



भारत सरकार / Government of India

सरकारी राजपत्र OFFICIAL GAZETTE

संघ प्रदेश दादरा एवं नगर हवेली तथा दमण एवं दीव प्रशासन
U.T. ADMINISTRATION OF DADRA AND NAGAR HAVELI AND
DAMAN AND DIU

असाधारण EXTRAORDINARY

प्राधिकरण द्वारा प्रकाशित / PUBLISHED BY AUTHORITY

Daman 24th November, 2023 3 Agrahayana, 1945 (Saka) No. : 32

Administration of
Dadra and Nagar Haveli and Daman & Diu (UT)
Department of Information Technology
Moti Daman.

No.DIR(IT)/Right of Way/2019/266

Date : 23/11/2023

- Read :**
- Indian Telegraph Right of Way Rules 2016 notified vide Notification dated 15th November 2016.
 - Right of Way (Amendment) Rules 2021 notified vide Notification dated 21st October 2021.
 - Right of Way (Amendment) Rules 2022 notified vide Notification dated 17th August 2022.
 - Right of Way (Amendment) Rules 2023 notified vide Notification dated 07th August 2023.

NOTIFICATION

In exercise of powers vested under Article 239 of the Constitution of India, the Hon'ble Administrator of U.T. of Dadra & Nagar Haveli and Daman & Diu is pleased to order that Notifications referred at preamble (i), (ii), (iii) and (iv) above stands applicable for entire U.T. of Dadra & Nagar Haveli and Daman & Diu and all the applications pertaining to Right of Way to Telecom Service Providers/ Digital Infrastructure Providers shall be through centralized online portal (row.gatishaktisanchar.gov.in).

By order and in the name of
Hon'ble Administrator of U.T. of DNH & DD

Sd/-
(S. Krishna Chaitanya)
Joint Secretary (IT),
DNH & DD

The Indian Telegraph Right of Way Rules, 2016
[As amended from time to time (in 2017, 2021, 2022 and 2023)]

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

NOTIFICATION

New Delhi, the 15th November 2016

G.S.R. 1070(E). — In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules to regulate underground infrastructure and overground infrastructure, namely:

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CHAPTER I

PRELIMINARY

1. Short title and commencement. -(1) These rules may be called the Indian Telegraph Right of Way Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

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 Central Government, respective State Governments, local authority or such authority, body, company or institution incorporated or established by the Central Government or the State Government, in respect of property, under, over, along, across, in or upon which underground or overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate authority;

(c) “State Government” means the State Government having jurisdiction, and includes the administration of a Union territory;

(d) “licensee” means any person holding a licence issued under sub-section (1) of section 4 of the Act;

(e) “overground telegraph infrastructure” means a telegraph or a telegraph line established over the ground and includes posts or other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line;

(f) “rule” means the Indian Telegraph Right of Way Rules, 2016.

(g) “underground telegraph infrastructure” means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.

(h) “Schedule” means a Schedule appended to these rules.”.

(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 these rules on an application for establishment and maintenance of underground or overground 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.

4. Nodal officer to be designated by local authority, etc.-(1) Every appropriate authority shall designate a nodal officer for the purposes of these rules.

(2) Every application for permission under these rules shall be made by the licensee on an electronic portal developed by the Central Government.

CHAPTER II

ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE

5. Application by a licensee. — (1) A licensee shall, for the purposes of establishment of telegraph infrastructure under any immovable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents, to that authority in such form and manner as may be specified by that appropriate authority.

(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 the licence granted by the Central Government;
- (ii) the details of underground telegraph infrastructure proposed to be laid;
- (iii) the mode of and the time duration for, execution of the work;
- (iv) the time of the day when the work is expected to be done in case the licensee expects the work to be done during specific time of the day;
- (v) the details of expenses that such appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the licensee;
- (vi) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (vii) the specific measures proposed to be taken to ensure public safety during the execution of the work;
- (viii) any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and
- (ix) any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority:

Provided that the licensee shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration,

to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

(3) Every application under sub-rule (1) shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the appropriate authority may, by general order, deem fit:

Provided that such fee to meet administrative expenses shall not exceed the amount specified in Part-I of the Schedule.

6. Grant of permission by appropriate authority. - (1) The appropriate authority shall examine the application with respect to the following parameters, namely: -

(a) the route planned for the proposed underground telegraph infrastructure and the possible interference, either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route;

(b) the mode of execution;

(c) the time duration for execution of the work and the time of the day that the work is proposed to be executed;

(d) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;

(e) the responsibility for restoration of any damage that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken;

(f) assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee;

(g) any other matter, consistent with the provisions of the Act and these rules, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or special order, by the Central Government, appropriate State Government or the appropriate local authority.

(1A) The area of the underground telegraph infrastructure proposed to be established shall be the length of duct multiplied by the diameter of the duct multiplied by the number of the ducts.

Explanation. - "duct" means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telegraph line.

(1B) The appropriate authority shall be entitled to receive such compensation from

the licensee, not exceeding the amount specified in Part-III of the Schedule, for the use of the property under which the underground telegraph infrastructure is proposed to be established, as may be determined by the appropriate authority.

(2) The appropriate authority shall within a period not exceeding sixty 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, not exceeding the amount specified in Part-II of the Schedule:

Provided that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied for pits only; 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:

Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission under (a) or reject the application under (b); and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

(3) Where the appropriate authority accepts the undertaking by the licensee to discharge the responsibility to restore the damage that such appropriate authority shall necessarily be put in consequence of the work, the appropriate authority, while granting permission under clause (a) of sub-rule (2), may seek a bank guarantee for an amount, not exceeding the amount specified in Part-II of the Schedule, in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

(4) The appropriate authority shall not charge any fee and compensation other than those prescribed under sub-rule (3) of rule 5, sub-rule (1B) and clause (a) of sub-rule (2) from the licensee for establishing, maintaining, working, repairing, transferring or shifting underground telegraph infrastructure.

7. Obligations of licensee in undertaking work. -(1) The licensee shall make the payment of expenses or submit the bank guarantee as determined by the appropriate authority within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure:

Provided that the appropriate authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the licensee seeking such extension.

(2) The licensee shall ensure that –

- (a) prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and
- (b) the work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.
- (3) The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructures to enable the appropriate authority to obtain real time information on its location.

8. Powers of appropriate authority to supervise the work. -(1) The appropriate authority may supervise the execution of work to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (2) of rule 6 are observed by the licensee.

(2) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.

(3) If the appropriate authority comes to the conclusion that the licensee has willfully violated any of the conditions for grant of permission under clause (a) of sub-rule (2) of rule 6, 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.

CHAPTER III

ESTABLISHMENT OF OVERGROUND TELEGRAPH INFRASTRUCTURE

9. Application by a licensee. — (1) A licensee shall, for the purposes of establishing overground telegraph infrastructure, upon any immovable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents, to that appropriate authority in such form and manner as may be specified by that appropriate authority.

(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 the licence granted by the Central Government;
- (ii) the nature and location, including exact latitude and longitude, of post or other above ground contrivances proposed to be established;
- (iii) the extent of land required for establishment of the overground telegraph

infrastructure;

- (iv) the details of the building or structure, where the establishment of the overground telegraph infrastructure, is proposed;
- (v) the copy of approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for the transmission of Radio waves or Hertzian waves;
- (vi) the mode of and the time duration for, execution of the work;
- (vii) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (viii) the measures proposed to be taken to ensure public safety during the execution of the work;
- (ix) the detailed technical design and drawings of the post or other above ground contrivances;
- (x) certification of the technical design by a structural engineer attesting to the structural safety, of the overground telegraph infrastructure;
- (xi) certification, by a structural engineer, attesting to the structural safety of the building, where the post or other above ground contrivances is proposed to be established on a building;
- (xii) the names and contact details of the employees of the licensee for the purposes of communication in regard to the application made;
- (xiii) any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and
- (xiv) any other matter connected with or relevant to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority.

Provided that the documents mentioned in clauses (ii), (iii), (v) (ix), (x) and (xi) shall not be required in case of application made for establishment of overground telegraph line—:

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

(3) Every application under sub-rule (1) shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the appropriate authority may, by general order, deem fit:

Provided that the one-time fee, to meet administrative expenses, accompanying every application shall not exceed the amount specified in Part-I of the Schedule.

“9A. Establishment of temporary overground telegraph infrastructure. - (1) In case of damage of any existing underground telegraph infrastructure for any reason, the licensee, whose existing underground telegraph infrastructure is damaged, may temporarily establish the overground telegraph infrastructure, in lieu of the damaged underground telegraph infrastructure, to restore the telegraph service for the period of sixty days from the date of reporting of damage of the infrastructure to the appropriate authority.

(2) No fee or compensation shall be charged by the appropriate authority for the establishment of temporary overground telegraph infrastructure under this rule”.

10. Grant of permission by appropriate authority. -(1) The appropriate authority shall examine the application with respect to the following parameters, namely: -

- (a) the extent of land required for the overground telegraph infrastructure;
- (b) the location proposed;
- (c) the approval issued by the duly authorised officer of the Central Government for location of the aboveground contrivances proposed to be used for transmission of Radio waves or Hertzian waves;
- (d) the mode of and time duration for execution of the work;
- (e) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
- (f) assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the overground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the licensee;
- (g) certification of the technical design by a structural engineer attesting to the structural safety of the overground telegraph infrastructure;
- (h) certification, by a structural engineer, of the structural safety of the building on which the post or other above ground contrivances is proposed to be established;
- (i) any other matter, consistent with the provision of the Act and these rules, connected with or related to the laying of overground telegraph infrastructure, through a general or special order or guidelines by the Central Government, appropriate State Government or the appropriate local authority:

Provided that the parameters mentioned in clauses (a), (b), (c), (g) and (h) shall not be necessary for examination of the application made for establishment of overground telegraph line:

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

(1A) The area of the overground telegraph infrastructure (mobile tower) proposed to be established shall be the area occupied by the mobile tower and the supporting infrastructures, such as base transceiver station, engine alternator, etc. at the ground.

(2) Where the establishment of the overground telegraph infrastructure renders the immovable property, vested in the control or management of any appropriate authority over which such overground telegraph infrastructure is established, unlikely to be used for any other purpose, the appropriate authority shall be entitled to compensation for the value of the immovable property, either once or annually, assessed on such rates as that appropriate authority may, by general order, specify.

Provided that the compensation payable for the immovable property for the establishment of poles for installation of small cells and telegraph line shall not exceed the amount specified in Part-III of the Schedule.

(3) The appropriate authority shall, within a period not exceeding sixty days from the date of application made under rule 9 -

(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, not exceeding the amount specified in Part-II of the Schedule, or compensation, as specified in sub-rule (2); 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:

Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission under clause (a) or reject the application under clause (b) and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

(4) The appropriate authority shall not charge any fee and compensation other than those mentioned under sub-rule (3) of rule 9, sub-rule (2) and clause (a) of sub-rule (3) from the licensee for establishing, maintaining, working, repairing, transferring or shifting overground telegraph infrastructure.

(5) For the purposes of this rule, rule 10A and rule 10B and the Schedule, the expression, -

“(a) “mobile tower” means any above-ground contrivance for carrying, suspending or supporting a telegraph and does not include pole;

(b) “pole” means any above-ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telegraph and does not include mobile tower;

(c) “small cell” means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilometers;

(d) “street furniture” means post or pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority.”.

10A. Usage of street furniture for installation of small cells and telegraph line

(1A) The licensee shall have the option of submitting single application for multiple sites and appropriate authority shall make due provisions for accepting such applications and issuing single permission for multiple sites accordingly for establishment of small cells”.

(2) The application under sub-rule (1), shall be accompanied with such fee as may be determined by the appropriate authority to meet administrative expenses for examination of the application, which shall not exceed the amount specified in Part-I of the Schedule.

(3) The appropriate authority shall, within a period not exceeding sixty days from the date of application made, grant permission or reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection:

Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission or reject the application.

(4) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for use of street furniture for installation of small cells and telegraph line, as may be determined by the appropriate authority.

“(5) The appropriate central authorities shall permit deployment of small cells and shall charge no administrative fees or compensation for deployment of small cells on buildings and structures vested in or under their control as per Part-I or Part-III of the schedule:

Provided that the charges shall be levied for power (as per Industry tariffs), fixtures etc. provided by building owners as per actuals and licensee shall restore the damage done during deployment of small cells”.

(6) For the purposes of sub-rule (5), the “appropriate central authority” means the Central Government or the authority, body, company or institution, incorporated or established by the Central Government, in respect of property, under, over, along, across, in or upon which underground or overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such Government, authority, body, company or institution.

10B. Establishment of telegraph infrastructure over private property. – Where the licensee proposes the establishment of overground telegraph infrastructure over any private property, the licensee shall not require any permission from the appropriate authority:

Provided that in case of establishment of mobile tower or pole over a private building or structure, the licensee shall submit an intimation, in writing, to the appropriate authority, prior to commencement of such establishment:

Provided further that along with the intimation, he shall also submit the details of the building or structure, where the establishment of mobile tower or pole is proposed, and a copy of certification by a structural engineer, authorised by the appropriate authority, attesting to the structural safety of the building or structure, where the mobile tower or pole is proposed to be established.

11. Obligations of licensee in undertaking work. — (1) The licensee shall ensure that –

(a) prior to the commencement of establishment and maintenance of overground telegraph infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such overground telegraph infrastructure are implemented;

(b) the work of establishment and maintenance of overground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

(c)

12. Powers of appropriate authority to supervise the work. — (1) The appropriate authority may supervise the establishment and maintenance of overground telegraph infrastructure to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (3) of rule 10 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 willfully violated any of the conditions for 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.

CHAPTER IV

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

13. 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 overground 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.

(2) On receipt of the notice under sub-rule (1), the licensee shall, forthwith and within a period of thirty 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 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 DISPUTE RESOLUTION

14. Disputes between licensee and appropriate authority. — (1) Any dispute arising between a licensee and the appropriate authority in consequence of these rules, shall be referred to the officer designated by the Central Government.

(2) The Central Government shall designate, by notification, officers with such jurisdiction as may be mentioned in the notification, for the purpose to referring disputes under sub-rule (1).

(3) The officer designated by the Central Government shall determine the disputes referred to in sub-rule (1) within a period not exceeding sixty days in such manner as may be specified by the Central Government from time to time.

THE SCHEDULE

[See rules 5 (3), 6 (1B), 6 (2) (a), 6 (3), 9 (3), **9 A (2), 10 (2), 10 (3) (a), 10A (2), 10A (4), 10 A (5)**]

Rule	Item	Amount
(1)	(2)	(3)
Part-I Fee		
5(3)	For establishment of underground telegraph infrastructure	One thousand rupees per kilometer.
9(3)	For establishment of overground telegraph infrastructure	(i) Ten thousand rupees for establishment of mobile towers (ii) One thousand rupees per kilometer for establishment of overground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.
9 A(2)	For Establishment of temporary over ground Telegraph Infrastructure.	Nil.
10A (2)	For installation of small cells and telegraph line using the street furniture	Nil.
10 A (5)	For the deployment of small cells on building or structures vested in or under the control of appropriate central authorities.	Nil.
Part-II Charges for restoration		
6(2)(a)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore the damages	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.

6(3)	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the licensee to discharge the responsibility to restore the damages	20 percent of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
10(3)(a)	Establishment of overground telegraph infrastructure	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area. Further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.
Part-III Compensation		
6(1B)	Establishment of underground telegraph infrastructure	Nil.
9 A(2)	For Establishment of temporary over ground Telegraph Infrastructure.	Nil.
10(2)	Establishment of Over Ground Infrastructure	Rates as the appropriate authority may, by general order, specify, if such property cannot be used for any other purpose. However, for establishment of poles for installation of small cells and telegraph line, compensation shall be Nil.
10A (4)	Usage of street furniture for installation of small cells and telegraph line	(i) For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture. (ii) For installation of telegraph line: One hundred rupees per annum per street furniture.
10 A (5)	For the deployment of small cells on building or	Nil.

	structures vested in or under the control of appropriate central authorities.	
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Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification G.S.R. 1070 (E), dated the 15th November, 2016 and subsequently amended *vide* G.S.R. 407 (E), dated the 21st April, 2017, G.S.R. 749 (E), dated the 21st October, 2021, G.S.R. 635 (E), dated the 17th August, 2022 and G.S.R.594(E), dated the 7th August, 2023 .



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 606]
No. 606]

नई दिल्ली, बृहस्पतिवार, अक्टूबर 21, 2021/आश्विन 29, 1943
NEW DELHI, THURSDAY, OCTOBER 21, 2021/ASVINA 29, 1943

संचार मंत्रालय

(दूरसंचार विभाग)

अधिसूचना

नई दिल्ली, 21 अक्टूबर, 2021

सा.का.नि. 749(अ).—केंद्र सरकार भारतीय तार अधिनियम, 1885 (1885 का 13) की धारा 10, 12 और 15 के साथ पठित धारा 7 की उप-धारा (1) और उप-धारा (2) के खंड (ड.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय तार मार्ग के अधिकार नियम, 2016 को और संशोधित करने के लिए निम्नलिखित नियम बनाती है -

1. संक्षिप्त नाम और प्रारंभ:- (1) इन नियमों को भारतीय तार मार्ग के अधिकार (संशोधन) नियम, 2021 कहा जाएगा।

(2) ये नियम सरकारी राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. भारतीय तार मार्ग के अधिकार नियम, 2016 (जिसे इस अधिसूचना में इसके पश्चात उक्त नियम के रूप में उल्लिखित किया गया है) में, प्रथम पैरा में, "मोबाइल टावर" शब्द के स्थान पर "मोबाइल टावर और तारयंत्र लाइन" शब्द प्रतिस्थापित किए जाएंगे।

3. उक्त नियम में, नियम 6 में, उप-नियम (4) में, "स्थापन" शब्द के स्थान पर "स्थापन, अनुरक्षण, चालन, मरम्मत, अंतरण अथवा स्थानांतरण" शब्द प्रतिस्थापित किए जाएंगे।

4. उक्त नियम में, नियम 9 में, उप-नियम (2) में, खंड (xiv) के बाद निम्नलिखित परन्तुकों को शामिल किया जाएगा:-

6073 GI/2021

(1)

“परन्तु यह कि भूमि के ऊपर तारयंत्र लाइन स्थापित करने हेतु किए गए आवेदन के मामले में खंड (ii), (iii), (v), (ix), (x) और (xi) में उल्लिखित दस्तावेज अपेक्षित नहीं होंगे:-

परन्तु यह भी कि अनुज्ञप्तिधारी को भूमि के ऊपर तारयंत्र लाइन स्थापित करने हेतु बनाई गयी मार्ग योजना से संबंधित दस्तावेज भूमि के ऊपर तारयंत्र लाइन स्थापित करने हेतु किए गए आवेदन के साथ प्रस्तुत करने होंगे:-”

5. (i) उक्त नियम में, नियम 10 में, उप-नियम (1) में, खंड (झ) के बाद, निम्नलिखित परन्तुकों को शामिल किया जाएगा:-

“परन्तु यह कि भूमि के ऊपर तारयंत्र लाइन स्थापित करने हेतु किए गए आवेदन की जांच करने के लिए खंड (क), (ख), (ग), (घ) और (ज) में उल्लिखित प्राचल अनिवार्य नहीं होंगे:-

परन्तु यह भी कि समुचित प्राधिकारी प्रस्तावित भूमि के ऊपर तारयंत्र लाइन के लिए मार्ग योजना की और किसी अन्य लोक अवसंरचना जो इस प्रस्तावित मार्ग के साथ बिछाई जानी है, के साथ ऐसी तारयंत्र लाइन के या तो स्थापन या रख-रखाव में संभाव्य बाधा की जांच करेगा-.”;

(ii) उप-नियम (2) में, निम्नलिखित परंतुक शामिल किया जाएगा: -

“परन्तु यह कि जहाँ किसी समुचित प्राधिकारी के नियंत्रण या प्रबंध में निहित या के अधीन किसी स्थावर संपत्ति पर भूमि के ऊपर तारयंत्र लाइन को स्थापित किया जाता है; वहाँ स्थावर संपत्ति के मूल्य के लिए एक बार प्रतिकर स्थापित की गई तारयंत्र लाइन के प्रति किलोमीटर के लिए एक हजार रूपए से अधिक देय नहीं होगा -.”;

(iii) उप-नियम (4) में, “स्थापन” शब्द के स्थान पर “स्थापन, अनुरक्षण, चालन, मरम्मत, अंतरण अथवा स्थानांतरण” शब्द प्रतिस्थापित किए जाएंगे।

[फा. सं. 2-41/2020-नीति]

हरि रंजन राव, संयुक्त सचिव

नोट : मूल नियम भारत के राजपत्र, असाधारण, भाग-II, खंड-3, उप-खंड (i) में दिनांक 15 नवम्बर, 2016 की अधिसूचना संख्या सा.का.नि. 1070(अ) के तहत प्रकाशित किए गए थे और दिनांक 21 अप्रैल, 2017 की सा.का.नि. 407(अ) के तहत संशोधित किए गए थे।

MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

NOTIFICATION

New Delhi, the 21st October, 2021

G.S.R. 749(E).—In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Right of Way Rules, 2016, namely:-

1. **Short title and commencement.**-(1) These rules may be called the Indian Telegraph Right of Way (Amendment) Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Telegraph Right of Way Rules, 2016 (hereinafter referred to as the said rules), in the opening paragraph, for the words “mobile towers”, the words “mobile towers and telegraph line” shall be substituted.

3. In the said rules, in rule 6, in sub-rule (4), for the word “establishing”, the words “establishing, maintaining, working, repairing, transferring or shifting” shall be substituted.

4. In the said rules, in rule 9, in sub-rule (2), after clause (xiv), the following provisos shall be inserted, namely:-

“Provided that the documents mentioned in clauses (ii), (iii), (v) (ix), (x) and (xi) shall not be required in case of application made for establishment of overground telegraph line:—

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

5. (i) In the said rules, in rule 10,- in sub-rule (1), after clause (i), the following provisos shall be inserted, namely:—

“Provided that the parameters mentioned in clauses (a), (b), (c), (g) and (h) shall not be necessary for examination of the application made for establishment of overground telegraph line:—

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

(ii) in sub-rule (2), the following proviso shall be inserted, namely:—

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

(iii) in sub-rule (4), for the word “establishing”, the words “establishing, maintaining, working, repairing, transferring or shifting” shall be substituted.

[F. No. 2-41/2020-Policy]

HARI RANJAN RAO, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification number G.S.R. 1070(E), dated the 15th November, 2016 and further amended *vide* G.S.R. 407(E), dated the 21st April, 2017.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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नई दिल्ली, बृहस्पतिवार, अगस्त 18, 2022/श्रावण 27, 1944
NEW DELHI, THURSDAY, AUGUST 18, 2022/SHRAVANA 27, 1944

संचार मंत्रालय
(दूरसंचार विभाग)

अधिसूचना

नई दिल्ली, 17 अगस्त, 2022

सा.का.नि. 635(अ).—केन्द्रीय सरकार, भारतीय तार अधिनियम 1885 (1885 का 13) की धारा 10, 12 और 15 के साथ पठित धारा 7 की उपधारा (1) और उपधारा (2) के खण्ड (ड.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय तार मार्ग के अधिकार नियम, 2016 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

- (1) इन नियमों का संक्षिप्त नाम भारतीय तार मार्ग के अधिकार (संशोधन) नियम, 2022 है।
(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।
- भारतीय तार मार्ग के अधिकार नियम, 2016 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के प्रारम्भिक पैरा में कोष्ठकों और शब्दों "(ऑप्टिकल फाइबर)" और "(मोबाइल टावर और तारयंत्र लाइन)" का लोप किया जाएगा।
- उक्त नियमों के नियम 2 के उप-नियम (1) के खण्ड (छ) के पश्चात् निम्नलिखित खण्ड अंतःस्थापित किया जाएगा, अर्थात्:-

"(ज) "अनुसूची" से इन नियमों के साथ संलग्न अनुसूची अभिप्रेत है।"

- उक्त नियमों के नियम 4 के उप-नियम (2) के स्थान पर निम्नलिखित उप-नियम रखा जाएगा अर्थात्:-

"(2) इन नियमों के अधीन अनुमति के लिए प्रत्येक आवेदन को अनुज्ञप्तिधारी द्वारा केन्द्रीय सरकार द्वारा विकसित किए गए इलेक्ट्रॉनिक पोर्टल पर किया जाएगा।"

5. उक्त नियमों के नियम 5 के उप-नियम (3) के परंतुक में "एक हजार रूपए प्रति किलोमीटर" शब्दों के स्थान पर "अनुसूची के भाग-I में विनिर्दिष्ट रकम" शब्द रखें जाएंगे।

6. उक्त नियमों के नियम 6 में:-

(क) उप-नियम (1) के पश्चात् निम्नलिखित उप-नियम अंतःस्थापित किए जाएंगे, अर्थात् :-

"(1क) स्थापना हेतु प्रस्तावित भूमिगत तार अवसंरचना का क्षेत्र डकट की लम्बाई एवं डकट के व्यास तथा डकटों की संख्या के गुणज में होगा।

स्पष्टीकरण:- "डकट" से स्थायी तौर पर चिकना या किसी अन्य प्रकार का पाईप अभिप्रेत है जिसे तारयंत्र लाइन के लिए भूमिगत केवल पाइपलाइन के रूप में प्रयोग किया जाता है।

(1ख) समुचित प्राधिकारी अनुज्ञप्तिधारी से ऐसी संपत्ति के उपयोग के लिए जिसके नीचे भूमिगत तार अवसंरचना स्थापित करना प्रस्तावित है, अनुसूची के भाग-III में विनिर्दिष्ट रकम से अनधिक ऐसा प्रतिकर प्राप्त करने का हकदार होगा जो समुचित प्राधिकारी द्वारा निर्धारित की जाए।

(ख) उप-नियम (2) के खण्ड (क) में:-

(i) "जो विनिर्दिष्ट किया जाए, भी है लेकिन इन तक सीमित न रहते हुए, अधिनियम और इन नियमों के उपबंधों के अध्यक्षीन" शब्दों के स्थान पर "भी है लेकिन इन तक सीमित न रहते हुए, अनुसूची के भाग-II में विनिर्दिष्ट रकम से अनधिक" शब्द रखें जाएंगे।

(ii) निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात्:-

"परंतु जहां भूमिगत तारयंत्र लाइन की स्थापना के लिए शैतिज दिशात्मक खुदाई प्रयुक्त की गई है वहां प्रत्यास्थापित भार केवल गड्डों के लिए ही उद्ग्रहित किया जाएगा।";

(ग) उप-नियम (3) में "रकम" शब्द के स्थान पर "अनुसूची के भाग-II में विनिर्दिष्ट रकम से अनधिक" शब्द रखें जाएंगे।

(घ) उप-नियम (4) में,-

(i) "फीस" शब्द के पश्चात् "और प्रतिकर" शब्दों को अंतःस्थापित किया जाएगा।

(ii) "नियम 5" शब्द और अंक के पश्चात् "उप-नियम (1ख)" शब्दों, कोष्ठकों और अंकों को अंतःस्थापित जाएगा।

7. उक्त नियम के नियम 9 के उप-नियम (3) के परंतुक में "दस हजार रूपए" शब्दों के स्थान पर "अनुसूची के भाग-I में विनिर्दिष्ट रकम" शब्द रखें जाएंगे।

8. उक्त नियम के नियम 10 में,-

(क) उप-नियम (1) के पश्चात् निम्नलिखित उप-नियम अंतःस्थापित किया जाएगा, अर्थात्:-

"(1क) भूमि के ऊपर तार अवसंरचना (मोबाइल टावर) की स्थापना हेतु प्रस्तावित क्षेत्र मोबाइल टावर और सहायक अवसंरचना जैसे कि भूमि के ऊपर ट्रांसीवर स्टेशन, ईजन अल्टरनेटर आदि के द्वारा घेरा गया क्षेत्र होगा।";

(ख) उप-नियम (2) में परंतुक के स्थान पर निम्नलिखित परंतुक रखा जाएगा, अर्थात्:-

"परंतु छोटे सेल और तारयंत्र लाइन की संस्थापना के लिए खंभों की स्थापना हेतु अचल सम्पत्ति के लिए संदेय प्रतिकर अनुसूची के भाग-III में विनिर्दिष्ट रकम से अधिक नहीं होगा।"

(ग) उप-नियम (3) के खण्ड (क) में "की संदाय, जो विनिर्दिष्ट किया जाए, भी है लेकिन इन तक सीमित न रहते हुए, अधिनियम और इन नियमों के उपबंधों के अध्यक्षीन रहते हुए" शब्दों के स्थान पर "या उपनियम (2) में यथा विनिर्दिष्ट

प्रतिकर, अनुसूची के भाग-III में विनिर्दिष्ट रकम से अनधिक, का संदाय, भी है, लेकिन इन तक सीमित न रहते हुए, के लिए" शब्द रखें जाएंगे।

(घ) उप-नियम (4) में,-

(i) "फीस" शब्द के पश्चात् "और प्रतिकर" शब्द अंतःस्थापित किए जाएंगे;

(ii) "नियम 9" शब्द और अंक के पश्चात् "उप-नियम (2)" शब्द, कोष्ठक और अंक को अंतःस्थापित किए जाएंगे;

(ड.) उप-नियम (4) के पश्चात् निम्नलिखित उप-नियम अंतःस्थापित किया जाएगा, अर्थात्:-

"(5) इस नियम तथा नियम 10ख और अनुसूची के प्रयोजन के लिए, पद-

(क) "मोबाइल टावर" से किसी तारयंत्र को ले जाने, निलंबन करने या सहारा देने के लिए भूमि से ऊपर किसी ऐसी प्रयुक्ति अभिप्रेत है जिसमें खंभा शामिल नहीं है;

(ख) "खंभा" से तारयंत्र को ले जाने, निलंबन करने या सहारा देने के लिए भूमि से ऊपर किसी ऐसी प्रयुक्ति अभिप्रेत है जिसकी ऊँचाई आठ मीटर से अनधिक हो;

(ग) "छोटे सेल" से निम्न पाँवर्ड सेलुलर रेडियो एक्सेस नोड जिसकी कवरेज दस मीटर से दो किलोमीटर दूरी तक है अभिप्रेत है।"

9. उक्त नियम के नियम 10 के पश्चात् निम्नलिखित नियम को अंतःस्थापित किए जाएंगे, अर्थात्:-

"10क. छोटे सेल और तारयंत्र लाइन की स्थापना के लिए मार्ग फर्नीचर का उपयोग- (1) कोई अनुज्ञप्तिधारी छोटे सेल और तारयंत्र लाइन की स्थापना के प्रयोजन हेतु, जिस मार्ग फर्नीचर पर छोटे सेलों और तारयंत्र लाइन को स्थापित करने का प्रस्ताव है उस मार्ग फर्नीचर के ब्यौरे और समुचित प्राधिकारी द्वारा प्राधिकृत संरचना अभियंता द्वारा उस मार्ग फर्नीचर की संरचना सुरक्षा को प्रमाणित करने वाले प्रमाणपत्र की एक प्रति के साथ, आवेदन को छोटे सेलों और तारयंत्र लाइन की स्थापना के लिए मार्ग फर्नीचर के उपयोग की अनुज्ञा के लिए समुचित प्राधिकारी को प्रस्तुत करेगा।

(2) उप-नियम (1) के अधीन आवेदन को आवेदन की जांच के लिए प्रशासनिक व्यय को वहन करने हेतु ऐसा फीस जो समुचित प्राधिकारी द्वारा निर्धारित किया जाए जो कि अनुसूची के भाग-1 में विनिर्दिष्ट रकम से अनधिक हो के साथ प्रस्तुत करना होगा।

(3) समुचित प्राधिकारी आवेदन करने की तारीख के साठ दिनों से अनधिक की अवधि के भीतर कारणों को लेखबद्ध करते हुए, आवेदन को अनुज्ञा प्रदान करेगा या लिखित रूप में कारणों के साथ निरस्त करेगा:

परंतु कोई भी आवेदन अस्वीकार नहीं किया जाएगा, जब तक कि आवेदन को ऐसी अस्वीकृति के कारणों के संबंध में सुनवाई का कोई अवसर नहीं दिया गया है:

परंतु यह और कि यदि समुचित प्राधिकारी अनुज्ञा देने या आवेदन को अस्वीकार करने में विफल रहता है तो अनुज्ञा दी गई समझी जाएगी।

(4) समुचित प्राधिकारी छोटे सेलों और तारयंत्र लाइन की संस्थापना के लिए मार्ग फर्नीचर के उपयोग हेतु समुचित प्राधिकारी द्वारा यथा निर्धारित अनुसूची के भाग-III में विनिर्दिष्ट रकम से अनधिक को अनुज्ञप्तिधारी से प्रतिकर प्राप्त करने का हकदार होगा।

(5) समुचित केन्द्रीय प्राधिकारी अपने भवनों तथा अवसंरचनाओं पर छोटे सेलों को संस्थापित करने की अनुज्ञा प्रदान करे।

(6) उप-नियम (5) के प्रयोजनों के लिए "समुचित केन्द्रीय प्राधिकारी" से ऐसी केन्द्रीय सरकार या केन्द्रीय सरकार द्वारा निगमित या स्थापित प्राधिकारी, निकाय, कंपनी या संस्था अभिप्रेत है, जहां ऐसी संपत्ति के नीचे, ऊपर, साथ में, चारों ओर, अंदर या बाहर जिसे भूमिगत या भूमि के ऊपर, ऐसी सरकार, प्राधिकारी, निकाय, कम्पनी या संस्था के नियंत्रण या प्रबंधन के अधीन, या में निहित तार अवसंरचना को स्थापित या अनुरक्षित किया जाना है।

10ख. निजी सम्पत्ति पर तार अवसंरचना की स्थापना.- जहां कोई अनुज्ञप्तिधारी निजी सम्पत्ति पर भूमि के ऊपर तार अवसंरचना की स्थापना करने का प्रस्ताव करता है, तो अनुज्ञप्तिधारी को समुचित प्राधिकारी से अनुज्ञा अपेक्षित नहीं है।

परंतु किसी निजी भवन या अवसंरचना के ऊपर मोबाइल टावर या खंभे की स्थापना के मामले में अनुज्ञप्तिधारी ऐसी स्थापना को शुरू करने से पहले समुचित प्राधिकारी को लिखित में सूचना प्रस्तुत करेगा:

परंतु यह और कि सूचना के साथ-साथ वह ऐसे भवन या अवसंरचना, जहां मोबाइल टावर या खंभे को स्थापित करने का प्रस्ताव किया गया है, का ब्यौरा और जहां पर मोबाइल टावर या खंभे को स्थापित करने का प्रस्ताव है उस भवन या अवसंरचना की संरचना सुरक्षा को प्रमाणित करने वाले समुचित प्राधिकारी द्वारा प्राधिकृत संरचना अभियंता द्वारा प्रमाणपत्र की एक प्रति भी प्रस्तुत करेगा।

10. उक्त नियम 14 के पश्चात् निम्नलिखित अनुसूची अंतःस्थापित की जाएगी, अर्थात्:-

"अनुसूची

[नियम 5(3), 6(1ख), 6(2) (क), 6 (3), 9 (3), 10 (2), 10 (3) (क), 10 क (2), 10 क (4) देखें]

नियम	मद	रकम
(1)	(2)	(3)
भाग-I फीस		
5(3)	भूमिगत तार अवसंरचना की स्थापना के लिए	एक हजार रुपए प्रति किलोमीटर।
9(3)	भूमि के ऊपर तार अवसंरचना की स्थापना के लिए	(i) मोबाइल टावरों की स्थापना के लिए दस हजार रुपए। (ii) भूमि के ऊपर तारयंत्र लाइन की स्थापना के लिए एक हजार रुपए प्रति किलोमीटर। (iii) समुचित केन्द्रीय प्राधिकारी में निहित या के नियंत्रण या प्रबंधन के अधीन अचल संपत्ति पर छोटे सेलों और तारयंत्र लाइन की संस्थापना हेतु खंभे की स्थापना के लिए शून्य। (iv) समुचित केन्द्रीय प्राधिकारी से इतर समुचित प्राधिकारी में निहित या के नियंत्रण या प्रबंधन के अधीन अचल संपत्ति पर छोटे सेलों और तारयंत्र लाइन की संस्थापना हेतु खंभे की स्थापना के लिए एक हजार रुपए प्रति खंभा।
10क (2)	मार्ग फर्नीचर का उपयोग करते हुए छोटे सेलों और तारयंत्र लाइन की स्थापना के लिए	शून्य।
भाग-II प्रत्यास्थापित भार		
6(2) (क)	ऐसी भूमिगत तार अवसंरचना की स्थापना जहां अनुज्ञप्तिधारी द्वारा क्षति को प्रत्यावर्तित करने की जिम्मेदारी का निर्वहन करने की वचनबद्धता नहीं दी गई है।	अचल संपत्ति को प्रत्यावर्तित करने हेतु उस क्षेत्र के लिए केन्द्रीय लोक निर्माण विभाग द्वारा निर्धारित या उस क्षेत्र के लिए यदि केन्द्रीय लोक निर्माण विभाग द्वारा दर तय नहीं की गई हो तो उस क्षेत्र के लिए राज्य लोक निर्माण विभाग द्वारा अपेक्षित राशि।

6(3)	ऐसी भूमिगत तार अवसंरचना की स्थापना के मामले में कार्य निष्पादन की सुरक्षा के रूप में बैंक गारंटी जहां पर अनुज्ञप्तिधारी द्वारा क्षति को प्रत्यावर्तित करने की जिम्मेदारी का निर्वहन करने के लिए वचनबद्धता दी गई है।	अचल संपत्ति को प्रत्यावर्तित करने हेतु उस क्षेत्र के लिए केन्द्रीय लोक निर्माण विभाग द्वारा निर्धारित या उस क्षेत्र में यदि केन्द्रीय लोक निर्माण विभाग द्वारा दर तय नहीं की गई हो तो उस क्षेत्र हेतु राज्य लोक निर्माण विभाग द्वारा अपेक्षित राशि का 20 प्रतिशत।
10(3) (क)	भूमि के ऊपर तार अवसंरचना की स्थापना	अचल संपत्ति को प्रत्यावर्तित करने हेतु उस क्षेत्र के लिए केन्द्रीय लोक निर्माण विभाग द्वारा निर्धारित या उस क्षेत्र में यदि केन्द्रीय लोक निर्माण विभाग द्वारा दर तय नहीं की गई हो तो उस क्षेत्र हेतु राज्य लोक निर्माण विभाग द्वारा अपेक्षित राशि। इसके अतिरिक्त, अनुज्ञप्तिधारी छोटे सेलों और तारयंत्र लाइन की संस्थापना के लिए खंभों की स्थापना की दशा में अपेक्षित क्षति को प्रत्यावर्तित करेगा।
भाग-III प्रतिकर		
6 (1ख)	भूमिगत तार अवसंरचना की स्थापना	शून्य
10 (2)	छोटे सेलों और तारयंत्र लाइन की स्थापना के लिए खंभों की स्थापना	शून्य
10क (4)	छोटे सेलों और तारयंत्र लाइन की स्थापना के लिए मार्ग फर्नीचर का उपयोग	(i) छोटे सेलों की संस्थापना के लिए: शहरी क्षेत्र के लिए तीन सौ रूपए प्रति वार्षिक और ग्रामीण क्षेत्रों के लिए एक सौ पचास रूपए प्रति वार्षिक प्रति मार्ग फर्नीचर। (ii) तारयंत्र लाइन की संस्थापना के लिए: एक सौ रूपए प्रति वार्षिक प्रति मार्ग फर्नीचर।

[फा. सं. 2-10/2022-नीति]

आनन्द सिंह, संयुक्त सचिव

टिप्पणी: मूल नियम भारत के राजपत्र, असाधारण के भाग-II, खण्ड-3, उप-खण्ड (i) में तारीख 15 नवंबर, 2016 की अधिसूचना संख्या सा.का.नि. 1070 (अ) द्वारा प्रकाशित किए गए थे और सा.का.नि. 407 (अ) तारीख 21 अप्रैल, 2017 और सा.का.नि. 749 (अ) तारीख 21 अक्टूबर, 2021 द्वारा पश्चावर्ती रूप से संशोधित किए गए थे।

MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

NOTIFICATION

New Delhi, the 17th August, 2022

G.S.R. 635(E).— In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Right of Way Rules, 2016, namely: -

- (1) These rules may be called the Indian Telegraph Right of Way (Amendment) Rules, 2022.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
- In the Indian Telegraph Right of Way Rules, 2016 (hereinafter referred to as the said rules), in the opening paragraph, the brackets and words “(optical fibre)” and “(mobile towers and telegraph line)” shall be omitted.

3. In rule 2 of the said rules, in sub-rule (1), after clause (g), the following clause shall be inserted, namely:-

“(h) “Schedule” means a Schedule appended to these rules.”.

4. In rule 4 of the said rules, for sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) Every application for permission under these rules shall be made by the licensee on an electronic portal developed by the Central Government.”.

5. In rule 5 of the said rules, in sub-rule (3), in the proviso, for the words “one thousand rupees per kilometer”, the words “the amount specified in Part-I of the Schedule” shall be substituted.

6. In rule 6 of the said rules, -

(a) after sub-rule (1), the following sub-rules shall be inserted, namely: -

“(1A) The area of the underground telegraph infrastructure proposed to be established shall be the length of duct multiplied by the diameter of the duct multiplied by the number of the ducts.

Explanation.- “duct” means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telegraph line.

(1B) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for the use of the property under which the underground telegraph infrastructure is proposed to be established, as may be determined by the appropriate authority.

(b) in sub-rule (2), in clause (a), -

(i) for the words “as may be specified, subject to the provisions of the Act and these rules”, the words “not exceeding the amount specified in Part-II of the Schedule” shall be substituted;

(ii) the following proviso shall be inserted, namely:-

“Provided that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied for pits only.”;

(c) in sub-rule (3), after the words “an amount”, the words “not exceeding the amount specified in Part-II of the Schedule” shall be inserted;

(d) in sub-rule (4), -

(i) after the word “fee”, the words “and compensation,” shall be inserted;

(ii) after the word and figure “rule 5”, the words, brackets and figure “,sub-rule (1B)” shall be inserted.

7. In rule 9 of the said rules, in sub-rule (3), in the proviso, for the words “ten thousand rupees”, the words “the amount specified in Part-I of the Schedule” shall be substituted.

8. In rule 10 of the said rules,-

(a) after sub-rule (1), the following sub-rule shall be inserted, namely:-

“(1A) The area of the overground telegraph infrastructure (mobile tower) proposed to be established shall be the area occupied by the mobile tower and the supporting infrastructures, such as base transceiver station, engine alternator, etc. at the ground.”;

(b) in sub-rule (2), for the proviso, the following proviso shall be substituted, namely: -

“Provided that the compensation payable for the immovable property for the establishment of poles for installation of small cells and telegraph line shall not exceed the amount specified in Part-III of the Schedule.”.

(c) in sub-rule (3), in clause (a), for the words “or compensation, subject to the provisions of the Act and these rules”, the words “,not exceeding the amount specified in Part-II of the Schedule, or compensation, as specified in sub-rule (2)” shall be substituted;

(d) in sub-rule (4), -

(i) after the word “fee”, the words “and compensation,” shall be inserted;

(ii) after the word and figure “rule 9”, the words, brackets and figure “,sub-rule (2)” shall be inserted;

(e) after sub-rule (4), the following sub-rule shall be inserted, namely:-

“(5) For the purposes of this rule, and rule 10B and the Schedule, the expression,-

(a) “mobile tower” means any above-ground contrivance for carrying, suspending or supporting a telegraph and does not include pole;

(b) “pole” means any above-ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telegraph and does not include mobile tower;

(c) “small cell” means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilometers.”.

9. After rule 10 of the said rules, the following rules shall be inserted, namely: –

“10A. Usage of street furniture for installation of small cells and telegraph line.-(1) A licensee shall for the purpose of installation of small cell and telegraph line submit an application, along with details of street furniture and a copy of certification by a structural engineer authorised by appropriate authority, attesting to the structural safety of the street furniture where installation of small cells and telegraph line is proposed to be deployed, to the appropriate authority for permission to use street furniture for installation of small cells and telegraph line.

(2) The application under sub-rule (1), shall be accompanied with such fee as may be determined by the appropriate authority to meet administrative expenses for examination of the application, which shall not exceed the amount specified in Part-I of the Schedule.

(3) The appropriate authority shall, within a period not exceeding sixty days from the date of application made, grant permission or reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection:

Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission or reject the application.

(4) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for use of street furniture for installation of small cells and telegraph line, as may be determined by the appropriate authority.

(5) The appropriate central authority may permit installation of small cells on their buildings and structures.

(6) For the purposes of sub-rule (5), the “appropriate central authority” means the Central Government or the authority, body, company or institution, incorporated or established by the Central Government, in respect of property, under, over, along, across, in or upon which underground or overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such Government, authority, body, company or institution.

10B. Establishment of telegraph infrastructure over private property.- Where the licensee proposes the establishment of overground telegraph infrastructure over any private property, the licensee shall not require any permission from the appropriate authority:

Provided that in case of establishment of mobile tower or pole over a private building or structure, the licensee shall submit an intimation, in writing, to the appropriate authority, prior to commencement of such establishment:

Provided further that along with the intimation, he shall also submit the details of the building or structure, where the establishment of mobile tower or pole is proposed, and a copy of certification by a structural engineer, authorised by the appropriate authority, attesting to the structural safety of the building or structure, where the mobile tower or pole is proposed to be established.”.

10. After rule 14 of the said rules, the following Schedule shall be inserted, namely: -

“THE SCHEDULE

[See rules 5 (3), 6 (1B), 6 (2) (a), 6 (3), 9 (3), 10 (2), 10 (3) (a), 10A (2), 10A (4)]

Rule	Item	Amount
(1)	(2)	(3)
Part-I Fee		
5(3)	For establishment of underground telegraph infrastructure	One thousand rupees per kilometer.

9(3)	For establishment of overground telegraph infrastructure	(i) Ten thousand rupees for establishment of mobile towers (ii) One thousand rupees per kilometer for establishment of overground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.
10A (2)	For installation of small cells and telegraph line using the street furniture	Nil.
Part-II Charges for restoration		
6(2)(a)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore the damages	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
6(3)	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the licensee to discharge the responsibility to restore the damages	20% of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
10(3)(a)	Establishment of overground telegraph infrastructure	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area. Further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.
Part-III Compensation		
6(1B)	Establishment of underground telegraph infrastructure	Nil.
10(2)	Establishment of poles for installation of small cells and telegraph line	Nil
10A (4)	Usage of street furniture for installation of small cells and telegraph line	(i) For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture. (ii) For installation of telegraph line: One hundred rupees per annum per street furniture.

”.

[F. No. 2-10/2022-Policy]

ANAND SINGH, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification number G.S.R. 1070 (E), dated the 15th November, 2016 and subsequently amended *vide* G.S.R. 407 (E), dated the 21st April, 2017 and G.S.R. 749 (E), dated the 21st October, 2021.



भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 465]

नई दिल्ली, मंगलवार, अगस्त 8, 2023/श्रावण 17, 1945
NEW DELHI, TUESDAY, AUGUST 8, 2023/SHRAVANA 17, 1945

संचार मंत्रालय
(दूरसंचार विभाग)
अधिसूचना

नई दिल्ली, 7 अगस्त, 2023

सा.का.नि. 594(अ).—केंद्रीय सरकार, भारतीय तार अधिनियम, 1885 (1885 का 13) की धारा 10, धारा 12 और धारा 15 के साथ पठित धारा 7 की उप-धारा (1) और उप-धारा (2) के खंड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय तार मार्ग के अधिकार नियम, 2016 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

- (1) इन नियमों का संक्षिप्त नाम भारतीय तार मार्ग के अधिकार (संशोधन) नियम, 2023 है।
(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।
- भारतीय तार मार्ग के अधिकार नियम, 2016 (जिसे इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम 9 के पश्चात् निम्नलिखित नियम अंतःस्थापित किया जाएगा, अर्थात्:-

"9 क. अस्थायी भूमि के ऊपर तार अवसंरचना की स्थापना - (1) किसी भी कारण से मौजूदा भूमिगत तार अवसंरचना के क्षतिग्रस्त होने की स्थिति में लाइसेंसधारी, जिसकी मौजूदा भूमिगत तार अवसंरचना क्षतिग्रस्त हो गई है तो वह समुचित प्राधिकारी को अवसंरचना के नुकसान की रिपोर्ट करने की तारीख से साठ दिनों की अवधि के लिए तार सेवा

को बहाल करने हेतु क्षतिग्रस्त भूमिगत तार अवसंरचना के बदले भूमि के ऊपर अस्थायी रूप से तार अवसंरचना की स्थापना करेगा।

(2) इस नियम के अधीन अस्थायी रूप से भूमि के ऊपर तार अवसंरचना की स्थापना के लिए समुचित प्राधिकारी द्वारा कोई फीस या प्रतिकर नहीं लिया जाएगा।

3. उक्त नियमों के नियम 10 के, उप-नियम (5) में,-

(क) शब्द और अंक "नियम 10ख" के स्थान पर शब्द और अंक "नियम 10क और नियम 10ख" रखे जाएंगे;

(ख) खंड(ग) के पश्चात् निम्नलिखित खंड अंतःस्थापित किए जाएंगे, अर्थात्:-

'(घ) "मार्ग फर्नीचर" से विद्युत, स्ट्रीट लाइट, ट्रैफिक लाइट, यातायात संकेत, बस स्टॉप, ट्राम स्टॉप, टैक्सी स्टैंड, सार्वजनिक शौचालय, स्मारक, सार्वजनिक मूर्तिकला, यूटिलिटी पोल या किसी अन्य संरचना या किसी समुचित प्राधिकरण की संपत्ति पर स्थापित ऐसी प्रकृति के मशीन के लिए प्रयुक्त पोस्ट अथवा खंभा अभिप्रेत है।'

4. उक्त नियमों के नियम 10क में,-

(क) उप-नियम (1) के पश्चात्, निम्नलिखित उप-नियम अंतःस्थापित किए जाएंगे, अर्थात्:-

(1क) लाइसेंसधारक के पास कई स्थलों के लिए एकल आवेदन प्रस्तुत करने का विकल्प होगा और समुचित प्राधिकारी ऐसे आवेदनों को स्वीकार करने और स्मॉल सेलों की स्थापना हेतु तदनुसार कई स्थलों के लिए एकल अनुमति जारी करने के लिए उचित उपबंध करेगा।"

(ख) उप-नियम (5) के स्थान पर, निम्नलिखित उप-नियम रखा जाएगा, अर्थात्:-

"(5) उपयुक्त केंद्रीय प्राधिकरण स्मॉल सेलों की स्थापना की अनुमति देंगे और अनुसूची के भाग-I या भाग-III के अनुसार अपने नियंत्रण में निहित या उनके अधीन भवनों और संरचनाओं पर स्मॉल सेलों की स्थापना के लिए कोई प्रशासनिक फीस या प्रतिकर नहीं लेंगे:

परंतु कि ये प्रभार वास्तविक आंकड़े के अनुसार भवन स्वामियों द्वारा प्रदान की गई बिजली (उद्योग टैरिफ के अनुसार), फिक्स्चर आदि के लिए लगाए जाएंगे और लाइसेंसधारी स्मॉल सेल की तैनाती के दौरान हुए नुकसान को बहाल करेगा।"

5. उक्त नियमों की अनुसूची के स्थान पर, निम्नलिखित अनुसूची रखी जाएगी, अर्थात्:-

"अनुसूची

[नियम 5(3), 6(1ख), 6(2)(क), 6(3), 9(3), 9क(2), 10(2), 10(3)(क), 10क(2), 10क(4), 10क(5)]

नियम	मद	राशि
(1)	(2)	(3)
भाग-I शुल्क		
5(3)	भूमिगत तार अवसंरचना की स्थापना के लिए	एक हजार रुपये प्रति किलोमीटर
9(3)	भूमि के ऊपर तार अवसंरचना की स्थापना के लिए	(i) मोबाइल टावर लगाने के लिए दस हजार रुपये (ii) भूमि के ऊपर तार लाइन की स्थापना के लिए एक हजार रुपये प्रति किलोमीटर। (iii) खंभों की स्थापना के लिए, स्मॉल सेल और तार लाइन की स्थापना के लिए, अचल संपत्ति पर निहित या उपयुक्त केंद्रीय प्राधिकरण के नियंत्रण या प्रबंधन के लिए शून्य।

		(iv) खंभों की स्थापना के लिए, स्मॉल सेल और तार लाइन की स्थापना के लिए, अचल संपत्ति पर निहित या समुचित केंद्रीय प्राधिकरण समुचित के अलावा समुचित प्राधिकरण के नियंत्रण या प्रबंधन के लिए प्रति पोल एक हजार रुपये।
9 क (2)	भूमि के ऊपर तार अवसंरचना की अस्थायी स्थापना	शून्य।
10 क (2)	मार्ग फर्नीचर का उपयोग करते हुए स्मॉल सेल और तार लाइन की स्थापना के लिए	शून्य।
10 क (5)	समुचित केंद्रीय प्राधिकरण के निहित या अधीन भवनों अथवा संरचनाओं पर स्मॉल सेलों की तैनाती के लिए	शून्य।
भाग-II बहाली के लिए प्रभार		
6(2)(क)	लाइसेंसधारक द्वारा क्षति को बहाल करने की दायित्वों का निर्वहन करने का वचन नहीं देने पर भूमिगत तार अवसंरचना की स्थापना।	यदि केंद्रीय लोक निर्माण विभाग द्वारा उस क्षेत्र के लिए कोई दर निर्धारित नहीं की गई हो तो अचल संपत्ति को उस क्षेत्र के लिए केंद्रीय लोक निर्माण विभाग द्वारा निर्धारित दर के अनुसार या उस क्षेत्र के लिए राज्य सार्वजनिक कार्य विभाग द्वारा निर्धारित दर के अनुसार अचल संपत्ति को पुनर्स्थापित करने के लिए अपेक्षित राशि।
6(3)	लाइसेंसधारी द्वारा क्षतिपूर्ति को बहाल करने की दायित्व निर्वहन का वचन दिया है वहाँ भूमिगत तार अवसंरचना की स्थापना के मामले में निष्पादन हेतु सुरक्षा के रूप में बैंक गारंटी।	अचल संपत्ति को उस क्षेत्र के लिए केंद्रीय लोक निर्माण विभाग द्वारा निर्धारित दर के अनुसार या उस क्षेत्र के लिए राज्य सार्वजनिक कार्य विभाग द्वारा निर्धारित दर के अनुसार पुनर्स्थापित करने के लिए आवश्यक राशि का 20 प्रतिशत यदि केंद्रीय लोक निर्माण विभाग द्वारा उस क्षेत्र के लिए कोई दर निर्धारित नहीं की गई हो।
10 (3)(क)	भूमि के ऊपर तार अवसंरचना की स्थापना	अचल संपत्ति को उस क्षेत्र के लिए केंद्रीय लोक निर्माण विभाग द्वारा निर्धारित दर के अनुसार या उस क्षेत्र के लिए राज्य सार्वजनिक कार्य विभाग द्वारा निर्धारित दर के अनुसार पुनर्स्थापित करने के लिए आवश्यक राशि, यदि केंद्रीय लोक निर्माण विभाग द्वारा उस क्षेत्र के लिए कोई दर निर्धारित नहीं की गई हो, इसके अलावा लाइसेंसधारक स्मॉल सेल और तार लाइनों की स्थापना के लिए खंभों को स्थापित करने के मामले में हुई क्षति की भरपाई करेगा।
भाग-III प्रतिकर		
6(1ख)	भूमिगत तार अवसंरचना की स्थापना	शून्य।
9 क(2)	अस्थायी भूमि के ऊपर तार अवसंरचना की स्थापना	शून्य।
10(2)	भूमि के ऊपर अवसंरचना की स्थापना	यदि ऐसी संपत्ति का उपयोग किसी अन्य प्रयोजन के लिए नहीं किया जा सकता है तो उपयुक्त प्राधिकरण के सामान्य आदेश द्वारा दर निर्दिष्ट कर सकता है। तथापि स्मॉल सेल और तार लाइनों की स्थापना हेतु खंभों की स्थापना के लिए प्रतिकर शून्य होगा।

10 क (4)	स्मॉल सेल और तार लाइन की स्थापना के लिए मार्ग फर्नीचर का उपयोग	(i) स्मॉल सेल की स्थापना के लिए: मार्ग फर्नीचर के अनुसार शहरी क्षेत्र के लिए प्रति वर्ष तीन सौ रुपये और ग्रामीण क्षेत्रों के लिए प्रति वर्ष एक सौ पचास रुपये। (ii) तार लाइन की स्थापना के लिए: प्रति मार्ग फर्नीचर के अनुसार एक सौ रुपये प्रति वर्ष।
10 क (5)	समुचित केंद्रीय प्राधिकारियों में निहित या उनके नियंत्रण में भवन अथवा संरचनाओं पर स्मॉल सेलों की तैनाती के लिए	शून्य”।

[फा. सं. 2-6/2023-नीति]

सुनील कुमार वर्मा, संयुक्त सचिव

टिप्पण: मूल नियम भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में अधिसूचना सा.का.नि. 1070 (अ.) तारीख 15 नवंबर, 2016 के द्वारा प्रकाशित किए गए थे और तत्पश्चात सा.का.नि. 407 (अ.) तारीख 21 अप्रैल, 2017, सा.का.नि. 749 (अ.) तारीख 21 अक्टूबर, 2021 और सा.का.नि. 635 (अ.) तारीख 17 अगस्त, 2022 द्वारा संशोधित किए गए थे।

MINISTRY OF COMMUNICATIONS**(Department of Telecommunications)****NOTIFICATION**

New Delhi, the 7th August, 2023

G.S.R. 594(E).—In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Right of Way Rules, 2016, namely: -

1. (1) These rules may be called the Indian Telegraph Right of Way (Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Telegraph Right of Way Rules, 2016 (hereinafter referred to as the said rules), after rule 9, the following rule shall be inserted, namely: -

“9A. Establishment of temporary overground telegraph infrastructure. – (1) In case of damage of any existing underground telegraph infrastructure for any reason, the licensee, whose existing underground telegraph infrastructure is damaged, may temporarily establish the overground telegraph infrastructure, in lieu of the damaged underground telegraph infrastructure, to restore the telegraph service for the period of sixty days from the date of reporting of damage of the infrastructure to the appropriate authority.

(2) No fee or compensation shall be charged by the appropriate authority for the establishment of temporary overground telegraph infrastructure under this rule”.

3. In rule 10 of the said rules, in sub-rule (5),—

(a) for the word and figure “rule 10B”, the words and figures, “rule 10A and rule 10B”, shall be substituted;

(b) after clause (c), the following clause shall be inserted, namely: -

‘(d) “street furniture” means post or pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority.’

4. In rule 10A of the said rules,—

(a) after sub-rule (1), the following sub-rule shall be inserted, namely: –

“(1A) The licensee shall have the option of submitting single application for multiple sites and appropriate authority shall make due provisions for accepting such applications and issuing single permission for multiple sites accordingly for establishment of small cells.”.

(b) for sub-rule (5), the following sub-rule shall be substituted, namely: -

“(5) The appropriate central authorities shall permit deployment of small cells and shall charge no administrative fees or compensation for deployment of small cells on buildings and structures vested in or under their control as per Part-I or Part-III of the Schedule:

Provided that the charges shall be levied for power (as per Industry tariffs), fixtures etc. provided by building owners as per actuals and licensee shall restore the damage done during deployment of small cells”.

5. For the Schedule of the said rules, the following schedule shall be substituted, namely:—

“THE SCHEDULE

[See rules 5 (3), 6 (1B), 6 (2) (a), 6 (3), 9 (3), 9 A (2), 10 (2), 10 (3) (a), 10A (2), 10A (4), 10 A (5)]

Rule	Item	Amount
(1)	(2)	(3)
Part-I Fee		
5(3)	For establishment of underground telegraph infrastructure	One thousand rupees per kilometer.
9(3)	For establishment of overground telegraph infrastructure	(i) Ten thousand rupees for establishment of mobile towers (ii) One thousand rupees per kilometre for establishment of overground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.
9 A (2)	For Establishment of temporary over ground Telegraph Infrastructure.	Nil.
10A (2)	For installation of small cells and telegraph line using the street furniture	Nil.
10 A (5)	For the deployment of small cells on building or structures vested in or under the control of appropriate central authorities.	Nil.
Part-II Charges for restoration		
6(2)(a)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore the damages	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
6(3)	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the	20 percent of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area,

	licensee to discharge the responsibility to restore the damages	if no rate has been prescribed by central public works department for that area.
10(3)(a)	Establishment of overground telegraph infrastructure	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area, further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.
Part-III Compensation		
6(1B)	Establishment of underground telegraph infrastructure	Nil.
9 A(2)	For Establishment of temporary over ground Telegraph Infrastructure.	Nil.
10(2)	Establishment of Over Ground Infrastructure	Rates as the appropriate authority may, by general order, specify, if such property cannot be used for any other purpose. However, for establishment of poles for installation of small cells and telegraph line, compensation shall be Nil.
10A (4)	Usage of street furniture for installation of small cells and telegraph line	(i) For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture. (ii) For installation of telegraph line: One hundred rupees per annum per street furniture.
10 A (5)	For the deployment of small cells on building or structures vested in or under the control of appropriate central authorities.	Nil".

[F. No. 2-6/2023-Policy]

SUNIL KUMAR VERMA, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification G.S.R. 1070 (E), dated the 15th November, 2016 and subsequently amended *vide* G.S.R. 407 (E), dated the 21st April, 2017, G.S.R. 749 (E), dated the 21st October, 2021 and G.S.R. 635(E), dated the 17th August, 2022.