



**Guidelines/Instructions & Permissive sanction for  
laying of optical fiber cable and installing Mobile  
Towers in Private/ Government Sites, Land &  
Buildings**

**Department of Information Technology  
Government of Uttarakhand**

**सूचना प्रौद्योगिकी विभाग, उत्तराखण्ड शासन**





## GOVERNMENT OF UTTARAKHAND

### Information Technology Department – Guidelines/Instructions & Permissive sanction for laying of optical fiber cable and installing Mobile Towers in Private/Government Sites, Land & Buildings

G.O No. xxx/xxxx/xxxx

Dated: ....., 2018

#### **CHAPTER-1**

##### **PRELIMINARY-**

The Uttarakhand Telecom sector has witnessed phenomenal growth and mobile telephony in particular has revolutionized in the state over the past decade. Getting better telecom/ High Speed Internet connectivity in Uttarakhand is imperative for the all-round development of the state. Mobile Towers are integral part for providing better connectivity whereas Underground/Overhead Optical Fiber Cable is equally required to connect these Towers with Cellular Network. The absence of the required infrastructure leads to the degradation of quality of services, slow internet speed and call drops. The formation of a Policy having guidelines shall ease the implementation of over ground (Mobile Towers) & underground (Optical Fiber Cable) infrastructure establishment in the state and ease out the whole process of applying, approval and installation of the infrastructure across the State. There is a need to reduce license and regulatory compliance requirements keeping in view best international practices by simplifying all existing technical systems and online systems applicable for grant of licenses, approvals, clearances, permissions and developing a comprehensive end-to-end platform. Government of Uttarakhand wants to promote start-up companies so as to generate business opportunities in the state thereby employment in the state will get boosted.

With a view to provide Network through Optical Fiber Cable to each and every house and upto remotest Village Panchayat and Gram Sabha, following guidelines may be taken into consideration. Government has examined the matter in detail and accordingly is pleased to grant permissive sanction and issue guidelines for installation of Mobile Towers (Masts) and laying of Optical Fiber Cable by any licensed Licensees/Infrastructure Providers operating in the state of Uttarakhand for facilitating better communication connectivity subject to the satisfaction of certain conditions detailed hereunder and exhaustive Policy in this regard is provided below:

**1. Short title and commencement** - This order may be called the Uttarakhand Right of Way, 2018 (UKROW-18).

##### **2. Definitions :**

- 1) In these rules, unless the context otherwise requires, -
  - a) "Act" means the Indian Telegraph Act 1885(13 of 1885).
  - 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 Uttarakhand having jurisdiction, and includes the administration.
- d) "DoT" means the Department of Telecommunication, Government of India;
- e) "TERM Cell" means Telecom Enforcement, Resource and Monitoring Cell of the Department of Telecommunication (DoT), Government of India which is competent agency to tender advise on Electro Magnetic Field (EMF) Radiation related matters of Mobile Towers.
- f) "SACFA" means Standing Advisory Committee on Frequency Allocation (SACFA) of the DoT.
- g) "STC" means the State Telecom Committee as formed under Para 19;
- h) "DTC" means the District Telecom Committee as formed under Para 19;
- i) "Licensee" means and includes the Infrastructure Provider (IP) and/or Telecom Service Provider (TSP) holding a license under subsection (1) of Section 4 of the Telegraph Act.
- j) "Overground Telecom Infrastructure" means over ground infrastructure for telegraph or telegraph line established over the ground and includes the poles, posts, Telegraph/ Telecom Infrastructure such as Mobile Towers/Masts and other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line.
- k) "Order" means this UKROW-18 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 a State Government Officer with the rank of Principal Secretary/ Secretary designated as Dispute Resolution Officer (DRO) for resolving the issues if any arises during the implementation of the UKROW-18.
- n) "Nodal Officer" means a state Government senior officer designated by the Appropriate Authority for the implementation of UKROW-18.
- o) "Form" means the form appended in this order
- p) "Infrastructure Provider (IP)" means and includes a person, firm, association of persons or company who is duly registered by the DoT and is duly authorized to install passive telecom infrastructure for sharing with TSPs on non-discriminatory basis.
- q) "Licensee" (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.
- r) 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, any other transmission towers
  - iv. Pre-fabricated or masonry structure shelters or installation of Base Transceiver Station (BTS) and other equipment's,

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- v. Ducts, underground OFC, cabling on the poles or electric poles and terrestrial connecting homes with Fiber.

However, the Telegraph Infrastructure, for the purpose of this Order, 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. Appropriate Nodal Authority should be empowered to permit installation of such Temporary structure who shall upon an application made by the Licensee should grant or reject such installation. However, Approval or Rejection in this regard is expected to be accorded within 20 days from date of acknowledgement of the application by the Nodal Authority. (Provided that no application shall be rejected unless the applicant Licensee has been given an opportunity of being heard on the reasons for such rejection).

- 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 on an application for establishment and maintenance of Underground or Over ground Telegraph Infrastructure by any Licensee on whom the powers of the telegraph authority have been conferred by notification under section 19B of the Act, subject to any conditions and restrictions as may be imposed in such notification. This Government Order shall be applicable to all Appropriate Authorities within the state of Uttarakhand including the various Development authorities, Industrial development authorities other Statutory Authorities, P.W.D., UPCL, Revenue, Irrigation, Urban Development, Rural Development and also the local bodies including municipal Corporations, municipalities, Nagar Palika Parishad, Town committees, Gram panchayats, Zila Parishad/Panchayat, Urban and Rural Local Bodies etc. constituted by the State Legislature. The appropriate authority shall exercise the powers under this Order on an application for establishment and maintenance of underground or over ground telegraph infrastructure by any Licensee
4. **Nodal officer to be designated by local authority-**

Every Appropriate Authority shall designate a nodal officer for the purpose of these rules. The Role of the nodal shall be but not limited to the following:

- Responsible for day to day activities & communication with the companies.
- Coordinate for timely approvals/NOCs.
- The entire infrastructure being raised in authority jurisdiction shall be monitored regularly.
- Follow up on issues / Grievances.

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## CHAPTER II

### ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE-

#### 5. Terms and Conditions for granted permission to lay underground telegraph infrastructure(OFC)

- i. The license 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 the concerned appropriate authority.
- ii. The work shall be started from the outer areas of the city and then to the core area.
- iii. Damages of the roads and filling up of the pits caused during the laying of underground telegraph infrastructure and taking fiber to home will be repaired by the concerned local body/appropriate authority 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 state government from time to time, on the basis of applicable schedule of rates for works for similar nature. The BSR and guidelines issued by the PWD shall be followed for calculating the restoration charges. Such charges(100%) shall be deposited in the advance within period of 30 days from the grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure.

Provided that no other charges, (except above mentioned restoration charges and relevant administrative charges prescribed), like user charges etc. shall be levied on the licensee.
- iv. 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.
- v. Only pits of approximate size 1.5 mtr x 1.5 mtr x 1.5 mtr depth or as per the 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 besides the cancellation of permission etc.
- vi. Number of ducts under the roads for which permission will be granted shall be as per requirement of the licensee.
- vii. The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructure to enable the local body to obtain real time information on its location.
- viii. The licensee will carry out ground penetrating radar (GPR) survey wherever necessary along the route where the ducts will be laid for detection of existing utilities. The data of utilities collected by the licensee through GPR survey should be unconditionally shared with the local body, free of cost.
- ix. No damage shall be caused to any underground utilities while laying the ducts 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.

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- x. Ducts shall be laid approximately 2 meters below the road crust. However, in case of Hard rock strata where HDD methodology is not possible, the depth of approx. 400 meter shall be maintained with the duct installed inside GI pipe covered with PCC 71.
- xi. The cost of shifting conduits/OFC, wherever required, shall be borne by the licensee and instruction of local body in this respect shall be complied within the time frame fixed by the concerned local body.
- xii. Local body shall not be responsible for any damage to OFC and resultant losses, if any, due to any act of employee of Govt. or local body, while performing official duties. However, prior written information will be given by the local body to the licensee.
- xiii. The licensee shall make proper arrangement for access control of the chambers to avoid misuse/illegal use of ducts and the chambers.

#### 6. Application submitted by a Licensee-

- 1) The Licensee 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.
- 2) 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 License/ registration certificate granted by the Central Government;
  - ii. The location map showing the proposed underground telegraph infrastructure including route planned, exact latitude and longitude, nature of land;
  - iii. The details of underground telegraph Infrastructure proposed to be laid along with proper Single Line Diagram,
  - iv. The mode and time duration for, execution of the work,
  - v. The time and 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
  - vi. The details of expenses that such Appropriate Authority will necessarily be put in consequences of the work proposed to be undertaken by the Licensee.
  - 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 specific measures proposed to be taken to ensure public safety during the execution of the work.
  - ix. Any other matter relevant, in the opinion of the Licensee, connected with or related to the work proposed or to be undertaken, and the Licensee 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 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

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prudent, of the damage that the Appropriate Authority shall necessarily be put in consequence of the work proposed to be undertaken

- 3) 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 Appropriate Authority-**

- 1) The Appropriate Authority shall examine the application with respect to the parameters but not limited to the following:
  - 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 Licensee
  - 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 Appropriate Authority shall within a period not exceeding sixty (60) days from the date of application made under rule 5-
  - 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 payment of restoration charge in form of Bank Guarantee, as may be specified, subject to the provisions of the act and these rules, or
  - b) Reject the application for reasons to be recorded in writing, provided that no application shall be rejected unless the applicant Licensee has been given an opportunity of being heard on the reasons for such rejection.
- 3) Where the Appropriate Authority accepts the undertaking by the Licensee 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, 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.

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- 4) The Appropriate Authority, shall not charge any fee other than those prescribed under sub-rule (3) of rule 5 and clause (a) of sub-rule (2) of Rule 6 from the Licensee for establishing underground telegraph infrastructure.

#### **8. Obligations of Licensee in undertaking work-**

- 1) The Licensee shall make the payment of expenses or submit the performance security 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. The Performance Security shall be for an initial period of one year from the date of issuance and which shall be renewable further on yearly basis.

Provided that the Appropriate Authority may, at its discretion, extend the said period for submission of Performance Security 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 extension of work, the measures to mitigate public inconvenience and provisions 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 Licensee 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 Licensee.
- 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 Licensee 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 Licensee 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.

**NOTE:** Above Sections 5, 6, 7, 8 and 9 of CHAPTER II shall have full effect for laying of Optical Fiber Cable for each methodology such as Open Trenching, Horizontal Directional Drilling, Micro-trenching and Moiling.

The Licensee shall not have to pay any fees or rent towards the manhole installed by them while laying the OFC. Licensee would not require a fresh permission for supervision of the work done by the





Company through these manholes and they may supervise the status of the work by giving a 10 days prior Notice to the concerned authority in writing.

### **STRUCTURED AERIAL-**

In difficult terrains or rocky and hilly areas where underground laying of OFC is not possible, the Licensee shall be granted permission for Structured Aerial Cabling in such areas by installing poles within an area of 1 meter X 1 meter upon an application submitted by them in this regard to appropriate authority for use of existing poles or installation of new Poles by Licensee. The maximum height of these poles will not be greater than 5 meters and the inter distance from one pole to another must not be less than 30 meters. Licensee shall either use the existing Poles of appropriate authority by moving application or may also apply for installation of new poles. The Lease Rentals for these Poles shall be Rs 500.00 per pole per annum. The Applicant/Licensee will also have the option of depositing the lease charges for these Poles collectively for a period of five years and in such case the Licensee shall be exempted for paying any rental thereafter. These Lease Charges shall be payable on Poles owned by Appropriate Authority and also if the Licensee moves an application to install new poles. However, no 'one time Permission fees' shall be payable for installation of such type of Poles.

Regarding laying of Optical Fiber Cable in Non Protected Forest Areas, the Licensee shall file application for consolidated area (which may be more than one hectare) through HDD/Open Trenching or Micro Trenching methodology on basis of submission of bank guarantee, further the permission shall be granted in view of the guidelines already established for Non Protected Forest Areas and the permission shall be granted by concerned District Forest Officer.

## **CHAPTER III**

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

#### **10. Terms and Conditions for granting permission to establish overground telegraph infrastructure (mobile towers etc.) :**

- 1) The radiation norms fixed by the 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.
- 2) 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.
- 3) The applicant shall be permitted to erect/install telegraph infrastructure on open land including private/khatedarilands, lands and buildings of Government or Government owned/controlled Statutory or Non-Statutory institutions/bodies or at other public/private locations including roads, parks, playground, hospital schools, land earmarked for public utilities.
- 4) 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.
- 5) 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.
- 6) The licensee shall fix the equipment which cause minimum noise and environmental pollution





- 8) 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.
- 9) 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 will not require change of land use under any law.

#### 11. Application submitted by a Licensee

- 1) A Licensee 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 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 Licensee in the application made under sub-rule (1) shall include-
  - a) A copy of License/ registration certificate granted by the Central Government,
  - b) The nature and location, including exact latitude and longitude, of post or other above ground contrivances proposed to be established.
  - c) The extent of land required for establishment of the over ground telegraph infrastructure
  - d) The details of building or structure, where the establishment of the Overground telegraph infrastructure is proposed
  - e) The mode and time duration for, execution of the work Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by the Licensee 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}.

- f) 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, Licensee 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}.

- g) 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).
- h) 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.

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- i) Copy of Clearance from Fire Safety Department only in case for high rise building where fire Clearances is mandatory.
  - j) For Forest, protected area, the copy of clearances from State Environment & Forest Department, if applicable.
  - k) For the installation of mobile towers on notified heritage buildings the specific clearance from the concerned authority shall be a condition precedent.
  - l) The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience.
  - m) The measures proposed to be taken to ensure public safety during the execution of the work.
  - n) The detailed technical design and drawings of the post or other above ground contrivances.
  - o) Copy of Certificate of design approved by IIT or equivalent Institution and Soil Test Certificate in case of Ground Based Tower. 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.
  - p) Existing Mobile Towers' GIS details shall be provided by the companies for the repository creation and monitoring.
  - q) The names and contact details of the Licensee for the purpose of communication in regard to the application made
  - r) Any other matter relevant, in the opinion of the Licensee, connected with or relative to the work proposed to be undertaken, and
  - s) 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 1,000 to meet administrative expenses for examination of the application and the proposed work. IN CASE OF Government Land, Annual Lease Rent for the space allocated for installation of Mobile tower shall be 10% of the market value of the land on 'per square meter basis'. Market value of the land will be fixed by District Collector, which shall be revised in every 5 (five) years. Provided that the Lease rental per month for Mobile Tower shall not exceed Rs 10,000 per month. The Applicant will also have the option of depositing the lease charges upfront on lump-sum basis collectively for a period of five years calculated at the rates determined initially without any escalation. It shall be applicable for all type of Mobile Towers on Government Land such as GBT/GBM/RTT/RTP.

An amount of Rs 5000/- (Rupees Five Thousand Only) per tower shall be collected from Licensees/Infrastructure Providers as 'one time' permission fee besides lease rent. In the event of sharing the towers by other Licensees/Infrastructure Providers, each one of the Licensees shall pay Rs 5000/- (Rupees Five Thousand Only) as permission fees additionally. The fee so collected shall be remitted to the appropriate Head of Account by the Head of office.

In case of Government owned land and buildings, Lease rent shall be payable to the department who own the land and buildings where Licensees/Infrastructure Providers apply for installation of Over Ground Infrastructure and one time permission fee shall be payable to concerned Development Authority/Regulatory Area/Gram Panchayat as the case may be.

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## 12. Grant of permission by Appropriate Authority

- 1) The Appropriate Authority shall examine the application with respect to the parameters but not limited to the following:
  - 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. Installation of Tower be permitted in Schools, colleges, hospitals, police stations and anganwadis. Since these are the most vulnerable places where network is required, hence the installation may preferentially be permitted in such places.
  - 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 Licensee
  - 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 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 monthly or annually, assessed on such rates as provided herein above in sub rule 3 of Rule 11.
- 3) The Appropriate Authority shall within a period not exceeding sixty days from the date of application made under rule 11-
  - 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 and payment of restoration charge or compensation, subject to the provisions of the Act and these rules, or
  - b) Reject the application for reasons to be recorded in writing, provided that no application shall be rejected unless the applicant Licensee has been given an opportunity of being heard on the reasons for such rejection
- 4) The Appropriate Authority shall not charge any fee other than those mentioned under sub-rule (3) of rule 11 for establishing over ground telegraph infrastructure

## 13. Obligations of Licensee in undertaking work

- 1) The Licensee shall ensure
  - a) 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.

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- b) 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.
- c) The Tower establishment should be in accordance to this policy and with the advisory guidelines dated 1st August 2013 by the DoT &RoW Rules, 2016 notified by GOI as amendment from time to time. The Licensee shall be required to abide by it, failing which suitable actions as deemed necessary shall be taken in this regard.
- d) If any damage is caused to any person or property because of the tower, machine room, battery equipment etc., erected by the operator, the operator 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.
- e) In case of violation of any statutory requirement, a show cause notice of 30 days will be issued to the Licensee on which Licensee has to revert with the clarification. In case the clarification is not satisfactory the tower shall be removed/sealed forthwith besides imposing of penalty.

#### **14. 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 12 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 of grant of permission under clause (a) of sub-rule (3) of rule 10, It may withdraw, for reasons to be recorded in writing, the permission granted to the Licensee. Provided that no action shall be taken under this sub-rule unless the Licensee has been given an opportunity of being heard
- 4) District Administration /Officials of the State Govt shall have the right to inspect the site at all times without any prior notice.

### **CHAPTER IV**

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

#### **15. 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 Licensee, being the owner of such telegraph infrastructure, to remove or alter its location providing the reason for such removal or shifting detailed in writing.

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- 2) On receipt of the notice under sub-rule (1), the Licensee 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 Licensee 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 Licensee 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 Licensee.

## CHAPTER V

### Regularization of existing mobile towers etc.

#### 16. Procedure for 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 will be required under this policy.
- 2) 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 formal permission has not been issued by the concerned Nodal Officers of Appropriate Authorities, 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 licensee 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.
- 3) In cases where applications for permission have been submitted under erstwhile GOs/policy(ies) but no fees has been paid or documents as per erstwhile policy(ies) were not submitted and/or permission(s) have not been issued, then in such cases, documents as per this UKROW-18 and/or fees of Rs. 1,000 to meet administrative expenses (if not paid earlier) may be submitted & permission shall be issued in accordance with this UKROW-18.
- 4) In all other cases where no application has been made, the Licensee as one time exercise, shall file applications in Form 2 along with documents & fees as per this UKROW-18 within six months from the date of issuance of this UKROW-18 and such construction of Tower shall be regularized. Also the Licensee shall deposit an amount of Rs 5000/- (Rupees Five Thousand Only) per tower as one time permission fee if not paid earlier. Further this one time permission fees shall be payable for all those existing Towers which are older to the issuance of this UKROW18. Once the application is submitted, the operation of the Mobile Tower shall not be discontinued till disposal of the application by the Nodal Officer.





## 17. Safety and Security of Telecom Infrastructure:

Telecom Installations are lifeline installations and a critical infrastructure in mobile communication. In order to avoid disruption in mobile communication, an essential service:

- a) 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.
- b) Strict legal action under relevant sections of Indian Telegraph Act 1885 and Indian Penal Code 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 VI

### DISPUTE RESOLUTION

#### 18. Dispute between Licensee and Appropriate Authority

- 1) Any dispute arising between Licensee and Appropriate Authority in consequences of this Order, shall be referred to the 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.

#### 19. District and State Level Committees:

- 1) There shall be a District Telecom Committee (DTC) in each district and a State Telecom Committee (STC) in the State to deal with matters related to public grievance for installation of Mobile Towers and other issues related to telecom infrastructure in the State of Uttarakhand.
- 2) **District Telecom Committee (DTC):** The DTC will comprise of the members as mentioned below. However, the Chairman of DTC is authorized to co-opt any expert as necessitated:
  - a) District Magistrate Chairman
  - b) Representatives of local bodies/ Development Authority /  
Power / Police / Health / PWD / Health /BSNL Member
  - c) Additional District Magistrate Member Secretary
- 3) **State Telecom Committee (STC):** The STC will comprise of the following members. However, the Chairman of STC may co-opt any two experts/officers as necessitated:
  - a) Principal Secretary/Secretary, IT Chairman
  - b) Principal Secretary/Secretary, Urban Development Member
  - c) Principal Secretary/Secretary, Health Member
  - d) Principal Secretary/Secretary, Rural Development Member





- |  |                  |
|--|------------------|
| e) Principal Secretary/Secretary, Revenue    | Member           |
| f) Principal Secretary/Secretary, Power      | Member           |
| g) Principal Secretary/Secretary, Forest     | Member           |
| h) Principal Secretary/Secretary, PWD        | Member           |
| i) Principal Secretary/Secretary, Home       | Member           |
| j) Member Secretary, Pollution Control Board | Member           |
| k) Director, ITDA                            | Member Secretary |

- 4) The DTC/STC shall deal with the issues related to installation of telecom infrastructure including,
- Public grievances for installation of towers etc.
  - Timely disposal of application for permission or renewal of permission
  - Grievances for rejection of permission
  - Grievances for seizure /removal of unauthorized towers etc.

All such issues/disputes shall be resolved/decided, as far as possible, within 30 days from the date of filing/receiving of the complaint/grievances.

## 20. Online Portal

One of the Agency under Department of IT & Electronics, Government of Uttarakhand 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 State of Uttarakhand.
- 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.





### FORM 1

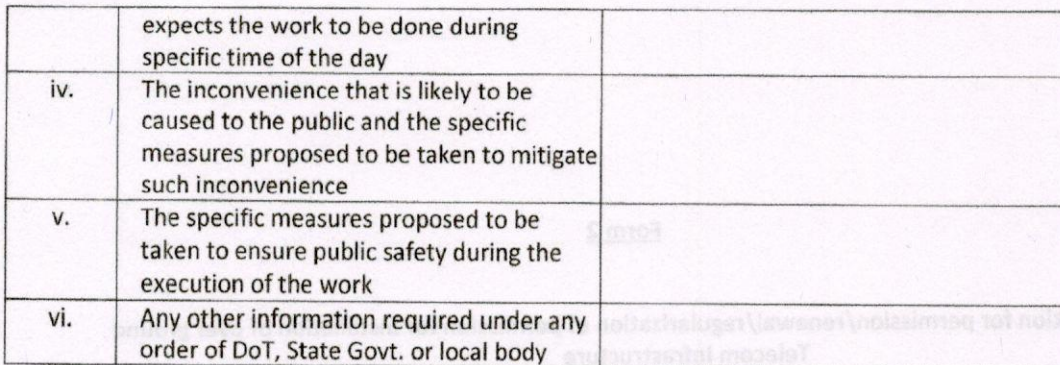
Application for permission/renewal of permission for laying/establishment of underground telecom Infrastructure/OFC.

To,  
The Nodal Officer

<b>A</b>	<b>Details of the applicant licensee</b>	
1.	License/ Registration Certificate Details	
2.	Name of Licensee / Registrant	
3.	Registered Address	
4.	Uttarakhand 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>	Whether attached (yes/no)
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	
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	

*[Signature]*





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 licensee</b>	
1.	License/ Registration Certificate Details	
2.	Name of Licensee / Registrant	
3.	Registered Address	
4.	Uttarakhand Circle Office Address	
5.	Name & designation of authorized person	
6.	Phone/Mobile no. of the authorized person	
7.	E-mail	
<b>B</b>	<b>The nature of post/tower or other aboveground contrivances proposed to be established</b>	
<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>	
2.	Exact 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.	Exact 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	

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	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 Licensee for the purpose of communication in regard to the application made	
5.	Any other matter relevant, in the opinion of the Licensee, 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>	<b>Whether attached (Yes/No)</b>
(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 Licensee (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	

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	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:

*[Handwritten signature]*