

**DEPARTMENT OF INFORMATION TECHNOLOGY AND COMMUNICATION
GOVERNMENT OF NAGALAND
NAGALAND : KOHIMA**

No.IT&C/15-12/19

Dated Kohima, the 2nd December 2019

NOTIFICATION

Subject : Guideline for Granting Right of Way (RoW) for installation of Telecom Infrastructure in the State of Nagaland 2019.

Whereas considering the fact that Telecom connectivity has admittedly become the most crucial infrastructure for transparency and speed in governance, development, security, concurrent monitoring and all the rest, and the only means to overcome the geo-climatic obstacles to communications in the State. The state Government had issued notification vide no No.IT&C/14-3/2013, Dated 30/12/2014 stipulating a set of guidelines to be complied with at the time of installation of mobile towers within the territorial jurisdiction of Nagaland.

Subsequently, the Department of Telecom, Government of India had issued the ROW policy 2016 for both over ground and underground telecom infrastructure.

Accordingly, in pursuance of the Right of Way(RoW) policy 2016, in supersession of earlier notification of this department, a comprehensive revised guideline is notified, stipulating set of standard and regulations for granting of permission for installation of Telegraph/Telecom infrastructure both over ground (Mobile Towers, Aerial OFC) and underground (Optical Fibre) within the territorial jurisdiction of Nagaland is hereby notified for strict compliance.

1. Short title and commencement

- (a) These rules may be called the Guideline for Granting of Right of Way (RoW) for Telecommunication Infrastructure in the State of Nagaland, 2019.
- (b) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

(1).In these rules, unless the context otherwise requires-

- (a) "Act" means the Indian Telegraph Act, 1885 (13 of 1885);
- (b) "Appropriate Authority" means the Central Government, respective State Governments, local authority or such authority, body, company or institution incorporated or established by the Central Government or the State Government, in respect of property, under/ over/ along/ across in or upon which underground or over ground Telegraph/Telecom infrastructure, is to be established or maintained, vested in or under, the control or management of such appropriate authority;
- (c) "**Centralised Government Account**" Name of the Account : NAGALAND GOVERNMENT TELECOM, Account No: 38969157880 , IFS Code : SBIN0010671 , MICR code : 797002532 , State Bank of India (Nagaland Secretariat Branch, Kohima, Nagaland)

- (d) "State Government" means the State Government of Nagaland having jurisdiction.
- (e) "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 DoT."
- (f) "Over ground Telegraph/Telecom infrastructure" means a Telegraph or a Telegraph line established over the ground and includes posts or other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line;
- (g) "Rule" means the Indian Telegraph Right of Way Rules, 2016.
- (h) "Underground Telegraph/Telecom infrastructure" means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.
- (i) "TERM" means Telecom Enforcement, Resource and Monitoring Cell of the Department of Telecommunication (DoT), Government of India;
- (j) "DoT" means Department of Telecommunication, Government of India.
- (k) "Telecom Service Provider" (TSP) means and includes a person, firm, association of persons or company who is duly licensed by the DoT under section 4 of the Indian Telegraph Act, 1885 for providing inter alia mobile phone services, internet and data transfer services etc.
- (l) "Infrastructure Provider (IP)" means Infrastructure providers registered with Department of Telecommunications to set up Telecom Infrastructures in India.
- (m) Telegraph Infrastructure includes, -
- i. Telecommunication Cell Site or Base Station (TCS/BS) or Telecom Tower or Mobile Tower, a place for tower, delta, single pole antenna, microwave antenna, telecom transceiver machinery, related civil works, requisite cable, power supply equipment, Diesel Generator set, cabin or cupboard for housing any or all of the aforesaid items is necessary.
 - ii. Ground based tower (GBT), ground based mast/monopole (GBM), roof top tower (RTT), roof top pole (RTP).
 - iii. Cell Phone Tower (CPT), Micro cell tower (MCT), antenna fixtures, fabricated antenna, tower to install telephone lines and Wi-Fi antenna,
 - iv. Pre-fabricated or masonry structure shelters or installation of Base Transceiver Station (BTS) and other equipment.
 - v. Cell-on-Wheels for duration >60 days
 - vi. Cabling on the poles or electric poles.
 - vii. In Building Solution & Micro Communication Equipment (Micro Cell) or any other appliances, apparatus, etc. necessary for the effective establishment & maintenance of telecom services.
 - viii. Telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line: Provided further that any temporary infrastructure for managing events/festivals/fares of short duration (maximum 60 days) or to give coverage to blank areas, shall not be included in Telegraph Infrastructure for the purpose of these guidelines and no formal permission is required for installation of such temporary infrastructure.
- (n) "SACFA" means Standing Advisory Committee on Frequency Allocation (SACFA) of the DoT.

- (o) "Appellate Authority" means Administrative Head of the, Department of IT & Communication , Government of Nagaland as specified by Gazette Notification issued by DoT, 19th June, 2017.
- (p) "Land Owning Agency" is the concerned Dept/Private entity that owns the land or building or pole or tower etc for which any kind of permission requires to be granted.

(2). The words and expressions used and not defined herein but defined in the Act or the Rules shall have the meanings assigned to them in the Act or Rules, as the case may be.

3. Applicability:

These regulations shall apply to the whole of the State of Nagaland and shall be implemented by all the Telecom Service Providers, Municipal Councils and other designated Bodies/ Areas, Authorities in district, blocks and village levels empowered to give plan approval of buildings within their jurisdiction. These regulations will be applicable to all existing/ proposed telecom towers installed/ to be installed.

4. Nodal Department

For the implementation and co-ordination of this Policy the Information Technology and Communication Department shall be Nodal Department. To overcome the difficulties in the implementation of the above Policy, necessary interpretation, clarification, instruction will be issued from time to time by the Information Technology and Communication Department.

5. District Nodal officer and Approving Authority

The Competent Authority for granting the permission under this guideline shall be the Deputy Commissioner of the respective District.

6. Terms and conditions for granting permission to establish over-ground telegraph / telecom infrastructure (Mobile Towers): -

6.1 Mobile Tower

- I. The Radiation norms fixed by DoT have to be strictly followed by the licensee. Any citizen can approach the TERM Cell with regard to grievance on any issue relating to radiation.
- II. Subject to approval by State Apex Telecom Committee (SATC) and State Telecom Steering Committee (STC), the licensee shall be permitted to erect/install telegraph infrastructure on open land including private/Government land, land and buildings of Government or Government owned/controlled statutory or non-Statutory institutions/bodies or at other public/private locations including roads, parks, playgrounds, schools, colleges, hospitals, land earmarked for public utilities.
- III. In the walled city area or in the area of Heritage importance the Pole/Mast shall be designed keeping in view the Heritage character of the area as defined by competent authority.
- IV. Installation of non-telecom over-ground infrastructure shall not be permitted on the right of way granted region for underground telecom infrastructure.
- V. The licensee shall be granted permission to install micro cells/Wi-Fi access points and other required services on street light poles/bus shelters/Government buildings.

- VI. The licensee shall install and fix the equipment such as power back-up as per the standard norms of State Pollution Control Board in the earmarked boundary adjacent to mobile tower/post.
- VII. The structural stability of the towers/posts and building in which it is erected, shall be ensured by the licensee and the towers/posts and their foundations shall be designed accordingly. He shall be solely responsible for any mishap, if it takes place during or after erection of towers.
- VIII. The permission shall not be withheld due to outstanding urban development tax or any other dues payable upon the land and building applied for installation of telegraph infrastructure. But the District Nodal Officer shall communicate such tax or dues to the licensee and the Owner of the land and building and if an undertaking is submitted by the Owner for depositing the outstanding urban development tax or any other dues, as the case may be, then District Nodal Officer shall grant the required permission.
- IX. Mobile towers/posts being a temporary structure and essential service in nature can be installed on any type of land/building regardless of its specified land use and shall not require change of land use under any law.
- X. However, certain reasonable restrictions on distance from residential areas, location of tower etc can be imposed by District Nodal Officer in view of concerns related public safety, Health & Hazard.
- XI. In order to avoid any eventuality due to thunder storm, lightning conductors/ arresters have to be installed.
- XII. Diesel Generator set installed at the tower site to cater to the power requirements of the antenna shall conform to the noise and emission norms prescribed by the State Pollution Control Board.
- XIII. Aviation Lamps should be mandatory on the top of the pole for safety of aircrafts.

6.2 Right of Way for using electricity Pole and other utility Structures of the Government for laying Aerial Optical Fibre Cable

- I. Subject to approval by State Apex Telecom Committee (SATC) and State Telecom Steering Committee (STC), Right of Way (RoW) for Aerial OFC laying will be encouraged in the hill areas and charges for the same will be work out by Power Department.
- II. The Applicant will enter into an **agreement with the Power Department for the utilization of the electric poles/ distributed network system.**
- III. Power Department shall not be held responsible for any loss to the cable or the commercial operation loss to the Applicant due to theft or for any other reason whatsoever. The safety of the cable shall be entirely with the Applicant.
- IV. The Applicant will submit application with the right of usage of the utility pole in the offices of Local Authority. If the Local/State Government Authority finds the application in compliance with the entire requirement, then it will issue the permit to the applicant within the prescribed time. Application with the document as mentioned in **Para 8.2** shall be submitted in addition to details of number of poles to be used and routes chart.

- V. If the route of aerial cabling is covering more than one jurisdiction, the Applicant will apply separately to the Local/State Government Authorities of the respective jurisdiction for issue of permit.

7. Terms and conditions for granting permission to lay underground telegraph/telecom infrastructure (OFC):

- I. The licensee shall obtain necessary permission for laying Optical Fiber Cable (OFC) network/underground telegraph infrastructure and taking fiber to home under roads and overhead from the District Nodal Officer of concerned appropriate authority;
- II. However, in case of National Highway Road/land, Licensees would be required to take permission from the highway administration for laying of cables. As regards National Highway (NH) routes executed by the State PWD, the concerned State Chief Engineer (NH) may act as nodal point /single window to co-ordinate the activities whereas in respect of the NH routes held by NHA, the designated officers of NHA may be assigned this task.

In this case, highway Administration/Nodal Office shall maintain record of all RoW permission granted and submit to the nodal officer the detail of RoW granted.

- III. In case of Road/land under PWD Road and Bridges (R&B), the approval of right of way has to be obtained from the Engineer in Chief/ Chief Engineer (R&B), the approval so obtained and shall be submitted along with the application to the District nodal officers
- IV. Whenever permission of right of way for underground telecom infrastructure along the road is required from head of department of any other State Agencies, the approval may be obtained and submitted along with the application to the District nodal officers.
- V. Damages of roads and filling up of pits caused during the laying of underground telegraph/telecom infrastructure and taking fiber to home shall be repaired by the concerned local/State Government Authorities and the entire expenses, for restoration of damaged road portion shall be charged by the local/State Government Authorities from the licensee. Charges for such expenses shall be fixed by the State Government/PWD from time to time, on the basis of applicable schedule of rates for works for similar nature. The Basic Schedule of Rate (BSR) and guidelines issued by the Public Works Department (PWD), Government of Nagaland shall be followed for calculating the restoration charges. Such charges shall be deposited in the advance in the form of valid applicable financial instrument/digital payment mode to **Centralised Government Account** specified by State Finance Department within period of 30 days from the date of grant of the permission and prior to the commencement of work of laying the underground telegraph/telecom infrastructure. An amount equal to restoration charges as security shall be taken (in lieu of expenses for restoration) prior to the commencement of such work in the form of a Bank Guarantee valid for one year if the licensee has undertaken to discharge the responsibility of restoration of damaged road portion. The period can be extended based on the requirement:

Provided that no other charges, (except above-mentioned restoration charges and relevant administrative charges prescribed under Para -12 and Para -13), like Use Charges etc. shall be levied on the licensee.

- VI. Laying OFC through Micro Trenching Method may be allowed during monsoons, provided that the applicant takes all security measures and makes arrangements for immediate restoration of the damage caused.

- VII. In case any shifting or alteration in the position of laid telecom cables is required due to widening of highways/other roads and construction of flyovers or bridges, the Licensee shall do the same at his own cost.
- VIII. Licensee shall ensure safety and security of all underground installations/utilities/facilities and shall be solely responsible for compensation/indemnification of concern authority for damage caused/claims or replacement sought for at the cost and risk of licensee.
- IX. The period of validity of RoW permission shall be co-terminus with the validity of license.
- X. Bridges, culverts, black topping of roads, narrow road shoulders and other sensitive areas shall not be cut open or slabs lifted without the approval of Public works Department/National Highway.
- XI. The Deputy Commissioner concerned shall be kept informed about the trenching. Clearance shall be obtained from the Executive Engineers concerned who should certify to the effect that trenching is done on short stretched and the stretches already trenched have been closed fully and compacted as per technical requirement and PWD standard.
- XII. The location map showing the alignment of trenching for various stretches with cross section of trenching shall be got approved and an **agreement shall be executed with the concerned Executive engineer in PWD division/ or equivalent authority of other roads before commencing the work and the agreement will be counter signed by the District Nodal Officer.**
- XIII. The TSP/IPs shall fill up excavated Trenches by closed compactions of soil and restore the road / road shoulders properly and produce a certificate to this effect from the authorised officer of PWD failing which the bank guarantee executed will be forfeited to Government.
- XIV. Supervision of the work:-
- (a) The District Nodal Officer, or any officer authorized by the appropriate authority, may supervise the execution of work to ascertain if the conditions imposed under the rules and these guidelines are observed by the licensee;
- (b) The District Nodal Officer may, on the basis of such supervision, impose such other reasonable conditions as it may think fit;
- (c) If the District Nodal Officer comes to the conclusion that the licensee has wilfully violated any of the conditions, he/she may forfeit, in full or in part, the bank guarantee submitted by the licensee and withdraw the permission and reasons to be recorded in writing. Provided that no action shall be taken under this clause unless the licensee has been given a reasonable opportunity of being heard.
- (d) Only pits of approximate size 1.5mtr.x1.5mtr.x1.5mtr. depth or as per requirement at site shall be excavated in the roads where optical fiber cables are to be laid, at the distance of not less than 100 meter. The pits shall be refilled only with granular material and shall be compacted as per the specifications. The pits/trenches shall be reinstated within 48 hours, repeat shall be reinstated within 48 hours after the work at that location is over, failing which, penalty as applicable as per the guidelines for trenching activities shall be applicable besides the cancellation of permission etc.
- XV. Number of ducts under the roads for which permission shall be granted as per requirement of the licensee.

- XVI. The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph/telecom infrastructures to enable the local/State Government Authorities to obtain real time information on its location.
- XVII. The licensee shall carry out Ground Penetrating Radar (GPR) survey wherever necessary along the route where the ducts shall be laid for detection of existing utilities. The data of utilities collected by the licensee through GPR survey should be unconditionally shared with Local/State Government Authorities, free of cost.
- XVIII. No damage shall be caused to any underground utilities while laying the ducts by using Horizontal Directional Drilling (HDD) methodology. In case any utility is damaged, the damage so caused to the utilities, shall be rectified by the licensee at his own cost.
- XIX. Ducts shall be laid minimum 1.65 meter below the road crust. However, in case of hard rock strata where HDD methodology is not possible, the depth of approx. 400 mm. shall be maintained with the duct installed inside G.I. Pipe covered with Plain Cement Concrete (PCC).
- XX. The cost of shifting conduits/OFC, wherever required, shall be borne by the licensee and instructions of Local/State Government Authorities in this respect shall be complied within the time frame fixed by the concerned Local/State Government Authorities.
- XXI. Local/State Government Authorities shall not be responsible for any damage to OFC and resultant losses, if any, due to any act of employee of Governments or Local/State Government Authorities, while performing official duties. However, prior written intimation shall be given by the Local/State Government Authorities to the licensee. In case local/State Government Authorities executes the work and causes enough damage which may disrupt the service, then local/State Government Authorities shall be liable to pay the penalty to the licensee due to physical damage only as determined by the State Public Works Department.
- XXII. The licensee shall make proper arrangement for access control of the chambers to avoid misuse/Illegal use of ducts and the chambers.
- XXIII. For laying overhead OFC from fiber to home network it shall be permitted to erect poles on specified locations roads over the ground area not more than 1 meter X 1 meter. The spacing between two poles should not be less than 50 meters in line of the sight.
- XXIV. The licensee shall ensure that,
 - (a) Prior to the commencement of work of laying the optical fiber and at all times during the execution of the work, the measures to mitigate public inconvenience and provisions for public safety are implemented;
 - (b) Structural safety of over-ground infrastructure are implemented; and
 - (c) The work of laying OFC/telegraph infrastructure is carried out in accordance with the conditions specified under the rules and these guidelines.

8. Application for permission:

8.1 Permission for establishment of over-ground Telegraph/Telecom Infrastructure

Application (in duplicate) for **permission for establishment of over-ground Telegraph/Telecom infrastructure** or for its renewal shall be submitted to the District Nodal Officer in the Form-I along with following documents.

- I. A copy of relevant license registration certificate issued by the Department of Telecommunications. It needs to be submitted only once per licensee to a particular District Nodal Officer defined under **Para 2** of these guidelines.
- II. Location map from any publicly available source (scale 1:1000) showing the site with its latitude- longitude. Licensee shall share all new and existing GIS map of OFC routes and towers with the IT&C Department and District Telecom Committee (DTC).
- III. The detailed technical design and drawings of the tower/post or other above ground infrastructure including the specification of foundation. In case the tower/ post etc. is within 100-meter aerial distance of high or low tension line, then its distance from the same shall be clearly indicated in the drawings.
- IV. Copy of Structural Stability Certificate for the building and tower/post obtained from any authorized Structural Engineer, or/from recognized institute or a Structural Engineer registered or employed in Central or State Government Service or a Quasi- Government Organization or any other agencies authorized from time to time by the State Government.
- V. Copy of No-objection Certificate issued by the Fire Safety Department in case of high rise buildings where fire clearance is mandatory.
- VI. Copy of SACFA clearance/copy of SACFA application for the said location submitted to Wireless Planning and Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, licensee shall take corrective actions/remove the tower.
(Note: - the copy can be submitted to the District Nodal Officer as soon as the location is finalized and the tower is installed).
- VII. For Forest/Protected Areas, the copy of clearance from State Environment and Forest Department, if applicable.
- VIII. Acknowledgement receipt issued by TERM Cell on the basis of self-certificate submitted by licensee in respect of mobile tower/Base Transceiver Station (BTS) establishing/certifying that all general public areas around the tower shall be within safe Electro Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennas starts radiating.
(Note: It can be submitted within 30 days after radiating the tower).
- IX. Copy of the type test certificate issued by Automotive Research Association of India (ARM) to the manufactures of the DG sets.
- X. Ownership title document of the building/site needs to be submitted. (Self-attested copies). However, production of Patta/approved map should not be insisted upon but in specific cases such documents if required then same needs to be submitted.
- XI. Attested copy of Lease Agreement Deed/Consent Letter, signed by the applicant and the owner of the site/building.
- XII. The District Nodal Officer/Local/State Government Authorities may also seek the copy of No Objection Certificate (NOC)/ Consent Letter from building owners/entities/societies having roof top rights in case of roof based tower or from land owner in case of ground based tower.
- XIII. In case the permission is sought in the land/premises of any office of Central Government or a PSU of Central Government, the prior written consent or copy of agreement from the authority having legitimate right over the land/premises shall be attached with the application.
- XIV. However, in case of National Highway Road/land, Licensees would be required to take permission from the highway administration for laying of cables. As regards National Highway (NH) routes executed by the State PWD, the concerned State Chief Engineer

(NH) may act as nodal point /single window to co-ordinate the activities whereas in respect of the NH routes held by NHAI, the designated officers of NHAI may be assigned this task.

In this case, highway Administration/Nodal Office shall maintain record of all RoW permission granted and submit to the nodal officers the detail of RoW granted.

8.2 Permission for establishment of under-ground Telegraph/Telecom Infrastructure

Application for **permission to lay underground Telegraph/Telecom infrastructure** or taking fiber to the home in the right of way shall be submitted to the District Nodal Officer in **FORM-2** along-with following documents,

- I. A copy of relevant license registration certificate issued by the Department of Telecommunications. It needs to be submitted only once per licensee/IP.
- II. The location map showing the proposed underground Telegraph/Telecom infrastructure including route planned, exact latitude and longitude, nature of land.
- III. The copy of consent of the owner of land/building where the OFC/Telegraph/Telecom infrastructure proposed to be laid.
- IV. Certificate by a structural engineer (as mentioned in **Para 8.1 (iv)**) attesting to the structural safety of building where the post or other above-ground contrivances is proposed to be established on a building.
- V. The detailed technical design and drawings of the post or other above-ground contrivances (in case of over-ground cabling).
- VI. The copy of approval issued by the DoT for locations of the above-ground contrivances proposed to be used for the transmission of Radio waves or Hertzian waves (in case of over-ground cabling);
- VII. For Forest/Protected Areas, the copy of clearance from State Environment and Forest Department, if applicable.
(Note:-NOC of Forest Department would not be required in areas not covered under Forest/ Protected Areas.)

- 8.3 The licensee shall submit a copy of receipt in proof of the payment of application fee and other charges as prescribed under these guidelines.
- 8.4 The licensee shall furnish such other relevant information as may be required by the District Nodal Officer or as the State Government may direct.
- 8.5 The licensee may also submit the soft copy of the application along with all the forms, statements and documents.
- 8.6 Application, if the licensee desires, may be submitted on-line in cases of such appropriate authorities, wherever they have proper arrangements for this purpose.
- 8.7 In cases where applications for permission for establishment of Telegraph/Telecom infrastructure has been submitted under erstwhile Order/s of the State Government for new as well as existing Telegraph/Telecom infrastructure but permission has not been issued, then in such cases, there would be no need to submit fresh application. However, any documents required under these guidelines, but not submitted earlier, shall be submitted along-with the fee/charges under these guidelines. The District Nodal Officer shall issue the permission in accordance with these guidelines. The fees/charges paid earlier shall be adjusted and such pending application should be disposed of within 30 days from the deposit of remaining fee/charges and submission of remaining documents. In case the permission has not been granted in 30 days, the Licensee shall re-approach the local/State Government Authorities after the 30th day from the submission of the complete application on which local/State Government Authorities required to revert in next 15 days.
- 8.8 All applications received by the District Nodal Officer shall be entered in a Register in **FORM-3** and shall be maintained for record.

9. Examination and scrutiny of applications:

- I. The District Nodal Officer, in an urban area shall, within 5 (Five) days of the receipt of the application, send it to the Engineering or Planning cell of the Local/State Government Authorities for examination, who, considering parameters as detailed in Para below, shall submit his report within 5(five) days of the receipt of the application from the District Nodal Officer.
- II. In case the permission is sought in rural area, the District Nodal Officer, shall within 5 (Five)) official working days of the receipt of the application shall send it to the appropriate Administrative Officer and in charge of PWD having jurisdiction of the area for examination and also to the GP or Village Council Chairman as applicable for their comments, who, considering parameters as detailed in **Para 10** below, shall submit their report within seven (7) official working days of the receipt of the copy of application to the District Nodal Officer.
- III. If the Applicant has submitted along with the application, valid approval from the head of Department to work on the land belonging to the forest Department, Water Resource Department, Local Authority, Industry Department, RD, PWD, other State and Central Agency, the District Nodal officer need not send the concerned Departments for their concurrences and permission can be granted.
- IV. The District Nodal Officer also, shall scrutinize the applications and verify or cause to be verified the contents and facts envisaged in the application and in other supporting documents within seven (7) official working days of the receipt of report under sub-Para (I) or (II) above, as the case may be.
- V. If after scrutiny of documents and other details under sub-Para (IV) the District Nodal Officer is of the opinion that any additional relevant information on the subject matter required to be

sought, he may require the licensee within a period of fifteen (15) official working days from the receipt of the application to submit the same and the licensee shall be bound to submit such additional information within ten (10) official working days, failing which the application may be rejected.

10. Parameters for examination of application:

10.1 The application for establishment of over-ground Telegraph/Telecom infrastructure shall be examined with respect to the following parameters, namely.

- (a) the extent of land required for such infrastructure;
- (b) the location proposed;
- (c) the mode and time duration for execution of the work;
- (d) the estimation of the expenses that the local/State Government Authorities shall necessarily be put in consequence of the work proposed to be undertaken shall be prepared as per the latest instruction/ guidelines of the Public Works Department, Government of Nagaland;
- (e) assessment of the inconvenience that the public is likely to be put to in consequence of the
- (f) establishment or maintenance of the aboveground Telegraph/Telecom infrastructure, and the measures to mitigate such inconvenience indicated by the licensee;
- (g) Certification/information indicated in the documents as required under **Para 8.1** of these guidelines.

10.2 The application for laying of underground Telegraph/Telecom Infrastructure shall be examined with respect to the following parameters, namely.

- (a) the route planned for the proposed underground Telegraph/Telecom infrastructure and the possible interference, either in the establishment or maintenance of such Telegraph/Telecom infrastructure,
- (b) with any other public infrastructure that may have been laid along the proposed route ; the mode of execution;
- (c) the time duration for execution of the work and the time of day that the work is proposed to be executed;
- (d) the estimation of the expenses that the local/State Government Authorities shall necessarily be put in consequence of the work proposed to be undertaken;
- (e) the responsibility of restoration of any change that the local/State Government Authorities may necessarily put in consequence of the work proposed to be undertaken;
- (f) assessment of measures to ensure public safety and inconvenience that the public is likely to be put in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee;
- (g) Certification/information indicated in the documents as required under **Para 8.2** of these guidelines.

11. Disposal of applications:

- I. The District Nodal Officer shall be responsible for the single window clearance of the application made by the licensee.

II. The District Nodal Officer, examining and considering all the facts including facts mentioned in the application and reports received under sub-Para (1) or (2), as the case may be, of **Para-9** and objections/suggestions, if any, filed under sub-Para (3) of **Para-9**, shall within a period not exceeding sixty (60) official working days from the date of application received under **Para 8**.

(a) Grant permission on conditions as specified in **Para - 6 or Para-7**, as the case may be, and conditions of time, mode of execution, measures to mitigate public inconvenience or enhance public safety as specified by the District Nodal Officer subject to the provisions of the rules and these guidelines. The permission shall be issued in **FORM-4 or FORM-5**, as the case may be,

(b) Reject the application for reasons to be recorded in writing. The permission may be refused only if the application is found to be against any of the provisions of the rules and these guidelines but shall not be refused on any extraneous ground:

Provided that no application shall be rejected unless the applicant licensee has been given an opportunity of being heard or minimum time of seven (7) official working days to furnish the required details as sought on the reasons for such rejection.

12. Application fee and other charges:

The licensee shall pay the following charges

a) The application under **Para 8.1** for establishment of over-ground Telegraph/Telecom infrastructure(Towers) shall be accompanied with a **one-time fee** of **Rs.10,000/-**(non-refundable) to the Government exchequer at **Centralised Government Account** specified by State Finance Department.

The application under **Para 8.2** for laying underground Telegraph/Telecom infrastructure shall be accompanied with a **one-time fee @ Rs.1000/-** per kilometer (non-refundable).

b) The licensee shall deposit **annual user charges** to the local/State Government Authorities for installation of Roof Top Tower/Roof Top Pole(RTP)/Ground Based Tower (GBT)/Ground Based Mast (GBM) in case of land/building/infrastructure under the jurisdiction of local/State Government Authorities from urban and rural areas.

(i) For Municipal Corporation / Municipal Council Towns **Rs. 10,000/**

(ii) For Town Committee, GP/Village areas **Rs 5,000/**

c) No other tax shall be levied against the Mobile Tower except as mentioned above.

13. Fee and other charges in respect of installation/laying Telegraph/Telecom infrastructure on Government lands and buildings:

I. The licensee shall deposit application fee and other charges as specified under **Para 12** in respect of lands and buildings of Central/State Government or statutory or non-statutory bodies/institutions.

II. The licensee shall also deposit following annual charges for using area of lands and buildings of Government or statutory or non-statutory bodies/institutions apart from the charges specified in sub-Para (I) follows namely:

- (a) In case of lands and buildings belonging to Central Government or statutory or non-statutory bodies/institutions of the Central Government, rates of annual charges as may be determined by the Central Government, shall be deposited in the funds of the concerned Department of Central Government or statutory or non-statutory bodies/institutions, as the case may be.
- (b) In case of lands and buildings belonging to State Government or statutory or non-statutory bodies/institutions/agencies of the State Government including local/State Government bodies annual charges shall be deposited **in Centralised Government Account** as determined by State Apex Telecom Committee (SATC) from time to time.
- (c) In case of each Wi-Fi antenna or Micro Cell unit with utility box attached to Micro Cell are installed on any land or building including bus shelters, street, light pole, public places, other Government premises annual charges as determined by State Apex Telecom Committee (SATC) shall be deposited in appropriate **Centralised Government Account**.
- (d) The licensee shall have to deposit charges as determined by State Apex Telecom Committee (SATC) per pole annually to the local/State Government Authorities/Land Owning Agency for use of street light poles to carry OFC/Aerial cabling.
- (e) The annual rent for putting up manhole/chamber on the OFC route shall be charged as per rate specified by the State Apex Telecom Committee (SATC).
- (f) The licensee may, if he so desires, deposit one time charges under clause (b) or clause (c) or clause (d), clause (e), as the case may be, which would be equal to eight times of such full annual charges. Such a payment would exempt the licensee from further liability of payment of aforesaid annual charges under clause (b) or clause (c) or clause (d), clause (e), as the case may be.
- (g) Restoration charges for laying underground OFC to the local/State Government Authorities shall be deposited as mentioned in clause (ii) of para-7.
- (h) No fee and charges shall be recovered from the Government Departments for establishing Telecommunication system including towers/poles for their use.

14. In Build Solution (IBS):

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

14.1 Mode of deployment of In Building Solution:

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

- The possible modes are Deployment by a neutral host infrastructure provider or Build and managed by mobile operator and sharing with other service providers on non discriminatory basis.
- The In Build Solutions (IBS) can also be deployed by IP-I (Infrastructure Provider Category I) and shared with telecom service providers. For deploying indoor solutions these companies will be requiring permissions from the building owners. However, if these IP-I companies are required to install optical fibre for connecting IBS/DAS nodes, RoW / permissions will be required.

14.2 Permissibility:

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

14.3 Procedure for submitting application for obtaining clearance /NoC/Consent:

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

14.4 Fees:

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

15. Tenure of permission and renewal

- I. The permission accorded shall be valid from the date of its issuance and it shall be limited up to the periods of permission/license/registration granted by the DoT. The licensee shall submit application for renewal of permission to the District Nodal Officer at least sixty official working days before the expiry of the permission along with all the documents as required for new permission. The District Nodal Officer shall renew the permission after charging fee and other charges as prescribed under Para 12 or Para 13, as the case may be.
- II. The District Nodal Officer shall renew the permission up to the period of the permission/license/registration granted to the licensee by the DoT under the Indian Telegraph Act, 1885.
- III. The District Nodal Officer shall dispose of renewal application within fifteen (15) official working days. If application for renewal is submitted in time, the operation of the Mobile Tower etc.
- IV. shall not be discontinued for any delay in disposal of application for clearance by the District Nodal Officer.

16. Regularisation of existing mobile towers:

- I. Wherever permission has already been granted under erstwhile policy/orders, the same shall hold good and no fresh permission shall be required under these guidelines. The tenure of permission so granted shall be effective from the date of its issuance and it shall hold good during the period of permission/license granted by the DoT.
- II. For all the existing mobile towers where application has been already submitted, shall be regularized by District Nodal Officers on the basis of application and documents already submitted. Earlier fees paid, if any, by the licensee shall be adjusted as per the new guidelines which shall also be taken into consideration along with the payments already made and under process with various local/State Government authorities. In case the permission is not issued within 30 days from the date of commencement of these guidelines, the Licensee shall re-approach the local/State Government Authorities on which local/State Government Authorities is required to revert in next 15 days.
- III. For all the existing mobile towers etc. wherein formal permission has not been issued by the District Nodal Officer and application not submitted, shall be regularized upon submission of application in **FORM-6** along with information and documents as specified therein and after the payment of prescribed fee/charges under these guidelines. Such application shall be submitted within six months of issue of these guidelines, after which these mobile towers shall be deemed as unauthorized. Once the application is submitted within the due time, the operation of the Mobile Tower shall not be discontinued till disposal of the application by the District Nodal Officer or till the disposal of appeal (if any) filed in time before the Appellate Authority, whichever is later. In case the permission has not been issued within 30 days, the Licensee shall re-approach the local/State Government Authorities after the 30th day from the submission of the complete application, on which local/State Government Authorities is required to revert in next 15 days.
- IV. Telecom Installations are critical communication infrastructure for seamless mobile and internet services to the citizens. In order to avoid disruption in mobile/internet communication, an essential service, sealing of existing and operational base transceiver station towers or any interruption to internet service by disconnection of electricity of such tower or any equipment's/accessories installed for Internet transmission may not be resorted to without the consent of the respective TERM Cell in respect of the EMF radiation related issues.

17. Construction/ repair works by various utility service providers of State/ Central authorities:

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

As the TSP/IP are providing/supporting Telecom services the power disconnection to telecom installations on account of any planned repair/maintenance activity shall not be done without prior notice to the concerned TSP/IP at least 15 days in advance.

18. Seizure and removal of unauthorized Telegraph/Telecom infrastructure:

- I. If any person, after the issuance of these guidelines, installs or continues to install any tower or any other Telegraph/Telecom infrastructure without obtaining the prior permission and depositing the prescribed fee and charges then in such cases power/electricity connections shall not be provided. The District Nodal Officer, through Local/State Government Authorities, may seize and remove such tower and the expenses incurred by the Local/State Government Authorities for such removal or seizure shall be recovered from the licensee/person concerned:

Provided that before seizure or removal of tower etc. the District Nodal Officer shall afford an opportunity of hearing to the concerned person/licensee by giving at least thirty days' notice to him.

- II. In case any Telecommunication system has been seized or removed under this Para, intimation shall be sent immediately to TERM Cell of DoT in the State. TERM cell, Dimapur, NE-II office shall update details of their designated officials with the IT&C Department from time to time.

19. Right of authorities to seek removal:

- I. Where the State Government or local/State Government Authorities or the District Nodal Officer, having regard to circumstances which have arisen since the installation of any telecom tower or the establishment of any underground or over-ground OFC/Telegraph/Telecom infrastructure under, over, along across, in or upon any immovable property vested in or under the control or management of the State Government or the local/State Government Authorities or the appropriate authority, that is necessary and expedient to remove or alter such telecom tower or OFC/Telegraph/Telecom infrastructure, the District Nodal Officer shall issue a notice to the applicant (licensee), being the owner of such telecom tower or OFC/Telegraph/Telecom infrastructure, to remove or alter its location.
- II. On receipt of the notice under Sub-Para (1), the applicant (licensee) shall, forthwith and within a period of thirty days, proceed to submit, to the District Nodal Officer, a detailed plan for removal or alteration of such telecom tower or OFC/Telegraph/Telecom infrastructure.
- III. The District Nodal Officer shall, after examination of the detailed plan submitted by the applicant (licensee) under sub-Para (2), pass such orders as it deems fit:

Provided that the District Nodal Officer shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telecom tower or OFC/Telegraph/Telecom infrastructure, provide reasonable time to the applicant (licensee) for removal or alteration of such telecom tower or OFC/Telegraph/Telecom infrastructure, Provided further that the responsibility and liability, including the cost thereof, for removal or alteration of such telecom tower or OFC/Telegraph/Telecom infrastructure shall be borne by the applicant (licensee).

20. State Level and District Level Telecom Committees:

20.1 State Apex Telecom Committee (SATC)

There shall be a State Apex Telecom Committee (STC) in the State which shall act as an Apex Committee for overall guidance and monitoring of the implementation of these guidelines under the Chairmanship of the Chief Secretary, Government of Nagaland with the following members:-

- | | | |
|---|---|------------------|
| 1. Chief Secretary | - | Chairman |
| 2. Commissioner and Secretary IT & Communication | - | Member Secretary |
| 3. Commissioner and Secretary Forest, environment and climate change | - | Member |
| 4. Commissioner and Secretary Health and Family Welfare | - | Member |
| 5. Commissioner and Secretary Power | - | Member |
| 6. Commissioner and Secretary PWD | - | Member |
| 7. Commissioner and Secretary Urban Development & Municipal Affairs | - | Member |
| 8. Engineer in Chief (PWD) | - | Member |
| 9. Engineer in Chief (POWER) | - | Member |
| 10. TERM Cell NE-II | - | Member |
| 11. Representatives of the concerned licensee | | |

20.2 State Telecom Steering Committee (STC)

Under the chairmanship of Secretary (IT), a State Level Committee shall be constituted to resolve the issues arising due to escalation by the Telecom Infrastructure Company or referred by District Nodal officer/ District Telecom Committee (DTC). This committee shall also be responsible to issue advisories and amendments from time to time considering the changing business scenario. This Committee shall report the unresolved issues to the State Apex Telecom committee in a time bound manner

- | | | |
|---|---|-----------|
| 1. Commissioner and Secretary IT & Communication | - | Chairmain |
|---|---|-----------|

| | | |
|--|---|------------------|
| 2. Secretary Forest, environment and climate change | - | Member |
| 3. Secretary Health and Family Welfare | - | Member |
| 4. Secretary Power | - | Member |
| 5. Engineer in Chief (PWD) | - | Member |
| 12. Engineer in Chief (POWER) | - | Member |
| 6. TERM Cell NE-II | - | Member |
| 7. Nagaland Pollution control Board | - | Member |
| 8. Director (IT & Communication) | - | Member secretary |

20.3 District Telecom Committee (DTC)

There shall be District Telecom Committee in each district to implement these guidelines under the overall supervision of the STC. The DTC shall comprise of the members as mentioned below.

However, the Chairman of DTC is authorized to co-opt any expert as necessitated. The Committee shall submit report of permission issued by the committee to IT & C Department on bi-yearly basis or as desired.

| | | |
|--|---|----------|
| 1. Deputy Commissioner | - | Chairman |
| 2. Superintendent of Police | - | Member |
| 3. Additional Deputy Commissioner | - | Member |
| 4. Superintendent Engineer/EE PWD | - | Member |
| 5. Superintendent Engineer/EE Power | - | Member |
| 6. Chief Medical officer | - | Member |
| 7. Town Planner, Urban Development | - | Member |
| 8. Representative of pollution control board | - | Member |
| 9. Representative of the concerned license | - | Member |

20.4 The STC/DTC shall deal with the issues related to installation of telecom infrastructure including (Within their jurisdiction) the following:

- i. Implementation of this guidelines in a smooth manner for development of the Telegraph/Telecom infrastructure in the State
- ii. Public grievances which may arise in case of installation of mobile towers, laying of underground or overhead OFC etc. in the State
- iii. Grievances for seizure/removal of unauthorized mobile towers, underground and over ground of etc.

21. Appeals/Dispute Resolution/Public Grievance

- a) Any dispute arising between a licensee and the District Nodal officer in consequence of these guidelines or any complaint/ grievance by any individual/organization shall be referred to the Appellate Authority within 30 days of order of District Nodal Officer.
- b) The Appellate Authority shall decide the dispute/ dispose of the complaint/grievance within thirty days of receipt of the grievance.
- c) Appeal shall lie against the decision of the Appellate Authority to the SATC by the aggrieved party within sixty days (60) of the order of Appellate Authority. The SATC shall decide the dispute/dispose of the complaint/grievance within thirty days of receipt of the grievance.
- d) The Appellate Authority shall determine the disputes in accordance with sub rule (3) of rule 14 of Indian Telegraph Right of Way Rules, 2016.

22. Removal of Difficulties:

The Government of Nagaland may amend these guidelines or issue further guidelines, as and when necessary, for removal of any difficulties that may arise for issue of clearance or permit for installation of over-ground and under-ground Telegraph/Telecom infrastructure in the State.

23. Electrical power to Applicant:

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


(K.D. Vizo) ITS

Principal Secretary to the Government of Nagaland
Department of Information Technology and Communication

FORM-1

[See Para-8.1]

**APPLICATION FOR PERMISSION/RENEWAL FOR INSTALLATION OF
OVERGROUND TELEGRAPH/TELECOM INFRASTRUCTURE (MOBILE
TOWER etc.)**

To

The District Nodal Officer

.....

.....

(Details of appropriate authority)

| A | Details of Applicant/licensee | |
|----------|---|--|
| | 1. License Details | |
| | 2. Name of License | |
| | 3. Registered Address | |
| | 4. Administrative Office (ADC/SDO/EAC) | |
| | 5. Name of Authorized Person | |
| | 6. Designation of the authorized person | |
| | 7. Phone/Mobile No of the authorized person | |
| | 8. E-mail | |
| | 9. PIN | |
| B | The nature of post/tower or other above ground contrivances | |
| C | The extent of land required (size and area in metres) | |
| D | Details and location of land for the site | |
| | 1. Plot No | |
| | 2. Road/Street | |
| | 3. Ward No. & Name of Colony | |
| | 4. City/Town or name of revenue Village | |
| | 5. Block | |
| | 6. District | |
| | 7. Exact Latitude and Longitude of site | |

| | | | | | |
|----------|--|---------------|--|----------------------------|-----------------|
| E | Details of building or structure of the site | | | | |
| | 1. Name of building/structure | | | | |
| | 2. Height and stories of building | | | | |
| | 3. Area of building/structure | | | | |
| | 4. Complete address of the building/structure | | | | |
| | 5. District | | | | |
| | 6. Exact latitude and longitude of the site | | | | |
| F | Name and address of the owner of the land or building | | | | |
| G | Details of Tower/Post | | | | |
| | Height | Weight | Ground/ Roof Top Tower | Pole/Wall Mounted | No. of antennae |
| | | | | | |
| | Whether on a open plot/building | Area Required | The exact latitude and longitude of Tower/Post | | |
| | | | | | |
| H | Other related Information | | | | |
| | 1. The mode of and time duration for, execution of work | | | | |
| | 2. The inconvenience that is likely to be caused to the public and the specific measure to be taken to mitigate such inconvenience | | | | |
| | 3. The measure proposed to be taken to ensure public safety during the execution of the work | | | | |
| | 4. The name and contact details of the employees of the licensee for the purpose of communication in regard to the application made. | | | | |
| | 5. Any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken | | | | |
| | 6. Any other matter specified by DoT, or State Govt. or the local/State Government Authorities | | | | |
| I | Details of fee and charge deposited | | | | |
| J | List of documents attached | | | Whether attached (Yes/No) | |
| | 1. Copy of the license granted by DoT | | | | |
| | 2. Location Plan – (Scale 1:1000) | | | | |
| | 3. The detailed technical design and drawing of tower/post or other above ground Telegraph/Telecom structure including the specification of foundation. In case the tower/post etc is in the vicinity or adjoining to high | | | | |

| | | |
|-----|---|--|
| | drawings showing its distance from the line. | |
| 4. | Copy of Structural Stability Certificate | |
| 5. | Copy of No-objection Certificate issued by the Fire Safety Department in case of high rise building where fire clearance is mandatory | |
| 6. | Copy of SACFA clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement. | |
| 7. | Copy of clearance from State Environment & Forest Department (if Applicable) | |
| 8. | Acknowledgement receipt issued by TERM Cell of the self certificate submitted by licensee. (to be submitted within 30 days after radiating tower) | |
| 9. | Copy of Certificate issued by Automotive Research Association of India (ARAI) to the manufacturer of DG sets. | |
| 10. | Ownership Document of the building site (Attested Copy) | |
| 11. | Attested copy of Lease Agreement Deed/Consent Agreement Deed | |
| 12. | Copy of relevant License/Infrastructure Provider Registration Certificate issued from DoT. | |
| 13. | Copy of No Objection Certificate (NOC) from Building Owner/entities having roof top rights or roof top tenants. | |
| 14. | Prior written consent from the authority having legitimate right over the land/premises belonging to Central Govt./PSUs (if Applicable) | |
| 15. | Any other document | |

Declarations

1. I hereby declare that I have carefully read the policy. I fully comply with term and conditions therein.
2. I understand 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 understand that processing fee is non-refundable irrespective of whether or not the permission is granted to me.
4. 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.

Date:

Signature and name of the

Place:

Authorized Signatory

(With Seal)

FORM-2
[See Para-8.2]

**APPLICATION FOR LAYING/ESTABLISHING UNDERGROUND
TELEGRAPH/TELECOM INFRASTRUCTURE/OFC OR TAKING FIBRE TO
HOME**

To
The District Nodal Officer

.....
.....

(Details of appropriate authority)

| A | Details of Applicant/licensee | |
|----------|---|----------------------------|
| | 1. License Details | |
| | 2. Name of License | |
| | 3. Registered Address | |
| | 4. Administrative Office (ADC/SDO/EAC) | |
| | 5. Name of Authorized Person | |
| | 6. Designation of the authorized person | |
| | 7. Phone/Mobile No of the authorized person | |
| | 8. E-mail | |
| | 9. PIN | |
| B | Details of proposed work to be laid | |
| | 1. Length etc. of the proposed work | |
| | 2. Route planned for the proposed work | |
| | 3. Nature of proposed work | |
| | 4. Methodology for execution of proposed work | |
| | 5. Location details including ward No. , colony etc. | |
| | 6. City/Town/Village and Block | |
| | 7. District | |
| | 8. State | |
| | 9. Exact latitude and longitude of the site | |
| C | Details of fee and charges deposited | |
| D | Details of expenses that local/State Government Authorities will necessarily be put in as a consequence | |
| E | List of documents attached | Whether attached (Yes/No) |
| | 1. Copy of the license granted by DoT | |

| | | |
|----------|---|--|
| | 2. The location map showing details of underground or overground OFC/Telegraph/Telecom infrastructure including route planned with exact latitude and longitude | |
| | 3. Certificate by a structural engineer attesting to the structural safety of building where post or other above ground contrivances is proposed to be established on a building. | |
| | 4. The detailed technical design and drawings of the post or other above ground contrivances (in case of over-ground cabling) | |
| | 5. Copy of approval issued by the DoT for locations of above-ground contrivances proposed to be used for transmission of Radio waves or Hertzian waves (in case of over-ground cabling). | |
| | 6. Copy of clearance from State Environment & Forest Department (if Applicable) | |
| | 7. Copy of consent of the owner of the land/building where the OFC/Telegraph/Telecom infrastructure proposed to be laid. | |
| F | Other Information for proposed work | |
| | 1. The details of land or buildings or structures where the laying of OFC/Telegraph/Telecom/telecom infrastructure is | |
| | 2. The mode of and the time duration for execution of the work. | |
| | 3. 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. | |
| | 4. The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience. | |
| | 5. The specific measure proposed to be taken to ensure public safety during the execution of the work. | |
| | 6. Any other matter relevant in the opinion of the licensee connected with or relative to the work proposed to be undertaken. | |
| | 7. Any other information required under any order of DoT, State Govt. or Local/State Government Authorities | |

Declarations

1. I hereby declare that I have carefully read the policy. I fully comply with term and conditions therein.
2. I understand 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 understand that processing fee is non-refundable irrespective of whether or not the permission is granted to me.
4. 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.

Date:
Place:

**Signature and name of the
Authorized Signatory
(With Seal)**

FORM-3

[See Para 8.8]

REGISTER OF APPLICATIONS FOR PERMISSION FOR INSTALLATION
OF TELECOMMUNICATION INFRASTRUCTURE

| Sr. No. | Name of the Applicant / licensee with full particulars and postal address | Number and date of License issued by DoT and period of validity | Date of receipt of application | Particulars of the land/ building of which permission is sought | | | Particulars of documents received with applicant | Details of fee and charges deposited with No. and date of challan | Number and date of permission granted and validity period |
|------------|--|---|--------------------------------------|---|---------|------|---|---|--|
| | | | | Location | Plot No | Area | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

FORM-4

[See Para-11(2)(a)]

OFFICE OF THE DISTRICT NODAL OFFICER.....

(For (Appropriate authority)

CASE No. & Year.....

The applicant / licensee.....

Address

Sub: - Grant of permission for erection, installation or establishment of above ground Telegraph/Telecom infrastructure under Rule 9 of Telegraph Right of Way Rule 2016 and order made there-under

- (1) The above applicant/licensee has applied to accord permission for erection, installation or establishment of aboveground Telegraph/Telecom infrastructure under Rule 9 of Telegraph Right of Way Rule 2016 read with Para 6 of these guidelines Datedissued by Deputy Commissioner, Government of Nagaland. The permission has been applied on the land or building mentioned below.

| Details of location (Name of village, city, ward no. Street name, road name etc.) | Details of Plot No./ Building/land /structure | Area in Sq. Mt |
|---|---|----------------|
| | | |

- (2) That, I have examined the application and documents/statements submitted by the applicant/licensee. He/She has deposited the necessary fee and charges I have examined the reports received from Local/State Government Authorities and field agencies. I am of the opinion that the desired permission is consonance with provisions of above mentioned Rules and guidelines.
- (3) Therefore, I hereby grant the permission for erection, installation or establishment of following Telegraph/Telecom infrastructure on the land or building herein above mentioned.

| Sl. No | Item | Details (to be mentioned by District Nodal Officer |
|--------|--|---|
| 1 | The nature and location including exact latitude and longitude of the post/tower or other aboveground contrivances which are to be established | |
| 2 | The extent of land required for establishment of the aboveground Telegraph/Telecom infrastructure | |
| 3 | The details of building or structure where the aboveground Telegraph/Telecom infrastructure is to be established. | |

| | | |
|---|---|--|
| 4 | The mode of and time duration for, execution of work. | |
| 5 | In case of micro cells/Wi-Fi points on street lights/poles/bus shelters/ govt. building.. Give details. | |

(4) The permission is granted on following terms and conditions :-

- (i) The Radiation norms fixed by DoT have to be strictly followed by the licensee. Any citizen can approach the TERM Cell with regard to grievance on any issue relating to radiation.
- (ii) Sign boards and Warning Signs ("Danger", "Warning", "Caution", etc.) as per guidelines of DoT shall be provided at towers and antenna sites which are clearly visible and identifiable.
- (iii) The licensee shall be permitted to erect/install Telegraph/Telecom infrastructure on open land including private/Govt lands, lands and buildings of Government or Government owned/controlled Statutory or Non-Statutory institutions/bodies or at other public/private locations including roads, parks, playgrounds, schools, colleges, land earmarked for public utilities.
- (iv) In the walled city area or in the area of Heritage importance the Pole/Mast shall be designed keeping in view the Heritage character of the area.
- (v) Installation of infrastructure shall not be permitted on right of way.
- (vi) The licensee shall be granted permission to install micro cells/Wi-Fi access points and other required services on street light poles/bus shelters/government buildings.
- (vii) The licensee shall fix the equipment's which cause minimum noise and environmental pollution for power back-up in the earmarked boundary adjacent to mobile tower/post.
- (viii) The structural stability of the towers/posts and building in which it is erected, shall be ensured by the licensee and the towers/posts and their foundations shall be designed accordingly. He shall be solely responsible for any mishap, if it takes during or after erection of towers

(5) This permission shall be valid from this date up-to the period of license granted to the licensee by DoT (i.e. dated)

The permission is granted on this date under signature and seal of the undersigned.

District Nodal Officer

FORM-5

[See Para-11(2) (a)]

OFFICE OF THE DISTRICT NODAL OFFICER.....

(For (Appropriate authority) CASE

No. & Year.....

The applicant / licensee.....

Address.....

.....

Sub: - Grant of permission for laying of underground Telegraph/Telecom infrastructure under Rule 9 of Telegraph Right of Way Rule 2016 and order made there-under

- (1) The above applicant/licensee has applied to accord permission for laying of underground Telegraph/Telecom infrastructure under Rule 9 of Telegraph Right of Way Rule 2016 read with Para 7 of these guidelines Datedissued by Deputy Commissioner, Govt. of Nagaland. The permission has been applied on the land or building mentioned below.

| Details of location (Name of village, city, ward no. Street name, road name etc.) | Details of Plot No./ Building/land /structure | Area in Sq. Mt |
|---|---|----------------|
| | | |

- (2) That, I have examined the application and documents/statements submitted by the applicant/licensee. He/She has deposited the necessary fee and charges I have examined the reports received from Local/State Government Authorities and field agencies. I am of the opinion that the desired permission is consonance with provisions of above mentioned Rules and guideline.
- (3) Therefore, I hereby grant the permission for erection, installation or establishment of following Telegraph/Telecom infrastructure on the land or building herein above mentioned.

| Sl. No | Item | Details (to be mentioned by District Nodal Officer |
|--------|--|---|
| 1 | The nature of work | |
| 2 | The location details of the proposed work including buildings/structures, if any to be used. | |
| 3 | The route planned for the proposed work. | |
| 4 | Methodology for execution of proposed work. | |
| 5 | The time of the day when work is to be done | |

| | | |
|---|---|--|
| 6 | Number of ducts under the roads for which permission is granted | |
| 7 | The mode of and the time duration for execution of the | |

(4) The permission is granted on following terms and conditions :-

- (i) The licensee shall obtain necessary permission for laying optical fiber cable (OFC) network/underground Telegraph/Telecom infrastructure and taking fibre to home under roads and overhead from the District Nodal Officer of concerned appropriate authority.
- (ii) The work shall be started from the outer areas of the city and then to the core area
- (iii) Damages of roads and filling up of pits caused during the laying of underground Telegraph/Telecom infrastructure and taking fibre to home will be repaired by the concerned local/State Government Authorities and the entire expenses, for restoration of damaged road portion shall be charged by the local/State Government Authorities from the licensee. Charges for such expenses shall be fixed by the State Government from time to time, on the basis of applicable schedule of rates for works for similar nature. The guidelines issued by the PWD shall be followed for calculating the restoration charges. Such charges shall be deposited in the advance in the form of 100% cash within period of 30days from the date of grant of the permission and prior to the commencement of work of laying the underground Telegraph/Telecom infrastructure. An amount equal to restoration charges as security shall be taken (in lieu of expenses for restoration) prior to the commencement of such work in the form of a Bank Guarantee valid for one year if the licensee has undertaken to discharge the responsibility of restoration of damaged road portion.
- (iv) Provided that no other charges, (except above-mentioned restoration charges and relevant administrative charges prescribed under **Para -12 & Para -13**), like User Charges etc. shall be levied on the licensee.
- (v) Laying OFC through Micro- Trenching Method shall be allowed during monsoons, provided that the applicant takes all security measures and makes arrangements for immediate restoration of the damage caused.
- (vi) Supervision of the work :-
 - (a) The District Nodal Officer, or any officer authorized by the appropriate authority, may supervise the execution of work to ascertain if the conditions imposed under the rules and this Order are observed by the licensee;
 - (b) The District Nodal Officer may, on the basis of such supervision, impose such other reasonable conditions as it may think fit;
 - (c) If the District Nodal Officer comes to the conclusion that the licensee has willfully violated any of the conditions, it may forfeit, in full or in part, the bank guarantee submitted by the licensee and withdraw the permission, for reasons to be recorded in writing:
Provided that no action shall be taken under this clause unless the licensee has been given a reasonable opportunity of being heard.
- (vii) Only pits of approximate size 1.5mtr.x1.5mtr.x1.5mtr. depth or as per requirement at site shall be excavated in the roads where optical fiber cables are to be laid, at the distance of not less than 100 meter. The pits shall be refilled only with granular material and shall be compacted as per the specifications. The pits/trenches shall be reinstated within 48 hours, repeat shall be reinstated within 48 hours, after the work at that location is over, failing which, penalty as applicable as per the guidelines for trenching activities shall be applicable besides the cancellation of permission etc.
- (viii) Number of ducts under the roads for which permission will be granted be as per requirement of the licensee
- (ix) (The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground Telegraph/Telecom infrastructures to enable the local/State Government Authorities to obtain real time information on its location.
- (x) The licensee will carry out Ground Penetrating Radar (GPR) survey wherever necessary along the route where the ducts will be laid for detection of existing utilities. The data of utilities collected by the licensee through GPR survey should be unconditionally shared with Local/State Government Authorities, free of cost.
- (xi) No damage shall be caused to any underground utilities while laying the ducts by using Horizontal Directional Drilling (HDD) methodology. In case any utility is damaged, the damage so caused to the utilities, shall be rectified by the licensee at his own cost.
- (xii) Ducts shall be laid approximately 2mtrs below the road crust. However, in case of Had Rock Strata where HDD methodology is not possible, the depth of approx. 400 mm. shall be maintained with the duct installed inside G.I. Pipe covered with PCC .
- (xiii) The cost of shifting conduits/OFC, wherever required, shall be borne by the licensee and instructions of Local/State Government Authorities in this respect shall be complied within the time frame fixed by the concerned Local/State Government Authorities.

- (xiv) Local/State Government Authorities shall not be responsible for any damage to OFC and resultant losses, if any, due to any act of employee of Govt. or Local/State Government Authorities, while performing official duties. However, prior written intimation will be given by the Local/State Government Authorities to the licensee.
- (xv) The licensee shall make proper arrangement for access control of the chambers to avoid misuse/illegal use of ducts and the chambers.
- (xvi) For laying overhead OFC from fiber to home network it shall be permitted to erect poles on specified locations on roads over the ground area not more than 1 meter x 1 meter. The spacing between two poles should not be less than 50 meters in line of the sight.
- (xvii) The licensee shall ensure that,-
 - (a) prior to the commencement of work of laying the optical fibre and at all times during the execution of the work, the measures to mitigate public inconvenience and provide for public safety are implemented;
 - (b) Structural safety of over ground infrastructure are implemented; and
 - (c) The work of laying OFC/Telegraph/Telecom infrastructure is carried out in accordance with the conditions specified under the rules and this Order.

(5) This permission shall be valid from this date up-to the period of license granted to the licensee by DoT (i.e. dated)
The permission is granted on this date under signature and seal of the undersigned.

District Nodal Officer

FORM-6

[See Para-15(2)]

**APPLICATION FOR REGULARIZAION OF EXISTING OVERGROUND
TELEGRAPH/TELECOM INFRASTRUCTURE (MOBILE TOWER etc.)**

To

The District Nodal Officer

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(Details of appropriate authority)

| A | Details of Applicant/licensee | |
|----------|--|--|
| | 1. License Details | |
| | 2. Name of License | |
| | 3. Registered Address | |
| | 4. Administrative Office DC/SDO/EAC) | |
| | 5. Name of Authorized Person | |
| | 6. Designation of the authorized person | |
| | 7. Phone/Mobile No of the authorized person | |
| | 8. E-mail | |
| | 9. PIN | |
| B | The nature of post/tower or other aboveground contrivances | |
| C | The extent of land required (size and area in metres) | |
| D | Details and location of land for the site | |
| | 1. Plot No | |
| | 2. Road/Street | |
| | 3. Ward No. & Name of Colony | |
| | 4. City/Town or name of revenue Village | |
| | 5. Block | |
| | 6. District | |
| | 7. Exact Latitude and Longitude of site | |

| | | | | | |
|----------|---|---------------|--|----------------------------|-----------------|
| E | Details of building or structure of the site | | | | |
| | 1. Name of building/structure | | | | |
| | 2. Height and stories of building | | | | |
| | 3. Area of building/structure | | | | |
| | 5. Complete address of the building/structure | | | | |
| | 5. District | | | | |
| | 6. Exact latitude and longitude of the site | | | | |
| F | Name and address of the owner of the land or building | | | | |
| G | Details of Tower/Post | | | | |
| | Height | Weight | Ground/ Roof Top Tower | Pole/Wall Mounted | No. of antennae |
| | | | | | |
| | Whether on an open | Area Required | The exact latitude and longitude of Tower/Post | | |
| | | | | | |
| H | Other related Information | | | | |
| | 1. The mode of and time duration for, execution of work | | | | |
| | 2. The inconvenience that is likely to be caused to the public and the specific measure to be taken to mitigate such inconvenience | | | | |
| | 3. The measure proposed to be taken to ensure public safety during the execution of the work | | | | |
| | 4. The name and contact details of the employees of the licensee for the purpose of communication in regard to the application made. | | | | |
| | 5. Any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken | | | | |
| | 6. Any other matter specified by DoT, or State Govt. or the local/State Government Authorities | | | | |
| I | Details of fee and charge deposited | | | | |
| J | List of documents attached | | | Whether attached (Yes/No) | |
| | 1. Copy of the license granted by DoT | | | | |
| | 2. Site Plan | | | | |
| | 3. The detailed technical design and drawing of tower/post or other above ground Telegraph/Telecom structure including the specification of foundation. In case the | | | | |

| | | |
|--|--|--|
| | adjoining to high or low tension line, drawings showing its distance from the line. | |
| | 4. Copy of Structural Stability Certificate | |
| | 5. Copy of SACFA clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement. | |
| | 6. Copy of clearance from State Environment & Forest Department (if Applicable) | |
| | 7. Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by licensee. | |
| | 8. Attested copy of Lease Agreement Deed/Consent Agreement Deed | |
| | 9. Prior written consent from the authority having legitimate right over the land/premises belonging to Central Govt./PSUs (if Applicable) | |
| | 10. Any other document | |

Declarations

1. I hereby declare that I have carefully read the policy. I fully comply with term and conditions therein.
2. I understand 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 understand that processing fee is non-refundable irrespective of whether or not the permission is granted to me.
4. 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.

Date:

Place:

**Signature and name of the
Authorized Signatory**

(With Seal)