

The Indian Telegraph Right of Way Rules, 2016
[As amended from time to time (in 2017, 2021 and 2022)]

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

NOTIFICATION

New Delhi, the 15th November 2016

G.S.R. 1070(E). — In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules to regulate underground infrastructure and overground infrastructure, namely: -

CHAPTER I

PRELIMINARY

1. Short title and commencement. -(1) These rules may be called the Indian Telegraph Right of Way Rules, 2016.

(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) “appropriate authority” means the Central Government, respective State Governments, local authority or such authority, body, company or institution incorporated or established by the Central Government or the State Government, in respect of property, under, over, along, across, in or upon which underground or overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate authority;

(c) “State Government” means the State Government having jurisdiction, and includes the administration of a Union territory;

(d) “licensee” means any person holding a licence issued under sub-section (1) of section 4 of the Act;

(e) “overground 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;

(f) “rule” means the Indian Telegraph Right of Way Rules, 2016.

(g) “underground 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.

(h) “Schedule” means a Schedule appended to these rules.”.

(2) Words and expressions used and not defined herein but defined in the Act shall

have the meaning assigned to them in the Act.

3. Applicability. - The appropriate authority shall exercise the powers under these rules on an application for establishment and maintenance of underground or overground telegraph infrastructure by any licensee on whom the powers of the telegraph authority have been conferred by notification under section 19B of the Act, subject to any conditions and restrictions as may be imposed in such notification.

4. Nodal officer to be designated by local authority, etc.-(1) Every appropriate authority shall designate a nodal officer for the purposes of these rules.

(2) Every application for permission under these rules shall be made by the licensee on an electronic portal developed by the Central Government.

CHAPTER II

ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE

5. Application by a licensee. — (1) A licensee shall, for the purposes of establishment of telegraph infrastructure under any immovable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents, to that authority in such form and manner as may be specified by that appropriate authority.

(2) The information along with supporting documents to be provided by the licensee in the application made under sub-rule (1) shall include-

- (i) a copy of the licence granted by the Central Government;
- (ii) the details of underground telegraph infrastructure proposed to be laid;
- (iii) the mode of and the time duration for, execution of the work;
- (iv) the time of the day when the work is expected to be done in case the licensee expects the work to be done during specific time of the day;
- (v) the details of expenses that such appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the licensee;
- (vi) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (vii) the specific measures proposed to be taken to ensure public safety during the execution of the work;
- (viii) any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and
- (ix) 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:

Provided that the licensee shall, while making the application, give a specific commitment on whether he 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.

(3) Every application under sub-rule (1) shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the appropriate authority may, by general order, deem fit:

Provided that such fee to meet administrative expenses shall not exceed the amount specified in Part-I of the Schedule.

6. Grant of permission by appropriate authority. - (1) The appropriate authority shall examine the application with respect to the following parameters, namely: -

(a) 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;

(b) the mode of execution;

(c) the time duration for execution of the work and the time of the day that the work is proposed to be executed;

(d) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;

(e) the responsibility for restoration of any damage that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken;

(f) assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee;

(g) any other matter, consistent with the provisions of the Act and these rules, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or special order, by the Central Government, appropriate State Government or the appropriate local authority.

(1A) The area of the underground telegraph infrastructure proposed to be established shall be the length of duct multiplied by the diameter of the duct multiplied by the number of the ducts.

Explanation. - "duct" means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telegraph line.

(1B) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for the use

of the property under which the underground telegraph infrastructure is proposed to be established, as may be determined by the appropriate authority.

(2) The appropriate authority shall within a period not exceeding sixty days from the date of application made under rule 5-

(a) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety and payment of restoration charge, not exceeding the amount specified in Part-II of the Schedule:

Provided that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied for pits only; or

(b) reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant licensee has been given an opportunity of being heard on the reasons for such rejection:

Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission under (a) or reject the application under (b); and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

(3) Where the appropriate authority accepts 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 under clause (a) of sub-rule (2), may seek a bank guarantee for an amount, not exceeding the amount specified in Part-II of the Schedule, in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

(4) The appropriate authority shall not charge any fee and compensation other than those prescribed under sub-rule (3) of rule 5, sub-rule (1B) and clause (a) of sub-rule (2) from the licensee for establishing, maintaining, working, repairing, transferring or shifting underground telegraph infrastructure.

7. Obligations of licensee in undertaking work. -(1) The licensee shall make the payment of expenses or submit the bank guarantee as determined by the appropriate authority 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:

Provided that the appropriate authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the licensee seeking such extension.

(2) The licensee shall ensure that -

(a) 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

(b) the work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

(3) The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructures to enable the appropriate authority to obtain real time information on its location.

8. Powers of appropriate authority to supervise the work. -(1) The appropriate authority may supervise the execution of work to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (2) of rule 6 are observed by the licensee.

(2) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.

(3) If the appropriate authority comes to the conclusion that the licensee has willfully violated any of the conditions for grant of permission under clause (a) of sub-rule (2) of rule 6, it may forfeit, in full or in part, the bank guarantee submitted by the licensee and withdraw the permission granted to the licensee, for reasons to be recorded in writing:

Provided that no action shall be taken under this sub-rule unless the licensee has been given an opportunity of being heard.

CHAPTER III

ESTABLISHMENT OF OVERGROUND TELEGRAPH INFRASTRUCTURE

9. Application by a licensee. — (1) A licensee shall, for the purposes of establishing overground telegraph infrastructure, upon any immovable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents, to that appropriate authority in such form and manner as may be specified by that appropriate authority.

(2) The information along with supporting documents to be provided by the licensee in the application made under sub-rule (1) shall include-

(i) a copy of the licence granted by the Central Government;

(ii) the nature and location, including exact latitude and longitude, of post or other above ground contrivances proposed to be established;

(iii) the extent of land required for establishment of the overground telegraph infrastructure;

(iv) the details of the building or structure, where the establishment of the overground telegraph infrastructure, is proposed;

(v) the copy of approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for the

transmission of Radio waves or Hertzian waves;

- (vi) the mode of and the time duration for, execution of the work;
- (vii) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (viii) the measures proposed to be taken to ensure public safety during the execution of the work;
- (ix) the detailed technical design and drawings of the post or other above ground contrivances;
- (x) certification of the technical design by a structural engineer attesting to the structural safety, of the overground telegraph infrastructure;
- (xi) certification, by a structural engineer, attesting to the structural safety of the building, where the post or other above ground contrivances is proposed to be established on a building;
- (xii) the names and contact details of the employees of the licensee for the purposes of communication in regard to the application made;
- (xiii) any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and
- (xiv) any other matter connected with or relevant 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.

Provided that the documents mentioned in clauses (ii), (iii), (v) (ix), (x) and (xi) shall not be required in case of application made for establishment of overground telegraph line—:

Provided further that the documents related to route plan for establishment of overground telegraph line shall be required to be provided by the licensee with the application made for establishment of overground telegraph line:

(3) Every application under sub-rule (1) shall be accompanied with such fee to meet administrative expenses for examination of the application and the proposed work as the appropriate authority may, by general order, deem fit:

Provided that the one-time fee, to meet administrative expenses, accompanying every application shall not exceed the amount specified in Part-I of the Schedule.

10. Grant of permission by appropriate authority. -(1) The appropriate authority shall examine the application with respect to the following parameters, namely: -

- (a) the extent of land required for the overground telegraph infrastructure;
- (b) the location proposed;
- (c) the approval issued by the duly authorised officer of the Central Government for location of the aboveground contrivances proposed to be used for transmission of Radio waves or Hertzian waves;

- (d) the mode of and time duration for execution of the work;
- (e) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
- (f) assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the overground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the licensee;
- (g) certification of the technical design by a structural engineer attesting to the structural safety of the overground telegraph infrastructure;
- (h) certification, by a structural engineer, of the structural safety of the building on which the post or other above ground contrivances is proposed to be established;
- (i) any other matter, consistent with the provision of the Act and these rules, connected with or related to the laying of overground telegraph infrastructure, through a general or special order or guidelines by the Central Government, appropriate State Government or the appropriate local authority:

Provided that the parameters mentioned in clauses (a), (b), (c), (g) and (h) shall not be necessary for examination of the application made for establishment of overground telegraph line:

Provided further that the appropriate authority shall examine the route plan for the proposed overground telegraph line and the possible interference in regard to the establishment or maintenance of such overground telegraph line with regard to any other public infrastructure that may have been laid along the proposed route: —

(1A) The area of the overground telegraph infrastructure (mobile tower) proposed to be established shall be the area occupied by the mobile tower and the supporting infrastructures, such as base transceiver station, engine alternator, etc. at the ground.

(2) Where the establishment of the overground telegraph infrastructure renders the immovable property, vested in the control or management of any appropriate authority over which such overground telegraph infrastructure is established, unlikely to be used for any other purpose, the appropriate authority shall be entitled to compensation for the value of the immovable property, either once or annually, assessed on such rates as that appropriate authority may, by general order, specify.

Provided that the compensation payable for the immovable property for the establishment of poles for installation of small cells and telegraph line shall not exceed the amount specified in Part-III of the Schedule.

(3) The appropriate authority shall, within a period not exceeding sixty days from the date of application made under rule 9 -

(a) 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 structural safety and payment of restoration charge not exceeding the amount specified in

Part-II of the Schedule, or compensation, as specified in sub-rule (2); or

(b) reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant licensee has been given an opportunity of being heard on the reasons for such rejection:

Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission under clause (a) or reject the application under clause (b) and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

(4) The appropriate authority shall not charge any fee and compensation other than those mentioned under sub-rule (3) of rule 9, sub-rule (2) and clause (a) of sub-rule (3) from the licensee for establishing, maintaining, working, repairing, transferring or shifting overground telegraph infrastructure.

(5) For the purposes of this rule, and rule 10B and the Schedule, the expression, -

(a) "mobile tower" means any above-ground contrivance for carrying, suspending or supporting a telegraph and does not include pole;

(b) "pole" means any above-ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telegraph and does not include mobile tower;

(c) "small cell" means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilometers.".

10A. Usage of street furniture for installation of small cells and telegraph line.-(1) A licensee shall for the purpose of installation of small cell and telegraph line submit an application, along with details of street furniture and a copy of certification by a structural engineer authorised by appropriate authority, attesting to the structural safety of the street furniture where installation of small cells and telegraph line is proposed to be deployed, to the appropriate authority for permission to use street furniture for installation of small cells and telegraph line.

(2) The application under sub-rule (1), shall be accompanied with such fee as may be determined by the appropriate authority to meet administrative expenses for examination of the application, which shall not exceed the amount specified in Part-I of the Schedule.

(3) The appropriate authority shall, within a period not exceeding sixty days from the date of application made, grant permission or reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection:

Provided further that the permission shall be deemed to have been granted if the appropriate authority fails to either grant permission or reject the application.

(4) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for use of street furniture for installation of small cells and telegraph line, as may be determined by the appropriate authority.

(5) The appropriate central authority may permit installation of small cells on their buildings and structures.

(6) For the purposes of sub-rule (5), the “appropriate central authority” means the Central Government or the authority, body, company or institution, incorporated or established by the Central Government, in respect of property, under, over, along, across, in or upon which underground or overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such Government, authority, body, company or institution.

10B. Establishment of telegraph infrastructure over private property. – Where the licensee proposes the establishment of overground telegraph infrastructure over any private property, the licensee shall not require any permission from the appropriate authority:

Provided that in case of establishment of mobile tower or pole over a private building or structure, the licensee shall submit an intimation, in writing, to the appropriate authority, prior to commencement of such establishment:

Provided further that along with the intimation, he shall also submit the details of the building or structure, where the establishment of mobile tower or pole is proposed, and a copy of certification by a structural engineer, authorised by the appropriate authority, attesting to the structural safety of the building or structure, where the mobile tower or pole is proposed to be established.

11. Obligations of licensee in undertaking work. — (1) The licensee shall ensure that –

(a) prior to the commencement of establishment and maintenance of overground telegraph infrastructure and at all times, the measures to mitigate public inconvenience and ensure public safety, including structural safety of such overground telegraph infrastructure are implemented;

(b) the work of establishment and maintenance of overground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the appropriate authority.

12. Powers of appropriate authority to supervise the work. — (1) The appropriate authority may supervise the establishment and maintenance of overground

telegraph infrastructure to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (3) of rule 10 are observed by the licensee.

(2) The appropriate authority may, on the basis of such supervision, impose such other reasonable conditions, as it may think fit.

(3) If the appropriate authority comes to the conclusion that the licensee has willfully violated any of the conditions for grant of permission under clause (a) of sub-rule (3) of rule 10, it may withdraw, for reasons to be recorded in writing, the permission granted to the licensee:

Provided that no action shall be taken under this sub-rule unless the licensee has been given an opportunity of being heard.

CHAPTER IV

RIGHT OF APPROPRIATE AUTHORITY TO SEEK REMOVAL OF UNDERGROUND OR OVERGROUND TELEGRAPH INFRASTRUCTURE

13. Right of appropriate authority to seek removal, etc.—(1) Where the appropriate authority, having regard to circumstances which have arisen since the establishment of any underground or overground telegraph infrastructure under, over, along, across, in or upon, any immovable property vested in or under the control or management of that appropriate authority, considers that it is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the licensee, being the owner of such telegraph infrastructure, to remove or alter its location.

(2) On receipt of the notice under sub-rule (1), the licensee 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 appropriate authority shall, after examination of the detailed plan submitted by the licensee under sub-rule (2), pass such orders as it deems fit:

Provided that the appropriate authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, give a reasonable time of not less than ninety days to the licensee for removal or alteration of such telegraph infrastructure:

Provided further that the responsibility and liability, including the cost thereof, for removal or alteration of such telegraph infrastructure shall be borne by the licensee.

CHAPTER V

DISPUTE RESOLUTION

14. Disputes between licensee and appropriate authority. — (1) Any dispute arising between a licensee and the appropriate authority in consequence of these rules, shall be referred to the officer designated by the Central Government.

(2) The Central Government shall designate, by notification, officers with such jurisdiction as may be mentioned in the notification, for the purpose to referring disputes under sub-rule (1).

(3) The officer designated by the Central Government shall determine the disputes referred to in sub-rule (1) within a period not exceeding sixty days in such manner as may be specified by the Central Government from time to time.

THE SCHEDULE

[See rules 5 (3), 6 (1B), 6 (2) (a), 6 (3), 9 (3), 10 (2), 10 (3) (a), 10A (2), 10A (4)]

Rule	Item	Amount
(1)	(2)	(3)
Part-I Fee		
5(3)	For establishment of underground telegraph infrastructure	One thousand rupees per kilometer.
9(3)	For establishment of overground telegraph infrastructure	(i) Ten thousand rupees for establishment of mobile towers (ii) One thousand rupees per kilometer for establishment of overground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.
10A (2)	For installation of small cells and telegraph line using the street furniture	Nil.
Part-II Charges for restoration		
6(2)(a)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been

	responsibility to restore the damages	prescribed by central public works department for that area.
6(3)	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the licensee to discharge the responsibility to restore the damages	20% of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
10(3)(a)	Establishment of overground telegraph infrastructure	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area. Further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.
Part-III Compensation		
6(1B)	Establishment of underground telegraph infrastructure	Nil.
10(2)	Establishment of poles for installation of small cells and telegraph line	Nil
10A (4)	Usage of street furniture for installation of small cells and telegraph line	(i) For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture. (ii) For installation of telegraph line: One hundred rupees per annum per street furniture.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* notification number G.S.R. 1070 (E), dated the 15th November, 2016 and subsequently amended *vide* G.S.R. 407 (E), dated the 21st April, 2017, G.S.R. 749 (E), dated the 21st October, 2021 and G.S.R. 635 (E), dated the 17th August, 2022.