



August 2022

Amendment in the Indian Telegraph Right of Way Rules, 2016

The Department of telecommunications (“DoT”) vide its notification dated August 25, 2022, released an amendment in the Indian Telegraph Right of Way Rules, 2016 (“Amendment”). The Amendment has been introduced to facilitate faster and easier deployment of telecom infrastructure to enable faster 5G rollout in India. Aside from the introduction of definitions of certain terms such as mobile tower, pole, small cell, the key highlights are as below:

1. The area of the underground telegraph infrastructure proposed to be established is required to be the length of duct multiplied by the diameter of the duct multiplied by the number of the ducts.
2. For the use of the property under which the underground telegraph infrastructure is proposed to be established, the appropriate authority will be entitled to receive compensation from the licensee.
3. The area of the overground telegraph infrastructure proposed to be established is required to be the area occupied by the mobile tower and the supporting infrastructures, such as base transceiver station, engine alternator, etc. at the ground.

Additionally, a provision has been inserted for the usage of street furniture for installation of small cells and telegraph line. As per the new provision, a licensee is required to submit an application to the appropriate authority for permission to use street furniture for installation of small cells and telegraph line. The application is required to be accompanied with (i) the details of street furniture; (ii) 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; and (iii) the appropriate application fee as may be determined by the appropriate authority to meet administrative expenses for examination of the application.

The Amendment also stipulates that the appropriate authority is required to grant permission or reject the application for reasons to be recorded in writing, within a period not exceeding 60 (sixty) days from the date of application made, failing which the permission will be deemed to have been granted. It also mandates that in the event the application is rejected, the applicant is to be given an opportunity to be heard on the reasons for such rejection.

Establishment of the telegraph infrastructure over private property does not require any permission from the appropriate authority as per the Amendment. However, it is clarified in the Amendment that in case of establishment of mobile tower or pole over a private building or structure, the licensee must submit an intimation, in writing, to the appropriate authority, prior to commencement of such establishment: Such intimation is required to be accompanied with 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.

Telecommunications & Broadcasting Practise

Our Communications practice is handled by a team with specific domain-expertise, and we advise various stakeholders in both Telecom & Broadcasting sectors on a wide range of transactions and assignments that involve constitutional, legal, contractual, commercial, regulatory and policy advice. The practice is led by an expert who has over 35 years of experience, and with the team having expertise in handling diverse aspects of the Telecom sector (financial reform, spectrum management, legal and strategic change). We advise broadcasters, BPOs, internet service providers (ISP), operators and investors in the Global System for Mobile Communications (GSM) and the Code Division Multiple Access (CDMA) technologies, and new investors on diverse licensing issues, entry strategies, structuring, national security challenges, and other regulatory issues. We represent the interests of licensees and other stakeholders in interacting with the licensor and regulators with respect to reforms in the regulatory and policy framework to facilitate business growth drawing upon international best practices. We advise and represent investors, broadcasters, and telecom licensees on commercial transactions in this sector, including mergers, acquisitions, restructuring, divestment, licensing, and project financing. We advise telecom service providers and other corporate houses on all aspects of spectrum licensing and allocation, including fundamental issues relating to the scope of spectrum bands, the regulatory framework governing their allocation in India, and planning, strategising and following up on their application to the Government.

This Prism has been prepared by:



Tony Verghese
Partner



Radhika Gupta
Principal Associate



Rhea Sydney
Associate



Shruthi Shekar
Junior Associate



14 Practices and
23 Ranked Lawyers



15 Practices and
18 Ranked Lawyers



7 Practices and
2 Ranked Lawyers



IFLR1000 India Awards 2021



Among Top 7 Best Overall
Law Firms in India and
10 Ranked Practices

13 winning Deals in
IBLJ Deals of the Year

6 A List Lawyers in
IBLJ Top 100 Lawyer List



Banking & Financial Services
Law Firm of the Year 2022

Dispute Resolution Law
Firm of the Year 2022

Equity Market Deal of the
Year (Premium) 2022

Energy Law Firm of the Year 2021

10 Practices and
34 Ranked Partners

Banking & Finance Team
of the Year

Fintech Team of the Year

Restructuring & Insolvency
Team of the Year



Ranked #1
The Vahura Best Law Firms to
Work Report, 2022

**Top 10 Best Law Firms for
Women in 2022**

For more details, please contact km@jsalaw.com

www.jsalaw.com



Ahmedabad | Bengaluru | Chennai | Gurugram | Hyderabad | Mumbai | New Delhi



This prism is not an advertisement or any form of solicitation and should not be construed as such. This prism has been prepared for general information purposes only. Nothing in this prism constitutes professional advice or a legal opinion. You should obtain appropriate professional advice before making any business, legal or other decisions. JSA and the authors of this prism disclaim all and any liability to any person who takes any decision based on this publication.