

**RESERVE BANK OF INDIA
(FOREIGN EXCHANGE DEPARTMENT)
CENTRAL OFFICE
MUMBAI - 400 001**

Notification No. FEMA.218/2011-RB

Dated: January 19, 2011

Foreign Exchange Management (Establishment in India of Branch or Office or Other Place of Business) (Amendment) Regulations, 2011

In exercise of the powers conferred by sub section (6) of Section 6 of the Foreign Exchange Management Act, 1999 (42 of 1999), the Reserve Bank makes the following amendments to the Foreign Exchange Management (Establishment in India of Branch or Office or Other Place of Business) Regulations, 2000, [Notification No. FEMA 22/2000-RB dated 3rd May, 2000](#), namely:

1. Short Title and Commencement:-

(i) These Regulations may be called the Foreign Exchange Management (Establishment in India of Branch or Office or other Place of Business) (Amendment) Regulations, 2011.

(ii) They shall be deemed to have come into force from February 01, 2010. @

2. Amendment to the Regulations:-

In the Foreign Exchange Management (Establishment in India of Branch or Office or other Place of Business) Regulations, 2000 (Notification No.FEMA.22/2000-RB dated May 3, 2000),

(i) In Regulation 2, after clause (a), the following clause shall be inserted, namely-

"(aa) " Authorised Dealer " means a person authorised as an authorised dealer under sub-section (1) of section 10 of the Act. "

(ii) in Regulation 5,

(a) for clause (i), the following shall be substituted, namely –

"(i) A person resident outside India desiring to establish a branch or liaison office in India shall apply to the Reserve Bank through an Authorised Dealer, in form FNC as amended by the Reserve Bank of India from time to time. "

(b) after clause (i), the following shall be inserted, namely –

"(ia) A person resident outside India permitted by the Reserve Bank under this regulation to establish a liaison office in India, may apply to the authorised dealer concerned for extension of the validity period of approval, and upon receipt of such an application, the authorised dealer concerned may extend the validity period of approval subject to such directions issued by the Reserve Bank in this regard, from time to time."

(Salim Gangadharan)
Chief General Manager-in-Charge

Foot Note:

(i) @ It is clarified that no person will be adversely affected as a result of retrospective effect being given to these Regulations.

(ii) The Principal Regulations were published in the Official Gazette vide No.G.S.R.408(E) dated May 8, 2000 in Part II, Section 3, sub-section (i) and subsequently amended as under :-

- (a) No.GSR.698(E) dated 01.09.2003
- (b) No.GSR.847(E) dated 29.10.2003
- (c) No.GSR.336(E) dated 27.05.2005

<p>Published in the Official Gazette of Government of India – Extraordinary – Part-II, Section 3, Sub-Section (i) dated 09.03.2011- G.S.R.No.200 (E)</p>

FNC

(See regulation 5)

(The application form shall be completed and submitted to the AD Category - I bank designated by the applicant, for onward transmission to the Chief General Manager-in -Charge, Reserve Bank, Foreign Exchange Department, Foreign Investment Division, Central Office, Fort, Mumbai – 400001 along with the documents mentioned in item (viii) of the Declaration).

No	Details	Particulars
1.	Full name and address of the applicant. Date and Place of incorporation / registration Telephone Number(s) Fax Number(s) E-mail ID	
2.	Details of capital i) Paid-up capital ii) Free Reserves/Retained earnings as per last audited Balance Sheet/Financial Statement iii) Intangible assets, if any	
3.	Brief description of the activities of the applicant.	
4.	i) Value of goods imported from and / or exported to India by the applicant during each of the last three years: a) Imports from India b) Exports to India ii)Particulars of existing arrangements if any, for representing the company in India.	

No	Details	Particulars
	<p>iii) Particulars of the proposed Liaison/ Branch Office:</p> <p>a) Details of the activities/ services proposed to be undertaken/ rendered by the office.</p> <p>b) Place where the office will be located.</p> <p>c) Phone number</p> <p>d) E-mail ID</p> <p>e) Expected number of employees (with number of foreigners)</p>	
5.	<p>i) Name and address of the Banker of the applicant in the home country</p> <p>ii) Telephone & Fax Number</p> <p>iii) E-mail ID</p>	
6.	Any other information which the applicant company wishes to furnish in support of this application.	
7.	<p>For Non-profit / Non-Government Organisations:</p> <p>(i) Details of activities carried out in the host country and other countries by the applicant organization.</p> <p>(ii) Expected level of funding for operations in India.</p> <p>(iii) Copies of the bye-laws, Articles of Association of the organisation.</p>	

DECLARATION

We hereby declare that:

- i) The particulars given above are true and correct to the best of our knowledge and belief.
- ii) Our activities in India would be confined to the activities indicated in column 4(iii) (a) above.
- iii) If we shift the office to another place within the city, we shall intimate the designated AD Category - I bank and the Reserve Bank. In the event of shifting the Office to any other city in India, prior approval of the Reserve Bank will be obtained.
- iv) We will abide by the terms and conditions that may be stipulated by the Government of India / Reserve Bank / designated AD Category - I bank from time to time.
- v) We, hereby commit that we are agreeable to a report / opinion sought from our bankers abroad by the Government of India /Reserve Bank.
- vi) We understand that the approval, if granted, is from FEMA angle only. Any other approvals / clearances, statutory or otherwise, required from any other Government Authority/ Department/ Ministry will be obtained before commencement of operations in India.
- vii) We have no objection to the Reserve Bank placing the details of approval in public domain.
- viii) We enclose the following documents:
 - 1. Copy of the Certificate of Incorporation / Registration attested by the Notary Public in the country of registration
[If the original Certificate is in a language other than in English, the same may be translated into English and notarized as above and cross verified/attested by the Indian Embassy/ Consulate in the home country].
 - 2. Latest Audited Balance sheet of the applicant company.
[If the applicants' home country laws/regulations do not insist on auditing of accounts, an Account Statement certified by a Certified Public Accountant (CPA) or any Registered Accounts Practitioner by any name, clearly showing the net worth may be submitted]

3. Bankers' Report from the applicant's banker in the host country / country of registration showing the number of years the applicant has had banking relations with that bank.

(Signature of Authorised Official
of the Applicant Company)

Name:

Designation:

Place:

Date: