

Banking Laws (Amendment) Act, 2012, (Central)

Schedule - the Schedule

THE SCHEDULE

(See section 17)

Sl. No.

Short Title

Amendment

1.

The Indian Contracts Act, 1872(9 of 1872).

Saving of a guarantee agreement of a bank or a financial institution.

In section 28, after Exception 2, the following Exception shall be inserted, namely;--

Exception 3.--This section shall not render illegal a contract in writing by which any bank or financial institution stipulate a term in a guarantee or any agreement making a provision for guarantee for extinguishment of the rights or discharge of any party thereto from any liability under or in respect of such guarantee or agreement on the expiry of a specified period which is not less than one year from the date of occurring or non-occurring of a specified event for extinguishment or discharge of such party from the said liability.

Explanation.--

(i) In Exception 3, the expression "bank" means--

(a) a "banking company" as defined in clause (c) of section 5 of the Banking Regulation Act, 1949(10 of 1949);

(b) "a corresponding new bank" as defined in clause (da) of section 5 of the Banking Regulation Act, 1949(10 of 1949);

(c) "State Bank of India" constituted under section 3 of the State Bank of India Act, 1955(23 of 1955);

(d) "a subsidiary bank" as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959(38 of 1959);

(e) "a Regional Rural Bank" established under section 3 of the Regional Rural Banks Act, 1976(21 of 1976);

(f) "a Co-operative Bank" as defined in clause (cci) of section 5 of the Banking Regulation Act, 1949(10 of 1949);

(g) "a multi-State co-operative bank" as defined in clause (cciiia) of section 5 of the Banking Regulation Act, 1949(10 of 1949); and

(ii) In Exception 3, the expression "a financial institution" means any public financial institution within the meaning of section 4A of the Companies Act, 1956(1 of 1956).

2.

Indian Stamp Act, 1899. (2 of 1899).

Conversion of a branch of any bank into a wholly owned subsidiary of bank or transfer of shareholding of a bank to a holding company of bank not liable to duty.

After section 8D, the following section shall be inserted, namely:--

8E. Notwithstanding anything contained in this Act or any other law for the time being in force,--

(a) conversion of a branch of a bank into a wholly owned subsidiary of the bank or transfer of shareholding of a bank to a holding company of the bank in terms of the scheme or guidelines of the Reserve Bank of India shall not be liable to duty under this Act or any other law for the time being in force; or

(b) any instrument, including an instrument of, or relating to, transfer of any property, business, asset whether movable or immovable, contract, right, liability and obligation, for the purpose of, or in connection with, the conversion of a branch of a bank into a wholly owned subsidiary of the bank or transfer of shareholding of a bank to a holding company of the bank in terms of the scheme or guidelines issued by the Reserve Bank of India in this behalf, shall not be liable to duty under this Act or any other law for the time being in force.

Explanation.--

(i) For the purposes of this section, the expression "bank" means-

(a) "a banking company" as defined in clause (c) of section 5 of the Banking Regulation Act, 1949(10 of 1949);

(b) "a corresponding new bank" as defined in clause (da) of section 5 of the Banking Regulation Act, 1949(10 of 1949);

(c) "State Bank of India" constituted under section 3 of the State Bank of India Act, 1955(23 of 1955);

(d) "a subsidiary bank" as defined in clause (A) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959(38 of 1959);

(e) "a Regional Rural Bank" established under section 3 of the Regional Rural Banks Act, 1976(21 of 1976);

(f) "a Co-operative Bank" as defined in clause (cci) of section 5 of the Banking Regulation Act, 1949(10 of 1949);

(g) "a multi-State co-operative bank" as defined in clause (cciiia) of section 5 of the Banking Regulation Act, 1949(10 of 1949);

(ii) For the purposes of this section, the expression the "Reserve Bank of India" means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934(2 of 1934).

3.

The Reserve Bank of India Act, 1934. (2 of 1934).

In section 8, in sub-section (4), for the words "thereafter until his successor shall have been nominated", the following shall be substituted, namely:--

"shall be eligible for reappointment:

Provided that any such Director shall not be appointed for more than two terms, that is, for a maximum period of eight years either continuously or intermittently".

4.

The Reserve Bank of India Act, 1934 (2 of 1934).

In section 9, in sub-section (3), for the words "thereafter until his successor shall have been appointed and shall be eligible for reappointment", the following shall be substituted, namely:--

"shall be eligible for reappointment:

Provided that any such member shall not be appointed for more than two terms, that is, for a maximum period of eight years either continuously or intermittently".

5.

The State Financial Corporation Act, 1951 (63 of 1951).

In section 7, in sub-section (3), the words and figures "and the Banking Regulation Act, 1949(10 of 1949)" shall be omitted.

6.

The State Bank of India Act, 1955 (23 of 1955).

In section 12, the words and figures "and the Banking Regulation Act, 1949(10 of 1949)" shall be omitted.

7.

The State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959).

In section 20, the words and figures "and the Banking Regulation Act, 1949(10 of 1949)" shall be omitted.

8.

The Warehousing Corporations Act, 1962(58 of 1962).

In section 5, the words and figures "and the Banking Regulation Act, 1949(10 of 1949)" shall be omitted.

9.

The Regional Rural Banks Act, 1976(21 of 1976).

In section 7, the words and figures "and shall also be deemed to be approved securities for the purposes of the Banking Regulation Act, 1949(10 of 1949)" shall be omitted.

10.

The Industrial Finance Corporation (Transfer of Undertaking and Repeal) Act, 1993 (23 of 1993).

In section 10, the words and figures "and the Banking Regulation Act, 1949(10 of 1949)" shall be omitted.

11.

The Industrial Reconstruction Bank (Transfer of Undertakings and Repeal) Act, 1997 (7 of 1997).

In section 11, the words and figures "and the Banking Regulation Act, 1949(10 of 1949)" shall be omitted.

12.

The Unit Trust of India (Transfer of Undertakings and Repeal) Act, 2002(58 of 2002).

In section 17, the words and figures "and the Banking Regulation Act, 1949(10 of 1949)" shall be omitted.