

**Government of India
Ministry of Commerce & Industry
Department for Promotion of Industry and Internal Trade
FDI Policy Section**

Press Note No. 4 (2021 Series)

Subject: Review of Foreign Direct Investment (FDI) Policy on Telecom Sector.

The Government of India has reviewed the extant FDI policy on Telecom sector and has made the following amendment under the Consolidated FDI Policy Circular of 2020, as amended from time to time (FDI Policy):

Para 5.2.14 of the FDI Policy is amended to be read as under:

5.2.14 TELECOM SERVICES

Sector/Activity	% of Equity/ FDI Cap	Entry Route
<p>5.2.14.1 Telecom Services (including Telecom Infrastructure Providers Category-I)</p> <p>All telecom services including Telecom Infrastructure Providers Category-I, viz. Basic, Cellular, Unified Access Services, Unified license (Access services), Unified License, National/International Long Distance, Commercial V-Sat, Public Mobile Radio Trunked Services (PMRTS), Global Mobile Personal Communications Services (GMPCS), all types of ISP licenses, Voice Mail/Audiotex/UMS, Resale of IPLC, Mobile Number Portability services, Infrastructure Provider Category-I (providing dark fibre, right of way, duct space, tower), Other Service Providers and such other services as may be permitted by the Department of Telecommunications (DoT).</p>	100%	Automatic
<p>5.2.14.2 Other Conditions:</p> <p>The licensing, security and any other terms and conditions as specified by Department of Telecommunications from time to time, shall be observed by licensee/entities providing services as referred in Para 5.2.14.1 above, as well as investors.</p>		

2. It is clarified that notwithstanding the provisions of Para 5.2.14 of the FDI Policy as amended above, foreign investment in Telecom Services will be subject to the provisions of Para 3.1.1 of the FDI Policy [as amended vide Press Note 3 (2020 Series) dated 17.04.2020]. Accordingly, cases requiring prior Government approval under the provisions of Para 3.1.1 of the FDI Policy, will continue to be on the Government route.
3. The above decision will take immediate effect.


(Manmeet Kaur Nanda)
06/10/2021
Joint Secretary to the Government of India

DPIIT File No.: 5(4)/2021-FDI Policy, dated 06.10.2021

Copy forwarded to:

1. **Press Information Officer, Press Information Bureau-** for giving wide publicity to the above Press Note.
2. **Joint Secretary(I&C), Department of Economic Affairs,** For suitably incorporating the policy changes in Foreign Exchange Management (Non-Debt Instruments) Rules, 2019, the relevant schedules thereof and FIRMS portal.
North Block, New Delhi
3. **Reserve Bank of India, Foreign Exchange Department,**
Mumbai
4. **NIC Section in the Department for Promotion of Industry and Internal Trade -** for uploading the Press Note on DPIIT's website.
5. **Hindi Section, DPIIT-** for providing Hindi version.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
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नई दिल्ली, मंगलवार, अक्टूबर 12, 2021/ आश्विन 20, 1943
NEW DELHI, TUESDAY, OCTOBER 12, 2021/ ASVINA 20, 1943

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
अधिसूचना

नई दिल्ली, 12 अक्टूबर, 2021

का.आ. 4242(अ).—केंद्रीय सरकार, विदेशी मुद्रा प्रबंध अधिनियम, 1999 (1999 का 42) की धारा 46 की उप-धारा (2) के खंड (कक) और (कख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, विदेशी मुद्रा प्रबंध (गैर-ऋण लिखत) नियम, 2019 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

- (1) इन नियमों का संक्षिप्त नाम विदेशी मुद्रा प्रबंध (गैर-ऋण लिखत) (चौथा संशोधन) नियम, 2021 हैं।
- (2) ये राजपत्र में इनके प्रकाशन की तारीख को प्रवृत्त होंगे।
2. विदेशी मुद्रा प्रबंध (गैर-ऋण लिखत) नियम, 2019 में, अनुसूची 1 में, सारणी में,-
 - (i) क्र.सं. 14.1 के सामने,-

(क) स्तंभ 2 में "क्षेत्र/ क्रिया", शीर्षक के अंतर्गत प्रविष्टि के लिए, निम्नलिखित प्रविष्टि को रखा जाएगा, अर्थात्:-

"दूरसंचार अवसंरचना प्रदाता श्रेणी-1, अर्थात् बेसिक, सेलुलर, यूनाइटेड एक्सेस सर्विसेज, यूनिफाइड लाइसेंस (एक्सेस सर्विसेज), यूनिफाइड लाइसेंस, नेशनल/इंटरनेशनल लांग डिस्टेन्स, कॉमर्सियल V-सेट, पब्लिक मोबाइल रेडियो ट्रंकड सर्विसेज (एमपीआरटीएस), ग्लोबल मोबाइल पर्सनल कम्प्यूनिकेशन सर्विसेज

(जीएमपीसीएस), सहित सभी दूरसंचार सेवाएं, सभी प्रकार की आईएसपी लाइसेंस, वॉयस मेल/ऑडियोटेक्स/यूएमएस, आईपीएलसी की पुनः ब्रिक्री, मोबाइल नं. पोर्टेबिलिटी सर्विसेज, अवसंरचना प्रदाता श्रेणी-1 (डार्क फाइबर, राइट ऑफ वे, डक्ट स्पेश, टोअर प्रदान करना) अन्य सेवा प्रदाताओं और ऐसी अन्य सेवाएं जो दूरसंचार विभाग (डीओटी) द्वारा अनुमत हो सकती हैं।";

(ख) स्तंभ (4) में "प्रवेश मार्ग" शीर्षक के अंतर्गत प्रविष्टि के लिए निम्नलिखित प्रविष्टि को रखा जाएगा, अर्थात्:-

"ऑटोमैटिक";

(ii) क्र. सं. 14.2 के सामने, स्तंभ (2) में "अन्य शर्तें" शीर्षक के अंतर्गत खंड के लिए निम्नलिखित प्रविष्टि को रखा जाएगा, अर्थात्:-

"लाइसेंसिंग, सिक्योरिटी और कोई अन्य शर्तों और निबंधनों जैसा कि दूरसंचार विभाग (डीओटी) द्वारा समय-समय पर अधिसूचित किया गया है, का लाइसेंसधारक और ऊपर क्र.सं. 14.1 में यथासंदर्भित सेवा प्रदान करने वाली इकाइयों और निवेशकों द्वारा अनुपालन किया जाएगा।"

[फा.सं. 01/05/ईएम/2019]

आनंद मोहन बजाज, अपर सचिव

टिप्पणी : मूल नियम भारत के राजपत्र, असाधारण, भाग-II, खंड-3, उप-खंड (ii) में संख्यांक का.आ. 3732 (अ), तारीख 17 अक्तूबर, 2019 द्वारा प्रकाशित किए गए थे और तत्पश्चात् निम्नलिखित अधिसूचना संख्यांक द्वारा संशोधित किए गए:-

- (i) का.आ. 4355 (अ), तारीख 5 दिसंबर, 2019
- (ii) का.आ. 1278 (अ), तारीख 22 अप्रैल, 2020
- (iii) का.आ. 1374 (अ), तारीख 27 अप्रैल, 2020
- (iv) का.आ. 2442 (अ), तारीख 27 जुलाई, 2020
- (v) का.आ. 4441 (अ), तारीख 08 दिसंबर, 2020
- (vi) का.आ. 3206 (अ), तारीख 09 अगस्त, 2021
- (vii) का.आ. 3411 (अ), तारीख 19 अगस्त, 2021 और
- (viii) का.आ. 4091 (अ), तारीख 5 अक्तूबर, 2021

MINISTRY OF FINANCE

(Department of Economic Affairs)

NOTIFICATION

New Delhi, the 12th October, 2021

S.O. 4242(E).—In exercise of the powers conferred by clauses (aa) and (ab) of sub-section (2) of section 46 of the Foreign Exchange Management Act, 1999 (42 of 1999), the Central Government hereby makes the following rules further to amend the Foreign Exchange Management (Non-debt Instruments) Rules, 2019, namely:-

1. (1) These rules may be called the Foreign Exchange Management (Non-debt Instruments) (Fourth Amendment) Rules, 2021.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Foreign Exchange Management (Non-debt Instruments) Rules, 2019, in Schedule I, in the Table, -

(i) against Sl. No. 14.1, -

(a) in column (2), under the heading “Sector/Activity”, for the entry, the following entry shall be substituted, namely:-

“All telecom services including Telecom Infrastructure Providers Category-I, viz. Basic, Cellular, United Access Services, Unified license (Access services), Unified License, National/International Long Distance, Commercial V-Sat, Public Mobile Radio Trunked Services (PMRTS), Global Mobile Personal Communications Services (GMPCS), all types of ISP licenses, Voice Mail/Audiotex/UMS, Resale of IPLC, Mobile Number Portability services, Infrastructure Provider Category-I (providing dark fibre, right of way, duct space, tower), Other Service Providers and such other services as may be permitted by the Department of Telecommunications (DoT).”;

(b) in column (4), under the heading “Entry Route”, for the entry, the following entry shall be substituted, namely: -

“Automatic”;

(ii) against Sl. No. 14.2, in column (2), under the sub-heading “Other conditions”, for the entry, the following entry shall be substituted, namely: -

“The licensing, security and any other terms and conditions as notified by Department of Telecommunications (DoT) from time to time, shall be observed by licensee/entities providing services as referred in serial number 14.1 above as well as investors.”

[F. No. 01/05/EM/2019]
ANAND MOHAN BAJAJ, Addl. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), *vide* number S.O.3732 (E), dated the 17th October, 2019 and subsequently amended *vide* notification numbers: -

- (i) S.O. 4355 (E), dated the 5th December 2019,
- (ii) S.O. 1278 (E), dated the 22nd April, 2020,
- (iii) S.O. 1374 (E), dated the 27th April, 2020,
- (iv) S.O. 2442 (E), dated the 27th July, 2020,
- (v) S.O. 4441 (E), dated the 8th December, 2020,
- (vi) S.O. 3206 (E), dated the 9th August, 2021,
- (vii) S.O. 3411 (E), dated the 19th August, 2021 and
- (viii) S.O. 4091 (E), dated the 5th October 2021

Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110001
(Access Services Wing)

No.20-271/2010 AS-I (Vol.-IV)

Dated: 03.11.2021

To

All Unified Licensees

Subject: Amendment in Unified License Agreement for change in FDI in Telecom sector.

As per the Condition 5.1 of Chapter-I of Unified License (UL) Agreement, the Licensor reserves the right to modify at any time the terms and conditions of the License, if in the opinion of the Licensor it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the telegraphs. In pursuance of this condition, the Licensor hereby amends/appends the following in the UL Agreement:

S. No.	Existing Clause	Amended Clause
1.	<p>PART-I, CHARTER-I, GENERAL CONDITIONS</p> <p>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.</p> <p>(i) Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating total FDI.</p> <p>(ii) The licensee Company/</p>	<p>PART-I, CHARTER-I, GENERAL CONDITIONS</p> <p>1.1 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</p>

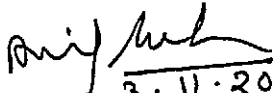
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<p>Indian Promoters/ Investment Companies including their holding companies shall comply relevant provisions of extant FDI policy of the Government. While approving the investment proposals, the Government may take into accounts security concerns.</p> <p>(iii) 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.</p> <p>(iv) The words, mentioned hereinabove in Para 1.1, such as FDI, foreign equity, investment companies, FIPB etc. shall have the same meaning as defined by Department of Investment & Industrial Policy (DIPP) in its FDI Policy.</p>	<p>Government route.</p> <p>(ii) In the event of the transfer of ownership of any existing or future 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.</p> <p>(iii) Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating total FDI.</p> <p>(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.</p> <p>(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.</p> <p>(vi) The words, mentioned hereinabove in Para 1.1, such as FDI, foreign equity, investment companies, FIPB, etc., shall have the same meaning as defined by</p>
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		Department for Promotion of Industry and Internal Trade (DPIIT) in its FDI Policy.
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2. This amendment comes into effect with **immediate** effect.
3. This amendment shall be part and parcel of the Unified License Agreement and other Terms & Conditions remain unchanged.


3.11.2021
(Anil Kumar Gehlot)
Director (AS-I)
For and on behalf of the President of India
Ph. No. 23036864

Copy to:

1. Secretary (TRAI).
2. DGT, DoT (HQ)/ CGCA.
3. Advisor (Economics)/ Wireless Advisor/ Sr. DDG (TEC).
4. DDG (CS)/DDG (DS)/DDG (Satellite)/DDG (LFP)/ DDG (LFA)/ DDG (FIPP)/ DDG (SPPI)/ DDG (SA)/ DDG (WPF)/ DDG (A/C).
5. All Directors of AS Wing.
6. Director (IT) may kindly arrange to upload this letter on the website of DoT.

Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110001
(Access Services Wing)

No.20-271/2010 AS-I (Vol.-IV)

Dated: 03.11.2021

Subject: Amendment in Guidelines for Grant of Unified License for change in FDI in Telecom sector.

As per the Condition 11 of Guidelines dated 28.03.2016 for Grant of Unified License, the Licensor reserves the right to modify at any time these guidelines and terms and conditions of the License if in the opinion of the Licensor it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the telegraphs. The Licensor hereby amends/ appends the following in the guidelines for grant of Unified License:

S. No.	Existing Clause	Amended Clause
1.	<p>Clause No. 7 (b) & (c) of Annexure-II of Guidelines:</p> <p>7. (b) Equity details Indian</p> <p>Foreign</p> <p>Total</p> <p>(Certificate from Company Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p> <p>7. (c) FDI up to 100 % with 49% under automatic route and beyond 49% through FIPB route. The applicant is required to disclose the status of foreign holding. (Certificate from Company</p>	<p>Clause No. 7 (b) & (c) of Annexure-II of Guidelines:</p> <p>7. (b) Equity details Indian:</p> <p>Foreign:</p> <p>(i) Land Border sharing country.....</p> <p>(ii) Others</p> <p>Total</p> <p>(Certificate from Company Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p> <p>7. (c) FDI up to 100 % under automatic route. The applicant is required to disclose the status of foreign holding. (Certificate from Company Secretary/ Statutory Auditor</p>

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2.	<p>Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p> <p>Clause No. 11 of Annexure-II of Guidelines:</p> <p>Certified copy of approval of Government of India for Foreign Equity</p> <p>(To be applicable if FDI is more than 49%) (Certificate from Company Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p>	<p>countersigned by Director duly authorised by the company to be attached)</p> <p>Clause No. 11 of Annexure-II of Guidelines:</p> <p>Certified copy of approval of Government of India for Foreign Equity</p> <p>(To be applicable if FDI is from an entity of a country, which shares land border with India or beneficial owner of an investment into India is situated in or is a citizen of any such country) (Certificate from Company Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p>
3.	<p>Clause No. 13 of Annexure-II of Guidelines:</p> <p>13. Power of Attorney by Resolution of Board of Directors that the person signing the application is authorised signatory.</p> <p>Certificates/undertaking:</p> <p>A. I hereby certify that I have carefully read the guidelines and License Agreement for providing Unified License (UL). I undertake to fully comply with the terms and conditions therein.</p>	<p>Clause No. 13 of Annexure-II of Guidelines:</p> <p>13. Power of Attorney by Resolution of Board of Directors that the person signing the application is authorised signatory.</p> <p>Certificates/undertaking:</p> <p>A. I hereby certify that I have carefully read the guidelines and License Agreement for providing Unified License (UL). I undertake to fully comply with the terms and conditions therein.</p>

(Signature)

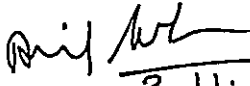
<p>B. I understand that this application if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee shall be summarily rejected.</p> <p>C. I understand that processing fee is non-refundable irrespective of any reason whatsoever.</p> <p>D. I undertake to sign the License Agreement, within the prescribed time notified to me failing which my application shall be taken as rejected and processing fee forfeited.</p> <p>E. I understand that all matters relating to the application or license if granted to me will be subject to jurisdiction of courts/Tribunal(s) in Delhi/New Delhi only.</p> <p>F. I understand that if at any time, any averments made or information furnished for obtaining the license is found incorrect, then my application and the license if granted thereto on the basis of such application, shall be cancelled.</p>	<p>B. I hereby certify that the norms of existing FDI policy including norms related to investment from entity/beneficial owners of the country which shares land border with India are complied with.</p> <p>C. I understand that this application if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee shall be summarily rejected.</p> <p>D. I understand that processing fee is non-refundable irrespective of any reason whatsoever.</p> <p>E. I undertake to sign the License Agreement, within the prescribed time notified to me failing which my application shall be taken as rejected and processing fee forfeited.</p> <p>F. I understand that all matters relating to the application or license if granted to me will be subject to jurisdiction of courts/Tribunal(s) in Delhi/New Delhi only.</p> <p>G. I understand that if at any time, any averments made or information furnished for obtaining the license is found incorrect, then my application and the license if granted thereto on the basis of such</p>
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		application, shall be cancelled.
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2. This amendment comes into effect with **immediate** effect.

3. This amendment shall be part and parcel of the Guidelines dated 28.03.2016 for Grant of Unified License and other Terms & Conditions remain unchanged.


3.11.2021
(Anil Kumar Gehlot)
Director (AS-I)

For and on behalf of the President of India
Ph. No. 23036864

Copy to:

1. Secretary (TRAI).
2. DGT, DoT (HQ)/ CGCA.
3. Advisor (Economics)/ Wireless Advisor/ Sr. DDG (TEC).
4. DDG (CS)/DDG (DS)/DDG (Satellite)/DDG (LFP)/ DDG (LFA)/ DDG (FIPP)/ DDG (SPPI)/ DDG (SA)/ DDG (WPF)/ DDG (A/C).
5. All Directors of AS Wing.
6. Director (IT) may kindly arrange to upload this letter on the website of DoT.

Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110001
(Access Services Wing)

No.20-271/2010 AS-I (Vol.-IV)

Dated: 03.11.2021

To

All UL (VNO) Licensees

Subject: Amendment in Unified License (Virtual Network Operator) {UL (VNO)} Agreement for change in FDI norms.

As per the Condition 5.1 of Chapter-I of UL (VNO) License Agreement, the Licensor reserves the right to modify at any time the terms and conditions of the License, if in the opinion of the Licensor it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the telegraphs. In pursuance of this condition, the Licensor hereby amends/appends the following in the UL (VNO) License Agreement:

S. No.	Existing Clause	Amended Clause
1.	<p>PART-I, CHARTER-I, GENERAL CONDITIONS</p> <p>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.</p> <p>(i) Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating total FDI.</p> <p>(ii) The Licensee Company / Indian Promoters / Investment Companies including their</p>	<p>PART-I, CHARTER-I, GENERAL CONDITIONS</p> <p>1.1 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</p>

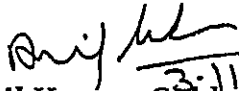
Signature

<p>holding companies shall comply with the relevant provisions of extant FDI policy of the Government. While approving the investment proposals, the Government may take into account security concerns.</p> <p>(iii) FDI shall be subject to the 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.</p> <p>(iv) The words, mentioned herein above in Para 1.1, such as FDI, foreign equity, investment companies, FIPB, etc. shall have the same meaning as defined by Department of Investment & Industrial Policy (DIPP) in its FDI Policy.</p>	<p>the Government route.</p> <p>(ii) In the event of the transfer of ownership of any existing or future 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.</p> <p>(iii) Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating total FDI.</p> <p>(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.</p> <p>(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.</p> <p>(vi) The words, mentioned hereinabove in Para 1.1, such as FDI, foreign equity, investment</p>
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		companies, FIPB, etc., shall have the same meaning as defined by Department for Promotion of Industry and Internal Trade (DPIIT) in its FDI Policy.
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2. This amendment comes into effect with **immediate** effect
3. This amendment shall be part and parcel of the UL (VNO) Agreement and other Terms & Conditions remain unchanged.


(Anil Kumar Gehlot) 3.11.2021
Director (AS-I)

For and on behalf of the President of India
Ph. No. 23036864

Copy to:

1. Secretary (TRAI).
2. DGT, DoT (HQ)/ CGCA.
3. Advisor (Economics)/ Wireless Advisor/ Sr. DDG (TEC).
4. DDG (CS)/DDG (DS)/DDG (Satellite)/DDG (LFP)/ DDG (LFA)/ DDG (FIPP)/ DDG (SPPI)/ DDG (SA)/ DDG (WPF)/ DDG (A/C).
5. All Directors of AS Wing.
6. Director (IT) may kindly arrange to upload this letter on the website of DoT.

Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110001
(Access Services Wing)

No.20-271/2010 AS-I (Vol.-IV)

Dated: 03.11.2021

Subject: Amendment in Guidelines for Grant of Unified License (Virtual Network Operators) for change in FDI norms.

As per the Condition 6 of Guidelines dated 31.08.2018 for Grant of Unified License (Virtual Network Operators), the Licensor reserves the right to modify at any time these guidelines and terms and conditions of the License if in the opinion of the Licensor it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the telegraphs. The Licensor hereby amends/ appends the following in the guidelines for grant of UL (VNO):

S. No.	Existing Clause	Amended Clause
1.	<p>Clause No. 7 (b) & (c) of Annexure-II of Guidelines:</p> <p>7. (b) Equity details Indian</p> <p>Foreign</p> <p>Total</p> <p>(Certificate from Company Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p> <p>7. (c) FDI up to 100 % with 49% under automatic route and beyond 49% through FIPB route. The applicant is required to disclose the status of foreign holding.</p>	<p>Clause No. 7 (b) & (c) of Annexure-II of Guidelines:</p> <p>7. (b) Equity details Indian:</p> <p>Foreign: (i) Land Border sharing country.....</p> <p>(ii) Others</p> <p>Total</p> <p>(Certificate from Company Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p> <p>7. (c) FDI up to 100 % under automatic route. The applicant is required to disclose the status of foreign holding.</p> <p>(Certificate from Company</p>

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	<p>(Certificate from Company Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p> <p>2. Clause No. 11 of Annexure-II of Guidelines:</p> <p>Certified copy of approval of Government of India for Foreign Equity</p> <p>(To be applicable if FDI is more than 49%) (Certificate from Company Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p>	<p>Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p> <p>Clause No. 11 of Annexure-II of Guidelines:</p> <p>Certified copy of approval of Government of India for Foreign Equity</p> <p>(To be applicable if FDI is from an entity of a country, which shares land border with India or beneficial owner of an investment into India is situated in or is a citizen of any such country) (Certificate from Company Secretary/ Statutory Auditor countersigned by Director duly authorised by the company to be attached)</p>
<p>3.</p>	<p>Clause No. 13 of Annexure-II of Guidelines:</p> <p>13. Power of Attorney by Resolution of Board of Directors that the person signing the application is authorised signatory.</p> <p>Certificates/undertaking:</p> <p>A. I hereby certify that I have carefully read the guidelines and License Agreement for providing UL (VNO). I undertake to fully comply with the terms and conditions</p>	<p>Clause No. 13 of Annexure-II of Guidelines:</p> <p>13. Power of Attorney by Resolution of Board of Directors that the person signing the application is authorised signatory.</p> <p>Certificates/undertaking:</p> <p>A. I hereby certify that I have carefully read the guidelines and License Agreement for providing UL (VNO). I undertake to fully comply with the terms and conditions therein.</p>

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therein.

B. I understand that this application if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee shall be summarily rejected.

C. I understand that processing fee is non-refundable irrespective of any reason whatsoever.

D. I undertake to sign the License Agreement, within the prescribed time notified to me failing which my application shall be taken rejected and processing fee forfeited.

E. I understand that all matters relating to the application or license if granted to me will be subject to jurisdiction of courts/Tribunal(s) in Delhi/ New Delhi only.

F. I understand that if at any time, any averments made or information furnished for obtaining the license is found incorrect, then my application and the license if granted thereto on the basis of such application shall be cancelled.

B. I hereby certify that the norms of existing FDI policy including norms related to investment from entity/beneficial owners of the country which shares land border with India are complied with.

C. I understand that this application if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee shall be summarily rejected.

C. I understand that processing fee is non-refundable irrespective of any reason whatsoever.

D. I undertake to sign the License Agreement, within the prescribed time notified to me failing which my application shall be taken rejected and processing fee forfeited.

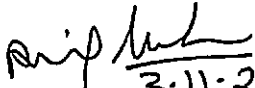
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		application shall be cancelled.
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2. This amendment comes into effect with **immediate** effect.
3. This amendment shall be part and parcel of the Guidelines for Grant of UL (VNO) and other Terms & Conditions remain unchanged.


3.11.2021
(Anil Kumar Gehlot)
Director (AS-I)

For and on behalf of the President of India
Ph. No. 23036864

Copy to:

1. Secretary (TRAI).
2. DGT, DoT (HQ)/ CGCA.
3. Advisor (Economics)/ Wireless Advisor/ Sr. DDG (TEC).
4. DDG (CS)/DDG (DS)/DDG (Satellite)/DDG (LFP)/ DDG (LFA)/ DDG (FIPP)/ DDG (SPPI)/ DDG (SA)/ DDG (WPF)/ DDG (A/C).
5. All Directors of AS Wing.
6. Director (IT) may kindly arrange to upload this letter on the website of DoT.

Government of India
Ministry of Communications
Department of Telecommunications
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No.20-271/2010 AS-I (Vol.-IV)

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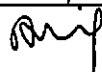
To

All UAS Licensees

Subject: Amendment in Unified Access Service License (UASL) Agreement for change in FDI norms.

As per the Condition 5.1 of Part-I of UAS License Agreement, the Licensor reserves the right to modify at any time the terms and conditions of the License, if in the opinion of the Licensor it is necessary or expedient to do so in public interest or in the interest of the security of the State or for the proper conduct of the telegraphs. In pursuance of this condition, the Licensor hereby amends/appends the following in the UAS License Agreement:

S. No.	Existing Clause	Amended Clause
1.	<p><i>PART-I, GENERAL CONDITIONS,</i> <i>1. OWNERSHIP OF THE LICENSEE COMPANY</i></p> <p><i>1.A. FDI upto 100% with 49% under automatic route and beyond 49% through FIPB route subject to observance of licensing and security condition by licensee as well as investors as notified by the DoT from time to time.</i></p> <p><i>Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating total FDI.</i></p> <p><i>1.D. The licensee Company/ Indian Promoters/ Investment Companies including their holding companies shall comply relevant provisions of extant FDI</i></p>	<p><i>PART-I, GENERAL CONDITIONS,</i> <i>1. OWNERSHIP OF THE LICENSEE COMPANY</i></p> <p>1.1 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</p>




	<p><i>policy of the Government. While approving the investment proposals, Government may take into accounts security concerns.</i></p>	<p>the Government route.</p> <p>(ii) In the event of the transfer of ownership of any existing or future 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.</p> <p>(iii) Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating total FDI.</p> <p>(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.</p> <p>(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.</p> <p>(vi) The words, mentioned hereinabove in Para 1.1, such as FDI, foreign equity, investment</p>
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3. This amendment shall be part and parcel of the UASL Agreement and other Terms & Conditions remain unchanged.


3.11.2021
(Anil Kumar Gehlot)
Director (AS-I)
For and on behalf of the President of India
Ph. No. 23036864

Copy to:

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