

**Fax / e-Mail**

**GOVERNMENT OF ODISHA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

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RDM-REGN-0046/2014-27038 dtd. 10.9.14

From

Dr. Taradatt.  
Additional Chief Secretary

To

All RDCs

All Collectors

The Secretary, Board of Revenue, Odisha, Cuttack

The Director, Land Records and Survey and Consolidation, Odisha, Cuttack

The Inspector General of Registration, Odisha

**Sub:- Acquisition and Transfer of Immovable Property in India by Foreign Nationals**

Sir,

I am directed to say that Government of India have intimated that Foreign Nationals are buying immovable property illegally in some parts of the country. Moreover, the Foreign Nationals coming to India and staying beyond 182 day on a tourist or other visa meant for certain period are illegally acquiring immovable property in India in violation of the extant rules and regulations under FEMA.

The provisions contained in Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulation-21/2000 (Notification No.21/2000-RB dated 3<sup>rd</sup> May, 2000) stipulate that an Indian citizen resident outside India and a Person of Indian Origin resident outside India may acquire immovable property in India other than agricultural land, plantation or a farm house. A foreign company which has established a Branch Office or other place of business in India under the provisions of Foreign Exchange Management (Establishment in India of Branch or Office or Other Place of Business) Regulations, 2000 (FEMA 22/2000-RB dated the 3<sup>rd</sup> May, 2000) can acquire immovable property in India which is necessary for or incidental to carrying on such activity, subject to the conditions stipulated in Regulation-5 of Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulations, 2000.

Apart from above, foreign national who is residing in India for more than 182 days during the course of the preceding financial year for taking up employment or carrying on business/ vocation or for any other purpose indicating his intention to stay for an uncertain period can acquire immovable property in India as he would be a person resident in India as

per section 2(v) of FEMA 1999. To be treated as a person resident in India under FEMA, a person has not only to satisfy the condition of the period of stay (being more than 182 days during the course of preceding financial year) but also his purpose of stay as well as the type of Indian visa granted to him to clearly indicate the intention to stay in India for an uncertain period. In this regard, to be eligible, the intention to stay has to be unambiguously established with supporting documentation including visa.

This also enjoins that, a foreign national who is residing in India for more than 182 days for taking up employment or carrying on business/vocation or for any other purpose indicating his stay for uncertain period may acquire immovable property in India subject to fulfilling certain requirements prescribed by the State authorities. To be treated as a 'person resident in India' under FEMA, a person has not only to satisfy the condition of period of stay (being more than 182 days during the course of the preceding financial year) but has also to comply with the condition of the purpose/intention of the stay. It may be further noted that no person being a citizen of Pakistan, Bangladesh, Sri Lanka, Afghanistan, China, Iran, Nepal or Bhutan shall acquire or transfer immovable property in India without prior permission of the Reserve Bank (RBI's Master Circular No.4/2014-15 dated 1<sup>st</sup> July, 2014, FEMA Act, 1999 and the letter from Department of Economic Affairs, Ministry of Finance, Government of India are enclosed for ready reference).

In view of the above, I would request you to please issue appropriate instructions to all concerned authorities under your control to be extra vigilant in such matters and satisfy themselves about eligibility under FEMA before registering sale or purchase of immovable properties by foreign national and seek necessary declarations /verify travel documents and the nature of visa from intending buyer who are on visit to India or seller on their eligibility under FEMA may also be verified. Wherever appropriate, the authorities concerned may consider reviewing registration of sale/purchase and matter related thereto already made to determine their compliance with legal requirements.

Yours faithfully,

  
10.9.14  
Additional Chief Secretary

**Speed Post**

Memo No. 27039 R&DM Dated 10-9-14

Copy forwarded to All Departments of Government/ All Heads of the Department/ All Settlement Officers/All Deputy Directors, Consolidation/All ADM-cum-District Registrars/All Sub- Collectors/All-Additional Sub-Collectors/ All Tahasildars/All District Sub-Registrars/ /All Sub-Registrars for information and necessary action.

  
10/09/2014  
Joint Secretary to Government

Memo No. 27040/R&DM., Dated. 10-9-14

Copy forwarded to Joint Secretary, Department of Economic Affairs, Ministry of Finance, Government of India, North Block, New Delhi-110001 for information and necessary action.

*DM- 10/09/2014*

Joint Secretary to Government

Memo No. 27041 /R&DM., Dated. 10-9-14

Copy forwarded to Joint Secretary, LR/ Joint Secretary, LRGE/ Joint Secretary, CHS/ Joint Secretary, LA/Under Secretary, IMU Cell/OSD (NRLMP) for information and necessary action.

*DM- 10/09/2014*

Joint Secretary to Government

10copies to Registration Branch for Guard file