



புதுச்சேரி மாநில அரசிதழ்

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PART - I

சிறப்பு வெளியீடு

EXTRAORDINAIRE

EXTRAORDINARY

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GOVERNMENT OF PUDUCHERRY
DIRECTORATE OF INFORMATION TECHNOLOGY
(G.O. Ms. No. 2/DIT/2015/3100, dated 27th July 2015)

NOTIFICATION

The Hon'ble Lieutenant-Governor of Puducherry is pleased to approve the "Communication and Connectivity Infrastructure Policy-2015" to encourage the use of latest technology advancements in the telecom sector such as Fiber to Home (FTH) and innovative business models such as the Open Access Network (OAN) where physical access to the network is separated from the delivery of services by providing quality infrastructure for connectivity and telecommunication services across the Union Territory, especially in the rural and remote areas of the Union Territory in a uniform and time bound manner.

It shall come into force from the date of publication in the official gazette of Government of Puducherry.

(By order of the Lieutenant-Governor)

Dr. A.S. SIVAKUMAR,
Joint Secretary (Information Technology).

COMMUNICATION AND CONNECTIVITY INFRASTRUCTURE POLICY-2015

1. *Preamble.*— 1.1 Union territory of Puducherry is among the Union Territories to have established core IT infrastructure to facilitate the e-enablement of life and work. In order to strengthen this core information and communication infrastructure, the Union Territory intends to further facilitate effective transformation of the socio-economic scenario through accelerated equitable and inclusive economic growth by encouraging provision of quality infrastructure for connectivity and telecommunication services across the Union Territory, especially in the rural and remote areas of the Union Territory in a uniform and time bound manner.

Keeping in view the renewed requirements of the Union Territory along side the latest Information and Communication Technology (ICT) developments and the need to ensure that the access to and benefits of ICT percolate to urban and rural masses amid the changing economic environment, the Union Territory Government has decided to formulate its policy called “Policy for Provision of Infrastructure for Communication and Connectivity in Union territory of Puducherry”.

This policy seeks to encourage the use of latest technology advancements in the telecom sector such as Fibre to the Home (FTTH) and innovative business models such as the Open Access Network (OAN) where physical access to the network is separated from the delivery of services. It provides a futuristic roadmap for creation of an enabling infrastructure through pre-laid OFC with sufficient bandwidth in proper ducts as part of the development infrastructure so as to allow multiple service providers to use the same infrastructure on sharing basis rather than the clamour for space by multiple infrastructure providers on individual basis.

2. *Eligibility to apply.*— Any telecom infrastructure provider registered with the Department of Telecommunications, Government of India or any telecom services provider licensed from the Department of Telecommunications, Government of India or an infrastructure provider duly authorised by a licensee to lay the communication and connectivity infrastructure (hereinafter called as the ‘Applicant’) is eligible to seek permissions under this policy to lay Optic Fibre Cable (OFC), erect Ground Based Masts (GBMs), poles, small cells, inbuilding cells, mobile and communication towers within the areas of Urban Local Bodies, Gram Panchayats, statutory authorities like the Puducherry Planning Authority (PPA) or other agencies of the Government such as the Pondicherry Industrial Promotion Development and Investment Corporation (PIPDIC) and the land belonging to Union Territory Government Departments like Public Works Department, Forests, Irrigation, Revenue, Agriculture and Local Bodies, etc.

3. *Permission on non-exclusive basis.*— 3.1. Permission for Right of Way (RoW) or Right of Use (RoU) and installation of the associated infrastructure shall be provided to an eligible Applicant (whether existing or future) desirous of establishing underground communication infrastructure, dish antennas, erection of GBMs, mobile towers and communication towers, and poles, small cells, inbuilding cells for laying overhead cables on a non-exclusive basis under this policy. However, given the space constraints for RoW for multiple service providers in any specific area, the principle of first mover advantage would operate and the subsequent entrant, if any, may need to share the infrastructure capacity already laid by first-moving service provider.

3.2. The concerned Government agencies or private developers are advised to earmark a pre-defined route alignment along the internal road circulation network as per the required specifications (with or without a duct) as part of their development works for laying of the communication infrastructure so as to avoid repeated digging and/or to facilitate the infrastructure providers seeking permissions to lay the cables in future. The telecom infrastructure providers are encouraged to provide for ducts and lay the OFC with sufficient band width capacity/redundancy as part of their development plans, which may be leased out to other operators/service providers on a recurring charge basis. The modalities with regard to the technology, specifications and applicable dues for use of the duct, if any, shall be worked out separately. The Government agencies can also consider providing the same.

4. *Validity of permission.*— 4.1. The permissions for Right of Way (RoW) or Right of Use (RoU) for laying the communication infrastructure and associated installations may be granted for the period applied for, as may be prescribed in the licence/authorisation by the competent authority, subject to a maximum of 20 years. This period would be further co-terminus with the period of lease (for land or/and building) entered into between the Applicant/operator and the land owner.

4.2. Permissions granted for moveable communication towers called Cell-on-Wheels(CoW) shall be co-terminus with the period of that event or maximum six months against a specific requirement to provide communication facility to public at large subject to fulfilment of all the conditions laid in this policy for communication towers.

4.3. Permission(s) granted to the applicant company under this policy will not be transferable without the previous approval of the Union Territory Government and will be applicable only for the period for which it has been granted.

4.4. The permission granted under the policy shall not in any manner, be deemed to convey to the Applicant/service provider any ownership or perpetual rights in respect of the land or structures used for laying the underground/overhead cables or other installations e.g. any Towers/Masts, etc. other than what is therein expressly granted.

4.5. In case of violation of any terms and conditions, the Directorate of Information Technology or the Respective Authority shall cause a notice to be served upon the service provider to rectify the violation within the period specified and grant an opportunity of hearing. The Respective Authority referred in this policy hereinafter as specified in Appendix - 5. Where the service provider either does not respond to the show cause notice or fails to carry out the requisite rectification within the time specified (which shall be a reasonable time), the Directorate of Information Technology or the Respective Authority may revoke or cancel the permission granted earlier. Where the Directorate of Information Technology or the Respective Authority is compelled to revoke or cancel the permission, the service provider applicant shall not be entitled for any compensation or any loss caused to it by such cancellation.

5. *Submission of applications.*— 1. The infrastructure provider/service provider applicant shall submit the application to the Directorate of Information Technology, Puducherry for the roll out of the services, installation of towers, etc. The Directorate of Information Technology shall issue in principle approval specifying the terms and conditions and the CSR activities to be carried out by the applicant. Thereafter, the applicant shall apply to the Respective Authorities as specified in Appendix-5 for road cutting and other field level activities.

The Applicant shall submit the detailed map regarding the laying of cable, installation of towers, etc. The Respective Authority shall verify already existing infrastructure and issue permission to carry out the work without interfering with the existing cables, etc.

2. In so far as possible, any scheme for laying of overhead cables on poles specifically erected for the purpose would be discouraged as the same tends to interfere with the overhead electricity distribution system apart from disturbing the aesthetics of the eco system. However, permission for overhead cables may be considered for the locations where trenching of earth is not viable only after ensuring that there is no interference in electricity distribution system

3. Incomplete applications shall not be processed and returned back with the reasons to the applicant for re-submission.

6. *Processing of applications.*— 6.1. The application shall be duly scrutinized by the Respective Authorities which may seek any additional information from the applicant service provider/operator, as may be considered necessary for scrutiny of the application. While processing the said application, the concerned authority shall take into consideration not only the existing infrastructure services and their safety and operations but also future requirements of widening of the roads or augmentation of services. In case, the proposed route alignment interferes with any services already laid, and it is feasible to relay/re-align such services at the cost of the Applicant or the Applicant offers to undertake such realignment at his cost to the satisfaction of the competent authority, the same may be considered and allowed.

6.2. Once the Respective Authorities are satisfied with the proposed alignment route/site or such route is determined and finalized through mutual agreement and the time schedule in which the work is proposed to be executed/completed, (i) a Letter of Intent (LoI), along with the agreement to be executed in this behalf, and (ii) Demand notice for various charges including the performance bank guarantee, shall be issued to the applicant by the Respective Authorities taking into consideration the applicable charges of all the departments/statutory authority/agencies.

6.3. The Applicant is required to submit the refundable performance bank guarantee as a security for satisfactory restoration of the sites/ area and such other fees as specified in Appendix-2 of this policy and to execute an agreement with the Respective Authorities within 15 days from the date of issue of the Letter of Intent.

6.4. Upon issue of the LoI, the Applicant shall be expected to furnish the agreement, along with all the applicable charges to the Respective Authorities within a period of 15 days. However, such documents may be accepted by the Respective Authorities up to a maximum period of 30 days from the date of issue of the LoI.

6.5. As soon as the LoI holder completes the documentation and deposits all the relevant charges, including the performance bank guarantee, the Respective Authorities shall issue a formal permission in favour of the Applicant so as to enable the applicant service provider/operator to commence execution of related infrastructure works.

7. *Time-lines for decisions on the applications.*— 7.1. The Union Territory Government Departments/Urban Local Bodies/Statutory Authorities/other agencies will adhere to the following time-lines for grant of the relevant permissions:

Sl. No.	Event	No. of working days
(1)	(2)	(3)
(i)	Processing of applications and seeking of additional information, if any, from the date of receipt of complete application.	15 days
(ii)	Issue of LoI or rejection of application along with reasons thereof.	15 days
(iii)	Compliance of the LoI conditions (para 6.4)	15 days subject to a maximum of 30 days.
(iv)	Execution of agreements and issue of formal permission.	7 working days from the date of receipt of papers from the LoI holder.

7.2. The Government departments/statutory authorities/Government agencies are expected to issue their respective standing orders in this behalf prescribing the appropriate delegations in a manner so as to ensure adherence to the prescribed time-lines.

8. *Time-lines to complete the infrastructure works.*— 8.1. The Applicant infrastructure/service provider shall be required to submit the time-frame within which it plans to execute the infrastructure works. The said plan may provide stretch-wise completion schedule, along with the complete plan and detailed maps. It shall make its best efforts to complete the execution of works within the time-frame indicated in the application.

8.2 During the execution of related infrastructure works, the Applicant shall ensure that no inconvenience is caused to the general public in the process of carrying out its operations. If found necessary, the competent authority may direct the Applicant to undertake execution of its works during the off-peak hours or during the night times for which Respective Authorities shall extend necessary support as required by the Applicant.

8.3. The Applicant shall keep the Respective Authorities duly informed about the progress on a monthly basis, which may be reviewed at regular intervals between the parties.

8.4. Wherever the Applicant is found to be casual or non-serious about timely execution of the related works, the competent authority may revoke the permission granted after grant of an opportunity of hearing to the Applicant's authorised representative. However, where the Applicant's representative is able to establish that any such delay is for reasons beyond their control, the competent authority may extend the execution period and allow the work to be completed within the mutually agreed time-frame.

9. *Charges for grant of permissions for the Right of Way (RoW)/ Right of Use (RoU) and associated infrastructure etc.*— With the exception of M/s. Bharat Broadband Network Limited (BBNL) or Defence Optical Fibre Network or National Optical Fibre Network (NOFN) or any other Government of India projects specifically exempted in respect of payment of RoW/ RoU charges, every Applicant shall be required to pay (i) the RoW/ RoU permission charges, (ii) lease charges (track rent) for the land used for its purposes, and (iii) furnish the performance bank guarantee as a refundable security for restoration of sites as per the details specified in Appendix-2 of this policy.

10. *Compliance of technical standards and safety conditions.*—

10.1. The Applicant infrastructure/service provider shall execute the communication and connectivity infrastructure works strictly as per the technical standards and parameters specified by Department of Telecommunications, Government of India.

10.2. Notwithstanding the details specified in Appendix 3, the Applicant shall, in the course of execution of its works and maintenance thereof, thereafter, at all times, adhere to all the safety standards applicable as per relevant guidelines of the Government of India/Union Territory Government. Further, the applicant shall ensure that the system laid or the infrastructure created by him (e.g. Ground Based Masts/Mobile/Communication Towers, etc.) at all times conform to the EMF radiation norms as prescribed by the Department of Telecommunications, Government of India or the Telecom Regulatory Authority of India, as the case may be, from time to time.

10.3. No GBM or tower structures shall be allowed to be installed by any Applicant/service/infrastructure provider unless a Structure Stability/Safety Certificate (SSC) is obtained from registered Structural Engineer registered with Planning Authority of Government of Puducherry.

11. *Communication infrastructure laid/installed without permission.*—

11.1. From the date of the notification of this policy, if any communication infrastructure has already been installed for which either permission has not been applied for or not granted by the competent authority, or work executed on the request of the department the infrastructure/service provider shall be required to apply for the same within a period of 90 days to get such unauthorised action or the action carried out under instruction regularized. For this the Applicant shall pay the normal prescribed charges along with a one-time ratification charges of 50% of the normal charges as specified in Appendix-2 of this policy, subject to the condition that such communication infrastructure fulfils the conditions prescribed in this policy. Wherever any rectifications are required in this process, he may be permitted a reasonable time to undertake such rectifications.

11.2. If the infrastructure/service provider neither applies and/nor removes the communication structure, the infrastructure provider/cellular operator would be called upon to show cause as to why action should not be taken against them as per law. If the infrastructure provider/operator/service provider fails to show cause or take corrective measures, the competent authority will proceed to get the unauthorized communication structure removed at the expense of such infrastructure/service providers/operators after having exhausted all the available opportunities to effect the show causes besides taking action as per law.

12. *Indemnity bond.*— The Applicant infrastructure provider/licensee/operator shall indemnify the Government/Respective Authorities and any of its agencies against any loss of life or property in the process of execution of works or against any claims thereafter during the period of Operation a Maintenance of such infrastructure at all times. The Applicant shall submit the Indemnity bond on a non-judicial stamp paper of ₹ 100 denomination, duly attested by the competent authority.

13. *Other terms and conditions.*— 13.1. This policy shall take effect from the date of its notification and shall be applicable for all proposals/requests that are pending decisions as on such date.

13.2. The Applicant infrastructure/service provider/operator shall ensure that each of the sites of the infrastructure systems, such as Ground Based Masts/Towers or any other structure, for which permissions have been granted, are easily approachable for maintenance and operation.

13.3. The appropriate authorities will facilitate amicable settlement of issues arising out of the infrastructure created complying with all prescribed norms within the Union territory of Puducherry

14. *Revision of the existing statutes/rules/guidelines by the respective departments.*— 14.1. The guidelines contained in this policy shall override/supersede any existing rules/bye-laws/policies/guidelines issued on this subject by the respective departments/ agencies and those shall be modified in consonance with this policy. In case of conflict, this policy shall prevail.

- (i) G.O. Ms. No. 419, dated 29-8-1997 of the Local Administration and Public Works Department, (Public Works Wing), Pondicherry.
- (ii) G.O. Ms. No. 18, dated 26-7-2001 of the Local Administration and Public Works Department, (Public Works Wing), Pondicherry.
- (iii) G.O. Ms. No.30, dated 6-12-2001 of the Local Administration and Public Works Department, (Public Works Wing), Pondicherry.
- (iv) G.O. Ms. No. 18, dated 18-6-2002 of Local Administration and Public Works Department, (Public Works Wing), Pondicherry.
- (v) G.O. Ms. No. 20, dated 24-4-2003 of the Local Administration and Public Works Department, (Public Works Wing), Pondicherry.
- (vi) G.O. Ms. No. 52, dated 22-9-2003 of Local Administration and Public Works Department (Public Works Wing), Pondicherry.

14.2. All the concerned Government departments/statutory authorities/agencies shall undertake suitable and appropriate amendments/revisions in their respective statutes/rules/bye-laws so as to bring the same in conformity with this policy within a period of 30 days of the notification of this policy.

14.3. The existing service providers, having availed the benefit of free Right of Way as per the provisions under the existing guidelines will be required to apply as per the new policy within a period of 90 days from the notification of the new policy for all new and ongoing works. They shall be obliged to fulfill their part of the obligations under the old policy till such time they start their operations under this policy.

15. *Changes in the policy.*— This policy shall be suitably adjusted to accommodate any changes that may be necessitated on account of any technology or regulatory changes which may be introduced by the Department of Telecommunications, Government of India, guidelines issued by MoRTH, New Delhi for granting RoW permissions to telecom service licensees/infrastructure providers for laying of telecom cables/ducts/installation of telecom infrastructure on NH land or any other competent authority in order to keep this policy dynamically responsive to changing technology, regulatory regime or any other unforeseen developments.

16. *Additional Corporate Social Responsibility (CSR) initiatives.*— The Government of Puducherry may encourage and persuade the communication infrastructure provider applicants to undertake some additional activities in furtherance of the principles of Corporate Social Responsibility. However, any such initiatives may be mutually agreed and decided, for which no coercive methods shall be applied. The Government can also suggest the activities to be taken up by the service providers. Some illustrations of the CSR initiatives/facilities are given in Appendix-4 of this policy.

APPENDIX - 1

Documents to be attached with the application***(a) Documents to be attached with the application to the Directorate of Information Technology for in-principle approval***

1. *Documents to be submitted in all cases.*— 1.1. Copy of registration as a telecom infrastructure provider with the Department of Telecommunications, Government of India or a licence granted by the Department of Telecommunications, Government of India or an authorisation from the licensee to lay the said infrastructure facilities on its behalf;

1.2. Time schedule (stretch-wise) for completion of the work and investment;

1.3. Undertaking to abide by the terms and conditions of grant of permission and adherence to the radiation norms as prescribed by the Department of Telecommunications, Government of India or the TRAI.

2. *Documents for laying underground Optic Fibre/ Co-axial Cables (in addition to those listed at Sl. No. 1 above).*— 2.1. Technology/ method proposed to be used for laying the cables [Horizontal Directional Digging (HDD)/Horizontal Boring methods/ Micro Trenching or open digging] with preference for use of HDD/ Micro Trenching.

3. *Documents for erection of Ground Based Mast (GBM)/Communication/ Mobile Tower (in addition to those listed at Sl. No. 1 above).*— 3.1. True copy of the approval/ clearance from the Standing Advisory Committee for Frequency Allocation (SACFA) for the said location issued by Wireless Planning and Coordination (WPC) Wing of the Department of Telecommunications, Government of India;

3.2. True copy of permission from the Airport Authority of India or any defence establishment in case the height of GBM/Communication/Mobile Towers requires such approval/clearance.

(b) Documents to be attached with the application to the Respective Authorities.

1. *Documents to be submitted in all cases.*— 1.1. Two sets of the proposed route layout plan drawings clearly indicating the locations of any poles/ structures/boxes/towers/GBMs/manholes, etc. for which the permission is being sought;

1.2. Time schedule (stretch-wise) for completion of the work and investment;

1.3. Indemnity bond to indemnify the government/local body/authority in the prescribed format against (i) any liability for the damage caused to the infrastructure laid by the applicant for any reasons, and (ii) claims against any

accidents on account of the infrastructure laid/facilities installed or against any claims thereafter during the period of operation and maintenance of such infrastructure at all times;

1.4. Undertaking to pay all the applicable charges and the Performance bank guarantee, as specified in the Schedule of Charges (Appendix-2) to the agency according permission without any default;

1.5. Undertaking to maintain the infrastructure facilities in good and safe condition at all times during the O and M period;

1.6. Undertaking to execute an agreement with the Respective Authorities;

1.7. Undertaking to re-lay/re-align the communication network/relocate the poles/dish antenna/communication/mobile tower/ground based mast/manholes at its own cost in the event of requirement of the area for augmentation of public services e.g. widening of roads, pedestrian walkways, water supply and distribution network, sewage/drainage network, etc.

2. *Documents for laying underground Optic Fibre/Co-axial Cables (in addition to those listed at Sl. No. 1 above).*— 2.1. Technology/method proposed to be used for laying the cables (Horizontal Directional Digging (HDD)/Horizontal Boring methods/Micro Trenching or open digging) with preference for use of HDD/Micro Trenching;

2.2. Specific area details (in sq. ft. or sq. mtrs.) required for any structures (manholes/boxes/towers/GBMs, etc.) for which land is proposed to be taken on lease;

2.3. Dimensions (depth, length and width) of the area proposed to be used for RoW/RoU for laying the optic fibre cables and other communication devices/structures.

3. *Documents for erection of poles for overhead communication cables (subject to para 5.2 of the policy) in addition to those listed at Sl. No. 1 above.*—

3.1. Specific area details (in sq. ft. or sq. mtrs.) required for erection of poles and connection boxes for which land is proposed to be taken on lease;

3.2. Details marked on town map (i) proposed route (ii) number of poles (iii) dimension of poles (height, thickness/diameter), (iv) distance between each pole, and (v) minimum ground clearance for the cable.

4. *Documents for installation of dish antennas (in addition to those listed at Sl. No. 1 above) [does not include dish antennas installed under direct to home (DTH)].*— 4.1. The proposed location of the dish antenna/panel box/dish/inspection box/connection box duly marked on town map.

4.2. Ownership document or lease deed of the site/ premises, on which dish antenna is proposed to be set up. The lease agreement should be co-terminus with the period for which the permission is being sought;

4.3. Structure safety certificate from the registered Structural Engineer.

5. Documents for erection of Ground Based Mast (GBM)/communication/mobile tower (in addition to those listed at Sl. No. 1 above)

5.1. Copies of site plan indicating specific area details (in sq. ft. or sq. mtrs.) required for the manholes, GBM/communication/mobile towers/earth pits and such other related appertunences (for which land is proposed to be taken on lease), along with the dimensions in each case;

5.2. Location of the GBM/communication/mobile tower duly marked on the route map, preferably with GPS readings/values;

5.3. Ownership document or lease deed of the site, on which GBM/communication/mobile tower is proposed to be set up. The lease agreement should be co-terminus with the period for which the permission is being sought;

5.4. True copy of permission from the Airport Authority of India or any defence establishment in case the height of GBM/communication/mobile towers requires such approval/clearance;

5.5. If the communication/ mobile tower is to be erected on roof-top, copy of the agreement with the owner of the building and structure safety certificate;

5.6. Two sets of the structural drawings of towers with complete details including the specifications of foundation, design parameters, dimensions and type of construction along with a structural safety certificate;

5.7. Certificate of adherence to the radiation emission norms as prescribed by the Department of Telecommunications, Government of India or any other competent authority;

5.8. Data sheet containing the name of the service/infrastructure provider;

5.9. In case of mobile tower, capacity of towers or antenna in megawatt;

5.10. Undertaking that the generator sets installed at the communication/mobile towers sites/moveable communication towers conform to the noise and emission norms prescribed by the Union territory of Puducherry Pollution Control Board;

5.11. Undertaking that the applicant has taken all precautions for fire safety, lightening etc. and shall obtain necessary permission from the concerned Fire Office of the area.

APPENDIX - 2

Schedule of charges.— 1. Reference has been made in this Schedule to the areas in the Union territory of Puducherry for the purpose of collecting charges as the (i) Areas under the jurisdiction of Municipalities, (ii) Areas under the jurisdiction of Commune Panchayats. The description of said areas may change over time, as notified by the Union territory of Puducherry.

2. *Charges:*

2.1. *Road cutting charges.*— The rates shall be notified annually on the lines of Puducherry Schedule of Rates(PSR) by Public Works Department and Local Administration Department which shall not be less than the cost of restoration.

2.2. *RoU/ RoW charges.*— The charges for grant of permission for the RoU/RoW for the communication infrastructure shall be payable as below. These charges shall be payable only one-time for a period of up to 20 years or the period of licence/permission granted, whichever is lesser. The applicant service provider would be required to pay such one-time charges a fresh on completion of the period of initial permission/licence/or on completion of 20 years period, whichever is earlier, at the rates applicable at such time.

2.2 *Charges for permission to Right of Way/Right of Use (In ₹)*

Sl. No.	Purpose	Areas under the jurisdiction of Municipalities	Areas under the jurisdiction of Commune Panchayats
(1)	(2)	(3)	(4)
1	Laying of underground OFC/Co-axial cables (per route meter).	100	80
2	Laying of overhead communication Cables using Poles (per route meter).	35	35
3	For every pit dug-up, other than a manhole with spacing of 100 mtrs. centre to centre, (in sq mtrs.).	900	750
4	Dish antenna (other than dish antenna installed under DTH).	5000 per dish antenna	5000 per dish antenna
5	For every pole erected to lay overhead communication cables (per pole).	2,000	1,500
6	Erection of Ground Based Masts (per site)	1,00,000	75,000
7	Erection of mobile/communication towers (per site).	2,50,000	2,00,000

(1)	(2)	(3)	(4)
8. In case mobile/communication towers are shared (per sharing).		75,000	50,000
9. Moveable communication towers mounted on vehicles (per such tower per month).		50,000	40,000

Note : These charges shall be payable to the local body *i.e.*, Municipality/Commune Panchayat in whose jurisdiction the work is carried out or power etc. erected.

2.3. *Annual lease charges.*— 2.3.1. The annual lease charges in respect of land area used for the construction of manhole, erection of dish antenna/poles/ Ground Based Masts/mobile/communication towers/laying of OFC shall be as per Table 2.3 given below. The lease charges will be re-fixed after a period of 5 years for another block of 5 years and so on and so forth with reference to the GLR value applicable at the time. The Applicant shall also have the option of depositing the lease charges upfront on lump-sum basis for a period of five years calculated at the rates determined initially without any escalation.

2.3. *Annual lease charges/Fees (to extent of area.)*

Sl. No.	Lease charges	Areas under the jurisdiction of Municipalities	Areas under the jurisdiction of Commune Panchayats
(1)	(2)	(3)	(4)
1	As a percentage of the applicable GLR value	6%	6%

2.3.2. The above prescribed lease charges shall be applicable only in respect of the land owned by the Government departments/urban local bodies/Gram Panchayats/Statutory Authorities and other Union Territory agencies. Wherever, the Applicant service provider/infrastructure provider proposes to use privately owned land for the said purpose, no lease charges shall be payable to the concerned agencies to that extent and the lease agreements/charges shall be decided/settled mutually between the parties. The competent authority would only ask for the lease agreements between the parties in such cases, the annual lease charges shall be payable to the local body *i.e.*, Municipality/Commune Panchayat in whose jurisdiction the work is carried out or power etc. erected.

2.4. *Performance Bank Guarantee (PBG).*— The Applicant shall furnish a refundable Performance Bank Guarantee (PBG) towards security for restoration of the sites dug/used in the process of execution of works. The BG shall be valid for a period of six months over and above the completion period and would have to be renewed accordingly in the event of grant of extension of execution period. The Respective Authorities shall discharge the BG on satisfactory restoration of the area. The PBG shall be furnished at the following rates:

Performance Bank Guarantee against restoration works (₹ per route meter)

Sr.	Performance bank guarantee	Cement Concrete Roads/ Pavements	Cement Concrete Paver Blocks	Metalled Roads/ Pavements	Unpaved (Kutch) Roads/ Rastas	Others
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	Micro trenching method	50	50	30	NA	20
2	Horizontal directional drilling method/horizontal boring method.	100	100	100	100	100
3	Open digging method	100	100	100	500	

2.4.1. The amount for performance bank guarantee against restoration shall be reviewed every five years.

2.4.2. The performance bank guarantee, as a security against satisfactory restoration of sites, shall be valid for a period of six months over and above the project completion period. In case of time-over runs for completion of the works, the bank guarantee shall be renewed/got extended by the Applicant corresponding to the revised completion period + 6 months. The Applicant shall obtain formal permission for time-extension from the competent authority.

2.4.3. The Applicant shall report satisfactory completion of restoration of related work sites, which shall be visited/ascertained by a representative of the State Government department/agency within a period of 15 days of such report. Thereafter, the bank guarantee shall be discharged to the Applicant within 15 days from the date of inspection thereof or 30 days of submission of the request subject to such restoration works having been carried out to the satisfaction of the said authority.

2.4.4. The Applicant may provide the PBG, as applicable for a stretch over which the work is proposed to be undertaken and roll the same over to each of the subsequent stretches, subject to the validity of such PBG for the period of execution + 6 months.

2.4.5 In case the work contemplated by the Applicant is not completed to the satisfaction of the concerned Government department/statutory authority/ Union Territory agency granting the permission, the competent authority may extend the completion period as deemed appropriate, along with extension in bank guarantee. Where the Applicant fails to meet his performance obligations in this behalf within the agreed time-frame, the competent authority may encash the bank guarantee and undertake restoration of the site on its own at the risk and cost of the Applicant.

APPENDIX - 3

1. *Location of Ground Based Masts (GBM)/communication/mobile towers.*— The location of GBM/communication/mobile towers is important in view of any likely adverse impact of radiation on human health. Accordingly, it is important that the infrastructure installed conforms to the radiation and safety norms prescribed by the Department of Telecom, Government of India or the TRAI or any other competent authority in this behalf at all times. Further, the location thereof shall be governed by radio-frequency system adopted by the Applicant and shall be allowed subject to the following conditions namely:-

1.1. Location of GBM/towers should be avoided in thickly populated residential areas in so far as feasible. In case it becomes absolutely unavoidable to do so, efforts should be made to install these structures in the open spaces such as the parks or green belts available in the residential sectors or open spaces/ fields in rural areas maintaining a safe distance of about 50 meters from the residential areas;

1.2. Wherever, it is critical to install these communication towers in the populated residential areas to maintain the communication services and no open spaces are available, the infrastructure provider should use Micro Cell based stations where there are high number of users;

1.3. The GBMs/communication/mobile towers may be installed in the commercial, industrial, institutional zones or in the open areas (except setback area of the buildings) within the commercial, industrial, institutional sites and fields outside the populated areas;

1.4. In the case of roof-top mobile/communication towers with multiple antennas, the roof top usage is desirable to be restricted in the residential areas. However, the permission to install a mobile/communication tower may be allowed on the roof-tops of commercial or institutional buildings subject to Structural Safety Certificates as issued by the registered Structural Engineer.

1.5. The Respective Authorities should endeavour to explore the possibility of identifying suitable spaces within their premises or land as found suitable by the infrastructure provider for the installation of the GBMs/mobile/communication towers. The space for such facilities will be made available to the applicant/service provider on lease basis in accordance with this policy within a period of one month from the date of application, failing which the Applicant shall be free to install the said structures at alternate locations/sites identified by them, subject to the conditions laid down in this policy;

1.6. All the above conditions pertaining to the location of towers shall also be applicable to the moveable communication towers.

2. Technical parameters to be followed by the infrastructure/service providers while laying the cables (over-ground and underground), erection and installation of poles/dish antennas/ground based masts/mobile and communication towers.

2.1. *Laying of underground cables.*— 2.1.1. The Applicant shall undertake communication infrastructure works in a manner so as to cause least public inconvenience. He would be expected to suitably cordon-off the area to ensure

public safety and encouraged to execute the works during off-peak times so as to cause minimum inconvenience to the public traffic. The Applicant shall restore the dug up area/sites to their original condition simultaneously, clear the area of any unused earth/debris and dispose off such debris/earth at the sites away from the work site as permitted by the competent authority and to the satisfaction of the concerned authority.

2.1.2. The Applicant shall carry out ground penetration/probing radar survey for detection of existing utilities/services along the route where the cable is proposed to be laid. The data collected in respect of existing utility services through this survey would be unconditionally shared with the concerned Government department/statutory authority/government agency free of any charge;

2.1.3. As far as possible, the Applicant should carry out the work by using Micro Trenching/Horizontal Directional Digging (HDD) techniques or horizontal boring methods so as to minimize the damage and to cause minimum inconvenience to public. However, where the above methods are not feasible, Applicant can choose open trench method or other suitable method with the approval of Respective Authorities;

The cable shall ordinarily be laid at the edge of the Right of Way or as permitted/approved by the competent authority. In case of restricted width of the Right of Way, which may be adequate only to accommodate the carriageways, central verge, shoulders, slopes of embankment and drains, the cables shall be laid beyond the toe-line of the embankments and clear of the drain. Wherever it is found that it is not feasible to lay the cable without adversely impacting the existing utilities/ services, the permission may be declined;

2.1.5. The top of the casing/conduit pipe containing the cables shall be at least 1.5 meters below the top surface subject to at least 0.3 m below the drain inverts;

2.1.6. Pits of 2 mtrs. x 2 mtrs. and 1.5 mtrs. deep, or of lower size shall be made at a distance of 100 mtrs, centre-to-centre, for laying cables. However, in case of special site conditions, variable depth/dimensions may be permitted depending on the site conditions;

2.1.7. Route markers shall be fixed, preferably in steel or concrete, along the route at an interval of 300 mtrs. with clear marking of the ownership and depth of the cable laid.

2.2. *Erection of poles for overhead communication cables.*— 2.2.1. Permission to lay overhead cables shall be restricted in terms of para 5.2 of the policy;

2.2.2. The electric poles/towers etc. of power utilities shall not be allowed to lay overhead communication cables;

2.2.3. Wherever, it is not feasible to avoid laying of overhead cables, the Applicant shall take all precautionary measures to maintain the ecosystem and aesthetics of that area.

2.2.4. The height of the pole shall be such that it does not interfere with the electric cables/distribution transmission system and minimum distance between two poles would be forty meters;

2.2.5. Subject to availability, a maximum 1mtr. x 1mtr. space shall be made available for erection of the pole at a minimum distance of 300mm from the edge of the walkway of road (road berm) as the case may be and should be installed in cement-concrete foundation;

2.2.6. The sag of cable should be such that it does not interfere with the movement of vehicles at any crossing or movement of public transport/traffic.

2.3. *Dish antennas.*— No person (other than dish antenna installed under DTH) shall install or operate cable head-end, dish antenna, dish or any other mode for originating and communicating cable services and cable modem services to subscribers unless he has obtained permission in this regard from the concerned authority of the State Government department/statutory authority/Government agency;

2.4. *Ground Based Masts.*— The maximum height of Ground Based Mast shall not exceed 30 mtrs. from the adjoining ground level and distance between two masts shall be maintained at a distance of not less than 150 meters in line of sight to the extent feasible.

2.5. *Mobile/Communication towers.*— The height of the mobile/communication tower from the adjoining ground level shall not exceed 75 mtrs. subject to clearance from the defence and civil aviation authorities. Erection of the mobile/communication towers should be avoided in narrow lanes (< 5 mtrs). However, in the case of moveable communication towers, the maximum permissible height shall be 21 mtrs.

3. *Other terms and conditions.*—3.1. Other terms and conditions to be adhered by the applicant/service provider while laying the cables (over ground and underground), erection of poles/dish antennas/Ground Based Masts/mobile/communication towers. The terms and conditions/guidelines issued/notified by the Department of Telecommunications, Government of India in respect of any conditions applicable to the infrastructure providers or licensees, as amended from time to time, shall be applicable and binding in all cases;

3.2. The permission to lay underground/over-head communication/connectivity infrastructure will not be granted, where it causes disruption of public services and facilities, obstruction/hindrane to the pedestrian movement or vehicular traffic. The principle of public convenience and safety shall over-ride all other considerations. However, the competent authority may grant permission in cases of extreme criticality only if the Applicant offers to suitably adjust and/or realign such services at his own cost without any adverse impact on the public services to the satisfaction of the competent authority;

3.3. In the case of GBM/mobile/communication towers, permission shall not be granted, if antennae are not placed leaving safe distance as per the norms prescribed by TERM Cell/DoT;

3.4. The Applicant, to whom permission for installation of GBM/mobile/communication towers has been granted, shall be responsible to get the required technical safety checks of the GBM/mobile/communication towers from the registered Structural Engineer and will submit the report to the competent authority;

3.5 The applicant/service provider must get the radiation levels checked at regular intervals during the O&M period from any competent authority and submit the conformance reports to the concerned authority. In the absence of such reports, the competent authority may ask for such tests at the costs of the Applicant. Non-compliance with the radiation emission standards shall attract penalties as prescribed by the DoT, GoI from time to time.

3.6. The Applicant, to whom permission has been granted for setting up of GBM/mobile/communication towers, shall be solely responsible for any damage to the building, adjoining buildings and for the public safety;

3.7. Lightening arresters provided at the top of the GBM/mobile/communication tower, shall be of adequate height so that all protruding antennas hoisted on the mast are protected within its conical safety zone;

3.8. Aviation warning lights installed at the top of the GBM/mobile/communication towers shall be as per International Civil Aviation Organisation's Guideline and should be checked regularly for good operating conditions;

3.9. The earth resistance of the GBM/mobile/communication towers should be maintained within the prescribed range and should be checked periodically every year;

3.10. The Applicant to whom the permission has been granted for setting up of communication infrastructure other than the GBM/mobile/communication tower shall also be responsible to get the required checks of such communication infrastructure at regular intervals from any Government approved agency and will submit the report to the competent authority;

3.11. In case any shifting or change in alignment of the already laid optic fibre cable/other communication cables/ground based masts/mobile/communication towers is necessitated due to widening of roads/construction of flyovers or public buildings, the Applicant shall be bound to do the same at its own cost within the period specified by the respective authority. If the Applicant fails to comply with this condition to the satisfaction of the authority, the same shall be got executed by the authority at the risk and cost of the Applicant. The charges so incurred on this account shall be recoverable from the Applicant;

3.13. In order to avoid repeated digging on the same routes, the Applicant may voluntarily lay extra ducts/conduits with redundant capacity so as to take care of any future needs. However, the creation of excess capacity shall not be a pre-condition for giving right of way permission;

3.14. The Applicant shall ensure safety and security of all underground installations/utilities/facilities and shall be solely responsible for compensation/indemnification of concerned authority for damage caused/claims or replacements sought for at the cost and risk of Applicant to the concerned authority;

3.15. The extent of the digging trenches should be strictly regulated so that the cables are laid and trenches are filled up before the close of the work for that day. Filling should be to the satisfaction of the concerned agency designated by the department/statutory body;

3.16. The applicant shall not undertake any work of shifting, repair or alterations to the said cables/communication cables without the prior permission of the concerned authorities in writing. The Applicant shall be liable to give a notice of 15 days with route/location details prior to digging for fresh/maintenance/repair works;

3.17. The Applicant shall pay the compensation against damages to the existing cables/underground installations etc., during digging;

The Applicant shall make his own arrangement for crossing of cross drainage structures, rivers, etc., below the bed. In case, this is not feasible, the cables/ducts may be carried outside the railings/parapets and supported on brackets fixed to the outside of the bridge super-structure. The fixing and supporting arrangement with all details shall be got approved in advance from the concerned authority granting such permission. Additional cost on account of fixing and supporting arrangement, as assessed by the authority, shall be payable by the Applicant. If the Applicant fails to comply with this condition to the satisfaction of the authority, the same shall be got executed by the authority at the risk and cost of the Applicant and the cost so incurred on this account shall be recoverable from the Applicant;

3.19. In case of any damage to the essential services *i.e.*, water supply, sewerage system and telecommunication lines, electricity supply, etc., it will be the responsibility of the company to get the services restored to their original and satisfactory condition at its own cost;

3.20. Concerned authority/department shall not be responsible for any damage to optic fibre cable and resultant losses, if any, during performance of official duties by any employee of concerned authority/department;

3.21. The applicant shall have to provide barricading, danger lighting and other necessary caution boards, danger lights while executing the works;

3.22. If any traffic diversion works are found necessary during the working period, such diversion shall be provided by the Applicant at his cost;

3.23. The concerned authority will be competent to effect an modification/alterations in the site plan/route, if necessary, in the interest of public safety;

3.24. The Applicant shall have to abide by all the terms and conditions laid in this policy for provision of infrastructure for communication and connectivity in Union territory of Puducherry;

3.25. Any dispute arising between the signatories to an agreement under this policy shall be settled/resolved in accordance with the procedures outlined in the agreement *i.e.*, all the disputes will be settled at Puducherry. In case of breach of any of the clauses of the agreement, the competent authority will be entitled to terminate the contract after giving a show cause notice of 15 days. An officer of the rank of Administrative Secretary (to be nominated by the Government of Union territory of Puducherry) and a representative (to be nominated by the Applicant) will act as Arbitrators to whom the dispute will be referred and the decision of the Arbitrators will be final and binding on both parties.

Any changes/modifications in DoT, GoI policy guidelines as the subject will apply to the present guidelines.

APPENDIX - 4

An illustrative list of additional facilities as part of the CSR

(CSR is mandate for operator once business returns are achieved and will be complied with as per balance sheet)

- Laying (or) repairing of roads in the service area, construction and/or maintenance of community/public toilets in the service area.
- Development and/or maintenance of public parks/roundabouts within the jurisdiction of the Urban Local Bodies/areas developed by Union Territory agencies/Gram Panchayats, where the services are rolled out. In such cases, the concerned department/authority/agency shall permit the infrastructure provider to display its board/credit for the same as mutually decided/agreed.
- Free-of-charge use of poles erected by the infrastructure provider for provision of street lights/ LED solar lights on the poles (with or without supply of the fixtures) for provision of the facility of street lighting in a defined area.
- Provision of internet connectivity with minimum of 3 Mbps bandwidth on free of cost to the local authorities and Community Service Centers, by whatever name called, for e-delivery of citizen services. The bandwidth size shall be increased based on the technological progress.
- Provide computing hardware (two desktops of latest configuration with laser printer, webcam, head phone and mike, computer furniture, online UPS, etc.) for at least 10 Village Information Centers/Citizen Service Centers in the area where the applicant rolls out its services.
- Sponsorship of certain number of Community Service Centers for e-delivery of citizen services for a particular period.
- Establishment of training/skill development facilities and operation and management of such Skill Development Centres for an agreed period for capacity building for the low income groups for improving their employability.
- Free of cost supply and installation of surveillance cameras on the towers to be put up on public land. These cameras shall be connected to the designated police control rooms in the cities and the connectivity may be provided free of cost or at a discounted price for the agreed period.
- Any other activities specifically required by the Union Territory Government and agreed to by the service/infrastructure provider.

APPENDIX - 5

Respective Authorities

1. Public Works Department, Government of Puducherry in respect of the roads, land, pathway, etc. under their control.
2. Municipalities in respect of the roads, land, pathway, etc. under their control.
3. Commune Panchayats in respect of the roads, land, pathway, etc. under their control.
4. Planning Authorities of Government of Puducherry in respect of towers.
5. Electricity Department, Government of Puducherry in respect of the confirmation on non-interference to existing electricity distribution system and as per the safety provision specified in the "Central Electricity Authority (Measures relating to safety and Electric Supply) Regulation, 2010".
