

**RESERVE BANK OF INDIA
FOREIGN EXCHANGE DEPARTMENT
CENTRAL OFFICE
MUMBAI**

Notification No. FEMA.239/2012-RB

September 25, 2012

Foreign Exchange Management (Foreign Currency Accounts by a Person Resident in India) (Second Amendment) Regulations, 2012

In exercise of the powers conferred by clause (b) of Section 9 and clause (e) of 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 (Foreign Currency Accounts by a Person Resident in India) Regulations, 2000 ([Notification No. FEMA 10/2000-RB dated May 3, 2000](#)), namely:-

1. Short title and Commencement

- (i) These Regulations may be called the Foreign Exchange Management (Foreign Currency Accounts by a Person Resident in India) (Second Amendment) Regulations, 2012.
- (ii) They shall be deemed to have come into effect from the 15th day of September 2011@.

2. Amendment of the Regulations

In the Foreign Exchange Management (Foreign Currency Accounts by a Person Resident in India) Regulations, 2000 (Notification No. FEMA 10/2000-RB dated May 3, 2000) (hereinafter referred to as 'the Principal Regulations'),

In Regulation 5 after sub-regulation (2), the following new sub-regulation 3 shall be added, namely:

“(3) Resident individuals are permitted to include resident close relative(s) as a joint holder(s) in their Resident Foreign Currency account on ‘former or survivor’ basis. However, such resident Indian close relative joint account holder shall not be eligible to operate the account during the life time of the resident account holder.

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

3. Amendment to the Schedule

In the Schedule to the Principal Regulations, in paragraph 4 after sub-paragraph (ii), a new sub-paragraph (iii) shall be added, namely :

“(iii) Resident individuals are permitted to include resident close relative(s) as a joint holder(s) in their EEFC account on ‘former or survivor’ basis. However, such resident Indian close relative(s), shall not be eligible to operate the account during the life time of the resident account holder.

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

(Rudra Narayan Kar)
Chief General Manager

Footnote:-

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. 393 (E) dated May 5, 2000 in Part II, Section 3, Sub-section (i) and subsequently amended vide

- (a) G.S.R. No. 675(E) dated August 25, 2000,
- (b) G.S.R. No. 89(E) dated February 12, 2001,
- (c) G.S.R. No. 103(E) dated February 19, 2001,
- (d) G.S.R. No. 200(E) dated March 21, 2001,
- (e) G.S.R. No. 5(E) dated January 2, 2002,
- (f) G.S.R. No. 261(E) dated April 9, 2002,
- (g) G.S.R. No. 465(E) dated July 2, 2002,
- (h) G.S.R. No. 474(E) dated July 8, 2002,
- (i) G.S.R. No. 755(E) dated November 8, 2002
- (j) G.S.R. No. 756(E) dated November 8, 2002
- (k) G.S.R. No. 224(E) dated March 18, 2003,
- (l) G.S.R. No. 398(E) dated May 14, 2003
- (m) G.S.R. No. 452(E) dated June 3, 2003,
- (n) G.S.R. No. 453(E) dated June 4, 2003,
- (o) G.S.R.No.11(E) dated January 7, 2004,
- (p) G.S.R.No.13(E) dated January 7, 2004
- (q) G.S.R.No.209(E) dated March 23, 2004.
- (r) G.S.R. No. 455(E) dated June 30, 2007.
- (s) G.S.R. No.778(E) dated December 19,2007
- (t) G.S.R. No. 92(E) dated February 15,2008.

(u) G.S.R. No.838(E) dated November 23, 2009

(v) G.S.R. No.340(E) dated April 21, 2010

(w) G.S.R.No. _____ dated _____

(x) G.S.R.No. _____ dated _____

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