

**Government of Himachal Pradesh
Department of Information Technology**

No. E-1789 -SITE-F05(7)/1/2017- **111**

Dated: Shimla-13, the

19th June, 2023

NOTIFICATION

In pursuance of the letter vide D.O. No 3-1/2022-NBM dated 7.2.2023 from the Secretary, Ministry of Communications, Government of India read with the Gazette Notification issued by the Joint Secretary, Department of Telecommunications, Government of India vide G.S.R No.06(E) dated 3.1.2023 (F.No 2-16/2022-Policy) in respect of Indian Telegraph (Infrastructure Safety) Rules 2022 (ITIS rules 2022), the undersigned is directed to state that all agencies (both private and public) intending to carry out excavation or digging the roads of any nature and for any purpose only after prior intimation to the stakeholders of the State Government in various Departments through Call Before U Dig (CBuD) Mobile App in order to safe keep the telegraph infrastructure.

Procedure:

- i. Any person/agency desiring to dig or excavate in the legal exercise of a right with any property in such a manner as is likely to cause damage to a telegraph infrastructure or to interrupt or interfere with telegraphic communication which has duly placed in accordance with the provision of the Indian Telegraph Act, 1885(13 of 1885), shall give notice to licensee through CBuD App, by submitted the information of such digging or excavation, prior to the commencement of digging or excavation;
- ii. The information submitted on the CBuD App shall include the name and address of the person exercising legal right, agency details, contact details, date and time of start of the exercise, description and location of the exercise and the reasons for such digging or excavation, as per the relevant fields provided in the mobile application;
- iii. The licensee shall, on submission of information in the CBuD application, shall as expeditiously as possible share, the details of telegraph infrastructure owned or control or managed by such licensee, falling under or cover along the property with which the



person intends to deal in legal exercise of the right, along with precautionary measures for coordination in avoiding the damages to the telegraph infrastructure;

- iv. The person exercising legal right to dig or excavate shall take appropriate action or precautionary measures provided by the licensee;
- v. In case no licensee provides details within the prescribed time as per section 19(A) of the Indian Telegraph Act, 1885(13 of 1885), the person having legal right to dig or excavate shall be free to dig or excavate the property thereafter.

The executing agencies shall ensure to include the clause regarding mandatory updation of excavation work in the CBuD application while issuing any work orders to contractors so that the aim and object of the above amendment can be achieved. This Circular will follow the Rules and procedure laid down in the Gazette Notification issued by the Department of Telecommunications, Government of India on 03.1.23 and modifications, if any, in future by the State Government across the State of Himachal Pradesh. All concerned are being informed accordingly with an advice to disseminate and comply with the same.

This has the approval of the competent authority of this Government and takes immediate effect.

-By Order-

**Secretary (IT) to the
Government of Himachal Pradesh.**

Endst. No. E-1789 -SITE-F05(7)/1/2017-211 Dated: Shimla-13, the 19th June, 2023
Copy forwarded for information to:

1. The Director, Urban Development Department, Talland, Shimla-02.
2. The Director, Department of Panchayati Raj and Rural Development, Kasumpti-09.
3. The Director, Department of Land Records, Kasumpti, Shimla-09.
4. The Director, Department of Town and Country Planning, Kasumpti-09.
5. The Commissioner, Municipal Corporation, Shimla-01.
6. The Managing Director, Himachal Pradesh State Electricity Board Ltd, Vidyut Bhawan, Shimla-04.
7. The Engineer-in-Chief, Himachal Pradesh Public Works Department, Nirman Bhawan Shimla, Nigam Vihar, Shimla-171002 (H.P).

8. The Engineer-in-Chief, Jal Shakti Vibhag, Jal Shakti Bhawan, Shimla, Bypass, Panjari, Tutikandi, Shimla-05.
9. All HoDs of the Government of Himachal Pradesh
10. Additional Director, Department of Information Technology, Mehli, Shimla


Director (IT)
Department of Information Technology,
Himachal Pradesh.

के. राजारामन, भा. प्र. से.
सचिव
K. Rajaraman, IAS
Secretary



भारत सरकार
संचार मंत्रालय
दूरसंचार विभाग
Government of India
Ministry of Communications
Department of Telecommunications

D.O. 3-1/2022-NBM
Dated 7th February, 2023

Dear Chief Secretary,

I appreciate your efforts in onboarding key infrastructure departments onto **"Call Before u Dig" (CBuD) Mobile app** based on my letter dated 02-12-2022. The CBuD Mobile App is likely to be launched at National level by Hon'ble Prime Minister in mid-March. The State Government departments and agencies need to onboard contact details of all concerned officials of infrastructure utility asset owner agencies of the State/UTs in CBuD App to receive notifications of the enquiries made by other agencies/contractors/members of public likely to undertake excavation activities in public places enabling them to safeguard the assets from damages during excavation. **All agencies intending to carry out excavations (Government or private) need to be mandated by the States/UTs by notification to carry out any type of excavation / digging only after prior intimation through CBuD App.**

2. DoT has issued **"Indian Telegraph (Infrastructure Safety) Rules, 2022"** (ITIS Rules, 2022) on 03rd January, 2023, which mandates to use Portal or Mobile App and casting liability on excavator / excavation agencies to notify any likely excavation through the app to the telegraph / telecom licensee owning or managing telegraph infrastructure. Any damage caused due to negligence and liable to pay damage charges. (Copy of rules enclosed). CBuD App is supported by these provisions.

3. It may be noted that CBuD App is utility agnostic and supports any utility asset owner, viz., Water pipeline, Sewerage, Gas / Petroleum pipeline, Electric Cables etc. owned / managed by various State Departments/ Agencies. To support technical features of CBuD App for other utilities, State/UTs may also come out with similar rules mandating excavators to inform State utility agencies also through CBuD App prior to commencement of excavation activity.

4. In view of above, it is requested that States/UTs may adopt ITIS Rules, 2022 and notify similar rules or make amendments to the existing rules. State/UT are also requested to direct all State Departments to configure contact details of their concerned officers in CBuD App and mandate all excavating agencies to onboard themselves on the CBuD App before 28th February 2023. A list of Departments/Agencies who may be onboarded on CBuD app is attached.

With regards.

Yours Sincerely

(K. Rajaraman)

Chief Secretaries of all States/UTs

Annexure**List of Agencies who may onboard themselves on CBuD App****A. Utility Asset Owning Agencies/Departments who can be onboarded on CBuD App**

Sr No	Probable Department /Agency as Asset Owner	Agency CBuD Nodal	Agency CBuD District User
1	Water Supply Agency	State or Regional agency division officer	Executive Engineer or official
2	Water Resource Agencies	State or Regional agency division officer	Executive Engineer or official
3	Sewerage maintenance agencies	Regional office Nodal	municipal corporation official
4	Underground Electric Cable Agencies e.g. DISCOM, Transmission Companies	State or Regional agency division officer	DISCOM District Incharge or official
5	State Gas Agencies	State or Regional incharge	City Gas pipeline incharge or official & area in-charges
6	State Petroleum agencies	State or Regional incharge	District level operation & maintenance officers
7	State Fibre Agencies	State Fibre Agency Nodal	State NOC manager and O&M District Incharge
8	Road agencies viz PWD, State Highways	State Nodal Incharge	Area incharge
9	Departments / agencies owning underground duct	Duct owning Authority	concerned district incharge of duct
10	Municipal Corporation/urban development	State/Regional officer	Executive Engineer
11	Panchayati Raj/rural development	State level rural development officer	BDO/BPRO or official
12	Metro rail	Metro development officer	Site incharge

B. Excavating Agencies and officer concerned that can be registered as in CBuD App

SrNo	Possible Agencies as Excavators	Officer concerned or Excavation Contractor
1	Road construction department / agencies e.g. PWD, State Highway agencies	Site engineer incharge OR Road construction contractor
2	Water pipeline laying departments and agencies	Project Engineer OR Contractor or its official
3	Sewerage line laying department / agencies	Project Engineer OR Contractor/its official
4	Underground electric cable laying department / agencies	Sub divisional engineer OR contractor's official
5	Gas Agencies	City incharge OR Excavation contractor or official
6	Petroleum agencies	Area incharge OR Excavation contractor or official
7	State/National Fibre Agencies	OFC Project incharge OR Contractor or official
8	Departments / agencies owning underground duct	Duct construction Incharge OR Contractor or its official
9	Municipal Corporation/urban development	Civil construction Contractor or official
10	Panchayati Raj/rural development	BDO/BPRO OR Excavation Contractor or Official
11	Metro rail	Site incharge OR Contractor or official
12	District development authority	Project Engineer OR Excavation Contractor or Official
13	Telecom service provider	TSP OFC laying incharge OR Contractor
14	Agencies owning Excavation Machinery registered with Transport departments	JCB / Excavator owner OR excavation agency official

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No.2-16/2022-Policy
Government of India
Ministry of Communications
Department of Telecommunication

Sanchar Bhawan, 20, Ashoka Road
New Delhi, the 4th January, 2023

OFFICE MEMORANDUM

Subject:- The Indian Telegraph (Infrastructure Safety) Rules, 2022 - reg.

The undersigned is directed to refer to the subject cited above and to say that the Indian Telegraph (Infrastructure Safety) Rules, 2022 has been formulated by the Central Government and published in the Gazette of India to fulfil the SITE-605(7)/1/2017-IT-SECTION-GOHP-Part(2) enterprises through establishment of a resilient, secure, accessible and affordable Digital Communications Infrastructure and Services. The need for rules/regulation/policy to address the issues of safety to the existing telecom infrastructure has arisen subsequent to the establishment of the much required pan India telecom infrastructure networks by Government/TSPs/IPs.

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2. A copy of the Gazette Notification No. G.S.R. 06(E) dated 3rd January, 2023 on the Indian Telegraph (Infrastructure Safety) Rules, 2022 is enclosed herewith at Annexure-I. These documents are also available on the website of the Department of Telecommunications (www.dot.gov.in) under the link Acts & Rules/Act/Indian Telegraph RoW Rules.

3. These rules provide the procedure for exercising of legal right to dig or excavate any property and will facilitate in mitigating/avoiding unwanted damage to the existing telegraph infrastructure established on the public/private property owing to unplanned and uninformed digging and other activities by various agencies.

4. In view of above, it is requested that all stakeholders may ensure implementation of these rules by making relevant provisions in their respective telecom infrastructure policy of their State/UT in line with the provisions of Indian Telegraph (Infrastructure Safety) Rules, 2022.

Enclosure: As above.

[Rahul Dwivedi]
Under Secretary to the Government of India
Tel. No. 011-23713715

To

1. Secretaries of all Ministries/Departments (as per list enclosed).
2. The Chief Secretaries/Administrators of all States/UTs (as per list enclosed)
3. The Director General, Cellular Operators Association of India(COAI), New Delhi.
4. The Director General, Digital Infrastructure Providers Association(DIPA), New Delhi.



भारत का राजपत्र The Gazette of India

SITE-F05(7)/1/2017-IT SECTION-GoHP-Part(3)

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 05]

नई दिल्ली, मंगलवार, जनवरी 3, 2023/पौष 13, 1944

No. 05]

NEW DELHI, TUESDAY, JANUARY 3, 2023/ PAUSHA 13, 1944

संचार मंत्रालय

(दूरसंचार विभाग)

अधिसूचना

नई दिल्ली, 3 जनवरी, 2023

सा.का.नि. 06(अ).— केन्द्रीय सरकार, भारतीय तार अधिनियम, 1885 (1885 का 13) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात्:-

1. संक्षिप्त नाम और प्रारंभ:- (1) इन नियमों का संक्षिप्त नाम भारतीय तार (अवसंरचना सुरक्षा) नियम, 2022 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं- (1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हों, -

(क) "अधिनियम" से भारतीय तार अधिनियम, 1885 (1885 का 13) अभिप्रेत है;

(ख) "सामान्य पोर्टल" से इन नियमों के प्रयोजनों के लिए केन्द्रीय सरकार द्वारा विकसित और अधिसूचित पोर्टल या मोबाइल फ़ोन उपयोगन अभिप्रेत है;

(ग) "अनुज्ञप्तिधारी" से अधिनियम की धारा 4 की उप-धारा (1) के अधीन अनुज्ञप्ति धारण करने वाला कोई व्यक्ति अभिप्रेत है;

(घ) "सूचना" से सामान्य पोर्टल के माध्यम से प्रस्तुत की गई खुदाई या उत्खनन संबंधी पूर्व सूचना अभिप्रेत है;

25 GI/2023

(1)

(ड.) "तार अवसंरचना" में तार या तार लाइन और पोस्ट शामिल हैं;

(2) उन शब्दों और पदों के जो प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं वही अर्थ होगा जो अधिनियम में है।

3. किसी संपत्ति की खुदाई या उत्खनन के विधिक अधिकार का प्रयोग करने की प्रक्रिया – (1) कोई व्यक्ति जो किसी संपत्ति के अधिकार के विधिक अधिकार से खुदाई या उत्खनन की इच्छा इस प्रकार से रखता हो जिससे कि अधिनियम के उपबंधों के अनुसार सम्यक रूप से स्थापित की गई तार अवसंरचना या टेलीग्राफिक संचार को रुकावट डालने या बाधित करने की संभावना हो, तो वह व्यक्ति ऐसे अधिकार का प्रयोग करने से पूर्व इस प्रकार की खुदाई या उत्खनन की सूचना, सामान्य पोर्टल के माध्यम से प्रस्तुत करके अनुज्ञप्तिधारी को सूचना देगा।

(2) उप-नियम (1) के अधीन सूचना में विधिक अधिकार का उपयोग करने वाले व्यक्ति का नाम और पता, एजेंसी का ब्यौरा, पता, खुदाई शुरू करने की तारीख और समय, खुदाई का विवरण और स्थान तथा इस प्रकार की खुदाई या उत्खनन करने के कारण शामिल किए जाएंगे।

(3) अनुज्ञप्तिधारी उप-नियम (1) के अधीन सूचना प्रस्तुत करने पर संपत्ति से संबंध किसी भी अनुज्ञप्तिधारी द्वारा स्वामित्व वाली या नियंत्रित या तार अवसंरचना का ब्यौरा सामान्य पोर्टल के माध्यम से यथा शीघ्र उपलब्ध कराएगा जिसका प्रयोग वह तार अवसंरचना को क्षति पहुँचाए बिना समन्वय के लिए पूर्वावधानी उपायों के साथ-साथ अधिकार के विधिक प्रयोग के लिए करना चाहता है।

(4) खुदाई या उत्खनन के विधिक अधिकार का प्रयोग करने वाला व्यक्ति, उप-नियम (3) के अनुसार अनुज्ञप्तिधारी द्वारा किए गए पूर्वावधानी उपायों पर उपयुक्त कार्रवाई करेगा।

(5) यदि कोई अनुज्ञप्तिधारी अधिनियम की धारा 19(क) के अनुसार विहित समय के भीतर ब्यौरा उपलब्ध नहीं कराता है तो खुदाई या उत्खनन के विधिक अधिकार प्राप्त व्यक्ति इसके पश्चात संपत्ति की खुदाई या उत्खनन करने के लिए स्वतंत्र होगा।

4. नियम के उपबंधों के उल्लंघन के लिए नुकसानी प्रभार – (1) कोई व्यक्ति, जिसने किसी संपत्ति की खुदाई या उत्खनन के विधिक अधिकार का प्रयोग इस ढंग से किया हो, जिससे अधिनियम के उपबंधों के अनुसार विधिवत रखे गए तार अवसंरचना के बुनियादी ढांचे को नुकसान होता है, वह तार प्राधिकारी को नुकसानी प्रभार का भुगतान करने के लिए उत्तरदायी होगा।

(2) उप-नियम (1) के अधीन नुकसानी प्रभार की गणना ऐसे खर्चों के आधार पर की जाएगी जैसा नुकसानी के प्रत्यावर्तन में उपगत किया जाए।

[फा. सं. 2-16/2022- नीति]

आनंद सिंह, संयुक्त सचिव

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 3rd January, 2023

G.S.R. 06(E).— In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes the following rules, namely: -

1. **Short title and commencement.**—(1) These rules may be called the Indian Telegraph (Infrastructure Safety) Rules, 2022.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires, -

- (a) "Act" means the Indian Telegraph Act, 1885 (13 of 1885);
- (b) "common portal" means a portal or mobile phone application developed and notified by the Central Government for the purposes of these rules;
- (c) "licensee" means any person holding a license under sub-section (1) of section 4 of the act.
- (d) "notice" means prior information of digging or excavation submitted through common portal.
- (e) "telegraph infrastructure" includes a telegraph or a telegraph line and post;

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

SITE-F05(7)/1/2017-IT SECTION-GoHP-Part(3)

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3. **Procedure for exercising of legal right to dig or excavate any property.**— (1) Any person desiring to dig or excavate in the legal exercise of a right with any property in such a manner as is likely to cause damage to a telegraph infrastructure or to interrupt or interfere with telegraphic communication which has been duly placed in accordance with the provisions of the Act, shall give notice to licensee through common portal, by submitting the information of such digging or excavation, prior to the commencement of such exercise.

(2) The notice under sub-rule (1) shall include the name and address of the person exercising the legal right, agency details, contact details, date and time of start of the exercise, description and location of the exercise, and the reasons for such digging or excavation.

(3) The licensee shall, on submission of notice by the person under sub-rule (1), as expeditiously as possible provide through the common portal, the details of telegraph infrastructure owned or control or managed by such licensee, falling under or over or along the property with which the person intends to deal in legal exercise of the right, along with precautionary measures for coordination in avoiding damages to the telegraph infrastructure.

(4) The person exercising legal right to dig or excavate shall take appropriate action on precautionary measures provided by the licensee as per sub-rule (3).

(5) In case no licensee provides details within the prescribed time as per section 19(A) of the Act, the person having legal right to dig or excavate shall be free to dig or excavate the property thereafter.

4. **Damage charges for breach of provisions of the rule.**— (1) Any person, who in exercise of legal right has dug or has excavated any property in such a manner causing damage to a telegraph infrastructure duly placed in accordance with the provisions of the Act shall be liable to pay the damage charges to the telegraph authority:

(2) The damage charges under sub-rule (1) shall be computed based on such expenses as may be incurred in restoring damages.

[F. No. 2-16/2022-Policy]

ANAND SINGH, Jt. Secy.

SITE-F05(7)/1/2017-IT SECTION-GoHP-Part(3)

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