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Overseas Investment Related Provisions

A.P. (DIR Series) Circular No. 12 dated August 22, 2022

In keeping with the spirit of liberalisation and to promote ease of doing business, the Central Government and the Reserve Bank of India have been progressively simplifying the procedures and rationalising the rules and regulations under the Foreign Exchange Management Act, 1999. In this direction, a significant step has been taken with operationalisation of a new Overseas Investment regime. Foreign Exchange Management (Overseas Investment) Rules, 2022 have been notified by the Central Government vide Notification No. G.S.R. 646(E) dated August 22, 2022 and Foreign Exchange Management (Overseas Investment) Regulations, 2022 have been notified by the Reserve Bank vide Notification No. FEMA 400/2022-RB dated August 22, 2022 in supersession of the Notification No. FEMA 120/2004-RB dated July 07, 2004 [Foreign Exchange Management (Transfer or Issue of any Foreign Security) (Amendment) Regulations, 2004] and Notification No. FEMA 7 (R)/2015-RB dated January 21, 2016 [Foreign Exchange Management (Acquisition and Transfer of Immovable Property Outside India) Regulations, 2015]. The new regime simplifies the existing framework for overseas investment by persons resident in India to cover wider economic activity and significantly reduces the need for seeking specific approvals. This will reduce the compliance burden and associated compliance costs.

Some of the significant changes brought about through the new rules and regulations are summarised below:

- (i) enhanced clarity with respect to various definitions;
- (ii) introduction of the concept of “strategic sector”;
- (iii) dispensing with the requirement of approval for:
 - a. deferred payment of consideration;
 - b. investment/disinvestment by persons resident in India under investigation by any investigative agency/regulatory body;
 - c. issuance of corporate guarantees to or on behalf of second or subsequent level step down subsidiary (SDS);
 - d. write-off on account of disinvestment;
- (iv) introduction of “Late Submission Fee (LSF)” for reporting delays.

The new OI Rules, OI Regulations and OI Directions can be viewed at below links:

Overseas Investment Rules, 2022:

<https://egazette.nic.in/WriteReadData/2022/238239.pdf>

Overseas Investment Regulations, 2022:

<https://rbidocs.rbi.org.in/rdocs/notification/PDFs/FEMA400E3410E8B6F384DF982443E53E6688627.PDF>

Overseas Investment Directions, 2022:

<https://rbidocs.rbi.org.in/rdocs/Notification/PDFs/NT110B29188F1C4624C75808B53ADE5175A88.PDF>

1. RBI NOTIFICATION NO. RBI/2022-2023/110 A.P. (DIR Series) Circular No.12 DATED August 22, 2022

Foreign Exchange Management (Overseas Investment) Directions, 2022

1. Overseas investments by persons resident in India enhance the scale and scope of business operations of Indian entrepreneurs by providing global opportunities for growth. Such ventures through easier access to technology, research and development, a wider global market and reduced cost of capital along with other benefits increase the competitiveness of Indian entities and boost their

brand value. These overseas investments are also important drivers of foreign trade and technology transfer thus boosting domestic employment, investment and growth through such interlinkages.

2. In keeping with the spirit of liberalisation and to promote ease of doing business, the Central Government and the Reserve Bank of India have been progressively simplifying the procedures and rationalising the rules and regulations under the Foreign Exchange Management Act, 1999. In this direction, a significant step has been taken with operationalisation of a new Overseas Investment regime. Foreign Exchange Management (Overseas Investment) Rules, 2022 have been notified by the Central Government vide Notification No. G.S.R. 646(E) dated August 22, 2022 and Foreign Exchange Management (Overseas Investment) Regulations, 2022 have been notified by the Reserve Bank vide Notification No. FEMA 400/2022-RB dated August 22, 2022 in supersession of the Notification No. FEMA 120/2004-RB dated July 07, 2004 [Foreign Exchange Management (Transfer or Issue of any Foreign Security) (Amendment) Regulations, 2004] and Notification No. FEMA 7 (R)/2015-RB dated January 21, 2016 [Foreign Exchange Management (Acquisition and Transfer of Immovable Property Outside India) Regulations, 2015]. The new regime simplifies the existing framework for overseas investment by persons resident in India to cover wider economic activity and significantly reduces the need for seeking specific approvals. This will reduce the compliance burden and associated compliance costs.
3. Some of the significant changes brought about through the new rules and regulations are summarised below:
 - (i) enhanced clarity with respect to various definitions;
 - (ii) introduction of the concept of "strategic sector";
 - (iii) dispensing with the requirement of approval for:
 - a. deferred payment of consideration;
 - b. investment/disinvestment by persons resident in India under investigation by any investigative agency/regulatory body;
 - c. issuance of corporate guarantees to or on behalf of second or subsequent level step down subsidiary (SDS);
 - d. write-off on account of disinvestment;
 - (iv) introduction of "Late Submission Fee (LSF)" for reporting delays.
4. The detailed operational instructions in this regard are given in Annex-I. The instructions contained in these directions shall supersede the instructions contained in the circulars listed in Annex-II.
5. The revised reporting forms and instructions for filling up the forms under the new regime are being provided on Reserve Bank's website in Part VIII of the Master Direction no. 18 on 'Reporting under Foreign Exchange Management Act, 1999' dated January 01, 2016.
6. AD banks may bring the contents of the circular to the notice of their customers/constituents concerned.
7. The directions contained in this circular have been issued under Section 10(4) and 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions/ approvals, if any, required under any other law.

(REFER: <https://www.rbi.org.in/scripts/NotificationUser.aspx?Id=12381&Mode=0>).

2. RBI NOTIFICATION NO. No. FEMA 400/2022-RB DATED August 22, 2022.

Foreign Exchange Management (Overseas Investment) Regulations, 2022

In exercise of the powers conferred by sub-section (1) and clause (a) of sub-section (2) of section 47 of the Foreign Exchange Management Act, 1999 (42 of 1999), the Reserve Bank hereby makes the following regulations, namely:–

1. **Short title and commencement.**– (1) These regulations may be called the Foreign Exchange Management (Overseas Investment) Regulations, 2022.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**– (1) In these regulations, unless the context otherwise requires,–
 - (a) "Act" means the Foreign Exchange Management Act, 1999 (42 of 1999);
 - (b) "debt instruments" shall have the same meaning as assigned to it in the Foreign Exchange Management (Overseas Investment) Rules, 2022;

(2) The words and expressions used but not defined in these regulations shall have the meanings respectively assigned to them in the Act or the Foreign Exchange Management (Overseas Investment) Rules, 2022.

3. **Financial commitment by Indian entity by modes other than equity capital,**— (1) The Indian entity may lend or invest in any debt instrument issued by a foreign entity or extend non-fund based commitment to or on behalf of a foreign entity including overseas step down subsidiaries of such Indian entity subject to the following conditions within the financial commitment limit as prescribed in the Foreign Exchange Management (Overseas Investment) Rules, 2022:—

- i. the Indian entity is eligible to make Overseas Direct Investment (ODI);
- ii. the Indian entity has made ODI in the foreign entity;
- iii. the Indian entity has acquired control in such foreign entity at the time of making such financial commitment.

(2) The financial commitments under regulations 4, 5, 6 and 7 shall be reckoned towards the financial commitment limit referred to in sub-regulation (1).

4. **Financial commitment by Indian entity by way of debt.**— An Indian entity may lend or invest in any debt instruments issued by a foreign entity subject to the condition that such loans are duly backed by a loan agreement where the rate of interest shall be charged on an arm's length basis.

Explanation.— For the purpose of this regulation, the expression "arm's length" means a transaction between two related parties that is conducted as if they were unrelated, so that there is no conflict of interest.

5. **Financial commitment by way of guarantee.**— (1) The following guarantees may be issued to or on behalf of the foreign entity or any of its step down subsidiary in which the Indian entity has acquired control through the foreign entity, namely:—

- i. corporate or performance guarantee by such Indian entity;
- ii. corporate or performance guarantee by a group company of such Indian entity in India, being a holding company (which holds at least 51 per cent. stake in the Indian entity) or a subsidiary company (in which the Indian entity holds at least 51 per cent. stake) or a promoter group company, which is a body corporate;
- iii. personal guarantee by the resident individual promoter of such an Indian entity;
- iv. bank guarantee, which is backed by a counter-guarantee or collateral by the Indian entity or its group company as above, and issued, by a bank in India.

(2) Where the guarantee is extended by a group company, it shall be counted towards the utilisation of its financial commitment limit independently and in case of a resident individual promoter, the same shall be counted towards the financial commitment limit of the Indian entity:

Provided that where the commitment under sub-regulation (1) is extended by a group company, any fund-based exposure to or from the Indian entity shall be deducted from the net worth of such group company for computing its financial commitment limit:

Provided further that where the guarantee under sub-regulation (1) is extended by a promoter, which is a body corporate or an individual, the Indian entity shall be a part of the promoter group.

Explanation.— For the purposes of this sub-regulation, the expression "promoter group" shall have the meaning as assigned to it in the Securities and Exchange Board of India (Issue of Capital and Disclosure Requirements) Regulations 2018.

(3) No guarantee shall be open-ended.

(4) The guarantee, to the extent of the amount invoked, shall cease to be a part of the non-fund based commitment but be considered as lending.

(5) Where a guarantee has been extended jointly and severally by two or more Indian entities, 100 per cent. of the amount of such guarantee shall be reckoned towards the individual limits of each of such Indian entities.

(6) In case of performance guarantee, 50 per cent. of the amount of guarantee shall be reckoned towards the financial commitment limit.

(7) Roll-over of guarantee shall not be treated as fresh financial commitment where the amount on account of such roll-over does not exceed the amount of original guarantee.

6. **Financial commitment by way of pledge or charge.**— An Indian entity, which has made ODI by way of investment in equity capital in a foreign entity, may—

(a) pledge the equity capital of the foreign entity in which it has made ODI or of its step down subsidiary outside India, held directly by the Indian entity in a foreign entity and indirectly in step down subsidiary, in favour of an AD bank or a public financial institution in India or an overseas lender, for availing fund based or non-fund based facilities for itself or for any foreign entity in which it has made ODI or its step down subsidiaries outside India or in favour of a debenture trustee registered with SEBI for availing fund based facilities for itself;

(b) create charge by way of mortgage, pledge, hypothecation or any other identical mode on—

- i. its assets in India, including the assets of its group company or associate company, promoter or director, in favour of an AD bank or a public financial institution in India or an overseas lender as security for availing of the fund based or non-fund based facility or both, for any foreign entity in which it has made ODI or for its step down subsidiary outside India; or
- ii. the assets outside India of the foreign entity in which it has made ODI or of its step down subsidiary outside India in favour of an AD bank in India or a public financial institution in India as security for availing of the fund based or non-fund based facility or both, for itself or any foreign entity in which it has made ODI or for its step down subsidiary outside India or in favour of a debenture trustee registered with SEBI in India for availing fund based facilities for itself.

Provided that—

- i. the value of the pledge or charge or the amount of the facility, whichever is less, shall be reckoned towards the financial commitment limit in force at the time of such pledge or charge provided such facility has not already been reckoned towards such limit and excluding cases where the facility has been availed by the Indian entity for itself;
- ii. overseas lender in whose favour there is such a pledge or charge shall not be from any country or jurisdiction in which financial commitment is not permissible under the Foreign Exchange Management (Overseas Investment) Rules, 2022;
- iii. the creation or enforcement of such pledge or charge shall be in accordance with the provisions of the Act or rules or regulations made or directions issued thereunder.

Explanation.— For the purposes of this regulation—

- i. the expression “public financial institution” shall have the same meaning as assigned to it under clause (72) of section 2 of the Companies Act, 2013 (18 of 2013);
- ii. the “negative pledge” or “negative charge” created by an Indian entity or a bid bond guarantee obtained in accordance with these regulations for participation in a bidding or tender procedure for the acquisition of a foreign entity shall not be reckoned towards the financial commitment limit referred to in sub-regulation (1) of regulation 3.

7. **Acquisition or transfer by way of deferred payment.**— (1) Where a person resident in India acquires equity capital by way of subscription to an issue or by way of purchase from a person resident outside India or where a person resident outside India acquires equity capital by way of purchase from a person resident in India, and where such equity capital is reckoned as ODI, the payment of amount of consideration for the equity capital acquired may be deferred for such definite period from the date of the agreement as provided in such agreement subject to the following terms and conditions, namely:—

- i. the foreign securities equivalent to the amount of total consideration shall be transferred or issued, as the case may be, upfront by the seller to the buyer;
- ii. the full consideration finally paid shall be compliant with the applicable pricing guidelines:

Provided that the deferred part of the consideration in case of acquisition of equity capital of a foreign entity by a person resident in India shall be treated as non-fund based commitment.

(2) The buyer may be indemnified by the seller up to such amount and be subject to such terms and conditions as may be mutually agreed upon and laid down in the agreement:

Provided that such agreement is in compliance with the provisions of the Act and the rules and regulations made thereunder.

8. **Mode of payment.** – A person resident in India making Overseas Investment may make payment –

- i. by remittance made through banking channels;

- ii. from funds held in an account maintained in accordance with the provisions of the Act;
- iii. by swap of securities;
- iv. by using the proceeds of American Depository Receipts or Global Depository Receipts or stock-swap of such receipts or external commercial borrowings raised in accordance with the provisions of the Act and the rules and regulations made thereunder for making ODI or financial commitment by way of debt by an Indian entity.

9. **Obligations of person resident in India.**– (1) A person resident in India acquiring equity capital in a foreign entity, which is reckoned as ODI, shall submit to the AD bank share certificates or any other relevant documents as per the applicable laws of the host country or the host jurisdiction, as the case may be, as an evidence of such investment in the foreign entity within six months from the date of effecting remittance or the date on which the dues to such person are capitalised or the date on which the amount due was allowed to be capitalised, as the case may be.

(2) A person resident in India, through its designated AD bank, shall obtain a Unique Identification Number or “UIN” from the Reserve Bank for the foreign entity in which the ODI is intended to be made before sending outward remittance or acquisition of equity capital in a foreign entity, whichever is earlier.

(3) A person resident in India making ODI shall designate an AD bank and route all transactions relating to a particular UIN through such AD:

Provided that where more than one person resident in India makes financial commitment in the same foreign entity, all such persons shall route all transactions relating to that UIN through the AD bank designated for that UIN.

(4) A person resident in India having ODI in a foreign entity, wherever applicable, shall realise and repatriate to India, all dues receivable from the foreign entity with respect to investment in such foreign entity, the amount of consideration received on account of transfer or disinvestment of such ODI and the net realisable value of the assets on account of the liquidation of the foreign entity as per the laws of the host country or the host jurisdiction, as the case may be, within ninety days from the date when such receivables fall due or the date of such transfer or disinvestment or the date of the actual distribution of assets made by the official liquidator.

(5) A person resident in India who is eligible to make ODI may make remittance towards earnest money deposit or obtain a bid bond guarantee from an AD bank for participation in bidding or tender procedure for the acquisition of a foreign entity:

Provided that in case of an open-ended bid bond guarantee, it shall be converted into a close-ended guarantee not later than three months from the date of award of the contract.

10. **Reporting requirements for Overseas Investment.**– (1) Unless otherwise provided in these regulations, all reporting by a person resident in India, as specified, shall be made through the designated AD bank in the manner provided in this regulation and in the format provided by the Reserve Bank.

(2) A person resident in India who has made ODI or making financial commitment or undertaking disinvestment in a foreign entity shall report the following, namely:–

- a. financial commitment, whether it is reckoned towards the financial commitment limit or not, at the time of sending outward remittance or making a financial commitment, whichever is earlier;
- b. disinvestment within thirty days of receipt of disinvestment proceeds;
- c. restructuring within thirty days from the date of such restructuring.

(3) A person resident in India other than a resident individual making any Overseas Portfolio Investment (OPI) or transferring such OPI by way of sale shall report such investment or transfer of investment within sixty days from the end of the half-year in which such investment or transfer is made as of September or March-end:

Provided that in case of OPI by way of acquisition of shares or interest under Employee Stock Ownership Plan or Employee Benefits Scheme, the reporting shall be done by the office in India or branch of an overseas entity or a subsidiary in India of an overseas entity or the Indian entity in which the overseas entity has direct or indirect equity holding where the resident individual is an employee or director.

(4) A person resident in India acquiring equity capital in a foreign entity which is reckoned as ODI, shall submit an Annual Performance Report (APR) with respect to each foreign entity every year by 31st December and where the accounting year of such foreign entity ends on 31st December, the APR shall be submitted by 31st December of the next year:

Provided that no such reporting shall be required where–

- i. a person resident in India is holding less than 10 per cent. of the equity capital without control in the foreign entity and there is no other financial commitment other than by way of equity capital; or
- ii. a foreign entity is under liquidation.

Explanation.– For the purposes of this sub-regulation–

(a) the APR shall be based on the audited financial statements of the foreign entity:

Provided that where the person resident in India does not have control in the foreign entity and the laws of the host country or host jurisdiction, as the case may be, do not provide for mandatory auditing of the books of accounts, the APR may be submitted based on unaudited financial statements certified as such by the statutory auditor of the Indian entity or by a chartered accountant where the statutory audit is not applicable;

(b) in case more than one person resident in India have made ODI in the same foreign entity, the person holding the highest stake in the foreign entity shall be required to submit APR and in case of holdings being equal, APR may be filed jointly by such persons;

(c) the person resident in India shall report the details regarding acquisition or setting up or winding up or transfer of a step down subsidiary or alteration in the shareholding pattern in the foreign entity during the reporting year in the APR.

(5) An Indian entity which has made ODI shall submit an Annual Return on Foreign Liabilities and Assets within such time as may be decided by the Reserve Bank from time to time, to the Department of Statistics and Information Management, Reserve Bank of India.

11. **Delay in reporting.**– (1) A person resident in India who does not submit the evidence of investment within the time specified under sub-regulation (1) of regulation 9 or does not make any filing within the time specified under regulation 10, may make such submission or filing, as the case may be, along with Late Submission Fee within such period as may be advised, and at the rates and in the manner as may be directed by the Reserve Bank, from time to time:

Provided that such facility can be availed within a maximum period of three years from the due date of such submission or filing, as the case may be.

(2) A person resident in India responsible for submitting the evidence or any filing relating to overseas investment in accordance with the Act or regulations made thereunder before the date of publication of these regulations in the Official Gazette and who has not made or does not make such submission or filing within the time specified thereunder, may make such submission or filing along with Late Submission Fee or make payment of Late Submission Fee where such submission or filing has been done, as the case may be, within such period as may be advised, and at the rates and in the manner as may be directed by the Reserve Bank, from time to time.

Provided that such facility can be availed within a maximum period of three years from the date of publication of these regulations in the Official Gazette.

12. **Restriction on further financial commitment or transfer.**– A person resident in India who has made a financial commitment in a foreign entity in accordance with the Act or rules or regulations made thereunder, shall not make any further financial commitment, whether fund-based or non-fund-based, directly or indirectly, towards such foreign entity or transfer such investment till any delay in reporting is regularised. (Published in the Official Gazette of Government of India – Extraordinary – Part-III, Section 4, vide Gazette ID CG-MH-E-22082022-238242 dated August 22, 2022).

3. RBI NOTIFICATION NO. RBI/2022-23/109 DOR.AUT.REC.62/22.01.001/2022-23 DATED August 22, 2022.

Section 23 of the Banking Regulation Act, 1949 – Branch Authorisation Policy – Left Wing Extremism affected districts – Revised List

1. Please refer to RBI circular on 'Rationalisation of Branch Authorisation Policy-Revision of Guidelines' DBR.No.BAPD.BC.69/22.01.001/2016-17 dated May 18, 2017. As per paragraph 4.2 (c) of the circular, a list of 90 Left Wing Extremism (LWE) affected districts in the country was issued vide our Circular DBR.No.BAPD.BC.111/22.01.001/2017-18 dated June 14, 2018, based on Government of India's notification issued in April 2018.
2. The Government of India has further reduced the list of LWE affected district to 70. The banks are advised to follow the revised list (effective from the date of this circular) as annexed herewith.

(REFER: <https://www.rbi.org.in/scripts/NotificationUser.aspx?Id=12379&Mode=0>)

4. RBI NOTIFICATION NO. RBI/2022-23/111 DOR.CRE.REC.66/21.07.001/2022-23 DATED September 02, 2022.

Guidelines on Digital Lending

1. A reference is invited to para 7 of the RBI Press Release "Recommendations of the Working Group on Digital Lending – Implementation" dated August 10, 2022. Detailed guidelines on recommendations of the Working Group accepted for immediate implementation are attached as Annex I to this circular.
2. It is reiterated that outsourcing arrangements entered by Regulated Entities (REs) with a Lending Service Provider (LSP)/ Digital Lending App (DLA) does not diminish the REs' obligations and they shall continue to conform to the extant guidelines on outsourcing¹. The REs are advised to ensure that the LSPs engaged by them and the DLAs (either of the RE or of the LSP engaged by the RE) comply with the guidelines contained in this circular.
3. It is further advised that the instructions contained in this circular shall be applicable to the 'existing customers availing fresh loans' and to 'new customers getting onboarded', from the date of this circular. However, in order to ensure a smooth transition, REs shall be given time till November 30, 2022, to put in place adequate systems and processes to ensure that 'existing digital loans' (sanctioned as on the date of the circular) are also in compliance with these guidelines in both letter and spirit.
4. These directions are issued under sections 21, 35A and 56 of the Banking Regulation Act, 1949, sections 45JA, 45L and 45M of the Reserve Bank of India Act, 1934, sections 30A and 32 of the National Housing Bank Act, 1987, section 6 of the Factoring Regulation Act, 2011 and section 11 of the Credit Information Companies (Regulation) Act, 2005.

(REFER: <https://www.rbi.org.in/scripts/NotificationUser.aspx?Id=12382&Mode=0>).

5. RBI NOTIFICATION NO. RBI/2022-23/113 DOR.STR.REC.67/21.06.201/2022-23 DATED September 07, 2022.

Review of Prudential Norms – Risk Weights for Exposures guaranteed by Credit Guarantee Schemes (CGS)

1. Please refer to paragraph 5.2 of the Master Circular on Basel III Capital Regulations dated April 1, 2022 in terms of which banks are permitted to apply zero percent risk weights in respect of claims on Credit Guarantee Fund Trust for Micro and Small Enterprises (CGTMSE), Credit Risk Guarantee Fund Trust for Low Income Housing (CRGFTLIH) and individual schemes under National Credit Guarantee Trustee Company Ltd (NCGTC).
2. In order to have a consistent approach with regard to risk weights for exposures guaranteed by such Trust Funds, it is advised that the risk weight of zero percent shall be applicable in respect of exposures guaranteed under any existing or future schemes launched by CGTMSE, CRGFTLIH and NCGTC satisfying the following conditions:
 - i. Prudential Aspects: The guarantees provided under the respective schemes should comply with the requirements for credit risk mitigation in terms of paragraph 7.5 of the Master Circular on Basel III Capital Regulations dated April 1, 2022 which inter alia requires such guarantees to be direct, explicit, irrevocable and unconditional;
 - ii. Restrictions on permissible claims: Where the terms of the guarantee schemes restrict the maximum permissible claims through features like specified extent of guarantee coverage, clause on first loss absorption by member lending institutions (MLI), payout cap, etc., the zero percent risk weight shall be restricted to the maximum permissible claim and the residual exposure shall be subjected to risk weight as applicable to the counterparty in terms of extant regulations.
 - iii. In case of a portfolio-level guarantee, effective from April 1, 2023, the extent of exposure subjected to first loss absorption by the MLI, if any, shall be subjected to full capital deduction and the residual exposure shall be subjected to risk weight as applicable to the counterparty in terms of extant regulations, on a pro rata basis. The maximum capital charge shall be capped at a notional level arrived at by treating the entire exposure as unguaranteed.
3. Further, subject to the aforementioned prescriptions at paragraph 2 above, any future scheme launched under any of the aforementioned Trust Funds, in order to be eligible for zero percent risk weight, shall provide for settlement of the eligible guaranteed claims within thirty days from the date of lodgement, and the lodgement shall be permitted within sixty days from the date of default.
4. Some illustrative examples of risk weights applicable on claims guaranteed under specific existing schemes are given in the Annex.
5. The above regulatory stipulation shall be applicable to all the regulated entities to whom this circular is addressed, to the extent these entities are recognised as eligible MLIs under the respective schemes.

6. RBI NOTIFICATION NO. RBI/2022-23/115 A.P. (DIR Series) Circular No. 14 DATED September 15, 2022

Rupee Drawing Arrangement - Enabling Bharat Bill Payment System (BBPS) to process cross-border inbound Bill Payments

1. Please refer to A.P. (DIR Series) Circular No. 120 dated April 10, 2014 on 'Rupee Drawing Arrangement – Direct to Account Facility', in terms of which, foreign inward remittances received under Rupee Drawing Arrangement (RDA) can be transferred to the KYC compliant beneficiary bank accounts through electronic mode, such as, NEFT, IMPS, etc. subject to the procedure and conditions mentioned therein.
2. As announced in Para 6 of the Statement on Developmental and Regulatory Policies issued on August 05, 2022, it has been decided to allow foreign inward remittances received under the Rupee Drawing Arrangement (RDA), to be transferred to the KYC compliant bank account of the biller (beneficiary) through Bharat Bill Payment System (BBPS), subject to the conditions mentioned in Para 3 of A.P. (DIR Series) Circular No.120 dated April 10, 2014.
3. AD Cat-I Banks may bring the contents of this circular to the notice of their constituents concerned.
4. The directions contained in this circular have been issued under Section 10(4) and Section 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions/approvals, if any, required under any other law.

7. RBI NOTIFICATION NO. RBI/2022-2023/117 DOR.SOG (SPE).REC.No 68/13.03.00/2022-23 DATED September 16, 2022

Master Directions on Interest Rate on Deposits

1. Please refer to the instructions on the Foreign Currency (Non-resident) Accounts (Banks) Scheme contained in Section 19 (h) of the Master Direction - Reserve Bank of India (Interest Rate on Deposits) Directions, 2016 dated March 03, 2016 and Section 18 (h) of the Master Direction – Reserve Bank of India (Co-operative Banks – Interest Rate on Deposits) Directions, 2016 dated May 12, 2016 in terms of which, reference rates for arriving at the interest rates on FCNR (B) deposits shall be quoted / displayed by Foreign Exchange Dealers Association of India (FEDAI).
2. In terms of the guidance provided by RBI, the reference rates mentioned above are being quoted / displayed by Financial Benchmarks India Pvt. Ltd. (FBIL) with effect from January 31, 2022. In this regard, the relevant sections of both the Master Directions on Interest Rate on Deposits have been suitably modified.
3. Further, the instructions regarding eligibility for opening of savings account contained in Section 28 (h) and Section 27 (h) of the above-mentioned Master Directions (MDs) dated March 03, 2016 and May 12, 2016, respectively, and item No. 6 in Schedule I of the two MDs have been modified to make them more explicit.
4. The relevant sections of the Master Directions as amended are indicated in the Annex.
5. All other instructions in this regard shall remain unchanged.

(REFER: <https://www.rbi.org.in/scripts/NotificationUser.aspx?Id=12388&Mode=0>).

8. RBI NOTIFICATION NO. RBI/2022-2023/118 Ref. No. DoS.CO.PPG / SEC.04/11.01.005/ 2022-23 DATED September 19, 2022

Compliance Function and Role of Chief Compliance Officer (CCO)-Urban Co-operative Banks

As part of the overall structure for Corporate Governance, the Compliance Function serves a critical role. Therefore, it has been decided to introduce certain principles, standards and procedures for Compliance Function in UCBs, keeping in view the principles of proportionality. Accordingly, this Circular shall be applicable to all UCBs under Tier 3 and Tier 4 categories¹ except UCBs under All Inclusive Directions (AID)². UCBs under Tier 1 and Tier 2 categories shall continue to be governed under the existing guidelines³.

2. The UCBs under Tier 4 category shall put in place a Board-approved policy and a Compliance Function, including the appointment of a Chief Compliance Officer (CCO), based on the Framework given in the Annex, latest by April 1, 2023. The UCBs under Tier 3 category shall implement the same latest by October 1, 2023.
3. This Circular shall be placed in the immediate next meeting of the Board of Directors for information and devising an implementation strategy, under the Board's supervision, in a time-bound manner.

(REFER: <https://www.rbi.org.in/Scripts/NotificationUser.aspx/NotificationUser.aspx?Id=12389&Mode=0>)