

GMS Flash Alert



Immigration Edition

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India - Modifications to Overseas Citizenship of India Scheme

India's Overseas Citizenship of India ("OCI") Scheme has been undergoing changes by which OCI card-holders were granted certain rights. The Ministry of Home Affairs ("MHA") has recently issued a consolidated notification¹ which supersedes three earlier notifications issued on 11 April 2005², 5 January 2007³, and 5 January 2009⁴.

WHY THIS MATTERS

The MHA has been continuously undertaking efforts to provide clarity for OCI's. Through this notification, OCIs will enjoy parity with Non-Resident Indians ("NRIs") in some cases and with Indian citizens in some other cases, which is a welcome step.

Background

The entire concept of OCI was brought through the Citizenship Act, 1955, which is legislation specifically meant to regulate the concept of Indian citizenship.

The government of India ("GOI") launched the Overseas Citizenship of India ("OCI") Scheme in 2005. On 9 January 2015, the GOI merged the Persons of Indian Origin card scheme with the OCI card scheme.

Since 2005, time and again, GOI has come out with guidelines relating to the rights of OCI card-holders. In 2019, MHA issued an office memorandum⁵ highlighting OCI rights.

More Details

Through this notification, OCI card-holders have been provided the following rights:

- Grant of a multiple-entry life-long visa for visiting India for any purpose. However, a special permission is required to:
 - undertake any research;
 - undertake any missionary or Tabligh or mountaineering or journalistic activities;
 - undertake internships in any foreign diplomatic missions or foreign government organisations in India or to take up employment in any foreign diplomatic missions in India; and
 - visit any place that falls within the so-called protected or restricted or prohibited areas.
- Exemption from registration with the Foreigners Regional Registration Officer ("FRRO") or Foreigners Registration Officer ("FRO") for any length of stay in India. However, OCI card-holders who are normally resident in India shall make known by email to the jurisdictional FRRO/FRO any change in their permanent residential address and in occupation.
- OCI card-holders will enjoy parity with Indian nationals in the matters of:
 - tariffs in air fares in domestic sectors in India; and
 - entry fees to be charged for visiting national parks, wildlife sanctuaries, national monuments, historical sites, and museums.
- OCI card-holders will enjoy parity with NRIs in matters related to:
 - inter-country adoption of Indian children, subject to compliance with the procedures as laid down by the competent authority;
 - appearing for the all India entrance tests such as NEET, JEE (Mains), JEE (Advanced), or such other tests or any supernumerary seat (provided that the OCI card-holder shall not be eligible for admission against any seat reserved exclusively for Indian citizens)⁶;
 - purchase or sale of immovable properties other than agricultural land or farmhouse or plantation property; and
 - pursuing the following professions:
 - i. doctors, dentists, nurses, and pharmacists,
 - ii. advocates,
 - iii. architects, and
 - iv. chartered accountants.
- In respect of all other economic, financial, and educational fields not specified in this notification or the rights and privileges not covered by the notifications made by the Reserve Bank of India under the Foreign Exchange Management Act (FEMA), the OCI card-holder shall have the same rights and privileges as a foreigner.

FOOTNOTES:

- 1 Notification dated 4 March 2021 S.O. 1050(E).
- 2 S.O. 542(E).
- 3 S.O. 12(E).
- 4 S.O. 36(E).
- 5 F. No. – 26011/Misc./ 47/2019 – OCI dated 15 Nov 2019.
- 6 Parity with NRIs occurs for OCI card-holders who appear for the all India entrance tests such as Joint Entrance Examination (Mains) (“JEE (Mains)”), National Eligibility cum Entrance Test (“NEET”), or other such tests to make them eligible for admission only against any NRI seat or any “supernumerary” seat. However, the OCI card-holder shall not be eligible for admission against any seat reserved exclusively for Indian citizens. For further insight, readers may refer to: Special Correspondent, “Only NRI quota seats based on entrance exams for OCI cardholders: MHA,” in *The Hindu* (online), 6 March 2021 (<https://www.thehindu.com/news/national/only-nri-quota-seats-based-on-entrance-exams-for-oci-cardholders-mha/article34005922.ece>). (*Please note that this is a 3rd party (non-governmental, non-KPMG) website. Providing this link does not represent an endorsement of this website by KPMG.*)

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RELATED RESOURCE:

This article is excerpted, with permission, from “Consolidation of Guidelines for OCI Cardholder,” in *Tax Flash News* (9 March 2021), a publication of the KPMG International member firm in India.

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