



ABSTRACT

Information Technology Department – Indian Telegraph Right of Way Rules, 2016 notified by the Government of India – Implementation in the State of Tamil Nadu – Procedure for grant of Right of Way (RoW) permission for laying Optical Fibre Cables (OFC) and installation of Cellphone Towers - Revised - Orders - Issued.

Information Technology (B4) Department

G.O.(Ms).No.1

Dated: 21.02.2018

ஹேவிளம்பி, மாசி-9

திருவள்ளூர் ஆண்டு-2049

Read:

1. G.O.Ms.No.7, Information Technology Department, dated 12.2.2001.
2. G.O.Ms.No.2, Information Technology Department, dated 1.4.2002.
3. Letter No.237/IT/2002-7, Information Technology Department, dated 18.9.2002.
4. Indian Telegraph Right of Way Rules 2016 notified in the Government of India Gazette Notification No. GSR 1070 (E) dated 15.11.2016.
5. From the Secretary, Department of Telecommunications, D.O letter No.2-6/20-Policy-I (Vol VIII) dated 23.11.2016.

ORDER:

In the Government Order first read above consolidated guidelines were issued specifying the terms and conditions for the grant of centralised permission for the use of public Right of Way (ROW) by any private or public sector applicant proposing to lay Optic Fibre Cables (OFCs) in Tamil Nadu. As per the Guidelines prescribed in the Government Order first read above, the Public / Private Communication Providers (PCPs) have to pay annual track rent to the concerned local bodies and to provide 2 Mbps (two Mbps) free bandwidth to the State Government.

2. In the Government order 2nd read above and in the Government letter 3rd read above, guidelines have been issued to telecom companies for installation of Base Stations consisting of Tower, Equipment room and Generator room, on roof top or on the ground of premises and buildings belonging to Government of Tamil Nadu / Quasi Governments / Public Sector Undertakings / Local Bodies/ Private lands and buildings subject to availability and technical feasibility, on a non-exclusive basis subject to certain terms and conditions. As per clause 4 (i) of the Government Order 2nd read above, permission for installing towers, equipment and generator etc., on case to case basis will be issued by the District Collectors concerned in consultation with the district offices concerned.

3. The Government of India has notified the 'Indian Telegraph Right of Way Rules 2016' to regulate underground Telegraph infrastructure (optical fibre) and overground Telegraph infrastructure (mobile towers) under/upon any immovable property vested in or under the control or management of any appropriate authority, in the Gazette notification 4th read above. Among other things, the Rules stipulate that every application for establishment of telegraph infrastructure, shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the appropriate authority by may, general order deem fit and the appropriate authority shall within a period not exceeding sixty days from the date of application, grant permission on such conditions including, but not limited to, payment of restoration charge, as may be specified, subject to the provisions of the Act and these rules (or) reject the application for reasons to be recorded in writing.

4. In the letter 5th read above, the Secretary, Department of Telecommunications has requested the State Government to nominate a suitable officer not below the level of Principal Secretary to the Government so as to enable Government of India to notify such officers as the designated officers for dispute resolution. He has also requested that the Right of Way Rules need to be widely circulated to all agencies who are involved in granting Right of Way permissions so as to sensitise them about the provisions of the Rules and has also sought for the co-operation of the State Government in implementing the Rules in their true letter and spirit to help in creation of telecom infrastructure that can deliver high speed broadband to all citizens at affordable prices.

5. The Government, after careful examination, have decided to implement the Indian Telegraph Right of Way Rules, 2016, notified by Government of India, in the Gazette Notification No. GSR 1070 (E) dated 15.11.2016, in the State of Tamil Nadu. The Government further direct that:-

- a) The District Collectors, in respect of all Districts and the Commissioner for Greater Chennai Corporation in respect of Chennai, be designated as the Nodal Officers for the respective jurisdictions and authorised to issue Right of Way (RoW) permissions for Overground Telecom Infrastructure (Towers) and Underground Telecom Infrastructure (OFC) in respect of all areas in the Districts (including Highways, Public Works Department, Forest etc.,) under the provisions of Indian Telegraph Right of Way Rules, 2016.
- b) ELCOT be designated as the nodal agency for the purposes of the Indian Telegraph Right of Way Rules, 2016 and to develop an electronic application process, as required under sub rule (2) of rule (4) of the said Rules, for submission of online applications by the Licensees for grant of Right of Way permissions, which shall have a provision for consolidation of the demand raised by the authorities concerned and the collections received.
- c) The Principal Secretary to Government, Information Technology Department be nominated as the Dispute Resolution Officer, under the provisions of Indian Telegraph Right of Way Rules, 2016.

- d) Levy and collection of track rent for the Telecom Infrastructure, be continued in accordance with the existing guidelines issued by the State for the present, till they are revised, in addition to collection of administrative expenses / restoration charges/compensation prescribed by the Government of India for establishing the Overground Telecom Infrastructure (Towers) and Underground Telecom Infrastructure (OFC) as per the provisions of Indian Telegraph Right of Way Rules, 2016.
- e) The existing guidelines as per G.O (Ms) No.2, Information Technology Department dated 1.4.2002, for installation of Overground Telecom Infrastructure (Towers) in Private Buildings, be continued since these are not covered by the Indian Telegraph Right of Way Rules, 2016.
- f) Pending requests received from the Telecom Companies for Right of Way (RoW) permissions for laying OFC for which 'No Objection Certificate (NOC)' has already been received, be remitted to the respective District Collectors in respect of all Districts and the Commissioner for Greater Chennai Corporation in respect of Chennai for according of Right of Way permission under the provisions of Indian Telegraph Right of Way Rules, 2016.
- g) Detailed guidelines will be issued by the Information Technology Department for the successful implementation of the Indian Telegraph Right of Way Rules, 2016, regulating the Underground /Overground Telecom Infrastructure in Public/ Private areas/ buildings and amendments thereto, if any required, in consultation with the concerned Departments.

6. This order issues with the concurrence of Finance (Industries) Department vide its U.O. No.7954/Ind/2018, dated 19.02.2018.

(By Order of the Governor)

**T.K. RAMACHANDRAN,
Principal Secretary to Government.**

To

The Secretary to Government of India, Ministry of Communications
Department of Telecommunications, Sanchar Bhawan,
20, Ashoka Road, New Delhi – 110 001.

All District Collectors,

The Commissioner, Greater Chennai Corporation, Chennai - 600 003.

The Managing Director, ELCOT, Nandanam, Chennai - 600 035.

The Commissioner of e-Governance / Chief Executive Officer,
Tamil Nadu e-Governance Agency, Alwarpet, Chennai- 600 018.

Copy to :

The Chief Minister's Office, Secretariat, Chennai-600 009.

The Deputy Chief Minister's Office, Secretariat, Chennai-600 009.

The Senior Personal Assistant to Hon'ble Minister for Information Technology,
Secretariat, Chennai - 600 009.

The Senior Personal Assistant to Hon'ble Minister, (Law, Courts and Prisons),
Secretariat, Chennai - 600 009.

The Senior Personal Assistant to Hon'ble Minister,
(Municipal Administration, Rural Development and Implementation of Special
Programme), Secretariat, Chennai-600 009.
The Senior Private Secretary to Chief Secretary to Government,
Secretariat, Chennai-600 009.
The Senior Private Secretary to Additional Chief Secretary to Government,
Finance Department, Secretariat, Chennai-600 009
The Senior Private Secretary to Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department, Secretariat, Chennai - 600 009.
The Senior Private Secretary to Principal Secretary to Government,
Municipal Administration and Water Supply Department, Secretariat, Chennai-600 009.
The Senior Private Secretary to Principal Secretary to Government,
Information Technology Department, Secretariat, Chennai-600 009.
The Senior Private Secretary to Secretary to Government,
Law Department, Secretariat, Chennai-600 009.
The Content Creator (CMS) / Moderator (CMS) / Nodal Officer (CMS),
Information Technology Department, Secretariat, Chennai - 600 009.
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SF/SC.

// Forwarded / By Order //


Section Officer 22/2/18

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