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**LEGAL OPINION**  
**On**  
**WORK FROM HOME FACILITY**

**Legal Advice on the process for registration of the Work from Home (“WFH”) facility for a registered Other Service Provider (“OSP”) Centre from Department of Telecommunication (“DoT”).**

- A. A registered OSP Centre shall invoke the following process and procedure for obtaining the registration of WFH facility from DOT:
- i. Each registered OSP Centre (**‘Applicant’**) shall submit an on-line (through the website of DoT) or off-line (through direct application) application for registration of WFH with the concerned Telecom Enforcement Resource and Monitoring (TERM) established under the DoT for generation of a temporary application number.
  - ii. Based on the generation of aforesaid temporary application number, the Applicant shall physically deposit all the requisite documents mentioned in the application form with concerned TERM Cell Office.
  - iii. Thereafter, on approval of the application form, along with documents, the TERM Cell shall issue a Letter of Intent (LOI) detailing all the terms and conditions to be complied within the stipulated time mentioned therein for registration of WFH.
  - iv. After the receipt of LOI, the Applicant shall submit with TERM Cell, the requisite Bank Guarantee for verification and approval.
  - v. Upon verification and approval of Bank Guarantee by the TERM Cell, the Applicant shall approach TERM Cell for signing of the Agreement in prescribed format between the Applicant and TERM Cell. Pursuant to execution of the Agreement between the parties, the TERM Cell shall issue a permanent registration number to the Applicant for the registration of WFH.
  - vi. All logs of the activities carried out by the extended agent should be maintained for one year. The IP addresses assigned on the VPN & the OSP Centre in this regard shall also be maintained for each extended agent position and should be produced whenever required by DoT.

- B. Further note that the date of registration for WFH of a registered OSP Centre shall be effective from the date of execution of the agreement between the parties. The registration shall be initially valid for a period of three (03) years from the date of execution of the agreement subject to the validity of the terms of registration of a registered OSP Centre. Thereafter, the registration of WFH can be extended for further term of three years in accordance with the terms and conditions of the Agreement subject to the validity of registration of OSP Centre. However, upon expiry of the extended term of WFH of registered OSP Centre, the registered OSP Centre is required to apply for fresh registration for WFH from DoT.
- C. It is also clarified that under the Revised Terms and Conditions – OSP Category issued by the DoT, there is no specified time period for completion of the process and procedure for obtaining the registration of WFH facility from DOT. However, as per the practice, it can take around five-six (5-6) months for completion of the process for obtaining the registration for WFH from DOT. There is no provision given in the aforesaid Terms and Conditions of DOT for deemed approval for registration for WFH.
- D. The registration of WFH facility of registered OSP shall be for the exclusive use of home agents as Extended Agent Position and the agents at home shall be treated as Extended Agent Position of the call centre and interconnection is permitted through authorized service Providers Provisioned (secured) VPN (PPVPN) which have pre- defined locations i.e. home of the agents and OSP centre as VPN sites. Over and above PPVPN, the registered OSP may use its own security mechanism like Authentication, Authorization and Accounting.
- E. Further note that the DOT policy only allowed to WFH if the home agent interconnected through VPN, which again restrict the service offerings. Hence, the OSP shall not be allowed to choose the telecom resource best suited to them. It is further note that since the registration of WFH from DOT is for a pre-defined location of WFH, the Applicant cannot allow an employee to work from any location of his or her choice under the terms and conditions of registration of WFH