

**GOVERNMENT OF ASSAM
INFORMATION TECHNOLOGY DEPARTMENT
ASSAM SECRETARIAT, BLOCK-C, 2ND FLOOR
DISPUR, GUWAHATI-781006**

**ORDERS BY THE GOVERNOR OF ASSAM
NOTIFICATION**

No.E 268447

Dated Dispur the 14th March, 2023

In pursuance of the provision of the “**Indian Right of Way Rules, 2016 as amended from time to time (in 2017, 2021 and 2022)**” and in supersession of earlier orders and guidelines of this department, the Governor of Assam is hereby pleased to make the “Guidelines for granting Right of Way (RoW) to Telecommunication Infrastructure in Assam, 2023” to bring uniformity, clarity and simplicity for the matter related to Telecommunication infrastructure across the state of Assam, which has received the assent of the Assam Cabinet on 22/02/2023 and is hereby published for general information.

CHAPTER-I

PRELIMINARY

1. Short Title and Commencement -

- (1) The guideline may be called as “Guidelines for granting Right of Way (RoW) to Telecommunication Infrastructure in Assam, 2023”
- (2) The guideline shall come into force from the date of publishing it in the Official Gazette of Assam.

2. Definitions-

- (1) In these guidelines, unless the context otherwise requires-
 - (a) “Act” means the Indian Telegraph Act, 1885.
 - (b) “Appellate Authority” means the Senior Most Secretary to the Government of Assam, Information Technology Department as specified by the Gazette notification issued by DoT on 19th June, 2017.
 - (c) “Assam LSA” means the Licensed Service Area of Assam of the Department of Telecommunication, Government of India.
 - (d) “Assam RoW Portal” means the Right of Way Portal of Assam for obtaining the permissions under these guidelines.
 - (e) “COW” means Cell-On-Wheels or any temporary Telecommunication infrastructure for managing events/fares/festivals of short duration (maximum 60 days which may be extended further) or to give coverage to shadow areas.
 - (f) “DITEC” means the Directorate of Information Technology, Electronics and Communication, Government of Assam.
 - (g) “DeGS” means District e-Governance Society for each administrative district.
 - (h) “DoT” means the Department of Telecommunication, Government of India.

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- (i) "DTC" means the District Telecom Committee formed under Para 25 of these guidelines.
- (j) "Form" means the form appended in these guidelines.
- (k) "High Rise Building" means building above 15m in height as per the National Building Code of India, 2016.
- (l) "Infrastructure Provider (IP)" means any person or registered entity holding an Infrastructure Provider-I registration issued by DoT.
- (m) "Licensee" means any person or registered entity holding a license issued under sub-section (1) of section 4 of the Act or Infrastructure Provider-I registration issued by DoT.
- (n) "Mobile Tower" means any above-ground contrivance for carrying, suspending or supporting a telecommunication infrastructure and does not include pole.
- (o) "Local Body" means for Urban Areas, Municipal Corporation, Municipal Board or Town committee declared by the relevant administrative law/order of the Government of Assam and for Rural Areas, Gram Panchayat (GP) and Village Council Development Committee (VCDC) under the relevant law/order of the Government of Assam.
- (p) "OFC" means Optical Fibre Cable laid through overground or underground mechanism.
- (q) "Para" means paragraphs of these guidelines.
- (r) "Pole" means any above-ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telecommunication infrastructure and does not include Mobile Tower.
- (s) "Rules" means the "Indian Right of Way Rules, 2016as amended from time to time (in 2017, 2021 and 2022)".
- (t) "Small Cells" means a low powered cellular radio access node that has a coverage distance from ten meters to two hundred meters.
- (u) "STC" means the State Telecom Committee as formed under Para 24 of these guidelines.
- (v) "Street Furniture" means electrical line poles, street light poles, street shelter, foot bridge, over bridge or any other furniture installed across the streets by concerned appropriate authority.
- (w) "TSP" means Telecom Service Provider that includes a person, firm, registered entity who is duly licensed by DoT under Section 4 of the Act for providing inter-alia mobile network connectivity, internet, intranet and data transfer services.
- (x) Telecommunication Infrastructure Includes-
 - i) Telecommunication tower such as Ground Based Tower (GBT), Roof Top Tower (RTT), Ground Based Pole (GBP), Ground Based Mast/Monopole (GBM), Roof Top Pole (RTP), Micro Cell Tower (MCT) etc.
 - ii) The Telecommunication Base Station, Base Station Shelter, various types Antenna, Base Transceiver System, Microwave System, Router, Switches, Core Network Elements, Cables used for Telecommunication System, Relevant Power Supply Equipment, Diesel/Petrol Generator or any other cabin/infrastructure for housing aforementioned items.
 - iii) Telecommunication cable on pole/electric pole.

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- iv) Underground Telecommunication cabling system laid underground that includes manholes, marker stones, appliances and apparatus for the purpose of establishment/maintenance of the Telecommunication cabling system.
- (y) "SACFA" means the Standing Advisory Committee on Frequency Allocation of the DoT.
- (2) The words and expressions used but not defined herein but defined in the Act or the Rules shall have the same meaning as defined in the Act or Rules as the case may be.

3. Nodal Officer

Under sub-rule (1) of rule (4) of the Rules, the Deputy Commissioner of each district shall be the Nodal Officer for that particular district for the purpose of these guidelines.

4. Mode of Application

Only online applications shall be accepted for installation or laying any kind of Telecommunication Infrastructure through Assam RoW Portal or any other portal authorized by this department.

CHAPTER-II

APPLICATION FOR ESTABLISHMENT OF OVERGROUND TELECOMMUNICATION INFRASTRUCTURE

5. Application for Establishment of Mobile Towers

Application for establishing of mobile towers such as Ground Based Tower (GBT), Roof Top Tower (RTT) etc. shall be submitted by licensee to the Nodal Officer as per Form-1 along with the following documents (sub-para 1 to 12) & Information (sub-para 13)-

- (1) Location map from any publicly available sources such as Google Map on a scale of 1:1000 along with exact latitude and longitude of the location in which the tower is to be installed.
- (2) The Detailed Technical Design & Drawing for that particular tower including specification of foundation. In case the tower is within 100 meters aerial distance from high or low tension line or any high rise infrastructure, then its distance from the same shall be clearly indicated in the drawing (*To be applicable only for high transmission line and not for high raised structure and 11KV line which is desirable for drawing power to the mobile installation/tower*).
- (3) Copy of Structural Stability Certificate for that particular tower and the building where the tower is to be installed (in case of RTT) obtained from authorized Structural Engineer or/from recognized institute or a Structural Engineer registered or employed in Central or State Government service or any Quasi-Government body or any other agency authorized by Government from time to time.
- (4) In case of high-rise building, copy of No Objection Certificate from Fire Safety Department.
- (5)

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- a. Copy of SACFA clearance certificate OR SACFA clearance application for the tower submitted to the Wireless Planning and Coordination wing of DoT.
 - b. Undertaking that in case of any objection/rejection, the licensee shall remove the tower or take corrective measures.
- (6) In case the tower is to be installed in forest land/protected areas, copy of No Objection Certificate from Environment and Forest Department, Government of Assam.
- (7) A self-declaration licensee in respect of Mobile Tower/Base Transceiver System that all general public areas around the tower shall be within safe Electro Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antenna starts radiating.
- (8) In case the mobile tower is to be installed over private property, the licensee shall intimate the Nodal Officer in writing along with details of building or structure where the mobile tower is proposed to be established and a copy of structural safety certificate certified by an authorized structural engineer before commencement of such work.
- (9) Self-attested copies of ownership title document of the building/site. However, production of patta/approved map should not be insisted upon but in specific cases; such documents are required to be submitted.
- (10) Copy of type test certificate issued by Automotive Research Association of India (ARAI) to the Diesel/Petrol Generator manufacturer of the DG/PG set, in case DG/PG is to be installed along with the infrastructure.
- (11) In case of Roof Based Tower, No Objection Certificate from building owner/entities/societies having roof top rights.
- (12) In case the permission is sought in the land/premises of central/state government or a PSU of central/state government, the prior written consent or copy of agreement from authority having legitimate right over the land/premises required to be submitted along with the application.
- (13) The licensee shall submit the following information while submitting the application-
- a. The mode and time duration for execution of the work.
 - b. The inconvenience that is likely to be caused to the public and the specific measure to be taken to mitigate such inconvenience.
 - c. The measure proposed to be taken to ensure public safety during the execution of the work.
 - d. The name and contact details of the employees of the licensee for the purpose of communication in regards to the application made. proposed to be undertaken.
 - e. Any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken.
 - f. Any other matter specified by DoT, or State Govt. or the local body.

6. Application for Establishment of Poles

Application for establishment of poles for deployment of Small Cells/Telecommunication Cables shall be submitted by licensee to the Nodal Officer as per

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Form-2 along with the following documents (sub-para 1 to 12) and Information(sub-para 14)-

- (1) Location map from any publicly available sources such as Google Map on a scale of 1:1000 along with exact latitude and longitude of the locations in which the pole(s) is to be installed.
- (2) The Detailed Technical Design & Drawing of the pole(s) including specification of foundation. In case the pole(s) is within 100 meters aerial distance from high or low tension line, then its distance from the same shall be clearly indicated in the drawing.
- (3) In case of high-rise building, copy of No Objection Certificate from Fire Safety Department for Small Cells.
- (4) In case of the pole(s) is to be used for deployment of Telecommunication Cable or poles are to be established along a route, the detailed route plan along with exact latitudes and longitudes.
- (5) In case the pole(s) is to be installed in forest land/protect areas, No Objection Certificate from Environment and Forest Department, Government of Assam.
- (6) In case of small cells, a self-declaration licensee in respect of Mobile Tower/ Base Transceiver System that all general public areas around the tower shall be within safe Electro Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antenna starts radiating.
- (7) In case the pole(s) is to be installed over private property, the licensee shall intimate the Nodal Officer in writing along with details of building or structure where the pole(s) is proposed to be established and a copy of structural safety certificate certified by an authorized structural engineer before commencement of such work
- (8) Self-attested copies of ownership title document of the building/site. However, production of patta/approved map should not be insisted upon but in specific cases; such documents are required to submit.
- (9) Copy of type test certificate issued by Automotive Research Association of India (ARAI) to the Diesel/Petrol Generator manufacturer of the DG/PG set, in case DG/PG is to be installed along with the infrastructure.
- (10) In case of Roof Based Pole, No Objection Certificate from building owner/entities/societies having roof top rights.
- (11) In case the permission is sought in the land/premises of central/state government or a PSU of central/state government, the prior written consent or copy of agreement from authority having legitimate right over the land/premises shall be submitted with the application.
- (12) The information as mentioned in Sub-Para 13 of Para 5.

7. Application for Use of Street Furniture

Application for use of street furniture for deployment of small cells/telecommunication cables shall be submitted to the Nodal Officer as per form-3 along with the following documents(sub-para 1 to 8) and information(sub-para 9)-

- (1) Photographs of the street furniture to be used.

- (2) The location showing the proposed route plan of street furniture along with exact latitude and longitude.
- (3) Detailed technical designed for establishing/laying Telecommunication infrastructure on the street furniture.
- (4) Copy of structural safety certificate obtained from authorized Structural Engineer or/from recognized institute or a Structural Engineer registered or employed in Central or State Government service or any Quasi-Government body or any other agency authorized by Government from time to time.
- (14) In case of small cells, A self-declaration licensee in respect of Mobile Tower/Base Transceiver System that all general public areas around the tower shall be within safe Electro Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antenna starts radiating.
- (15) In case of small cells, copy of type test certificate issued by Automotive Research Association of India (ARAI) to the Diesel/Petrol Generator manufacturer of the DG/PG set, in case DG/PG is to be installed along with the infrastructure.
- (5) The information as mentioned in Sub-Para 13 of Para 5.

CHAPTER-III

APPLICATION FOR ESTABLISHMENT OF UNDERGROUND TELECOMMUNICATION INFRASTRUCTURE

8. Application for laying underground Telecommunication infrastructure

Application for laying of underground Telecommunication infrastructure shall be submitted to the Nodal Officer as per Form-4 along with the following documents(sub-para 1 to 3) and information(sub-para 4)-

- (1) The location map showing the proposed underground Telecommunication infrastructure including route plan, exact latitude and longitude and nature of land.
- (2) In case, the route of such infrastructure falls under private property, copy of consent of owner of such private property.
- (3) For forest protected area, copy of no objection from the state Environment and Forest department.
- (4) The information as mentioned in Sub-Para 13 of Para 5.

CHAPTER-IV

APPLICATION FEES AND OTHER CHARGES

9. APPLICATION FEES AND OTHER CHARGES

No	Fee For	Amount	Revenue Sharing Model
One-time non-refundable- Administrative Charge			
A	Establishment of mobile	1) Ten thousand rupees per	Between DeGS&

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	towers	mobile tower for state government property and private property.	DITEC in 80:20 ratio
		2) NIL for central government property.	Not Applicable
B	Establishment of poles	1) One thousand rupees per pole for property understate government.	Between DeGS& DITEC in 80:20 ratio
		2) NIL for establishment of poles for Central Government and Private Property.	Not Applicable
C	Laying of underground or overground Telecommunication cable	1) One thousand rupees per kilometer.	Between DeGS& DITEC in 80:20 ratio
D	For installation of small cells and Telecommunication cable using street furniture	1) One hundred rupees per street furniture.	Between Street Furniture Provider & DITEC in 90:10 ratio
Restoration Charges			
E	Establishment of overground Telecommunication Infrastructure	1) If any damage to the property of state government of establishing any overground telecommunication infrastructure, sum required to restore immovable property as per the rate prescribed by Central Public Works Department for that area, if no rate has been prescribed by Central Public Works Department for that area, rate prescribed by the State Public Works Department for that area shall be applicable 2) The licensee shall restore the damage incurred in case of establishment of poles for installation of small cells or Telecommunication cables.	Not Applicable
F	Establishment of underground Telecommunication Infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore	Sum required to restore immovable property as per the rate prescribed by Central Public Works Department for that area, if no rate has been prescribed by Central Public Works Department for that area, rate prescribed by the State Public Works Department for that area	Not Applicable

	the damages	shall be applicable.	
G	Bank guarantee as security for performance in case of establishment of underground Telecommunication Infrastructure where undertaking is given by the licensee to discharge the responsibility to restore the damages	Sum required to restore immovable property as per the rate prescribed by Central Public Works Department for that area, if no rate has been prescribed by Central Public Works Department for that area, rate prescribed by the State Public Works Department for that area shall be applicable.	Not Applicable
Recurring Annual Fees (Compensation)			
H	Establishment of Mobile Towers, Poles and laying of underground or overground cable	1) NIL	Not Applicable
I	Use of street furniture for installation of small cells and Telecommunication cables	1) For installation of small cells: Three hundred rupees annually for urban area and one hundred and fifty rupees per annum for rural area per street furniture.	Between Street Furniture Provider and DITEC in 90:10 ratio
		2) For installation of Telecommunication cables: One hundred rupees per annum per street furniture	Between Street Furniture Provider and DITEC in 90:10 ratio

10. The restoration chargesreferenced above shall be deposited to the appropriate authority having legitimate right over the land, infrastructure or furniture in form of any valid financial instrument.

CHAPTER-V

OBLIGATION OF LICENSEE AND SUPERVISION OF WORK BY NODAL OFFICER

11. Overground Telecommunication Infrastructure

(1) Obligation of licensee in undertaking work-

- a. The licensee shall ensure that-
 - i) Prior to the commencement of establishment and maintenance of overground telecommunication infrastructure, the measures to mitigate public inconvenience and ensure public safety, barricading the surrounding within warning signs and structural safety of such overground telecommunication infrastructure are implemented.
 - ii) The work of establishment and maintenance of overground telecommunication infrastructure is carried out in accordance

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with the conditions specified in the grant of permission by the Nodal Officer.

(2) Powers of Nodal Officer to supervise the work-

- a. The Nodal Officer may supervise the establishment and maintenance of overground telecommunication infrastructure to ascertain if the conditions imposed for grant of permission are observed by the licensee under clause (a) of sub-para (1) of Para 17, clause (a) of sub-para (3) of Para 18 and clause (a) of sub-para (1) of Para 19 as the case may be.
- b. The Nodal Officer may, based on such supervision, impose such other reasonable conditions, as it may think fit.
- c. If the Nodal Officer comes to the conclusion that the licensee has willfully violated any of the conditions for grant of under clause (a) of sub-para (1) of Para 17, clause (a) of sub-para (3) of Para 18 and clause (a) of sub-para (1) of Para 19; the application shall be withdrawn and the reasons for the same to be recorded in writing.

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

12. Underground Telecommunication Infrastructure

(1) Obligation of licensee in undertaking work-

- a. The licensee shall make the payment of expenses or submit the bank guarantee as determined by the Nodal Officer within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground telecommunication infrastructure:

Provided that the Nodal Officer 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.

- b. The licensee shall ensure that-
 - i) prior to the commencement of work of laying the underground telecommunication infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and
 - ii) the work of laying underground telecommunication infrastructure is carried out in accordance with the conditions specified in the grant of permission by the Nodal Officer.
- c. The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telecommunication infrastructures to enable the Nodal Officer to obtain real time information on its location.

(2) Powers of Nodal Officer to supervise the work-

- a. The Nodal Officer may supervise the execution of work to ascertain if the conditions imposed for grant of permission under clause (a) of sub-para (1) of Para 20 are observed by the licensee.

- b. The Nodal Officer may, based on such supervision, impose such other reasonable conditions as it may think fit.
- c. If the Nodal Officer comes to the conclusion that the licensee has willfully violated any of the conditions for grant of permission under clause (a) of sub-para (1) of Para 20, 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-para unless the licensee has been given an opportunity of being heard.

CHAPTER-VI

EXAMINATION AND SCRUTINY OF APPLICATIONS

13. Examination and Scrutiny of Applications for Establishment of Mobile Towers

- (1) In case a mobile tower is proposed to be installed in rural area, the Nodal Officer shall examine the matter related to land, public complaints or any other matter related to administrative purview through Revenue Circle Officer and the matter related technical purview of the mobile tower through PWD (Buildings).
- (2) In case a mobile tower is proposed to be installed in urban area, the Nodal Officer shall examine the matter related to land, public complaints or any other matter related to administrative purview through concerned Urban Local Body and the matter related to technical purview of the mobile tower through Engineering cell of the concerned Urban Local Body.
- (3) The Nodal Officer shall be assisted by the District Manager, DITEC, in all activities related to this guideline.

14. Examination and Scrutiny of Applications for Establishment of Poles for Deployment of Small Cells/Telecommunication Line

- (1) In case the pole is proposed to be installed in rural area, the Nodal Officer shall examine the matter related to land, public complaints or any other matter related to administrative purview through Revenue Circle Officer and the matter related technical purview of the pole through PWD (Buildings).
- (2) In case a pole is proposed to be installed in urban area, the Nodal Officer shall examine the matter related to land, public complaints or any other matter related to administrative purview through concerned Urban Local Body and the matter related to technical purview of the pole through Engineering cell of the concerned Urban Local Body.
- (4) The Nodal Officer shall be assisted by the District Manager, DITEC, in all activities matter related to these guidelines.

15. Examination and Scrutiny of Applications for Use of Street Furniture for Deployment of Small Cells/Aerial Cables

- (1) The Nodal Officer shall examine the application through appropriate authority having legitimate right over the street furniture.

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(5) The Nodal Officer shall be assisted by the District Manager, DITEC, in all activities related to these guidelines.

16. Examination of Scrutiny of Applications for Laying Underground Telecommunication Infrastructure

- (1) The Nodal Officer shall examine route related matter and collect the damage restoration estimate from appropriate authority having legitimate right over the route of the proposed underground infrastructure such as PWD, ULB, GPs.
- (2) For matter related to public complaints and land related matter, the Nodal Officer shall scrutinize the application through Revenue Circle Officer in case of rural area and Urban Local Body in case of Urban area.
- (3) The Nodal Officer shall be assisted by the District Manager, DITEC, in all activities related to this guideline.

CHAPTER-VII

DISPOSAL OF APPLICATIONS

17. Disposal of applications for establishment of mobile towers

- (1) The application submitted under Para 5 of these guidelines; the Nodal Officer shall examine the application as per Para 13 of these guidelines. After examination and scrutiny, the Nodal Officer shall, within a period not exceeding 60 (sixty) working days from the date of application:
 - a. Grant the application permission on such conditions including but not limited to, the time, mode of execution, measure for mitigate public inconvenience or enhance public safety or structural safety.
 - b. Reject the application for permission, 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 of rejections.
 - c. Revert to licensee for necessary correction if required.
- (2) The permission for application made under Para 5 shall be delivered as per Form 5 annexed along with these guidelines.

18. Disposal of applications for establishment of poles for deployment of small cells/telecommunication cable

- (1) In case a licensee wants to establish poles for deployment of small cells over private property or property of central government, the licensee shall intimate the concerned Nodal Officer as per Para 6 of this guideline.
- (2) In case a licensee wants to establish poles for deployment of telecommunication cable over private property or property of central government, the licensee shall intimate the concerned Nodal Officer as per Para 6 of this guideline and shall pay the fees for laying overground telecommunication cable as per the rate specified at Para 9(C) of these guidelines.
- (3) In case a licensee wants to establish poles over property of state government, the licensee shall submit application as per Para 6 of these guidelines; the Nodal Officer shall

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examine the application as per Para 14 of these guidelines. After examination and scrutiny, the Nodal Officer shall, within a period not exceeding 60 (sixty) working days from the date of application:

- a. Grant the application permission on such conditions including but not limited to, the time, mode of execution, measure for mitigate public inconvenience or enhance public safety or structural safety.
 - b. Reject the application for permission, 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 of rejections.
 - c. Revert to licensee for necessary correction as required.
- (4) The permission for application made under Para 6 shall be delivered as per Form 6 annexed along with these guidelines.

19. Disposal of application for use of street furniture

- (1) The application submitted under Para 7 of these guidelines; the Nodal Officer shall examine the application as per Para 15 of these guidelines. After examination and scrutiny, the Nodal Officer shall, within a period not exceeding 60 (sixty) working days from the date of application:
- a. Grant the application permission on such conditions including but not limited to, the time, mode of execution, measure for mitigate public inconvenience or enhance public safety or structural safety etc.
 - b. Reject the application for permission, 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 of rejections.
 - c. Revert to licensee for necessary correction as required.
- (2) The permission for application made under Para 7 shall be delivered as per form 7 annexed along with these guidelines.

20. Disposal of applications for establishment of underground Telecommunication infrastructure

- (1) The application submitted under Para 8 of these guidelines; the Nodal Officer shall examine the application as per Para 16 of these guidelines. After examination and scrutiny, the Nodal Officer shall, within a period not exceeding 60 (sixty) working days from the date of application:
- a. Grant the application permission on such conditions including but not limited to, the time, mode of execution, measure for mitigate public inconvenience or enhance public safety or structural safety etc.
 - b. Reject the application for permission, 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 of rejections.
 - c. Revert to licensee for necessary correction as required.
- (2) The permission for application made under Para 8 shall be delivered as per form 8 annexed along with these guidelines.

21. Terms and Conditions for Deemed Approval

Application submitted under Para 5, 6 and 7 of these guidelines shall be deemed to be granted if the Nodal Officer fails to either grant permission or reject the permission within 60 (sixty) working days.

Provided further that if an application for permission is reverted by Nodal Officer for necessary correction, the date of resubmission of the application shall be counted as the date of submission for deemed approval after 60 (sixty) working days.

CHAPTER-VIII

TENURE OF PERMISSION, RENEWAL OF PERMISSION AND RIGHT OF AUTHORITY TO SEEK REMOVAL OF UNDERGROUND OR OVERGROUND TELECOMMUNICATION INFRASTRUCTURE

22. Tenure of Permission and Renewal

- (1) The permission granted under these guidelines shall be valid from the date of issuance of the permission till the date for which TSP/IP obtained permission/license/registration granted by the DoT as per guidelines of DoT.
- (2) The licensee shall submit the application for renewal of permission to the Nodal Officer at least sixty official working days before the expiry of permission along with all the documents as required for new permission. The Nodal Officer shall renew the permission after charging the fee as prescribed under Chapter IV of these guidelines. The renewed permission shall be valid from the date of issuance till the periods of permission/licensee/registration granted by the DoT.
- (3) The Nodal Officer shall dispose of such renewal application within 15 (fifteen) working days. If the renewal application is not submitted by licensee on time, the Nodal Officer shall communicate in writing to the authorized representative of licensee to state the reason. If the licensee fails to submit renewal application within 60 (sixty) working days, the Nodal Officer may initiate proceeding against the TSP/IP. However, delay in disposal of renewal application by the Nodal Officer, operation of such Telecommunication infrastructure shall not be discontinued.

23. Right of Authority to Seek Removal

- (1) Where the Nodal Officer, having regard to circumstances which have arisen since the establishment of any underground or overground Telecommunication Infrastructure under, over, along, across, in or upon, any immovable private, public or government property vested in or under the control or management of that Nodal Officer, considers that it is necessary and expedient to remove or alter such Telecommunication Infrastructure, the Nodal Officer shall issue a notice to the licensee for removal or alteration of Telecommunication Infrastructure.
- (2) On receipt of the notice under sub-para (1), the licensee shall submit a detailed plan for removal or alteration of such Telecommunication infrastructure within 30 (thirty) working days to the Nodal Officer.
- (3) After examination of the detailed plan submitted by the licensee under sub-para (2), The Nodal Officer shall pass such orders as it deems fit:

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Provided that the Nodal Officer shall give a reasonable time of not less than ninety days to the licensee for removal or alteration of such Telecommunication infrastructure. Responsibility and liability, including the cost thereof, for removal or alteration of such Telecommunication infrastructure shall be borne by the licensee.

- (4) The licensee shall submit the removal or alternation report to the Nodal Officer within 5 (five) working days after completion of such works.

CHAPTER-IX

THE STATE-LEVEL AND DISTRICT-LEVEL COMMITTEE

24. There shall be state-level committee (STC) in the state which shall act as the Apex Committee for overall guidance, monitoring and implementing these guidelines under the Chairpersonship of the Senior Most Secretary to the Government of Assam, Information Technology Department with the following members. However, the Chairperson of STC is authorized to co-opt any expert as necessitated.

Sl No	Designation	Membership
1	Sr. Most Secretary to the Government of Assam, Information Technology Department	Chairperson
2	Commissioner & Secretary to the Government of Assam, Home Department	Member
3	Director General of Police	Member
4	Commissioner & Secretary to the Government of Assam, General Administration Department	Member
5	Commissioner & Secretary to the Government of Assam, Health & Family Welfare Department	Member
6	Commissioner & Secretary to the Government of Assam, Revenue & DM Department	Member
7	Commissioner & Secretary to the Government of Assam, Environment & Forest Department	Member
8	Commissioner & Secretary to the Government of Assam, Panchayat & Rural Development Department	Member
9	Commissioner & Secretary to the Government of Assam, Department of Housing & Urban Affairs	Member
10	Commissioner & Secretary to the Government of Assam, PWD (Building & NH) Department	Member
11	Commissioner & Secretary to the Government of Assam, PWD (Roads) Department	Member
12	Commissioner & Secretary to the Government of Assam, Power Department	Member
13	Deputy Director General, Assam LSA, DoT	Member
14	Joint Secretary to the Government of Assam, Information Technology Department	Member
15	Representative of concerned licensee	Member
16	Director, Directorate of Information Technology, Electronics and Communication (DITEC)	Member Secretary

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25. There shall be a District Telecom Committee (DTC) in each district to implement these guidelines under overall supervision of STC. The Deputy Commissioner of the District shall be the Chairperson of the DTC and the members of the DTC are shown below. However, the Chairperson is authorized to co-opt any expert as necessitated.

SI No	Designation	Membership
1	Deputy Commissioner	Chairperson
2	Superintendent of Police	Member
3	Chief Executive Officer, Zila Parishad	Member
4	Chairman, ULBs in the District	Member
5	Joint Director of Health Services of the district	Member
6	District Manager, DITEC	Member
7	Executive Engineer, PWD (Building) of respective Jurisdiction	Member
8	Executive Engineer, PWD (NH) of the Jurisdiction	Member
9	Executive Engineer, PWD (Roads) of respective Jurisdiction	Member
10	Assistant General Manager, APDCL of respective Jurisdiction	Member
11	Representative from Concerned Licensee	Member
12	Add. Deputy Commissioner, e-Governance	Member Secretary

26. Duties and responsibilities of STC and DTC within their jurisdiction are as follows:
- (1) Implementation of these guidelines for development of Telecommunication Infrastructure in the state.
 - (2) Resolving public grievances arising from establishing mobile towers or any other overground Telecommunication infrastructure or laying underground cables in the state.
 - (3) Seizure/removal of unauthorized Telecommunication infrastructure in the state.
 - (4) Designate 1 (one) no of authorized representative not below the rank of Assistant Engineer from PWD (Building), PWD (NH) and PWD (Roads) department for each administrative district in consultation with the respective DTC for the works related to PWD while implementing these guidelines.

CHAPTER-X

APPEALS, DISPUTE RESOLUTION, PUBLIC GRIEVANCES AND REMOVAL OF DIFFICULTIES

27. Appeals/Dispute Resolution/Public Grievances

- (1) Any dispute arising between a licensee and the Nodal officer in consequence of these guidelines or any complaint/ grievance by any individual/organization shall be taken up as an agenda in the DTC meeting within 30 days.

- (2) Any party aggrieved by the decision of DTC may file an appeal before the STC within 30(thirty) days of the order of DTC. The STC shall decide the dispute/dispose of the complaint/grievance within 30 (thirty) days of receipt of the grievance which shall be final.
- (3) In case of any mishap/accident/damage caused due to installation of small cells, telecom cables etc. the responsibility will be equally shared between/amongst user(s) (TSP/IP) and owner of street furniture provider.
- (4) The Government of Assam may notify any other order, amendment or notification as required for establishment of Telecommunication Infrastructure from time to time.
- (5) The Director, DITEC may notify any changes at the web-portal developed for the purpose these guidelines in consultation with DoT.

CHAPTER-XI

DIGITISATION OF TELECOMMUNICATION INFRASTRUCTURE'S RECORDS

28. The licensee shall ensure that all information related to all existing overground Telecommunication Infrastructure such as Mobile Towers and Poles are digitized as per Form-9 and information related underground/overground telecommunication cable as per Form-10 annexed along with this guideline at the Assam RoW Portal.

sd/-

(Syedain Abbasi, IAS)

Addl. Chief Secretary to the Government of Assam
Information Technology Department

Memo: **No. E 268447-A**

Dated Dispur the 14th March, 2023

Copy to:

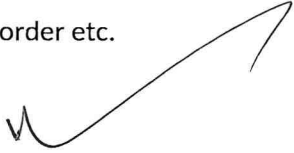
1. The Commissioner & Secretary to the Hon'ble Governor of Assam for kind appraisal of the Hon'ble Governor.
2. The Principal Secretary to the Hon'ble Chief Minister, Assam for kind appraisal of the Hon'ble Chief Minister.
3. The Secretary, Department of Telecommunications, Ministry of Communications, Govt. of India, Sanchar Bhawan, 20, Ashoka Road, New Delhi- 110001.
4. The Secretary, Ministry of Electronics and Information Technology (MeitY), Govt. of India, Electronics Niketan, 6-C.G.O. Complex, Lodhi Road, New Delhi- 110003.
5. The P.S to Hon'ble Minister, Information Technology Department, Assam for kind appraisal of the Hon'ble Minister.
6. All P.S. to Ministers, Assam for kind appraisal of the Hon'ble Ministers.
7. Press Advisor to Hon'ble Chief Minister, Assam.

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8. All Principal Secretaries of the Autonomous Councils, Assam.
9. Secretary, Coordination, O/o the Chief Secretary, Assam for kind appraisal of the Chief Secretary, Assam.
10. All Additional Chief Secretary /Principal Secretary/Commissioner & Secretary/ Secretary to the Govt. of Assam.
11. All Heads of the administrative Departments with a request to instruct all HODs of the organizations and Sub-Organizations under their control to collect the copy of the same from their administrative Departments.
12. All Deputy Commissioners of the districts of Assam. He is requested to forward a copy of the same to Sub-divisional Officers (Civil)/Circle Officers, etc. under his control.
13. The Director, Information and Public Relations, Assam with a request to give wide publicity through electronic media, newspaper, etc.
14. The Managing Director, Assam Electronics Development Corporation Ltd. with a request to print the same in the form of booklet and submit 500 copies of it to Information Technology Department and to upload the same in their websites.
15. The SIO, NIC, Assam State Unit with a request to upload the same in their websites.
16. The Publisher, Assam Government Press, Bamunimaidan, Guwahati-21 with a request to publish this Notification in the next issue of the Extra-Ordinary Gazette and to submit 250 copies of the Gazette notification after publishing the same.
17. The Director, Directorate of Information Technology & Electronics Communication, Assam for kind information.
18. The Officer-on Special Duty, Political (Cabinet Cell) Department, CM Block, Dispur for kind information. This has reference to his endorsement dated 24/02/2023.
19. The Head, SeMT with a request to make arrangement to upload in the website of Information Technology Department.
20. P.S to the Principal Secretary to the Govt. of Assam, Information Technology Department, for kind appraisal of the Principal Secretary.
21. P.S to the Secretary to the Govt. of Assam, Information Technology Department, for kind appraisal of the Secretary.

By order etc.


Joint Secretary to the Govt. of Assam,
Information Technology Department.