

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 Unified Licensees Company.


Subject: Amendment of Unified Licence 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 Agreement. This amendment is effective with immediate effect.

Existing affected clauses of UL	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. In any case, the 'Indian' shareholding shall 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 may take into accounts security concerns.
39.23 (xi) The Remote Access (RA) to network would be vided only to approved locations abroad through approved location(s) in India. The approval for location(s) would be given by the Licensor (DoT) in consultation with security agencies.	39.23 (xi) The Remote Access (RA) to network would be provided only to approved locations abroad through approved location(s) in India. The approval for location(s) would be given by the Licensor (DoT) after satisfying itself about the appropriateness.

All other terms and conditions of the Unified Licence Agreement including amendments and instructions issued from time to time shall remain unchanged.

Please acknowledge receipt.


21/11/13
(R. K. Soni)
Director (AS-I)
For and on behalf of the President of India
Ph.No.23036284

Copy To:

Secretary, TRAI

Director (IT) may kindly arrange to upload this letter on the website of DoT.



