FEMA

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Amendment to NDI Rules pursuant to DPIIT Press Note No. 1 (2022 Series) Dated March 14, 2022 with regards to permitting foreign investment in Life Insurance Corporation of India (LIC) and other modifications for further clarity of the existing FDI Policy

NDI Amendment Rules 2022 dated April 12, 2022

The Government of India had reviewed the extant FDI Policy for permitting foreign investment in Life Insurance Corporation of India and other modifications for consistency and further clarity of the existing FDI Policy. Accordingly the said amendments have also been made in NDI Rules.

The changes can be read at amended NDI Rules of 2022 on following link:

https://egazette.nic.in/WriteReadData/2022/235070.pdf

Limits for investment in debt and sale of credit Default Swaps by Foreign Portfolio Investors (FPIs)

A.P. (DIR Series) Circular No. 29 dated April 19, 2022

Investment Limits for the financial year (FY) 2022-23:

- a) The limits for FPI investment in Government securities (G-secs), State Development Loans (SDLs) and corporate bonds shall remain unchanged at 6%, 2% and 15% respectively, of outstanding stocks of securities for FY 2022-23.
- b) As hitherto, all investments by eligible investors in the 'specified securities' shall be reckoned under the Fully Accessible Route (FAR) in terms of A.P. (DIR Series) Circular No. 25 dated March 30, 2020.
- c) The allocation of incremental changes in the G-sec limit (in absolute terms) over the two sub-categories 'General' and 'Long-term' shall be retained at 50:50 for FY 2022-23.
- d) The entire increase in limits for SDLs (in absolute terms) has been added to the 'General' sub-category of SDLs.

The revised limits (in absolute terms) for the different categories, are given below:

Investment limits for FY 2022-23						
					All figur	es in Crores
	G-Sec	G-Sec Long Term	SDL General	SDL Long Term	Corporate Bonds	Total Debt
Current FPI Limits	2,53,298	1,22,298	85,902	7,100	6,07,039	10,75,637
Revised Limit for the HY Apr 2022-Sep 2022	2,60,594	1,29,594	89,365	7,100	6,37,455	11,24,107
Revised Limit for the HY Oct 2022-Mar 2023	2,67,890	1,36,890	92,928	7,100	6,67,871	11,72,578

In terms of A.P. (DIR Series) Circular No. 23 dated February 10, 2022, the aggregate limit of the notional amount of CDS sold by FPIs shall be 5% of the outstanding stock of corporate bonds. Accordingly, an additional limit of ₹ 2,22,623 crore is set out for FY 2022-23.

Rbi Notification No. RBI/2021-22/185 DOR.MRG.REC. 96/21.04.141/2021-22 Dated March 23, 2022

Master Direction - Classification, Valuation and Operation of Investment Portfolio of Commercial Banks (Directions), 2021 – Amendment

- Please refer to the Master Direction DOR.MRG.42/21.04.141/2021-22 dated August 25, 2021 'Classification, Valuation and Operation of Investment Portfolio of Commercial Banks (Directions), 2021' (hereinafter referred as 'Master Direction').
- The Master Direction outlines the prudential treatment for investment in Venture Capital Funds (VCFs). RBI has received queries from banks regarding the applicability of these instructions for investment in Alternative Investment Funds (AIFs).
- Accordingly, on a review, it has been decided that the investment in Category I and Category II AlFs, which includes VCFs, shall receive the same prudential treatment as applicable for investment in VCFs.
- In addition, based on feedback from banks, clarifications / updates have been provided regarding section 4(a)(vii), 10(c)(ix), 12(ii)(b), 12(ii)(d)(ix), 13(iv)(b), 16(ii), 18(ii)(e)(ii) and Annex II of the Master Direction.
- The relevant sections of the Master Direction have been amended to reflect the aforementioned changes.
- This circular is applicable to all Commercial Banks (excluding Regional Rural Banks).
- · These instructions shall come into force with immediate effect.

RBI Notification No. RBI/2021-22/187 CO.DPSS.OVRST.No. S1738/06-08-018/2021-2022 Dated March 25, 2022

Framework for Geo-tagging of Payment System Touch Points

- To facilitate nuanced spread of acceptance infrastructure and inclusive access to digital payments, the Monetary Policy Statement 2020-21 on October 08, 2021 had announced that a framework for geo-tagging of physical payment acceptance infrastructure would be prescribed by Reserve Bank. Accordingly, a framework for capturing geo-tagging information of payment system touch points deployed by banks / non-bank PSOs is laid out in the Annex. The date from which the information shall be reported to Reserve Bank shall, however, be advised in due course.
- This framework is issued under Section 10 (2) read with Section 18 of Payment and Settlement Systems Act, 2007 (Act 51 of 2007).
- Detailed Annex to this Framework Circular can be found at https://www.rbi.org.in/Scripts/NotificationUser.aspx/NotificationUser.aspx?Id=12260&Mode=0

RBI Notification No. RBI/2021-22/189 DOR.CAP.REC.No.97/21.06.201/2021-22 Dated March 31, 2022

Bilateral Netting of Qualified Financial Contracts - Amendments to Prudential Guidelines

- The Bilateral Netting of Qualified Financial Contracts Act, 2020 (hereafter referred to as "the Act"), has been notified by the Government of India vide Gazette Notification No. S.O. 3463(E) dated October 1, 2020. The Act provides a legal framework for enforceability of bilateral netting of qualified financial contracts (QFC).
- In exercise of the powers conferred by section 4(a) of the Act, the Reserve Bank, vide Notification no. FMRD.DIRD.2/14.03.043/2020-21 dated March 9, 2021, has since notified (a) "derivatives"; and (b) "repo" and "reverse repo" transactions as defined under Section 45(U) of Chapter III-D of the Reserve Bank of India Act, 1934 as a QFC.
- Accordingly, select instructions contained in the following circulars/ Directions have been modified/ amended appropriately:
 - a. Master Direction DNBR.PD.004/03.10.119/2016-17 dated August 23, 2016 Master Direction Standalone Primary Dealers (Reserve Bank) Directions, 2016 as provided in Annex 1;
 - b. Master Circular DCBR.BPD.(PCB). MC.No.10/09.18.201/2015-16 dated July 1, 2015 on Prudential Norms on Capital Adequacy UCBs as provided in Annex 2;
 - c. Circular RPCD.RCB.BC.No.37/07.51.012/2014-15 dated October 29, 2014 on Risk Weights for calculation of CRAR as provided in Annex 3;
 - d. Master Direction DOR.CAP.REC.No.61/21.01.002/2021-22 dated October 26, 2021- Prudential Norms on Capital Adequacy for Local Area Banks (Directions), 2021 as provided in Annex 4;
 - e. Master Circular RPCD.CO.RRB.No.BC.44/05.03.095/2007-08 dated December 28, 2007 on Application of Capital Adequacy Norms to Regional Rural Banks as provided in Annex 5;
 - f. Master Direction DNBR.PD.008/03.10.119/2016-17 dated September 01, 2016 Non-Banking Financial Company Systemically Important Non-Deposit taking Company and Deposit taking Company (Reserve Bank) Directions, 2016 as provided in Annex 6; and
 - g. Master Direction DOR.FIN.HFC.CC.No.120/03.10.136/2020-21 dated February 17, 2021 Non-Banking Financial Company Housing Finance Company (Reserve Bank) Directions, 2021 as provided in Annex 7.

- The Directions mentioned above shall be accordingly updated.
- This circular is applicable to All Standalone Primary Dealers, Primary (Urban) Co-operative Banks, State and District Central Cooperative Banks, Local Area Banks, Regional Rural Banks, Systemically Important Non-Deposit taking Non-Banking Financial Companies (NBFC-ND-SIs) and Deposit taking Non-Banking Financial Companies (NBFC-Ds) and Housing Finance Companies (HFCs), as mentioned in Annex 1 to 7 respectively.
- · The revised instructions come into force with immediate effect.

RBI Notification No. RBI/2021-22/191 DOR. MRG.REC. 98/21.04.141/2021-22 Dated March 31, 2022

Master Direction - Classification, Valuation and Operation of Investment Portfolio of Commercial Banks (Directions), 2021 - Amendment

- Please refer to the Master Direction DOR.MRG.42/21.04.141/2021-22 dated August 25, 2021 'Classification, Valuation and Operation of Investment Portfolio of Commercial Banks (Directions), 2021' (hereinafter referred as 'Master Direction').
- In terms of Section 9 of the Master Direction ibid, investments classified under HTM shall be carried at acquisition cost, with the premium over the face value being amortised over the tenor of the instrument. It is expected that the acquisition of such instruments shall be at the fair value of the security at the time of its acquisition. This instruction also applies to recapitalisation bonds received from the Government of India towards banks' recapitalisation requirement and held in the investment portfolio (cf. Section 6 of the Master Direction ibid).
- It is clarified that investments in special securities received from the Government of India towards bank's recapitalisation requirement from FY 2021-22 onwards shall be recognised at fair value / market value on initial recognition in HTM. The fair value / market value of these securities shall be arrived on the basis of the prices / YTM of similar tenor Central Government securities put out by Financial Benchmarks India Pvt. Ltd. (FBIL). Any difference between the acquisition cost and fair value arrived as above shall be immediately recognized in the Profit and Loss Account.
- This circular is applicable to all Commercial Banks (excluding Regional Rural Banks).
- The relevant sections of the Master Direction are being amended to reflect the aforementioned changes. These instructions come into force with immediate effect.

RBI has issued following Master Circulars Dated 01/04/2022 which can accessed from the links given below;

Master Circular - Income Recognition, Asset Classification, Provisioning and Other Related Matters - UCBs	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2283&Mode=0
Master Circular – Housing Finance	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2282&Mode=0
Master Circular - Prudential norms on Income Recognition, Asset Classification and Provisioning pertaining to Advances	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2281&Mode=0
Master Circular - Bank Finance to Non-Banking Financial Companies (NBFCs)	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2280&Mode=0
Master Circular - Prudential Norms on Capital Adequacy - Primary (Urban) Co-operative	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1

Banks (UCBs)	2279&Mode=0	
Master Circular – Basel III Capital Regulations	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2278&Mode=0	
Master Circular – Lead Bank Scheme	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2277&Mode=0	
Master Circular - Guarantees and Co-acceptances	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2276&Mode=0	
Master Circular - Disbursement of Government Pension by Agency Banks	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2275&Mode=0	
Master Circular on Conduct of Government Business by Agency Banks - Payment of Agency Commission	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2274&Mode=0	
Master Circular – Detection and Impounding of Counterfeit Notes	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2273&Mode=0	
Master Circular - Guarantees, Co- Acceptances & Letters of Credit - UCBs	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2272&Mode=0	
Master Circular on Investments by Primary (Urban) Co-operative Banks	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2271&Mode=0	
Master Direction on Penal Provisions in deficiencies in reporting of transactions/ balances at Currency Chests	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2270&Mode=0	
Master Direction on Framework of Incentives for Currency Distribution & Exchange Scheme for bank branches including currency chests based on performance in rendering customer service to the members	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2269&Mode=0	

of public		
Master Circular – Scheme of Penalties for bank branches including Currency Chests for deficiency in rendering customer service to the members of public	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2268&Mode=0	
Master Circular - Asset Reconstruction Companies	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2267&Mode=0	
Master Circular on SHG-Bank Linkage Programme	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2266&Mode=0	
Master Circular – Facility for Exchange of Notes and Coins	https://www.rbi.org.in/Scri pts/NotificationUser.aspx/ NotificationUser.aspx?Id=1 2265&Mode=0	

RBI Notification No. RBI/2022-23/19 DOR. AUT. REC. 12/22.01.001/2022-23 Dated April 7, 2022 Establishment of Digital Banking Units (DBUs)

- In recent times, digital banking has emerged as the preferred banking service delivery channel in the country along with 'brick and mortar' banking outlets. Reserve Bank has been taking progressive measures to improve availability of digital infrastructure for banking services. In furtherance of this objective and as a part of efforts to accelerate and widen the reach of digital banking services, the concept of "Digital Banking Units" (DBUs) is being introduced by the Reserve Bank.
- In pursuance of announcements made in the Union Budget 2022-23, guidelines have been prepared for setting up of Digital Banking Units (DBUs) by commercial banks on the basis of recommendations of a Working Group formed by RBI which included representatives of banks and Indian Banks' Association (IBA).
- The guidelines for establishment of DBUs are detailed in the ANNEX. (https://www.rbi.org.in/Scripts/NotificationUser.aspx/NotificationUser.aspx?Id=12285&Mode=0)

RBI Notification No. RBI/2022-23/22 DOR. CRE. REC.No. 17/13.05.000/2022-23 Dated April 8, 2022

Master Circular - Management of Advances - UCBs

The Master Circular consolidates and updates all the instructions / guidelines issued on the subject up to April 7, 2022 as listed in the Appendix. It can be accessed at https://www.rbi.org.in/Scripts/NotificationUser.aspx/NotificationUser.aspx?Id=12288&Mode=0

RBI Notification No. RBI/2022-23/23 DOR. RET. REC. 15/12.01.001/2022-23 DATED April 8, 2022

Section 24 and Section 56 of the Banking Regulation Act, 1949 - Maintenance of Statutory Liquidity Ratio (SLR)

Please refer to circular DBR.No.Ret.BC.10/12.02.001/2018-19 dated December 05, 2018 and relative notification on the captioned subject.

- 2. As announced in the Statement on Developmental and Regulatory Policies on April 08, 2022, it has been decided to institute the Standing Deposit Facility (SDF) with immediate effect. Accordingly, it is decided that the balances held by banks with the RBI under the SDF shall be an eligible Statutory Liquidity Ratio (SLR) asset and such balances shall form part of "Cash" for SLR maintenance. Banks shall report the SDF balances under "Cash in hand" in Form VIII or Form I, as applicable.
- 3. The balances held by banks with RBI under the SDF shall not be eligible for Cash Reserve Ratio (CRR) maintenance.

RBI Notification No. RBI/2022-23/25 DOR. LRG.REC. 19/21.04.098/2022-23 Dated April 18, 2022

Basel III Framework on Liquidity Standards – Liquidity Coverage Ratio (LCR)

- Please refer to our circular DOR.BP.BC.No.65/21.04.098/2019-20 dated April 17, 2020 on Basel III Framework on Liquidity Standards – Liquidity Coverage Ratio (LCR).
- In terms of the circular ibid, the assets allowed as Level 1 High Quality Liquid Assets (HQLAs) for the purpose of computing the LCR, inter alia, include (a) Government securities in excess of the mandatory SLR requirement and (b) within the mandatory SLR requirement, Government securities to the extent allowed under (i) Marginal Standing Facility (MSF) and (ii) Facility to Avail Liquidity for Liquidity Coverage Ratio (FALLCR) [15 per cent of the banks' Net Demand and Time Liabilities (NDTL)].
- Since MSF has been reduced to 2 per cent from 3 per cent of NDTL from January 1, 2022, the total HQLA carve out from the mandatory SLR, which can be reckoned for meeting LCR requirement, has reduced to 17 per cent of NDTL (2 per cent MSF plus 15 per cent FALLCR) from 18 percent.
- On a review, it has been decided to permit banks to reckon Government securities as Level 1 HQLA under FALLCR within the
 mandatory SLR requirement up to 16 per cent of their NDTL. Accordingly, the total HQLA carve out from the mandatory SLR,
 which can be reckoned for meeting LCR requirement will be 18 per cent of NDTL (2 per cent MSF plus 16 per cent FALLCR).
- This circular is applicable to all Commercial Banks other than Regional Rural Banks, Local Area Banks and Payments Banks.
- These instructions shall come into force with immediate effect.

RBI has issued following Circulars Dated 19/04/2022 which can accessed from the links given below;

Disclosures in Financial Statements- Notes to Accounts of NBFCs	https://www.rbi.org.in/Scripts/ NotificationUser.aspx/Notifica tionUser.aspx?Id=12292&Mod e=0	
Consolidated Circular on Opening of Current Accounts and CC/OD Accounts by Banks	https://www.rbi.org.in/Scripts/ NotificationUser.aspx/Notifica tionUser.aspx?Id=12293&Mod e=0	
Loans and Advances – Regulatory Restrictions - NBFCs	https://www.rbi.org.in/Scripts/ NotificationUser.aspx/Notifica tionUser.aspx?Id=12294&Mod e=0	
Limits for investment in debt and sale of Credit Default Swaps by Foreign Portfolio Investors (FPIs)	https://www.rbi.org.in/Scripts/ NotificationUser.aspx/Notifica tionUser.aspx?Id=12295&Mod e=0	
Scale Based Regulation (SBR) for NBFCs: Capital requirements for Non-Banking Finance Companies – Upper Layer (NBFC-UL)	https://www.rbi.org.in/Scripts/ NotificationUser.aspx/Notifica tionUser.aspx?Id=12296&Mod e=0	
Issue and regulation of share capital and securities - State Co-operative Banks and District Central Co-operative Banks	https://www.rbi.org.in/Scripts/ NotificationUser.aspx/Notifica tionUser.aspx?Id=12297&Mod e=0	
Large Exposures Framework for Non-Banking Financial Company - Upper Layer	https://www.rbi.org.in/Scripts/ NotificationUser.aspx/Notifica tionUser.aspx?Id=12298&Mod	

(NBFC-UL)	e=0

RBI Notification No. RBI/2022-23/92 DoR. AUT. REC.No. 27/24.01.041/2022-23 Dated April 21, 2022

Master Direction - Credit Card and Debit Card - Issuance and Conduct Directions, 2022

The Detailed Guideline can be accessed at;

https://www.rbi.org.in/Scripts/NotificationUser.aspx/NotificationUser.aspx?Id=12300&Mode=0

RBI Notification No. RBI/2022-23/34 DOR. CRE.REC. 28/21.04.048/2022-23 Dated April 21, 2022

Legal Entity Identifier (LEI) for Borrowers

- Please refer to Para 3 of DBR.No.BP.BC.92/21.04.048/2017-18 dated November 2, 2017, on the captioned subject.
- On a review, it has been decided that the guidelines on LEI stand extended to Primary (Urban) Co-operative Banks (UCBs) and Non-Banking Financial Companies (NBFCs). It is further advised that non-individual borrowers enjoying aggregate exposure of ₹ 5 crore and above from banks1 and financial institutions (FIs)2 shall be required to obtain LEI codes as per the timeline given in the Annex.
- "Exposure" for this purpose shall include all fund based and non-fund based (credit as well as investment) exposure of banks/FIs to the borrower. Aggregate sanctioned limit or outstanding balance, whichever is higher, shall be reckoned for the purpose. Lenders may ascertain the position of aggregate exposure based on information available either with them, or CRILC database or declaration obtained from the borrower.
- Borrowers who fail to obtain LEI codes from an authorized Local Operating Unit (LOU) shall not be sanctioned any new
 exposure nor shall they be granted renewal/enhancement of any existing exposure. However, Departments/Agencies3 of
 Central and State Governments (not Public Sector Undertakings registered under Companies Act or established as Corporation
 under the relevant statute) shall be exempted from this provision.
- These directions are issued under sections 21, 35A and 56 of the Banking Regulation Act, 1949, sections 45JA and 45L of the Reserve Bank of India Act, 1934, section 30A of the National Housing Bank Act, 1987 and section 6 of the Factoring Regulation Act, 2011.

Annex

Timeline for obtaining LEI by borrowers		
Total Exposure	LEI to be obtained on or before	
Above ₹ 25 crore	April 30, 2023	
Above ₹ 10 crore, up to ₹ 25 crore	April 30, 2024	
₹ 5 crore and above, up to ₹ 10 crore	April 30, 2025	

- 1 "Banks" shall mean Scheduled Commercial Banks (excluding Regional Rural Banks), Local Area Banks, Small Finance Banks and Primary (Urban) Co-operative Banks
- 2 "Financial Institutions" (FIs) shall mean All India Financial Institutions (Exim Bank, SIDBI, NHB, NABARD and NaBFID) and NBFCs (including HFCs)
- A government agency is an administrative set up of the government, responsible for certain area/s of activity, e.g., ISRO, BIS, DGCA, etc.