

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 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.

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This Prism has been prepared by:



Tony Verghese
Partner



Radhika Gupta
Principal Associate



Rhea Sydney
Associate



Shruthi Shekar Junior Associate



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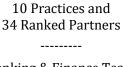


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