

No. Secy.(IT)/Note/2019 /95  
Office of the Secretary (IT)  
Secretariat, Porvorim-Goa.


Date: 10/12/2019

Office of the Secretary  
Inward No.: 7992  
Date: 11/12/19

NOTE

The undersigned had discussion with representatives of Tower And Infrastructure Provider's Association (TAIPA) on the issue of draft Right of Way policy for Goa State. Accordingly a draft policy has been prepared by Tower And Infrastructure Provider's Association (TAIPA). It is proposed that the draft may be circulated to stakeholder Departments of PWD, DMA, Forest Department, Goa State Pollution Control Board, Power, Department of Panchayat, Department of IT and Department of Science & Technology for their comments and inputs. The draft policy also covers the need of Telecom policy for the State. The nodal department for the policy is Department of S & T, and the policy may be finalized at their end after compiling the inputs and necessary approvals.

Submitted for approval please.

  
10.12.19  
(Ravi Jha, IAS)  
Secretary (IT)

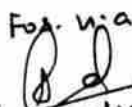
Off. Chief Secretary  
Entry No.: 940/W  
Date: 11/12/19


~~Chief Secretary~~

Pl circulate as proposed. Give 2 weeks time for comments. Key - if no comments within 2 weeks, it will be presumed that Govt has nothing to say. Put on website also for remarks of public.

Pls. do as above immediately.

~~Secy (IT)~~

For. via.  
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**Department of xxxxxxxx**  
**(Government of xxxxxxxx)**  
**Notification**  
**Place, xxMonth, 2019**

**CHAPTER I**  
**PRELIMINARY**

Telecommunication in India has emerged as a key driver of economic and social development and with increasing pace of communication, the state of XXXXX which is home to more than xxx million people shall play a significant role. The State Government is leveraging telecommunication in delivering smart governance to its citizens which includes e-governance & m-governance. The Right of Way rules (XXXROW-19) has been formulated to ensure that XXXXX plays its role effectively and transforms the socio-economic scenario through accelerated equitable and inclusive economic growth by laying special emphasis on providing affordable and quality telecommunication services in rural and remote areas. Thrust of XXXROW-19 is to underscore the imperative that sustained adoption of technology would offer viable options in overcoming developmental challenges in education, health, employment generation, financial inclusion and much more.

In order to address the increasing mobile data and consumer base, XXXXX needs to establish a robust infrastructure which primarily includes installation of Mobile Towers, laying of cables resulting into impeccable connectivity. The absence of the required infrastructure leads to the degradation of quality of services, slow internet speed and call drops. The formation of XXXROW-19 shall ease the implementation of over ground & underground infrastructure establishment in the state and ease out the whole process of applying, approval and installation of the infrastructure across the State. The objective of XXXROW-19 is as follows:

- To develop a robust and secure State-of-the-art telecommunication network providing seamless coverage with special focus on rural and remote areas.
- To benefit the State citizen with seamless connectivity over the entire State.
- To formulate a Uniform Policy for entire State.
- To Provide Single Window clearance for the establishment of over ground & underground infrastructure.
- **Encouraging alternate renewable energy-** Encouragement on the voluntary initiatives for reduction of carbon emissions

- o Initiatives such as Diesel Free Sites, Conversion of Indoor to Outdoor Sites, Deployment of High Efficient Battery Banks, and installation of Renewable Energy Solutions at sites will all be considered contributing towards the common cause of sustainable telecommunications and considered as Green technologies.
- o Encouragement of Solar Panels.

Recognizing importance of telecom services and mobile infrastructure including mobile towers, the Government of XXXXX in the year XXXX, issued government orders granting status of infrastructural services to mobile tower infrastructure, along with exemptions from building and development Acts and rules, regulations and byelaws etc. made under these Acts from time to time; however in view of the prevailing disparities of procedural requirements from one local authority to another local authority, the Secretary, Ministry of Telecom, Government of India vide letter dated 08.08.2013) written to the Chief Secretaries of all the States, expected the state governments to streamline the procedural requirements for the purposes of installation of telecom infrastructure in line with DoT guidelines effective from 1<sup>st</sup> Aug. 2013. Subsequently, the Government of India has issued the Right of Ways Rules, 2016.

In view of the aforesaid scenario, the government of XXXXX considers it appropriate to issue the comprehensive Government Orders to be applicable on all telecom infrastructure that exists and is likely to be created in future in terms of the license/registration granted by the Government of India.

#### 1. Short title and commencement:

- a) This order/ Policy/ rules may be called the XXXXX Right of Way, 2019 (XXXROW-19).
- b) It shall extend to the whole of the State.
- c) It shall come into force from the date of its publication in the Gazette.
- d) It shall be administered by the Department of XXXX, Government of XXXX.
- e) This order/ Policy/ rules shall not be in violation or super-session of the provisions contained in the Indian Telegraph Act, 1985, Tower guidelines issued by DoT 2013, Indian Wireless Telegraphy Act 1933 and Indian Telegraph Right of Way Rules, 2016 in any way.

#### 2. DEFINITIONS

- 1) In this order/ policy/rule, unless the context otherwise requires: -
  - a) "Act" means the Indian Telegraph Act 1985(13 of 1985).

- b) "Appropriate Authority" means the State Government, local authority or such authority, body, company or institution incorporated or established by the central Government or the State Government, in respect of property, under, over, along across, in or upon which underground or over ground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate authority.
- c) "State Government" means the Government of XXXXX having jurisdiction, and includes the administration.
- d) "Application" means the application for single window clearance for the establishment and maintenance of Telecom Infrastructure.
- e) "Licensee" means any person holding a license issued under section 4 of the Indian Telegraph Act, 1985.
- f) "Telecom Service Provider (TSP)" means a licensee providing telephony services, including, inter alia, mobile phone services, internet and data transfer services etc.
- g) "Infrastructure Provider (IP)" means Infrastructure providers registered with Department of Telecommunication to set up Telecom Infrastructures in India.
- h) "Applicant" means any Infrastructure Provider (IP) or Telecom Service Provider (TSP) whom makes an application seeking permission to establish and maintain the Telecom Infrastructure.
- i) "Overground Telecom Infrastructure" means over ground infrastructure for telegraph or telegraph line established over the ground and includes the poles, posts, Telegraph/ Telecom Infrastructure and other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line.
- j) "Order" means this XXXROW-19 or interchangeably
- k) "Underground Telecom Infrastructure" means a telegraph line or Optical Fibre Cable (OFC) laid under the ground and includes manholes, marker stones, appliances and apparatus, for the purpose of establishment or maintenance of the telegraph or OFC line.
- l) "Dispute Resolution Officer" means a **State Government Officer with the rank of Principal Secretary/Special Secretary designated as Dispute Resolution Officer (DRO) for resolving the issues if any arises during the implementation of the XXXROW-19.**
- m) "GoXX" refers Government of XXXXX.
- n) "Nodal Officer" for the Appropriate Authority means the Deputy Commissioner / Magistrate of the district for the purpose of these rules. **He / She will be responsible for granting the permit in his / her respective district.**
- o) "Form" means the form appended in this order

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p) Telegraph/ Telecom Infrastructure includes, -

- i. Telecommunication Cell Site or Base Station (TCS/BS) or Telecom Tower or Mobile Tower, a place for tower, delta, single pole antenna, microwave antenna, telecom transceiver machinery, related civil works, requisite wire and cable, power supply equipment, Diesel Generator set, cabin or cupboard for housing any or all of the aforesaid items is necessary.
- ii. Ground based tower (GBT), ground based mast/monopole (GBM), roof top tower (RTT), roof top pole (RTP).
- iii. Cell Phone Tower (CPT), Micro cell tower (MCT), antenna fixtures, fabricated antenna, tower to install telephone lines and Wi-Fi antenna,
- iv. Pre-fabricated or masonry structure shelters or installation of Base Transceiver Station (BTS) and other equipment's,
- v. Ducts, underground OFC, cabling on the poles or electric poles.
- vi. In Building Solution & Micro Communication Equipment (Micro Cell), or any other appliances, apparatus, etc. necessary for the effective establishment & maintenance of telecom services.

However, the Telegraph Infrastructure, for the purpose of this Order/ Policy/ rules, shall not include Television Antennas or Dish Antennas installed for domestic purpose.

Provided further that Cell-on-Wheels (COW) and any temporary infrastructure for managing events/festivals/fairs of short duration (maximum 90 days which may be further extended), or to give coverage to blank areas, shall not be included in Telegraph Infrastructure for the purpose of this Order and no formal permission is required for installation of such temporary infrastructure.

2) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

### 3. Applicability –

The Appropriate Authority shall exercise the powers under this Order/ Policy/ rules on an application for establishment and maintenance of Underground or Overground Telegraph Infrastructure by any Applicant. This Government Order shall be applicable to all Appropriate Authorities within the state of XXXXX including the various Development authorities, Industrial development authorities' other Statutory

Authorities and also the local bodies including municipal Corporations, municipalities, Nagar Palika Parishad, Town committees, Gram panchayats, ZilaParisad/Panchayat, etc. constituted by the State Legislature. The appropriate authority shall exercise the powers under this Order/ Policy/ rules on an application for establishment and maintenance of underground or over ground telegraph infrastructure by any Applicant.

#### **4. Validity of the permission granted-**

The permission /permit issued under this order to any Applicant shall be co-terminus with validity of License/registration certificate concerned.

#### **5.Nodal Department-**

For the implementation and coordination of this Order/Policy/rules the XXXX Department shall be Nodal Department. The XXXX Department shall notify the Nodal Officer of appropriate authority for the implementation of the Policy.

To overcome the difficulties in the implementation of the above Policy, necessary interpretation, clarification, instruction will be issued from time to time by the XXXX Department.

#### **6.Authorities for issuing permission for Mobile Towers:**

Nodal Officer as defined at Section 2 (1) (n) will receive and scrutinize the applications for issue of permit in their respective district for establishment of Telecom Infrastructure as defined at Section 2 (1) (p) relating to the following: —

- a. Mobile Towers - Ground base towers [GBT], Roof Top towers [RTT], Roof toppoles[RTP].
- b. Cell on Wheel [CoW]
- c. Micro Communication Equipment (Micro Cell),
- d. Optical Fibre Cable – overhead as well as underground.
- e. Other appliances and apparatus as per Indian Telegraph Act 1985

## **CHAPTER II**

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## ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE

### 6. Application submitted by an Applicant

- 1) The State Government / Nodal Department may at its discretion establish a single electronic application process for all appropriate authorities under its control or will delegate to appropriate authority to develop an electronic application process, within a period of 12 months from the date of notification of this policy for submission of applications.
- 2) Till such application process is developed, the Applicant shall, for the purpose of establishment of telegraph infrastructure under any immovable property vested in or control or management of any Appropriate Authority, make an application in the Form 1, supported by such documents, to that authority in the form and manner as specified in this Order.
- 3) The information along with supporting documents to be provided by the Applicant in the application made under sub-rule (1) shall include-
  - I. A copy of License/ registration certificate granted by the Central Government,
  - II. The details of underground telegraph Infrastructure proposed to be laid,
  - III. The mode and time duration for, execution of the work,
  - IV. The time and day when the work is expected to be done in case the Applicant expects the work to be done during specific time of the day
  - V. The details of expenses that such Appropriate Authority will necessarily be put in consequences of the work proposed to be undertaken by the Applicant.
  - VI. The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience
  - VII. The specific measures proposed to be taken to ensure public safety during the execution of the work.
  - VIII. Any other matter relevant, in the opinion of the Applicant, connected with or related to the work proposed or to be undertaken, and
  - IX. The Applicant shall also submit any other matter related to the work as may be specified, through a general or special order by the central Government or appropriate state Government or appropriate local authority

Provided that the Applicant shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the Appropriate Authority shall necessarily be put in consequence of the work proposed to be undertaken

- 4) Every application under sub-rule (1) shall be accompanied with a non-refundable fee of INR 1000/kilometer to meet administrative expenses for evaluation of the application and the proposed work.

**7. Grant of permission by Nodal Officer**

- 1) The Nodal Officer shall send the received application to the local body to examine the application with respect to the parameters, namely:
  - a) The Route planned for the proposed underground telegraph infrastructure and the possible interference either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route
  - b) The mode of execution
  - c) The time duration for execution of the work and the time of the day that the work is proposed to be executed
  - d) The estimation of expenses that the Appropriate Authority shall necessarily be put in consequence of the work proposed to be undertaken
  - e) The responsibility of restoration of any damage and payment of restoration charge
  - f) Assessment of measures to ensure Public safety and inconvenience that the Appropriate Authority may necessarily be put in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the Applicant.
  - g) Any other matter, consistent with the Act and these rules, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or specific order, by the central Government, appropriate state Government or the appropriate local authority.
- 2) The Nodal Officer shall within a period not exceeding sixty (60) days from the date of application made under rule 6-
  - a) Grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or



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enhance public safety and given a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken, or

b) Reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection.

Provided further that the permission shall be deemed to have been granted if the Nodal Officer fails to either grant permission under (a) or reject the application under (b), and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

- 3) Where the Appropriate Authority accepts the undertaking by the Applicant to discharge the responsibility to restore the damage that such Appropriate Authority shall necessarily be put in consequence of the work, the Appropriate Authority, while granting permission under clause (a) of sub-rule (2), may seek a bank guarantee for an amount of Rs. 50 per running meter in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.
- 4) The Appropriate Authority, shall not charge any fee other than those prescribed under sub-rule (4) of rule 6 and clause (a) of sub-rule (2) from the Applicant for establishing underground telegraph infrastructure.

#### **8.Obligations of Applicant in undertaking work**

- 1) The Applicant shall make the payment of expenses or submit the bank guarantee as determined by the Appropriate Authority within a period of thirty (30) days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure.

Provided that the Appropriate Authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the Applicant seeking such extension.

Appropriate authority should provide all the information regarding underground utilities including Telegraph Infrastructure so that damage of utilities can be avoided.

- 2) The Applicant shall ensure that-
  - a) Prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the extension of work, the measures to mitigate public inconvenience and provide for public safety are implemented
  - b) The work of laying the underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the Appropriate Authority.
- 3) The Applicant shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructure to enable the Appropriate Authority to obtain real time information on its location

**9. Powers of Appropriate Authority to supervise the work**

- 1) The Appropriate Authority may supervise the execution of work to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (2) of rule 7 are observed by the Applicant.
- 2) The Appropriate Authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.
- 3) The Appropriate Authority comes to the conclusion that the Applicant has wilfully violated any of the conditions of grant of permission under clause (a) of sub-rule (2) of rule 7, It may forfeit in full or in part, the bank guarantee submitted by the Applicant and withdraw the permission granted to the Applicant, for reasons to be recorded in writing

Provided that no action shall be taken under this sub-rule unless the Applicant has been given an opportunity of being heard.

**CHAPTER III**

**ESTABLISHMENT AND MAINTENANCE OF OVER GROUND TELEGRAPH INFRASTRUCTURE**

**10. Application submitted by an Applicant**

- 1. Applicant shall, for the purpose of establishing over ground telegraph infrastructure, upon any immovable property vested in or under the control or management of any Appropriate Authority, make an application in Form

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2, supported by such documents, to that authority in the form and manner as specified in this Order.

2. The information along with supporting documents to be provided by the Applicant in the application made under sub-rule (1) shall include-

- i. A copy of License/ registration certificate granted by the Central Government,
- ii. The nature and location, including exact latitude and longitude, of post or other above ground contrivances proposed to be established.
- iii. The extent of land required for establishment of the over ground telegraph infrastructure
- iv. The details of building or structure, where the establishment of the Overground telegraph infrastructure is proposed
- v. The mode and time duration for, execution of the work
- vi. The Telegraph/ Telecom Infrastructure shall be permitted in any zone irrespective of its land use/occupancy on the building including but not limited to the premises of :-
  - a) All institutional/Govt. buildings/hospitals.
  - b) All residential buildings including Multi Story Buildings/ Group Housing Complexes.
  - c) Buildings used for industrial and commercial purposes.
  - d) All kind of vacant lands like parks, play grounds, forest land & land earmarked for public amenities, hospitals or schools or playgrounds.
  - e) On street light poles and other structures.
- vii. Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by the Applicant in respect of mobile tower/Base Transceiver Station (BTS) establishing/ certifying that all general public areas around the tower will be within safe Electro Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennas starts radiating.  
{Note: - It can be submitted within 90 days after radiating the tower}.
- viii. Copy of SACFA clearance/copy of SACFA application for the said location submitted to Wireless Planning & Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, Applicant will take corrective actions/remove the tower.

{Note: - the copy can be submitted to the Nodal Officer as soon as the location is finalized and the tower starts radiating}.

- ix. Copy of the type test certificate issued by automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets. (In case the capacity of the DG is above 1 MVA).
  - x. The Nodal Officer/Local Body may also seek the copy of No Objection Certificate (NOC) from building owners/entities having roof top rights in case of roof based tower or from land owner in case of ground based tower.
  - xi. Copy of Clearance from Fire Safety Department only in case for high rise building where fire Clearances is mandatory.
  - xii. For Forest, protected area, the copy of clearances from State Environment & Forest Department, if applicable.
  - xiii. For the installation of mobile towers on notified heritage buildings the specific clearance from the concerned authority shall be a condition precedent.
  - xiv. The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience.
  - xv. The measures proposed to be taken to ensure public safety during the execution of the work.
  - xvi. Copy of Structural Stability Certificate for ground based towers. In case of roof top BTS towers, structural stability certificate for the building and tower based on written approval on any authorized Structural Engineer of state/ local bodies/central building research institute(CBRI), ROORKEE/IIT/NIT or any other agencies authorized from time to time by the State Government.
  - xvii. Any other matter connected with or relevant to the work as may be specified, through a general or special order, by the central Government or appropriate State Government.
- 3)Every application under sub-rule (1) shall be accompanied with a one-time non-refundable fee of INR 10,000 to meet administrative expenses for examination of the application and the proposed work.

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## **11. Grant of permission by Nodal Officer**

- 1) The Nodal Officer shall send the received application to the local body to examine the application with respect to the parameters, namely:
  - a) Except as herein after provided, there shall be no restriction in placing of a tower at any location merely because it is being placed on a government building or schools or hospitals or non-residential or Residential Areas.
  - b) The extent of land required for the over ground telegraph infrastructure
  - c) The location proposed
  - d) The estimation of expenses that the Appropriate Authority shall necessarily be put in consequence of the work proposed to be undertaken
  - e) Assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the over ground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the Applicant
  - f) Any other matter, consistent with the provision of the act and these rules, connected with or related to the laying of over ground telegraph infrastructure, through a general or specific order or guidelines by the Central Government, appropriate State Government.
- 2) Where the establishment of the over ground telegraph infrastructure on government buildings renders the immoveable property, vested in the control or management of any Appropriate Authority over which such over ground telegraph infrastructure is established, unlikely to be used for any other purpose, the Appropriate Authority shall be entitled to compensation for the value of the immoveable property, either once or annually, assessed on such rates as that Appropriate Authority may, by general order, specify.
- 3) The Nodal Officer shall within a period not exceeding sixty days from the date of application made under rule 10-
  - a) Grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety, subject to the provisions of the Act and these rules, or
  - b) Reject the application for reasons to be recorded in writing.
    - a. Provided that no application shall be rejected unless the Applicant has been given an opportunity of being heard on the reasons for such rejection

- b. Provided further that the permission shall be deemed to have been granted if the Appropriate Authority fails to either grant permission under clause (a) or reject the application under clause (b) and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.
- 4) The Nodal Officer shall not charge any fee other than those mentioned under sub-rule (3) of rule 10 and clause (a) of sub-rule (3) from the Applicant for establishing over ground telegraph infrastructure.

**12.Obligations of Applicant in undertaking work**

- 1)The Applicant shall ensure
  - a) Sharing of tower between multiple Mobile Tower Companies shall be adhered and the towers can be shared between any number of operator companies.
  - b) Prior to commencement of establishment and maintenance of over ground telegraph infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such over ground telegraph infrastructure are implemented
  - c) The work of establishment and maintenance of over ground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the Appropriate Authority.
  - d) The Tower establishment should be in accordance to this order and with the advisory guidelines dated 1<sup>st</sup> August 2013 by the DoT &RoW Rules, 2016 notified by GOI as amendment from time to time. The Applicant shall be required to abide by it, failing which suitable actions as deemed necessary shall be taken in this regard.
  - e) If any damage is caused to any person or property because of the tower, machine room, battery equipment etc., erected by the Applicant, the Applicant shall be solely responsible for paying all kinds of compensations and damages to the concerned and will be liable to face any civil or criminal proceedings.
  - f) In case of violation of any statutory requirement, a show cause notice of 30 days will be issued to the Applicant on which Applicant has to revert with the clarification. In case the clarification is not satisfactory the tower shall be removed/sealed forthwith besides imposing of penalty.

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**13. Powers of Appropriate Authority to supervise the work**

- 1) The Appropriate Authority may supervise the establishment and maintenance of over ground telegraph infrastructure to ascertain if the conditions imposed in the grant of permission under clause(a) of sub-rule (3) of rule 11 are observed by the Applicant.
- 2) The Appropriate Authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.
- 3) If the Appropriate Authority comes to the conclusion that the Applicant has wilfully violated any of the conditions of grant of permission under clause (a) of sub-rule (3) of rule 11, It may withdraw, for reasons to be recorded in writing, the permission granted to the Applicant.
  - a. Provided that no action shall be taken under this sub-rule unless the Applicant has been given an opportunity of being heard.
- 4) District Administration /Officials of the GoXX shall have the right to inspect the site at all times without any prior notice.

**CHAPTER IV**

**14. Fee and other charges in respect of installation/laying telegraph infrastructure on Government lands and buildings**

- 1) The applicant shall deposit application fee as specified under sub rule 3 of Para 10 in respect of lands and buildings of Central/State Government or statutory or non-statutory bodies/institutions.
- 2) The applicant shall also deposit following annual charges for using area of lands and buildings of Government or statutory or non-statutory bodies/institutions apart from the charges specified in sub-para (1) follows namely:
  - a) In case of lands and buildings belonging to Central Government or statutory or non-statutory bodies/institutions of the Central Government, rates of annual charges as may be determined by the Central Government, shall be deposited in the funds of the concerned Department of Central Government or statutory or non-statutory bodies/institutions, as the case may be.
  - b) In case of lands and buildings belonging to State Government or statutory or non-statutory bodies/institutions of the State Government

including local bodies Rs 5,000/ tower as an annual charge shall be deposited by the applicant.

- c) In case of each Wi-Fi antenna or Micro Cell unit with utility box attached to Micro Cell are installed on any land or building including bus shelters, street, light pole, public places, other Government premises annual charges of Rs.500/- shall be deposited by the applicant to the local body.
- d) The applicant shall deposit Rs.100/- per pole annually to the local body for use of street light poles to carry OFC/Aerial cabling.
- e) The applicant may, if he so desires, deposit one time charges under clause (b) or clause (c) or clause (d) as the case may be, which would be equal to eight times of such full annual charges. Such a payment would exempt the applicant from further liability of payment of aforesaid annual charges under clause (b) or clause (c) or clause (d) as the case may be.
- f) Restoration charges for laying underground OFC to the local body shall be deposited as mentioned in clause (3) of para-7.
- g) No fee and charges shall be recovered from the Government Departments for establishing Telecommunication system including towers/poles for their use.

## **CHAPTER V**

### **IN BUILDING SOLUTION (IBS)**

This Policy intends to promote installation of In Building Solution (IBS), where there is a poor connectivity in terms of weak signal strength inside the office, shopping mall, hospitals, multi-storey building, education institutions and objective is to strengthen quality of service of mobile network.

#### **15. Mode of deployment of In Building Solution:**

There shall be various mode of deployment of In Building solutions such as:

- a. The possible modes are Deployment by a neutral host infrastructure provider or Build and managed by mobile operator and sharing with other service providers on non-discriminatory basis.



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- b. The In Build Solutions (IBS) deployed by IP-I (Infrastructure Provider Category I) to be shared with telecom service providers. For deploying indoor solutions these companies will be requiring permissions from the building owners. Moreover, if these IP-I companies are required to install optical fibre for connecting IBS/DAS nodes for which RoW / permissions will be required and shall be granted accordingly.

**16. Permissibility:**

In Build Solution Component being a small equipment can be installed on any type of land/building/utility pole and there is no requirement of getting the permission for installation of these components from the Local Authority but it is required to get permission from the Administrative Authority of the concerned building. (applicable only for Government buildings and no such NoC/Consent will be required for private buildings).

**17. Procedure for submitting application for obtaining clearance /NoC/Consent:**

The application may be made to the Administrative Authority of the Building/ Head of the office with Layout diagram for implementing IBS in the building. (applicable only for Government buildings and no such NoC/Consent will be required for private buildings).

**19. Fees:**

There shall be no fee to be charged for IBS. However, charges can be levied for provision of power, fixtures, etc. if taken by the TSP/IP.

**CHAPTER VI**

**RIGHT OF APPROPRIATE AUTHORITY TO SEEK REMOVAL OF UNDERGROUND OR OVERGROUND TELEGRAPH INFRASTRUCTURE**

**19. Right of Appropriate Authority to seek removal, etc.**

- 1) Where the Appropriate Authority, having regard to circumstances which have arisen since the establishment of any underground or over ground telegraph infrastructure under, over, along, across, in or upon, any immovable property vested in or under the control or management of that Appropriate Authority, considers that it is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the Applicant, being the owner of such telegraph infrastructure, to remove or alter its location.

- 2) On receipt of the notice under sub-rule (1), the Applicant shall, forthwith and within a period of 30 days, proceed to submit, to the Appropriate Authority, a detailed plan for removal or alteration of such telegraph infrastructure
- 3) The Appropriate Authority shall, after examination of the detailed plan submitted by the Applicant under sub-rule (2), pass such orders as it deems fit.

Provided that the Appropriate Authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, give a reasonable time of not less than ninety days (90) to the Applicant for removal or alteration of such telegraph infrastructure.

Provided further that the responsibility and liability, including the cost thereof, for removal or alteration of such telegraph infrastructure shall be borne by the Applicant.

**CHAPTER VII**

**Regularization of existing mobile towers etc.**

**20. Procedure for regularization of existing mobile towers:**

- 1. Wherever permissions have already been granted or was deemed to be granted under erstwhile orders/policy(ies), the same shall hold good and no fresh permission will be required under this Government order. However, all the existing mobile towers etc. wherein either formal permission has not been issued or deemed to be granted, shall be regularized upon the submission of application in Form-2 along with information and documents as specified therein and after the payment of prescribed fee/charges under this Order. Such application shall be submitted within six months of issue of this Order, after which the said mobile towers etc., shall be deemed as unauthorized. Earlier fees paid, if any, by the Applicant shall be adjusted, Once the application is submitted within due time, the operation of the Mobile Tower shall not be discontinued till disposal of the application by the Nodal Officer.
  - a) In cases where applications for permission have been submitted under erstwhile GOs/policy(ies) but no fees have been paid or documents as per erstwhile policy(ies) were not submitted and/or permission(s) have not been issued or deemed to be granted, then in such cases, documents as

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per this XXGO-19 and/or fees of Rs. 10,000 as per this XXROW-19 (if not paid earlier) may be submitted & permission shall be issued in accordance with this XXROW-19.

- b) In all other cases where no application has been made, the Applicant as one-time exercise, shall file applications in Form 2 along with documents & fees as per this XXROW-19 within six months from the date of issuance of this XXROW-19 shall be regularized. Once the application is submitted, the operation of the Mobile Tower shall not be discontinued till disposal of the application by the Nodal Officer.

**21. Safety and Security of Telecom Infrastructure:**

- i. Telecom Installations are lifeline installations and a critical infrastructure in mobile communication. In order to avoid disruption in mobile communication, an essential service: i. Sealing of existing and operational Base Transceiver Station Towers or disconnection of electricity of such tower may not be resorted to without the consent of the respective TERM Cell in respect of the EMF radiation related issues.
- ii. Strict legal action by the respective law & enforcement authorities to be initiated against any wilful or negligent damage to the telecom infrastructure facility and causing interruption to the network connectivity.

**Chapter VIII**

**DISPUTE RESOLUTION**

**22. Dispute between Applicant and Appropriate Authority**

- 1) Any dispute arising between Applicant and Appropriate Authority in consequences of this Order, shall be referred to the Dispute Resolution Officer (DRO).
- 2) If the issues are related to central policy, rules or acts or any department, the DRO may refer the dispute to the officer designated by the central Government.

- 3) The central Government designated officer, within 60 days shall determine the dispute referred to him.

### 23. Committees

A. **Standing Committee**-For the smooth implementation, control and regulations of Telecom infrastructure in XXXXX, Standing Committee shall be formed under the Chairmanship of Chief Secretary (GoXX). The members of the Committee shall be:

- Principal Secretary, Department of Industries & Commerce, GoXX
- Principal Secretary, Department of IT & Electronics, GoXX
- Principal Secretary, Urban Development, GoXX
- Principal Secretary, Forest Department, GoXX
- Principal Secretary, Fire & Safety Department (Police Department), GoXX
- Principal Secretary, Power, GoXX
- Principal Secretary, Housing & Urban Planning, GoXX
- Representative from pollution Control Board, XX

The above committees shall coordinate/consult with TERM Cells, the on-field state units established by Department of telecommunications, GOI on technical & other related issues.

B. **State Level Committee (STC)** - Under the chairmanship of Chief Secretary / Principal Secretary (IT & E) shall form a STC to resolve the issues arising due to escalation by the Telecom Infrastructure Company or referred by DRO. This committee shall also be responsible to issue advisories and amendments from time to time considering the changing business scenario. This Committee shall report the unresolved issues to the Standing committee in a time bound manner. The members of the Committee shall be:

- Representative of concerned DM
- Managing Director, Agency under IT & Electronics Department, GoXX
- As & when required, Representatives from Department of Urban Development, Forest Department, Fire & Safety Department (Police Department), Power Department, Housing & Urban Planning,

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Pollution Control Board and any other department related to the issue raised.

- Representative of TERM Cell, Department of Telecommunications, GOI
- DRO
- Representative of Infrastructure Providers & Telecom Service Providers.

**C. District Level Committee (DTC)** - Under the chairmanship of District Commissioner / Magistrate a DTC shall be constituted to resolve all issues arising due to escalation by the Telecom Infrastructure Company or referred by DRO. This committee shall also be responsible to issue advisories and amendments from time to time considering the changing business scenario. This Committee shall report the unresolved issues to the State Level committee in a time bound manner. The members of the Committee shall be:

- ADM (Admin) of the district
- Representatives from local bodies/Municipal corporation/Development Authority
- Representatives from Power corporation under Department of Power, GoXX
- Representative of Infrastructure Providers & Telecom Service Providers.

#### **24. Online Portal**

One of the Agency under Department of IT & Electronics, GoXX shall be required to develop and maintain online portal within 1 year of the release of the rules. The online applications shall be routed to its Local Development Authorities for requisite approval through the portal.

- All the approving agencies i.e. Local Authorities / Departments shall have the access to the portal.
- Every application shall have unique reference number which shall be valid for all the communications related to it.
- The Portal shall have the information pertaining to Grievance Redressal Mechanism, Indian Government Websites (GIGW) guidelines, dedicated helpline number, FAQs, Government orders etc.

- Applications related to Exit / Relocation / Shutdown of tower request shall also be processed through the portal.
- MIS reports from the Portal shall be used to measure the progress of the Applications.
- Quarterly MIS shall be sent to the both the committees defined below.
- The Other features of the portal shall include:
  - Submission of the applications for permission of RoW across the XXXXX.
  - Workflow for approval process
  - Every application submitted shall have its Unique Reference Number
  - All the supporting documents relating to the application shall be uploaded by the applicant online.
  - SMS / email alerts regarding the status of the application
  - Any financial arrangement such as payment gateway etc. for submission of required fee shall be integrated with the portal.

**25. Electrical power to Applicant:**

Mobile communication tower being a critical infrastructure, Energy Department shall give priority in providing electrical power connection to Mobile Towers and Telecom equipments. The Power distribution companies should ensure that disconnection of electrical power if required is executed with prior written notice of atleast 30days given to the concerned IP and TSPs.

**26. Changes in the Rules / Policy:**

This policy shall be suitably adjusted to accommodate changes that may be necessitated on account of any technology or regulatory changes which may be introduced by the Department of Telecommunications, Government of India or any other Competent Authority in order to keep this policy dynamically responsive to changing technology, regulatory regime or any other unforeseen development.

**ORDER**

Ordered that the Rules / Policy be published in an Extraordinary issue of the XXXX Gazette and copies of the Gazette be forwarded to all Departments of Government.

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**FORM 1**

**Application for permission/renewal of permission for laying/establishment of underground telecom Infrastructure/OFC.**

To,  
The Nodal Officer

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<b>A</b>	<b>Details of the Applicant</b>	
1.	License/ Registration Certificate Details	
2.	Name of Applicant / Registrant	
3.	Registered Address	
4.	XXXXX Circle Office Address	
5.	Name & designation of authorized person	

6.	Phone/Mobile no. of the authorized person	
7.	E-mail	
<b>B</b>	<b>Details of the proposed work to be laid</b>	
1.	Length etc. of the proposed work	
2.	Route planned for the proposed work	
3.	Nature of the proposed work	
4.	Methodology for execution of the proposed work	
5.	Location details including ward no. colony etc.	
6.	City/Town/Village, Tehsil & District	
<b>C</b>	<b>Details of fee and charges deposited</b>	
<b>D</b>	<b>List of documents attached</b>	<b>Whether attached (yes/No)</b>
i.	A copy of relevant license/ registration certificate granted by the Central Government	
ii.	The location map showing the details of underground or over ground OFC/telegraph infrastructure including route planned, exact latitude and longitude, nature of land	
iii.	The detailed technical design and drawings of the post or other above ground contrivances (in case of over ground cabling)	
<b>E</b>	<b>Other information for proposed work</b>	
i.	The details of land or building or structures where the laying of OFC/telegraph infrastructure is proposed	



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ii.	The mode of and the time duration for execution of the work	
iii.	The time of the day when the work is expected to be done in case the applicant expects the work to be done during specific time of the day	
iv.	The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience	
v.	The specific measures proposed to be taken to ensure public safety during the execution of the work	
vi.	Any other matter relevant, in the opinion of the Applicant, connected with or relative to the work proposed to be undertaken	
vii.	Any other information required under any order of DoT, State Govt. or local body	

**Declaration:**

1. I hereby declare that I have carefully read the policy. I fully comply with the terms and conditions therein,
2. 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.
3. I understand that processing fee is non-refundable irrespective of whether or not the permission is granted to me.

I declare that if at any time any averments made or information furnished by me is found incorrect or false, my application shall be liable to be rejected and any permission granted on the basis of such information/documents shall be liable to be cancelled/rejected.

Signatures and name of the authorized signatory with seal

Date  
Place

**Form 2**

**Application for permission/renewal/regularization of permission for  
installation of over ground  
Telecom Infrastructure**

To  
The Nodal Officer

\_\_\_\_\_  
\_\_\_\_\_

<b>A</b>	<b>Details of the Applicant</b>	
1.	License/ Registration Certificate Details	
2.	Name of Applicant / Registrant	
3.	Registered Address	
4.	XXXXX Circle Office Address	
5.	Name & designation of authorized person	
6.	Phone/Mobile no. of the authorized person	

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7.	E-mail	
<b>B</b>	The nature of post/tower or other aboveground contrivances proposed to be established	
<b>C</b>	<b>The extent of land required (size and area in meters)</b>	
<b>D</b>	<b>Details and location of the land and proposed site</b>	
1.	Complete site address	
2.	Latitude and Longitude of the proposed site	
<b>E</b>	<b>Details of building or structure of the proposed site</b>	
1.	Name of building/structure	
2.	Height and stories of building	
3.	Area of the building/structure	
4.	Complete address of the building/structure	
5.	Latitude and Longitude of the proposed site	
<b>F</b>	<b>Name and address of the owner of the land or building</b>	
<b>G</b>	<b>Other related information</b>	
1.	The mode of and the time duration for execution of the work	
2.	The inconvenience that is likely to be caused to the public and the specific measure to be taken to mitigate such inconvenience	
3.	The measures proposed to be taken to ensure public safety during the execution of the work	
4.	The names and contact details of the employees of the Applicant for the purpose of communication in regard to the application	

	made	
5.	Any other matter relevant, in the opinion of the Applicant, connected with or relative to the work proposed to be undertaken	
6.	Any other matter specified by the DoT or State Govt. or the local body	
<b>H</b>	<b>Details of fee and charges deposited</b>	
<b>I</b>	<b>List of documents attached</b>	Whether attached (Yes/No)
(i)	Copy of the license/ registration certificate granted by the Central Government	
(ii)	Copy of structural stability certificate	
(iii)	Copy of no objection certificate issued by the Fire Safety Department in case of high rise buildings where fire clearance is mandatory	
(iv)	Copy of SACFA clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement (to be submitted as soon as the location is finalized and tower is installed)	
(v)	Copy of clearance from State Environment & Forest Department, if applicable	
(vi)	Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by Applicant (to be submitted within 90 days after radiating the tower)	
(vii)	Copy of certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the DG sets. (In case the	

	capacity of the DG is above 1 MVA).	
(viii)	Copy of relevant license/infrastructure provider registration certificate issued from DoT	
(ix)	Any other document	

**Declaration**

1. I hereby declare that I have carefully read the policy. I fully comply with the terms and conditions therein,
2. 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.
3. I understand that processing fee is non-refundable irrespective of whether or not the permission is granted to me.
4. I declare that if at any time any averments made or information furnished by me is found incorrect or false, my application shall be liable to be rejected and any permission granted on the basis of such information/documents shall be liable to be cancelled/rejected.

Signatures and name of the authorized signatory with seal

Date:

Place: