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***Rajasthan Telecom Infrastructure Policy, 2015***

**1. Preamble :**

Telecommunication has emerged as a key driver of economic and social development in an increasingly knowledge intensive global scenario. The Indian Telecom sector has witnessed phenomenal growth and mobile telephony in particular has revolutionized in the country over the past decade. Getting better telecom/high speed internet connectivity is imperative for all round development of the State. Telecom sector has important role to achieve the vision of Digital India and Smart Cities. Mobile Towers are integral part for providing better connectivity. On the other side, aspect of adverse health impact due to radiation, if any, caused by telecom towers is also to be considered. Further, a clarity and simplification of licensing framework should be there regarding formulation of modalities in installation of towers at various buildings/lands in urban and rural areas. In order to bring uniformity, based on the advisory guidelines issued by the Department of Telecommunication, Government of India, dated 1st August, 2013 and considering all connected factors, the State Government issues the following Policy for installation of Mobile Communication Towers and related infrastructure.

**2 Applicability and Commencement:**

(1)This Policy namely, the Rajasthan Telecom Infrastructure Policy, 2015 shall apply to all existing and proposed Telecommunication Infrastructure System in the whole of the State of Rajasthan.

(2) The provisions of this Policy shall come into force at once.

**3. Definitions :**

(i) "Applicant" means the Infrastructure Provider (IP-1) and/ or Telecom Service Provider (TSP) duly registered/ licensed, respectively by the Department of Telecommunication, Government of India who seeks permission for installation of Telecommunication Infrastructure Tower ;

(ii) "Competent Authority" means, -

1. the Commissioner or Executive Officer, as the case may be, of a Municipality within the territorial limits of that Municipality;
2. the Secretary of an Urban Improvement Trust or the Jaipur Development Authority or the Jodhpur Development Authority or the Ajmer Development Authority, as the case may be, in the urban area under the jurisdiction of that Trust or Authority (excluding the Municipal area) ; and
3. Sub-Divisional Magistrate in Rural area (excluding the area within the jurisdiction of an Urban Improvement Trust or the Jaipur Development Authority or the Jodhpur Development Authority or the Ajmer Development Authority, as the case may be).

(iii) "DoT" means the Department of Telecommunication, Government of India;

(iv) "DTC" means the District Telecom Committee as formed under Para 19;

(v) "Form" means the form appended in this Policy ;

(vi) "Para" means the para of this Policy ;

(vii) "Local Body" means a Municipal Corporation, Municipal Council or Municipal Board in a Municipal area, a Development Authority or Urban Improvement Trust in an urban area declared under the relevant law (excluding the Municipal area), and Gram Panchayat for Rural areas (excluding the area under the jurisdiction of an Urban Improvement Trust or a Development Authority) ;

(viii) "STC" means the State Telecom Committee as formed under Para 19;

(ix) "TERM Cell" means Telecom Enforcement, Resource and Monitoring Cell of the Department of Telecommunication (DoT), Government of India which is competent agency to tender advise on Electro Magnetic Field (EMF) Radiation related matters of Mobile Towers.

(x) "Telecommunication Cell Site or Base Station (TCS/BS) or Telecom Tower or Mobile Tower" means and include a place where tower of requisite height and dimensions, delta, single pole antenna, microwave antenna, cabin of requisite dimension for housing telecom equipments, telecom transceiver machinery, related civil works, requisite wire and cable, power supply equipment, Diesel Generator set, alternate power supply mechanism, cabin or cupboard for housing any or all of the aforesaid items is necessary.

(xi) "Telecommunication Infrastructure Tower (TIT)" means and includes,-

1. Ground based tower (GBT), ground based mast/monopole (GBM), roof top tower (RTT), roof top pole (RTP),
2. Cell phone tower (CPT), micro cell tower (MCT), antenna fixtures, fabricated antenna, tower to install the telephone lines and Wi-Fi antenna, any other transmission towers,
3. Pre-fabricated or masonry structure shelters or installation of Base Transceiver Station (BTS) and other equipments,
4. Ducts, fiber cable, OFC underground, on the poles or electric poles and guard room,
5. Any alternate power source viz. battery, solar, Generator set etc.,
6. Any other additional equipments etc. as may be deemed to be necessary by the Telecom Infrastructure Provider/Telecom Service Provider for effective operations of Telephone and Telecommunication services.

Provided that the TIT shall not include the Antennas installed for domestic purpose, namely Television Antennas or Dish Antennas.

 (xii) "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.

(xiii) "Infrastructure Provider (IP-1)" means and includes a person, firm, association of persons or company who is duly registered under relevant Category-1 by the DoT and is duly authorized to install passive telecom infrastructure such as Dark Fibers, Right of Way, Duct Space and Mobile Communication Tower for the purpose of sharing with TSPs on non-discriminatory basis.

(xiv) "SACFA" means Standing Advisory Committee on Frequency Allocation (SACFA) of the DoT.

**4. Prior Permission for Telecom Infrastructure :-** No person shall erect, install or establish telecommunication infrastructure tower (TIT) without obtaining prior permission from the concerned competent authority. However no formal permission is required for the installation of Cell on Wheels (COW) and any such temporary infrastructure for managing events/festivals/fares of short duration of maximum thirty days.

**5. Restriction on erection of Telecommunication Infrastructure Towers and allied activities** .– No TIT and allied activity shall be allowed or carried out, -

1. in the bed of water bodies like river or nala and the Full Tank Level (FTL) of any lake, pond ;

(ii) within 30 meters from the boundary of the River ;

(iii) within 15 meters from the FTL boundary of lakes/tanks of area of 10 Hectares and above ;

(iv) within 5 meters from the FTL boundary of lakes/tanks of area less than 10 Hectare ;

(v) within 5 meters from the defined boundary of canal, nala, storm water Drain of width more than 10 meters.

(vi) within 2 meters from the defined boundary of canal, nala, storm Water Darin of width up to 10 meters.

(vii) Near Railways **-** the distance between the Railway Property Boundary and the TIT may be as per India Railways Works Manual or as per no objection certificate (NOC) given by the Railway Authority.

1. Near Electrical Lines **-** the distance of tower from electric line or pole or tower thereof shall be maintained in accordance with the permission granted by the concerned Vidhyut Vitran Nigam Ltd. or the concerned authority under the Indian Electricity Act and Rules made there-under except street light Poles maintained by the concerned Local Body.
2. Near Oil/Gas Pipeline **-** in the vicinity of Oil/Gas pipeline clear distance and other stipulations of the respective authority shall be complied with. The Oil/Gas authorities shall also specify the clearances required stretch wise to Local Body.
3. Near Protected Monuments **-** within the distance up to 300 meters from notified boundary of protected monuments as notified under Archeological Sites and Ancient Monuments and Remains Act, 1958 ; Antiquities and Treasure Act, 1972 and Rajasthan Monuments and Archeological Sites and Remains Act, 1961, without obtaining prior clearance from the Archeology Department. No prior permission from the Archeology Department is required if the site is situated beyond 300 meters from the notified boundary of the Protected Monument.
4. within the lands and buildings of Schools(excluding colleges & University), Hospitals, and Jail and within 15 meters from the boundary of such Schools, Hospitals and within 500 meters from the lands and buildings of such Jails.

**Explanations :-** Unless otherwise stated ,-

1)the area and the Full Tank Level (FTL) of a lake shall be reckoned as measured and as certified by the Water Resources Department or Revenue Department, as the case may be, and

2) the boundary of the river, or nala or canal or storm water drain shall be as fixed and certified by the Water Resources Department or Revenue Department, as the case may be.

**6. Basic requirements to erect Telecommunication Infrastructure Towers (TIT) :**

The basic requirements for erection of Telecommunication Infrastructure Towers shall be as under :-

(i) For ground based tower or roof top tower the minimum setback on all sides of the base of tower shall be equivalent to 1/8th of the height of tower.

(ii) In case of both ground-based towers and roof-top towers, Operators shall ensure radiation norms as specified by the DoT from time to time and there shall be safe distance of building in front of the antenna(s) of equivalent height taking into account the tilt of the lowest antenna on tower, as per the norms/guideline issued by the DoT from time to time.

 (iii) TIT should be avoided in lanes having width less than 9 meters.

(iv) In case of wall/pole mounted Antenna, the antenna should be mounted at least 5 meters above ground level/road level on flyover.

(v) The applicant shall use the duct for running optical fiber if such duct is provided in the building.

(vi) *Sharing of Sites* **-** The Telecom Operators may share the towers for fixing their respective antennas. The same are however, required to adhere to the prescribed technical requirements, so as to curtail multiplicity of towers as well as to optimize the use of the existing ones.

(vii) *Installations* **-** (a) In order to avoid any eventuality due to thunder storm, lightening conductors shall be installed on the tower .

(b) 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 Rajasthan State Pollution Control Board.

(viii) *Protection* **-** Every TIT including RTP/RTT shall be provided with protective wall/railing, warning lights and colour specifications conforming to I.S. 2309-1989-Code of Practice and as per DoT Guidelines.

(ix) *The Radiation norms fixed by DoT* **-** The Radiation norms fixed by DoT have to be strictly followed by the applicant and limit the Power Emissions/Radiations. Any citizen can approach the TERM Cell with regard to grievance on any issue relating to radiation.

(x) Electro Magnetic Fields (EMF) Radiation Norms .- (a) The applicant shall have to obtain site clearance from the SACFA for every site from the point of view of interference with other wireless users, aviation hazards and obstruction to any other existing microwave links.

(b) The Electro-Magnetic Fields (EMF) radiation from towers, RTT/RTP/WIFI antenna shall be subject to the regulations framed by the DoT from time to time. Audit of the self-certification furnished by the applicant shall be done by the TERM Cell periodically.

1. Sign boards and Warning Signs ("Danger", "RF Radiation",: Restricted Area", "Don't Enter" etc.) shall be provided at towers and antenna sites which are clearly visible and identifiable.
2. The applicant shall display the details of the following on a board (minimum size 24"x48") separately or prominently on the cabin, in such a way that the same shall be clearly visible and identifiable by the general public.
3. Name of Applicant.
4. Location of Tower.
5. Tower Reference – Height, weight, Permissible EMF radiation level and Proposed EMF radiation level.
6. Due date for next renewal of tower.
7. Contact person's name, address and telephone number.
8. Address of Complaint Redressing Authority with Telephone numbers.
9. Police Control Room- 100.
10. Fire Control Room- 101.
11. Ambulance -102.
12. Other important information , if any.
13. For installation of tower (excluding pole & GBM) minimum size of the land/plot shall be 20x20 feet in length and width that is 400 square feet and which may be situated on the side of a road having minimum 30 feet width.

 **7. Terms and Conditions for granting permission :**

(i) The applicant shall be permitted to erect TIT on open land including lands and buildings of Central Government or State Government or Government owned/controlled Statutory or Non-Statutory institutions/bodies or at other specified locations including roads.

 Provided that the ground based mast (GBM) shall not be more than 3x3 meters on government land & buildings. However spacing between two Towers to be erected shall not be less than 100 meters in line of sight.

(ii) 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 which need to be approved separately by the Local Body.

(iii) The applicant shall obtain necessary permission for laying optical fiber cable (OFC) network under roads and overhead from the Competent Authority. The work shall be started from the outer areas of the city and then to the core area.

(iv) For road-side GBMs the applicant shall obtain No-objection certificate of the concerned Authorities whenever necessary including traffic police and the conditions thereof shall be binding.

(v) Only pits of approximate size 2m.x2m.x1.5m. 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 after the work at that location is over, failing which, penalty as applicable as per the guidelines for trenching activities shall be applicable.

(vi) Damages of roads and filling up of pits caused during the erection of GBMs & laying of underground cabling will be repaired by concerned Local Body and the entire cost, at double rate of the above work for restoration of damaged road portion shall be charged by the local bodies from the applicants. Such charge may be taken in advance in the form of 100% cash or 50% cash plus 50% Bank Guarantee valid for one year. The amount of deposit money will be decided by the Local Body concerned, subject to any general or specific directions issued by the State Government.

(vii) Number of Telecom Operators on one Mast on government land shall be not more than four. Such Mast will be erected for utilization by multiple operators to provide the desired services within the area.

(viii) The Towers erected shall be of Multi technology/Multi operator utilization and the same shall be compliant to prevalent Electro Magnetic Field (EMF) radiation norms as prescribed by Department of Information Technology, Government of India.

(ix) The applicant has to submit an undertaking annually to the Competent Authority certifying that the radiations from the TIT are within the permissible limits as per norms of the DoT.

(x) Minimum width of road shall be 30 feet on which GBMs will be installed. However, no installation shall be permitted on right of way.

(xi) Number of ducts under the roads for which permission will be granted shall be as per requirement of the applicant.

(xii) If so desired by Local Body in an urban area the applicant shall arrange for Bandwidth up to 2 MBPS free of cost to the Local Body for its own use.

(xiii) The applicant 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 applicant through GPR survey should be unconditionally shared with Local Body, free of cost.

(xiv) No damage shall be caused to any underground utilities while laying the ducts by using Horizontal directional drilling methodology. In case any utility is damaged, the damage so caused to the utilities, shall be rectified by the applicant at his own cost.

(xv) Ducts shall be laid approximately 2mtrs. below the road crust.

(xvi) The cost of shifting conduits/OFC, wherever required, shall be borne by the applicant and instructions of Local Body in this respect shall be complied within the time frame fixed by the concerned Local Body.

(xvii) Local Body shall not be responsible for any damage to OFC and resultant losses, if any, due to any act of employee of Govt. or Local Body, while performing official duties.

(xviii) The applicant shall make proper arrangement for access control of the chambers to avoid misuse/illegal use of ducts and the chambers.

(xix) The applicant shall be granted permission to install micro cells/Wi-Fi access points and other required services on street light poles/government buildings.

(xx) 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.

(xxi) The applicant shall fix only equipments on the towers for electricity generation (battery etc.) which cause minimum noise and environmental pollution. Also the radiations from the tower shall not exceed the limit prescribed by DoT..

(xxii) The structural stability of the TITs shall be ensured by the applicant and the TITs and their foundations shall be designed accordingly.

(xxiii) The applicant shall be responsible for the structural stability of the TIT and building in which it is erected. He shall be solely responsible for any mishap, if it takes during or after erection of the GBMs. The Telecom Service Providers/Infrastructure Providers shall be deemed to have indemnified Local Body against such mishap and its consequences.

(xxiv) The applicant shall allow advertisement boards and all advertisement rights of these GBMs shall be as per directions of Local Body concerned and at the sole discretion of the Local Body.

(xxv) The maximum height of GBMs shall be 30 meters, subject to clearance from Airport Authority wherever applicable. In case tower height exceeds 30 meters structural stability reports from IIT/NIT/MNIT or Telecom Consultants of India Ltd. shall be obtained.

(xxvi) The applicant shall get 10% of the total GBMs inspected by the TERM Cell every year. Also State Government /Local Body will get the technical testing of at least 25% of total GBMs through independent technical agencies such as IIT to check the radiation norms every year.

*(xxvii) Completion Notice* **-** After completion of the work of the telecommunication tower or pole structure and accessory rooms as per permission, the applicant and the engineer shall submit to the Competent Authority completion notice as in Form-5 along with a certificate of structural safety/stability of the tower and the building, if the tower or pole is constructed over a building.

(xxviii) Any complaint by public concerning illegal installation of Telecommunication Cell Site/Base Station (TCS/BS) on any building or any query of any nature regarding the installation of telecommunication equipment, may be addressed to the Competent Authority which shall intimate the concerned applicant about the same with a direction to resolve the issue under intimation to the Competent Authority, within such period as may be specified by the Competent Authority. Such complaints can be addressed to the DTC or STC also.

(xxix) Apart from the Fee and Charges recoverable under Para 12 & 13 of this Policy, in case of government land & buildings, the applicant shall also provide the following :-

(a) Security Surveillance Cameras of High Resolution (2 mega pixels or above) for use of police on all Ground Based Masts (GBMs), free of cost along with free bandwidth required for the same in consultation with Police Department and on mutually agreed terms. Minimum one camera per Tower shall be provided. Camera should be of minimum 2 megapixels. A control room shall also be established by the applicant at the premises suggested by Police Department, who shall maintain and operate the same after installation.

(b) In case the Local Body requires High Mast LED lighting instead of Surveillance Cameras the same shall be fixed by the applicant but necessary lights/spares shall be provided by the Local Body. However, the work on the towers shall be done by the applicant only without any delay. The cost of power consumed for street lights shall be borne by Local Body.

(c) On requisition all GBMs will be allowed to be used free of cost for hoardings by the Local Body. However, the applicant shall not be allowed to install hoardings on GBMs for his use.

(xxx) The applicant will prepare a detailed plan for each city for erecting GBMs after consultation with concerned Local Body. The plan shall be sanctioned by the Local Body within a period of thirty days. In case it is not sanctioned within the stipulated period the applicant can approach DTC, who will take the decision. Only after the approval of the plan the work will be started.

(xxxi) The applicant will prepare a Draft MOU to be entered into between the applicant and Local Body and submit the same to concerned Local Body for approval comprising of all above Terms and conditions.

(xxxii) 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 telecommunication system. But the Competent Authority shall communicate such tax or dues to the applicant 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, than on the basis of said undertaking Competent Authority shall grant the required permission to the applicant.

(xxxiii) TIT 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 will not require change of land use under any law.

**8. Application for Permission :**

(1)Application (in duplicate) for permission for new TIT or for its renewal shall be submitted to the Competent Authority in the Form-1 along with following plans and Documents .-

(i) Locations Plan- (Scale 1:1000) showing the site with reference to the surrounding existing developments.

(ii) Site Plan-(Scale 1:100) showing plot dimensions, access, street width, details of existing structures within the plot with their uses, height, and number of floors, set-back from the plot boundaries and between them; proposed tower and ancillary structures.

(iii) Copy of Structural Stability Certificate for ground based tower. In case of roof top Base Transceiver Station(BTS) Tower, Structural Stability Certificate for the building and tower. The Certificate shall be 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 form time to time by the State Government.

(iv) Ownership Document- of the building/site. (Attested copy)

(v) Attested copy of Lease Agreement Deed/Consent Agreement Deed, signed by the applicant and the owner of the site/building.

(vi) Copy of relevant License/Infrastructure Provider Registration Certificate issued from DoT.

(vii) Drawing of tower with complete details including the specification of foundation and design parameters.

(viii) Height of tower along with its elevation (MSL).

(ix) In case the tower is in the vicinity or adjoining to high or low tension line, then its distance from the same shall be clearly indicated in the drawings.

(x) The capacity of Tower or antenna as per the norms prescribed by DoT.

(xi) Undertaking (original) to take care of any loss or injury due to accident caused by the tower (including a declaration to the effect that the applicant shall take special precaution for fire safety and lighting and he shall be solely responsible for any civil or criminal case arising there from).

(xii) Copy of No-objection Certificate issued by the Fire Safety Department in case of high rise buildings where fire clearance is mandatory.

(xiii) Copy of SACFA clearance/copy of SACFA application for the said location submitted to Wireless Planning & Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, TSPs/IP-1s will take corrective actions/remove the tower.

(xiv) For forest protected areas, the copy of clearance from State Environment & Forest Department, if applicable.

1. The Competent Authority may also seek submission of the copy of No Objection Certificate (NOC) from Building Owner/entities having roof top rights or roof top tenants in case of roof based tower/land owner in case of ground based tower, as the case may be.
2. Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by TSP/IP in respect of mobile tower/Base Transceiver Station (BTS) (ground based/roof top/Pole/wall mounted) in the format as prescribed by DoT, establishing/ certifying that all General Public areas around the tower will be within safe Electro Magnetic Radiation(EMR) exposure limit as per peak traffic measurement after the antennas starts radiating.

(xvii) Data sheet containing :

1. Name of Service/Infrastructure Provider (Applicant)
2. Location of Tower
3. Tower reference - such as (i) Height, (ii) Weight, (iii) Ground/Roof Top (iv) Pole/Wall mounted (v) Number of antennas planned on tower.

(xviii) Copy of test certificate issued by Automotive Research Association of India (ARAI) to the manufactures of the DG sets.(DG sets used shall be as per the provisions under Environment (Protection) Act, 1986).

 (2) In case the permission is sought in the premises of any Government office or Government land or premises belonging to a PSU , the prior written consent from the authority having legitimate right over the land/premises shall be attached with the application.

(3) The Applicant shall submit a copy of receipt in proof of the payment of application fee.

 (4) The applicant shall furnish such other relevant information as may be required by the Competent Authority or as the State Government may direct.

 (5) The applicant may also submit the soft copy of the application along with all the forms, statement and documents.

 (6) Application, if the applicant desires, may be submitted On-line in cases of such competent authorities, wherever they have appropriate arrangements for this purpose.

(7) In cases where application for permission have been submitted under erstwhile policy but permission has not been issued, then in such cases, documents and fee/charges as per this policy may be submitted and permission shall be issued in accordance with this policy. The fees/charges paid earlier shall be adjusted.

**9. Register of Applications :**

All applications received by the Competent Authority shall be entered in a Register in Form-2.

**10. Scrutiny and Enquiry of Applications :**

(1) The Competent Authority, in an urban area or a municipal area, as the case may be, shall, within three days of the receipt of the application, send it to the Engineering or Planning cell of the Local Body for examination who shall submit his report within three days of the receipt of the application to the Competent Authority.

(2) In case the permission is sought in rural area, the Competent Authority, shall within three days of the receipt of the application sent it to the Tehsildar and Assistant Engineer, PWD having jurisdiction of the area for examination and to the Gram Panchayat for its comments, who shall submit their report within seven days of the receipt of the copy of application to the Competent Authority.

(3) After examination of the application the Competent Authority shall scrutinize it and verify or cause to be verified the contents and facts envisaged in the application and in other supporting documents within seven days of the receipt of report under sub-para (1) or (2) above, as the case may be.

(4) If after scrutiny of documents and other details under sub-para (3) the Competent Authority is of the opinion that any additional relevant information on the subject matter required to be sought, he may require the applicant within a period of fifteen days from the receipt of the application to submit the same and the applicant shall be bound to submit such additional information within ten days, failing which the application may be disposed off *ex-parte* within the stipulated period specified in Para-11.

(5) During scrutiny of application Competent Authority shall issue a public notice for seven days in Form-3 calling upon objections of any interested person. The notice shall be exhibited by the Competent Authority on the notice board of his office and office of Local Body, as the case may be, and shall also be published in a State level newspaper on the cost of the applicant.

**11 Disposal of Applications :**

(1) The Competent Authority shall be responsible for the single window clearance of the application made by the applicant.

(2) The Competent Authority, considering all the facts including reports received under sub-Para (1) or (2), as the case may be, of Para-10 and objections, if any, filed may grant the permission applied for otherwise refuse the permission.

(3) The application shall be disposed off by the Competent Authority within 45 days from the date of its receipt. If the application of the applicant is accepted by the Competent Authority he may issue permission in Form-4.

(4) In case the application for permission is rejected within the stipulated time, the fee paid shall be refunded to the applicant forthwith along with the reasons for rejection.

(5) In case where the Competent Authority fails to convey its decision in 45 days of submission of the application, the applicant may undertake the work applied for after giving one month's clear notice to the Competent Authority, considering it as a case of deemed permission. However, it shall be the responsibility of the applicant to ensure that the provisions of the Law, for the time being in force, are not violated.

12. **Fee and other Charges :**

The applicant shall pay the following charges to the Local Body.-

(a) Rupees one thousand as non-refundable application fee along with the application form.

(b) One time registration charges shall be Rs. 1,00,000 per GBM for the State Capital, Rs. 75,000 per GBM for Divisional Headquarters, Rs. 50,000 per GBM for other Towns with population 1 Lakh and Rs. 25,000 per GBM for the remaining Towns and Rural area in the State.

(c) The applicant shall deposit annual user charges for installation of Roof Top Tower (RTT)/Roof Top Pole (RTP)/Ground Based Tower (GBT) as follows :

 (i) For Municipal Corporation Towns Rs.15,000/-

 (ii) For Municipal Council Towns Rs.10,000/-

 (iii) For Municipal Board Towns Rs. 5,000/-

 (iv) For Gram Panchayat areas Rs. 5,000/-

1. 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 annual charges of rupees one thousand shall be deposited by the applicant.

(e) The applicant may, if he so desires, deposit one time charges under clause (c) or clause (b), as the case may be, which would be equal to eight times of such full annual charges. Such a payment would exempt the applicant from further liability of payment of aforesaid annual charges under clause (c) or clause (b), as the case may be.

**13. Fee and other charges in respect of installation of TIT on Government Lands and Buildings :**

(1) The applicant shall deposit all fee and other charges as specified under Para 12 to the Local Body in respect of lands and buildings of Central/State Government or statutory or non-statutory bodies, boards and authorities.

(2) The applicant shall also deposit following annual charges for using area of lands and buildings of Government or substantially Government owned statutory or non-statutory bodies, boards and authorities apart from the charges specified in sub-para (1) above :-

(a) In case of lands and buildings belongs to Central Government or statutory or non-statutory bodies, boards and authorities established by the Central Government, rates of annual charges as may be determined by the Central Government, shall be deposited in the consolidated fund of the Central Government or funds of the statutory or non-statutory bodies, boards and authorities, as the case may be.

(b) In case of lands and buildings belongs to State Government or statutory or non-statutory bodies, boards or authorities substantially owned and established by the State Government including Municipalities Urban Improvement Trusts, Development Authorities or Gram Panchayats, as the case may be, annual charges @ 5% of rates determined by the District Level Committee (DLC) under the Rajasthan Stamps Rules, 2004, shall be deposited in the consolidated fund of the State Government or funds of the statutory or non-statutory bodies, boards and authorities, as the case may be.

(c) In case of Micro Cell and utility box attached to Micro Cell are installed on Government buildings, bus shelters, street light poles, public toilets or walls and other Government properties annual charges of rupees one thousand shall be deposited by the applicant for each Micro Cells or utility box attached to Micro-Cells.

(d) The applicant shall deposit rupees one thousand and five hundred per pole as annual charges for use of street light pole to carry OFC on existing street light pole of the Local Body. During the rainy season the applicant company shall take necessary precaution for last mile connectivity of OFC to towers.

1. The applicant may, if he so desires, deposit one time charges under clause (b) or clause (c) or clause (d), as the case may be, which would be equal to eight times of such full annual charges. Such a payment would exempt the applicant from further liability of payment of aforesaid annual charges under clause (b) or clause (c) or clause (d), as the case may be.
2. No fee and charges shall be recovered from the Police Department, Defense and Security Forces and Government Department for establishing Telecommunication system including towers and poles for their use.

**14. Tenure of permission and renewal :**

(1) 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 applicant shall submit application for renewal of permission to the Competent Authority at least sixty days before the expiry of the permission along with all the documents as required for new permission. The Competent Authority shall dispose of the application as per procedure laid-down for new permission. Fee and charges for renewal of permission shall be same as prescribed under Para 12 or Para 13, as the case may be.

(2) The Competent Authority shall renew the permission upto the period of the permission/license granted to the applicant by the DoT under the Indian Telegraph Act, 1885.

(3) The Competent Authority shall dispose of renewal application within 60 days. If application for renewal is submitted in time, the operation of the Mobile Tower/TIT shall not be discontinued for any delay in disposal of application for clearance by the Competent Authority. If the renewal is declined by the Competent Authority, the operation of the Mobile Tower/TIT shall not be discontinued for such time as provided for filing appeals/before the concerned authorities.

**15 Priority in Electricity Connections :**

Being a critical infrastructure in mobile communication, concerned Vidhyut Vitaran Nigam Ltd. may give priority in providing electricity connection to Mobile Towers/TIT and should also be ensured that disconnection of electricity power if required is executed with prior notice.

**16. Regularization or Compounding of existing TITs/unauthorized TITs :**

(1) Wherever permissions have already been granted under erstwhile policy/orders, the same shall hold good and no fresh permission will be required under this policy.

(2) For all the existing mobile towers/TITs wherein permission has not been obtained by the concerned TSP/IP the necessary application for obtaining clearance for all those Mobile Towers/TITs shall be submitted within six months of issue of this Policy, after which the said mobile towers/TITs shall be deemed as unauthorized. Earlier fees paid, if any, by the applicant/company shall be adjusted. Once the application is submitted within due time, the operation of the Mobile Tower shall not be discontinued till disposal of the application by the Competent Authority. In case the Competent Authority declines clearance for any existing Mobile Tower, the operation of the Mobile Tower shall not be discontinued for such time as provided for filing appeals/before the concerned authorities.

(3) Telecom Installations are lifeline installations and a critical infrastructure in mobile communication. In order to avoid disruption in mobile communication, an essential service, sealing of existing and operational Base Transceiver Station Towers or disconnection of electricity of such tower may not be resorted to without the consent of the respective TERM Cell in respect of the EMF radiation related issues.

**17. Seizure and Removal of unauthorized Telecommunication system :**

(1) If any person installs any Telecommunication system including pole, tower antenna or any structure without obtaining the prior permission and depositing the prescribed fee and charges then in such cases the Competent Authority, through Local Body, may seize and remove the same and the expenses incurred by the Local Body for such removal or seizure shall be recovered from the TSP/IP.

 Provided that before seizure or removal of the Telecommunication system the Competent Authority shall afford an opportunity of hearing to the concerned TSP/IP by giving at least seven days' notice to him.

(2) If any Telecommunication system including pole, antenna or any structure has been seized or removed then in such case intimation shall be sent to DoT and TERM Cell of DoT.

**18. Appeal :**

(1) Any person aggrieved by the decision regarding seizure and removal of Telecommunication system as provided under Para 17 above may file an appeal before the District Telecom Committee, within 30 days of the decision taken by the Competent Authority.

(2) The District Telecom Committee (DTC) shall dispose of the appeal within sixty days of the presentation of such appeal. The DTC may amend, cancel or endorse the decision of the Competent Authority or to remand back with its advised to the Competent Authority for fresh enquiry and consideration.

(3) If permission for installation of new TIT or renewal of existing TIT has not been granted by the Competent Authority in stipulated period than aggrieved person may file appeal before the DTC within 30 days of expiry of the stipulated period.

(4) If the permission for installation of new TIT or for renewal of existing TIT has been refused or rejected the aggrieved person may file appeal before the DTC within 30 days of such refusal/rejection.

(5) Any aggrieved person or applicant may prefer an appeal before the State Telecom Committee (STC) within 45 days of the order passed by the DTC, if he is not satisfied with the decision of the DTC.

(6) The STC may amend, cancel or endorse the decisions of DTC or to remand back with its advice to DTC for considering the issue afresh.

(7). The recommendations of the DTC or the STC, as the case may be, shall be adhered to by Local Bodies, Police Authorities, the TSP/IP, applicant or any other authority related to the subject.

**19. District and State Level Committees :**

(1) There shall be a District Telecom Committee (DTC) in each district and a State Telecom Committee (STC) in the State to deal with matters related to public grievance for installation of Mobile Towers and other issues related to telecom infrastructure in the State of Rajasthan.

(2) District Telecom Committee (DTC) : The DTC will comprise of the members as mentioned below. However, the Chairman of DTC is authorized to co-opt any expert as necessitated :

 (i) District Collector Chairman

 (ii) Superintendent of Police Member

 (iii) Representative of TERM Cell Member

 (iv) Commissioner/Executive Officer

 of concerned Urban Local Bodies of the District Member

 (v) Chief Executive Officer, Zila Parishad Member

 (vi) Representative of the Pollution Control Board Member

 (vii) Chief Medical and Health Officer Member

 (viii) Suptd. Engineer, PWD Member

 (ix) District Head of BSNL Member

 (x) District Head of each Telecom/Infrastructure Service Provider Member

 (xi) Additional Collector Member Secretary

(3) State Telecom Committee (STC) : The STC will comprise of the following members. However, the Chairman of STC may co-opt any two experts/officers as necessitated :

 (i) Chief Secretary Chairman

 (ii) Additional Chief Secretary to the Govt., UDH Deptt. Vice Chairman

 (iii) Additional Chief Secretary to the Govt., Home Department Member

 (iv) Principal Secretary to the Govt., GAD Member (v) Principal Secretary to the Govt., Medical and Health Department Member

 (vi) Principal Secretary to the Govt., Local Self Govt. Deptt. Member

 (vii) Principal Secretary to the Govt., Panchayati Raj & Rural Devep. Member (viii) Principal Secretary to the Govt., Revenue Department Member

 (ix) Principal Secretary to the Govt., Forest & Environment Deptt. Member

 (x) Deputy Director General (TERM), Rajasthan Member

 (xi) Representative of Telecommunication Service Providers

and infrastructure Provider Member

 (xii) Secretary to the Govt., Information & Technology Member

 (xiii) Director, Local Bodies, Rajasthan Member Secretary

**20. Awareness Programmes :**

The District Telecom Committee, State Telecom Committee, Local Bodies and Government Departments along with DoT will organize public awareness programmes involving civil society members Public Awareness programmes will also be organized through DoT web portal/Government publications.

**21. Action by DoT/TERM Cells :**

1. For all the existing as well as new BTSs/Towers, Telecom Service Providers are required to submit self-certificates periodically in the format as prescribed by DoT, in order to ensure that normally all general public areas around the site are within the safe EMR exposure limits. Any violation noticed attracts heavy penalties on Telecom Service Provider(s) and may also lead to shut down of BTS in case the violation persists.
2. The TERM Cells have been given clear instructions with regard to the technical audit of BTS, including for radiation from towers within safe limits. These include roof top/ground based/pole mounted/wall mounted towers. They will also verify antenna orientation, safe distance from the tower (exclusion zone) etc. Installation and augmentation of BTS and antenna is a continuous process. DoT will organize frequent workshops for concerned officers to ensure observance of the latest guidelines issued by DoT from time to time on the subject of EMF, radiation and public safety.

**22. Repeal and savings :**

(1) All notifications/circulars, orders issued by the State Government from time to time in relation to matters covered by this Policy shall stand superseded from the date of the commencement of this Policy.

(2) Any action taken or orders issued under superseded notifications/circulars/ orders prior to coming into force to this Policy shall be deemed to have been taken or issued under this Policy.

Provided that such repeal shall not affect any order made, action taken, effects and consequences of anything done or suffered thereunder or any right, privilege, obligations or liability already acquired, accrued or incurred thereunder or any enquiry conducted, verification made or proceedings taken in respect thereof.

 **FORM-1**

**[See Para-8]**

**……………………………….**

**APPLICATION FOR PERMISSION FOR INSTALLATION OF TELECOMUNICATION INFRASRUCTURE TOWER**

**To**

**The Competent Authority**

**…………………………………….**

**…………………………………….**

|  |  |
| --- | --- |
| **A** | **DETAILS OF THE APPLICANT** |
| 1 | Name |  |
| 2 | Flat No./House No. |  |
| 3 | Road/Street |  |
| 4 | City/Town |  |
| 5 | District |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| PIN |  |  |  |  |  |  |

 |
| 6 | Phone/Mobile No. |  |
| 7 | E-mail |  |
|  |  |  |
| **B** | **LOCATION OF THE PROPOSED SITE** |
| 1 | Plot Nos./Khasara Nos. |  |
| 2 | Road/Street |  |
| 3 | Ward No. & Name of Local Body |  |
| 4 | City/Town/Village & Tehsil  |  |
| 5 | District |  |
|  |  |  |
| **C** | **NAME AND ADDRESS OF THE OWNER OF THE LAND/ BUILDING** |  |
|  |  |  |
| **D** | **DETAILS OF THE PROPOSED TIT** |
|  | (i) Height | (ii) Weight | (iii) Ground/Roof Top Tower | (iv) Pole/Wall mounted | (v) No. of antennae  |
|  |  |  |  |  |
| (vi) Accessory Room |  |
| (vii) Generator Room |  |
|  | (viii) Whether proposed on an open plot/building |  |
| **E** | **Details of fee and charges deposited** |
| **F** | **List of documents attached** | Whether attached (Yes/No) |
| I | Locations Plan- (Scale 1:1000)  |  |
| ii | Site Plan-(Scale 1:100)  |  |
| iii | Copy of Structural Stability Certificate |  |
| iv | Ownership Document- of the building/site. (Attested copy) |  |
| V | Attested copy of Lease Agreement Deed/Consent Agreement Deed |  |
| vi | Copy of relevant License/Infrastructure Provider Registration Certificate issued from DoT. |  |
| vii | Drawing of tower with complete details including the specification of foundation and design parameters. |  |
| viii | Height of tower along with its elevation (MSL). |  |
| ix | In case the tower is in the vicinity or adjoining to high or low tension line, drawings showing its distance from the line.  |  |
| x | The capacity of Tower or antenna as per the norms prescribed by DoT. |  |
| xi | Undertaking and declaration (original). |  |
| xii | Copy of No-objection Certificate issued by the Fire Safety Department in case of high rise buildings where fire clearance is mandatory. |  |
| xiii | Copy of SACFA clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement. |  |
| xiv | Copy of clearance from State Environment & Forest Department, if applicable. |  |
| xv | Copy of No Objection Certificate (NOC) from Building Owner/entities having roof top rights or roof top tenants.  |  |
| xvi | Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by TSP/IP. |  |
| xvii | Copy of certificate issued by Automotive Research Association of India (ARAI) to the manufactures of the DG sets  |  |
| xviii | Prior written consent from the authority having legitimate right over the land/premises belonging to Government/PSUs/Local Body, if applicable. |  |

**Declarations**

1. I hereby declare that I have carefully read the policy. I fully comply with the terms and conditions therein.
2. I understand that this application, if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee, shall be summarily rejected.
3. I 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

(Company's Seal)

**FORM- 2**

**[See Para-9]**

**……………………………**

**REGISTER OF APPLICATIONS FOR PERMISSION FOR INSTALLATION OF**

**TELECOMMUNICATION INFRASTRUCTURE**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Sr. No. | Name of the Applicant 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- 3**

**[See Para-10(5)]**

**……………………………**

**OFFICE OF THE COMPETENT AUTHORITY ……………..**

**No. Date :**

**PUBLIC NOTICE**

The applicant…………………….. (particulars of applicant) has submitted application in this office for granting permission for erection, installation or establishment of telecommunication infrastructure under the Rajasthan Telecom Infrastructure Policy, 2015 on the land or building mentioned below :-

|  |  |  |
| --- | --- | --- |
| Detail of location (Name of village, city, ward No., street name etc.) | Plot No. | Area |

 Therefore, it is hereby informed to all concerned that if, anybody has any objection on granting permission for installation or establishment of telecommunication infrastructure on the land or building above, he may submit objection along-with supporting documents before the undersigned during office hours on any working day within 7 days of the publication of this notice.

 In absence of any objection within above stipulated time it any be deemed that nobody has objection and matter will be disposed off accordingly.

 This notice issued on this day ………………………. under my signature and seal.

Name & Seal Competent Authority

**FORM-4**

**[See Para-11(3)]**

**OFFICE OF THE COMPETENT AUTHORITY………………………..**

**CASE No. ---------------- & Year--------------**

The applicant ……………………………………………………………………………………………………………………………….

address …………………………………………………………………………………………………………………………………………………….

**Sub :- Grant of permission for erection, installation or establishment of telecommunication infrastructure on the land or building under Rajasthan Telecom Infrastructure** **Policy, 2015.**

1. The above applicant has applied to accord permission under Para 8 of the Rajasthan Telecom Infrastructure Policy, 2015 for erection, installation or establishment of telecommunication infrastructure on the land or building mentioned below :-

|  |  |  |
| --- | --- | --- |
| Detail of location (Name of village, city, ward No., street name etc.) | Plot No. | Area |

1. That I have examined the application and documents/statements submitted by the applicant. I have examined the reports received from Local Body and filed agencies. I am of the opinion that the desired permission is in consonance with provisions of the Rajasthan Telecom Infrastructure Policy, 2015.
2. Terms and conditions prescribed under this Policy shall be complied with by the applicant.

Therefore, I hereby grant the permission for erection, installation or establishment of telecommunication infrastructure on the land or building herein above mentioned under Rajasthan Telecom Infrastructure Policy, 2015.

The order is passed on this date ……………… under signature and seal of the undersigned.

Competent Authority

**FORM-5**

**[See Para-7(xxviii)]**

**TELECOMMUNICATION INFRASTRUCTURE TOWER (TIT)**

**COMPLETION NOTICE**

**To**

**The Competent Authority**

**…………………………………….**

**…………………………………….**

**Sub :-** Telecommunication Infrastructure Tower (TIT) completion notice.

**Ref. :- TIT Permit No.---------------------------------- date -----------------------**

I/ We hereby give notice that the erection of the TIT has been completed as per sanctioned Plan. The work has been completed to my/our best satisfaction. The workmanship and all the materials (type and grade) have been used strictly in accordance with general and detailed specifications. The TIT is fit for which it has been developed and fit for use for which it has been erected.

|  |
| --- |
| ***Use CAPITAL LETTERS only)*** |
| A | **NAME of THE OWNER/FIRM/ LESSEE** |  |
| **B** | **LOCATION OF THE PROPOSED SITE/BUILDING ON WHICH TIT IS PERMITTED** |
| 1 | Plot Nos./Khasara Nos. |  |
| 2 | Road/Street |  |
| 3 | Ward No. & Name of Local Body |  |
| 4 | Locality |  |
| 5 | City/Town/Village & Tehsil  |  |
| 6 | District |  |
| **C** | **DETAILS OF COMPLETED TIT** |
| 1 | TIT Permit/ Proceedings No. |  | Date | dd | mm | yyyy |
| 2 | TIT Permitted | i. Ground Based Tower (GBT)/ Roof Top Tower(RTT)/  Roof Top Poles (RTP) |
| ii. Accessory Room |
| iii. Generator Room |
| 3 | a | Due date for completion of the TIT | Date | dd | mm | yyyy |
| b | Date on which completion notice submitted | Date | dd | mm | yyyy |
| c | Whether it is completed within he stipulated time | Yes | No |

Signature applicant

***DRAFT***

**Government of Rajasthan**

**Urban Development & Housing Department**

**RAJASTHAN TELECOM INFRASTRUCTURE POLICY**

**2015**

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