





# Understanding Right of Way as per Telecommunications Act 2023 & Right of Way Rules 2024 issued under the Act

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## The Telecommunications Act, 2023



#### **Multiple acts**

**Indian Telegraph Act, 1885** 

Indian Wireless Telegraphy Act, 1933

The Telegraph Wires (Unlawful Possession) Act, 1950



## One single

The Telecommunications Act, 2023- Digital by Design

The Telecommunications (Right of Way) Rules, 2024 notified on 17.09.2024 to be effective from 01st January 2025



# Telecom RoW Rules, 2024- Effective from 01.01.2025











Draft Rules
Published on
09.07.2024, with 30
days' time for public
consultation

After considering objections/ suggestions, notified on 17.09.2024

Appoint a Nodal officer within 30 days. i.e. by 16.10.2024 (through Portal)

Rules binding and to be followed without the need for adoption

# Important Definitions (Sec. 10 of the act, read with rule 2)



#### **Public Entity (PE)**

- The Central Government
- The State Government
- Local authority
- Any authority, body, company or institution incorporated or established by the Central Government or the State Government, or under any statute; or
- Any non-government entity vested with the ownership, control or management of any public facility or class of public facilities, as may be notified by the Central Government (in process)



#### **Facility Provider (FP)**

- FP means the Central Government or any authorized entity
- It includes any contractor or subcontractor or agent working for the Central Govt. or authorized entity
- Definition of Authorization as per the Act covers all entity having permission for establishing, operating, maintaining or expanding telecommunication networks



#### **Property** categorization

- Public property (owned by public entity) - Central, State, local authority, any institution, any non govt. entity managing public facility and notified by Central govt.
- Other than public property

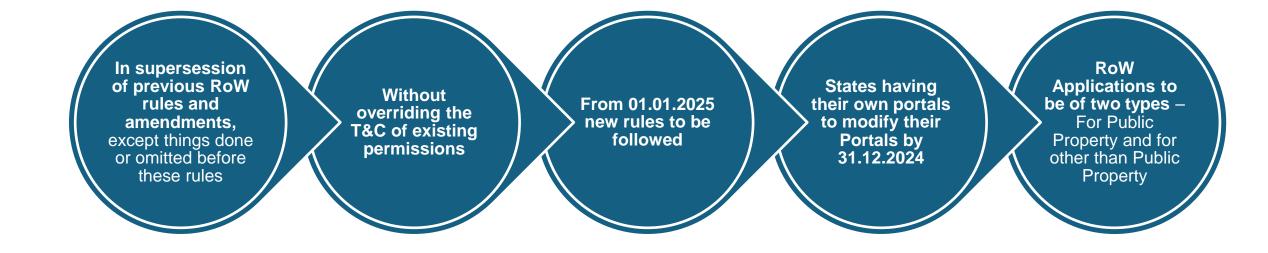


#### **Mobile Tower**

 Any above-ground contrivance, including that which may be dismantled and reassembled at another location, used for carrying, suspending or supporting a telecommunication network, but does not include a pole

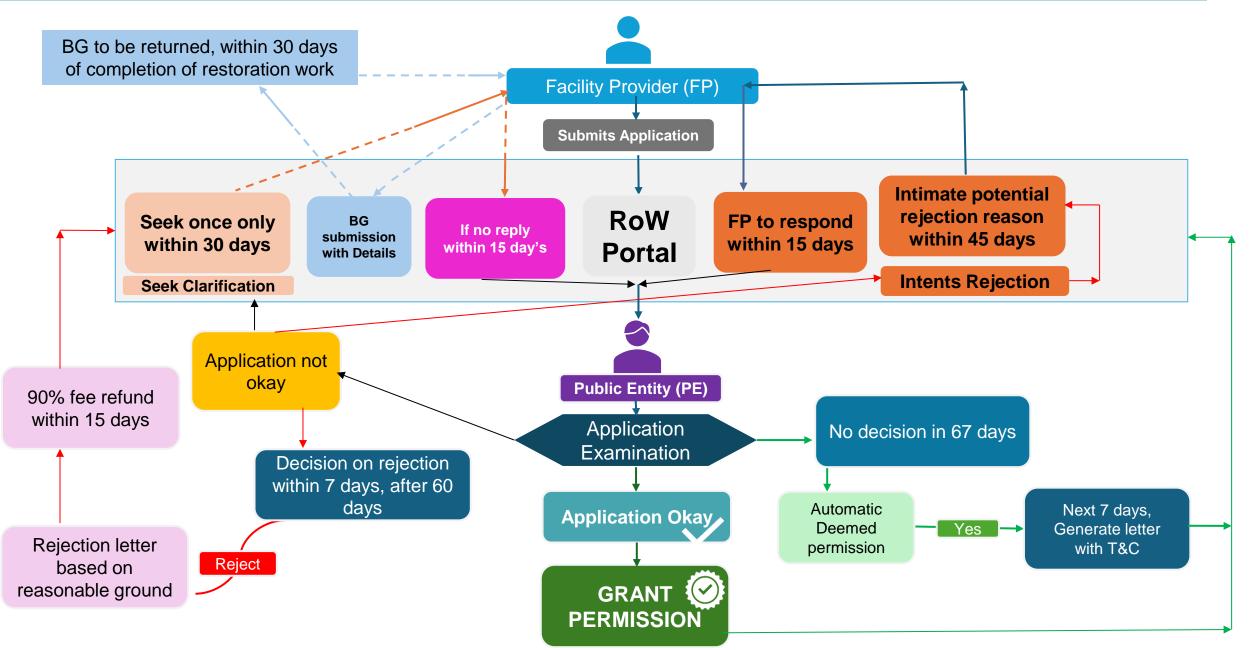
# Right of Way Rules 2024





## **RoW Application process- Public Property**





# Misc. provisions



1

**Validity**- Permission to be **co-terminus** with the term of authorization/ license or exemptions from such authorization/ license (Rule-5)

2

PE shall **not levy any fee, charge, rent, annuity, or compensation or entry fee,** for access, or seek any other financial contribution in any Form [Rule -7(11), 9(9), 12(3), 15(3]

3

**No coercive action**, such as sealing, preventing access, or forcible shutdown of the telecommunication network [Act- 14(4)]

4

Applicable taxes, cess and levies: Charges payable under these rules shall be exclusive of taxes, cess and levies (Rule -21)

No property tax, levy, cess, fees, or duties to be levied on the tower as it has been delinked from the property- [Act- 14(3)]

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**Days Means** all days including public holidays (Rule -22)

# Force Majeure Rule -2(e), 7(11), 9(10), 11(11)



## "force majeure event" means and is limited to-

- war or hostilities
- major riots or civil commotion
- earthquake, flood, tempest, lightening or other natural physical disasters
- restrictions imposed by the Central Government or State Governments

## **Applicability**

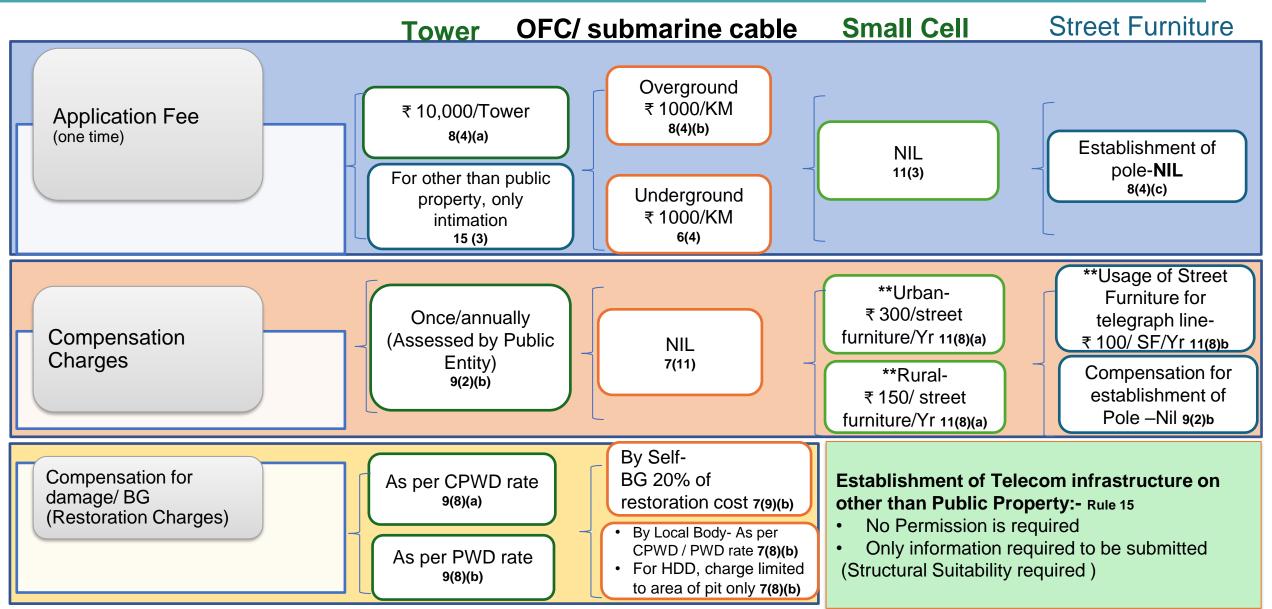
 Establishment, operation and maintenance of Underground/ Overground telecommunication network in public property and Usage of street furniture

## **Timelines**

 Timelines specified for the execution of work shall stand extended by the duration of any force majeure event as may be notified

## RoW charges as per the RoW Rule, 2024



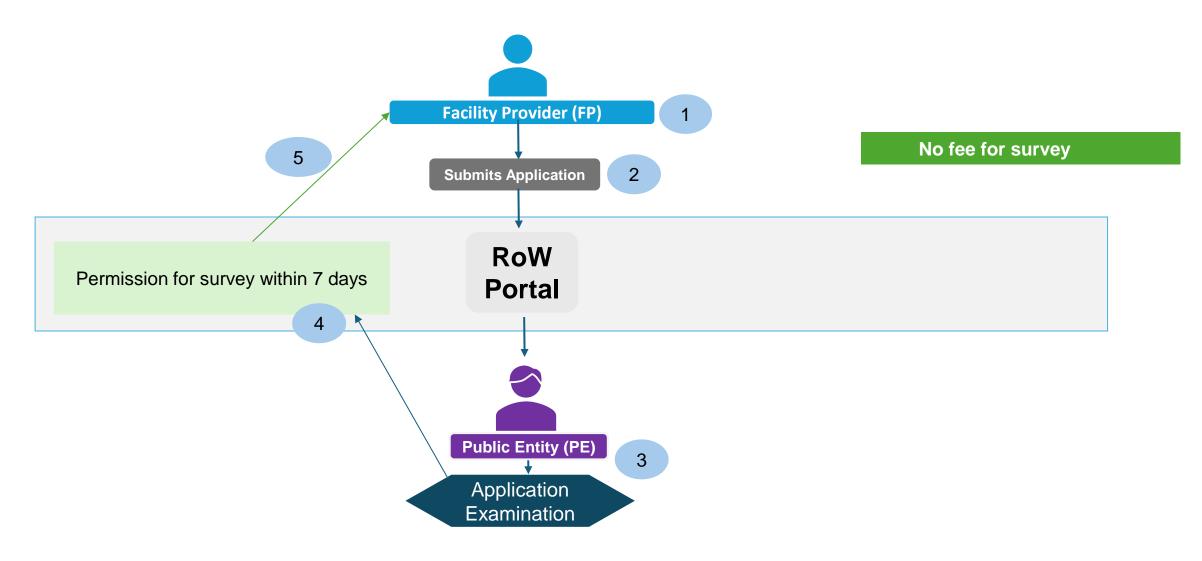


Remarks:- For Survey by FP, no charge 6(2)(b)

\*\*Option of payment of annual fees in advance for a period of 5 years - 11(8)

# Survey Rule- 6(2), 8(2)





#### Establishment of temporary overground telecommunication network (Rule-10)





Damage to any existing Overground/ Underground

FP may temporarily establish OG network, **no permission from PE** 

FP provides the details of the damage, on the portal

Restoration within a period of 60 days, but not later than 90 days from date of reporting



#### Central Govt./State Govt.

in public interest/ special public events, issue directions



Authorised entity (FP) who can establish such temporary overground network

along with details (type of such telecommunication network, location, duration)

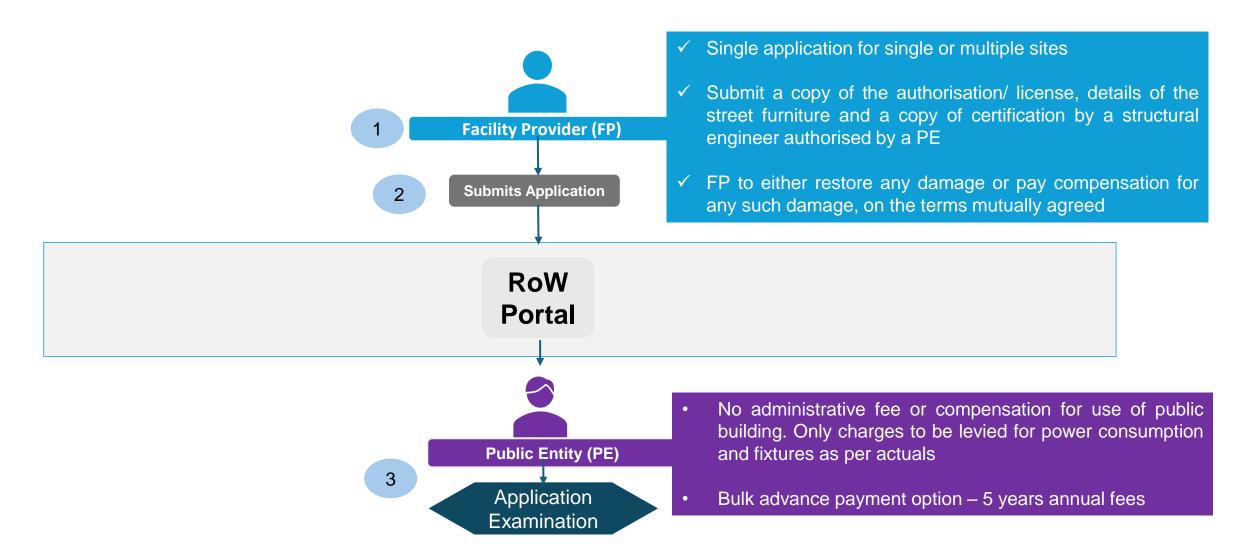
#### **Public Entity (PE)**

- To identify public property
- To provide necessary permissions within the time limits specified
- No fee or compensation

In case the FP seeks to use the temporary overground telecommunication beyond the period – apply for regular permission

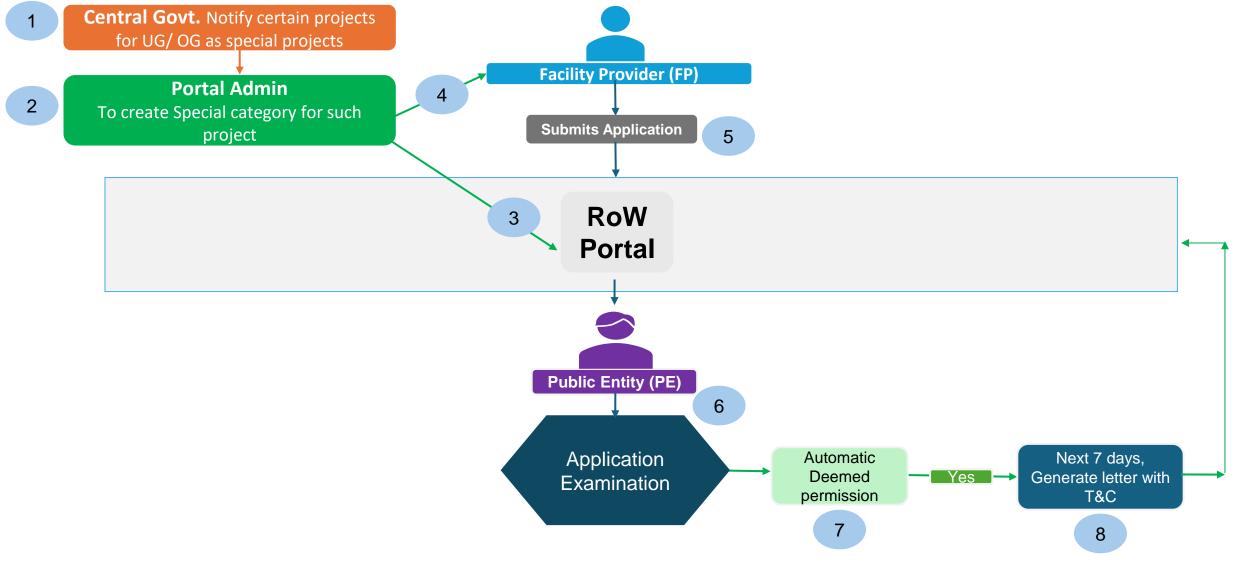
#### Usage of street furniture for installation of small cells and telecommunication line (Rule- 11)





# Special Project by Central Govt. in public interest (Rule-12)





# Obligations of FP after grant of RoW permission (Rule-13)





#### Facility Provider (FP) shall ensure-

Payment of all amounts as specified and adherence to the T&C

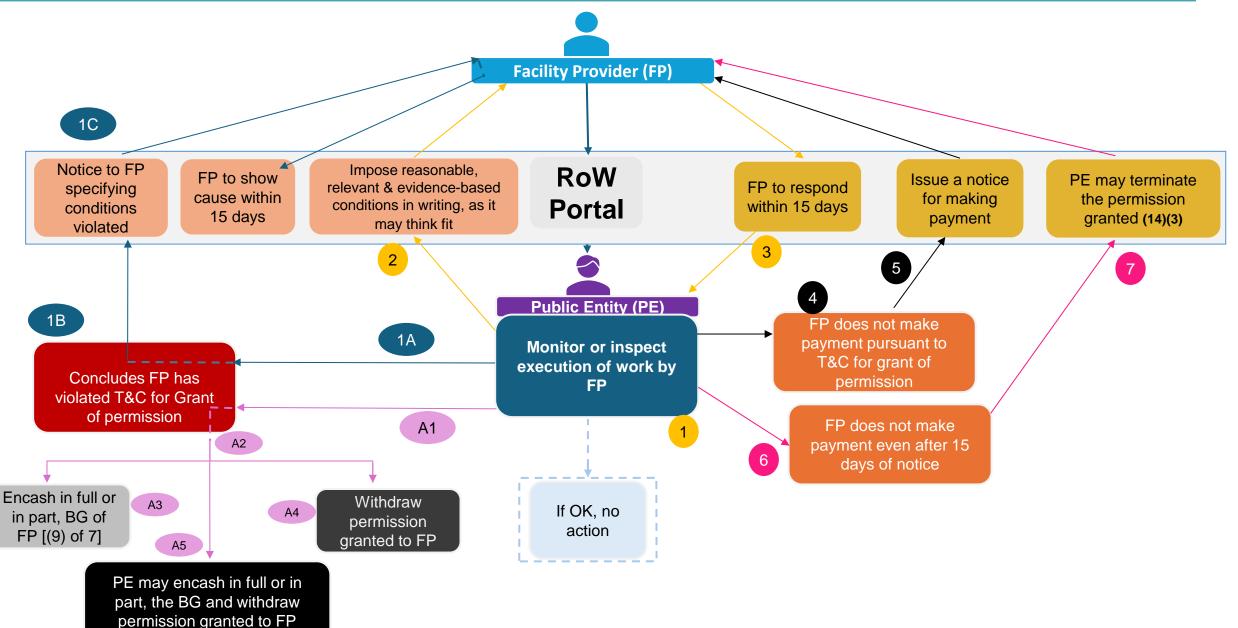
Implementation of measures to mitigate public inconvenience and ensure public safety including measures to ensure the Structural Safety of Overground Telecom Network

3

Maintenance of up-to-date digital information of underground telecommunication network established by that FP, including as-built information at a frequency as specified by Central Govt., through positional intelligence/other appropriate technology and to be shared/updated on demand, through the portal, with the designated officer, as may be notified by the Central Government in this behalf

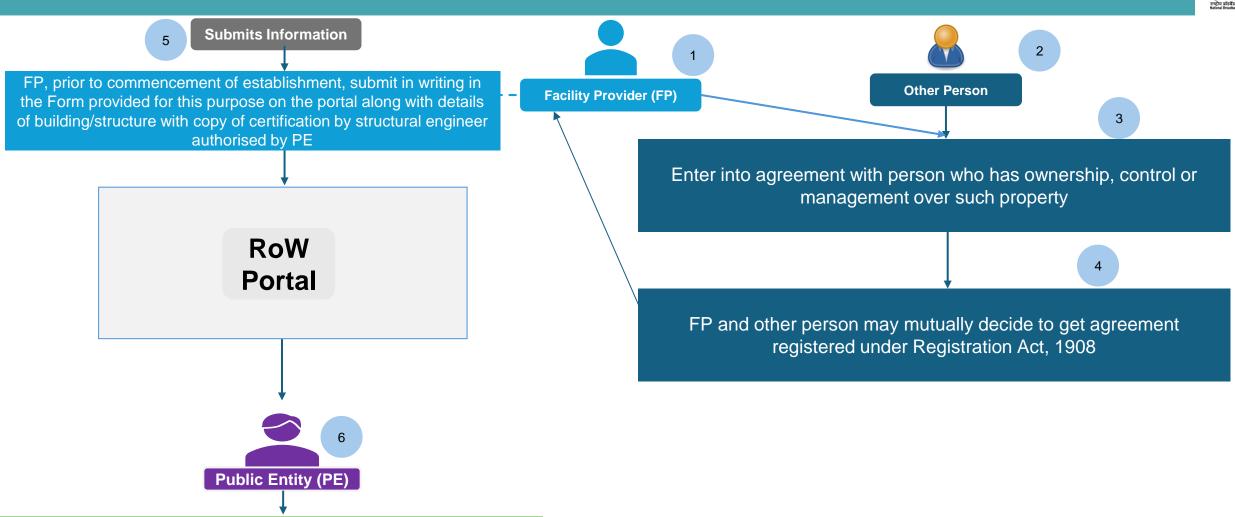
## Powers of Public Entity with respect to ongoing work (Rule-14)





#### Application Process- Other than public property (Rule-15)





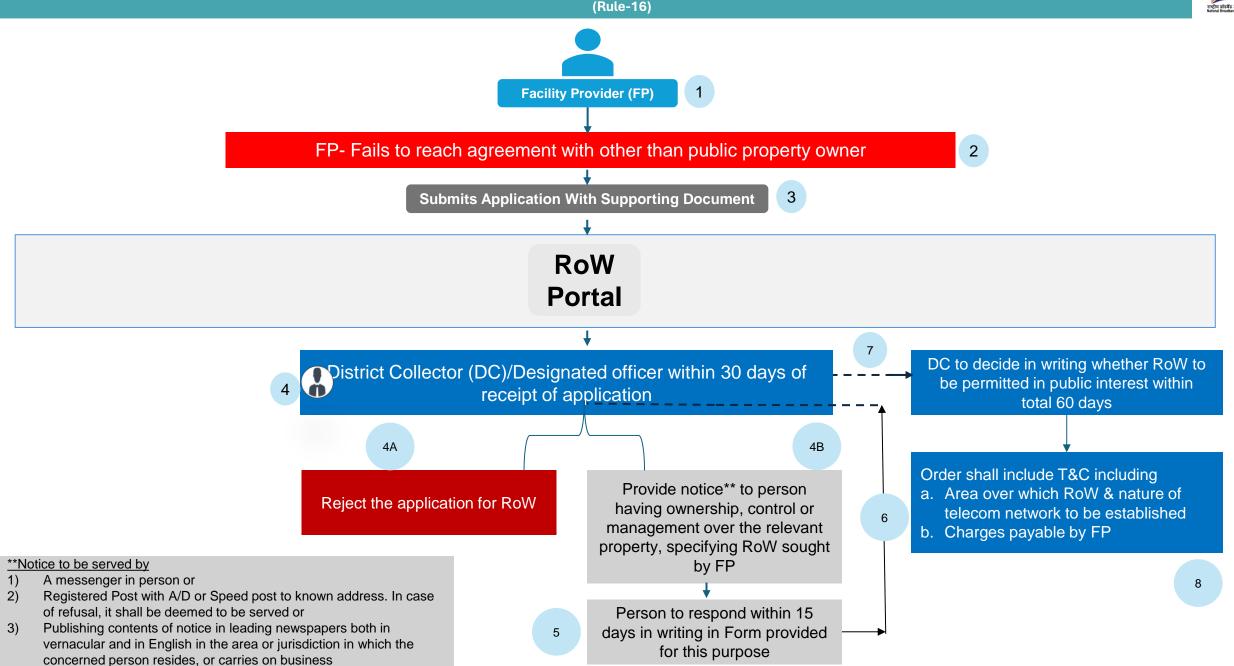
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Shall not levy any fees, annuity, compensation, BG for establishment, O&M of telecom network in property other than public property

Note- Generate Acknowledgement Receipt

## Permitting RoW (other than public property) by Central Government in public interest





## Common ducts and Cable corridors (Rule-17)



Where the Central Government has notified an infrastructure project or class of infrastructure projects, the public entity shall

- i. Make available (duct) on an open access basis, that is, non-discriminatory and non-exclusive, subject to payment of charges based on prevailing market rates and the principle of cost recovery over a minimum period of twenty-five years
- ii. Provide for an online application process to enable facility providers to make an application

Provided that such charges shall not exceed the amount as may be notified by the Central Government from time to time



- Reduces pollution
- Better air quality
- Reduces global warming
- Reduces FOREX outgo
- Reduces CO2 emission
- Lesser Congestion on roads



- Avoid frequent Digging and Excavation
- Decrease costs for the Nation
- Multiple RoW permissions can be avoided
- Digital-ready infrastructure
- Improved aesthetics of the City
- Better for environment

**Note:** Illustration shows common duct and benefits similar to Metro, not related to the rules/act.

## Handling of property having Telecom network items (Rule-18, 19)





**Property Owner** 

Person having ownership over property may decide

To remove, relocate, alter Overground/ Underground network

Issue notice to FP for removal/ relocation

Within 30 days FP to submit plan

#### FP to

- Ensure removal/ relocation within 90 days
- Bear responsibility and liability including the cost for removal
- The person issuing notice shall defray such expenses from the compensation, if any, that such person may have received from the F.P

To cause damage/ interrupt/ interfere with Overground/Underground network

Upload on portal (\*CBuD) notice to exercise legal right including presence of emergency, if any

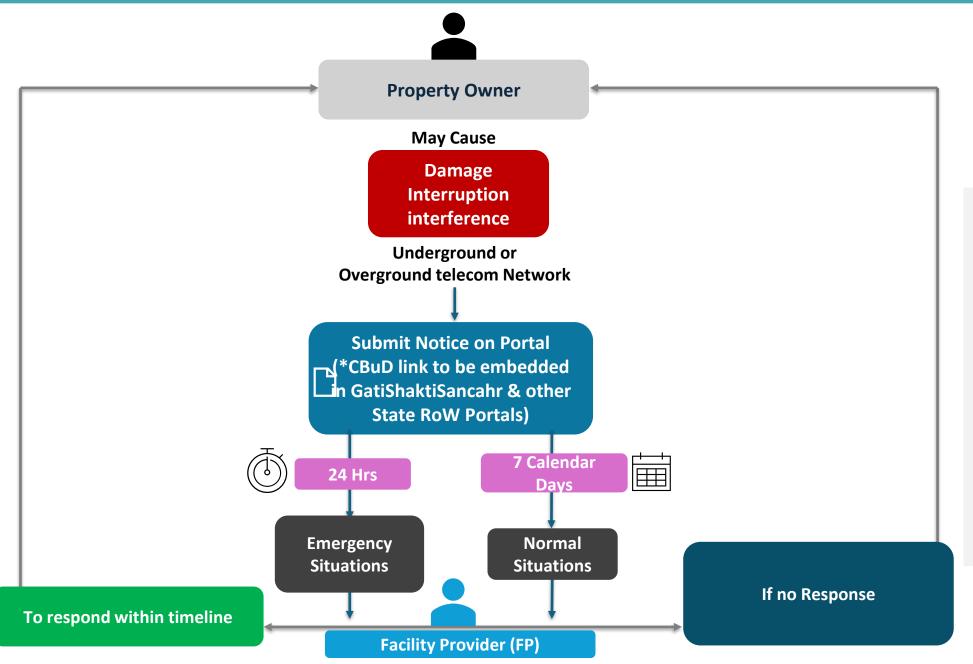
FP shall provide network details falling under/ over or along the property with precautionary measures to be taken

Within 24 hrs. for emergency case

In other situation, period of 7 days

## How to deal with property having Telecom Infra? (Rule-19, 20)







\*CBuD- Call Before u Dig

- In case of damage, pay damages.
- Quantum of compensation = expenses incurred in repair+restoration
- In case of dispute District Judge
- prescribes- whoever causes damage to critical telecommunication infrastructure shall be punishable with imprisonment for a term which may extend to 3 years, or with fine which may extend up to 2 crore rupees, or with both

#### **Summary Takeaways**

- State having their own portal to modify their portal by 31.12.2024
- PE shall **not levy any fee, charge, rent, annuity, or compensation or entry fee**, for access, or seek any other financial contribution in any Form
- Permission to be granted on non-discriminatory and non-exclusive basis
- The telecommunication network installed shall not be subject to any claims, encumbrances, liquidation or the like, relating to such property
- No property tax, levy, cess, fees or duties to be taken for the Telecommunication network
- No coercive action, such as sealing, preventing access, or forcible shutdown of the telecommunication network [Act- 14(4)]



# **Thank You**

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## **Different Type of Common Ducts**





**GIFT Utility Duct: Gandhinagar** 

Gujarat International Finance Tec-City (GIFT) RCC duct containing prefabricated HDPE developed the vision of "Digging Free City

