Telecommunications (Right of Way) Rules, 2024[1]

Whereas a draft of the Telecommunications (Right of Way) Rules, 2024, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 11, read with sub-sections (5) and (6) of section 12, read with sub-section (2) of section 15, read with sub-sections (1) and (2) of section 17, read with clauses (n), (o), (p), (q), (r), and (s) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), was published as required by sub-section (1) of the section 56 of the said Act vide notification of the Government of India in the Ministry of Communication, Department of Telecommunication number G.S.R. 373(E), dated the 9th July, 2024, in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i), dated the 10th July, 2024, inviting objections and suggestions from the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas copies of the said Official Gazette were made available to the public on the 10th July, 2024;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 11, read with sub-sections (5) and (6) of section 12, read with sub-section (2) of section 15, read with sub-sections (1) and (2) of section 17, read with clauses (n), (o), (p), (q), (r), and (s) of sub-section (2) of section 56 of the Telecommunications Act, 2023 (44 of 2023), and in supersession of the Indian Telegraph Right of Way Rules, 2016 and the Indian Telegraph (Infrastructure Safety) Rules, 2022, except as respects things done or omitted to be done before such supersession and without overriding the terms and conditions of existing permissions relating to right of way granted under those rules, which shall continue to apply till the date of expiry of such permissions, the Central Government hereby makes the following rules, namely:-

CHAPTER I

PRELIMINARY

1. **Short title and commencement.-** (1) These rules may be called the Telecommunications (Right of Way) Rules, 2024.

(2) They shall come into force on the 1st day of January, 2025.

[1] *Vide* G.S.R. 576(E), dated 17.09.2024, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 18.09.2024.

2. Definitions. – In these rules, unless the context otherwise requires, -

(a) "Act" means the Telecommunications Act, 2023 (44 of 2023);

(b)"common ducts" or "conduits" or "cable corridors" shall, either individually or collectively, mean any linear infrastructure of any size for housing utility lines including telecommunication lines;

(c)"designated officer" means an officer designated by the Central Government for the purposes of these rules;

(d) "duct" means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telecommunication line;

(e)"*force majeure* event" means and is limited to-
(i) war or hostilities;
(ii) major riots or civil commotion;
(iii)earthquake, flood, tempest, lightening or other natural physical disasters; and
(iv)restrictions imposed by the Central Government or State Governments;

(f) "mobile tower" means any above-ground contrivance, including that which may be dismantled and reassembled at another location, used for carrying, suspending or supporting a telecommunication network, but does not include a pole;

(g) "nodal officer" means the nodal officer of the concerned public entity as specified in rule 4 for carrying out the purposes of these rules on behalf of such public entity;

(h)"overground telecommunication network" means parts of a telecommunication network or telecommunication equipment established over the ground and includes telecommunication infrastructure that is portable, posts, pole, mobile tower, telecommunication line or other above-ground contrivances, appliances and apparatuses for the purpose of establishment or maintenance of the telecommunication network;

(i) "pole" means any above-ground contrivance including mast of height not exceeding thirteen metres for carrying, suspending or supporting a telecommunication network, but does not include a mobile tower;

(j) "portal" means the portal to be notified by the Central Government containing the links to one or more digital portals of various public entities;

(k)"Schedule" means the schedule annexed to these rules;

(l) "small cell" means a cellular radio access node that has a coverage of distance up to two kilometres;

(m) "street furniture" means any 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, metro lines and pillars, sign boards, hoardings, kiosks or any other structure or contrivance of such nature established over the property of public entity;

(n)"telecommunication line" means a wire or wires or optical fibre used for telecommunication with any casing, coating, tube or pipe enclosing the same, and any appliances and apparatuses connected therewith for the purpose of fixing or insulating the same;

(o)"underground telecommunication network" means parts of a telecommunication network or telecommunication equipment established under the ground and includes ducts, manholes, marker stones, hand holes, submarine cables, telecommunication line, appliances and apparatuses for the purposes of establishment or maintenance of the telecommunication network.

(2) Words and expressions used in these rules and not defined but defined in the Act, shall have the meaning respectively assigned to them in the Act.

3. Application. – (1) These rules shall apply to permissions for right of way for telecommunication network.

(2) Any public entity shall exercise the powers under these rules upon an application made by any facility provider seeking right of way for telecommunication network.

(3) All applications, notifications, clarifications, permissions, objections or rejections under these rules, shall be made through the portal to the extent specified under these rules.

4. Public entity to appoint nodal officer. - Every public entity shall, within a period of thirty days from the date of notification of these rules, specify its nodal officer on the portal, for the purposes of these rules and any replacement of such officer shall also be specified on the portal by the concerned public entity within a period of seven days of such replacement.

5. Validity and renewal of permission for right of way. – The permission for right of way granted to a facility provider in respect of the underlying telecommunication network under these rules shall, unless such permission is terminated in accordance with these rules,—

(a) remain valid for a period coterminous with the term of authorisation or license, or exemption from such authorisation or license, granted or, as the case may be, exempted, by the Central Government; and

(b) continue to be valid for the term of any renewed authorisation or license, or the term of any renewed exemption from authorisation or license, renewed or, as the case may be, exempted, by that Government,

in accordance with the provisions of the Telecommunications Act, 2023 (44 of 2023), or the Indian Telegraph Act, 1885 (13 of 1885), or the rules made thereunder.

CHAPTER II

ESTABLISHMENT, OPERATION AND MAINTENANCE OF UNDERGROUND TELECOMMUNICATION NETWORK IN PUBLIC PROPERTY

6. Application by a facility provider. — (1) A facility provider seeking right of way in any public property for the purposes of establishment, operation or maintenance of underground telecommunication network, shall submit an application in such form and manner, as provided on the portal, by the concerned public entity which has ownership, control or management over such public property, along with supporting documents as specified under sub-rule (3), in such form and manner as may be specified by that public entity.

(2) Where a facility provider requires a survey to be undertaken to enable it to make the application under sub-rule (1)-

(a) the facility provider shall submit an application in such form and manner as provided on the portal by the concerned public entity, for seeking permission to conduct such survey; and

(b) the public entity shall, within seven days of receipt of such application, grant permission for such survey and shall not charge any fee, as specified in Part-1 of the Schedule, to the facility provider for grant of such permission.

(3) The information along with supporting documents to be provided by the facility provider, through the portal, in the application made under sub-rule (1) shall include-

(a) a copy of the authorisation under the Telecommunications Act, 2023 (44 of 2023), or license under the Indian Telegraph Act, 1885 (13 of 1885), granted by the Central Government, or exemption from such authorisation or license, as the case may be;

(b) details of the underground telecommunication network proposed to be laid;

(c) if the right of way pertains to existing telecommunication network, a copy of as-built drawings of such telecommunication network;

(d) details of the mode of and the estimated duration for execution of the work;

(e) details of the estimated time of the day when the work is expected to be done, in case the facility provider expects the work to be done during specific time of the day;

(f) details of the estimated expenses the public entity may incur in consequence of the work proposed to be undertaken by the facility provider;

(g) details of the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;

(h) details of the specific measures proposed to be taken to ensure public safety during the execution of the work;

(i) details of the need of facility provider for access to the telecommunication network sought to be established, for operating and maintaining such network;

(j) names and contact details of the employees of the facility provider for the purposes of communication in regard to the application made; and

(k) details of any other matter relevant, in the opinion of the facility provider, connected with or related to the work proposed to be undertaken.

(4) Every application under sub-rule (1), shall be accompanied with fee as specified in Part-1 of the Schedule:

Provided that no fee, charge, rent, annuity, or any other financial levy or contribution or compensation in any form, shall be applicable for right of way related to any underground telecommunication network pertaining to any project notified by the Central Government.

7. Grant of permission by public entity . — (1) Upon examination of an application received under sub-rule (1) of rule 6, the public entity may-

(a) seek clarifications or further documents, as may be required, through the portal, within a period of thirty days from the date of receipt of such application:

Provided that the public entity shall seek all such clarifications and additional documents, if any, in one consolidated requisition; and

(b) grant permission within a period of sixty-seven days from the date of receiving the application or proceed in the manner specified in sub-rule (3) and sub-rule (4).

(2) The permission granted by the public entity shall-

(a) ensure that the area or cross-section of the underground telecommunication

network for which right of way is granted shall be the length of duct multiplied by the diameter of the duct multiplied by the number of ducts;

(b) specify whether the permission is subject to the undertaking and bank guarantee for restoration of property under clause (a) of sub-rule (8) read with sub-rule (9), or compensation for any damage as specified in clause (b) of sub-rule (8); and

(c) specify other conditions including the time, and measures to mitigate public inconvenience or enhance public safety, the mode of execution of the right of way and the conditions relating to the needs of operation and maintenance of the telecommunication network so established:

Provided that the public entity shall give due consideration to the mode of execution as specified by the facility provider under clause (d) of sub-rule (3) of rule 6.

(3) Where the public entity has reasons to reject the application for right of way, it shall upload, within a period of forty-five days from the date of receipt of the application, such reasons on the portal and the facility provider shall respond to such reasons on the portal, within a period of fifteen days therefrom.

(4) The public entity shall, after due consideration of the response of the facility provider under sub-rule (3), decide to either accept or reject the application for right of way and shall upload its decision on the portal within a period of seven days:

Provided that any decision rejecting the permission for right of way shall record the reasons for rejection, in writing.

(5) Upon rejection of permission by the public entity, the public entity shall refund to the facility provider ninety per cent of the fee paid under sub-rule (4) of rule 6, within a period of fifteen days from the date of such rejection.

(6) If the public entity fails to either grant or reject permission within the timelines specified under this rule, the permission shall be deemed to have been granted, and such system generated deemed permission shall be automatically uploaded on the portal.

(7) In cases of deemed permission issued under sub-rule (6), the public entity shall, within a period of seven days, generate through the portal, the terms and conditions of such deemed permission, which shall be based on the principles under sub-rule (2).

(8) In order to address any damage to the property as a result of the works relating to the right of way, the facility provider shall, at the option of the public entity,-

(a) restore such property to the state as it existed prior to the execution of such activities; or

(b) pay compensation for such damage as may be mutually agreed, not exceeding the amount as specified in Part-2 of the Schedule.

(9) A public entity may seek restoration of the property by the facility provider under clause (a) of sub-rule (8) in cases where the grant of permission has been made subject to,-

(a) the provision of an undertaking as specified in the form available on the portal; and

(b) a bank guarantee for an amount, not exceeding the amount specified in Part-2 of the Schedule, as security for performance by the facility provider, within such time as may be specified in the permission.

(10) The facility provider shall, upon completion of restoration of the property, submit a certificate of such completion on the portal, after consideration of which the public entity shall return to the facility provider the bank guarantee provided under clause (b) of sub-rule (9), within a period of thirty days from such submission.

(11) The public entity shall not levy any fee, charge, rent, annuity, or compensation or entry fee, for access, or seek any other financial contribution in any form, for the establishment, operation or maintenance of underground telecommunication network, other than those permitted under these rules.

(12) The timelines specified for the execution of works pursuant to any permission granted under this rule, shall stand extended by the duration of any *force majeure* event as may be notified by the public entity in this behalf.

CHAPTER III

ESTABLISHMENT, OPERATION AND MAINTENANCE OF OVERGROUND TELECOMMUNICATION NETWORK IN PUBLIC PROPERTY

8. Application by a facility provider. — (1) A facility provider seeking right of way in any public property for the purposes of establishment, operation or maintenance of overground telecommunication network, shall submit an application, in such form and manner as provided on the portal by the concerned public entity which has ownership, control or management over such public property along with supporting documents as specified under sub-rule (3).

(2) Where a facility provider requires a survey to be undertaken to enable it to make the application under sub-rule (1)-

(a) the facility provider shall submit an application in such form and manner as provided on the portal by the concerned public entity, for seeking permission to conduct such survey; and

(b) the public entity shall, within seven days from the date of receipt of such application, grant permission for such survey and shall not charge any fee, as specified in Part-1 of the Schedule, to the facility provider for grant of such permission.

(3) The information along with supporting documents to be provided by the facility provider, through the portal, in the application made under sub-rule (1) shall include-

(a) a copy of the authorisation under the Telecommunications Act, 2023 (44 of 2023), or license granted under the Indian Telegraph Act, 1885 (13 of 1885), granted by the Central Government, or exemption from such authorisation or license, as the case may be;

(b) details of the nature and location, including exact latitude and longitude, of post, mobile tower, portable telecommunication infrastructure or other above-ground contrivances proposed to be established;

(c) details of the extent of land or floor space required for establishment of the overground telecommunication network;

(d) details of the route plan for the overground telecommunication line, if any;

(e) details of the building or structure or location, where the establishment of the overground telecommunication network is proposed;

(f) copy of the approval issued by the Central Government for location of the above-ground contrivances proposed to be used for the transmission of radio waves or hertzian waves;

(g) details of the mode of and the estimated time duration for execution of the work;

(h) details of the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;

(i) details of specific measures proposed to be taken to ensure public safety during the execution of the work;

(j) details of the need of facility provider for access to the telecommunication network sought to be established, for operating and maintaining such network;

(k) details of technical design and drawings of the post or other above-ground contrivances;

(l) where applicable, a copy of the certification of the technical design by a structural engineer authorised by a public entity, attesting to the structural safety of the overground telecommunication network;

(m) where applicable, copy of the certification by a structural engineer

authorised by a public entity, attesting to the structural safety of the building, if the post or other above-ground contrivances are proposed to be established on a building;

(n) names and contact details of the employees of the facility provider for the purposes of communication in regard to the application made; and

(o) details of any other matter relevant, in the opinion of the facility provider, connected with the work proposed to be undertaken:

Provided that the documents specified in clauses (b), (c), (e), (f), (k), (l) and (m) shall not be required in the event the right of way pertains only for establishment of overground telecommunication line.

(4) Every application under sub-rule (1) shall be accompanied with fee as specified in Part-1 of the Schedule:

Provided that no fee, charge, rent, annuity, or any other financial levy or contribution or compensation in any form, shall be applicable for right of way related to any overground telecommunication network pertaining to a project notified by the Central Government.

9. Grant of permission by public entity. – (1) Upon examination of an application received under sub-rule (1) of rule 8, the public entity may-

(a) seek clarifications or further documents as may be required, through the portal, within a period of thirty days from the date of receipt of such application:

Provided that the public entity shall seek all such clarifications and additional documents, if any, in one consolidated requisition; and

(b) grant permission within a period of sixty-seven days from the date of receiving the application or proceed in the manner specified in sub-rule (3) and sub-rule (4).

(2) The permission granted by the public entity shall-

(a) ensure that the area of the overground telecommunication network for which right of way is granted, shall be inclusive of the area occupied by the telecommunication network and the supporting infrastructure.

*Explanation***.-** For the removal of doubts, it is clarified that—

Where permission for a mobile tower has been granted, the area of the overground telecommunication network shall include the mobile tower as well as supporting infrastructure on the ground, including the base transceiver station and engine alternator;

(b) specify the amount of compensation to be paid by the facility provider, as may be determined by the public entity in accordance with Part-3 of the Schedule; and

(c) specify other conditions including the time, and measures to mitigate public inconvenience or enhance public safety, including structural safety of such overground telecommunication network, as well as the mode of execution of the right of way and conditions relating to the needs of operation and maintenance of the telecommunication network so established:

Provided that, the public entity shall give due consideration to the mode of execution as may be specified by the facility provider under clause (g) of sub-rule (3) of rule 8.

(3) Where the public entity has reasons to reject the application for right of way, it shall upload, within a period of forty-five days from the date of receipt of the application, such reasons on the portal and the facility provider shall respond to such reasons on the portal within fifteen days therefrom.

(4) The public entity shall, after due consideration of the response of the facility provider under sub-rule (3), decide to either accept or reject the application for right of way and shall upload its decision on the portal within a period of seven days;

Provided that any decision rejecting the permission for right of way shall record the reasons for rejection, in writing.

(5) Upon rejection of permission by the public entity, the public entity shall refund to the facility provider ninety per cent of the fee paid under sub-rule (4) of rule 8, within a period of fifteen days from the date of such rejection.

(6) If the public entity fails to either grant or reject permission within the timelines specified under this rule, the permission shall be deemed to have been granted, and such system generated deemed permission shall be automatically uploaded on the portal.

(7) In cases of deemed permission issued under sub-rule (6), the public entity shall, within a period of seven days, generate through the portal, the terms and conditions of such deemed permission, which shall be based on the principles under sub-rule (2).

(8) The facility provider shall pay compensation for any damage to the public property resulting from the laying of the overground infrastructure, on terms as may be mutually agreed, not exceeding such amount as specified in Part-2 of the Schedule.

(9) The public entity shall not levy any fee, charge, rent, annuity, or compensation or entry fee, for access, or seek any bank guarantee or any other financial contribution in any form, for the establishment, operation and maintenance of overground

telecommunication network, other than those permitted under these rules.

(10) The timelines specified for the execution of works pursuant to any permission granted under this rule, shall stand extended by the duration of any *force majeure* event as may be notified by the public entity in this behalf.

10. Establishment of temporary overground telecommunication network. – (1) Where any damage is caused to any existing overground or underground telecommunication network, operated and maintained by a facility provider due to any reason, such facility provider may temporarily establish overground telecommunication network on the public property with a view to prompt restoration of the telecommunication service, by providing in writing, the details of the damage, through the portal, to the relevant public entity which has ownership, control or management over such public property:

Provided that for the purpose of establishing such temporary overground telecommunication network in a public property, no permission from the public entity is required.

(2) The facility provider shall ensure restoration of the affected overground or underground telecommunication network within a period of sixty days, but no later than ninety days from the date of reporting of the damage to the public entity.

(3) Where the Central Government or a State Government, in public interest or in case of special public events, determines the need for the establishment of temporary overground telecommunication network, it shall issue directions-

(a) to an authorised entity for establishment of such temporary overground telecommunication network, along with details as regards to-

(i) type of such telecommunication network required;

(ii) its location as provided by the public entity; and

(iii) the duration for which such temporary overground telecommunication network is required to be maintained; and

(b) to the relevant public entity to-

(i) identify the public property on which such temporary overground telecommunication network may be established; and

(ii) provide necessary right of way permissions to the facility provider within the time limits as may be specified in such directions.

(4) The authorised entity and the public entity shall comply with the respective directions specified under sub-rule (3) to enable establishment of such temporary overground telecommunication network, and the facility provider shall maintain the same for the

duration specified under such directions.

(5) In case the facility provider seeks to use the temporary overground telecommunication network so established pursuant to the directions under sub-rule (3) beyond the period specified in such directions, it shall seek permission of the public entity for such usage and provisions of rules 8 and 9 shall apply *mutatis mutandis*.

(6) No fee charge, rent, annuity, or any bank guarantee or other financial levy or contribution or compensation in any form, shall be charged by the public entity for the establishment of temporary overground telecommunication network as specified in Part-3 of the Schedule.

11. Usage of street furniture for installation of small cells and telecommunication line. – (1) For the purpose of installation of small cells and telecommunication line on any public property, the facility provider shall submit through the portal an application seeking permission, to the relevant public entity which has ownership, control or management over such public property, along with,-

(a) a copy of the authorisation under the Telecommunications Act, 2023 (44 of 2023), or license granted under the Indian Telegraph Act, 1885 (13 of 1885), granted by the Central Government, or exemption from such authorisation or license, as the case may be;

(b) details of the street furniture; and

(c) a copy of certification by a structural engineer authorised by a public entity, attesting to the structural safety of the street furniture upon which the installation of small cells and telecommunication line is proposed.

(2) The facility provider may submit through the portal, a single application for installation of small cells and telecommunication line for single or multiple sites, at its option, with the information specified under sub-rule (1) and the public entity shall, upon receiving such application, issue a single or multiple permissions, as the case may be.

(3) No fee, charge, rent, annuity, or any other financial levy, bank guarantee or other financial contribution or compensation in any form, shall be levied on an application under sub-rule (1) or sub-rule (2) as specified in Part-1 of the Schedule.

(4) Upon examination of an application received under sub-rule (1) or sub-rule (2), the public entity may-

(a) seek clarifications or further documents as may be required, through the portal, within a period thirty days from the date of receipt of such application:

Provided that the public entity shall seek all such clarifications and additional

documents, if any, in one consolidated requisition; and

(b) grant permission within a period of sixty-seven days from the date of receiving the application or proceed in the manner specified in sub-rule (5) and sub-rule (6).

(5) Where the public entity has reasons to reject the application made under sub-rule (1) or sub-rule (2), it shall upload, within a period of forty-five days from the date of receipt of the application, such reasons on the portal and the facility provider may respond to such reasons on the portal within a period of fifteen days therefrom.

(6) The public entity may, after due consideration of the response of the facility provider under sub-rule (5), decide to either accept or reject the application, and upload the same on the portal:

Provided that any decision rejecting the permission shall record the reasons for rejection in writing.

(7) If the public entity fails to either grant permission under sub-rule (4) or reject the application under sub-rule (6), the permission shall be deemed to have been granted, and such system generated deemed permission shall automatically be uploaded on the portal.

(8) The public entity shall be entitled to receive compensation from the facility provider, the amount specified in Part-3 of the Schedule for use of street furniture for installation of small cells and telecommunication line.

(9) The public entity shall also permit the deployment of small cells on buildings and structures or other public property under its ownership, control or management, and shall charge no administrative fee or compensation for such deployment, as specified in Part-3 of the Schedule:

Provided that charges shall be levied by the public entity in respect of power consumption and fixtures in respect of such small cells, as per actuals.

(10) The facility provider shall, at the option of the public entity, either restore any damage done to the property during deployment of small cells or pay compensation for any such damage, on the terms as may be mutually agreed.

(11) The timelines specified for the execution of works pursuant to any permission granted under this rule, shall stand extended by the duration of any *force majeure* event as may be notified by the public entity in this behalf.

CHAPTER IV

PROVISIONS APPLICABLE FOR BOTH OVERGROUND AND UNDERGROUND TELECOMMUNICATION NETWORK IN PUBLIC PROPERTY

12. Right of way for telecommunication network for special projects. – (1) The Central Government may, in public interest, notify certain projects for the establishment of telecommunication network as special projects, the grant of right of way in respect of which, shall be governed by this rule.

(2) Notwithstanding anything stated in sub-rule (1) of rule 7 or sub-rule (1) of rule 9 or sub-rule (4) of rule 11, in respect of a special project notified under sub-rule (1),-

(a) Permission pursuant to an application for right of way for the establishment of underground telecommunication network under sub-rule (1) of rule 6, or overground telecommunication network sub-rule (1) of rule 8, or installation of small cells and telecommunication line under sub-rule (1) or sub-rule (2) of rule 11, shall be deemed to have been granted upon the submission of the application in the portal and such system generated deemed permission shall automatically be uploaded on the portal;

(b) in respect of applications under sub-rule (1) of rule 6 or under sub-rule (1) of rule 8, the public entity shall, within a period of seven days from the date of such application, generate through the portal the terms and conditions of such deemed permission, which shall be based on the same principles, had the permission been granted under sub-rule (2) of rule 7 or sub-rule (2) of rule 9, as the case may be.

(3) The public entity shall not levy any entry fee for access, or any charge, fee, rent, annuity, compensation, bank guarantee or any other financial contribution in any form, for the establishment, operation or maintenance of telecommunication network for special projects, or for restoration of the site where such projects are located, under this rule.

(4) Save as otherwise provided under this rule, all other provisions of these rules shall be applicable to special projects notified pursuant to sub-rule (1).

13. Obligations of facility provider in undertaking work. – Where a facility provider has been granted right of way under these rules, such facility provider shall ensure the-

(a) payment of all amounts as specified under these rules, and adherence to the terms and conditions of the grant of permission from the public entity;

(b) implementation of measures to mitigate public inconvenience and ensure public safety, including measures to ensure the structural safety of overground telecommunication network; and

(c) maintenance of up-to-date digital information relating to all underground telecommunication network established by such facility provider,

including as-built information updated at a frequency as specified by the Central Government, through positional intelligence and other appropriate technology, which shall be shared and updated on demand, through the portal, with the designated officer, as may be notified by the Central Government in this behalf.

14. Powers of public entity with respect to ongoing work. – (1) The public entity may, for the purpose of monitoring or inspecting the execution of work by the facility provider to ascertain compliances with the conditions of the grant of permission, authorise an officer of the public entity.

(2) The concerned public entity may, on the basis of such monitoring and inspection, and after providing reasonable notice to the facility provider of the same, through the portal, impose such other reasonable, relevant and evidence-based conditions as it may think fit, to be recorded in writing.

(3) If the facility provider does not make payments required to be made pursuant to the terms and conditions for grant of permission, and within a period of fifteen days from the date of issuance of the notice for such termination, the public entity shall have the right to terminate the permission so granted.

(4) If the public entity comes to the conclusion that the facility provider has violated any of the conditions for grant of permission, other than as specified under sub-rule (3), it shall upload on the portal a notice to the facility provider, specifying the conditions alleged to have been violated and call upon the facility provider to show cause within a period of fifteen days, as to why action should not be taken under sub-rule (5).

(5) Upon due consideration of the response of the facility provider, if any, under sub-rule (4), the public entity concludes that there has been a violation of the condition for grant of permission of right of way, it may encash, in full or in part, the bank guarantee, if any, submitted by the facility provider pursuant to sub-rule (9) of rule 7, or withdraw the permission granted to the facility provider, or both, for reasons to be recorded in writing and uploaded on the portal.

CHAPTER V

ESTABLISHMENT, OPERATION AND MAINTENANCE OF TELECOMMUNICATION NETWORK IN PROPERTY OTHER THAN PUBLIC PROPERTY

15. Establishment of telecommunication network in property other than public property. – (1) Any facility provider desiring to enter any immovable property other

than public property, for the purposes specified under sub-section (2) of section 12 of the Act, shall do so with the prior consent and enter into an agreement with the person who has ownership, control, or management over such property:

Provided that such person and the facility provider may mutually decide whether to get the agreement registered under the provisions of the Registration Act, 1908 (16 of 1908), pursuant to sub-section (3) of section 14 of the Act.

(2) An agreement under sub-rule (1) shall provide for matters relating to-

(a) the time and manner of entry of the facility provider into the property, and advance notice, if any, to be provided for such entry;

(b) the consideration to be payable by the facility provider;

(c) the steps to be taken in the event of any damage to the property, including restoration of the property to its state as it existed prior to the undertaking of such activities, failing which, the facility provider shall pay compensation for such damage as may be mutually agreed; and

(d) specify other conditions including measures to mitigate any inconvenience and enhance safety, including structural safety, as well as measures relating to maintenance of the telecommunication network so established.

(3) A public entity shall not levy any fees, charges, rent, annuity, compensation, or require any bank guarantee or any other financial contribution, for the establishment, operation and maintenance of telecommunication network in property other than public property.

(4) In the case of establishment, operation and maintenance of mobile tower or pole over such property, the facility provider shall, prior to commencement of such establishment, submit information in writing, in the form provided for this purpose on the portal, to the concerned public entity along with details of the building or structure where the establishment of the mobile tower or pole is proposed, and a copy of certification by a structural engineer authorised by a public entity, attesting to the structural safety of the building or structure where the mobile tower or pole is proposed to be established.

16. Manner of permitting right of way by Central Government in public interest.- (1) If a facility provider fails to reach an agreement with the person under sub-rule (1) of rule 15, it may submit an application through the portal, along with the supporting documents to the District Collector or other designated officer as may be notified by the Central Government in this behalf, within whose jurisdiction the property is situated, for a determination as to whether such right of way is necessary in public interest.

(2) Upon receipt of an application under sub-rule (1), the District Collector or other designated officer, as the case may be, shall within thirty days, either-

(a) reject the application for permission of right of way; or

(b) provide notice to the person having ownership, control or management over the relevant property, specifying the nature of right of way sought by the facility provider.

(3) Any notice under clause (b) of sub-rule (2), may be served on such person by a messenger in-person by handing over such notice and obtaining his signature on a copy thereof.

(4) In case, the service of such notice is not reasonably possible under sub-rule (3), then, such notice shall be sent to the concerned person by registered post with the acknowledgment or by speed post at his known residence and the delivery of such registered post or speed post to such person shall be the service on him of such notice and in case he refuses to receive such registered post or speed post, the remarks of such refusal by a post office official on the registered post or speed post shall be deemed to be the service on such person of such notice.

(5) In case, the service of such notice is not reasonably possible under sub-rules (3) and (4), then the contents of such notice shall be published in a leading newspaper, both in vernacular and in English, having wide circulation in the area or jurisdiction in which the concerned person resides, or carries on business, or personally works for gain, and such publication shall be deemed to be the service of such notice on such person.

(6) The person referred to in clause (b) of sub-rule (2), shall within fifteen days of the notice being served under sub-rule (3) or sub-rule (4) or sub-rule (5), as the case may be, may respond in writing in the form provided for this purpose, as regards the concerns and objections to the right of way, or conditions subject to which right of way may be considered.

(7) The District Collector or other designated officer, as the case may be, shall after taking into consideration the application under sub-rule (1) and the responses under sub-rule (6), determine by order in writing, whether right of way for establishing, operating and maintaining the telecommunication network is to be permitted in public interest:

Provided that the time period for such determination shall not ordinarily exceed a period of sixty days from the date of receipt of the application under sub-rule (1).

(8) The order referred to in sub-rule (7) granting permission for right of way shall specify

the terms and conditions subject to which such permission is granted, including but not limited to-

(a) the area over which the right of way is permitted and the nature of telecommunication network to be established;

(b) the charges payable by the facility provider and the time and manner of such payment;

(c) the obligations of the facility provider to operate, maintain, restore and repair any damage to the property resulting from the establishment of the telecommunication network, or compensation to be payable in the event of failure to undertake such restoration or repair; and

(d) other conditions including the time and measures to mitigate any inconvenience, or measures to enhance public safety, the mode of execution of right of way, and maintenance of the telecommunication network so established.

CHAPTER VI

COMMON DUCT AND CABLE CORRIDOR

17. Terms and conditions for open access of common ducts and cable corridors.— (1) Where the Central Government has notified an infrastructure project or class of infrastructure projects under section 15 of the Act, the public entity having ownership or control or management over such project shall provide for an online application process to enable facility providers to make an application for the purpose of installation of telecommunication network through such common duct or conduit or cable corridor established in such project.

(2) Any application under sub-rule (1) shall be accompanied by information including-

(a) a copy of the authorisation under the Telecommunication Act, 2023 (44 of 2023), or license under the Indian Telegraph Act, 1885 (13 of 1885), granted by the Central Government, or exemption from such authorisation or license, as applicable, in respect of which the telecommunication network is required;

(b) details of the underground or overground telecommunication network proposed to be laid;

(c) details of any other matter, in the opinion of the facility provider, connected with the work proposed to be undertaken; and

(d) details of any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government.

(3) The public entity which is responsible for the infrastructure project or class of infrastructure projects, shall make available such common ducts or conduits or cable corridors for the installation of telecommunication network, on an open access basis, that is, non-discriminatory and non-exclusive, subject to payment of charges based on prevailing market rates and the principle of cost recovery over a minimum period of twenty-five years:

Provided that such charges shall not exceed the amount as may be notified by the Central Government from time to time for such infrastructure project or class of infrastructure projects.

CHAPTER VII

MISCELLANEOUS PROVISIONS

18. Right to seek removal, etc.— (1) Where any person having ownership or control or management over a property, considers that it is necessary and expedient and for a reasonable cause, to remove, relocate or alter the overground or underground telecommunication network that has been placed by a facility provider upon that property, such person shall issue a notice to the facility provider specifying the reasons for seeking removal, relocation or alteration of such telecommunication network.

(2) On receipt of the notice under sub-rule (1), the facility provider shall, forthwith, and within a period of thirty days, proceed to submit, to such person, a detailed plan for such removal, relocation or alteration, and the expense for such works.

(3) The responsibility and liability, including the cost for removal, relocation or alteration of such telecommunication network shall be borne by the facility provider: Provided that the person issuing notice under sub-rule (1) shall defray such expenses from the compensation, if any, that such person may have received from the facility provider under clause (b) sub-section (6) of section 11, or sub-section (4) of section 12 of the Act.

(4) The facility provider shall ensure that any works relating to removal, relocation or alteration of such telecommunication network under this rule, shall be completed within a period of ninety days from the date of receipt of notice under sub-rule (1) to the facility provider.

19. Procedure for exercising legal right to deal with property. — (1) Any person desiring to exercise legal right to deal with his property in such manner as is likely to cause damage to, or interrupt, or interfere with, any overground or underground

telecommunication network duly placed in accordance with the provisions of the Act and these rules, shall upload on the portal, a notice containing the information with respect to exercise of such legal right, which shall include the following details, namely:-

(a) name, address and relevant contact details of the person desiring to exercise his legal rights;

(b) date and time of starting the work, as well as description and location, for the exercise of such legal right;

(c) the reasons why digging, or excavation or other action is required for the exercise of such legal right, the likelihood of interference with the telecommunication network, and why action under rule 18 is not required; and

(d) the presence of emergency, if any, that requires an expeditious response.

(2) The facility provider responsible for the operation and maintenance of the telecommunication network on the property, shall, on uploading of notice by the person under sub-rule (1), provide through the portal, the details of telecommunication network falling under or over or along such property, as well as precautionary measures that are required to be implemented by the person undertaking the works, in order to avoid damage to the telecommunication network, within the following timelines, namely:-

(a) where any emergency has been specified in the notice uploaded under sub-rule (1) a period not exceeding twenty-four hours; or

(b) in all other situations, a period of seven days from the date of uploading of the notice under sub-rule (1).

(3) The person exercising legal rights under this rule shall implement all precautionary measures as specified by the facility provider under sub-rule (2).

(4) Where the facility provider fails to respond to notice under sub-rule (1), within the timelines specified under sub-rule (2), the person uploading such notice, shall undertake the exercise of legal rights with reasonable precautions with regard to the telecommunication network that is likely to be impacted by the exercise of such rights.

20. Damage to telecommunication network resulting from action under rule 19. – (1) Without prejudice to the provisions of sub-rule (4) of rule 19, a person who in exercise of legal rights under the said rule causes damage to an underground or overground telecommunication network duly placed in accordance with the provisions of the Act and these rules, shall be liable to pay compensation for such damage to the facility provider.

(2) The quantum of compensation for damage under sub-rule (1) shall be computed based on expenses incurred by the facility provider in undertaking repair and restoration of the affected telecommunication network.

(3) Every dispute relating to compensation under this rule shall be addressed in accordance with sub-section (2) of section 18 of the Act.

21. Applicable taxes, cess and levies.- Subject to the provisions of sub-section (3) of section 14 of the Act, any charge payable to the public entity under these rules shall be exclusive of taxes, cess and levies as applicable under laws for the time being in force.

22. Interpretation.- For the purposes of clarity, expression "days" used in these rules shall, subject to the provisions of section 10 of the General Clauses Act, 1897 (10 of 1897) and period of limitation provided under the provisions of the Limitation Act, 1963 (36 of 1963), include all public holidays.

SCHEDULE

[*See* rules 6(2)(b), 6(4), 7(8)(b), 7(9)(b), 7(11), 8(2)(b), 8(4), 9(2)(b), 9(8), 10(6), 11(3), 11(8) and 11(9)]

Rule	Item	Amount
(1)	(2)	(3)
Part-1: Fee for examining applications		
6(2)(b)	Application fee for examining of the application to undertake a survey in respect of underground telecommunication network	Nil.
6(4)	Application fee for examining of the application for establishment of underground telecommunication network	One time charge of one thousand rupees per kilometre for all underground telecommunication network including submarine cables on land or in territorial waters.
8(2)(b)	Application fee for examining of the application to undertake a survey in respect of overground telecommunication network	Nil.
8(4)	Application fee for examining of the application for establishment of overground telecommunication network	One time charge as specified below: (a) ten thousand rupees per tower for establishment of mobile towers; (b) one thousand rupees per kilometre for establishment of overground telecommunication line; and (c) nil for establishment of poles, for installation of small cells and telecommunication line.
11(3)	Application fee for examining of the application for usage of street	Nil.

Rule	Item	Amount
(1)	(2)	(3)
	furniture for installation of small cells and telecommunication line	
Part-2 Compensation for damage or bank guarantee for restoration		
7(8)(b)	Compensation for restoration of property to the state as it existed prior to the establishment of underground telecommunication network where undertaking to restore the property is not required by the public entity.	(a) Sum required to restore public property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by the Central Public Works Department for that area. (b) The rate as referenced in clause (a) shall not exceed the rate charged by the Central Public Works Department or the public works department for its own work: Provided that in case of laying of underground telecommunication network through horizontal directional digging method, the compensation for restoration of property shall be limited to the area of the pits only.
7(9)(b)	Bank guarantee as security for performance in case of establishment of underground telecommunication network where undertaking is specified by the public entity for the facility provider to discharge the responsibility to restore the damages	Twenty per cent of the sum required to restore public property as per the rate prescribed by the Central Public Works Department for that area or as per the rate prescribed by the State public works department for that area, if no rate has been prescribed by central public works department for that area.
9(8)	Compensation for restoration of property to the state as it existed prior to the establishment overground telecommunication network.	(a) Sum required to restore public property as per the rate prescribed by the Central Public Works Department for that area or as per the rate prescribed by the State public works department for that area, if no rate has been

Rule	Item	Amount
(1)	(2)	(3)
		prescribed by the Central Public Works Department for that area. (b) The rate referenced under clause (a) shall not exceed the rate charged by the Central Public Works Department or the public works department for its own work. (c) In case of overground telecommunication network, the facility provider shall restore the damage to the property incurred in case of establishment of poles for installation of small cells and telecommunication line.
Part-3 Compensation for right of way		
7(11)	Establishment of underground telecommunication network	Nil.
9(2)(b)	Establishment of over ground telecommunication network	Where the establishment of the telecommunication network renders the public property unlikely to be used for any other purpose, compensation for the value of the public property, either once or annually, assessed on such rates as that public entity may, by general order, specify: Provided that in all other cases and establishment of poles for installation of small cells and telecommunication line, the compensation shall be nil.
10(6)	Establishment of temporary over ground telecommunication network	Nil.
11(8)	Usage of street furniture for installation of small cells and telecommunication line	(a) For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture; and

Rule	Item	Amount
(1)	(2)	(3)
		(b) For installation of telecommunication line: One hundred rupees per annum per street furniture. Provided that the public entity shall provide the facility provider the option of payment of annual fees in advance for a period of five years, through a consolidated payment equal to five times the amounts specified under clause (a) and clause (b), as applicable.
11(9)	For the deployment of small cells on building or structures under the ownership, control or management of public entities.	Nil.

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Devendra Kumar Rai,
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