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ELECTRONICS & INFORMATION TECHNOLOGY DEPARTMENT

RESOLUTION

The 14th September, 2017

Sub: Odisha Mobile Towers, OFC (Optical Fibre Cable) and related Telecom Infrastructure Policy, 2017.

Background:

The subject "Telecommunication" which includes, telephones, wireless, data and telematics services is a Central subject under Ministry of Communication, Govt. of India. It is a well-known fact that the Telecom sector has a multiplier impact on the economy, contributes to economic growth and the GDP. As per the Industrial Policy 2015, Government of Odisha will provide enabling infrastructure for telecommunication service to promote industrialisation and development of the industrially backward district of the State.

With the rapid growth in the wireless / broadband subscriber base, subscribers are availing a host of new applications like M-banking, high speed data transfer, cashless services, accessing social networking sites, Online Citizen Centric Services, gaming, mobile TV, high speed internet access, VPN services etc. which is ensuring better e-Governance and enhances the knowledge base of the people. The tele-density is a standard measurement for growth of telecom service which is number of subscribers per 100 population. **The Tele-density of Odisha is 81.06 which is less than the national average of 93.23 (as per TRAI press release no.43/2017).**

Though Telecommunication is a Central subject, the support of the State is necessary to provide enabling provisions in the form of granting permissions to Telecom Service Providers/ Infrastructure Providers (IPs) to establish their resources which use public/private properties. The Advisory guidelines for State Government issued by Department of Telecommunications in 2013 laid down a procedure to be adopted by various Government bodies/ local bodies to accord permission to various Infrastructure Providers / licensed operators in telecom sector to establish/augment their infrastructure resources for growth of telecom in the State of Odisha, suggesting Single Window clearances, formation of State/District level Committees for addressing public grievances, etc.

Objectives:

- i. Streamline the process of application and grant of permission for Installation of Mobile Tower, laying of OFC, In-Building solutions and other telecom infrastructures within the specified time line. This will help Telecom Service Providers, Infrastructure providers having

licenses from Department of Telecommunications to obtain permission with a given time frame.

- ii. Encourage the development of Telecommunication network in remote, hilly and critical LWE affected areas of Odisha.
- iii. Establishment of modern telecommunication infrastructure to provide high speed internet in Gram Panchayats and villages.
- iv. Ensuring good quality Internet in the areas where mobile connectivity exists and also improve terrestrial Broadband connectivity in urban and rural areas.

1. Short title, extent, applicability and commencement:

- (a) This Policy may be called the **"Odisha Mobile Towers, OFC and related Telecom Infrastructure Policy, 2017"**
- (b) It shall extend to the whole of the State.
- (c) It shall come into force from the date of its publication in the Gazette.
- (d) It shall be administered by the Department of Electronics & Information Technology, Government of Odisha.
- (e) The Policy shall not be in violation or super-session of the provisions contained in the Indian Telegraph Act, 1885, Tower guidelines issued by DoT 2013, Indian Wireless Telegraphy Act 1933 and Indian Telegraph Right of Way Rules, 2016 in any way.

This Policy is intended to amend any existing notifications, circulars, rules, bye-laws, regulations where ever necessary regarding obtaining permission from various authorities in the State of Odisha and the concerned Department shall issue necessary notification in accordance with this policy.

2. Definition:

In this Policy, unless otherwise required in the context:—

- (a) "State" means State of Odisha
- (b) "licensee" means any person holding a license issued under section 4 of the Indian Telegraph Act , 1885;
- (c) "Applicant" means any IP-1or TSP who makes an application seeking permission to establish and maintain of Telecom Infrastructure.
- (d) "Application" means the application for single window clearance for the establishment and maintenance of Telecom Infrastructure.
- (e) "Application Form" or "Form" means the form appended to this Policy;
- (f) "Fees" prescribed under this policy on Telecom Infrastructure include administrative fees, permission charges, usage fees, utility fees as prescribed in this policy or any other tax or levy etc. that may be payable under any law; **The fees or annual charges do not include GST, Labour Cess & other applicable Taxes.**
- (g) "Permission" means any permission pertaining to this Policy for Telecom Infrastructure.
- (h) "appropriate authority" means the local authority or such authority, body, company or institution incorporated or established by the State Government, in respect of property, under, over, along, across, in or upon which underground or overground

telecom infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate authority.

(i) "Nodal Authority" means Principal Secretary/Commissioner-*cum*-Secretary to E& IT Deptt., Govt. of Odisha is responsible for preparation of the Policy and operational Guidelines for execution of it.

(j) "Areas" means areas under the jurisdiction of appropriate authority:—

- i. Municipal Corporations
- ii. Municipality
- iii. Notified Area Council
- iv. Gram Panchayats
- v. Forest areas
- vi. Any other area falling within the jurisdiction of State Authorities.

(k) "Local Authorities and Nodal officers" designated from various Departments to give the permission for use of the Government properties are as mentioned below:

Area	Department	Local Authorities
Municipal Corporation	Urban Development	Municipal Commissioner
Municipality	Urban Development	Executive Officer
N.A.C	Urban Development	Executive Officer
Gram Panchayat	Panchayati Raj	Block Development Officer
Government Building	Govt. Departments	Head of the Office
Forest land	Forest & Environment Deptt.	Divisional Forest Officer
Overhead electric alignment (RoW for utility Poles)	NESCO,SOUTHCO,WESCO, CESU	Respective Executive Engineers of areas of jurisdiction.

(l) "Telecom Infrastructure" means the overground telegraph infrastructure and underground telegraph infrastructure as defined in Indian Telegraph Right of Way Rules, 2016 and includes:—

- i. Optical Fibre Cable – underground or over ground (Aerial).
- ii. Mobile Towers - Ground base towers [GBT], Roof Top towers [RTT], Roof top poles[RTP,
- iii. Cell on Wheel [CoW]
- iv. In Building Solution & Micro Communication Equipment (Micro Cell), or any other appliances, apparatus, etc. necessary for the effective establishment & maintenance of telecom services.

- (m) "Micro Communications Equipment" means a Pico/ Micro/ Pole site which is small in size and light in weight, deployed on buildings, utility/ streets poles, street furniture, indoors in large buildings viz: malls convention centers and in areas having space constraints, narrow streets, dense populated areas and open public spaces.
- (n) "Telecom Service Provider (TSP)" means a licensee providing telephony services, including, *inter alia*, mobile phone services, internet and data transfer services etc.
- (o) "Infrastructure Provider (IP)" means Infrastructure providers registered with Department of Telecommunications to set up Telecom Infrastructures in India.
- (p) "Municipal Corporation, Municipality, Notified Area Council" mean an institution of Local Self-Government constituted under "The Odisha Municipal Act, 1950", "The Odisha Municipal Corporation (Amendment) Act, 2008, " and the Odisha Notified Area Councils Act, 1991.
- (q) "Local body" means Urban Local Bodies (ULB) like Municipal Corporations, Municipal Boards or Town committees for the urban areas and Rural Local Bodies of Gram Panchayats for rural areas as defined in the respective notified Acts.
- (r) "Urban and Rural Areas" :For the Census of India 2011, the definition of urban area is as follows:—
 - i. All places with a municipality, corporation, Notified Area Council.
 - ii. Rest of the areas will be considered as the Rural Areas.
- (s) "LWE" means Left Wing Extremism district of Odisha .Most affected District out of LWE will be prioritized for focused development.
- (t) "Public Grievance" means Grievances of Public relating to installation of towers and issues related to Telecom Infrastructure.

3. Nodal Department:

For the implementation and coordination of this Policy the Electronics and Information Technology Department shall be Nodal Department. The Electronics and Information Technology Department shall notify the Nodal Officer of appropriate authority for the implementation of the Policy.

To overcome the difficulties in the implementation of the above Policy, necessary interpretation, clarification, instruction will be issued from time to time by the Electronics and Information Technology Department.

3.1 Electronic application process & disclosure of the application:

The State Government / Nodal Department may establish a single electronic application process for all nodal authorities under its control or will delegate to appropriate authority to develop an electronic application process, within a period of 12 months from the date of notification of this policy for submission of applications.

Till such application process is developed, the appropriate authority shall, on receipt of the application, place the application along with all documents received in its website. If the authority does not have the website, it shall issue a public notice in such form and manner as it may deem fit.

4. Formation of Committees:

4.1 District Level Telecom Committee:—

There shall be District Level Telecom Committee (DTC) in each District. DTC shall consist of the following members:—

- i. District Collector, Chairman
- ii. PD, DRDA
- iii. DFO, Forest Department
- iv. Superintendent of Police
- v. Deputy Collector as the Convener
- vi. Executive Engineer , PWD (Rural Road and Bldg), RD
- vii. Commissioner or Executive officer of the concerned ULBs in the District
- viii. District head of BSNL
- ix. Circle Head of each Telecom /Infrastructure Service Provider
- x. Eminent public personality in the District to be nominated by the Chairman
- xi. Representative of TERM Cell, Department of Telecom, Odisha.

Note: In the absence of Collector, the Committee shall be chaired by an Officer not below the rank of ADM.

4.1.1 Role of the District level Telecom Committee:—

- i. DTC shall deal with public grievances relating to installation of Towers and Issues related to telecom infrastructure in the respective district. DTC shall convene meeting & resolve the public grievances in a time bound manner within 30 days of the complaint, if any.
- ii. The recommendations of DTC shall be adhered to by Municipal Corporation/Municipality/N.A.C/Gram Panchayat or any other authority related to the subject in the District.
- iii. Approval of the District level action plan and submitting it for State Telecom Committee approval.

District Level Telecom Committee is the **first appellate authority** to deal with the matters related to the grievances and on the order of Collector, the committee will sit to review the Public grievances related to Telecom infrastructure in the jurisdiction of the specific District.

DTC shall also convene and arrange the 'Public Awareness Programmes' in different Districts as per the application of the Infrastructure Provider to make people aware of the requirement and necessity of installation and maintenance of Telecom Tower / Telecom Infrastructures as the life line and/or critical installation for telecommunication services.

4.2. State level Telecom Committee (STC):

The party aggrieved with the decision of the first appellate authority may prefer for an appeal to the State Level Committee headed by the Principal Secretary, E&IT Department as the **Second Appellate Authority** within 30 days of such decision of 1st Appellate Authority and the authority shall have powers to amend, cancel or endorse the decisions of 1st Appellate Authority.

State Level Telecom Committee (STC) shall consist of following members.

- i. Principal Secretary, E&IT Department, Chairman
- ii. Principal Secretary, Revenue & Disaster Management Department
- iii. Principal Secretary, Home Department
- iv. Principal Secretary, Housing & Urban Development Department
- v. Principal Secretary, Forest & Environment Department
- vi. Principal Secretary, Works Department
- vii. DDG, TERM Cell ,Department of Telecom, Odisha
- viii. State Head/Representative of BSNL
- ix. State Head/Representative of Telecom Service Provider
- x. State Head /Representative of Infrastructure Service Provider
- xi. State Head, NHAI
- xii. Eminent public personality
- xiii. Special Secretary/ Deputy Secretary, E&IT Department, Convener.

Eminent public personality as a member of the committee will be nominated by Principal Secretary to the Department of E&IT, Government of Odisha.

4.2.1 Role of State level Telecom Committee (STC):

- i. STC shall act as the Appellate Authority of DTC
- ii. STC shall have powers to amend, cancel, and endorse the decisions of the DTC or to remand back to DTC for considering afresh.
- iii. The recommendations of STC/DTC shall be adhered to by Municipal Corporation /Municipality/NACs/Gram Panchayat or any other authority mentioned as Local Authority.
- iv. STC shall approve the State Action Plan after reviewing and can suggest changes if required.

4.2.2 Resolution of disputes by Central Government nominee :

Any person aggrieved by the decision of STC or any order of the State Government or for such other grievances relating to Telecom Infrastructure in the State may approach the officer designated by the Central Government for resolution of such dispute within reasonable time.

The officer designated by the Central Government shall determine the disputes within a period not exceeding sixty days from the date of reference in such manner as may be specified by the Central Government from time to time.

4.3 Authorities for issuing permission for Mobile Towers: Local Authority which includes Municipal Corporation, Municipality, NAC and Gram Panchayat, Divisional Forest Office, etc. as defined at Section 2(k) will receive and scrutinize the applications for issue of permit in their respective area for establishment of Telecom Infrastructure as defined at Section 2(l) relating to the following:—

- a. Mobile Towers - Ground base towers [GBT], Roof Top towers [RTT], Roof top poles[RTP],
- b. Cell on Wheel [CoW]
- c. Micro Communication Equipment (Micro Cell),
- d. Optical Fibre Cable – overhead as well as underground.
- e. Other appliances and apparatus as per Indian Telegraph Act 1885

4.4 Role of Local Authorities:

- (i) Respective Local Authorities will collect application from the licensed TSP/IP in the specified format along with the requisite document and administrative fees to give the permission for establishment of Mobile Towers (GBT, RTT, and RTP)& laying Optical Fibre Cables under their jurisdiction and Telecom Infrastructure.
- (ii) Respective Local Authorities will scrutinize the application to check the compliances requirements as per this policy.
- (iii) Communicating to the Applicant about any further requirement in compliances for the issue of permission.
- (iv) Finally, the concerned Local Authorities will issue the permit within the specified time frame.
- (v) Periodical Monitoring and Review of the Tower Structure, OFC or any activities related to telecom infrastructure.
- (vi) Report to the Concerned District Collector about the status of Mobile Towers and progress of other Telecom Infrastructure in their jurisdiction once in a year or as desired.

5. Permission for Mobile Towers, Cell on Wheel, Micro-Communication equipment, In Building Solutions, etc.

5.1. Mobile Towers

Based on the installation type, mobile towers are further classified as Ground Based Towers (GBT) or Roof Top Towers (RTT) or Roof top poles[RTP].

5.1.a. Ground Based Towers

These towers are erected on natural ground with suitable foundation. These towers have high load bearing capacity and are suitable for hosting outdoor Antenna, fixtures, etc.

5.1. b. Roof Top Towers

These types of towers are erected on top of the roofs of existing buildings with iron structures, columns and tie beams. The towers are intended for hosting Antenna, fixtures, etc.

5.1.c. Roof top poles

These types of poles are erected on top of the roofs of existing buildings intended for hosting smaller Antenna, fixtures, etc.

5.1.2. Places Permissible for Erecting Towers:

The mobile communication towers being essential and critical infrastructure and public utility services, there shall be no restriction of location unless restricted by order of Authority/ Courts of law. The mobile communication towers can be installed at all locations regardless of its specified land use including but not limited to:—

- i. All types of Residential/Multi Storey Buildings/Group Housing Buildings
- ii. All types of Industrial/Commercial Buildings
- iii. All types of Institutional Building/Hospitals
- iv. Vacant Lands like parks, playground, forest land and land earmarked for public amenities
- v. Land and Building under the jurisdiction of Government Departments/ Govt. controlled bodies / State PSU.

5.1.3. Validity of permission issued:

The permission /permit issued under this policy to any Applicant shall be co-terminus with validity of License issued to TSP/Registration certificate issued to IP-1.

5.1.4 Procedure for submitting application for establishment of Mobile Tower.

The Applicant shall submit application with all the relevant information mentioned in the specified form as annexed (Appendix-A) to the office of local Authority for the area in which they want to install mobile tower. The concerned Local Bodies will issue permit to the licensee.

Following information and supporting documents are required to be attached along with the applications for **establishment of Mobile Tower**:—

- (i) a copy of the Registration certificate/licence granted by the Department of Telecommunication;
- (ii) Data Sheet
 - (a) Name of Applicant Company i.e. IP-1/License, as the case may be.
 - (b) Tower Type: GBT, or RTT or RTP
 - (c) The location and latitude and longitude of tower
 - (d) The extent of land required for establishment of mobile tower, if the same is with respect to Government Land.
 - (e) The details of the building or structure, where the establishment of the mobile tower infrastructure, is proposed.
 - (f) The names and contact details of the employees of the Applicant for purposes of communication in regard to the application made.
- (iii) Copy of structural stability certificate for Roof-Top Towers and the certificate should be from any authorized Structural Engineer of any of the following: the State PWD Department/Local Bodies/Central Building Research Institute (CBRI), Roorkee/IITs/NITs, State Government Engineering (Civil) Colleges or any other agency authorized from time to time.
- (iv) Copy of the type test certificate issued by Automotive Research Association of India (ARAI) or any other authorized Agency to the manufacturers of the Diesel Generator (DG) Sets, if the DG sets to be installed at the site.
- (v) For forest areas, protected areas, the copy of clearance from the State Environment & Forest Department, if applicable.

- (vi) Drawing of the tower with complete details including the specifications of foundations and design parameters.

After the commencement of this Policy, in case any city is officially declared as Smart City in the State of Odisha then all new telecom towers to be installed thereafter by TSP/IP, be it GBT/RTT, will be aesthetically compatible as per Industry norms and standards.

- (vii) Indemnity Bond (Original) to take care of any loss or injury to accident caused by the tower apart of the reasons of force-major (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 therefrom).
- (viii) Three copies of Location Plan, Site Plan, Elevation Plan and Structure plan.
- (ix) Copy of NOC from building /land owner which Mobile tower is proposed to be installed & authorized person in case of Government premises.
- (x) Any other matter relevant, in the opinion of the Applicant, connected with or related to the work proposed to be undertaken; and

5.1.5. If the application is not complete, the Applicant may be given opportunity to submit revised application or document(s), rectifying the defects within 15 days and the competent authority (Local Authority) may accept the revised application.

5.1.6. If the local authority rejects the application, the reasons for the rejection should be intimated to the applicant in writing within 7 days of submitting the application.

5.1.7. However, no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection. If there is no reason to reject an application, the concerned Local Authority will issue permit for the mobile tower within 60 days of the day of making the application or revised application or documents, as the case may be.

5.1.8. In case of rejection of application or delay in giving permission, the TSP/IP may prefer an appeal to the DTC within 15 days of such rejection. If the TSP/IP is not convinced with the decision of the DTC, they may prefer an appeal before the STC within 30 days of such decision of DTC and DTC & can also refer to Central Government nominee in term of clause 4.2.2

5.1.9 Fees:

The licensee shall deposit following one time application fees and annual charges for using areas of lands and buildings of Central/State Government or Statutory or non statutory bodies/institutions.

#	Particulars	Urban Areas (Rs)	Rural Areas (Rs)
a	One time permission charges for establishment of Telecom Towers (GBT/RTT).	10,000	5,000

b	Land usage charges for ground based Tower for 3 years (applicable for Govt. land only) GBM- 15'x15' GBT- 40'x40' *Municipal Corporation /Municipality Council Other ULBs (NAC)	200 per sq. ft 100 per sq. ft	No Charge
c	One time roof usage charges for Roof Top Towers, 10'x10' for 3 years (Applicable for Govt. buildings only) *Municipal Corporation /Municipality Council Other ULBs (NAC)	300 per sq. ft 200 per sq. ft	200 per sq.ft

Note: Usage charges can be calculated on prorata basis as per the area used. These fees can be revised from time to time by the Nodal Department.

*** However the land/roof usage charges defined as above at Para. 5.1.9 for installation of GBT, GBM and Roof Top Towers in the land and building owned by Municipal Corporation, may not be applicable if the Municipal Corporation has any approved rate existing for the same.**

5.2 Cell on Wheels (CoW)

Formal clearance or permit will not be required for installation of Cell on Wheel for specific purpose to provide good quality mobile coverage during festivals such as Rath Yatra, Trade fair, etc. The Cell on Wheel can be placed maximum for thirty days normally without permission of Local Authority. In case the deployment is more due to any reason, permission from concerned Local Authority is required for a period not exceeding 90 days. Before installation of CoW, prior formal intimation to the following authorities within its jurisdiction will be given preferable 15 days before the installation of CoW mentioning Geo coordinate (Lat-Long) positions:—

- i. District Collector and Deputy Commissioner of Police / Superintendent of Police of the concerned District.
- ii. Concerned Officer in charge of the police station of the area where the CoW is going to be installed.

No fees shall be charged for installation of Cell on Wheel.

5.3 Micro Communication Equipment/Pole

This Policy intends to promote installation of Micro Communication Equipment/Pole, where installation of Mobile towers viz GBT or RTT or RTP may not be feasible.

5.3.1 Permissibility:

Micro Communications Equipment being a small equipment can be installed on any type of land/building/zone across the State regardless of its specified land use including but not limited to the premises of :-

- i. Institutional/ Govt. buildings/ residential buildings including Multi Story Buildings/ Group Housing Complexes/ building used for industrial and commercial purposes.
- ii. On street electric poles, telegraph poles and other structures.

5.3.2 Procedure for submitting application for obtaining clearance/NoC/Consent (Permission) from Competent Authority for installation of Micro Communication Equipment/pole:

The TSP/IP, as the case may be, shall submit filled up application with all the relevant information and documents to the competent Local Authority as defined for the concerned area in which they want to install Micro cells /low power BTS. The concerned Local Authority shall issue permit/permission to the TSP/IP:—

- i. Copy of relevant license/Infrastructure Provider Registration Certificate from DoT.
- ii. Data Sheet
 - (a) Name of TSP/IP
 - (b) Location
- iii. Copy of clearance from Fire Safety Department only in case for high rise buildings where fire clearance is mandatory
- iv. Indemnity Bond (Original) to take care of any loss or injury to accident caused by the tower (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).
- v. Copy of NoC from building /land owner which Mobile tower is proposed to be installed & authorized person in case of Government premises.

5.3.3. The rejection of application, appeal procedure shall be as provided in tower policy.

5.3.4. Fees:

One time permission charge shall be applicable for establishment of Micro Communication Equipment by the Applicant in the State of Odisha.

#	Particulars	Urban Area (Rs)	Rural Area (Rs)
a	One time Permission Charge for issuing permit	5000	1000

For installation of each Wi-Fi antenna or Micro Cell unit with utility box attached to Micro Cell on any land or building owned by Govt. Department, the authority cannot collect annual charges of more than Rs 1000 in Urban areas.

5.4 In Build Solution (IBS):

This Policy intends to promote installation of In Build Solution (IBS), where there is a poor connectivity in terms of weak signal strength inside the office, shopping mall, hospitals, multi-storey building, education institutions and objective is to strengthen quality of service of mobile network.

5.4.1 Mode of deployment of In Building Solution:

There shall be various mode of deployment of In Building solutions such as:

- 5.4.1.1. 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.
- 5.4.1.2. The In Build Solutions (IBS) can also be deployed by IP-I (Infrastructure Provider Category I) and shared with telecom service providers. For deploying indoor solutions these companies will be requiring permissions from the building owners. Moreover, if these IP-I companies are required to install optical fibre for connecting IBS/DAS nodes for which RoW / permissions will be required and shall be granted accordingly.

5.4.2. Permissibility:

In Build Solution Component being a small equipment can be installed on any type of land/building/utility pole and there is no requirement of getting the permission for installation of these components from the Local Authority but it is required to get permission from the Administrative Authority of the concerned building. (applicable only for Government buildings and no such NoC/Consent will be required for private buildings).

5.4.3. Procedure for submitting application for obtaining clearance /NoC/Consent:

The application may be made to the Administrative Authority of the Building/ Head of the office with Layout diagram for implementing IBS in the building. (applicable only for Government buildings and no such NoC/Consent will be required for private buildings).

5.4.4. Fees:

There shall be no fee to be charged for IBS. However, charges can be levied for provision of power, fixtures, etc. if taken by the TSP/IP.

5.5 Right of Way (ROW) for Optical Fibre Cable infrastructures:

The works of laying optical Fibre cable (Under Ground and Aerial) by the side of the roads and other places are done by the licensee. The licensee shall have to take prior permission from appropriate authorities for laying optical Fibre along the roads, land, power supply poles, Bridges, etc. under ownership of various Departments/institutions like Public Works Departments (Buildings and Roads), Rural Development, Forest Department, Water Resource Department, IDCO, Electricity Distribution Companies, Local Bodies, other authorities under the jurisdiction of State Government and also from the private owners.

For enabling smooth rollout and for granting timely permission for laying of Optical Fibre Cable, the Right of Way procedures for various authorities under their control shall be as follows:—

5.5.1 Process of Granting Permission:

- i. The Applicant will apply to the Principal Secretary/Secretary, Electronics & Information Technology Department for permission for use of land/Poles/Bridges if the route permission is of more than 500 KM and/or if the area falls within the jurisdiction of more than two districts for laying of cable.
- ii. The Applicant will apply to the concerned District Collector of the area under his/her jurisdiction for route permission if the route is not more than 500 KMs and multiple Local Authorities in the Districts are involved. Applicant will apply separately to the District Collectors if the area of route is falling in the boundaries of two Districts.
- iii. If the OFC laying is required for a particular area of jurisdiction and it is falling under the jurisdiction of same local Authority, the concerned Local Authority can issue the permit. Route permit across the District only can be given by the District Collector.
- iv. The State Level Telecom Committee or District level Telecom Committee as the case may be shall examine the applications in order to expedite the right of way clearances to the applicant in a time bound manner.
- v. If the State Action Plan or District Action Plan is approved by the respective Committees, the E&IT Department or District Collector will give the permission of OFC laying within 60 days from the days of receiving the application.
- vi. The conditions given while granting permission / no objection order issued by the issuing authority/Departments must be complied by the Telecom Service Provider (TSP) or Infrastructure Providers (IP) within 15 days of issue of permission if any.
- vii. Under the Bharatnet project, the permission for the Right of Way for the users of Government Land will be issued free of Cost or as decided by the Nodal Department from time to time.
- viii. If the Applicant has submitted along with the application, valid approval to work on the land belonging to the forest Department, Water Resource Department, Local Authority, Industry Department, NHAI, Archeological Survey of India, RD, PWD, other State and Central Agency, the issuing authority need not send the concerned Departments for their concurrences and permission can be granted.
- ix. The Applicant will have no right on the property which has been approved to use for the establishment and maintenance of Optical Fibre Cable infrastructures.
- x. The Applicant will be liable for repair/restoration of any damage caused to the property during implementation of the scheme. The Applicant shall ensure making

good the excavated trench for laying underground Optical Fibre Cable by proper filling and compaction, so as to restore the land into the same condition as it was before digging the trench, clearing debris/loose earth produced due to execution of trenching the portion for which Right-of-Way has been granted.

- xi. 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.
- xii. In case of non-compliances noticed, the Electronics & Information Technology Department or the District Collector will direct the Department under whose jurisdiction the road /land falls, to raise compensation for the damage in to be collected from the applicant/grantee or may cancel the permission granted.
- xiii. In case of violation of provisions of the Policy by any Applicant the competent officer appointed by the Electronics & Information Technology Department or the concerned District Collector will issue show cause notice to the Applicant. In case a satisfactory reply is not received within 15 days of the issuance of the show cause notice, the permission/no objection issued to the service provider will be cancelled.

5.5.1.a. Application with the supporting documents for establishment and maintenance of underground telecom infrastructure (OFC). Application with the following supporting documents to be submitted by the Applicant before the District collector or Secretary to E&IT Department:—

- (i) a copy of the licence granted by the Central Government;
- (ii) the details of underground telegraph infrastructure (OFC) proposed to be laid;
- (iii) the mode of and the time duration for, execution of the work;
- (iv) the time of the day when the work is expected to be done in case the Applicant expects the work to be done during specific time of the day;
- (v) the details of expenses that such appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the Applicant;
- (vi) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (vii) the specific measures proposed to be taken to ensure public safety during the execution of the work;
- (viii) Authorisation from various State Govt. Agencies/PSU or Public 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 relative to the work proposed to be undertaken; and

- (xi) any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate Local Authority;
- (xii) the Applicant shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.
- (xiii) every application shall be accompanied with a fee of Rs 1000/- per kilometre for the urban areas and Rs 500/- per kilometre for the rural areas to meet administrative expenses for examination of the application and the proposed work.

5.5.2. Grant of permission by appropriate authority:

- (1) The Local Authority shall examine the application with respect to the following parameters, namely:-
 - (i) the route planned for the proposed underground telegraph infrastructure and the possible interference, either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route;
 - (ii) the mode of execution;
 - (iii) the time duration for execution of the work and the time of the day that the work is proposed to be executed;
 - (iv) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
 - (v) the responsibility for restoration of any damage that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken;
 - (vi) assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the Applicant;
 - (vii) any other matter connected with or related to the establishment or maintenance of underground telegraph infrastructure (OFC), through a general or special order, by the Central Government, appropriate State Government or the appropriate Local Authority.
- (2) The appropriate authority shall within a period not exceeding sixty days from the date of application made for establishment or maintenance of underground telegraph infrastructure (OFC)—
 - (i) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety; or

- (ii) Reject the application for reasons to be recorded in writing;
 - (iii) However, no application shall be rejected unless the Applicant has been given an opportunity of being heard on the reasons for such rejection.
- (3) The Local Authority will accept the undertaking by the licensee to discharge the responsibility to restore the damage that such appropriate authority shall necessarily be put in consequence of the work, the appropriate authority, while granting permission for OFC, will seek a bank guarantee Rs. 50/- Per Running Meter of underground OFC to be laid in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility. This Bank guarantee will be drawn in favour of the Principal Secretary/Secretary to the Department of Electronics & Information Technology or District Collector or the Local Authority who are the permit issuing authority for OFC laying in the State of Odisha. Matters relating to compensation against damages shall be determined by the State Level Committee or District Level Committee as the case may be and compensation so decided on account of non-compliance shall be adjusted from the Bank Guarantee submitted by the Applicant.
- (4) The Local Authority shall not charge any fee other than those prescribed under this policy from the licensee for establishing underground OFC.

5.6 Obligations of licensed TSPs/IPs in undertaking work.-

- (i) The Applicant shall submit the bank guarantee within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure. However, 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) The Applicant shall ensure that prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented and 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.
- (iii) The Applicant 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.

5.7 Implementation Procedure:

- i. The Service Provider will start work in the District after fulfilling all the conditions. The service provider will have to inform the date of start of work to the Department of Electronics & Information Technology, Concerned Collector and Local Authorities as the case may be.
- ii. If any damage is caused to the Government property by the work of the Applicant, then it will be responsibility of the Applicant to restore the same at

his own cost or compensate the damage. If delivery of service is affected then the Applicant must restore the service within 24 hours and the Applicant will have to carry out the work according to the instructions of the concerned Department.

- iii. The Applicant will have to install the Optical Fibre at a safe distance from the electricity wires while using electric poles.
- iv. In case the Department intends to increase the width of the road then the Applicant will have to shift the trench dug by it to the safe distance on its own cost at the place suggested by the agency.
- v. The Applicant would have to inform the concerned Department 3 days in advance about repair or maintenance work in cases where such maintenance planned in advance.
- vi. If the private land or structures are to be used in this work then the Applicant has to give compensation for the private land or the crop as the case may be. In case of any conflict, the decision of the District Collector shall be binding on both parties.

5.8 Permanent ducts constructed by the State agencies along roadside for establishing Optical Fibre Cable (OFC):

- i. The Applicant will pay utility fees **as defined in para. 5.9** to use the duct constructed by the State agencies along the highways, main roads and District roads or **other relevant areas**. The fees will be decided by the State Government or by the agency nominated by the State Government from time to time.
- ii. The OFC ducts should be made sharable with other operators on mutual agreed terms between the parties.
- iii. The permission to use these ducts and review of utility will be done by the District Collector or Head of the concerned Local Authority.
- iv. No Applicant shall be allowed to do separate digging along roadside in the same alignment in which the permanent ducts have been constructed.
- v. No Bank guarantee will be collected from the Applicant if they use the State agency constructed ducts to lay the OFC cables.

5.9 Govt. agencies may build utility duct for common benefits that shall be made available to TSP/IP-1 to use on payment on utility fee/rent.

Utility Fees/Rent to use the Govt. Build-up Duct, Rs 5/- Per Year Per Running Meter of the duct or as decided by the Local Authority from time to time.

5.10 Right of Way (RoW) using electricity Pole and other utility Structures of the Government for Aerial Optical Fibre Cable laying:—

- i. Right of Way (RoW) for Aerial OFC laying will be encouraged in the hill area or as per the decision of the District Administration.
- ii. The Applicant will make the agreement with the concerned Electricity Distribution Company (DISCOM) for the utilization of the electric poles/ distributed network system.
- iii. Energy Department / DISCOMs shall not be held responsible for any loss to the cable or the commercial operation loss to the Applicant due to theft or for any other reason whatsoever. The safety of the cable shall be entirely with the Applicant.
- iv. The Applicant will submit application with the right of usage of the utility pole in the offices of Local Authority. If the Local Authority finds the application in compliance with the entire requirement, then will issue the permit to the applicant within the prescribed time. Application with the document as mentioned in 5.5.1.a shall be submitted in addition to details of number of pole to be used and routes chart.
- v. If the route of aerial cabling is covering more than one jurisdiction, the Applicant will apply separately to the Local Authorities of the respective jurisdiction for issue of permit.

5.11 Aerial (Over-Ground) OFC Laying:

Sl no	Particulars	Fee (Rs)
a	Permission Charge for the route (Subject to the limitation of one jurisdiction)	5000
b	Rental per Pole per year	100 for Urban Areas 50 for Rural Areas

6. Other Terms and Conditions

6.1 State Action Plan:

State Telecom Committee under the chairmanship of Principal Secretary, E&IT Department will approve the State Telecom Action Plan. STC will also verify the district action plan approved by the DTC before their Final Approval.

6.2. District Action Plan:

District Telecom Committee under the chairmanship of District Collector will prepare the district action plan for laying of underground /Aerial Optical Fibre, installation of mobile towers and other telecom infrastructures .The committee will mark the village, Private land, Land of Revenue/Local Authority/RD/Forest/Mining, National High Way, State roads and electricity line network etc as earmarked to use for laying of Optical Fibre Cables. The committee will also find out the buildings or property owned by various Departments /Schools/Colleges/PSUs to use for installation of towers and OFC laying.

After preparation of the draft district level action plan, it will be submitted before the State Level Committee for their approval. Suggestion and amendments given by the State Level Committee will be incorporated in the Final District Action Plan.

6.3 Refund of fee to the applicants:

In case the application for permission is rejected, the fee paid shall be returned to the applicant within one month from the date of reject after deducting 20% as administrative charge.

6.4 No Coercive Actions:

In order to avoid disruption in mobile communication which is an essential service, sealing of mobile communication towers/disconnection of electricity may not be resorted to without the consent of the respective TERM cell of DoT in case of any complain or issue related to EMF emissions. Mandatory advance notice of 90 days, mentioning the action to be taken, must be given to the applicant initiating any steps against the Telecom Infrastructure.

6.5 Penalty:

If an Applicant violates any provision of this Policy, it shall be liable to be penalized as per following terms and conditions:—

- i. As soon as nodal office comes to know that any provision has been violated, a show cause will be issued to TSP/IP.TSP/IP has to reply within 15 days from date of service of notice.
- ii. If reply is not satisfactory the Applicant will be levied fee up to Rs 25000. The penalty money may be recovered from Bank Guarantee provided by the Applicant to any of the Local Authority in case the amount is not deposited within the time period specified by the Authority.

6.6. Rejection of the Application:

- i. Any of the agencies involved have given negative remarks and the chairman considers the remark sufficient enough to decline the proposal.
- ii. Any other relevant grounds on which the Chairman of the Single Window Committee decide so.

6.7. Bank Guarantee and its Forfeiture:

A performance bank guarantee for laying underground OFC with a validity of one year initially shall have to be furnished by each Applicant (IP /TSP) to the authority as a security against improper restoration of the land/Pole and other property, interruption, disruption or failure caused thereof to any services etc. The bank guarantee will be forfeited in the following cases:—

- i. In case of the Applicant failing to discharge the obligation of making good of the restoration work.

- ii. If the Applicant failed to perform as per the undertaking, in spite of extension of time.
- iii. Regular accident or mishaps because of lack of safety and precautions measures during the execution of works.

In case, the performance bank guarantee is invoked as mentioned above, the Applicant shall be required to replenish and reinstate the required Performance Bank Guarantee within one month of such invoking.

6.8. Special provision for establishing Telecom Infrastructure Tower (TIT)/OFC in Left Wing Extremist (LWE) affected areas:

As the telecom services in the LWE affected areas are major concern for Central Government and State Government, special provisions shall have to be made in giving permission to Telecom service providers/Infrastructure service providers to establish TIT/OFC Laying in these areas. To promote telecom services in the LWE area following benefits will be provided:—

Areas	Applicable Fees
Malkanigiri, Rayagada, Nawarangapur, Koraput, Nuapada, Gajapati, and Kandhamal Districts	<p>20% of the prescribed one time permission fees will be applicable for mobile tower, OFC (Underground and Aerial) and Micro Cell for urban areas and no charge shall be levied for rural areas.</p> <p>Exemption in land usage and roof usage charges for use of Govt Land and Buildings.</p> <p>No exemption in Duct Usage Charges and the applicable charges will be imposed.</p> <p>Bank Guarantee: Rs 10 Per Running Meter as BG will be collected for underground OFC.</p> <p>Pole Rent: Rs 10 per pole per year will be collected for Aerial Cabling.</p>
Sonepur, Bolangir, Kalahandi, Sundargarh, Kendujhar, Mayurbhanja Districts	<p>50% of the prescribed one time application/permission fees will be applicable for mobile tower, OFC (Underground and Aerial) and Micro Cell for urban areas and no charge shall be levied for rural areas.</p> <p>No exemption in Duct Usage Charges and the applicable charges will be imposed.</p> <p>Bank Guarantee (BG): Rs 15 Per Running Metre in the head of BG will be collected for underground OFC.</p> <p>Pole Rent: Rs 20 per pole per year will be collected for Aerial Cabling.</p>

6.9. Redress of Public Grievances:

In order to effectively address Public Grievances Relating to installation of towers and issues related to Telecom Infrastructure, State Govt. has constituted District level Committee and State Level Committee and Central Government Nominee.

6.10. Electrical power to Applicant:

Mobile communication tower being a critical infrastructure, Energy Department may give priority in providing electrical power connection to Mobile Towers and Telecom equipments. The Power distribution companies should ensure that disconnection of electrical power if required is executed with prior written notice of atleast 30days given to the concerned IP and TSPs.

6.11. Regularization /Compounding:

Application for obtaining clearance for the existing unauthorised mobile towers shall be submitted within six months of issue of this Policy, after which the matter would be taken as per laid down procedure. Once the application is submitted within due time, the operation of the Mobile Tower shall not be discontinued till disposal of the application by the concerned Local Authority. In case the Local Authority declines, clearance for any existing unauthorised mobile towers an appeal can be filed before the Competent Authority.

Notwithstanding anything contained herein, the operation of the Mobile Tower shall not be discontinued for such any appeal is filed and/or pending before DTC, STC or Central Government nominee.

6.12. Ancillary Equipment:

Any ancillary equipment required for mobile Towers, OFC and other telecom infrastructure should be arranged by the IP/TSP and these include the following:—

- i. Shelter room for housing the equipment
- ii. Battery/Solar Power/Diesel Generator/alternate source of power
- iii. Safety Equipment Like Lighting protecting system ,Earthlings system, Firefighting equipment etc.
- iv. General Lighting, Fencing / Boundary wall etc.
- v. Statutory signage's as directed by DoT from time to time

6.13. Binding Nature of the Recommendations:

The recommendation of the DTC or the STC or the Central Government Nominee, as the case may be, shall be binding on Local Bodies, Relevant Department, Police, the TSP/IP or any other authority related to the subject.

6.14. NOFN (National Optical Fibre Network)/ Bharatnet:

The permission for the Right of Way for the use of Government land will be issued free of cost for Bharatnet Projects or as shall be decided by the Nodal Department from time to time.

6.15. Sharing of Sites/utility:

Applicant may share the towers with multiple TSP for fixing their respective antennas/other active equipment.

6.16. Mode of Payment:

Applicable fees in the form of DD/Challan as prescribed in the Policy for mobile towers, OFC and other relevant telecom infrastructure will be paid in favour of the Competent Authorities specified in the policy.

6.17. Right of Local Authority to seek removal of Mobile Towers and OFC and other related telecom infrastructure.

Where the appropriate authority, having regard to circumstances which have arisen since the establishment of any telegraph infrastructure under, over, across, in or upon, any immovable property vested in or under its control or management of that appropriate authority, that is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the Applicant, being the owner of such telegraph infrastructure to remove or alter its location.

On receipt of the notice, the Applicant 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.

The appropriate/Local Authority shall, after examination of the detailed plan submitted by the Applicant, 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, provide reasonable time to the Applicant 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 Applicant.

6.18 Construction/repair works by various utility service providers of State/Central authorities

The agencies of various utility service providers extending services such as electricity(DISCOMs), water supply pipes, gas pipes ,sewerage, RoW works (PWD/NHAI) etc, while undertaking new construction /repair works in specific alignment to optical fibre cable (OFC) shall intimate to concerned Local Authority and also to concerned TSP/IP providers well in advance not less than 15 days before the start of work so as to give sufficient time to TSP/IP to make plans for shifting of OFC/alternate rout in order to avoid disruption in mobile /internet services.

As the TSP/IP are providing /supporting Telecom services the power disconnection to telecom installation shall not be done without prior notice to the concerned TSP/IP at least 15 days in advance.

6.19 Dispute Resolution:

Any dispute between licensee and the Local Authority/body can be redressed with the following steps:—

- i. District Level Telecom Committee is the First Appellate Authority to deal with the matters related to the dispute.
- ii. If the Applicant is not satisfied with the decision of First Appellate Authority, will appeal within 30 days of the decision of 1st Appellate Authority before the State Level Telecom

Committee headed by the Principal Secretary ,E&IT Department as the Second Appellate Authority.

- iii. If the Applicant is not satisfied with the decision of the Second Appellate Authority, will appeal within 30 days of the decision of the Second Appellate Authority before the designated officer for dispute resolution under Indian Telegraph Right of Way Rules, 2016.

6.20 Changes in the Policy:

This policy shall be suitably adjusted to accommodate 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 development.

ORDER

Ordered that the Resolution be published in an Extraordinary issue of the *Odisha Gazette* and copies of the Resolution be forwarded to all Departments of Government.

By Order of the Governor

A. K. K. MEENA

Commissioner -*cum*-Secretary to Government

Appendix to Resolution No. 2871 dated 14.09.2017

**Application for Issue of Permission For
Establishment of Mobile Towers, OFC and Other Telecom Related
Infrastructure in the State of Odisha.**

Ref No

Date/...../.....

To

(Use of Capital Letters Only)

A	Address of the Applicant		
1	Name of the IP/TSP		
2	Address for correspondence	Plot/Flat No	
		Street/Road	
		Village	
		City/Town	
		District	
		Pin	
		Contact No	
3	Authorised person with designation	Name	
		Designation	
		Mobile No	
		e-Mail	

B	Proposals	
1	Mobile Towers	GBT <input type="checkbox"/> RTT <input type="checkbox"/> RTP <input type="checkbox"/>
2	ROW OFC	Underground <input type="checkbox"/> Aerial <input type="checkbox"/>
3	COW	
4	Micro Cell	

C	Location of the Proposed Site/Route					
C 1	Mobile Towers					
	Owner of the land/Building		Govt/PSU/Private			
	Name of the owner/ Authorised Person					
	Plot/Flat/Premises Nos					
	Sanctioned Layout No if Any.					
	Road/Street					
	Ward/Block No/Village					
	Land Mark					
	City/Town, District					
	Plot Size		Khata No		Mouza	
	Ownership Document		Aggre. No		Date	
C 2	ROW OFC - Underground					
	Rout Permit		From		To	
	Area in Sq. Meter/KM					
	District under coverage		Dist 1		Dist 2	Dist 3
	Land Under The Ownership (In Sq Meter/ KM)					
	Rural Authority		Urban Authority			
	Forestry		NHAI			
	PWD		RD			
	Central Authority		Private			
	PSU		Revenue			
	Others if any					
C3	ROW – Aerial OFC					
	Rout Permit		From		To	
	Area in Sq.Meter/KM					
	Number of poles to be used					
	Permit from Dept of Energy/Company like CESU					

C4	MICRO Cell				
	Owner of the land/Building	Govt/PSU/Private			
	Name of the Owner				
	Plot/Flat/Premises Nos				
	Road/Street				
	Land Mark				
	CITY/Town, District				
	Ownership Document	Agreement No, if any		Date	

D	Fees		
	Installation Fees (`)		
	Demand Draft /Challan Number		
	Drawn in favour of		
	Date		
	Drawing Bank		
	Payable at		

E	Documents as per requirement	Enclosed (Y/N)
	Copy of relevant license or Infrastructure Provider Registration Certificate from DoT.	
	Copy of structural stability certificate for Roof-Top Towers	
	Copy of the type test certificate issued by Automotive Research Association of India (ARAI) or any other authorized Agency to the manufacturers of the Diesel Generator (DG) Sets	
	Copy of clearance from Fire Safety Department, if applicable	
	Copy of clearance from State Environment & Forest Department, if applicable.	
	Drawing of the tower along with specifications of foundations and design parameters.	
	Indemnity Bond (Original) to take care of any loss or injury to accident caused by the tower.	

	Three copies of Location Plan, Site Plan, Elevation Plan and Structure plan.	
	Copy of NOC from building /land owner or Authorised Personnel	
	Rout plan along with GIS Map only for laying OFC	
	Prescribed Fees for Permission	
	NOC from NHAI, ASI, Airport Authority if required	
	Other documents if any prescribed under this policy	
	Any other certificates/NOC required by the authority from time to time	

Certified that all the information/documents furnished above are authentic and true to best of my knowledge.

Name of Authorised Official	
Designation	
Signature with Seal of the Organisation	
E-Mail	
Tele No.	
Mobile No.	
Date	