



புதுச்சேரி மாநில அரசிதழ்

La Gazette de L'État de Poudouchéry

The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

EXTRAORDINARY

அதிகாரம் பெற்ற
வெளியீடு

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GOVERNMENT OF PUDUCHERRY
DIRECTORATE OF INFORMATION TECHNOLOGY

(G.O. Ms. No. 1/DIT/2023, Puducherry, dated 05th April 2023)

NOTIFICATION

The following rules, published by the Ministry of Communications (Department of Telecommunications), Government of India, New Delhi, in the Gazette of India, are hereby republished for general information of the public.

- The Indian Telegraph Right of Way (Amendment) Rules, 2021.
- The Indian Telegraph Right of Way (Amendment) Rules, 2022.

(By order)

D. MOHAN KUMAR,
Director
(Information Technology).

**MINISTRY OF COMMUNICATIONS
(DEPARTMENT OF TELECOMMUNICATIONS)**

New Delhi, dated 21st October 2021.

NOTIFICATION

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,
Joint Secretary.

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 21st April, 2017.

**MINISTRY OF COMMUNICATIONS
(DEPARTMENT OF TELECOMMUNICATIONS)**

New Delhi, dated 17th August 2022.

NOTIFICATION

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. (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.

2. 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 figures, “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 (IB), 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.

(1)	(2)	(3)
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,
Joint Secretary.

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 21st April, 2017 and G.S.R. 749 (E), dated the 21st October, 2021.