

Reserve Bank of India (Amendment) Act, 1962

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Reserve Bank of India (Amendment) Act, 1962

An Act further to amend the Reserve Bank of India Act, 1934, and to make certain consequential amendment in the State Bank of India Act, 1955.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:-

1 . Short title.- This Act may be called the Reserve Bank of India (Amendment) Act, 1962.

2 . Amendment of section 8.- To sub-section (2) of section 8 of the Reserve Bank of India Act, 1934 (hereinafter referred to as the principal Act), the following proviso shall be added, namely

"Provided that the Central Board may, if in its opinion it is necessary in the public interest so to do, permit the Governor or Deputy Governor to undertake, at the request of the Central Government or any State Government, such part-time honorary work, whether related to the purposes of this Act or not, as is not likely to interfere with his duties as Governor or Deputy Governor, as the case may be."

3. Amendment of section 17.- In section 17 of the principal Act,-

(a) in sub-clause (a) clause (2), for the words " maturing within ninety days from the date of such purchase or re-discount, exclusive of days of grace" the following words shall be substituted namely-

"maturing,-

(i) in the case of bills exchange and promissory notes arising out of any such transactions relating to the export of goods from India, within one hundred and eighty days, and from the date of such

purchase or re-discount ,exclusive of days of grace;"

(ii) in any other case, within ninety days,

from the date of such purchase or re-discount exclusive of days of grace"

(b) in clause (3) , for clause (b), the following sub-clause shall be substituted namely-

"(b) the purchase, sale and re-discount of bills of exchange (including treasury bills) drawn in or on any place in any country outside India which is a member of the International Monetary Fund and maturing,-

(i) in the case of bills of exchange arising out of any bona fide transaction relating to the export of goods from India, within one hundred and eighty days, and

(ii) in any other case, within ninety days,

from the date of such purchase or re-discount:

Provided that no such purchase , sale re-discount shall be made in India except with a schedule bank or a State co-operative bank"

(c) after clause (3), the following clause shall be inserted namely:-

"(3A) the making to any schedule bank or State co-operative bank, of loans and advances against promissory notes of such bank, repayable on demand or on the expiry of fixed periods not exceeding one hundred and eighty days;

Provided that the borrowing bank furnishes a declaration in writing to the effect that-

(i) it holds bills exchange arising out of any transactions relating to the export of goods from India, of a value not less than the amount of such loans or advances,-

(a) drawn in India and on any place in any country outside India which is a member of the International Monetary Fund or in any other country notified in this behalf by the Bank in the Gazette of India , and

(b) maturing not later than one hundred and eighty; days from the date of the loan or advances and

(ii) it will, so long as any part of such loans and advances remains unpaid continue to hold such bills of exchange of a value not less than the amount of such loans or advances outstanding for the time being"

(d) to clause (4), the following proviso shall be added, namely-

"Provided that loans and advances made against the security of bills of exchange and promissory notes arising out of any transaction relating to the export of goods from India shall be repayable on

demand or on the expiry of fixed periods not exceeding one hundred and eighty days."

4 . Amendment of section 42.- In section 42 of the principal Act, -

(a) in sub-section (1),-

(i) for the words "five per cent of the demand liabilities and two per cent.of the time liabilities" the words "three per cent.of the total of the demand and time liabilities" shall be substituted;

(ii) for the proviso, the following proviso shall be substituted namely-

"Provided that the Bank may, by notification in the Gazette of India, increase the said rate to such higher rate as may be specified in the notification so however that the rate shall not be more than fifteen per cent.of the total of the demand and time liabilities."

(iii) in the Explanation in clause (c), for the words and brackets "Refinance Corporation for Industry (Private) Limited " the words "Refinance Corporation for Industry Limited shall be substituted

(b) in sub-section (1A),-

(i) for the words "rates specified in the notification such additional balance being calculated with reference to the excess of the demand and time liabilities of the bank as shown in the return referred to in sub-section (2) over its demand and time liabilities", the words "rate specified in the notification such additional balance being calculated in the notification such additional balance being calculated with reference to the excess of the total of the demand and time liabilities of the bank as shown in the return referred to in sub-section (2) over the total of its demand and time liabilities shall be substituted;

(ii) the proviso shall be omitted;

(c) after sub-section (1A) the following sub-section shall be inserted namely-

"(1AA) Notwithstanding anything contained in subsection (1) or sub-section (1A), it shall not be necessary for any scheduled bank to maintain with the Bank any balance which shall be more than fifteen per cent.of the total of its demand and time liabilities as shown in the return referred to in sub-section (2);";

(d) in sub-section (1B) the following proviso shall be inserted at the end, namely-

"Provided further that where the Bank does not, under sub-section (5), demand the payment of the penalty imposed by sub-section (3), it may pay interest at such rate or rates as may be determined by the Bank from time to time on the amount actually maintained with it by the scheduled bank, notwithstanding that such amount is less than the balance required to be maintained in pursuance of a notification issued under the proviso to sub-section (1) of under sub-section (1A)"

(e) for sub-section (5), the following sub-section shall be substituted namely-

"(5) (a) The penalties imposed by sub-sections (3) and (4) shall be payable within a period of fourteen days from the date on which a notice issued by the Bank demanding the payment of the same is served on the scheduled bank, and in the event of a failure of the scheduled bank to pay the same within such period may be levied by a direction of the principal civil court having jurisdiction in the area where an office of the defaulting bank is situated, such direction to be made only upon an application made in this behalf to the court by the Bank;

(b) When the court makes a direction under clause (a) it shall issue a certificate specifying the sum payable by the scheduled bank and every such certificate shall be enforce in the same manner as if it were a decree made by the court in a suit;

(c) notwithstanding anything contained in this section if the Bank is satisfied that the defaulting bank had sufficient cause for its failure to comply with the provisions of sub-section (1) (1A), or (2) it may not demand the payment of the penal interest or the penalty as the case may be"

5 . Amendment of section 43A.- In section 43A of the principal Act, after the words and figures of section 43" wherever they occur, the words and figures and letter "or in pursuance of the provisions of Chapter IIIA" shall be inserted

6 . Insertion of new Chapter IIIA.- In the principal Act, after Chapter III, the following Chapter shall be inserted namely

"CHAPTER IIIA

COLLECTION AND FURNISHING OF CREDIT INFORMATION

45A . Definitions.- In this Chapter , unless the context otherwise requires

(a) "banking company" means a banking company as defined in section 5 of the Banking Companies Act, 1949, and includes the State Bank of India or any other banking or financial institution notified by the Central Government in this behalf;

(b) "borrower" means any person to whom any credit limit has been sanctioned by any banking company whether availed of or not, includes-

(i) in the case of a company or corporation its subsidiaries

(ii) in the case of a Hindu undivided family, any member thereof of any firm in which such member is a partner

(iii) in the case of a firm any partner thereof or any other firm in which such partner is a partner; and

(iv) in the case of an individual any firm in which such individuals is a partner;

(c) "credit information" means by information relating to-

(i) the amounts and the nature of loans or advances and other credit facilities granted by a banking company to any borrower or class of borrowers;

(ii) the nature of security taken from any borrower for credit facilities granted to him; and

(iii) the guarantee furnished by a banking company for any of its customers.

45B. Power of Bank of collect credit information The Bank may-(a) collect, in such manner as it may think fit, credit information from banking companies; and

(b) furnish such information to any banking company in accordance with the provisions of section 45D.

45C . Power to call for returns containing credit information.- (1) For the purpose of enabling the Bank of discharge its functions under this Chapter , it may at any time direct any banking company to submit to it such statements relating to such credit information and in such form and within time as may be specified by the Bank from time to time

(2) A banking company shall, notwithstanding anything to the contrary contained in any law for the time being in force or in any instrument regulating the constitution thereof or in any agreement executed by it, relating to the secrecy of its dealings with its constituents, be bound to comply with any direction issued under sub-section (1).

45D. Procedure for furnishing credit information of banking companies (1) A banking company may, in connection with any financial arrangement entered into or proposed to be entered into by it, with any person make an application to the Bank in such form as the Bank may specify requesting it to furnish the applicant with such credit information as may be specified in the application.

(2) On receipt of an application under sub-section (1), the Bank shall as soon as may be furnish the applicant with such credit information relating to the matters specified in the application, as may be in its possession:

Provided that the information so furnished shall not disclose the names of the banking companies which have submitted such information to the Bank.

(3) The Bank may in respect of each application levy such fees, not exceeding twenty-five rupees , as it may deem fit for furnishing credit information.

45E. Disclosure of information prohibited. (1) Any credit information contained in any statement submitted by a banking company under section 45C or furnished by the Bank of to any banking company under section 45D, shall be treated as confidential and shall not, except for the purposes of this Chapter, be published or otherwise disclosed.

(2) Nothing in this section shall apply to-

(a) the disclosure by any banking company with the previous permission of the Bank of any information furnished to the Banker under section 45C;

(b) the publication by the Bank if it considers necessary in the public interest so do, of any information collected by it under section 45C in such consolidated form as it may think fit without disclosing the name of any banking company or its borrowers.

(3) Notwithstanding anything contained in any law for the time being in force, no court, tribunal or other authority shall compel the Bank or any banking company to produce or to give inspection of any statement submitted by that banking company under section 45C to disclose any credit information furnished by the Bank to that banking company under section 45D.

45F. Certain claims for compensation barred No person shall have any right, whether in contract or otherwise, to any compensation for any loss incurred by reason of the operation of any of the provisions of this Chapter.

45G. Penalties.- (1) If any banking company-

(a) fails to submit any statement required under section 45C or submits under that section a statement which is false in any material particular; or

(b) fails to comply with any condition imposed under this Chapter;

every director or other officer of the company and every other person who is knowingly a party to the breach shall be punishable with fine which may extend to two thousand rupees.

(2) If any person discloses any credit information the disclosure of which is prohibited under section 45E, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both"

7 . Amendment of the State Bank of India Act 1955.- In the State Bank of India Act, 1955-

(i) in section 33, in clause (xixb) after the words "classes of industries" the words "or is such business or trade or classes of business or trade" shall be inserted:

(ii) in section 34, to sub-section (3), the following proviso shall be added, namely:-

"Provided that nothing in sub-clause (ii) of clause (b) shall apply where the State Bank holds by way of a collateral security any negotiable instrument or security which does not mature within six months from the date aforesaid in respect of any loan advance or cash credit sanctioned under this Act"