

# ASSAM ACT NO OF 1998

(Received the assent of the President on .....)

## THE ASSAM STATE INDUSTRIAL RELIEF UNDERTAKINGS (SPECIAL PROVISIONS) (AMENDMENT) ACT 1998

An Act to amend The Assam State Industrial Relief Undertakings  
(Special Provisions) Act 1984  
(Assam Act No. VII of 1984)

**Preamble :** Whereas it is expedient to further amend of The Assam State Industrial Relief Undertakings (Special Provisions) act 1984 (Assam Act No. VII of 1984) hereinafter referred to as the Principal Act, in the manner hereinafter appearing:

It is hereby enacted in the forty eight years of the Republic of India as follow :-

### **Short title, extend and commencement :**

- (1) The Act may be called the Assam State Industrial Relief Undertakings (Special Provisions) (Amendment) Act, 1984
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment Addition Sub-Section under Section 2(5) as 2(5) (c) should  
of Section 2 of be incorporated as follows:

Assam Act

VII of 1984

Which is registered under industries Department,  
Government of Assam as Tiny, SSI, or Ancillary unit.

Amendment In the Principal Act, Para 2 under Section 3, should be  
of Section 3 of modified as follows :

Assam Act

Provided that the period so specifies shall be in the first

VII of 1984 instance, for one year only, but may by like notification be extended from time to time, by a period of one year at a time so, however, that no notification issued under this section shall in any case remain in force for more than 10 (ten) years in the aggregate (for Industrial Undertaking which are declared as Relief Undertakings). However, if an Industrial undertaking has to be declared as a Relief Undertaking from a date prior to date of notification (based on the merit of the industrial units), then in the first instance the industrial undertaking shall be declared as Relief Undertaking covering the entire period prior to the date of notification as well as one year from the date of notification. But, the period prior to the date of notification shall not exceed 2(two) years. Further, the maximum eligible period of 10 (ten) years as Relief Undertaking could be allowed only without any break in between the following line shall be added after the First Para under section 4.

Amendment of Section 4 of Assam Act VII of 1984 This will be applicable only to the Industrial Undertakings which are State Government Undertakings and Joint Sector/Assisted Sector Units. (i.e. the industrial undertakings where state Government has equity participation.)

## Office Memorandum

OFFICE OF THE  
DEVELOPMENT COMMISSIONER(SSI)  
Ministry of Small Scale Industries  
Government of India  
NIRMAN BHAVAN, 7<sup>TH</sup> FLOOR  
MAULANA AZAD ROAD, NEW DELHI - 110 011

No. E.28.(19)/2000  
February, 2002

Dated: 18<sup>th</sup>

To,

1. The Secretary, Industries (SSI)  
All States/UTs.
2. The Commissioner/Director of Industries (SSI)  
All States/Uts. (Assam)

Sub : Revised Guidelines for Rehabilitation of Sick SSI units.

Sir,

The Reserve Bank of India constituted a Working Group on Rehabilitation of Sick SSI units in November, 2000 under the Chairmanship of Shri S.S. Kohli, Chairman, Indian Banks' Association to review the existing guidelines in regard to rehabilitation of sick units in the small scale industrial sector and recommend the revision of the guidelines making them transparent and non-discretionary. The Working Group submitted its final report in May, 2001.

The RBI vide their circular RPCD. No. PLNFS.BC.57 /06.04.01/2001-2002 dt. 16<sup>th</sup> January, 2002 has circulated to all Scheduled Commercial Banks, the Revised Guidelines drawn up by them based on the accepted recommendations of the Working Group and the suggestions received from banks, SSI Associations, etc. All the major

recommendations of the Working Group including inter alia a change in the definition of sick SSI units, norms for deciding on the viability of sick units in the SSI units, norms for deciding on the viability of sick units in the SSI Sector, etc. have been accepted by the RBI. The revised definition would enable banks to take action at an early state for revival of the units. The banks have been advised to take action for implementing the above guidelines.

In order that the rehabilitation assistance reach the sick SSI units in time, it would be necessary that the SSI units are made fully aware of these revised guidelines with regard to rehabilitation of sick units in the SSI sector. A copy of the above referred circular along with a complete set of revised guidelines is enclosed herewith for your kind information.

Encl : as above.

Yours faithfully,

(M.P. Singh)

Director (EA)

Ph : 3019320, Fax : 3017611

## **Office Memorandum**

**RESERVE BANK OF INDIA  
Rural Planning & Credit Department**

**CENTRAL OFFICE  
Central Office Building, 13<sup>th</sup> Floor, Mumbai - 400 001**

RPCD. No. PLNFS.BC.57/06.04.01/2001-2002

16<sup>th</sup> January

26<sup>th</sup> Pausha 1923(S)

All Scheduled Commercial Banks

Dear Sir,

### **Guidelines for Rehabilitation of Sick Small Scale Industries Units**

Small Scale Industries (SSI) constitutes an important and crucial segment of the industrial sector. This has been acknowledged by the Government of India by the high priority it has accorded to the SSI sector. The Reserve Bank of India have also bestowed the status of Priority Sector to SSI lending by banks and various circulars/guidelines have been issued in this regard from time to time.

2. Several internal and external factors have put considerable pressure on the performance of the SSIs, resulting in a number of them becoming sick. Of late, the incidence of sickness in SSI Sector is showing an increasing trend and a large number of SSI units, identified as sick, were not found potentially viable.

3. To address this, and other allied issues, the Group of Minister on SSI, in their meeting held on 16<sup>th</sup> August, 2000, had desired that RBI should draw up a revised, detailed, transparent and non-discretionary guidelines for rehabilitation of current sick and potentially viable SSI units. Accordingly, a working group on rehabilitation of Sick SSI was

constituted by RBI in November 2000 with the Chairman, Indian Banks' Association, Shri S.S. Kohli, as its Chairman. The Group has since submitted its report and all the major recommendation made therein, including a change in the criteria for identification and classification of sick units in the SSI Sector, have been accepted by the Reserve Bank of India. The draft revised guidelines were put on RBI website and also circulated among banks, SSI Association, etc. for eliciting their view. The suggestion received have been considered while finalizing the revised guidelines drawn up on the basis of the recommendations of the Working Group.

4. Enclosed is a complete set of revised guidelines with regard to rehabilitation of sick units in the SSI sector with specific reference to definition of sick SSI units, its monitoring, viability norms, incipient sickness also relief and concession from banks/ financial institution in the case of potentially viable units. Although sickness in the large, medium and small industrial units exhibit many common features, any approach to sickness in SSI sector has to reckon with the relative weakness of such units to withstand internal as well as external pressures. The distinction between the small scale and tiny sector units and between tiny sector and decentralized sector units comprising artisans, village and cottage industries units have also been taken into consideration. The emphasis of the rehabilitation effort in the case of SSI units is, therefore, on early detection of sings of incipient sickness, adequate and intensive relief measures and their speedy application rather than giving a long span of time to the units for rehabilitation. Accordingly, the revised guidelines are issued for rehabilitation of sick units in the SSI sector as given in the Annexure- I. This set of guidelines will supercede all our earlier circulars and guidelines laid down in (1) RPCD. NO. PLNGS. BC. 48/ SIU. 20-87, dated 6 February, 1987, (ii) RPCD. NO. PLNFS. BC. 122/SIU-20/ 88-89 dated 8 June 1989, (iii) RPCD. NO. PLNFS. BC. 69/SIU. 20/90-91 dated 8 January 1991, (iv) PRCD. NO. PLNFS. BC. 1/SIU. 20/ 92-93 dated 1 July 1992 and (v) RPCD. NO. PLNFS. BC. 90/06.04.01/95-96 dated 13 February 1996.

5. The Important changes brought out in guideline based on the recommendation of the Working Group vis-à-vis this existing guidelines on rehabilitation of sick SSI units are furnished in Annexure II for ready reference.

6. We need hardly emphasise that timely and adequate assistance to potentially viable SSI units which have already become sick or are likely to become sick is of the utmost Importance not only from the point of view of the financing banks but also for the Improvement of the national economy, in view of the sector's contribution to the overall industrial production, export and employment generation. The banks should therefore take a sympathetic attitude and strive for rehabilitation, in respect of units in the SSI sector, particularly wherever the sickness is on account of circumstances beyond the control of the entrepreneurs. However, in cases of units, which are not capable of revival, banks should try for a settlement and / or resort to other recovery measures, expeditiously.

Please acknowledge receipt and advise us of the action taken by your bank in implementing the above guidelines.

Yours faithfully,

(Vani J. Sharma)

Chief General Manager,

Encls. : As above.

Endt. PRCD. NO. PLNFS. 973-A/06.401/2001-2002 of date

Copy forwarded for Information to

(AS per mailing list)

(V. M. Mathew)

Deputy General Manager.

GENERAL GUIDELNES FOR  
REHABILITATIN OF SICK SSI UNITS

Incipient Sickness

1. It is of utmost importance to take measures to ensure that sickness is arrested at the incipient stage itself. The branch official should keep a close watch on the operations in the account and taken adequate measures to achieve this objective. The management of the units financed should be advised about their primary responsibility to inform the banks if they face problems which could lead to sickness and to restore the units to normal health. The organizational arrangements at branch level should also be fully geared for early detection of sickness and prompt remedial action Banks/Financial Institutions will have to identify the units showing symptoms of sickness by effective monitoring and provided additional finance, if warranted, so as to bring back the units to a healthy track. An illustrative list of warning signals of incipient sickness that are thrown up during the scrutiny of borrowal accounts and other related records e.g. periodical financial data, stock statements, reports on inspection of factory premises and go downs, etc. is given in Appendix - I which will serve as a useful guide to the operating personnel. Further, the system of asset classification introduced in banks will be useful for detecting advances, which are deteriorating in quality well in time. When an advance slips into the sub-standard category, as per norms, the branch should make full enquiry into the financial health of the unit, its operations, etc. and take remedial action. The branch officials who are familiar with the day-to-day operations in the borrowal accounts should be under obligation to identify the early warning singals and initiate corrective steps promptly. Such steps may include providing timely financial assistance depending on established need, if it is within the powers of the branch manager, and an early reference to the controlling office where the relief required are beyond his delegated powers. The branch manager may also help the unit,



in sorting out difficulties which are non-financial in nature and require assistance from outside agencies like Government departments/undertakings, Electricity Boards, etc. He should also keep the term lending institution informed about the position of the units wherever they are also involved.

2. The instructions issued to banks by RBI to set up cells at all regional centers, besides at Head Office, to deal with sick industrial units and also provide expert staff including technical personnel to such cells are reiterated.

3. **Definition of Sick SSI Unit**

As SSI unit should be considered 'Sick' if

(a) any of the borrowal accounts of the unit remains substandard for more than six months i.e. principal or interest, in respect of any of its borrowal accounts has remained overdue for a period exceeding one year. The requirement of overdue period exceeding one year will remain unchanged even if the present period for classification of an account as sub-standard, is reduced in due course;

Or

(b) there is erosion in the net worth due to accumulated cash losses to the extent to 50 percent of its net worth during the previous accounting year;

and

(c) the unit has been in commercial production for at least two years.

This would enable banks to take action at an early stage for revival of the units. The above definition may be adopted for the purpose of reporting the date for the half-year ending 31<sup>st</sup> March 2002, while for the purpose of formulating nursing programme, banks should go by the above definition with immediate effect.

#### 4. Viability of Sick SSI Units

A unit may be regarded as potentially viable if it would be in a position, after implementing a relief package spread over a period not exceeding five years from the commencement of the package from banks, financial institutions, Government (Central / State ) and other concerned agencies, as may be necessary, to continue to service its repayment obligation as agreed upon including those forming part of the package, without the help of the concessions after the aforesaid period, without the help of the concessions after the aforesaid period. The repayment period for restructured (past) debts should not exceed seven years from the date of implementation of the package. In the case of tiny/ decentralized sector units, the period of reliefs/concessions and repayment period of restructured debts which were hitherto, two years and three years respectively have been revised, so as not to exceed five and seven years respectively, as in the case of other SSI units. Based on the norms specified above, it will be for the banks/ financial institutions to decide whether a sick SSI unit is potentially viable or not. Viability of a unit identified as sick, should be decided quickly and made known to the unit and others concerned at the earliest. The rehabilitation package should be fully implemented within six months from the date the unit is declared as 'potentially viable' / 'viable'. While identifying and implementing the rehabilitation package, banks/FIs are advised to do 'holding operation' for a period of six months. This will allow small-scale units to draw funds from the cash credit account at least to the extent of their deposit of sale proceeds during the period of such 'holding operation'.

#### 5. **Reliefs and Concession for** Rehabilitation of Potentially Viable Units

It is emphasized that only those units which are considered to be potentially viable should be taken up for rehabilitation. The reliefs and concessions specified are not to be given in a routine manner and have to be decided by concerned bank/financial institution based on the

commercial judgment and merits of each case. Banks have also the freedom to extend reliefs and concessions beyond the parameters in deserving cases. Only in exceptional cases, concessions/ reliefs beyond the parameters should be considered. In fact, the viability study itself should contain a sensitivity analysis in respect of the risks involved that in turn will enable firming up of the corrective action matrix. Norms for grant of reliefs and concessions by banks/financial institutions to potentially viable sick SSI units for rehabilitation are furnished in Appendix - II.

6. Units becoming sick on account of willful mismanagement, willful default, unauthorized diversion of funds, disputes among partners/promoters, etc. should not be considered for rehabilitation and steps should be taken for recovery of bank's dues. The definition of willful default, as given by RBI vide its Circular DBOD No. BC. DL.(W)12/20.016.002(1)98-99 dated 20 February 1999, will broadly cover the following:

- (a) Deliberate non-payment of the dues despite adequate cash flow and good networth.
- (b) Siphoning off of funds to the detriment of the defaulting unit.
- (c) Assets financed have either not been purchased or have been sold and proceeds have been misutilised.
- (d) Misrepresentation/falsification of records.
- (e) Disposal/removal of securities without bank's knowledge.
- (f) Fraudulent transactions by the borrower.

The view of the lending FI/banks in regard to willful mismanagement of funds/defaults will be treated as final.

## 7. Delegation of Powers

The delay in the implementation of agree rehabilitation packages should be reduced. One of the factors contributing to such delay was found to be time taken for obtaining clearance from the Controlling Office for the relief and concessions. As it essential to accelerate the process of clearance, the banks and the financial institutions may delegate sufficient powers to senior officers at various levels such as district, divisional, regional, zonal and also at head office to sanction the bank's or the financial institution's commitment to its share in the rehabilitation package drawn up in conformity with the prescribed guidelines.

## APPENDIX - I

**Illustrative list of warning signals of incipient  
Sickness that are thrown up during the Scrutiny  
of Borrowal Accounts and other Related Records  
(e.g. Periodical Financial Data, Statements, Report  
on Inspection of Factory Premises and Godwans, etc.)**

- a) Continuous irregularities in cash credit/overdraft accounts such as inability to maintain stipulated margin on continuous basis or drawings frequently exceeding sanctioned limits, periodical interest debited remaining unrealized;
- b) Outstanding balance in cash credit account remaining continuously at the maximum;
- c) Failure to make timely payment of installments of principal and interest on term loans;
- d) Complains from suppliers of raw materials, water, power, etc about non-payment of bills;
- e) Non-submission or undue delay in submission or submission of incorrect stock statements and other control statements;
- f) Attempts to divert sale proceeds through accounts with other banks;
- g) Downward trend in credit summations;
- h) Frequent return of cheques or bills;
- i) Steep decline in production figures;

- j) Downward trends in sales and fall in profiles.
- k) Rising level of inventories, which may include large proportion of slow or non-moving items;
- l) Larger and longer outstandings in bill accounts;
- m) Longer period of credit allowed on sale documents negotiated through the bank and frequent return by the customers of the same as also allowing large discount on sales;
- n) Failure to pay statutory liabilities;
- o) Utilization of funds for purposes other than running the units.
- p) Not furnishing the required information/data on operations in time.
- q) Unreasonable/wide variations in sales/receivables levels vis-à-vis level of operation of the unit.
- r) Non co-operation for stock inspections, etc.
- s) Delay in meeting commitments towards payments of installments due, crystallized liabilities under LC/BGs, etc.
- t) Diverting / routing of receivables through non-lending banks.

## APPENDIX - II

### **Relief and concessions which can be extended by Banks/financial institutions to potentially viable Sick SSI units under rehabilitation**

The viability and the rehabilitation of a sick SSI unit would depend primarily on the unit's ability to continue to service its repayment obligations including the past restructured debts. It is, therefore essential to ensure that ordinarily there is no write-off or scaling down of debt such as by reduction in rate of interest with retrospective effect to the extent indicated in the guidelines. The guidelines on various parameters on reliefs and concessions are given below :

i) **Interest Dues on Cash Credit and Term Loan**

If penal rates of interest or damages have been charged, such charges should be waived from the accounting year of the unit in which it started incurring cash losses continuously. After this is done, the unpaid interest on terms loans and cash credit during this period should be segregated from the total liability and funded. No interest may be charged on funded interest and repayment of such funded interest should be made within a period not exceeding three years from the date of commencement of implementation of the rehabilitation programme.

ii) **Unadjusted Interest Dues**

Unadjusted interest dues such as interest charged between the date up to which rehabilitation package was prepared and the date from which actually implemented, may also be funded on the same terms as at (i) above.

iii) Term Loan

The rate of interest on term loans may be reduced, where considered necessary, by not more than three percent in the case of tiny/decentralized sector units and by not more than two percent for other SSI units, below the document rate.

iv) Working Capital Term Loan (WCTL)

After the unadjusted interest portion of the cash credit account is segregated as indicated at (i) and (ii) above, the balance representing principal dues may be treated as irregular to the extent it exceeds drawing power. The amount may be funded as Working Capital Term Loan (WCTL) with a repayment schedule not exceeding 5 years. The rate of interest applicable may be 1.5% to 3% points below the prevailing fixed rate / prime lending rate, wherever applicable, to all sick SSI units including tiny and decentralized units.

v) Cash Losses

Cash losses are likely to be incurred in the initial stages of the rehabilitation programme till the unit reaches the break-even level. Such cash losses excluding interest as may be incurred during the nursing programme may also be financed by the bank or the financial institution, if only one of them is the financier. But if both are involved in the rehabilitation package, the financial institution concerned should such cash losses. Interest may be charged on the funded amount at the rates prescribed by SIDBI under its scheme for rehabilitation assistance.

Future cash losses in this context will refer to losses from the time of implementation of the package up to the point of cash break -even as projected. Future cash losses as above, should be worked out before interest (i.e., after excluding interest) on working capital etc., due to the banks and should be financed by the financial institutions if it is one of the



financiers of the unit. In other words, the financial institutions should not be asked to provide for interest due to the banks in the computation of future cash losses and this should be taken care of by future cash accruals.

The interest due to the bank should be funded by it separately. Where, however, a commercial bank alone is the financier, the future cash losses including interest will be financed by it.

The interest on the funded amounts of cash losses/ interest will be at the rates prescribed by Small Industries Development Bank of India under its scheme for rehabilitation assistance.

vi) **Working Capital**

Interest on working capital may be charged at 1.5% below the prevailing fixed/prime lending rate wherever applicable. Additional working capital limits may be extended at a rate not exceeding the PLR.

vii) **Contingency Loan Assistance**

For meeting escalations in capital expenditure to be incurred under the rehabilitation programme, banks/financial institution may provide, where considered necessary, appropriate additional financial assistance upto 15 percent of the estimated cost of rehabilitation by ways of contingency loan assistance. Interest on this contingency assistance may be charged at the concessional rate allowed for working capital assistance.

viii) **Funds for Start-up Expenses and Margin for Working Capital**

There will be need to provide the unit under rehabilitation with funds for start-up expenses (including payment of pressing creditors) or margin money for working capital in the form of long-term loans. Where a financial institution is not involved, banks may provide the loan for start-up expenses, while margin money assistance may either come from SIDBI

under its Refinance Scheme for Rehabilitation or should be provided by State Government where it is operating a Margin Money Scheme. Interest on fresh rehabilitation term loan may be charged at a rate 1.5% below the prevailing fixed/prime lending rate wherever applicable or as prescribed by SIDBI / NABARD where refinance is obtained from it for the purpose.

**All interest rate concession would be subject to annual review depending on the performance of the units.**

ix) Promoter's Contribution

As per the extant RBI guidelines, promoter's contribution towards the rehabilitation package is fixed at a minimum of 10 percent of the additional long-term requirements under the rehabilitation package in the case of tiny sector units and at 20 percent of such requirements for other units. In the case of units in the decentralized sector, promoter's contribution may not be insisted upon. A need is felt for increasing the promoter's contribution towards rehabilitation from the present limits. It is, therefore, open to banks and financial institutions to stipulate a higher promoter's contribution where warranted. At least 50 percent of the above promoters' contribution should be brought in immediately and the balance within six months. For arriving at promoters' contribution, the monetary value of the sacrifices from banks, financial institutions and Government may be taken into account, in addition to the long-term requirement of funds under the rehabilitation package.

While evolving packages, it should be made a precondition that the promoters should bring in their contribution within the stipulated time frame. Further, in regard to concessions and relief made available to sick units, banks should incorporate a 'Right of Recompense' clause in the sanction letter and other documents to the effect that when such units turn the corner and rehabilitation is successfully completed, the sacrifices undertaken by the FIs and banks should be recouped from the units out of their future profits/cash accruals.

**Important changes brought out in the revised guidelines  
Based on the recommendations of the Working Group on  
Rehabilitation of sick SSI units vis-à-vis Existing Guidelines**

**New Guidelines**

**Existing Guidelines**

1. The definition of a sick SSI unit may be changed as :
- (a) If any of the borrowal accounts of the unit remains substandard for more than six months i.e. principal or interest, in respect of any of its borrowal accounts has remained overdue for a period exceeding 1 year. The requirement of overdue period exceeding one year will remain unchanged even if the present period for classification of an account as sub-standard is reduced in due course.
- Or
- (b) There is erosion in the net worth due to accumulated cash losses to the extend of 50 percent of its net worth during the previous accounting year;
- (i) any of its borrowal accounts has become 'doubtful' advance i.e. principal or interest in respect of borrowal accounts has remained overdue for a period exceeding 2 ½ years, and
- (ii) there is erosion in the net worth due to accumulated cash losses to the extend of 50 per cent or more of its peak net worth during the preceding two accounting years.

And

(c) The unit has been commercial production for at least 2 years

2. In the case of tiny/ decentralized sector units, the period of reliefs/ concessions and repayment period of restructured debts, have been revised, so as not to exceed five and seven years respectively as in the case of other SSI units.
- In the case of tiny / decentralized sector units, the period of reliefs/ concessions and repayment period of restructured debts will be two years and three years respectively.

While the other existing norms for grant of relief and concessions which can be extended by banks to potentially viable sick SSI units, may continue, additional working capital limits may be extended at a rate not exceeding the PLR.

In the existing guidelines there was no mention about providing additional working capital.

(ii) Viability of a unit should be decided quickly and made know to the unit and other concerned at the earliest. The rehabilitation package should be fully implemented within six months from the date of unit is declared as potentially viable / 'viable'. While identifying and implementing the rehabilitation package, banks/FIs may be asked to do 'holding operation' for period of six months. This will allow small-scale

As per extant guidelines, the banks are expected to take, as far as possible, a decision on the viability or otherwise of a unit identified as sick, within a period of three months, from the date of receipt of complete information on the relevant aspects from the management of the unit. Further, the finalization of the nursing programme should be completed within a period of three months from the

unit to draw funds from the cash credit account at least to the extent to the deposit of sale proceeds during the period of such 'holding operation'.

(ii) There is a need for increasing the promoters' contribution towards rehabilitation package from the present limits. It is open to the banks / financial Institutions to stipulate a higher promoters' contribution, where warranted.

Further, in regard to concession and reliefs made available to sick units, banks should incorporate, "**Right of Re-compense**" clause in the sanction letter and other documents to the effect when such units turn the corner and rehabilitation is successfully completed, the sacrifices undertaken by the FIs and banks should be recouped from the units out of tier future profits/ cash accruals.

date of such decisions.

As regards 'holding operation', it is a new concept/facility, which was not there in the existing guidelines.

Promoters' contribution towards rehabilitation may be fixed at a minimum of 10% of the additional loan term requirements under the rehabilitation package in the case of tiny sector units and 20% of such requirements for other units.

Banks have been advised to incorporate the "**Right of Re-Compense**" clause in case where the concessions/ reliefs were beyond the parameters laid down by RBI.

