Annexure A

GUIDELINES/CLARIFICATION ON MARGIN COLLECTION AND REPORTING

1. What margins are required to be collected by Trading Members from clients in Capital & Derivatives Segment?

A. Capital Market Segment

In capital segment, Trading Members (TM) are required to mandatorily collect VaR margins and Extreme loss Margin (ELM) from their clients on an upfront basis. Other margins such as Mark-to-market margin (MTM), delivery margin, special/additional Margin or such other margins as may be prescribed from time to time, shall be collected within 'T+2' working days from their clients. It must be ensured that VaR margins and ELM are collected in advance of trade and other margins are collected/paid as soon as margin calls are made by the clearing corporations.

B. F&O segment

In the F&O segment, it is mandatory for Trading Members to collect SPAN margin & Extreme loss margin from respective clients on a upfront basis. It must be ensured that all upfront margins are collected in–advance of trade. Delivery Margin and margin on consolidated crystallized obligation shall be collected from clients by T+1 day.

C. Currency Derivative segment

In case of Currency Derivatives segment also, it is mandatory for Trading Members to collect initial margin and extreme loss margins from their client on an upfront basis. It must be ensured that all upfront margins are collected in advance of trade. Margin on consolidated crystallized obligation shall be collected from clients by T+1 day. However, in case of currency future contracts, final settlement amount shall be collected by T+2 day.

D. **Commodity Derivative Segment**

Initial Margin and extreme loss margins shall be collected from client on an upfront basis. It must be ensured that all upfront margins are collected in advance of trade. Other margins such as Mark-to-market margin (MTM), delivery margin, special/additional Margin or such other margins as may be prescribed form time to time, shall be collected within 'T+2' working days from their clients.

2. In what form should a Trading Member collect the margins from its clients?

Trading Members shall collect the margins from its respective client, in any of the following forms, provided they are free & unencumbered, after taking into account their risk management policy and liquidity aspects:

- Consolidated funds balance across all segments and Exchanges (including Commodities) [1] **(read with point no. 3).**
- Bank guarantee received towards margin, issued by any approved bank and discharged in favor of the Member.
- Fixed deposit receipts (FDRs) received towards margin issued by any approved bank and lien marked in favor of the Member.
- Securities (including mutual fund, Government securities and Treasury bills) in dematerialized form actively traded on the National Exchanges, not declared as illiquid securities by any of such Exchanges, with appropriate haircut. (List of illiquid securities are declared on a regular basis by the Exchanges)[2].
- Any other such collaterals, as may be specified by clearing corporation from time to time.

[1] Free and Unencumbered funds where funds are available in the bank account of client and specifically blocked by member on T day and actually moved to client bank account maintained by the member by T/T+1 day.

[2] With effect from August 01, 2020, TM shall, inter alia, accept collateral from clients in the form of securities, only by way of 'margin pledge', created in the Depository system (in accordance with the SEBI circular SEBI/HO/MIRSD/DOP/CIR/P/2020/28 dated February 25, 2020).**

Note: The TM shall be allowed to accept client securities as collateral by way of title transfer into the Client Collateral Account as per the present system. The system of parallel acceptance of the client securities by way of title transfer shall be available only upto August 31, 2020.

3. Whether securities available in Trading member's account can be considered for margin collection and reporting?

Member shall accept collateral from clients in the form of securities, only by way of 'margin pledge', created in the Depository system.

In view of the same, following clarifications are given for margin collection and reporting purpose after August 31, 2020:

- Securities which are sold in cash market and available in TM's account i.e. POOL/EPI[3] will not be considered as margin collected for any other trade/position. However, in respect of sale of shares by a client for which early pay-in has been accepted by CC, since settlement of the trade is guaranteed by the CC, member may choose to give credit of the sale value of the shares in the ledger account of the client, which may be considered as margin towards subsequent trade/s of the client.

- Securities received in pay out and available in CUSA account will not be considered for margin collection. However, in case client buys a share on T day with upfront payment of applicable margin and If client sells the same shares on T+1 day, client will be required to pay separate applicable margin for sale trades also, as Buy and Sell trades are executed in different settlements. However, member may choose to pay for the buy position of client (buy value – margin paid by the client) and collect the payout of shares on T+2 day in CUSA. Member may deliver the shares from CUSA on T+3 day towards pay-in for sale trade on T+1 day. Member may also choose to post the buy and sale value of shares to the account of client in ledger on execution of sale transaction, which could be used towards margin for subsequent trades of the client.

[3]Clearing corporation guidelines (20191213-40 dated December 13, 2019) with respect to reduction in margin requirement due to EPI, will remain applicable.

4. **Is upfront margin collection required to be done in respect of clients who have done early pay-in of securities to Trading member/s?**

   No. Trading Member shall not be required to collect upfront margins, in respect of positions for which early pay-in of securities/funds is made by the clients to the trading member on the date of execution of the transaction.

5. **What balances can be considered for collection and reporting of Margin executed under Margin trading facility?**

   For transactions undertaken under Margin Trading facility (MTF), upfront margin collected in the form of funds & securities for such MTF transactions and recorded in the MTF books can be considered.

6. **Can excess margin/collateral available in MTF ledgers be considered towards Margins of non-MTF transactions?**

   Excess margin/collateral available in MTF ledgers cannot be considered towards Margins of non-MTF transactions.

7. **Can securities other than those in the approved list of securities be considered while reporting margin collection to the Exchange?**

   Liquid securities, in dematerialized form, actively traded on the National Exchanges, which are specifically not declared as illiquid securities by any Exchanges, can be considered by the member while reporting margins to the Exchange.

8. **What is the procedure for valuation of Securities?**

   For the purpose of client Margin collection and reporting, the member shall compute the value of such securities as per the closing rate on T-1 day as reduced by the appropriate haircut at a rate not less than the VAR margin rate of the security on that day i.e. T-1 day.

9. **What methodology should be adopted while reporting margin received in the form of liquid mutual funds?**

Dematerialized units of liquid mutual funds whose NAVs are available and which could be liquidated readily may be considered while reporting margins collected from constituents. The value of listed liquid mutual funds should be computed based on the NAV on T-1 day, reduced by a haircut equivalent to the VAR. In case of others (mutual funds not listed) the haircut should be equivalent to 10% of the NAV.

10. **What methodology should be adopted while reporting margin received in the form of Government securities and Treasury bills?**

- G-Sec/T-Bills available in electronic form and pledge marked in favour of the trading member may also be considered while reporting margin collection to the Exchange.
- The valuation of G-Sec/T-Bill shall be based on closing price of G-Sec/T-Bills on NDS on T-1 day reduced by a haircut of 10%.

11. **What precautions are to be kept in mind in case of cheques received from Clients towards margin/margin on consolidated crystallized obligation /MTM losses?**

- **<u>Towards collection/reporting of upfront margins</u> :** Cheques received / recorded in the books of Member on or before T day and deposited by Member by T+1 day (excluding bank holiday, if any), can be considered, provided the same is cleared within T+5 working days.
- **<u>Towards collection/reporting of margin on consolidated crystallized obligation (in case of F&O and CD segments)</u> :** Cheques received / recorded in the books of Member on or before T+1 day and deposited by member by T+2 day (excluding bank holiday, if any), can be considered, provided the same is cleared within T+5 working days.

- **<u>Towards collection/reporting of MTM losses (in Cash and Commodity Segment)</u> :** Cheques received / recorded in the books of Member on or before T+2 day and deposited by member by T+3 day (excluding bank holiday, if any), can be considered, provided the same is cleared within T+5 working days.

- Only cheques which are cleared should be considered and cheques dishonored or not cleared up to T+5 working days should not be reported as margin/ margin on consolidated crystallized obligation/ MTM collected.

- If subsequent to the margin/margin on consolidated crystallized obligation/ MTM reporting by the Member, the cheque deposited by the Member is dishonored or not cleared within T+5 working days, then revised margin file shall be uploaded after factoring into the effect of such dishonored or non-cleared cheques ,with incremental batch number within the above mentioned five days.

12. Whether balances/securities of related entities of the client can be considered for collection and reporting margin?

Margin available with related entities of the client cannot be considered as margin of the respective client.

13. What does short reporting of upfront margins/ MTM/ margin on consolidated crystallized obligation mean?

In case a Trading Member fails to collect requisite margin from the respective client on an upfront basis, margin on consolidated crystallized obligation by T+1(in case of F&O and CD segments) and MTM losses by T+2 (in case of cash and commodity segments) and reports to the clearing corporation that margin/ margin on consolidated crystallized–obligation/MTM losses collected from client is less than the actual amount of margins/ margin on consolidated crystallized–obligation/MTM losses required to be collected, it is termed as short reporting of margin collection and shall attract applicable penalty as mandated by clearing corporation from time to time.

14. What does false reporting of margin/margin on consolidated crystallized obligation/ MTM (Non Compliance) mean?

Where the margins including upfront margins/ margin on consolidated crystallized obligation/MTM Losses has not been collected/short collected by the Member in any of the applicable modes prescribed above, however the same has been reported by the member as collected, it would be construed as false reporting to the clearing corporation.

15. In case of short reporting of margin/margin on consolidated crystallized obligation/MTM, Can member pass on the penalty to the clients?

In case of failure (cheque not cleared, margin* requirement not met by the client) on part of the client resulting which penalty is levied by the Clearing Corporation on the member for short reporting of client upfront margins/ margin on consolidated crystallized-obligation/MTM losses, member may pass on the actual penalty to the client, provided he has evidences to demonstrate the failure on part of the client .Wherever penalty for short reporting of upfront margin/ margin on consolidated crystallized–obligation/ MTM losses is being passed on to the client relevant supporting documents for the same should be provided to the client.

*Member cannot pass on the penalty w.r.t. short collection of upfront margin to client.

16. Are Members required to provide the Margin related information to clients?

Members should send margin related information to their clients. An indicative format of daily margin statement stipulating the minimum information to be provided to clients is enclosed as **Annexure B**.

Such margin related information (Daily margin statement) should be issued by Members to clients on a daily basis at the end of the trade day (T-Day) itself or by such timelines as may be specified from time to time.

Additionally, every member shall maintain proper records of collaterals of clients.

Members should have adequate systems and procedures in place to ensure that client collateral is not used for any purposes other than meeting the respective client's margin requirements / pay-ins. Members should also maintain records to ensure proper audit trail of use of client collateral.

17. How will upfront margin collection and reporting be undertaken in case of NRI clients under the portfolio investment scheme (PIS)?

In case of NRI clients undertaking buy transactions under PIS, funds received from the NRI's PIS bank account before the respective pay-in, will be considered as collection of upfront margin.

In case of NRI clients undertaking sell transactions under PIS, securities received before the respective pay-in, shall be considered as collection of upfront margin.

18. How will margin be collected in case of intra-day transactions (buy & sell) in same scrip?

As per SEBI circular CIR/HO/MIRSD/DOP/CIR/P/2019/139 dated November 19, 2019, upfront margins viz. VaR margins and ELM are required to be collected in advance of trade. In case of any intra-day transactions in the same scrip on the same day, Margins shall be collected as per the below illustration:

Transaction	Scrip	Qty	Margin @ 10%
Buy	ABC Ltd.	100	10
Sell	ABC Ltd.	100	Nil (Since the net quantity of the scrip is nil)
Total Upfront Margin collected			**10**

19. Can member open segment wise 'Client Securities Margin Pledge Account'?

Yes, member can open segment wise margin pledge account (one account per depository) or member can open single margin pledge account (per depository).

20. Whether margin pledge collaterals are required to be mentioned in daily margin statement?

Yes, margin pledge collaterals have to be mentioned in the daily margin statement. Please refer revised daily margin statement format attached as annexure B.

21. Can member accept security deposit from Authorised Person (AP) in the form of demat securities?

Yes, member can accept such securities in the form of pledge in it's 'Client Securities Margin Pledge Account'.

22. Can TM debit Margin pledge, unpledge and invocation charges to the client?

Member may pass on the actual charges for margin pledge/unpledged/invocation to respective client as per the agreed terms in writing and the same shall form part of tariff sheet.

23. As per SEBI circular, Pledge instructions shall have details of client UCC, TM/CM and Default Segment. So whether free securities pledged in one segment can be used for margin in other segment?

Yes, free securities of one segment can be considered for another segment for the purpose of margin collection and reporting.

24. As per the circular TMs shall be required to close all existing demat accounts tagged as 'Client Margin/ Collateral' by August 31, 2020.

- **What is to be done in case the Member is unable to transfer the securities to the client by August 31, 2020 due to any legitimate reasons?**

All securities lying in the existing Client Margin/Collateral Accounts shall be either returned to the clients upon fulfillment of obligation or disposed-off after giving notice of 5 days to the client, on or before August 31, 2020.

In case any security lying in such demat account cannot be sold or transferred, for any reason including litigation or court orders or other enforcement orders, such accounts can be frozen/suspended for credits except on account of any corporate actions.

- In CDSL such account can be marked for closure allowing only debits and prohibiting fresh credits except on account of corporate actions. Said account by default will be closed during the EOD of the day when balance becomes NIL.
- In case of NSDL, the standing instructions for credit in such account can be disabled which will restrict credits (except on account of corporate action) in such accounts

In case, Member is unable to transfer the securities to client's BO account due to any legitimate reasons, Member may proceed to liquidate the securities lying in such demat accounts, and transfer the funds to the bank account of the client. In case Member is unable to transfer the funds due to client's bank account becoming dormant & client is not contactable, Member shall set aside such funds (either in separate account or in the form of fixed deposit) till the client is contactable and correct bank account details are obtained. Member shall keep adequate trail to sufficiently prove that the clients were untraceable and sufficient follow ups have been made.

25. What are changes to be required in existing POA?

Member needs to delete the existing clause of POA w.r.t. transfer of securities for margin purpose and add relevant extract in POA related to execution of margin pledge. Member shall create an addendum to the existing POA for this purpose and inform the client accordingly in line with SEBI circular CIR/MRD/DMS/28/2010 dated August 31, 2010.

26. Whether members are required to open a separate demat account for funded stock under the margin trading facility?

Yes. Members are required to open a separate demat account for MTF funded stock which should be tagged as '**Client Securities under Margin Funding Account**'.

Further, all existing demat account of MTF funded stock, which are not tagged as specified above, will have to be closed by August 31, 2020.

27. Whether members can keep funded stock under the margin trading facility in 'Client Securities under Margin Funding Account'?

With effect from September 01, 2020, funded stocks held by the member under the margin trading facility shall be held only by way of pledge in **Client Securities under Margin Funding Account**.

Please note that pledging of funded stocks under margin trading facility cannot be accepted in 'Client Securities Margin Pledge Account'. Further, such funded stock cannot be re-pledge to CM/CC.

28. Whether pledge collaterals are required to be reported in weekly reporting of holding statement?

No.

29. Whether pledge collaterals are required to be recorded in Register of Securities (ROS)?

No. However member needs to maintain all records of pledge/Re-pledge stocks (including client wise records) in the back-office records.

Note:

- In case Pledge/Re-pledge securities are invoked by member, (as specified in the SEBI circular SEBI/HO/MIRSD/DOP/CIR/P/2020 /28 dated February 25, 2020), such transactions are required to be recorded in ROS appropriately.
- In case securities are lying in member's account (i.e POOL/EPI/CUSA/OWN), such securities also need to be recorded in ROS appropriately.
- Invoked securities and securities lying in EPI/CUSA/POOl/OWN to be reported in weekly Holding submission.

30. Can member change the type of existing demat Account to 'Client Securities Margin Pledge Account' / 'Client Securities under Margin Funding Account' instead of opening a separate account?

No, Member will not be permitted to change the type of the existing demat accounts to "Client Securities Margin pledge Account"/ 'Client Securities under Margin Funding Account'.