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Master Circular on Non-Resident Ordinary Rupee (NRO) Account Scheme

1. Definitions	<p>Non-Resident Indian (NRI): NRI for this purpose is defined in Regulation 2 of FEMA Notification No.5 dated May 3, 2000. In terms of this Notification, an NRI is a person resident outside India who is a citizen of India or is a person of Indian origin.</p> <p>Person of Indian Origin (PIO): PIO for this purpose is defined in Regulation 2 of FEMA ibid as a citizen of any country other than Bangladesh or Pakistan, if (a) he at any time held Indian passport; or (b) he or either of his parents or any of his grand-parents was a citizen of India by virtue of the Constitution of India or the Citizenship Act, 1955 (57 of 1955); or (c) the person is a spouse of an Indian citizen or a person referred to in sub-clause (a) or (b).</p>
2. Eligibility	<p>(a) Any person resident outside India (as per Regulation 2 of FEMA), may open NRO account with an authorised dealer or an authorised bank for the purpose of putting through bonafide transactions denominated in Rupees, not involving any violation of the provisions of FEMA, rules, Regulations made thereunder.</p> <p>(b) Opening of accounts by individuals/entities of Bangladesh / Pakistan nationality / ownership requires prior approval of Reserve Bank.</p>
3. Types of Accounts	<p>NRO accounts may be opened / maintained in the form of current, savings, recurring or fixed deposit accounts. Rate of interest applicable to these accounts and guidelines for opening, operating and maintenance of such accounts shall be in accordance with directives/instructions issued by Reserve Bank from time to time.</p>

4. Joint Accounts with Residents / Non-Residents	The accounts may be held jointly with residents and / or with non-residents.
5. Permissible Credits / Debits	
A. Credits	<p>(i) Proceeds of remittances from outside India through normal banking channels received in foreign currency which is freely convertible.</p> <p>(ii) Any foreign currency which is freely convertible tendered by the account holder during his temporary visit to India. Foreign currency exceeding USD 5000/- or its equivalent in form of cash should be supported by Currency Declaration Form. Rupee funds should be supported by Encashment Certificate, if they represent funds brought from outside India.</p> <p>(iii) Transfers from rupee accounts of non-resident banks.</p> <p>(iv) Legitimate dues in India of the account holder. This includes current income like rent, dividend, pension, interest, etc. as also sale proceeds of assets including immovable property acquired out of rupee/foreign currency funds or by way of legacy/inheritance.</p>
B. Debits	<p>(i) All local payments in rupees including payments for investments in India subject to compliance with the relevant regulations made by the Reserve Bank.</p> <p>(ii) Remittance outside India of current income like rent, dividend, pension, interest, etc. in India of the account holder.</p> <p>(iii) Remittance up to USD One million, per financial year (April-March), for all bonafide purposes, to the satisfaction of the authorised dealer bank.</p>
6. Remittance of assets	
6.1 Remittance of	A citizen of foreign state, not being a citizen of Nepal

<p>assets by a foreign national of non-Indian origin</p>	<p>or Bhutan or a Person of Indian Origin (PIO), who has retired from an employment in India, or has inherited the assets from a person referred to in sub-section (5) of section 6 of the FEMA; or is a widow resident outside India and has inherited assets of her deceased husband who was an Indian citizen resident in India, may remit an amount, not exceeding USD 1,000,000 (US Dollar One million only) per financial year on production of, documentary evidence in support of acquisition, inheritance or legacy of assets by the remitter and an undertaking by the remitter and certificate by a Chartered Accountant in the formats prescribed by the Central Board of Direct Taxes vide their Circular No.10/2002 dated October 9, 2002.</p>
<p>6.2 Remittance of assets by an NRI/PIO</p>	<p>(a) NRI/PIO may remit an amount, not exceeding USD 1,000,000 per financial year, out of the balances held in NRO accounts / sale proceeds of assets / the assets in India acquired by him by way of inheritance / legacy, on production of documentary evidence in support of acquisition, inheritance or legacy of assets by the remitter, and an undertaking by the remitter and certificate by a Chartered Accountant in the formats prescribed by the Central Board of Direct Taxes vide their Circular No.10/2002 dated October 9, 2002.</p> <p>(b) NRI/PIO may, within the overall limit of USD 1 mio. as stated above, remit sale proceeds of assets acquired under a deed of settlement made by either of his parents or a close relative (as defined in Section 6 of the Companies Act, 1956) and the settlement taking effect on the death of the settler, on production of the original deed of settlement and an undertaking by the remitter and certificate by a Chartered Accountant in the formats prescribed by</p>

	the Central Board of Direct Taxes vide their Circular No.10/2002 dated October 9, 2002.
6.3 Assets acquired in India out of rupee funds	NRI/PIO may remit sale proceeds of immovable property purchased by him as a resident or out of Rupee funds as NRI/PIO, without any lock-in-period, subject to the above limit of USD 1 mio. per financial year.
6.4 Restrictions	(a) The remittance facility in respect of sale proceeds of immovable property is not available to citizens of Pakistan, Bangladesh, Sri Lanka, China, Afghanistan, Iran, Nepal and Bhutan. (b) The facility of remittance of sale proceeds of other financial assets is not available to citizens of Pakistan, Bangladesh, Nepal and Bhutan.
7. Foreign Nationals of non-Indian origin on a visit to India	NRO account (current/savings) can be opened by a foreign national of non-Indian origin visiting India, with funds remitted from outside India through banking channel or by sale of foreign exchange brought by him to India. The balance in the NRO account may be converted by the authorised dealer / bank into foreign currency for payment to the account holder at the time of his departure from India provided the account has been maintained for a period not exceeding six months and the account has not been credited with any local funds, other than interest accrued thereon.

<p>8. Grant of Loans/overdrafts by authorised dealer / bank to account holders and third parties</p>	<p>(a) Loans to non-resident account holders and to third parties may be granted in Rupees by authorised dealer / bank against the security of fixed deposits subject to the following terms and conditions:</p> <p>(i) The loans shall be utilised only for meeting borrower's personal requirements and/or business purpose and not for carrying on agricultural/plantation activities or real estate business or for re-lending.</p> <p>(ii) Regulations relating to margin and rate of interest as stipulated by Reserve Bank from time to time shall be complied with.</p> <p>(iii) The usual norms and considerations as applicable in the case of advances to trade/industry shall be applicable for such loans/facilities granted to third parties.</p> <p>(b) Authorised dealer / bank may permit overdraft in the account of the account holder subject to his commercial judgement and compliance with the interest rate etc. directives.</p>
<p>9. Change of Resident Status of Account holder (a) From Resident to Non-resident</p>	<p>When a person resident in India leaves India for a country (other than Nepal or Bhutan) for taking up employment or for carrying on business or vocation outside India or for any other purpose indicating his intention to stay outside India for an uncertain period, his existing account should be designated as a Non-Resident (Ordinary) Account.</p> <p>When a person resident in India leaves for Nepal or Bhutan for taking up employment or for carrying on business or vocation or for any other purposes indicating his intention to stay in Nepal or Bhutan for an uncertain period, his existing account will continue as a <u>resident account</u>. Such account should not be designated as Non-Resident (Ordinary) Account (NRO).</p>

<p>(b) From Non-Resident to Resident</p>	<p>NRO accounts may be re-designated as resident rupee accounts on the return of the account holder to India for taking up employment, or for carrying on business or vocation or for any other purpose indicating his intention to stay in India for an uncertain period. Where the account holder is only on a temporary visit to India, the account should continue to be treated as non-resident during such visit.</p>
<p>10. Treatment of loans/overdrafts in the event of change in the resident status of the borrower</p>	<p>In case of person who had availed of loan or overdraft facilities while resident in India and who subsequently becomes a person resident outside India, the authorised dealer / bank may at their discretion and commercial judgement allow continuance of the loan/overdraft facilities. In such cases, payment of interest and repayment of loan may be made by inward remittance or out of legitimate resources in India of the person concerned.</p>
<p>11. Payment of funds to Non-resident/Resident Nominee</p>	<p>The amount due/payable to non-resident nominee from the NRO account of a deceased account holder shall be credited to NRO account of the nominee with an authorised dealer / bank in India. The amount payable to resident nominee from the NRO account of a deceased account holder shall be credited to resident account of the nominee with a bank in India.</p>

<p>12. Operation of NRO account by Power of Attorney holder.</p>	<p>Powers have been delegated to the authorized dealers/banks to allow operations on an NRO account by Power of Attorney granted in favour of a resident by the non-resident individual account holder provided such operations are restricted to (i) all local payments in rupees including payments for eligible investments subject to compliance with relevant regulations made by the Reserve Bank; and (ii) remittance outside India of current income in India of the non-resident individual account holder, net of applicable taxes.</p> <p>The resident Power of Attorney holder is not permitted to repatriate outside India funds held in the account other than to the non-resident individual account holder nor to make payment by way of gift to a resident on behalf of the non-resident account holder or transfer funds from the account to another NRO account.</p>
<p>13. Facilities to a person going abroad for studies</p>	<p>Persons going abroad for studies are treated as Non-Resident Indians (NRIs) and are eligible for all the facilities available to NRIs. Educational and other loans availed of by them as residents in India will continue to be available to them as per FEMA regulations.</p>
<p>14. International Credit Cards</p>	<p>Authorised dealer banks have been permitted to issue International Credit Cards to NRIs/PIO, without prior approval of Reserve Bank. Such transactions may be settled by inward remittance or out of balances held in the cardholder's FCNR/NRE/NRO Accounts.</p>
<p>15. Income-Tax</p>	<p>The remittances (net of applicable taxes) will be allowed to be made by the authorised dealer banks on production of an undertaking by the remitter and a Certificate from a Chartered Accountant in the formats prescribed by the Central Board of Direct</p>

	Taxes, Ministry of Finance, Government of India in their Circular No. 10/2002 dated October 9, 2002 [cf. A.P. (DIR Series) Circular No. 56 dated November 26, 2002].
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Appendix

List of notifications / circulars which have been consolidated in this Master Circular

Sr. No.	Notification / Circulars	Date
1.	Notification No. FEMA 62/2002-RB	May 13, 2002
2.	Notification No. FEMA 97/2003-RB	July 8, 2003
3.	Notification No. FEMA 119/2004-RB	June 29,2004
1.	AP (DIR Series) Circular No.45	May 14, 2002
2.	AP (DIR Series) Circular No.1	July 2, 2002
3.	AP (DIR Series) Circular No.5	July 15, 2002
4.	AP (DIR Series) Circular No.19	September 12, 2002
5.	AP (DIR Series) Circular No.26	September 28, 2002
6.	AP (DIR Series) Circular No.27	September 28, 2002
7.	AP (DIR Series) Circular No.56	November 26, 2002
8.	AP (DIR Series) Circular No.59	December 9, 2002
9.	AP (DIR Series) Circular No.67	January 13, 2003
10.	AP (DIR Series) Circular No.43	December 8, 2003
11.	AP (DIR Series) Circular No.45	December 8, 2003
12.	AP (DIR Series) Circular No.62	January 31, 2004
13	AP (DIR Series) Circular No.43	May 13,2005
14	AP (DIR Series) Circular No.12	November 16,2006
15	AP (DIR Series) Circular No.64	May 25,2007