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NRI

BULLETIN

January 2022



NRI services



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Message From CGM's Desk

**Dear Esteemed NRI Customer,
Warm Greetings from Punjab National Bank for a
Happy New Year 2022!**

I am delighted to bring to you our first edition of the Year 2022 "NRI Bulletin".

Highlights of this edition are as under:

- Bank's prevailing interest rates on FCNR (B) and NRE deposits for the month of January 2022.
- How to determine that an Individual is NRI
- Taxation for NRIs
- Contact details of NRI cell.

At the outset I would like to wish you and your family a very Happy and Prosperous New Year with a hope that our relationship becomes stronger by each passing day. Further, as always, i request you to always keep your details like Mobile number, Email ID, present address updated in our Bank's record in an effort to help us stay connected with you for providing any kind of information, updates, offers etc. that may interest you. **Also, please ensure that your recent passport details are updated in your account with us in order to enjoy hassle free services.**

Your chosen Bank is committed to get better each passing day to provide seamless and hassle free services to our prestigious customers and we continuously seek your feedback and suggestions in this regard. Please feel free to write to us at nri@pnb.co.in

I hope you would find Punjab National Bank as perfect & preferred banking partner for all your financial needs.

Wish for your safety and good health always!

With Warm Regards,

Yours sincerely,

Sunil Soni

Chief General Manager

Wishing you a happy Pravasi Bharatiya Divas (09th January 2022)

**FOREIGN CURRENCY NON-RESIDENT DEPOSIT - FCNR (B) - W.E.F. 01.01.2022*.
THE RATES SHALL BE EFFECTIVE UP TO 31.01.2022****

Maturity Period/Currency	USD*	GBP*	EUR*	JPY	CAD	AUD
1yr< 2yrs	1.28%	1.40%	0.07%	0.15%	0.99%	0.94%
2yr< 3yrs	1.70%	1.76%	0.26%	0.15%	2.05%	1.42%
3yr< 4yrs	1.93%	1.88%	0.41%	0.14%	2.27%	1.78%
4yr< 5yrs	2.04%	1.89%	0.51%	0.15%	2.33%	2.05%
5 Years Only	2.12%	1.86%	0.57%	0.16%	2.34%	2.17%

* The interest rates given above for currencies USD, GBP and EURO will be applicable on Single FCNR (B) Deposit of less than 1 million only.

** The rates will be applicable only on fresh deposits and renewal of deposits maturing on or after 1st January 2022. Please note that these interest rates are payable for a period of 1st January 2022 to 31st January 2022.

NRE TERM (RUPEE) DEPOSITS [FRESH & RENEWAL] [CALLABLE] (ROI IN %)

Maturity Period/ Deposit amount	Less than Rs.2 crore	Rs. 2 Crore to upto Rs. 10 crores
1 Year	5.00%	3.50%
> 1 Year to 2 Years	5.00%	3.50%
> 2 Years to 3 Years	5.10%	3.50%
> 3 Years to 5 Years	5.25%	3.50%
> 5 Years to 10 Years	5.25%	3.50%

Note: Interest is payable only on Fixed Deposits that has run for 1 year and above.



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How to determine that an Individual is NRI

'Non-resident Indian' is an individual who is a citizen of India or a person of Indian origin and who is not a resident of India. Thus, in order to determine whether an Individual is a non-resident Indian or not, his residential status is required to be determined under Section 6. As per section 6 of the Income-tax Act, an individual is said to be non-resident in India if he is not a resident in India and an individual is deemed to be resident in India in any previous year if he satisfies any of the following conditions:

- (1) If he is in India for a period of 182 days or more during the previous year; or
- (2) If he is in India for a period of 60 days or more during the previous year and 365 days or more during 4 years immediately preceding the previous year.

However, in respect of an Indian citizen and a person of Indian origin who visits India during the year, the period of 60 days as mentioned in (2) above shall be substituted with 182 days. The similar concession is provided to the Indian citizen who leaves India in any previous year as a crew member or for the purpose of employment outside India.

The Finance Act, 2020, w.e.f., Assessment Year 2021-22 has amended the above exception to provide that the period of 60 days as mentioned in (2) above shall be substituted with 120 days, if an Indian citizen or a person of Indian origin whose total income, other than income from foreign sources, exceeds Rs. 15 lakhs during the previous year. Income from foreign sources means income which accrues or arises outside India (except income derived from a business controlled in or a profession set up in India).

Note: The Finance Act, 2020 has introduced new section 6(1A) to the Income-tax Act, 1961. The new provision provides that an Indian citizen shall be deemed to be resident in India only if his total income, other than income from foreign sources, exceeds Rs. 15 lakhs during the previous year. For this provision, income from foreign sources means income which accrues or arises outside India (except income derived from a business controlled in or a profession set up in India).

However, such individual shall be deemed to be Indian resident only when he is not liable to tax in any country or jurisdiction by reason of his domicile or residence or any other criteria of similar nature.

Thus, from Assessment Year 2021-22, an Indian Citizen earning total income in excess of Rs. 15 lakhs (other than from foreign sources) shall be deemed to be resident in India if he is not liable to pay tax in any country.

A person shall be deemed to be of Indian origin if he, or either of his parents or any of his grand-parents, was born in undivided India.

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Special provisions relating to certain incomes of Non-Residents

115-C.

In this Chapter, unless the context otherwise requires,—

- (a) "Convertible foreign exchange" means foreign exchange which is for the time being treated by the Reserve Bank of India as convertible foreign exchange for the purposes of [the Foreign Exchange Management Act, 1999 (42 of 1999)], and any rules made thereunder;
- (b) "Foreign exchange asset" means any specified asset which the assessee has acquired or purchased with, or subscribed to in, convertible foreign exchange;
- (c) "Investment income" means any income derived [other than dividends referred to in section 115-O] from a foreign exchange asset;
- (d) "Long-term capital gains" means income chargeable under the head "Capital gains" relating to a capital asset, being a foreign exchange asset which is not a short-term capital asset;
- (e) "Non-resident Indian" means an individual, being a citizen of India or a person of Indian origin who is not a "resident"

Explanation.—A person shall be deemed to be of Indian origin if he, or either of his parents or any of his grand-parents, was born in undivided India;.

- (f) "Specified asset" means any of the following assets, namely:—
 - (i) Shares in an Indian company;
 - (ii) Debentures issued by an Indian company which is not a private company as defined in the Companies Act, 1956 (1 of 1956);
 - (iii) Deposits with an Indian company which is not a private company as defined in the Companies Act, 1956 (1 of 1956);
 - (iv) Any security of the Central Government as defined in clause (2) of section 2 of the Public Debt Act, 1944 (18 of 1944);
 - (v) Such other assets as the Central Government may specify in this behalf by notification in the Official Gazette.

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Special provision for computation of total income of non-residents.**115-D.**

- (1) No deduction in respect of any expenditure or allowance shall be allowed under any provision of this Act in computing the investment income of a non-resident Indian.
- (2) Where in the case of an assessee, being a non-resident Indian, —
 - (a) the gross total income consists only of investment income or income by way of long-term capital gains or both, no deduction shall be allowed to the assessee [under Chapter VI-A and nothing contained in the provisions of the second proviso to section 48 shall apply to income chargeable under the head "Capital gains"];
 - (b) the gross total income includes any income referred to in clause (a), the gross total income shall be reduced by the amount of such income and the deductions under Chapter VI-A shall be allowed as if the gross total income as so reduced were the gross total income of the assessee.

Tax on investment income and long-term capital gains.**115-E.**

Where the total income of an assessee, being a non-resident Indian, includes —

- (a) Any income from investment or income from long-term capital gains of an asset other than a specified asset;
- (b) Income by way of long-term capital gains, the tax payable by him shall be the aggregate of —
 - (i) the amount of income-tax calculated on the income in respect of investment income referred to in clause (a), if any, included in the total income, at the rate of twenty per cent;
 - (ii) the amount of income-tax calculated on the income by way of long-term capital gains referred to in clause (b), if any, included in the total income, at the rate of ten per cent; and
 - (iii) the amount of income-tax with which he would have been chargeable had his total income been reduced by the amount of income referred to in clauses (a) and (b).]

Capital gains on transfer of foreign exchange assets not to be charged in certain cases.**115-F.**

- (1) Where, in the case of an assessee being a non-resident Indian, any long-term capital gains arise from the transfer of a foreign exchange asset (the asset so transferred being hereafter in this section referred to as the original asset), and the assessee has, within a period of six months after the date of such transfer, invested the whole or any part of the net consideration in any specified asset, or in any savings certificates referred to in clause (4B) of section 10 (such specified asset, or such savings certificates being hereafter in this section referred to as the new asset), the capital gain shall be dealt with in accordance with the following provisions of this section, that is to say, —

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- (a) if the cost of the new asset is not less than the net consideration in respect of the original asset, the whole of such capital gain shall not be charged under section 45;
- (b) if the cost of the new asset is less than the net consideration in respect of the original asset, so much of the capital gain as bears to the whole of the capital gain the same proportion as the cost of acquisition of the new asset bears to the net consideration shall not be charged under section 45.

Explanation.—For the purposes of this sub-section,—

- (i) "cost", in relation to any new asset, being a deposit referred to in sub-clause (iii), or specified under sub-clause (v), of clause (f) of section 115C, means the amount of such deposit;
 - (ii) "net consideration", in relation to the transfer of the original asset, means the full value of the consideration received or accruing as a result of the transfer of such asset as reduced by any expenditure incurred wholly and exclusively in connection with such transfer.
- (2) Where the new asset is transferred or converted (otherwise than by transfer) into money, within a period of three years from the date of its acquisition, the amount of capital gain arising from the transfer of the original asset not charged under section 45 on the basis of the cost of such new asset as provided in clause (a) or, as the case may be, clause (b), of sub-section (1) shall be deemed to be income chargeable under the head "Capital gains" relating to capital assets other than short-term capital assets of the previous year in which the new asset is transferred or converted (otherwise than by transfer) into money.

Return of income not to be filed in certain cases.

115-G.

It shall not be necessary for a non-resident Indian to furnish under sub-section (1) of section 139 a return of his income if—

- (a) his total income in respect of which he is assessable under this Act during the previous year consisted only of investment income or income by way of long-term capital gains or both; and
- (b) the tax deductible at source under the provisions of Chapter XVII-B has been deducted from such income

Benefit under Chapter to be available in certain cases even after the assessee becomes resident.

115-H.

Where a person, who is a non-resident Indian in any previous year, becomes assessable as resident in India in respect of the total income of any subsequent year, he may furnish to the [Assessing] Officer a declaration in writing along with his return of income under section 139 for the assessment year for which he is so assessable, to the effect that the provisions of this Chapter shall continue to apply to him in relation to the investment income derived from any foreign exchange asset being an asset of the nature referred to in sub-clause (ii) or sub-clause (iii) or sub-clause (iv) or sub-clause (v) of clause (f) of section 115C; and if he does so, the provisions of this Chapter shall continue to apply to him in relation to such income for that assessment year and for every subsequent assessment year until the transfer or conversion (otherwise than by transfer) into money of such assets.


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Chapter not to apply if the assessee so chooses.

115-I.

A non-resident Indian may elect not to be governed by the provisions of this Chapter for any assessment year by furnishing [his return of income for that assessment year under section 139 declaring therein] that the provisions of this Chapter shall not apply to him for that assessment year and if he does so, the provisions of this Chapter shall not apply to him for that assessment year and his total income for that assessment year shall be computed and tax on such total income shall be charged in accordance with the other provisions of this Act.]

Source- www.incometaxindia.gov.in



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Stay in touch

Dedicated NRI help desk to attend to the queries / grievances of our esteemed NRI customers.

Queries/ suggestions/ feedback are most welcome

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