



भारतीय रिज़र्व बैंक
RESERVE BANK OF INDIA

www.rbi.org.in

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May 29, 2009

The Chairman
All Regional Rural Banks

Dear Sir,

**The Bankers' Books Evidence Act, 1891 - Submission of
Certified Copies of Entries / Print out to Courts**

In a recent case heard at the Court of a Civil Judge in Maharashtra, the Hon'ble Court advised Reserve Bank of India to instruct all banks that whenever they submit any data stored in their computer systems as evidence under Bankers' Books Evidence Act, 1891 to a court of law, the data must be accompanied by a certificate prescribed under Section 2A (a) and (b) of the Act *ibid* (relevant extract enclosed).

2. It is, therefore, advised that all Regional Rural Banks should comply with the provisions of the Bankers' Books Evidence Act, 1891 while furnishing certified copies and computer printouts to courts. In the absence of such statutory certificate, the court would not be obliged to admit the document in evidence without any further proof.

Yours faithfully,

(B. P. Vijayendra)
Chief General Manager
Encl: 2

Extract from the Bankers' Books Evidence Act, 1891

2A. Conditions in the printout

A printout of entry or a copy of printout referred to in sub-section (8) of section 2 shall be accompanied by the following, namely:-

- (a) a certificate to the effect that it is a printout of such entry or a copy of such printout by the principal accountant or branch manager; and
- (b) a certificate by a person in-charge of computer system containing a brief description of the computer system and the particulars of -
 - (A) the safeguards adopted by the system to ensure that data is entered or any other operation performed only by authorised persons;
 - (B) the safeguards adopted to prevent and detect unauthorized change of data;
 - (C) the safeguards available to retrieve data that is lost due to systemic failure or any other reasons;
 - (D) the manner in which data is transferred from the system to removable media like floppies, discs, tapes or other electromagnetic data storage devices;
 - (E) the mode of verification in order to ensure that data has been accurately transferred to such removable media;
 - (F) the mode of identification of such data storage devices;
 - (G) the arrangements for the storage and custody of such storage devices;
 - (H) the safeguards to prevent and detect any tampering with the system; and
 - (I) any other factor, which will vouch for the integrity and accuracy of the system.

2 (8) "Certified Copy" means when the books of a bank,-

(a) are maintained in written form, a copy of any entry in such books together with a certificate written at the foot of such copy that it is a true copy of such entry, that such entry is contained in one of the ordinary books of the bank and was made in the usual and ordinary course of business and that such book is still in the custody of the bank, and where the copy was obtained by a mechanical or other process which in itself ensured the accuracy of the copy, a further certificate to that effect, but where the book from which such copy was prepared has been destroyed in the usual course of the bank's business after the date on which the copy had been so prepared, a further certificate to that effect, each such certificate being dated and subscribed by the principal accountant or manager of the bank with his name and official title; and

(b) consist of printouts of data stored in a floppy, disc, tape or any other electromagnetic data storage device, a printout of such entry or a copy of such printout together with such statements certified in accordance with the provisions of section 2A.

(c) a printout of any entry in the books' of a bank stored in a micro film, magnetic tape or in any other form of mechanical or electronic data retrieval mechanism obtained by a mechanical or other process which in itself ensures the accuracy of such printout as a copy of such entry and such printout contains the certificate in accordance with the provisions of section 2A.