

IN THE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

(Writ Petition under Article 32 of the Constitution of India)

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

Federation of Self-Financing Technical

Institutions (All India) & Ors.

...Petitioners

Versus

The Union of India & Ors.

...Respondents

WITH

I.A. NO. _____ OF 2020

[APPLICATION SEEKING INTERIM RELIEF]

PAPER BOOK

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ADVOCATE FOR THE PETITIONERS: **A. KARTHIK**

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PROFORMA FOR FIRST LISTING

SECTION:

The case pertains to (Please tick/ check the correct box):

- ☒ Central Act: (Title): Constitution of India
☒ Section: **N.A.**
☐ Central Rule: (Title) **N.A.**
☐ Rule No(s): **N.A.**
☐ State Act: **N.A.**
☐ Section: **N.A.**
☐ State Rule: (Title) **N.A.**
☐ Rule No(s): **N.A.**
☐ Impugned Interim: (Date) **N.A.**
☒ Impugned Final Orders/ Decree: **(Date) N.A.**
☒ High Court: **N.A.**
☒ Name of Judges: **N.A.**
☐ Tribunal/ Authority: (Name) **N.A.**

1. Nature of matter: ☒ **Civil** ☐ Criminal
2. (a) Petitioners: **Federation of Self-Financing Technical Institutions (All India) & Ors.**
 (b) e-mail ID: **N.A.**
 (c) Mobile phone number: **N.A.**
3. (a) Respondents: **The Union of India & Ors.**
 (b) e-mail ID: **N.A.**
 (c) Mobile phone number: **N.A.**
4. (a) Main category classification: 10
 (b) Sub classification: 1010
5. Not to be listed before: **N.A.**

6. (a) **Similar disposed of matter with citation, if any, & case details:** No any similar disposed case.
 (b) **Similar pending matter with case details:** No any similar pending case.
7. Criminal Matter: **N.A.**
 (a) Whether accused/ convict has surrendered: **N.A.**
 ☐ Yes ☐ No
 (b) FIR No. **N.A.** Date: **N.A.**
 (c) Police Station: **N.A.**
 (d) Sentence Awarded: **N.A.**
 (e) Period of Sentence: **N.A.**
 Under including detention / custody undergone
8. Land Acquisition Matters:
 (a) Date of Section 4 notification: **N.A.**
 (b) Date of Section 6 notification: **N.A.**
 (c) Date of Section 17 notification: **N.A.**
9. Tax Matters: State the tax effect: **N.A.**
10. Special Category (first petitioners/ appellant only):
☐ Senior citizen > ☐ SC/ST ☐ Woman/ child ☐
 Disabled ☐ Legal Aid case ☐ In custody ☒ None
11. Vehicle Number (in case of Motor Accident Claim matter):
N.A.

Date: 19.08.2020

AOR for Petitioners(s)/ appellant(s)



Name: A. KARTHIK

Registration No. 2475

E-mail: adv.akarthik@gmail.com

SYNOPSIS

1. The present writ Petition is filed seeking to invoke the writ jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India, raising issues of importance that determine the very existence of Technical Institutions across India in view of the discriminatory treatment met out to the said Institutions by the Respondents. The Petitioners are mainly seeking extension of moratorium to all the loan accounts without discrimination or classification.
2. This Writ Petition seeks to highlight the plight of Technical Institutions approved by the All India Council for Technical Education functioning across India arising from the unequal treatment meted out by the Respondents with regard to the following issues:
 - A. The Respondent No. 2 herein has issued a circular No. DOR. No. BP.BC.47/21.04.048/ 2019-20 on 27.03.2020 whereby banks, Non-banking Financial Companies ("NBFC's") and Housing Finance Companies ("HFC's") were permitted to grant a 90-day moratorium to their borrowers. The 8th paragraph of the said circular provided that "*lending institutions shall frame board approved policies for providing the above-mentioned reliefs to all eligible borrowers inter alia including the objective criteria for considering reliefs under paragraph 4 above and disclosed in public domain...*". Thus all NBFCs and HFC's were obliged to frame board approved policies for providing these reliefs as the paragraph 8 of the circular used the word "*shall*". While so, the Respondent No. 2 has interpreted this circular to mean that the right to provide moratorium to the borrowers is at

the “*discretion of the lenders*” and is thus not mandatory. The mandatory language of the circular coupled with the clarification of the RBI creates a confusing situation wherein although the borrowers are entitled to a moratorium, they will be able to avail it only at the discretion of the lender. This creates a lot of room for discretionary and arbitrary provision/refusal of moratorium to the whims and fancies of the banks.

B. Technical Institutions across India do not have much options as compared to the other industries to avail capital towards their operating costs and capital expenditures. Almost all of the operating costs and capital expenditures of the Technical Institutions are financed through the following methods:

- i. They receive fee for their services from the self-financed students (revenue).
- ii. They receive post-metric scholarship amount towards aided students from the Central Government.
- iii. They receive reimbursement of tuition fees by the State Government.
- iv. They loan money from the banks.

C. Since the Technical Institutions across India have become financially unviable, even prior to the pandemic, due to the unreasonably low fees fixed by State Level Fee Regulatory Committee/Commission and the subsequent inaction of AICTE in fixing uniform fee for all the technical courses in India commensurate with cost of complying with the statutory minimum norms fixed by it despite the approval of the Srikrishna Committee/National Fee Committee Report on 11.12.2015. The pandemic has created uncertainty to the very

D

survival of the self-financing Technical Institutions across India. This is due to the practical difficulties in conduction of physical courses and the sudden disruption caused by the pandemic, the capital expenditure needed to invest in conduction of courses over the internet and the rather drastic fall of revenue. Until the necessary precautions are taken as well as the successful inoculation of the general public from COVID-19 infection, the self-financing Technical Institutions across India are facing peculiar and testing situation of having the revenue on their balance sheet axed on the one hand and having to pay their staff and teachers on the other hand. Self-financing Technical Institutions across India maybe able to sail these testing times if the moratorium is made available to them on all their debt payments, in a non-arbitrary manner.

- D. It is pertinent to mention that although the retail customers of the banks are provided the option of availing the moratorium on the loans take by them, self-financing Technical Institutions across India themselves have been deprived of the moratorium facility on the loans taken by them.

Thus, in conclusion, the members of Petitioner No. 1 are unable to avail the moratorium facility although the same has been made available to the retail customers of the banks and other financial institutions.

3. Although COVID-19 pandemic has affected all industries alike, the impact on educational institutions is extremely disruptive. Educational institutions across the world have been forced to shut school and adopt use of internet services. These services come with the expense of valuable capital that is not available with the

institutions in India due to the unreasonably low fees fixed by State Level Fee Regulatory Committee/Commission.

4. All educational institutions are unable to effectively conduct examinations for their current students or admissions for their prospective students. While on the one hand the institutions have been ordered not to fire employees and to continue to make payment to their employees, the institutions are unable to effectively avail their services.
5. While the lockdown by the Government of India being applicable to all, and the impact of the lockdown is felt across the board by all sectors, the grant of moratorium by the lenders cannot be discretionary and should be mandatorily available to all. This will make the persons equally affected being treated equally by the Respondent authorities under Article 14 of Constitution of India.
6. The situation may be alleviated by extension of moratorium to the self-financing Technical Institutions by banks and other financial institutions.
7. The Petitioners are constrained to approach this Hon'ble Court seeking appropriate reliefs for removal of the aforementioned discrimination in the action of the Respondents herein as well as seeking positive directions to Respondents to evolve a mechanism to provide the facility of a moratorium across board to all borrowers in a non-arbitrary manner. It is humbly submitted that unless appropriate directions are issued by this Hon'ble Court against the Respondents the members of the Petitioner No.1 & 2 would not be able to survive the financial fallout of COVID-19.
8. The Petitioners submits that COVID-19 is an overwhelming supervening event unexpected by all humans not only in India but

across the world. That no Party whether individual or corporate should be allowed to take advantage of this event nor should any individual corporate be made to suffer a disadvantage due to the same.

9. Hence, the present petition under Article 32 of the Constitution of India.

LIST OF DATES

DATE	EVENT
31.12.2019	Chinese Health officials informed the World Health Organization (shortly WHO) about a cluster of 41 patients with a mysterious pneumonia.
07.01.2020	Chinese authorities identified the virus that caused the pneumonia-like illness as a new type of coronavirus.
11.01.2020	China recorded its first death linked to the novel coronavirus.
23.01.2020	Chinese authorities placed the city of Wuhan under quarantine.
Jan 2020	The first confirmed case of COVID-19 was detected in the end of January 2020 in India.
30.01.2020	WHO declared that the breakout of novel corona virus a public-health emergency and an international concern.

- 11.02.2020 WHO announced the disease caused by the novel coronavirus to be “COVID-19”.
- 11.03.2020 WHO declared COVID-19 outbreak a pandemic.
- 14.03.2020 Ministry of Home Affairs (**MHA**) under the Disaster Management Act, 2005 (**DMA**) declared COVID-19 Virus as a ‘disaster’ for the purpose of providing assistance under State Disaster Response Fund (**SDRF**).
- 16.03.2020 Ministry of Health and Family Welfare issued an advisory wherein it was advised implementation of ‘social distancing’ to avoid/ decrease contact between people to curb community transmission of COVID-19.
- Ministry of Health and Family Welfare proposed the implementation of certain measures, including, but not limited to, allowing private sector organisations/ employers to allow employees to work from home wherever and whenever feasible.
- 19.03.2020 The Prime Minister of India announced a Janta Curfew on 22.03.2020 from 7 AM to 9 PM, wherein people of the country were asked to impose a self-regulated curfew.
- Transport services across the country were curtailed and these measures essentially brought the country to a standstill.

19.03.2020 Globally, authorities reported more than 2,35,000 confirmed cases of COVID-19, with about 1,40,000 being active cases, roughly 85,000 recoveries and 10,000 casualties.

20.03.2020 Ministry of Labour and Employment issued a notification whereby it was advised all employers of Public/ Private establishments to extend their cooperation in facing the outbreak of COVID-19 by not terminating their employees, particularly casual or contractual workers from jobs or to effect reduction of their wages as termination of employees from jobs or reduction in wages in this scenario will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with the COVID-19 Pandemic.

That the Petitioner had to maintain their employees by regularly paying their salaries and also had to repay the instalment on loans taken and coupon payments on various financial instruments including bonds, commercial papers etc.

24.03.2020 Order issued by the National Disaster Management Authority (NDMA), chaired by Prime Minister of India, in exercise of the powers under section 6 (2) (i) of the DMA Act directing the Ministries/ Departments of Government of India, and the State/Union Territory Governments and State/ Union

Territory Authorities to take effective measures to prevent the spread of the Virus in the country.

24.03.2020 The Hon'ble Prime Minister of India announced a 21 day nationwide lockdown with effect from 12 AM on 25 March 2020 until 14 April 2020, wherein the state borders were also sealed and all transportation services were suspended.

24.03.2020 An order was issued by Ministry of Home Affairs under Section 10 (2) (1) of the DMA Act, directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures for ensuring social distancing to prevent the spread of the Virus in the country for a period of 21 days.

Mar 2020 A nationwide lockdown was imposed.

27.03.2020 The Respondent No. 2 in order to mitigate the burden of debt servicing due to COVID-19 and the consequent debt crisis if enforcement of securities or recovery was pursued, released "Statement of Development and Regulatory Policies" allowing moratorium of three months on payment of instalments in respect of all term loans outstanding falling due between March 1, 2020 and May 31, 2020.

However, the interest would continue to accrue on the outstanding portion of the term loans during the

moratorium period.

27.03.2020 The Reserve Bank of India issued detailed circular No. DOR.No.BP.BC.47/21.04.048/2019-20 to all banks and non-banking finance companies whereby banks, Non-banking Financial Companies (“NBFC’s”) and Housing Finance Companies (“HFC’s”) were permitted to grant a 90 day moratorium to their borrowers.

The RBI Circular has been worded in such a manner that it appears to be permissive in nature rather than being mandatory. Though pursuant to the RBI Circular, all public sector banks and various private sector banks have released their policies and FAQs on moratorium and deferment of instalments, however, due to the permissive nature of the RBI Circular, the said policies and FAQs are not uniform as each of the Lending Institutions have altered/modified the RBI Circular in light of the discretion granted to them. The inconsistencies in the policies not only highlight the ambiguity of the RBI Circular, but also the confusion created by the RBI Circular which is seriously hampering the decision-making ability of a borrower. Hence, urgent judicial intervention is required so that the Lending Institutions have a clear and unambiguous mandate from the RBI which can be applied uniformly qua all borrowers.

- 29.03.2020 The Ministry of Home Affairs issued an order under Section 10 (2) (1) of the Disaster Management Act, 2005 directing the State/ Union Territory Governments to issue necessary orders to respective District Magistrate/ Deputy Commission of Police to ensure that employers shall make payment of wages of their workers, at their work places, without any deduction for the entire period during which the establishments are under closure during lockdown.
- 30.03.2020 SEBI has issued a circular bearing No. SEBI/HO/MIRSD/CRADT/ CIR/P/ 2020/53 declaring the present situation as *force majeure* and gave relief in respect of credit ratings.
- 01.04.2020 The Reserve Bank of India published frequently asked questions (FAQ's) on their website in relation to the RBI moratorium.
- 07.04.2020 Statement of RBI Governor was published in Economic Times that the provision of moratorium was not as a matter of choice but as a matter of compulsion.
- 08.04.2020 Insurance Regulatory and Development Authority of India ("IRDA") issued a circular bearing No. IRDA/F&I/CIR/INV/085/04/2020 giving moratorium in respect of all term loans.
- 13.04.2020 Minutes of Monetary Policy Committee ("MPC")

meetings held on March 24, 26 and 27, 2020 was released by Respondent No. 2 wherein the impact of the Virus was assessed.

- 14.04.2020 NDMA issued an order directing the Ministries/Departments of Government of India, State/ UT Governments and State/UT Authorities to continue the lockdown measures till May 3, 2020.
- 17.04.2020 Respondent No. 2, in order to overcome the difficulty faced for repayment of working capital facilities issued another circular with modifications to the RBI Circular/RBI Detailed Instructions, i.e., circular bearing no.RBI/2019-20/220 DOR.No.BP.BC.63/21.04.048/2019-20 in consonance with the statement released by the Governor, RBI.
- 24.04.2020 Respondent No. 2 interpreted its own circular to mean that the right to provide moratorium to the borrowers is at the “discretion of the lenders” and thus not mandatory.
- RBI filed an Affidavit before the Hon’ble High Court of Punjab and Haryana in case of *Indiabulls Housing Finance Ltd. v Citibank N.A. & Anr.* emphasizing on the abovementioned statement.
- 27.04.2020 RBI announced Rs 50,000 crore special Liquidity facility for mutual funds. This package has released a

lot of pressure from Mutual fund industry.

- 30.04.2020 This Hon'ble Court, in the case of Kamal Kumar Kalia vs. Union of India and Anr. directed Respondent No. 2 to ensure that circular dated March 27, 2020 was implemented in its letter and spirit.
- 01.05.2020 NDMA issued an order directing the Ministries/Departments of Government of India, State/ UT Governments and State/UT Authorities to continue the lockdown measures till May 17, 2020.
- 17.05.2020 NDMA issued an order directing the Ministries/Departments of Government of India, State/ UT Governments and State/UT Authorities to continue the lockdown measures till May 31, 2020.
- 17.05.2020 MHA issued an order revoking the March 29, 2020 order directing all employers to continue making payments of salaries to workers during the lockdown.
- 22.05.2020 The RBI Governor, in furtherance of the RBI Detailed Instructions dated March 27, 2020 and the Governor's Statement dated April 17, 2020, issued another statement on May 22, 2020 wherein the moratorium on term loan instalments was extended till August 31, 2020 as a measure to ease financial stress.
- 23.5.2020 A Circular was released by Respondent No. 2 in consonance with the RBI Governor's Statement dated

May 22, 2020.

- 08.05.2020 This Hon'ble Court issued notices to Respondent No.
– 2 in relation to its COVID-19 policies in the case of
26.5.2020 Gajendra Sharma v. Union of India & Anr., bearing
Writ Petition (Civil) Diary No.11127 of 2020.
- 30.5.2020 MHA issued an order directing extension of
lockdown in containment zones till June 30, 2020.
- 5.6.2020 Minutes of Monetary Policy Committee meetings
held on May 20 to 22, 2020 was released by
Respondent No.2 where it further assessed the impact
of the Virus.

Globally, authorities reported more than 1,25,07,849 confirmed cases of COVID-19, with about 1,40,000 being active cases, roughly 68,90,914 recoveries and 5,60,460 deaths.

As things stand thus, there is no clarity on whether the moratorium can be availed by the Petitioner No. 1's members on loans taken from various banks and other financial institutions.

Further, the differential treatment meted out to the self-financing Technical Institutions including the Petitioner No. 1 & 2 and its members by banking and other financial institutions in the application of the abovementioned RBI circulars amount to a violation of Article 14 of the constitution which amounts to

treating birds of the same feather differently.

Unless this Hon'ble Court provides the remedies prayed for, the fall out from foreclosure of various assets and/or bankruptcy of the Petitioner No. 1 & 2's members and consequently have serious socio-economic consequences.

18.08.2020 Hence, the present Writ Petition is filed.

IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
(Writ Petition under Article 32 of the Constitution of India)
WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

1. Federation of Self-Financing Technical Institutions (All India)
Represented by General Secretary Dr. Rev. K.V.K. Rao
Administrative Office: Plot No.102,
High Court Colony,
Vanasthalipuram,
Hyderabad, Telangana – 500 070. ...Petitioner No. 1

2. Association of Unaided Private Schools
Represented by Secretary Sri. Babu Thomas,
St. George School Campus,
Opp. BMHRC Karond,
Huzur, Bhopal, Madhya Pradesh. ...Petitioner No. 2

3. Dr. Anshu Kataria, S/o. Sh. Roshan Lal,
Aged about 45 Years, Occ.: Educationist,
R/o. H.No.164, Sector 16A,
Chandigarh, Punjab. ...Petitioner No. 3

4. Dr. Rev. K.V.K. Rao, S/o. Late Venkaiah,
Plot No.102, High Court Colony,
Vanasthalipuram, Hyderabad,
Telangana – 500070. ...Petitioner No. 4

VERSUS

1. The Union of India,
Through the Secretary Ministry of Finance,
North Block,
New Delhi – 110001. ...Respondent No. 1

2. All India Council for Technical Education
Through Director
Nelson Mandela Marg, Vasant Kunj
New Delhi ...Respondent No. 2

3. Reserve Bank of India
Through Director
Central Office, 13th Floor,

Central Office Building,
Shahid Bhagat Singh Marg,
Mumbai – 400 001.

...Respondent No. 3

WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA.

TO,
THE HON'BLE CHIEF JUSTICE OF INDIA,
AND HIS COMPANION JUSTICES OF
THE HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF
THE PETITIONERS ABOVE NAMED

MOST RESPECTFULLY SHEWETH:

Introduction:

1. The present writ Petition is filed seeking to invoke the writ jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India to raise issues of importance that determine the very existence of self-financed Technical Institutions across India in view of the discriminatory treatment met out to the said Institutions by the Respondents.
2. The Petitioners are mainly seeking extension of moratorium as well as rescheduling of loan installments without additional interest on the interest to all loan accounts without discrimination or classification.
3. The present Petition illustrates the difficulties faced by the self-financed Minority and Non-Minority Institutions across India and the discriminatory relief measures announced by the RBI, despite being aware of the prevailing environment ignoring the hardships faced by all the sectors of the society of the country. The impugned

circular announced by the RBI is in violation of Article 14 which discriminates the members of Petitioner No.1 and Petitioner No.2 institutions under Article 19 (1) (g) read with Article 21 of the Constitution of India.

THE PARTIES

4. The Petitioner No.1 herein is the Federation of Self-Financing Technical Institutions (FSFTI) – a consortium of various State Level associations of Self-Financing Technical Institutions in India. Petitioner No. 1 is an association representing the interests of various State Level associations of Self-Financing Technical Institutions in India. It has its, registered office No.23/7, 2nd Floor, East Patel Nagar, New Delhi – 110008 and Administrative Office at Plot No.102, High Court Colony, Vanasthalipuram, Hyderabad – 500070. The main objective of the Petitioner No. 1 society is to strengthen the self-financing professional institutions across the country and to support, request, suggest, advise and guide the Ministry of Human Resource Development, University Grants Commission, All India Council for Technical Education and other related authorities in their discharge of statutory responsibilities smoothly under the existing law, acts and rules. The member institutions of the Petitioner No.1 are unaided minority as well as non-minority institutions located at various places across the Country imparting various technical educational courses.

A true copy of Society Registration Certificate (Regd. No. Society/West/2018/8902369) dated 24.07.2018 of Petitioner No.1, with its aims and objectives, is annexed herewith and marked as **ANNEXURE P-1 (Pages 38 to 59)**.

5. The Petitioner No.2 herein is the Association of Unaided Private Schools formed under Madhya Pradesh Society Registration Act, 1973, an Association of Self-Financing Schools of Madhya Pradesh representing the interests of Schools of Madhya Pradesh.

A true copy of Society Registration Certificate (Regd. No. 01/01/01/36898/20, dated 13.08.2020 of Petitioner No.2 with its aims and objectives is annexed herewith and marked as **ANNEXURE P-2 (Pages 60)**.

6. The Petitioner No.3 is the President of the Petitioner No.1 herein.
7. The Petitioner No.4 herein is the General Secretary of the 1st Petitioner and is the authorised representative of Petitioner No.1.
8. The Respondent No.1 is the Government of India represented through the Ministry of Finance, that has the power to issue directions to the Reserve Bank of India from time to time as may be considered necessary in interest of the public.
9. Respondent No.2 is the All India Council for Technical Education India (hereinafter referred to as “**AICTE**”), a statutory body established under the All India Council for Technical Education Act of 1987 which is a Central Act passed by the Parliament, which has been authorized to grant approvals for establishing and operating institutions to impart Technical Education.
10. The Respondent No. 3, i.e. the Reserve Bank of India (hereinafter referred to as “**RBI**”) is a statutory body framed under guidelines presented by the Central Legislative Assembly to act as the country’s central bank, the nodal financial institution, and as the financial regulator of the country under the Reserve Bank of India Act, 1934. As the country’s financial watchdog, the RBI regulates the country’s currency and credit system while keeping in mind the monetary stability. Just like any other statutory body, the RBI too

ensures that the measures introduced by it are in consonance with the larger public interest of the country. The RBI is also entrusted to regularly advise the Government of India in its fiscal policy decisions. The Preamble of the Reserve Bank of India describes the basic functions of the Reserve Bank as:

"to regulate the issue of Bank notes and keeping of reserves with a view to securing monetary stability in India and generally to operate the currency and credit system of the country to its advantage; to have a modern monetary policy framework to meet the challenge of an increasingly complex economy, to maintain price stability while keeping in mind the objective of growth."

11. That, all the Respondents are "State" within the meaning of Article 12 of the Constitution of India and are therefore, State instrumentalities bound by Part III of the Constitution of India and hence amenable to the jurisdiction of this Hon'ble Court under Article 32.

PRE-COVID-19

12. The members of the Petitioner No. 1 & Petitioner No. 2 across India have become financially unviable, even prior to the pandemic, due to the unreasonably low fees fixed by State Level Fee Regulatory Committee/Commission and the subsequent inaction of AICTE in fixing uniform fee for all the technical courses in India commensurate with cost of complying with the statutory minimum norms fixed by it despite the approval of the Srikrishna Committee/National Fee Committee Report on 11.12.2015.
13. It is submitted that, in this regard Petitioners No. 1 and 4 have already filed a Writ Petition, being W.P.(C) No.5155 of 2020 before the Hon'ble High Court of Delhi, challenging the inaction of the 2nd

Respondent in fixing the minimum and maximum fee for the courses being offered by the professional institutions of the country, wherein the Hon'ble High Court was pleased to issue notice and seek response of Respondent No.1 & 2 vide its order dated 10.08.2020.

A true copy of order dated 10.08.2020 passed by High Court of Delhi in W.P.(C) No.5155 of 2020 is annexed herewith and marked as **ANNEXURE P-3 (pages 61 to 62)**.

THE COVID-19 PANDEMIC

14. In December, 2019, the Chinese Health officials informed the World Health Organization (shortly WHO) about a cluster of 41 patients with a mysterious pneumonia. Chinese authorities identified the virus that caused the pneumonia-like illness as a new type of corona virus. Later, the WHO announced the disease caused by the novel corona virus to be "COVID-19". The first confirmed case of COVID-19 was detected in the end of January 2020 in India. The World Health Organisation (**WHO**) declared the outbreak of COVID-19 as a Public Health Emergency of International Concern on 30th January 2020 and subsequently, as a 'pandemic' on 11th March 2020.
15. As with other respiratory pathogens including flu and rhinovirus, the COVID-19 transmission is believed to occur through respiratory droplets from coughing and sneezing. Aerosol transmission is also possible in case of protracted exposure to elevated aerosol concentrations in closed spaces. The spread, in fact, is primarily limited to family members, healthcare professionals, and other close contacts. Concerning the duration of contamination on objects and surfaces, a study showed that SARS-CoV-2 can be found on plastic for up to 2-3 days, stainless steel for up to 2-3 days, cardboard for up to 1 day, copper for up to 4 hours.

MEASURES TAKEN TO CONTAIN THE PANDEMIC

16. According to the World Health Organization (WHO), viral diseases continue to emerge and represent a serious issue to public health. After research it was concluded that the virus is transmitted from human-to-human, and symptomatic people are the most frequent source of COVID-19 spread. Because of the possibility of transmission before symptoms, and thus individuals who remain asymptomatic could transmit the virus, isolation was concluded to be the best way to contain this epidemic.
17. Ministry of Home Affairs (**MHA**) under the Disaster Management Act, 2005 (**DMA**) declared COVID-19 Virus as a ‘disaster’ for the purpose of providing assistance under State Disaster Response Fund (**SDRF**) and was also termed as a force majeure event/circumstance.
18. Contemporaneously, the Ministry of Health and Family Welfare issued an advisory, wherein it advised for implementation of ‘social distancing’ to avoid/decrease contact between people to curb community transmission of COVID-19. Ministry of Health and Family Welfare proposed the implementation of certain measures, including, but not limited to, allowing private sector organizations/ employers to allow employees to work from home wherever and whenever feasible.
19. National Disaster Management Authority (herein after **NDMA**), chaired by the Prime Minister of India issued an Order in exercise of the powers under section 6(2)(i) of the the Disaster Management Act, 2005 (herein after ‘**DMA Act**’) directing the Ministries/ Departments of Government of India, and the State/Union Territory Governments and State/ Union Territory Authorities to take effective measures to prevent the spread of the Virus in the country.

Ministry of Home Affairs issued an order under Section 10(2)(1) of the DMA Act, directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures for ensuring social distancing to prevent the spread of the Virus in the country for a period of 21 days. Almost immediately, curbs were placed on the movement of individuals and a nationwide lockdown was imposed.

20. The Petitioners submit that the lockdown necessitated to fight COVID-19 has created uncertainty to the very survival of the self-financing Technical Institutions across India. This is due to the practical difficulties in conducting physical courses and the sudden disruption caused by the pandemic, the capital expenditure needed to invest in conducting the courses over Internet and the rather drastic fall of revenue. The overall pandemic situation arisen due to COVID-19 would be force majeure event beyond the control of any individual.
21. Until the necessary precautions are taken as well as the successful inoculation of the general public from COVID-19 infection, regular functioning of the institutions is impossible to happen. The self-financing Technical Institutions across India are facing peculiar and testing situation of having the revenue on their balance sheet axed on one hand and having to pay their staff and teachers on the other hand. Self-financing Technical Institutions across India maybe able to sail these testing times if the moratorium is made available to them on all their debt payments in the same way it has been extended to various sectors of the economy by the Respondents in a non-arbitrary manner.
22. The academic year 2020-21 has not yet commenced and there is uncertainty about the admissions as well as possible revenues, while

the expenditure continue to burden the institutions. It is a settled law that the fee of each individual institution would be determined for a block period of three years, during which period there is no provision to meet any additional expenditure that could arise, such as of paying loan installments, in the event of fall in the revenues as well as interest over the interest in the event of occurrence of a force majeure event like the present COVID-19 pandemic. Thus, it would be financially unviable for the professional institutions under the present conditions to pay the loan installments or to bear the interest over the interest for the period where the loan installments are unpaid. By law the unaided educational institutions are not permitted to earn profits and must be operated strictly under the regulatory domain of the respective State Authority with regard to the charging of fees. Since fee is the only source of revenue, which can be charged only to the extent of the visible expenditure and reasonable surplus, under the present sudden force majeure circumstance due to COVID-19, the Respondents No.1 and 3 should derive/formulate a special package of rescheduling the existing loans of all the unaided professional institutions at least for one academic year without charging any penal interest. It should also ensure that no coercive steps such as issuing default notices and/or trying to take physical possession of the properties, etc., against the institutions for not making payment of loan installments.

IMPACT OF THE PANDEMIC

23. Globally, authorities reported more than 1,25,07,849 confirmed cases of COVID-19, with about 1,40,000 being active cases, roughly 68,90,914 recoveries and 5,60,460 deaths.

24. The direct fallout of the pandemic and the measures taken to contain the spread of the pandemic was human dislocation, financial stress caused by the disruption, high volatility experienced in the capital markets with the onset and spread of the pandemic and the sudden shrinkage of liquidity in the economy.
25. All industries/businesses has suffered the major brunt of the situation. The education sector is small and cannot withstand the shock and disruption caused by the COVID-19 pandemic. It is therefore, imperative that a high level committee be constituted by the Union of India, Ministry of Finance, RBI and SEBI, to consider, study, and suggest appropriate ameliorative fiscal and financial measures (such as one time comprehensive debt restructuring package or other appropriate measures to effectively reduce the debt servicing burden) to save various the educational institutions, particularly self-financing technical institutions. Any collapse of educational institutions will have an effect on other ancillary sectors and would detrimentally impact the education/skill development of the present and future of citizens of the country.

MEASURES TAKEN ON THE ECONOMIC FRONT MITIGATE THE IMPACT

26. The Ministry of Labour and Employment, Government of India issued an advisory which directed that:
- a. If any worker takes leave, he shall be deemed to be on duty without any consequential deduction in wages.
 - b. If the place of employment is made non-operational due to the measures taken by respective governments, the employees of such unit shall be deemed to be on duty.
 - c. The employers were asked not to terminate employment of the employees/workers and not reduce their wages/salaries.

27. The Ministry of Home Affairs issued an order under Section 10(2)(l) of the Disaster Management Act, 2005 directing the State/ Union Territory Governments to issue necessary orders to respective District Magistrate/ Deputy Commission of Police to ensure that *employers make payment of wages of their workers, at their work places, without any deduction for the entire period during which the establishments are under closure during lockdown.*

28. The RBI, noticing the economic stress of caused by the pandemic, and announced certain regulatory measures to mitigate the burden of debt servicing brought about by disruptions on account of pandemic.

The RBI, on 27th March 2020 made the following statement:

“This Statement sets out various developmental and regulatory policies that directly address the stress in financial conditions caused by COVID-19. They consist of: (i) expanding liquidity in the system sizeably to ensure that financial markets and institutions are able to function normally in the face of COVID-related dislocations; (ii) reinforcing monetary transmission so that bank credit flows on easier terms are sustained to those who have been affected by the pandemic; (iii) easing financial stress caused by COVID-19 disruptions by relaxing repayment pressures and improving access to working capital; and (iv) improving the functioning of markets in view of the high volatility experienced with the onset and spread of the pandemic.”

29. On the very same day, in pursuance of the above Statement, the RBI issued a Circular which, *inter alia*, provided as follows:

“COVID-19 – Regulatory Package

Please refer to the Statement of Development and Regulatory Policies released on March 27, 2020 where inter alia certain

regulatory measures were announced to mitigate the burden of debt servicing brought about by disruptions on account of COVID-19 pandemic and to ensure the continuity of viable businesses. In this regard, the detailed instructions are as follows:

(i) Rescheduling of Payments – Term Loans and Working Capital Facilities

2. In respect of all term loans (including agricultural term loans, retail and crop loans), all commercial banks (including regional rural banks, small finance banks and local area banks), co-operative banks, all-India Financial Institutions, and NBFCs (including housing finance companies) (“lending institutions”) are permitted to grant a moratorium of three months on payment of all instalments falling due between March 1, 2020 and May 31, 2020. The repayment schedule for such loans as also the residual tenor, will be shifted across the board by three months after the moratorium period. Interest shall continue to accrue on the outstanding portion of the term loans during the moratorium period.

3. In respect of working capital facilities sanctioned in the form of cash credit/overdraft (“CC/OD”), lending institutions are permitted to defer the recovery of interest applied in respect of all such facilities during the period from March 1, 2020 up to May 31, 2020 (“deferment”). The accumulated accrued interest shall be recovered immediately after the completion of this period.”

(ii) Easing of Working Capital Financing

4. In respect of working capital facilities sanctioned in the form of CC/OD to borrowers facing stress on account of the

economic fallout of the pandemic, lending institutions may recalculate the 'drawing power' by reducing the margins and/or by reassessing the working capital cycle. This relief shall be available in respect of all such changes effected up to May 31, 2020 and shall be contingent on the lending institutions satisfying themselves that the same is necessitated on account of the economic fallout from COVID-19. Further, accounts provided relief under these instructions shall be subject to subsequent supervisory review with regard to their justifiability on account of the economic fallout from COVID-19

8. Lending institutions shall frame Board approved policies for providing the above-mentioned reliefs to all eligible borrowers, inter alia, including the objective criteria for considering reliefs under paragraph 4 above and disclosed in public domain."

It is clear from the purpose of the Statement and the RBI Circular, that the intent and object behind issuance of the same was to mitigate the burden of debt servicing brought about by the disruptions on account of the pandemic and to ensure the continuity of viable businesses. It is submitted that the Directions issued by RBI Circular will not only fail to mitigate the financial hardship of the public, but the same are in fact, prejudicial to the interests of a particular set of borrowers.

WHY IS IT DISCRIMINATORY? WHY IS IT ARBITRARY?

30. The unequal treatment meted out to the members of the Petitioner No. 1 and 2 institutions by the actions of the Respondents are summarised below:

- A. The Respondent No. 3 herein issued a circular No. DOR. No. BP.BC.47/21.04.048/ 2019-20 on 27.03.2020 whereby banks, Non-banking Financial Companies (“NBFC’s”) and Housing Finance Companies (“HFC’s”) were permitted to grant a 90-day moratorium to their borrowers. The 8th paragraph of the said circular provided that *“lending institutions shall frame board approved policies for providing the above-mentioned reliefs to all eligible borrowers inter alia including the objective criteria for considering reliefs under paragraph 4 above and disclosed in public domain...”*. Thus all NBFCs and HFC’s were obliged to frame board approved policies for providing these reliefs as the paragraph 8 of the circular used the word *“shall”*. While so, the Respondent No. 3 has interpreted this circular to mean that the right to provide moratorium to the borrowers is at the *“discretion of the lenders”* and is thus not mandatory. The mandatory language of the circular coupled with the clarification of the RBI creates a confusing situation wherein although the borrowers are entitled to a moratorium, they will be able to avail it only at the discretion of the lender. This creates a lot of room for discretionary and arbitrary provision/refusal of moratorium to the whims and fancies of the banks, much less to the already disregarded position of educational institutions such as Petitioner No.1 and 2.
- B. Technical Institutions across India do not have many options as compared to the other industries to avail capital towards their operating costs and capital expenditures. Almost all of the operating costs and capital expenditures of the Technical Institutions are financed through the following methods:

- a. They receive fee for their services from the self-financed students (revenue).
 - b. They receive post-metric scholarship amount towards aided students from the Central Government.
 - c. They receive reimbursement of tuition fees by the State Government.
 - d. They loan money from the banks.
- C. Since the Technical Institutions across India have become financially unviable, even prior to the pandemic, due to the unreasonably low fees fixed by State Level Fee Regulatory Committee/Commission and the subsequent inaction of AICTE in fixing uniform fee for all the technical courses in India commensurate with cost of complying with the statutory minimum norms fixed by it despite the approval of the Srikrishna Committee/National Fee Committee Report on 11.12.2015. The pandemic has created uncertainty on the very survival of the self-financing technical Institutions across India. This is due to the practical difficulties in conduction of physical courses and the sudden disruption caused by the pandemic, the capital expenditure needed to invest in conducting courses over internet and the rather drastic fall in revenue. Until the necessary precautions are taken as well as the successful inoculation of the general public from COVID-19 infection, the self-financing Technical Institutions across India are facing peculiar and testing situation of having the revenue on their balance sheet axed on the one hand and having to pay their staff and teachers on the other hand. Self-financing Technical Institutions across India maybe able to sail these testing times

only if the moratorium is made available to them on all their debt payments, in a non-arbitrary manner.

D. It is pertinent to mention that although the retail customers of the banks are provided the option of availing the moratorium on the loans take by them, self-financing Technical Institutions across India themselves have been deprived of the moratorium facility on the loans taken by them.

E. In conclusion, the members of Petitioner No. 1 are unable to avail the moratorium facility although the same has been made available to the retail customers of the banks and other financial institutions. In view of the circumstances narrated above, even the benefit granted to other business concern would not be sufficient to the educational institutions and Respondents No.1 and must specially look into the special nature and functioning of the unaided professional educational institutions and should formulate a special rehabilitation package while keeping in view about the unique circumstances under which the unaided professional institutions are placed.

31. The Petitioners submit that loan agreements executed by the Petitioner institutions under the rightful belief that they will be continuing their activities in normal course and that the Central as well as the State Governments will be forthcoming with the post-metric scholarship amount towards aided students & reimbursement of tuition fees respectively. The Petitioners submit that COVID-19 pandemic is a supervening and a force majeure event that changes the course of the all businesses and that this supervening event has to be taken into account while seeking payments on all legal instruments.

32. The Petitioners submit that apart from the economic loss caused to the members of Petitioner No. 1 and 2, if remedy is not forthcoming, the members of Petitioner No.1 and 2 will be compelled to shut down the institutions, which will not only add further to the unemployment cycle but will also greatly impact the quality and reach of education to the people.
33. Due to the onset of pandemic COVID-19, on 16.03.2020 an advisory was issued by Ministry of Health and Family Welfare whereby implementation of 'social distancing' to avoid/ decrease contact between people to curb community transmission of COVID-19 was advised. Ministry of Health and Family Welfare also proposed implementation of certain measures, including, but not limited to, allowing private sector organisations/ employers to allow employees to work from home wherever and whenever feasible.
34. On 19 March 2020, the Prime Minister of India, announced a Janta Curfew on 22 March 2020 from 7 AM to 9 PM, wherein people of the country were required to stay indoors and taxis, buses, metro and train services were also curtailed. This essentially brought the country to a standstill.
35. On 20.03.2020, notification was issued by Ministry of Labour and Employment whereby it was advised all employers of Public/ Private establishments to extend their cooperation in facing the outbreak of COVID-19 by not terminating their employees, particularly casual or contractual workers from jobs or to effect reduction of their wages as termination of employees from jobs or reduction in wages in this scenario will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with the COVID- 19 Pandemic. That on one hand members of the Petitioner No.1 and Petitioner No. 2 organizations

had to maintain their employees by regularly paying their salaries and on other hand have to re-pay the instalment of the loans.

A true copy of the Notification dated 20.03.2020 issued by the Ministry of Labour and Employment is annexed herewith and marked as **ANNEXURE P-4 (pages 63).**

36. Subsequently, on 24 March 2020, the Hon'ble Prime Minister of India announced a 21 day nationwide lockdown with effect from 12 AM on 25 March 2020 until 14 April 2020, wherein the state borders were also sealed and all transportation services were suspended. Therefore, the lives of a staggering population of 130 crore citizens of India were suddenly halted with no foreseeability on the impact of this lockdown on the livelihoods, businesses and economy.

A true copy of the Order dated 24.03.2020 issued by the Government of India is annexed herewith and marked as **ANNEXURE P-5 (pages 64).**

37. That on 24.03.2020, Ministry of Home Affairs issued guidelines to the Ministries/ Departments of Government of India, State/ Union Territory Governments and State/ Union Territory Authorities in order to effectuate a 'lockdown' to contain the spread of COVID-19 Pandemic.

A true copy of the Guidelines dated 24.03.2020 issued by the Ministry of Home Affairs is annexed herewith and marked as **ANNEXURE P-6 (pages 65 to 70).**

38. The RBI, noticing the economic stress of the COVID-19 Pandemic on the country, issued the Statement on 27 March 2020.

A true copy of the Statement dated 27.03.2020 issued by the Reserve Bank of India is annexed herewith and marked as **ANNEXURE P-7 (pages 71 to 79).**

39. In pursuance of the above Statement, the RBI issued a Circular dated 27.03.2020 on the same day.

A true copy of the RBI Circular dated 27.03.2020 issued by the Reserve Bank of India is annexed herewith and marked as **ANNEXURE P-8 (pages 80 to 82)**.

40. The Petitioners No.1 and 2 have submitted representations dated 27.03.2020, 25.04.2020 and 18.07.2020 to Respondents No.1, 2 and 3 stating that the COVID-19 Pandemic and force majeure economic pandemic have brought acute economic and financial difficulties, besides negative impact on long term viability. Sadly the Petitioner institutions are scrambling to identify options to deal with major challenges and requesting help for the survival of technical institutions.

41. It is submitted that, in these circumstances, although measure to ease the crisis have been forthcoming, the Respondents have failed in their constitutional duty to put in place measures that would treat all the stakeholders/borrowers equally. Further under the given circumstances the hardship being faced by the unaided professional educational institutions operating with the revenues they receive by way of fee fixed by the State Regulatory Authorities without the element of profit, is at a higher degree in comparison to the regular business entities operating for their business profits. Thus the Respondents 1 and 3 must formulate a special rehabilitation package apart from extending the benefit granted to other business entities. The Petitioner No.1 and 4 has through representations dated 27.03.2020 and 25.04.2020 and the Petitioner No. 2 has through online petitions started from 18.07.2020 has brought to the notice of the Respondents No.1 and 3 about the problems being faced by the education sector caused by COVID-19 Pandemic and the relief

package requested. However, there is no response to those representations. Hence, the present petition is being filed by the Petitioners challenging the prejudicial treatment meted out to the self-financing technical institutions companies by the RBI *vide* circular No. DOR.No.BP.BC.47/21.04.048/ 2019-20 dated 27.03.2020 as well as the inaction in formulating a rehabilitation package to the unaided professional educational institutions despite the representations dt.27.03.2020, 25.04.2020 and 18.07.2020 under Article 14 read with Article 21 of the Constitution of India.

A true copy of the representation dated 27.03.2020 is annexed herewith and marked as **ANNEXURE P-9 (pages 83)**.

42. Further, the RBI Circular has been worded in such a manner that it appears to be *permissive* in nature rather than being mandatory. Even though public sector banks and various private sector banks have released their policies and FAQs on moratorium and deferment of instalments, due to the permissive nature of the RBI Circular, the said policies and FAQs are not uniform, as each of the Lending Institutions have altered/modified the RBI Circular in light of the discretion granted to them.
43. The inconsistencies and ambiguities created by the RBI Circular has resulted in confusion and is preventing the educational institutions from making any informed decision. Furthermore, the inaction of Respondents No.1 and 3, in formulating the special rehabilitation package for payment of existing loan instalments and waiver of the interest over interest has caused grievous injustice to the Petitioner institutions. Hence, it is respectfully submitted that urgent judicial intervention of this Hon'ble Court is required, so that the Lending Institutions have a clear and unambiguous mandate from the RBI that can be applied uniformly qua all borrowers.

44. On 29.03.2020, order was issued by the MHA under Section 10(2)(l) of the Disaster Management Act, 2005 directing the State/Union Territory Governments to issue necessary orders to respective District Magistrate/Deputy Commissioner of Police to ensure that employers make payment of wages to their workers, without any deduction for the entire closure period.

A true copy of the Order dated 29.03.2020 issued by the Ministry of Home Affairs is annexed herewith and marked as **ANNEXURE P-10 (pages 84 to 85).**

45. On 30.03.2020, SEBI issued a circular bearing No. SEBI/HO/MIRSD/CRADT/ CIR/P/ 2020/53 declaring the present situation as *force majeure* and gave relief from any negative impact on the credit ratings.

A true copy of the Circular dated 30.03.2020 issued by the Securities and Exchange Board of India is annexed herewith and marked as **ANNEXURE P-11 (pages 86 to 87).**

46. On 07.04.2020, the Statement of RBI Governor was published in Economic Times stating that the provisions of moratorium were not a matter of choice but a matter of compulsion.

A true copy of the Newspaper article dated 07.04.2020 issued by the Economic Times is annexed herewith and marked as **ANNEXURE P-12 (pages 88 to 89).**

47. On 08.04.2020, Insurance Regulatory and Development Authority of India (herein after “**IRDA**”) issued a circular bearing No. IRDA/F&I/CIR/INV/085/04/2020 granting moratorium on all term loans.

A true copy of the Circular dated 08.04.2020 issued by the Insurance Regulatory and Development Authority of India is annexed herewith and marked as **ANNEXURE P-13 (pages 90 to 91).**

48. On 14.04.2020, Press Information Bureau declared the extension of nation-wide lockdown to curb the spread of COVID-19 up to 3 May 2020.

A true copy of the Declaration dated 14.04.2020 issued by the Press Information Bureau is annexed herewith and marked as **ANNEXURE P-14 (pages 92 to 94)**.

49. On 15.04.2020, Revised Consolidated Guidelines was issued by Ministry of Home Affairs.

A true copy of the Revised Consolidated Guidelines dated 15.04.2020 issued by the Ministry of Home Affairs is annexed herewith and marked as **ANNEXURE P-15 (pages 95 to 109)**.

50. The immediate and obvious impact of aforementioned notifications was that the sectors that are reliant on physical labour were adversely impacted overnight. While social distancing is the most important norm to be followed in the present times, the relevant authorities did not take into consideration the economic and commercial impact of such unexpected advisories/directions.

51. On 17.04.2020, RBI Governor gave a statement which states as follows:

“Economic activity has come to a standstill during the period of the lockdown, with consequential lingering effects which have unambiguously affected the cash flows of households and businesses. On March 27, 2020 the RBI had permitted lending institutions (LIs) to grant a moratorium of three months on payment of current dues falling between March 1 and May 31, 2020. It is recognized that the onset of COVID19 has also exacerbated the challenges for such borrowers even to honour their commitments fallen due on or before February 29, 2020 in Standard Accounts. The Basel Committee on Banking

*Supervision (BCBS) has taken cognizance of the financial and economic impact of COVID-19 and very recently announced that “..... the payment moratorium periods (Public or granted by banks on a **voluntary basis**) relating to the COVID-19 outbreak can be excluded by banks from the number of days past due” in respect of NPA recognition.”*

A true copy of the Statement dated 17.04.2020 issued by the Governor, Reserve Bank of India is annexed herewith and marked as **ANNEXURE P-16 (pages 110 to 118).**

52. That immediately after the statement was given by RBI Governor, a Circular was issued by RBI on 17.04.2020 bearing No. RBI/2019-20/220 DOR.No.BP.BC.63/ 21.04.048/2019-20 in relation to asset classification and provisioning.

A true copy of the Circular dated 17.04.2020 issued by the Reserve Bank of India is annexed herewith and marked as **ANNEXURE P-17 (pages 119 to 121).**

53. That on 24.04.2020, Respondent No.3 (RBI) filed an Affidavit before the Hon'ble High Court of Punjab and Haryana at Chandigarh in case of “*Indiabulls Housing Finance Ltd. v Citibank N.A. & Anr.*”. It is submitted that Respondent No.3 has stated in Affidavit as follows:

“2.That since the customer profile and the organisational structure and spread of each lending institution is widely different from others, the discretion regarding deciding the eligibility of customers and manner in which the customers are on-boarded for availing this benefit has been left to the lending institutions concerned. In line with the said circular, the individual lending institutions may offer the benefit of moratorium to their eligible customers either automatically or

through SMS/ email /application through website or in any other manner which is operationally feasible for both the customers and the lending institutions concerned. Each lending institution is best placed to assess the requirements of its customers and the best mode to communicate with them, and it is felt that any general regulatory instructions regarding how to communicate the benefit of moratorium to its customers may rather act as a constraint on the lending institution may adversely impact the operational efficacy of the measure. “

54. It is submitted that aforesaid Affidavit of RBI has further created a confusion on implementation of the circular.

A true copy of the Affidavit dated 24.04.2020 filed by the Respondent No. 3 herein in Writ Petition titled as Indiabulls Housing Finance Ltd. v. Citibank N.A. & Anr. before the High Court of Punjab and Haryana at Chandigarh is annexed herewith and marked as **ANNEXURE P-18 (pages 122 to 124)**.

55. That on 25.04.2020, FSFTI wrote an open letter to the All India Council for Technical Education, the Ministry of Social Justice and Empowerment & the Ministry of Finance of Government of India regarding the survival of the self-financing technical institute sector praying for the following reliefs:

- i. Uniform nation-wide minimum fee be imposed from academic year 2020 – 21.
- ii. Release of matured and unmatured fixed deposits created towards corpus funds.
- iii. Return of processing fees paid towards approval of grants.
- iv. Issue of soft loan of Rs. 50 lakhs without interest to each institution.

- v. Release of all pending post metric scholarship.
- vi. Waiver of interest on loans for a period of 6 months.
- vii. Impose moratorium for repayment of interest and instalments for a period of 1 year commencing after 6 months from the date of completion of interest waiver period.
- viii. Reducing the rate of interest to 50% of the existing rate
- ix. Alteration of amount of instalment by 1/3rd of the current amount of instalment.
- x. Sanction of additional credit facilities of Rs. 2 crores to each technical institution.

A true copy of the Open Letter penned by FSFTI dated 25.04.2020 to the Prime Minister of India is annexed herewith and marked as **ANNEXURE P-19 (pages 125 to 128).**

56. That vide press release dated 27.04.2020, RBI announced Rs 50,000 crore special Liquidity facility for mutual funds. This package has released a lot of pressure from Mutual fund industry.

A true copy of the Press Release dated 27.04.2020 issued by the Reserve Bank of India is annexed herewith and marked as **ANNEXURE P-20 (pages 129 to 131).**

57. Since it has been clarified that the option of provision of moratorium is discretionary, the option of availing moratorium has also been closed for the borrowers such as the members of the Petitioner No. 1 & 2 as everything is available only at the discretion of banks/lenders.
58. That on 01.05.2020, an order was passed by Ministry of Home Affairs whereby lockdown was further extended by period of 2 weeks with effect from 04.05.2020.

A true copy of the Order dated 01.05.2020 issued by the Ministry of Home Affairs is annexed herewith and marked as **ANNEXURE P-21 (pages 132 to 143).**

59. That the RBI issued a further circular DOR.No.BP.BC.71/21.04.048/ 2019-20 dated 23.05.2020 wherein permission to extend the moratorium by another three months i.e. from June 1, 2020 to August 31, 2020 on payment of all instalments in respect of term loans, was granted.'

A true copy of the RBI Circular dated 23.05.2020 issued by the Reserve Bank of India is annexed herewith and marked as **ANNEXURE P-22 (pages 144 to 146).**

60. That on 18.07.2020, Petitioner No. 2 wrote a letter to the Prime Minister of India drawing his attention towards the worst hit sector during COVID-19 Pandemic i.e. the unaided Private Schools, the major reason being that the school premises are closed, and students can't go to schools due to the fear of COVID-19. Petitioner No. 2 wrote to the Prime Minister highlighting their plights and seeking loan benefits to the education sector in these times of crisis and assistance from the RBI in terms of providing interest-free loans to parents to fund their child's education through direct bank transfer or any mechanism deemed fit by the Governor. Further seeking similar interest-free loans to schools to pay recurring costs such as teacher salaries, overheads, and capital expenditure.

A true copy of the representation dated 18.07.2020 is annexed herewith and marked as **ANNEXURE P-23 (pages 147 to 155).**

61. In view of such arbitrary action/inaction of the Respondents, the Petitioners are seeking the necessary directions from this Hon'ble Court to ensure that the Respondents act fairly, reasonably and in the larger interest of not only the businesses in India, but also of the

economy in general on the following grounds amongst others, which are set out hereinafter without prejudice to one another:

GROUND

62. Because the Reserve Bank of India has issued a circular dated 27.03.2020 providing that banks, NBFC's etc. shall give moratorium on payment of all instalments falling due between March 1, 2020 and May 31, 2020 although a wide discretion has been placed in the hands of the lenders to provide the relief of moratorium without placing any rational and relevant guidelines for the same. This amounts to excessive delegation.
63. Because the RBI circular does not address the concerns it presently intends to address inasmuch as the wide discretion given to the lenders on the provision of moratorium has necessarily denied the access to the facility of moratorium to a particular class of lenders. It is submitted that this Hon'ble Court maybe pleased to purposively interpret the circular and direct the lending institutions provide moratorium to borrowers using a cogent and rational policy. Though defaulters and NPA maybe denied moratorium, the entire class of buyers have to be provided the option of moratorium. In other words, the choice of availing moratorium should be in the hands of the borrowers and not the lenders.
64. Because the RBI is a statutory body, it comes within the purview of "State" under Article 12 of the Constitution and is therefore, bound by the constitutional principles that govern the functioning of a State. However, the RBI has acted in a manner contrary to Article 14 of the Constitution inasmuch as its circular dated 27.03.2020 amounts to discrimination between borrowers in their ability to avail moratorium. The principle underlying Article 14 is that birds of the

same feather should be flocked together and this cardinal rule has been violated by the aforementioned RBI circular. Thus, equals cannot be treated unequally by the Respondent authorities or through sub-delegation by any of the lenders.

65. Because of the prevailing social distancing norms it is impossible for the educational institutions to open for students. Without any activity, it is neither feasible nor reasonable for the institutions to seek payment of full fee from the students. Therefore, income generation to sustain the institutions have come to a standstill. However, they are still under an obligation to make payment of the instalments on loans amongst other operational costs such as payments of salaries to the staff etc.
66. Because despite the educational institutions being in dire need of some economic relief measures in order to reduce their burden of debt repayments, improvement of liquidity, and labour crisis, the situation has been dealt with by the RBI with great prejudice and discrimination.
67. Because the RBI has failed to take into consideration the fact that the halt in business activities across the country, was sudden and without any prior notice for the educational institutions to plan their activities in light of the lockdown. Despite the situation, RBI has proceeded to ignore the hardships of the educational sector by issuing the impugned circular which is a violation of Article 14 and would deprive several members of Petitioner No. 1 their rights under Article 19(1)(g) read with Article 21 of the Constitution of India.
68. The Petitioners submit that unless appropriate directions are issued by this Hon'ble Court to the Respondents, the members of the Petitioner No. 1 would not be able to survive the financial fallout of pandemic and the measures taken to contain the pandemic.

69. The Petitioners crave liberty from this Hon'ble Court to raise additional grounds, at a later stage, if required.
70. That in view of the aforesaid facts and submissions, interest of justice would be made if the prayers as sought for in the instant writ petition are allowed failing which the Petitioners would be heavily prejudiced and would suffer irreparably and substantially.
71. The Petitioners submits that the present writ petition is being filed bonafide and in the interest of justice.
72. That the Petitioners have not filed any other petition before this Hon'ble Court or any other High Court for the reliefs prayed. This is the only petition for the reliefs claimed herein for which the Petition is being filed.
73. The Petitioners submit that this Hon'ble Court has the requisite jurisdiction to entertain the present Writ Petition and adjudicate upon the issues arising herein.
74. The Petitioner craves the leave of this Hon'ble Court to amend this Petition as and when required and to produce additional documents which may come into the possession of the Petitioners.

PRAYER

75. In view of the above facts and submissions, it is therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to:-
- (a) Issue a Writ of Mandamus and/or any other writ, order or direction of similar nature directing the Respondents No. 1 and 3 to provide such financial relief to the members of the Petitioner No.1 and 2 including freezing all financial liabilities of members institutions of Petitioner No.1 and 2 towards banks and financial institutions or any other body corporate

from whom the members of the Petitioner No.1 and 2 have taken loans, for a period of 6 months;

- (b) Issue a Writ of Mandamus and/or any other writ, order or direction of similar nature directing the Respondents No. 1 and 3 to direct all Banks and financial institutions to waive the penal interest charged for a period of one year or until such time as it takes for the pandemic to abate;
- (c) Issue a Writ of Mandamus and/or any other writ, order or direction of similar nature directing the Respondents No. 1 and 3 to provide such financial relief to the members of the Petitioners No. 1 and 2 including one-time restructuring for all accounts;
- (d) Issue a Writ of Mandamus and/or any other writ, order or direction of similar nature directing the Respondents No.2 to release matured and unmatured fixed deposits created towards corpus funds along with interest accrued thereon;
- (e) Issue a Writ of Mandamus and/or any other writ, order or direction of similar nature directing the Respondent No.1 to release all pending post metric scholarship and Respondent No.2 to return of processing fees paid towards approvals granted for the year 2020-21;
- (f) Issue a Writ of Mandamus and/or any other writ, order or direction of similar nature directing the Respondent No.1 & 3 to direct the financial institutions to grant additional credit facility of Rs. 2 Crores to each member institutions of Petitioner No.1 and 2 without interest to meet salary cost and other overheads during the COVID-19 Pandemic;
- (g) Issue a Writ of Mandamus and/or any other writ, order or direction of like nature directing the Respondent No.3 to

apply the circular dated 27.03.2020 being DOR. No. BP. BC. 47/21.04.048/2019-20 to all banks and other financial institutions compulsorily and mandatorily to all loan accounts including the loan accounts of the member institutions of Petitioner No.1 and 2 without any discretion given to the lending institutions;

- (h) Issue a Writ of Certiorari or a writ in the nature of certiorari or any other appropriate writ, order or directions calling for the records leading to the issuance of Respondent No. 3's policy on March 27, 2020, April 17, 2020 and May 22, 2020 be pleased to quash and set aside the provisions in the same which contemplate the accrual of interest on the instalments falling due on and after March 1, 2020.
- (i) In the alternative to prayer Clause (h), this Hon'ble Court may be pleased to Issue a Writ of Mandamus and/or any other writ, order or direction of like nature directing the Respondent No.3 to prohibit any charging of interest on the borrowings made by members of the Petitioners No.1 and 2 which have been postponed in view of the Respondent No.3 decision to apply the circular dated 27.03.2020 being DOR. No. BP. BC. 47/21.04.048 /2019-20;
- (j) Issue a Writ of Prohibition or a writ in the nature of Prohibition or any other appropriate writ, order or direction to financial institutions to not take any coercive steps against the member institutions of the petitioners for not paying the loan instalments;
- (k) Issue a Writ of Mandamus or a writ in the nature of Mandamus or any other appropriate writ, order or direction to financial institutions to reschedule the loan instalments for

one academic year without any charge of interest over the interest for the unpaid period;

- (1) Pass any other further order (s) / direction (s) as this Hon'ble Court may deem fit and proper in the fact and circumstances of the case in the interest of justice.

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS IN
DUTY BOUND SHALL EVER PRAY.

DRAWN AND FILED BY:



(A.KARTHIK)

ADVOCATE FOR THE PETITIONERS

Drawn On: 16.08.2020

Filed On: 19.08.2020

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL/ORIGINAL/APPELLATE/JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

Federation of Self-Financing
Technical Institutions (All India)
& Ors.

...Petitioners

Versus

The Union of India & Ors.

...Respondents

AFFIDAVIT

I, Mr. K.V.K. Rao, S/o. Mr.Venkaiah, aged about 58 years, General Secretary of the Federation of Self-Financing Technical Institutions, Petitioner No.1, signing on behalf all other Petitioners, herein having its office Plot No.102, High Court Colony, Vanasthalipuram, Hyderabad, Telangana - 500 070, do hereby solemnly affirm and state as follows:

1. That I am the General Secretary and the authorised representative of the Federation of Self-Financing Technical Institutions, Petitioner No. 1 herein. I am fully conversant with the facts and proceedings of the case.
2. That I have read and understood the contents of Writ Petition at pages 1 to 34 and Synopsis and List of Dates and events at pages B to O and I say that the facts stated therein are true and correct to the best of my knowledge and legal submissions are based on the advice received from the Counsel which I believe to be true.



ATTESTED

K. YADAV REDDY
ADVOCATE & NOTARY
R. No. 6-44847, Road No. 1
Jhansabhai Nagar, Gouthalapur
R.R. Dist.

For FEDERATION OF SELF FINANCING
TECHNICAL INSTITUTIONS

[Signature]

General Secretary

3. That I have read and understood the contents of the Applications and I say that the contents thereof are true and correct to the best of my knowledge.
4. That the Annexures filed with the Writ Petition are true and correct copies of the originals.
5. That I have not filed any other Writ Petition in this Hon'ble Court against the impugned judgment and order.

For FEDERATION OF SELF FINANCING
TECHNICAL INSTITUTIONS

[Signature]

General Secretary
DEPONENT

VERIFICATION:

I, the deponent above named, do hereby verify and state on solemn affirmation that the contents of the paras 1 to 5 are true and correct to best of my knowledge and I believe the same to be true and that nothing material has been concealed therefrom.

Vanasthalipuram

Verified by me at _____ on this 17th day of August, 2020

For FEDERATION OF SELF FINANCING
TECHNICAL INSTITUTIONS

[Signature]

General Secretary

DEPONENT

Identified by me

Advocate



ATTESTED

[Signature] 17/8/20
K. YADAV REDDY
ADVOCATE & NOTARY

N. No: 5-4/64/1, Road No: 1
Chakrasari Nagar, Vanasthalipuram
N.R. Dist.

CONSTITUTION OF INDIA

14. Equality before law.—The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

19. Protection of certain rights regarding freedom of speech, etc.—(1) All citizens shall have the right—

(a) to freedom of speech and expression;

(b) to assemble peaceably and without arms;

(c) to form associations or unions [or co-operative societies];

(d) to move freely throughout the territory of India;

(e) to reside and settle in any part of the territory of India; [and]

(g) to practise any profession, or to carry on any occupation, trade or business.

(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India,] the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

- (i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

21. Protection of life and personal liberty.— No person shall be deprived of his life or personal liberty except according to procedure established by law.

A handwritten signature in black ink, appearing to be 'J. Karu', written over a horizontal line.

//TRUE COPY//

ANNEXURE - P1**CERTIFICATE OF REGISTRATION
UNDER SOCIETIES REGISTRATION ACT XXI OF
1860**

Registration No. **SOCIETY/WEST/2018/8902369**

I hereby Certify that **FEDERATION OF SELF FINANCING TECHNICAL INSTITUTIONS** located at **23/7, 2ND FLOOR, EAST PATEL NAGAR, NEW DELHI-110008** has been registered* under SOCIETIES REGISTRATION ACT OF 1860.

Area of Operation: INDIA

Given under my hand at Delhi on this **24** Day of **July** **2018**.

Fee of Rs. 50/- Paid



Registrar of Societies
Delhi

Jatin Goyal

(Jatin Goyal)

REGISTRAR OF SOCIETIES
GOVT. OF NCT OF DELHI
DELHI

Registrar of Societies/ Firms
Sub Division Patel Nagar, Delhi

MEMORANDUM OF ASSOCIATION

1. **NAME OF THE SOCIETY:** The name of the Society shall be
"FEDERATION OF SELF FINANCING
TECHNICAL INSTITUTIONS".
2. **REGISTERED OFFICE OF THE SOCIETY:** The registered office of the
Society shall be situated at
23/7. 2nd floor, East Patel
Nagar, New Delhi - 110 008
3. **AREA OF OPERATION OF THE SOCIETY:** The area of operation of the
Society shall be the whole of
India.

4. **AIMS AND OBJECTS OF THE SOCIETY:**

The aims and objects to be pursued by the Society are -

- i) To strengthen the Self Financing Professional Institutions across the Country which are engaged in discharging their social responsibility by providing technical education to all eligible students, particularly from socially and economically weaker sections of the society, women and differently abled persons on the criterion of merit and non-exploitative terms with a reasonable / fee structure fixed by authorities concerned.
- ii) To support, request, suggest, advice and guide the Ministry of Human Resource Development (MHRD), University Grants Commission (UGC), All India Council for Technical Education (AICTE) and other related authorities in their discharge of their statutory responsibilities smoothly under the existing law, acts and rules.
- iii) To undertake survey in the fields of Professional and Technical education, by collecting data on all relevant issues in order to formulate policies and schemes and make forecast on the needed growth and comprehensive development of Professional and Technical education in the country.
- iv) To coordinate the overall development of the professional and technical education in the country at all levels.
- v) To promote an effective link between professional and technical education system and other relevant systems including research and development organizations, industry and the community;

**FEDERATION
OF SELF FINANCING
TECHNICAL INSTITUTIONS**
23/7, 11nd Floor, East Patel Nagar,
New Delhi - 110008

(For Federation)
For Federation of Self Financing Technical Institutions
Dr. Anil K. Sharma
President

For Federation of Self Financing Technical Institutions
Dr. Rev. K.V.K. Rao
General Secretary

For Federation of Self Financing Technical Institutions
Dr. P. Selvaraj
Treasurer

- vi) To provide a platform for discussion of the challenges and problems being faced by the professional and technical institutions in the process of securing approval, affiliation, accreditation and autonomous status from various governmental and non-governmental organizations and from territorial Universities and to work for appropriate solutions.
- vii) To uplift the professional and technical institutions and to represent these institutions before various governmental and non-governmental regulating agencies and territorial Universities and to approach before various legal forum for the redressal of the grievances of institutions.
- viii) To establish libraries, information & counseling centers in rural areas for building awareness about professional and technical education among youths and general people.
- ix) To support the students graduating from professional and technical institutions in securing jobs by providing various finishing school services and for becoming entrepreneurs by providing financial assistance through banks / financial institutions.
- x) To work for the overall betterment of professional and technical institutions in discharging social responsibilities.
- xi) To coordinate among different stake holders, social partners, employers in the private sector, training providers, professional and civil society groups in the process of skill development. To search the sectors for skill development, review international trends in sector skill development and identify the gaps between sector skill, technology and actual requirements.
- xii) To facilitate and assist the appropriate authorities and agencies in strengthening and upgrading the existing vocational education system for skill development in line with requirements to achieve global standards in manpower productivity.
- xiii) To organize and participate in seminars, conferences, fairs related to the objects of the Society and to compile, collate, edit and publish technical reports and papers related to the objects of the Society.
- xiv) To collect voluntary contributions from the professional and technical institutions / affluent people of the Society for using the said amounts for serving the cause of professional and technical institutions working for providing reasonable quality professional and technical education with reasonable fee structure and to provide monetary support to the deserving students.

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS

Dr. Anshu Kataria
President

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. R. P. Selvaraj
General Secretary
237, Third Floor, East Patel Nagar,
New Delhi - 110008

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. P. Selvaraj
Treasurer

- xv) To collect fee including membership fee, service charges, consultancy charges, compensations or such other funds as may be required in due course of functioning of the Society and in furtherance of its objects.
5. The income and property of the Society howsoever derived shall be solely utilized and applied towards the promotion of the aims and objects as set forth in the Memorandum of the Society and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, gift, division, bonus or in any manner whatsoever to the profit of the present or past members of the Society. Provided, that nothing herein shall prevent the payment in good faith of reasonable and proper remuneration to any officer or servant of the Society or to any member of the Society in return for any services rendered to the Society nor prevent payment of interest at appropriate rates or payment of a reasonable and proper rent for premises let out to the Society by any member thereof.
6. Member(s) of the Governing Body shall be chargeable only for money and securities actually received by him and for his signing in any receipt for the sake of conformity and shall be answerable and accountable only for his own acts, receipts, neglects, or defaults and not for those of any other Member(s), nor for any banker, broker, or other person with whom any Society money or securities may be deposited, nor for the insufficiency or deficiency of any securities or assets, nor for any other loss, unless the same happens through his own wilful neglect or default.
7. No individual Member shall be liable for any legal claims or financial loss to the Society, arising by reason of any act (s) done in good faith or for improper investment made in good faith or for the negligence or fraud of an agent employed by him even though the employment of such agent was not strictly necessary or expedient, or by reason of any mistake or omission made in good faith by any Member or by reason of any other matter or thing, except wilful and individual fraud or wrong doing or neglect on the part of the Member sought to be made liable.



For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Anshu Kataria
President



For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Rev. K.V.K. Rao
General Secretary

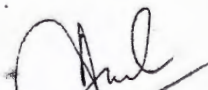



For FEDERATION OF SELF
FINANCING TECHNICAL
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237, 1st Floor, East Patel Nagar,
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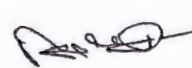
8. **GOVERNING BODY:** The names, addresses, occupations and designations of the members of the first Governing Body to whom the management and affairs of the Society is entrusted as required under Section 2 of the Societies Registration Act, 1860, as applicable are as follows:-

S.No.	Name and Address	Age	Occupation	Designation
01	R.S. Munirathinam, S/o. R. Swaminatha Naidu, Plot No.2981, Z Block 1 st Street, 13 th Main Road, Anna Nagar, Chennai, Tamilnadu	68	Educationist	Chairman & Chief Patron
02	Dr. Anshu Kataria, S/o. Roshan Kataria, 164/2, Sector 16, Chandigarh, Punjab	40	Educationist	President
03	Dr. Rev. K.V.K. Rao, S/o. Late Venkaiah, Plot No.100, High Court Colony, Vanasthalipuram, Hyderabad, Telangana	54	Educationist	General Secretary
04	Dr. P. Selvaraj, S/o. Periana Pillai, 5 Kurinji Salai, Anna Malainagar, Tirichirappalli, Tamil Nadu.	69	Educationist	Treasurer
05	K.G. Madhu, S/o. P. Gopi, PRA 142A, Kalliyath Pedayani Road, Post Vattiyooravu, Thiruvananthapuram, Kerala	54	Educationist	1 st Vice President
06	Dr. Sreenivasa Bhupalam, S/o. Narayana Bhupalam, Flat No.202, Ashoka Sri____ Road No.10, Banjara Hill, Hyderabad, Telangana.	49	Educationist	2 nd Vice President
07	T.D. Easwaramoorthy C6, Tristar, Apartment, Near Lakshmi Mill Tristar bus Stop, 657, Avinashi Road, Coimbatore, Tamil Nadu.	60	Educationist	1 st Secretary
08	K. Sharfuddin 8-1-329/SB/601, Anand Vihar Apts, Tolichowki, Hyderabad, Representing Andhra Pradesh	54	Educationist	2 nd Secretary
09	P. Neeraj, S/o. Pasupathi Reddiyar, 274/C. Thuraiyur Road, Perambalur, Tamilnadu.	54	Educationist	Jt. Secretary

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For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Anshu Kataria
President


For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Rev. K.V.K. Rao
General Secretary


For FEDERATION OF SELF
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Dr. P. Selvaraj
Treasurer
23/7, 11th Floor, East Patel Nagar,
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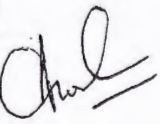


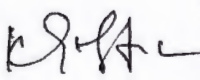
06.	C.A. Rajeev Chand, S/o. Shri Bhagwat Chand, 4 th Floor, Usha Complex, Beside Shrimohini, Civil Lines, Nagpur, Maharashtra.	40	Educationist	Jt. Secretary	<i>[Signature]</i>
07.	Prof Lalit Aggarwal C-1/169, Janakpuri, New Delhi-110058 Representing Haryana State	40	Educationist	Executive Committee Member	<i>[Signature]</i>
08.	Sridhar Singh 303, Shubham Apartment Central Span, Vidyadhar Nagar, Jaipur, Rajasthan State	40	Educationist	Executive Committee Member	<i>[Signature]</i>
09	Dr. P. Selvaraj, S/o. Perianna Pillai, 5 Kurinji Salai, Anna Malainagar, Tirichirappalli, Tamil Nadu.	69	Educationist	Treasurer	<i>[Signature]</i>
10.	V. Sridhar, S/o. Madhusudhan Rao, H.No.4-3/4, NBR Bomma Joggila Mill, Musthapa Nagar, Khammam, Telangana.	47	Educationist	Jt. Secretary	<i>[Signature]</i>
11.	T.D. Easwaramoorthy C6, Tristar, Apartment, Near Lakshmi Mill Tristar bus Stop, 657, Avinashi Road, Coimbatore, Tamil Nadu.	60	Educationist	1 st Secretary	<i>[Signature]</i>
12.	Nivedita Schreyans Sable S-2, RH-3, Sector 6, Opp Bus Stop No. 4, Navi Mumbai Thane Vashi Maharashtra -400703	40	Educationist	Executive Committee Member	<i>[Signature]</i>

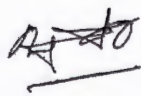
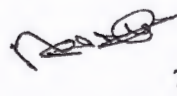
[Signature]
For FEDERATION OF SELF
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Dr. Anshu Kataria
President

[Signature]
For FEDERATION OF SELF
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Dr. Rev. K.V.K. Rao
General Secretary

8
[Signature]
For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. P. Selvaraj
Treasurer
FEDERATION OF SELF FINANCING
TECHNICAL INSTITUTIONS
23/7, 11nd Floor, East Patel Nagar,
New Delhi - 110008

9. DESIROUS PERSONS: We, the undersigned are desirous of forming a society namely: "ALL INDIA FEDERATION OF SELF FINANCING TECHNICAL INSTITUTIONS", under the Societies Registration Act, 1860 as applicable in pursuance of this Memorandum of Association of Society.

S.No.	Name and Address	Age	Occupation	Designation	Signature
01	R.S. Munirathinam, S/o. R. Swaminatha Naidu, Plot No.2981, Z Block 1 st Street, 13 th Main Road, Anna Nagar, Chennai, Tamilnadu	68	Educationist	Chairman & Chief Patron	
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11.	Prof. D. A. Kanagaraj, S/o. S. Aiyappaswamy Naidu, CTH Road, Thiruvallur, Chennai, Tamil Nadu.	62	Educationist	Jt. Secretary
12.	V. Sridhar, S/o. Madhusudhan Rao, H.No.4-3/4, NBR Bomma Joggila Mill, Musthapa Nagar, Khammam, Telangana.	47	Educationist	Jt. Secretary
	Manish Shah, S/o. Dhirajlal Shah, Opp.: YMCA Club, S.G. Road, Ahmedabad, Gujarat	46	Educationist	Executive Committee Member
14.	D.P. Nagaraj, S/o. D.A. Pandu, 151, 5 th Cross, 2 nd Block Jayanagar, Bangalore, Karnataka	44	Educationist	Executive Committee Member
15.	B.S. Yadav, S/o. Shri S.S. Yadav, Lotus Villa Green, Meadow Arera Hills, Bhopal, Madhya Pradesh.	45	Educationist	Executive Committee Member
5.	Dr. Manmohan Kumar Garg, S/o. Lt. Raghu Nath Rai Garg, h.No.2540, Sector 69, Mohali, Punjab	48	Educationist	Executive Committee Member

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS

Dr. Anshu Kataria
President

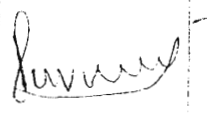

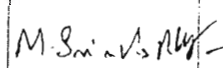
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Dr. P. Selvaraj
Treasurer

FEDERATION
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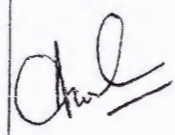


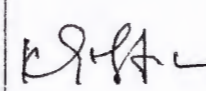
13.	Purushotam Ram s/o Bhagar Ram Sharma Ward No. 6, Village Barota Tehsil Ghumarwin Loharwin (440) Bilaspur, Himachal Pradesh-174021	44	Educationist	Executive Committee Member	
14.	Kanagarai B Krishnapuram Second Main Street, Thirunindravur (TP) Poonallee (TK) Thiruvallur Dist (DT) Tamil Nadu	60	Educationist	Executive Committee Member	
15.	Merreddy Srinivas Reddy 104, South Block Express Towers Whitefields, SBM Block Kondapur, Serilingampally Rangareddi, Dist Telangana -500084	50	Educationist	Executive Committee Member	

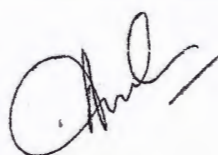

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Anshu Kataria
President


For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Rev. K.V.K. Rao
General Secretary


For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. P. Selvaraj
Treasurer
23/7, Hindustan East Patel Nagar,
New Delhi - 110008

9. DESIROUS PERSONS: We, the undersigned are desirous of forming a society namely: "ALL INDIA FEDERATION OF SELF FINANCING TECHNICAL INSTITUTIONS", under the Societies Registration Act, 1860 as applicable in pursuance of this Memorandum of Association of Society.

S.No.	Name and Address	Age	Occupation	Designation	Signature
01	R.S. Munirathinam, S/o. R. Swaminatha Naidu, Plot No.2981, Z Block 1 st Street, 13 th Main Road, Anna Nagar, Chennai , Tamilnadu	68	Educationist	Chairman & Chief Patron	
02	Dr. Anshu Kataria, S/o. Roshan Kataria, 164/2, Sector 16, Chandigarh, Punjab	40	Educationist	President	
03	Dr. Rev. K.V.K. Rao, S/o. Late Venkaiah, Plot No.100, High Court Colony, Vanasthalipuram, Hyderabad, Telangana	54	Educationist	General Secretary	
04.	K.G. Madhu, S/o. P. Gopi, PRA 142A, Kalliyath Pedayani Road, Post Vattiyoovavu, Thiruvananthapuram , Kerala	54	Educationist	1 st Vice President	
05.	K. Sharfuddin 8-1-329/SB/601, Anand Vihar Apts, Tolichowki, Hyderabad, Representing Andhra Pradesh	54	Educationist	2 nd Secretary	





RULES AND REGULATIONS

1. NAME OF THE SOCIETY:

The name of the Society shall be "FEDERATION OF SELF FINANCING TECHNICAL INSTITUTIONS".

2. OFFICE ADDRESS OF THE SOCIETY: 23/7, 2nd floor, East Patel Nagar, New Delhi - 110 008

3. MEMBER OF THE SOCIETY:




The names of Members who are desirous to form the Society as subscribers is mentioned in the Memorandum of Association. The Associations/Consortiums of Self Financing Engineering Colleges of every State duly recognized by the State Government are eligible to enroll itself in this Society by sponsoring a maximum of seven of its members to be the members of this Society. The maximum number of such members of this Society is 200. The total membership strength of the Society may be increased or decreased in consonance with the decision of the Governing Body. The right to accept or deny a person as a member of the Society is vested with the Governing Body. Under no circumstance shall the membership of the Society fall below seven (7).

4. ADMISSION FEE & SUBSCRIPTION:

- (i) The admission fee shall be Rs. 3,00,000/- at the time of admission and the annual subscription shall be Rs. 1,00,000/- unless otherwise revised by the Governing Body of the Society:
- (ii) The Governing Body shall have the power to increase, decrease or vary the amount of annual subscription from time to time. Additional subscription, in addition to the annual subscription referred to hereinabove, may be collected by the Governing Body from Members for a general or specific purpose or project.

5. REGISTER OF MEMBERS:

The Society shall maintain a Register of Members containing the names, addresses and other relevant particulars of all the Members of the Society.

(PRESIDENT)
For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Anshu K. Arora
President

(GEN. SECRETARY)
For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Rev. K.V.K. Rao
General Secretary

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. P. Selvaraj
For FEDERATION
OF SELF FINANCING
TECHNICAL INSTITUTIONS
23/7, 11th Floor, East Patel Nagar,
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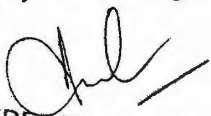
6. TERMINATION OR CESSATION OF MEMBERSHIP

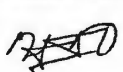
- (i) A Member shall cease to be a member of the Society in any of the following events:
 - (a) On his Death.
 - (b) On his written resignation.
 - (c) For any reason/s which is/are sufficient to cease membership in the view of the Governing Body of the Society, the Governing Body shall request such Member to resign within one (1) month after such request, and if the Member fails or refuses to do so, the Governing Body shall thereupon convene a meeting and if at such a meeting, majority of the Members present and voting approve the expulsion of the Member, such Member shall thereupon cease to be a Member.
- (ii) The decision of the Governing Body regarding the termination from the membership from the Society will be final and shall be communicated to the Member concerned.


7. RIGHTS & PRIVILEGES OF MEMBERS:

Every Member of the Society:

- (i) Have the right to collect their identity card and membership certificate after depositing the required / prescribed fee fixed by the Governing Body from time to time;
- (ii) Shall have the right to attend the General Body meeting, provided there are no subscription dues against them;
- (iii) Shall have the right to give their considered views/opinion to the General Body;
- (iv) Shall have right to introduce any proposals in the meeting with the prior consent of the President of the meeting;
- (v) Shall have right to introduce name of a member for any election of the Society;
- (vi) Shall have right to contest for any post of the Society, if a Member introduces his name and another Member seconds him for the said purpose;
- (vii) Shall have right to vote in any election of the Society.


For FEDERATION OF SELF
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Dr. Anshu K. K.
President


For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Rev. K.V.K. For
General Sec


For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. P. Selvaraj
Treasurer

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FEDERATION OF SELF
FINANCING TECHNICAL INSTITUTIONS
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New Delhi - 110008

- (viii) Shall have the right to receive information and inspect the records concerning the affairs of the Society after giving seven (7) days' notice with the prior approval of the Governing Body;
- (ix) Shall be entitled to challenge for any irregularity in the accounts and other records of the Society and can refer it to the President.
- (x) Every expelled Member, who has cleared all pending subscriptions till expulsion, shall have a right to prefer an appeal to the General Body for re-admission and the decision of the General Body shall be final.

8. DUTIES OF THE MEMBERS

Every member of the Society shall:

- (i) Attend the meetings regularly.
- (ii) Give the necessary information to the Society, pertaining to any matter which is necessary to be known by the Society.
- (iii) Not indulge in activities which are prejudicial to the aims, objects and/or rules of the Society.
- (iv) In the event of any changes in his address, telephone number and other details, promptly notify the new address, telephone number or other details to the Secretary, who shall thereupon enter the same in the Register of Members.

9. GENERAL BODY:

- (i) The General Body shall consist of all the Members of the Society mentioned in the Register of Members who are not disqualified by any prior resolution of the Governing Body and who are not in arrears at the time of meeting of the General Body.
- (ii) General Body shall have the following powers, duties and functions to perform:
 - (a) To receive, consider and adopt the annual report and the audited statement of accounts;
 - (b) To consider and sanction (with or without modifications) the budget estimated;
 - (c) Appointment of Auditor/s and fixing their remuneration;
 - (c) To elect office bearers for the Governing Body of the Society in every three years;

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Dr. Arshad Hussain
President

For FEDERATION OF SELF
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INSTITUTIONS
Dr. Rev. K.V.K. Rao
General Secretary

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. S. S. Prasad
Treasurer
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- (d) To consider proposed amendments to the Memorandum of Association and Rules approved by the Governing Body.
- (f) Such other Business that is required to be done by the General Body.


10. GOVERNING BODY:


- (i) A Governing Body of the Society shall govern all the affairs of the Society.
- (ii) Without prejudice to its general powers conferred by the relevant Act and the Rules, the Governing Body shall abide by the bye laws of the society on any matter essential to achieve the objects of the society.
- (iii) The general supervision, management and control of the Society shall be vested on the Governing Body. The composition of the Governing Body shall be as under:
- | | |
|---------------------------------|--------|
| a. Hon. Chairman & Chief Patron | : One |
| b. President | : One |
| c. Vice - Presidents | : Two |
| d. General Secretary | : One |
| e. Secretaries | : Two |
| f. Joint Secretaries | : Four |
| g. Treasurer | : One |
| h. Executive Members | : Nine |

The strength of Governing Body and composition including the executive members shall not be less than 7 and not more than 21.

- (iv) The persons elected to the Governing Body shall not be entitled to any remuneration except reimbursement of out of pocket expenses.
- (v) **The term of office of the Governing Body elected by the General Body shall be for 3 years.**
- (vi) No Governing Body Member shall be eligible for election for more than two consecutive terms for a particular post.
- (vii) Any vacancy caused among the elected Members may be filled by the Governing Body from amongst the Ordinary Members of the Society. Provided that the term of office of any such newly appointed Member in the casual vacancy shall be until the next annual General Body meeting after his appointment, but he shall then be eligible for re-election.


 For FEDERATION OF SELF FINANCING TECHNICAL INSTITUTIONS
 Dr. Anand Kataria
 President


 For FEDERATION OF SELF FINANCING TECHNICAL INSTITUTIONS
 Dr. Rev. K.V.K. Rao
 General Secretary


 For FEDERATION OF SELF FINANCING TECHNICAL INSTITUTIONS
 Dr. Anand Kataria
 President

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 New Delhi - 110008

11. FUNCTIONS & POWERS OF GOVERNING BODY:

Subject to the provisions of the Memorandum of Association and these Rules, the Governing Body shall have all the powers and duties necessary for the administration of the affairs of the Society as under:

- (i) To prepare, execute and monitor detailed plans and programmes in accordance with the aims and objectives of the Society;
- (ii) To receive subscriptions, grants and contributions and to have custody of the funds of the Society;
- (iii) To prepare the budget estimates of the Society for each year, and to sanction the expenditure within the limits of the budget;
- (iv) To prepare and maintain accounts and other relevant records and annual statement of accounts including the balance sheet of the Society;
- (v) To open and operate bank accounts;
- (vi) To appoint or employ, temporarily or permanently, any person or persons that may be required for the purposes of the Society and to pay them, wages and salaries and other remunerations and allow them suitable perquisites, and benefits of provident fund, pension, gratuity and other facilities;
- (vii) To sue and defend all legal proceedings on behalf of the Society.
- (viii) To appoint committee(s) or sub-committee(s), group, task force comprising of its Members and/or staff of the Society for the disposal of any business of the Society and delegate to it such powers as considered necessary. Any such committee or sub-committee, group, task force shall report to the Governing Body;
- (ix) To delegate any of its powers to any officer of the Governing Body to such extent as it may deem necessary;
- (x) To consider and pass such resolutions on the annual report, the annual accounts and the financial estimates of the Society as it thinks fit;
- (xi) To make, enforce, adopt, amend, vary or rescind from time to time rules and bye-laws for the regulation of and for any purposes connected with the management and administration of the affairs of the Society and for the furtherance of its objects;

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Dr. P. S. S. S. S. S.

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Rev. K.V.K. Rao
General Secretary

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For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. P. S. S. S. S. S.
Treasurer
23/7, 11nd Floor, East Patel Nagar,
New Delhi - 110008

- (xii) To borrow or to obtain loan for any amount as it may deem fit and necessary from any bank, financial institutions or corporation and to secure such loan by any movable or immovable properties of the Society and to authorize the President / General Secretary to apply for such loan and execute and deliver such loan documents to such bank or financial institution or corporation on such terms and conditions as he may deem fit and proper.
- (xiii) To enter into agreement/arrangement upon such terms and subject to such conditions as the Governing Body may deem desirable for undertaking activities, programmes or projects jointly with any association, society, institution or company having objects similar to those of the Society.
- (xiv) To elect either Central, local or Legislative, or in any other body in which the Society may secure seats candidates from amongst members of the Society to represent the Society in any body, in future.
- (xv) To perform such additional functions and to carry out such duties as may from time to time be assigned to it by the Society.

12. POWERS AND DUTIES OF OFFICE BEARERS OF THE GOVERNING BODY

A. CHIEF PATRON:

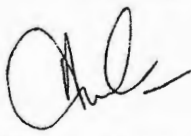
Chief Patron shall be the Advisor of the Society providing guidance and advice to the Governing Body of the Society from time to time. The Chief Patron has veto power on all or any of the decisions taken by either the Governing Body or by any of the individual office bearers of the society, after giving a reasonable notice to the Governing Body / office bearer concerned and after listening to their points of view. Especially, all matters concerning policy decisions, representations to the AICTE, MHRD etc, filing of cases in Courts, the specific approval of the Chief Patron has to be obtained.

B. PRESIDENT:


The President shall, subject to the control and supervision of Governing Body, have the power to make general directions and management of the affairs relating to Society.

The President of the Society shall also enjoy the following powers and duties:

- (i) He shall be the President of the Governing Body and General Body meetings.


For FEDERATION OF SELF
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Dr. Anand
President


For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Rev. K.V.K. Rao
General Secretary


For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. P. Senthil
Treasurer
117, 11nd Floor, East Patel Nagar,
New Delhi - 110008

the President has the power to cast an extra vote to decide the matter/subject.

- (iii) In the course of any proceedings or meetings of the Governing Body or the General Body, the decision of the President, with the specific approval of the Chief patron, shall be considered as final, except for the matters that are decided by ballot or voting.
- (iv) In case it is necessary to decide any point/matter/issue urgently and there is no time to call the Governing Body meeting, the President shall have the powers to decide the point/issue/matter but he/she shall bring the matter to the notice of the Governing Body as early as it is possible, for having the same ratified.

C. VICE PRESIDENTS:

The 1st Vice Presidents of the Society / Federation shall enjoy all the powers of the President in his absence and the Vice Presidents shall discharge the functions as assigned by the President.

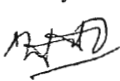
The 2nd Vice President will discharge the duties as assigned by the President and / or the Governing Body of the Federation.

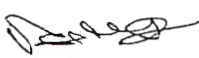
D. GENERAL SECRETARY:

The General Secretary is the Chief Executive Officer of the Society and Governing Body and shall be responsible to the Governing Body for all day-to-day activities relating to the proper management, maintenance and upkeep of the Society and

- (i) Will convene meetings of the Governing Body and General Body whenever necessary or called upon to do so.
- (ii) Will prepare the Register of Members as well as the proceedings of all the meetings of the Governing Body and the General Body and have them duly signed by the Members who attend the meetings.
- (iii) Look after the administration and other affairs and attend to all correspondence.
- (iv) Give effect to the directions and decisions taken by the Governing Body and at the General Body meetings.
- (v) Collect all dues to the Society and ensure through the Treasurer, where appointed, that proper accounts are maintained of all financial transactions relating to the Society.


For FEDERATION OF SELF
FINANCING TECHNICAL
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Dr. Anshu Kataria
President


For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Rev. K.V.K. Rao
General Secretary


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For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. P. Selvaraj
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- (vi) Appoint / terminate, manage, and control the staff, and take disciplinary action where necessary.
- (vii) Institute, prosecute and defend suits and other proceedings in which the Society may be involved.
- (viii) Prepare the annual report, and financial statement of accounts under the guidance of the Governing Body and shall get the accounts of the society audited by the qualified auditor appointed by the Governing Body of the Society.
- (ix) Ensure compliance of all statutory formalities and Rules and regulations and perform all such duties as are incidental to the office of General Secretary.

E. SECRETARIES AND JOINT SECRETARIES:

The 1st Secretary of the Society shall enjoy all the powers of the General Secretary in his absence. The Secretaries and Joint Secretaries shall discharge the functions as assigned by the General Secretary.

F. TREASURER:

- (i) All the assets and funds of Society shall remain under the care and management of Treasurer of the Society.
- (ii) The Treasurer shall maintain the accounts and vouchers of all the money, which is received and/or paid by him on behalf of the Society.
- (iii) The Treasurer shall make disbursement in accordance with the direction of Governing Body.
- (iv) The Treasurer will ordinarily hold in office a cash balance not exceeding Rs.25,000/- (or the amount which may be fixed by the Governing Body of the Society from time to time) to meet the emergent needs relating to the Society.
- (v) All the cash excess of the above amount (or the amount fixed by the Governing Body) shall be deposited in any Bank(s) selected by the Governing Body of the Society.
- (vi) The President and the Treasurer will operate the Bank Accounts of the society / federation

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Dr. Anshu Kishore
President

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Dr. Rev. K.V.K. Rao
General Secretary

For FEDERATION OF SELF
FINANCING TECHNICAL
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Dr. P. Selvaraj
Treasurer
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- (v) All the cash excess of the above amount (or the amount fixed by the Governing Body) shall be deposited in any Bank(s) selected by the Governing Body of the Society.

14. MEETINGS:

- (i) Meeting of the General Body and Governing Body shall be held once in every year and once in every two months respectively (or as and when the Governing Body may decide from time to time) with a notice of minimum fifteen (15) days enclosing an agenda specifying date, time, place and issues to be discussed.
- (ii) An urgent meeting of the General Body and Governing Body can be called with a notice in writing specifying the agenda for the meeting to the General Secretary by 1/5th of the existing Members of the respective bodies having voting rights.
- (iii) 1/3rd of the total strength of the General Body and two-thirds (2/3rd) of the total strength of the Governing Body present in person or proxy including the Nominated Member(s), shall form a quorum for the transaction of business in the respective meetings.
- (iv) The quorum for the urgent General Body and Governing Body meeting shall be 1/4th of the total strength of the respective bodies.
- (v) The President of the Society would also be the President of the Governing Body and will preside over all the meeting of General Body and Governing Body. If the President is not present at the time appointed for holding the meeting, or is unable to attend and act as the President of the meeting, the 1st Vice President shall act as the President. In the absence of both the President and the 1st Vice President, the Members of the bodies present shall elect one of their Members to be the President of the meeting.
- (vi) If within half an hour from the time appointed for holding the meeting, the quorum is not present, the President may adjourn the meeting from time to time and place to place, with the consent of at least 50% of the Governing Body Members present at the meeting.
- (vii) If any meeting has to be adjourned for want of quorum, then at the adjourned meeting, the Members present, whatever their number, shall form a quorum and shall have power to decide upon all matters which could have been disposed off at the meeting of the Governing Body from which the adjournment took place.

For FEDERATION OF SELF
FINANCING TECHNICAL
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Dr. Anshu Sharma
President

For FEDERATION OF SELF
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Dr. Rev. K.V.K. Rao
General Secretary

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. P. Selvaraj
Treasurer
23/7, Hind Floor, East Patel Nagar,
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- (viii) No business shall be transacted at any adjourned meeting, other than the business left unfinished at the meeting from which the adjournment took place.
- (ix) The person presiding at the meeting shall decide on the admissibility of any question or proposition which is not mentioned in the agenda and his decision thereon shall be final.
- (x) All decisions shall be taken by simple majority of votes of the Members.

15. VOTING:

Voting will be by secret ballot, or show of hands, as decided by the Members. Votes may be given either personally or by proxy or by duly authorized representative only on poll/secret ballot. The authority to a proxy must be in writing. The proxy must be deposited with the General Secretary / President of the Society not less than forty eight (48) hours before the time for holding the meeting. The proxy need not be a Member, but no person may be a proxy for more than four (4) members. The role of proxy is only restricted to the extent of casting of votes as authorized by the Members.

16. BRANCHES OR THE SUB-COMMITTEES:

The Governing Body may form branches and/or sub-committees all over India to attain the aims and objects of the Society.

17. SEAL OF THE SOCIETY:

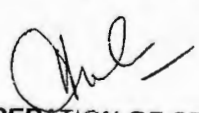
The Society shall have a common seal which shall be in the custody of the General Secretary and shall be used only under the authority of the resolution of the Governing Body and every deed or instrument to which the Seal is affixed shall be attested, for and on behalf of the Society, by two (2) Governing Body Members and the General Secretary or any other person authorized by the Society in that behalf and chronological record of use of the Seal shall be maintained in a register kept for the purpose.


18. AUDIT:


The accounts of the Society shall be audited by a qualified auditor (chartered accountant) every year.

19. ANNUAL REPORT:

- (i) The financial year of the Society shall be from April 1 to March 31. A copy of the last financial statement and the report of the Auditor, if any, shall be kept in a conspicuous place in the office of the Society.


For FEDERATION OF SELF FINANCING TECHNICAL INSTITUTIONS
Dr. Anshu Kataria
President


For FEDERATION OF SELF FINANCING TECHNICAL INSTITUTIONS
Dr. Rev. General


For FEDERATION OF SELF FINANCING TECHNICAL INSTITUTIONS
Dr. P. Selvaraj
Treasurer
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- (ii) The Governing Body shall submit a report on the working of the Society annually to the Appropriate Governmental Authority, if called for. Such report shall contain particulars regarding the work of the Society during the previous year and shall be accompanied by a balance sheet duly audited showing the income and expenditure of the Society / Federation during the said year.

20. BOOKS AND ACCOUNTS:

- (i) The Society shall keep at its registered office proper books of account with respect to:-
- (a) all sums of money received and the source thereof and all sums of money expended by the Society and the matters in respect of which the receipt and expenditure take place.
 - (b) all sales and purchase of goods by the Society / Federation
 - (c) the assets and liabilities of the Society / Federation.
- (ii) The income and expenditure account shall be annexed to the balance sheet and the Auditor's report (including the Auditor's special or supplementary report) if any shall be attached thereto.

21. ANNUAL LIST OF GOVERNING BODY:

Once in every year a list of the office-bearers and the executive Members of the Governing Body along with the Annual Report and Annual Audited Accounts shall be filed in the office of the Registrar of Societies, New Delhi within fourteen (14) days after the date on which the annual general meeting of the Society is held.

22. LEGAL PROCEEDINGS:

- (i) Any suit or other legal proceedings by or against the Society may be filled/ contested/ defended and conducted on its behalf either by the President or the General Secretary or by any other person so authorized by the Governing Body of the Society. Any pleadings or other documents in connection there with may be signed and verified by any of such persons on behalf of the Association.
- (ii) This power will also include the appointment of advocate/s, attorney/s etc. for the purpose.

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS

Dr. Anshu Kataria
President

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Dr. Rev. K.V.K
General Sec.


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Dr. OF SELF FINANCING
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23/7, 11nd Floor, East Patel Nagar,
New Delhi - 110008

- (ii) If, upon the dissolution of the Society, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the Members of the Society, but it shall be lawful for the Members to determine by the majority, at the time of dissolution of the Society, that such property shall be given to the Appropriate Governmental Authority to be utilized for any other purposes referred to in Section 1 of the Act.

24. ESSENTIAL CERTIFICATES:

Certified that this is the correct copy of the rules and regulations of the Society.

CHIEF PATRON : _____ (R S Munirathinam)

PRESIDENT :  (Dr Anshu Kataria)

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Anshu Kataria
President

GENERAL SECRETARY :  (Dr Rev K V K Rao)

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. Rev. K.V.K. Rao
General Secretary

TREASURER :  (Dr. P. Selvaraj)

For FEDERATION OF SELF
FINANCING TECHNICAL
INSTITUTIONS
Dr. P. Selvaraj
Treasurer
FEDERATION
OF SELF FINANCING
TECHNICAL INSTITUTIONS
23/7, 11nd Floor, East Patel Nagar,
New Delhi - 110008



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60

ANNEXURE - P2

Format No. 2
(See Rule 7)
Govt. of Madhya Pradesh



REGISTRATION CERTIFICATE OF THE SOCIETY


No. 01/01/01/36898/20

This is to certify that ASSOCIATION OF UN - AIDED SCHOOLS at 45, Nishat Colony, Near Gate No. 4, 74 Bungalow, Tehsil : Huzur Dist. Bhopal is registered under the M.P. SOCIETY REGISTRIKARAN ADHINIYAM, 1973 (No.44 of year 1973) on 13th August 2020.

13th August 2020

Digitally Signed By MOHD JAVED QURESHI
(Personal)

Date : 14-Aug-2020 13:35:04 IST

समितियों के  जिस्ट्रार
Registrar of Societies

Note: This is a Digitally Signed document On 13/08/2020 03:38 PM Server Name: NAGARJUN


True Copy

ANNEXURE - P3

\$~A-74

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5155/2020 & CM APPLs. 18545-46/2020

FEDERATION OF SELF FINANCING TECHNICAL
INSTITUTIONS & ANR.

... Petitioner

Through

Mr.Vivekanandh

S.M

and

Mr.Sricharan, Adv.

versus

UNION OF INDIA & ANR.

... Respondents

Through

Mr.Anil Soni, CGSC with Mr.Sameer
Sinha, GP for R-1/UOI.Mr.Devesh Dubey, Adv. for R-2/
AICTE.**CORAM:****HON'BLE MR. JUSTICE JAYANT NATH****ORDER**

%

10.08.2020

This hearing is conducted through video conferencing.

CM APPLs. 18545-46/2020(exemption)

Allowed subject to all just exceptions.

Court fee be filed within two weeks.

W.P.(C) 5155/2020

1. This writ petition is filed by the petitioners seeking an appropriate writ declaring the inaction of respondent No.2 in prescribing minimum and maximum levels of fee for technical education courses run by the member institutions of petitioner No.1 from the academic year 2020-21 onwards being illegal and arbitrary.

2. My attention has been drawn to the minutes of the Executive Committee of respondent No.2 dated 31.05.2017, which reads as follows:

“Prof. A.P. Mittal Member Secretary pointed out that while conducting consultative meetings for the revision of 7th Pay Commission for technical teachers, it was brought to the notice

of AICTE that the National Fee Committee constituted by AICTE/MHRD had only fixed upper limit but not fixed lower limit of fee to be charged by technical institutions and the State Governments have fixed unreasonably low fees in certain states, thus made technical institutions financially unviable. The Executive Committee decided that the matter may be referred to Justice Sri Krishna, who headed the National Fee Committee for his consideration.”

3. Learned counsel for the petitioners points out to the minutes of the Executive Committee dated 03.08.2017 which notes that Justice Krishna Committee had been agreed to start its work in October, 2017 to finalise the minimal and maximum limits. He pleads that despite lapse of so much time there is no information on the issue of fixing of minimum fees limits. He also points out that various State Governments have fixed very low fees limit making it financially unviable for the institutions. He prays for interim orders to dispense with the compliance of the 7th Pay Commission.
4. Issue notice. Learned counsel for the respondents accepts notice. Counter affidavit be filed within three weeks. Rejoinder, if any, be filed within two weeks thereafter.
5. List on 24.09.2020.

JAYANT NATH, J.

AUGUST 10, 2020/st/v



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Kalpana Rajsinghot
Joint Secretary
Tel. 2371 6835

ANNEXURE - P4

63
श्रम एवं रोजगार मंत्रालय
भारत सरकार
श्रम शक्ति भवन, रफी मार्ग,
नई दिल्ली-110119
MINISTRY OF LABOUR & EMPLOYMENT
GOVERNMENT OF INDIA
SHRAM SHAKTI BHAWAN, RAFI MARG,
NEW DELHI-110119

D.O. No.M-11011/08/2020-Media

March 20, 2020

Dear

The World is facing a catastrophic situation due to outbreak of COVID-19 and in order to combat this challenge, coordinated joint efforts of all Sections of the Society are required. In view of the above, there may be incidence that employee's/worker's services are dispensed with on this pretext or the employees/workers are forced to go on leave without wage/salaries.

In the backdrop of such challenging situation, all the Employers of Public/Private Establishments are advised to extend their coordination by not terminating their employees, particularly casual or contractual workers from job or reduce their wages. If any worker takes leave, he should be deemed to be on duty without any consequential deduction in wages for this period. Further, if the place of employment is to be made non-operational due to COVID-19, the employees of such unit will be deemed to be on duty.

The termination of employee from the job or reduction in wages in this scenario would further deepen the crises and will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with this epidemic. In view of this, you are requested to circulate this Advisory to the Employers/Owners of all the establishments registered with your Association for compliance.

With regards,

Yours sincerely,

(Kalpana Rajsinghot)

All Employers' Associations

TRUE COPY

ANNEXURE - P5

**No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs**

North Block, New Delhi-110001

Dated 24th March, 2020

ORDER

Whereas, the National Disaster Management Authority (NDMA), is satisfied that the country is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organisation, and has considered it necessary to take effective measures to prevent its spread across the country and that there is a need for consistency in the application and implementation of various measures across the country while ensuring maintenance of essential services and supplies, including health infrastructure;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA), has issued an Order no. 1-29/2020-PP (Pt.II) dated 24.03.2020 (Copy enclosed) directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures so as to prevent the spread of COVID-19 in the country;

Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(I) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues guidelines, as per the Annexure, to Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions for their strict implementation. This Order shall remain in force, in all parts of the country for a period of 21 days with effect from 25.03.2020.


Home Secretary 24/3/2020

To

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.


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ANNEXURE - P6

Annexure to Ministry of Home Affairs Order No .40-3/2020-D dated ()24.03.2020

Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities for containment of COVID-19 Epidemic in the Country.

1. Offices of the Government of India, its Autonomous/ Subordinate Offices and Public Corporations shall remain closed.

Exceptions:

Defence, central armed police forces, treasury, public utilities (including petroleum, CNG, LPG, PNG), disaster management, power generation and transmission units, post offices, National Informatics Centre, Early Warning Agencies

2. Offices of the State/ Union Territory Governments, their Autonomous Bodies, Corporations, etc. shall remain closed.

Exceptions:

- a. Police, home guards, civil defence, fire and emergency services, disaster management, and prisons.
- b. District administration and Treasury
- c. Electricity, water, sanitation
- d. Municipal bodies—Only staff required for essential services like sanitation, personnel related to water supply etc

The above offices (Sl. No 1 & 2) should work with minimum number of employees. All other offices may continue to work-from-home only.

3. Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemist and medical equipment shops, laboratories, clinics, nursing homes, ambulance etc. will continue to remain functional. The transportation for all medical personnel, nurses, para-medical staff, other hospital support services be permitted.

4. Commercial and private establishments shall be closed down.

Exceptions:

- a. Shops, including ration shops (under PDS), dealing with food, groceries, fruits and vegetables, dairy and milk booths, meat and fish, animal fodder. However, district authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.
- b. Banks, insurance offices, and ATMs.
- c. Print and electronic media
- d. Telecommunications, internet services, broadcasting and cable services. IT and IT enabled Services only (for essential services) and as far as possible to work from home.
- e. Delivery of all essential goods including food, pharmaceuticals, medical equipment through E-commerce.

- f. Petrol pumps, LPG, Petroleum and gas retail and storage outlets.
- g. Power generation, transmission and distribution units and services.
- h. Capital and debt market services as notified by the Securities and Exchange Board of India
- i. Cold storage and warehousing services.
- j. Private security services

All other establishments may work-from-home only.

5. Industrial Establishments will remain closed.

Exceptions:

- a. Manufacturing units of essential commodities.
- b. Production units, which require continuous process, after obtaining required permission from the State Government

6. All transport services – air, rail, roadways – will remain suspended.

Exceptions:

- a. Transportation for essential goods only.
- b. Fire, law and order and emergency services.

7. Hospitality Services to remain suspended

Exceptions:

- a. Hotels, homestays, lodges and motels, which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew.
- b. Establishments used/ earmarked for quarantine facilities.

8. All educational, training, research, coaching institutions etc. shall remain closed.

9. All places of worship shall be closed for public. No religious congregations will be permitted, without any exception.

10. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions / gatherings shall be barred.

11. In case of funerals, congregation of not more than twenty persons will be permitted.

12. All persons who have arrived into India after 15.02.2020, and all such persons who have been directed by health care personnel to remain under strict home/ institutional quarantine for a period as decided by local Health Authorities, failing which they will be liable to legal action under Sec. 188 of the IPC.

13. Wherever exceptions to above containment measures have been allowed, the organisations/employers must ensure necessary precautions against COVID-19

virus, as well as social distance measures, as advised by the Health Department from time to time.

14. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such incident commander. The Incident Commander will issue passes for enabling essential movements as explained.
15. All enforcing authorities to note that these strict restrictions fundamentally relate to movement of people, but not to that of essential goods.
16. The Incident Commanders will in particular ensure that all efforts for mobilisation of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.
17. Any person violating these containment measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Sec. 188 of the IPC (as per Appendix).
18. The above containment measures will remain in force, in all parts of the country, for a period of 21 days with effect from 25.03.2020.



Union Home Secretary

Appendix**1. Section 51 to 60 of the Disaster Management Act, 2005**

OFFENCES AND PENALTIES

51. Punishment for obstruction, etc.—Whoever, without reasonable cause —

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the

offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section— (a) “company” means any body corporate and includes a firm or other association of individuals; and (b) “director”, in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by— (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to

the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

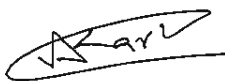
2. Section 188 in The Indian Penal Code

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.



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ANNEXURE - P7**प्रेस प्रकाशनी PRESS RELEASE**
भारतीय रिज़र्व बैंक
RESERVE BANK OF INDIA
वेबसाइट : www.rbi.org.in/hindiWebsite : www.rbi.org.inई-मेल email: helpdoc@rbi.org.in

संचार विभाग, केंद्रीय कार्यालय, एस.बी.एस.मार्ग, मुंबई-400001

Department of Communication, Central Office, S.B.S.Marg, Mumbai-400001

फोन/Phone: 022-22660502

March 27, 2020

Statement on Developmental and Regulatory Policies

This Statement sets out various developmental and regulatory policies that directly address the stress in financial conditions caused by COVID-19. They consist of: (i) expanding liquidity in the system sizeably to ensure that financial markets and institutions are able to function normally in the face of COVID-related dislocations; (ii) reinforcing monetary transmission so that bank credit flows on easier terms are sustained to those who have been affected by the pandemic; (iii) easing financial stress caused by COVID-19 disruptions by relaxing repayment pressures and improving access to working capital; and (iv) improving the functioning of markets in view of the high volatility experienced with the onset and spread of the pandemic. The policy initiatives in this section should be read in conjunction with the MPC's decision on monetary policy actions and stance in its resolution.

I. Liquidity Management

As stated earlier, the first set of measures is intended to ensure that adequate liquidity is available to all constituents so that COVID-19 related liquidity constraints are eased.

1. Targeted Long Term Repos Operations (TLTROs)

The onset and rapid propagation of COVID-19 in India has ignited large sell-offs in the domestic equity, bond and forex markets. With the intensification of redemption pressures, liquidity premia on instruments such as corporate bonds, commercial paper and debentures have surged. Combined with the thinning of trading activity with the COVID outbreak, financial conditions for these instruments, which are used, *inter alia*, to access working capital in the face of the slowdown in bank credit, have also tightened. In order to mitigate their adverse effects on economic activity leading to pressures on cash flows, it has been decided that the Reserve Bank will conduct auctions of targeted term repos of up to three years tenor of appropriate sizes for a total amount of up to ₹ 1,00,000 crore at a floating rate linked to the policy repo rate.

Liquidity availed under the scheme by banks has to be deployed in investment grade corporate bonds, commercial paper, and non-convertible debentures over and above the outstanding level of their investments in these bonds as on March 27, 2020. Banks shall be required to acquire up to fifty per cent of their incremental holdings of eligible instruments from primary market issuances and the remaining fifty per cent from the secondary market, including from mutual funds and non-banking finance companies. Investments made by banks under this facility will be classified as held to maturity (HTM) even in excess of 25 per cent of total investment permitted to be included in the HTM portfolio. Exposures under this facility will also not be reckoned under the large exposure framework.

The first TLTRO auction will be held today (March 27, 2020). Following a review of the outcome of this auction, the subsequent TLTRO auctions will be announced. Details about this facility are being issued separately.

2. Cash Reserve Ratio

- a. Liquidity in the banking system remains ample, as reflected in absorption of surpluses from the banking system under reverse repo operations of the LAF of the order of ₹ 2.86 lakh crore on a daily average basis during March 1-25, 2020. It is observed, however, that the distribution of this liquidity is highly asymmetrical across the financial system, and starkly so within the banking system.

As a one-time measure to help banks tide over the disruption caused by COVID-19, it has been decided to reduce the cash reserve ratio (CRR) of all banks by 100 basis points to 3.0 per cent of net demand and time liabilities (NDTL) with effect from the reporting fortnight beginning March 28, 2020. This reduction in the CRR would release primary liquidity of about ₹ 1,37,000 crore uniformly across the banking system in proportion to liabilities of constituents rather than in relation to holdings of excess SLR. This dispensation will be available for a period of one year ending on March 26, 2021.

- b. Furthermore, taking cognisance of hardships faced by banks in terms of social distancing of staff and consequent strains on reporting requirements, it has been decided to reduce the requirement of minimum daily CRR balance maintenance from 90 per cent to 80 per cent

effective from the first day of the reporting fortnight beginning March 28, 2020. This is a one-time dispensation available up to June 26, 2020.

3. Marginal Standing Facility

Under the marginal standing facility (MSF), banks can borrow overnight at their discretion by dipping up to 2 per cent into the Statutory Liquidity Ratio (SLR). In view of the exceptionally high volatility in domestic financial markets which bring in phases of liquidity stress and to provide comfort to the banking system, it has been decided to increase the limit of 2 per cent to 3 per cent with immediate effect. This measure will be applicable up to June 30, 2020. This is intended to provide comfort to the banking system by allowing it to avail an additional ₹ 1,37,000 crore of liquidity under the LAF window in times of stress at the reduced MSF rate announced in the MPC's resolution.

These three measures relating to TLTRO, CRR and MSF will inject a total liquidity of ₹ 3.74 lakh crore to the system.

4. Widening of the Monetary Policy Rate Corridor

In view of persistent excess liquidity, it has been decided to widen the existing policy rate corridor from 50 bps to 65 bps. Under the new corridor, the reverse repo rate under the liquidity adjustment facility (LAF) would be 40 bps lower than the policy repo rate. The marginal standing facility (MSF) rate would continue to be 25 bps above the policy repo rate.

II. Regulation and Supervision

Alongside liquidity measures, it is important that efforts are undertaken to mitigate the burden of debt servicing brought about by disruptions on account of the fall-out of the COVID-19 pandemic. Such efforts, in turn, will prevent the transmission of financial stress to the real economy, and will ensure the continuity of viable businesses and provide relief to borrowers in these extraordinarily troubled times.

5. Moratorium on Term Loans

All commercial banks (including regional rural banks, small finance banks and local area banks), co-operative banks, all-India Financial Institutions, and NBFCs (including housing finance companies and micro-finance institutions) (“lending institutions”) are being permitted to allow a moratorium of three months on payment of instalments in respect of all term loans outstanding as on March 1, 2020. Accordingly, the repayment schedule and all subsequent due dates, as also the tenor for such loans, may be shifted across the board by three months.

6. Deferment of Interest on Working Capital Facilities

In respect of working capital facilities sanctioned in the form of cash credit/overdraft, lending institutions are being permitted to allow a deferment of three months on payment of interest in respect of all such facilities outstanding as on March 1, 2020. The accumulated interest for the period will be paid after the expiry of the deferment period.

In respect of paragraphs 5 and 6 above, the moratorium/deferment is being provided specifically to enable

the borrowers to tide over the economic fallout from COVID-19. Hence, the same will not be treated as change in terms and conditions of loan agreements due to financial difficulty of the borrowers and, consequently, will not result in asset classification downgrade. The lending institutions may accordingly put in place a Board approved policy in this regard.

7. Easing of Working Capital Financing

In respect of working capital facilities sanctioned in the form of cash credit/overdraft, lending institutions may recalculate drawing power by reducing margins and/or by reassessing the working capital cycle for the borrowers. Such changes in credit terms permitted to the borrowers to specifically tide over the economic fallout from COVID-19 will not be treated as concessions granted due to financial difficulties of the borrower, and consequently, will not result in asset classification downgrade.

In respect of paragraphs 5, 6 and 7, the rescheduling of payments will not qualify as a default for the purposes of supervisory reporting and reporting to credit information companies (CICs) by the lending institutions. CICs shall ensure that the actions taken by lending institutions pursuant to the above announcements do not adversely impact the credit history of the beneficiaries.

8. Deferment of Implementation of Net Stable Funding Ratio (NSFR)

As part of reforms undertaken in the years following the global financial crisis, the Basel Committee on Banking Supervision (BCBS) had introduced the Net Stable Funding Ratio (NSFR) which reduces funding risk by requiring banks to fund their activities with sufficiently stable sources of funding over a time horizon of a year in order to mitigate the risk of future funding stress. As per the prescribed timeline, banks in India were required to maintain NSFR of 100 per cent from April 1, 2020. It has now been decided to defer the implementation of NSFR by six months from April 1, 2020 to October 1, 2020.

9. Deferment of Last Tranche of Capital Conservation Buffer

The capital conservation buffer (CCB) is designed to ensure that banks build up capital buffers during normal times (*i.e.*, outside periods of stress) which can be drawn down as losses are incurred during a stressed period. As per Basel standards, the CCB was to be implemented in tranches of 0.625 per cent and the transition to full CCB of 2.5 per cent was set to be completed by March 31, 2019. It was subsequently decided to defer the implementation of the last tranche of 0.625 per cent of the CCB from March 31, 2019 to March 31, 2020. Considering the potential stress on account of COVID-19, it has been decided to further defer the implementation of the last tranche of 0.625 per cent of the CCB from March 31, 2020 to September 30, 2020. Consequently, the pre-specified trigger for loss absorption through conversion/write-down of Additional

Tier 1 instruments (PNCPS and PDI) shall remain at 5.5 per cent of risk-weighted assets (RWAs) and will rise to 6.125 per cent of RWAs on September 30, 2020.

III. Financial Markets

The decision in respect of financial markets is essentially of a developmental nature, intended to improve depth and price discovery in the forex market segments by reducing arbitrage between onshore and offshore markets. This measure assumes greater importance in the context of the increased volatility of the rupee caused by the impact of COVID-19 on currency markets.


10. Permitting Banks to Deal in Offshore Non-Deliverable Rupee Derivative Markets (Offshore NDF Rupee Market)

The offshore Indian Rupee (INR) derivative market - the Non-Deliverable Forward (NDF) market - has been growing rapidly in recent times. At present, Indian banks are not permitted to participate in this market, although the benefits of their participation in the NDF market have been widely recognised. All aspects of the issue have been examined in detail and a consensus has emerged in RBI that the time is apposite to remove segmentation between the onshore and offshore markets and improve efficiency of price discovery. Accordingly, it has been decided, in consultation with the Government, to permit banks in India which operate International Financial Services Centre (IFSC) Banking Units (IBUs) to participate in the NDF market with effect from June 1, 2020. Banks may participate through their branches in

India, their foreign branches or through their IBUs. Final directions are being issued today.

Press Release : 2019-2020/2130

(Yogesh Dayal)
Chief General Manager



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ANNEXURE - P8

भारतीय रिजर्व बैंक

RESERVE BANK OF INDIAwww.rbi.org.in

RBI/2019-20/186

DOR.No.BP.BC.47/21.04.048/2019-20

March 27, 2020

All Commercial Banks (including Small Finance Banks, Local Area Banks and Regional Rural Banks)
 All Primary (Urban) Co-operative Banks/State Co-operative Banks/ District Central Co-operative Banks
 All All-India Financial Institutions
 All Non-Banking Financial Companies (including Housing Finance Companies)

Madam / Dear Sir,

COVID-19 – Regulatory Package

Please refer to the [Statement of Development and Regulatory Policies released on March 27, 2020](#) where inter alia certain regulatory measures were announced to mitigate the burden of debt servicing brought about by disruptions on account of COVID-19 pandemic and to ensure the continuity of viable businesses. In this regard, the detailed instructions are as follows:

(i) Rescheduling of Payments – Term Loans and Working Capital Facilities

2. In respect of all term loans (including agricultural term loans, retail and crop loans), all commercial banks (including regional rural banks, small finance banks and local area banks), co-operative banks, all-India Financial Institutions, and NBFCs (including housing finance companies) (“lending institutions”) are permitted to grant a moratorium of three months on payment of all instalments¹ falling due between March 1, 2020 and May 31, 2020. The repayment schedule for such loans as also the residual tenor, will be shifted across the board by three months after the moratorium period. Interest shall continue to accrue on the outstanding portion of the term loans during the moratorium period.

¹ Instalments will include the following payments falling due from March 1, 2020 to May 31, 2020: (i) principal and/or interest components; (ii) bullet repayments; (iii) Equated Monthly instalments; (iv) credit card dues.

3. In respect of working capital facilities sanctioned in the form of cash credit/overdraft (“CC/OD”), lending institutions are permitted to defer the recovery of interest applied in respect of all such facilities during the period from March 1, 2020 upto May 31, 2020 (“deferment”). The accumulated accrued interest shall be recovered immediately after the completion of this period.

(ii) Easing of Working Capital Financing

4. In respect of working capital facilities sanctioned in the form of CC/OD to borrowers facing stress on account of the economic fallout of the pandemic, lending institutions may recalculate the ‘drawing power’ by reducing the margins and/or by reassessing the working capital cycle. This relief shall be available in respect of all such changes effected up to May 31, 2020 and shall be contingent on the lending institutions satisfying themselves that the same is necessitated on account of the economic fallout from COVID-19. Further, accounts provided relief under these instructions shall be subject to subsequent supervisory review with regard to their justifiability on account of the economic fallout from COVID-19.

Classification as Special Mention Account (SMA) and Non-Performing Asset (NPA)

5. Since the moratorium/deferment/recalculation of the ‘drawing power’ is being provided specifically to enable the borrowers to tide over economic fallout from COVID-19, the same will not be treated as concession or change in terms and conditions of loan agreements due to financial difficulty of the borrower under paragraph 2 of the Annex to the Reserve Bank of India (Prudential Framework for Resolution of Stressed Assets) Directions, 2019 dated June 7, 2019 (“Prudential Framework”). Consequently, such a measure, by itself, shall not result in asset classification downgrade.

6. The asset classification of term loans which are granted relief as per paragraph 2 shall be determined on the basis of revised due dates and the revised repayment schedule. Similarly, working capital facilities where relief is provided as per paragraph 3 above, the SMA and the out of order status shall be evaluated considering the

application of accumulated interest immediately after the completion of the deferment period as well as the revised terms, as permitted in terms of paragraph 4 above.

7. The rescheduling of payments, including interest, will not qualify as a default for the purposes of supervisory reporting and reporting to Credit Information Companies (CICs) by the lending institutions. CICs shall ensure that the actions taken by lending institutions pursuant to the above announcements do not adversely impact the credit history of the beneficiaries.

Other Conditions

8. Lending institutions shall frame Board approved policies for providing the above-mentioned reliefs to all eligible borrowers, *inter alia*, including the objective criteria for considering reliefs under paragraph 4 above and disclosed in public domain.


9. Wherever the exposure of a lending institution to a borrower is ₹5 crore or above as on March 1, 2020, the bank shall develop an MIS on the reliefs provided to its borrowers which shall *inter alia* include borrower-wise and credit-facility wise information regarding the nature and amount of relief granted.

10. The instructions in this circular come into force with immediate effect. The Board of Directors and the key management personnel of the lending institutions shall ensure that the above instructions are properly communicated down the line in their respective organisations, and clear instructions are issued to their staff regarding their implementation.

Yours faithfully,

(Saurav Sinha)

Chief General Manager-in-Charge



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**FSFTI**

FEDERATION OF SELF-FINANCING TECHNICAL INSTITUTIONS (ALL INDIA)

23/7, 2nd Floor, East Patel Nagar, New Delhi - 110008.

Phone: 011-40196386, Email: allindiafederation@yahoo.com

83**Shri. R.S. MUNIRATHINAM**Chief Patron
9840743636
vc@rmkec.ac.in

Ex.M.L.A.

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Telangana

Dt: 27/03/2020

To

The Hon'ble Finance Minister,
Government of India,
Rajpath Marg, E Block,
Central Secretariat, New Delhi,
Delhi 110011

Respected madam,

Sub: Request for Restructuring the loans of educational societies running technical institutions approved by AICTE – Reg.

** ** *

We wish to inform your goodselves that the Technical institutions across the nation established by not-for-profit educational societies approved by AICTE are fighting with CORONA Virus Pandemic as well as economic pandemic, facing acute economic / financial difficulties besides negative impact on long term viability and learning opportunities and sadly scrambling to identify the options to deal with the major challenges. To help the survival and to boost the long term growth of technical institutions, we request for loan structuring scheme for educational societies as under;

1. To waive interest on loans for a period of 6 months.
2. To impose moratorium for repayment of interest and installments for a period of one year commencing after 6 months from the date of completion of interest waiver period.
3. Alteration of the amount of installment by reducing to 1/3rd of the current amount of installment.
4. Sanction of additional credit facility of Rs.2 crores to each technical institution to meet the salary cost and other overheads for the next three months.
5. Ensure releasing of post metric scholarships upto 2019-20.

We, the technical institutions across the nation with social responsibility supporting the 21-day total national lockdown to avoid further spread of corona pandemics as announced by Hon'ble Prime Minister. Further, we are ready to provide the classrooms of our colleges for providing safe temporary isolation centres to the suspected cases to be quarantined till either to be shifted to hospitals or homes for rest.

Thanking you,
Yours faithfully

(Dr. Rev. K.V.K. Rao)
General Secretary

Sd/-
(Dr. Anshu Kataria)
President

Sd/-
(R.S. Munirathinam)
Chief Patron


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ANNEXURE - P10

**No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs**

North Block, New Delhi-110001
Dated 29th March, 2020

ORDER

Whereas, in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, has issued an Order of even number dated 24.03.2020, followed by Addendum Orders of even number dated 25.03.2020 and 27.03.2020 to the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions to implement lockdown measures annexed to the said Orders for the containment of spread of COVID-19 in the country;

Whereas, movement of a large number of migrants have taken place in some parts of the country so as to reach their home towns. This is a violation of the lockdown measures on maintaining social distance;

Whereas, to deal with the situation and for effective implementation of the lockdown measures, and to mitigate the economic hardship of the migrant workers, in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act 2005, the undersigned, in the capacity as Chairperson, National Executive Committee hereby directs the State/Union Territory Governments and State/ Union Territory Authorities to take necessary action and to issue necessary orders to their District Magistrate/ Deputy Commissioner and Senior Superintendant of Police/ Superintendant of Police/ Deputy Commissioner of Police, to take following additional measures:

- i. State/Union Territory Governments shall ensure adequate arrangements of temporary shelters, and provision of food etc. for the poor and needy people, including migrant labourers, stranded due to lockdown measures in their respective areas;
- ii. The migrant people, who have moved out to reach their home states/ home towns, must be kept in the nearest shelter by the respective State/Union Territory Government quarantine facilities after proper screening for a minimum period of 14 days as per standard health protocol;
- iii. All the employers, be it in the Industry or in the shops and commercial establishments, shall make payment of wages of their workers, at their work places, on the due date, without any deduction, for the period their establishments are under closure during the lockdown;



- iv. Where ever the workers, including the migrants, are living in rented accommodation, the landlords of those properties shall not demand payment of rent for a period of one month.
- v. If any landlord is forcing labourers and students to vacate their premises, they will be liable for action under the Act.

It is further directed that in case of violation of any of the above measures, the respective State/UT Government, shall take necessary action under the Act. The District Magistrate/ Deputy Commissioner and Senior Superintendant of Police/ Superintendant of Police/ Deputy Commissioner of Police will be personally liable for implementation of the above directions and lockdown measures issued under the above mentioned Orders.

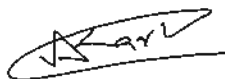

29/03/2020
Home Secretary

To

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.



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ANNEXURE - P11

SEBI/ HO/ MIRSD/ CRADT/ CIR/ P/ 2020/ 53

March 30, 2020

To,

All Credit Rating Agencies (CRAs) registered with SEBI

Dear Sir/ Madam,

Sub: Relaxation from compliance with certain provisions of the circulars issued under SEBI (Credit Rating Agencies) Regulations, 1999 due to the COVID-19 pandemic and moratorium permitted by RBI.

1. In view of the developments arising due to COVID-19 pandemic and in light of the moratorium permitted by Reserve Bank of India (RBI) (vide notification no. RBI/2019-20/186, dated March 27, 2020) on loan servicing, working capital facilities etc. for three months, a need for temporary relaxations in compliance by CRAs is felt. Accordingly, it has been decided to grant relaxations from the requirements stipulated vide circulars as under:
2. **Recognition of Default**
 - A. Currently, CRAs recognize default based on the guidance issued vide SEBI circular dated May 3, 2010 and November 1, 2016.
 - B. In view of the nationwide lockdown and the three month moratorium/ deferment on payment permitted by RBI, a differentiation in treatment of default, on a case to case basis, needs to be made as to whether such default occurred solely due to the lockdown or loan moratorium.
 - C. Accordingly, based on its assessment, if the CRA is of the view that the delay in payment of interest/principle has arisen solely due to the lockdown conditions creating temporary operational challenges in servicing debt, including due to procedural delays in approval of moratorium on loans by the lending institutions, CRAs may not consider the same as a default event and/or recognize default. Appropriate disclosures in this regard shall be made in the Press Release.
 - D. The above shall also be applicable on any rescheduling in payment of debt obligation done by the issuer, prior to the due date, with the approval of the investors/lenders.
 - E. The above relaxation is extended till the period of moratorium by the RBI.



3. Extension in timelines for press release and disclosures on website

- A. Considering that the CRAs are dependent on the issuers and third parties for information collection which is impaired due to current lockdown, relaxation from timelines for rating action/ issue of press release by CRAs stipulated vide SEBI circular dated June 30, 2017 is being granted. However, CRAs should endeavour to finish the exercise on a best effort basis. Such cases shall be put up for ratification by the Rating Sub-Committee of the Board of CRA.
 - B. Further, an extension of 30 days is being granted for making annual and semi-annual disclosures by CRAs on its website for the period ended March 2020.
4. This circular is issued in exercise of the powers conferred by Section 11 (1) of Securities and Exchange Board of India Act, 1992 read with the provisions of Regulation 20 of SEBI (Credit Rating Agencies) Regulations, 1999, to protect the interest of investors in securities and to promote the development of, and to regulate, the securities market.

Yours faithfully,

Surabhi Gupta
General Manager
Tel No. 022-26449315
Email id: surabhig@sebi.gov.in

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Market Watch

Moratorium option should be for all: RBI

RBI says moratorium facility should be extended to all unless a borrower chooses to opt out of it. Many banks are offering the option to defer the payment of loan interest and principal only to borrowers who specifically ask for it. The move could put some of the banks with high credit- deposit ratio and NBFCs struggling to roll over liabilities in a spot.

By Sugata Ghosh, ET Bureau | Last Updated: Apr 07, 2020, 07:49 AM IST

23 Comments



Mumbai: The Reserve Bank of India (RBI) on Monday reached out to several banks and non-banking finance companies to say that borrowers should be considered 'under moratorium by default' regardless of their opting-in or otherwise.

The regulatory instruction, conveyed through emails, is very different from what many lenders have decided to follow.

Many banks are offering the option to defer the payment of loan interest and principal only to borrowers who specifically ask for it. "But, according to RBI, it's just the opposite. The 3-month moratorium should be given to all unless a borrower informs the bank or NBFC that he/she is not interested in availing the facility," a senior banker told ET.

The move could put some of the banks with high credit- deposit ratio and NBFCs struggling to roll over liabilities in a spot. These banks may face a liquidity crunch as the reduced inflow due to non-receipt of interest and loan repayment could be far more than the extra liquidity that would be available through lower cash reserve ratio and borrowing from RBI against gilts.

NBFCs face a bigger dilemma. According to most banks, the RBI circular does not cover NBFCs. Under the circumstances while NBFCs which have borrowed from banks cannot benefit from the moratorium, they are under pressure to offer the facility to those which have borrowed from them.

'Instructions Different from Mar 27 Circular'

"RBI is quite categorical. For instance one of the emails make it clear that no demand should be made on borrowers or any recovery procedure undertaken by the bank or its agents for non-payment of amount due during the moratorium period. Thus, as long as borrowers fulfil the condition laid down in the recent RBI circular, they are eligible. Some of the banks were reluctant to extend the scheme to borrowers," said another banker.



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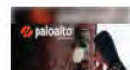
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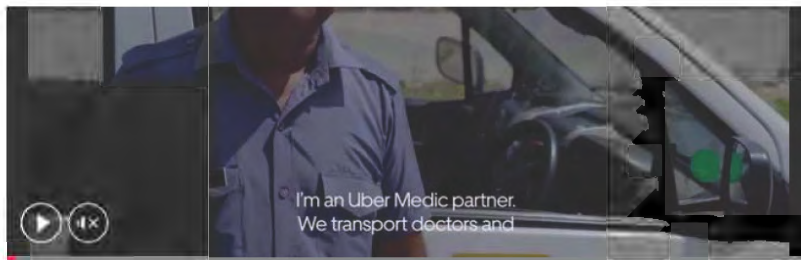
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Bankers say this is different from what RBI had indicated in the March 27 circular. The notification on the **Covid-19** regulatory package said, "Lending institutions shall frame Board approved policies for providing the above-mentioned reliefs to all eligible borrowers, inter alia, including the objective criteria for considering reliefs." Borrowers, however, are free to make repayments or service the loans at their own will even for dues of the moratorium period.

(Catch all the **Business News**, **Breaking News** Events and **Latest News** Updates on **The Economic Times**.)

Read more on

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NEXT STORY

Toxic gas leak at LG Polymers near Visakhapatnam kills at least 10; hundreds fall ill

The death toll could mount as the condition of several of those hospitalised was reported to be serious. Dozens of villagers were found lying unconscious on the streets and trapped in houses in the villages.

By **CR Sukumar**, ET Bureau | Last Updated: May 07, 2020, 03:40 PM IST



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A major toxic **gas** leak at the **LG Polymers** plant in **Visakhapatnam** in the early hours of Thursday killed at least ten people and caused illness to hundreds in about 20 villages in a five kilometre range around it.

The death toll could go up as the condition of several of those hospitalised was reported to

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ANNEXURE - P13

भारतीय बीमा विनियामक और विकास प्राधिकरण
INSURANCE REGULATORY AND
DEVELOPMENT AUTHORITY OF INDIA

REF: IRDA/F&I/CIR/INV/085/04/2020

8th April, 2020

CIRCULAR

The CEOs of all Insurers,

Sub: Rescheduling of Term Loans in the context of outbreak of Covid-19

The Authority has received representations from industry associations seeking moratorium on repayment of term loans sanctioned by the Insurers, in the context of outbreak of Covid-19. RBI has issued directions dt. 27th March, 2020, providing certain moratorium to the borrowers of Term Loans. Considering the cashflow problems faced by the borrowers and in line with the RBI directions, the following instructions on providing moratorium on repayment of term loans are hereby issued:

- a. In respect of term loans, insurers are permitted to grant a moratorium of three months towards payment of instalments falling due between 1st March, 2020 and 31st May, 2020. The repayment schedule for such loans and also the residual tenor, will be shifted across the board by three months subsequent to the moratorium period.
- b. Interest shall continue to accrue on the outstanding portion of the term loans during such moratorium period.
- c. The asset classification of term loans which are granted relief as per point no.(a) above shall be determined on the basis of revised due dates and revised repayment schedule.
- d. The rescheduling of payments, including interest, will not qualify as a default for the purpose of reporting of NPAs.
- e. Insurers shall frame Board approved policies to extend above mentioned reliefs to all eligible borrowers.

- f. Concurrent Auditors in their reports for the quarter ending June, 2020 shall confirm that the insurers have complied with the Board Approved policy in granting moratorium.

This is issued with the approval of Competent Authority.

(S N Jayasimhan)
HOD-Investments


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Prime Minister's Office

PM addresses the nation for 4th time in 4 Weeks in India's fight against COVID-19

Announces extension of lockdown till 3rd May

High Risk Areas and Hotspots to be under constant vigil

Ease of Certain Restrictions in Low Risk Areas from 20 April

Detailed guidelines to be issued by the Government tomorrow

PM seeks support for seven things including taking care of elderly and adhering to social distancing and lockdown

Posted On: 14 APR 2020 1:04PM by PIB Delhi

The Prime Minister, Shri Narendra Modi today announced the extension of lockdown till 3rd May, 2020. The earlier 21 day lockdown is ending on the 14th of April 2020.

Addressing the Nation in combating the spread of the corona virus, PM said the extension of lockdown was decided keeping in mind suggestions from many states, experts and the people.

He requested people to continue maintaining vigil and to adhere to social distancing during this lockdown.

Prime Minister also suggested that those areas which are of low risk may be permitted to open up for certain specific activities from 20th April 2020.

PM said, "Until 20th April, every town, every police station, every district, every state will be evaluated on how much the lockdown is being followed. Areas that succeed in this litmus test, those which will not be in the hot-spot category, and will have less likelihood to turn into a hot-spot maybe allowed to open up select necessary activities from 20th April".

“However, permissions will be withdrawn immediately if lockdown rules are broken, and if there is threat of spread of Coronavirus” he cautioned.

A detailed guidelines will be issued by the Government tomorrow in this regard.

The Easing of restrictions in the low risk areas is being done keeping in mind the difficulties being faced by the poor and daily wage earners, he said.

“Those who earn daily, make ends meet with daily income, they are my family. One of my top-most priorities is to reduce the difficulties in their lives. The government has made every possible effort to help them through *Pradhan Mantri Gareeb Kalyan Yojna*. Their interests have also been taken care of while making the new guidelines” he said.

Paying tributes to Baba Saheb Bhimrao Ambedkar, on his birth anniversary today, the Prime Minister said, “I am well aware of the problems you have faced -some for food, some for movement from place to place, and others for staying away from homes and families. However, for the sake of your country, you are fulfilling your duties like a disciplined soldier. This is the power of ‘We, the People of India’ that our constitution talks about.”

Prime Minister mentioned that India had been pro-active even before a single case of COVID -19 surfaced in the country. He said, the screening of the international passengers, 14 day mandatory isolation of the international travellers, shutting of malls, clubs, gyms were taken at very early stages. Prime Minister said India also proactively went into a nation wide lock down which was ending on the 14th April.

Compared to other Covid affected World’s big & powerful countries, he said, India is in a very well managed situation.

“A month, month and a half ago, several countries had been at par with India in terms of Corona infection. But today, Corona cases in those countries are 25 to 30 times than that of India. Thousands of people have tragically died in those countries. Had India not adopted a holistic and integrated approach, taking quick and decisive action; the situation in India today would have been completely different”, he said.

Prime Minister said India has benefitted from Lockdown. He said notwithstanding the economic travails being faced, it is clearly the correct path as it protected so many lives in the country.

“From an economic only point of view, it undoubtedly looks costly right now; but measured against the lives of Indian citizens, there is no comparison itself. The path that India has taken within our limited resources has become a topic of discussion in the entire world today”, he said.

He assured the country that there are ample reserves of medicines, food and other essential goods. Prime Minister also assured that the health infrastructure is being further strengthened.

“From having only one testing lab for Coronavirus in January, we now have more than 220 functional testing labs. Global experience shows that 1,500-1,600 beds are required for every 10,000 patients. In India, we have arranged more than 1 Lakh beds today. Not only this, there are more than 600 hospitals which are dedicated for Covid treatment. As we speak, these facilities are being increased even more rapidly” he said.

Prime Minister exhorted the citizens to follow seven steps in their fight against the pandemic

First, to take special care of the elderly, especially those who have chronic disease.

Second to completely adhere to the 'Lakshman Rekha' of Lockdown and Social Distancing; use homemade face-covers and masks without fail.

Third to follow the instructions issued by AYUSH ministry to enhance immunity.

Fourth to download the Arogya Setu Mobile App to help prevent the spread of corona infection. Inspire others to download the app as well.

Fifth to take care of poor families; to fulfil their food requirements.

Sixth to be compassionate towards the people who work in every individual business or industry. Do not deprive them of their livelihood.

Seventh to pay utmost respect to our nation's Corona Warriors – our doctors and nurses, sanitation workers and police force.

VRRK/KP

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ANNEXURE - P15

**No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs**

North Block, New Delhi-110001

Dated 15th April, 2020

ORDER

Whereas, in exercise of the powers, conferred under Section 10(2)(i) of the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, National Executive Committee, has issued an Order dated 14th April, 2020 that the lockdown measures stipulated in the Consolidated Guidelines of Ministry of Home Affairs (MHA) for containment of COVID-19 epidemic in the country, will continue to remain in force upto 3rd May, 2020 to contain the spread of COVID-19 in the country;

Whereas, to mitigate hardship to the public, select additional activities will be allowed, which will come into effect from 20th April, 2020. However, these additional activities will be operationalized by States/ Union Territories (UTs)/ District Administrations based on strict compliance to the existing guidelines on lockdown measures. Before operating these relaxations, States/ UTs/ District Administrations shall ensure that all preparatory arrangements with regard to social distancing in offices, workplaces, factories and establishments, as also other sectoral requirements are in place. The consolidated revised guidelines incorporating these relaxations are enclosed;

Whereas, the consolidated revised guidelines will not apply in containment zones, as demarcated by States/ UTs/ District administrations. If any new area is included in the category of a containment zone, the activities allowed in that area till the time of its categorization as a containment zone, will be suspended except for those activities as are specifically permitted under the guidelines of Ministry of Health and Family Welfare (MoHFW), Government of India;

Whereas, in exercise of the powers, conferred under Section 10(2)(i) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues directions to all the all Ministries/ Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities for the strict implementation of enclosed consolidated revised guidelines.


15/04/2020
Union Home Secretary

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.

Consolidated Revised Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/ UT Governments and State/ UT authorities for containment of COVID-19 in the country

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 15th April, 2020]

1. With the extension of the lockdown period, the following activities will continue to remain prohibited across the country until 3rd May, 2020:

- i. All domestic and international air travel of passengers, except for purposes enumerated in para 4 (ix), and for security purposes.
- ii. All passenger movement by trains, except for security purposes.
- iii. Buses for public transport.
- iv. Metro rail services.
- v. Inter-district and inter-State movement of individuals except for medical reasons or for activities permitted under these guidelines.
- vi. All educational, training, coaching institutions etc. shall remain closed.
- vii. All industrial and commercial activities other than those specifically permitted under these guidelines.
- viii. Hospitality services other than those specifically permitted under these guidelines.
- ix. Taxis (including auto rickshaws and cycle rickshaws) and services of cab aggregators.
- x. All cinema halls, malls, shopping complexes, gymnasiums, sports complexes, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
- xi. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions/ other gatherings.
- xii. All religious places/ places of worship shall be closed for public. Religious congregations are strictly prohibited.
- xiii. In case of funerals, congregation of more than twenty persons will not be permitted.

2. Operation of guidelines in Hotspots and containment zones

- i. 'Hotspots', i.e., areas of large COVID-19 outbreaks, or clusters with significant spread of COVID-19, will be determined as per the guidelines issued by Ministry of Health and Family Welfare (MoHFW), Government of India (GoI).
- ii. In these hotspots, containment zones will be demarcated by States/ UTs/ District administrations as per the guidelines of MoHFW.
- iii. In these containment zones, the activities allowed under these guidelines will not be permitted. There shall be strict perimeter control in the area of the containment zones to ensure that there is no unchecked inward/ outward movement of population from these zones except for maintaining essential services (including medical emergencies and law and order related duties) and Government business continuity. The guidelines issued in this regard by MoHFW will be strictly implemented by State/ UT Governments and the local district authorities.



3. Select permitted activities allowed with effect from 20th April, 2020:

- i. To mitigate hardship to the public, select additional activities have been allowed which will come into effect from 20th April, 2020. These limited exemptions will be operationalized by States/ UTs/ district administrations based on strict compliance to the existing guidelines. Also, before allowing these select additional activities, States/ UTs/ district administrations shall ensure that all preparatory arrangements with regard to the Standard Operating Procedures (SOPs) for social distancing in offices, workplaces, factories and establishments, as also other sectoral requirements are in place.
- ii. The consolidated revised guidelines incorporating these select permitted activities have been enumerated in paras 5-20 below.

4. Strict enforcement of the lockdown guidelines

- i. State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner, and shall strictly enforce the same.
- ii. State/ UT Governments, may, however, impose stricter measures than these guidelines as per requirement of the local areas.

5. All health services (including AYUSH) to remain functional, such as:

- i. Hospitals, nursing homes, clinics, telemedicine facilities.
- ii. Dispensaries, chemists, pharmacies, all kinds of medicine shops including *Jan Aushadhi Kendras* and medical equipment shops.
- iii. Medical laboratories and collection centres.
- iv. Pharmaceutical and medical research labs, institutions carrying out COVID-19 related research.
- v. Veterinary Hospitals, dispensaries, clinics, pathology labs, sale and supply of vaccine and medicine.
- vi. Authorised private establishments, which support the provisioning of essential services, or efforts for containment of COVID-19, including home care providers, diagnostics, supply chain firms serving hospitals.
- vii. Manufacturing units of drugs, pharmaceuticals, medical devices, medical oxygen, their packaging material, raw material and intermediates.
- viii. Construction of medical/ health infrastructure including manufacture of ambulances.
- ix. Movement (inter and intra State, including by air) of all medical and veterinary personnel, scientists, nurses, para-medical staff, lab technicians, mid-wives and other hospital support services, including ambulances.

6. Agricultural and related activities:

A. All agricultural and horticultural activities to remain fully functional, such as:

- i. Farming operations by farmers and farm workers in field.
- ii. Agencies engaged in procurement of agriculture products, including MSP operations.
- iii. 'Mandis' operated by the Agriculture Produce Market Committee (APMC) or as notified by the State/ UT Government (e.g., satellite *mandis*). Direct marketing operations by the State/ UT Government or by industry, directly



from farmers/ group of farmers, FPOs' co-operatives etc. States/ UTs may promote decentralized marketing and procurement at village level.

- iv. Shops of agriculture machinery, its spare parts (including its supply chain) and repairs to remain open.
- v. 'Custom Hiring Centres (CHC)' related to farm machinery.
- vi. Manufacturing, distribution and retail of fertilizers, pesticides and seeds.
- vii. Movement (inter and intra State) of harvesting and sowing related machines like combined harvester and other agriculture/ horticulture implements.

B. Fisheries - the following activities will be functional:

- i. Operations of the fishing (**marine and inland**)/ aquaculture industry, including feeding & maintenance, harvesting, processing, packaging, cold chain, sale and marketing.
- ii. Hatcheries, feed plants, commercial aquaria.
- iii. Movement of fish/ shrimp and fish products, fish seed/ feed and workers for all these activities.

C. Plantations- the following activities will be functional:

- i. Operations of tea, coffee and rubber plantations, with maximum of 50% workers.
- ii. Processing, packaging, sale and marketing of tea, coffee, rubber and cashew, with maximum of 50% workers.

D. Animal husbandry – the following activities will be functional:

- i. Collection, processing, distribution and sale of milk and milk products by milk processing plants, including transport and supply chain.
- ii. Operation of animal husbandry farms including poultry farms & hatcheries and livestock farming activity.
- iii. Animal feed manufacturing and feed plants, including supply of raw material, such as maize and soya.
- iv. Operation of animal shelter homes, including *Gaushalas*.

7. Financial sector: following to remain functional:

- i. Reserve Bank of India (RBI) and RBI regulated financial markets and entities like NPCI, CCIL, payment system operators and standalone primary dealers.
- ii. Bank branches and ATMs, IT vendors for banking operations, Banking Correspondents (BCs), ATM operation and cash management agencies.
 - a. Bank branches be allowed to work as per normal working hours till disbursal of DBT cash transfers is complete.
 - b. Local administration to provide adequate security personnel at bank branches and BCs to maintain social distancing, law and order and staggering of account holders.
- iii. SEBI, and capital and debt market services as notified by the Securities and Exchange Board of India (SEBI).
- iv. IRDAI and Insurance companies.



8. Social sector: following to remain functional:

- i. Operation of homes for children/ disabled/ mentally challenged/ senior citizens/ destitutes/ women/ widows.
- ii. Observation homes, after care homes and places of safety for juveniles.
- iii. Disbursement of social security pensions, e.g., old age/ widow/ freedom fighter pensions; pension and provident fund services provided by Employees Provident Fund Organisation (EPFO).
- iv. Operation of *Anganwadis* – distribution of food items and nutrition once in 15 days at the doorsteps of beneficiaries, e.g., children, women and lactating mothers. Beneficiaries will not attend the *Anganwadis*.

9. Online teaching/ distance learning to be encouraged:

- i. All educational, training, coaching institutions etc. shall remain closed.
- ii. However, these establishments are expected to maintain the academic schedule through online teaching.
- iii. Maximum use of Doordarshan (DD) and other educational channels may be made for teaching purposes.

10. MNREGA works to be allowed:

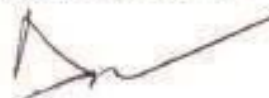
- i. MNREGA works are allowed with strict implementation of social distancing and face mask.
- ii. Priority to be given under MNREGA to irrigation and water conservation works.
- iii. Other Central and State sector schemes in irrigation and water conservation sectors may also be allowed to be implemented and suitably dovetailed with MNREGA works.

11. Public utilities: following to remain functional:

- i. Operations of Oil and Gas sector, including refining, transportation, distribution, storage and retail of products, e.g., petrol, diesel, kerosene, CNG, LPG, PNG etc.
- ii. Generation, transmission and distribution of power at Central and State/ UT levels.
- iii. Postal services, including post offices.
- iv. Operations of utilities in water, sanitation and waste management sectors, at municipal/ local body levels in States and UTs.
- v. Operation of utilities providing telecommunications and internet services.

12. Movement, loading/ unloading of goods/ cargo (inter and intra State) is allowed, as under:

- i. All goods traffic will be allowed to ply.
- ii. Operations of Railways: Transportation of goods and parcel trains.
- iii. Operations of Airports and related facilities for air transport for cargo movement, relief and evacuation.
- iv. Operations of Seaports and Inland Container Depots (ICDs) for cargo transport, including authorized custom clearing and forwarding agents.



- v. Operations of Land Ports for cross land border transportation of essential goods, including petroleum products and LPG, food products, medical supplies.
- vi. Movement of all trucks and other goods/ carrier vehicles with two drivers and one helper subject to the driver carrying a valid driving license; an empty truck/ vehicle will be allowed to ply after the delivery of goods, or for pick up of goods.
- vii. Shops for truck repairs and dhabas on highways, with a stipulated minimum distance as prescribed by the State/ UT authorities.
- viii. Movement of staff and contractual labour for operations of railways, airports/ air carriers, seaports/ ships/ vessels, landports and ICDs is allowed on passes being issued by the local authority on the basis of authorizations issued by the respective designated authority of the railways, airports, seaports, landports and ICDs.

13. Supply of essential goods is allowed, as under:

- i. All facilities in the supply chain of essential goods, whether involved in manufacturing, wholesale or retail of such goods through local stores, large brick and mortar stores or e-Commerce companies should be allowed to operate, ensuring strict social distancing without any restriction on their timing of opening and closure.
- ii. Shops (including *Kirana* and single shops selling essential goods) and carts, including ration shops (under PDS), dealing with food and groceries (**for daily use**), hygiene items, fruits and vegetables, dairy and milk booths, poultry, meat and fish, animal feed and fodder etc, should be allowed to operate, ensuring strict social distancing without any restriction on their timing of opening and closure.
- iii. District authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.

14. Commercial and private establishments, as listed below, will be allowed to operate:

- i. Print and electronic media including broadcasting, DTH and cable services.
- ii. IT and IT enabled Services, with upto 50% strength.
- iii. Data and call centres for Government activities only.
- iv. Government approved Common Service Centres (CSCs) at Gram Panchayat level.
- v. E-commerce companies. Vehicles used by e-commerce operators will be allowed to ply with necessary permissions.
- vi. Courier services.
- vii. Cold storage and warehousing services, including at ports, airports, railway stations, container Depots, individual units and other links in the logistics chain.
- viii. Private security services and facilities management services for maintenance and upkeep of office and residential complexes.



- ix. Hotels, homestays, lodges and motels, which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew.
 - x. Establishments used/ earmarked for quarantine facilities.
 - xi. Services provided by self-employed persons, e.g., electrician, IT repairs, plumbers, motor mechanics, and carpenters.
- 15. Industries/ Industrial Establishments (both Government and private), as listed below, will be allowed to operate:**
- i. Industries operating in rural areas, i.e., outside the limits of municipal corporations and municipalities.
 - ii. Manufacturing and other industrial establishments with access control in Special Economic Zones (SEZs) and Export Oriented Units (EoUs), industrial estates, and industrial townships. These establishments shall make arrangements for stay of workers within their premises as far as possible and/ or adjacent buildings and for implementation of the Standard operating protocol (SOP) as referred to in para 21 (ii) below. The transportation of workers to work place shall be arranged by the employers in dedicated transport by ensuring social distancing.
 - iii. Manufacturing units of essential goods, including drugs, pharmaceuticals, medical devices, their raw material and intermediates.
 - iv. Food processing industries in rural areas, i.e., outside the limits of municipal corporations and municipalities.
 - v. Production units, which require continuous process, and their supply chain.
 - vi. Manufacturing of IT hardware.
 - vii. Coal production, mines and mineral production, their transportation, supply of explosives and activities incidental to mining operations.
 - viii. Manufacturing units of packaging material.
 - ix. Jute industries with staggered shifts and social distancing.
 - x. Oil and gas exploration/ refinery.
 - xi. Brick kilns in rural areas i.e., outside the limits of municipal corporations and municipalities.
- 16. Construction activities, listed as below, will be allowed to operate:**
- i. Construction of roads, irrigation projects, buildings and all kinds of industrial projects, including MSMEs, in rural areas, i.e., outside the limits of municipal corporations and municipalities; and all kinds of projects in industrial estates.
 - ii. Construction of renewable energy projects.
 - iii. Continuation of works in construction projects, within the limits of municipal corporations and municipalities, where workers are available on site and no workers are required to be brought in from outside (in situ construction).
- 17. Movement of persons is allowed in the following cases:**
- i. Private vehicles for emergency services, including medical and veterinary care, and for procuring essential commodities. In such cases, one passenger besides the private vehicle driver can be permitted in the backseat, in case of



four-wheelers; however, in case of two-wheelers, only the driver of the vehicle is to be permitted.

- ii. All personnel travelling to place of work and back in the exempted categories, as per the instructions of the State/ UT local authority.

18. Offices of the Government of India, its Autonomous/ Subordinate Offices will remain open, as mentioned below:

- i. Defence, Central Armed Police Forces, Health and Family Welfare, Disaster management and Early Warning Agencies (IMD, INCOIS, SASE and National Centre of Seismology, CWC), National Informatics Centre (NIC), Food Corporation of India (FCI), NCC, Nehru Yuva Kendras (NYKs) and Customs to function without any restriction.
- ii. Other Ministries and Departments, and offices under their control, are to function with 100% attendance of Deputy Secretary and levels above that. Remaining officers and staff to attend upto 33% as per requirement.

19. Offices of the State/ Union Territory Governments, their Autonomous Bodies and Local Governments will remain open, as mentioned below:

- i. Police, home guards, civil defence, fire and emergency services, disaster management, prisons and municipal services will function without any restrictions.
- ii. All other Departments of State/ UT Governments to work with restricted staff. Group 'A' and 'B' officers may attend as required. Group 'C' and levels below that may attend upto 33% of strength, as per requirement to ensure social distancing. However, delivery of public services shall be ensured, and necessary staff will be deployed for such purpose.
- iii. District administration and Treasury (including field offices of the Accountant General) will function with restricted staff. However, delivery of public services shall be ensured, and necessary staff will be deployed for such purpose.
- iv. Resident Commissioner of States/ UTs, in New Delhi, only to the extent of coordinating COVID-19 related activities and internal kitchen operations.
- v. Forest offices: staff/ workers required to operate and maintain zoo, nurseries, wildlife, fire-fighting in forests, watering plantations, patrolling and their necessary transport movement.

20. Persons to remain under mandatory quarantine, as under:

- i. All such persons who have been directed by health care personnel to remain under strict home/ institutional quarantine for a period as decided by local Health Authorities.
- ii. Persons violating quarantine will be liable to legal action under Section 188 of the IPC, 1860.
- iii. Quarantined persons, who have arrived in India after 15.2.2020, after expiry of their quarantine period and being tested Covid-19 negative, will be released following the protocol prescribed in the SOP issued by MHA.

21. Instructions for enforcement of above lockdown measures:


- i. All the district magistrates shall strictly enforce the National COVID 19 directives as specified in **Annexure I**. Penalties prescribed shall be levied and collected from all persons and entities violating these directives.



- ii. All industrial and commercial establishments, work places, offices etc. shall put in place arrangements for implementation of SOP as in **Annexure II** before starting their functioning.
- iii. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such incident commander. The Incident Commander will issue passes for enabling essential movements as explained.
- iv. The Incident Commanders will in particular ensure that all efforts for mobilization of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.
- v. **Additional activities permitted in these guidelines shall be implemented in a phased manner, after making all arrangements necessary for strict implementation of the guidelines. These will come into force with effect from 20th April, 2020.**

22. Penal provisions

Any person violating these lockdown measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Sec. 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure III**.


15/04/2020
Union Home Secretary

National Directives for COVID-19 Management

The National Directives shall be enforced by the District Magistrate through fines and penal action as prescribed in the Disaster Management Act 2005.

PUBLIC SPACES

1. Wearing of face cover is compulsory in all public places, work places.
2. All persons in charge of public places, work places and transport shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare.
3. No organization /manager of public place shall allow gathering of 5 or more persons
4. Gatherings such as marriages and funerals shall remain regulated by the District Magistrate.
5. Spitting in public spaces shall be punishable with fine.
6. There should be strict ban on sale of liquor, gutka, tobacco etc. and spitting should be strictly prohibited.

WORK SPACES

7. All work places shall have adequate arrangements for temperature screening and provide sanitizers at convenient places.
8. Work places shall have a gap of one hour between shifts and will stagger the lunch breaks of staff, to ensure social distancing.
9. Persons above 65 years of age and persons with co-morbidities and parents of children below the age of 5 may be encouraged to work from home.
10. Use of Arogya setu will be encouraged for all employees both private and public.
11. All organizations shall sanitize their work places between shifts.
12. Large meetings to be prohibited.

MANUFACTURING ESTABLISHMENTS

13. Frequent cleaning of common surfaces and mandatory hand washing shall be mandated.
14. No overlap of shifts and staggered lunch with social distancing in canteens shall be ensured.
15. Intensive communication and training on good hygiene practices shall be taken up.



Annexure II**Standard Operating Procedure for Social Distancing for Offices, Workplace, Factories and Establishments**

The following measures shall be implemented by all offices, factories and other establishments:

1. All areas in the premises including the following shall be disinfected completely using user friendly disinfectant mediums:
 - a. Entrance Gate of building, office etc.
 - b. Cafeteria and canteens.
 - c. Meeting room, Conference halls/ open areas available/ verandah/ entrance gate of site, bunkers, porta cabins, building etc.
 - d. Equipment and lifts.
 - e. Washroom, toilet, sink; water points etc.
 - f. Walls/ all other surfaces
2. For workers coming from outside, special transportation facility will be arranged without any dependency on the public transport system. These vehicles should be allowed to work only with 30-40% passenger capacity.
3. All vehicles and machinery entering the premise should be disinfected by spray mandatorily.
4. Mandatory thermal scanning of everyone entering and exiting the work place to be done.
5. Medical insurance for the workers to be made mandatory.
6. Provision for hand wash & sanitizer preferably with touch free mechanism will be made at all entry and exit points and common areas. Sufficient quantities of all the items should be available.
7. Work places shall have a gap of one hour between shifts and will stagger the lunch breaks of staff, to ensure social distancing.
8. Large gatherings or meetings of 10 or more people to be discouraged. Seating at least 6 feet away from others on job sites and in gatherings, meetings and training sessions.
9. Not more than 2/4 persons (depending on size) will be allowed to travel in lifts or hoists.
10. Use of staircase for climbing should be encouraged.
11. There should be strict ban of gutka, tobacco etc. and spitting should be strictly prohibited.
12. There should be total ban on non-essential visitors at sites.
13. Hospitals/clinics in the nearby areas, which are authorized to treat COVID-19 patients, should be identified and list should be available at work place all the times.

Offences and Penalties for Violation of Lockdown Measures**A. Section 51 to 60 of the Disaster Management Act, 2005**

51. Punishment for obstruction, etc.—Whoever, without reasonable cause

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.



(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section— (a) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director", in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by— (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.



B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

**TRUE COPY**

ANNEXURE - P16**Governor's Statement, April 17, 2020**

Today, humanity faces perhaps the trial of its time as COVID-19 grips the world in its deadly embrace. Everywhere, as also in India, the mission is to do whatever it takes to prevent epidemiological curve from steepening any further. Human spirit is ignited by the resolve to overcome the pandemic. It is during our darkest moments that we must focus on the light. As Mahatma Gandhi said in his famous address at Kingsley Hall, London in October 1931: "...In the midst of death life persists, in the midst of untruth truth persists, in the midst of darkness light persists."

2. Before I begin, I wish to place on record our gratitude to all functionaries and personnel in the government, the private sector, banks and other financial institutions who risk their lives on a daily basis by going to work or by working from home to fight the pandemic by keeping essential services operational. Our deepest appreciation goes out to doctors, healthcare and medical staff, police and law enforcement agencies who are at the frontline. In the RBI, I would like to specially commend and thank our team of 150 officers, staff and service providers who are in quarantine, away from families, and are at work 24X7 to keep essential services such as currency in circulation, retail and wholesale payment and settlement systems, reserve management, financial markets and liquidity management, financial regulation and supervision, and a host of other services available so that the nation may survive COVID-19. Banks and financial institutions have risen to the occasion and have ensured normal functioning. Their efforts are praiseworthy. I would also like to thank my colleagues in the RBI who set aside personal health concerns and join me in fashioning the array of measures taken by the RBI in the context of COVID-19. I also thank our teams for their intellectual support, analytical work and logistical arrangements.

I. Assessment of the Current Economic Situation

3. Since March 27, 2020 when I spoke to you last, the macroeconomic and financial landscape has deteriorated, precipitously in some areas; but light still shines through bravely in some others. On April 14, the IMF released its global growth projections, revealing that in 2020, the global economy is expected to plunge into the worst recession since the Great Depression, far worse than the Global Financial Crisis. The IMF's Economic Counsellor has named it the 'Great Lockdown', estimating the cumulative loss to global GDP over 2020 and 2021 at around 9 trillion US dollars – greater than the economies of Japan and Germany, combined. Within this downturn,

the projections are replete with even sharper declines in output in various countries. India is among the handful of countries that is projected to cling on tenuously to positive growth (at 1.9 per cent). In fact, this is the highest growth rate among the G 20 economies. The World Trade Organisation sees global merchandise trade contracting by as much as 13-32 per cent in 2020. Global financial markets remain volatile, and emerging market economies are grappling with capital outflows and volatile exchange rates. Crude oil prices remain in a state of flux, despite the agreement on production cuts by OPEC plus countries. For 2021, the IMF projects sizable V-shaped recoveries: close to 9 percentage points for global GDP. India is expected to post a sharp turnaround and resume its pre-COVID pre-slowdown trajectory by growing at 7.4 per cent in 2021-22.

4. Over the last three weeks, there have been a few data releases on domestic developments, but they are too disjointed to allow a comprehensive assessment of the state of the economy. Yet, there are a few slivers of brightness amidst the encircling gloom. In my statement of March 27, I had referred to the continuing resilience of agriculture and allied activities on the back of all-time highs in the production of food grains and horticulture, with huge buffer stocks of rice and wheat far in excess of the buffer norms. By April 10, pre-monsoon *kharif* sowing had begun strongly, with acreage of paddy – the principal *kharif* crop – up by 37 per cent in comparison with the last season¹. States such as West Bengal, Telangana, Odisha, Assam, Karnataka and Chhattisgarh are leading in sowing activity despite the lockdown. On April 15, the India Meteorological Department (IMD) forecast a normal south west monsoon for the 2020 season, with rainfall expected to be 100 per cent of the long period average. These early developments bode well for rural demand, supported as they are by accelerating fertiliser production up to February 2020. The robust growth of 21.3 per cent in tractor sales up to February 2020 - as against a contraction of 0.5 per cent in April-February last year – may provide an offset to farm labour shortages on account of the lockdown.
5. In other production sectors, the situation is more sombre. On April 9, the index of industrial production for February was released, showing that industrial output accelerated to its highest rate in seven months. The impact of COVID-19 is not yet captured in these prints. More tellingly, however, the revival in electricity generation –

¹ Ministry of Agriculture and Farmers' Welfare

a coincident indicator of demand – that had commenced from January 2020, has been halted by a sharp fall in daily demand in the range of 25-30 per cent after the lockdown announcement on March 25, 2020. Automobile production and sales, and port freight traffic declined sharply in March, as recently released data indicate. The manufacturing purchasing managers' index (PMI) for March 2020, which was released on April 2, was the lowest in the last four months. Notably, suppliers' delivery time lengthened for the first time in five months, indicating supply disruptions. The April 6 release showed that the services PMI declined into contraction in March 2020, pulled down by a sharp downturn in export business, new domestic orders and employment.

6. In the external sector, the contraction in exports in March 2020 at (-) 34.6 per cent has turned out to be much more severe than during the global financial crisis. Barring iron ore, all exporting sectors showed a decline in outbound shipments. Merchandise imports also fell by 28.7 per cent in March across the board, barring transport equipment. Consequently, the trade deficit declined to US\$ 9.8 billion in March 2020 from US\$ 11.0 billion a year ago. Net foreign direct investment inflows amounted to US\$ 40.6 billion during 2019-20 (April-February), up from US\$ 29.9 billion a year ago. In February, net FDI was of the order of US\$ 2.9 billion as compared with US\$ 1.9 billion a year ago. Net foreign portfolio investment in equities recorded inflow of US\$ 0.4 billion during 2020-21 (till April 9) as against the inflow of US\$ 0.2 billion a year ago. Portfolio debt investment recorded an outflow of US\$ 0.7 billion as against net outflow of US\$ 0.9 billion a year ago. In addition, net investment by FPIs under voluntary retention route (VRR) was US\$ 0.1 billion during the same period. The level of foreign exchange reserves continue to be robust at US \$ 476.5 billion on April 10, 2020 equivalent to 11.8 months of imports.
7. Turning to the status of banking operations since the nationwide lockdown was imposed by the Government of India from March 25, 2020, the RBI has taken a number of steps to ensure normal business functioning by the entire banking sector. As a result, the payment infrastructure is running seamlessly. Banks have been required to put in place business continuity plans to operate from their disaster recovery (DR) sites and/or to identify alternate locations for critical operations so that there is no disruption in customer services. Our data show that there was no downtime of internet or mobile banking. On an average, ATM operations stood at over 91 per cent of full capacity. The average availability of Business Correspondents (BCs) is over 80 per cent. Regional offices of the RBI have supplied fresh currency of ₹1.2 lakh crore

from March 1 till April 14, 2020 to currency chests across the country to meet increased demand for currency in the wake of the COVID-19 pandemic. Banks have risen to the occasion by refilling ATMs regularly, despite logistical challenges.

8. In my statement of March 27, I had indicated that together with the measures announced on March 27, the RBI's liquidity injection was about 3.2 per cent of GDP since the February 2020 MPC meeting. Since then, surplus liquidity in the banking system has increased sharply in the wake of sustained government spending. Systemic liquidity surplus, as reflected in net absorptions under the LAF, averaged ₹4.36 lakh crore during the period March 27- April 14, 2020. As announced on March 27, the RBI undertook three auctions of targeted long term repo operations (TLTRO), injecting cumulatively ₹75,041 crore to ease liquidity constraints in the banking system and de-stress financial markets. Another TLTRO auction of ₹25,000 crore will be conducted today (April 17). In response to these auctions, financial conditions have eased considerably, as reflected in the spreads on money and bond market instruments. Moreover, activity in the corporate bond market has picked up appreciably, with several corporates making new issuances. There are also indications that redemption pressures faced by mutual funds have moderated.

II. Additional Measures

9. Against this backdrop and based on our continuing assessment of the macroeconomic situation and financial market conditions, we propose to take further measures to (i) maintain adequate liquidity in the system and its constituents in the face of COVID-19 related dislocations; (ii) facilitate and incentivise bank credit flows; (iii) ease financial stress; and (iv) enable the normal functioning of markets.

II(A). Liquidity Management

10. The RBI has moved in a calibrated fashion to ensure conducive financial conditions and normalcy in the functioning of financial markets and institutions. The initial efforts to provide adequate system level liquidity are reflected in the sizable net absorptions under reverse repo operations. With this achieved, the RBI has undertaken measures to target liquidity provision to sectors and entities which are experiencing liquidity constraints and/or hindrances to market access. Long term repo operations (LTROs) to ensure adequate liquidity at the longer end of the yield curve, exemptions from the cash reserve ratio for the equivalent of incremental credit disbursed by banks as loans

in certain select areas/segments and targeted LTROs or TLTROs fall in this class of sector-specific measures. It is, however, observed that the deployment of TLTRO funds so far has largely been to bonds issued by public sector entities and large corporates, especially in primary issuances. The disruptions caused by COVID-19 have, however, more severely impacted small and mid-sized corporates, including non-banking financial companies (NBFCs) and micro finance institutions (MFIs), in terms of access to liquidity.

Targeted Long Term Operations (TLTRO) 2.0

11. Accordingly, it has been decided to conduct targeted long-term repo operations (TLTRO 2.0) for an aggregate amount of ₹50,000 crore, to begin with, in tranches of appropriate sizes. The funds availed by banks under TLTRO 2.0 should be invested in investment grade bonds, commercial paper, and non-convertible debentures of NBFCs, with at least 50 per cent of the total amount availed going to small and mid-sized NBFCs and MFIs. The guidelines will spell out the details. These investments have to be made within one month of the availment of liquidity from the RBI. As in the case of TLTRO auctions conducted hitherto, investments made by banks under this facility will be classified as held to maturity (HTM) even in excess of 25 per cent of total investment permitted to be included in the HTM portfolio. Exposures under this facility will also not be reckoned under the large exposure framework. Notification for the first TLTRO 2.0 auction will be issued today.

Refinancing Facilities for All India Financial Institutions (AIFIs)

12. All India financial institutions (AIFIs) such as the National Bank for Agriculture and Rural Development (NABARD), the Small Industries Development Bank of India (SIDBI) and the National Housing Bank (NHB) play an important role in meeting the long-term funding requirements of agriculture and the rural sector, small industries, housing finance companies, NBFCs and MFIs. These All India Financial Institutions raise resources from the market through specified instruments allowed by the Reserve Bank, in addition to relying on their internal sources. In view of the tightening of financial conditions in the wake of the COVID-19 pandemic, these institutions are facing difficulties in raising resources from the market. Accordingly, it has been decided to provide special refinance facilities for a total amount of ₹50,000 crore to

NABARD, SIDBI and NHB to enable them to meet sectoral credit needs. This will comprise ₹25,000 crore to NABARD for refinancing regional rural banks (RRBs), cooperative banks and micro finance institutions (MFIs); ₹15,000 crore to SIDBI for on-lending/refinancing; and ₹10,000 crore to NHB for supporting housing finance companies (HFCs). Advances under this facility will be charged at the RBI's policy repo rate at the time of avilment.

Liquidity Adjustment Facility: Fixed Rate Reverse Repo Rate

13. As I have mentioned earlier, the surplus liquidity in the banking system has risen significantly in the wake of government spending and the various liquidity enhancing measures undertaken by the RBI. On April 15, the amount absorbed under reverse repo operations was ₹6.9 lakh crore. In order to encourage banks to deploy these surplus funds in investments and loans in productive sectors of the economy, it has been decided to reduce the fixed rate reverse repo rate under the liquidity adjustment facility (LAF) by 25 basis points from 4.0 per cent to 3.75 per cent with immediate effect. The policy repo rate remains unchanged at 4.40 per cent, and the marginal standing facility rate and the Bank Rate remain unchanged at 4.65 per cent.

Ways and Means Advances for States

14. On April 1, 2020 the RBI had announced an increase in the ways and means advances (WMA) limit of states by 30 per cent. It has now been decided to increase the WMA limit of states by 60 per cent over and above the level as on March 31, 2020 to provide greater comfort to the states for undertaking COVID-19 containment and mitigation efforts, and to plan their market borrowing programmes better. The increased limit will be available till September 30, 2020.

II(B). Regulatory Measures

15. On March 27, 2020 the Reserve Bank had announced certain regulatory measures to mitigate the burden of debt servicing brought about by disruptions on account of COVID-19 and to ensure the continuity of viable businesses. Based on a review of the rapidly evolving situation, and consistent with the globally coordinated action committed to by the Basel Committee on Banking Supervision to alleviate the impact

of Covid-19 on the global banking system, additional regulatory measures are being announced today.

Asset Classification

16. Economic activity has come to a standstill during the period of the lockdown, with consequential lingering effects which have unambiguously affected the cash flows of households and businesses. On March 27, 2020 the RBI had permitted lending institutions (LIs) to grant a moratorium of three months on payment of current dues falling between March 1 and May 31, 2020. It is recognized that the onset of COVID-19 has also exacerbated the challenges for such borrowers even to honour their commitments fallen due on or before February 29, 2020 in Standard Accounts. The Basel Committee on Banking Supervision (BCBS) has taken cognizance of the financial and economic impact of COVID-19 and very recently announced that “..... the payment moratorium periods (Public or granted by banks on a voluntary basis) relating to the COVID-19 outbreak can be excluded by banks from the number of days past due” in respect of NPA recognition.
17. Therefore, it has been decided that in respect of all accounts for which lending institutions decide to grant moratorium or deferment, and which were standard as on March 1, 2020, the 90-day NPA norm shall exclude the moratorium period, *i.e.*, there would an asset classification standstill for all such accounts from March 1, 2020 to May 31, 2020. NBFCs, which are required to comply with Indian Accounting Standards (IndAS), may be guided by the guidelines duly approved by their boards and as per advisories of the Institute of Chartered Accountants of India (ICAI) in recognition of impairments. In other words, NBFCs have flexibility under the prescribed accounting standards to consider such relief to their borrowers.
18. At the same time, we are cognizant of the risk build-up in banks’ balance sheets on account of firm-level stress and delays in recoveries. With the objective of ensuring that banks maintain sufficient buffers and remain adequately provisioned to meet future challenges, they will have to maintain higher provision of 10 per cent on all such accounts under the standstill, spread over two quarters, *i.e.*, March, 2020 and June, 2020. These provisions can be adjusted later on against the provisioning requirements for actual slippages in such accounts.

Extension of Resolution Timeline

19. Under RBI's prudential framework of resolution of stressed assets dated June 7, 2019, in the case of large accounts under default, Scheduled Commercial Banks, AIFIs, NBFC-ND-SIs and NBFC-D are currently required to hold an additional provision of 20 per cent if a resolution plan has not been implemented within 210 days from the date of such default. Recognizing the challenges to resolution of stressed assets in the current volatile environment, it has been decided that the period for resolution plan shall be extended by 90 days. Details will be spelt out in the circular.

Distribution of Dividend

20. It is imperative that banks conserve capital to retain their capacity to support the economy and absorb losses in an environment of heightened uncertainty. It has, therefore, been decided that in view of the COVID-19-related economic shock, scheduled commercial banks and cooperative banks shall not make any further dividend payouts from profits pertaining to the financial year ended March 31, 2020 until further instructions. This restriction shall be reviewed on the basis of the financial position of banks for the quarter ending September 30, 2020.

Liquidity Coverage Ratio

21. The Reserve Bank has been proactively taking measures to address the systemic liquidity issues through a slew of monetary and market operations. In order to ease the liquidity position at the level of individual institutions, the LCR requirement for Scheduled Commercial Banks is being brought down from 100 per cent to 80 per cent with immediate effect. The requirement shall be gradually restored back in two phases – 90 per cent by October 1, 2020 and 100 per cent by April 1, 2021.

NBFC Loans to Commercial Real Estate Projects

22. In terms of the extant guidelines for banks, the date for commencement for commercial operations (DCCO) in respect of loans to commercial real estate projects delayed for reasons beyond the control of promoters can be extended by an additional one year, over and above the one-year extension permitted in normal course, without treating the same as restructuring. It has now been decided to extend a similar treatment to loans given by NBFCs to commercial real estate. This will provide relief to NBFCs as well as the real estate sector.

III. Concluding Remarks

23. In conclusion, I would like to review recent developments relating to inflation and the outlook without infringing in any way on the mandate of the monetary policy committee (MPC). The press release of the National Statistics Office (NSO) on April 13, 2020 showed that CPI inflation for March 2020² declined by 70 basis points to 5.9 per cent. This is, however, based on data gathered up to 19th March, 2020. The data showed a softening of food inflation by around 160 basis points on account of the easing of prices of vegetables, eggs, meat, fish, pulses, oils and fats, fruits and sugar. In other categories of the CPI, inflation pressures remained firm. Daily data on 22 essential food items covered by the Department of Consumer Affairs (DCA) suggest that food prices have increased by 2.3 per cent in April so far (up to April 13, 2020) in a broad-based manner, though onion prices have continued to decline while PDS kerosene prices have slumped by 24 per cent in the first fortnight of April. Domestic LPG prices also declined by 8 per cent. These early developments suggest that inflation is on a declining trajectory, having fallen by 170 basis points from its January 2020 peak.
24. In the period ahead, inflation could recede even further, barring supply disruption shocks and may even settle well below the target of 4 per cent by the second half of 2020-21. Such an outlook would make policy space available to address the intensification of risks to growth and financial stability brought on by COVID-19. This space needs to be used effectively and in time.
25. The RBI will monitor the evolving situation continuously and use all its instruments to address the daunting challenges posed by the pandemic. The overarching objective is to keep the financial system and financial markets sound, liquid and smoothly functioning so that finance keeps flowing to all stakeholders, especially those that are disadvantaged and vulnerable. Regulatory measures that have been announced so far – including those made today - are dovetailed into the objective of preserving financial stability. Although social distancing separates us, we stand united and resolute. Eventually, we shall cure; and we shall endure.

Thank you.



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² Owing to nation-wide lockdown to contain the spread of COVID-19, the field work for price collection of Consumer Price Index (CPI) was suspended with effect from 19th March 2020. As a result, only 66 per cent of price quotations were available for compiling the CPI for the month of March 2020

ANNEXURE - P17

भारतीय रिज़र्व बैंक
RESERVE BANK OF INDIA
www.rbi.org.in

RBI/2019-20/220

DOR.No.BP.BC.63/21.04.048/2019-20

April 17, 2020

All Commercial Banks (including Small Finance Banks, Local Area Banks and Regional Rural Banks)
All Primary (Urban) Co-operative Banks/State Co-operative Banks/ District Central Co-operative Banks
All All-India Financial Institutions
All Non-Banking Financial Companies (including Housing Finance Companies)

Madam/Dear Sir,

COVID19 Regulatory Package - Asset Classification and Provisioning

Please refer to the [Governor's Statement of April 17, 2020](#) announcing certain additional regulatory measures aimed at alleviating the lingering impact of Covid19 pandemic on the businesses and financial institutions in India, consistent with the globally coordinated action committed by the Basel Committee on Banking Supervision. In this regard, the detailed instructions with regard to asset classification and provisioning are as follows:

(i) Asset Classification under the Prudential norms on Income Recognition, Asset Classification (IRAC)

2. In terms of the [circular DOR.No.BP.BC.47/21.04.048/2019-20 dated March 27, 2020](#) ('Regulatory Package'), the lending institutions were permitted to grant a moratorium of three months on payment of all term loan instalments falling due between March 1, 2020 and May 31, 2020 ('**moratorium period**'). As such, in line with the clarification provided by the Basel Committee on Banking Supervision, in respect of all accounts classified as standard as on February 29, 2020, even if overdue, the moratorium period, wherever granted, shall be excluded by the lending institutions from the number of days past-due for the purpose of asset classification under the IRAC norms.

3. Similarly in respect of working capital facilities sanctioned in the form of cash credit/overdraft ("CC/OD"), the Regulatory Package permitted the recovery of interest applied during the period from March 1, 2020 upto May 31, 2020 to be deferred ('**deferment period**'). Such deferment period, wherever granted in respect of all facilities classified as standard, including SMA, as on February 29, 2020, shall be excluded for the determination of out of order status.

4. NBFCs which are required to comply with Indian Accounting Standards (IndAS) shall, as hitherto, continue to be guided by the guidelines duly approved by their Boards and as per ICAI Advisories for recognition of the impairments.

(ii) Provisioning

5. In respect of accounts in default but standard where provisions of paragraphs (2) and (3) above are applicable, and asset classification benefit is extended, lending institutions shall make general provisions of not less than 10 per cent of the total outstanding of such accounts, to be phased over two quarters as under:

(i) Quarter ended March 31, 2020 – not less than 5 per cent

(ii) Quarter ending June 30, 2020 – not less than 5 per cent

6. The above provisions may be adjusted against the actual provisioning requirements for slippages from the accounts reckoned for such provisions. The residual provisions at the end of the financial year can be written back or adjusted against the provisions required for all other accounts.

7. The above provisions shall not be reckoned for arriving at net NPAs till they are adjusted against the actual provisioning requirements as under paragraph 6 above. Further, till such adjustments, these provisions shall not be netted from gross advances but shown separately in the balance sheet as appropriate.

8. All other provisions required to be maintained by lending institutions, including the provisions for accounts already classified as NPA as on February 29, 2020 as well as subsequent ageing in these accounts, shall continue to be made in the usual manner.

Other Conditions

9. The exclusions permitted in terms of para 2 and 3 above shall be duly reckoned by the lending institutions in their supervisory reporting as well as reporting to credit information companies (CICs); i.e., the days past due and SMA status, where applicable, as on March 1, 2020 will remain unchanged till May 31, 2020.

10. The lending institutions shall suitably disclose the following in the 'Notes to Accounts' while preparing their financial statements for the half year ending September 30, 2020 as well as the financial years 2019-20 and 2020-2021:

- (i) Respective amounts in SMA/overdue categories, where the moratorium/deferment was extended, in terms of paragraph 2 and 3;
- (ii) Respective amount where asset classification benefits is extended.
- (iii) Provisions made during the Q4FY2020 and Q1FY2021 in terms of paragraph 5;
- (iv) Provisions adjusted during the respective accounting periods against slippages and the residual provisions in terms of paragraph 6.

Yours faithfully,

(Saurav Sinha)

Chief General Manager-in-Charge



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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP. No. _____ of 2020

Indiabulls Housing Finance Ltd.

...Petitioner

Versus

Citibank N.A. and Anr.

...Respondents

Short reply on behalf of Respondent
No. 2, Reserve Bank of India

Respectfully sheweth:-

1. That as per the instructions issued by the Reserve Bank vide its circular DOR.No.BP.BC.47/21.04.048/2019-20 dated March 27, 2020, in respect of all term loans, lending institutions are permitted to grant a moratorium of three months on payment of all instalments falling due between 1st March, 2020 and 31st May, 2020. Similarly, in respect of working capital facilities sanctioned in the form of cash credit/overdraft ("CC/OD"), lending institutions are permitted to defer the recovery of interest applied in respect of all such facilities during the period from March 1, 2020 upto May 31, 2020. Further, lending institutions are required to frame Board approved policies for providing the above-mentioned reliefs to all eligible borrowers and disclosed in public domain.
2. That since the customer profile and the organisational structure and spread of each lending institution is widely different from others, the discretion regarding deciding the eligibility of customers and manner in which the

customers are on-boarded for availing this benefit has been left to the lending institutions concerned. In line with the said circular, the individual lending institutions may offer the benefit of moratorium to their eligible customers either automatically or through SMS/ email /application through website or in any other manner which is operationally feasible for both the customers and the lending institutions concerned. Each lending institution is best placed to assess the requirements of its customers and the best mode to communicate with them, and it is felt that any general regulatory instructions regarding how to communicate the benefit of moratorium to its customers may rather act as a constraint on the lending institution may adversely impact the operational efficacy of the measure.

3. That the circular dated March 27, 2020 further stipulates that the Board of Directors and the key management personnel of the lending institutions shall ensure that the instructions are properly communicated down the line in their respective organisations, and clear instructions are issued to their staff regarding the implementation of the instructions in a transparent and consistent manner. Therefore, the issue regarding how the benefit is offered to the eligible customers is decided by the institutions concerned depending upon the channels of communications most operationally convenient and suitable for its respective customers.
4. That further, Reserve Bank of India has issued the circular DOR.No.BP.BC.63/21.04.048/2019-20 dated April 17, 2020 providing certain relaxations from asset classification for accounts where the moratorium, permitted in terms of the earlier circular dated March 27, 2020, has been granted. As per the circular, all accounts classified as standard as on

February 29, 2020, even if overdue, the moratorium period (between March 1, 2020 and May 31, 2020), wherever granted in terms of circular DOR.No.BP.BC.47/21.04.048/2019-20 dated March 27, 2020 ('Regulatory Package'), is required to be excluded by the lending institutions from the number of days past-due for the purpose of asset classification under the IRAC norms. As an example, if an account was 75 days past due as on March 1, 2020 and classified as SMA2, then in the normal course, if it continued to remain overdue, it would have become NPA as on March 15, 2020. However, pursuant to the above measure, there will be no change in the SMA status till May 31, 2020 and as on June 1, 2020, the SMA status shall get restored to that of March 1, 2020.

Chandigarh
Dated : 24th April 2020

Manish Kumar
Reserve Bank of India
Respondent No. 2



Through

Deepak Suri & Neeraj Khanna
P/ 1075/1991 P/1551/2001
Advocates
Counsel for the Respondent No. 2

[Signature]
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**FSFTI**

FEDERATION OF SELF-FINANCING TECHNICAL INSTITUTIONS (ALL INDIA)

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PunjabProf. Lalit Agarwal
HaryanaSridhar Singh
RajasthanPurushottam Ram
Himachal PradeshCA. Rajeev Chand
MaharashtraM.Srinivas Reddy
Telangana

Dt: 25/04/2020

To

The Member Secretary, All India Council for Technical Education,
Nelson Mandela Marg, Vasant Kunj,
New Delhi.The Secretary, Ministry of Social Justice and Empowerment,
Government of India, Shastri Bhavan,
New Delhi.The Secretary, Ministry of Finance,
Government of India, Shastri Bhavan,
New Delhi.

Respected Sirs,

Sub: Request for Financial Help to the technical institutions across the nation to face the drastic affects of pre and post COVID-19 - Reg.

Reg : 1) AICTE No.F.7-2/DD/Admn/Inter Corr.(Vol-II)PT dated 15.04.2020
2) Minutes of Zoom meeting of the Federation dated 16.04.2020 at 2 PM onwards.
3) Our Compliance / Representation dated 17/04/2020

** ** *

That, the approved technical institutions across the Nation, in discharge of our social responsibility towards the society / Nation are offering our colleges and hostels to be used as the quarantine centers / isolation wards, conducting online classes to our students and taking care of the welfare of lakhs of teaching and non-teaching staff working in our institutions. You are aware that vide our representation dated 17/04/2020, we have brought to your notice the problems being faced by technical institutions during pre and post COVID-19 as under:

1. **That**, the AICTE vide its letter dated 15/04/2020 has directed the technical institutions across the nation not to collect the tuition fee from the students during the period of lock down and further directed us to pay full salaries to teaching and non teaching staff regularly without any deduction and without removing any of the teaching and non teaching staff existing before the lock down.



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Andhrapradesh

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P. Neelraj
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V. Sridhar
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EXECUTIVE MEMBERS

Manish Shah
Gujarat

D.P. Nagaraj
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B.S. Yadav
Madhya Pradesh

Dr. Manmohan Kumar Garg
Punjab

Prof. Lalit Agarwal
Haryana

Sridhar Singh
Rajasthan

Purushottam Ram
Himachal Pradesh

CA. Rajeev Chand
Maharashtra

M.Srinivas Reddy
Telangana

2. **That**, the fee to be paid by self-financing students, post-metric scholarships and reimbursement of tuition fees are the only sources of revenue to the self-financing technical institutions. **That**, the colleges have not received post-metric scholarships for the last 36 to 48 months from the Central governments and reimbursements of tuition fees for 12 to 24 months from the State Governments.
3. **That**, due to the inaction of AICTE in fixing uniform minimum fee for all the technical courses in India commensurate with cost of complying with the statutory minimum norms fixed by it despite approving Srikrishna Committee / National Fee Committee Report on 11/12/2015 itself, the State Level Fee Regulatory Committees / Commissions are fixing unreasonably low fees which led the technical institutions across the nation financially unviable.
4. **That**, in addition to the above present unfortunate status, force majeure events may lead to continued impact on the technical education and institutions as under:
 - a. **That**, according to WHO, worst is yet ahead. There is a good chance of re-occurrence of the virus, which could see a possibility of regular lockdowns. Colleges need to plan accordingly.
 - b. **That**, the quantum of spending will drop for a while. Existing students and parents will not be paying the prescribed fees or may even request for reduction in tuition fees.
 - c. **That**, there will be extreme acceleration in digital home education / online education and the admissions are bound to suffer for the academic year 2020-21.
 - d. **That**, the managements / colleges should be optimistic and should be future ready in this crisis. There will be segregation among Good Costs and Bad Costs, the scarce resources need to be spent only on emerging technologies, creative education, cyber security, cloud services, online education services, digitization, tech costs, digital marketing, expert teachers, etc.

**FEDERATION OF SELF-FINANCING
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RajasthanPurushottam Ram
Himachal PradeshCA. Rajeev Chand
MaharashtraM.Srinivas Reddy
Telangana

e. **That**, the size of Indian economy is about \$3 Trillion. In some scenarios, it is predicted that Govt. could take a hit of nearly \$1 Trillion. The revenues of the educational institutions also will fall by atleast 30% during 2020-21.

f. **That**, safety of students and employees will become a major point of focus, the colleges need to spend money to provide safety measures in the campus for students and staff (Eg. Sanitation, cleanliness, avoiding crowds, maintenance of social distancing etc).

REQUESTS

In the light of the above, Federation of Self Financing Technical Institutions, in the interest of providing quality employable education and empowerment to the students and timely payment of 7th Pay Scales through online to the faculty and staff members, requests your goodselves as under

A. All India Council for Technical Education

To fix uniform national wide minimum fee from the academic year 2020-21 for all the courses approved by AICTE so as to enable us to meet the statutory and legal norms prescribed by AICTE in the Approval Process Hand Book 2020-21. **In the meanwhile, we also request as under to meet the contingencies during lockdown period:**

- To** release the matured fixed deposits created towards corpus fund by the technical institutions established from the academic year 2010 onwards along with accrued interest.
- To** return the un-matured / ongoing fixed deposits created towards corpus fund along with interest to the technical institutions forthwith with a condition to create new fixed deposits for the reminder of the period after 3 years from the date of return.
- To** return the processing fee paid by us for the grant of approvals for the academic year 2020-21.
- To** issue soft loans of **Rs.50 lakhs** without interest to each technical institution from the funds of AICTE, accrued out of the application and processing fees paid by technical institutions.

**FEDERATION OF SELF-FINANCING
TECHNICAL INSTITUTIONS (ALL INDIA)**

23/7, 2nd Floor, East Patel Nagar, New Delhi - 110008.

Phone: 011-40196386, Email: allindiafederation@yahoo.com

128**Shri. R.S. MUNIRATHINAM**Chief Patron
9840743636
vc@rmkec.ac.in

Ex.M.L.A.

Dr. ANSHU KATARIAPresident
9878908888
anshukataria@gmail.com**Dr. Rev. K.V.K. RAO**General Secretary
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founder@stmarysgroup.com**TREASURER**Dr. P. Selvaraj
Tamilnadu**VICE PRESIDENT**K.G. MADHU
KeralaDr. Sreenivasa Bhupalam
Telangana**SECRETARY**T.D. Eswaramoorthy
TamilnaduK. Sharfuddin
Andhrapradesh**JOINT SECRETARY**Prof. A. Kanagaraj
TamilnaduP. Neelraj
TamilnaduV. Sridhar
Telangana**EXECUTIVE MEMBERS**Manish Shah
GujaratD.P. Nagaraj
KarnatakaB.S. Yadav
Madhya PradeshDr. Manmohan Kumar Garg
PunjabProf. Lalit Agarwal
HaryanaSridhar Singh
RajasthanPurushottam Ram
Himachal PradeshCA. Rajeev Chand
MaharashtraM.Srinivas Reddy
Telangana**B. Ministry of Social Justice and Empowerment**

To release all pending post metric scholarships upto the academic year 2019-20, also to release post metric scholarships for the year 2020-21 onwards within 3 months from the date of commencement of the academic year.

C. Ministry of Finance

To restructure the loan scheme for educational societies running technical institutions to help the survival and to boost the long term growth of technical institutions;

1. To waive interest on loans for a period of 6 months.
2. To impose moratorium for repayment of interest and installments for a period of one year commencing after 6 months from the date of completion of interest waiver period.
3. Alteration of the amount of installment by reducing to 1/3rd of the current amount of installment.
4. Reducing the rate of interest to 50% of the existing rate.
5. Sanction of additional credit facility of Rs.2 crores to each technical institution to meet the salary cost and other overheads for the next three months.
6. Enhancement of existing credit limit by increasing to 1½ times of the existing credit limit.

With best Regards,

(Dr. Rev. K.V.K. Rao)
General Secretary

Sd/-

(Dr. Anshu Kataria)
President

Sd/-

(R.S. Munirathinam)
Chief Patron

Copy to:

1. The Chairman, AICTE, New Delhi
2. The Secretary, MHRD, Govt. of India, New Delhi
3. All Regulatory agencies in India
4. All Technical institutions in India

TRUE COPY

ANNEXURE - P20**प्रेस प्रकाशनी PRESS RELEASE****भारतीय रिज़र्व बैंक****RESERVE BANK OF INDIA**वेबसाइट : www.rbi.org.in/hindiWebsite : www.rbi.org.inई-मेल/email: helpdoc@rbi.org.in

संचार विभाग, केंद्रीय कार्यालय, एस.बी.एस.मार्ग, मुंबई-400001

Department of Communication, Central Office, S.B.S.Marg, Mumbai-400001

फोन/Phone: 022- 22660502

April 27, 2020

RBI Announces ₹ 50,000 crore Special Liquidity Facility for Mutual Funds (SLF-MF)

Heightened volatility in capital markets in reaction to COVID-19 has imposed liquidity strains on mutual funds (MFs), which have intensified in the wake of redemption pressures related to closure of some debt MFs and potential contagious effects therefrom. The stress is, however, confined to the high-risk debt MF segment at this stage; the larger industry remains liquid.

2. The RBI has stated that it remains vigilant and will take whatever steps are necessary to mitigate the economic impact of COVID-19 and preserve financial stability. With a view to easing liquidity pressures on MFs, it has been decided to open a special liquidity facility for mutual funds of ₹ 50,000 crore.

3. Under the SLF-MF, the RBI shall conduct repo operations of 90 days tenor at the fixed repo rate. The SLF-MF is on-tap and open-ended, and banks can submit their bids to avail funding on any day from Monday to Friday (excluding holidays). The scheme is available from today *i.e.*, April 27, 2020 till May 11, 2020 or up to utilization of the allocated amount, whichever is earlier. The Reserve Bank will review the timeline and amount, depending upon market conditions.

4. Funds availed under the SLF-MF shall be used by banks exclusively for meeting the liquidity requirements of MFs by (1) extending loans, and (2) undertaking outright purchase of and/or repos against the collateral of investment grade corporate bonds, commercial papers (CPs), debentures and certificates of Deposit (CDs) held by MFs.

5. Liquidity support availed under the SLF-MF would be eligible to be classified as held to maturity (HTM) even in excess of 25 per cent of total investment permitted to be included in the HTM portfolio. Exposures under this facility will not be reckoned under the Large Exposure Framework (LEF). The face value of securities acquired under the SLF-MF and kept in the HTM category will not be reckoned for computation of adjusted non-food bank credit (ANBC) for the purpose of determining priority sector targets/sub-targets. Support extended to MFs under the SLF-MF shall be exempted from banks' capital market exposure limits.

6. Details are given in the [Annex](#).

Press Release: 2019-2020/2276

(Yogesh Dayal)
Chief General Manager

Annex

- a) This special repo window will be available to all LAF eligible banks against eligible collateral and can be availed only for on-lending to Mutual funds.
- b) The eligible banks may place their bids electronically on the CBS platform between 9 AM and 12.00 Noon every day. An LAF Repo issue will be created every day for the amount remaining under the scheme (Amount remaining = ₹ 50,000 crores-cumulative amount availed up to the previous day). The bidding process, settlement and reversal of SLF-MF repo would be similar to the existing system being followed in case of LAF/MSF.
- c) In case of over-subscription of the notified amount on any given day, the allotment will be done on pro-rata basis. RBI will, however, reserve the right to inject marginally higher amount than the notified amount due to rounding effects.
- d) The minimum bid amount would be Rupees one crore and multiples thereof. The allotment would be in multiples of Rupees one crore.
- e) A market participant can place bids of amount less than or equal to the notified amount of the issue announced on a given day. RBI will reject bids of the participant if the total bid amount submitted by the participant exceeds the notified amount of the issue. The amount utilized as on previous date will be informed to market participants in the Money Market Operations (MMO) press release.
- f) The eligible collateral and the applicable haircuts will remain the same as applicable for LAF.
- g) All other terms and conditions as applicable to LAF operations, including facility for security substitution in terms of extant guidelines dated April 12, 2017 (Cir. Ref.: [FMOD.MAOG.No.120/01.01.001/2016-17](#)), will also be applicable to these special operations, mutatis mutandis.
- h) While banks will decide the tenor of lending to /repo with mutual funds, the minimum tenor of repo with RBI will be for a period of three months.

**TRUE COPY**

**No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs**

North Block, New Delhi-110001
Dated 1st May, 2020

ORDER

Whereas under directions of the National Disaster Management Authority (NDMA), guidelines on lockdown measures to contain the spread of COVID-19 in all parts of the country were issued vide Order of even number dated 24.03.2020 under the Disaster Management Act 2005 for a period of 21 days with effect from 25.03.2020. Under further directions of NDMA, the lockdown period was extended upto 03.05.2020 vide Order of even number dated 14.04.2020 and consolidated revised guidelines were issued vide Order of even number dated 15.04.2020;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-29/2020-PP dated 01.05.2020 directing the Chairperson, NEC that lockdown measures be continued to be implemented in all parts of the Country, for a further period of two weeks with effect from 04.05.2020;

Whereas under directions of the aforesaid Order of NDMA dated 01.05.2020, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues directions to all the Ministries/ Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities that the lockdown period is extended for a further period of two weeks with effect from 04.05.2020;

Whereas, in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, NEC, hereby issues new guidelines on lockdown measures, as annexed, which will come into effect from 04.05.2020 for a period of two weeks, for strict implementation.


Union Home Secretary

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.

New Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/ UT Governments and State/ UT authorities for containment of COVID-19 in the country for the extended period of National Lockdown for a further period of two weeks with effect from 4th May, 2020.

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 1st May, 2020]

1. With the extension of the Lockdown period for a further period of two weeks with effect from 4th May 2020, new guidelines, as under, will be applicable based on the risk profiling of the districts into Red (Hotspot), Green and Orange zones.
2. **Identification of Red (Hotspots), Green and Orange Zones**
 - i. Based on their risk profile, the criteria for dividing the districts of the country into three zones, viz., **green, red and orange**, will be as follows:
 - a. **Green Zones:** Green Zones shall be defined as per the following criteria: districts with zero confirmed case till date; or; districts with no confirmed case in the last 21 days.
 - b. **Red Zones or Hotspot Districts:** Districts shall be defined as Red Zones or Hotspot districts, by Ministry of Health and Family Welfare (MoHFW), Government of India (GoI), taking into account total number of active cases, doubling rate of confirmed cases, extent of testing and surveillance feedback.
 - c. **Orange Zones:** Districts, which are neither defined as Red nor as Green Zones, shall be Orange Zones.
 - ii. MoHFW will share the list of Red Zone (Hotspot), Orange Zone and Green Zone districts and related information with State/ UTs on a weekly basis or earlier as required. States/ UTs, on review, may consider inclusion of **additional districts** as Red Zone (Hotspots) and Orange Zone districts depending on the extent of spread of COVID-19 infection. **However, States and UTs may not lower the classification of any district, that is included in the list of Red Zone (Hotspots) and Orange Zone districts by MoHFW.**
 - iii. Districts classified either as Red or Orange Zones, may have one or more Municipal Corporation (MC) areas. In such cases, States/ UTs and District administrations may make an assessment of the distribution of cases - within the jurisdiction of the MC(s); and the area falling outside the MC(s) boundaries. In such cases, the classification of zones shall be as follows:
 - a. In case the district is classified as a Red Zone, and, there is no confirmed case in the last 21 days in the area of the district outside the limits of the MC(s), this area may be labeled as an Orange Zone. However, due caution may be exercised in such areas so that they remain free from COVID-19 cases.
 - b. In case the district is classified as an Orange Zone, and, there is no confirmed case in the last 21 days in the area of the district outside the limits of the MC(s), this area may be labeled as a Green Zone. However, due caution may be exercised in such areas so that they remain free from COVID-19 cases.
 - c. In case in the area of the district outside the limits of the MC (s) does have one or more confirmed case(s) in the last 21 days, this part of the

district shall continue to be labeled as a Red or Orange Zone, as per the classification of the district.

- d. While assessing the classification of a zone, cases should be registered in the zone where the case originates, rather than where it is treated.

3. Identification of Containment Zones

- i. Containment Zones shall be demarcated within **Red (Hotspots) and Orange Zones** by States/ UTs and District Administrations based on the guidelines of MoHFW. The boundary of the Containment Zone shall be defined by District Administrations taking into account the following factors: mapping of cases and contacts; geographical dispersion of cases and contacts; area with well demarcated perimeter; and enforceability.
- ii. The boundary of the Containment Zone will be a residential colony, *mohalla*, municipal ward, municipal zone, Police Station area, towns etc., in case of urban areas; and, a village, cluster of villages, Gram Panchayats, group of Police Stations, blocks etc., in case of rural areas.

Protocol within Containment Zones:

- iii. Intensive surveillance mechanism as outlined in the Standard Operating Protocol (SOP) issued by MoHFW is to be established within the Containment Zone. **The local authority shall ensure 100% coverage of Aarogya Setu app among the residents of Containment Zones.**
 - iv. In the Containment Zone, following activities shall be undertaken by the local authorities:
 - a. Contact Tracing.
 - b. Home or Institutional quarantining of individuals based on risk assessment by medical officers. This risk assessment will be based on symptoms, contact with confirmed cases, and travel history.
 - c. Testing of all cases with Severe Acute Respiratory Infection (SARI), Influenza Like Illness (ILI) and other symptoms specified by MOHFW.
 - d. House to house surveillance by special teams constituted for this purpose.
 - e. Clinical management of all cases as per protocol.
 - f. Counselling and educating people; and establishing effective communication strategies.
 - v. In these **Containment Zones**, within Red (Hotspots) and Orange Zones, **where maximum precaution is required**, there shall be strict perimeter control to ensure that there is no movement of population in or out of these zones except for medical emergencies and for maintaining supply of essential goods and services. The guidelines issued in this regard by MoHFW will be strictly implemented by State/ UT Governments and the local district authorities.
- ### 4. The following activities will continue to remain prohibited across the country, irrespective of the Zone, for a period of two weeks with effect from 4th May, 2020:
- i. All domestic and international air travel of passengers, except for medical services, air ambulance and for security purposes or for purposes as permitted by MHA.
 - ii. All passenger movement by trains, except for security purposes or for purposes as permitted by MHA.

- iii. Inter-State Buses for public transport, except as permitted by MHA.
 - iv. Metro rail services.
 - v. Inter-State movement of individuals except for medical reasons or for activities as permitted by MHA.
 - vi. All schools, colleges, educational/ training/ coaching institutions etc. However, online/ distance learning shall be permitted.
 - vii. Hospitality services other than those used for housing health/ police/ Government officials/ healthcare workers, stranded persons including tourists, and those used for quarantine facilities.
 - viii. All cinema halls, shopping malls, gymnasiums, sports complexes, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
 - ix. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions/ other gatherings.
 - x. All religious places/ places of worship shall be closed for public. Religious congregations are strictly prohibited.
- 5. Measures for well being and safety of persons**
- i. The movement of individuals, for all non-essential activities, shall remain strictly prohibited between 7 pm to 7 am. Local authorities shall issue orders under appropriate provisions of law, such as prohibitory orders [curfew] under Section 144 of CrPC, for this purpose, and ensure strict compliance.
 - ii. In all zones, persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years, shall stay at home, except for meeting essential requirements and for health purposes, as per the National Directives.
 - iii. In Containment Zones, Out-Patient Departments (OPDs) and Medical clinics shall not be permitted to operate. However, these may be permitted to operate in Red, Orange and Green Zones, with social distancing norms and other safety precautions.
- 6. Activities in Containment Zones**
- i. Strict perimeter control.
 - ii. Establishment of clear entry and exit points.
 - iii. Movement of persons only for maintaining supply of goods and services; and for medical emergencies.
 - iv. No unchecked influx of people and transport.
 - v. Recording of details of people moving in and out of perimeter.
- 7. Activities in Red Zones (Hotspots) [Outside Containment Zones]**
- i. Apart from the prohibited activities mentioned at Para 4, the following activities shall **not** be permitted:
 - a. Cycle rickshaws and auto rickshaws.
 - b. Taxis and cab aggregators.
 - c. Intra-district and inter-district plying of buses.
 - d. Barber shops, spas and salons.
 - ii. The following activities shall be permitted with **restrictions** as specified:
 - a. Movement of individuals and vehicles, only for permitted activities. Four wheeler vehicles will have maximum two passengers besides the vehicle driver; for two wheelers, pillion rider is not allowed.

- b. Industrial establishments in urban areas: Only Special Economic Zones (SEZs), Export Oriented Units (EOUs), industrial estates and industrial townships with access control; Manufacturing units of essential goods, including drugs, pharmaceuticals, medical devices, their raw material and intermediates; Production units, which require continuous process, and their supply chain; Manufacturing of IT hardware; Jute industry with staggered shifts and social distancing; and, Manufacturing units of packaging material are permitted.

All industrial activities are permitted in rural areas.

- c. Construction activities in urban areas: Only in situ construction (where workers are available on site and no workers are required to be brought in from outside) and construction of renewable energy projects are permitted.

All construction activities are permitted in rural areas.

- d. All malls, market complexes and markets shall remain closed in urban areas, i.e., areas within the limits of municipal corporations and municipalities. However, shops selling essential goods in markets and market complexes are permitted.

All standalone (single) shops, neighborhood (colony) shops and shops in residential complexes are permitted to remain open in urban areas, without any distinction of essential and non-essential.

All shops in rural areas, except in malls, are permitted to remain open, without any distinction of essential and non-essential.

Social distancing (2 Gaz ki doori) will be maintained in all cases.

- e. E-commerce activities will be permitted only in respect of essential goods.
- f. Private offices can operate with upto 33% strength as per requirement, with the remaining persons working from home.
- g. All Government offices shall function with officers of the level of Deputy Secretary and above to the extent of 100% strength. The remaining staff will attend upto 33% as per requirement. However, Defense and Security services, Health and Family Welfare, Police, Prisons, Home Guards, Civil Defence, Fire and Emergency Services, Disaster management and related services, NIC, Customs, FCI, NCC, NYK and Municipal services shall function without any restrictions; delivery of public services shall be ensured and necessary staff will be deployed for such purpose.

8. Activities in Orange Zones [Outside Containment Zones]

- i. Apart from the prohibited activities mentioned at Para 4, the following activities shall **not** be permitted:
 - a. Inter-district and Intra-district plying of buses.
- ii. The following activities shall be permitted with **restrictions** as are specified:
 - a. Taxis and cab aggregators, with 1 driver and 2 passengers only.
 - b. Inter-district movement of individuals and vehicles, only for permitted activities. Four wheeler vehicles will have maximum two passengers besides the driver.

9. **Activities in Green Zones**
 - i. All activities are permitted in Green Zones, except those activities that are prohibited under Para 4.
 - ii. Buses can operate with upto 50% seating capacity.
 - iii. Bus depots can operate with upto 50% capacity.
10. **All other activities will be permitted activities, which are not specifically prohibited/ permitted with restrictions in the various Zones, under these guidelines. However, States/ UTs, based on their assessment of the situation, and with the primary objective of keeping the spread of COVID-19 in check, may allow only select activities from out of the permitted activities, with such restrictions as felt necessary.**
11. All States/ UTs shall allow inter-state movement of goods/ cargo, including empty trucks.
12. No State/ UT shall stop the movement of cargo for cross land-border trade under Treaties with neighbouring countries.
13. No separate/ fresh permissions are required from authorities for activities already permitted to operate under the guidelines on Lockdown measures up to May 3, 2020. The following Standard Operating Protocols (SOPs) issued by MHA will continue to operate:
 - i. SOP on transit arrangement for foreign national(s) in India and release of quarantine persons, issued vide Order dated April 02, 2020.
 - ii. SOP on movement of stranded labour within States/ UTs, issued vide Order dated April 19, 2020.
 - iii. SOP on sign-on and sign-off of Indian seafarers, issued vide Order dated April 21, 2020.
 - iv. SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons, issued vide Order dated April 29, 2020.
 - v. SOP on movement of stranded migrant workers, pilgrims, tourists, students and other persons by train, issued vide Order dated May 01, 2020.
14. **Strict enforcement of the lockdown guidelines**
State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner, and shall strictly enforce the same.
15. **Instructions for enforcement of above lockdown measures:**
 - i. All the district magistrates shall strictly enforce the above lockdown measures and the National Directives for COVID 19 Management, for public and work places, as specified in **Annexure I**.
 - ii. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such Incident Commander. The Incident Commander will issue passes for enabling essential movements as explained.
 - iii. The Incident Commanders will in particular ensure that all efforts for mobilization of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.

16. Penal provisions

Any person violating these lockdown measures and the National Directives for COVID-19 Management will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Sec. 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II**.



Union Home Secretary

Annexure I**National Directives for COVID-19 Management****PUBLIC PLACES**

1. Wearing of face cover is compulsory in all public places.
2. All persons in charge of public places and transport shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare.
3. No organization/ manager of public place shall allow gathering of 5 or more persons.
4. Marriages related gatherings shall ensure social distancing, and the maximum number of guests allowed shall not be more than 50.
5. Funeral/ last rites related gatherings shall ensure social distancing, and the maximum numbers allowed shall not be more than 20.
6. Spitting in public places shall be punishable with fine, as may be prescribed by the State/ UT local authority.
7. Consumption of liquor, *paan*, *gutka*, tobacco etc. in public places is not allowed.
8. Shops selling liquor, *paan*, *gutka*, tobacco etc. will ensure minimum six feet distance (*2 gaz ki doori*) from each other, and also ensure that not more than 5 persons are present at one time at the shop.

WORK PLACES

9. Wearing of face cover is compulsory in all work places and adequate stock of such face covers shall be made available.
10. All persons in charge of work places shall ensure social distancing as per the guidelines issued by Ministry of Health and Family Welfare, both within the work places and in company transport.
11. Social distancing at work places shall be ensured through adequate gaps between shifts, staggering the lunch breaks of staff, etc.
12. Provision for thermal scanning, hand wash and sanitizer preferably with touch free mechanism will be made at all entry and exit points and common areas. In addition, sufficient quantities of handwash and sanitizer shall be made available in the work places.
13. Frequent sanitization of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., shall be ensured, including between shifts.
14. Persons above 65 years of age, persons with co-morbidities, pregnant women and children below the age of 10 years shall stay at home, except for meeting essential requirements and for health purposes.
15. Use of *Arogya Setu* app shall be made mandatory for all employees, both private and public. It shall be the responsibility of the Head of the respective Organizations to ensure 100% coverage of this app among the employees.
16. Large physical meetings to be avoided.
17. Hospitals/ clinics in the nearby areas, which are authorized to treat COVID-19 patients, should be identified and list should be available at work place all the times. Employees showing any symptom of COVID-19 should be immediately sent for check up to such facilities. Quarantine areas should be earmarked for isolating employees showing symptoms till they are safely moved to the medical facilities.

18. Arrangements for transport facilities shall be ensured with social distancing, wherever personal/ public transport is not feasible.
 19. Intensive communication and training on good hygiene practices shall be taken up.
-



Annexure II**Offences and Penalties for Violation of Lockdown Measures****A. Section 51 to 60 of the Disaster Management Act, 2005**

51. Punishment for obstruction, etc.—Whoever, without reasonable cause

- (a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or
- (b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to

be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

- i. "company" means any body corporate and includes a firm or other association of individuals; and
- ii. "director", in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by—

- (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or
- (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

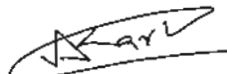
B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.


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ANNEXURE - P22

भारतीय रिज़र्व बैंक
RESERVE BANK OF INDIA
www.rbi.org.in

RBI/2019-20/244

DOR.No.BP.BC.71/21.04.048/2019-20

May 23, 2020

All Commercial Banks (including Small Finance Banks, Local Area Banks and Regional Rural Banks)
All Primary (Urban) Co-operative Banks/State Co-operative Banks/ District Central Co-operative Banks
All All-India Financial Institutions
All Non-Banking Financial Companies (including Housing Finance Companies)

Madam/Dear Sir,

COVID-19 – Regulatory Package

Please refer to the [Circular DOR.No.BP.BC.47/21.04.048/2019-20 dated March 27, 2020](#) and [Circular DOR.No.BP.BC.63/21.04.048/2019-20 dated April 17, 2020](#) announcing certain regulatory measures in the wake of the disruptions on account of COVID-19 pandemic and the consequent asset classification and provisioning norms. As announced in the [Governor's Statement of May 22, 2020](#), the intensification of COVID-19 disruptions has imparted priority to relaxing repayment pressures and improving access to working capital by mitigating the burden of debt servicing, prevent the transmission of financial stress to the real economy, and ensure the continuity of viable businesses and households. Consequently, the detailed instructions in this regard are as follows:

(i) Rescheduling of Payments – Term Loans and Working Capital Facilities

2. In view of the extension of lockdown and continuing disruption on account of COVID-19, all commercial banks (including regional rural banks, small finance banks and local area banks), co-operative banks, All-India Financial Institutions, and Non-banking Financial Companies (including housing finance companies) ("lending institutions") are permitted to extend the moratorium by another three months i.e. from June 1, 2020 to August 31, 2020 on payment of all instalments in respect of term loans (including agricultural term loans, retail and crop loans). Accordingly, the repayment schedule for such loans as also the residual tenor, will be shifted across the board. Interest shall continue to accrue on the outstanding portion of the term loans during the moratorium period.

3. In respect of working capital facilities sanctioned in the form of cash credit/overdraft (“CC/OD”), lending institutions are permitted to allow a deferment of another three months, from June 1, 2020 to August 31, 2020, on recovery of interest applied in respect of all such facilities. Lending institutions are permitted, at their discretion, to convert the accumulated interest for the deferment period up to August 31, 2020, into a funded interest term loan (FITL) which shall be repayable not later than March 31, 2021.

(ii) Easing of Working Capital Financing

4. In respect of working capital facilities sanctioned in the form of CC/OD to borrowers facing stress on account of the economic fallout of the pandemic, lending institutions may, as a one-time measure,

(i) recalculate the ‘drawing power’ by reducing the margins till August 31, 2020. However, in all such cases where such a temporary enhancement in drawing power is considered, the margins shall be restored to the original levels by March 31, 2021; and/or,

(ii) review the working capital sanctioned limits upto March 31, 2021, based on a reassessment of the working capital cycle.

5. The above measures shall be contingent on the lending institutions satisfying themselves that the same is necessitated on account of the economic fallout from COVID-19. Further, accounts provided relief under these instructions shall be subject to subsequent supervisory review with regard to their justifiability on account of the economic fallout from COVID-19.

6. Lending institutions may, accordingly, put in place a Board approved policy to implement the above measures.

Asset Classification

7. The conversion of accumulated interest into FITL, as permitted in terms of paragraph 3 above, and the changes in the credit terms permitted to the borrowers to specifically tide over economic fallout from COVID-19 in terms of paragraph 4 above, will not be treated as concessions granted due to financial difficulty of the borrower, under Paragraph 2 of the Annex to the [Reserve Bank of India \(Prudential Framework for Resolution of Stressed Assets\) Directions, 2019 dated June 7, 2019](#) (**‘Prudential Framework’**), and consequently, will not result in asset classification downgrade.

8. In respect of accounts classified as standard as on February 29, 2020, even if overdue, the moratorium period, wherever granted in respect of term loans, shall be excluded by the lending

institutions from the number of days past-due for the purpose of asset classification under the IRAC norms. The asset classification for such accounts shall be determined on the basis of revised due dates and the revised repayment schedule.

9. Similarly, in respect of working capital facilities sanctioned in the form of cash credit/overdraft ("CC/OD"), where the account is classified as standard, including SMA, as on February 29, 2020, the deferment period, wherever granted in terms of paragraph 3 above shall be excluded for the determination of out of order status.

10. All other provisions of [circulars dated March 27, 2020](#) and [April 17, 2020](#) shall remain applicable *mutatis mutandis*.

Yours faithfully,

(Saurav Sinha)

Chief General Manager-in-Charge



TRUE COPY

change.org**Association of Un-Aided Private Schools**

Recipient: governor@ rbi.org.in, narendramodi1234@gmail.com,
connect@mygov.nic.in , appointment.fm@gov.in

Letter: Greetings,

#SupportSchoolsToSustain - SAVE EDUCATION MISSION

Signatures

Name	Location	Date
Confederation of Un-Aided Private Schools of M.P.	India	2020-07-18
BABU Thomas	Bhopal, India	2020-07-18
Viny Raj Modi	India	2020-07-18
Soniya Rai	Raipur, India	2020-07-18
Pallavi Sarkari	India	2020-07-18
Ashish Chatterji	Hoshangabad, India	2020-07-18
ST.MARY'S CHENNAI -21 Martin Kennedy	Chennai, India	2020-07-18
Amarnath Sonkar	Indore, India	2020-07-18
Jayshree Trivedi	Raipur, India	2020-07-18
Kanak Panjwani	Shajapur, India	2020-07-18
Sushma Kashyap	Indore, India	2020-07-18
Kayyum Ahmed	Raipur, India	2020-07-18
Ajit Singh Kushwah	Indore, India	2020-07-18
Rajesh Nair	Anand, India	2020-07-18
Rajni Madnani	Indore, India	2020-07-18
Asha Bhatt	Lucknow, India	2020-07-18
Yashwant Rangeele	Vidisha, India	2020-07-18
Insha Chouhan	Indore, India	2020-07-18
Hirendra Desai	Indore, India	2020-07-18

Name	Location	Date
Pooja Bhelkar	Bhopal, US	2020-08-01
Ayush Singh	Arjunganj, India	2020-08-01
Porsita Sarkar	Kolkata, India	2020-08-01
Sruthi .s.shaj	Chappanangadi, India	2020-08-01
Aarushi Thakur	Shimla, India	2020-08-02
Ranjan Singh Patwari	Jabalpur, India	2020-08-02
EDWIN MASIH	Bhopal, India	2020-08-03
virendra singh	NEW DELHI -77, India	2020-08-03
Gautam Singh	Patna, India	2020-08-06
MD khurshid Alam	Patna, India	2020-08-06
Nitesh Kumar	Patna, India	2020-08-07
Amit Kumar Das	Delhi, India	2020-08-07
Rita Kumari	Patna, India	2020-08-07
Ravi Yadav	Raipur, India	2020-08-08
Gaurang Bhatt	Ahmedabad, India	2020-08-09

150



SAVE EDUCATION

#SupportSchoolsToSustain

**#SupportSchoolsToSustain - SAVE EDUCATION
MISSION**



SAVE EDUCATION

#SupportSchoolsToSustain

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Association of Un-Aided Private Schools started this petition to governor@rbi.org.in and 3 others

Hon'ble Pradhan Mantri ji,

We salute you for your firm leadership in these difficult times – in fact the most difficult since we became a democracy. Sir, your timely firm decisions have helped India contain the spread of COVID-19 keeping our large population in mind.

But sir, as you will agree the series of lockdowns necessitated to contain the pandemic have stalled the economy. The Finance Ministry and RBI have forecasted a negative growth for our country.

It is in this context that we at **Association of Un-Aided Private Schools** would like to draw your attention towards **the worst hit sector during Covid-19 Pandemic i.e. THE UN-AIDED PRIVATE SCHOOLS**. The major reason behind this is that the school premises are closed and children can't go to schools due to the fear of Covid-19.

Across India, private school administrators are a jittery lot. Stories from all over the country report unpaid fees from March onwards. A pan-India survey '**e-School Readiness Survey**' was conducted in May 2020 and found that over 87% budget private schools in India are facing fee collection challenges. **If the economic conditions worsen and parents can't pay the fees, many private schools will be forced to shut down.**

Key Points of Survey

1. Overall, 85% respondents affirmed that they were reeling under financial stress on account of their inability to collect fees.
2. The reasons cited by schools are 'Parents not having the income to pay fees due to the lockdown' (55%); 'Parent's not being able to come to school or bank premises to pay fees owing to the lockdown' (24.5%); 'Parents receiving salaries late and cannot pay on time' (12%) and 'Parents not keen to pay for online classes' (8.5%)
3. More than 72% of the respondents have indicated their willingness to explore digital solutions for school continuity
4. Over 37% respondents have already started some sort of remote schooling by sharing educational content via messaging solutions such as WhatsApp.

The consequences of such an eventuality are horrifying. Last year, HRD ministry told Parliament that enrollment in private schools had shot up to 8.3 crore in 2017-18 from 6.9 crore in 2013-14, a 20% increase while government school enrollment dipped to 18.9 crore from 19.9 crore in roughly the same period. A financial crisis is brewing in the private schools sector with several of them struggling to keep afloat and meet the regular expenditure for running because of a steep fall in their income as a result of lockdown.

Most of the states have instructed private school managements not to resort to mandatory nominal fee like this academic year and collect only monthly fees instead of annual fees at one go. All the schools empathetic to the extraordinary situation complied with the advisory. **But now four months later, with lockdown guidelines liberalised and several sectors opening up, the struggle, however, continues for many private schools with mounting fee payment defaults.** Most of the private schools even while contending with fall in fee collection, adapted to the online mode from March-April to prevent disruption of academic year.

The Union HRD Ministry instructed that school staff be allowed to work from home and the lockdown should not disrupt education of students.

While parents are happy with online classes, many of them withheld payment of even monthly fee. On the contrary, the children are engaged regularly by teachers through remote learning and are in constant touch to guide and counsel them because teachers are concerned and feel that when the children are locked inside homes they need assistance, love and care. They switched to online teaching, adapting to it very quickly, catering the needs of students even though it was a very tough job for many.

The school management is in a very difficult situation but the worst situation is being faced by the teachers and non-teaching staff because they are not getting paid. As this is directly linked with schools not receiving tuition fee from parents. Many private school management are asking **"From where will the private schools mobilise resources and how long can they sustain with huge deficit revenue and still pay EMIs for buses and infrastructure?"**

Many schools have decided to accept fees in installments and are not exerting any pressure on any parent to pay the fees. The school management is doing every bit. There is a huge debt on many schools; and many are on the verge of collapsing.

At present Education sector is bleeding due to paucity of monetary resources and Non Payment of School fee by parents. This has caused immense financial strain on private schools, leading them to put on hold salaries to the teaching and non-teaching staff, which is approximately TWO CRORES ACROSS OVER FIVE LAKH PRIVATE SCHOOLS IN THE COUNTRY. The schools are unable to make payments and teachers are facing a bleak and uncertain future.

Amidst this crisis, it is imperative that schools, the government and parents operate in close proximity towards ensuring salaries to teachers and non-teaching staff while simultaneously minimizing the financial impact on parents.

Hence we want RBI to help the private school education sector from crippling down and going bankrupt. There should be a joint force to resolve this issue and the Central Bank has a key role to perform.

The government should come up with relief package or give direct benefit transfer to parents so that the schools continue functioning

We at Association of un-Aided Private Schools suggests a two-point programme through which the education sector can be revived, salaries can be paid to the teachers and support staff, preventing schools across the country from shutting down and ensuring continuity in education.

Firstly, since education is under the priority lending sector, loan benefits provided to other priority sectors should also be extended to the education sector in these times of crisis. RBI should provide interest-free loans to parents to fund their child's education through direct bank transfer or any mechanism deemed fit by the Governor.

Secondly, similar interest-free loans should also be made available to schools to pay recurring costs such as teacher salaries, overheads, and capital expenditure.

This initiative will reap dividends for the country in the coming years.

We at Association of un-Aided Private Schools are concerned about the well-being of over 4,00,000 schools and 2,00,00,000 teachers and similar number of non-teaching staff and their families across the country. Not to forget the associated businesses with the school education system which employ another 1,50,00,000 citizens across the country. These employments support more than 17,50,00,000 citizens of our country. Failure to foster this sector will create a domino effect in our ailing economy and would be counterproductive in the long run, as it impacts hard the future of our country i.e. our students.

President

Anupam Chouksey

Association of Un-Aided Private School

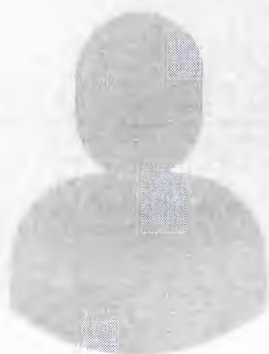
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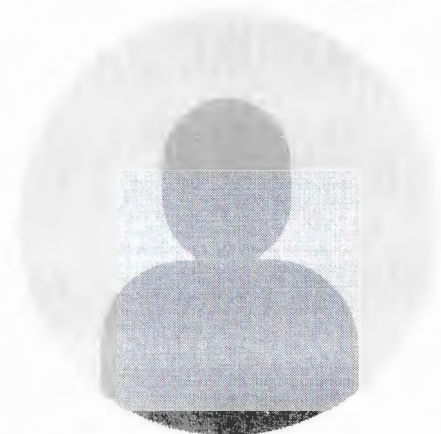
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Ravi Yadav signed this petition



Rita Kumari signed this petition

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[Sign this petition](#)**Today: Association of Un-Aided Private Schools is counting on you**

Association of Un-Aided Private Schools needs your help with “**governor@ rbi.org.in : #SupportSchoolsToSustain - SAVE EDUCATION MISSION**”. Join Association of Un-Aided Private Schools and 5,059 supporters today.

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Newborn boy found in garbage dump; 4th case of abandoned baby since January

Abandoned Newborn Girl Found in Uttar Pradesh Roadways Bus

Haryana: Newborn baby girl thrown into drain by woman, pulled out by dogs

Illegal adoption rackets thrive, leave children in jeopardy

Who cares for the abandoned child?



Print information about adoption agencies and helpline when reporting on child abandonment

A newborn dumped in a garbage bin, a child abandoned in a field, a three-day-old baby found by cops in a drain... We...
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IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)
(Writ Petition under Article 32 of the Constitution of India)

I.A. NO. _____ OF 2020

IN

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF:

Federation of Self-Financing Technical

Institutions (All India) & Ors.

...Petitioners

Versus

The Union of India & Ors.

...Respondents

APPLICATION SEEKING INTERIM RELIEF

TO

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF

THIS SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF
THE PETITIONERS ABOVE NAMED.

MOST RESPECTFULLY SHOWETH:

1. The present writ Petition is filed seeking to invoke the writ jurisdiction of this Hon'ble Court under Article 32 of the Constitution of India to raise issues of importance that determine the very existence of self-financed Technical Institutions across India in view of the

discriminatory treatment met out to the said Institutions by the Respondents.

2. The Petitioners are mainly seeking extension of moratorium as well as rescheduling of loan installments without additional interest on the interest to all loan accounts without discrimination or classification.
3. The present Petition illustrates the difficulties faced by the self-financed Minority and Non-Minority Institutions across India and the discriminatory relief measures announced by the RBI, despite being aware of the prevailing environment ignoring the hardships faced by all the sectors of the society of the country. The impugned circular announced by the RBI is in violation of Article 14 which discriminates the members of Petitioner No. 1 and Petitioner No.2 institutions under Article 19 (1) (g) read with Article 21 of the Constitution of India.
4. The contents of the accompanying petition are not reiterated herein for the sake of brevity and the same may kindly be treated as part and parcel of this application. The Petitioners maybe allowed to rely on the same when the present application is argued.
5. It is submitted that for the reasons stated on the accompanying petition, the Petitioners have made out a good prima facie in its favour.
6. The existing situation needs to be remedied to avoid bankruptcy of self-financed Technical Institutions and unaided Technical Institutions across India. It is reiterated that their collapse would lead to serious socio-economic disaster including loss of employment of teachers and loss of institutions for students.
7. A conjoint reading of Articles 14, 19(1)(g) and 21 of the Constitution of India casts a duty upon Respondents to provide assistance for restoration of livelihood of not just a certain class of people, but the

whole India especially educational institutions that are pivotal to building our nation's future.

8. The complete stoppage of educational activities with no forthcoming relief package would lead to closure of numerous institutions. The Constitution of India guarantees that no person shall be deprived of his life and property except under authority of law and procedure established by law, the deprivation need not be direct but certain steps could lead to indirect deprivation of property.
9. In the facts and circumstances of the case, balance of convenience lies in favour of the Petitioners. It is submitted that grave prejudice and irreparable loss and injury shall be caused to the Petitioners if the relief(s) prayed for are not granted pending disposal of the present petition.

PRAYERS

10. In light of the aforementioned facts and circumstances this Hon'ble Court may be pleased to:

- a) Pass an interim order directing that the 'Moratorium' as stipulated Circular dated 27.03.2020 being DOR. No. BP. BC. 47/21.04.048/2019-20 issued by the Reserve Bank of India is made mandatorily applicable to all the borrowers including the Petitioners and their members herein till the final disposal of the present Writ Petition;
- b) Pass an interim order directing the Reserve Bank of India to suspend the accrual of interest on the borrowings made by all the borrowers including members of the Petitioners under the

circular dated 27.03.2020 being DOR. No. BP. BC. 47/21.04.048 /2019-20 issued by the Reserve Bank of India;

- c) Pass an interim order directing the Respondent No.1 to release part of pending post metric scholarship and Respondent No.2 to return of processing fees paid towards approvals granted for the year 2020-21;
- d) By an order direct Respondents to issue necessary order and direction to all lending institutions making available additional source of finance in nature of grant of additional loans, working capital facilities and finance;
- e) By an order and direction making it mandatory for all lending institutions to pass on the benefit of reduction of rates by Respondent No. 3 to all loans and facilities granted by all lending institutions; and / or
- f) Pass such other orders as this Hon'ble Court may deem fit in the interest of justice.

THIS ACT OF KINDNESS, THE PETITIONERS ARE IN DUTY BOUND SHALL EVER PRAY.

DRAWN AND FILED BY:



(A.KARTHIK)

ADVOCATE FOR THE PETITIONERS

Filed On: 19.08.2020

SECTION - _____

IN THE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

WRIT PETITION (CIVIL) NO. _____ OF 2020

IN THE MATTER OF: -

Federation of Self-Financing Technical

Institutions (All India) & Ors.

...Petitioners

Versus

The Union of India & Ors.

...Respondents

I N D E X

S.No.	Particulars	Copies	Court Fees
1.	Writ Petition with affidavit		2000/-
2.	Application seeking interim relief		100/-
3.	Vakalatnama		10/-

I.C. No. 5978**CLERK ARPAN CHANDRA DAS****9811693213**

FILED BY:


(A. KARTHIK)

ADVOCATE FOR THE PETITIONERS

CODE – 2475

A005, YAMUNA APARTMENTS, ALAKNANDA, NEW DELHI – 110019.

EMAIL – adv.akarthik@gmail.com, Ph: 8447364669.

FILED ON: 19.08.2020

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL/ORIGINAL/APPELLATE/JURISDICTION
Writ Petition (C) No. OF 2020

In the matter of

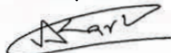
Federation of Self-Financing Technical Institutions (All India) & Ors.	... Petitioner
Versus	
Union of India & Ors	... Respondents

VAKALATNAMA

I, KVK Rao, residing at Plot No.102, High Court Colony, Vanasthalipuram, Hyderabad, Telangana – 500 070, Petitioner No.4 in the above Petition signing on behalf of all other Petitioners do hereby appoint and retain **A. Karthik**, Advocate of the Supreme Court to act and appear for me/us in the above Petition and or my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of my application connected with the same of any decree order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my/ or behalf in the said Petition and in application of Review, and to represent me/us and to take all necessary steps on my /our behalf in the above matter, I/We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 16th day of August, 2020

Accepted Identified & Certified



(A.Karthik)

ADVOCATE SUPREME COURT

For FEDERATION OF SELF FINANCING
TECHNICAL INSTITUTIONS


General Secretary

PETITIONER No.1 & 4

[MR. K.V.K RAO]

MEMO OF APPEARANCE

To,

The Registrar,
Supreme Court of India, New Delhi

Sir,

Please enter my appearance on behalf on the Petitioner in the matter above mentioned.

Dated this the 19th day of August, 2020

Yours faithfully



(A.Karthik)

Advocate-on-Record

C.C. 2475

A005, Yamuna Apartments, Alaknanda,
New Delhi - 110019.

E-mail:- adv.akarthik@gmail.com, Mob:- 8447364669.

IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/ORIGINAL/APPELLATE/JURISDICTION

Special Leave Petition (C) No.

OF 2020

In the matter of

FEDERATION OF SELF-FINANCING TECHNICAL INSTITUTIONS (ALL INDIA) & ORS.	... PETITIONER
VERSUS	
UNION OF INDIA & ORS	... RESPONDENTS

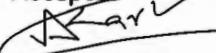
VAKALATNAMA

I, Sri. Babu Thomas, S/o. Late Yohannan Thomas, residing at St. George School Campus, Opp.: BMHRC Karond, Huzur, Bhopal, Madhya Pradesh, the authorized representative of Petitioner No. 2 in the above Petition do hereby appoint and retain **A.**

Karthik, Advocate of the Supreme Court to act and appear for me/us in the above Petition and or my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of my application connected with the same of any decree order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my/ or behalf in the said Petition and in application of Review, and to represent me/us and to take all necessary steps on my /our behalf in the above matter, I/We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the _____ 18th _____ day of August, 2020.

Accepted _____ Identified & Certified



(A. Karthik)

ADVOCATE SUPREME COURT

FOR ASSOCIATION OF UN-AIDED PRIVATE SCHOOLS


CHAIRMAN PETITIONER No.2 TREASURER

[Sri. Babu Thomas]

MEMO OF APPEARANCE

To,

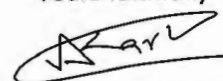
The Registrar,
Supreme Court of India, New Delhi

Sir,

Please enter my appearance on behalf on the Petitioner in the matter above mentioned.

Dated this the _____ 19th _____ day of August, 2020

Yours faithfully



(A. Karthik)

Advocate-on-Record

H-24, Lower Ground Floor,

Kailash Colony, New Delhi – 110048

Mobile: 8447364669

IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL/ORIGINAL/APPELLATE/JURISDICTION

Special Leave Petition (C) No.

OF 2020

In the matter of

Federation of Self-Financing Technical Institutions (All India) & Ors.	... Petitioner
Versus	
Union of India & Ors	... Respondents

VAKALATNAMA

I, Dr. Anshu Kataria, S/o. Sh. Roshan Lal, R/o. H.No.164, Sector 16A, Chandigarh, Petitioner No.3 in the above Petition and the President of Petitioner No.1 body, do hereby appoint and retain **A. Karthik**, Advocate of the Supreme Court to act and appear for me/us in the above Petition and or my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of my application connected with the same of any decree order passed therein, including proceedings in taxation and application for Review, to file and obtain return of documents, and to deposit and receive money on my/ or behalf in the said Petition and in application of Review, and to represent me/us and to take all necessary steps on my /our behalf in the above matter, I/We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 18th day of August, 2020

Accepted Identified & Certified

(A.Karthik)

ADVOCATE SUPREME COURT


PETITIONER
No.3

[Dr. Anshu Kataria]

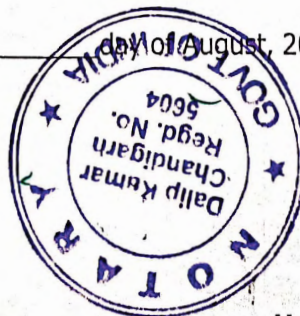
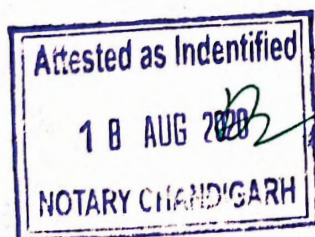
MEMO OF APPEARANCE

2080 To
18/8/2020
The Registrar,
Supreme Court of India, New Delhi

Sir,

Please enter my appearance on behalf on the Petitioner in the matter above mentioned.

Dated this the 19th day of August, 2020



Yours faithfully



(A.Karthik)

Advocate-on-Record

H-24, Lower Ground Floor,

Kailash Colony, New Delhi – 110048

Mobile: 8447364669

Certified that the Affidavit/SPA/GPA/RA has been read over & Explained to the Deponent/Executant who seemed directly to understand the same at the Title of Affidavit & signing the documents.