

**Reserve Bank of India
Foreign Exchange Department
Central Office
Mumbai 400 001**

Notification No. FEMA. 235/2012-RB

September 25, 2012

**Foreign Exchange Management (Deposit) (Second Amendment)
Regulations, 2012**

In exercise of the powers conferred by clause (f) of sub-section (3) of section 6 and sub section (2) of section 47 of the Foreign Exchange Management Act, 1999 (42 of 1999), the Reserve Bank of India makes the following amendments in the Foreign Exchange Management (Deposit) Regulations, 2000 ([Notification No.FEMA.5/2000-RB dated May 3, 2000](#)) namely :-

1. Short title and commencement

(i) These regulations may be called the Foreign Exchange Management (Deposit) (Second Amendment) Regulations, 2012.

(ii) They shall be deemed to have come into force with effect from the dates specified hereunder @.

2. Amendment to the Schedule

In the Foreign Exchange Management (Deposit) Regulations, 2000 (Notification No.FEMA 5/ 2000-RB dated May 3, 2000) (hereinafter referred to as 'the Principal Regulations'),

(I) In Schedule-1, in Paragraph 9, the sub-paragraph (a) shall be substituted and shall be deemed to have been substituted with effect from the 15th day of September 2011 as follows:

“(a) Joint accounts –

Joint accounts in the names of two or more non-resident individuals may be opened provided all the account holders are persons of Indian nationality or origin. Opening of these accounts by a non-resident jointly with a resident is also permissible. Opening of these accounts by non-resident may be permitted jointly with the resident close relative(s) on ‘former or survivor’ basis. However, the said

resident close relative shall be eligible to operate the account as a Power of Attorney holder in accordance with the extant instructions during the life time of the NRI account holder.”

Explanation – For the purpose of this regulation, ‘close relative’ means relative as defined in section 6 of the Companies Act, 1956.”

(II) In Schedule-3 of the Principal Regulations, in Paragraph 3, in subparagraph (A), after clause (ii), the following clauses, namely, clause (iii) and (iv) shall be inserted and shall be deemed to have been inserted with effect from 16th day of September 2011:-

“(iii) Amount in rupees received subject to compliance with the Regulation 4 of the [Notification No. FEMA 16/ 2000- RB dated May 3, 2000](#) (Receipt from and Payment to, a Person Resident Outside India), as amended from time to time, provided the beneficiary of the account is a NRI as defined in Foreign Exchange Management (Deposit) Regulations, 2000.

(iv) Amount in rupees received subject to compliance with the Regulation 8B of the Foreign Exchange Management (Borrowing and Lending in Rupees) Regulations, 2000 ([Notification No. FEMA 4/2000-RB dated 3rd May, 2000](#)), as amended from time to time”

(Rudra Narayan Kar)
Chief General Manager

Foot Note :

1. @ It is clarified that no person will be adversely affected as a result of retrospective effect being given to these regulations.

2. The Principal Regulations were published in the Official Gazette vide G.S.R.No.388 (E) dated May 5, 2000 in Part II, Section 3, Sub-Section (i) and subsequently amended vide :-

- a) G.S.R.No.262(E) dated April 9, 2002
- b) G.S.R.No.577(E) dated August 19, 2002
- c) G.S.R.No.855(E) dated December 31, 2002
- d) G.S.R.No.494(E) dated August 4, 2004
- e) G.S.R.No.221(E) dated April 7, 2005

- f) G.S.R.No.663(E) dated November 14, 2005
- g) G.S.R.No.28(E) dated January 19, 2006
- h) G.S.R.No.495(E) dated July 23, 2007
- i) G.S.R.No.664(E) dated October 16, 2007
- j) G.S.R.No.714(E) dated November 14, 2007
- k) G.S.R.No.91(E) dated February 15, 2008
- l) G.S.R.No. 442(E) dated June 23, 2009
- m) G.S.R.No.822(E) dated November 11, 2012

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Sub-Section (i) dated 17.12.2012- G.S.R.No.893(E)**