

GOVERNMENT OF PUNJAB
DEPARTMENT OF INDUSTRIES & COMMERCE,
(INFRA SECTION)

Dated

December 5th, 2013

No.INFRA/GUIDELINES/TELECOM INFRASTRUCTURE/13546-A 

The Governor of Punjab is pleased to notify guidelines governing grant of permission for Right of Way for Laying of Optical Fiber Cables etc. and for installation of related infrastructure like Masts, Poles and Towers etc. to licensed telecom operators and registered infrastructure providers.

These guidelines are aimed at creation of robust telecommunication infrastructure with adequate bandwidth to promote Information Technology, e-governance, e-commerce, convergence of information, communication and education sectors, which shall improve the state of the economy, enhance the quality of citizens and ensure development of urban and rural areas with equity throughout the state.

Guidelines for laying of Cables and Installation of Telecom Infrastructure by Licensees

Objectives

- 1.0 These guidelines are aimed at creation of a robust telecommunication infrastructure with adequate bandwidth to promote Information Technology, e-governance, e-commerce, convergence of information, communication and entertainment sectors, which shall to improve the state of the economy, enhance the quality of life of citizens and ensure development of urban and rural areas with equity throughout the State.

1.1 Applicability / Eligibility

The guidelines shall be applicable to all telecom licensees and Registered Licensed Telecom Infrastructure Providers within the State.

- i) Any authorized licensee of Department of Telecom / registered Infrastructure Provider is eligible to seek / avail Right of Way facility / permission. However, enforceability of the permission so granted shall be restricted to the extent of provisions / scope of service contained / defined in the license agreement of that licensee and for the purpose for which it is granted, subject to compliance of the EMF radiation norms fixed by Government of India or any competent from time to time.
- ii) Either by content or by intent, the purpose of extending Right of Way facility is not to enhance the scope of license of a licensee and such Right of Way permissions shall be only enabling in nature
- iii. The concerned Municipal Corporation/ Municipal Committee/ Nagar Panchayat shall be the Competent Local Authority in the areas under its jurisdiction. For other areas the Deptt. of Housing & URban Development, or the concerned Department (e.g. PWD

(B&R) or Public Development Authority shall be the Competent Local Authority..

Guidelines

1.2 These guidelines shall apply to the entire state as follows:

A. Documents to be submitted

- i) For obtaining permissions from the Competent Local Authority, a locality-wise map with detailed description of location and methodology to be used for laying the OFC (i.e. HDD technology or open trenching or both) will be submitted along with application. This will contain relevant details of the land.
- ii) Information regarding height of Mast/Tower/ Pole, the depth and length of trench, dimensions (length, width and depth) of land required for laying OFC or any other details / specifications required by the relevant Authority will also be provided.
- iii) Applicant licensee shall obtain a No Objection Certificate from various Departments and Authorities, as and when required.
- iv) In case the height of the Mast/Tower is more than 25 metres, the technical design evaluation of Mast/Tower is required from reputed recognised Technical Organisation. No Objection Certificate would also be obtained from the Airport Authority of India, if required.

B. Conditions Precedent.

- i) Licensee will carry out GPR survey along the route where the duct has to be laid for detection of existing utility. The data of utility collected through GPR survey would be unconditionally shared with relevant Authority free of cost.
- ii) Permission granted to the applicant-licensee will not be transferable and will be applicable only for the period for which it has been granted.
- iii) If required, the concerned Department / Authority can direct the applicant licensee to change the optical fibre cable in stipulated time period or shift the cable to other area and the applicant licensee shall be bound to do the same for which all the expenses would be borne by the applicant company.
- iv) The State Government shall not be responsible for any damage to Optical Fibre cable and resultant losses, if any, during the course of official duty by any of their employees.
- v) If the applicant licensee wants to utilize the existing electric poles or street light poles, the same can be allowed by the concerned Municipalities/Department subject to the payment of fees / usage charges prescribed from time to time and fulfillment of terms & conditions.
- vi) Responsibility of public safety will lie with licensee during establishment or post establishment of Mast, Pole and laying of cable, during its maintenance or other related activities. The licensee shall take all necessary safety steps & measures while executing the work and licensee will indemnify the local Authority against any accident and damage caused to life or property during execution and post execution.

- vii) Licensee or any 3rd party will not be allowed to display any advertisement on the Mast and Pole without permission of the relevant local Authority.
- viii) The pits / trenches shall be reinstated within 72 hours after completion of the work up-to satisfaction of relevant local Authority, failing which the concerned Local Authority will invoke the bank guarantee and will get the restoration work done.
- ix) 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 licensee to get the services restored from the concerned Local Authority within 24 hours and the cost so incurred would be borne by the applicant licensee.
- x) The area required for laying of Optical Fiber Cable etc., installing a Ground Based Mast and a ground Based Pole, will be allotted subject to the conditions that it will not obstruct the movement of the traffic (vehicular & pedestrian), roads and services.
- xi) Ground Based Mast and Poles installed by the licensee can be used by Local Authority for lighting the road and licensee will not be paid any fee for the same. All the related equipments for the purpose will be provide the concerned local Authority and the electricity bill for the same will be borne by the concerned local Authority. However, the licensee will be responsible for the installation and maintenance of street light points on Ground Based Mast and Pole.

For Roof top based Infrastructure

- xii) Express permission from the building owner shall be obtained. The pre-fabricated structure shall be temporary in nature and shall not be an inseparable part of the roof-top.
- xiii) The height of the antenna (i.e., height of building plus height of tower should be as per submitted specifications and should not violate the directions and the limit prescribed by any authority in this regard).
- xiv) The structural safety has to be ensured by each private operator individual who should obtain the certificate from a certified structural engineer. It shall be the responsibility of the operator to ensure that the buildings are structurally safe and sound and are capable of taking the load of antenna and pre fabricated structures.

For Construction of RCC Manhole

- xv) The structure of the manhole will be designed as per the norms of Indian Road Congress (IRC). The top level of the manhole will be as per existing road level and whenever the road level is changed, the agency will be bound to finish it to the road level at its own expenses.
- xvi) The agency will be responsible for maintenance and upkeep of the manholes from time to time and will be responsible for obstruction free flow of traffic and loss of any Government or Private property during and after the construction of manhole.

- xvii) If any manhole comes in the way of approved alignment of any proposed water supply, sewerage or any other service, the agency will be bound to shift or remove the manhole / cable. The agency will make changes in the location / alignment of manhole at its own cost wherever required by the Government / Local Authority and will be bound to obey any directions of the Government / Local Authority issued from time to time.

Installation of telecom tower shall be allowed as per advisory guidelines issued by Department of Telecommunications, Government of India to State Governments from time to time.

2.0 Fee / Charges : Henceforth the fee / charges shall be applicable throughout the State of Punjab as under :-

- i) **The One time charges at the time of Installation / Regularization levied by Local Authorities are as follows:**

A) Telecom Towers

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|----|--|-------------|
| a) | Municipal Corporations & Class 'A' cities | Rs. 50,000 |
| b) | Category 'B' Towns | Rs. 37,500. |
| c) | Category 'C' Towns, Nagar Panchyats & Gram Panchyats (whether within Village Abadi or Outside) | Rs. 25,000 |

In case, the telecom tower is utilized by more than one user, there shall be an additional charge of 50% of the above fee for each such additional user for a particular Tower.

B) Masts

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|----|--|------------|
| a) | Municipal Corporations & Class 'A' cities | Rs. 16,000 |
| b) | Category 'B' Towns | Rs. 12,000 |
| c) | Category 'C' Towns, Nagar Panchyats & Gram Panchyats (whether within Village Abadi or Outside) | Rs. 8,000 |

C) Poles

- | | | |
|----|--|-----------|
| a) | Municipal Corporations & Class 'A' cities | Rs. 2,000 |
| b) | Category 'B' Towns | Rs. 1,500 |
| c) | Category 'C' Towns, Nagar Panchyats & Gram Panchyats (whether within Village Abadi or Outside) | Rs. 1,000 |

- ii) **The Annual user fee to be paid by each user of a tower/mast or pole etc. is as follows:**

(A) Telecom Towers:

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|----|--|------------|----------|
| a) | Municipal Corporations & Class 'A' cities | Rs. 10,000 | per user |
| b) | Category 'B' Towns | Rs. 7,500 | per user |
| c) | Category 'C' Towns, Nagar Panchyats & Gram Panchyats (whether within Village Abadi or Outside) | Rs. 5,000 | per user |

(B) Masts

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|----|---|--------------------|
| a) | Municipal Corporations & Class 'A' cities | Rs. 3,200 per user |
| b) | Category 'B' Towns | Rs. 2,400 per user |
| c) | Category 'C' Towns, Nagar Panchyats & Gram Panchyats(whether within Village Abadi or Outside) | Rs. 1,600 per user |

(C) Poles

- a) Municipal Corporations & Class 'A' cities
- b) Category 'B' Towns
- c) Category 'C' Towns, Nagar Panchyats & Gram Panchyats(whether within Village Abadi or Outside) Nil
- iii) Since, the period of license will be 10 years; each user shall have an option of depositing the Annual user fee in advance for a period of 5 years or 10 years.
- iv) In cases, where the land / site utilized for the infrastructure such as tower, mast, pole etc. is to be provided by a Govt. Department / Agency / Local Authority etc., the annual lease charges for each such site shall be 6% of the Circle Rate / Collector Rate on a per annum basis. Lease charges for a Pit / Manhole shall be Rs.100/- per annum in addition to a one-time charge of Rs.1,000 per Pit / Manhole.
- v) **Restoration and Rehabilitation**
In cases where telecom cables such as optical fiber cables etc. have to be laid underground by any method such as duct & conduits, tunneling core etc., the service provider will be expected to conduct the entire operation of laying the cable fiber and restoring the site & all related infrastructure to its original & useable condition at their own cost and within a period of 30 days. In case, the service provider / infrastructure provider chooses not to rehabilitate the site / infrastructure or is unable to do so within a period of 30 days after laying the infrastructure, the concerned Government Department / Agency / Local Authority shall execute the rehabilitation of the site / road by levying the following charges:
 - a) For each tunnel Pit / Manhole the rehabilitation charges of Rs.10,000/- shall be levied.
 - b) For road cuts, the rehabilitation charges for National Highways, State Highways & Roads in Municipal Limits, Urban Estates, approved Estate Developments in rural areas it shall be Rs.500/- per running meter and for rural link roads, the charges shall be Rs.200/- per running meter.
- vi) All the charges contained in these Guidelines shall be enhanced by 25% after 5 years which shall then remain applicable for the balance 5 years.
- vii) The period of lease shall be 10 years. The lessee shall have the option of paying the entire lease money for 10 years in one go. In this event, the lease money shall be only 10 times the annual lease.
- viii) No charges shall be levied for Right of Way.

3.0 **IMPLEMENTATION :**

- i) A performance Bank guarantee @ Rs 50/- per route meter with a validity of one year initially (extendable if required till satisfactory completion of work) will be furnished by the concerned licensee as a security against improper filling / unsatisfactory compaction / restoration and damages caused to other underground installations / utility services and interference, interruption, disruption or failure caused thereof to any services. The above charges can be reviewed from time to time keeping in view the increase in the restoration cost.

- iii) If the applicant licensee wants to utilize the existing street light poles, the same will be allowed subject to the terms & conditions of these guidelines and payment of one time fees and annual user charges as per para 2 above.
- iv) The site or surface of road / streets will be restored to its original position by the licensee within 30 days.
- v) In order to avoid repeated digging on the same routes, if possible, the 1st incumbent is free to lay voluntarily extra ducts / conduits with extra capacity so as to take care of future needs. The capacity / excess capacity can be commercialized by the incumbent with suitable mutual agreements with the respective local Authority. However, creation of the excess capacity by the 1st incumbent shall not be a precondition for giving Right of Way clearances. The Local Authority may consider laying ducts / conduits at the time of construction of roads to facilitate laying telephone cables for which suitable charges could be imposed.
- vi) Applicant will give a notice of 15 days with route details prior to trenching for fresh or maintenance / repair works. A separate Performance Bank Guarantee for maintenance / repair work will be furnished by the licensee.
- vii) Operator shall be responsible for any accident or damage due to his act, omissions or negligence.

4.0 RESTRICTIONS

- i) Permission for Right of Way for Laying of Optical Fiber Cable etc., installation of Ground Base Mast / Poles/tower will not be granted at location where it will cause disruptions in services and facilities.
- ii) Permission for installation of Ground Base Mast / Poles/tower will not be granted for a location where Mast / Pole/tower can cause obstruction / hindrance to vehicular as well as pedestrian traffic.

5.0 Other Conditions

- i) The permissions will be granted by the concerned local Authority within a period of two weeks subject to the application being complete with route details and fulfillment of all terms & conditions of these guidelines.
- ii) The agreement to be executed between the licensee and concerned local Authority regarding compliance of all the terms and conditions is at Form-A.
- iii) In case of any dispute between the licensee and the local Authority, the Administrative Secretary of the concerned Department will be the final Authority for settlement of such dispute and such decision will be binding on both the parties.
- iv) The permission shall be valid for such time as the operator holds a valid license for such operations or for 10 years which ever is shorter.



Karan A Singh, IAS

Principal Secretary to Govt. Punjab
Department of Industries & Commerce

Place: Chandigarh
December 5, 2013

No.Infra/Guidelines/Telecom Infrastructure/ 13547-A dated, Chd. 05.12.2013

A copy is forwarded to the Controller of Printing & Stationery, Punjab, Chandigarh with the request that notification may please be published in the extra ordinary Punjab Government Gazette notification. After publishing the same 100 copies may please be sent to this department.

Tarsetiel
Under Secretary
Industries & Commerce