



ASSOCIATION FOR  
FINANCIAL  
PROFESSIONALS

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# CASH AND TREASURY MANAGEMENT COUNTRY REPORT

# INDIA

# Executive Summary

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## Banking

The Reserve Bank of India (RBI) is fully owned by the Indian government and is charged with maintaining monetary stability by directing lending and deposit rates. In addition, the RBI is responsible for foreign exchange management, currency issuance and regulation of the financial system via the Board for Financial Supervision.

The RBI compiles balance of payments data as required by the Foreign Exchange Management Act. Banks that undertake foreign exchange transactions must submit returns and supporting documents.

Residents and certain non-residents may hold accounts denominated in Indian rupees (INR) or in foreign currency both in India and abroad. However, there are a number of restrictions to the different types of accounts permitted.

India's banking system is dominated by state-owned commercial and development banks, which provide the majority of financing for domestic and foreign companies. Forty-six foreign banks have established operations in India, but there are restrictions on acquisitions and the expansion of branch networks.

## Payments

As well as a recently upgraded real-time gross settlement (NG-RTGS) system for high-value electronic payments, India operates a number of payment systems for processing paper-based and retail electronic instruments. India's vast geography requires a network of over 10,000 access points to its various payment systems.

Debit cards are a commonly used cashless payment instrument in terms of volume and credit transfers are the mostly widely used in terms of value. Checks and drafts are also commonly used instruments for commercial transactions in India, but cash is the dominant payment method for medium- and small-value transactions. Electronic wallet and mobile wallet payment methods are hugely popular and are being actively encouraged by the government.

## Liquidity Management

Although interest is not permitted to be paid on current account balances, a range of short-term investment options – including treasury bills, commercial paper, certificates of deposit and term deposits – are available.

There are a number of regulatory and tax restrictions on liquidity management, particularly for non-resident firms, with the result that most techniques are focused on single-entity, domestic rather than cross-border optimization of cash.

Notional pooling and multilateral netting are not permitted under Indian law.

## Trade Finance

Despite government initiatives aimed at increasing exports, Indian regulations on imports and exports remain comparatively complex and bureaucratic. However, 222 special economic zones have been established which offer tax concessions to exporters that include tax holidays for up to 15 years and permit export-oriented firms to be foreign owned.

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# PNC's International Services

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*PNC can bring together treasury management, foreign exchange, trade finance and credit capabilities to support your international needs in a coordinated and collaborative way.*

## International Funds Transfers

International Funds Transfers to over 130 countries in USD and foreign currency can be accessed through PINACLE®, PNC's top-rated, online corporate banking portal.

## Multicurrency Accounts

Set up demand deposit accounts that hold foreign currency instead of U.S. dollars. These accounts offer a simple and integrated way to manage and move money denominated in more than 30 currencies, including offshore Chinese Renminbi. You can easily view deposit and withdrawal details through PINACLE.

## PNC Bank Canada Branch ("PNC Canada")

PNC Bank, through its full service branch in Canada, can help you succeed in this important market. PNC Canada offers a full suite of products including payables, receivables, lending, and specialized financing to help streamline cross border operations.

## Multibank Services

PNC's Multibank Services provide you with balances and activity for all your accounts held with PNC and other financial institutions around the world. PINACLE's Information Reporting module can give you a quick snapshot of your international cash position, including USD equivalent value, using indicative exchange rates for all your account balances. You can also initiate Multibank Transfer Requests (MT101s), and reduce the time and expense associated with subscribing to a number of balance reporting and transaction systems.

## Establish accounts in foreign countries

Establishing good banking relationships in the countries where you do business can simplify your international transactions. PNC offers two service models to help you open and manage accounts at other banks in countries outside the United States.

- PNC Gateway Direct comprises an increasing number of banks located in many European countries and parts of Latin America. PNC's team will serve as a

point of contact for setting up the account helping with any language and time barriers and will continue to serve as an intermediary between you and the bank you select. You can access reporting and make transfers via PINACLE.

- PNC's Gateway Referral service can connect you to a correspondent banking network that comprises more than 1,200 relationships in 115 countries.

## Foreign Exchange Risk Management

PNC's senior foreign exchange consultants can help you develop a risk management strategy to mitigate the risk of exchange rate swings so you can more effectively secure pricing and costs, potentially increasing profits and reducing expenses.

## Trade Services

PNC's Import, Export, and Standby Letters of Credit can deliver security and convenience, along with the backing of an institution with unique strengths in the international banking arena. PNC also provides Documentary Collections services to both importers and exporters, helping to reduce payment risk and control the exchange of shipping documents. We assign an experienced international trade expert to each account, so you always know your contact at PNC and receive best-in-class service. And PNC delivers it all to your computer through advanced technology, resulting in fast and efficient transaction initiation and tracking.

## Trade Finance

For more than 30 years, PNC has worked with the Export-Import Bank of the United States (Ex-Im Bank) and consistently ranks as a top originator of loans backed by the Ex-Im Bank both by dollar volume and number of transactions.<sup>1</sup>

## Economic Updates

Receive regular Economic Updates from our senior economist by going to [pnc.com/economicreports](http://pnc.com/economicreports).

(1) Information compiled from Freedom of Information Act resources.

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# Financial Environment

## Country Information

### Geographical Information

<b>Capital</b>	New Delhi
<b>Area</b>	3,287,263 km <sup>2</sup>
<b>Population</b>	1,365 million
<b>Official languages</b>	English, Hindi
<b>Political leaders</b>	Head of state — President Ram Nath Kovind (since July 20, 2017) Head of government — Prime Minister Narendra Modi (since May 26, 2014)

### Business Information

<b>Currency (+ SWIFT code)</b>	Indian rupee (INR)
<b>Business banking hours</b>	Business hours: 09:30–17:30 (Mon–Fri) 09:30–14:00 (Sat) Banking hours: 10:00–15:00 (Mon–Fri), 10:00–13:00 (Sat)
<b>Bank holidays</b>	2019 — February 9, 23, March 9, 21*, 23, April 1, 6*, 13, 14, 17*, 19, 27, May 1, 11, 18*, 25, June 5*, 8, 22, July 13, 27, August 10, 12*, 15, 19*, 24, September 10*, 14, 28, October 2, 12, 26, 29*, November 9*, 23, December 14, 25, 28 2020 — January 11, 25, 26, February 8, 19*, 21*, 22, March 9*, 14, 25*, 28, April 1, 2*, 6*, 10, 11, 14, 25, May 1, 7*, 9, 23, 24*, June 13, 27, July 11, 25, 31*, August 8, 15, 19*, 20*, 22, 29*, September 12, 26, October 2, 10, 24, 25*, 29*, November 14, 16*, 17*, 28, 29*, December 12, 25, 26 <small>*The date shown may vary by plus or minus one day. These dates are derived by converting from a non-Gregorian calendar (e.g., Muslim or Hindu) to the Gregorian calendar. Some of these dates cannot be determined in advance with absolute accuracy, even by the governing authorities. In the case of Muslim dates in particular, the feast days are determined by the sighting of a new/full moon.</small> Source: <a href="http://www.goodbusinessday.com">www.goodbusinessday.com</a> .
<b>International dialing code</b>	+ 91

## Country Credit Rating

FitchRatings last rated India on November 15, 2018 for issuer default as:

Term	Issuer Default Rating
Short	F3
Long	BBB -
Long-term rating outlook	Stable

Source: [www.fitchratings.com](http://www.fitchratings.com), January 2019.

## Economic Statistics

<b>Economics Table</b>		<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>GDP per capita</b>	<b>(USD)</b>	1,474	1,504	1,580	1,614	1,714
<b>GDP</b>	<b>(INR billion)</b>	99,513	112,728	124,882	135,761	152,510
<b>GDP</b>	<b>(USD billion)</b>	1,862	1,924	2,046	2,116	2,269
<b>GDP volume growth*</b>	<b>(%)</b>	+ 5.4	+ 6.3	+ 7.1	+ 7.8	+ 7.1
<b>BoP (goods, services &amp; income) as % GDP</b>		- 8.4	- 5.9	- 4.5	- 4.1	- 3.0
<b>Consumer inflation*</b>	<b>(%)</b>	+ 9.3	+ 10.9	+ 6.6	+ 4.9	+ 4.9
<b>Population</b>	<b>(million)</b>	1,264	1,280	1,295	1,311	1,324
<b>Unemployment</b>	<b>(%)</b>	NA	NA	NA	NA	NA
<b>Interest rate (discount rate)†</b>	<b>(%)</b>	9.00	8.75	9.00	7.75	6.75
<b>Exchange rate‡</b>	<b>(INR per USD)†</b>	53.437	58.598	61.030	64.152	67.195

  

		<b>2017</b>		<b>2018</b>		
		<b>Q4</b>	<b>Year</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>
<b>GDP per capita</b>	<b>(USD)</b>	-	1,924	-	-	-
<b>GDP</b>	<b>(INR billion)</b>	-	167,732	-	-	-
<b>GDP</b>	<b>(USD billion)</b>	-	2,576	-	-	-
<b>GDP volume growth*</b>	<b>(%)</b>	NA	+ 6.7	NA	NA	NA
<b>BoP (goods, services &amp; income) as % GDP</b>		-	- 3.8	-	-	-
<b>Consumer inflation*</b>	<b>(%)</b>	+ 4.6	+ 2.5	+ 4.7	+ 4.0	+ 5.6
<b>Population</b>	<b>(million)</b>	-	1,339	-	-	-
<b>Unemployment</b>	<b>(%)</b>	NA	NA	NA	NA	NA
<b>Interest rate (discount rate)†</b>	<b>(%)</b>	6.25	6.25	6.25	6.50	6.75
<b>Exchange rate‡</b>	<b>(INR per USD)†</b>	64.729	65.122	64.344	66.990	70.152

\*Year on year. †Period average. ‡Market rate.

Source: *International Financial Statistics, IMF*, January 2019 and 2018 Yearbook.

**Sectoral Contribution as a % of GDP**

Agriculture - 15.4%

Industry - 23%

Services - 61.5% (2016 est.)

**Major Export Markets**

USA (15.6%), United Arab Emirates (10.2%), Hong Kong (4.9%), China (4.3%)

**Major Import Sources**

China (16.3%), USA (5.5%), United Arab Emirates (5.2%), Saudi Arabia (4.8%), Switzerland (4.7%).

# Political and Economic Background

## Economics

### Interest Rate Management Policy

The Reserve Bank's Monetary Policy Department (MPD) assists the Governor in formulating the monetary policy, maintaining monetary stability through the Financial Markets Operations Department (FMOD), which operationalizes the monetary policy, mainly through day-to-day liquidity management operations.

### Foreign Exchange Rate Management Policy

The Indian rupee (INR) floats on the foreign exchange market but is subject to intervention by the RBI. The RBI intervenes in the market dealing in USD spot and forward, with authorized dealers.

### Major Economic Issues

India is the world's fastest growing large economy. In Q1 of the 2018-19 financial year (ending June 30), India's economy grew 8.2%, slipping to 7.1% in Q2. The government has forecast annual growth of 7-8% and predicts GDP will double to USD 5 trillion by 2025. In a recent report, the IMF identified three measures that India needs to take to sustain its high growth rate: banking sector reform, simplifying the GST and renewing impetus on reforms, such as those in respect to labor and land.

Although economic growth in India has brought significant increases in incomes, the benefits have been slow to filter through to a population of over one billion, a large proportion of which still works in the agricultural sector. As such, reform of labor laws and infrastructure investment remain key priorities for the government. It is estimated that USD 1 trillion is required to overhaul the country's ports, airways and highways, but funding is limited by the country's fiscal deficit; the deficit for FY2019 is likely to be USD 94.13 billion due to a shortfall in tax collections. The government is unlikely to meet its commitment to keep the deficit within 3.3% of GDP for 2019. The World Bank has questioned India's fiscal stability and its ability to fund infrastructure projects and social development programs and has pledged a number of loans to support India's infrastructure spending and boost social development programs. The government will invest INR 5.97 trillion in creating and updating infrastructure in 2018-19.

India's government hopes to part fund future infrastructure investment through a series of privatizations, but this is limited by the country's Common Minimum Program, which commits the coalition government to not divesting more than 50% of profitable state-owned companies. There is also further scope for reform of foreign investment policies, as tariffs and limits on foreign direct investment remain in some areas, despite the overall relaxation of controls on foreign trade and investment. Net FDI into India in 2018 was USD 38 billion. In its latest Ease of Doing Business ranking, India rose from 100 to 77 in the ranking.

India's relations with its biggest export partner, the USA, continue to be strained. In May 2018, India failed to secure an exemption to the USA's tariffs on steel and aluminium and subsequently announced it would impose import duties on a number of US items, including almonds, walnuts, steel and iron products. Implementation of the tariffs has been deferred four times and are scheduled to come in to effect on January 31, 2019.

The government has implemented restrictions on the import of non-essential items to contain the widening current account deficit (2.5% of GDP) and the fall in the value of the INR.

In December 2018, India and the UAE signed a currency swap agreement to boost trade and investment to reduce dependence on the US dollar. Trade between the two countries is worth over USD 50 billion annually.

## Politics

### Government Structure

India is a federal republic with a central government elected by popular vote every five years. (India is the world's most populous democracy.) The country consists of 28 states, which have a governor appointed by the president, and seven union territories. Central government has more control over the union territories than the states, but some territories have been recently granted more autonomy.

### Executive

India's president is chosen every five years by an electoral college made up of elected members of both chambers of the Sansad (India's parliament) and the legislatures of the states. The last election was held in July 2017 when Ram Nath Kovind, former Bihar Governor, was elected.

The prime minister is formally elected by the members of the majority party after elections to the legislature.

### Legislature

India's national legislature is the Sansad, a bicameral parliament.

The upper house is the Council of States (Rajya Sabha), which consists of a maximum of 250 members. The president may appoint up to 12 members of the council; the state and territorial assemblies choose the remainder. All members serve for six years.

The lower house is known as the People's Assembly (Lok Sabha). Elections for 543 of its 545 seats are held every five years; the two remaining seats are filled by presidential appointees.

The next election is scheduled to be held in 2019.

### International memberships

India is a member of G-15, the World Trade Organization and the South Asian Association for Regional Cooperation, as well as a dialogue partner in the Association of South Eastern Asian Nations (ASEAN). India is also a member of the Asian Clearing Union (ACU) and the Bank for International Settlements (BIS).

## Major Political Issues

In 2014, Hindu nationalist Narendra Modi led the BJP to a landslide parliamentary election victory, capitalizing on widespread disappointment at the pace of India's recent economic development. Modi's victory was built around his economic record as chief minister in the state of Gujarat and a pledge to revitalize economic reform in India. Economic reform is a controversial issue in India, as it has been blamed for creating a greater economic divide between rural and urban India, resulting in rapid depopulation in some areas. A third of the population lives below the poverty line, and lack access to quality education (it is estimated that over 100,000 schools in the country have just one teacher) and healthcare (in September 2018, the government launched a National Health Protection Scheme with the aim of helping 100 million vulnerable families). The creation of ten million jobs a year was a key election promise in 2014 but in 2018, almost 11 million Indians lost their jobs, 9.1 million in rural areas, and the total number of employed in December 2018 was 397 million, 10.9 million less than in December 2017. As such, the government has received much criticism for not doing enough to create job opportunities and for failing to overhaul the country's labor laws; in January 2019 the government announced an amendment to the Constitution to ensure that 10% of jobs would be reserved for the economically deprived sections of the Upper Castes which currently do not get such reservations. Failure to make good on his election promises and his government's economic policies introduced since taking office have been blamed for protests taking place across India - in January 2019 nearly 150 million employees went on a two-day strike to protest against the government's 'anti-labor' policies. The BJP party has recently lost control of three states in assembly polls and it is expected that the national election, to be held in May 2019, will be closely fought.

Internationally, India has a historically tense relationship with its Muslim neighbor, Pakistan, mainly due to the disputed territory of Kashmir and competition over nuclear weapons. Its relationship with Pakistan has affected the country's longstanding relations with China, given China investment in Kashmir. Relations with China deteriorated further in June 2017 over the disputed Doklam border area, but relations have since thawed and the country's two leaders have pledged to strengthen bilateral ties.

India is actively building on and developing diplomatic and economic ties with in the Middle East, Japan (Japan has made some investment in infrastructure projects within India and in 2017, a bilateral civilian nuclear cooperation agreement came into force that enables Japan to export its nuclear power technology to India), Africa and ASEAN member states. ASEAN member states and India have the set target of at least USD 200 billion in two-way trade by 2022, and are pursuing an early conclusion of a Regional Comprehensive Economic Partnership agreement.

India is a member of the Shanghai Cooperation Organization (SCO) alongside China, Kazakhstan, Kyrgyzstan, Pakistan, Russia, Tajikistan, and Uzbekistan. SCO membership is expected to give India a louder voice on matters of security and defence in the region. It will also offer the country greater access to oil and gas exploration projects in Central Asia.

# Taxation

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## Resident/Non-resident

A company is resident in India in any tax year, if it is incorporated on India or if its place of effective management, in that year, is in India.

A partnership firm, LLP or other non-individual entity is considered resident in India if any part of the control and management of its affairs takes place in India.

## Tax Authorities

Income Tax Department; Authority for Advance Rulings.

## Tax Year/Filing

The corporation tax year is based on earnings during the financial year April 1 to March 31.

Taxes on income in a fiscal year usually paid in the next fiscal year ('assessment' year). Companies must submit a final return by September 30 (November 30 for companies required to file a certificate on international transactions (see 'Transfer pricing')) of the assessment year, stating income, expenses, taxes paid and taxes due for the preceding tax year. Returns for non-corporate taxpayers that are required by law to have their accounts audited also are due on September 30. All other taxpayers must submit a return by July 31. Taxpayers claiming tax holidays or carrying forward tax losses must file their returns on or before the due date.

Companies must make four advance payments of their income tax liabilities during the accounting year on: June 15 (15% of total tax payable); September 15 (30% of total tax payable, cumulative amount 45% of total tax payable); December 15 (30% of total tax payable, cumulative amount 75% of total tax payable) and March 15 (25% of total tax payable, cumulative amount 100% of total tax payable).

Consolidated returns are not permitted and each company must file a separate return.

## Corporate Taxation

Resident companies are taxed on their worldwide income. Foreign companies are chargeable to tax on the income derived from Indian sources.

Indian-source income may include capital gains arising from the transfer of any share or interest in a company or entity registered or incorporated outside India if the share or interest directly or indirectly derives its substantial value from assets located in India. Foreign-source income derived by a resident company is subject to corporation tax in the same way as Indian income. A branch of a foreign corporation is taxed as a foreign corporation.

Domestic companies are liable to tax at 30% and foreign companies and branches of foreign



companies at 40%. A 25% rate, plus the surcharge and cess is applicable for financial year 2017-18 to domestic companies with total turnover or gross receipts of up to INR 500 million in financial year 2015-16.

A 7% surcharge applies to domestic companies whose income exceeds INR 10 million (2% for foreign companies); a 12% surcharge applies if income exceeds INR 100 million (5% for foreign companies). An additional 3% cess is payable in all cases.

Taking into account the surcharge and cess, the highest effective rate is 34.608% for domestic companies and 43.26% for foreign companies.

Dividends paid by a domestic company are subject to dividend distribution tax (DDT) at 15% of the aggregate dividend declared, distributed or paid. The DDT payable is required to be grossed up. The effective rate is 20.3576%, including a 12% surcharge and a 3% education cess. Dividends subject to DDT are exempt from tax in the hands of the recipient. As from April 1, 2017, an additional income tax of 10% (plus surcharge and cess) applies on a gross basis on dividend income that is declared distributed or paid by a domestic company to a resident individual, a Hindu Undivided Family or partnership firm if the aggregate dividend income of the recipient exceeds INR 1 million per annum.

Dividends received from a foreign company generally are subject to corporation tax, with credit for any foreign tax paid. However, dividends received by an Indian company from a foreign company in which the Indian company holds at least 26% of the equity shares are subject to tax at a reduced base rate of 15% on the gross income. A surcharge and cess also are imposed.

Dividends paid by a domestic company that are liable to DDT may be reduced by:

- The amount of dividends received from a domestic subsidiary company during the financial year, if the subsidiary has paid DDT; and
- Dividends received from a foreign subsidiary company, provided tax is payable on such dividend income by the domestic company at the reduced base rate of 15%.

A Minimum Alternate Tax (MAT) is imposed at 18.5% (plus any applicable surcharge and cess) on the adjusted book profits of corporations whose tax liability is less than 18.5% of their book profits. MAT does not apply to certain income of foreign companies, including capital gains on transactions involving securities, interest, royalties and fees for technical services. A credit is available for MAT paid against tax payable on normal income, which may be carried forward for offset against income tax payable in subsequent years. As from April 1, 2017, the tax credit may be carried forward for up to 15 years.

Any person other than a corporation (including an LLP) is liable to an alternate minimum tax (AMT) at 18.5% (plus any applicable surcharge and cess) of the adjusted total income where the normal income tax payable is less than the AMT. AMT also is imposed on a person eligible for investment-linked incentives. The adjusted total income is the total income before giving effect to the AMT provisions as increased by certain deductions claimed in computing the total income, including the tax holiday claimed by units in a Special Economic Zone (SEZ). The base for computation of AMT for

non-corporate taxpayers therefore differs from that for computing MAT in the case of corporations.

A deduction of up to 200% (restricted to 150% as from financial year 2017-18 and 100% as from financial year 2020-21) is available in respect of capital and revenue expenditure on scientific research conducted in-house by specified industries, and for payments made to specified organisations for scientific research.

A deduction of 150% is available for expenditure incurred on a “notified” agricultural extension or skill development project.

As from 2017-18, an investment-linked incentive in the form of 100% deduction is available for developing and/or maintaining and operating an infrastructure facility.

A deduction of 150% as from financial year 2017-18 (limited to 100% as from 2020-21) is available for capital expenditure on scientific research conducted in-house by specified industries and for payments made to specified organisations for scientific research.

A deduction of 150% (reduced to 100% as from financial year 2017-18) is available for capital expenditure (other than expenditure incurred on the acquisition of land, goodwill or financial instruments) incurred by businesses on setting up and operating cold chain facilities or warehousing facilities, building and operating a hospital with 100 beds, investing in housing projects under a scheme for affordable housing or producing fertilizers in India. As from 2017-18, an investment-linked incentive in the form of 100% deduction is available for developing and/or maintaining and operating an infrastructure facility.

Capital expenditure incurred either prior or post-commencement of business and actually paid for the right to use spectrum for telecommunications services (spectrum fees for auction of airwaves) will be allowed as deduction over the period of the right to use the spectrum.

A deduction of 100% of the profits derived by an eligible start-up from an eligible business may be elected by the taxpayer for any three consecutive assessment years out of the seven years beginning from the year of incorporation (for companies set up on or after April 1, 2016 and before April 1, 2019).

A concessional tax rate of 10% (plus the surcharge and cess) is applicable on gross income arising from royalties in respect of a patent developed and registered in India by a person resident in India. No deduction is allowed for any expenditure or allowance in respect of such royalty income.

Undertakings set up in SEZs are exempt from tax on their export profits, subject to compliance with other conditions. Other tax holidays are available based on industry and region.

Business losses and capital losses may be carried forward for eight years, with short-term losses offsetting capital gains on both long and short-term assets, and long-term losses offsetting only long-term gains. Other than unabsorbed depreciation (which may be carried forward indefinitely), losses may be carried forward only if the tax return is filed by the due date. Unabsorbed depreciation may be offset against any income, whereas business losses may be offset only against business profits.

Losses incurred from the letting out of house property may be offset against other heads of income only up to INR 200,000. Unabsorbed losses from house property may be carried forward for up to eight years for offset against the income from house property of subsequent years.

### Advance Tax Ruling Availability

The Authority for Advance Rulings (AAR) issues rulings on the tax consequences of transactions or proposed transactions with non-residents. It is also able to issue rulings in relation to tax liability of residents in prescribed cases. From April 1, 2015, AAR is able to issue rulings on whether an arrangement is an impermissible avoidance arrangement. Rulings are binding on the applicant and the tax authorities for the specific transaction(s). Advance pricing agreements are also possible.

### Withholding Tax (Subject to Tax Treaties)

Payments to:	Interest	Dividends	Royalties	Technical service fees	Branch remittances
Resident companies*	10%	None	10%	10%	NA
Non-resident companies	5%/20%	None	10%	10%	None

\* Plus applicable surcharge and cess.

#### Interest

Interest paid to a non-resident on a foreign currency borrowing or debt is generally subject to a 20% withholding tax, plus the applicable surcharge and cess. The rate may be reduced under a tax treaty.

Interest paid to a non-resident on an infrastructure debt fund set up in accordance with guidelines prescribed by the government is subject to a 5% withholding tax, plus the applicable surcharge and cess.

Interest paid to a non-resident on debt incurred under a loan agreement or through the issue of long-term bonds including long-term infrastructure bonds issued by an Indian company in foreign currency, is subject to a 5% withholding tax, plus the applicable surcharge and cess, if the loan agreement is approved by the central government and the funds are borrowed between July 1, 2012 and June 30, 2017. The 5% withholding tax (plus applicable surcharge and cess) is also applicable to interest paid between June 1, 2013 and June 30, 2017 on a rupee-denominated bond of an Indian company, or a government security subscribed for by a foreign institutional investor or a qualified foreign investor.

If the non-resident does not have a Permanent Account Number (PAN), i.e. a tax registration number, tax must be withheld at the applicable tax treaty rate or 20%, whichever is higher, unless the foreign taxpayer provides appropriate documentation.

If the interest income derived by a non-resident does not fulfil certain prescribed conditions for

concessional withholding tax rates, a withholding tax rate of 30% (for individuals and entities other than a foreign company) or 40% (for a foreign company), plus the applicable surcharge and cess, will apply.

### Dividends

Dividends are not subject to withholding tax. However, the company paying the dividends is subject to dividend distribution tax.

As from April 1, 2017, an additional income tax of 10% (plus surcharge and cess) applies on a gross basis on dividend income that is declared distributed or paid by a domestic company to a resident individual, a Hindu Undivided Family or partnership firm if the aggregate dividend income of the recipient exceeds INR 1 million per annum.

### Royalties

Royalties paid to a non-resident are subject to a 10% withholding tax, plus the applicable surcharge and cess. The rate may be reduced under a tax treaty.

If a treaty applies, but the non-resident does not have a PAN, tax must be withheld at the applicable tax treaty rate or 20%, whichever is higher, unless the foreign taxpayer provides appropriate documentation.

### Technical Service Fees

Technical services fees paid to a non-resident are subject to a 10% withholding tax, plus the applicable surcharge and cess. The rate may be reduced under a tax treaty.

If a treaty applies, but the non-resident does not have a PAN, tax must be withheld at the applicable tax treaty rate or 20%, whichever is higher.

## Tax Treaties / Tax Information Exchange Agreements (TIEAs)

India has double tax agreements in force with several countries that allow qualifying companies the benefit of reduced rates of withholding tax and avoidance of double taxation. The law specifically provides that tax treaties will override local tax law wherever they are more beneficial.

The Finance Act 2013 provides that the condition of the certificate containing particulars has been dropped and that the non-resident should furnish a certificate of his residence obtained by him from the government of that country or specified territory. Further, the Finance Act provides that the non-resident will have to provide such other documents and information as may be prescribed. Specific measures were introduced with regard to unaccounted monies held outside India by resident Indians.

India has exchange of information relationships with 117 jurisdictions through 98 double tax treaties and 20 TIEAs ([www.eoi-tax.org](http://www.eoi-tax.org), January 2019).

## Transfer Pricing

The transfer pricing regime is influenced by OECD norms, although the penalty provisions in India are stringent compared to those in other countries. The definition of ‘associated enterprise’ extends beyond a shareholding or management relationship, as it includes some deeming clauses.

The scope of the transfer pricing provisions also cover “specified domestic transactions” (including payments to related parties) if the aggregate value of those transactions exceeds INR 200 million in one year.

The pricing of these transactions must be determined with regard to arm’s length principles, using methods prescribed under India’s transfer pricing rules, which are similar to the methods prescribed in the OECD guidelines, with an additional sixth method, i.e. an “other method.” The arm’s length price is determined based on multiple-year data, and based on a range or the arithmetic mean (depending on certain prescribed conditions).

The taxpayer is required to maintain detailed information and transfer pricing documents substantiating the arm’s length nature of related-party transactions. Companies also may be required to submit a certificate to the tax authorities (in prescribed format) from a practicing chartered accountant that sets out the details of associated enterprises, international transactions, etc., along with the methods used to determine an arm’s length price. The certificate must be submitted by the due date for companies required to submit such a certificate to file the annual tax return, i.e. November 30.

The Indian transfer pricing documentation requirements have been updated to incorporate the specific reporting regime in respect of country-by-country reporting and the master file provided for under the OECD/G20 BEPS project.

Where the application of the arm’s length price would reduce the income chargeable to tax in India or increase a loss, no adjustment will be made to the income or loss. If a taxpayer that benefits from a tax holiday is subject to a transfer pricing adjustment, the benefit will be denied to the extent of the adjustment. The allowable variation in computing the arm’s length price will be as provided by the government. Cash repatriation is required for any kind of transfer pricing adjustment.

Safe harbor rules provide for the automatic acceptance of a taxpayer’s transfer price equals or exceeds specified amounts.

Advance pricing agreements (APAs) may be obtained for a maximum period of five future years, with a rollback to the four years preceding the year in which APA becomes effective.

## Cash Pooling

India has no specific tax rules that apply to cash pooling arrangements. It is understood that notional cash pooling is not available in India, so cash pooling should involve the actual physical transfer of funds. Cash pooling tax issues that may need to be considered include deemed

dividends withholding tax on interest and the application of transfer pricing rules to domestic transactions for interest and guarantee fee, if any.

## Financial Transactions / Banking Services Tax

Financial transactions such as lending, bill discounting and financial leasing are subject to service tax. Service tax is generally applicable on the upfront fees, processing charges and other service charges levied by the bank or financial institutions but excluding the interest element. However, since service tax is a transaction-based tax, it is important to evaluate transactions to determine the indirect tax implications.

## Thin Capitalization

There are no thin capitalization rules under current domestic tax law in India.

## Stamp Duty

Financial instruments, real property and other specified transactions (including a court order for an amalgamation/demerger) in India attract stamp duties that are levied under the Indian Stamp Act and the stamp acts of the various states (with rates varying significantly between states).

## Value Added Tax (VAT) and Central Sales Tax (CST)

Goods and services tax was introduced on July 1, 2017. GST replaces various indirect taxes such as VAT and central excise duty (except for a few specified non-GST goods). GST is a destination-based consumption tax applicable on the supply of goods and services. GST is a part of the aggregate customs duty levied on imports. Exports and supplies to Special Economic Zones are zero-rated for GST purposes.

The central GST (CGST) and state GST (SGST) simultaneously are levied in a common tax base on all intrastate transactions, In the case of interstate supplies of goods and services, integrated GST (IGST) is levied at a rate that is an aggregate of the CGST and SGST.

GST applies to all goods and services other than alcoholic liquor for human consumption and certain petroleum products, which continue to be taxed under the VAT regime.

Five GST rates apply: 0%, 5%, 12%, 18% and 28%. There is a special rate of 0.25% on rough precious and semi-precious stones and 3% on gold.

In addition to GST, a GST compensation cess of 15% to 96% applies on a few 'demerit' and luxury items, such as cars and tobacco products.

## Capital Gains Tax

The tax treatment depends on whether gains are long or short term. Gains are long term if the asset is held for more than three years (one year in the case of shares and specified securities). Long-term gains on listed shares and specified securities are exempt if the transaction is subject

to the Securities Transaction Tax (STT). Where such gains are not subject to the STT, a 10% tax applies (without benefit of an inflation adjustment).

The applicable tax rate on long-term capital gains derived by a non-resident from the sale of unlisted securities is 10%. Gains on other long-term assets are taxed at 20% (with the benefit of an inflation adjustment).

Short-term gains on listed shares and specified securities, which are subject to the STT, are taxed at 15%, and gains from other short-term assets are taxed at the normal tax rates. A surcharge and cess also are imposed.

An unlisted domestic company is liable to pay an additional tax of 20% on any income distributed to a shareholder on account of a buyback of the company's shares. The distributed income is the amount of consideration paid by the company on the buyback of shares, reduced by the amount received by the company on account of the issue of the shares. The shareholders will not be charged for any income arising from the buyback of shares.

## General Anti-Avoidance Rules (GAAR) and Disclosure Requirements

To discourage transactions with persons located in jurisdictions that do not effectively exchange information with India, transactions with persons situated in certain jurisdictions designated by the government will be subject to the Indian transfer pricing rules and income paid to persons in those jurisdictions will be subject to a minimum withholding tax of 30%.

General anti-avoidance rules apply to investments after April 1, 2017.

A non-resident with a liaison office in India is required to prepare financial statements, annual activity certificates, etc. on its activities and submit this information to the Indian tax officer within 60 days from the end of the financial year.

## Real Property Tax

Municipalities levy property taxes and states levy land-revenue taxes.

## Transfer Tax

Securities transaction tax (STT) is levied on the purchase or sale of equity shares, derivatives or units in an equity-oriented fund listed on a recognized stock exchange of India.

## Equalization Levy

An equalization levy of 6% on the amount of consideration for specified services received by a non-resident without a permanent establishment (PE) in India must be withheld by a resident payer or a non-resident payer with a PE in India. Specified services include online advertising or provision for digital advertising space.

## Payroll and Social Security Taxes

There is no payroll tax payable by employers.

The employer generally contributes 12% of eligible wages per month to the Provident Fund. From the employer's contribution, 8.33% of the wages (up to INR 15,000) is applied to the pension fund, with the balance paid to the Provident Fund.

The employer also pays a gratuity to workers who have rendered continuous service for at least five years at the time of retirement, resignation, superannuation, etc., at the rate of 15 days' wages for every completed year of service (up to a maximum of INR 1 million).

The employee contributes 12% of eligible wages per month to the Provident Fund.

All tax information supplied by Deloitte Touche Tohmatsu and Deloitte Highlight 2018 ([www.deloitte.com](http://www.deloitte.com)).



# Cash Management

## Banking System

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### Banking Regulation

#### Banking Supervision

##### *Central bank*

The Reserve Bank of India (RBI) is fully owned by the Indian government and is charged with maintaining monetary stability by directing lending and deposit rates in the country's banking system. In addition to monetary policy, the RBI is responsible for foreign exchange management, currency issuance, and regulation and supervision of the financial system via the Board for Financial Supervision. As part of the central bank's responsibilities for maintaining confidence in the financial system, the RBI evaluates system-wide risks and promotes sound business and financial practices.

In 2005, the RBI established a Board for Regulation and Supervision of Payment and Settlement Systems (BPSS) to strengthen the country's financial infrastructure in line with Reserve Bank of India (Board for Regulation and Supervision of Payment and Settlement Systems) Regulations, 2005.

The Reserve Bank of India Act (1934) and the Banking Regulation Act (1949) provide the legal framework for the central bank's key functions.

##### *Other banking supervision bodies*

Banks and non-banking finance companies (NBFCs) operating in India are supervised by the Board for Financial Supervision (BFS). Regional Rural Banks (RRBs), Rural Development Banks (SCARDBs) and Cooperative Banks (other than urban or primary cooperative banks) are supervised by the National Bank for Agriculture and Rural Development (NABARD). The RBI remains the ultimate regulatory body.

Since 2009 banks in India have adopted Basel II capital adequacy framework through the Capital Adequacy Assessment Process (CAAP). Banks started to implement Basel III in April 2013. Full compliance expected by the end of March 2019.

#### Central Bank Reporting

##### *General*

The RBI compiles balance of payments data as part of its responsibilities for foreign exchange policy management. As well as monitoring all foreign exchange transactions conducted via the country's banking system, as required under the Foreign Exchange Management Act (FEMA) of 1999, the RBI also collects data from relevant government agencies and departments, and conducts regular surveys.

Data is compiled in crores of rupees (1 crore = INR 10 million).

### *What transactions - listed*

The FEMA states that all foreign exchange transactions including all foreign direct investment transactions, external commercial borrowing transactions and outward foreign direct investment transactions, must be channeled through the banking system. Banks that undertake foreign exchange transactions are required by the FEMA to submit returns and supporting documents.

### *Whom responsible*

Under the FEMA, only banks are required to provide data. Banks submit data on behalf of entities and individuals.

### *Additional reporting for liquidity management schemes*

There are no additional reporting requirements.

## **Exchange Controls**

### *Exchange structure*

The Indian rupee (INR) floats on the foreign exchange market but is subject to intervention by the RBI. The RBI intervenes in the market dealing in USD spot and forward, with authorized dealers. India imposes a number of controls under the FEMA.

Remittance or repatriation of approved investments, loans or licensing agreements may be occasionally subject to delay.

### *Exchange tax*

There is no exchange tax.

### *Exchange subsidy*

There is no exchange subsidy.

### *Forward foreign exchange market*

Resident and non-resident entities may only enter into forward foreign exchange contracts via authorized dealers, i.e. banks that are licensed to deal in the foreign exchange market. Residents may only deal forward up to an eligible limit, set as the higher of the company's most recent annual turnover and its three-year average import or export turnover. The RBI's Exchange Control Manual details procedures for authorized dealers.

The Export Credit Guarantee Corporation of India (ECGC) offers protection against fluctuations in the rupee's value against AED, AUD, CHF, EUR, GBP, JPY and USD. Cover for payments in other convertible currencies may be offered at the ECGCI's discretion.

### *Capital flows*

Residents are permitted remit up to USD 250,000 each financial year for current and/ or capital transactions. The proceeds from all external commercial borrowing raised abroad for INR expenditures in India are required to be immediately credited into an INR account with an authorized dealer.

### *Loans, interest and repayments*

The majority of non-financial entities may arrange commercial credits, although borrowing in some sectors or borrowing outside average maturity periods is subject to RBI approval.

Resident entities may arrange commercial credits of up to USD 20 million from non-residents, with maturities below three years for capital goods (below one year for non-capital goods). RBI approval is required for credits for import transactions above USD 20 million. Larger commercial credits require RBI permission.

Resident entities are permitted to lend foreign exchange to their subsidiaries or joint ventures abroad, up to a limit of 400% of their net worth.

In November 2015 India liberalized its rules on External Commercial Borrowing by residents from non-residents. Under the automatic route of the new scheme, entities can borrow, without the need for regulatory approval: USD 750 million for entities from infrastructure and manufacturing sectors; USD 200 million for entities from the software development sector; USD 100 million for entities engaged in micro finance activities; and USD 500 million from the remaining sectors.

Under an approval route, upon the submission of documentation to the RBI, companies can borrow higher amounts. No limitations apply to repayments of interest or principal.

External Commercial Borrowing can be raised in any freely convertible currency as well in INR.

The proceeds from all external commercial borrowing raised abroad for INR expenditures in India are required to be immediately credited into an INR account with an authorized dealer.

### *Royalties and other fees*

India applies withholding tax of 10% for resident companies and of between 25.75% and 27.0375% for non-resident companies. Lower rates apply to countries with which India has signed a tax treaty.

### *Profit remittance*

There are no restrictions on the remittance of profits.

Export proceeds must be repatriated within nine months of shipment, unless prior permission has been granted by the RBI. Businesses located in Special Economic Zones must also comply with this requirement. Export-oriented entities are permitted to hold 100% of foreign exchange receipts in foreign currency accounts in India.

### *Bank Account Rules*

In general, residents may hold accounts denominated in INR or foreign currency in India and foreign currency accounts abroad. Non-residents can also generally hold accounts denominated in INR in India and abroad but there a number of restrictions on non-residents holding foreign currency accounts in India. For both resident and non-residents, restrictions apply to the different types of accounts permitted.

Resident companies are those registered in India under the Indian Companies Act 1956 (or other specified acts) or controlled or managed wholly from within India during the relevant year. A non-resident entity is defined as a company, partnership, society or other corporate body that is

at least 60% owned (directly or indirectly) by a non-resident or a Non-Resident Indian (NRI), i.e. persons resident outside India that hold Indian citizenship or are of Indian origin.

Residents' foreign currency accounts held outside India may be used to remit up to USD 250,000 (or equivalent) per year, but permission is required for payments that exceed this limit. Residents are able to open and maintain foreign currency accounts outside of India for purposes of overseas direct investment without obtaining prior permission from the RBI, subject to conditions. Residents may also use non-interest-bearing Resident Foreign Currency (Domestic) accounts to hold foreign currency resulting from a foreign trip or from services delivered outside India, or acquired from non-residents in India as gifts or payments. EEFC accounts are often held by companies receiving foreign currency or making exports traded in foreign currency.

As well as holding INR accounts locally, NRIs may also hold foreign currency term deposit accounts with maturities between one and five years at local banks. These accounts are available in any convertible currency and may be used to repatriate funds. The RBI permits foreign citizens to use foreign currency accounts to effect overseas payments on their own accounts.

Foreign companies not established in India (those without a registered office) typically cannot hold INR accounts locally without specific permission from the RBI, with the exception of banks and financial institutions, shipping and airline companies, companies governed by the Foreign Exchange Management Act, foreign institutional investors, and foreign companies with project offices in India. Firms outside these categories that wish to open INR accounts must seek RBI approval. Non-resident domestic currency accounts are freely convertible into foreign currency.

### Anti-money Laundering Legislation and Counter-terrorist Financing

- India has implemented anti-money laundering legislation, (the Prevention of Money Laundering Act 2002, effective since July 2005, as amended 2013; the Prevention of Terrorism Act 2003; the Foreign Contribution (Regulation) Act 2010; the Money Laundering Regulations 2003 and the Unlawful Activities (Prevention) Order 2009, plus associated Reserve Bank of India Rules and Notifications).
- India has established a financial intelligence unit (FIU), the Financial Intelligence Unit - India (FIU-IND) which is a member of the Egmont Group. It reports directly to the Economic Intelligence Council which is headed by the Finance Minister.
- India is a member of the Asia Pacific Group on Money Laundering (APG) and has observer status with the Financial Action Task Force (FATF) and the Eurasian Group on Combating Money Laundering and Financing of Terrorism (EAG).
- Account opening procedures require formal identification of the account holder and beneficial owner(s).
- Financial institutions are required to conduct ongoing due diligence.
- Occasional customers must be identified for all transactions, domestic and cross-border, of INR 50,000 and above, whether in a single or series of linked transactions.

- Cash transactions exceeding INR 1 million or its equivalent in foreign currency must be reported. Cash transactions exceeding INR 1 million or aggregating (within a month) to a value above INR 1 million must be recorded and reported to the FIU-IND by the 15th day of the succeeding month.
- Financial institutions in the broadest sense must record and report suspicious transactions to the FIU-IND within seven working days of the transaction having been identified as suspicious.
- The Indian government does not regulate the hawala market.
- Relationships with shell banks are prohibited.
- All cross-border wire transfers exceeding INR 500,000 or its equivalent in foreign currency must be recorded and reported.
- All records must be kept for five years from the cessation of the transactions.

Data as at January 2019.

## Banking Sector Structure

### Major Domestic Banks

Bank	Total assets (USD million) March 31, 2018
State Bank of India	555,693
HDFC Bank	169,513
ICICI Bank	152,015*
Punjab National Bank	119,699
Bank of Baroda	114,906
Axis Bank	108,129
Canara Bank	97,025

\* As of March 31, 2017.

Source: [www.accuity.com](http://www.accuity.com).

### Overall Trend

The Indian banking system consists of 20 public sector banks, 21 private sector banks, 56 regional rural banks, 1,574 urban cooperative banks and 93,913 rural cooperative banks, in addition to cooperative credit institutions. Public-sector banks control more than 70% of the banking system assets.

State-owned commercial and development banks, insurance companies and mutual funds such as Unit Trust of India (UTI) provide the majority of financial services in India, including funding for domestic and foreign companies. While state-owned commercial banks specialize in short-term lending and some medium- to long-term financing services, public sector development banks focus on long-term lending business. Public sector banks provide a full range of banking services across country-wide networks that account for approximately 53% of India's 142,180 bank branches.

In 2016 India's government launched a program to consolidate the public sector banks into just six institutions; the remaining institutions would be Canara Bank, Bank of India (BoI), State Bank of India, Punjab National Bank, Union Bank and Bank of Baroda. In 2017, the State Bank of India's five associate banks (the State Banks of Bikaner and Jaipur, Mysore, Travancore, Patiala and Hyderabad) were merged into the parent company. More recently, a merger of three public sector banks was approved - Bank of Baroda, Vijaya Bank and Dena Bank - to create the country's third largest lender. The merger will come into effect on April 1, 2019. To fast-track consolidation, the government has exempted mergers of nationalised banks from seeking approval from the Competition Commission of India. However, the government has also stated that before embarking on a consolidation program, banks would need to resolve their bad loans. The RBI has warned that the banking sector is under severe stress, in particular as a result of mounting bad loans totaling INR 10 lakh crore.

In October 2017, the government unveiled a two-year plan to strengthen public sector banks through reforms and capital injection. It is hoped the plan will enable these banks to play a more prominent role in the financial system and give a boost to the SME sector. At present, 11 state banks have had curbs placed on their lending and are part of the country's prompt corrective action (PCA) framework: Allahabad Bank, United Bank of India, Corporation Bank, IDBI Bank, UCO Bank, Bank of India, Central Bank of India, Indian Overseas Bank, Oriental Bank of Commerce, Dena Bank and Bank of Maharashtra. The PCA includes the imposition of various curbs, including stopping branch expansion, halting dividend payments, limiting loan limits, audits and restructuring if warranted.

In order to push for greater competition, the RBI has opened up India's banking sector to greater private ownership, permitting some large industrial companies operating in India to apply for banking licenses. The government is in discussions to raise the foreign investment limit in private sector banks to 100% from 74% and in state-run banks to 49% from 20%.

The RBI is also considering offering licenses to companies to set up infrastructure banks to help finance USD 1.5 trillion in infrastructure projects in the next decade. These 'wholesale and long-term finance banks' banks would be exempted from opening branches in the rural areas and would not be obliged to extend loans to the agricultural sector.

Of the 11 entities granted licenses to launch payments banks, six are operational. Payment banks can accept current and savings deposits up to a limit of INR 1 lakh, for example. It is hoped such banks will encourage the unbanked population in rural areas of the country in particular, to open and maintain bank accounts.

A total of 45 foreign banks have established 286 branch operations in India to meet the needs of their clients, but they also increasingly provide services to domestic firms, including local and international transaction banking services. There are 40 representative offices. The RBI is currently reviewing requests from 14 banks to open branches across India - four Asian banks have received clearance to open branches in India. Foreign banks can conduct business in India through representative offices rather than establishing a branch presence. Fewer restrictions apply to foreign banks' retail finance operations. According to changes announced by the RBI in March

2018, foreign banks in India with at least 20 branches will be required to target lending to small farmers and micro-enterprises in FY2018-19.

Demonetization and the push by the government and RBI towards digital payments, via its Digital India program, will form the thrust of the banking sector's transformation strategy over the next few years. An estimated 456 banks currently provide mobile banking services. The RBI has removed the transaction limit of INR 50,000 allowing banks to set their own limits.

The central bank had revoked the licenses of nearly 1,500 non-banking finance companies (NBFCs) over the past two years, due to their failure to meet minimum capital requirements of INR 20 million. There are approximately 11,000 NBFCs operating across India.

# Payment Systems

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## Overview

As well as a real-time gross settlement (RTGS) system for high-value electronic payments, India operates several systems for processing paper-based and retail electronic instruments. India's vast geography requires a network of over 10,000 access points to its various payment systems.

The RBI operates the NG-RTGS system for urgent electronic credit transfers over INR 200,000. It also operates the Check Truncation System (CTS).

The Electronic Clearing System (ECS) processes regular electronic bulk credit and debit payments such as salaries and insurance premiums. The National Automated Clearing House (NACH) also processes bulk credit and debit payments and will, in the future, consolidate the many ECS systems operating across India creating a faster and more efficient clearing process. The National Electronic Funds Transfer (NEFT) system is mainly used to effect one-off electronic payments. The NEFT system has replaced the EFT system for all but government payments. The India Pay platform, processes ATM transactions but will expand to process credit and debit card payments over the coming years.

The Bharat Bill Payment System (BBPS) is an electronic GIRO payment system processing bill payments throughout India. The BBPS operates under the National Payments Corporation of India (NPCI), an independent body established by the RBI, is an umbrella institution operating electronic retail payment systems in India. There are 35 banks permitted to operate as Bharat Bill Payment Operating Units.

The Immediate Payment Service (IMPS) is a 24/7 interbank electronic fund transfer service for payments made via mobile phone, the internet or at ATMs. IMPS is operated by the NPCI.

The RBI has led a number of initiatives to increase automation:

- Indian Financial Network (Infinet) – a hybrid network of VSATs and leased lines to provide a communication backbone for all financial transactions;
- Structured Financial Messaging System (SFMS) – standardized financial message formats;
- All transactions of INR 10 million or above must be processed by an electronic payment system.



**High-value**

<b>Name of system</b>	NG-RTGS
<b>Settlement type</b>	Real-time gross settlement
<b>Settlement cycle</b>	Near real-time. Transactions are settled either on a gross or off-sett basis. Final settlement takes place across accounts held at the RBI.
<b>Links to other systems</b>	NG-RTGS carried out the final settlement of Multilateral Net Settlement Batch (MNSB) files from India's other clearing houses.
<b>Payments processed</b>	High-value and urgent payments.
<b>Currency of payments processed</b>	INR
<b>Value and other limits to processing</b>	All payments must be above INR 200,000.
<b>Operating hours</b>	The service window for customer transactions is available to banks from 08:00 to 16:30.
<b>System holidays</b>	2019: April 1, 19, June 5, August 12, 15, September 10, October 2, 8, December 25.
<b>Cut-off times</b>	Initial cut-off time 16:30 on weekdays and 14:00 on Saturdays. Final cut-off time at 19:45 weekdays and 15:00 on Saturdays.
<b>Participants</b>	216 participants
<b>Access to system</b>	RTGS can be accessed via 138,773 branches in over 30,000 cities, towns or taluka places.
<b>Future developments</b>	NG-RTGS has the capability to process multicurrency transactions, although this is yet to be implemented by the RBI.

**Low-value**

<b>Name of system</b>	CTS
<b>Settlement type</b>	Check Truncation System.
<b>Settlement cycle</b>	T+0 for locally cleared checks. T+1 for inter-city clearing
<b>Links to other systems</b>	NA
<b>Payments processed</b>	Checks
<b>Currency of payments processed</b>	INR
<b>Value and other limits to processing</b>	No minimum threshold.
<b>Operating hours</b>	Monday to Saturday
<b>System holidays</b>	NA
<b>Cut-off times</b>	NA
<b>Participants</b>	1,611
<b>Access to system</b>	NA
<b>Future developments</b>	NA

<b>Name of system</b>	Electronic Clearing System (ECS)
<b>Settlement type</b>	Deferred net settlement; ECS operates separate sub-systems for credits and debits.
<b>Settlement cycle</b>	T+1
<b>Links to other systems</b>	NA
<b>Payments processed</b>	Bulk credit and debit items, i.e. salaries, insurance premiums.
<b>Currency of payments processed</b>	INR
<b>Value and other limits to processing</b>	No value threshold
<b>Operating hours</b>	NA
<b>System holidays</b>	NA
<b>Cut-off times</b>	NA
<b>Participants</b>	80 banks
<b>Access to system</b>	Payment instructions are made through a central location in Mumbai.
<b>Future developments</b>	NA

<b>Name of system</b>	National Electronic Funds Transfer (NEFT)
<b>Settlement type</b>	Deferred net settlement
<b>Settlement cycle</b>	Settlement takes place on a half-hourly basis. There are 23 half-hourly settlement batches run from 08:00 to 19:00 on all working days of the week (except the 2nd and 4th Saturday of the month).
<b>Links to other systems</b>	NA
<b>Payments processed</b>	Low-value electronic credit transfers
<b>Currency of payments processed</b>	INR
<b>Value and other limits to processing</b>	No value threshold for the majority of payments but cash-based remittances and individual transfers to Nepal, are restricted to INR 50,000.
<b>Operating hours</b>	08:00 and 19:00 on all working days of the week ((except the 2nd and 4th Saturday of the month).
<b>System holidays</b>	NA
<b>Cut-off times</b>	19:00
<b>Participants</b>	209 participant banks offer NEFT services at over 1444,214 branches across India.
<b>Access to system</b>	Participant branches must link to a central service branch in Mumbai.
<b>Future developments</b>	NA

## Payment and Collection Instruments

### Overview and Trends

Checks and drafts are both commonly used instruments for commercial transactions in India, but cash is the dominant payment method for medium- and small-value transactions accounting for as much as 96% of total payment transaction volume. In terms of volume, debit cards are now the mostly frequently used cashless payment instrument in India, check volumes remain high, partly due to the RBI's investment check clearing technology and the Check Truncation System (CTS), accelerating settlement to same-day for locally cleared checks. A 'Speed Clearing' system for the collection of outstation checks has also been introduced nationwide, cutting the time for checks cleared in this way to between one and two working days. Use of credit transfers has also increased for commercial payments in recent years and they are now the most commonly used cashless payment instrument in terms of value.

In the retail sector, all types of payment cards, have increased in popularity recent years. Use of payment cards has also increased demand for point of sales (POS) terminals. In addition, ATM networks have developed rapidly in recent years, offering cash withdrawal or deposit, balance enquiries and additional services. E-wallet use is widespread, and hugely popular.

The RBI has developed a multi-application smartcard that enables users to access banking, insurance and postal services as well as serving as an identity card.

### Statistics of Instrument Usage and Value

	Transactions (million)		% change 2017/2016	Traffic (value) (INR billion)		% change 2017/2016
	2016	2017		2016	2017	
<b>Checks</b>	1,206.7	1,171.3	-2.9	80,958	81,934.9	1.2
<b>Credit transfers</b>	3,441.2	6,035.3	75.4	128,632.1	188,228.8	46.3
<b>Debit cards</b>	2,399.3	3,343.4	39.3	3,299.1	4,600.7	39.5
<b>Credit cards</b>	1,087.1	1,405.2	29.3	3,283.8	4,589.7	39.8
<b>Direct debits</b>	364.9	478.4	31.1	3,692.4	4,920.9	33.3
<b>e-Money</b>	1,963.7	3,459.1	76.2	838.0	1,416.3	69.0
<b>Total</b>	<b>10,462.9</b>	<b>15,892.7</b>	<b>51.9</b>	<b>220,703.4</b>	<b>285,691.3</b>	<b>29.4</b>

Source: CPSS - Red Book statistical update, September 2018.

## Paper-based

### Checks

All checks are cleared by a check truncation system (CTS). Under CTS, checks are subject to grid-based clearing, which has removed the need for individual clearing houses in favor of three centralized clearing areas, or grids, across the whole country. This has enabled the same-day settlement of local checks. Non-local checks can take five days to three weeks to clear depending on the location and number of banks involved. However, 'Speed clearing' has been introduced nationwide, speeding up clearing for outstation checks (checks which are presented in a different city from the city where they were issued). Speed clearing removes the need for physical transportation of checks with banks networking their branches via Core Banking Solutions (CBS). Checks drawn on outstation CBS branches of a drawee bank can be processed under the Speed Clearing arrangement if the drawee bank has a branch presence at the local center, allowing them to be cleared within one or two working days.

Banks use courier services to collect checks in locations beyond their branch networks and clear these at local clearing houses through their correspondent or partner banks. Banks are required to publish check collection policies and value dates, and must compensate customers for delays.

## Electronic

### Credit Transfer

Credit transfers are now the dominant cashless payment instrument in terms of value, as they are increasingly used for bulk payments such as pensions and salaries, in addition to high- and low-value one-off payments. The RBI's RTGS system is used for next-day settlement of high-value (i.e. above INR 200,000) credit transfers, while retail credit transfers are cleared via the ECS (largely bulk payments), NACH or NEFT systems.

Although cross-border transactions are limited by official restrictions on the outflow of foreign currency, payments to overseas entities are typically made via a foreign currency demand draft or through SWIFT. Most large banks have SWIFT connections and/or bilateral arrangements with correspondent banks that provide access to high- and low-value EUR and USD clearing mechanisms.

### Direct Debits

Consumers and businesses use direct debits for regular bill payments, but they remain a small proportion of overall cashless payments, although their use is increasing each year. Direct debits may be used for intrabank or interbank transfers. Direct debits are generally cleared by the ECS or NACH system on a T+1 basis. NACH mandates have replaced ECS mandates for all regular bill payments.

## Payment Cards

Card payments, both credit and debit, account for an increasing share of non-cash retail payments. A total of 42.68 million credit cards and 990 million debit cards were in circulation in October 2018. There are over 300 million RuPay cards in circulation accepted at 2,740,671 POS terminals. RuPay is India's domestic card scheme. All the major banks now offer contactless card functionality.

In September 2018, there were 139 million credit card transactions, valued at INR 461 billion. There were 1,161.4 million debit card transactions, with a value of INR 3,149 billion over the same period.

## ATM/POS

Use of payment cards in the retail sector has increased demand for point of sales (POS) terminals. There were 220,154 ATMs and 3,450,355 POS terminals in India in October 2018. A total of 101 banks currently participate as members of NFS, with a further 708 participating as sub members. The NFS is operated by the National Payments Corporation of India (NPCI). The Corporation of India (CCIL) is the settlement agency for the network's transactions.

## Electronic Wallet

The RBI, which has regulatory control of entities issuing prepaid cards in India, has developed a multi-application smartcard that enables users to access banking, insurance and postal services as well as serving as an identity card. Prepaid e-money payment instruments can also be used on mass transit systems. All prepaid payment instruments in India are subject to a maximum value limit of INR 50,000 per month. A contactless prepaid MasterCard has been recently launched. Sixty banks were permitted to issue prepaid cards.

There are an estimated 250 million mobile wallet users in India. The volume and value of mobile wallet transactions in October 2018 was 368.45 million and INR 187.86 billion respectively. A maximum of INR 20,000 can be stored on a mobile wallet. The Unified Payments Interface (UPI) enables users to transfer money without sharing bank details. The UPI@PoS app can be used to make retail payments in-store. In the period from April to November 2018, there were 2,586.76 million UPI transactions with a value of INR 4,242.46 billion. Apps, including Samsung Pay and BharatQR, among others, are also available. Paytm is the country's largest digital wallet provider, with approximately 200 million users. The RBI has announced plans allowing the e-wallets of private firms to interoperate.

# Liquidity Management

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## Short-term Borrowing

### Overdrafts

Overdrafts are available. Companies usually pledge receivables or inventories as security for advances.

For borrowing of less than INR 200,000 interest is charged at base rate.

Overdraft facilities are reviewed annually and are usually automatically renewed.

### Bank Lines of Credit/Loans

Overdraft and normal working capital credit lines are available. Banks' PLRs vary as a result of competition between banks. The short-term loan minimum element of companies' working capital facilities is usually 80%.

### Trade Bills – Discounted

Banks discount trade bills covering purchases of raw materials or holiday of inventory. The most common are 90-day bills, with recourse if the drawer fails to pay.

Non-bank finance companies discount bills, but – except when financing commercial vehicles and government designated “priority sectors” – are unable to rediscount so their rates are more expensive.

### Factoring

Factoring is usually undisclosed and can be with, partial or without recourse.

Factoring services are used by mid-sized and large-sized firms as well as small enterprises for whom they were originally aimed.

### Commercial Paper

CP has tenors ranging from seven days to a year and is issued in multiples of INR 500,000.

Foreign and domestic companies, primary dealers (PDs) and the All-India Financial Institutions (FIs) may issue CP. Companies must have a minimum tangible net worth of INR 40 million, a sanctioned working-capital limit against which outstanding CP does not count, a minimum credit rating of A3 or its equivalent and an account that is classified as a Standard Asset by a bank or financial institution.

CP must be rated by an Indian rating agency, authorized by the RBI.

### Bankers' Acceptances

Bankers' acceptances are not prevalent in the Indian financial market.



### Supplier Credit

Companies mostly supply goods and services on terms of 30 to 45 days, but terms can vary from up-front advance payments to 90 days' credit. Terms depend on industry practices and the negotiating ability of the buyer and supplier.

### Intercompany Borrowing

Companies are permitted to make intercompany investments of up to 60% of their paid-up share capital or 100% of their free reserves, whichever is greater. Investments over this limit require shareholders and government approval.

The Indian intercompany loan market has no restrictions on interest rates and terms.

## Short-term Investments

### Interest Payable on Bank Account Surplus Balances

Interest is not permitted to be paid on current account balances.

### Demand Deposits

Resident and non-resident entities may open call deposit accounts in both INR and foreign currency.

### Time Deposits

Term deposits are available in INR and foreign currency to resident and non-resident entities. The minimum term is generally seven days, but some non-residents may be required to invest for a minimum of a year. Interest is generally paid quarterly but can be paid more frequently by discounting the quarterly payments. An alternative is offered through inter-corporate deposits, which allow firms to invest in other companies for periods typically no longer than six months.

### Certificates of Deposit

Certificates of deposit (CDs) can be issued by all commercial banks in India, with the exception of Regional Rural Banks and Local Area Banks. CDs issued by banks are available for maturities between seven days to not more than one year, but the most common maturity is 91 days. The minimum investment amount for CDs is INR 100,000 and they must be issued in multiples of INR 100,00 thereafter. They can be interest-bearing or issued at a discount. Other financial institutions, authorized by the RBI, can issue CDs for a period of between one and three years.

### Treasury (Government) Bills

Treasury bills are issued by the central bank at weekly auctions, held each Wednesday. Maturities are typically three, six and twelve months. They are issued at a discount and redeemed at the face value at maturity. The secondary market is generally focused at the longer end of the market.

India's government has also started to issue Cash Management Bills (CMBs), which are similar to Treasury Bills and have maturities of less than 91 days.

### Commercial Paper

Commercial paper is issued in tenors from seven days to a year, but the most common maturity is three months. All commercial paper must be issued in multiples of INR 500,000. All commercial paper issued in India must be rated by an Indian rating agency.

### Repurchase Agreements

Repurchase agreements (repos) can be arranged against specific instruments without limits on maturity. Only financial institutions sanctioned by the RBI may participate in the repo market.

### Bankers' Acceptances

Bankers' acceptances are not permitted for domestic trades.

## Liquidity Management Techniques

There are a number of regulatory and tax restrictions on liquidity management, particularly for non-resident firms, so most techniques are focused on domestic rather than cross-border optimization of cash. Increasing use of ERP systems by companies located in India has helped to increase automation of cash management processes in recent years.

### Cash Concentration

Sweeping and target balancing are used to concentrate liquidity across multiple accounts within a single entity. Companies can also use sweeps to concentrate balances at multiple entities within the same group, but such arrangements are subject to limits on intercompany borrowing and lending, minimum guidelines on interest payments and related tax issues. Non-resident accounts may participate in a cash concentration structures, but lifting fees may be applied to transfers between resident and non-resident accounts. Participation of resident and non-resident Indian entities in cross-border cash concentration structures is generally rendered ineffective by withholding tax and/or exchange control regulations.

### Notional Pooling

Notional pooling and multilateral netting are not permitted under Indian law. Pooling across multi-legal entities is regarded as an intercompany loan and thus subject to withholding tax, despite no physical movement of funds.

# Trade Finance

## General Rules for Importing/Exporting

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India has preferential access, economic cooperation and Free Trade Agreements (FTA) with about 54 individual countries. India has signed bilateral trade deals in the form of Comprehensive Economic Partnership Agreement (CEPA)/Comprehensive Economic Cooperation Agreement (CECA)/FTA/Preferential Trade Agreements (PTAs) with some 18 groups/countries.

As at March 2018, there were 223 operational special economic zones, which offer certain tax reductions, exemptions and holidays for exporters. They permit export-oriented firms to be foreign-owned.

India is a member of the South Asian Association for Regional Cooperation (SAARC) with Pakistan, Bangladesh, Sri Lanka, Nepal, Bhutan, Maldives and Afghanistan. The SAARC countries have signed a South Asia Free Trade Agreement (SAFTA) that aims to eliminate tariffs on most trade between member countries. India has signed a free trade agreement (FTA) with ASEAN member nations and with FTA with Japan that will eliminate tariffs on 94% of goods within the next ten years. India has also established FTAs with Malaysia, Sri Lanka and has signed an outline agreement for establishing free trade deals with Israel, South Korea and Thailand. India is in FTA talks with a number of countries and trading blocs including Bangladesh, Chile, Indonesia, the European Union, South Africa Customs Union (SACU), the Gulf Cooperation Council (GCC), Australia, New Zealand, Israel, Panama and Colombia.

# Imports

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## Documentation Required

Documentation is required to support foreign exchange payments for imports in excess of USD 100,000. For imports with a value below USD 1 million, this can be either a bill of entry or a certificate of confirmation (from the CEO or auditor) if the importer is listed on the National Stock Exchange of India with a net worth of more than INR 1 billion. A certificate of origin, cargo release order, customs import declaration, bill of lading, terminal handling receipts, inspection reports, packing list and a technical standard or health certificate are also generally required.

## Import Licenses

The import of certain goods (including aircraft, certain animals, antiques, arms, plants, seeds and meat) requires a license from the Director General of Foreign Trade.

## Import Taxes/Tariffs

A wide range of imports are subject to taxation at rates between 2% and 10%. Customs duty on cigars, cheroots and cigarillos is 60%. Many capital goods are exempt under the Export Promotion Capital Goods Scheme.

## Financing Requirements

There are no particular financing requirements for imports. Exporters can submit requests to the RBI to 'set-off' export receivables against import payables with respect to the same foreign buyer and supplier. Requests are made via exporter's banks.

## Risk Mitigation

There are no specific requirements or arrangements.

## Prohibited Imports

Items including tallow, animal fat, rennet, wild animals and ivory may not be imported into India. Restricted items include certain precious and semi-precious stones, seeds, plants, animals, drugs, chemicals and pharmaceuticals.

# Exports

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## Documentation Required

The export of goods and software must be declared irrespective of value. A certificate of origin, bill of lading, commercial invoice, customs export declaration, inspection report, terminal handling receipts and packing list are also generally required. Health certificates or technical standards may be required for certain items.

## Export Licenses

Licenses are required for the export of restricted items such as some textiles, animals and animal parts, seeds, silk worms, food industry waste, chemicals, mineral ores and agricultural items. Licenses may also be needed for goods covered by international treaty obligations regarding security and the environment.

## Export Taxes/Tariffs

The export of certain animal skins, leathers and hides is subject to taxation at rates from 10% to 60%.

## Proceeds

Export proceeds must be repatriated within nine months of shipment, including business located in SEZs, unless authorized by the central bank. Export-oriented entities are permitted to hold 100% of foreign exchange receipts in foreign currency accounts in India. All proceeds from invisible transactions and current transfers must also be repatriated. Commercial credits from residents to non-residents with maturities of six months are permitted, but approval must be sought longer periods.

## Financing Requirements

As well as a short-term export credit program operated by the central bank, the government-owned Export-Import Bank of India (Exim Bank) offers long-term export finance services, including loans for export marketing and pre-shipment credit.

## Risk Mitigation

The state-owned Export Credit Guarantee Corporation of India (ECGC) insures export supplier credit, export buyer credit, letters of credit, credit for pre-export financing and outward investment, and insures bank guarantees for exports against political or commercial risks. Similar services are also available from the Export-Import Bank of India.

## Prohibited Exports

India prohibits exports in line with UN Security Council policies and other international treaty obligations.

# Information Technology

## Electronic Banking

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Large Indian companies commonly use electronic banking – either a host-to-host connection or internet-based front-end – to upload payment files to their banks. Salary transfers are typically effected by the bank’s internal funds transfer capabilities while vendor payments are most commonly presented to suppliers as a check written by the bank on behalf of its client. Some banks also offer same/next-day balance and transaction reporting and electronic invoice presentment and payment (EIPP), as well as services that enable clients to view the clearing status of checks over the internet.

Although India does not currently have one bank-independent standard for all electronic banking, transactions processed by India’s NEFT payment system use a standardized financial message format known as the Structured Financial Messaging System (SFMS), which is similar to SWIFT. India’s RTGS system uses a proprietary message system and in the past year the RBI has begun the process of developing its message format to an XML based messaging system that conforms to the most recent International Standards Organization (ISO) standards.

The government is actively promoting the ‘digital economy’ in India and encouraging banks to introduce the technology to enable digital payments via mobile phone, tablet, or online. India has approximately 420 million mobile internet users, and the government has urged all banks to make mobile banking available to all account holders. The government’s digital programme is spearheaded by the Unified Payments Interface (UPI), an open-source, online payment platform allowing users to make, receive and schedule online payments via smartphone. Funds are transferred using a virtual payment address (VPA) i.e. without entering card/bank account details etc. UPI-based payment apps include Paytm and PhonePe. There are 101 members of UPI.

The Immediate Payment Service (IMPS) is a real-time interbank electronic fund transfer service offered through mobile phones, the internet and ATMs. It operates 24/7/365. The service is available to both banked and unbanked customers. There are 243 member banks in India currently participating in the service, serving approximately 22 million mobile banking subscribers. IMPS processed 154.62 million payments in October 2018, with a value of INR 1,403.07 billion.

The Bharat Interface for Money (BHIM) is a mobile app based on the UPI. It enables transfers between accounts directly through banks. Transactions are near real-time and can be conducted 24/7. Users can also check balances and use mobile numbers to send payments. There are 102 member banks participating in the service. In September there were 16.3 million transactions conducted via BHIM, with a value of INR 7,064.86 crore.

Mobile banking service has experienced strong growth. In October 2018, there were 527 million mobile banking transactions, with a value of INR 2,369.4 billion. As of January 2019, there were 462 banks permitted to provide mobile banking services.

Four mobile operators received approval from the RBI in 2015 to launch operations as payment banks. (According to RBI guidelines, payment banks are allowed to open current and savings bank accounts with deposits of up to a maximum of INR1 lakh per customer. They can issue debit cards and offer services like remittance and utility bill payments. They can also distribute simple financial products.) By predominantly reaching customers via mobile phone, it is expected that payment banks will drive the growth of mobile banking.

# External Financing

## Long-term Funding

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### Bank Lines of Credit/Loans

State-owned development banks and financial institutions are the main sources of medium and long-term finance in India.

Tenors vary from less than one year to five years, but longer loans are available for longer projects. Grace periods of between six months and one year are the norm.

Lenders require fixed assets as security for term loans. A maximum 1.5:1 debt/equity ratio requirement is usual, but greater gearing is allowed for capital-intensive investments.

### Leasing

Finance and operating leases for movable equipment are available in INR or foreign currencies for imported equipment, but most leases are INR denominated.

Large leases are syndicated.

### Bonds

Firms issue corporate bonds to finance investment projects and meet working capital needs.

Issuers require two credit ratings of investment grade and must meet the listing requirements of India's stock exchanges and the Securities and Exchange Board of India (SEBI) disclosure requirements. The SEBI evaluates all prospectuses. The debentures are either convertible (full or partial) or non-convertible. The latter can be privately placed.

The SEBI has proposed making it mandatory for large corporates i.e. companies with outstanding long-term borrowings of INR 100 crore and a credit rating of AA and above, to raise about a fourth of their financing needs in the bond market from FY20.

### Private Placement

Companies can issue privately placed debt with banks, FIs and mutual funds.

### Asset Securitization / Structured Finance

Securitization in India is typically seen in housing loans, commercial vehicle loans and microfinance loans. Mortgage-backed securities and collateralized debt obligations are issued.



## Infrastructure Financing

There are a number of finance vehicles – the Indian Infrastructure Financing Company, Infrastructure Development Finance and India Development Fund – to help finance infrastructure projects, including public-private partnerships.

# Useful Contacts

## National Investment Promotion Agency

Invest India — [investindia.gov.in](http://investindia.gov.in)

Department of Industrial Policy & Promotion — [www.dipp.nic.in](http://www.dipp.nic.in)

## Central Bank

The Reserve Bank of India — [www.rbi.org.in](http://www.rbi.org.in)

## Banks

State Bank of India — [www.sbi.co.in](http://www.sbi.co.in)

ICICI Bank — [www.icicibank.com](http://www.icicibank.com)

Bank of India — [www.bankofindia.com](http://www.bankofindia.com)

HDFC — [www.hdfcbank.com](http://www.hdfcbank.com)

## Stock Exchanges

National Stock Exchange of India — [www.nse-india.com](http://www.nse-india.com)

Bombay Stock Exchange — [www.bseindia.com](http://www.bseindia.com)

## Ministry of Finance

Ministry of Finance — [www.finmin.nic.in](http://www.finmin.nic.in)

## Chamber of Commerce

The Associated Chambers of Commerce and Industry of India (ASSOCHAM) —  
[www.assochem.org](http://www.assochem.org)

## Bankers' Associations

Indian Banks' Association — [www.iba.org.in](http://www.iba.org.in)

Indian Institute of Banking and Finance — [www.iibf.org.in](http://www.iibf.org.in)