection of retail overdue loans. RBI circular RBI/2006/167/DBOD.NO.BP.40/21.04.158/2006-07 dated 3rd November 2006 clearly states that activities of internal audit, compliance function and decision making functions like compliance with KYC norms for opening deposit accounts, according sanction for loans (including retail loans) and management of retail loans cannot be outsourced.
- (xiii) *Other Expenditure*: This item includes all expenses other than those included in any of the other heads, like, license fees, donations¹⁶, subscriptions to papers, periodicals, entertainment expenses, travel expenses, etc. The Notes and Instructions for compilation of profit and loss account, issued by the Reserve Bank, require that in case any

¹⁶ The Reserve Bank of India, from time to time, prescribes the limits up to which banks can make donations. As per the Reserve Bank of India's circular no. DBOD. No. Dir. BC. 50/ 13.01.01/ 2005-06 dated December 21, 2005, the policy relating to donations given by banks to various entities may be formulated by the Board of Directors of the banks. While formulating any such policy, the circular requires the directors to take into account *inter alia*, the following principles:

- (i) profit making banks, during a financial year, may make donations upto one percent of the published profits for the previous years. This limit of one percent would include contributions made by the bank to any fund created for specific purposes such as encouraging research and development. However, donations/ subscriptions to the Prime Minister's National Relief Fund and to professional bodies related to banking industry, such as the Indian Banks Association, Indian Institute of Banking etc., is excluded from such limit of one percent.
- (ii) loss making banks can make donations upto Rs. 5 lakhs in a financial year including donations to the Prime Minister's National Relief Fund and other professional organisations listed in (i) above.

The circular has clarified that the unutilised portion of one percent cannot be carried forward to the next year. The Circular also outlines the procedure for making contribution to the Prime Minister's National Relief Fund.

particular item under this head exceeds one per cent of the total income, particulars thereof may be given in the notes. Auditor should check such large value items reported under this head. Auditors should identify the nature of items and if appropriate account head is available it should be classified in that head.

Some banks follow the policy of providing for the promotional points earned by the customers on the use of Debit/Credit cards on actuarial basis. These provisions could be shown under this head.

Expenses should be accounted on accrual basis and not on cash basis. The auditor may review payment vouchers of April month to ascertain the correctness of provision made for expenses.

Provisions and Contingencies

6.20 This item represents the aggregate of the provisions made in respect of the following:

- (a) Non-performing assets.
- (b) Taxation.
- (c) Diminution in the value of investments.
- (d) Provisions for contingencies.

Provisioning norms for NPA are given in circular RBI/2015-16/101 DBR.No.BP.BC.2/21.04.048/2015-16 dated 1st July 2015. Interest reversal in case of advances which have become NPA to be specifically checked. The most important item included in this head is the provision in respect of non-performing assets. The other provisions are usually made at the head office level.

Deferred Tax Liability on Special Reserve created under Section 36(1)(viii) of the Income Tax Act, 1961

6.21 RBI *vide* its Circular No. DBOD.No.BP.BC.77/21.04.018/2013-14 on “Deferred Tax Liability on Special Reserve created under Section 36(1)(viii) of the Income Tax Act, 1961” dated December 20, 2013 advised banks, that as a matter of prudence, DTL should be created on Special Reserve.

6.22 For this purpose, banks may take the following course of action:

- a) If the expenditure due to the creation of DTL on Special Reserve as at March 31, 2013 has not been fully charged to the Profit and Loss account, banks may adjust the same directly from Reserves. The amount so adjusted may be appropriately disclosed in the Notes to Accounts of the financial statements for the financial year 2013-14.
- b) DTL for amounts transferred to Special Reserve from the year ending

March 31, 2014 onwards should be charged to the Profit and Loss Account of that year.

In view of the requirement to create DTL on Special Reserve, banks may reckon the entire Special Reserve for the purpose of computing Tier-I Capital. Reference in this regard is also drawn to the Announcement "Manner of Reporting by the Auditors In Respect of RBI's Circular on Deferred Tax Liability on Special Reserve created under Section 36(1) (viii) of the Income Tax Act, 1961" dated April 30, 2014 issued by the Auditing and Assurance Standard Board of the Institute of Chartered Accountants of India.

Appropriations

6.23 Under this head, the net profit/ loss for the year as well as profit/ loss brought forward have to be shown. The appropriations of the aggregate thereof are to be shown under the following heads:

- (a) Transfer to Statutory Reserves.
- (b) Transfer to Capital Reserves.
- (c) Transfer to Investment Fluctuation Reserve.
- (d) Transfer to Debenture Redemption Reserve.
- (e) Transfer to Other Reserves.
- (f) Transfer to Government/ Proposed Dividend.
- (g) Transfer to Tax on Dividend.

6.24 The appropriations of profits are decided at the head office level. This item would not therefore appear in the profit and loss account at the branch level. The central statutory auditor should therefore verify compliance with the statutory requirement regarding transfers to reserve accounts and the other appropriation as applicable will have to be taken into consideration while verifying these. According to RBI circular RBI/2006-07/132 DBOD.BP.BC No. 31 / 21.04.018/ 2006-07 dated 20th September 2006 all expenses including provisions and write-offs recognized in a period, whether mandatory or prudential, should be reflected in the profit and loss account for the period as an 'above the line' item (i.e. before arriving at the net profit).

Audit Approach and Procedures

Income

6.25 In carrying out an audit of income, the auditor is primarily concerned with obtaining reasonable assurance that the recorded income arose from transactions, which took place during the relevant period and pertain to the bank,

that there is no unrecorded income, and that income is recorded in proper amounts and is allocated to the proper period. In view of the mandatory requirement of recognition of income, the recognition of revenue will have to be subjected to examination *vis-à-vis* the guidelines. *Vide* circular DBOD.No.BP. BC. 89 /21.04.018/2002-03 dated 29th March 2003, RBI has advised that in respect of any income which exceeds one percent of the total income of the bank if the income is reckoned on a gross basis or one percent of the net profit before taxes if the income is reckoned net of costs, should be considered on accrual as per AS-9. If any item of income is not considered to be material as per the above norms, it may be recognised when received and the auditors need not qualify the statements in that situation. As per AS-9 Revenue Recognition, revenue arising from the use by others of enterprise resources yielding interest, royalties and dividends should only be recognised when no significant uncertainty as to measurability or collectability exists. If revenue recognition is postponed, as per AS 9, an enterprise should also disclose the circumstances in which the revenue recognition has been postponed pending the resolution of significant uncertainties.

6.26 Since the entire accounting in banks is done on the CBS, the auditor should plan the audit procedures based on controls testing. If he is not satisfied with the controls in place for accounting and recording of items of income and expenses correctly, he should resort to more of substantive checking of documents and records.

In case the auditor decides to adopt the control reliance strategy, the auditor should perform test of controls which mitigate the risk of what could go wrong.

Interest Income

6.27 As a measure of control and also to ensure that the legal remedies against defaulting borrowers are not adversely affected, banks commonly follow the procedure of recording interest on non-performing advances in a separate account styled as 'Interest Suspense' or other similar account. Amounts lying in Interest Suspense Account do not represent income of the bank and have also to be deducted from the relevant advances. The auditor should also check whether, in terms of the income recognition guidelines issued by the RBI, the bank has either reversed or made provision in respect of interest accrued and credited to income account, in respect of an advance (including bills purchased and discounted) that becomes NPA as at the close of any year. Income in case of NPA account should be recognised only on realisation on cash basis as per circular RBI/2015-16/101DBR.No.BP.BC.2/21.04.048/ 2015-16 dated 01/07/2015. These norms are also applicable to Government Guaranteed Advances.

6.28 In case of accounts under Corporate Debt Restructuring (CDR) scheme, the auditor should see whether the income on projects under implementation which have been classified as standard has been accounted for on accrual basis pursuant to the RBI's income recognition norms. Banks are not permitted to recognize income on accrual basis from projects under implementation which have been classified as 'sub-standard' asset. Bank may recognize income in such accounts only on realisation on cash basis. Income in respect of Funded Interest and where loans are converted into equity, debentures or any other instrument is to be recognized on the same basis as in the case of restructuring and re-scheduling of loans.

6.29 The said norms also require that the banks should not recognise income from those projects under implementation which have been classified as sub-standard and it should be recognised only on cash basis. The auditor should also, accordingly, see whether any interest on such projects which has been recognised as income in the past is either reversed or a provision for an equivalent amount is made in the accounts.

6.30 The auditor may assess the overall reasonableness of the figure of interest earned by working out the ratio of interest earned on different types of assets to the average quantum of the respective assets during the year. The auditor should obtain an in-depth understanding as to how the bank's management monitor their business, analyse its credit portfolio and the interest income thereon.

6.31 For example, the auditor may obtain from the bank an analysis of sector-wise and segment-wise deployment of credit, including the lending rates of advances in various sectors and figures of advances outstanding at the end of each month/quarter. From such information, the auditor may work out a weighted average lending rate. This analysis can be done for corporate and retail loan portfolio separately. In case of retail loans, the portfolio can be further bifurcated into home loans, auto loans, personal loans, jewel loans, etc. Further, the auditor should understand the process of computation of the average balance and re-compute the average balance on sample basis.

6.32 The auditor should set the expectation for the movement in yield based on the discussion and inquiries made with the management; rate movement observed in the industry, etc., and should obtain explanations for major variances in the yield on month basis or quarterly basis.

6.33 To ascertain completeness of interest income in the analysis, the auditor should obtain general ledger break-up for the interest income earned during the respective months/quarter and examine whether the aggregation of

the same agrees with the interest income considered for the yield analysis. The auditor should analyze monthly/quarterly yields and document the reasons for the variances as per the expectation set. The auditor may also compare the average yield on advances with the corresponding figures for the previous years and analyse any material differences. The auditor may also compare the reported market yield in percentage terms with market rates, RBI rates, advertised rates and rates across various products of the bank. Interest Income includes interest accrued but not due on investments.

6.34 The auditor should, on a test check basis, verify the rates of interest as per terms of sanction in the CBS as well as the calculation of interest through product rate sheets generated by CBS to satisfy himself that –

- (a) Interest has been charged on all the performing accounts upto the date of the balance sheet;
- (b) Interest rates charged are in accordance with the bank's internal regulations, directives of the RBI and agreements with the respective borrowers. The scrutiny of interest rates charged is particularly important in the case of advances made on floating interest rate basis;
- (c) Discount on bills outstanding on the date of the balance sheet has been properly apportioned between the current year and the following year;
- (d) Interest on inter-branch balances has been provided at the rates prescribed by the head office; and
- (e) Any interest subsidy received (or receivable) from RBI in respect of advances made at concessional rates of interest is correctly computed.

6.35 The auditor should also understand the process of accrual of interest income on credit card portfolio. Credit card account will be treated as an NPA if the minimum amount due as stated in statement is not fully paid within 90 days from the date of next statement. The auditor should understand the assumption taken for accrual of interest income such as revolving portfolio, standard assets etc. and independently assess the reasonableness of these assumptions.

6.36 The auditor should also satisfy himself that interest on non-performing assets has not been recognised unless realised.

6.37 As per AS 9, "*Revenue Recognition*", dividends should be recognised when the right to receive payment is established, i.e. dividend has been declared by the corporate body at its Annual General Meeting and the owner's right to receive payment is established. The auditor should test certain samples of the dividend income booked during the period by obtaining the counterfoils of dividend warrants and the amount credited in the bank account.

6.38 In the case of bill discounting, interest income is received in advance hence, the auditor should examine whether the interest income for the period has been accounted for properly and the balance is treated as other liabilities. In CBS, the interest on bill discounted is system driven and the auditor should verify the in-built logic of the system. For the sample cases, the auditor should verify the interest income on bill discounted by obtaining the underlying documents like purchase order, letter of credit, etc.

6.39 The auditor should also understand the process of increase or decrease in Marginal Cost of funds based Lending Rate (MCLR) and process of updating in the system. The auditor should also ascertain compliance with RBI guideline in respect of increase in tenor of retail loan due to increase in MCLR. The auditor should also verify on sample basis as to whether the increase/decrease in base rate are effected in the system on the effective date.

6.40 Interest income includes interest accrued but not due on assets. However, as banks normally debit the borrower's account with interest due on the month end, at balance sheet date there would not usually be any amount of interest accrued but not due on advances on balance sheet date. Auditor should verify the same.

6.41 The auditor should examine the completeness of accrual of the interest by obtaining a detailed break-up of the loan portfolio (scheme wise or segment wise) and the interest accrual on the same. The aggregation of loan portfolio should be agreed to the general ledger.

6.42 The auditor should examine whether interest has been accrued on the entire investment and money market lending portfolio by obtaining the detailed break-up of the investment and money market lending portfolio along with the interest accrued thereon and agree the same with the general ledger. The auditor should re-compute the interest accrual on sample basis considering parameters like frequency of payment of interest amount, rate of interest, period elapsed till the date of balance sheet, etc., from the term sheet, deal ticket, agreements, etc.

6.43 In determining the extent of sample checking, the auditor should take into account, *inter alia*, the results of the analytical procedures and the reports, if any, on income and expenditure/ revenue audit as well as other internal and RBI inspection reports. The auditor's assessment of the effectiveness of concurrent audit would also affect the extent of his detailed checking of interest earned. In determining the extent of sample checking, the auditor may place greater emphasis on examining interest on large advances.

Commission Income

6.44 Auditor may check the items of commission, exchange and brokerage on a test check basis. Such examination can be done for commission earned on bills sent for collection, commission on letters of credit, guarantees and letter of comforts. The auditor should examine whether the commission on non-funded business (e.g., letters of credit, guarantees and bills for collection) has been properly apportioned between the current year and the following year.

6.45 The auditor should obtain details of loans sanctioned and disbursed during the period as well as verify the policy of the bank for booking the processing fee income on such loans. For corporate loans, the processing fee income for the material loans sanctioned and disbursed should be re-computed and verified on test check basis by obtaining the loan agreements, sanction letter, etc. Further, for loans sanctioned but not disbursed wherein the processing fee income has been booked on accrual basis, the auditor should verify the subsequent receipt of the same and enquire for subsequent reversals. For retail loans, the auditor should perform analytical procedures for computing the processing fee percentage for different ticket size loans.

6.46 The auditor should obtain an understanding of the various types of fee income earned on credit cards and debit cards. Further, the auditor should obtain the rate matrix for various fees charged to the customer. On a sample basis, the auditor should verify whether the fees charged and accounted is as per the rate matrix. Interchange fees is earned from service providers namely Visa, Master card, Amex proportionate to the transactions entered by the customer. On a sample basis, the auditor should verify whether the interchange fees have been received and accounted as per the agreement. Merchant acquiring income is earned on the transactions entered by the customers of other banks on the bank's terminal. The auditor should perform analytical procedures for such income and obtain the explanation for the variances, if any.

6.47 The auditor should understand how management monitors non-funded business and use their analysis for analytical procedures. The auditor should understand the relation with fee income with the business. For example, month on month /quarter loan processing fees with sanction value to arrive at average processing fees on monthly/quarterly basis. The auditor should analyse monthly/quarterly fee percentage and document the reasons for the variances as per the expectation set. Similarly auditor can perform analysis of other fee income by doing monthly/quarterly guarantee fees with average monthly/quarterly guarantee amount, interchange credit card fees *vis a vis* inter charge transactions etc.

6.48 The auditor may also compare the average fee income with the corresponding figures for the previous years and analyse any material differences.

6.49 The auditor should also check whether any fees or commission earned by the banks as a result of renegotiations or rescheduling of outstanding debts has, in terms of the income recognition guidelines issued by the RBI, have been recognised on an accrual basis over the period of time covered by the renegotiated or rescheduled extension of credit.

6.50 According to the guidelines for income recognition, asset classification, etc., issued by the RBI, if interest income from assets in respect of a borrower becomes subject to non-accrual, fees, commission and similar income with respect to same borrower that have been accrued should cease to accrue for the current period and should be reversed or provided for with respect to past periods, if uncollected. The auditor should examine whether the bank has accordingly made suitable adjustments for de-recognition/ reversal of uncollected commission, etc.

6.51 Fee on insurance referral is fast emerging as a major source of income for banks. In terms of the RBI Master Circular No. DBR.No.FSD.BC 19/24.01.001/2015-16 dated July 1, 2015 on "Para Banking Activities", banks are permitted to undertake insurance business as agents of insurance companies on fee basis or referral arrangement without any risk participation subject to the conditions prescribed under the Master Circular. The auditor should carefully examine the agreement entered into by the bank and the concerned insurance company to see the basis for calculation of the said fee, time when the referral fees becomes due to the bank. Normally, as an industry practice, such agency arrangements also contain clauses known as "claw back" of agency fee, whereby if the client referred to the insurance company by the bank fails to pay the insurance premium for a stipulated amount of time, the agency fees paid or due to the bank becomes recoverable from the bank or is frozen. Such clauses have a direct impact on the recognition of income from the agency fees in terms of Accounting Standard 9, Revenue Recognition and may, therefore, require creation of a corresponding provision in the accounts.

6.52 *Profit on sale of Land, Buildings and Other Assets:* This item includes profit (net of any loss) on sale of land, buildings, furniture, motor vehicles, gold, silver, etc.

6.53 The auditor can check authority for disposal of:

- ₹ fixed assets, if any, sold during the year under audit; and

- ₹ non-banking assets acquired in satisfaction of claims.

The auditor should also vouch transactions in evidence of profit/ loss recorded by the Branch in respect of assets, as aforesaid.

Profit/ Loss on Revaluation of PPE

6.54 The auditor should satisfy himself about the appropriateness and proper application of the basis of revaluation of PPE adopted by the bank. Where revaluation is based on an appraisal/report/certificate by approved valuers, the auditor should examine the appraisals to the extent possible and satisfy him about their adequacy for audit purposes.

6.55 The revaluation of PPE can be done on the basis of appraisals by competent valuers such as engineers or architects, or on the basis of indexation of historical cost, or with reference to current prices. The auditor should satisfy himself about the appropriateness and proper application of the basis of valuation adopted by the bank. Where revaluation is based on an appraisal by valuers, the auditor should examine the appraisals to the extent possible and satisfy himself about their adequacy for audit purposes.

6.56 The auditor should also examine that the bank has complied with the provisions of AS 28, Impairment of Assets. In terms of paragraph 58 of AS 28, an impairment loss should be immediately recognised as an expense in the Profit and Loss Account, unless the asset is carried at revalued amount in accordance with AS 10 (Revised). In such a case, any impairment loss of a revalued asset should be treated as a revaluation decrease under AS 10 (Revised). The Notes and Instructions for compilation of profit and loss account, issued by the Reserve Bank, require that in case any item under this head exceeds one per cent of the total income, particulars thereof may be given in the notes.

Interest on Deposits

6.57 The auditor may assess the overall reasonableness of the amount of interest expense in accordance with Master Direction DBR.Dir. No.84/13.03.00/2015-16 dated March 03, 2016 “Reserve Bank of India (Interest Rate on Deposits) Directions, 2016” by analysing ratios of interest paid on different types of deposits and borrowings to the average quantum of the respective liabilities during the year. For example, the auditor may obtain from the bank an analysis of various types of deposits outstanding at the end of each quarter. From such information, the auditor may work out a weighted average interest rate. The auditor may then compare this rate with the actual average rate of interest paid on the relevant deposits as per the annual accounts and enquire into the difference, if material. The auditor may also compare the average rate of interest paid on the relevant deposits with the corresponding figures for the previous years and analyse any material

differences. The auditor should obtain general ledger break-up for the interest expense incurred on deposits (savings and term deposits) and borrowing each month/quarter. The auditor should analyse month on month (or quarter) cost analysis and document the reasons for the variances as per the benchmark stated. He should examine whether the interest expense considered in the cost analysis agrees with the general ledger. The auditor should understand the process of computation of the average balance and re-compute the same on sample basis.

6.58 The auditor should, on a test check basis, verify the calculation of interest. He should satisfy himself that:

- (a) Interest has been provided on all deposits and borrowings upto the date of the balance sheet; and verify whether there is any excess or short credit of material amount.
- (b) Interest rates are in accordance with the bank's internal regulations, the RBI directives, and agreements with the respective depositors.
- (c) In case of Fixed Deposits it should be examined whether the Interest Rate (as applicable) in the accounting system are in accordance with the Interest Rate mentioned in the Fixed Deposit Receipt/Certificate.
- (d) Interest on Savings Accounts should be checked on a test check basis in accordance with the rules framed by the bank in this behalf.
- (e) Discount on bills outstanding on the date of the balance sheet has been properly apportioned between the current year and the following year.
- (f) Payment of brokerage is properly authorized.
- (g) Interest on inter-branch balances has been provided at the rates prescribed by the head office.
- (h) Interest on overdue/ matured term deposits should be estimated and provided for.

6.59 The auditor should ascertain whether there are any changes in interest rate on saving deposits and term deposits during the period. The auditor should obtain the interest rate card for various types of term deposits and analyse the interest cost for the period. The auditor should examine the completeness that there has been interest accrued on the entire borrowing portfolio by obtaining the detailed breakup of the money market borrowing portfolio and the interest accrued and the same should agree with the GL code wise break up. The auditor should re-compute the interest accrual on sample basis i.e., by referring to the parameters like frequency of payment of interest amount, rate of interest, period elapsed till the date of balance sheet, etc from the term sheet, deal ticket, agreements, etc.

Expenditure

Operating Expenses

6.60 Generally the audit procedures followed by auditors in any entity are to be followed.

Payments to and Provisions for Employees

6.61 The auditor should ascertain the procedure followed by the bank in this regard while verifying this item. The auditor should obtain the human resource policy and identify the benefits available to employees. Auditor should understand the compensation structure and process of payment of salary, benefits like employee stock options, car assistance, leave encashment, asset assistance, etc. to the various grades of employees. He should obtain the standard compensation structure for each grade of employee. In case, where payment is made on production of evidence or incurrence by employee, auditor should ascertain whether provision for the same has been made in the books.

6.62 The auditor should perform an overall analytical review for the payments and provisions for employees by month on month grade-wise analysis of the employees cost and number of employee in that grade to identify per employee cost month on month and enquire about the variances, if any. The auditor should examine whether all the benefits for all the employees have been appropriately accounted for.

6.63 The auditor should also check the calculation of salaries and allowances, etc. on a test check basis with reference to appointment/awards/offer letters. He may also assess the reasonableness of expenditure on salaries, allowances, etc. by working out their ratio to total operating expenses and comparing it with the corresponding figures for previous years.

6.64 Auditor should also obtain an understanding of the provision for payment of bonus and other incentive and ascertain adequacy of the amount recorded by the bank. Further, the auditor should verify whether the bank has made adequate provisions for employee benefits and has complied with the recognition, measurement and disclosure requirements of AS 15.

Rent, Taxes and Lighting

6.65 The auditor may check the following on a test check basis:

- ₹ Rent paid and verify whether adjustments have been made for the full year on account of rent at the rates as applicable and as per agreement in force.
- ₹ Rent does not include House Rent Allowance to employees.

- ₹ Whether municipal rates/ taxes are duly paid/ adjusted for the year under audit.
- ₹ Enquire whether any disputed liability exists on this account upto the year-end.
- ₹ Further, the auditor should obtain the listing of the premises which have been obtained on lease. If the lease agreements have escalation clause, lease equalization should be done in accordance with AS-19 unless the terms and conditions of the lease indicate otherwise.
- ₹ In addition, the auditor should perform month on month rent analysis and verify major variance in the average rent per month per branch. The auditor should also verify the provision made for the expired lease rent agreements.

Printing and Stationery

6.66 The auditor should verify this item with reference to documents evidencing purchase/debit note received.

Advertisement and Publicity

6.67 Expenditure incurred by the bank for advertisement and publicity, including printing charges of publicity material is verified with the documents.

Repair and Maintenance Expenses

6.68 The auditor should verify the Annual Maintenance Contract (AMC) at the Branch and should verify the provisioning and prepaid accounting of these contracts.

Depreciation on Bank's Property

6.69 The auditor should ascertain the procedure followed by the bank while verifying this item. This item includes depreciation on bank's own property, motor cars and other vehicles, furniture, electrical fittings, vaults, lifts, leasehold properties, non-banking assets, etc. Depending on the procedure followed in the bank, provision for depreciation may either be centralised at the head office level or decentralised.

6.70 The auditor should check head office instructions as regards adjustments of depreciation on the fixed assets of the Branch. The auditor should also check whether depreciation on fixed assets has been adjusted at the rates and in the manner required by head office.

6.71 The auditor may also report unadjusted depreciation on assets

acquired but not capitalised. The auditor should re-compute the depreciation for the period, perform depreciation rationalisation and agree the amount with the general ledger. The auditor may also verify and obtain explanation for the unadjusted depreciation on assets acquired but not capitalised.

Provisions and Contingencies

6.72 The auditor should ascertain compliance with the various regulatory requirements for provisioning as contained in the various circulars.

6.73 The auditor should obtain an understanding as to how the Bank computes provision on standard assets and non-performing assets. It will primarily include the basis of the classification of loans and receivables into standard, sub-standard, doubtful, loss and non-performing assets. For verification of provision on standard assets, the auditor should verify the loan classification on a sample basis. The auditor should obtain the detailed break up of standard loans, non-performing loans and agree the outstanding balance with the general ledger. The auditor should examine whether by performing re-computation the provisions in respect of standard loans, NPA and NPI comply with the regulatory requirements.

6.74 The auditor should obtain the tax provision computation from the bank's management and verify the nature of items debited and credited to profit and loss account to ascertain that the same are appropriately considered in the tax provision computation. The auditor should re-compute the provision for tax by applying the applicable tax rate after considering the allowances and disallowances as per Income Tax Act, 1961 and as per Income Computation and Disclosure Standards (ICDS). The other provisions for expenditure should be examined *vis a vis* the circumstances warranting the provisioning and the adequacy of the same by discussing and obtaining the explanations from the bank's management.

PART - V

Long Form Audit Report in Case of Bank Branches

1.01 The audit of Bank Branches for a long time was advance centric and covered mainly the Balance sheet Items. The audit report did not throw much light on the internal controls and procedures of the Branch/ Banks, which are key to efficient functioning of Bank /Branches. In order to serve this purpose RBI contemplated a format which would throw light on internal controls and Procedures encapsulating and encompassing all aspects of Banks/ Branches including Advances and thus was born the Long Form Audit report, popularly abbreviated as LFAR. It cannot be gainsaid that if LFAR reporting is done scrupulously, all facets of Bank Audit except perhaps Tax Audit would be covered. It is a tool which the statutory Central Auditors depend on to have an idea of Branches under the Bank.

1.02 In the case of branches, the auditors have to answer a detailed questionnaire formulated by the RBI. Such a report is usually termed as Long Form Audit Report (LFAR).

1.03 In the year 1985, RBI advised the Public Sector Banks to obtain LFAR from the auditors. The operations and audits of a bank are mainly based on the effective internal controls and this report serves the purpose of bringing to the notice of the Management the lacunae, shortcomings and failures in respect of compliance or adherence to the internal control measures adopted by the Banks. The main report is to be submitted as per the requirements of the Banking Regulations Act, 1949. LFAR is a separate report to be submitted to the Management, in the format prescribed by the RBI. The latest format of LFAR has been revised in the year 2003 and was made effective from 31st March, 2003. RBI *vide* its Circular No. RBI/2014-15/626 DBS.CO.ARS.BC 8/08.91.001/2014-15 dated June 4, 2015 provides that the branches below the cut-off point, which are subject to concurrent audit by chartered accountants, shall submit their LFARs and other certifications audited by the concurrent auditors. They shall submit their LFAR only to the Chairman of the bank. The banks in turn will consolidate / compile all such LFARs submitted by the Concurrent Auditors and submit to Statutory Central Auditor as an internal document of the bank.

1.04 Following are the important aspects which requires special attention while reporting in Long Form Audit Report:

- a. The LFAR is not a substitute for the Branch statutory report and is not deemed to be a part of the main audit report. Further the main report is a self-contained document and should not make any reference to the reporting made in LFAR. Hence mere comment in LFAR in lieu of comment in main report and reporting about change in assets classification of advances in lieu of Memorandum of change (which is form part of main report) shall be considered inappropriate reporting. It is to be noted that at Corporate office level the compilation of Branch LFAR takes place subsequent to the finalisation of the Branch Auditors Report, therefore it to be taken care that the important observation reported in LFAR, which has a material impact on financial statement including internal control over financial reporting, should also be appropriately reported in the Branch auditor report.
- b. Where any of the comments made by the auditor in his LFAR is adverse, he should consider whether a qualification in his main report is necessary. It should not, however, be assumed that every adverse comment in the LFAR would necessarily result in a qualification in the main audit report. In deciding whether a qualification in the main report is necessary, the auditor should use his professional judgement having regard to the facts and circumstances of each case. It should be noted here that mere comment in LFAR may not be sufficient without corresponding comment in the main audit report, should it be a matter of qualification
- c. Where the auditors have any reservation or adverse remarks with regard to any of the matters to be dealt with in their LFARs, they should give the reasons for the same.

1.05 LFAR is a questionnaire, which asks specific questions for which replies should be specific. Auditor should give specific comments and should refrain from answering issues for which replies were never sought unless relevant. The replies so prepared and supported by relevant documentation would reveal some facts which may be required to be considered by the Management for improving the working of the bank and on which action is needed. It is advisable to discuss the contents of the LFAR with the branch head and get his responses before finalising the same. The object is to ensure correct presentation so as to state facts which have been verified during the course of audit.

1.06 It should be noted that specific disclosure, such as, in respect of extent of checking, manner of sample selection, limitations of documents verified, representations received, etc., should be made in the LFAR. The reliance placed on the computer system, which the auditor has not tested in depth for its reliability, should be clearly brought out in the LFAR. The auditor should also seek written representation from the Management regarding any changes in CIS (Computer Information System) that have taken place during the year. In the preparation of the LFAR, the auditor should call for and consider the previous reports to ascertain whether in respect of the accounts for the year under audit, there are any matters, which deserve the attention of the Management, particularly about adverse comments of a material nature in which remedial action was warranted and the same is yet to be carried out.

1.07 The main report is a self-contained document and should not make any reference to the LFAR. However, matters in the main report may be elaborated in the LFAR. Where any of the comments made by the auditor in the LFAR is adverse, he should consider whether a qualification in the main report is necessary. Situations where relevant instances are giving rise to reservation / adverse remarks should be given along with reasons. It should not, however, be assumed that every adverse comment in the LFAR would necessarily result in a qualification in the main report. In deciding whether a qualification in the main report is necessary, the auditor should use his judgement in the facts and circumstances of each case. It should be noted here that mere comment in LFAR may not be sufficient without corresponding comment in the main audit report, should it be a matter of qualification. Hence mere comment in LFAR in lieu of comment in main report will not be considered to be appropriate reporting.

1.08 In designing his audit program the auditor should take into consideration the requirement of the LFAR questionnaire and should, accordingly, plan his audit work so as to cover the areas mentioned in the LFAR simultaneously. This would enable the auditor to appreciate and consider the effect of various matters to be reported in his LFAR and his main audit report. As far as possible both the reports should be submitted simultaneously. LFAR should not be finalised after the main audit report is signed but should be completed simultaneously in the case of a branch. However, the submission of the main report should not be delayed merely because the LFAR is pending for completion.

1.09 LFAR in respect of bank branches is prepared in such a manner so as to enable the expeditious completion and submission of the LFAR by the Statutory Central Auditors. It would also be desirable that the branch auditors also familiarise themselves with the questionnaire applicable to the Statutory Central Auditors. In response to a question, the Statutory Central Auditor should consider comments made by the branch auditors in their LFAR with respect to such question. He should use his judgement to determine whether comments / observations made in the branch LFAR is material enough to be incorporated in his own report.

1.10 Some of the matters dealt with in the LFAR need compilation of detailed information/statements. It should be recognised that the responsibility for such compilation is that of the bank / branch concerned.

1.11 In the LFAR, replies are given only to questions enumerated in the LFAR. The LFAR is only indicative in nature however adverse finding on any additional areas like, KYC compliance / Demat accounts / Lockers / Security arrangements / Risk based audits //GST/ATM's/TDS, Mobile Banking/Internet Banking/ RTGS/NEFT transactions etc. may be reported in other matter.

1.12 Some important areas to be noted while preparing LFAR are as follows:

- (a) The auditor should be aware of the delegation of powers to sanction credit facilities and various Instructions given by the Controlling Authorities of the bank with respect to various aspects covered in the LFAR.
- (b) The auditor should note that in certain questions he has to specifically give an opinion.
- (c) In certain questions replies are to be given specifically based on the cases examined / test checks done.
- (d) In certain cases the auditor has to study the system presently in operation in the bank so as to give his reply.
- (e) In certain questions the auditor has to specifically give suggestions, especially, regarding improvement in computerised information system and minimising possibility of frauds.
- (f) LFAR should not be treated as mere information providing mechanism. wherein auditor merely lists observations without drawing any conclusion thereon. Doing this may not be construed to be proper audit reporting.

An illustrative list /information which is to be collected /noted by the Auditor from the Branch for the purpose of compiling LFAR

- Branch closing instructions.
- Instructions of Controlling Authorities w.r.t. various issues.
- Organisation chart.
- Authorisation level and powers of branch officials.
- Previous years' audit report / LFAR / Tax audit report, inspection report of the branch, concurrent audit report and compliance thereon.
- Various policies (Credit, Investment, Recovery etc.)
- Cash retention limit.
- Insurance for cash / cash-in-transit.
- Bank confirmations / bank reconciliations.
- In case of advances of more than Rs. 2 crores sanctioned limit and outstanding balance. (both funded and non-funded)
- List of all advances party-wise and limit-wise.
- List of outstanding facility-wise.
- List of NPA's and provisioning thereon.
- List of overdues / overdrawings.
- Cases of sanctions not disbursed.
- Cases of overdue proposals for review/renewal.
- Cases wherein stock/ book debt statements and other periodic operational data and financial statements etc. not received/ not received timely.
- Stock audit reports/ unit inspection reports.
- List of borrowers wherein inspection/ physical verification of securities charged to bank have been carried out by the branch.
- List of non-corporate entities enjoying limit more than Rs.10 lakh.
- Valuation reports of immovable properties of NPA accounts where outstanding is more than Rs.5 crore and valuation has been done prior to three years.
- Status of claims lodged with ECGC/DICGC/CGST.
- Details of cases of compromise / settlement and write off involving write off / waivers in excess of Rs. 50 Lakhs.

- Report in desired format of advances of more than Rs. 2 crores.
- List of accounts downgraded/ upgraded.)
- Listing of expired guarantees.
- Details of outstanding amount of guarantees invoked and funded by the Branch.
- Details of outstanding amount of letters of credit funded by the branch.
- Stock register/ Insurance register/ Stationery draw power register/ Cheque book issuance register/ Cash book/ Sanction register/ Custody register/ DD issued register/ Document register.
- Break up of suspense accounts.
- List of sundry deposits/ bills payables/suspense accounts.
- List of provisions / prepaid expenses.
- List of contingent liabilities.
- List of frauds and follow-up action.
- List of security items as at 31st March.
- List of fixed assets.
- Year-wise break-up of matured deposits.
- Schedule of charges (for booking of Income).
- System audit report, conducted, if any.
- Financial statements of all the quarters of the year under audit.
- List of computer system (configuration-wise) and accounting system in operation.
- List of MIS reports / returns submitted to various authorities.
- Overdue locker rents / vacant lockers.
- Cash withdrawals / deposits of more than Rs.10 lakhs.
- ATM cards / pin cards not issued and lying in stock.
- Cheque books not issued and lying in stock.
- Status of PC anti-virus upgrades.
- Number of inoperative accounts and the process of allowing operations thereon.
- Number of accounts maintaining balances below prescribed minimum.
- Details of customers complaints.
- System generated statement for documents time barred by limitation.

1.13 Management Representation Letter should be demanded for matters as considered appropriate by the auditor, and which may include matters as enumerated below:

- a) Use of fixed assets.
- b) Effective operation of the internal control system throughout the year.
- c) Maintenance of effective joint custody of cash at all times during the year.
- d) Proper recording of all customer complaints.
- e) Notice and reporting of frauds during the year.
- f) Adherence to branch timings.
- g) Non-sharing of passwords.
- h) Nil window dressing of accounts.
- i) Genuineness of credits, if any, in NPA accounts at the year end.
- j) Physical verification of assets.
- k) Amounts outstanding for substantial period in Suspense Account, Nominal Accounts, Bills Payable, Sundry Deposits, etc.
- l) Matters, that can not be adequately supported by any evidence, such as cash retention limit, insurance cover for cash-in-transit, rotation of duties, etc.

1.14 SA 580, "Written Representations" requires an auditor to seek written representations from the auditee, which in the case of branch audit will be furnished by the branch Management (generally the branch head).

1.15 As per Paragraph 18 of SA 580 when one or more requested written representations are not provided, the auditor needs to discuss the matter with the Management, re-evaluate the integrity or Management and evaluate the effect that this may have on the reliability of representations (oral or written) and audit evidence in general and take appropriate actions, including the possible effect on the opinion in the auditor's report in accordance with SA 705(Revised), "Modifications to the Opinion in the Independent Auditor's Report".

Long Form Audit Report of Bank Branches

1.16 The clauses in the LFAR questionnaire to be dealt with by the branch auditors are discussed in the following paragraphs. The key word used in these paragraphs is 'Controlling Authority'. The auditor should refer the relevant circulars issued by the relevant Controlling Authority, as in the case of a branch any authority which is in a position to control its affairs can be called as a Controlling Authority, e.g., head office/zonal office or regional office.

1.17 It should be noted that replies are sought specifically in conjunction with the relevant bank instructions. A branch may be observing a system of control which may be perfectly in order but if the same is contrary to the instructions of the Controlling Authority on the same then it has to be specifically stated as a violation in the report.

I. Assets

Cash

(a) *Does the branch generally carry cash balances, which vary significantly from the limits fixed by the Controlling Authorities of the bank?*

- A letter received from controlling office to be perused to ascertain the cash retention limit allotted to the branch (including foreign currencies).
- The limits as above to be verified with the daily closing cash balance (including foreign currency) of the Branch.
- Any exceptions may be reported as under:
 - i. We have been informed that Controlling Office had fixed Cash Retention Limit of Rs. -----vide letter no.....dated---
 - ii. During the year under audit the cash balance was in excess of Retention Limit on many / few occasion. The instances are as under:-

Date	Balance in Rs.

The above data can be obtained from system generated report.

(b) *Does the branch hold adequate insurance cover for cash-on-hand and cash-in- transit?*

- Generally, the Branch cash balance has been covered under the Bankers' Indemnity Policy.

- A copy of the policy to be obtained from Branch. In case the insurance is taken by Head Office / Controlling Office, a copy of policy or any correspondence from Head Office / Controlling Office in this regard to be perused.
- (c) *Is cash maintained in effective joint custody of two or more officials, as per the instructions of the Controlling Authorities of the bank?*
- Obtain the instructions in this regard and peruse the compliance thereof.
 - Generally, the Cash is held in the Joint Custody of Cashier and Officer of the Branch.
 - Specify the name and designation of the concerned persons.
- (d) *Has the cash balances at the branch been checked at periodic intervals as per the procedure prescribed by the Controlling Authorities of the bank?*
- Obtain the copy of the procedure prescribed by the Controlling Authorities and examine the compliance thereof. In addition, ascertain, whether the branch is under Concurrent Audit. Generally, the Concurrent Auditors do the Cash verification every month.
 - In addition to above, officials who are not dealing with cash are also doing verification on monthly basis.

Balances with Reserve Bank of India, State Bank of India and Other Banks

- (a) *Were balance confirmation certificates obtained in respect of outstanding balances as at the year-end and whether the aforesaid balances have been reconciled? If not, the nature and extent of differences should be reported.*
- Balance confirmation certificates obtained in respect of outstanding balances as at the year end.
 - Obtain the Bank Reconciliation Statement.
 - If the reconciliation is not carried out or carried out incorrectly the same to be reported.
 - If any difference is observed, then report the amount, nature of difference and period since lying in the reconciliation statement
- (b) *Your observations on the reconciliation statements may be reported in the following manner:*
- (i) *Cash transactions remaining unresponded*
- Give full details.

- (ii) *Revenue items requiring adjustments/ write-off*
- Give full details.
- (iii) *Old outstanding balances remaining unexplained/ unadjusted. Give details for:*
- *Outstanding between six months and one year; (including Receivable or payable)*
 - *One year and above. (including Receivable or payable)*
- (c) *In case any item deserves special attention of the Management, the same may be reported.*
- Give full details.

Money at Call and Short Notice

Has the Branch kept money-at-call and short notice during the year? If so, whether instructions/ guidelines, if any, lay down by the Controlling Authorities of the bank have been complied with?

- Generally, this is looked after by Treasury Department, hence, such types of transactions generally do not appear in Branch Books.
- However, confirm that no such transactions are appearing in the Branch Trial Balance.
- If there are transactions, obtain the instructions / guidelines laid down by the Controlling Authorities and examine the compliance thereof.

Investments

- Generally, this is looked after by Treasury Department, hence, such types of transactions do not appear in Branch Books.
- However, confirm that no Investments are appearing in the Branch Trial Balance.
- If Investments are appearing in the Trial Balance physical verification should be conducted and reported accordingly. Also verify investment balance confirmation of counter party (Investee) with balance appearing in Branch Books.

(A) For Branches in India

- a) *Are there any investments held by branches on behalf of Head Office/ other offices of the bank? If so, whether these have been made available for physical verification or evidences have been produced with regard to the same where these are not in possession of the branch?*
- If Investments are held on behalf of Head Office / Other Offices physical

verification of the records should be conducted and reported accordingly.

- b) *Whether any amounts received as income on such investments have been reported to the Head Office?*
- Confirm from the Branch Trial balance whether any such income is received. If yes, ascertain whether the instructions in this regard of the head office / controlling office is complied with.
- c) *In respect of investments held by branches on behalf of Head Office/ other offices of the bank whether any income is accrued / received and recognised as income of the branch contrary to the instructions of the Controlling Authorities of the bank?*
- Confirm from the Branch Trial balance whether any such income is received. If yes, ascertain whether the instructions in this regard of the head office / controlling office are complied with.
- d) *Whether there are any matured or overdue investments, which have not been encashed? If so, give details?*
- Give full details including details about the investment, the date on which the said investment has got matured or overdue, maturity value, etc.
- e) *Whether the guidelines of the Reserve Bank of India regarding Transactions in Securities have been complied with.*
- Refer guidelines of Reserve Bank of India together with Head Office instruction.
- f) *Whether the guidelines of the Reserve Bank of India regarding valuation of Investments have been complied with.*
- Refer guidelines of Reserve Bank of India together with Head Office instruction (Valuation Policy of the Bank).

(B) For Branches outside India

- The audit of Branches outside India is not allotted to Indian Chartered Accountants Firms; hence not applicable.
- a) *In respect of purchase and sale of investments, has the branch acted within its delegated authority, having regard to the instructions/ guidelines in this behalf issued by the Controlling Authorities of the bank?*

- b) *Have the investments held by the branch whether on its own account or on behalf of the Head Office/ other branches been made available for physical verification? Where the investments are not in the possession of the branch, whether evidences with regard to their physical verification have been produced?*
- c) *Is the mode of valuation of investments in accordance with the RBI guidelines or the norms prescribed by the relevant regulatory authority of the country in which the branch is located, whichever are more stringent?*
- d) *Whether there are any matured or overdue investments, which have not been encashed? If so, give details?*

Advances

(a) Credit Appraisal

In your opinion, has the branch generally complied with the procedures/ instructions of the Controlling Authorities of the bank regarding loan applications, preparation of proposals for grant/ renewal of advances, enhancement of limits, etc., including adequate appraisal documentation in respect thereof.

- Refer circular issued by Head Office regarding Credit Appraisal.
- Enquire whether specific facility wise loan application form is prescribed by the Bank.
- Confirm that the instructions are followed by the Branch while accepting the loan application form.
- Refer circular issued by Head Office regarding preparation of proposals for grant / renewal of advances, enhancement of limits, etc., including adequate appraisal documentation in respect thereof.
- While reporting under this clause, auditor should consider the “Early mortality cases” in the branch.

The auditor would also need to consider whether:

- The branch is adhering to various guidelines issued by RBI regarding lending against own shares, lending to directors or their relatives.
- In respect of lending under consortium / multiple banking arrangement, the branch is obtaining declaration from the borrowers about the credit facilities already enjoyed by them from other banks in the format prescribed in circulars DBOD.No.BP.BC.46/08.12.001/2008-09 dated

September 19, 2008 and DBOD.No.BP.BC.94/08.12.001/2008-09 dated December 08, 2008.

- Bank is exchanging / sharing information of the credit facilities sanctioned to the borrowers with other lending bankers as per RBI/2012-13/304 DBOD.BP.BC.No. 62/21.04.103/2012-13 dated 21/11/2012 including compliance to any sanction of fresh loans/ad hoc loans/renewal of loans to new/existing borrowers to be done only after obtaining/sharing necessary information.
- The branch is practicing due diligence to assess the credit worthiness of the borrowers and not relying on margin and security as a substitute for due diligence.
- The branch is adhering to the prudential exposure limits prescribed by RBI and Head Office.
- In case of corporate borrower, it is necessary for branch auditor to carefully go through the annual reports to ensure that there no adverse comments in main auditor report or CARO report on annual accounts of the borrower that affects sanction at the branch level.
- Latest IT returns of Borrowers / Guarantors have been obtained and verified with financial documents and other information available on record.
- Latest CIBIL or other Credit Information Company report has been obtained and verified.

(b) Sanctioning/ Disbursement

(i) *In the cases examined by you, have you come across instances of credit facilities having been sanctioned beyond the delegated authority or limit fixed for the branch? Are such cases promptly reported to higher authorities?*

- Confirm sanctioning / disbursement discretionary power regarding advances.
- Report the cases where credit facilities having been sanctioned beyond the delegated authority or limit fixed for the branch.
- Whether such type of cases promptly reported to higher authorities.
- Such type of cases may be reported in the following format.
- Generally, cases are seen in the branch where the limits of existing borrowers are allowed to be overdrawn for a period beyond permissible time. Such cases should be reported.

Sr. No.	Name of the borrower	Account Number	Type of facility	Sanction date/ Authority	Sanction limit	Balance outstanding on 31.03.20XX	Amount sanctioned exceeding the delegated authority	Date of sanction / ratification from Higher Authority

(ii) *In the cases examined by you, have you come across instances where advances have been disbursed without complying with the terms and conditions of the sanction? If so, give details of such cases.*

- Obtain original Title deed, Execution of Documents. Vetting of documents by legal dept./ legal resource.
- Report the cases where advances have been disbursed without complying with the terms and conditions of the sanction letter, such as:
 - Non Execution of Loan Documents;
 - Non Vetting of documents executed by legal dept./ legal resource;
 - Non availability of original Title deed and not creation of security / Equitable / Registered Mortgage on immovable property as per terms of sanction;
 - Non compliance of any other pre-disbursement stipulations.

Other aspects to be covered are:

- Registration of charges ROC/CERSAI.
- Resolutions – guarantees.
- insurance of stock & immoveable property.
- Lien on deposits – margins for BG and LC and loan on deposits.
- All the instances where disbursement have been made without compliance of the pre-disbursement conditions are required to be reported along with the deviations.

(c) Documentation

(i) *In the cases examined by you, have you come across instances of credit facilities released by the branch without execution of all the necessary*

Long Form Audit Report in Case of Bank Branches

documents? If so, give details of such cases.

- Report the cases where credit facilities released by the branch without execution of all the necessary documents. Physical verification of documents is critical. This is one of the important functions of the branch audit and the reason why branch audit exists.
- Verify Custody of Documents – Whether document movement register tracking changes is maintained. Whether scanning of important documents is maintained.
- The exact nature of irregularity / document not obtained may be provided in the following format:

Sr. No.	Name of the borrower	Account Number	Type of facility	Sanction date / Authority	Sanction limit	Balance outstanding on 31.03.20XX	Nature of irregularity / documents not obtained

(ii) *In respect of advances examined by you, have you come across cases of deficiencies in documentation, non-registration of charges, non-obtaining of guarantees, etc.? If so, give details of such cases.*

- Report cases of deficiencies in documentation, non-registration of charges, non-obtaining of guarantees, etc.
- Make sure that the documents are adequately stamped as per duty structure of the respective State.
- The instances should be reported in the following format:

Sr. No.	Name of the borrower	Account Number	Type of facility & a/c no.	Sanction date / Authority	Sanction limit	Balance outstanding	Nature of irregularity

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- Time barred documents list to be furnished as under:

Sr. No.	Name of the borrower	Account Number	Outstanding balance	Sanction limit / Authority	Date of document
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- The time barred accounts statement can be generated through system.
 - When the document becomes time barred, no legal action can be initiated against the borrower.
- (iii) *Whether advances against lien of deposits have been properly granted by marking a lien on the deposit in accordance with the guidelines of the Controlling Authorities of the bank.*
- Refer the guidelines issued by Head Office in this regard.
 - Report the cases, where the deposits / NSCs, paper securities etc., are matured, however not adjusted against the respective advances.
 - Instances should be given in the following format:

Sr. No.	Name of the borrower	Account Number	Sanction limit / Authority	Outstanding balance	Date of document	Particulars of Security
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(d) **Review/Monitoring/ Supervision**

- (i) *Is the procedure laid down by the Controlling Authorities of the bank, for periodic review of advances including periodic balance confirmation/ acknowledgement of debts, followed by the branch?*

Provide analysis of the accounts overdue for review/ renewal

- *between 6 months and 1 year, and*
- *over 1 year*
- Refer the guidelines issued by Head Office in this regard.
- Date / month in which accounts were due for review and the date / month on which the review was done may be obtained.
- It may be noted that there would be cases that are seen performing at the balance sheet date but evidently stressed. Comments on such account with respect to branch efforts on monitoring and information availability on same should be commented upon.
- In view of changes in the reporting requirements in CARO for corporate borrowers, it is necessary for branch auditor to carefully go through the annual reports to ensure that there no adverse comments in the balance sheet of a borrower that affects reporting at the branch level.

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- Date / Month of review can be verified from the sanction documents / terms
- Instances should be given in the following format:

Sr. No.	Name of the Borrower	Type of Facility & Account Number	Balance outstanding as on 31.03.20XX	Review overdue since	Ageing
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(ii) *Are the stock / book debt statements and other periodic operational data and financial statements, etc., received regularly from the borrowers and duly scrutinised? Is suitable action taken on the basis of such scrutiny in appropriate cases?*

- Borrower wise / month wise record showing receipt of security statement be confirmed.
- Confirm the working of drawing power based thereon.
- Confirm whether these statements are obtained on time.
- Compare movement shown in book debt & creditors with debit/credits in the Bank.

Further, in respect of consortium advance, the drawing power should be determined by the lead bank and circulated to the other member banks as per Circular No. C&I/Circular/2014-15/689 dated 29 September 2014 issued by the Indian Banks Association.

(iii) *Whether there exists a system of obtaining reports on stock audits periodically? If so, whether the branch has complied with such system?*

- Refer the guidelines issued by Head Office in this regard and confirm the compliance thereof.
- Examine the compliances obtained, action taken in cases wherein deficiencies are reported by the stock auditors.
- Obtaining written reverts from the Borrower.
- Whether adverse issues in stock audit reports are duly factored in review / renewal notes.
- Compare with annual accounts for divergences and obtain satisfactory explanations.

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(iv) Indicate the cases of advances to non-corporate entities with limits beyond Rs.10 lakhs where the branch has not obtained the accounts of borrowers, duly audited under the RBI guidelines with regard to compulsory audit or under any other statute.

- Obtain list of non corporate borrowers enjoying facilities in excess of Rs.10.00 lakhs and report where audited statements are not on record.
- A list of such cases is to be given in the following format:

Sr. No.	Name of the Borrower	Account Number	Sanction Limit	Date of last audited accounts obtained

(v) Has the inspection or physical verification of securities charged to the Bank been carried out by the branch as per the procedure laid down by the Controlling Authorities of the bank?

- Refer the guidelines issued by Head Office in this regard.
- Reporting deviations if any reasons for the deviations.
- A list of such cases is to be given in the following format.

Sr. No.	Name of the Borrower	Account Number	Sanction Limit	Last date of inspection or physical verification

(vi) In respect of advances examined by you, have you come across cases of deficiencies in value of securities and inspection thereof or any other adverse features such as frequent/unauthorised overdrawn beyond limits, inadequate insurance coverage, etc.?

- Note down the remarks regarding deficiencies in value of securities and inspection report submitted by the concerned officer.
- Confirm whether Insurance is in favour of Bank.
- Check whether Insurance covers risks the mortgaged securities are subject to – Check adequacy of Insured value and location wise.
- The cases where frequent / unauthorized over drawings beyond limits are granted is to be given in the following format:

Sr. No.	Name of the Borrower	Account number	Sanction Limit	Balance Outstanding	Drawing power	Irregularity

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- For cases, wherein insurance details are not available is to be given in the following format:

Sr. No.	Name of the Borrower	Account Number	Sanction Limit	Value of Security
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- For cases, wherein there is inadequate insurance may be given in the following format:

Sr. No.	Name of the Borrower	Account Number	Sanction Limit	Value of Security	Insured for Rs.	Inadequate Insurance
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(vii) *In respect of leasing finance activities, has the branch complied with the guidelines issued by the Controlling Authorities of the bank relating to security creation, asset inspection, insurance, etc? Has the branch complied with the accounting norms prescribed by the Controlling Authorities of the bank relating to such leasing activities?*

- Refer the guidelines issued by Head Office in this regard.

(viii) *Are credit card dues recovered promptly?*

- Refer the guidelines issued by Head Office in this regard.
- Whether the branch maintains debit balances in the card dues customers.
- Confirm, whether such debit balances are included in advances classification statements.

(ix) *Has the branch identified and classified advances into standard/sub-standard/ doubtful/ loss assets in line with the norms prescribed by the Reserve Bank of India.*

- Refer the guidelines issued by Reserve Bank of India together with Head Office in this regard.
- Wherever, such guidelines are not followed, Memorandum of Changes be given with reasons.
- The branch auditor shall also verify compliance with the guidelines issued by Head Office with regard to *identification and classification of loan accounts into special mention accounts and incremental provisioning requirement on account of unhedged foreign current exposures in line with the norms prescribed by the Reserve Bank of India.*

(x) *Where the auditor disagrees with the branch classification of advances*

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into standard / sub-standard / doubtful / loss assets, the details of such advances with reasons should be given. Also indicate whether suitable changes have been incorporated / suggested in the Memorandum of Changes.

- Refer the guidelines issued by Reserve Bank of India together with Head Office in this regard.
- Wherever, such guidelines are not followed Memorandum of Changes be given with reason.

(xi) *Have you come across cases where the relevant Controlling Authority of the bank has authorised legal action for recovery of advances or recalling of advances but no such action was taken by the branch? If so, give details of such cases.*

- Refer the guidelines issued by Head Office in this regard.
- Wherever, such guidelines are not followed such cases be reported in the following format.

Sr. No.	Name of the Borrower	Account Number	Sanction Limit	Instructions to take legal action on	Present Status
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(xii) *Have all non-performing advances been promptly reported to the relevant Controlling Authority of the bank? Also state whether any rehabilitation programme in respect of such advances has been undertaken, and if so, the status of such programme.*

- Refer the guidelines issued by Head Office in this regard.
- Wherever, such guidelines are not followed such cases be reported:

Sr. No.	Name of the Borrower	Account Number	Sanction Limit	Rehabilitation programme sanctioned	Present Status
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(xiii) *Have appropriate claims for DICGC/CGSTE and Export Credit Guarantee/ Insurance and subsidies, if any, been duly lodged and settled? The status of pending claims giving year wise break-up of number and amounts involved should be given in the following format:*

- DICGC not applicable, as most of the Banks have opted out of DICG.
- Report here the claims if any outstanding on account of ECGC/CGST.
- Report the cases not accepted / rejected by ECGC/CGST.

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Particulars	Number	Amount (Rs.)
Claims as at the beginning of the year (Give year-wise details)		
Further claims lodged during the year		
Total A	_____ _____	_____ _____
Amounts representing: (a) Claims accepted/ settled (give year-wise details) (b) Claims rejected (give year-wise details)		
Total B	_____ _____	_____ _____
Balance as at the year-end (give year-wise details) A-B	_____ ===	_____ =====

(xiv) In respect of non-performing assets, has the branch obtained valuation reports from approved valuers for the fixed assets charged to the bank, once in three years, unless the circumstances warrant a shorter duration?

- Refer the guidelines issued by Head Office in this regard.
- Wherever, such guidelines are not followed such cases be reported in the following format.
- Whether valuation is done on a consistent basis – at fair Market value, Realizable value, Distress value – Whether Fall in Market value has been factored in the valuation -

Sr. No.	Name of the Borrower	Account Number	Sanction Limit	Balance Outstanding	Security	Value of Security	Latest Valuation Report date
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(xv) In the cases examined by you has the branch complied with the Recovery Policy prescribed by the Controlling Authorities of the bank with respect to compromise/ settlement and write-off cases? Details of the cases of compromise/ settlement and write-off cases involving write-offs/ waivers in

excess of Rs.50 lakhs may be given.

- Refer the guidelines issued by Head Office in this regard.
- Wherever, such guidelines are not followed such cases be reported in the following format:

Sr. No.	Name of the Borrower	Account Number	Sanction Limit	Balance Outstanding	Compromised / Settlement Amt.	Recovery Effected	Recovery To be effected
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(e) Guarantees and Letters of Credit

- Normally handled at Corporate or Head Office.
 - However, inquire whether such types of cases are handled at Branch and reply accordingly.
- (i) *Details of outstanding amounts of guarantees invoked and funded by the branch at the end of the year may be obtained from the Management and reported in the following format:*

(a) Guarantees invoked, paid but not adjusted:

Sr. No.	Date of invocation	Name of the party	Name of beneficiary	Amount	Date of Recovery	Remarks
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(b) Guarantees invoked but not paid:

Sr. No.	Date of invocation	Name of the party	Name of beneficiary	Amount	Date of Recovery	Remarks
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- (ii) *Details of the outstanding amounts of letters of credit and co-acceptances funded by the Branch at the end of the year may be obtained from the Management and reported in the following format:*

Sr. No.	Date of funding	Name of the party	Nature (LC/ co-acceptance, etc.)	Amount	Date of Recovery	Remarks
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Other Assets

(a) Stationery and Stamps

- (i) *Does the system of the Bank ensure adequate internal control over issue and custody of stationery comprising security items (Term Deposit Receipts, Drafts, Pay Orders, Cheque Books, Traveller's Cheques, Gift*

Cheques, etc.)? Whether the system is being followed by the branch?

- The Head Office instructions to be seen and confirm whether internal control is in existence.
- Carry out the physical verification of security items including stamps.
- Whether lost security items are reported to Controlling Authority.
- Note down the accounting treatment given to Stationery items as every Bank is having different policy in this regard.
- Comment on the usage of security items during the year and the stock of such items *vis a vis* usage.
- Report lacunas observed in the system at the branch as this is a fraud prone area.

(ii) *Have you come across cases of missing/ lost items of such stationery?*

- Deficiencies in controls that lead to the missing stationery to be stated.

Sr. No	Description of the security item	Consecutive No. of the item	Date of Loss	Missing Reported on
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(b) Suspense Accounts/ Sundry Assets

(i) *Does the system of the Bank ensure expeditious clearance of items debited to Suspense Account? Details of old outstanding entries may be obtained from the branch and the reasons for delay in adjusting the entries may be ascertained. Does your scrutiny of the accounts under various sub-heads reveal balances, which in your opinion are not recoverable and would require a provision/ write-off? If so, give details in the following format:*

Year	Amount (Rs.)	Remarks

- Refer the guidelines issued by Head Office in this regard.
 - Whether, such guidelines are followed strictly.
 - The Debit entries in the opinion of the auditor, not recoverable should be reported for making adequate provision.
 - Age wise analysis report through the system may be referred for the same.
 - Reasons for such debits to be clarified.
- (ii) Does your test check indicate any unusual items in these accounts? If so, report their nature and the amounts involved.
- Information to be given in the following format.

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- In case of long outstanding entries over a period of one year the details to be seen with regard to its nature and possibility of recovery in case of debit items, if you feel that items are not recoverable necessary provision to be suggested in Memorandum of Changes (MOC).

Sr. No.	Particulars of debit entry	Outstanding balance as on 31.03.20XX	Whether provision is necessary, reasons there of
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- Follow the above said procedure in this regard.

II. Liabilities

Deposits

(i) *Have the Controlling Authorities of the bank laid down any guidelines with respect to conduct and operations of Inoperative Accounts? In the cases examined by you, have you come across instances where the guidelines laid down in this regard have not been followed? If yes, give details thereof.*

- Refer the guidelines issued by Head Office in this regard.
- Whether, such guidelines are followed strictly.
- Wherever the guidelines are not followed report the same along with full details.
- Whether system identifies the inoperative accounts and converts the status of such accounts to inactive.
- Whether branches are transferring inoperative accounts and shown under a separate DEAF Deposits accounts in the branch General Ledger.
- Whether unclaimed liabilities (whether amount due has been transferred to DEAF) is reflected as Contingent Liability.
- Note down the procedure for making such inoperative account, operative.

(ii) *After the balance sheet date and till the date of audit, whether there have been any unusual large movements (whether increase or decrease) in the aggregate deposits held at the year-end? If so, obtain the clarifications from the Management and give your comments thereon.*

- Compare the aggregate deposits as on 15th March, 20XX, 31st March, 20XX and last day of audit.

- Ascertain the reason for large variation other than due to application of interest / provision as on 31st March, 20XX.
- Ensure there is no evergreening.

(iii) *Are there any overdue/ matured term deposits at the end of the year? If so, amounts thereof should be indicated.*

- Refer the guidelines issued by Head Office in this regard.
- Whether, such guidelines are followed strictly.
- Whether interest is provided on matured deposit as per RBI guidelines.
- Follow up done with customers to renew such accounts.

Other Liabilities

Bills Payable, Sundry Deposits, etc.

(i) *The number of items and the aggregate amount of old outstanding items pending for three years or more may be obtained from the branch and reported under appropriate heads. Does the scrutiny of the accounts under various sub-heads reveal old balances? If so, give details in the following format:*

Year	No. of items	Amount (Rs.)	Remarks

- Refer the guidelines issued by Head Office in this regard.
- Whether, such guidelines are followed strictly.
- Obtain the listing of bills payable together with the due date.

(ii) *Does your test check indicate any unusual items or material withdrawals or debits in these accounts? If so, report their nature and the amounts involved.*

- Refer the exceptional transaction report generated through system.
- Movement in such accounts may be compared and reason may be analysed.

Contingent Liabilities

List of major items of the contingent liabilities (other than constituents' liabilities such as guarantees, letters of credit, acceptances, endorsements, etc.) not acknowledged by the branch?

- List of claims against the branch together with the status of claim may be obtained.

- List of contingent liability to be verified and the same to be compared with last year's list.
- The items not appearing in the current year's list may be enquired with reasons thereof.
- Whether any provisioning is warranted against these Contingent Liabilities.

III. Profit and Loss Account

(a) *Whether the branch has a system to compute discrepancies in interest / discount and for timely adjustment thereof in accordance with the guidelines laid down in this regard by the Controlling Authorities of the bank? Has the test checking of interest revealed excess / short credit of a material amount? If so, give details thereof.*

- Refer concurrent audit / internal inspection audit / income & expenditure audit reports.
- Test check interest / discount calculations. Whether changes in interest rates are correctly captured.
- Generate Exceptional Transactions report and verify interest is applied to all applicable accounts.
- Generally, interest application is a system-generated entry; hence test check may be applied for confirming interest calculations.
- Wherever excess / short credit of material amount is noticed, such cases may be reported in the following format.
- Test check cases of premature withdrawals for re-computing interest wrt revised tenor.

Sr.No	A/c No	Interest calculated by the system	Interest calculated by us	Difference
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(b) *Has the branch complied with the Income Recognition norms prescribed by the RBI?*

- Refer RBI Master circular on IRAC norms together with other circulars issued by RBI on IRAC norms from time to time.
- Ensure asset classification is being done through system and no manual intervention is in place.
- In case, the income recognition in NPA accounts is done manually and is not automated, then the auditor should also verify the system and process being followed by the branch to ascertain whether their exist a systematic manner of recognition of income and should also test

whether the same complies with the Accounting Policy of the Bank relating to appropriation of recoveries.

Confirm whether IRAC norms are followed strictly through system

(c) *Whether the branch has a system to compute discrepancies in interest on deposits and for timely adjustment of such discrepancies in accordance with the guidelines laid down in this regard by the Controlling Authorities of the bank? Has the test check of interest on deposits revealed any excess/ short debit of material amount? If so, give details thereof.*

- Refer the guidelines issued by Head Office/RBI in this regard.
- Whether, such guidelines are followed strictly.
- Check the correctness of interest rates fed in the system with the sanction terms on test check basis. Also, updation of base rates in the system, in case of changes may be verified.
- Generally, interest application is a system-generated entry; hence test check may be applied for confirming interest calculations.
- Wherever excess / short credit of material amount is noticed, such cases may be reported in the following format.

Sr. No	A/c No	Interest calculated by the system	Interest calculated by us	(Short) / Excess Interest calculated by the system
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(d) *Does the bank have a system of estimating and providing interest accrued on overdue / matured term deposits?*

- Refer the guidelines issued by Head Office in this regard.
- Whether, such guidelines are followed strictly.
- In most of the Banks such exercise is carried out at Head Office through system.

(e) *Are there any divergent trends in major items of income and expenditure, which are not satisfactorily explained by the branch? If so, the same may be reported upon. For this purpose, an appropriate statement may be obtained from the branch Management explaining the divergent trends in major items of income and expenditure.*

- The divergent trends can be identified by way of comparison analysis on the basis of previous quarters / half year / previous year figures, keeping in mind the changes in business volumes and business mix.
- Compare the aggregate figures as on 15th March, 20XX, 31st March, 20XX and last day of audit. Also compare some of the transfers on the

last two days of the year end and identify whether there are any transfers of undrawn portion from the loan accounts to current account or deposit account.

IV. General

Books and Records

(a) *In case any books of account are maintained manually, does general scrutiny thereof indicate whether they have been properly maintained, with balances duly inked out and authenticated by the authorised signatories?*

- Now a days CBS is followed hence question of maintaining manual books of accounts does not arise.
- Balancing is also done through system.
- Balancing report may be generated to confirm that no difference is appearing in the balancing report.
- Exception Reports can be generated from the system to verify whether there are differences. If there are differences, the same should be reconciled / rectified by branch.

(b) *In respect of computerised branches:*

- *Whether hard copies of accounts are printed regularly?*
Refer the guidelines issued by Head Office. On the basis of instructions, documents to be stored in hard copies and the periodicity of printing may be identified.
- *Indicate the extent of computerisation and the areas of operation covered through manual intervention.*
- *Are the access and data security measures and other internal controls adequate?*

Refer the guidelines issued by Head Office – Awareness of Branch officials with Security guidelines -

Password Policy, Anti viruses on systems, Access to pen drives etc. may be checked as a part of access and data security controls.

- *Whether regular back-ups of accounts and off-site storage are maintained as per the guidelines of the Controlling Authorities of the bank?*
Refer the guidelines issued by Head Office for compliance – Whether backups are periodically tested.
- *Whether adequate contingency and disaster recovery plans are in place for loss/ encryption of data?*

Refer the guidelines issued by Head Office & compliance thereof. Note if any fire drills or any other evacuation drills are conducted – Whether any Fire Safety Audits are conducted.

- *Do you have any suggestions for the improvement in the system with regard to computerised operations of the branch?*

Reconciliation of Control and Subsidiary Records

- Enquire at branch the system of reconciliation followed.
- Whether any long outstanding debit entries are appearing in the reconciliation statement.
 - *If answer is positive, same should be reported.*

Have the figures, as at the year-end, in the control and subsidiary records been reconciled? If not, the last date upto which such figures have been reconciled should be given under the respective heads, preferably in the following format:

Account	Date	General Ledger Balance (Rs.)	Subsidiary Balance (Rs.)	Last Date on which balanced

Inter-Branch Accounts

- Check for any entries not responded -
 - Now a day's CBS is implemented hence question of reconciliation of Inter – Branch Accounts does not arise at Branch.
- (i) *Does the branch forward on a daily basis to a designated cell/ Head Office, a statement of debit/ credit transactions in relation to other branches?*
 - (ii) *Does a check of the balance in the Head Office Account as shown in the said statement during and as at the year-end reveal that the same is in agreement with the Head Office Account in the general ledger?*
 - (iii) *Are there any outstanding debits in the Head Office Account in respect of inter-branch transactions?*
 - (iv) *Does the branch expeditiously comply with/ respond to the communications from the designated cell/ Head Office as regards unmatched transactions? As at the year-end are there any unresponded/ uncomplained queries or communications? If so, give details?*
 - (v) *Have you come across items of double responses in the Head Office Account? If so, give details.*
 - (vi) *Are there any old/ large outstanding transaction/ entries at debits as at*

year-end which remain unexplained in the accounts relatable to inter-branch adjustments?

Audits/Inspections

- (i) *Is the branch covered by concurrent audit or any other audit/ inspection during the year?*
- (ii) *In framing your audit report, have you considered the major adverse comments arising out of the latest reports of the previous auditors, concurrent auditors, stock auditors or internal auditors, or in the special audit report or in the inspection report of the Reserve Bank of India? State the various adverse features persisting in the branch, though brought out in these audit/ inspection reports.*
- Obtain a list of audit which the Branch was subjected to during the previous year.
 - The scope of each audit may be reviewed to identify adequate coverage of branch activities.
 - Obtain all the reports and peruse the reports for any adverse remarks.
 - Whether branch has been addressing all issues noted promptly – whether there are any repeat issues?
 - Whether the Gap or Process failure that lead to the transactional error reported is addressed?

Frauds

Furnish particulars of frauds discovered during the year under audit at the branch, together with your suggestions, if any, to minimise the possibilities of their occurrence

- Enquire about any fraud reported to Controlling Authority/vigilance dept. Head Office during the financial year.

The auditor should also examine whether:

- the branch is having an effective credit monitoring for its Advances portfolio.
- the branch has an adequate system in place to identify Early Warning Signals(EWS) of incipient sickness / fraudulent activities in respect of loans. Some of the Early Warning signals which should alert the bank officials about some wrongdoings in the loan accounts which may turn out to be fraudulent: