

**Telecom Infrastructure Policy - 2022.**

Process of granting permission for installation of Underground Telegraph Infrastructure (UTI) and Overground Telegraph infrastructure (OTI) for the State of Gujarat.

Government of Gujarat  
Department of Science and Technology,  
G.R. No. PAN/10/2015/7266/IT,  
Date: 25/05/2022.

**Read:**

1. Urban Development & Urban Housing Department, Govt. of Gujarat, Gandhinagar's GR No: NPL/4512-3438-M, Dt.03/10/2012.
2. TRAI recommendations on Telecommunication Infrastructure Policy of Govt. of India.
3. Department of Science & Technology GR No: DST-102014/882683/IT, Dt.20/03/2015
4. Meeting held under Chairmanship of Hon'ble Chief Secretary Dt.16/09/2015, Dt.27/10/2015, Dt.15/01/2016, Dt.19/07/2016, Dt.11/08/2016, Dt.06/10/2016, Dt.01/01/2018, Dt.03/07/2018 & Dt.07/02/2022.
5. Department of Telecommunications, Ministry of Communications, Govt. of India, New Delhi's notification no: G.S.R. 1070 (E), Dt.15/11/2016.
6. Department of Telecommunication, Ministry of Communication, Govt. of India, New Delhi's Amendment notification no: G.S.R. 749(E), Dt. 21/10/2021
7. Meeting held under chairmanship of Hon'ble Chief Minister Dt. 24/05/2022.

**Preamble:**

Government has realized the need for creating a robust Information and Communication Technology infrastructure with adequate bandwidth at affordable rates in order to promote development and proliferation of Information Technology, eGovernance, eCommerce, Convergence of Information, Communication and Entertainment sectors so as to improve the state of economy, enhance the quality of life of the citizens and to ensure development of urban and rural areas with equity throughout the country. Digital India, an initiative of Government of India also lays emphasis on adoption of ICT for governance, employment generation, citizen empowerment and economic development.

2. The Government stresses the need for availability of a robust telecommunication infrastructure with adequate bandwidth across the length and breadth of the state. The globally accepted method of creating broad band networks is through laying of optical fiber as backbone. The optic fiber has to be laid underground. The optical fiber is laid along the roads like the National Highways, State Highways and other road networks and lands belonging to the State Government Departments Viz. R&B, Forests, Irrigation, Revenue, Agriculture etc. and local bodies/authorities like Panchayat, Municipal Corporations, Municipalities, Urban Development Authorities etc.

3. The data consumption and demand have gone up exponentially as the digital penetration has increased. However, the infrastructure and corresponding bandwidth is not keeping pace with the demand. This has resulted in congestion in network and deterioration in quality of service resulting in call drop, poor voice quality etc. The Government of India and TRAI have laid an emphasis on strengthening of Infrastructure at local level.

4. A number of companies have come forward to lay optical fiber network and install telecom towers in the State using state of the art technology to promote not only the growth of Information Technology Industry but also to effectively utilize Information Technology tools which would radically improve the quality of services and life of the citizens of the State and have requested to formulate a uniform policy for laying OFC and installation of telecom towers and have also requested a time bound process for approval. In this connection, the Urban Development and Urban Housing Department had issued a policy vide its GR dated 03.10.2012 referred to above for laying cable and installation of pole for 4G telecom services in urban areas. However, a need is felt for a policy across the state and in relation to the 2G, 3G, 4G LTE Services for cellular service providers and for infrastructure as a service provider as well. TRAI has also recommended to fix and notify the charges for Right of Way on priority basis and to ensure time bound availability of RoW to Telecom service providers or telecom infrastructure providers.

5. The Government of India has, vide its notification, Dt.15/11/2016, read above at Sr.No.5 notified rules to regulate underground infrastructure (optical Fibre) and overground infrastructure (Mobile Tower). Said rules in Rule 5 prescribe for fee as well as set a limit on the maximum fee that can be charged for laying optical fibre. Likewise, in rule 9(3), the rules provide for a fee to meet administrative expenses and set a limit on one-time fee to meet administrative expenses for mobile towers.

6. Mobile Towers are critical installations on which the backbone of mobile communication rests. Mobile towers in required numbers are essential for any mobile network and the lesser number of towers leads to gaps in the mobile signal coverage, leads to degradation of service, slow internet speed and call drops. In order to ensure seamless uninterrupted service and to meet the requirement of Quality of Services (QoS) parameters, the operators are practically required to install adequate nos. of mobile towers to extend quality of coverage and services. The State Government has issued notifications/GR/Guidelines from time to time for facilitating permission from the concerned authorities required for installation of mobile towers in urban areas. However, the issue has not been covered by a policy framework universally applicable across the state and applicants are required to approach different departments for issuing their department specific guidelines for installation of the mobile towers in urban areas.

7. In this regard, consultation with concerned Departments was carried out under the Chairmanship of Hon'ble Chief Secretary and it was decided to formulate uniform Policy for standardized permission and charges for laying OFC in the state, except in forest areas and for setting up mobile tower in and premises owned by urban/panchayat local bodies across the state. It was also decided that the Department of Science and Technology will issue such a Policy in consultation with other concerned departments to obviate need for multiple policies.

8. It is felt necessary that a unified policy, overarching in setting administrative framework, applicable across all agencies within the state government's domain and across the urban and Panchayati raj local bodies be prescribed and notified.

9. Accordingly, the matter of formulation of uniform Policy and charges and time bound approval for Underground Telegraph Infrastructure (UTI) for the state of Gujarat and guidelines for Overground Telegraph Infrastructure (OTI) in lands and premises owned by Urban/Panchayat local bodies was under consideration of the Government.

## **Resolution:**

After careful consideration, the State Government has decided to formulate following Telecom Infrastructure Policy 2022. Process of granting permission for installation of Underground Telegraph Infrastructure (UTI) and Overground Telegraph infrastructure (OTI) for the State of Gujarat

## **CHAPTER I** **PRELIMINARY**

### **1. Short title and commencement:**

- a) This Policy may be called the Gujarat **Telecom Infrastructure Policy 2022** - Process for Right of Way (ROW) permission
- b) It shall extend to the whole of the State.
- c) It shall come into force from the date of issuance of this G.R.

### **2. Definitions:**

- 1) In this Policy, unless the context otherwise requires: -
  - a) "Act" means the Indian Telegraph Act 1885(13 of 1885).
  - b) "Rules" means the Indian Telegraph ROW Rules, 2016
  - c) "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 overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate authority.
  - d) "State Government" means the Government of Gujarat having jurisdiction, and includes the administration.
  - e) "Application" means the application for single window clearance for the establishment and maintenance of Telecom Infrastructure.
  - f) "Licensee" means any person holding a license issued under section 4 of the Indian Telegraph Act, 1985.
  - g) "Telecom Service Provider (TSP)" means a licensee providing telephony services, including, inter alia, mobile phone services, internet and data transfer services etc.
  - h) "Infrastructure Provider (IP)" means Infrastructure providers registered with the Department of Telecommunications to set up Telecom Infrastructures in India.
  - i) "Applicant" means any Infrastructure Provider (IP) or Telecom Service Provider (TSP) who makes an application seeking permission to establish and maintain the Telecom Infrastructure.
  - j) "Overground Telecom Infrastructure" means overground 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.
  - k) "Policy" means this Gujarat Telecom Infrastructure policy process for Right of Way Permission" or interchangeably
  - l) "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.

- m) "Dispute Resolution Officer" means Director (ICT), in Department of Science & Technology designated as Dispute Resolution Officer (DRO) for resolving the issues if any arises during the implementation of the guidelines
- n) "GoG" refers to the Government of Gujarat.
- o) "Nodal Officer " for the Appropriate Authority means the Nodal officer appointed by the respective Appropriate Authority. He / She will be responsible for granting the permit in his / her respective jurisdiction.
- p) Fees means administrative fees , permission charges, usage fees , utility fees as prescribed in these guidelines or any other tax or levy etc. that may be payable under any law; The fees or annual charges does not include Goods and Service Tax (GST), Labour cess and other applicable taxes.
- q) Telegraph/ Telecom Infrastructure includes, -
  - i. **Telecom Infrastructure** means the 'over-ground telegraph infrastructure' and 'under-ground telegraph infrastructure.
  - ii. **Over-ground telegraph infrastructure** means a telegraph, or a telegraph line established over the ground and includes posts or other above ground contrivances , appliances , and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line.
  - iii. **Under-ground telegraph infrastructure** means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.
  - iv. **Micro Communications Equipment** means a Pico/ Micro/ Pole site which is small in size and light in weight, deployed on buildings, utility/ streets poles, street furniture, indoors in large buildings viz. malls, convention centres and in areas having space constraints , narrow streets , densely populated areas and open public spaces.
- r) Portal means centralized application processing portal developed by GoG for the purpose of application processing under the Policy.

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 Policy on an application for establishment and maintenance of Underground or Overground Telegraph Infrastructure by any Applicant. This Government guidelines shall be applicable to all Appropriate Authorities within the state of Gujarat including the various Development authorities, Industrial development authorities' other Statutory Authorities and also the local bodies including municipal Corporations, municipalities, Nagar Palika, Gram panchayats, District Panchayat, etc. constituted by the State Legislature. The appropriate authority shall exercise the powers under this policy on an application for establishment and maintenance of underground or overground telegraph infrastructure by any Applicant.

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

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

## **5. The Power of State Government:**

The State Government through the concerned Administrative Department shall exercise the powers under this policy to define/appoint/reconstitute appropriate authority under its jurisdiction and any other matter relevant, concerned with or relative to the "Appropriate Authority" under its jurisdiction.

## **6. Nodal officer to be designated by Appropriate authority:**

- 1) Every Appropriate Authority shall designate a nodal officer for the purpose of this Policy. The Role of the nodal officer shall be but not limited to the following:
  - Responsible for day to day activities & communication with the Applicant
  - Coordinate for timely approvals/NOCs
  - The entire infrastructure being raised in authority jurisdiction shall be monitored regularly.
- 2) GoG shall develop a centralized electronic application processing portal for submission of applications under this rule.
- 3) Nodal Officer as defined at Section 2 (1) (o) will receive and scrutinize the applications on portal for issue of permit in the respective jurisdiction for establishment of Telecom Infrastructure as defined at Section 2 (1) (q)

## **CHAPTER II**

### **ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE**

## **7. Application submitted by an Applicant:**

1. The Applicant shall apply on online portal.
2. Till such portal is developed, the Applicant shall, for the purpose of establishment of telegraph infrastructure under any immovable property vested in or under the control or management of any Appropriate Authority, make an application to that Authority supported by documents prescribed by that authority.
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 the licence granted by the Central Government;
  - II. the details of underground telegraph infrastructure proposed to be laid;
  - III. the mode of and the time duration for, execution of the work;
  - IV. the time of the day when the work is expected to be done in case the licensee 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 consequence of the work proposed to be undertaken by the licensee;
  - 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 licensee, connected with or

relative to the work proposed to be undertaken; and

- IX. any other matter connected with or 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 licensee 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 this policy shall be accompanied with a non-refundable fee of INR 1000 /kilometre to meet administrative expenses for evaluation of the application and the proposed work.

**8. Grant of permission by Appropriate Authority**

(1) The appropriate authority shall examine the application with respect to the following 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 for restoration of any damage that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken;
- (f) assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee;
- (g) Any other matter, consistent with the provisions of the Act and these rules, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or special order, by the Central Government, appropriate State Government or the appropriate local authority.

(2) The Appropriate Authority shall within a period not exceeding sixty (60) days from the date of application made under this guidelines-

- 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 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 appropriate authority 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 licensee to discharge the responsibility to restore the damage that such appropriate authority shall necessary be put in consequence of the work, the appropriate authority, while granting permission under clause (a) of (2) above, may seek a bank guarantee for an amount 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 or taxes or rents other than that specified in Clause 7(4) of this Policy and restoration charges if applicant fails to restore (8(1)(e)) from the Applicant for establishing, maintaining, working, repairing underground telegraph infrastructure.

**9. Obligations of Applicant in undertaking work:**

- 1.** The licensee shall make the payment of expenses or submit the bank guarantee as determined by the appropriate authority within a period of thirty 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 licensee seeking such extension.

- 2.** The licensee shall ensure that –

(a) prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and

(b) The work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

- 3.** The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructures to enable the appropriate authority to obtain real time information on its location.

- (1) The applicant will be liable for the repair/ restoration of any damage caused to the property during implementation of the scheme. The applicant shall ensure making good the excavated trench for laying underground OFC by proper filling and compaction, so as to restore the land including roads, drain, water pipelines, stand posts, reservoirs, water treatment plants and any other damaged public infrastructure into the same condition as it was before digging the trench, clearing the debris/ loose earth produced due to the execution of trenching the portion for which RoW has been granted. Such repairs/ restoration works shall be carried out according to the instructions of the concerned competent/appropriate authority. The concerned officials may supervise the execution of work to ascertain if the conditions imposed in the grant of permission are observed by the applicant.
- (2) The applicant shall not claim exclusive right on the RoW and subsequent users will be allowed to use the RoW either above or below or by the side of the utilities laid by the first user, subject to technical requirements being fulfilled.

**10. 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 6 are observed by the licensee.
- (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 licensee has wilfully violated any of the conditions for grant of permission under clause (a) of sub-rule(2) of rule 6 or has failed to restore its assets to their original condition immediately before OFC laying work was started, it may forfeit, in full or in part, the bank guarantee submitted by the licensee, or may carry out restoration work at risk and cost to the applicant agency by itself, and withdraw the permission granted to the licensee, for reasons to be recorded in writing:

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

**CHAPTER III**

**ESTABLISHMENT AND MAINTENANCE OF OVERGROUND TELEGRAPH INFRASTRUCTURE**

**11. Application Submitted by an Applicant:**

- (1) The Applicant shall apply on online Portal.
- (2) Till such portal is developed, the applicant shall, for the purpose of establishing overground telegraph infrastructure, upon any immovable property vested in or under the control or management of any appropriate authority, make an application to that Authority supported by documents prescribed by that authority.



- (3) The information along with supporting documents to be provided by the licensee in the application made under sub-rule (1) shall include-
- i. a copy of the licence 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 overground telegraph infrastructure;
  - iv. the details of the building or structure, where the establishment of the overground telegraph infrastructure, is proposed;
  - v. the copy of approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for the transmission of Radio waves or Hertzman waves;
  - vi. the mode of and the time duration for, execution of the work;
  - vii. the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
  - viii. the measures proposed to be taken to ensure public safety during the execution of the work;
  - ix. the detailed technical design and drawings of the post or other above ground contrivances;
  - x. certification of the technical design by a structural engineer attesting to the structural safety, of the overground telegraph infrastructure;
  - xi. certification, by a structural engineer, attesting to the structural safety of the building, where the post or other above ground contrivances is proposed to be established on a building;
  - xii. the names and contact details of the employees of the licensee for the purposes of communication in regard to the application made;
  - xiii. any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and
  - xiv. 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 or appropriate local authority.
  - xv. Provided that the documents mentioned in clauses (ii), (iii), (v), (ix), (x) and (xi) shall not be required in case of application made for establishment of overground telegraph line:-

Provided further that the documents related to route plan for establishment of overground telegraph line shall be required to be provided by the licenses with the application made for establishment of overground telegraph line.

- (4) Every application under these policy 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. Other charges would be as per Annexure-A.

## **12. Grant of Permission by Appropriate Authority:**

- 1) The appropriate authority shall examine the application with respect to the following parameters, namely:-

- (a) the extent of land required for the overground telegraph infrastructure;
- (b) the location proposed;
- (c) the approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for transmission of Radio waves or Hertzian waves;
- (d) the mode of and time duration for execution of the work;
- (e) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
- (f) assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the overground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the licensee;
- (g) certification of the technical design by a structural engineer attesting to the structural safety of the overground telegraph infrastructure;
- (h) certification, by a structural engineer, of the structural safety of the building on which the post or other above ground contrivances is proposed to be established;
- (i) any other matter, consistent with the provision of the Act and these rules, connected with or related to the laying of overground telegraph infrastructure, through a general or special order or guidelines by the Central Government, appropriate State Government or the appropriate local authority;
- (j) Provided that the parameters mentioned in clause (a), (b), (c), (g) and (h) shall not be necessary for examination of the application made for establishment of overground telegraph line:

Provided further that the appropriate authority shall examine the route plan for the proposed overground telegraph line and the possible interference in regard to the establishment or maintenance of such overground telegraph line with regard to any other public infrastructure that may have been laid along the proposed route:-

- 2) Where the establishment of the overground telegraph infrastructure on government buildings renders the immoveable property, vested in the control or management of any Appropriate Authority over which such overground 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.

Provided that in cases where the overground telegraph line is established over the immovable property, vested in the control or management of any appropriate authority, then in such cases, one time compensation shall be payable for the value of the immovable property, not exceeding one thousand rupees per kilometre of the overground telegraph line established:-