

No.11026/1/2005/D(Lands)
Government of India
Ministry of Defence

New Delhi, the 12th Sept. 2008

To

- 1 The Chief of the Army Staff, New Delhi,
- 2 The Chief of the Air Staff, New Delhi.
3. The Chief of the Naval Staff, New Delhi.
- ✓4. The Director General of Defence Estates, New Delhi.
5. The Chairman, Ordnance Factory Board, Kolkata.

Sub: Provision of Defence land to Communication Operators to construct Shared Communication Towers and other Infrastructure to extend Communication Network to Military Stations/Cantonments.

Sir,

I am directed to say that the issue of provision of Defence land for improving the communication infrastructure in the country has been under consideration of the Government with a view to improve the coverage and quality of the communication services in the Cantonments/Military Stations. It has now been decided that the Public Sector and Independent Infrastructure Providers (IP-I), who have been granted licence by the Department of Telecommunications(DoT) to build, operate & maintain various services, such as Unified Access Services, Basic Services & Cellular Mobile Services, etc, may be considered for allotment of Defence land on leasehold basis, to lay the Optical Fibre Cables and set up/construct shared communication towers on Defence land at Military Stations/Cantonments, on the following terms and conditions:-

- i) The land may be allotted on lease hold basis to Public Sector and Independent Infrastructure Providers(IP-I), who have been granted licence by DoT to build, operate & maintain various services, such as Unified Access Services, Basic Services & Cellular Mobile Services, etc, to lay

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Optical Fibre Cables and set up/construct shared communication towers on Defence land at Military Stations/Cantonments, at the commercial lease rent i.e. four times the residential rent, based on the current STR/market rate of the area with one time premium at 10 times the annual rent.

- ii) The land to be leased for setting up/construction of Shared Communication Towers in each case should be the minimum required but should not exceed 30 metres x 10 metres i.e. 300 square metres, apart from the minimum land required for laying of Optical Fibre Cables, wherever required.
- iii) The land for the purpose may be allotted on lease hold basis for an initial period of 10 years, in accordance with Schedule IX of the CLA Rules, 1937, duly modified, with the specific condition that the land will not be sub-leased or transferred in any form to any party and if the same is not required, will be given back to Ministry of Defence. The lease rent would be enhanced every five years as per the STR rates/market rate prevailing at that particular time.
- iv) In addition to the above, the allotment of land to such operators for the above purpose will be subject to other usual terms and conditions.

- v) The Public Sector and Independent Infrastructure Providers (IP-1) will lay the Optical Fibre Cables and construct the Shared Communication Towers with their own resources and no liability will accrue to Govt.
- vi) The Authority competent to grant the lease of land to communication operators would be Ministry of Defence or the authority to whom such powers may be delegated by Ministry of Defence from time to time but it should not be below the rank of GOC-in-C of the Command and its

equivalent in other Services.

- vii) If more than one Communication Operator apply for the lease of land for the purpose, preference will be given to the Communication Operator nominated by the Ministry of Communications and Information Technology. However, where no operator has been nominated by MOC&IT, a tender notice may be issued by the authority to whom the powers have been delegated by the Ministry, to invite applications from all the authorized operators, operating in the area. On receipt of applications, only one Communication Network Operator should be selected through draw. The Defence land for the purpose will be leased to that Communication Network Operator and the premium and rent will be charged from him by the Government. However, that Communication Network Operator may charge premium and rent from other Communication Network Operators, who may share the infrastructure, proportionately.
- viii) Ministry of Defence reserves the right to terminate the lease due to operational or security reasons for which no compensation will be due to the operator.

2. The following security aspects will be strictly adhered to by the Public Sector and Independent Infrastructure Providers (IP-1)/Communication Network Operators and an undertaking in this regard will be given by such Communication Network Operators:-

- i) Use of defence land by the Service Provider will not, in any manner, impinge upon the security of the Defence Area.
- ii) If at any stage, the operational situation so demands, services provided by these operators may be blocked in an emergency on instructions from respective Command Headquarters for which no compensation shall be

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due to the operator.

- iii) Adequate measures will be adopted to ensure security of vital installations in Defence Area, by monitoring activities of such Public Sector and Independent Infrastructure Providers (IP-1)/Communication Network Operators' personnel from time to time.
- iv) The Service Providers will erect their Communication Towers only at the sites allotted to them. The participating Service Providers & the Defence Authority should jointly identify the site locations for installation of cellular mobile communication towers, based on security and technical feasibility with security being the overriding factor. No change in site will be resorted to without the permission of the competent authority.
- v) Service Providers will make available the particulars of persons employed by them to the Local Defence Authorities. Antecedents of all such persons will be verified and if found acceptable, they will be issued with security passes to allow them to enter the Defence Area.
- vi) ~~The Local Defence Authorities will reserve the right to deny access to any of the Service Provider's employees whose activities are detrimental to the security of the Defence installation. Such cases may also be referred to local police for necessary action.~~
- vii) The Service provider will at all times, provide access to the Local Defence Authority or his authorized representatives, to the Communication Towers to ensure that no illegal or undesirable activities are being carried out by the Service Provider or his representative.
- viii) If the Service Provider is found to be using the tower and/or its equipment for any objectionable purpose, the Local Defence Authority will have the authority to order temporary closure of the services of that Service Provider pending final decision by the Ministry of Defence. The other

Service Providers would continue to provide services.

- ix) No foreigner will be employed for working on the site at Defence land by the Service providers. No foreigner will be allowed to visit the installation sites.
- x) Photography of Vulnerable Areas and Vulnerable Points and Defence Establishments in the Cantonment area, by the employees of the Service Providers will not be permitted.
- xi) Service Providers and the employees of these service providers will abide by all security instructions of the Defence Stations/Cantonments.
- xii) The Service Provider will be solely responsible to ensure the security of the Cellular Communication Towers and its supporting systems and accessories.
- xiii) There should be static Towers only in Defence Stations/Cantonments.
- xiv) Towers in Defence Stations/Cantonments should be shared by all service providers.
- xv) Sketch/Map of the towers indicating locations should be provided to Local Defence Authority for routine security checks.

3. The following technical aspects will be strictly adhered to by the Public Sector and Independent Infrastructure Providers (IP-I):-

- i) Service Providers will obtain frequency clearance from Standing Advisory Committee for Frequency Allocation (SACFA) and coordinate frequency in use with local Signal Authority.
- ii) Service Providers should obtain SACFA clearance as per the laid down procedure, for a particular latitude and longitude. They will not be permitted to move their antenna towers as per their convenience. In case they need to shift the site of the antenna tower, they will need to obtain a fresh SACFA clearance for the new location with the exact latitude and

longitude.

- iii) In case the communication tower/facilities so installed by the Service Provider causes any interference/obstruction to the Army/Air Force/Navy/Coast Guard communications, the Service Provider may be asked to discontinue his services, for which no compensation will be due to the Service provider.
- iv) Service Providers will also obtain "No Objection Certificate" from Civil Aviation and Air Force Authorities regarding the installation of the Cellular Towers in their vicinity and abide by all their stipulations as necessary.
- v) Proper earthing of the installation will be ensured by the Service Providers.
- vi) Proper lightning protection and fire fighting devices will be installed by the Service Providers.

4. Before commencing the execution of the project, proper Memorandum of Understanding (MOU) between Local Military Authority/Local Defence Authority and the authorized official of the Service Providing Agency, to whom ~~the land is given on lease, will be signed and a copy of the same will be~~ forwarded to the respective Service HQrs and DG Signals. However, that Communication Network Operator, will take similar undertakings from other Network Operators, who will share the infrastructure, on the points contained in the MOU, a copy of which will be forwarded by that Network Operator to the respective Services i.e. Local Military Authority/Local Defence Authority, who in turn will forward copies thereof to respective Service HQrs and DG Signals.

5. All orders passed by the Local Military Authority/Local Defence Authority will be appealable to GOC-in-C and its equivalent in Navy and Air Force and all orders passed by GOC-in-C and its equivalent in Navy and Air Force shall be

appealable to Ministry of Defence within one month of passing of such orders.

6. This issues with the concurrence of Ministry of Defence (Finance Division) vide their U.O. No.989/F/W-I/08 dated 12.09.2008.

Yours faithfully,



(V.B. Saxena)

Under Secretary to the Govt. of India

Copy to:-

1. Secretary, Ministry of Communications and Information Technology, New Delhi.
2. The CGDA, New Delhi.
3. Ministry of Defence(Finance Division/W.I), New Delhi.
4. The DGA(DS), L-II Block, Brassey Avenue, New Delhi.
5. QMG Branch/Plg(Lands) - 5 copies.
6. D(Air-II).
7. D(Navy-III).
8. D(Q&C).
9. D(R&D).
10. D(QA).
11. D(GS-III)