



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
INFORMATION TECHNOLOGY DEPARTMENT

NOTIFICATION

The 13th February, 2018

No. IT.55/2015/433.-In pursuance of the provision of the Indian Telegraph Right of way Rules, 2016 and in supersession of earlier Order and Guidelines of this department, the Governor of Assam is hereby pleased to make the following Guidelines to bring uniformity, clarity and simplification in the process of giving permission to install telegraph infrastructure in urban and rural areas of Assam, which has been received the assent of Assam Cabinet on 28th January, 2018 and is hereby published for general information :-

Guidelines for granting Right of Way (RoW) to Telegraph Infrastructure in Assam, 2018

1. Short, title and commencement:-

- (1) These Guidelines may be called "Guidelines for granting Right of Way (RoW) to Telegraph Infrastructure in Assam, 2018".
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:

- (1) In these guidelines, unless the contexts otherwise requires,-
 - (a) "Act" means Indian Telegraph Act,1885 (13 of 1885)
 - (b) "DoT" means Department of Telecommunication, Government of India.
 - (c) "DTC" means the District Telecom Committee as formed under Para 18;

- (d) "Form" means the form appended in these guidelines;
- (e) "Infrastructure Provider (IP)" means any person holding an Infrastructure Provider-I registration issued by the DoT.
- (f) "Licensee" under these guidelines means any person holding a license issued under sub-section (1) of section 4 of the Act or an Infrastructure Provider-I registration issued by the (DoT).
- (g) "Para" means the Para of these guidelines.
- (h) "Local Body" means Urban Local Bodies like Municipal Corporation, Municipal Council or Municipal Board in an Urban area declared under the relevant law/administrative order of the State Government, Gram Panchayat (GP) and Village Council Development Committee (VCDC) for Rural areas under the relevant law/administrative order of the State Government.
- (i) "OFC" means optical fibre cable;
- (j) "Rules" means the Indian Telegraph Right of Way Rules, 2016
- (k) "STC" means the State Telecom Committee as formed under this order/guidelines.
- (l) "TERM Cell" means Telecom Enforcement, Resource and Monitoring Cell of the Department of Telecommunication (DoT), Government of India;
- (m) "Telecom Service Provider" (TSP) means and includes a person, firm, association of persons or company who is duly licensed by the DoT under section 4 of the Indian Telegraph Act, 1885 for providing inter alia mobile phone services, internet and data transfer services etc.
- (n) Telegraph 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 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 equipments.
 - (v) Cabling on the poles or electric poles.
 - (vi) 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:

Provided further that Cell-on-Wheels (COW) and any temporary infrastructure for managing events/festivals/fairs of short duration (maximum 60 days which may be further extended) or to give coverage to blank areas, shall not be included in Telegraph Infrastructure for the purpose of these guidelines and no formal permission is required for installation of such temporary infrastructure.

(o) "SACFA" means Standing Advisory Committee on Frequency Allocation (SACFA) of the DoT.

(p) "Appellate Authority" means Additional Chief Secretary to the Government of Assam, IT department as specified by Gazette Notification issued by DoT, 19th June, 2017.

(2) The words and expressions used and not defined herein but defined in the Act or the Rules shall have the meanings assigned to them in the Act or Rules, as the case may be.

3. Nodel Officer for the appropriate authority :-

Under sub rule (1) of rule 4, the Deputy Commissioner of the District shall be the Nodel officer for the purpose of these guidelines. He/She shall be responsible for granting the permit in his/her respective district.

4. Terms and conditions for granted permission to establish over-ground telegraph infrastructure (Mobile Towers):-

- (i) The Radiation norms fixed by DoT have to be strictly followed by the licensee. Any citizen can approach the TERM Cell with regard to grievance on any issue relating to radiation.
- (ii) Sign boards and Warning Signs ("Danger", "Warning", "Caution" etc.) as per guidelines of DoT shall be provided at towers and antenna sites which are clearly visible and identifiable.
- (iii) The licensee shall be permitted to erect/install telegraph infrastructure on open land including private/Government land, land and buildings of Government or Government owned/controlled statutory or non-Statutory institutions/bodies or at other public/private locations including roads, parks, playgrounds, schools, colleges, hospitals, land earmarked for public utilities.
- (iv) In the walled city area or in the area of Heritage importance the Pole/Mast shall be designed keeping in view the Heritage character of the area as defined by competent authority.
- (v) Installation of non-telecom over-ground infrastructure shall not be permitted on the right of way granted region for underground telecom infrastructure.
- (vi) The licensee shall be granted permission to install micro cells/Wi-Fi access points and other required services on street light poles/bus shelters/government buildings.
- (vii) The licensee shall install and fix the equipments such as power back-up as per the standard norms of State Pollution Control Board in the earmarked boundary adjacent to mobile tower/post.

- (viii) The structural stability of the towers/posts and building in which it is erected, shall be ensured by the licensee and the towers/posts and their foundations shall be designed accordingly. He shall be solely responsible for any mishap, if it takes during or after erection of towers.
- (ix) The permission shall not be withheld due to outstanding urban development tax or any other dues payable upon the land and building applied for installation of telegraph infrastructure. But the Nodal Officer shall communicate such tax or dues to the licensee and the Owner of the land and building and if an undertaking is submitted by the Owner for depositing the outstanding urban development tax or any other dues, as the case may be, then Nodal Officer shall grant the required permission.
- (x) Mobile towers/posts being a temporary structure and essential service in nature can be installed on any type of land/building regardless of its specified land use and shall not require change of land use under any law.

5. Terms and conditions for granting permission to lay underground telegraph infrastructure (OFC):

- (i) The licensee shall obtain necessary permission for laying optical fiber cable (OFC) network/underground telegraph infrastructure and taking fiber to home under roads and overhead from the Nodal Officer of concerned appropriate authority;
- (ii) Damages of roads and filling up of pits caused during the laying of underground telegraph infrastructure and taking fiber to home shall be repaired by the concerned local body and the entire expenses, for restoration of damaged road portion shall be charged by the local body from the licensee. Charges for such expenses shall be fixed by the State Government from time to time, on the basis of applicable schedule of rates for works for similar nature. The Basic Schedule of Rate (BSR) and guidelines issued by the Public Works Department (PWD), Government of Assam shall be followed for calculating the restoration charges. Such charges shall be deposited in the advance in the form of valid applicable financial instrument/digital payment mode within period of 30 days from the date of grant of the permission and prior to the commencement of work of laying the underground telegraph infrastructure. An amount equal to restoration charges as security shall be taken (in lieu of expenses for restoration) prior to the commencement of such work in the form of a Bank Guarantee valid for one year if the licensee has undertaken to discharge the responsibility of restoration of damaged road portion. The period can be extended based on the requirement:

Provided that no other charges, (except above-mentioned restoration charges and relevant administrative charges prescribed under Para -9 and 10), like User Charges etc. shall be levied on the licensee.

- (iii) Laying OFC through Micro:- Trenching Method shall be allowed during monsoons, provided that the applicant takes all security measures and makes arrangements for immediate restoration of the damage caused.
- (iv) Supervision of the work:-
- (a) The Nodal Officer, or any officer authorized by the appropriate authority, may supervise the execution of work to ascertain if the conditions imposed under the rules and these guidelines are observed by the licensee;
 - (b) The Nodal Officer may, on the basis of such supervision, impose such other reasonable conditions as it may think fit;
 - (c) If the Nodal Officer comes to the conclusion that the licensee has shallfully violated any of the conditions, he/she may forfeit, in full or in part, the bank guarantee submitted by the licensee and withdraw the permission, for reasons to be recorded in writing :
Provided that no action shall be taken under this clause unless the licensee has been given a reasonable opportunity of being heard.
 - (d) Only pits of approximate size 1.5mtr.x1.5mtr.x1.5mtr. depth or as per requirement at site shall be excavated in the roads where optical fiber cables are to be laid, at the distance of not less than 100 meter. The pits shall be refilled only with granular material and shall be compacted as per the specifications. The pits/trenches shall be reinstated within 48 hours, repeat shall be reinstated within 48 hours, after the work at that location is over, failing which, penalty as applicable as per the guidelines for trenching activities shall be applicable besides the cancellation of permission etc.
- (v) Number of ducts under the roads for which permission shall be granted as per requirement of the licensee.
- (vi) The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructures to enable the local body to obtain real time information on its location.
- (vii) The licensee shall carry out Ground Penetrating Radar (GPR) survey wherever necessary along the route where the ducts shall be laid for detection of existing utilities. The data of utilities collected by the licensee through GPR survey should be unconditionally shared with Local Body, free of cost.
- (viii) No damage shall be caused to any underground utilities while laying the ducts by using Horizontal Directional Drilling (HDD) methodology. In case any utility is damaged, the damage so caused to the utilities, shall be rectified by the licensee at his own cost.
- (ix) Ducts shall be laid minimum 1.65 meter below the road crust. However, in case of hard rock strata where HDD methodology is not possible, the depth of approx. 400 mm. shall be maintained with the duct installed inside G.I. Pipe covered with PCC 71.

- (x) The cost of shifting conduits/OFC, wherever required, shall be borne by the licensee and instructions of Local Body in this respect shall be complied within the time frame fixed by the concerned Local Body.
- (xi) Local Body shall not be responsible for any damage to OFC and resultant losses, if any, due to any act of employee of Governments or Local Body, while performing official duties. However, prior written intimation shall be given by the Local Body to the licensee. In case local body executes the work and causes enough damage which may disrupt the service, then local body shall be liable to pay the penalty to the licensee due to physical damage only as determined by the State Public Works Department.
- (xii) The licensee shall make proper arrangement for access control of the chambers to avoid misuse/illegal use of ducts and the chambers.
- (xiii) For laying overhead OFC from fiber to home network it shall be permitted to erect poles on specified locations roads over the ground area not more than 1 meter X 1 meter. The spacing between two poles should not be less than 50 meters in line of the sight.
- (xiv) The licensee shall ensure that,-
 - (a) Prior to the commencement of work of laying the optical fiber and at all times during the execution of the work, the measures to mitigate public inconvenience and provisions for public safety are implemented;
 - (b) Structural safety of over-ground infrastructure are implemented; and
 - (c) The work of laying OFC/telegraph infrastructure is carried out in accordance with the conditions specified under the rules and these guidelines.

6. Application for permission:

(1) Application (in duplicate) for **permission for establishment of over-ground telegraph infrastructure** or for its renewal shall be submitted to the Nodal Officer in the Form-1 along-with following documents.-

- (i) A copy of relevant license/IP-I registration certificate issued by the Department of Telecommunications. It needs to be submitted only once per licensee to a particular Nodal Officer defined under rule 2 of these guidelines.
- (ii) Location map from any publicly available source (scale 1:1000) showing the site with its latitude- longitude. Licensee shall share all new and existing GIS map of OFC routes and towers with the IT Department and DTC.
- (iii) The detailed technical design and drawings of the tower/post or other aboveground infrastructure including the specification of foundation. In case the tower/post etc. is within 100 meter aerial distance of high or low tension line, then its distance from the same shall be clearly indicated in the drawings.

- (iv) Copy of Structural Stability Certificate for the building and tower/post obtained from any authorized Structural Engineer, or/from recognized institute or a Structural Engineer registered or employed in Central or State Government Service or a Quasi- Government Organization or any other agencies authorized from time to time by the State Government.
- (v) Copy of No-objection Certificate issued by the Fire Safety Department in case of high rise buildings where fire clearance is mandatory.
- (vi) Copy of SACFA clearance/copy of SACFA application for the said location submitted to Wireless Planning and Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, licensee shall 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 is installed).
- (vii) For Forest/Protected Areas, the copy of clearance from State Environment and Forest Department, if applicable.
- (viii) Acknowledgement receipt issued by TERM Cell on the basis of self-certificate submitted by licensee in respect of mobile tower/Base Transceiver. Station (BTS) establishing/certifying that all general public areas around the tower shall 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 30 days after radiating the tower).
- (ix) Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufactures of the DG sets.
- (x) Ownership title document of the building/site needs to be submitted. (Self attested copies). However, production of Patta/approved map should not be insisted upon but in specific cases such documents if required then same needs to be submitted.
- (xi) Attested copy of Lease Agreement Deed/Consent Letter, signed by the applicant and the owner of the site/building.
- (xii) The Nodal Officer/Local Body may also seek the copy of No Objection Certificate (NOC)/ Consent Letter from building owners/entities/societies having roof top rights in case of roof based tower or from land owner in case of ground based tower.
- (xiii) In case the permission is sought in the land/premises of any office of Central Government or a PSU of Central Government, the prior written consent or copy of agreement from the authority having legitimate right over the land/premises shall be attached with the application.

(2) Application for **permission to lay underground telegraph infrastructure or taking fiber to home** in the **right of way** shall be submitted to the Nodal Officer in Form-2 along-with following documents,-

- (i) A copy of relevant license/IP-I registration certificate issued by the Department of Telecommunications. It needs to be submitted only once per licensee/IP.
- (ii) the location map showing the proposed underground telegraph infrastructure including route planned, exact latitude and longitude, nature of land.
- (iii) the copy of consent of the owner of land/building where the OFC/telegraph infrastructure proposed to be laid;
- (iv) certificate by a structural engineer (as mentioned in Para 5(1) (iv)) attesting to the structural safety of building where the post or other above-ground contrivances is proposed to be established on a building;
- (v) the detailed technical design and drawings of the post or other above-ground contrivances (in case of over-ground cabling);
- (vi) the copy of approval issued by the DoT for locations of the above-ground contrivances proposed to be used for the transmission of Radio waves or Hertzian waves (in case of over-ground cabling);
- (vii) For Forest/Protected Areas, the copy of clearance from State Environment and Forest Department, if applicable.

(Note:-NOC of Forest Deptt. would not be required in areas not covered under Forest/Protected Areas.)

(3) The licensee shall submit a copy of receipt in proof of the payment of application fee and other charges as prescribed under these guidelines.

(4) The licensee shall furnish such other relevant information as may be required by the Nodal Officer or as the State Government may direct.

(5) The licensee may also submit the soft copy of the application along with all the forms, statements and documents.

(6) Application, if the licensee desires, may be submitted On-line in cases of such appropriate authorities, wherever they have proper arrangements for this purpose till the time IT Department come up with a common on-line platform for the State for receipt/processing of application. IT Department shall develop the same within 12 months from the date of notification of these guidelines.

(7) In cases where applications for permission for establishment of telegraph infrastructure has been submitted under erstwhile Order/s of the State Government (for new as well as existing telegraph infrastructure) but permission has not been issued, then in such cases, there would be no need to submit fresh application. However, any documents required under these guidelines, but not submitted earlier,

shall be submitted along-with the fee/charges under these guidelines. The Nodal Officer shall issue the permission in accordance with these guidelines. The fees/charges paid earlier shall be adjusted and such pending application should be disposed of within 30 days from the deposit of remaining fee/charges and submission of remaining documents. In case the permission has not been granted in 30 days, the Licensee shall re-approach the local body after the 30th day from the submission of the complete application on which local body required to revert in next 15 days, else the application shall be considered deemed to be approved post 15th day.

(8) All applications received by the Nodal Officer shall be entered in a Register in Form-3 and shall be maintained for record.

7. Examination and scrutiny of applications:

- (1) The Nodal Officer, in an urban area shall, within three days of the receipt of the application, send it to the Engineering or Planning cell of the Local Body for examination, who, considering parameters as detailed in Para below, shall submit his report within three days of the receipt of the application from the Nodal Officer.
- (2) In case the permission is sought in rural area, the Nodal Officer, shall within three (3) official working days of the receipt of the application shall send it to the Circle Officer and in charge of PWD having jurisdiction of the area for examination and also to the GP or VCDC as applicable for their comments, who, considering parameters as detailed in Para 8 below, shall submit their report within seven (7) official working days of the receipt of the copy of application to the Nodal Officer.
- (3) The Nodal Officer also, shall scrutinize the applications and verify or cause to be verified the contents and facts envisaged in the application and in other supporting documents within seven (7) official working days of the receipt of report under sub-Para (1) or (2) above, as the case may be.
- (4) If after scrutiny of documents and other details under sub-Para (4) the Nodal Officer is of the opinion that any additional relevant information on the subject matter required to be sought, he may require the licensee within a period of fifteen (15) official working days from the receipt of the application to submit the same and the licensee shall be bound to submit such additional information within ten (10) official working days, failing which the application may be disposed off ex-parte within the stipulated period specified in Para-9.

Parameters for examination of application:-

(1) The application for establishment of over-ground telegraph infrastructure shall be examined with respect to the following parameters, namely.-

- (a) the extent of land required for such infrastructure;

- (b) the location proposed;
 - (c) the mode and time duration for execution of the work;
 - (d) the estimation of the expenses that the local body shall necessarily be put in consequence of the work proposed to be undertaken shall be prepared as per the latest instruction/guidelines of the Public Works Department, Government of Assam;
 - (e) assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the aboveground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the licensee;
 - (f) Certification/information indicated in the documents as required under sub-Para (1) of Para 6 of these guidelines.
- (2) The application for laying of underground telegraph infrastructure shall be examined 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 day that the work is proposed to be executed ;
 - (d) the estimation of the expenses that the local body shall necessarily be put in consequence of the work proposed to be undertaken;
 - (e) the responsibility of restoration of any change that the local body may necessarily may 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 in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee;
 - (g) Certification/information indicated in the documents as required under sub-Para (2) of Para 6 of these guidelines.

9. Disposal of applications:

- (1) The Nodal Officer shall be responsible for the single window clearance of the application made by the licensee.
- (2) The Nodal Officer, examining and considering all the facts including facts mentioned in the application and reports received under sub-Para (1) or (2), as the case may be, of Para-7 and objections/suggestions, if any, filed under sub-Para (3) of Para 7, shall within a period not exceeding sixty (60) official working days from the date of application received under Para 6

- (a) Grant permission on conditions as specified in Para 4 or 5, as the case may be, and conditions of time, mode of execution, measures to mitigate public inconvenience or enhance public safety as specified by the Nodal Officer subject to the provisions of the rules and these guidelines. The permission shall be issued in Form-4 or Form-5, as the case may be,
- (b) Reject the application for reasons to be recorded in writing. The permission may be refused only if the application is found to be against any of the provisions of the rules and these guidelines but shall not be refused on any extraneous ground:

Provided that no application shall be rejected unless the applicant licensee has been given an opportunity of being heard or minimum time of seven (7) official working days to furnish the required details as sought on the reasons for such rejection:

Provided further that the permission shall be deemed to be granted if the Nodal Officer fails to either grant permission under (a) or reject the application under (b) within sixty (60) official working days; and the same shall be communicated in writing (in the Form-4 or 5) to the applicant- licensee not later than five (5) official working days after permission is deemed to have been granted.

10. Application fee and other charges:-

The licensee shall pay the following charges

- (a) (i) The application under Para 5(1) for establishment of over-ground telegraph infrastructure shall be accompanied with a fee of Rs.10,000/-(non-refundable) to the Government exchequer at head of Account defined by Finance Department.
- (ii) The application under Para 5(2) for laying underground telegraph infrastructure shall be accompanied with a fee @ Rs.1000/- per kilometer (non-refundable).
- (b) The licensee shall deposit annual user charges to the local body for installation of Roof Top Tower s(RTT)/Roof Top Pole(RTP)/Ground Based Tower (GBT)/Ground Based Mast (GBM) in case of land/building/infrastructure under the jurisdiction of local body from urban and rural areas.
- (i) For Municipal Corporation / Municipal Council Towns Rs. 10,000/-
- (ii) For Municipal Board Towns, GP and VCDC areas Rs 5,000/-
- (c) No other tax shall be levied against the Mobile Tower except as mentioned above.

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

(1) The licensee shall deposit application fee and other charges as specified under Para 10 in respect of lands and buildings of Central/State Government or statutory or non-statutory bodies/institutions.

(2) The licensee 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/agencies of the State Government including local bodies annual charges shall be deposited as under

(i) Rs 10,000/- in Municipal Corporation area

(ii) Rs 5,000/- in MB/Town Committee area

(iii) Rs 5,000/- in other areas

N.B. For permission under State Government/PSC/agencies lands and buildings fees under 10(b) is not applicable.

(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.1000/- shall be deposited by the licensee to the local body.

(d) The licensee shall deposit Rs.1,500/- per pole annually to the local body for use of street light poles to carry OFC/Aerial cabling.

(e) The annual rent for putting up manhole/chamber on the OFC route shall be charged @ 1.0 % of the DLC of the area taking actual number of chambers and their actual size into consideration. Any other charges shall not, however, be levied for putting up chambers.

(f) The licensee may, if he so desires, deposit one time charges under clause (b) or clause (c) or clause (d), clause (e), as the case may be, which would be equal to eight times of such full annual charges. Such a payment would exempt the licensee from further liability of payment of aforesaid annual charges under clause (b) or clause (c) or clause (d), clause (e), as the case may be.

- (g) Restoration charges for laying underground OFC to the local body shall be deposited as mentioned in clause (iii) of para-5.
- (h) No fee and charges shall be recovered from the Government Departments for establishing Telecommunication system including towers/poles for their use.

12. Guidelines for installations of in-building solutions (IBS) in Government Buildings:

The in-building systems may be set-up in buildings to obtain good coverage and capacity to the mobile network inside the building by ensuring that the signals don't have to penetrate thick walls. The infrastructure required to be installed requires extensive wiring in building which could be internal or external based on the aesthetical requirement of the owner. This solution is beneficial to the mobile users as well as mobile operators as it reduces the load of the mobile towers and gives coverage to the mobile users. In this regard, following guidelines shall be followed.

- (1) Identification/selection of Government buildings for in-building solution would be done by the concerned department and request for installing IBS can be communicated to the Telecom Service /Infrastructure Provider who in-turn shall conduct a survey to see the possibility of installing IBS in the said premises/building. The survey shall be verified by an engineer from Public Works Department who is member of the District Telecom Committee.
- (2) The permission for setting such a facility would be given by the concerned Head of department of the building and issue enabling order to allow such installations. In view of requirement of exterior/interior wiring for in-building solution, the line plan should be got approved by the maintenance agency for electrical services for the said building. The service /Infrastructure provider would also look into the security considerations of the Government offices.

13. Tenure of permission and renewal:

- (1) The permission accorded shall be valid from the date of its issuance and it shall be limited up to the periods of permission/license/registration granted by the DoT. The licensee shall submit application for renewal of permission to the Nodal Officer at least sixty official working days before the expiry of the permission along with all the documents as required for new permission. The Nodal Officer shall renew the permission after charging fee and other charges as prescribed under Para 10 or Para 11, as the case may be.
- (2) The Nodal Officer shall renew the permission up to the period of the permission/license/registration granted to the licensee by the DoT under the Indian Telegraph Act, 1885.
- (3) The Nodal Officer shall dispose of renewal application within fifteen (15) official working days. If application for renewal is submitted in time, the operation of the Mobile Tower etc. shall not be discontinued for any delay in disposal of application for clearance by the Nodal Officer.

14. Regularization of existing mobile towers:

- (1) Wherever permission has already been granted under erstwhile policy/orders, the same shall hold good and no fresh permission shall be required under these guidelines. The tenure of permission so granted shall be effective from the date of its issuance and it shall hold good during the period of permission/license granted by the DoT.
- (2) For all the existing mobile towers where application has been already submitted, shall be regularized by Nodal Officers on the basis of application and documents already submitted. Earlier fees paid, if any, by the licensee shall be adjusted as per the new guidelines which shall also be taken into consideration along with the payments already made and under process with various local authorities. In case the permission is not issued within 30 days from the date of commencement of these guidelines, the Licensee shall re-approach the local body on which local body is required to revert in next 15 days, else the application shall be considered deemed to be approved and permission granted post 15th day.
- (3) For all the existing mobile towers etc. wherein formal permission has not been issued by the Nodal Officer and application not submitted, shall be regularized upon submission of application in Form-6 along with information and documents as specified therein and after the payment of prescribed fee/charges under these guidelines. Such application shall be submitted within six months of issue of these guidelines, after which these mobile towers shall be deemed as unauthorized. Once the application is submitted within the due time, the operation of the Mobile Tower shall not be discontinued till disposal of the application by the Nodal Officer or till the disposal of appeal (if any) filed in time before the Appellate Authority, whichever is later. In case the permission has not been issued within 30 days, the Licensee shall re-approach the local body after the 30th day from the submission of the complete application, on which local body is required to revert in next 15 days, else the application shall be considered deemed to be approved and permission granted post 15th day.
- (4) Telecom Installations are critical communication infrastructure for seamless mobile and internet services to the citizens. In order to avoid disruption in mobile/internet communication, an essential service, sealing of existing and operational base transceiver station towers or any interruption to internet service by disconnection of electricity of such tower or any equipments/accessories installed for internet transmission may not be resorted to without the consent of the respective TERM Cell in respect of the EMF radiation related issues.

15. Construction/ repair works by various utility service providers of State/ Central authorities:

The agencies of various utility service providers extending services such as electricity (DISCOMs), water supply pipes, gas pipes, sewerage, Road works (PWD/NHAI) etc. while undertaking new construction/repair works in specific alignment to optical fibre cable (OFC) shall intimate to concerned

local authority and also to concerned TSP/IP providers well in advance not less than 15 official working days before the start of work so as to give sufficient time to TSP/IP to make plans for shifting of OFC/alternate rout in order to avoid disruption in mobile/internet services.

As the TSP/IP are providing/supporting Telecom services the power disconnection to telecom installations on account of any planned repair/maintenance activity shall not be done without prior notice to the concerned TSP/IP at least 15 days in advance.

16. Seizure and removal of unauthorized telegraph infrastructure:

- (1) If any person, after the issuance of these guidelines, installs or continues to install any tower or any other telegraph infrastructure without obtaining the prior permission and depositing the prescribed fee and charges then in such cases power/electricity connections shall not be provided. The Nodal Officer, through Local Body, may seize and remove such tower and the expenses incurred by the Local Body for such removal or seizure shall be recovered from the licensee/person concerned :

Provided that before seizure or removal of tower etc. the Nodal Officer shall afford an opportunity of hearing to the concerned person/licensee by giving at least thirty days' notice to him.

- (2) In case any Telecommunication system has been seized or removed under this Para, intimation shall be sent immediately to TERM Cell of DoT in the State. TERM cell, Assam office shall update details of their designated officials with the IT Department from time to time.

17. Right of authorities to seek removal:

- (1) Where the State Government or local body or the Nodal Officer, having regard to circumstances which have arisen since the installation of any telecom tower or the establishment of any underground or over-ground OFC/telegraph infrastructure under, over, along across, in or upon any immovable property vested in or under the control or management of the State Government or the local body or the appropriate authority, that is necessary and expedient to remove or alter such telecom tower or OFC/telegraph infrastructure, the Nodal Officer shall issue a notice to the applicant (licensee), being the owner of such telecom tower or OFC/telegraph infrastructure, to remove or alter its location.
- (2) On receipt of the notice under Sub-Para (1), the applicant (licensee) shall, forthwith and within a period of thirty days, proceed to submit, to the Nodal Officer, a detailed plan for removal or alteration of such telecom tower or OFC/telegraph infrastructure.
- (3) The Nodal Officer shall, after examination of the detailed plan submitted by the applicant (licensee) under sub-Para (2), pass such orders as it deems fit:

Provided that the Nodal Officer shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telecom tower or OFC/telegraph infrastructure, provide reasonable time to the applicant (licensee) for removal or alteration of such telecom tower or OFC/telegraph infrastructure:

Provided further that the responsibility and liability, including the cost thereof, for removal or alteration of such telecom tower or OFC/telegraph infrastructure shall be borne by the applicant (licensee).

18. State Level and District Level Telecom Committees:

- (1) There shall be a State Telecom Committee (STC) in the State which shall act as an Apex Committee for overall guidance and monitoring of the implementation of these guidelines under the Chairmanship of the Commissioner and Secretary, IT Department with the following members. However, the Chairman of STC is authorized to co-opt any expert as necessitated:

Sl. No	Designation	Membership
1	Commissioner and Secretary to the Government of Assam, IT Deptt.	Chairman
2	Commissioner and Secretary to the Government of Assam, Home Deptt.	Member
3	Director General of Police, Assam Police	Member
4	Commissioner and Secretary to the Government of Assam, GAD	Member
5	Commissioner and Secretary to the Government of Assam, Health and Family Welfare Deptt.	Member
6	Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Deptt.	Member
7	Commissioner and Secretary to the Government of Assam, Revenue and Disaster Management Deptt.	Member
8	Commissioner and Secretary to the Government of Assam, Environment and Forest Deptt.	Member
9	Commissioner and Secretary to the Government of Assam, Power Deptt.	Member
10	Joint Secretary to the Government of Assam, Information Technology Deptt.	Member- Secretary
11	Deputy Director General (TERM), Assam	Member
12	Representative of the concerned licensee	Member

- (2) District Telecom Committee (DTC): There shall be District Telecom Committee in each district to implement these guidelines under the overall supervision of the STC. The DTC shall comprise of the members as mentioned below. However, the Chairman of DTC is authorized to co-opt any expert as necessitated:

Sl. No	Designation	Membership
1	Deputy Commissioner	Chairman
2	Superintendent of Police	Member
3	Additional Deputy Commissioner	Member
4	Chief Municipal officer of ULBs in the District	Member
5	Secretary of Development Authority	Member
6	CEO , Zila Parishad	Member
7	Representative of the Pollution Control Board	Member
8	Chief Medical and Health Officer	Member
9	Suptd. Engineer, PWD	Member
10	Suptd. Engineer, APDCL	Member
11	Representative of the concerned licensee	Member

- (3) The STC/DTC shall deal with the issues related to installation of telecom infrastructure including (Within their jurisdiction) the following:-
- (i) Implementation of this guidelines in a smooth manner for development of the telegraph infrastructure in the State
 - (ii) Public grievances which may arise in case of installation of mobile towers, laying of underground or overhead OFC etc. in the State
 - (iii) Grievances for seizure/removal of unauthorized mobile towers, underground and over ground of etc.

19. Appeals/Dispute Resolution/Public Grievance:

- (a) Any dispute arising between a licensee and the Nodal officer in consequence of these guidelines or any complaint/ grievance by any individual/organization shall be referred to the DTC.
- (b) The DTC shall decide the dispute/ dispose of the complaint/grievance within thirty days of receipt of the grievance.
- (c) Appeal shall lie against the decision of the DTC to the STC by the aggrieved party within sixty days (60) of the order of DTC. The STC shall decide the dispute/dispose of the complaint/grievance within thirty days of receipt of the grievance.
- (d) Any party aggrieved by the decision of STC may file an appeal before the Appellate Authority within thirty days of the order of STC:
Provided that the disputes pertaining to Government land and buildings between a licensee and the Nodal officer in consequence of these guidelines may be referred to the Appellate Authority directly in terms of rule 14 of Indian Telegraph Right of Way Rules, 2016.
- (e) The Appellate Authority shall determine the disputes in accordance with sub rule (3) of rule 14 of Indian Telegraph Right of Way Rules, 2016.

20. Removal of Difficulties:

The Government of Assam may amend these guidelines or issue further guidelines, as and when necessary, for removal of any difficulties that may arise for issue of clearance or permit for installation of over-ground and under-ground telegraph infrastructure in the State.

RAVI CAPOOR,

Addl. Chief Secretary to the Government of Assam,
Information Technology Department.