

**Government of Rajasthan**  
**Department of Urban Development and Housing**

No. f.10(147)UDH/3/2008 Part-III

Jaipur, Date **6 FEB 2017**

**Order**

In pursuance of provisions of sub-rule (1) of rule 4; sub-rule (1), clause (ix) of sub-rule (2) and sub-rule (3) of rule 5; clause (g) of sub-rule (1), clause (a) of sub-rule (2), of rule 6; sub-rule (1) of rule 7; sub-rule (2) of rule 8; sub-rule (1) clause (xiv) of sub-rule (2) and sub-rule (3) of rule 9; clause (i) of sub-rule (1) and sub-rule (2) of rule 10 and sub-rule (2) of rule 12 of the Indian Telegraph Right of Way Rules 2016 and in order to bring uniformity, clarity and simplification of process for permission to be given to licensee for installation/ laying of telegraph infrastructure in urban and rural areas and in view of advisory guidelines dated 1<sup>st</sup> August, 2013 issued by the DoT the State Government, superseding its earlier Order No.10(147)UDH/2008 Part-II dated 15.09.2015, No. F.8(Ga)(Mob)Niyam/DLB/12/351-535 dated 31.08.2017 and all other connected orders, hereby issues the following order with immediate effect,-

**1. Interpretations :** (1) In this Order, unless the contexts otherwise requires,-

- (i) "Development Authority" means the Jaipur Development Authority, the Jodhpur Development Authority and the Ajmer Development Authority constituted under the relevant law;
- (ii) "DoT" means the Department of Telecommunications, Government of India;
- (iii) "DTC" means the District Telecom Committee as formed under Para 15;
- (iv) "Form" means the form appended in this Order;
- (v) "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 the purpose of sharing with TSPs on non-discriminatory basis.
- (vi) "Licensee" means any person holding a license granted under sub-section (1) of section 4 of the Act and including Infrastructure Provider (IP) and/or Telecom Service Provider duly registered/licensed respectively, by the DoT who seeks permission for installation of telegraph infrastructure, laying OFC, taking fibre to home and related infrastructure;
- (vii) "Para" means the Para of this Order ;
- (viii) "Local Body" means a Municipal Corporation, Municipal Council or Municipal Board in a Municipal area, a Development Authority or Urban Improvement Trust in an urban area declared under the relevant law (excluding the Municipal area), and Gram Panchayat for Rural areas (excluding the area under the jurisdiction of an Urban Improvement Trust or a Development Authority) ;
- (ix) "Rules" means the Indian Telegraph Right of Way Rules, 2016
- (x) "STC" means the State Telecom Committee as formed under Para 15;





- (xi) "TERM Cell" means Telecom Enforcement, Resource and Monitoring Cell of the Department of Telecommunication (DoT), Government of India;
- (xii) "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.
- (xiii) Telegraph Infrastructure includes,-

- (a) 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.
- (b) Ground based tower (GBT), ground based mast/monopole (GBM), roof top tower (RTT), roof top pole (RTP),
- (c) Cell Phone Tower (CPT), Micro cell tower (MCT), antenna fixtures, fabricated antenna, tower to install telephone lines and Wi-Fi antenna,
- (d) Pre-fabricated or masonry structure shelters or installation of Base Transceiver Station (BTS) and other equipments,
- (e) Ducts, underground OFC, cabling on the poles or electric poles.

Provided that 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 30 days which may be further extended), or to give coverage to blank areas, shall not be included in Telegraph Infrastructure for the purpose of this Order and no formal permission is required for installation of such temporary infrastructure.

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

(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.

**2. Nodal Officer for the appropriate authority :-** As required under sub-rule (1) of rule 4 of the rules the following officers shall be Nodal Officer for the concerned appropriate authority :-

- (a) the Commissioner or Executive Officer, as the case may be, of a Municipality within the territorial limits of that Municipality, except for the properties belonging to any department, Co-operative body, Autonomous body or a PSU of the State Government;
- (b) the Secretary of an Urban Improvement Trust or a Development Authority, as the case may be, in the urban area under the jurisdiction of that Trust or Authority (excluding the Municipal area), except for the properties belonging to any department, Co-operative body, Autonomous body or a PSU of the State Government ;





- (c) Sub-Divisional Magistrate in Rural area (excluding the area within the jurisdiction of an Urban Improvement Trust or a Development Authority, as the case may be), except for the properties belonging to any department, Co-operative body, Autonomous body or a PSU of the State Government; and
- (d) the senior most officer of the concerned Department, Co-operative body, Autonomous body or a PSU of the State Government posted in the District for the properties belonging to that Department or PSU or Co-operative body or an Autonomous body, as the case may be.

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

- (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/khatedari lands, lands and buildings of Government or Government owned/controlled Statutory or Non-Statutory institutions/bodies or at other public/private locations including roads, parks, playgrounds, hospitals, schools, 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.
- (v) Installation of infrastructure shall not be permitted on right of way.
- (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 fix the equipments which cause minimum noise and environmental pollution for power back-up 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 will not require change of land use under any law.

**4. Terms and conditions for granted 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 fibre to home under roads and overhead from the Nodal Officer of 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 roads and filling up of pits caused during the laying of underground telegraph infrastructure and taking fibre to home will 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 BSR and guidelines issued by the PWD shall be followed for calculating the restoration charges. Such charges shall be deposited in the advance in the form of 100% cash 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.

Provided that no other charges, (except above-mentioned restoration charges and relevant administrative charges prescribed under Para -9 & 10), 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) Supervision of the work :- (a) The Nodal Officer, or any officer authorised by the appropriate authority, may supervise the execution of work to ascertain if the conditions imposed under the rules and this Order 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 willfully violated any of the conditions, it 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.



- (vi) 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.
- (vii) Number of ducts under the roads for which permission will be granted shall be as per requirement of the licensee.
- (viii) 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.
- (ix) 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 Local Body, free of cost.
- (x) 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.
- (xi) Ducts shall be laid approximately 2mtrs. 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.
- (xii) 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.
- (xiii) 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 intimation will be given by the Local Body to the licensee.
- (xiv) The licensee shall make proper arrangement for access control of the chambers to avoid misuse/illegal use of ducts and the chambers.
- (xv) For laying overhead OFC from fiber to home network it shall be permitted to erect poles on specified locations on 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.
- (xv) The licensee shall ensure that,-
- (a) prior to the commencement of work of laying the optical fibre and at all times during the execution of the work, the measures to mitigate public inconvenience and provide for public safety are implemented;
  - (b) structural safety of overground 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 this Order.

**5. Application for permission :-**

(1) Application (in duplicate) for **permission for establishment of overground 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 the license granted by the DoT.
- (ii) Location Plan (Scale 1:1000) showing the site with reference to the surrounding existing developments.
- (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 in the vicinity or adjoining to 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 & 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 is installed).*
- (vii) For Forest/Protected Areas, the copy of clearance from State Environment & Forest Department, if applicable.
- (viii) Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by 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 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 document of the building/site. (Attested copy) However, production of Patta/approved map should not be insisted upon.
- (xi) Attested copy of Lease Agreement Deed/Consent Agreement Deed, 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) from building owners/entities 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 fibre 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 granted by the DoT;
- (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) (x)) 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 overground 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 overground cabling);
- (vii) For Forest/Protected Areas, the copy of clearance from State Environment & 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 this Order.

(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.

(7) in cases where applications for permission for establishment of telegraph infrastructure has been submitted under erstwhile Orders of the State Government but permission has not been issued, then in such cases, there would be no need to submit fresh application. However, any documents required under this Order, but not submitted earlier, shall be submitted along-with the fee/charges under this Order. the Nodal Officer shall issue the permission in accordance with the rules and this Order. The fees/charges paid earlier shall be adjusted. Such pending application should be disposed of within 30 days from the deposit of remaining fee/charges and submission of remaining documents.



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

#### 6. 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 7 below, shall submit his report within three days of the receipt of the application to the Nodal Officer.

(2) In case the permission is sought in rural area, the Nodal Officer, shall within three days of the receipt of the application sent it to the Tehsildar and Assistant Engineer, PWD having jurisdiction of the area for examination and to the Gram Panchayat for its comments, who, considering parameters as detailed in Para 7 below, shall submit their report within seven days of the receipt of the copy of application to the Nodal Officer.

(3) As soon as the Nodal Officer receives the application, he shall issue a public notice for seven days in Form-4 calling upon objections of any interested person. The notice, giving details of all such applications in Form-4, shall be exhibited by the Nodal Officer on the notice board of his office and a conspicuous of place near the concerned site. The public notice shall also be published on website of the Nodal Officer and local body.

(4) 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 days of the receipt of report under sub-para (1) or (2) above, as the case may be.

(5) 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 days from the receipt of the application to submit the same and the licensee shall be bound to submit such additional information within ten days, failing which the application may be disposed off *ex-parte* within the stipulated period specified in Para-8.

#### 7. Parameters for examination of application :-

(1) The application for establishment of aboveground 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 of 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;
- (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 5 of this Order.

(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 5 of this Order.

#### **8 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-6 and objections/suggestions, if any, filed under sub-para (3) of Para 6, shall within a period not exceeding **sixty days** from the date of application received under Para 5,-

- (a) grant permission on conditions as specified in Para 3 or 4, 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 this Order. The permission shall be issued in Form-5 or Form-6, 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 this Order 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 on the reasons for such rejection.

Provided further that the permission shall deemed to have been granted if the Nodal Officer fails to either grant permission under (a) or reject the application under (b); and the same shall be communicated in writing (in the Form-5 or 6) to the applicant- licensee not later than 5 working days after permission is deemed to have been granted.

**9. Application fee and other charges :-** The licensee shall pay the following charges.-



- (a) (i) The application under Para 5(1) for establishment of aboveground telegraph infrastructure shall be accompanied with a fee of Rs.10000/- (non-refundable).
- (ii) The application under Para 5(2) for laying of underground telegraph infrastructure shall be accompanied with a fee @ Rs.1000/- per kilometer (non-refundable).
- (iii) Amount of application fee shall be deposited by the Nodal Officer in the fund of concerned appropriate authority.

**Explanation:-** The appropriate authority means the appropriate authority as defined in clause (b) of sub-rule (2) of rule 2 of the Rules.

- (b) The licensee shall deposit annual user charges to the local body for installation of Roof Top Tower (RTT)/Roof Top Pole (RTP)/Ground Based Tower (GBT) / Ground Based Mast (GBM),-
- |   |             |
|---|-------------|
| (i) For Municipal Corporation/Municipal Council Towns | Rs.10,000/- |
| (ii) For Municipal Board Towns and Panchayat areas    | Rs. 5,000/- |
- (c) the licensee may, if he so desires, deposit one time charges under clause (b), which would be equal to five 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).
- (d) The local body shall not charge any other amount except the application fee and other charges specified as above.

**10. 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 9 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) above :-

- (a) In case of lands and buildings belonging to Central Government or statutory or non-statutory bodies/institutions of the Central Government, rates of annual charges as may be determined by the Central Government, shall be deposited in the funds of the concerned Department of Central Government or statutory or non-statutory bodies/institutions. as the case may be.
- (b) In case of lands and buildings belonging to State Government or statutory or non-statutory bodies/institutions of the State Government including local bodies annual charges @ 10 % of rates determined by the District Level Committee (DLC) under the Rajasthan Stamps Rules, 2004, shall be deposited in the funds of the concerned Department of State Government or statutory or non-statutory body/institution, as the case may be.
- (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 @10 % 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-4.
- (h) No fee and charges shall be recovered from the Government Departments for establishing Telecommunication system including towers/poles for their use.

#### 11. 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 granted by the DoT. The licensee shall submit application for renewal of permission to the Nodal Officer at least sixty 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 9 or Para 10, as the case may be.

(2) The Nodal Officer shall renew the permission upto the period of the permission/license granted to the licensee by the DoT under the Indian Telegraph Act, 1885.

(3) The Nodal Officer shall dispose of renewal application within 15 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.

#### 12. Regularization of existing mobile towers etc. :-

(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) For all the existing mobile towers etc. wherein formal permission has not been issued by the Nodal Officer, shall be regularized upon the submission of **application in Form-7** 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) Telecom Installations are lifeline installations and a critical infrastructure in mobile communication. In order to avoid disruption in mobile communication, an essential service, 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.

**13. Seizure and removal of unauthorized telegraph infrastructure :-**

(1) If any person, after the issuance of this Order, 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.

**14. Right of authorities to seek removal etc. :-**

(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 overground 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).



## 15. 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.

(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 :

(i)	District Collector	Chairman
(ii)	Superintendent of Police	Member
(iii)	Chief Municipal officers of ULBs in the District	Member
(iv)	Secretary of Development Authority/UIT	Member
(v)	Chief Executive Officer, Zila Parishad	Member
(vi)	Representative of the Pollution Control Board	Member
(vii)	Chief Medical and Health Officer	Member
(viii)	Suptd. Engineer, PWD	Member
(ix)	Suptd. Engineer, Vidyut Vitaran Nigam Ltd.	Member
(x)	District Head of BSNL	Member
(xi)	Representative of the licensee u/s 4(1)	Member
(xii)	Additional Collector	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 :

(i)	Chief Secretary	Chairman
(ii)	Additional Chief Secretary to the Govt., UDH Deptt.	Vice Chairman
(iii)	Additional Chief Secretary to the Govt., Home Deptt.	Member
(iv)	Principal Secy. to the Govt., GAD	Member
(v)	Principal Secy. to the Govt., Medical and Health Deptt.	Member
(vi)	Principal Secy. to the Govt., Local Self Govt. Deptt.	Member
(vii)	Principal Secy. to the Govt., Panchayati Raj & Rural Dev.	Member
(viii)	Principal Secretary to the Govt., Revenue Deptt	Member
(ix)	Principal Secy. to the Govt., Forest & Environment Deptt.	Member
(x)	Principal Secretary to the Govt. Energy Deptt.	Member
(xi)	Secretary to the Govt., Information & Technology	Member
(xii)	Director General of Police, Rajasthan	member
(xiii)	Deputy Director General (TERM), Rajasthan	Member
(xiv)	Representative of licensee u/s 4(1)	Member
(xv)	Director, Local Bodies, Rajasthan	Member Secretary

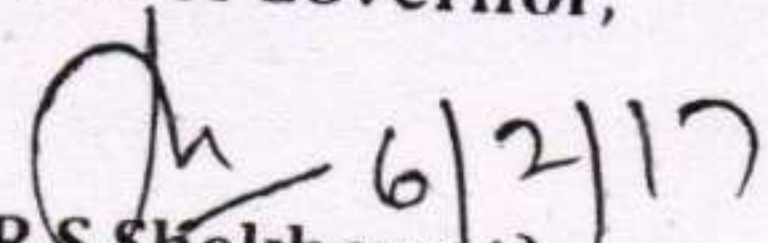
(4) The DTC/STC shall deal with the issues related to installation of telecom infrastructure including,-

- (i) Public grievances for installation of towers etc.
- (ii) Timely disposal of applications for permission or renewal of permission,
- (iii) Grievances for rejection of permission,
- (iv) Grievances for seizure/removal of unauthorized towers etc.



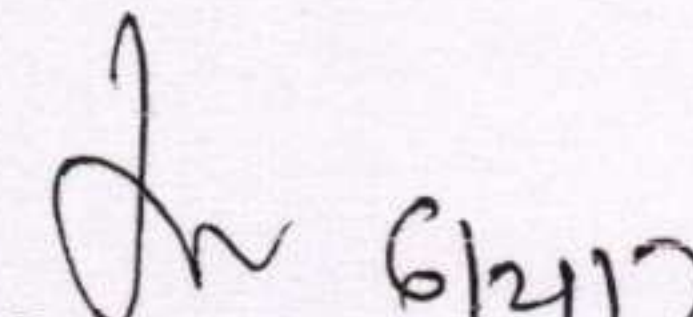
All such issues/disputes should be resolved/decided, as far as possible, within 30 days from the date of filing/receiving of the complaint/grievances.

By Order of Governor,

  
(R.S. Shekhawat)  
Joint Secretary-II

Copy to :-

1. PS to Additional Chief Secretary, UDH Department, Jaipur.
2. PS to Director General (Police), Rajasthan, Jaipur.
3. PS to Principal Secretary, Local Self Govt., Rajasthan, Jaipur.
4. District Collector, Jaipur/Jodhpur/Kota/Udaipur/Bharatpur/Bikaner.
5. Police Commissioner, Jaipur/Jodhpur.
6. Chief Engineer, PWD Roads, Govt. of Rajasthan, Jaipur.
7. Chief Town Planner, Rajasthan, Jaipur.
8. Secretary, Jaipur/Jodhpur/Ajmer Development Authority, Jaipur/Jodhpur/Ajmer.
9. Director, Local Bodies, Jaipur to issue similar order for all concerned Municipal Corporations.
10. Secretary, Urban Improvement Trust, All.
11. M/s Indus Towers Ltd., D-34, Subhash Marg, G-Business Park, 3<sup>rd</sup> Floor, C-Scheme, Jaipur.
12. Tower and Infrastructure Providers Association, II & III Floor, Bhai Veersingh Marg, Gole Market, New Delhi.
13. Guard File.

  
Joint Secretary-I