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## REVISED TELECOM GUIDELINES FOR OTHER SERVICE PROVIDERS

### A. Introduction

The liberalized telecom Guidelines for Other Service Providers (“**OSPs**”) released on November 5, 2020 (the “**Nov. 2020 Guidelines**”),<sup>1</sup> were further simplified, and revised vide Department of Telecommunication’s (**DOT**) order<sup>2</sup> released on June 23, 2021 (the “**Jun. 2021 Guidelines**”).<sup>3</sup>

The Nov. 2020 Guidelines overhauled the OSP framework, removing certain procedural obligations, reducing compliance burdens, and improving operational flexibility between OSP centres. However, doubts persisted regarding certain definitions. The Jun. 2021 Guidelines attempt to refine these ambiguities, as discussed below.

### B. Analysis

#### Key Features of the Nov. 2020 Guidelines

The Guidelines:

1. Tightened the scope of definition of OSPs and limited it to entities that provided voice-based Business Process Outsourcing (**BPO**) services. Voice-based centres that were registered under state Shops and Establishment Acts, or those operated by a Legal Person, were also included in this definition.
2. Removed the requirement of registration certifications and licenses for OSPs. Previously, the OSP license registration was location centric and not transferable. OSPs with several locations were required to obtain location-wise licenses.
3. Permitted data interconnectivity between international OSPs of the same company or group companies, or between two domestic OSPs.
4. Allowed for special dispensation for OSPs, *viz.*, collection and carriage of Public Switched Telephone Network (**PSTN**), Public Land Mobile Network (**PLMN**), or Integrated Services Digital Network (**ISDN**) traffic over virtual private network (**VPN**).
5. Centralised internet connectivity for OSPs having multiple OSP centres.
6. Designated sharing of infrastructure between international and domestic OSPs over VPNs.

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<sup>1</sup> Government of India, Department of Telecommunications, ‘*New Guidelines for Other Service Providers (OSPs)*’, Order No. No.18- 8/2020-CS-I [Hereinafter referred to as “**Nov. 2020 Guidelines**”], Accessible at: [https://dot.gov.in/sites/default/files/2020\\_11\\_05%20OSP%20CS.pdf](https://dot.gov.in/sites/default/files/2020_11_05%20OSP%20CS.pdf).

<sup>2</sup> Under the Indian Telegraph Act, 1885, exclusive privilege is granted to the Government of India for establishing, maintaining, and working telegraphs. The term ‘telegraphs’ is defined widely under this Act. The Government is empowered to grant a license subject to conditions and payments, to any person to establish, maintain or work a telegraph within any part of India.

<sup>3</sup> Government of India, Department of Telecommunications, ‘*Revised Guidelines for Other Service Providers (OSPs)*’, Order No. No.18- 8/2020-CS-I Pt. 2, [Hereinafter referred to as “**Jun. 2021 Guidelines**”], Accessible at: <https://dot.gov.in/sites/default/files/Revised%20OSP%20Guidelines.pdf>.

7. Permitted OSP agents to work from home (**WFH**) and work from anywhere (**WFA**).
8. Allowed use of distributed Electronic Private Automatic Branch Exchange (**EPABXs**) without limitations or registration requirements. However, OSPs were to ensure that there is no bypass of the jurisdiction of the International Long Distance Operator (**ILDO**) and National Long Distance Operator (**NLDO**).
9. Permitted international OSPs to host their EPABX abroad, provided they have a copy of their call data records (**CDR**) and system logs. Domestic OSPs were permitted to retain their EPABX, provided they maintained CDRs, system logs, access logs, configurations of the EPABX and routing tables, for a period of one year.
10. Permitted the sharing of infrastructure between international and domestic OSPs.

### Key Features of the Jun 2021 Guidelines

#### The Guidelines:

1. Extend the definition of ‘voice based BPO centres’ to mean “*call centre services provided by the OSPs wherein the customers access the network of the OSP through PSTN/PLMN/ISDN*”.<sup>4</sup> This included calls made by, or to customers, both within and outside of India.
2. Introduce the definition of ‘toll bypass’, to mean “*the illegal carriage of voice traffic infringing upon the jurisdiction of authorised Telecommunications Service Providers (TSP)*.”<sup>5</sup> The Jun. Guidelines dictate that the carriage of voice traffic between public networks in India and foreign countries, or between public networks of two cities in India, by using the OSP’s own network (as opposed to the network of the authorised TSPs, *i.e.*, PSTN) is prohibited.
3. Remove the distinction between domestic and international OSPs and permit their interconnectivity. This allows call centres to cater to both international and domestic customers which can help reduce costs.
4. Allow all OSPs, both international and domestic, to have EPABXs at overseas locations.
5. Permit OSP agents who WFH or WFA to connect to OSP centres using any form of connectivity; further easing the WFH and WFA rules.
6. Widens the ambit of inspection and reports, clarifying that OSPs can self-regulate their operations provided there is no toll bypass and infringement on the jurisdiction of authorised TSPs. There shall be no routine audits or inspections of the OSP centres by the DoT. The DoT have, however, required OSPs to maintain and submit information pertaining to customer calls.

### C. Conclusion

These reforms are expected to encourage ease of businesses for OSPs and help the BPM industry reduce costs. They can incentivise foreign direct investment, furthering India’s position as the global outsourcing hub. That said, OSPs must comply with the above Guidelines particularly ensuring that voice traffic is not carried between public networks in India and overseas, or between public networks of two cities in India using their own network.<sup>6</sup>

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<sup>4</sup> Jun. 2021 Guidelines, Chapter 1, para. 5.

<sup>5</sup> Jun. 2021 Guidelines, Chapter 1, para. 10(a)-(b).

<sup>6</sup> *Ibid.*