

Government of India
Ministry of Communications & IT
Department of Telecommunications
(Access Services Division)
1203, Sanchar Bhavan, Ashok Road, New Delhi-110001.

No.20-271/2010-AS-I (Pt-1)

Dec-03, 2013


To

All the UL(AS) Licensees Company.

Subject: Amendment of Unified Licence (Access Service) Agreement, regarding Foreign Direct Investment (FDI) – Caps and routes in Telecom sector.

In pursuance of Condition 5.1, The LICENSOR hereby amends the following in the Unified Licence (Access Service) Agreement. This amendment is effective with immediate effect.

Existing affected clauses of UL(AS)	After Amendment
1.1 The Licensee shall ensure that the total foreign equity in the paid up capital of the Licensee Company does not, at any time during the entire License period, exceed 74% of the total equity (except for services for which different FDI cap has been prescribed) subject to the following FDI (Foreign Direct Investment) norms:	1.1 FDI upto 100% with 49% under automatic route and beyond 49% through FIPB route subject to observance of licensing and security conditions by licensee as well as investors as notified by the DoT from time to time.
(i) Both direct and indirect foreign investment in the LICENSEE company shall be counted for the purpose of FDI ceiling. Foreign Investment shall include investment by Foreign Institutional Investors (FIIs), Non-resident Indians (NRIs), Foreign Currency Convertible Bonds (FCCBs), American Depository Receipts (ADRs), Global Depository Receipts (GDRs) and convertible preference shares held by foreign entity. Indirect foreign investment shall mean foreign investment in the company/ companies holding shares of the LICENSEE Company and their holding company/companies or legal entity (such as mutual funds, trusts) on proportionate basis. Shares of the LICENSEE Company held by Indian public sector banks and Indian public sector financial institutions will be treated as 'Indian holding'. In any case, the 'Indian' shareholding will not be less than 26 percent.	(i) Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating total FDI.
(ii) FDI up to 49 percent will be through automatic route. FDI in the Licensee Company / Indian promoters / investment companies including their holding companies shall require prior approval of the Foreign Investment Promotion Board (FIPB) if it has a bearing on the overall ceiling of 74 percent.	(ii) The licensee Company/ Indian Promoters/ Investment Companies including their holding companies shall comply relevant provisions of extant FDI policy of the Government. While approving the investment proposals, FIPB may take into accounts security concerns.
41.26 (xi) The Remote Access (RA) to Network would be provided only to approved location(s) abroad through approved location(s) in India. The approval	41.26 (xi) The Remote Access (RA) to Network would be provided only to approved location(s) abroad through approved location(s) in India. The


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