



## GOVERNMENT OF KERALA

### Abstract

Electronics and Information Technology Department- Telecom Infrastructure- Modified Guidelines for Right of Way -Approved-Orders issued.

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#### ELECTRONICS AND INFORMATION TECHNOLOGY (B) DEPARTMENT

G.O.(Ms)No.7/2024/ITD Dated,Thiruvananthapuram, 07-06-2024

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- Read: 1) G.O.(MS)No.14/2014/ITD dated 15.03.2014.  
2) G.O.(MS)No.39/2015/ITD dated 15.09.2015.  
3) G.O.(MS)No.25/2018/ITD dated 11.10.2018.

### ORDER

As per the G.O. read as 1<sup>st</sup> paper above guidelines were issued for facilitating construction of mobile towers. Similarly, guidelines were issued as per the Government Orders read as 2<sup>nd</sup> and 3<sup>rd</sup> papers above for the laying of Optical Fiber Cables (OFC) for telecommunication.

2) A speedy disposal process for applications to establish telecommunication infrastructure is crucial for various reasons. Faster approvals translate to quicker installation of mobile towers, Optical Fiber Cables and other essential equipments. New technologies like 5G require rapid deployment of infrastructure, and delays in approvals can hinder progress and leave a region lagging behind. Recognizing this evolving scenario, regulatory bodies are actively framing new guidelines. In this connection, the Government of India has been requesting the States to align the existing guidelines/policy/rules for Right of Way with the "Indian Telegraph Right of Way Rules, 2016" and the "Indian Telegraph (Infrastructure Safety) Rules, 2022".

3) Under the circumstances, in order to facilitate the rapid development of the telecom infrastructure in the State, the Government are pleased to issue the modified Guidelines for Right of Way, appended herewith, formulated in line with the provisions of Indian Telegraph Right of Way Rules, 2016 and Indian Telegraph (Infrastructure Safety) Rules, 2022 and directions issued by Government of India in this regard. These Guidelines are issued in supersession of the previous guidelines prescribed as per the

Government Orders read above.

(By order of the Governor)  
DR RATHAN U KELKAR I A S  
SECRETARY

To:

The Secretary, Department of Telecommunication, Government of India (with C/L).

The Secretary, MORTH, Government of India (with C/L).

The Principal Secretary, Local Self Government Department

The Secretary, Public Works Department

All District Collectors

The Chairman and Managing Director, KSEB, Thiruvananthapuram

The Principal Director, Local Self Government Department

All Secretaries of Grama Panchayat/Municipality/Corporation (Through the Principal Director, Local Self Government Department)

The Director, Kerala State IT Mission

The Director of Treasuries

Revenue Department

Finance Department (Vide EXP-B3/52/2023-FIN)

Power Department

Water Resources Department

Forest and Wildlife Department

The DDG, DoT- Kerala LSA, Ernakulam, Kerala

The Chief Engineer, Local Self Government Department

The Chief Engineer, PWD (Roads), Thiruvananthapuram

The Chief Engineer, PWD (Bridges), Thiruvananthapuram

The Chief Engineer, PWD (NH division), Thiruvananthapuram

The Regional Officer, NHAI, Thiruvananthapuram

The Chief General Manager, BSNL, Thiruvananthapuram

The Managing Director, KWA, Thiruvananthapuram

The State Head of all TSPs/IPs

The Principal Accountant General(G&SSA) Kerala,Thiruvananthapuram.

The Principal Accountant General (A&E) Kerala, Thiruvananthapuram.

General Administration (SC) Department (Vide item No.2142 dated 02-05-2024)

Information Officer (Web & New Media), I&PRD

Stock File / Office copy

Forwarded / By order

Signed by Mahesh. R

Date: 07-06-2024 19:17:00

Section Officer

## **Modified Guidelines for Right of Way**

The extant approval process for telecom infrastructure deployment in the State is being governed through the Right of Way (RoW) guidelines issued vide G.O. (MS)No.25/2018/ITD dated 11.10.2018 for laying Optical Fibre Cables (OFC) and the guidelines for mobile tower installations were issued vide G.O.(MS)No. 14/2014/ITD dated 15.03.2014.

The advancements in telecommunications technology and particularly the rise of mobile and internet services, have revolutionized the way people communicate, conduct business, access information and interact with each other. For making Kerala a leading state in the 5G technology, a 5G leadership package was announced in the state budget for the financial year 2022-23. In this package, facilitating construction of tower infrastructure through quick sanction, utilizing buildings of Government and public sector undertakings for deploying antennae were envisaged.

Government of India has been requesting the States to align the existing guidelines/policy/rules for Right of Way with the “Indian Telegraph Right of Way Rules, 2016” and the “Indian Telegraph (Infrastructure Safety) Rules, 2022”.

It is also important to achieve the National Broadband Mission objectives and targets such as delivering higher broadband speeds, increasing tower density and thereby improving Quality of Service (QoS), increasing fiberization of towers, facilitating rollout of 5G network and strengthening of 4G network, increasing penetration of Fibre to the Homes (FTTH) etc. Further it is also essential to take steps as per the framework envisaged for the Digital Communication Readiness Index (DCRI).

To streamline the processing of applications and granting of permission for the installation of Underground and Overground Telecom infrastructure in a time bound manner, the following guidelines are issued:-

### **1. Definitions**

In these Guidelines, unless otherwise required in the context the definitions are as below:-

- 1.1. “Act” means the Indian Telegraph Act, 1885 (13 of 1885).
- 1.2. “Authority” means the State Government, 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 Authority.
- 1.3. “Licensee” means any person holding a license issued under sub-section (1) of section 4 of the Indian Telegraph Act, 1885 or an Infrastructure Provider-I registration issued by the Department of Telecommunications, Government of India.
- 1.4. “Applicant” means those who are authorised to establish Telecom infrastructure, by the Department of Telecommunications, Government of India, such as Telecom Service Providers (TSP) or Internet Service Providers (ISP)

who are licensed by DoT, or Infrastructure Provider (IP-1) registered with DoT. These entities (TSP, ISP & IP-1) are eligible to seek permissions under these guidelines for establishing Telecom Infrastructure.

1.5. "Telecom Infrastructure" includes:

i) "Underground Telegraph/Telecom infrastructure" means a telegraph line or Optical Fibre Cable (OFC) or ducts for telecom facility, laid under the ground and includes manholes, marker stones, appliances, and apparatus for the purposes of establishment or maintenance of the telegraph line.

ii) "Over ground Telegraph/Telecom infrastructure" means a Telegraph or a Telegraph line established over the ground and includes the poles, posts, towers or other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line.

iii) "Mobile Tower" means any above-ground contrivance for carrying, suspending or supporting a telegraph and does not include pole.

iv) "Pole" means any above-ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telegraph and does not include mobile tower.

v) "Small Cell" means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilometres.

1.6. "Street furniture" means post or pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an authority.

1.7. "DoT" means Department of Telecommunications, Government of India.

1.8. "DoT-Kerala LSA" means the State unit of Department of Telecommunication (DoT), having jurisdiction over the Kerala Licensed Service Area (Licensed Service area is the area for which Telecom Licenses are issued by DoT).

1.9. "Call Before u Dig (CBuD)" is an initiative by the Department of Telecommunications, Government of India to encourage minimal or no damages to underground assets while carrying out any digging activity, whatsoever. This online platform, available in the form of an easy-to-use mobile app as well as online portal, facilitate smooth coordination between the digging agencies and underground utility asset owners to save the utilities from damages that may occur to them due to the digging activities.

## **2. Nodal Department**

2.1. Electronics and Information Technology Department, Government of Kerala shall be the nodal department for issuing the guidelines for the establishment and maintenance of the telecom infrastructure in the State. Necessary interpretation, clarification and instruction will be issued from time to time by the Electronics and Information Technology Department.

### **3. Nodal Agency for Single window portal**

3.1. The Kerala State IT Mission (KSITM) shall be the nodal agency for the implementation of a single window portal for the electronic processing of applications for the Right of Way.

### **4. Competent/ Appropriate authorities**

4.1. Every authority shall designate a Competent/ Appropriate Authority for the purpose of granting Right of Way permissions for the establishment and maintenance of the telecom infrastructure under their jurisdiction. Details of the existing Authority and Competent/ Appropriate Authority are given below:-

<b>Sl.N o.</b>	<b>Authority</b>	<b>Competent /Appropriate Authority</b>
1.	Public Works Department	Executive Engineer / Assistant Executive Engineer
2.	Kerala State Electricity Board	Executive Engineer
3.	Grama Panchayat	Secretary of the Grama Panchayat
4.	Municipality	Secretary of the Municipality
5.	Corporation	Secretary of the Corporation
6.	District Panchayat	Secretary of the District Panchayat
7.	KSTP	Executive Engineer
8.	Kerala Water Authority	Executive Engineer
9.	Forest Department	Divisional Forest Officer (DFO)
10.	Government Buildings	Head of the Department in charge of the Building.

### **5. Underground Telecom Infrastructure**

5.1. The application for establishing underground telecom infrastructure shall be submitted to the appropriate authority in Form 1 along with the documents required and fees and restoration expenses as specified in the Annexure I, wherever applicable.

5.2. The applicant concerned shall do the restoration work on their own under the supervision of the Department/Organisation/ Local Body owning the road, and the road shall be restored to its previous condition within the stipulated time frame and quality standards as decided by Government from time to time. The applicant shall furnish a bank guarantee as per the rates mentioned in the Annexure I to the Department/Organisation/Local Body owning the road till the end of Defect Liability Period (DLP). If the applicant desires the restoration to be done by the authority, in this case restoration charges shall be paid to the concerned road authority.

5.3. The appropriate authority shall examine the application with respect to the following parameters:-

- a) The route planned for the proposed underground telecom infrastructure and the possible interference either in the establishment or maintenance of such infrastructure, with any other public infrastructure that may have been laid along the proposed route.

- b) The mode of execution and time duration.
- c) The estimation of restoration charges or bank guarantee that the applicant has to furnish.
- d) The responsibility of restoration of the damages caused to the roads during the execution of work.
- e) Assessment of measures to ensure public safety and to avoid inconvenience that the appropriate authority may necessarily be put in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the applicant.
- f) Any other matter connected to the establishment or maintenance of telecom infrastructure, prescribed through a general or specific order, by the Central Government or State Government or the appropriate authority from time to time.

5.4. After the successful verification of the application, the appropriate authority shall issue the demand note to the applicant for the payment of restoration charges / bank guarantee as applicable.

5.5. Provisions relating to Public Works Department (PWD) will be applicable to roads under the control of Local Self Government Institutions also.

5.6. An agreement shall be executed by the applicant with the appropriate authority prior to the commencement of work.

5.7. After receipt and verification of the documents and fees, the appropriate authority shall grant the permission within the timelines mentioned in these guidelines.

#### **6. Establishment of temporary overground telecom infrastructure**

6.1. In case of damage of any existing underground telecom infrastructure for any reason, the applicant, whose existing underground telecom infrastructure is damaged, may temporarily establish the overground telecom infrastructure, in lieu of the damaged underground telecom infrastructure, to restore the telecom service for a period of sixty days from the date of reporting of damage of the infrastructure to the appropriate authority. The applicant shall give prior intimation to the appropriate authority before establishing the temporary overground telecom infrastructure. The applicant shall ensure public safety and convenience while establishing such infrastructure.

6.2. The applicant shall remove the temporary infrastructure after the restoration activity or 60 days whichever is earlier.

6.3. No fee shall be charged by the appropriate authority for the establishment of temporary overground telecom infrastructure when underground telecom infrastructure is damaged. However, the applicant shall do proper restoration of the roads and take the safety measures at their costs while restoring the damaged underground telecom infrastructure.

#### **7. Indemnification**

7.1. The applicant shall indemnify the authority 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 the telecom infrastructure.

7.2. The applicant shall submit the duly notarized Indemnity Bond on a non-judicial stamp paper of Rs.100/- per denomination to the appropriate authority of the authority. The applicant shall compensate for any damages caused to the existing infrastructure at their own cost.

### **8. CBuD Mobile App**

8.1. All Departments or utility agencies having underground infrastructure assets shall map their utility assets with GIS coordinates on PM Gatishakti NMP platform in different layers.

8.2. All digging agencies are mandated to undertake digging activities only after giving prior intimation through the “Call before u Dig” app at least 48 hours before the commencement of work.

8.3. While granting approval for any type of excavation anywhere in the State, all appropriate authorities shall mandate that, “Any agency excavating public places/roads shall report the location on the CBuD app before commencing any excavation works in the State.”

### **9. Overground Telecom Infrastructure**

#### **Mobile Tower**

9.1. The applicant has to submit the intimation to the appropriate authority in the prescribed format along with the necessary documents and fees as per the Kerala Municipality Building Rules or the Kerala Panchayat Building Rules, as the case may be, for the establishment of a mobile tower.

9.2. The applicant shall submit, before the appropriate authority, the acknowledgement receipt issued by DoT of the self certificate submitted by Telecom Service Provider / Infrastructure Provider in respect of mobile tower / Base Transceiver Station (BTS) in the format prescribed by Telecommunication Engineering Centre (TEC), DoT, establishing/certifying that all general public areas around the tower will be within safe EMR exposure limit as per peak traffic measurement after the antennae starts radiating.

9.3. In addition to the above, the applicant has to seek permission from the Head of the Department / Organization concerned for establishing mobile tower in the Government Premises (Building and land).

### **10. Usage of street furniture for installation of small cells and telecom infrastructure**

10.1. The applicant shall submit an application to the appropriate authority for the permission to use street furniture for installation of small cells and telecom infrastructure, along with details of street furniture.

10.2. The applicant shall have the option of submitting single application for multiple sites and the authority shall make due provisions for accepting such applications and issuing single permission for multiple sites accordingly for establishment of small cells.

10.3. The appropriate authority may permit installation of small cells on their buildings and structures.

10.4. The application shall be accompanied with such fee as may be determined by the authority as per Annexure-I.



## **11. Poles for laying aerial OFC**

11.1. The applicant shall submit the application for erecting poles to the appropriate authority as per the Form 2.

11.2. The appropriate authority shall examine the application with respect to the following parameters:-

- a) The route planned for the proposed overground telecom infrastructure and the possible interference either in the establishment or maintenance of such infrastructure, with any other public infrastructure that may have been laid along the proposed route.
- b) The mode of execution and time duration.
- c) The estimation of restoration charges or bank guarantee that the applicant has to furnish.
- d) The responsibility of restoration of the damages caused to the roads during the execution of work.
- e) The restoration charges to be paid to the road authority concerned.
- f) Assessment of measures to ensure public safety and to avoid inconvenience that the appropriate authority may necessarily be put in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the applicant.
- g) Any other matter connected to the establishment or maintenance of telecom infrastructure, prescribed through a general or specific order, by the Central Government or State Government or the authority from time to time.

11.3. After the successful verification of the application, the appropriate authority shall issue the demand note to the applicant for the payment of restoration charges / bank guarantee as applicable as mentioned in the Annexure I.

11.4. The applicant shall furnish a bank guarantee till the end of Defect Liability Period (DLP)/ restoration charges to the Department/Organisation/Local Body owning the road.

11.5. The applicant shall do the restoration work on their own under the supervision of the Department/Organisation/ Local Body owning the road, and the road shall be restored to its previous condition within the stipulated time frame and quality standards as decided by Government from time to time.

11.6. An agreement shall be executed by the applicant with the appropriate authority prior to the commencement of work with such conditions the authority deems fit.

11.7. After receipt and verification of the documents and fees, the appropriate authority shall grant the permission within the timelines mentioned in these guidelines.

## **12. Timelines for granting permission**

12.1. The appropriate authority shall comply the following timelines with respect to the processing of applications for the underground, overground telecom infrastructure and the use of street furniture.



12.2. The appropriate authority shall inform the applicant if there are any shortfalls in the submitted application within 14 days from the date of submission of application and provide minimum 7 days for rectification.

12.3. The appropriate authority shall issue the demand note for restoration / bank guarantee within 30 days from the date of submission of application and the applicant shall submit the restoration charges / bank guarantee within 20 days of issue of demand note. The appropriate authority shall issue the permission within 10 days of receipt of the restoration charges / bank guarantee.

12.4. The appropriate authority shall grant permission within a period not exceeding 60 days from the date of submission of application.

12.5. The appropriate authority may reject the application, for which specific reasons/deficiencies to be recorded in writing, within a period not exceeding 30 days from the date of submission of application.

12.6. No application shall be rejected unless the applicant has been given an opportunity of curing the defects pointed out by the authority.

12.7. The permission for the establishment of telecom infrastructure shall be deemed to have been granted if the appropriate authority fails to grant permission or reject the application within 60 days from the date of submission of application.

### **13. General Conditions**

13.1. The permissions for Right of Way for establishing telecom infrastructure and associated installations shall be granted for a period coterminous with the period of permission/ license granted by the Department of Telecommunication, Government of India to the applicant.

13.2. As the TSP/ IP are providing Telecom services, planned temporary power shutdowns to telecom installations shall not be done without prior notice to the concerned TSP/ IP at least 2 days (48 hours) in advance.

### **14. Obligations of applicant for ensuring Public Safety**

14.1. The following conditions shall be complied by the applicant during the execution of works related with the establishment of telecom infrastructure for ensuring public convenience/safety:-

- a) The applicant shall complete the execution of works within the timeframe indicated by the appropriate authority either in the permission for right of way or in the agreement.
- b) The Applicant shall keep the appropriate authority duly informed of the progress of works which may be reviewed at regular intervals between the parties.
- c) Prior to the commencement of work, the applicant shall ensure that measures to mitigate public inconvenience and provisions for public safety are implemented in consonance with the instructions of authority and various State/Central Acts/Rules.
- d) If there occurs any damage to other public or private utilities/asset/property, the applicant shall be liable to pay the damage charges to the authority/owner of such utilities/asset/property concerned and the charges

shall be computed based on such expenses as may be incurred in restoring damages. The responsibility for causing the damages shall be fixed by the appropriate authority.

### **15. Safety and Security of Telecom Infrastructure**

15.1. To avoid disruption in the mobile communication, sealing of existing and operational Base Transceiver Station towers or disconnection of Electricity of such mobile tower may not be resorted to without the consent of the respective DoT unit-Kerala LSA in respect of the Electro Magnetic Field radiation related issues.

15.2. Strict legal action shall be taken by the respective law enforcement authorities for any wilful or negligent damage to the Underground/Overground Telecom Infrastructure and causing interruption to the network connectivity.

### **16. Powers of Authority to Supervise the works**

16.1. The appropriate authority shall have the following powers to supervise the works related with the establishment of telecom infrastructure:-

- a) The appropriate authority shall have the right to inspect the site at all times without any prior notice to supervise the execution of work to ascertain as to whether the conditions imposed in the permission for right of way are being complied with by the applicant.
- b) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions as it deem fit.
- c) If the appropriate authority comes to the conclusion that the applicant has willfully violated any of the conditions of grant of permission, it may forfeit in full or in part, the bank guarantee or restoration charges submitted by the applicant and withdraw the permission granted to the applicant, for reasons to be recorded in writing.
- d) No action shall be taken unless the applicant has been given an opportunity for curing the defects.

### **17. Removal of Telecom Infrastructure**

17.1. To seek removal of the telecom infrastructure, the following instructions shall be followed:-

- a) Where the appropriate authority, having regard to circumstances which have arisen since the establishment of any underground or over ground telecom infrastructure under, over, along, across, in or upon, any immovable property vested in or under the control or management of that appropriate authority, considers that it is necessary and expedient to remove or alter such telecom infrastructure, it shall issue a notice to the applicant, being the owner of such telecom infrastructure, to remove or alter its location.
- b) On receipt of the notice, the applicant shall, forthwith and within a period of 30 days, proceed to submit, to the appropriate authority, a detailed plan for removal or alteration of such telecom infrastructure.
- c) The appropriate authority shall, after examination of the detailed plan submitted by the applicant pass such orders as it deems fit.

- d) The appropriate authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telecom infrastructure, give a reasonable time of not less than ninety (90) days to the applicant for removal or alteration of such telecom infrastructure.
- e) The applicant shall be responsible and liable for removing or altering such telecom infrastructure, including the cost thereof.

### **18. Sharing of Ducts / Telecom Infrastructure**

18.1. In order to avoid repeated digging on the same routes, in cases where cable ducts with sufficient space are already available along National Highways (NHs) or other roads laying of cables shall be encouraged in such ducts subject to technical requirements being fulfilled. In cases where such ducts are not available, the first incumbent may be allowed to lay voluntarily extra ducts/conduits with extra capacity so as to take care of future needs. However, the creation of excess capacity by the first incumbent shall not be a pre-condition for giving RoW clearances.

18.2. The Central/ State road authorities may consider laying ducts/ conduits at the time of construction of roads to facilitate laying Telecom Cables.

18.3. No applicant shall be allowed to undertake separate digging along roadside in the same alignment in which the permanent ducts have been provided by the authority.

18.4. Utility fees /rent to use such ducts built up by the State Government agencies shall be decided by the Authority/Department concerned from time to time.

18.5. The Telecom Service Providers / Internet Service Providers can make use of Kerala Fiber Optic Network (KFON) based on the technical feasibility.

18.6. The Poles laid by the Telecom Service Providers / Internet Service Providers over public roads shall be shared to the other applicants also, to avoid proliferation of poles across the public roads, under intimation to the Appropriate Authority.

18.7 The Telecom infrastructure created for In Building Solutions (IBS) by the IP-I (Infrastructure Provider Category I)/ Telecom Service Providers/ Internet Service Providers, may be shared with other Telecom Service Providers and Internet Service Providers.

### **19. Government Land & Buildings**

19.1. The following instructions shall be followed regarding the establishment of telecom infrastructure in Government land/buildings:-

- a) The list of the Govt. Land / buildings of the authority in each district shall be published by the District Collector along with their geo co-ordinates.
- b) Interested applicants can submit their application to the Head of the Department/ Institution after assessing the suitability of the building / land based on their requirement using RF Engineering/planning tools, structural strength of building etc.
- c) The applicant shall enter into an agreement with the Head of Office (HoD) owning the land / building and pay the monthly/ annual lease charges as specified in the Annexure I.

19.2. In Building Solutions (IBS) components are small equipments that can be installed on any type of land/building/utility pole and there is no requirement of obtaining permission for installation of these components from the Local Self Government Institutions (LSGIs). In order to promote installation of In Building Solutions (IBS), where there is poor connectivity inside the office, shopping mall, hospitals, multi-storey building, educational institutions etc. the deployment of IBS by a neutral host infrastructure provider or Build and managed by mobile operator and sharing with other service providers on non-discriminatory basis may be promoted.

19.3. The application for establishment of In Building Solutions (IBS) in Government buildings shall be submitted to the Head of the Office of the authority. The authority shall examine the application and issue necessary permission for the installations.

19.4. For deploying indoor solutions in private buildings, the Infrastructure Provider companies shall obtain permission from the building owners. Moreover, if these IP-I companies are required to install optical fibre for connecting IBS/DAS (Distributed Antenna System) nodes for which Right of Way permissions are required shall submit application to the Appropriate Authority.

19.5. There shall be no fee to be charged for deploying IBS in Government and private buildings. However, charges can be levied for provision of power, fixtures, etc. from the applicant on mutual agreed terms with the appropriate authority.

## **20. District RoW Committee**

20.1. To fast track the Right of Way permissions at the district level there shall be a District Right of Way (RoW) Committee in every district with the District Collector as Chairman and Superintending Engineer /Executive Engineer of Public Works Department (PWD) as Member.

20.2. This Committee shall review the pending Right of Way permissions and expedite the clearance of applications.

20.3. The Committee shall be convened every month.

20.4. The District Collectors shall include representatives from the following Departments/ Organisations in the District Level Committees:-

- i. DoT-Kerala LSA
- ii. Irrigation Department
- iii. Forest Department
- iv. Rural Development Department
- v. Representatives from the Local Body (Municipal Corporation/ Municipality/ Panchayat concerned).
- vi. Utility Service Providers like Telecom, Electricity, Water, Gas etc.
- vii. Telecom Service Providers.

## **21. Dispute Resolution Officer**

21.1. Vide Gazette of India, G.S.R.624(E) dated 19.06.2017, the Government of India designated the Secretary, Electronics & Information Technology Department, Government of Kerala for Right of Way dispute resolutions in the State of Kerala between the applicant and the authority.

**22. District Telecom Committee**

22.1. The public grievances in connection with the mobile towers shall be addressed by the District Telecom Committee (DTC) constituted as per the G.O.(MS)No.31/2014/ITD dated 05-11-2014.

**23. The State Telecom Committee**

23.1. The State Telecom Committee (STC), constituted as per the G.O. (MS)No.31/2014/ITD dated 05-11-2014, shall act as an advisory body relating to the common issues pertaining to mobile tower installation.

## Annexure I

### Fee, Charges for restoration and Compensation

The administrative expenses, restoration and the compensation charges referred below shall be deposited to the **appropriate** authority having legitimate right over the land, infrastructure or street furniture in the form of any valid financial instrument. No other fees shall be charged by the appropriate authority for the establishment and maintenance of underground or overground telecom infrastructure.

<b>Part-I - Fee</b>		
<b>Sl.no</b>	<b>Description</b>	<b>Amount</b>
1(a)	For establishment of underground telecom infrastructure	a. Rs.1000/- per kilometer as administrative expenses b. Rs.5000/- per kilometer towards Chief Minister's Distress Relief Fund (CMDRF)
1(b)	For establishment of over ground telecom infrastructure	a. Rs.10,000/- for establishment of mobile towers as per Kerala Municipality Building Rules/Kerala Panchayat Building Rules. b. Rs.1,000/- per kilometer for establishment of over ground telecom infrastructure, if applicable. c. Rs.1,000/- per pole for the establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of the authority. d. Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority.
1 (c)	For installation of small cells and aerial OFC using the street furniture	Nil

<b>Part- II – Restoration Charges</b>		
2 (a)	Establishment of underground telecom infrastructure where undertaking is not given by the applicant to discharge the responsibility to restore the damages	Restoration charges as per the prevailing rates specified by State Public Works Department (PWD).
2 (b)	Bank guarantee as security for performance in case of establishment of underground telecom infrastructure where undertaking is given by the applicant to discharge the responsibility to restore the damages	20% of the estimated restoration charges.
2 (c)	Establishment of overground telecom infrastructure	Restoration charges as per the prevailing rates specified by State Public Works Department (PWD).
<b>Part- III – Compensation</b>		
3 (a)	Establishment of underground telegraph infrastructure	Nil
3 (b)	Establishment of poles for installation of small cells and aerial OFC	As per the rates specified by State Public Works Department from time to time.
3 (c)	Usage of street furniture for installation of telecom infrastructure	As fixed by the Power Department/ KSEB from time to time.
3 (d)	Government Land / Buildings for the establishment of mobile towers	Lease/rent charges as fixed by the Authority/Department concerned from time to time.

**Note:**

- (1) The above charges are exclusive of GST, labour cess and other applicable taxes.
- (2) The restoration charges are to be calculated based on the prevailing rates of PWD which are applicable to LSG institutions also.



- (3) The restoration width should be calculated as 1.50 times the trench width as per State PWD norms.
- (4) The compensation charges shall be collected on annual basis by the appropriate authority.

## FORM 1

### Application for permission/renewal of permission for laying / establishment of underground Telecom Infrastructure/OFC.

To,

(Name of The Authority),

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<b>A</b>	<b>Details of the Applicant</b>	
1.	License/ Registration Certificate Details	
2.	Name of Applicant / Registrant	
3.	Registered Address	
4.	Circle Office Address	
5.	Name & designation of authorized person	
6.	Phone/Mobile no. of the authorized person	
7.	E-mail	
<b>B</b>	<b>Details of the proposed work to be laid</b>	
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 & District	
<b>C</b>	<b>Details of fee and charges deposited</b>	
<b>D</b>	<b>List of documents attached</b>	Whether attached (yes/No)
i.	A copy of relevant license/ registration certificate granted by the Central Government	
ii.	The location map showing the details of underground or over ground OFC/telegraph infrastructure including route planned, exact latitude and longitude, nature of land	
iii.	The detailed technical design and drawings of the post or other above ground contrivances (in case of over ground cabling)	
<b>E</b>	<b>Other information for proposed work</b>	
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 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 Applicant, connected with or relative to	

	the work proposed to be undertaken	
vii.	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 guidelines. 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 processing fee, shall be summarily rejected.
3. 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 and Name of the authorized signatory with seal

Date:

Place:

## FORM 2

### **Application for permission/renewal/regularization of permission for installation of over ground Telecom Infrastructure (Pole)**

To,

(Name of The Authority),

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<b>A</b>	<b>Details of the Applicant</b>	
1.	License/ Registration Certificate Details	
2.	Name of Applicant / Registrant	
3.	Registered Address	
4.	Circle Office Address	
5.	Name & designation of authorized person	
6.	Phone/Mobile no. of the authorized person	
7.	E-mail	
<b>B</b>	<b>The nature of pole/tower or other aboveground contrivances proposed to be established</b>	
<b>C</b>	<b>The extent of land required (size and area in meters)</b>	
<b>D</b>	<b>Details and location of the land and proposed site</b>	
1.	Complete site address	
2.	Latitude and Longitude of the proposed site	
<b>E</b>	<b>Details of building or structure of the proposed site</b>	

1.	Name of building/structure	
2.	Height and stories of building	
3.	Area of the building/structure	
4.	Complete address of the building/structure	
5.	Latitude and Longitude of the proposed site	
<b>F</b>	<b>Name and address of the owner of the land or building</b>	
<b>G</b>	<b>Other related information</b>	
1.	The mode of and the time duration for execution of the work	
2.	The inconvenience that is likely to be caused to the public and the specific measures to be taken to mitigate such inconvenience	
3.	The measures proposed to be taken to ensure public safety during the execution of the work	
4.	The names and contact details of the employees of the Applicant for the purpose of communication in regard to the application made	
5.	Any other matter relevant, in the opinion of the Applicant, connected with or relative to the work proposed to be undertaken	
6.	Any other matter specified by the DoT or State Govt. or local body	
<b>H</b>	<b>Details of fee and charges deposited</b>	
<b>I</b>	<b>List of documents attached</b>	Whether attached (yes/No)
i.	Copy of the license/ registration certificate granted by the Central Government	

ii.	Copy of clearance from State Environment & Forest Department, if applicable	
iii.	Copy of relevant license/infrastructure provider registration certificate issued from DoT	
iv.	Any other document	

**Declaration:**

1. I hereby declare that I have carefully read the guidelines. 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 processing fee, shall be summarily rejected.
3. 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 and Name of the authorized signatory with seal

Date:

Place: