

Inviting Industry and Public comments on
Draft Meghalaya Telecom Infrastructure Policy – 2018

The draft of the Meghalaya Telecom Infrastructure Policy – 2018 is uploaded here for industry and public comments. The stakeholders and public are requested to kindly go through the draft policy and give their comments / inputs to make the Meghalaya Telecom Infrastructure Policy – 2018 a robust document and an enabler for achieving the desired goals. Once the comments are received from the Industry and public, detailed consultations, as may be required, will be held with concerned stakeholders, including line Departments / Bodies. Thereafter, the final draft policy will be taken up for the consideration and approval of the State Cabinet.

The comments can be submitted, preferably by email, to the:

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The deadline for submission of comments is **24th May 2018**.

Meghalaya Telecom Infrastructure Policy 2018

[Draft]

May, 2018

Information Technology & Communications Department

Government of Meghalaya

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Preface

Recognizing the importance of ubiquitous Telecom service in enhancement of quality of life through multiple societal applications including communication, tele-education, tele-medicine, e-governance, entertainment as well as employment generation by way of high-speed access to information and web-based communication, the Government of Meghalaya has devised a policy to radically enhance Telecommunications in the State.

In Meghalaya, with a population of more than 29.67 lakhs, the tele-density is estimated to be less than 70%. All the 11 District Head Quarters (DHQs) and 39 Block Head Quarters (BHQs) are covered through mobile connectivity. However, out of 6471 inhabited villages, 2389 (i.e. 36.92%) are uncovered with mobile connectivity. The Government envisions an accelerated growth in Telecom and Internet penetration in the State to bridge this gap.

The Government envisages leveraging the already existing infrastructures for enhancing telecom penetration in the State. Further, the telecom projects of national importance funded by the Government of India, such as NOFN (National Optical Fiber Network) / BharatNet, Universal Service Obligation Fund (USOF), Network for Spectrum (NFS) etc. will be leveraged for the purpose.

The Government envisions playing a key role in enhancing the telecom connectivity of the State towards making its citizens well connected to the world, and making the State a coveted destination for the IT and related industries.

1. Preamble

- (1) The matters that include, “Posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication” is listed in the Union List of the Seventh Schedule (Article 246) of the Constitution of India.
- (2) Though Telecommunication is a Central subject, the support of the State is vital as telecommunication has a direct impact on the quality of life of the citizen and the economy. Therefore, it is pertinent to provide enabling provisions in the form of granting permissions to Telecom Service Providers (TSPs) / Telecom Infrastructure Providers (IPs) to establish their resources which use public/private properties.
- (3) North East India (excluding Assam) has a tele-density of 90.93% against national average of 91.90%. (TRAI report dt 16th Feb, 2018)
- (4) In Meghalaya, with a population of 29.67 lakhs (2011 census), the tele-density is estimated to be less than 70%. All the 11 District Head Quarters (DHQs) and 39 Block Head Quarters (BHQs) are covered through mobile connectivity. However, out of 6471 inhabited villages, 2389 (i.e. 36.92%) are uncovered with mobile connectivity. This is as per the report of Telecommunications Consultants India Limited (TCIL), a Government of India owned engineering and consultancy company under the administrative control of the Department of Telecommunications.
- (5) The growth of Internet penetration in India and realization of its full potential will be closely tied to the proliferation of broadband services.
- (6) The State Government desires that all citizens of the state get access to quality telecommunication and associated services close to their doorsteps. Towards achieving these ends the State Government, through this policy, aims to facilitate the process of radically enhancing the telecom infrastructure and its operations in areas under its jurisdiction and to facilitate equitable access to telecom services to all. Telecommunications being a central subject, this policy shall adhere to the policies and guidelines issued and laws enacted by the Government of India from time to time.

2. Objectives

- (1) To streamline the process of application and granting of permission for installation of Mobile Tower, laying of Optical Fiber Cable (OFC), In-Building Solutions (IBS) and other telecom infrastructures with time bound provisions.
- (2) To provide and increase telecom penetration to all inhabited villages of the State.
- (3) To act as an enabler to provide reliable, affordable, and high quality telecommunication and Internet services to citizens of the State.
- (4) To act as an enabler in providing high speed and high quality broadband access to rural areas through a combination of technologies.
- (5) To encourage adoption of green policy and citizen-friendly telecom sites in through the use of renewable energy sources, light-weight towers, and silent diesel generators.
- (6) To encourage Local Cable Operators (LCOs) to provide Internet connectivity to the last mile users.
- (7) To extensively leverage the BharatNet infrastructure and existing Electricity poles for providing better connectivity in the State.
- (8) To create awareness related to radiation from telecom equipment.

3. Short title, extent, applicability and commencement

- (1) This Policy may be called the "Meghalaya Telecom Infrastructure Policy, 2018".
- (2) It shall extend to the whole of the State.
- (3) It shall come into force from the date of its publication in the Gazette.
- (4) It shall be administered by the Information Technology & Communications (IT&C) Department, Government of Meghalaya.
- (5) The Policy shall not be in violation or super-session of the provisions contained in the Indian Telegraph Act, 1885, and the Rules, guidelines and advisories issued by DoT from time to time.
- (6) This Policy is intended to amend any existing notifications, circulars, rules, bye-laws, regulations where ever necessary which was issued by the State Government, regarding obtaining permission from various authorities in the State of Meghalaya. The concerned Departments shall issue necessary notification in accordance with this policy within a period of 2 months from the date of publication of this policy.

4. Definitions

(1) In this Policy, unless otherwise required in the context: -

- (a) "State" means State of Meghalaya
- (b) "Licensee" means any person holding a license issued under section 4 of the Indian Telegraph Act, 1885.
- (c) "Telecom Service Provider (TSP)" means a licensee providing telephony services, including, inter alia, mobile phone services, internet and data transfer services etc.
- (d) "Infrastructure Provider (IP)" means Infrastructure providers registered with Department of Telecommunications to set up Telecom Infrastructures in India.
- (e) "Applicant" means any Infrastructure Provider (IP) or Telecom Service Provider (TSP) who makes an application seeking permission to establish and maintain the Telecom Infrastructure.
- (f) "Fees" means administrative fees, permission charges, usage fees, utility fees as prescribed in this policy or any other tax or levy etc. that may be payable under any law; The fees or annual charges do not include Goods and Service Tax (GST), Labour cess & other applicable taxes.
- (g) "Permission" means any permission pertaining to this Policy for Telecom Infrastructure
- (h) "Administrative Authority" means the competent authority of a government premise to issue clearances / permissions as per provisions of this policy.
- (i) "Nodal Department" means the Information Technology & Communications (IT&C) Department, Government of Meghalaya.
- (j) "Areas" means areas under the jurisdiction of appropriate authority as outlined in this policy.
- (k) "Local Authorities" means the designated officers for the purpose of giving the permission for setting up of Telecom infrastructure as mentioned below:

Area	Department	Local Authorities
Municipal Board	Urban Development	Chief Executive Officer
Town Committee	Urban Development	Executive Officer / Deputy Commissioner
Private property in Non-Urban areas	-	Deputy Commissioner
Government Building	Govt. Departments	Secretariat Administration Department (SAD) for Secretariat / Director of concerned Department
Forest land / Building	Forest & Environment Department	Divisional Forest Officer (DFO)

State Roads	PWD (Roads)	Superintending Engineer (SE) / Executive Engineer (EE)
Overhead on electricity tower / poles	MeECL, MePDCL	Superintending Engineer (SE) / Executive Engineer (EE)

- (l) "Nodal Officer" means the officer designated by the Nodal Department / various Departments / bodies for the purpose of executing the provisions and meeting the objectives of this policy.
- (m) "Telecom Infrastructure" means the 'over-ground telegraph infrastructure' and 'under-ground telegraph infrastructure'.
- (n) "Over-ground telegraph 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.
- (o) "Under-ground telegraph 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.
- (p) "Micro Communications Equipment" means a Pico/ Micro/ Pole site which is small in size and light in weight, deployed on buildings, utility/ streets poles, street furniture, indoors in large buildings viz: malls convention centers and in areas having space constraints, narrow streets, dense populated areas and open public spaces.
- (q) "Local body" means Urban Local Bodies (ULB) like Municipal Boards or Town committees for the Urban areas
- (r) "Urban areas": means all places within a municipality or town committee areas
- (s) "Rural areas": means all places except within a municipality or town committee areas
- (t) "Public Grievance" means grievances of public relating to installation of towers and issues related to Telecom Infrastructure
- (u) "Policy" means the Meghalaya Telecom Infrastructure Policy, 2018, unless otherwise stated.

5. Nodal Department

- (1) For the implementation and coordination of this policy the IT&C Department shall be Nodal Department. The IT&C Department shall notify the Nodal Officer of IT&C Department.

- (2) To overcome the difficulties in the implementation of this policy, necessary interpretation, clarification, instructions may be issued from time to time by the IT&C Department.

6. Application process - Electronic & manual

- (1) Once the centralized online application platform is rolled-out by DoT, the State Government / Nodal Department will on-board into it and establish a single electronic application process.
- (2) Till such online application process is developed by the Centre, the Local Authority shall, on receipt of the application, shall process the same in an offline manner.

7. Authorities for issuing permission for Mobile Towers

- (1) The Local Authority, as defined in this policy, will receive and scrutinize the applications for issue of permit in their respective area for establishment of Telecom Infrastructure as defined in this policy relating to the following:
 - (a) Mobile Towers - Ground base towers [GBT], Roof Top towers [RTT], Roof top poles [RTP],
 - (b) Cell on Wheel [CoW]
 - (c) Micro Communication Equipment (Micro Cell),
 - (d) Optical Fibre Cable - overhead as well as underground.
 - (e) Other appliances and apparatus as per Indian Telegraph Act, 1885
- (2) Role of Local Authorities:
 - (a) Respective Local Authorities will collect application from the licensed TSP / IP along with the requisite documents and administrative fees to give the permission for establishment of Mobile Towers (GBT, RTT, and RTP) & laying Optical Fibre Cables under their jurisdiction and Telecom Infrastructure.
 - (b) Respective Local Authorities will scrutinize the application to check the compliances and requirements as per this policy.
 - (c) The respective local authorities will communicate to the Applicant about any further requirement in compliances for the issue of permission.
 - (d) Finally, the concerned Local Authorities will issue the permit within the specified time frame.

- (e) Periodical Monitoring and Review of the Tower Structure, OFC or any activities related to telecom infrastructure.
- (f) Report to the Nodal Officer of the Nodal Department (IT&C Department) about the status of Mobile Towers and progress of other Telecom Infrastructure in the jurisdiction of the respective Local Authorities once in a year or as desired.

8. Approval process setting up Telecom infrastructure

- (1) The State Government, through the Local Authorities will provide expeditious approval for setting up of telecom infrastructure in the State as per provisions of this policy.
- (2) The permission / permit wherever issued under this policy to any applicant shall be co-terminus with validity of the License issued to applicant under Indian Telegraph Act, 1885.
- (3) The Applicant shall submit application with all the relevant information mentioned along-with relevant enclosures to the office of Local Authority for the area in which they intend to install telecom infrastructure.
- (4) The Applicant shall submit application with all the relevant information mentioned and enclosures to the office of Local Authority for the area in which they want to install mobile tower. The concerned Local Authority will issue permit to the licensee as per this policy.
- (5) Supporting documents: The following information and supporting documents are required to be attached along with the applications for establishment of Mobile Tower:
 - (a) Copy of the Registration certificate/licence granted by the Department of Telecommunication
 - (b) Data Sheet
 - i. Name of IP / TSP
 - ii. Tower Type: GBT, or RTT or RTP
 - iii. The location, latitude and longitude of the proposed tower location

- iv. The extent of land required for establishment of mobile tower, if the same is with respect to Government Land
 - v. The details of the building or structure, where the establishment of the mobile tower infrastructure, is proposed.
 - vi. The names and contact details of the employees of the Applicant for purposes of communication in regard to the application made.
- (c) Copy of soil test report for GBTs
 - (d) Copy of structural stability certificate for Roof-Top Towers and the certificate should be from any State government authorized Structural Engineer.
 - (e) Copy of the type test certificate issued by any authorized Agency to the manufacturers of the Diesel Generator (DG) Sets, if the DG sets to be installed at the site.
 - (f) Drawing of the tower with complete details including the specifications of foundations and design parameters.
 - (g) Indemnity Bond (Original) to take care of any loss or injury to accident caused by the tower except for reasons of force majeure (including a declaration to the effect that the Applicant will take necessary precautions for fire safety and lightning and it shall be solely responsible for paying all kinds of compensation and damages and would be responsible for case arising there from.
 - (h) Three copies of Location Plan, Site Plan, Elevation Plan and Structure plan.
 - (i) Copy of NOC from building /land owner which Mobile tower is proposed to be installed & authorized person in case of Government premises.
 - (j) Any other matter relevant, in the opinion of the Applicant, connected with or related to the work proposed to be undertaken.
- (6) If the application is not complete, the Applicant may be given an opportunity to submit revised application or document(s), rectifying the defects within 15 days from the date of intimation and the Local Authority may accept the revised application.
 - (7) However, no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection. If there is no reason to reject an application, the concerned Local Authority will issue permit for the mobile tower within 60 days of the day of making the application or revised application or documents, as the case may be.
 - (8) If the Local Authority rejects the application, the reasons for the rejection should be intimated to the applicant in writing.

(9) Fees

- (a) The applicant shall deposit following one-time application fees along-with the application as per (i) in table below.
- (b) The applicant shall deposit the applicable charges as per (ii) and (iii) in table below for using areas of lands and buildings of State Government / Bodies / Institutions. These applicable charges shall be payable by the applicant only after receiving the permission to install the telecom infrastructure / tower from the Local Authority.

Sr	Particulars	Urban Areas (Rs)	Rural Areas (Rs)
(i)	One time permission charges for establishment of Telecom Towers (GBT/RTT).	10,000	5,000
(ii)	Land usage charges for ground based Tower for 3 years (applicable for Govt. land only)	200 per sq ft	No charge
	Municipal Corporation /Municipality Other ULBs	100 per sq ft	
(iii)	One time roof usage charges for Roof Top Towers, for 3 years (Applicable for Govt. buildings only)	300 per sq ft	200 per sq ft
	Municipal Corporation /Municipality Council, other ULBs	200 per sq ft	

- (c) Usage charges can be calculated on pro-rata basis as per the area used. These fees can be revised from time to time by the Nodal Department.
- (d) However, if the Municipal Board / Urban Local Body (ULB) already has an existing approved rate for land/roof usage, the same rates will be applicable instead of the rates mentioned above.

9. Micro Communication Equipment/Pole

- (1) This Policy intends to promote installation of Micro Communication Equipment/Pole, where installation of Mobile towers viz. GBT or RTT or RTP may not be feasible.
- (2) Permissibility: Micro Communications Equipment being a small equipment can be installed on any type of land/building/zone across the State regardless of its specified land use including but not limited to the premises of :-
 - i. Institutional/ Govt. buildings/ residential buildings including multi-storey Buildings/ Group Housing Complexes/ building used for industrial and commercial purposes.
 - ii. On street electric poles, telegraph poles and other structures.
- (3) Procedure for submitting application for obtaining clearance/NOC/Consent (Permission) from Competent Authority for installation of Micro Communication Equipment/pole.
- (4) The TSP/IP, as the case may be, shall submit filled up application with all the relevant information and documents to the competent Local Authority as defined for the concerned area in which they want to install Micro cells /low power BTS along-with the below documents:
 - (a) Copy of relevant license/Infrastructure Provider Registration Certificate from DoT.
 - (b) Data Sheet
 - i. Name of TSP/IP
 - ii. Site location with GPS coordinates
 - (c) Copy of clearance from Fire Safety Department only in case for high rise buildings where fire clearance is mandatory.
 - (d) Indemnity Bond (Original) to take care of any loss or injury to accident caused by the tower (including a declaration to the effect that the Applicant will take necessary precautions for fire safety and lightning and it shall be solely responsible for paying all kinds of compensation and damages and would be responsible for case arising there from).
 - (e) Copy of NOC from building /land owner & authorized person in case of Government premises.

- (5) Fees: One time permission charge shall be applicable for establishment of Micro Communication Equipment by the Applicant in the State of Meghalaya.

Sr	Particulars	Fees (Rs)
a	Permission charge for the route (Subject to the limitation of one jurisdiction)	10000
b	Rental per Pole per year	Rs 2500 for Urban Areas, Rs 1500 for Rural Areas

10. In-Building Solution (IBS)

- (1) This policy intends to promote installation of In-Building 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 the objective is to strengthen quality of service of mobile network.
- (2) 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 (Infrastructure Provider) and shared with telecom service providers (TSPs). For deploying indoor solutions these companies will be requiring permissions from the building owners. Moreover, if the IP requires to install optical fibre for connecting In-Building Solution (IBS) / Distributed Antenna System (DAS) nodes for which RoW / permissions will be required and shall be granted accordingly.
- (3) Permissibility: The IBS 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. This permission from Administrative Authority is applicable only for Government buildings.

(4) Procedure for submitting application for obtaining clearance:
The application should be made to the Administrative Authority of the Building/
Head of the office with Layout diagram for implementing IBS in the building.

(5) Fees: There shall be no fee to be charged for IBS. However, charges may be levied for provision of power, fixtures, etc. if taken by the TSP/IP.

11. Cell on Wheels (COW)

(1) Formal clearance or permit will not be required for installation of Cell on Wheel (COW) for specific purpose to provide good quality mobile coverage during festivals, rallies, social gatherings etc. The COW can be placed maximum for thirty days normally without permission of Local Authority. In case the deployment is more than 30 days owing to any reason, permission from concerned Local Authority is required for a period not exceeding 90 days. Before installation of COW, prior formal intimation to the following authorities within its jurisdiction should be given preferably 15 days before the installation of COW mentioning Geo coordinate (Lat-Long) positions:

- i. The Deputy Commissioner / Superintendent of Police of the concerned district.
- ii. Concerned officer in charge of the police station of the area where the COW is going to be installed.

No fees shall be charged for installation of COW.

12. Right of Way (ROW) for under-ground Optical Fibre Cable infrastructures

(1) For enabling smooth rollout and for granting timely permission for laying of Optical Fibre Cable, the Right of Way procedures for various authorities under their control have been outlined in this policy.

(2) Process of application and granting permission:

- (a) For State government / public land, applicant will apply to the Local Authority for permission.
- (b) For private land, the Applicant will apply to the concerned Deputy Commissioner of the area under its jurisdiction.
- (c) For projects of national importance that are funded by Government of India, such as the BharatNet project, the permission for the Right of Way for the

users of Government land will be issued by the Nodal Department on a case-to-case basis. The Nodal Department may also sign a Memorandum of Understanding (MoU) / Agreement with concerned stakeholders for the implementation of such projects.

- (3) The Applicant will have no right on the property which has been approved to use for the establishment and maintenance of Optical Fibre Cable infrastructures.
- (4) The Applicant will be liable for repair/restoration of any damage caused to the property during implementation of the scheme. The Applicant shall ensure making good the excavated trench for laying underground Optical Fibre Cable by proper filling and compaction, so as to restore the land into the same condition as it was before digging the trench, clearing debris/loose earth produced due to execution of trenching the portion for which Right of Way (RoW) has been granted.
- (5) The Applicant shall not claim exclusive right on the RoW and subsequent user will be allowed to use the RoW, either above or below or by the side of the utilities laid by the first user, subject to the technical requirements being fulfilled.
- (6) In case of violation of provisions of the policy by any service provider the Local Authority or the concerned DC will issue a show cause notice to the service provider. In case a satisfactory reply is not received within 15 days of the issuance of the show cause notice, the permission/no objection issued to the service provider will be cancelled.
- (7) Application process: Application with the supporting documents for establishment and maintenance of underground telecom infrastructure (OFC) to be submitted by the Applicant to the office of the Local Authority or the concerned DC:
 - (a) Copy of the licence granted by the Central Government;
 - (b) the details of underground telegraph infrastructure (OFC) proposed to be laid;
 - (c) the mode of and the time duration for, execution of the work;
 - (d) 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;
 - (e) the details of expenses that such appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the Applicant;
 - (f) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
 - (g) the specific measures proposed to be taken to ensure public safety during the execution of the work;

- (h) No Objection Certificate (NOC) from private owner for use of their land for OFC laying
- (i) The names and contact details of the representative of the applicant for purposes of communication in regard to the application made
- (j) any other matter relevant, in the opinion of the applicant, connected with or relative to the work proposed to be undertaken; and
- (k) any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate Local Authority.
- (l) The Applicant shall, while making the application, give a specific commitment on whether it undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.
- (m) Every application shall be accompanied with a one-time permission fee of Rs 1000/- per kilometre for the urban areas and Rs 500/- per kilometre for the rural areas to meet administrative expenses for examination of the application and the proposed work.

(8) Grant of permission by Local Authority

- (a) The Local Authority shall examine the application with respect to the following parameters, namely:
 - (i) the route planned for the proposed underground telegraph infrastructure and the possible interference, either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route;
 - (ii) the mode of execution;
 - (iii) the time duration for execution of the work and the time of the day that the work is proposed to be executed;
 - (iv) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
 - (v) the responsibility for restoration of any damage that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken;
 - (vi) assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the Applicant;

- (vii) any other matter connected with or related to the establishment or maintenance of underground telegraph infrastructure (OFC), through a general or special order, by the Central Government, appropriate State Government or the appropriate local authority.
- (b) The appropriate authority shall within a period not exceeding sixty days from the date of application made for establishment or maintenance of underground telegraph infrastructure (OFC):
- (i) Grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety ; or
 - (ii) Reject the application, for reasons to be recorded in writing.
 - (iii) However, no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection.
- (c) The Local Authority will accept the undertaking by the licensee to discharge the responsibility to restore the damage that such appropriate authority shall necessarily be put in consequence of the work, the appropriate authority, while granting permission for OFC, will seek a Bank Guarantee for an amount at the rate of Rs. 250/- per running meter of underground OFC to be laid in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility. This Bank Guarantee should be drawn in favour of the Local Authority as mentioned at para 4 (k) of this policy.
- (d) The Local Authority shall not charge any fee other than those prescribed under this policy from the licensee for establishing underground OFC.
- (9) Obligations of licensed TSPs / IPs in undertaking work.
- (a) The Applicant shall submit the bank guarantee within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure. However, the Local Authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the Applicant seeking such extension.
 - (b) The Applicant shall ensure that prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented and the work of laying

underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the Local Authority.

- (c) The Applicant shall ensure provision of positional intelligence, through appropriate technology, like GIS map etc, of all underground telegraph infrastructures to enable the appropriate authority to obtain real time information on its location.

(10) Implementation procedure:

- (a) The Service Provider will start work in the District after fulfilling all the conditions outlined in this policy. The service provider will have to inform the date of start of work to the concerned DC(s) or Local Authorities as the case may be.
- (b) If any damage is caused to the Government property by the work of the Applicant, then it will be responsibility of the Applicant to restore the same at its own cost or compensate the damage. If delivery of service is affected then the Applicant must restore the service within 24 hours and the Applicant will have to carry out the work according to the instructions of the concerned Local Authority.
- (c) The Applicant will have to install the optical Fibre at a safe distance from the electricity wires while using electric poles.
- (d) In case the Local Authority intends to increase the width of the road then the Applicant will have to shift the trench dug by it to the safe distance on its own cost at the place suggested by the Local Authority.
- (e) The Applicant would have to inform the concerned Local Authority 3 days in advance about repair or maintenance work in cases where such maintenance planned in advance.
- (f) If the private land or structures are to be used in this work then the Applicant has to give compensation for the private land or the crop as the case may be. In case of any conflict, the decision of the DC shall be binding on both parties.

(11) Permanent ducts constructed by the State agencies along roadside for establishing Optical Fibre Cable (OFC):

- (a) The applicant will pay utility fees for using the duct constructed by the State agencies along the highways, main roads and district roads or other

relevant areas. The fees will be decided by the State Government from time to time.

- (b) The OFC ducts should be made sharable with other operators on mutual agreed terms between the parties.
 - (c) The permission to use these ducts and review of utility will be done by the DC or concerned Local Authority.
 - (d) No Applicant shall be allowed to do separate digging along roadside in the same alignment in which the permanent ducts have been constructed.
 - (e) No Bank Guarantee will be collected from the Applicant if they use the State agency constructed ducts to lay the OFC cables.
- (12) Govt. agencies may build utility duct for common benefits that shall be made available to TSP / IP to use on payment on utility fee/rent.
- (13) Utility fees / rent to use the Govt. Build-up duct, shall be decided by the State Government.

13. Right of Way (ROW) using electricity Pole and other utility Structures of the Government for over-ground / aerial Optical Fibre Cable laying

- (1) Right of Way (ROW) for aerial OFC laying will be encouraged.
- (2) The Applicant will make the agreement with the concerned electricity Distribution Company for the utilization of the electric poles/ distributed network system.
- (3) Energy Department / electricity Distribution Company 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.
- (4) The Applicant will submit application with the right of usage of the utility pole in the offices of Local Authority. If the Local Authority finds the application in compliance with the entire requirement, then it will issue the permit to the applicant within the prescribed time. Application along-with the documents as mentioned in this policy shall be submitted in addition to details of number of pole to be used and route chart.

(5) If the route of aerial cabling is covering more than one jurisdiction, the Applicant will apply separately to the Local Authorities of the respective jurisdiction for issue of permit.

(6) Aerial (Over-Ground) OFC Laying fees:

Sr	Particulars	Fees (Rs)
a	One-time Administrative/ Permission Charge for the route (Subject to the limitation of one jurisdiction)	10000
b	Rental per Pole per year	800 for Urban Areas, 200 for Rural Areas

14. Setting up of Telecom Infrastructure in State Government owned buildings / premises

- (1) The State Government will encourage IPs / TSPs to set-up telecom infrastructure including telecom towers, IBS, Poles, in the premises / offices under the jurisdiction and control of the State Government. This will be subject to the fulfillment of parameters of structural stability, and related requirements as outlined in this Policy. The IP / TSP shall mandatorily share the infrastructure with other TSPs subject to meeting the requirements such as technical feasibility, structural stability, or any other applicable parameter.
- (2) In case more than one IP / TSP intends to set up telecom infrastructure in the same premise, and the same premise cannot be allotted to more than one IP / TSP owing to technical constraints or any other reason, the Local Authority shall require the telecom association, of which the applicant is a member, to intervene and mutually decide and recommend one IP / TSP for allotment of the premises. The telecom association(s), through a Letter Recommending Allotment issued to the Local Authority, should communicate the recommendation of allotment of the premise to a particular IP / TSP.
- (3) Alternately, the IP / TSP intending to set up telecom infrastructure in a government premise, may take prior consent of their respective parent / representative telecom association, and make an application as per provisions of this policy along-with the Letter Recommending Allotment of the telecom association. In such a case, the Local Authority / approving authority will grant permission subject to other applicable provisions of this policy.

- (4) The Letter Recommending Allotment issued by the telecom association, should also include an undertaking that the recommended allottee applicant shall mandatorily share the infrastructure with other TSPs subject to meeting the requirements such as technical feasibility, structural stability, or any other applicable parameter.
- (5) Notwithstanding anything mentioned in paras 14 (1) to (4) of this policy, the Telecom Association(s) may, *suo moto*, approach the Nodal Department with a list of proposed locations (with GIS coordinates) and respective recommended IP / TSP for setting up of telecom infrastructure in Urban areas. A final decision for allotment of such locations may be taken by the Nodal Department in consultation with the concerned Local Authorities and the telecom association(s).

15. Refund of fee in case of rejection of application

In case the application for permission is rejected, the fee paid shall be returned to the applicant within one month from the date of reject after deducting 20% as administrative charge.

16. Zero sealing, except under consent of TERM cell

In order to avoid disruption in mobile communication which is an essential service, sealing of mobile communication towers/disconnection of electricity may not be resorted to without the consent of the respective Telecom Enforcement Resource and Monitoring (TERM) cell of DoT in case of any complaint or issue related to electro-magnetic field (EMF) emissions. Mandatory advance notice of 90 days, mentioning the action to be taken, must be given to the applicant initiating any steps against the Telecom Infrastructure.

17. Penalty

- (1) If an Applicant violates any provision of this Policy, it shall be liable to be penalized as per following terms and conditions:
 - (a) As soon as Local Authority comes to know that any provision has been violated, a show cause will be issued to TSP/IP. TSP/IP should reply within 15 days from date of service of notice.
 - (b) If reply is not satisfactory, the TSP / IP will be levied penalty upto Rs 35000. The penalty money may be recovered from Bank Guarantee provided by the Applicant to any of the Local Authority in case the amount is not deposited within the time period specified by the Local Authority.

18. Bank Guarantee and its forfeiture

- (1) A performance Bank Guarantee for laying underground OFC with a validity of one year initially shall have to be furnished by each applicant (IP / TSP) to the concerned Local Authority as a security against improper restoration of the land and other property, interruption, disruption or failure caused thereof to any services etc. The Bank Guarantee will be forfeited in the following cases:
 - (a) In case of the Applicant failing to discharge the obligation of making good of the restoration work to its original condition.
 - (b) If the Applicant failed to perform as per the undertaking, in spite of extension of time.
 - (c) Accident or mishaps because of lack of safety and precautions measures during the execution of works.
- (2) If the Local Authority comes to the conclusion that the Applicant has willfully violated any of the conditions for grant of permission under this policy, it may forfeit, in full or in part, the Bank Guarantee submitted by the Applicant and withdraw the permission granted to the Applicant, for reasons to be recorded in writing.

19. Public grievances and dispute resolution

- (1) The State Government is committed to effectively address the public grievances relating to Telecom Infrastructure.
- (2) In line with this commitment and in alignment with the advisory guidelines issued by Department of Telecommunications (DoT) with effect from 1st August, 2013, the Government of Meghalaya has constituted the State Level Telecom Committee (STLC) and District Level Telecom Committees (DLTCs) vide notification numbers ITR.54/2010/153 and ITR.54/2010/154 dated 31st October, 2013. The notification is at Annexure-A.
- (3) The objective of these committees are to address the grievances relating to installation of towers and issues related to telecom infrastructure.
- (4) The committee, *inter alia*, has the mandate to conduct public awareness programmes related to telecom matters.
- (5) As per the DoT guidelines, the State Government acknowledges Telecom installation as the lifeline installations and a critical infrastructure in mobile communication. Therefore, in order to avoid disruption in mobile

communication, an essential service, sealing of BTS towers / disconnection of electricity will not be resorted to without the consent of respective TERM cell of DoT in respect of EMF related issues.

- (6) Any person aggrieved by the decision of SLTC or any order of the State Government or for such other grievances relating to Telecom Infrastructure in the State may approach the officer designated by the Central Government for resolution of such dispute within reasonable time.
- (7) The officer designated by the Central Government shall determine the disputes within a period not exceeding sixty days from the date of reference in such manner as may be specified by the Central Government from time to time.

20. Electrical power

- (1) Mobile communication tower being a critical infrastructure, Energy Department will give priority in providing electrical power connection to Mobile Towers and Telecom equipments.
- (2) The timelines for the various activities for providing new electricity connection to telecom sites will be as follows:

Activity	Responsibility (actionable)	Max. Time (working days)
Application for new connection	TSP / IP	Day 0
Issuance of Demand note	Power Dept / MeECL	Day 15
Payment of Demand note	TSP / IP	Day 30
Providing electricity connection	Power Dept / MeECL	Day 60

- (3) The maximum timelines for the various activities for providing reconnection of electricity connection to telecom sites, which may have been disrupted owing to disconnection, transformer burnt, or any other reason, will be 60 days for Urban areas and 90 days for Rural areas.

21. Mode of Payment

All applicable fees should be paid by the Applicant in the form of Demand Draft (DD) in favour of the concerned Local Authority.

22. Right of Local Authority to seek removal of Mobile Towers and OFC and other related telecom infrastructure

- (1) Where the Local Authority, having regard to circumstances which have arisen since the establishment of any telegraph infrastructure under, over, across, in or upon, any immovable property vested in or under its control or management of that appropriate authority, that is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the Applicant, being the owner of such telegraph infrastructure to remove or alter its location.
- (2) On receipt of the notice, the Applicant shall, forthwith and within a period of thirty days, proceed to submit, to the appropriate authority, a detailed plan for removal or alteration of such telegraph infrastructure.
- (3) The Local Authority shall, after examination of the detailed plan submitted by the Applicant, pass such orders as it deems fit.
- (4) Provided that the appropriate authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, provide reasonable time to the Applicant for removal or alteration of such telegraph infrastructure.
- (5) Provided, further that the responsibility and liability, including the cost at thereof, for removal or alteration of such telegraph infrastructure shall be borne by the Applicant.

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

- (1) The agencies of various utility service providers extending services such as electricity distribution company, water supply pipes, sewerage, RoW works (PWD) etc, while undertaking new construction /repair works in specific alignment to optical fibre cable (OFC) shall intimate to concerned Local Authority and also to concerned TSP/IP providers not less than 15 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.
- (2) As the TSP/IP are providing /supporting Telecom services the planned temporary power shut-down to telecom installation shall not be done without prior notice to the concerned TSP/IP at least 15 days in advance.

24. Changes in the Policy

This policy shall be suitably adjusted to accommodate changes that may be necessitated on account of any technology or regulatory changes which may be introduced by the Department of Telecommunications, Government of India, or any other competent authority in order to keep this policy dynamically responsive to changing technology, regulatory regime or any other unforeseen development.

ANNEXURE-A

Notification of State Level Telecom Committee (SLTC) and District Level Telecom Committees (DLTCs) constituted and notified on 31st October 2013, is accessible at:

<http://megpns.gov.in/gazette/2013/11/14-11-13-IIA.pdf>