

APPENDIX-4

[Clause 8.4 of the Guidelines]

DECLARATION/ UNDERTAKING

The undersigned, _____, of legal age, and residing at
(Name of Official/Individual applicant)

_____ after having been duly sworn deposed states:
(Address)

1. That he/she is the _____
(Official Capacity)
of _____,
(Name of company/corporation/partnership/society/individual (the Applicant))
duly organized under the laws of _____.
(Name of Country)

OR

That he/she is the applicant for the License referred to below (the Applicant), a citizen of
_____.
(Name of Country) the People's Republic of Bangladesh.

2. That personally, and as _____ for
(Official Capacity)
and on behalf of the Applicant he/she hereby certifies:
- a) That all statements made in the Applicant's application for a License to establish and maintain Internet Service Provider and in the required attachments to that application are true and correct;
 - b) That this certification is made for the expressed purpose of an application by _____ for a ISP License from the
(name)
Bangladesh Telecommunication Regulatory Commission;
 - c) That the Applicant will make available to the Commission or any other of its authorized agencies any information they may find necessary to verify any item in the application or regarding its competence and general reputation;
 - a) That the Applicant (where the Applicant is an individual) or the owner of the Applicant or any of its directors or partners or shareholder(s) (where the Applicant is a company, corporation, partnership or society):

- (i) is not an insane person;
 - (ii) has not been sentenced by a court under any law, other than the Bangladesh Telecommunication Regulation Act, 2001 (Act), to imprisonment for a term of 2 (two) years or more, other than sentences where a period of 5 (five) years has elapsed since his/her release from such imprisonment;
 - (iii) has not been sentenced by a court for commission of any offence under the Act other than sentences where a period of 5 (five) years has been elapsed since his/her release from imprisonment;
 - (iv) has not been declared bankrupt by the court and has not been discharged from the liability of bankruptcy;
 - (v) has not been identified or declared by the Bangladesh Bank or by the court or by a bank or financial institution as a loan defaulter loanee of that bank or institution.
 - (vi) is eligible under Clause No 7 of the guidelines hereto; or
 - (vii) no proceeding is going on against the applicant(s) or its owner(s) or any of its director(s) or partner(s) for illegal call termination or for violation of the Act/Any Regulations/ Rules/Guidelines/Bye-laws/Directives/ Instructions/ Orders/ Circulars/ Decisions of the Commission and/or the Government etc.
 - (viii) any license of his has not been cancelled by the Commission at any time during the last 5 (five) years.
 - (ix) does not have any outstanding dues to the Commission.
 - (x) is not involved in providing any kind of services related to Satellite Broadcasting channel service provider(s) / Cable Operators (Broadcasting) services.
 - (xi) shall comply with provisions of Bangladesh Telecommunication Regulation Act, 2001 and all rules, regulations, directives and notices issued by the Commission.
 - (xii) is/are not a Bank Defaulter.
 - (xiii) undertaking that neither the proprietor nor its partner/share holder barred by section 36(3) of the Bangladesh Telecommunication Regulation Act, 2001 and the Proprietor and/or its partner/shareholder(s) is/are eligible to get the License.
- e) That the Applicant (where the Applicant is an individual) or the owner of the Applicant or any of its directors or partners (where the Applicant is a company, corporation, partnership or society) shall not use any kind of VSAT.
- f) That the Applicant (where the Applicant is an individual) or the owner of the Applicant or any of its directors or partners (where the Applicant is a company, corporation, partnership or society) shall not take any activity over VoIP/WiMAX business. The Applicant shall not take any activity to provide internet/data services fixed in nature by using WiMAX technology without prior permission from the Commission.
- g) _____(Name of the company)_____ will provide internet service successfully in Bangladesh observing all rules and regulations as per telecommunication law of Bangladesh.

- h) There is no case or complain against _____(Name of the company)_____ in respect of illegal activities.
- i) There is no case or complain against proprietor/any shareholder of _____(Name of the company)_____.
- j) _____(Name of the company)_____ never carried out any operational activities related with VoIP. There is no case against _____(Name of the company)_____ or never confiscated any equipment for operating VoIP and also it is hereby confirmed that there is no chance of operation of VoIP in future.
- k) _____(Name of the company)_____ is financially solvent to operate the business
- l) _____(Name of the company)_____ will comply Bangladesh Telecommunication Regulation Act, 2001 and all rules, regulations, directives and notice of BTRC.

If any violation/deviation found in this regard I/we shall be liable. This undertaking/declaration is made in sound mind before the Notary public, and I/we also declare that all the information and date describe in this undertaking/declaration affidavit are true and correct as per my knowledge and believe.

That the undersigned is the Applicant or is duly authorized by the Applicant to make these representations and to sign this affidavit.

 Director/Secretary/Partner/Duly Authorised Representative/Attorney/Individual
 as or on behalf of the Applicant

WITNESSES

1. _____ 2. _____

Subscribed and sworn to before me

this _____ day of _____ 20 ____ at _____.

 Notary Public