

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

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

**Dated:28-01-2022**

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.:

Existing clause	Amended Clause
<b>PART-I</b>	<b>PART-I, CHARTER-I,</b>
<b>GENERAL CONDITIONS</b>	<b>GENERAL CONDITIONS</b>
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.	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.  Notwithstanding with the above provision, foreign investment shall be subject to following conditions:
1.2 Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating FDI.	(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.
1.3 Deleted	(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.
1.4 While approving the investment proposals, FIPB may take into accounts security concerns.  The Licensee Company /Indian Promoters/Investment Companies including their holding companies shall comply with relevant provisions of extant FDI Policy of the Government.	(iii) Both direct and indirect foreign investment in the Licensee Company shall be counted for the purpose of calculating total FDI.

<p>The LICENSEE shall declare compliance to license and security condition and Indian Equity and Foreign Equity as on 1<sup>st</sup> January and 1<sup>st</sup> July by 7<sup>th</sup> January and 7<sup>th</sup> July respectively to LICENSOR. This is to be certified by the Company Secretary or Licensee Company's statutory auditor.</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>1.5 The investment approval by FIPB shall envisage the conditionality that Company would adhere to licence Agreement.</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>1.6 FDI shall be subject to laws of India and not the laws of the foreign country/countries.</p>	<p>(vi) The words, mentioned hereinabove in Clause 1.1, 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.</p>
<p>1.7 Except prior permission in writing by Licensor there shall be no change in the Foreign promoter(s) or their equity participation. Normally there will be no objection in substituting an existing foreign promoter by another foreign promoter of similar standing subject to the total foreign equity being below the prescribed limit.</p>	<p>1.2 The Licensee shall declare the Indian &amp; Foreign equity structure (both direct and indirect) in the Licensee company and submit a compliance report regarding compliance of FDI norms and security conditions on 1st day of January and 1st day of July of every year to the Licensor in Proforma as may be prescribed from time to time. This is to be certified by Company Secretary or Statutory Auditor, countersigned by duly authorized Director of the Licensee Company.</p>
	<p>Condition No. 1.3 to 1.7 stands deleted</p>

2. This Amendment supersede the earlier amendment issued vide letter of even No. dated 09.11.2021 and 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.

(Jai Prakash)  
ADG (DS)  
Tel No.:011- 23036482

**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).