GOVERNMENT OF TRIPURA

ABSTRACT

Tripura Telecom Infrastructure RoW Guidelines, 2022 - Guidelines for granting Permission for installation of Underground Telegraph Infrastructure and Overground Telegraph Infrastructure.

DEPARTMENT OF INDUSTRIES & COMMERCE
(INFORMATION TECHNOLOGY)
Agartala – 799 006, Tripura

G.O. No.F.17(2)/DIT/Pol(RoW)/2022/592 Dated: 16th January, 2023

NOTIFICATION

Read:

1. Advisory guidelines of Department of Telecommunications (DoT), Govt. of India (GoI) for State Governments for issue of clearance for installation of mobile towers (effective from 01.08.2013).
2. The Indian Telegraph Right of Way (RoW) Rules, 2016 of DoT, GoI (issued vide Notification No. G.S.R. 1070 (E), Dt. 15 Nov 2016).
3. DoT GoI Notification vide G.S.R 624(E) dated 19 June 2017.
4. Order of State Govt. issued vide No.F.22(1)/DIT/COMM/2015/3475-3530, Dt. 08 Sep 2017.
5. The RoW (Amendment) Rules 2021 of DoT, GoI (issued vide Notification No. G.S.R. 749(E), Dt. 21 Oct 2021).
6. The RoW (Amendment) Rules 2022 of DoT, GoI (issued vide Notification No. G.S.R. 635(E), Dt. 17 Aug 2022).

Preamble:

The Indian telecom sector has witnessed phenomenal growth and mobile telephony in particular has revolutionized the country over the past decade. The popularity of cell phone and wireless communication devices have resulted in a proliferation of mobile network towers across the country. Getting better Telecom / High Speed Internet connectivity in Tripura is imperative for all-around development of the State. Mobile Towers are an integral part for providing better connectivity to the Citizen.

2. In the above context, Department of Telecommunication, Govt. of India has issued advisory guidelines for issue of clearance for installation of mobile towers (effective from 01.08.2013). Department of Telecommunication, Govt. of India has also issued the Indian Telegraph Right of Way Rules, 2016 and this rules regulate, inter-alia, rates, rights, obligations and processes for establishment and maintenance of underground and over-ground telegraph infrastructure. RoW (Amendment) Rules 2022 has provisions, to provide, inter-alia, fees and procedures for establishment of underground and overground telegraph infrastructure.

3. In this regard, State Government has issued one Order dated 08th Sep 2017 to specify the Appropriate Authority and Fess for granting RoW permissions in the State.

4. Moreover, 5G technology is to be rolled out in near future, which necessitates huge number of poles to be erected for deployment of small cells. In addition, the existing street furniture would also need to be exploited for deployment of small cells.

5. Fixation of standards for exposure limits of radio frequency field emissions from mobile base stations, monitoring their compliance, all radiation related technical issue, issues of Access Service License/ Infrastructure Provider registration and SACFA clearance for frequency allocation at any location are dealt by Department of Telecommunication, Govt. of India.

Resolution:

State Govt. has decided to formulate following Tripura Telecom Infrastructure RoW Guidelines, 2022 (in line with RoW Rules 2016 and its amendments) for granting Permission for installation of Underground or Overground Telegraph Infrastructure for the State of Tripura.

CHAPTER - I
PRELIMINARY

1. Short title, extent & commencement:

(1) These Guidelines may be called the Tripura Telecom Infrastructure RoW Guidelines, 2022.

(2) It shall extend to the whole of the State of Tripura

(3) It shall come into force from the date of publication in the official Gazette.

(4) It shall be administered by the Information Technology Directorate, Government of Tripura.

(5) These Guidelines shall not be in violation or supersession of the provisions contained in the Indian Telegraph Act, 1885 (Central Act 13 of 1885), Tower Guidelines issued by Department of Telecommunications, 2013, Indian Wireless Telegraphy Act, 1933 (Central Act 17 of 1933) and Indian Telegraph Right of Way (RoW) Rules, 2016 and its Amendments in any way.

2. Definitions: (1) In the foregoing provisions, unless the context otherwise requires:

(i) "Act" means the Indian Telegraph Act, 1885 (13 of 1885);

(ii) "Rules" means the Indian Telegraph ROW Rules, 2016;

(iii) "Appropriate Authority" means Authority for granting permission to establish overhead and underground telegraph infrastructure: Additional District Magistrate & Collector of each District of the State of Tripura;

(iv) "Concerned Authority" means authority responsible for operation and maintenance of Government property like PWD (Road) Dept. for PWD Roads.

(v) "Department of Telecommunication" means Department of Telecommunication (DoT), Govt. of India (GoI);

(vi) "State Government" means the Government of Tripura;

(vii) "Application" means the application for getting permission for establishment and maintenance of Underground Telegraph Infrastructure and Overground Telegraph Infrastructure;

(viii) "licensee" means any person holding a license issued under sub-section (1) of section 4 of the Act;

(ix) "Telecom Service Provider (TSP)" means a license providing telephony service, including, inter-alia, mobile phone services, internet and data transfer services, etc and shall include their authorized representative;

(x) "Infrastructure Provider (IP)" means Infrastructure Providers registered with the Department of Telecommunication, Govt. of India to setup Telecom Infrastructure in India;

(xi) "Applicant" means any Telecom Service Provider (TSP) or Infrastructure Provider (IP) who makes an application seeking permission to establish and maintain the Telecom Infrastructure;

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

(xiii) "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;

(xiv) "OFC" means Optical Fiber Cable;

(xv) "STC" means State Level Telecom Committee;

(xvi) "DTC" means District Level Telecom Committee;

(xvii) "LSA" means Licensed Service Areas;

(xviii) "SACFA" means Standing Advisory Committee on Radio Frequency Allocation;

(xix) "WPC" means Wireless Planning & Coordination;

(xx) "TERM Cell" means the Telecom Enforcement, Resource and Monitoring Cell of Department of Telecommunication, Govt. of India the competent agency for vigilance, monitoring, security functions as well as testing and checking of roll-out obligation and compliance to Electro Magnetic Field (EMF) radiation norms for Telecom Towers;

(xxi) "Local Body" means Urban Local Bodies (ULB) like Municipal Corporations, Municipal Councils, Nagar Panchayats etc. and Rural Local Bodies like Gram Panchayats, Village Committees/ Councils;

(xxii) "COW" means Cell on Wheels is a portable mobile cellular site that provides temporary network and wireless coverage to locations where cellular coverage is minimal or compromised. COW provide fully functional service via vehicles such as trailers, vans and trucks, to areas affected by natural disaster or areas with large user volume, such as major events;

(xxiii) "IBS" means In Building Solution: IBS is a telecommunication Solution which is used to extend and distribute the cellular signal of mobile operators within a building with high quality mobile communication for the indoor environments such as offices, shopping malls, hospitals and airports;

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

(xxv) "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;

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

(2) Words and expression used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

3. Applicability:

The Appropriate Authority shall exercise the powers under this Tripura Telecom Infrastructure RoW Guidelines, 2022 on an application for establishment and maintenance of underground and overground Telegraph Infrastructure by any licensee / applicant within the state of Tripura as defined in these guidelines relating to the following:

(i) Mobile Towers - Ground base towers [GBT], Roof Top towers [RTT], Ground base poles [GBP], Roof top poles [RTP], Ground base Mast [GBM], Roof top Mast [RTM], Narrow Based Tower (NBT);

(ii) Micro Communication Equipment / Small Cells;

(iii) For establishing and maintaining overground and underground Telegraph line;

(iv) In Building Solution (IBS);

(v) Cell on Wheel (CoW);

(vi) Street Furnitures;

The Applicant shall not require any permission from the Authority for establishing telecommunications infrastructure over any private property falling under the jurisdiction of the authority, **except for mobile tower**.

Provided that in case of establishment of 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/she shall also submit the details of the building or structure, where the establishment of pole is proposed, and a copy of certification by a State Government authorized structural engineer, attesting to the structural safety of the building or structure, where the pole is proposed to be established.

4. Appropriate Authority:

In pursuance of the Indian Telegraph, Right of Way Rules, 2016, the State Government has decided vide Order No. F22(1)/DIT/COMM/2015/3475-3530 dated 08th Sept, 2017, that the Additional District Magistrate & Collectors of each district would be the "Appropriate Authority" for granting of permission to establish overground or underground telegraph infrastructure to be installed at the respective districts.

5. Validity of the permission granted:

The permission granted under these guidelines to any Applicant shall be co-terminus with validity of License / registration certificate concerned.

6. Prior Permission for establishment of telegraph infrastructure:

No person shall erect, install or establish any telegraph infrastructure without obtaining prior permission from Appropriate Authorities (as per provisions of above Clause 3. Applicability) by applying through a Single Window Clearance System. In case of any such infrastructure is found, the licensee shall be liable for a penalty upto Rs. 5,00,000/- (Rupees Five Lacs).

In case of existing telecom infrastructure, where in formal permission has not been obtained by the concerned licensee the necessary application for obtaining clearance for all those telegraph infrastructures shall be submitted. Licensee can regularize such infrastructures, upon applying online on Single Window Clearance System along with information and documents as specified therein. Such applications shall be submitted within six months of issuance of these guidelines, after which the telecom infrastructure shall be deemed as unauthorized.

CHAPTER – II
ESTABLISHMENT AND MAINTENANCE OF OVERGROUND TELEGRAPH INFRASTRUCTURE

7. Application seeking permission for establishing / maintaining overground telecommunications infrastructure in the State:

(1) **Application for installation of mobile towers or other above ground contrivances**:

TSPs/IPs shall make an application to appropriate authority, here Additional District Magistrate & Collector of the District based on the proposed location of the tower or other above ground contrivances, by filling the Appropriate Application Form in https://sugamsanchar.gov.in.

(2) The information along with supporting documents to be provided by the Applicant in the application made under sub-rule(1) shall include:

(i) Copy of License / Registration Certificate of Telecom Service Provider / Infrastructure Provider issued by the Department of Telecommunication, Govt. of India;

(ii) Data sheet

(a) Name of Telecom Service Provider / Infrastructure Provider;

(b) Telegraph Infrastructure Reference:

i) Ground based Tower/ Roof Top Tower/ Roof Top Pole / Roof Top Mast / Ground based Pole / Ground based Mast / Narrow Based Tower

ii) Height

iii) Weight

iv) Number of antennae

v) Location, latitude, longitude of the proposed over-ground telegraph infrastructure;

(iii) RoW Area - The extent of land (Area) required for establishment of the over-ground telegraph infrastructure calculated as (Base of the mobile tower and supporting 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; or Copy of SACFA (Standing Advisory Committee on Radio Frequency Allocation) clearance / copy of SACFA application for the said location submitted to WPC (Wireless Planning & Coordination) Wing of DoT, GoI with registration number as WPC acknowledgement along with undertaking that in case of any objection / rejection, TSPs / IPs will take corrective actions / remove the tower.

(vi) 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 drawing of the tower or other above ground telegraph infrastructure;

(x) Certification of the technical design by a State Government authorized structural engineer attesting to the structural safety of the overground telegraph infrastructure;

(xi) Certification, by a State Government authorized structural engineer, attesting to the structural safety of the building, where the tower or other above ground contrivances is proposed to be established on a building;

(xii) The names and contact details of the employees of the Applicant for purposes of communication in regard to the application made;

(xiii) Copy of ownership document of the land / building / site, in the name of land / building / site owner;

(xiv) Copy of No Objection Certificate (NOC) from land owner (for Ground Base Tower) / Building owner/ authorized person of Resident Welfare or Cooperative Society establishing roof rights (for Roof Top Tower/Roof Top Pole);

(xv) Copy of soil test report for Ground Based Towers (GBTs);

(xvi) Indemnity Bond to take care of any loss or injury to accident caused by the tower or other above ground contrivances, except for reasons of force majeure (including a declaration to the effect that the Applicant will take necessary precautions for fire safety and lightning and it shall be solely responsible for paying all kinds of compensation and damages and would be responsible for case arising there from);

(xvii) Copy of the Type Test Certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) sets, if the DG sets to be installed at the site;

(xviii) Acknowledgement receipt issued by LSA (DoT) of the self–certificate submitted by TSP/IP in respect of mobile tower/ BTS (ground base/ roof top/ pole/ wall mounted) in the format as prescribed by Telecommunication Engineering Center (TEC), DoT, establishing/ certifying that all General Public areas around the tower will be within safe EMR exposure limit as per peak traffic measurement after the antennae starts radiating;

(xix) Copy of NOC from Airport Authority of India (AAI), wherever applicable;

(xx) Copy of clearance from Fire Safety Department only in case for high rise buildings where Fire Clearance is mandatory;

(xxi) Copy of clearance from Forest Department only in case for Forest areas, wherever applicable;

(xxii) Any other matter relevant, in the opinion of the Applicant, connected with or related to the work proposed to be undertaken;

(xxiii) 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 State Government;

(xxiv) Provided that the documents mentioned in clauses (ii), (iii), (v) (ix), (x), (xi), (xiii), (xiv), (xv), (xvii), (xviii), (xix), and (xx) shall not be required in case of application made for establishment of overground telegraph line;

(xxv) 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;

(xxvi) Provided further that if establishment of overground telegraph line is proposed using existing street furniture then copy of No Objection Certificate (NOC) need to be submitted from Authority of the said street furniture;

(xxvii) Provided further that the documents mentioned in clause (xiii) and (xiv) shall be required in case of application made for establishment of overground telegraph line only if telegraph line goes over the private property;

(xxviii) Provided that the document mentioned in clauses (iv), (v), (x), (xi), (xiii), (xv), (xvii), (xviii), (xix), (xx) shall not be required in case of application made for establishment of Ground based poles in Government land for extension of OFC;

(3) **Fees**:

Every application under clause (1) shall be accompanied with administrative fees of:

(i) Rs.10,000/-(one-time), to meet administrative expenses for examination of the application and the proposed work for each Mobile Tower;

(ii) Rs.1,000/-(one-time), to meet administrative expenses for examination of the application and the proposed work for each Pole / Mast (not Mobile Tower);

(iii) Rs.1,000/- per Kilometer (one-time), to meet administrative expenses for examination of the application and the proposed work for overground telegraph line;

(4) **Annual Compensation for using existing poles for establishment of overground telegraph line:**

Annual Compensation for usage of existing poles of any authority for establishing overground telecommunications line (OFC) shall not exceed Rs.300/- per pole, utilizing which the telecommunications line is proposed to be established.

(5) **Charges for restoration**:

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.

(6) **Compensation**:

Where the establishment of the overground telegraph infrastructure renders the immoveable 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 immoveable property as per the existing methodology notified by concerned authority.

8. Application seeking permission for establishment of Micro Communication Equipment/ Small Cells

(1) This part of the guidelines intends to promote installation of Micro Communication Equipment/ Small cells, where installation of GBT's and RTT's is not feasible and also keeping in view of the future technological changes, with emergence of 5G and its probable rollout in the State of Tripura. This part of the guidelines encourages to leverage the existing street furniture.

(2) **Permissibility:**

Micro Communication Equipment being smaller in size can be installed on any type of land/ building/ zone across the state regardless of its specified land use including but not limited to premises of: -

(i) Buildings including multi-storey building / Group Housing Complexes / Cooperative Housing Complexes / Bus Terminals / Railway Stations, etc

(ii) On existing street furniture (Electric Poles, Traffic Junctions, Telegraph Poles and other overground structures)

(iii) On new pole/ over ground structures for Micro Communication Equipment/ Small Cells. The TSP/IP shall submit an appropriate application form (as per clause 7 above) for establishment of new pole/ over ground structures for deployment of Micro Communication Equipment/ Small Cells.

(3) **Application seeking permission for establishment of Micro Communication Equipment/ Small Cells and OFC required to connect Small Cells, using existing over ground structure or street furniture or building:**

TSPs/IPs shall make **an application** to appropriate authority here Additional District Magistrate & Collector of the District based on the proposed location of the Micro Communication Equipment/ Small Cells, by filling the Appropriate Application Form in

https://sugamsanchar.gov.in to seek permission **for deployment of multiple Micro Communication Equipment/ Small Cells and OFC required to connect Small Cells**, using existing over ground structure or street furniture or building, with the following information and supporting documents:

(i) Copy of license /Registration Certificate of Telecom Service Provider / Infrastructure Provider issued by the Department of Telecommunication, Govt. of India.

(ii) Data Sheet for establishment of Micro Communication Equipment/ Small Cells

a) Name of TSP/IP

b) Nos. of Micro Communication Equipment/ Small Cells antennae

c) Height

d) Weight

(iii) Location, latitude, longitude of the proposed Micro Communication Equipment/ Small Cells;

(iv) The details of the building or structure or street furniture, where the establishment of Micro Communication Equipment/ Small Cells, is proposed;

(v) The copy of approval issued by the duly authorised officer of the Central Government for location of the Micro Communication Equipment/ Small Cells proposed to be used for the transmission of Radio waves or Hertzian waves;

(vi) 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) Copy of certification, by a State Govt. authorized structural engineer, attesting to the structural safety of the building or over ground structure or street furniture, where the Micro Communication Equipment/ Small Cells are proposed to be deployed;

(x) Copy of No Objection Certificate (NOC) from the owner of the building or over ground structure or street furniture, where the Micro Communication Equipment/ Small Cells is proposed to be established; Copy of No Objection Certificate (NOC) from Tripura State Electricity Corporation Limited (TSECL), in case electric poles are to be used for establishment of Micro Communication Equipment/ Small Cells and OFC.

(xi) The names and contact details of the employees of the Applicant for purposes of communication in regard to the application made;

(xii) Any other matter relevant, in the opinion of the Applicant, connected with or related to the work proposed to be undertaken;

(xiii) 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 State Government;

(xiv) Provided that the documents related to route plan for establishment of OFC required to connect Small Cells shall be required to be provided by the licensee with the application;

(4) **Fees:**

No fee is required to meet administrative expenses for examination of the application and the proposed work for installation of Micro Communication Equipment/ Small Cells and OFC required to connect Small Cells;

(5) **Agreement with owner of the building or over ground structure or street furniture to use them for deployment of Micro Communication Equipment/ Small Cells and OFC required to connect Small Cells**:

TSP/ IP shall enter into an agreement with the owner of the building or over ground structure or street furniture to use them for deployment of Micro Communication Equipment/ Small Cells and OFC required to connect Small Cells. The said Agreement with TSECL is to be renewed after every five years.

(6) Annual Compensation for using existing poles or over ground structure or street furniture for establishment of Small Cells:
Annual Compensation for usage of existing poles or over ground structure or street furniture of any authority for establishing Small Cells shall not exceed Rs.500/- per pole for urban areas and Rs.300/- per pole for rural areas, which will be reviewed and modified after every five years.

CHAPTER-III
ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE

9. Application seeking permission for establishment of underground telegraph infrastructure

(1) **Application by an applicant**:

TSPs/IPs shall make an application to appropriate authority here Additional District Magistrate & Collector of the District based on the proposed location of the OFC laying, by filling the Appropriate Application Form in https://sugamsanchar.gov.in .

(2) The information along with supporting documents to be provided by the Applicant in the application made under sub-rule(1) shall include:

(i) Copy of relevant license / Infrastructure Provider Registration Certificate issued by the Department of Telecommunication, Govt. of India;

(ii) The details of underground telegraph infrastructure proposed to be laid;

(iii) The mode of execution of the work and 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 / concerned 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 inconveniences;

(vii) The specific measures proposed to be taken to ensure public safety during the execution of the work;

(viii) No Objection Certificate (NOC) from private owner for use of their land for OFC laying;

(ix) The names and contact details of the employees of the Applicant for purposes of communication in regard to the application made;

(x) Any other matter relevant, in the opinion of the Applicant, connected with or related to the work proposed to be undertaken;

(xi) 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 State Government;

(xii) Provided that the applicant shall, while making the application, give a specific commitment on whether he/she undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate / concerned authority shall necessarily be put in consequence of the work proposed to be undertaken.

(2A) 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.

(3) **Fees**:
Every application under clause (1) shall be accompanied with administrative fees of **Rs.1,000/- per Kilometer** (one-time), to meet administrative expenses for examination of the application and the proposed work for underground telegraph line;

10. Technical Parameters to be followed by the TSPs/IPs while laying the cables below the surface of the earth:

10.1 Utility Duct: Cables shall be laid in the utility ducts, if provided for the purpose.

10.2 Horizontal Directional Drilling (HDD):

10.2.1 The applicant shall carry out the work by using Horizontal Directional Drilling (HDD) method so as to minimize the damage and to cause minimum inconvenience to the public.

10.2.2 The cable shall ordinarily be laid below the footpath or berm or the shoulder of the road.

10.2.3 The top of the casing or conduit pipe containing the cables shall be at least 1.6 meter below the top surface subject to at least 0.3 meter below the drains inverts and other utility supplies.

10.2.4 Pits of 2 meter x 1 meter and 1.5 meter deep, or of lower size shall be made at a convenient distance but not less than 80 meter, centre-to-centre, for laying cables. However, in case of special site condition variable depth or dimensions may be permitted by the Nodal officer depending on the site conditions.

10.2.5 The name of the permission holder shall be indicated on the cables boldly.

10.3 Laying of cables through trenching:

10.3.1 Along the roads:

10.3.1.1 In stretches where utility ducts have not been provided, the utility services shall be located, beyond the toe line of the embankment and drains, as close to the extreme edge of the ROW as possible.

10.3.1.2 It is to be ensured that at no time there is interference with the drainage of the road length and maintenance of the roads. Towards this, the top of the utility services shall be at least 0.6 metre below the ground level.

10.3.1.3 No utility service shall be laid over existing culverts and bridges except through the utility ducts where such provision exists. In case of absence of such provisions, the Licensee shall make his own arrangement for crossing of cross drainage structure, rivers, etc. In case, this is not feasible, the utility services may be carried outside the railings/parapets and the bridge superstructure. The fixing and supporting arrangement with all details shall be required to be approved in advance from the concerned authority. Cost on account of fixing and supporting arrangement shall be borne by Licensee.

10.3.1.4 In exceptional cases, where ROW is restricted the utility services can be allowed beneath the carriageway of service road, subject to the condition that the utility services be laid in concrete ducts, which will be designed to carry traffic on top. In such cases, it also needs to be ensured that

maintenance of the utility services shall not interfere with the safe and smooth flow of traffic. The cost of operation and maintenance will have to be borne by the Licensee as per the agreement.

10.3.2 Across the roads:

10.3.2.1 The utility services shall be permitted to cross the roads either through structure or conduits specially built for that purpose. The casing/conduit pipe should, as minimum, extend from drain to drain in cuts and toe of slope to toe of slope in the fills and shall be designed in accordance with the provision of IRC and executed following the Specifications of the MoRTH.

10.3.2.2 Existing drainage structures shall not be allowed to carry the lines across.

10.3.2.3 The utility services shall cross the roads preferably on a line normal to it or as nearly so as practicable.

10.3.2.4 The casing/conduit pipe may be installed under the road embankment either by boring or digging a trench. Installation by boring method shall be preferred.

10.3.2.5 In case of trenching, the sides of the trench should be done as nearly vertical as possible. The trench width should be at least 30 cm wider, (but not more than 60 cm wider), than the outer diameter of the utility pipe. Filling of the trench shall conform to the specifications contained here-in-below or as supplied by the authority.

10.3.2.6 Bedding shall be to a depth not less than 30 cm. It shall consist of granular material, free of lumps, clods and cobbles, and graded to yield a firm surface without sudden change in the bearing value. Unsuitable soil and rock edges should be excavated and replaced by selected material.

10.3.2.7 The backfill shall be completed in two stages (i) Side-fill to the level of the top of the pipe (ii) Overfill to the bottom of the road crust.

10.3.2.8 The side fill shall consist of granular material laid in 15cm. Layers each consolidated by mechanical tamping and controlled addition of moisture to 95% of the modified Proctor's density. Overfill shall be compacted to the same density as the material that had been removed. Consolidation by saturation or ponding will not be permitted.

10.3.2.9 The road crust shall be built to the same strength as the existing crust on either side of the trench or to thickness and specifications stipulated by the Authority.

10.3.2.10 When utilities are allowed overhead, the horizontal and vertical clearance in accordance with the IRC shall be maintained.

11. Maintenance of existing underground telecommunications infrastructure:

In case of maintenance of the existing underground infrastructure (OFC), TSP/IP shall intimate to Appropriate Authority and seek permission from the Concerned Authority.

12. Charges for restoration of damage:

(1) All required restoration, maintenance work subsequent to laying of utility services shall required to be undertaken by the licensee at its cost either by itself or through its authorized representative in consultation with the Concerned Authority as per predetermined time schedule and quality standards.

(2) After getting the permission, it is mandatory to furnish a Performance Bank Guarantee for an amount based on per route metre with a validity of one year initially, in the prescribed format (extendable if required till satisfactory completion of work) shall have to be furnished by the utility service provider/Licensee as a security as mentioned below against improper restoration of ground in terms of filling/ unsatisfactory compaction damages caused to other underground installations/ utility services & interference, interruption, disruption or failure caused thereof to any services etc.

(3) PBG furnished by the utility service provider / licensee, shall be considered as a security against improper restoration of ground in term of filling/ unsatisfactory compaction damage caused to other underground installations / utility services & interference, interruption, disruption or failure caused thereof to any services etc.

(4) In case the licensee fails to discharge the obligation of making good of the excavated trench / other restoration work, the concerned authority shall have a right to make good the damages caused by excavation, at the cost of the licensee and recover the amount by forfeiture of the Bank Guarantee. In case, the Performance Bank Guarantee is invoked as mentioned above, the licensee shall be required to replenish the required Performance Bank Guarantee within one month of such invoking.

(5) Unless notified of the specific damage caused, if any, by the Concerned Authority to the applicant, the bank guarantee shall be returned to the applicant within a period of thirty calendar days of information of completion of work by the applicant to the Concerned Authority.

(6) Notwithstanding this, the licensee shall be liable to pay full compensation to the aggrieved Concerned Authority/ its designated agency for any damage sustained by them by reason of the exercise of the RoW facility.

(7) In case the Concerned Authority does not accept restoration by the applicant, the applicant shall pay the restoration fee prior to execution of work to the Concerned Authority as fixed by it as per its approved schedule of rates.

(8) In case undertaking is not given by the licensee to discharge the responsibility to restore the damages, the applicant shall pay the restoration fee prior to execution of work to the Concerned Authority as fixed by it as per its approved schedule of rates.

(9) In case where Horizontal Directional Digging (HDD) technology is used for establishing underground telecommunications lines, restoration charges for pit only be applicable;

(10) **Charges as security money for laying of cables through ducts, through trenching etc**: - Charges as security money for laying of cables through ducts, through trenching etc notified by the concerned authority from time to time.

CHAPTER-IV

13. Grant of permission by appropriate authority:

(1) **Application verification**:

Appropriate authority shall verify the application along with all supporting documents (within 15 days of application receipt) and if found ok then send for site inspection else shall issue written instruction to TSPs/IPs for necessary corrections within 45 days (after correction, process start at sub-clause 13.(1) again) and TSP's/IP's shall furnish the same within 45 days of issuance of written instruction.

(2) **Site inspection**:

Authorized competent Official(s) under appropriate authority shall make inspection of the site and submit report to appropriate authority within 40 days of the receipt of application. Once the permission is granted, the established infrastructure is liable to be inspected by the Appropriate Authority or its representative as and when deemed necessary.

(3) **Grant or Reject permission**:

Appropriate authority shall issue clearance / grant permission (with appropriate conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety and payment

of restoration charge) or rejection letter (with reason for rejection) within 60 (sixty) days of receipt of application. Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection.

(4) **Deemed permission**:

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 as mentioned under **clause "(3) Grant or Reject permission"** 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.

(5) Deemed permission granted clause shall not be applicable in case any dispute / grievances emerge during the permission process. Deemed permission granted clause shall also not be applicable for the application which goes in halt state due to insufficient documents (to be submitted by the TSP/IP).

14. Obligations of licensee in undertaking work: the licensee shall ensure that –

(1) **For under-ground telegraph infrastructure:**

(i) Shall make the payment of expenses or submit the Bank Gurantee as determined by the appropriate authority within a period of 30 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 applicant seeking such extension;

(ii) Prior to the commencement of work of laying the underground telegraph infrastructure and at all time during the execution of work, the measures to mitigate public inconvenience and measure to provide for public safety are implemented;

(iii) 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;

(iv) Shall ensure provision of positional intelligence, through appropriate technology (like GIS map etc), of all underground telegraph infrastructures to enable the appropriate authority to obtain real time information on its location.

(v) Shall have to inform the appropriate authority the start date of work for establishment or planned maintenance.

(vi) Shall be liable for repair/ restoration of any damage caused to any other property during execution of work, according to the instruction of appropriate authority.

(2) **For over-ground telegraph infrastructure:**

(i) Prior to the commencement of establishment and maintenance of over-ground telegraph infrastructure and at all time, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such over-ground telegraph infrastructure are implemented.

(ii) The work of establishment and maintenance of over-ground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

(3) **Operation & Maintenance of telegraph infrastructure:**

(i) Operation & Maintenance activities of telecom infrastructure shall be undertaken with prior intimation to the appropriate authority. No fresh permissions are necessary for purely operation & maintenance activities.

(ii) Provided that any activities that causes change in location of telecom infrastructure will necessitate permission under rules.

15. Power of appropriate authority to supervise the work:

(1) The appropriate authority may supervise the establishment and maintenance of over-ground or underground telegraph infrastructure to ascertain if the conditions imposed in the grant of permission 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, it may withdraw, for reasons to be recorded in writing, the permission granted to the licensee.

Provided that no such action shall be taken under this sub-clause unless the licensee has been given an opportunity of being heard.

CHAPTER-V

16. Right of appropriate authority to seek removal of underground or overground telegraph infrastructure:

(1) Where the appropriate authority, having regard to circumstances which have arisen since the establishment of any underground or over-ground telegraph infrastructure under, over, along, across, in or upon, any immovable property vested in or under the control or management of that appropriate authority, considers that it is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the licensee. Being the owner of such telegraph infrastructure, to remove or alter its location.

(2) On receipt of notice under sub-clause (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-clause (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-VI

17. Dispute Resolution 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 vide Notification G.S.R 624(E) dated 19 June 2017. For the State of Tripura, Principal Secretary, Information Technology Department has been nominated for this purpose.

(2) 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.

18. Disposal of Public Grievances:

Grievances related to installation of Telecom Towers and issues related to Telegraph Infrastructure will be addressed by the District Level Telecom Committee (DTC) and the State Level Telecom Committee (STC) as notified vide Memo No.F.22(1)/DIT/Comm/2015/6207-39, dated 17th March, 2015.

CHAPTER-VII

19. Application for setting up of In-Building Solution (IBS)

(1) This part of the guidelines intends to promote installation of In-Building Solution (IBS), where there is a poor connectivity in terms of weak signal strength inside the office, shopping mall, hospitals, multistoried building, education institutions, government buildings and the objective is to strengthen quality of service of mobile network.

(2) Mode of deployment of In-Building Solution: There shall be various mode of deployment of In Building solutions such as:

(i) The possible modes are deployment by a neutral host infrastructure provider or build and managed by mobile operator and sharing with other service providers on non-discriminatory basis.

(ii) The In-Build Solutions (IBS) can also be deployed by IP (Infrastructure Provider) and shared with telecom service providers (TSPs). For deploying indoor solutions these companies will be requiring permissions from the building owners. Moreover, if the IP requires to install optical fiber for connecting In-Building Solution (IBS) / Distributed Antenna System (DAS) nodes for which RoW / permissions will be required and shall be granted accordingly.

(3) **Permissibility: The IBS component being a small equipment that can be installed on any type of land/ building/ utility pole and there is no requirement of getting the permission from appropriate authority for installation of IBS components**, but in case of Government building, it is required to get permission from the Administrative Authority of the concerned building.

(4) **Application process**:
The application should be made to the Administrative Authority of the Building/ Head of the office with Layout diagram for implementing IBS in the building.

(5) **Fees**:
There shall be no fee to be charged for IBS. However, charges may be levied for provision of power, fixtures, etc. if taken by the TSP/IP.

20. Application for deployment of Cell on Wheels (COW)

(1) **Duration 30 days:** No Permission required, but intimation is mandatorily to be furnished with details of nearest landmark and Geo-Location Coordinates to the local Police Station for deployment of COW for specific purpose to provide good quality mobile coverage.

(2) **Duration (30 days to 90 days)** Permission is required from the Appropriate Authority and intimation to be furnished with details of nearest landmark and Geo-Location Coordinates to the local Police Station.

(3) **Duration (>90 days)** Permission is required from the Appropriate Authority and intimation to be furnished with details of nearest landmark and Geo-Location Coordinates to Local Authorities (in case of Gram Panchayat), local Police Station and Directorate of Information Technology.

(4) **No fee** shall be charged for installation of COW.

21. The applicant shall not claim exclusive right on the RoW and subsequent user will be allowed to use the RoW either above or below or by the side of the utilities laid by the first user, subject to the technical requirements being fulfilled.

22. Telecom towers have been given infrastructure status by Government of India vide Gazette Notification No. 81 dated 28.03.2012. All benefits, as applicable to infrastructure industry, should be extended. **Electricity connection may be provided to telegraph infrastructure site on priority.**

23. Telecom installations are lifeline installation and a critical infrastructure in mobile communication. In order to avoid disruption in mobile communication, as essential service, sealing of BTS towers/ disconnection of electricity may not be resorted to without the consent of the respective LSA of DoT.

24. No fees and charges shall be recovered from any Government Departments for establishing Telecommunication infrastructure including Towers / Poles / urder-ground OFC / over-ground OFC for Government use.

25. The provision of deemed approval shall not be applicable for any Telegraph infrastructure established prior to the coming into effect of this policy.

26. **Amendments:** The Government in Information Technology Department shall have the rights to amend these guidelines or issue further guidelines, as necessary, for removal of any difficulties that may arise for granting permission for installation / operation of **telegraph infrastructure** in Tripura.

CHAPTER-VIII

27. **For installation of Telecom Towers on Government buildings and premises including Public Sector Undertakings**

Govt. of Tripura may grant permissive sanction to lease out Government land and building including that of Public Sector Undertaking to any licensed TSPs/IPs operating in the State on non-exclusive basis for installing Ground Base Tower (Mast)/ Roof Top Tower, for facilitating better telecom connectivity in accordance with the guidelines issued in the matter by the Government of India and Government of Tripura from time to time and subject to the satisfaction of following conditions:

(1) TSPs/IPs shall first have to take No Objection Certificate (NOC) from the concerned Head of Office for leasing out Government land and building including that of Public Sector Undertaking under the administrative control of him/her for installation of telecom tower. For getting NOC from Head of Office, TSPs/IPs shall have to submit copy of structural stability certificate for ground based tower and in case of roof top BTS tower, structural stability certificate for the building and tower from Structural Engineer of State PWD/RD Dept./UD Dept./local bodies. Head of Office may take necessary internal permission from Head of Department before issuing NOC. Further expansion/extension of building/premises should be kept in mind.

(2) One-time compensation for land in case of laying underground telecommunications infrastructure (OFC) shall not exceed 1% of the sum equaling RoW area multiplied by the Government rate of land, under which the underground telecommunications infrastructure (OFC/ others) is to be laid. There shall be no compensation for overground telecommunications infrastructure (OFC).

Annual Compensation for land in case of establishment of overground telecommunications infrastructure (Mobile Tower) shall not exceed 2% of the sum equaling RoW area x Government rate of land.

There shall be levied neither application fee nor compensation for erecting the poles for providing support to overground telecommunications line including poles between the existing poles.

(3) TSPs/IPs may apply for getting clearance for installation of mobile towers in Government land and building including that of Public Sector Undertaking from concerned local bodies in line with the procedure mentioned in above sections.

(4) After getting clearance from local bodies, the Head of Office may enter into an agreement, valid for 5 (five) years, with the TSP / IP before leasing out land or roof top space. The agreement shall specify the annual lease rent, validity period and measures to be taken for any damage caused, etc. After expiry, agreement may be renewed for subsequent period on mutually agreed conditions.

(5) Lease rent or one time compensation fee shall be payable to the department who owns the land and building, where TSPs/IPs apply for permission. These payments shall be in addition to the fees levied by Local Bodies for issuing clearance.

(6) The tower being constructed at Government land/Building is to be shared with any other TSPs/IPs in future as per Technical feasibility. TSP/IP shall seek permission from the concerned authority before sharing infrastructure, with fresh copy of structural stability certificate for ground based tower and in case of roof top BTS tower, structural stability certificate for the building and tower from Structural Engineer of State PWD/RD Dept./UD Dept./local bodies.

(7) TSPs/IPs shall have no right or claim over any, Government building/ premises, in the light of these guidelines for granting permission for installing Ground Base Tower (Mast)/ Roof Top Tower. It shall be the discretion of the Head of Office/Head of Department to take appropriate decision for allowing the installation of Ground Base Tower (Mast)/ Roof Top Tower on lease rent basis. The permissive sanction does not force any department to grant permission.

(8) Permission shall not be given to install any type of mobile towers on the building and premises of Schools and Anganwadies.

(9) Telecom Company providing services should comply all regulation and stipulations, rules issued by Government of Tripura and Government of India time to time (including that of the Ministry of Civil Aviation, EMR guidelines) in this regard.

(10) Damage caused to the building / assets / land, if any, shall be rectified by the TSP / IP to bring back to the original condition and to the satisfaction of the authorities concerned. The TSP / IP will be solely responsible for any damage / losses to the property / people due to any accidents occurring because of the Tower.

(11) Leasing of premises or building to TSPs/IPs should not be detrimental to the daily routine activities of the office or officer concerned.

(12) TSPs/IPs shall provide internet connectivity (2Mbps to 10Mbps, as per agreement) free of cost to the office, where Ground Base Tower (Mast) / Roof Top Tower are erected.

By Order and in the name of the Governor

16/1/2023

(Puneet Agarwal)
Principal Secretary, IT
Govt. of Tripura

Copy to:

1. The Secretary to the Hon'ble Governor of Tripura, Raj Bhavan, Agartala for information to the Hon'ble Governor.
2. The Secretary to the Hon'ble Chief Minister of Tripura for information to the Hon'ble Chief Minister.
3. The PA/PS to all Hon'ble Ministers, Govt. of Tripura for information to Hon'ble Ministers.
4. The PS to the Chief Secretary, Govt. of Tripura for information to the Chief Secretary.
5. The Principal Chief Conservator of Forest & Head of Forest Force, Forest, Govt. of Tripura
6. The Director General, Police, Tripura
7. All Principal Secretaries / Secretaries / Special secretaries, Govt. of Tripura.
8. The District Magistrate & Collector, West Tripura/ South Tripura/ North Tripura/ Dhalai/ Khowai/ Gomati/ Unakoti/ Sepahijala, Govt. of Tripura
9. The Director, Tripura, DoT, Govt. of India.
10. The Director, IT, Govt. of Tripura
11. The General Manager, BSNL, Tripura
12. The State Head, BBNL, Tripura
13. The Office (I/C), RailTel, Tripura
14. The Area Manager, Airtel, Tripura
15. The Area Manager, Reliance Jio, Tripura
16. The Area Manager, VI (Vodafone Idea), Tripura
17. The Nodal Officer, Cellular Operators Association of India (COAI)
18. The Nodal Officer, Digital Infrastructure Providers of India (DIPA)
19. The Manager, Tripura Government Press, Agartala for publication in the next issue of Tripura Gazatte and send 5(five) sets of the said Gazette notification to this Department.