

Chapter- 3

Additional guidelines for Non-Resident Depositor / Claimant

In addition to guidelines given for settlement of claim up to threshold limit and above threshold limit, following additional guidelines are given for convenience of Non-Resident customers.

3.1 For Non-Resident Depositor/Claimant

A) In case the Depositor is Non-Resident, and has passed away abroad, the death certificate which is attested /certified by any of the following shall be accepted for processing the claim:

- ii) Notary Public in that country.
- iii) Indian Embassy / High Commission in that country.
- iv) Bank's Foreign Office. (wherever it is possible/permissible to do attestation as per local regulations)
- v) Embassy/High Commission of that Country in India.

A death certificate accompanied by any of the following document as corroboratory evidence, confirming incidence of death shall be accepted as such:

- i. Evidence of settlement of an insurance claim at foreign centre on account of death of the account holder.
- ii. Evidence of settlement of proceeds of bank accounts at foreign centre on account of death of the account holder.
- iii. Evidence of settlement of terminal benefits by the employer at foreign centre on account of death of the account holder. However, the employer would have to be a government/multilateral organization only.
- iv. Evidence of death as provided by a hospital or local police authorities at the foreign centre. However, it may be ensured that any of these documents are issued from the same country as the death certificate.

B) In case Claimants(NRIs or Foreign Nationals) stay abroad and it is not possible for them to come to India for completion of formalities-

- i) Execute the documents abroad in the presence of officials of Bank's foreign offices
- ii) Execute the documents in the presence of Indian Embassy officials. The said document shall be submitted to the Stamp authorities for payment of stamp duty after it reaches India.
- iii) The claimant can appoint his attorney for obtaining proper legal representation and obtain payment against affidavit, indemnity, surety etc. The procedure for the same is that the claimant should execute valid Power of Attorney (POA) which is attested by the Indian Embassy officials.

C) The assets of deceased NRI account holder should be settled to the legal heirs as per the Personal Law of succession (Hindu, Muslim, Christian or any other community) applicable to the depositor. This is irrespective of whether the claimants happen to be a resident Indian, NRI, PIO or a foreign national.

(However, if any court order/legal representation is obtained, the proceeds should be settled as ordered by Court. In the case of a foreign court order, ancillary orders/resealing should be obtained from Indian Court u/s 228 of the Indian Succession Act.)

D) Foreign nationals cannot be accepted as sureties while obtaining Letter of Indemnity as he / she will not be governed by Indian law.

E) In case of legal representation-

- i) Will probated by Indian Court- Same as in resident case.
- ii) Will probated by Foreign Court- properly authenticated copy of the will issued by Foreign Court is to be produced in the Courts of India who can then grant Letters of Administration.
- iii) Succession Certificate / Certificate of inheritance / Letter of Administration by Indian Court- No additional due diligence except for KYC/proper identification of beneficiaries
- iv) Succession Certificate/ Certificate of inheritance / Letter of Administration by Foreign Court –
 - a) If issued by a Superior Court of a Reciprocating Territory(as notified by Central Govt in Official Gazette) Claimants to obtain a grant from competent District Court in India for executing the certificate.
 - b) In case, where such certificate is not issued by a Superior Court of Reciprocating Territory, Claimant may be advised to file an application before appropriate District Court in India for issuing a separate Certificate (afresh) by producing the Certificate issued by the Foreign Court.
- v) If Succession Certificate does not mention the Bank account for which claim is being made- It will be treated as claim without legal representation and to be acted upon accordingly.