

Notification

No. Admn/368/1SIT/5627

The 6th September 2017

In view of the "Indian Telegraph Right to Way Rules 2016" issued by the Department of Telecommunication, Government of India vide their notification No. G.S.R 1070 (E) dated 15.11.2016, the Governor of Haryana is pleased to make further amendments in the Communication & Connectivity Infrastructure Policy issued by this Department vide notification no. 2/368/Vol-II/1421 dated 11th June 2014, copy of which is attached at Annexure 'A'.

Chandigarh dated,
the 04.10.2017
Haryana

Devender Singh
Principal Secretary to Govt.,

Electronics & Information Technology Department.

Endst. No. Admn/368/1SIT/5628
06.10.2017

Chandigarh Dated, the

A copy is forwarded to the Accountant General (Haryana) for information.

Endst. No. Admn/368/1SIT/5629
06.10.2017

Sr. Administrative Officer
for Principal Secretary to Govt., Haryana
Electronics & Information Technology Department
Chandigarh dated, the

A copy is forwarded to the Controller, Printing & Stationery Department, Haryana, Chandigarh with the request that the above notification may please be published in Haryana Government (Extra ordinary) gazette immediately and 20 copies thereof be supplied to the department.

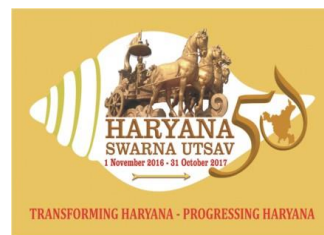
Sr. Administrative Officer
for Principal Secretary to Govt., Haryana
Electronics & Information Technology Department

Endst. Admn/368/1SIT/5630

Chandigarh dated, the 06.10.2017

A copy, alongwith its enclosure, is forwarded to all the Administrative Secretaries to Government Haryana for information and necessary action.

Sr. Administrative Officer
for Principal Secretary to Govt., Haryana
Electronics & Information Technology Department



Government of Haryana

Communication & Connectivity Infrastructure Policy

ELECTRONICS & INFORMATION TECHNOLOGY
DEPARTMENT

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1. Preamble

- 1.1 Haryana is among the first few States to have established core IT infrastructure (SWAN and SDC) to facilitate the e-enablement of life and work. In order to strengthen this core Information and Communication infrastructure, the State intends to further facilitate effective transformation of the socio-economic scenario through accelerated equitable and inclusive economic growth by encouraging provision of quality infrastructure for connectivity & telecommunication services across the State, especially in the rural and remote areas of the State in a uniform and time bound manner.
- 1.2 Keeping in view the renewed requirements of the State alongside the latest Information and Communication Technology (ICT) developments and the need to ensure that the access to and benefits of ICT percolate to urban & rural masses amid the changing economic environment, the State Government has replaced the Right of Way (RoW) Policy, 2000 (amended vide no 2/286/1840 dated 08-10-2003) with Communication & Connectivity Infrastructure Policy - 2013 (CCIP). The said policy was further amended vide notification no. 2/368/Vol II/1422 dated 11.06.2014. In view of the Rules "Indian Telegraph Right of Way 2016" notified by Department of telecommunication Ministry of Communication, Govt. of India, policy has accordingly been further amended to simplify the process for permission under provisions of Communication & Connectivity Infrastructure in Haryana.
- 1.3 This Policy seeks to encourage the use of latest technology advancements in the telecom sector such as Fibre to the Home (FTTH) and innovative business models such as the Open Access Network (OAN) where physical access to the network is separated from the delivery of services. It provides a futuristic roadmap for creation of an enabling infrastructure through pre-laid OFC with sufficient bandwidth in proper ducts as part of the development infrastructure so as to allow multiple service providers to use the same infrastructure on sharing basis rather than the clamour for space by multiple infrastructure providers on individual basis.

2 Eligible to apply:

- 2.1 Any telecom infrastructure provider duly registered with the Department of Telecommunications, Government of India or any telecom services provider licensed from the Department of Telecommunication, Government of India or an infrastructure provider duly authorized by a licensee to lay the communication and connectivity infrastructure (hereinafter called as the 'Applicant') is eligible to seek permissions under this policy to make provision of the communication and connectivity Infrastructure as given in sub para 2.2 of para 2 within the areas of Urban Local Bodies, Gram Panchayats, statutory authorities like the Haryana Urban Development Authority (HUDA) and the Haryana State Agriculture Marketing Board (HSAMB), or other State Agencies such as the Haryana State Industrial & Infrastructure Development Corporation (HSIIDC) and the land

belonging to State Government Departments like Public Works Department (Building & Roads), Forests, Irrigation, Revenue, Agriculture, Development & Panchayat (hereinafter called as “Appropriate Authority”).

2.2 The communication and connectivity Infrastructure include:-

- (a) Telecommunication Cell Site or Based Station (TCS/BS) or Telecom Tower or Mobile Tower, a place for tower, delta, single pole antenna, microwave antenna, telecom trans receiver machinery, related civil works, requisites wire and cable, power supply equipment, diesel generator set, cabin or cupboard for housing any or all of the aforesaid items is necessary.
- (b) Ground based tower (GBT), ground based mast/monopole (GBM), roof top tower (RTT), roof top pole (RTP).
- (c) Cell Phone Tower (CPT), Micro Cell Tower (MCT), antenna fixtures, fabricated antenna, tower to install telephone lines and Wi-Fi antenna.
- (d) Pre-fabricated or masonry structure shelters or installation of base trans receiver stations (BTS) and other equipments.
- (e) Ducts, underground OFC, cabling on the poles or electric poles.
- (f) Moveable Communication towers/ Cell on-Wheels (MCT/COW) and any other temporary infrastructure for managing events/festivals/fairs or to give coverage to blank areas and to restore the connectivity in the event of Disaster. In such case of disaster, the local administration shall provide all required support to restore the mobile connectivity being the essential service within the shortest possible time.
- (g) Provided that the Telegraph Infrastructure, for the purpose of this CCIP shall not include Television Antennas or Dish Antennas installed for domestic purpose:

3 Permission on Non-Exclusive Basis

- 3.1 Permission for Right of Way (RoW) or Right of Use (RoU) and installation of the associated infrastructure shall be provided to an eligible Applicant (whether existing or future) desirous of establishing Communication & Connectivity Infrastructure as mentioned under sub para 2.2 of para 2 on a Non-Exclusive Basis under this policy. However, given the space constraints for RoW for multiple service providers in any specific area, the principle of first mover advantage would operate and the subsequent entrant, if any, may need to share the infrastructure capacity already laid by first-moving service provider.
- 3.2 The concerned State Agencies or private developers are advised to earmark a pre-defined route alignment along the internal road circulation network as per the required specifications (with or without a duct) as part of their development works for laying of the communication infrastructure so as to avoid repeated digging and/or to facilitate the infrastructure providers seeking permissions to lay the

cables in future. The State development agencies are encouraged to provide for ducts and lay the OFC with sufficient bandwidth capacity/ redundancy as part of their development plans, which may be leased out to operators/ service providers on a recurring charge basis. The modalities with regard to the technology, specifications and applicable dues for use of the duct, if any, shall be worked out separately.

4 Validity of Permission

- 4.1 The permissions for Right of Way (RoW) or Right of Use (RoU) for laying the communication & connectivity infrastructure and associated installations shall be granted for a period coterminous with the period of permission/ license granted by the DoT. The "Applicant" shall submit application for renewal for permission to the concerned deputy commissioner atleast 60 days before the expiry of such permission along with all documents as required for new permission. The concerned deputy commissioner shall renew the permission after charging the fee and other charges as specified in Appendix 2 of this policy.
- 4.2 Permissions granted for moveable communication Towers/Cell on Wheels or any other temporary infrastructure for managing the events/festivals/fairs shall be co-terminus with the period of that event or maximum 180 days against a specific requirement to provide communication facility to public at large. Before installation of moveable communication Towers/Cell on Wheels, a formal request shall be required to be submitted alongwith the reason to the concerned nodal officer of that district and the permission shall be granted by the concerned nodal officer within a week from the date of receipt of said formal request. In case the permission is not granted within a week from the date of receipt of a formal request by the Applicant to the concerned Deputy Commissioner, the same shall be deemed granted. No fee/charge shall be charged in such requests. In the case of Disaster, no formal permission is required to set up moveable communication Towers/Cell on Wheels.
- 4.3 In case moveable communication Towers/Cell on Wheels are installed in lieu of permanent infrastructure to cover the blank areas, a formal permission will be required to be obtained by the "Applicant" after paying the requisite fee/charges as mentioned in Appendix 2 along with all documents as specified in Appendix 1. The period will be extended till the time the permission for the site to set up a permanent infrastructure is granted as per the provisions of this policy.
- 4.4 Permission(s) granted to the applicant company under this policy will not be transferable and will be applicable only for the period for which it has been granted.
- 4.5 The permission granted under the Policy shall not, in any manner, be deemed to convey to the 'Applicant' any ownership or perpetual rights in respect of the land or

structures used for laying the underground/overhead cables or other installations e.g. any Towers/ Masts etc. other than what is therein expressly granted.

- 4.6 In case of violation of any terms and conditions, the Competent Authority shall cause a notice to be served upon the "Applicant" to rectify the violation within the period specified and grants an opportunity of hearing. Where the "Applicant" either does not respond to the show cause notice or fails to carry out the requisite rectification within the time specified (which shall be a reasonable time), the Competent Authority may revoke or cancel the permission granted earlier. Where the competent authority is compelled to revoke or cancel the permission, the "Applicant" shall not be entitled for any compensation or any loss caused to it by such cancellation.

5 Submission of Applications - Single Window Clearance

- 5.1 All applications for seeking permission to lay the communication infrastructure Above Ground or Under Ground, shall be submitted by the Applicant in the Form 1 (Above Ground) and Form 2 (Under Ground) as the case may be along with all the particulars and documents specified in Appendix-1, (In line with Notification by Ministry of Communication - DoT, New Delhi 15/11/2016 and modified time to time) to the concerned Deputy Commissioner who shall forthwith forward the application to the designated nodal officer/s of the concerned State Government Department/ Statutory Authority/ State Agency) through a portal already established by the Haryana State for ease of doing business. Till the time, a link on the said portal is introduced; the applications shall be processed manually as specified under para 6 of this policy.
- 5.2 In so far as possible, any scheme for laying of overhead cables on poles specifically erected for the purpose would be discouraged as the same tends to interfere with the overhead electricity distribution system apart from disturbing the aesthetics of the eco system.
- 5.3 Incomplete applications shall not be processed and shall be rejected out-rightly.
- 5.4 Each Department/Statutory Authority/State Agency shall appoint a Nodal Officer within a period of 15 days of the Notification of this policy, to receive and process the applications in this behalf. The particulars and contact details of such Nodal officer shall be published on the website of such department/statutory Authority/State Agency alongwith his/her contact details.

6 Processing of applications.

- 6.1 The concerned Deputy Commissioner (DC) of the District shall be the single contact person for all clearances. The designated nodal officer/s of the concerned State Government Department/ Statutory Authority/ State Agency) will be single point of contact for DCs.

- 6.2 The application will be received in the office of DC of the concerned district. The said application would be forwarded by the DC to the concerned Nodal officer immediately within 5 working days.
- 6.3 Each application shall be duly scrutinized by the concerned designated nodal officer(s) of the concerned State Government Department/ Statutory Authority/ State Agency) concurrently and not sequentially who may seek such additional information from the “Applicant” as may be considered necessary for scrutiny of the application. However, a checklist of the required information will be displayed on the website of concerned department as well as on the single window portal (sub para 6.6 of para 6). While processing the said application, the concerned authority shall take into consideration not only the existing infrastructure services and their safety and operations but also future requirements of widening of the roads or augmentation of services. In case, the proposed route alignment interferes with any services already laid, and it is feasible to relay/ re-align such services at the cost of the Applicant or the Applicant offers to undertake such realignment at his cost to the satisfaction of the competent authority, the same may be considered and allowed.
- 6.4 Once the concerned State Government department/ Statutory Authority/ State Agency is satisfied with the proposed alignment route/ site or such route is determined and finalized through mutual agreement and the time schedule in which the work is proposed to be executed/ completed, the concerned Nodal Officer will submit his remarks (Approval/ Rejection with reason) to the concerned Deputy Commissioner within 15 days. The Deputy Commissioner will convey in writing to the applicant regarding approval /rejection (with reasons) within 3 days & shall issue (i) a Letter of Intent (LoI), along with the Agreement to be executed (ii) Demand Notice for various charges including the performance Bank Guarantee as per the rates mentioned under sub para 2.3 of para 2 of Appendix 2 to the successful Applicant. If the department neither asks for any additional information (for which maximum 10 days will be given to the department to obtain the information through electronic means) nor conveys approval/rejection, application will be deemed to have been cleared by the department and Deputy Commissioner will proceed to give clearance at the single window portal.
- 6.5 The Applicant is required to submit the refundable performance Bank Guarantee as a security for satisfactory restoration of the sites/ area and such other fees/ charges as specified in Appendix-2 of this policy and to execute an Agreement with the concerned Appropriate Authority within **07 days** from the date of issue of the Letter of Intent. This is not applicable for installation of GBM/GBT/ Communication/ mobile towers.
- 6.6 As soon as the LoI holder completes the documentation and deposits all the relevant charges, including the performance Bank Guarantee, the Deputy Commissioner shall

issue a formal permission in favour of the “Applicant” within 5 days so as to enable the “Applicant” to commence execution of related infrastructure works.

To expedite and simplify the process for processing the application, an online application form shall be created, wherein Applicants can apply through a common application form (CAF). Applications so submitted on the ease of doing business portal shall be automatically sent to various nodal officers for their comments/ remarks for approval/rejection or for seeking additional information from the “Applicant” and the same shall be available to the “Applicant” for further action. On completion of all the formalities, the concerned Deputy Commissioner will accord the approval through the ease of doing business portal. Till the time, the link is not introduced on the portal; the applications shall be processed manually as specified above.

- 6.7 If any additional information is required by the concerned nodal officer of the department from the applicant while processing the application, the applicant to provide the same within **10** days. If however, the required additional information is not provided by the applicant within the stipulated period of 10 days, the application shall stand rejected. However, the responsibility to process additional information will be that of concerned department through email or other electronic means and concerned department must process the information within the timelines of 10 days.

7 Time-lines for decisions on the Applications:

- 7.1 The State Government Departments/ Urban Local Bodies/ Statutory Authorities/other Agencies will adhere to the following time-lines for grant of the relevant permissions:

| Sr. No. | Event | No. of Working days |
|---------|---|--|
| (i) | Deputy Commissioner will forward the application to the concerned Nodal Officer of the department including nodal officer of forest department (if applicable) | 05 days |
| (ii) | The concerned nodal officer of the department/ forest department shall process the applications and submit its recommendation to the concerned Deputy Commissioner. | 15 days |
| (iii) | Deputy Commissioner to Issue of Lol or rejection of application along with reasons thereof; | 03 days |
| (iv) | Compliance of the Lol conditions (para 6.4) by the applicant | 07 days The Lol stands cancelled if no compliance is received. |
| (v) | Execution of Agreements and issue of formal permission by the deputy commissioner. | 05 days from the date of receipt of papers from the Lol holder |

| | | |
|------|--|--|
| (vi) | Any additional information required by the concerned nodal officer of the department from the applicant while processing the application | 10 days, If applicant fails to provide the required additional information within the stipulated time period, the application shall stand rejected |
|------|--|--|

7.2 The permission shall be deemed to have been granted, if the nodal officer fails to either grant permission or rejection within maximum period of 45 days from the submission of the application.

7.3 The Government Departments/ Statutory Authorities/ State Agencies are expected to issue their respective Standing Orders in this behalf prescribing the appropriate delegations in a manner so as to ensure adherence to the prescribed time-lines.

8 Time-lines to complete the work

8.1 The “Applicant” shall be required to submit the time-frame within which it plans to execute the infrastructure works. The said plan may provide stretch-wise completion schedule, along with the complete plan. It shall make its best efforts to complete the execution of works within the timeframe indicated in the application.

8.2 During the execution of related infrastructure works, the Applicant shall ensure that no inconvenience is caused to the general public in the process of carrying out its operations. If found necessary, the competent authority may direct the Applicant to undertake execution of its works during the off-peak hours or during the night times.

8.3 The Applicant shall keep the Nodal Officer of the Department/ Authority/ Agency duly informed about the progress on a monthly basis, which may be reviewed at regular intervals between the parties.

8.4 Wherever the Applicant is found to be casual or non-serious about timely execution of the related works, the competent authority may revoke the permission granted after grant of an opportunity of hearing to the “Applicant’s” authorized representative. However, where the “Applicant’s” representative is able to establish that any such delay is for reasons beyond their control, the Competent Authority may extend the execution period and allow the work to be completed within the mutually agreed time-frame.

8.5 The applicant upon the installation of infrastructure for which the permission has been granted under this policy is required to submit an application to the concerned Deputy Commissioner seeking a Completion certificate. The concerned Deputy Commissioner shall issue such certificate on the basis of the declaration given by the applicant/infrastructure provider and verified by the concerned nodal officer of the State Govt. department/statutory authorities/State agencies. The maximum time for this clearance shall be 30 days in case there is no objection. However, another 15 days shall be given to the applicant/infrastructure provider to remove any shortcoming/deficiencies found and reported by the concerned nodal officer of

the State Govt. department/statutory authorities/State agencies in the restoration work carried out by the applicant /infrastructure provider with a condition that if the applicant/infrastructure provider fails to take and complete the corrective action to the satisfaction of the concerned nodal officer of the State Govt. department/statutory authorities/State agencies within the stipulated time period of 15 days, the sub clause no. 2.3.5 of Appendix 2 shall be enforced.

9 Charges for grant of permissions for the Right of Way (RoW)/ Right of Use (RoU) and associated infrastructure etc:

With the exception of M/s Bharat Broadband Network Limited (BBNL) in respect of payment of RoW/ RoU charges, every Applicant shall be required to pay (i) one time Administrative charges (ii) RoW/ RoU permission charges, (ii) furnish the performance Bank Guarantee as a refundable security for restoration of sites as per the details specified in Appendix - 2 of this policy.

10 Compliance of Technical Standards and Safety conditions:

10.1 The “Applicant” shall execute the communication and connectivity infrastructure works strictly as per the technical standards and parameters specified in **Appendix - 3** of this policy.

10.2 Notwithstanding the details specified in **Appendix-3**, the “Applicant” shall, in the course of execution of its works and maintenance thereof thereafter, at all times, adhere to all the safety standards applicable as per relevant guidelines of the Government of India/ State Government amended time to time. Further, the Applicant shall ensure that the system laid or the infrastructure created by him (e.g. Ground Based Masts/Towers, Mobile/Communication Towers etc.) at all times conform to the EMF radiation norms as prescribed by the Department of Telecom, Government of India or the Telecom Regulatory Authority of India, as the case may be, from time to time.

10.3 No GBM or Tower Structures shall be allowed to be installed by any “Applicant” unless a certification of the technical design and Structure Safety Stability/ Safety Certificate (SSC) is to be obtained from one of the institutes (a) any of the IITs, (b) PEC University of Technology, Chandigarh (c) National Institute of Technology, Kurukshetra (d) Central Building Research Institute (CBRI) Roorkee (e) any such reputed Institution/or Institute mentioned in Rule 38 (xxix-a) of Rules 1965 or any authorized structural engineer registered or employed in Central or State Govt. service or a quasi Govt. organization or any other agency authorized from time to time by State Govt.

11 Communication Infrastructure laid/ installed without permission

11.1 If the infrastructure/service provider neither apply and/nor remove the communication structure, the infrastructure provider/cellular operator would be called upon to show cause as to why action should not be taken against them as per Law. If the infrastructure provider/ operator/ service provider fails to show cause

or take corrective measures, the competent authority will proceed to get the unauthorized communication structure removed at the expense of such infrastructure/ service providers/ operators after having exhausted all the available opportunities to effect the show causes besides taking action as per law.

12 Indemnity Bond

The Applicant/Infrastructure provider/licensee/Operator shall indemnify the Government and any of its agencies against any loss of life or property in the process of execution of works or against any claims thereafter during the period of Operation & Maintenance of such infrastructure at all times. The Applicant shall submit the Indemnity Bond on a non-judicial stamp paper of Rs 100/denomination, duly attested by the competent authority.

13 Other terms and conditions:

13.1 This policy shall take effect from the date of its Notification and shall be applicable for all proposals/ requests that are pending decisions as on such date.

13.2 The “Applicant” shall ensure that each of the sites of the infrastructure systems, such as GBMs/ Towers or any other structure, for which permissions have been granted, are easily approachable for maintenance and operation.

14 Revision of the existing Statues/rules/ guidelines by the respective departments:

14.1 Following sets of rules/ bye-laws/ policies/ guidelines have been issued on the subject by the respective departments/ agencies:

- (i) Haryana Municipal (communication, cables, erection of dish antenna), Bye-Laws 2007 and Haryana Municipal (communication, cables, erection of dish antenna) Amendment, Bye-Laws 2008 notified by Urban local Bodies Department vide No. S.O. 88/ H.A.24/ 1973/Ss.200 and 214/2007 dated 31.10.2007 and S.O. 52/ H.A.24/ 1973/ Ss.200 and 214/2008 dated 09.06.2008 respectively; notification no. 2/12/2013/RF2 dated 20th September, 2013 notifying the Haryana Municipal (communication & connectivity infrastructure) bye laws, 2013; notification dated 3rd October, 2013 notifying the Haryana municipal corporation (communication & connectivity infrastructure) bye laws, 2013;
- (ii) Haryana Municipal Corporation (Erection of Communication Towers) Bye-Laws 2009 and Haryana Municipal (Erection of Communication Towers) Bye-Laws notified by Urban Local Bodies Department vide No. 3/7/2003-R(1) dated 11.11.09 and No. 3/7/2003-R1(2) dated 11.11.09 respectively.
- (iii) Haryana Panchayati Raj (Regulation of Communication Towers) Rules, 2012 framed and Notified by the Development & Panchayat Department vide Notification bearing No. S.O. 56/ H.A. 11/1994/S.209/2012 dated 20.07.2012. Notification dated 12th April, 2012 whereby the Haryana Panchayat Raj Act, 1994 was amended;

(iv) Policy for setting-up of communication towers by private operators as notified by Haryana Urban Development Authority vide No. CTP/DTP (BP) 5466-69 dated 20.08.04 and Amendment vide No. CTP/DTP(BP) 6228-6231 dated 24.09.04.

(v) Policy for setting up of mobile towers in the controlled areas issued by Town & Country Planning Department Haryana vide No. 7/19/ 2012 -2TIP dated 13.01.2012;and amendment to notification no. 7/19/2012/2TCP dated 13.01.2012 by town and country planning Deptt., Government of Haryana vide memo no. 7/19/2012-2TCP

14.2 This CCIP Policy shall supersede all the above mentioned sets of rules/ bye-laws/ policies/ guidelines issued on the subject by the respective departments/ agencies. Further all these respective departments/agencies shall bring out necessary changes in the legal/procedure framework accordingly to ensure conformity to the provisions of this policy wherever required.

14.3 In so far as Policy guidelines issued by HUDA or the Town & Country Planning Departments are concerned, the same shall stand subsumed in this policy from the date of its Notification.

14.4 Wherever the permissions have already been granted under the existing Communication and Connectivity Infrastructure Policy -2013 amended upto 31.05.2014, the same shall hold good for the period such permissions were granted. In such cases, the applicant is required to submit the application for renewal of the permission to the Deputy Commissioner atleast 60 days before the expiry of such permission alongwith all document as required for new permission. The concerned Deputy Commissioner shall renew the permission after charging the fee and other charges as specified in Appendix 2 of the said policy. Once the application is submitted with in the stipulated time, the operations through that communication and connectivity infrastructure shall not be discontinued till the disposal of the application.

15 Changes in the Policy

This policy shall be suitably adjusted to accommodate any changes that may be necessitated on account of any technology or regulatory changes which may be introduced by the Department of Telecommunications, Government of India or any other competent authority in order to keep this policy dynamically responsive to changing technology, regulatory regime or any other unforeseen developments.

16 Guidelines for installation of Mobile Towers by Private Telecom Service Providers in the premises of Government Offices or Government Land

The guidelines governing the matters relating to the installation of mobile/telecommunication towers in Government/PSU land and buildings by Telecom Infrastructure Providers in private sector only as mentioned in the

Appendix-5 of this policy shall be followed.

17 Guidelines for installations of in-building solutions (IBS) in Government Buildings

The in-building systems may be set-up in buildings to obtain good coverage and capacity to the mobile network inside the building by ensuring that the signals don't have to penetrate thick walls. The infrastructure so required to be installed requires extensive wiring in building which could be internal or external based on the aesthetical requirement of the owner. This solution is beneficial to the mobile users as well as mobile operators as it reduces the load of the mobile towers and gives coverage to the mobile users. In this regard, following Guidelines governing the installations of in-building solutions (IBS) in Government Buildings as mentioned in Appendix-6 shall be followed.

18 State Level Telecom Committee (SLTC) and District Level Telecom Committee (DLTC) to Address Public Grievances

To address the Public Grievances relating to installation of towers and issues related to telecom infrastructure, State Level Telecom Committee and District Level Telecom Committee have been notified by Government of Haryana vide No. 2/368/Vol-II/2785 dated 08.10.2015. The role and responsibilities of SLTC and DLTC have been specified in the above said notification. Appendix 4

19 State Nodal officer for Dispute Resolution

In line with the requirement of the Indian Telegraph Rules 2016, the State Government has designated the Principal Secretary to Government Haryana Electronics & Information technology Department as state Nodal officer for Dispute Resolution.

20 Telecom Infrastructure as an essential service

Telecom installation is lifeline installations and a critical infrastructure in mobile communication, therefore, these services shall now be considered as essential service. All benefits as applicable to the infrastructure industries vide Gazette notification no. 81 dated 27.03.2012 of Govt. of India shall be extended.

21 No Coercive Action:

As mobile communication is an essential service, the sealing of mobile tower/disconnection of electricity will not be resorted to without the consent of the respective TERM Cell of DoT in respect of the EMF related issues. The District Level Telecom Committee (DLTC) shall not take suo-moto actions based on the public protest/complaint/petition/press/media reports, etc. in connection with mobile tower installation. The operation of the Mobile Tower shall not be discontinued without giving the Applicant due opportunity to file appeal to the State Level Telecom Committee (SLTC) if the decision of the DTC goes against the Applicant. However, if the matter is related to structure safety of the Mobile

Tower, the DLTC may take suitable action as it deems fit on receipt of a report from Executive Engineer, PWD (Building). If the installed Telecom infrastructure is found to be without appropriate approvals or the Infrastructure provider has not deposited the requisite fee to the appropriate authority, a show cause notice of 30 days will be provided to the Applicant. In case no satisfactory response received from the Applicant, the appropriate authority shall have the power to seal or remove the said Telecom infrastructure.

22 Advance intimation of putting up of mobile Jammers

One month advance intimation regarding installation of mobile Jammers in their premises shall be given by the respective Jail Authorities and by the respective Education Boards/universities to the telecom service provider operating in their area/region.

23 Safety and Security of Telecom Infrastructure

Mobile communication is one of the critical services; therefore, the security of the telecom infrastructure has to be ensured by the Applicant. The Applicant is advised to deploy CCTV cameras as well as depute security guards to protect their telecom infrastructure. The State will provide support to the Applicant to ensure that strict legal action shall be taken by the respective Law& Enforcement authorities security of the telecom infrastructure and would take strict action against any willful or negligent damage to the Telecom Infrastructure facility and causing interruptions to the network connectivity.

0-0-0-0-0

Documents to be attached with the Application

1. Application (in duplicate) for permission for establishment of Overground communication and connectivity Infrastructure or for its renewal shall be submitted to the concerned Deputy Commissioner in the form-1 along with following documents:-
 - i. A copy of the license/registration certificate granted by the Department of Telecommunication (DoT) Ministry of communication Government of India;
 - ii. Location Plan (Scale 1:1000) showing the site with reference to the surrounding existing developments;
 - iii. The detailed technical design and drawings of the tower/post or other aboveground infrastructure including the specification of foundation. In case the tower /post etc. is in the vicinity or adjoining to high or low tension line, then its distance from the same shall be clearly indicated in the drawings;
 - iv. Copy of certification of the technical design and Structural Stability/safety certificate for the building and tower/post as per sub para 10.3 of para 10 of the policy;
 - v. Copy of No-objection Certificate issued by the Fire Safety Department in case of high rise buildings where fire clearance is mandatory;
 - vi. Copy of SACFA clearance/copy of SACFA application for the said location submitted to Wireless Planning & Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, licensee will take corrective actions/remove the tower;

(Note:- the copy can be submitted to the Nodal Officer as soon as the location is finalized and the tower is installed).
 - vii. For Forest/Protected Areas, the copy of clearance from State Environment & Forest Department, if applicable;
 - viii. Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by Applicant in respect of mobile tower/Base Transceiver Station (BTS) establishing/ certifying that all general public areas around the tower will be within safe Electro Magnetic Radiation(EMR) exposure limit as per peak traffic measurement after the antennas starts radiating;

{Note :- It can be submitted within 30 days after radiating the tower}.
 - ix. Time schedule (Stretch-wise) for completion of the work;

- x. Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufactures of the DG sets, in case DG is to be installed;
 - xi. Ownership document of the building/site. (Attested copy) However, production of Patta/approved map should not be insisted upon;
 - xii. Attested copy of lease Agreement Deed/Consent Agreement Deed, signed by the applicant and the owner of the site/building;
 - xiii. The Nodal Officer/local Body may also seek the copy of No Objection Certificate (NOC) from building owners/entities having roof top rights in case of roof based tower or from land owner in case of ground based tower;
 - xiv. In case the permission is sought in the land/premises of any office of Central Government or a PSU of Central Government, the prior written consent copy of agreement from the authority having legitimate right over the land/premises shall be attached with the application;
 - xv. Indemnity bond to indemnify the Government/ Local Body/ Authority in the prescribed format against (i) any liability for the damage caused to the infrastructure laid by the applicant for any reasons, and (ii) claims against any accidents on account of the infrastructure laid/ facilities installed or against any claims thereafter during the period of Operation & Maintenance of such infrastructure at all times;
 - xvi. Undertaking as per Appendix-7 shall be submitted by the “Applicant” along with the application.
2. Application for permission to lay underground telegraph infrastructure or taking fibre to home in the right of way shall be submitted to the concerned Deputy Commissioner in Form-2 along-with following documents,-
- i. a copy of relevant License/ infrastructure provider registration certificate granted by the DoT;
 - ii. Detail of the location map showing the proposed underground telegraph infrastructure including route planned, exact latitude and longitude, nature of land;
 - iii. the copy of consent of the owner of land/building where the OFC/telegraph infrastructure proposed to be laid;
 - iv. the detailed technical design and drawings of the post or other above-ground contrivances (in case of over ground cabling);
 - v. Time schedule (Stretch-wise) for completion of the work;
 - vi. Indemnity bond to indemnify the Government/ Local Body/ Authority in the /prescribed format against (i) any liability for the damage caused to the

infrastructure laid by the applicant for any reasons, and (ii) claims against any accidents on account of the infrastructure laid/ facilities installed or against any claims thereafter during the period of Operation & Maintenance of such infrastructure at all times;

- vii. Undertaking as per Appendix-7 shall be submitted by the “Applicant” along with the application;
- viii. For Forest/Protected Areas, the copy of clearance from State Environment & Forest Department, if applicable;

(Note:- NOC of Forest Deptt. would not be required in areas not covered under Forest/Protected Areas.)

3. The Applicant shall submit a copy of receipt in proof of the payment of application fee and other charges as prescribed under this Order.
4. The Applicant shall furnish such other relevant information as may be required by the Nodal Officer or as the State Government may direct.
5. The Applicant may also submit the soft copy of the application along with all the forms, statements and documents.
6. Application, if the Applicant desires, may be submitted On-line in cases of such appropriate authorities, wherever they have proper arrangements for this purpose.
7. In cases where applications for permission for establishment of communication and connectivity Infrastructure has been submitted under the existing policy of the State Government but permission has not been issued, then in such cases, there would be no need to submit fresh application. However the Applicant shall submit written request for grant of approval along with documents required under this policy, but not submitted earlier along-with the fee/charges under this policy. The Nodal Officer shall issue the permission in accordance with the rules and this policy.
8. Permissions such as NOC etc. from the State Govt. departments shall be obtained by the applicant through single window system. However, till this system is not introduced, the applicant is required to obtain the requisite NOCs from the departments as per the existing procedure.

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Schedule of Charges

1. Reference has been made in this Schedule to different parts of the state situated in different zones. The areas forming part of each zone are given below for the purposes of clarity. The description of said zones may change over time, as notified by the Town & Country Planning Department of the state of Haryana.

| Hyper Potential Zone | High Potential Zone | Medium Potential | Low Potential | Other areas |
|---|--|---|-------------------------------------|---|
| Urban Areas in and around Gurugram town including the Urban Areas declared by the Government for Gurgaon- Manesar Urban complex | Faridabad-Ballabgarh Complex, Panchkula, Kalka, Pinjore, GwalPahari-Balola Bandhwari Complex in Gurgaon District, Sonapat-Kundli Urban Complex, Panipat. | Karnal, Kurukshetra, Ambala City, AmbalaCantt, Yamuna Nagar, Bahadurgarh, Jagadhari, Hisar, Rohtak, Ganaur , Palwal, Hodal, Rewari, Dharuhera-Bawal and Oil Refinery Panipat. | All other urban areas in the State. | Rest of the state areas including all rural areas |

2. Application fee and other charges:

2.1 Right of Use (RoU) / Right of Way (RoW) charges:

The charges (Non Refundable) for grant of permission for the RoU/ RoW for the Communication infrastructure shall be payable at the rates given in table 2.1 (A) & 2.1 (B) below. The Applicant would be required to pay such charges afresh at the rates applicable at such time on completion of the period *coterminous with the* permission/ license granted by DoT Govt. of India.

| 2.1(A) One time Administrative charges (Non Refundable) | | | | | | |
|--|--|----------------------|---------------------|-----------------------|--------------------|--------------------------------------|
| | | Areas of the State | | | | |
| Sr. No. | Purpose | Hyper Potential Zone | High Potential Zone | Medium Potential Zone | Low Potential Zone | Other Area including the rural areas |
| 1 | Laying of Underground communication and connectivity Infrastructure (per Kilometer) | 1000/- | | | | |
| 2 | Laying of overhead communication and connectivity Infrastructure | 100000/- | | | | 10000/- |

| 2.1(B) | | Annual Charges for Right of Use (in Rs.) | | | | |
|---------|---|--|---------------------|-----------------------|--------------------|--------------------------------------|
| | | Areas of the State | | | | |
| Sr. No. | Purpose | Hyper Potential Zone | High Potential Zone | Medium Potential Zone | Low Potential Zone | Other Area including the rural areas |
| 1 | <i>for use of street light poles to carry OFC/Aerial cabling/cables for cable TV (per pole)</i> | 500/- | | | | |
| 2 | Erection of Poles for overhead cables (per pole) | 1000/- | | | | |
| 3 | Dish Antenna (other than Dish Antenna installed under DTH) | Rs. 5000/- per Dish Antenna | | | | |
| 4 | Erection of Ground Based Masts/Tower (per site) | 10,000/- | | | 5,000/- | |
| 5 | Erection of Mobile/ Communication roof top tower/roof top pole (per site) | 10,000/- | | | 5,000/- | |
| 6 | Moveable communication towers/Cell on wheels in lieu of permanent infrastructure to cover the blank areas. (per such tower) | 10,000/- | | | 5,000/- | |

- 2.1.1 The Applicant may, if desires, can deposit one time charges under sub table 2.1(B) of Appendix 2, equivalent to five times of such full annual charges. Such charges would exempt him from further liability of payment of the annual charges as mentioned under sub table 2.1 (B) of Appendix 2 and may hold good for the period of the permissions coterminous with the period of license/ permission granted by DOT.
- 2.1.2 The Appropriate Authority shall not charge any other amount except the application fee and other charges specified as above.
- 2.2 **Fee and other charges in respect of installation / laying of communication and connectivity infrastructure on Government lands and buildings :-**

- 2.2.1 The Applicant shall deposit application fee and other charges as specified under Para 2 of Appendix 2 in respect of lands and buildings of Central/State Government or statutory or non- statutory bodies/institutions in the State of Haryana.
- 2.2.2 The below mentioned annual charges apart from the charges specified in sub-Para 2.1 (A) above shall be applicable only for using area of lands and buildings of Government or statutory or non-statutory bodies/institutions.
- a. In the case of lands and buildings belonging to Central Government or statutory or non-statutory bodies/institutions of the Central Government, rates of annual charges as may be determined by the Central Government, shall be deposited by the Applicant with the concerned Department of Central Government or statutory or non-statutory bodies/institutions, as the case may be;
 - b. In case of lands and buildings belonging to Appropriate Authority as mentioned in para 2 of the policy, an annual charges (per sq.mtr) @ 10% of the applicable collector rate shall be deposited with the concerned Appropriate Authority by the Applicant;
 - c. In case of each Wi-Fi antenna or Micro Cell unit/antenna with utility box attached to Cell/antenna are installed on any land or building including bus shelters, street light pole, public places, other Government premises annual charges of Rs.1000/- shall be deposited by the Applicant to the Appropriate Authority;
 - d. The licensee shall deposit Rs. 500/- per pole annually to the Appropriate Authority for use of street light poles to carry OFC/Aerial cabling/cables for cable TV;
 - e. The annual rent for putting up manhole on the OFC route shall be charged (per Sq.mtr) @10% of the applicable collector rates taking actual number of chambers and their actual size into consideration. Any other charges shall not, however, be levied for putting up manholes;
 - f. Restoration charges in the shape of bank guarantee for laying underground OFC to the Appropriate Authority shall be submitted as mentioned in Para 2.3;
 - g. No fee and charges shall be recovered from the Government Departments for establishing Telecommunication system including towers/poles for their use.
- 2.2.3 Wherever the Applicant service provider/ infrastructure provider proposes to use privately owned land for the said purpose, no **annual right of use charges** as mentioned under table 2.1 (B) shall be payable to the concerned agencies to that extent and the lease agreements/ charges shall be decided/ settled mutually between the parties. The Appropriate Authority would only ask for the lease agreements between the parties in such cases.

2.3 Performance Bank Guarantee (PBG):

The applicant shall furnish a refundable Performance Bank Guarantee (PBG) towards security for restoration of the sites dug/ used in the process of execution of works. The BG shall be valid for a period of six months over and above the completion period

and would have to be renewed accordingly in the event of grant of extension of execution period. The competent authority shall discharge the BG on satisfactory restoration of the area. The PBG shall be furnished at the following rates:

| Performance Bank Guarantee against restoration works (Rs. per route meter) | | | | | | |
|--|--|----------------------------------|------------------------------|---------------------------|---------------------------------|--------|
| | Performance Bank Guarantee | Cement Concrete Roads/ Pavements | Cement Concrete Paver Blocks | Metalled Roads/ Pavements | Unpaved (Kutchha) Roads/ Rastas | Others |
| 1 | Micro Trenching Method | 50/- | 50/- | 30/- | NA | 20/- |
| 2 | Horizontal Directional Drilling Method/ Horizontal Boring Method | 100/- | 100/- | 100/- | 100/- | 100/- |
| 3 | Open Digging Method | Not Allowed | Not allowed | Not Allowed | 500/- | |

- 2.3.1 The amount for performance Bank Guarantee against restoration shall be reviewed every five years.
- 2.3.2 In case of time-over runs for completion of the works, the Bank Guarantee shall be renewed/ got extended by the Applicant corresponding to the revised completion period + 6months. The Applicant shall obtain formal permission for time-extension from the competent authority.
- 2.3.3 The Applicant shall report satisfactory completion of restoration of related work sites, which shall be visited/ ascertained by a representative of the State Government Department/ Agency within a period of 15 days of such report. Thereafter, the Bank Guarantee shall be discharged to the Applicant within 15 days from the date of inspection thereof or 30 days of submission of the request subject to such restoration works having been carried out to the satisfaction of the said authority.
- 2.3.4 The Applicant may provide the PBG, as applicable for a stretch over which the work is proposed to be undertaken and roll the same over to each of the subsequent stretches, subject to the validity of such PBG for the period of execution + 6 months.
- 2.3.5 In case the work contemplated by the Applicant is not completed to the satisfaction of the concerned Government Department/ Statutory Authority/ State Agency granting the permission, the Competent Authority may extend the completion period as deemed appropriate, along with extension in Bank Guarantee. Where the Applicant fails to meet his performance obligations in this behalf within the agreed time-frame, the Competent Authority may en-cash the Bank Guarantee and undertake restoration of the site on its own at the risk and cost of the Applicant.

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1. Location of Ground Based Masts (GBM) / Communication / Mobile Towers

It is important that the GBM/ Communication/ Mobile towers installed conforms to the radiation and safety norms prescribed by the Department of Telecom, Government of India or the TRAI or any other competent authority in this behalf at all times. Further, the location thereof shall be governed by radiofrequency system adopted by the applicant and shall be allowed subject to the following conditions namely:

- 1.1 “Applicant” should strictly follow norms and mechanism laid by DoT Gol and TERM Cell modified time to time and getting clearances from SACFA wherever applicable.
- 1.2 The State Government Departments/ Statutory Authorities/ State Agencies should endeavor to explore the possibility of identifying suitable spaces within their premises or land as found suitable by the infrastructure provider for the installation of the GBMs/ Mobile/ communication Towers. The space for such facilities will be made available to the Applicant in accordance with this policy within a period of one month from the date of application, failing which the Applicant shall be free to install the said structures at alternate locations/ sites identified by them, subject to the conditions laid down in this policy.
- 1.3 The Applicant shall obtain the permission of the Forest Department for erection of any Communication Infrastructure facility (mobile /Communication towers/ ground based masts etc.) within the areas notified as Reserved Forests. Protected Forests and the areas forming part of any National Park/ Wildlife sanctuary. The Forest Department shall take a decision on such application within 30 days from the data of submission of application. If no decision is taken within the prescribed period, the permission shall be deemed to have been granted.
- 1.4 The conditions pertaining to the Moveable Communication Towers/ cell on wheel shall be as per the clause no 2.2 under Eligible to Apply, 4.2 & 4.3 under Validity of Permission and Appendix 2.1 (B) of the policy.

2. Technical parameters to be followed by the “Applicant”- Infrastructure/ Service Providers while laying the cables (over-ground and underground), erection and installation of Poles/ Dish Antennas / Ground Based Masts/ Mobile & Communication Towers.

2.1. Laying of underground cables: -

- 2.1.1. The Applicant shall undertake laying of underground communication infrastructure works in a manner so as to cause least public inconvenience. He would be expected to suitably cordon- off the area to ensure public safety and encouraged to execute the works during off-peak times so as to cause minimum inconvenience to the public traffic. The Applicant shall restore the dug up area/ sites to their original condition simultaneously, clear the area of any unused earth/ debris, and dispose off such

debris/ earth at the sites away from the work site as permitted by the competent authority and to the satisfaction of the concerned authority.

- 2.1.2. The applicant shall carry out Ground penetration/ probing Radar survey for detection of existing utilities/ services along the route where the cable is proposed to be laid. The data collected in respect of existing utility services through this survey would be unconditionally shared with the concerned Government Department/ Statutory Authority/ State Agency free of any charge;
- 2.1.3. As far as possible, the Applicant should carry out the work by using Micro Trenching/ Horizontal Directional Digging (HDD) techniques or Horizontal boring methods so as to minimize the damage and to cause minimum inconvenience to public;
- 2.1.4. The cable shall ordinarily be laid at the edge of the Right of Way or as permitted/ approved by the competent authority. In case of restricted width of the Right of Way, which may be adequate only to accommodate the carriageways, central verge, shoulders, slopes of embankment and drains, the cables shall be laid beyond the toe-line of the embankments and clear of the drain. Wherever it is found that it is not feasible to lay the cable without adversely impacting the existing utilities/ services, the permission may be declined;
- 2.1.5. The top of the casing/ conduit pipe containing the cables shall be at least 1.5 meters below the top surface subject to at least 0.3 m below the drain inverts;
- 2.1.6. Pits of 1 x 1 mtrs and 1.5 mtrs deep, shall be made at a distance of 100 mtrs, centre-to-centre, for laying cables. However, in case of special site conditions, variable depth/ dimensions may be permitted depending on the site conditions;
- 2.1.7. Route markers shall be fixed, preferably in steel or concrete, along the route at an interval of 300 mtrs with clear marking of the ownership and depth of the cable laid.

2.2. Erection of poles for overhead cables: -

- 2.2.1. The electric poles shall be allowed to lay overhead OFC/Cable TV/Communication cables.
- 2.2.2. Wherever, it is not feasible to avoid laying of overhead cables, the applicant shall take all precautionary measures to maintain the ecosystem and aesthetics of that area.
- 2.2.3. The height of the pole shall be such that it does not interfere with the electric cables/ distribution transmission system and meet all DoT guidelines.
- 2.2.4. Subject to availability, a maximum 1mtr x 1mtr space shall be made available for erection of the pole at a minimum distance of 300mm from the edge of the walkway of road (road berm) as the case may be and should be installed in cement-concrete foundation;
- 2.2.5. The sag of cable should be such that it does not interfere with the movement of vehicles at any crossing or movement of public transport/ traffic.

2.3. Dish Antennas:-

No person (other than Dish Antenna installed under DTH) shall install or operate cable head-end, dish antenna, dish or any other mode for originating and communicating cable services and cable modem services to subscribers unless he has obtained permission in this regard from the concerned authority of the State Government Department/Statutory Authority/State Agency;

2.4. Ground based Masts:-

The height of Ground Based Mast shall be approved/ certified by SACFA and shall be subject to the norms and mechanisms laid down by DoT Gol from time to time.

2.5. Mobile/ Communication towers: -

2.5.1. The height of the Mobile/communication Tower shall be approved/ certified by SACFA and shall be subject to the norms and mechanism laid down by DoT Gol from time to time.

2.5.2. EMF Radiation: The EMF radiation from active equipment installed by Telecom Infrastructure Provider on the mobile communication Towers shall be subject to the norms & mechanism lay down by DoT Gol from time to time. TERM cell of the Department of Telecommunication, Govt. of India is the competent agency to tender advice, monitoring and ensuring the control on EMF radiation related matters.

2.5.3. The respective TERM cell can audit the BTS for EMF radiation at any time as per the DOT Guidelines.

3. Other terms and conditions to be adhered by the Applicant while laying the cables (over-ground and underground), erection of Poles / Dish Antennas / Ground Based Masts/ Mobile/ Communication Towers.

3.1. The terms and conditions/ guidelines issued/ notified by the Department of Telecommunications, Government of India in respect of any conditions applicable to the Infrastructure providers or licensees, as amended from time to time, shall be applicable and will be the binding in all cases;

3.2. The permission to lay underground/ over-head communication/ connectivity infrastructure will not be granted, where it causes disruption of public services and facilities, obstruction/ hindrance to the pedestrian movement or vehicular traffic. The principle of public convenience and safety shall over-ride all other considerations. However, the Competent authority may grant permission in cases of extreme criticality only if the Applicant offers to suitably adjust and/ or realign such services at his own cost without any adverse impact on the public services to the satisfaction of the competent authority;

3.3. Distance from nearby building and height of antennas should be governed as per latest DoT Guidelines amended for time to time.

3.4. The "Applicant", to whom permission for installation of GBM / Mobile / communication towers has been granted, shall be responsible to get the

certification from Telecom Enforcement Resource and Monitoring (TERM) cell on all the technical parameters including technical safety and radiation etc.

- 3.5. For all the existing as well as new Base Transceivers Stations (BTS), the “Applicant” must submit self-certificate periodically in the format as prescribed by Telecommunication Engineering Centres (TEC) Department of Telecommunications, Government of India in order to ensure that all general public area around the site are within the safe Electromagnetic Radiation (EMR). Non-compliance with the radiation emission standards shall attract penalties as prescribed by the Department of Telecommunications, Government of India from time to time. Any violation will attract heavy penalties on applicant service provider (s) and may lead to shut down of BTS in case violation persists after obtaining the consent of the respective TERM cell of DoT in respect of the EMF radiations related issues.
- 3.6. The Applicant, to whom permission has been granted for setting up of GBM/ Mobile/ communication towers, shall be solely responsible for any damage to the building, adjoining buildings and for the public safety;
- 3.7. Lightening arresters provided at the top of the GBM/mobile/communication Tower, shall be of adequate height so that all protruding antennas hoisted on the mast are protected within its conical safety zone;
- 3.8. Aviation warning lights installed at the top of the GBM/Mobile/Communication Towers shall be as per International Civil Aviation Organisation’s guideline and should be checked regularly for good operating conditions;
- 3.9. The earth resistance of the GBM/ Mobile/ Communication towers should be maintained within the prescribed range and should be checked periodically;
- 3.10. The Applicant to whom the permission has been granted for setting up of communication infrastructure other than the GBM/Mobile/Communication Tower shall also be responsible to get the required checks of such communication infrastructure from any Government approved agency ensuring structural safety for the period of installation and will submit the report to the competent authority; Fresh copy of structural stability certificate would be required to be submitted at the time of renewal of site contract for mobile tower.
- 3.11. The optic fibre cable/ communication cables shall not be brought into use by the Applicant unless a completion certificate is obtained to the effect that the Telecom cables/ ducts/ manholes have been laid in accordance with the approved specifications and drawings and the pits have been filled-up to the satisfaction of the concerned Authority;
- 3.12. In case any shifting or change in alignment of the already laid optic fibre cable/ other communication cables/ ground based masts/ mobile/ communication towers is necessitated due to widening of roads/ construction of flyovers or public buildings, the Applicant shall be bound to do the same at his own cost within the period specified by the respective authority. If the Applicant fails to comply with this

condition to the satisfaction of the Authority, the same shall be got executed by the Authority at the risk and cost of the Applicant. The charges so incurred on this account shall be recoverable from the Applicant;

- 3.13. In order to avoid repeated digging on the same routes, the Applicant may voluntarily lay extra ducts /conduits with redundant capacity so as to take care of any future needs. However, the creation of excess capacity shall not be a precondition for giving right of way permission;
- 3.14. The Applicant shall ensure safety and security of all underground installations/ utilities/ facilities and shall be solely responsible for compensation/ indemnification of concerned authority for damage caused/ claims or replacements sought for at the cost and risk of Applicant to the concerned authority;
- 3.15. The extent of the digging trenches should be strictly regulated so that the cables are laid and trenches are filled up before the close of the work for that day. Filling should be to the satisfaction of the concerned agency designated by the department/statutory body;
- 3.16. The applicant shall not undertake any work of shifting or alterations to the said cables /communication cables without the prior permission of the concerned authorities in writing. However, for any repair applicant shall intimate the concerned authority/DC. The Applicant shall be liable to give a notice of 15 days with route/ location details prior to digging for fresh/ maintenance/ repair works;
- 3.17. The Applicant shall be advised to obtain insurance cover from an IRDA approved insurance company against damages to the existing cables/ underground installations etc. during digging;
- 3.18. The applicant shall make his own arrangement for crossing of cross drainage structures, etc, below the river bed. In case, this is not feasible, the cables/ ducts may be carried outside the railings/parapets and supported on brackets fixed to the outside of the bridge super-structure. The fixing and supporting arrangement with all details shall be got approved in advance from the concerned Authority granting such permission. Additional cost on account of fixing and supporting arrangement, as assessed by the Authority, shall be payable by the Applicant. If the Applicant fails to comply with this condition to the satisfaction of the Authority, the same shall be got executed by the Authority at the risk and cost of the Applicant and the cost so incurred on this account shall be recoverable from the applicant;
- 3.19. In case of any damage to the essential services i.e. water supply, sewerage system and telecommunication lines, electricity supply etc, it will be the responsibility of the company to get the services restored to their original and satisfactory condition at its own cost
- 3.20. Concerned Authority / Department shall not be responsible for any damage to Optic Fibre cable and resultant losses, if any, during performance of official duties by any employee of concerned Authority / Department. To avoid damage to the existing

OFC authorities to intimate the applicant / TSP before carrying out any maintenance/digging work in the route of existing OFC

- 3.21. The Applicant shall have to provide barricading, danger lighting and other necessary caution boards, danger lights while executing the works;
- 3.22. If any traffic diversion works are found necessary during the working period, such diversion shall be provided by the Applicant at his cost;
- 3.23. The concerned authority will be competent to effect a modification/ alterations in the site plan/ route, if necessary, in the interest of public safety;
- 3.24. The structures/cables shall not be sub-let without the permission of the Concerned Authority;
- 3.25. The applicant shall have to abide by all the terms & conditions laid in this Policy for provision of Infrastructure for communication & connectivity In Haryana;
- 3.26. Any dispute arising between the signatories to an agreement under this policy shall be settled /resolved in accordance with the procedures outlined in the Agreement i.e. all the disputes will be settled at Chandigarh. In case of breach of any of the clauses of the Agreement, the competent authority will be entitled to terminate the contract after giving a show cause notice of 15 days. An officer of the rank of Administrative Secretary, (to be nominated by the Government of Haryana) and a representative (to be nominated by the Applicant) will act as Arbitrators to whom the dispute will be referred and the decision of the Arbitrators will be final and binding on both parties.

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Notification

The 8th October, 2015

No. 2/368/Vol-II/2785 in order to effectively address Public Grievances relating to Installation of Towers and other issues relating to Telecom infrastructure, the Governor of Haryana is pleased to Constitute State Level Telecom Committee (SLTC) and District Level Telecom Committee (DLTC) in the State.

1. The Constitution of the State Level Telecom Committee shall be as follows:-

| Sr. no. | Designation | Position |
|---------|---|----------|
| i. | Chief Secretary, Haryana | Chairman |
| ii. | Administrative Secretary, Revenue | Member |
| iii. | Administrative Secretary, Home | Member |
| iv. | Administrative Secretary, IT | Member |
| v. | Administrative Secretary, PWD (B&R) | Member |
| vi. | Administrative Secretary, Health | Member |
| vii. | Administrative Secretary, Urban Local Bodies | Member |
| viii. | Administrative Secretary, Environment | Member |
| ix. | Administrative Secretary, Forest | Member |
| x. | Director General of police | Member |
| xi. | Chairman, Pollution Control Board | Member |
| xii. | Chief Administrator, HUDA | Member |
| xiii. | Managing Director, HARTRON | Member |
| xiv. | Joint/Special/Secretary, IT (as case may be) | Convener |
| xv. | Deputy Director General (TERM)-Haryana | Member |
| xvi. | State Head of BSNL | Member |
| xvii. | State Heads of Telecom/Infrastructure Provider concerned (against whom complaints are received) | Member |
| xviii. | Three eminent public persons (to be nominated by Chairman of SLTC). | Member |
| xix. | State Information Officer, HSU. | Member |

2. The Role and Responsibilities of SLTC are as under:-

- i. State Level Telecom Committee (SLTC) shall act as the appellate body of District Level Telecom Committee (DLTC).
- ii. State Level Telecom Committee (SLTC) shall have powers to amend, cancel, endorse the decisions of the District Level Telecom committee (DLTC) or to remand back to District Telecom committee for considering a fresh.
- iii. The recommendations of SLTC/DLTC shall be adhered to by concerned ULB/Police Department or any other authority related to the subject

3. The Constitution of the District Level Telecom Committee shall be as follows:

| Sr. no. | Designation | Position |
|---------|---|----------|
| i. | Deputy Commissioner of the concerned District | Chairman |

| | | |
|-------|--|----------|
| ii. | Additional Deputy Commissioner | Convener |
| iii. | Superintendent of Police | Member |
| iv. | Civil Surgeon / CMO | Member |
| v. | Executive Engineer (PWD, Roads) | Member |
| vi. | Executive Engineer, Buildings) | Member |
| vii. | District Development & Panchayat Officer | Member |
| viii. | Regional Officer, State Pollution Control Board | Member |
| ix. | Assistant Director General, TERM Cell. Haryana | Member |
| x. | District Head of BSNL | Member |
| xi. | Divisional Forest Officer | Member |
| xii. | District Heads of Telecom/Infrastructure Provider Concerned (against whom complaints are received) | Member |
| xiii. | Three eminent public persons (to be nominated by Chairman of DLTC) | Member |
| xiv. | Representative of ULBs concerned | Member |
| xv. | District Informatics Officer/ADIO, NIC (As case may be) | Member |

4. The Role and Responsibilities of DLTC committees are as under:-

- i. District Level Telecom Committee shall deal with public grievance relating to installation of Mobile towers and other issues relating to Telecom Infrastructure in the respective District.
- ii. District Level Telecom Committee shall not initiate suo moto actions based on Public protest / complaint/ petition/ press/media reports etc. in connection with Mobile Tower Installation.
- iii. District Level Telecom Committee shall have powers to send recommendation to ULB or any other authority to cancel the permits granted by ULBs or any other authority for installing Mobile Towers or to issue stop memo if the committee finds.
 - a. The operator violates Government of India/ State Government guidelines, building rules of ULB or any other authority.
 - b. Any other Institutions involved have given adverse remarks against the Telecom Service Provider (TSP).
- iv. The committee (DLTC) may give the company (TSP) an opportunity to rectify the defects, if the committee feels so.
- v. Telecom Service Provider or petitioner/complainant may file appeal before State Level Telecom Committee (SLTC) with 15 days from the date of receipt of the DTCs Final decision, under intimation to ULB concerned.
- vi. The recommendations of DTC shall be adhered to by concerned ULB/Police Department or any other authority related to the subject.
- vii. The TSP can also approach DTC for redressing their grievances, if any.

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Guidelines for installation of Mobile Towers by Private Telecom Service Providers in the premises of Government Offices or Government Land:

The below mentioned guidelines govern the matters relating to the installation of mobile/telecommunication towers in Government/PSU land and buildings by Telecom Infrastructure Providers in private sector only.

1. All applications for seeking permission of any competent authority to the installation of mobile/telecommunication towers in Government/PSU land and buildings shall be submitted by the Applicant, along with the prior written consent from the competent authority having legitimate right over the land, all other particulars and documents specified in **Appendix-1**, to the concerned Deputy Commissioner/ HOD of Institution concerned under whose jurisdiction the area/building falls. The procedure for granting the clearance will remain the same as specified above in this policy.
2. Annual user charges in respect of land area and building used for erection of Poles/ Ground Based Masts/ Mobile/ Communication Towers shall be determined as per the clause no. 2.2 of **Appendix-2** of this document.
3. The tower being constructed at Government land/Building is to be shared with and other Telecom Infrastructure Providers/Service Providers in future as per Technical feasibility. Telecom Infrastructure Providers/Service Providers should seek permission from the concerned authority before sharing infrastructure.
4. Charges for grant of permissions for the Right of Way (RoW)/ Right of Use (RoU) and associated infrastructure: Every Applicant shall be required to pay (i) one time Administrative charges (non refundable), (ii) annual charges for right of use, and (iii) furnish the performance Bank Guarantee as a refundable security for restoration of sites as per the details specified in **Appendix -2** of this policy.
5. One time Administrative charges & annual charges shall be payable to the department who own the land and buildings as per the fee and charges defined under clause no 2.2 of **Appendix-2**.
6. Permit for installation of Ground Based Mast (Tower)/Roof Top tower on the land/buildings belonging to the State Government offices/PSU will be issued by Concerned Deputy Commissioners in accordance as per the provisions of this policy. The guidelines in the matter issued by Government of India/Government of Haryana from time to time shall also be applicable.
7. Telecom Infrastructure Provider/ Service Providers shall have no right or claim over any Government Building/premises, in the light of this policy for granting permission for installing Ground Based Mast (Tower)/Roof Top Tower. It shall be the discretion of the head of office/District Collector to take appropriate decision for allowing the installation of Ground Based Mast (Tower)/Roof Top Tower on lease rent basis. This permissive sanction do not force any department to grant permission.

8. Technical feasibility and structural stability should be taken in to account by the head of office before leasing out the building roof tops. Future expansion/extension of building/premises should be kept in mind.
9. All such installations should be in compliance to DoT, GoI norms and related instructions issued by GoI and State Govt. time to time.
10. Head of Office shall enter into an agreement with Telecom Infrastructure Provider/ Service Providers before leasing out land or roof top space of the building. Validity of permission for RoW or RoU for laying the communication infrastructure and associated installations may be granted on the terms mentioned under Clause 4 of this document.
11. Damage cause to the building/assets/land if any, shall be rectified by the Telecom Infrastructure Provider/ Service Providers to bring back to the original condition and to the satisfaction of the authorities concerned. The Telecom Infrastructure Provider/ Service Providers will be solely responsible for any damage/losses to the property/people due to any accidents occurring due to the Tower.
12. Leasing of premises or buildings to Telecom Infrastructure Provider/ Service Providers should not be detrimental to the daily routine activities of the office or officers concerned.
13. Head of office in case of office premises shall issue No Objection Certificate to Telecom Infrastructure Provider/ Service Providers for installing Roof Top Tower/Ground Based Mast (Tower) as required under this policy provided that such installation does not violate any law is attached with the application made to the Deputy Commissioner for obtaining Single Window Clearance. The procedure for granting the clearance will remain the same.

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Guidelines for installations of in-building solutions (IBS) in Government Buildings

The in-building systems may be set-up in buildings to obtain good coverage and capacity to the mobile network inside the building by ensuring that the signals don't have to penetrate thick walls. The infrastructure required to be installed requires extensive wiring in building which could be internal or external based on the aesthetical requirement of the owner. This solution is beneficial to the mobile users as well as mobile operators as it reduces the load of the mobile towers and gives coverage to the mobile users. In this regard, following guidelines shall be followed.

1. Identification/ selection of Government buildings for in-building solution would be done by the concerned department and request for installing IBS can be communicated to the Telecom Service Provider who in-turn shall conduct a survey to see the possibility of installing IBS in the said premises/building.
2. The permission for setting such a facility would be given by the concerned Head of department of the building and issue enabling order to allow such installations. In view of requirement of exterior/ interior wiring for in-building solution, the line plan should be got approved by the maintenance agency for electrical services for the said building. The service provider would also look into the security considerations of the Government offices.

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Undertaking by the Applicant (To be printed on RS 20/- Stamp Paper)

We _____(Name of Telecom Infrastructure Provider), having its Circle Office at _____ and Registered Office at _____ intend to (laying underground Optical Fibre/ Co-Axial Cables, Erection of Poles for overhead communication cables, Installation of Dish Antennas, Erection of Ground Based Mast (GBM)/ _____ Communication/ _____ Mobile Tower) _____ at _____(Address/ Location). We have moved an application dated _____ seeking permission from the competent authority. In this regard, we hereby undertake the following:

- 1 To pay all the applicable charges and the Performance Bank Guarantee, as specified in the Schedule of Charges (**Appendix-2**) to the agency according permission without any default;
- 2 To maintain the infrastructure facilities in good and safe condition at all times during the O&M period;
- 3 To execute an Agreement with the competent authority;
- 4 To re-lay/ re-align the communication network/ relocate the poles/dish antenna/ communication/ mobile tower/ ground based mast at its own cost in the event of requirement of the area for augmentation of public services e.g. widening of roads, pedestrian walkways, water supply and distribution network, sewage/ drainage network etc.);
- 5 To abide by the terms and conditions of grant of permission & adherence to the radiation norms as prescribed by the Department of Telecommunications, Government of India or the TRAI.

(Authorized Signatory)

Name of the Authorized Signatory
Along with Company Seal

Date:
Place:

0-0-0-0-0

FORM 1
Application for permission/renewal of permission for installation of above ground
Telegraph Infrastructure

New

To
The Deputy Commissioner

| | | | | | |
|----------|--|-------------|-----------------------------|--|---------------------|
| A | Details of the applicant licensee | | | | |
| 1. | License/Registration Details | | | | |
| 2. | Name of Applicant | | | | |
| 3. | Registered Address | | | | |
| 4. | Haryana Circle office Address | | | | |
| 5. | Name of authorized person | | | | |
| 6. | Designation of the authorized person | | | | |
| 7. | Phone/Mobile no. of the authorized person | | | | |
| 8. | E-mail | | | | |
| B | The nature of post/tower or other aboveground contrivances proposed to be established | | | | |
| C | The extent of land required (size and area in meters) | | | | |
| D | Details and location of the land and proposed site | | | | |
| 1. | Plot No./Khasara No. | | | | |
| 2. | Road/Street | | | | |
| 3. | Ward no. & name of colony | | | | |
| 4. | City/Town or name of revenue village | | | | |
| 5. | Tehsil | | | | |
| 6. | District | | | | |
| 7. | Exact latitude and longitude of the proposed site | | | | |
| E | Details of building or structure of the proposed site | | | | |
| i. | Name of building/structure | | | | |
| ii. | Height and stories of building | | | | |
| iii. | Area of the building/structure | | | | |
| iv. | Complete address of the building/structure | | | | |
| v. | District | | | | |
| vi. | Exact latitude and longitude of the proposed site | | | | |
| F | Name and address of the owner of the land or building | | | | |
| G | Name of the Zone under which this area is falling | | | | |
| H | Details of the proposed Tower/Post | | | | |
| | (i) Height | (ii) Weight | (iii) Ground/Roof Top Tower | (iv) Pole/wall mounted | (v) No. of antennae |
| | (vi) Whether proposed on an open plot/building | | | (vii) The exact latitude and longitude of the Tower/Post | |
| I | Other related information | | | | |
| i. | The mode of and the time duration for execution of the work | | | | |
| ii. | The inconvenience that is likely to be caused to | | | | |

| | | |
|----------|---|---------------------------|
| | the public and the specific measure to be taken to mitigate such inconvenience | |
| iii. | The measures proposed to be taken to ensure public safety during the execution of the work | |
| iv. | The names and contact details of the employees of the licensee for the purpose of communication in regard to the application made | |
| v. | Any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken | |
| vi. | Any other matter specified by the DoT or State Govt. or the local body | |
| J | Details of fee and charges deposited | |
| K | List of documents attached | Whether attached (Yes/No) |
| (i) | Copy of the license granted by the DoT | |
| (ii) | Location Plan - (Scale 1:1000) | |
| (iii) | The detailed technical design and drawing of tower/post of other above ground telegraph structure including the specification of foundation. In case the tower/post etc. is in the vicinity or adjoining to high or low tension line, drawings showing its distance from the line | |
| (iv) | Copy of structural stability certificate | |
| (v) | Copy of no objection certificate issued by the Fire Safety Department in case of high rise buildings where fire clearance is mandatory | |
| (vi) | Copy of SACFA clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement (to be submitted as soon as the location is finalized and tower is installed) | |
| (vii) | Copy of clearance from State Environment & Forest Department, If applicable | |
| (viii) | Acknowledgement receipt issued by TERM Cell of the self certificate submitted by licensee (to be submitted within 30 days after radiating the tower) | |
| (ix) | Copy of certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the DG sets (if installed) | |
| (x) | Ownership document of the building/site (Attested copy) | |
| (xi) | Attested copy of lease agreement deed/consent agreement deed | |
| (xii) | Copy of relevant license/infrastructure provider registration certificate issued from DoT Govt. of India | |
| (xiii) | Copy of no objection certificate (NOC) from building owner/entities having roof top rights or roof top tenants | |
| (xiv) | Prior written consent from the authority having legitimate right over the land/premises belonging to State Government/PSUs, if applicable | |
| (xv) | Undertaking as per Appendix 7 | |
| (xvi) | Any other document | |

Declaration

1. I hereby declare that I have carefully read the policy. I fully comply with the terms and conditions therein,
2. I understand that this application, if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the onetime administrative fee, shall be summarily rejected.
3. I understand that onetime administrative fee is non-refundable irrespective of whether or not the permission is granted to me.
4. I declare that if at any time any averments made or information furnished by me is found incorrect or false, my application shall be liable to be rejected and any permission granted on the basis of such information/documents shall be liable to be cancelled/rejected.

Signatures and name of the authorized
signatory with seal

Date

Place

0-0-0-0-0

FORM 2

Application for permission/renewal of permission for laying/establishment of underground telegraph Infrastructure/OFC or taking fibre to Home

| |
|-----|
| New |
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To

The Deputy Commissioner

| | | |
|------------|--|----------------------------------|
| A | Details of the applicant licensee | |
| 1. | License/Registration Certificate Details | |
| 2. | Name of Applicant | |
| 3. | Registered Address | |
| 4. | Haryana Circle Office Address | |
| 5. | Name of authorized person | |
| 6. | Designation of the authorized person | |
| 7. | Phone/Mobile no. of the authorized person | |
| 8. | E-mail | |
| B | Details of the proposed work to be laid | |
| 1. | Length etc. of the proposed work | |
| 2. | Route planned for the proposed work | |
| 3. | Nature of the proposed work | |
| 4. | Methodology for execution of the proposed work | |
| 5. | Location details including ward no. colony etc. | |
| 6. | City/Town/Village & Tehsil | |
| 7. | District | |
| 8 | Zone under which this area is falling | |
| C | Details of fee and charges deposited | |
| D | Details of Performance Bank Guarantee to be given as per para 2.3 of Appendix 2 | |
| E | List of documents attached | Whether attached (yes/No) |
| i. | A copy of relevant license/infrastructure provider registration certificate granted by the DoT | |
| ii. | Detail of the location of map showing the proposed underground or over ground OFC/telegraph infrastructure including route planned, exact latitude and longitude, nature of land | |
| iii. | The copy of consent of the owner of land/building where the OFC/telegraph infrastructure proposed to be laid | |
| iv. | The detailed technical design and drawings of the post or other above ground contrivances (in case of over ground cabling) | |
| v. | For Forest/Protected areas, the copy of clearance from State Environment & Forest Department, If applicable | |
| vi. | Appendix 7 | |
| E | Other information for proposed work | |
| i. | The details of land or building or structures where the laying of OFC/telegraph infrastructure is proposed | |
| ii. | The mode of and the time duration for execution of the work | |
| iii. | The time of the day when the work is expected to be done in case the applicant expects the work to be done during specific time of the day | |
| iv. | The inconvenience that is likely to be caused to | |

| | | |
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| | the public and the specific measures proposed to be taken to mitigate such inconvenience | |
| v. | The specific measures proposed to be taken to ensure public safety during the execution of the work | |
| vi. | Any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken | |
| vii. | Undertaking as per Appendix 7 | |
| viii. | Any other information required under any order of DoT, State Govt. or local body | |

Declaration

1. I hereby declare that I have carefully read the policy. I fully comply with the terms and conditions therein,
2. I understand that this application, if found incomplete in any respect and/or if found with conditional compliance or not accompanied with one time administrative charges, shall be summarily rejected.
3. I understand that one time administrative charges are non-refundable irrespective of whether or not the permission is granted to me.
4. I declare that if at any time any averments made or information furnished by me is found incorrect or false, my application shall be liable to be rejected and any permission granted on the basis of such information/documents shall be liable to be cancelled/rejected.

Signature

Name of the authorized signatory with seal

Date

Place

0-0-0-0-0