

Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhavan, 20, Ashoka Road, New Delhi - 110001
(Data Services Cell)

File No. 820-01/2006-LR(Vol.-II) Pt-2

Dated: 09.11.2021

To

All Internet Service Providers Licensees
 Granted Under Guidelines dated 24.08.2007

Subject: Amendment in Internet Service Provider (ISP) License Agreement granted as per 24.08.2007 guidelines for change in FDI norms.

In pursuance of Condition No. 5.1 of the Internet Service Provider Licenses granted under the guidelines dated 24.08.2007, LICENSOR hereby amends/ appends the following conditions in the said ISP License Agreements:

S. No.	Existing Clause	Amended Clause
1.	<p>PART-I, GENERAL CONDITIONS,</p> <p>1. OWNERSHIP OF THE LICENSEE COMPANY</p> <p><i>1.4. FDI up to 49 percent will continue to be on the automatic route. FDI in the licensee company/Indian promoters/investment companies including their holding companies, shall require approval of the Foreign Investment Promotion Board (FIPB) if it has a bearing on the overall ceiling of 74 percent. While approving the investment proposals, FIPB shall take note that investment is not coming from countries of concern and/or unfriendly entities.</i></p>	<p>PART-I, GENERAL CONDITIONS,</p> <p>1. OWNERSHIP OF THE LICENSEE COMPANY</p> <p>1.4 FDI upto 100% under automatic route subject to observance of licensing and security conditions by licensee as well as investors as notified by the DoT from time to time.</p> <p>Notwithstanding with the above provision, foreign investment shall be subject to following conditions:</p> <p>(i) An entity of a country, which shares land border with India or where the beneficial owner of an investment into India is situated in or is a citizen of any such country, can invest only under the Government route.</p> <p>(ii) In the event of the transfer of ownership of any existing or future</p>

FDI in an entity in India, directly or indirectly, resulting in the beneficial ownership falling within the restriction/ purview of the clause no. (i) above, such subsequent change in beneficial ownership will also require Government approval.

(iii) Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating total FDI.

(iv) 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, the Government may take into accounts security concerns.

(v) FDI shall be subject to laws of India and not the laws of the foreign country/countries. The Licensee shall comply with the relevant provisions of FDI policy of the Government and such modifications to the policy as may be issued from time to time.

(vi) The words, mentioned hereinabove in Para 1.4, such as FDI, foreign equity, investment companies, FIPB, etc., shall have the same meaning as defined by Department for Promotion of Industry and Internal Trade (DPIIT) in its FDI Policy.

2. This amendment comes into effect with **immediate** effect.
3. This amendment shall be part and parcel of the Internet Service Provider (ISP) Licenses granted as per 24.08.2007 guidelines. All other terms and conditions shall remain unchanged

Malik
09.11.2007

(Vineet Malik)
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Copy to:

1. Secretary (TRAI).
2. DGT, DoT (HQ)/ CGCA.
3. Advisor (Economics)/ Wireless Advisor/ Sr. DDG (TEC).
4. DDG (CS)/DDG (AS)/DDG (Satellite)/DDG (LFP)/ DDG (LFA)/ DDG (FIPP)/ DDG (SPPI)/ DDG (SA)/ DDG (WPF)/ DDG (A/C).
5. All Directors of DS Wing.