

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, NEW
DELHI**

ORIGINAL APPLICATION NO. 586 OF 2022

IN THE MATTER OF:-

SHAILESH KUMAR

.... COMPLAINANT

VERSUS

GREATER NOIDA INDUSTRIAL

DEVELOPMENT AUTHORITY & ANR.

.... RESPONDENTS

ADDITIONAL REPLY ON BEHALF OF BHARTI AIRTEL LTD.,

RESPONDENT NO. 2

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17.11.2011, 30.12.2011 and 10.04.2011

FILED BY



[LAKSHMEESH S. KAMATH]

DATED: 13.12.2022

NEW DELHI

Advocate for the Respondent, No 2
75, Tower-13, Supreme Enclave,
Mayur Vihar Phase-1
New Delhi-110091,
Email: lakshmeeshsk@gmail.com

2. It is submitted that the Indian Telegraph Act, 1885 grants the Central Government exclusive privilege of establishing, maintaining and working telegraphs. Telegraph is defined in Section 3 (1-AA) which “*means any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro-magnetic emissions, Radio waves or Hertzian waves, galvanic, electric or magnetic means.*” Therefore, installation and operation of telecom towers (passive infrastructure) and installation of active network equipment such as Mobile Switching Center (MSC), Base Transceiver Station (BTS) (active infrastructure) falls within the ambit of the Telegraph Act and appurtenant Rules framed thereunder.
3. By virtue of Section 4 of the Telegraph Act, the Government of India, Department of Telecommunication has been empowered to grant license to provide telecommunication service and grant registration for Infrastructure Provider Category -I (IP-I) to establish, inter alia, telegraph/telecom towers.
4. Respondent herein has been issued a License under Section 4 of the Telegraph Act to provide telecommunication service. The License stipulates several conditions to be complied/followed/adhered to by the Respondent failing which it shall be deemed to have breached the conditions of the License. The UAS License granted on March 16, 2005 to the Respondent casted following obligations on the Respondent:-
 - A) Clause 26- Network Interconnection – Licensee is to make arrangements for establishment and maintenance of points of

interconnection with sufficient capacity and sufficient numbers to enable transmission and reception by means of applicable systems.

- B) Clause 28- Quality of Performance – Licensee is to ensure the Quality of Service (QOS) as prescribed by Licensor or TRAI.
- C) Clause 34- Roll out Obligations:- Licensee is to make every endeavor to cover the entire service area at an early date. In Metros, 90% of the service area shall be covered within one year of the effective date.
- D) Clause 35- Liquidated Damages- If the Licensee fails to bring the Service or any part thereof into commissions or fails to deliver service or meet the required coverage criteria/network roll out obligations within the period prescribed for commissioning, the Licensor shall be entitled to recover LD charges subject to maximum of Rs 7 crores.

A typed copy of relevant clauses of of UAS License issued to the Respondent No. 2 is annexed hereto as **Annexure A**.

- 5. Similarly the Unified License granted to the Respondent in 2014 subsequently also contains identical clauses:-
 - A. Clause 27- Network Interconnection – Licensee is to make arrangements for establishment and maintenance of points of interconnection with sufficient capacity and sufficient numbers to enable transmission and reception by means of applicable systems.

B. Clause 29- Quality of Performance – Licensee is to ensure the Quality of Service (QOS) as prescribed by Licensor or TRAI.

A typed copy of relevant clauses of Unified License granted to the Respondent No.2 is annexed hereto as **Annexure B**

6. The Telecom Regulatory Authority of India in terms of the License conditions and in terms of power granted to it under Section 11 r/w Section 36 of the Telecom Regulatory Authority of India Act, 1997 (TRAI Act) framed “The Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009” (“QOS Regulations”). The said QOS Regulations, prescribe Quality of Service parameters in respect of which compliance reports are to be submitted to the Authority. The QOS Regulations by way of subsequent amendments prescribed certain penalty on the Licensees/service providers for breach of the Quality of Standard parameters. A copy of The Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009 along with subsequent Amendments are annexed hereto as **Annexure C (Colly)**.
7. A perusal of the License conditions and the Regulations would establish beyond pale that the obligation to achieve Quality of Service and establishment of interconnection and coverage is sole responsibility of the Licensees. A shifting of or removal of a mobile tower would black out the area and also create further connectivity problems with neighboring areas/towers and would

affect the Quality of Service and disruption in several areas thereby inviting penalty on the Licensees.

8. At this juncture it is important to explain the working of Cellular Network and as to why installation of towers /location is not a matter of choice but is a matter of technical integration which is based on several technical and geographical factors:-
 - a) Cellular Network comprises of Mobile Switching Center (MSC) which can be termed as brain of network. It carries out various functions including call switching, data/information processing, subscriber verification etc. MSC is connected to Base Station Controllers (BSCs) located across service area either through wireless signals emitted through cellular antennas or through optical fibers. BSCs are then connected to Base Transceiver Stations (BTSSs) located at different locations through wireless signals or through optical fibers. On these BTSS locations, towers are installed upon which antennas are mounted which emit and receive wireless signals to and fro between a person availing cellular services through SIM card inserted in the handset.
 - b) Cellular Networks consists of cells and each antenna of BTSSs covers a cell in its direction. The towers are erected to provide sufficient height to the antenna installed in order to provide uninterrupted communication throughout the licensed service area. The Cell radius varies depending upon the topology of surrounding structures and the subscriber density. In other words where the population and number of buildings are more and crowded, it may require more towers

and BTSs installed in the area failing which it may lead to connectivity and call drop problems.

- c) The cellular network architecture by its very nature calls for a contagious arrangement where signals are transmitted from one site to another like a chain and handoff of signals from one site to the next contagious site takes place while the subscriber moves. When a user moves from coverage of one site to another, the network hands over the call to the next Base Station. Every BTS has a particular call handling capacity and therefore, it is reiterated that the number of increased users will need increased number of cell sites/BTSs/BSCs thus increasing telecom density.
 - d) From the above it is thus evident that the location of tower/BTSs/BSCs would depend on density of subscribers, frequency allotted by the Government, scarcity of spectrum, obstructions in dispensation of signals such as high rises, trees, topography of area etc. and would not be a matter of choice as such. The installation would therefore be dependent on engineering and connectivity needs.
9. Any change of location of tower based on a mere apprehension of health hazard by the residents, which is ill founded, would cause serious connectivity issues and disruptions in mobile and internet coverage.
 10. It is, therefore, the Central Government by virtue of its powers under Section 7 read with Sections 10, 12 and 15 of the Telegraph Act enacted the Indian Telegraph Right of Way Rules, 2016 whereby the Appropriate Government (Central Government, respective State Government, Local authority)

have been authorized/empowered to grant permission/authorization to install telegraph infrastructure upon complying with the formalities and procedure delineated in the said Rules. No limitations or restrictions have been imposed for the purpose of installing telegraph infrastructure. A copy of Indian Telegraph Right of Way Rules, 2016 along with amendments are annexed hereto as **Annexure D (Colly)**

11. Any mobile tower or telegraph infrastructure are installed only after complying with all the Rules and Regulations including the radiation norms prescribed by the Department of Telecommunications.

GREATER NOIDA INDUSTRIAL DEVELOPMENT AUTHORITY, LOCAL AUTHORITY HAD ISSUED A POLICY PURSUANT TO INDIAN TELEGRAPH RIGHT OF WAY RULES, 2016

12. Respondent No. 1 has formulated a policy laying down guidelines for installation of telecom towers. The said Policy lays down a comprehensive procedure for infrastructure providers to install mobile towers. As per the said Policy area in green belt is to be earmarked for installation of tower and in addition to this the authority has permitted installation of mobile towers on buildings of community utility centers or shopping malls and over the roofs of commercial/institutional/industrial sectors but have excluded school, hospitals and nursing homes (Please see Annexure R 2 annexed with Reply of Indus Towers in OA No. 557 of 2022).
13. It is submitted that this is also in consonance with the Master Plan of GNIDA which permits installation of transmission tower

on area upto 5% of FAR of the green belt area. (See Annexure R 1 filed by GNIDA in OA No. 557 of 2022 along with its Reply) This also ensures that there is no damage or destruction to green area as only 5% of FAR is being utilized for the said purpose leaving the rest of the green belt intact thereby retaining the purpose of the same.

14. Further in consonance with Indian Telegraph Right of Way Rules 2016, the State of Uttar Pradesh has issued Guidelines dated 15.06.2018 and 08.02.2018. A copy of Guidelines dated 15.06.2018 and 08.02.2018 along with translated copy is annexed hereto as **Annexure E (Colly)**

15. It is submitted that the green belt has been preferred probably for the reason people are fearful of radiations from mobile towers installed over their building or in close vicinity of the buildings. This could be because of the false propaganda or misinformation on health issues relating to mobile towers/radiations caused by the equipment on the towers. It is submitted that there is no conclusive proof on health effects caused by mobile tower radiations on humans or animals. In fact, WHO has reached the following conclusion noted in its Fact Sheet No. 304, May 2006 on Electromagnetic Fields and Public Health (Base Stations and Wireless Technologies)-

“considering the very low exposure levels and research results collected to date, there is no convincing scientific evidence that the weak Radio Frequency (‘RF’) Signals from base stations and wireless networks caused adverse health effects. From all evidence accumulated so far, no adverse short or long terms health effects have been shown to occur from the RF signals produced by base stations.”

16. It is pertinent to note that as per the GNIDA master plan, it is permissible to install utility service including installation of transmission towers only within 5% of FAR. If the residents are objecting to the same, and if there is a direction to that effect to remove the towers from green area, then the Respondent would be unable to comply with the conditions mandated in the License and QOS Regulations thereby resulting in breach of license conditions and Regulations which would invite penalty and liquidated damages.
17. Further in residential area, there are generally no commercial or government building on which an installation of tower is possible. In such case, the network coverage would be substantially affected resulting in bad quality of service. The residents will also lose their mobile and internet connectivity which is transmitted from BTS installed nearby to their cell phones. The only place therefore would be to install towers in green area.
18. It is submitted that pursuant to the recommendations by Inter-Ministerial Committee (IMC), EMF emission norms for exposure limit for Radio Frequency Field (Base Station Emissions) have been made stringent and further reduced to 1/10th of the existing limits prescribed by ICNIRP and directions in this regard has been issued by the Department of Telecommunications which came into effect from 10.04.2012. A copy of Orders issued by the Department of Telecommunications dated 17.11.2011, 30.12.2011 and 10.04.2011 are annexed hereto as **Annexure F (Colly)**.

19. The present limits for antennae (Base Station) EMF emissions for general public exposure is:-

Frequency Range	E-field Strength (Volt/Meter (V/m))	H-field Strength (Amp/Meter (A/m))	Power Density (Watt/Sq. Meter (W/Sq.m))
400 MHz to 2000 MHz	$0.434 f^{1/2}$	$0.0011 f^{1/2}$	$f/2000$
2 GHz to 300 GHz	19.29	0.05	1

(F is frequency in MHz)

20. It is pertinent to note that with this precautionary EMF safe exposure for Radio Frequency Field (Base Station Emissions) as $1/10^{\text{th}}$ of safe limits prescribed by ICNIRP, the risk of exposure is Nil. In such circumstances, installation of mobile tower in green belt area would be safest as there is no proximity between the residential areas and the green belt area which should dispel the fear of radiation.

21. In view of the aforesaid submissions, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the Application.

FILED BY



[LAKSHMEESH S. KAMATH]

Advocate for Respondent No.2

**THE NATIONAL GREEN TRIBUNAL, NEW DELHI
ORIGINAL APPLICATION NO. 586 OF 2022**

IN THE MATTER OF:

SHAILESH KUMAR

...COMPLAINANT

VERSUS

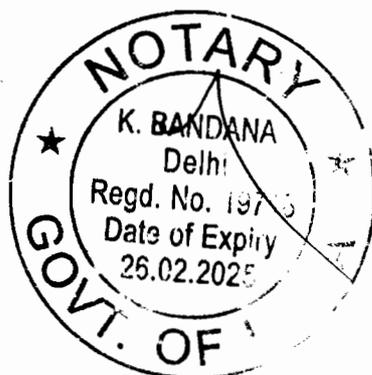
GREATER NOIDA INDUSTRIAL
DEVELOPMENT AUTHORITY & ANR.

...RESPONDENTS

AFFIDAVIT

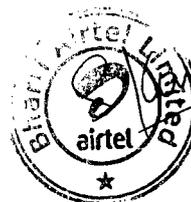
I, Saurabh Kumar, Son of Mr. kamal Kishor Kumar Aged about 41 years, working as Senior Manager- Legal, M/s Bharti Ltd. having its registered office at Airtel Center, Plot No. 16, Udyog Vihar, Phase- IV, Gurgaon-122015, presently at New Delhi do hereby solemnly affirm and state as follows:

1. That I am authorized Signatory of the Respondent No.2 Company and am fully conversant with the facts and circumstances of the present case and duly authorized and competent to swear this affidavit.
2. That I have read and understood the contents of the present Additional Reply, which has been drafted by our Counsel under my instructions. The contents there of are true and correct to the best of my knowledge derived from the records of the Respondent Company, as maintained in the usual course of its business and on information received and believed to true and correct. No part of it is false and nothing material has been concealed therefrom.
3. The annexures annexed with the Additional Reply are also true copy of the respective originals.



VERIFICATION:

Verified at New Delhi on this the ~~13~~ **3 DEC** ~~2022~~ **2022**, that the contents of my above affidavit are true to my knowledge. No part of it is false and nothing material has been concealed therefrom.



DEPONENT

[Signature]
IDENTIFIED

1 9 0 5 0 0 0 0



ATTESTED

[Signature]
NOTARY PUBLIC, DELHI
GOVT. OF INDIA

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS & IT
DEPARTMENT OF TELECOMMUNICATIONS
SANCHAR BHAWAN, 20, ASHOKA ROAD,
NEW DELHI-110 001, INDIA.

LICENCE AGREEMENT
FOR PROVISION OF
UNIFIED ACCESS SERVICES
AFTER MIGRATION
FROM CMTS

IN DELHI METRO SERVICE AREA

OLD NO. 842-18/93-TM DATED 29.11.1994

NEW NO. 842-544/2005-VAS W.E.FROM 16.03.2005
TOTAL PAGES 84 +1

LICENCE AGREEMENT

Whereas the licensee M/s Bharti Cellular Limited, H-5/12, Qutub Ambience (at Qutub Minar), Mehrauli Road, New Delhi - 110 030 was granted a licence in exercise of the powers under Section 4 of the Indian Telegraph Act 1885 to operate Cellular Mobile Telephone Service in Delhi Metro Service Area.

AND whereas the Licensee has, upon permission of Licensor, migrated to Unified Access Service Licence (UASL) regime on 27.04.2004 for above stated Service Area, whereupon the said licence agreement is required to be amended and revised as described in SCHEDULE appended hereto with effect from 27.04.2004.

NOW THE PARTIES HERETO AGREE AS FOLLOWS.

1. The effective date of licence shall continue to be 29.11.1994.

2. The terms & conditions as described in Schedule appended here to shall replace, substitute and take over with effect from 27.04.2004 in place of old terms before migration, the terms and conditions described in Schedule shall be binding hereinafter on the licensee.

3. Additional Licence in LICENSEE'S service area may also be issued from time to time without any restriction of number with same or different entry conditions.
4. The Licence shall be governed by the provision of Indian Telegraph Act, 1885, Indian Wireless Telegraphy Act, 1933 and Telecom Regulatory Authority of India Act, 1997 as modified or replaced from time to time.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed through their respective authorised representatives on the 16th March 2005

Signed for and on behalf
of President of India
By

Mr. Abhay Shankar
Verma
Director (VAS-II), DOT,
New Delhi

Signed on 16/03/2005,
on behalf of M/s. Bharti
Cellular Limited

By

Mr. Narender Gupta
Group Company
Secretary, M/s Bharti
Cellular Limited,
Authorized Signatory
and holder of General
Power of Attorney dated
19.01.2005, executed in

accordance with the
resolution dated 29th
October 2004 passed by
the Board of Directors

In the presence of:

Witnesses:

1. Signature
 Name
 Occupation. Address Place.

2. Signature
 Name
 Occupation. Address Place.

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26. **Network Interconnection:**

26.1 Interconnection between the networks of different SERVICE PROVIDERS shall be as per National Standards of CCS No.7 issued from time to time by Telecom Engineering Centre (TEC) and also subject to technical feasibility and technical integrity of the Networks and shall be within the overall framework of interconnection regulations issued by the TRAI from time to time. However, if situation so arises, INTERCONNECTION with R2MF signaling may be permitted by LICENSOR.

26.2 The LICENSEE may enter into suitable arrangements with other service providers to negotiate Interconnection Agreements whereby the interconnected networks will provide the following:

(a) To meet all reasonable demand for the transmission and reception of messages between the interconnected systems.

(b) To establish and maintain such one or more Points of Interconnect as are reasonably required and are of sufficient capacity and in sufficient numbers to enable transmission and reception of the messages by means of the Applicable Systems,

(c) To connect, and keep connected, to their Applicable Systems.

26.3 The provision of any equipment and its installation for the purpose of Interconnection shall depend on the mutual agreement of the concerned parties.

26.4 The Interconnection Tests for each and every interface with any Service provider shall be carried out by mutual arrangement between the LICENSEE and the other party involved. The Interconnection Tests schedule shall be mutually agreed. Adequate time, not less than 30 days, will be given by the LICENSEE for these tests. On successful completion of interconnection tests or on mutual agreement between service providers for rectification of deficiencies / deviations, if any, the LICENSEE can commence the SERVICE. In case of disagreement for rectification of deficiencies I deviations in conducted interconnection tests, prior approval of LICENSOR shall be required.

26.5 It shall be mandatory for the LICENSEE to provide interconnection to all eligible Telecom Service Providers as well as NLD Operators whereby the subscribers could have a free choice to make inter-

circle/ international long distance calls through NLD/ILD Operator. For international long distance call, the LICENSEE shall normally access International Long Distance Operator's network through National Long Distance Operator's network subject to fulfillment of any Guidelines/ Orders/ Directions/ Regulation issued from time to time by Licensor/ TRAI. The LICENSEE shall not refuse to interconnect with the International Long Distance Licensee directly in situations where ILD Gateway Switches/ Point of Presence (POP), and that of Access Provider's (GMSC/ Transit Switch) are located at the same station of Level -I TAX.

26.6 Direct interconnectivity among all Telecom Service Providers in the licensed SERVICE AREA is permitted. LICENSEE shall interconnect with other Service Providers, subject to compliance of prevailing regulations, directions or determinations issued by TRAI. The interconnection shall have to be withdrawn in case of termination of the respective licensed networks of another Telecom service providers within one hour or within such time as directed by the LICENSOR in writing, after receiving intimation from the LICENSOR in this regard.

26.7 Point of Inter-connection (POI) between the networks shall be governed by Guidelines/ Orders/ Directions/ Regulation issued from time to time by Licensor/ TRAI.

26.8 LICENSEE will work out suitable regular interconnect billing arrangements with other licensed service providers in the respective Interconnect Agreements with them.

28. **Quality of Performance:**

28.1 The LICENSEE shall ensure the Quality of Service (QoS) as prescribed by the LICENSOR or TRAI. The LICENSEE shall adhere to such QoS standards and provide timely information as required therein.

28.2 The LICENSEE shall be responsible for: -

- i) Maintaining the performance and quality of service standards.
- ii) Maintaining the MTTR (Mean Time To Restore) within the specified limits of the quality of service.
- iii) The LICENSEE will keep a record of number of faults and rectification reports in respect of the service, which will be produced before the LICENSOR/TRAI as and when and in whatever form desired.

28.3 The LICENSEE shall be responsive to the complaints lodged by his subscribers. The Licensee shall rectify the anomalies within the MTTR specified and maintain the history sheets for each installation,

statistics and analysis on the overall maintenance status.

28.4 The LICENSOR or TRAI may carry out performance tests on LICENSEE'S network and also evaluate Quality of Service parameters in LICENSEE'S network prior to grant of permission for commercial launch of the service after successful completion of interconnection tests and/ or at any time during the currency of the Licence to ascertain that the network meets the specified standards on Quality Of Service (QOS). The LICENSEE shall provide ingress and other support including instruments, equipment etc., for such tests.

28.5 The LICENSEE shall enforce and ensure QOS, prescribed by the LICENSOR/TRAI, from the INFRASTRUCTURE PROVIDER (s) with whom it may enter into agreement / contract for leasing / hiring / buying or any such instrument for provision of infrastructure or provision of bandwidth. The responsibility of ensuring QOS shall be that of LICENSEE.

34. **Roll-out Obligations:**

34.1 LICENSEE shall be solely responsible for installation, networking and operation of necessary equipment and systems for provision of SERVICE, treatment of SUBSCRIBER complaints, issue of bills to its subscribers, collection of its component of revenue, attending to claims and damages arising out of his operations.

34.2 The LICENSEE shall make every endeavour to cover the entire Service Area at an early date and notify on quarterly basis the areas not covered by the licensee's System. In Metros, 90% of the service area shall be covered within one year of the effective date. In Telecom Circles, at least 10% of the District Headquarters (DHQs) will be covered in the first year and 50% of the District Headquarters will be covered within three years of effective date of Licence. The licensee shall also be permitted to cover any other town equally important in a District in lieu of the District Headquarters. Coverage of a DHQ/town would mean that at least 90% of the area bounded by the Municipal limits should get the required street as well as in-building coverage. The District Headquarters shall be taken as on the effective date of Licence. The choice of

District Headquarters/towns to be covered and further expansion beyond 50% District Headquarters/towns shall lie with the Licensee depending on their business decision. There is no requirement of mandatory coverage of rural areas.

35. **Liquidated damages:**

35.1 The time period for provision of the Service stipulated in this Licence shall be deemed as the essence of the contract and the service must be brought into commission not later than such specified time period. No extension in prescribed due date will be granted. If the Service is brought into commission after the expiry of the due date of commissioning, without prior written concurrence of the licensor and is accepted, such commissioning will entail recovery of Liquidated Damages (LD) under this Condition. Provided further that if the commissioning of service is effected within 15 calendar days of the expiry of the due commissioning date then the Licensor shall accept the services without levy of LD charges.

35.2 In case the LICENSEE fails to bring the Service or any part thereof into commission (i.e., fails to deliver the service or to meet the required coverage criteria/ network roll out obligations) within the period

prescribed for the commissioning, the Licensor shall be entitled to recover LD charges @ Rs. 5 Lakh (Rupees: Five Lakhs) per week for first 13 weeks; @ Rs 10 lakhs per week for the next 13 weeks and thereafter @ Rs. 20 lakhs per week for next 26 weeks subject to a maximum of Rs. 7.00 crores. Part of the week is to be considered as a full week for the purpose of calculating the LD charges. For delay of more than 52 weeks the Licence may be terminated under the terms and conditions of the Licence agreement. The week shall mean 7 Calendar days from (from midnight) Monday to Sunday; both days inclusive and any extra day shall be counted as full week for the purposes of recovery of liquidated damages.



TRUE COPY

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS & IT
DEPARTMENT OF TELECOMMUNICATIONS
SANCHAR BHAWAN, 20, ASHOKA ROAD,
NEW DELHI-110001, INDIA

LICENSE AGREEMENT

FOR
UNIFIED LICENSE

NO. 20-430/2014 AS-I/39

DATED 16.10.2014

TOTAL PAGES – 176

LICENSE AGREEMENT
FOR
UNIFIED LICENSE

This Agreement is made on the 16th day of October, 2014 between the President of India acting through R.K. Soni Director (AS-I), Department of Telecommunications (DoT), Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001 (Hereinafter called the Licensor) of the FIRST PARTY.

AND

M/s Bharti Airtel Limited, a company registered under the Companies Act 1956, having its registered office at Bharti Crescent, 1-Nelson Mandela Road, Vasant Kunj Phase-II, New Delhi-110070 acting through Ravi Parkash Gandhi, Chief Regulatory Officer (Policy) (hereinafter called the Licensee which expression shall, unless repugnant to the context, include its successor in business, administrators, liquidators and assigns or legal representatives) of the SECOND PARTY.

WHEREAS by virtue of the provisions of Section 4 of the Indian Telegraph Act, 1885, the Licensor enjoys exclusive privilege to grant License for telecom services and the Licensee has requested the Licensor for grant

of Unified License with authorization for providing services under Chapter VIII and IX, Part-II of the Schedule of the Unified License in the service areas as mentioned in the Table below. Whereupon and in pursuance to the said request, the Licensor has agreed to grant Unified License with authorization for provision of services as per terms and conditions described in the Schedule to the Unified License Agreement, Part-I and Chapters VIII and IX of Part-II for services and service areas as detailed below:

SI. No.	Service	Service Area	Chapter of the PART-II of Schedule	Date of Authorisation
1	Access service	Delhi	Chapter-VIII	29.11.2014
2	Access service	Kolkata	Chapter-VIII	30.11.2014
3	ISP Category 'A'	National	Chapter-IX	03.03.2014

Whereas, Table shown hereinabove is subject to amendment for addition/deletion of services and service areas in the event of grant of any further service authorization or

revocation/surrender/termination of any of the service authorized under the license in accordance with the terms and conditions contained in the schedule to the License.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1. In consideration of the payment of Entry Fee, License Fee and due performance of all the terms and conditions mentioned in the above stated Parts and Chapters of this Unified License on the part of the Licensee, the Licensor does, hereby grant under Section 4 of the Indian Telegraph Act, 1885 on a non-exclusive basis, this License to set up and operate the Service(s) in the service areas detailed and described above.

2. This License shall be valid for a period of 20 years from the effective date of this License unless revoked earlier for reasons as specified elsewhere in the document. Validity period for service(s) authorized under any Chapter of Part-II of this Unified License, at a later date, shall be co-terminus with the validity period of this Unified License.

3. The Licensee hereby agrees and unequivocally undertakes to fully comply with all terms and conditions

stipulated in this License Agreement and without any deviation or reservations of any kind.

4. Effective Date of this License shall be 03.03.2014.

5. This Unified License has been granted on non-exclusive basis and additional Licenses may be issued in any Service Area from time to time in future without any restriction on number of Licensees with same or different entry conditions.

6. The License shall be governed by the provision of Indian Telegraph Act, 1885, Indian Wireless Telegraphy Act, 1933 and Telecom Regulatory Authority of India Act, 1997 and Information Technology Act, 2000, as modified or replaced from time to time or any other relevant Act.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed through their respective authorized representatives on the 16th October, 2014.

Signed for and on behalf of President of India By	Signed on Behalf of M/s. Bharti Airtel Limited. By
---	--

R. K Soni, Director (AS-I)
(Name and Designation),
DOT, New Delhi

Ravi Parkash Gandhi Chief
Regulatory Officer (Policy)
(Name and Designation),

authorized signatory and holder of
Special Power of Attorney dated
20.02.2014, executed in
accordance with the Resolution No.
Nil, dated 28-29-Jan, 2014 passed
by the Board of Directors.
(Company Seal)

In the presence of:

Witnesses:

1. Signature

Name

Occupation

Service

Tarun

Chitkara

Address

Plot No. 16,
Udyog Vihar,
Phase-IV.

Place

Gurgaon
122015

2. Signature

Name

Occupation

Service

Manoj

Sharma

Address

Cabin No. -
21, 12th
Floor,
Sanchar
Bhawan, 20,
Ashoka Road,

Place

New Delhi-
110001

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SCHEDULE
TO
The UNIFIED LICENSE AGREEMENT
TERMS AND CONDITIONS

PART-I

[Terms and conditions contained in PART-1 shall be applicable for all services provided under this License, unless specified otherwise in the service specific Chapters in PART-]

27. Network Interconnection:

27.1 Interconnection amongst the networks of Licensees shall take place where specifically provided for in the Service Authorization Chapter in PART-II of the Schedule to the License. In such cases the conditions of interconnections as specified below shall be applicable.

27.2 Transmission links for interconnection shall meet relevant standards or Interface Requirements (IR) issued by TEC from time to time.

27.3 Interconnection between the networks of different Licensees for carrying circuit switched traffic shall be as per national standards of CCS No.7 as amended from time to time by Telecom Engineering Centre (TEC) and also subject to technical feasibility and technical integrity of the Networks and shall be within the overall framework of interconnection regulations/ directions/ orders issued by the TRAI/ Licensor from time to time. For inter-networking between circuit switched and IP based network, the Licensee shall install Media Gateway Switch. Further, the Licensor may direct the LICENSEE to adopt any

other technical standards issued by TEC on interconnection related issues.

27.4 Licensee shall interconnect with other Telecom Service Providers at the Points of Interconnection (POI) subject to compliance of prevailing regulations, directions or determinations issued by TRAI. The charges for accessing other networks for inter-network calls shall conform to the Orders/Regulations/ Guidelines issued by the TRAI/ Licensor from time to time. The Interconnection Agreements will, inter-alia, provide the following:

(a) To meet all reasonable demand for the transmission and reception of messages between the interconnected systems.

(b) To establish and maintain such one or more Points of Interconnect as are reasonably required and are of sufficient capacity and in sufficient number to enable transmission and reception of the messages by means of the Applicable Systems,

(c) To connect, and keep connected, to their Applicable Systems.

27.5 The charges for accessing other networks for inter-network calls shall be based on mutual

agreements between the service providers conforming to the Orders/IUC Regulations/Guidelines issued by the TRAI from time to time.

27.6 The provision of any equipment and its installation for the purpose of Interconnection shall be subject to mutual agreement of the concerned parties and shall conform to TRAI's regulations and orders.

27.7 The Interconnection Tests for each and every interface with any Telecom Service Provider shall be carried out by mutual arrangement, between the Licensee and the other party involved. In case of disagreement for rectification of deficiencies / deviations in conducted interconnection tests, reference could be made to Licensor I TRAI.

27.8 The interconnection with a Telecom Service Provider shall have to be withdrawn within one hour of receipt of intimation or within such time as directed by the LICENSOR in writing, in case of revocation of the LICENSE of the Telecom Service Provider.

29. Quality of Service:

29.1 The LICENSEE shall ensure the Quality of Service (QoS) as may be prescribed by the Licensor or TRAI. The LICENSEE shall operate and maintain the licensed Network conforming to Quality of Service standards subject to such other directions as Licensor / TRAI may give from time to time. The LICENSEE shall adhere to such QoS standard and provide timely information as required therein. Failure on part of LICENSEE to adhere to the Quality of Service stipulations by TRAI/Licensor is liable to be treated as breach of terms and conditions of License.

The LICENSEE shall provide periodic information on compliance of QoS standards to TRAI/Licensor as per schedule notified.

- 29.2 The LICENSEE shall be responsible for: -
- i) Maintaining the performance and quality of service standards.
 - ii) Maintaining the MTTR (Mean Time to restore) within the specified limits of the quality of service.

- iii) The LICENSEE will keep a record of number of faults and rectification reports in respect of the service, which will be produced before the Licensor/TRAI as and when and in whatever form desired.

29.3 The LICENSEE shall be responsive to the complaints lodged by his subscribers. The LICENSEE shall rectify the anomalies within the MTTR specified and maintain the history sheets for each installation, statistics and analysis on the overall maintenance status.

29.4 The Licensor or TRAI may carry out performance tests on Licensee's network and also evaluate Quality of Service parameters prior to grant of permission for commercial launch of the service, after successful completion of interconnection tests and/ or at any time during the currency of the LICENSE to ascertain that the network meets the specified standards on Quality Of Service (QoS). The LICENSEE shall provide ingress and other support including instruments, equipment etc., for such tests.

29.5 The Licensee shall enforce and ensure QoS, as prescribed by the Licensor/TRAI, from the other Licensees with whom it may enter into agreement / contract for leasing / hiring / buying or any such instrument for provision of infrastructure. The responsibility of ensuring QoS shall be that of Licensee.

29.6 Disaster/Emergency/Public Utility Services:

The Licensee shall follow the guidelines /directions/ standard operating procedures as may be prescribed for the disaster management/emergency response services or any other instruction issued by Licensor in this regard from time to time.

The Licensee shall also facilitate the priority routing of emergency/public utility or any other type of user calls as per guidelines /directions as may be prescribed by Licensor.


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TO BE PUBLISHED IN THE GAZETTE OF INDIA, ⁵⁷
EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 20th MARCH, 2009

**THE STANDARDS OF QUALITY OF SERVICE OF BASIC
TELEPHONE SERVICE (WIRELINER) AND CELLULAR MOBILE
TELEPHONE SERVICE REGULATIONS, 2009
(7 OF 2009)**

F. No. 305-25/2008-QoS ----- In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations, namely: -

**SECTION I
PRELIMINARY**

1. Short title, commencement and application.--- (1) These regulations may be called the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009.

(2) They shall come into force with effect from the 1st day of July, 2009.

(3) These regulations shall apply to ----

all service providers [including Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited, being the companies registered under the Companies Act, 1956 (1 of 1956)] providing,--

- (i) Basic Telephone Service;
- (ii) Unified Access Services;
- (iii) Cellular Mobile Telephone Service;

2. Definitions.— (1) In these regulations, unless the context otherwise requires, -

- (a) **“Act”** means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);
- (b) **“Authority”** means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Act;
- (c) **“Basic Telephone Service”** covers collection, carriage, transmission and delivery of voice or non-voice messages over licensee’s Public Switched Telephone Network in licensed service area and includes provision of all types of services except those requiring a separate licence;
- (d) **“Cell”** means the radio frequency coverage area of a site in radio access network which is part of a cellular mobile telephone network and ---
- (i) in case it is an omni-site, it is synonymous with the site; and
- (ii) at a sectored site, it is synonymous with the sector;
- (e) **“Cell Bouncing Busy Hour”** means the one hour period in a day during which a cell in a cellular mobile telephone network experiences the maximum traffic;
- (f) **“Cellular Mobile Telephone Service”** -
- (i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wireless telegraphy where every message that is conveyed thereby has been, or is to be, conveyed by means of a telecommunication system which is designed or adapted to be capable of being used while in motion;
- (ii) refers to transmission of voice or non-voice messages over Licensee’s Network in real time only but service does not cover broadcasting of any messages, voice or non-voice, however, Cell Broadcast is permitted only to the subscribers of the service;
- (iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;
- (iv) includes both Global System for Mobile Communications (GSM) and Code Division Multiple Access (CDMA) Technology;
- (g) **“Call Centre”** means a department or a section or a facility established by the service provider under regulation 3 of the Telecom Consumers Protection and Redressal Grievances Regulations, 2007 (3 of 2007);
- (h) **“consumer”** means a consumer of a service provider falling in sub-regulation (3) of regulation 1 and includes its customer and subscriber ;
- (i) **“licence”** means a licence granted or having effect as if granted under section 4 of the Indian Telegraph Act, 1885 (13 of 1885) or the provisions of

the Indian Wireless Telegraphy Act, 1933 (17 of 1933);

(j) “**licensee**” means any person licensed under sub-section (1) of section 4 of the Indian Telegraph Act, 1885 (13 of 1885) for providing specified public telecommunication services;

(k) “**message**” shall have the same meaning assigned to it in clause (3) of section 3 of the Indian Telegraph Act, 1885 (13 of 1885);

(l) “**MTTR**” means Mean Time to Repair;

(m) “**OMC**” means Operation and Maintenance Centre;

(n) “**Paging Channel**” means a signaling control channel in a CDMA network to send control, call setup and paging messages used for communication between mobile station (MS), i.e., mobile handset and Base Transceiver Station (BTS) before such mobile station is assigned a Traffic Channel (TCH);

(o) “**Point of Interconnection (POI)**” means a mutually agreed upon point of demarcation where the exchange of traffic between the networks of two service providers takes place;

(p) “**Public Switched Telephone Network**” means a fixed specified switched public telephone network providing a two-way switched telecommunication services to the general public;

(q) “**Public Land Mobile Network**” means a network set up and operated by any of the licensed operators including Mahanagar Telephone Nigam Limited and Bharat Sanchar Nigam Limited, for the purpose of providing land based mobile communication services to the public and which provides communication facilities to subscribers using mobile stations (MS), i.e., mobile handsets;

(r) “**Quality of Service**” is the main indicator of the performance of a telecommunication network and of the degree to which such network conforms to the standards of such quality of service as specified in these regulations for specified parameters;

(s) “**regulations**” means the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009;

(t) “**Stand-alone Dedicated Control Channel**” or “**SDCCH**” means, a GSM control channel for signaling purposes where the majority of call setup occurs, which is used for communication between mobile station (MS), i.e., mobile handset and Base Transceiver Station (BTS) before such mobile station is assigned a Traffic Channel (TCH);

(u) “**service provider**” means any service provider to which these

regulations apply.

(v) **“Traffic Channel”** or **“TCH”** means, a logical channel in a GSM or CDMA network which carries either encoded speech or user data;

(w) **“telecommunication services”** means service of any description (including electronic mail, voice mail, data services, audio-tex services, video-tex services, radio paging and cellular mobile telephone services) which is made available to users by means of any transmission or reception of signs, signals, writing images, and sounds or intelligence of any nature, by wire, radio, visual or other electro- magnetic means but shall not include broadcasting services;

(x) **“Time Consistent Busy Hour”** or **“TCBH”** means the one hour period starting at the same time each day for which the average traffic of the resource group concerned is greatest over the days under consideration and such Time Consistent Busy Hour shall be established on the basis of analysis of traffic data for a period of ninety days;

(y) **“Unified Access Services”** -

(i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wired or wireless telegraphy ;

(ii) refers to transmission of voice or non-voice messages over Licensee’s Network in real time only but service does not cover broadcasting of any messages, voice or non-voice, except, Cell Broadcast which is permitted only to the subscribers of the service;

(iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;

(2) Words and expressions used but not defined in these regulations and defined in the Act and the rules and other regulations made thereunder shall have the meanings respectively assigned to them in the Act or the rules or the regulations, as the case may be.

SECTION II

QUALITY OF SERVICE (QoS) PARAMETERS FOR BASIC TELEPHONE SERVICE (WIRE LINE)

3. Quality of Service Parameters in respect of which compliance reports are to be submitted to the Authority.- (1) Every basic telephone service provider shall meet the following Quality of Service benchmarks for the basic telephone service (wireline) in respect of each specified parameter, namely:-

Serial Number	Name of Parameter	Benchmark	Averaged over a period ⁶¹
(i)	Fault incidences (No. of faults/ 100 subscribers /month)	≤ 5	One Quarter
(ii)	Fault repair by next working day	<p>For urban areas: By next working day: ≥ 90% and within 3 days: 100%.</p> <p>For rural and hilly areas: By next working day: ≥ 90% and within 5 days: 100%.</p> <p>Rent Rebate Faults pending for >3 days and ≤7 days: Rent rebate for 7 days. Faults pending for >7 days and ≤15 days: Rent rebate for 15 days. Faults pending for >15 days: rent rebate for one month.</p>	One Quarter
(iii)	Mean Time To Repair (MTTR)	≤ 8 Hrs	One Quarter
(iv)	(a) Call Completion Rate within a local network shall be better than	≥ 55%	One Quarter
	or, (b) Answer to Seizure Ratio (ASR)	≥ 75 %	One Quarter
(v)	Point of Interconnection (POI) Congestion (on individual POI)	≤ 0.5%	One month
(vi)	Metering and billing credibility – post paid	Not more than 0.1% of bills issued should be disputed over a billing cycle	One Billing Cycle
(vii)	Metering and billing credibility -- pre-paid	Not more than 1 complaint per 1000 customers, i.e., 0.1% complaints for metering,	One Quarter

		charging, credit, and validity	62
(viii)	Resolution of billing/ charging complaints	100% within 4 weeks	One Quarter
(ix)	Period of applying credit/ waiver/ adjustment to customer's account from the date of resolution of complaints	within 1 week of resolution of complaint	One Quarter
(x)	Response Time to the customer for assistance		
	(a) Accessibility of call centre/ customer care	≥ 95%	One Quarter
	(b) Percentage of calls answered by the operators (voice to voice) within 60 seconds	≥ 90%	One Quarter
(xi)	Termination/ closure of service	≤ 7 days	One Quarter
(xii)	Time taken for refund of deposits after closures	100% within 60 days.	One Quarter

(2) The compliance of the parameters specified in sub-regulation (1) shall be reported to the Authority by the service provider.

(3) The Authority may, from time to time, through audit and objective assessment of quality of service conducted either by its own officers or employees or through an agency appointed by it, verify and assess the performance by the basic telephone service provider of the Quality of Service benchmarks of each parameter for the basic telephone service (wireline) specified in sub-regulation (1).

4. Quality of Service parameters in respect of which compliance is to be monitored by the service provider.-(1) Every basic telephone service provider shall meet and monitor the following Quality of Service benchmarks for the basic telephone service (wireline) in respect of each specified parameter, namely:-

Serial Number	Name of Parameter	Benchmark	Averaged over a period
(i)	Provision of a telephone after	100% in ≤ 7 days (subject to technical feasibility)	One quarter

	registration of demand		63
(ii)	Shift of Telephone Connection	≤ 3 days (95% of requests to be attended within 3 days)	One quarter
(iii)	Grade of Service	(a) Junctions between local exchanges - 0.002 (b) Outgoing junctions from Trunk Automatic Exchange (TAX) to local exchange - 0.005 (c) Incoming junctions from local exchange to TAX - 0.005 (d) Incoming or out going junctions between TAX's 0.005 (e) Switching network should be non-blocking or should have extremely low blocking probability.	One quarter

(2) The compliance of the Quality of Service benchmarks of each parameter for the basic telephone service (wireline) specified in sub-regulation (1) which are required to be monitored by the concerned service provider, need not be reported to the Authority.

(3) The basic telephone service provider shall maintain records of its compliance of the Quality of Service benchmarks of each parameter for the basic telephone service (wireline) specified in sub-regulation (1).

(4) The Authority may, if it considers it expedient so to do, and to ensure compliance of the provisions of sub-regulation (1), at any time, ---

(a) direct any of its officers or employees or an agency appointed by the Authority to inspect the records maintained under sub-regulation (3); or,

(b) get the records maintained under sub-regulation (3) audited.

SECTION III

QUALITY OF SERVICE (QoS) PARAMETERS FOR CELLULAR MOBILE TELEPHONE SERVICE

5. Quality of Service parameters in respect of which compliance reports are to be submitted to the Authority.-(1) Every cellular mobile telephone service provider shall meet the following Quality of Service benchmarks for cellular mobile telephone service in respect of each specified parameter, namely:-

Serial Number	Name of Parameter	Benchmark	64 Averaged over a period
A	Network Service Quality Parameters:		
(i)	Network Availability		
	(a) BTSs Accumulated downtime (not available for service)	$\leq 2\%$	One Month
	(b) Worst affected BTSs due to downtime	$\leq 2\%$	One Month
(ii)	Connection Establishment (Accessibility)		
	(a) Call Set-up Success Rate (within licensee's own network)	$\geq 95\%$	One Month
	(b) SDCCH/ Paging Channel Congestion	$\leq 1\%$	One Month
	(c) TCH Congestion	$\leq 2\%$	One Month
(iii)	Connection Maintenance (Retainability)		
	(a) Call Drop Rate	$\leq 2\%$	One Month
	(b) Worst affected cells having more than 3% TCH drop (call drop) rate	$\leq 5\%$ upto 31.03.2011 $\leq 3\%$ From 01.04.2011	One Month
	(c) connections with good voice quality	$\geq 95\%$	One Month
(iv)	Point of Interconnection (POI) Congestion (on individual POI)	$\leq 0.5\%$	One Month
B	Customer Service Quality Parameters:		
(v)	Metering and billing credibility - post paid	Not more than 0.1% of bills issued should be disputed over a billing cycle	One Billing Cycle
(vi)	Metering and billing credibility -- pre-paid	Not more than 1 complaint per 1000 customers i.e. 0.1% complaints for metering, charging, credit, and validity	One Quarter

(vii)	(a) Resolution of billing/ charging complaints	100% within 4 weeks	One Quarter
	(b) Period of applying credit/ waiver/ adjustment to customer's account from the date of resolution of complaints	within 1 week of resolution of complaint	One Quarter
(viii)	Response Time to the customer for assistance		
	(a) Accessibility of call centre/ customer care	≥ 95%	One Quarter
	(b) Percentage of calls answered by the operators (voice to voice) within 60 seconds	≥ 90%	One Quarter
(ix)	Termination/ closure of service	≤ 7 days	One Quarter
(x)	Time taken for refund of deposits after closures	100% within 60 days	One Quarter

(2) The compliance of the parameters specified in sub-regulation (1) shall be reported to the Authority by the service provider.

(3) The Authority may, from time to time, through audit and objective assessment of quality of service conducted either by its own officers or employees or through an agency appointed by it, verify and assess the performance by the cellular mobile telephone service provider of the Quality of Service benchmarks of each parameter for the cellular mobile telephone service specified in sub-regulation (1).

6. Quality of Service parameter in respect of which compliance is to be monitored by the service provider.(1) Every cellular mobile telephone service provider shall meet and monitor the following Quality of Service benchmarks for cellular mobile telephone service in respect of the specified parameter, namely:-

Serial Number	Name of Parameter	Benchmark
1	Service Coverage	For In-door coverage the signal strength at street level shall be ≥ -75 dBm and In-vehicle shall be ≥ -85 dBm.

(2) The compliance of the Quality of Service benchmarks of the parameter for the cellular mobile telephone service specified in sub-regulation (1) need not be reported to the Authority.

(3) The service provider shall,....

(a) measure the service coverage through drive tests of the cellular mobile telephone network at periodic intervals and take remedial action to address problems related to coverage including interference, call drop and voice quality revealed during such drive tests;

(b) maintain the records of such drive tests and the action taken on the problems related to coverage including interference, call drop and voice quality revealed during such drive tests; and

(c) provide to the Authority or its authorized agency or representative, on demand, for verification, the records maintained as per clause (b) above.

(4) The Authority may, through drive tests of the cellular mobile telephone network conducted either by its own officers or employees or through an agency appointed by it or through joint drive tests with the service provider, assess the quality of the service coverage, and the service provider shall facilitate such drive tests.

(5) The service provider shall, suo motu, take all remedial action to rectify shortcomings or deficiencies, if any, detected during the joint drive tests referred to in sub-regulation (4) without waiting for any communication from the Authority and submit to the Authority ----

(a) its action plan, within thirty days of such drive tests, for remedying the shortcomings or deficiencies; and

(b) its final compliance report within such time limit as indicated in the action plan or such reduced time limit as may be indicated by the Authority in response to the action plan of the service provider referred to in clause (a), as the case may be.

(6) In respect of a drive test conducted by the Authority under sub-regulation (4) either by its own officers or employees or through an agency appointed by it, the service provider shall submit to the Authority ----

(a) its action plan for removal of the shortcomings or deficiencies, within thirty days of receipt by it of the communication from the Authority about such shortcomings or deficiencies based on such drive test; and

(b) its final compliance report within such time limit as indicated in the action plan or such reduced time limit as may be indicated by the Authority in response to the action plan of the service provider referred to in clause (a), as the case may be.

(7) The Authority may, if it considers it expedient so to do, and to ensure compliance of the provisions of sub-regulation (1), at any time, ---

(a) direct any of its officers or employees or an agency appointed by the Authority to inspect the records maintained under sub-regulation (3); or,

(b) get the records maintained under sub-regulation (3) audited.

SECTION IV

CUSTOMER PERCEPTION OF SERVICE FOR BASIC TELEPHONE SERVICE (WIRELINER) AND CELLULAR MOBILE TELEPHONE SERVICE

7. Quality of Service parameters to be reflected in customer perception of service..... The performance of the service providers in respect of the following Quality of Service benchmarks for the basic telephone service (wireline) or cellular mobile telephone service or both, as the case may be, in respect of each specified parameter, shall be subject to periodic assessment by the authority through customer satisfaction surveys, which may be conducted by the Authority either through its own officers or employees or through any agency appointed by it, namely :-

Serial Number	Name of Parameter	Benchmark
(a)	customers satisfied with the provision of service	≥ 90 %
(b)	customers satisfied with the billing performance	≥ 95 %
(c)	customers satisfied with network performance, reliability and availability	≥ 95 %
(d)	customers satisfied with maintainability	≥ 95 %
(e)	customers satisfied with supplementary and value added services	≥ 90 %
(f)	customers satisfied with help services including customer grievance redressal	≥ 90 %
(g)	customers satisfied with overall service quality	≥ 90 %

SECTION V

RECORD KEEPING, REPORTING AND PUBLICATION OF QUALITY OF SERVICE PERFORMANCE

8. Record Keeping.....(1) Every service provider shall maintain documented process of collection of data for each Quality of Service parameter specified by the Authority in regulation 3, regulation 4, regulation 5 and regulation 6 and submit to the Authority, within sixty days of notification of these regulations, the documented process of collection of data of each Quality of Service parameter, indicating the correlation with the primary data which are derived from system counters or codes in Operation and Maintenance Centre or Network Management System or Mobile Switching Centre or telephone exchange, along with

record keeping procedure.

(2) Every service provider shall maintain complete and accurate records of its compliance of benchmark of each Quality of Service parameter specified in regulations 3, regulation 4, regulation 5 and regulation 6 in such manner and in such formats as may be directed by the Authority, from time to time.

(3) The Authority may, from time to time, either by order or by direction, specify uniform record keeping procedures and formats, including guidelines on measurement methodology for various Quality of Service parameters specified in these regulations, to be followed by the service providers.

(4) The Authority may, if it considers it expedient so to do, and to ensure compliance of the provisions of sub-regulations (2) and (3), at any time, direct any of its officers or employees or an agency appointed by the Authority to inspect the records maintained under sub-regulations (2) and (3) or to get such records audited.

(5) The Authority may, if it considers it expedient so to do, require the concerned service provider to get the records maintained by it under sub-regulations (2) and (3) audited through an agency as may be specified by the Authority and submit the report in respect of such audit to the Authority and the cost of such audit shall be borne by the concerned service provider.

9. Reporting.....Every service provider shall submit to the Authority its compliance reports of benchmarks in respect of each Quality of Service parameter specified under regulation 3 and regulation 5 in such manner and format, at such periodic intervals and within such time limit as may be specified by the Authority, from time to time, by an order or direction.

10. Publication.....(1) The Authority may publish, in such manner and in such format, as may be decided by the Authority from time to time -----

(a) the compliance reports of benchmarks of each Quality of Service parameter reported to it by the service providers in accordance with regulation 9;

(b) the results of the audit and objective assessment of Quality of Service undertaken by the Authority or its authorised agency as per sub-regulation (3) of regulation 3 , sub-regulation (3) of regulation 5 and sub-regulations (4) and (5) of regulation 8; and

(c) the results of the customer satisfaction surveys undertaken by the Authority as per regulation 7 -----

through its website or through press releases or through advertisements in the newspapers, for the information of the general public.

(2) Every service provider shall publish, for the information of the

consumers, its performance with respect to the benchmark of Quality of Service parameter specified in regulation 3, regulation 4, regulation 5 and regulation 6, in such manner and in such format, as may be directed by the Authority from time to time.

11. Review..... (1) The Quality of Service parameters specified in regulation 3, regulation 4, regulation 5, regulation 6 and regulation 7 may be reviewed by the Authority from time to time.

(2) The Authority, on reference from any affected party for good and sufficient reasons, may review and modify these regulations.

12. Over-riding Effect Wherever higher quality parameter has been stipulated as a condition of licence, the Quality of Service as required by the licence shall have precedence over the parameters specified in these regulations.

13. Repeal and Saving.....(1) The Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 (11 of 2005) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Regulation shall be deemed to have been done or taken under the corresponding provisions of these regulations.

14. Interpretation..... In case of any doubt regarding interpretation of any of the provisions of these regulations, the clarification of the Authority shall be final and binding.

(R.K. Arnold)
Secretary

Note – The Explanatory Memorandum explains the objects and reasons including measurement methodology for various Quality of Service parameters of the “ Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009)”.

TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

NEW DELHI, THE 07TH MAY, 2012

**THE STANDARDS OF QUALITY OF SERVICE OF BASIC
TELEPHONE SERVICE (WIRELINER) AND CELLULAR MOBILE
TELEPHONE SERVICE (AMENDMENT) REGULATIONS, 2012
(10 OF 2012)**

F. No. 305-8/2012-QOS.--- In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations to amend the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009), namely:-

1. (1) These regulations may be called the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Amendment) Regulations, 2012.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In sub-regulation (1) of regulation 2 of the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) (hereinafter referred to as the principal regulations),-----

(a) for clause (f), the following clause shall be substituted, namely:-

“(f) **“Cellular Mobile Telephone Service”** –

(i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wireless telegraphy where every message that is conveyed thereby has been, or is to be, conveyed by means of a telecommunication system which is designed or adapted to be capable of being used while in motion;

(ii) refers to transmission of voice or non-voice messages over Licensee's Network in real time only but service does not cover broadcasting of any messages, voice or non-voice, however, Cell Broadcast is permitted only to the subscribers of the service;

(iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;

(iv) includes access service provided through Global System for Mobile Communications (GSM) and Code Division Multiple Access (CDMA) technologies and any other technologies permitted under the CMTS or UASL licence;"

(b) after clause (l), the following clause shall be inserted, namely:-

"(la) **"Node B"** means a logical node responsible for radio transmission or reception in a cell to or from the User Equipment;"

(c) after clause (r), the following clauses shall be inserted, namely:-

"(ra) **"Radio Access Bearer"** or **"RAB"** means a service provided by the Access Stratum to the Non-Access Stratum for the transfer of user data between the User Equipment and the Core Network;

(rb) **"Radio interface"** means the interface between User Equipment and the Universal Terrestrial Radio Access Network access point, which encompasses all the functionality required to maintain such interfaces;

(rc) **"Radio Resource Control"** or **"RRC"** means a sub layer of radio interface Layer 3 existing in the control plane which provides information transfer service to the Non-Access Stratum and is responsible for controlling the configuration of radio interface Layers 1 and 2;"

3. In sub-regulation (1) of regulation 5 of the principal regulations, in the table under the column 'Name of Parameter',.....

(a) Against serial number A (i) below the parameter 'Network Availability',....

(i) in item number (a), after the word "BTSS", the words "and Node Bs" shall be inserted;

(ii) in item number (b), after the word "BTSS", the words "and Node Bs" shall be inserted;

(b) against serial number A (ii) below the parameter 'Connection

Establishment (Accessibility)',.....

(i) in item number (b), after the words "Paging Channel", the words "and RRC" shall be inserted;

(ii) in item number (c), after the word "TCH" the words "and Circuit Switched RAB" shall be inserted;

(c) against serial number A (iii) below the parameter 'Connection Maintenance (Retainability)',.....

(i) in item number (a), after the word "Drop", the words "and Circuit Switched Voice Drop" shall be inserted;

(ii) in item number (b), after the bracket and words "(call drop)", the words "and Circuit Switched Voice Drop" shall be inserted;

(iii) in item number (c), after the word "quality", the words "and Circuit Switched Voice Quality" shall be inserted.

(Rajeev Agrawal)
Secretary

Note 1. -- The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 20th March, 2009 vide notification number No. 305-25/2008-QoS dated the 20th March, 2009.

Note 2. -- The Explanatory Memorandum explains the objects and reasons of the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Amendment) Regulations, 2012.

TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

NEW DELHI, THE 8TH NOVEMBER, 2012

F. NO. 305-8/2012-QOS.----- In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009), namely:-

**THE STANDARDS OF QUALITY OF SERVICE OF BASIC
TELEPHONE SERVICE (WIRELINER) AND CELLULAR MOBILE
TELEPHONE SERVICE (SECOND AMENDMENT)
REGULATIONS, 2012
(24 OF 2012)**

1. (1) These regulations may be called the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2012.

(2) They shall come into force with effect from 1st January 2013.

2. After regulation 3 of the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (hereinafter referred to as the principal regulations), the following regulation shall be inserted namely:-

“3A : Consequences for failure of basic service providers to meet the Quality of Service benchmarks.- (1) If a basic telephone service

provider fails to meet the Quality of Service benchmarks specified under sub-regulation (1) of regulation 3, it shall, without prejudice to the terms and conditions of its licence, or the Act or rules or regulations or orders made, or, directions issued, thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding rupees fifty thousand per parameter, as the Authority may, by order, direct :

Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the basic telephone service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.

- (2) If the compliance report furnished by a basic telephone service provider under sub-regulation (2) of regulation 3 is false and which such service provider knows or believes to be false or does not believe to be true, it shall, without prejudice to the terms and condition of its licence, or the Act or rules or regulations or orders made, or, directions issued thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding rupees ten lakh per parameter for which such false report has been furnished, as the Authority may, by order, direct:

Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the basic telephone service provider has been given a reasonable opportunity of representing against the contravention of the regulation, observed by the Authority.

- (3) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.”

3. After regulation 5 of the principal regulations, the following regulation shall be inserted, namely:-

“5A. Consequences for failure of cellular mobile telephone service providers to meet the Quality of Service benchmarks.- (1)

If a cellular mobile telephone service provider fails to meet the benchmark of parameter specified under serial number **A** of sub-regulation (1) of regulation (5), it shall, without prejudice to the terms and conditions of its licence, or the Act or rules or regulations or orders made, or directions issued, thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding rupees fifty thousand per parameter and in case of second or subsequent such contravention, to pay an amount not exceeding rupees one lakh per parameter for each contravention, as the Authority may, by order, direct:

Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the cellular mobile telephone service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.

(2) If a cellular mobile telephone service provider fails to meet the benchmark of parameter specified under serial number **B** of sub-regulation (1) of regulation (5), it shall, without prejudice to the terms and conditions of its licence, or the Act or rules or regulations or orders made, or, directions issued, thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding rupees fifty thousand per parameter, as the Authority may, by order, direct:

Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the cellular

mobile telephone service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.

- (3) If the compliance report furnished by a cellular mobile telephone service provider under sub-regulations (2) of regulation 5 is false and which such service provider knows or believes to be false or does not believe to be true, it shall, without prejudice to the terms and conditions of its license, or the Act or rules or regulations or orders made, or, directions issued thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding rupees ten lakh per parameter for which such false report has been furnished, as the Authority may, by order, direct:

Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the cellular mobile telephone service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.

- (4) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.”

4. After regulation 9 of the principal regulations, the following regulation shall be inserted, namely:-

“9A. Consequences for failure of the service providers to submit compliance report.-(1) If a service provider contravenes the provisions of regulation 9, it shall, without prejudice to the terms and conditions of its licence, or the provisions of the Act or rules or regulations or orders made, or, directions issued, thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding rupees five thousand for every day during which the default continues, as the Authority may, by order, direct:

Provided that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority.

- (2) The amount payable by way of financial disincentive under these regulations shall be remitted to such head of account as may be specified by the Authority.”

(Rajeev Agrawal)
Secretary

Note.1.--- The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 20th March, 2009 vide notification number No. 305-25/2008-QoS dated the 20th March, 2009.

Note.2.--- The principal regulations were amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone service (Amendment) Regulations, 2012 (10 of 2012) dated the 7th May, 2012.

Note.3.--- The Explanatory Memorandum explains the objects and reasons of the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2012 (24 of 2012).

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 21 August, 2014

F. No. 305-01/2014-QoS.----- In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b), of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009), namely: -

THE STANDARDS OF QUALITY OF SERVICE OF BASIC TELEPHONE SERVICE (WIRELINE) AND CELLULAR MOBILE TELEPHONE SERVICE (THIRD AMENDMENT) REGULATIONS, 2014 (12 OF 2014)

1. (1) These regulations may be called the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Third Amendment) Regulations, 2014.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In regulation 3 of the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) (hereinafter referred to as the principal regulations), in sub-regulation (1), in the table, -

(a) under the column 'Benchmark', ---

(i) against serial number (i), for the character and figure " ≤ 5 ", the character and figure " ≤ 7 ", shall be substituted;

(ii) against serial number (ii), ---

(A) under the heading "For urban areas", for the words, character and figures "By next working day: $\geq 90\%$ and within 3 days: 100%", the character, figures and words "By next working day: $\geq 85\%$ and within five days: 100%" shall be substituted;

(B) under the heading "For rural and hilly areas", for the words, character and figures "By next working day: $\geq 90\%$ and within 5 days: 100%", the characters, figures and words "By next working day: $\geq 75\%$ and within 7 days: 100%" shall be substituted;

(iii) against serial number (iii), for the character, figure and letters " ≤ 8 Hrs", the character, figure and letters " ≤ 10 hours" shall be substituted;

(iv) (a) against serial number (viii), for the figures, character and words "100% within 4 weeks", the figures, character and words " $\geq 98\%$ within four weeks and 100% within six weeks" shall be substituted;

(b) against serial number (iv), the entries appearing under the columns 'Name of Parameter', 'Benchmark', and 'Averaged over a period' shall be deleted;

(c) against serial number (x), ---

(i) under the column 'Name of Parameter', in parameter (b), for the figure and word "60 seconds", the words "ninety seconds" shall be substituted;

(ii) against parameter (b), under the column 'Benchmark', for the character and figures " $\geq 90\%$ ", the character and figures " $\geq 95\%$ " shall be substituted;

3. In regulation 5 of the principal regulations, in sub-regulation (1), in the table, ---

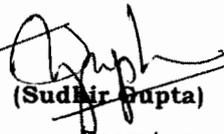

सुधीर गुप्ता / SUDHIR GUPTA
सचिव / Secretary
भारतीय दूरसंचार विनियामक प्राधिकरण
Telecom Regulatory Authority of India

(a) against serial number (vii), under the column 'Benchmark', for the figure, character and words "100% within 4 weeks", the figure, character and words " ≥ 98% within four weeks and 100% within six weeks" shall be substituted; 79

(b) against serial number (viii), ---

(i) under the column 'Name of Parameter', in parameter (b), for the figure and words "60 seconds", the words "ninety seconds" shall be substituted;

(ii) under the column 'Benchmark', against parameter (b), for the characters and figure " ≥ 90%", the characters and figure " ≥ 95%" shall be substituted;


सुधीर गुप्ता/SUDHIR GUPTA (Sudhir Gupta)
सचिव/Secretary
भारतीय दूरसंचार विनियामक प्राधिकरण
Telecom Regulatory Authority of India
नई दिल्ली-110002/New Delhi-110002
Secretary

Note.1. —The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 20th March, 2009 vide notification number No. 305-25/2008-QoS dated the 20th March, 2009.

Note.2. —The principal regulations were amended by issuing The Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Amendment) Regulations, 2012 (10 of 2012) dated 7th May, 2012.

Note.3. —The principal regulations were further amended by issuing The Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2012 (24 of 2012) dated 8th November, 2012.

Note.4. —The Explanatory Memorandum explains the objects and reasons of the "Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Third Amendment) Regulations, 2014.

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 15th OCTOBER, 2015

THE STANDARDS OF QUALITY OF SERVICE OF BASIC TELEPHONE SERVICE (WIRELINER) AND CELLULAR MOBILE TELEPHONE SERVICE (FOURTH AMENDMENT) REGULATIONS, 2015 (8 OF 2015)

F. NO. 305-25/2014-QoS.----- In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009), namely:-

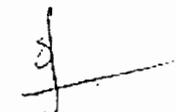
1. (1) These regulations may be called the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Fourth Amendment) Regulations, 2015.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In regulation 5A of the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009),----

(a) for sub-regulation (1), the following sub-regulation shall be substituted, namely:-

“(1) If a cellular mobile telephone service provider fails to meet the benchmark of parameter specified under sub-regulation (1) of regulation (5), it shall, without prejudice to the terms and conditions of its licence, or the Act or rules or regulations or orders made, or directions issued, thereunder, be liable to pay an amount, by way of financial disincentive, not exceeding rupees one lakh per parameter for the first contravention reported by the service provider in its quarterly report:


सुधीर गुप्ता/SUDHIR GUPTA
सचिव/Secretary
भारतीय दूरसंचार विनियमन आयोग
Telecom Regulatory Authority of India
New Delhi

Provided that if the service provider fails to meet the benchmark of the same parameter consecutively in two or more subsequent quarters, he shall be liable to pay, by way of financial disincentives, an amount not exceeding rupees one lakh fifty thousand for the second consecutive contravention and not exceeding rupees two lakhs for each consecutive contravention occurring thereafter;

Provided further that for any failure to meet the benchmark of a parameter, after the service provider has reported compliance of the said parameter in the previous quarter, he shall be liable to pay the financial disincentive for such failure as applicable for the first contravention:

Provided also that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the cellular mobile telephone service provider has been given a reasonable opportunity of representing against the contravention of the regulation observed by the Authority."

- (b) sub-regulation (2) shall be deleted.


(Sudhir Gupta)
Secretary
भारतीय दूरभाष विनियमन प्राधिकरण
Telecom Regulatory Authority of India

Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 20th March, 2009 vide notification No. 305-25/2008-QoS dated the 20th March, 2009.

Note.2. — The principal regulations were amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Amendment) Regulations, 2012 (10 of 2012) dated the 7th May, 2012.

Note.3. — The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2012 (24 of 2012) dated the 8th November, 2012.

Note.4. — The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Third Amendment) Regulations, 2014 (12 of 2014) dated the 21st August, 2014.

Note.5. — The Explanatory Memorandum explains the objects and reasons of the "Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Fourth Amendment) Regulations, 2015 (8 of 2015).

TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY, PART III, SECTION 4
TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

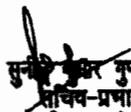
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NEW DELHI, 18th AUGUST, 2017

THE STANDARDS OF QUALITY OF SERVICE OF BASIC TELEPHONE SERVICE (WIRELINER) AND CELLULAR MOBILE TELEPHONE SERVICE (FIFTH AMENDMENT) REGULATIONS, 2017 (4 of 2017)

F. No. 304-2/2016-QoS.....In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009), namely: -

1. (1) These regulations may be called the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Fifth Amendment) Regulations, 2017 (4 of 2017);
(2) They shall come into force with effect from the 1st day of October 2017.
2. In sub-regulation (3) of regulation 1 of the Standards of Quality of Service Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) (hereinafter referred to as the principal regulations), after clause (iii), the following clause shall be inserted:-
"(iv) Access Services authorized under Unified License (UL)";
3. In sub-regulation (1) of regulation 2 of the principal regulations,
(a) after clause (a), the following clause shall be inserted:-
"(aa) Access Services Authorization under Unified License (UL)
(i) means collection, carriage, transmission and delivery of voice and/or non-voice messages over Licensee's network in the designated Service Area.
(ii) The Licensee can also provide Internet Telephony, Internet Services including IPTV, Broadband Services and triple play i.e. voice, video and data.
(iii) While providing Internet Telephony service, the Licensee may interconnect Internet Telephony network with PSTN/PLMN/GMPCS network. The Licensee may provide access service, which could be on wireline and / or wireless media with full mobility, limited mobility and fixed wireless access";
(b) after clause (b), the following clause shall be inserted:-
"(ba) "Base Station" or "BS" means a network element in a radio access network that is responsible for radio transmission and reception in one or more Cells to or from the user equipment and it includes BTS, Node B and eNode B;
(bb) "Base Transceiver Station" or "BTS" means a Base Station in a GSM or CDMA based radio access network technology";
(c) for clause (d), the following shall be substituted:-
"(d) "Cell" means an area of radio coverage identified by a Cell Global Identity or CGI";
(d) after clause (e), the following clauses shall be inserted:-
"(ea) "Cell Identity" or "CI" means identity of a cell which is unique within a Location Area(LA) or a Tracking Area (TA)";
(eb) "Cell Global Identity" or "CGI" means the Globally Unique Identification of a cell and is the concatenation of the Mobile Country Code (MCC), Mobile Network Code (MNC), Location Area Code(LAC) or Tracking Area Code (TAC) and the Cell Identity (CI)";
(ec) "Cell_Q(t)" or "Cell Quality of Service Performance Measure for DCR Parameter" means the tth


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percentile value in the set of DCR values corresponding to a Cell observed during the assessment period. **83**

(ed) "**Cell_Q(90)**" means Cell_Q(t) with t=90 and indicates the 90th percentile DCR value in the set of DCR values observed for a Cell in the assessment period;

Explanation: If a Cell was operating for ninety days during an assessment period and computed DCR values were available for all these ninety days then arranging these ninety DCR values in ascending order and finding 90th percentile DCR value for that Cell would point to 81st DCR value (counted from lowest to highest DCR value). This Cell_Q(90) DCR value will be the representative DCR value for calculation of Spatial Distribution Measure of that Cell during that assessment period";

(e) sub-clause (iv) of clause (f) shall be substituted by the following:-

"(iv) includes any service provided through Global System for Mobile Communications (GSM), Code Division Multiple Access (CDMA), Wideband CDMA based Universal Terrestrial Radio Access Network (UTRAN), Evolved Universal Terrestrial Radio Access Network (E-UTRAN) based on Long Term Evolution (LTE) technologies and any other technologies permitted under the CMTS or UASL or UL";

(f) after clause (h), the following clauses shall be inserted:-

"(ha) "**Day_Q(s)**" or "**Network Quality of Service Performance Measure on a Day for DCR Parameter**" means the sth percentile DCR value in the set of DCR values of all cells of the network on a particular day;

(hb) "**Day_Q(97)**" means Day_Q(s) with s=97 and indicates the 97th percentile DCR value in the set of DCR values of all Cells of the network on a particular day;

Explanation: If ten thousand cells were operating in a network on a particular day and computed DCR values were available for all these ten thousand cells then arranging these ten thousand DCR values in ascending order and finding the 97th percentile DCR value would point to the 9700th DCR value (counted from lowest to highest). This Day_Q(97) value will be the representative DCR value for calculation of Temporal Distribution Measure of the network on that day;

(hc) "**Drop Call Rate**" or "**DCR**" means the percentage of voice calls which once having been established are interrupted prior to their normal completion;

(hd) "**eNode B**" or "**evolved Node B**" or "**eNB**" means a Base Station that acts as a logical node in Evolved Universal Terrestrial Radio Access Network (E-UTRAN) based on Long Term Evolution (LTE) technology";

(g) after clause (j), the following clause shall be inserted:-

"(ja) "**Location Area**" or "**LA**" means an area in which a mobile station may move freely without updating the Visitor Location Register (VLR) and includes one or several cells in GSM or CDMA or UTRAN Network;

(jb) "**Location Area Code**" or "**LAC**" means a number of fixed length identification number (of 2 octets) used for identifying a Location Area (LA) within a Public Land Mobile Network (PLMN)";

(h) clause (la) shall be substituted by the following:-

"**Node B**" means a Base Station that acts as a logical node in a Universal Terrestrial Access Network (UTRAN) based on Wideband CDMA (WCDMA) technology";

(i) after clause (la), the following clause shall be inserted:-

"(lb) "**Network_Q_{SD}(s,t)**" or "**Network Quality of Service (QoS) DCR Spatial Distribution Measure**" means the sth percentile value in the set of Cell_Q(t) values for all cells in a network during the assessment period;

Explanation: Network_Q_{SD}(s,t) is a representative DCR spatial distribution value for the entire network during the assessment period and indicates that Cell_Q(t) value of at-least s% of the cells were equal to or lower than the Network_Q_{SD}(s,t) value;

(lc) "**Network_Q_{SD}(90,90)**" means Network_Q_{SD}(s,t) with s=90 and t=90, and indicates 90th percentile value of Cell_Q(90) values of all cells in the network;

Explanation: Network_Q_{SD}(90,90) value is a representative DCR spatial distribution value for the entire network during the assessment period indicating that Cell_Q(90) value for at-least 90% of the Cells were equal

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to or lower than the Network_Q_{SD}(90,90) value. For example, if a network was operating with ten thousand cells on ninety days during the assessment period then Network_Q_{SD}(90,90) value will be the 90th percentile Cell_Q(90) value out of the available ten thousand Cell_Q(90) values;

(ld) "**Network_Q_{TD}(s,t)**" or "**Network Quality of Service(QoS) DCR Temporal Distribution Measure**" means the tth percentile value in the set of Day_Q(s) values for a network on all days in the assessment period;

Explanation: Network_Q_{TD}(s,t) is a representative DCR temporal distribution value for the entire network during the assessment period which indicates that the Day_Q(s) value for at-least t% of the days during the assessment period were equal to or lower than the Network_Q_{TD}(s,t) value;

(le) "**Network_Q_{TD}(97,90)**" means Network_Q_{TD}(s,t) with s=97 and t=90, it indicates 90th percentile value of Day_Q(97) values of network on all days in the assessment period;

Explanation: Network_Q_{TD}(97,90) is a representative DCR temporal distribution value for the entire network during the assessment period indicating that the Day_Q(97) values of the network for at-least 90% of the days of the assessment period were equal to or lower than the Network_Q_{TD}(97,90) value. For example, if a network was operating with ten thousand cells for ninety days during the assessment period, then the Network_Q_{TD}(97,90) value will be the 90th percentile Day_Q(97) value out of available ninety Day_Q(97) values;

"(lf)" **nth Percentile**" or "**nth Percentile Value**" means the smallest data value in a given data set with the property that n% of the data values in that data set are less than or equal to it.

Explanation: Percentile is a measure of relative standing of an observation within the data set, for example, if 90th percentile value is to be calculated in a data set of 200 DCR values each falling in the interval from 0 to 100 (in percent), then it would point to DCR value at 180th position (90% of 200), when all 200 DCR values are arranged in ascending order and say it is 3.45% (DCR value) in this example. The 3.45% DCR value will be the smallest DCR value in the given set of 200 DCR values with the property that 90% of the DCR values in this set i.e. DCR values from position 1 to 179 in set of values arranged in ascending order, are less than or equal to it. If the data set has many data values in the given data set with 3.45% DCR value, then 90th percentile would point to all such DCR values. In case, n% of the data values comes out to be a number with fraction then rounded up number shall be used."

(j) after clause (m), the following clause shall be inserted:-

"(ma) "**Evolved-Universal Terrestrial Radio Access Network (E-UTRAN) Radio Access Bearer**" or "**E-RAB**" means a user plane connection between User Equipment (UE) and Serving Gateway (SGW) in the LTE based technology;"

(k) after sub-clause (rb), the following clause shall be inserted:-

"(rba)"**Radio Link Timeout**" or "**RLT**" means the Radio Link Timeout value broadcast by the GSM based radio access networks to initialize 'S' counter";

(l) after clause (u), the following clause shall be inserted:-

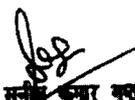
"(ua) "**Tracking Area**" or "**TA**" means an area in which a mobile station may move freely without updating the Mobile Management Entity (MME) and includes one or several cells of Evolved Universal Terrestrial Radio Access Network (E-UTRAN);

(ub) "**Tracking Area Code**" or "**TAC**" means a fixed length identification number (of 2 octets) used for identifying a Tracking Area within a Public Land Mobile Network (PLMN)";

(m) after clause (y), the following clause shall be inserted:-

(z) "**Voice over LTE**" or "**VoLTE**" means voice call established, maintained and released using IP (Internet Protocol) Multi-Media Sub-System (IMS)."

4. In sub-regulation (1) of regulation 5 of the principal regulations, in the table, the column headings and entries in Serial Number A, Network Service Quality Parameters shall be substituted by the following column headings and entries:-


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Serial Number	Name of Parameter	Benchmark	Method and Assessment period
A	Network Service Quality Parameters:		
(i)	Network Availability		
	(a) Base Station Accumulated downtime (not available for service)	$\leq 2\%$	On average basis over a period of one quarter
	(b) Worst affected Base Station due to downtime	$\leq 2\%$	On average basis over a period of one quarter
(ii)	Connection Establishment (Accessibility)		
	(a) Call Set-up Success Rate and Session Establishment Success Rate for Circuit Switched Voice or VoLTE as applicable (within licensee's own network)	$\geq 95\%$	On average basis over a period of one quarter
	(b) SDCCH/ Paging Channel Congestion / RRC Congestion	$\leq 1\%$	On average basis over a period of one quarter
	(c) TCH, RAB and E-RAB Congestion	$\leq 2\%$	On average basis over a period of one quarter
(iii)	Connection Maintenance (Retainability)		
	(a) Network QoS DCR Spatial Distribution Measure [Network_Q _{SD} (90,90)]	$\leq 2\%$	On percentile basis over a period of one quarter
	(b) Network QoS DCR Temporal Distribution Measure [Network_Q _{TD} (97,90)]	$\leq 3\%$	On percentile basis over a period of one quarter
	(c) connections with good voice quality, Circuit Switched Voice Quality and Voice over LTE (VoLTE) quality	$\geq 95\%$	On average basis over a period of one quarter
(iv)	Point of Interconnection (POI) Congestion (on individual POI)	$\leq 0.5\%$	On average basis over a period of one quarter

5. In sub-regulation (1) of regulation 5 of the principal regulations, below the table, the following shall be inserted-

NOTE-1: The performance against benchmarks for the parameters listed under (i), (ii) and (iii) in the table shall be computed for all the cells, which are being used to provide Circuit Switched Voice or VoLTE service, in the License Service Area (LSA) in which a service provider is operating;

Explanation: In case, VoLTE service is provided by the service provider then DCR values for the cells of the eNodeBs will be included for the parameters listed under (iii) in the table and if only Circuit Switch based voice calls are provided then cells in the eNode Bs will not be included for the assessment purposes of parameter under (iii) in the table;

NOTE-2: All DCR values for the assessment period shall be considered for Percentile value computation for the parameter listed under (iii) (a) and (iii) (b) in the table except the cases enumerated in the table for list of 'DCR Codes (DC)' given in Note 5;


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NOTE-3: DCR values of each cells for the computation of parameter listed under (iii) (a) and (iii) (b) of the table shall 86 computed, up to two decimal places, during Cell Bouncing Busy Hour;

NOTE-4: Blank DCR entries or entries filled with any value other than computed DCR value or entries filled with any code or text other than DCR codes specified in Note 5, shall be considered as non-submission of compliance report;

NOTE-5: DCR codes as given below in the table shall be used for the reasons and circumstances corresponding to the codes:

DCR Code	Stands for	Reason or circumstances
DNE	Does Not Exist	The cell was either not commissioned or de-commissioned in the middle of the assessment period and was not part of the network to serve the users in the network.
NOP	Not Operational	The cell was not in operation either due to planned shut down or force majeure condition or technical problem and thus not able to serve the users in the network.
NAV	counter values Not Available	If the requisite counter values for computation of DCR for a Cell on a particular day could not be captured due to technical glitch although the cell was operational.
NDM	computation of DCR Not Determinable or irrelevant	In case, DCR values are indeterminate or computed value is irrelevant for the purpose of assessment

NOTE-6: Authority may further add, modify or delete the list of DCR Codes, through directions issued from time to time;

NOTE-7: Usage of DCR codes for reasons and circumstances other than that as specified in Note 5 shall be treated as violation in terms of sub-regulation (3) of Regulation 5 of the principal regulations.

6. In regulation 5A of the principal regulations,-----

(a) in sub regulation (1), after the words, characters and number "regulation (5)", the following shall be inserted:-

(i) ", other than the DCR related parameters i.e. Network_QSD(90,90) and Network_QTD(97,90);"

(b) after sub regulation (1), the following sub regulations shall be inserted:-

"(1a) If a cellular mobile telephone service provider fails to meet the benchmark for the parameter 'Network_QSD(90,90)', specified under sub-regulation (1) of regulation (5), it shall without prejudice to the terms and conditions of its license, or the Act or rules or regulations or orders made, or directions issued thereunder, be liable to pay an amount, by way of financial disincentive, as given in the table below, for the contravention, reported by the service provider in its quarterly report:

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 Telecom Regulatory Authority of India
 मध्यमचर दूरसंचार भवन (पुराना भिंटे रोड)
 नई दिल्ली-110002 / New Delhi-110002

Value of Network_Q _{SD} (90,90) in quarterly report	Amount of Financial Disincentives in rupees
More than 2% but not exceeding 4%	not exceeding One lakh
More than 4% but not exceeding 6%	not exceeding Two lakhs
More than 6% but not exceeding 8%	not exceeding Three lakhs
More than 8% but not exceeding 10%	not exceeding Four lakhs
More than 10%	not exceeding Five lakhs

Provided that if the service provider fails to meet the benchmark consecutively in two or more subsequent quarters, he shall be liable to pay, by way of financial disincentive, an amount not exceeding one and half times of financial disincentive payable, for the consecutive contravention and not exceeding twice the financial disincentive liable to be paid as specified in the table above for each consecutive contravention occurring thereafter:

Provided also that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the cellular mobile telephone service provider has been given a reasonable opportunity by representing against the contravention of the regulation observed by the Authority.

(1b) If a cellular mobile telephone service provider fails to meet the benchmark for the parameter 'Network_Q_{TD}(97,90)', specified under sub-regulation (1) of regulation (5), it shall without prejudice to the terms and conditions of its license, or the Act or rules or regulations or orders made, or directions issued there under, be liable to pay an amount, by way of financial disincentive, as given in the table below, for the first contravention, reported by the service provider in its quarterly report:

Value of Network_Q _{TD} (97,90) in quarterly report	Amount of Financial Disincentives in rupees
More than 3% but not exceeding 5%	not exceeding One lakh
More than 5% but not exceeding 7%	not exceeding Two lakhs
More than 7% but not exceeding 9%	not exceeding Three lakhs
More than 9% but not exceeding 11%	not exceeding Four lakhs
More than 11%	not exceeding Five lakhs

Provided that if the service provider fails to meet the benchmark consecutively in two or more subsequent quarters, he shall be liable to pay, by way of financial disincentive, an amount not exceeding one and half times of financial disincentive payable, for the consecutive contravention and not exceeding twice the financial disincentive, liable to be paid as specified in the table above, for each consecutive contravention occurring thereafter:

Provided also that no order for payment of any amount by way of financial disincentive shall be made by the Authority unless the cellular mobile telephone service provider has been given a reasonable opportunity by representing against the contravention of the regulation observed by the Authority.

- (1c) The total amount payable as financial disincentives, under sub-regulation (1a) and (1b), shall not exceed rupees ten lakhs, in a quarter.
- (1d) The Authority may, impose a lower amount of financial disincentive than the amount of financial disincentive payable as per the provisions in sub-regulation (1a) or (1b) or (1c), as the case may be; where it finds merit in the


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reasons furnished by the service providers:

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Provided that the decision of the Authority in such circumstances shall be final and binding on the service providers."

7. In sub-regulation (1) of regulation 6 of the principal regulations, -----
in the table, the following numbers, words, characters shall be inserted:-

Serial Number	Name of Parameter	Benchmark
2	Radio Link Timeout (RLT)	4 to 64

- (a) after sub-regulation (6), the following sub-regulation shall be inserted:-

“(6a) The service provider shall keep records of those BTS with their locations, which were configured with Radio Link Timeout (RLT) values equal to or higher than 48 for a period of more than 3 consecutive days. Service provider shall maintain the records of valid reasons or justification for keeping RLT equal to or more than 48 for each Cell of BTS and provide it to the Authority or its authorized agency or representative, on demand, for verifications”.


(Sunil Kumar Gupta)

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New Delhi, India
भारतीय दूरसंचार मन्त्र (पुराना मिटो टैब)
नई दिल्ली-110002 / New Delhi-110002

Note.1. —The principal regulations were published in the Gazette of India, Extraordinary, Part III, March, 2009 vide notification No. 305-25/2008-QoS dated the 20th March, 2009.

Note.2. —The principal regulations were amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Amendment) Regulations, 2012 (10 of 2012) dated the 7th May, 2012.

Note.3. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2012 (24 of 2012) dated the 8th November, 2012.

Note.4. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Third Amendment) Regulations, 2014 (12 of 2014) dated the 21st August, 2014.

Note.5. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Fourth Amendment) Regulations, 2015 (8 of 2015) dated the 15th October, 2015.

Note.6. —The Explanatory Memorandum explains the objects and reasons of the “Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Fifth Amendment) Regulations, 2017 (4 of 2017).

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 31st July, 2018

F. No. 305-03/2018-QoS.....In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009), namely: -

**THE STANDARDS OF QUALITY OF SERVICE OF BASIC TELEPHONE SERVICE (WIRELINE) AND CELLULAR MOBILE TELEPHONE SERVICE (SIXTH AMENDMENT) REGULATIONS, 2018
(7 of 2018)**

1. (1) These regulations may be called the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Sixth Amendment) Regulations, 2018 (7 of 2018);
(2) They shall come into force from the 1st day of October 2018.
2. In sub-regulation (1) of regulation 2 of the Standards of Quality of Service Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) (hereinafter referred to as the principal regulations),
 - (a) after clause (hb), the following clauses shall be inserted, namely: -
“(hba) **“Down Link (DL) Packet Drop Rate or DL-PDR”** means fraction of Packet Data Convergence Protocol (PDCP) Service Data Units (SDUs), in percentages, which are dropped by the network or lost in the network while transferring data on the downlink for Quality of Service (QoS) Class Identifier (QCI)=1 in LTE based radio access networks;”
 - (b) after clause (y), the following clause shall be inserted, namely: -
“(ya) **“Up Link (UL) Packet Drop Rate or UL-PDR”** means fraction of Packet Data Convergence Protocol (PDCP) Service Data Units (SDUs), in percentages, which are lost in the network while transferring data on the uplink for Quality of Service (QoS) Class Identifier (QCI)=1 in LTE based radio access networks;”
3. In sub-regulation (1) of regulation 5 of the principal regulations, in the table, and,
 - (a) under the column “Name of Parameter”,
 - (i) in serial number (iii) after entry (c), the entry ‘(d) DL Packet Drop Rate’ shall be inserted;
 - (ii) in serial number (iii) after entry (d), the entry ‘(e) UL Packet Drop Rate’ shall be inserted;
 - (b) under the column “Benchmark”,

- (i) in serial number (iii) item (d), the entry '≤ 2%' shall be inserted;
- (ii) in serial number (iii) item (e), the entry '≤ 2%' shall be inserted;
- (c) under the column "Method and Assessment period",
 - (i) in serial number (iii) item (d), the entry 'On average basis over a period of one quarter' shall be inserted;
 - (ii) in serial number (iii) item (e), the entry 'On average basis over a period of one quarter' shall be inserted.

(Sunil Kumar Gupta)
Secretary

Note.1. —The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 20th March 2009 vide notification No. 305-25/2008-QoS dated the 20th March 2009.

Note.2. —The principal regulations were amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Amendment) Regulations, 2012 (10 of 2012) dated the 7th May 2012.

Note.3. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2012 (24 of 2012) dated the 8th November 2012.

Note.4. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Third Amendment) Regulations, 2014 (12 of 2014) dated the 21st August 2014.

Note.5. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Fourth Amendment) Regulations, 2015 (8 of 2015) dated the 15th October 2015.

Note.6. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Fifth Amendment) Regulations, 2017 (4 of 2017) dated the 18th August, 2017.

Note.7. —The Explanatory Memorandum explains the objects and reasons of the "Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Sixth Amendment) Regulations, 2018 (7 of 2018).


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TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 1st November, 2019

F. No. 301-02/2018-QoS(Misc.).....In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009), namely: -

THE STANDARDS OF QUALITY OF SERVICE OF BASIC TELEPHONE SERVICE (WIRELINE) AND CELLULAR MOBILE TELEPHONE SERVICE (SEVENTH AMENDMENT) REGULATIONS, 2019 (8 of 2019)

1. (1) These regulations may be called the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Seventh Amendment) Regulations, 2019 (8 of 2019);

(2) They shall come into force after fifteen days from the date of their publication in the Official Gazette.

2. After regulation 6 of the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009), the following regulation shall be inserted, namely: -

“6A. Duration of alert for the called party: (1) The time duration of alert for an incoming voice call, which is neither answered nor rejected by the called party, shall be thirty seconds for Cellular Mobile Telephone Service and sixty seconds for Basic Telephone Service.

(2) The terminating network shall, on expiry of thirty seconds in case of Cellular Mobile Telephone Service and sixty seconds in case of Basic Telephone Service, release the incoming voice call and transmit the call release message to the originating network:

Provided that the originating network may release an unanswered call after ninety seconds in case the call release message is not received from the terminating network.”

(Sunil Kumar Gupta)
Secretary

Note.1. —The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 20th March, 2009 vide notification No. 305-25/2008-QoS dated the 20th March, 2009.

Note.2. —The principal regulations were amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Amendment) Regulations, 2012 (10 of 2012) dated the 7th May, 2012.

Note.3. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Second Amendment) Regulations, 2012 (24 of 2012) dated the 8th November, 2012.

Note.4. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Third Amendment) Regulations, 2014 (12 of 2014) dated the 21st August, 2014.

Note.5. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Fourth Amendment) Regulations, 2015 (8 of 2015) dated the 15th October, 2015.

Note.6. —The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Fifth Amendment) Regulations, 2017 (4 of 2017) dated the 18th August, 2017.

Note.7. — The principal regulations were further amended by issuing the Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service (Sixth Amendment) Regulations, 2018 (7 of 2018) dated the 31st July, 2018.

Note.8. —The Explanatory Memorandum explains the objects and reasons of the “Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service (Seventh Amendment) Regulations, 2019 (8 of 2019).

MINISTRY OF COMMUNICATIONS**(Department Of Telecommunications)****NOTIFICATION**

New Delhi, the 15th November, 2016

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

CHAPTER I**PRELIMINARY**

1. **Short title and commencement.**-(1) These rules may be called the Indian Telegraph Right of Way Rules, 2016.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions.**-(1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Indian Telegraph Act, 1885 (13 of 1885);
 - (b) "appropriate authority" means the Central Government, respective State Governments, local authority or such authority, body, company or institution incorporated or established by the Central Government or the State Government, in respect of property, under, over, along, across, in or upon which underground or overground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate authority;
 - (c) "State Government" means the State Government having jurisdiction, and includes the administration of a Union territory;
 - (d) "licensee" means any person holding a licence issued under sub-section (1) of section 4 of the Act;
 - (e) "overground telegraph infrastructure" means a telegraph or a telegraph line established over the ground and includes posts or other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line;
 - (f) "rule" means the Indian Telegraph Right of Way Rules, 2016.
 - (g) "underground telegraph infrastructure" means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.
- (2) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.
3. **Applicability.**- The appropriate authority shall exercise the powers under these rules on an application for establishment and maintenance of underground or overground telegraph infrastructure by any licensee on whom the powers of the telegraph authority have been conferred by notification under section 19B of the Act, subject to any conditions and restrictions as may be imposed in such notification.
4. **Nodal officer to be designated by local authority, etc.**-(1) Every appropriate authority shall designate a nodal officer for the purposes of these rules.
 - (2) The appropriate authority shall develop an electronic application process within a period of one year from the date of coming into force of these rules for submission of applications:
Provided that the State Government may at its discretion establish a single electronic application process for all appropriate authorities under its control.

CHAPTER II**ESTABLISHMENT AND MAINTENANCE OF UNDERGROUND TELEGRAPH INFRASTRUCTURE**

5. **Application by a licensee.**—(1) A licensee shall, for the purposes of establishment of telegraph infrastructure under any immovable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents, to that authority in such form and manner as may be specified by that appropriate authority.
 - (2) The information along with supporting documents to be provided by the licensee in the application made under sub-rule (1) shall include-

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

Provided that the licensee shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

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

Provided that such fee to meet administrative expenses shall not exceed one thousand rupees per kilometer.

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

- (a) the route planned for the proposed underground telegraph infrastructure and the possible interference, either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route;
- (b) the mode of execution;
- (c) the time duration for execution of the work and the time of the day that the work is proposed to be executed;
- (d) the estimation of expenses that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken;
- (e) the responsibility for restoration of any damage that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken;
- (f) assessment of measures to ensure public safety and inconvenience that the public is likely to be put in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee;
- (g) any other matter, consistent with the provisions of the Act and these rules, connected with or relative to the establishment or maintenance of underground telegraph infrastructure, through a general or special order, by the Central Government, appropriate State Government or the appropriate local authority.

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

- (a) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety and payment of restoration charge, as may be specified, subject to the provisions of the Act and these rules; or
- (b) reject the application for reasons to be recorded in writing:

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

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

(3) Where the appropriate authority accepts the undertaking by the licensee to discharge the responsibility to restore the damage that such appropriate authority shall necessarily be put in consequence of the work, the appropriate authority, while granting permission under clause (a) of sub-rule (2), may seek a bank guarantee for an amount in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

(4) The appropriate authority shall not charge any fee other than those prescribed under sub-rule (3) of rule 5 and clause (a) of sub-rule (2) from the licensee for establishing underground telegraph infrastructure.

7. Obligations of licensee in undertaking work.—(1) The licensee shall make the payment of expenses or submit the bank guarantee as determined by the appropriate authority within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure:

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

(2) The licensee shall ensure that –

(a) prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and

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

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

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

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

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

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

CHAPTER III

ESTABLISHMENT OF OVERGROUND TELEGRAPH INFRASTRUCTURE

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

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

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

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

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

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

(v) the copy of approval issued by the duly authorised officer of the Central Government for location of the above ground contrivances proposed to be used for the transmission of Radio waves or Hertzian waves;

(vi) the mode of and the time duration for, execution of the work;

(vii) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;

- (viii) the measures proposed to be taken to ensure public safety during the execution of the work;
- (ix) the detailed technical design and drawings of the post or other above ground contrivances;
- (x) certification of the technical design by a structural engineer attesting to the structural safety, of the overground telegraph infrastructure;
- (xi) certification, by a structural engineer, attesting to the structural safety of the building, where the post or other above ground contrivances is proposed to be established on a building;
- (xii) the names and contact details of the employees of the licensee for the purposes of communication in regard to the application made;
- (xiii) any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken; and
- (xiv) any other matter connected with or relevant to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority.

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

Provided that the one-time fee, to meet administrative expenses, accompanying every application shall not exceed ten thousand rupees.

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

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

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

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

- (a) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety and payment of restoration charge or compensation, subject to the provisions of the Act and these rules; or
- (b) reject the application for reasons to be recorded in writing:

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

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

(4) The appropriate authority shall not charge any fee other than those mentioned under sub-rule (3) of rule 9 and clause (a) of sub-rule (3) from the licensee for establishing overground telegraph infrastructure.

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

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

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

12. Powers of appropriate authority to supervise the work.—(1) The appropriate authority may supervise the establishment and maintenance of overground telegraph infrastructure to ascertain if the conditions imposed in the grant of permission under clause (a) of sub-rule (3) of rule 10 are observed by the licensee.

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

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

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

CHAPTER IV

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

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

(2) On receipt of the notice under sub-rule (1), the licensee shall, forthwith and within a period of thirty days, proceed to submit, to the appropriate authority, a detailed plan for removal or alteration of such telegraph infrastructure.

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

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

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

CHAPTER V

DISPUTE RESOLUTION

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

(2) The Central Government shall, within a period of sixty days from the date of coming into force of these rules, designate, by notification, officers with such jurisdiction as may be mentioned in the notification, for the purpose of referring disputes under sub-rule (1).

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

[F. No. 2-6/2014-Policy-I (Vol.II)]

SHASHI RANJAN KUMAR, Jt. Secy.

“परन्तु यह कि भूमि के ऊपर तारयंत्र लाइन स्थापित करने हेतु किए गए आवेदन के मामले में खंड (ii), (iii), (v) 98 (ix), (x) और (xi) में उल्लिखित दस्तावेज अपेक्षित नहीं होंगे:-

परन्तु यह भी कि अनुज्ञप्तिधारी को भूमि के ऊपर तारयंत्र लाइन स्थापित करने हेतु बनाई गयी मार्ग योजना से संबंधित दस्तावेज भूमि के ऊपर तारयंत्र लाइन स्थापित करने हेतु किए गए आवेदन के साथ प्रस्तुत करने होंगे:”.

5. (i) उक्त नियम में, नियम 10 में, उप-नियम (1) में, खंड (झ) के बाद, निम्नलिखित परन्तुकों को शामिल किया जाएगा:-

“परन्तु यह कि भूमि के ऊपर तारयंत्र लाइन स्थापित करने हेतु किए गए आवेदन की जांच करने के लिए खंड (क), (ख), (ग), (घ) और (ज) में उल्लिखित प्राचल अनिवार्य नहीं होंगे:-

परन्तु यह भी कि समुचित प्राधिकारी प्रस्तावित भूमि के ऊपर तारयंत्र लाइन के लिए मार्ग योजना की और किसी अन्य लोक अवसंरचना जो इस प्रस्तावित मार्ग के साथ बिछाई जानी है, के साथ ऐसी तारयंत्र लाइन के या तो स्थापन या रख-रखाव में संभाव्य बाधा की जांच करेगा-.”;

(ii) उप-नियम (2) में, निम्नलिखित परंतुक शामिल किया जाएगा: -

“परन्तु यह कि जहाँ किसी समुचित प्राधिकारी के नियंत्रण या प्रबंध में निहित या के अधीन किसी स्थावर संपत्ति पर भूमि के ऊपर तारयंत्र लाइन को स्थापित किया जाता है; वहाँ स्थावर संपत्ति के मूल्य के लिए एक बार प्रतिकर स्थापित की गई तारयंत्र लाइन के प्रति किलोमीटर के लिए एक हजार रूपए से अधिक देय नहीं होगा -.”;

(iii) उप-नियम (4) में, “स्थापन” शब्द के स्थान पर “स्थापन, अनुरक्षण, चालन, मरम्मत, अंतरण अथवा स्थानांतरण” शब्द प्रतिस्थापित किए जाएंगे।

[फा. सं. 2-41/2020-नीति]

हरि रंजन राव, संयुक्त सचिव

नोट : मूल नियम भारत के राजपत्र, असाधारण, भाग-II, खंड-3, उप-खंड (i) में दिनांक 15 नवम्बर, 2016 की अधिसूचना संख्या सा.का.नि. 1070(अ) के तहत प्रकाशित किए गए थे और दिनांक 21 अप्रैल, 2017 की सा.का.नि. 407(अ) के तहत संशोधित किए गए थे।

MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

NOTIFICATION

New Delhi, the 21st October, 2021

G.S.R. 749(E).—In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Right of Way Rules, 2016, namely:-

1. **Short title and commencement.**—(1) These rules may be called the Indian Telegraph Right of Way (Amendment) Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Telegraph Right of Way Rules, 2016 (hereinafter referred to as the said rules), in the opening paragraph, for the words “mobile towers”, the words “mobile towers and telegraph line” shall be substituted.

3. In the said rules, in rule 6, in sub-rule (4), for the word “establishing”, the words “establishing, maintaining, working, repairing, transferring or shifting” shall be substituted.

4. In the said rules, in rule 9, in sub-rule (2), after clause (xiv), the following provisos shall be inserted, namely:-

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

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

5. (i) In the said rules, in rule 10,- in sub-rule (1), after clause (i), the following provisos shall be inserted, namely:—

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

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

(ii) in sub-rule (2), the following proviso shall be inserted, namely:—

“Provided that in cases where the overground telegraph line is established over the immovable property, vested in the control or management of any appropriate authority, then in such cases, one time compensation shall be payable for the value of the immovable property, not exceeding one thousand rupees per kilometer of the overground telegraph line established:—”;

(iii) in sub-rule (4), for the word “establishing”, the words “establishing, maintaining, working, repairing, transferring or shifting” shall be substituted.

[F. No. 2-41/2020-Policy]

HARI RANJAN RAO, Jt. Secy.

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

6(3)	ऐसी भूमिगत तार अवसंरचना की स्थापना के मामलों में कार्य निष्पादन की सुरक्षा के रूप में बैंक गारंटी जहां पर अनुज्ञप्तिधारी द्वारा क्षति को प्रत्यावर्तित करने की जिम्मेदारी का निर्वहन करने के लिए वचनबद्धता दी गई है।	अचल संपत्ति को प्रत्यावर्तित करने हेतु उस क्षेत्र के लिए केन्द्रीय लोक निर्माण विभाग द्वारा निर्धारित या उस क्षेत्र में यदि केन्द्रीय लोक निर्माण विभाग द्वारा दर तय नहीं की गई हो तो उस क्षेत्र हेतु राज्य लोक निर्माण विभाग द्वारा अपेक्षित राशि का 20 प्रतिशत।
10(3) (क)	भूमि के ऊपर तार अवसंरचना की स्थापना	अचल संपत्ति को प्रत्यावर्तित करने हेतु उस क्षेत्र के लिए केन्द्रीय लोक निर्माण विभाग द्वारा निर्धारित या उस क्षेत्र में यदि केन्द्रीय लोक निर्माण विभाग द्वारा दर तय नहीं की गई हो तो उस क्षेत्र हेतु राज्य लोक निर्माण विभाग द्वारा अपेक्षित राशि। इसके अतिरिक्त, अनुज्ञप्तिधारी छोटे सेलों और तारयंत्र लाइन की संस्थापना के लिए खंभों की स्थापना की दशा में अपेक्षित क्षति को प्रत्यावर्तित करेगा।
भाग-III प्रतिकर		
6 (1ख)	भूमिगत तार अवसंरचना की स्थापना	शून्य
10 (2)	छोटे सेलों और तारयंत्र लाइन की स्थापना के लिए खंभों की स्थापना	शून्य
10क (4)	छोटे सेलों और तारयंत्र लाइन की स्थापना के लिए मार्ग फर्नीचर का उपयोग	(i) छोटे सेलों की संस्थापना के लिए: शहरी क्षेत्र के लिए तीन सौ रूपए प्रति वार्षिक और ग्रामीण क्षेत्रों के लिए एक सौ पचास रूपए प्रति वार्षिक प्रति मार्ग फर्नीचर। (ii) तारयंत्र लाइन की संस्थापना के लिए: एक सौ रूपए प्रति वार्षिक प्रति मार्ग फर्नीचर।

[फा. सं. 2-10/2022-नीति]

आनन्द सिंह, संयुक्त सचिव

टिप्पणी: मूल नियम भारत के राजपत्र, असाधारण के भाग-II, खण्ड-3, उप-खण्ड (i) में तारीख 15 नवंबर, 2016 की अधिसूचना संख्या सा.का.नि. 1070 (अ) द्वारा प्रकाशित किए गए थे और सा.का.नि. 407 (अ) तारीख 21 अप्रैल, 2017 और सा.का.नि. 749 (अ) तारीख 21 अक्टूबर, 2021 द्वारा पश्चावर्ती रूप से संशोधित किए गए थे।

**MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)**

NOTIFICATION

New Delhi, the 17th August, 2022

G.S.R. 635(E).— In exercise of the powers conferred by sub-section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian Telegraph Act, 1885(13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Right of Way Rules, 2016, namely: -

- (1) These rules may be called the Indian Telegraph Right of Way (Amendment) Rules, 2022.
(2) They shall come into force on the date of their publication in the Official Gazette.
- In the Indian Telegraph Right of Way Rules, 2016 (hereinafter referred to as the said rules), in the opening paragraph, the brackets and words “(optical fibre)” and “(mobile towers and telegraph line)” shall be omitted.

3. In rule 2 of the said rules, in sub-rule (1), after clause (g), the following clause shall be inserted, namely:-
“(h) “Schedule” means a Schedule appended to these rules.”.
4. In rule 4 of the said rules, for sub-rule (2), the following sub-rule shall be substituted, namely:-
“(2) Every application for permission under these rules shall be made by the licensee on an electronic portal developed by the Central Government.”.
5. In rule 5 of the said rules, in sub-rule (3), in the proviso, for the words “one thousand rupees per kilometer”, the words “the amount specified in Part-I of the Schedule” shall be substituted.
6. In rule 6 of the said rules, -
- (a) after sub-rule (1), the following sub-rules shall be inserted, namely: -
“(1A) The area of the underground telegraph infrastructure proposed to be established shall be the length of duct multiplied by the diameter of the duct multiplied by the number of the ducts.
Explanation.- “duct” means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telegraph line.
(1B) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for the use of the property under which the underground telegraph infrastructure is proposed to be established, as may be determined by the appropriate authority.
- (b) in sub-rule (2), in clause (a), -
- (i) for the words “as may be specified, subject to the provisions of the Act and these rules”, the words “not exceeding the amount specified in Part-II of the Schedule” shall be substituted;
- (ii) the following proviso shall be inserted, namely:-
“Provided that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied for pits only.”;
- (c) in sub-rule (3), after the words “an amount”, the words “not exceeding the amount specified in Part-II of the Schedule” shall be inserted;
- (d) in sub-rule (4), -
- (i) after the word “fee”, the words “and compensation,” shall be inserted;
- (ii) after the word and figure “rule 5”, the words, brackets and figure “,sub-rule (1B)” shall be inserted.
7. In rule 9 of the said rules, in sub-rule (3), in the proviso, for the words “ten thousand rupees”, the words “the amount specified in Part-I of the Schedule” shall be substituted.
8. In rule 10 of the said rules,-
- (a) after sub-rule (1), the following sub-rule shall be inserted, namely:-
“(1A) The area of the overground telegraph infrastructure (mobile tower) proposed to be established shall be the area occupied by the mobile tower and the supporting infrastructures, such as base transceiver station, engine alternator, etc. at the ground.”;
- (b) in sub-rule (2), for the proviso, the following proviso shall be substituted, namely: -
“Provided that the compensation payable for the immovable property for the establishment of poles for installation of small cells and telegraph line shall not exceed the amount specified in Part-III of the Schedule.”.
- (c) in sub-rule (3), in clause (a), for the words “or compensation, subject to the provisions of the Act and these rules”, the words “,not exceeding the amount specified in Part-II of the Schedule, or compensation, as specified in sub-rule (2)” shall be substituted;
- (d) in sub-rule (4), -
- (i) after the word “fee”, the words “and compensation,” shall be inserted;
- (ii) after the word and figure “rule 9”, the words, brackets and figure “,sub-rule (2)” shall be inserted;
- (e) after sub-rule (4), the following sub-rule shall be inserted, namely:-

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

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

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

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

9. After rule 10 of the said rules, the following rules shall be inserted, namely: -

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

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

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

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

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

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

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

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

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

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

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

10. After rule 14 of the said rules, the following Schedule shall be inserted, namely: -

“THE SCHEDULE

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

Rule	Item	Amount
(1)	(2)	(3)
Part-I Fee		
5(3)	For establishment of underground telegraph infrastructure	One thousand rupees per kilometer.

9(3)	For establishment of overground telegraph infrastructure	(i) Ten thousand rupees for establishment of mobile towers (ii) One thousand rupees per kilometer for establishment of overground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.
10A (2)	For installation of small cells and telegraph line using the street furniture	Nil.
Part-II Charges for restoration		
6(2)(a)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore the damages	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
6(3)	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the licensee to discharge the responsibility to restore the damages	20% of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
10(3)(a)	Establishment of overground telegraph infrastructure	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area. Further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.
Part-III Compensation		
6(1B)	Establishment of underground telegraph infrastructure	Nil.
10(2)	Establishment of poles for installation of small cells and telegraph line	Nil
10A (4)	Usage of street furniture for installation of small cells and telegraph line	(i) For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture. (ii) For installation of telegraph line: One hundred rupees per annum per street furniture.

[F. No. 2-10/2022-Policy]

ANAND SINGH, Jt. Secy.

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

Sanchar Bhawan, 20, Ashoka Road
New Delhi, the 26th October, 2022.

OFFICE MEMORANDUM

**Subject: - Indian Telegraph Right of Way Rules, 2016 (as amended from time to time)
- Clarifications - regarding.**

The undersigned is directed to refer to the provisions related to application fee to be paid by the applicants for seeking permission for Right of Way for establishment of telegraph infrastructure and rejection of application [Rule 6(2)(b) and 10(3)(b)] under the Indian Telegraph Right of Way Rules, 2016. In this regard, it is clarified that application fee shall not be deducted (fully or partly) by agencies processing the application, in case of rejection of application on account of deficiency in the documents submitted by the applicants and the application fee paid shall be adjusted on re-submission of application after rectification for the same site.

2. Further, it is also clarified that the term "Street furniture" mentioned in the Indian Telegraph Right of Way (Amendment) Rules, 2022 includes "post/pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority".

3. All concerned Central Ministries/Departments and State Governments/UT Administrations are requested to convey the above clarification to all the agencies who are involved in granting Right of Way permissions for establishment of telegraph infrastructure.



[Rahul Dwivedi]

Under Secretary to the Government of India
Tel. No. 011-23713715

To

1. **Secretaries of all concerned Ministries/Departments** (as per list enclosed).
2. **The Chief Secretaries/Administrators of all States/UTs** (as per list enclosed)

For information to:

1. **The Director General, Cellular Operators Association of India(COAI), New Delhi.**
2. **The Director General, Digital Infrastructure Providers Association(DIPA), New Delhi.**
3. **The President, Internet Service Providers Association of India, Nehru Place, New Delhi.**

प्रेषक,

राजीव कुमार,
मुख्य सचिव,
उ0प्र0 शासन।

सेवा में,

- 1 समस्त अपर मुख्य सचिव/प्रमुख सचिव/सचिव, उत्तर प्रदेश।
- 2 समस्त विभागाध्यक्ष, उत्तर प्रदेश।
- 3 समस्त मण्डलायुक्त/जिलाधिकारी, उत्तर प्रदेश।
- 4 प्रदेश के समस्त सार्वजनिक उपक्रमों के अध्यक्ष/प्रबन्ध निदेशक, निकायों, परिषदों एवं स्वायत्तशासी निकायों के मुख्य कार्यकारी अधिकारी।

आई0टी0 एवं इलेक्ट्रानिक्स अनुभाग-1

लखनऊ: दिनांक: 15 जून, 2018

विषय: भारत सरकार की अधिसूचना दिनांक 15-11-2016 द्वारा प्रख्यापित भारतीय तार मार्ग के अधिकार नियम, 2016 को उत्तर प्रदेश में अंगीकृत किये जाने के सम्बन्ध में दिशा निर्देश।

महोदय,

संचार एवं सूचना प्रौद्योगिकी मंत्रालय, भारत सरकार द्वारा दिनांक 15 नवम्बर 2016 को "इण्डियन टेलीग्राफ राइट ऑफ वे रूल्स 2016" निर्गत किये गये हैं जो देश में दूरसंचार के क्षेत्र में इन्फ्रास्ट्रक्चर की स्थापना एवं विकास हेतु समयबद्ध रूप से, राइट ऑफ वे अनुमोदन प्रदान किये जाने की प्रक्रिया से सम्बन्धित है।

2 भारत सरकार द्वारा निर्गत "भारतीय तार मार्ग के अधिकार नियम, 2016" के अध्याय 1 के प्रस्तर 4 उप-प्रस्तर (2) में निम्नवत् व्यवस्था है:-

(2) समुचित प्राधिकारी आवेदन को प्रस्तुत करने के लिए इन नियमों के प्रारंभ की तारीख से एक वर्ष की अवधि के भीतर एक इलेक्ट्रानिक प्रक्रिया विकसित करेंगे।

परंतु यह कि राज्य सरकार स्वविवेकानुसार इसके नियंत्रणाधीन सभी समुचित प्राधिकारियों के लिए एक एकल इलेक्ट्रानिक आवेदन प्रक्रिया स्थापित कर सकेगी।

3 भारत सरकार की उक्त अधिसूचना के क्रम में नगर विकास अनुभाग-9, उत्तर प्रदेश द्वारा भूमिगत तार और संरचना की स्थापना और रख रखाव (ऑप्टिकल फाइबर लाइन बिछाने हेतु) के सम्बन्ध में उक्त नियमावली के प्रासंगिक शर्तों/ नियमों के अनुसार कार्यवाही सुनिश्चित कराने हेतु शासनादेश सं0-72/ नौ79-18- 161ज/12 दिनांक 08-02-2018 निर्गत किया गया है।

4 अतः भारत सरकार की उक्त अधिसूचना को सम्पूर्ण उत्तर प्रदेश के शासकीय विभागों इत्यादि द्वारा एकरूपता के आधार पर अंगीकृत किए जाने तथा मोबाइल कनेक्टिविटी के लिए भूमिगत तार और संरचना तथा भूमि के ऊपर तार अवसंरचना/ मोबाइल टावर की स्थापना एवं रख रखाव के लिए उनकी अनुमतियों/अनापत्तियों तथा ऑन लाईन पोर्टल के माध्यम से आवेदनों की ऑन लाईन प्राप्ति एवं उनके समयबद्ध रूप से निस्तारण हेतु दिशा-निर्देश एतद्वारा निर्गत किये जाते हैं:-

ऑन लाईन आवेदन प्रक्रिया

5 दूरसंचार इन्फ्रास्ट्रक्चर की स्थापना हेतु भारत सरकार द्वारा निर्गत अधिसूचना दिनांक 15-11-2016 को उत्तर प्रदेश में अंगीकृत करते हुए प्रदेश शासन के विभागों/प्राधिकरणों/संस्थाओं/समितियों इत्यादि द्वारा मोबाइल कनेक्टिविटी के लिए भूमिगत तार और संरचना तथा भूमि के ऊपर तार अवसंरचना/मोबाइल टावर की स्थापना एवं रख रखाव के लिए अनुमतियों/ अनापत्तियों हेतु एक ऑन लाईन आवेदन प्रक्रिया होगी।

'सिंगिल विन्डो क्लीयरेन्स'

6 इस ऑन लाईन आवेदन प्रक्रिया के लिए आईटी एवं इलेक्ट्रानिक्स विभाग, उत्तर प्रदेश द्वारा एक ऑन लाईन पोर्टल विकसित कराया जायेगा जो 'सिंगिल विन्डो क्लीयरेन्स' के रूप में होगा तथा इसके माध्यम से आवेदन की प्रस्तुति एवं उनका निस्तारण सम्बन्धित विभागों/प्राधिकरणों/संस्थाओं/समितियों इत्यादि द्वारा

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

समयबद्ध रूप से किया जायेगा। आवेदन का प्रारूप आईटी एवं इलेक्ट्रानिक्स विभाग, उत्तर प्रदेश शासन द्वारा विभिन्न शासकीय विभागों/प्राधिकरणों/ संस्थाओं/ समितियों इत्यादि के परामर्श से निर्धारित किया जायेगा, तथा इसमें आवेदन के साथ प्रस्तुत किए जाने वाली सूचनाओं/ अभिलेखों/अनापत्तियों को भी स्पष्ट रूप से प्रदर्शित किया जायेगा।

नगरीय एवं ग्रामीण क्षेत्रों हेतु एकसमान रूप से लागू

7 मोबाइल कनेक्टिविटी के लिए भूमिगत तार और संरचना तथा भूमि के ऊपर तार अवसंरचना/ मोबाइल टावर की स्थापना एवं रख रखाव के लिए जिन शासकीय विभागों/ प्राधिकरणों/ संस्थाओं/ समितियों इत्यादि की भूमि/भवन से सम्बन्धित कार्य किये जायेंगे, उनकी अनुमतियों/अनापत्तियों के लिए **ऑन लाईन आवेदन एवं उनके समयबद्ध निस्तारण की यह एकल प्रक्रिया** राज्य विधायिका द्वारा गठित समस्त विकास प्राधिकरणों, औद्योगिक विकास प्राधिकरणों, अन्य सांविधिक प्राधिकारियों तथा ग्राम पंचायतों, जिला परिषदों/ पंचायतों, वन विभाग, लोक निर्माण विभाग, आवास एवं शहरी नियोजन विभाग, अन्य शासकीय विभागों इत्यादि पर **उनके सुसंगत नियमों के अन्तर्गत** एकसमान रूप से लागू होगी। वन विभाग, सिंचाई विभाग तथा राजस्व विभाग द्वारा प्रस्तुत दिशा-निर्देशों के सन्दर्भ में जो प्रतिबन्ध सुझाये गये हैं, उन्हें उनके द्वारा आवेदक को प्रदान की जाने वाली अनुमतियों में प्रतिबन्धों के अन्तर्गत सम्मिलित किया जायेगा।

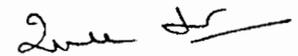
8 भारत सरकार की अधिसूचना में अधिनियम से सम्बन्धित परिभाषायें, स्थानीय प्राधिकारी आदि द्वारा नोडल अधिकारी नामित किया जाना, विवादों के समाधान, किए जाने वाले कार्य के परिणामस्वरूप होने वाले किसी नुकसान के पुनर्स्थापन, तथा समुचित प्राधिकारी द्वारा तार अवसंरचना के हटाये जाने या परिवर्तित किए जाने की प्रक्रिया हेतु व्यवस्था दी गई है तथा आवेदनों हेतु एक-समान शुल्क एवं आवेदनों के निस्तारण हेतु समयबद्धता का निर्धारण किया गया है। भारत सरकार की अधिसूचना दिनांक 15-11-2016 के अध्याय-2 के प्रस्तर 6 (2) तथा अध्याय-3 के प्रस्तर 10 (3) में आवेदनों के निस्तारण हेतु निर्धारित, "आवेदन की तारीख से 60 (साठ) दिवसों से अनधिक की अवधि" को उत्तर प्रदेश के परिप्रेक्ष्य में "आवेदन की तारीख से 45 (पैंतालिस) दिवसों से अनधिक की अवधि" पढ़ा जाये। उपरोक्त निर्देशों का अनुपालन प्रदेश शासन के सम्बन्धित विभागों/प्राधिकरणों/ संस्थाओं/ समितियों इत्यादि द्वारा सुनिश्चित किया जाना होगा।

9 नगर विकास अनुभाग-9, उत्तर प्रदेश द्वारा निर्गत शासनादेश दिनांक 08-02-2018 के अन्तर्गत आच्छादित नगरीय क्षेत्रों को छोड़कर, प्रदेश के अन्य क्षेत्रों हेतु राज्य विधायिका द्वारा गठित समस्त विकास प्राधिकरणों, औद्योगिक विकास प्राधिकरणों, अन्य सांविधिक प्राधिकारियों तथा ग्राम पंचायतों, जिला परिषदों/ पंचायतों, वन विभाग, लोक निर्माण विभाग, अन्य शासकीय विभागों इत्यादि द्वारा, भारत सरकार की अधिसूचना दिनांक 15-11-2016 (**परिशिष्ट-1**) द्वारा प्रख्यापित भारतीय तार मार्ग के अधिकार नियम 2016 को अंगीकृत करते हुए पूर्व में निर्गत शासनादेशों/ मार्गनिर्देशों/ नियमावलियों में आवश्यकतानुसार उपयुक्त संशोधन सुनिश्चित कराये जायेंगे।

10 उत्तर प्रदेश सार्वजनिक भूमि (ऑप्टिकल फाइबर केबिल बिछाने और उनका अनुरक्षण करने के लिए) सूचना प्रौद्योगिकी एवं इलेक्ट्रानिक्स विभाग, उ0प्र0 की अधिसूचना संख्या 1126/78-आईटी-1-2001-81इले-98-टीसी, दिनांक 03 नवम्बर 2001 तथा स्थानीय प्राधिकारियों की भूमि पर "ऑप्टिकल फाइबर केबिल बिछाये जाने के लिए आईटी एवं इलेक्ट्रानिक्स विभाग की विज्ञप्ति संख्या 1508/ 78-आईटी- 1-2001, दिनांक 03 नवम्बर 2001 द्वारा जारी दिशा-निर्देशों को एतद्वारा अवक्रमित समझा जाये।

11 भारत सरकार द्वारा समय-समय पर भारतीय तार मार्ग के अधिकार नियमों में किन्हीं संशोधनों के फलस्वरूप उक्त दिशा-निर्देशों को यथासमय संशोधित किया जायेगा।

भवदीय,



(राजीव कुमार)
मुख्य सचिव।

1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।

2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

संख्या:-852(1)78-1-2018 तदिनांक।

प्रतिलिपि: निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1 समाज कल्याण आयुक्त, उत्तर प्रदेश।
- 2 कृषि उत्पादन आयुक्त, उत्तर प्रदेश।
- 3 अवस्थापना एवं औद्योगिक विकास आयुक्त, उत्तर प्रदेश।
- 4 प्रमुख सचिव, मा. मुख्यमंत्री जी, उ०प्र०।
- 5 निजी सचिव, मा. उप मुख्यमंत्री एवं विभागीय मंत्री जी, आईटी एवं इलेक्ट्रानिक्स विभाग, उ०प्र०।
- 6 निजी सचिव, मा. राज्यमंत्री जी, आईटी एवं इलेक्ट्रानिक्स विभाग, उ०प्र०।
- 7 निजी सचिव, मुख्य सचिव, उत्तर प्रदेश।
- 8 निजी सचिव, अपर मुख्य सचिव, आईटी एवं इलेक्ट्रानिक्स, उत्तर प्रदेश।
- 9 निजी सचिव, विशेष सचिव, आईटी एवं इलेक्ट्रानिक्स, उत्तर प्रदेश।
- 10 प्रबन्ध निदेशक, यूपी इलेक्ट्रानिक्स कारपोरेशन लिमिटेड, लखनऊ।
- 11 महालेखाकार, लेखा परीक्षा - प्रथम एवं द्वितीय कार्यालय, इलाहाबाद।
- 12 निदेशक, राजकीय मुद्रणालय, लखनऊ।
- 13 गोपन अनुभाग-1
- 14 गार्ड फाइल।

आज्ञा से,

(संजीव सरन)
अपर मुख्य सचिव।


TRUE COPY

- 1- यह शासनादेश इलेक्ट्रानिकली जारी किया गया है, अतः इस पर हस्ताक्षर की आवश्यकता नहीं है।
- 2- इस शासनादेश की प्रमाणिकता वेब साइट <http://shasanadesh.up.nic.in> से सत्यापित की जा सकती है।

No. – 852/78-1-2018-45 I.T./2016

From:

Rajeev Kumar
Chief Secretary
U.P. Government

To

1. All the Addl. Chief Secretaries/Chief Secretary/Secretary, Uttar Pradesh.
2. All the Heads of Department, Uttar Pradesh.
3. All the Divisional Commissioners/District Collectors, Uttar Pradesh
4. Chairmen of all the public undertakings of State/Managing Directors, Bodies, Councils and Chief Executive Officer of Autonomous bodies

I.T. & ELECTRONICS SECTION – 1

Lucknow dated 15th June, 2018

SUB: Guidelines in connection with adopting of Indian Telegraphs Right of Way Rules, 2016 promulgated through notification dated 15.11.2016 of Government of India.

Sir,

The Ministry of Communications & Information Technology has on dated 15th November 2016 issued "Indian Telegraph Right of Way Rules 2016" which is concerned with the process of establishing infrastructure in areas of telecommunication in the country and development in time bound manner, to provide right of way approval.

2. In the chapter 1, para 4, sub-para (2) of "Indian Telegraphs Right of Way Rules, 2016", there is following arrangement:-
 - (2) The appropriate authority shall develop an electronic application process within a period of

one year from the date of coming into force of these rules for submission of applications:

Provided that the State Government may at its discretion establish a single electronic application process for all appropriate authorities under its control.

3. In seriatim of above notification of Government of India, City Development Section – 9, Uttar Pradesh for laying of underground telegraphic infrastructure and maintenance (for laying optical fire) to ensure process according to the relevant terms/rules of the above Rules, Government order no. 72/Nine 79-18-161J/12 dated 08.02.2018 has been issued.
4. Therefore, for adopting the above notification of the Government of India by all the government departments etc. of the whole of Uttar Pradesh on the basis of uniformity and for mobile

connectivity, the underground cables and structures and over ground telegraphic infrastructure/establishment of mobile tower and for maintenance, their permissions/objections and through on-line portal, receipt of on-line applications and for their time-bound disposal, the guidelines are hereby issued:-

On line application process

5. For establishing telecom infrastructure, adopting the notification issued dated 15.11.2016 in Uttar Pradesh, for permissions / objections by the departments / authorities/ institutions/ committees etc. of the State administration, there would be on-line application process for establishing mobile connectivity, underground cables and structure and over ground wire infrastructure and maintenance.

'Single Window Clearance'

6. For this on line application process, the IT and Electronics Department, Uttar Pradesh would get one on line portal developed which would be in the shape of 'Single Window clearance' and through this, the submission of application and their disposal by the concerned departments/authorities/ institutions/ committees etc. in a time bound manner. The format of application would be determined by the IT & Electronics Department, Government of Uttar Pradesh in consultation with various government departments/authorities/ institutions/ committees etc. and in this the information/records/objections to be submitted along with this application would also be exhibited clearly.

Uniform Implementation for the urban and rural areas

7. For mobile connectivity, the underground wiring and structure and over ground wiring infrastructure/establishment of mobile tower and maintenance, the government departments/authorities/institutions/committees etc. who would do work concerned with land/building, for their permissions/objections, this single window process of one line application and their time-bound disposal, would be implemented uniformly on all the development authorities constituted by the State legislature, industrial development authorities, other statutory authorities and gram panchayats, district councils/panchayats, Forest Department, Public Works Department, Housing and Urban Planning Department, other government departments etc. under their relevant rules. The restrictions which have been suggested by the Forest Department, Irrigation

Department and Revenues Department in reference to the submitted guidelines, they would be included in the permissions under restrictions to be provided to the applicant.

8. In the notification of the Government of India, the definitions concerned with the Act, arrangement of process of appointing of Nodal Officer by the local authorities, the process of resolutions of disputes, for restoration of any loss as a result of the work to be done and the appropriate authority to remove the infrastructure or to change has been given and for applications, uniform fee and for disposal of applications, determination of time-limitation has been done. In the chapter - 2, para 6(2) of Government of India notification dated 15.11.2017 and in chapter - 3, para 10(3), for disposal of applications determined, "the period of not more than 60 (sixty) days from the date of application",

should be in the perspective of Uttar Pradesh be read as “the period of not more than 45 (forty five) days.” The compliance of above instructions would be ensured by the concerned departments/authorities/ institutions/ committees etc. of Uttar Pradesh.

9. Leaving the urban areas under the government order dated 08.02.2016 issued by the City Development Section – 9, for other areas of State, all the development authorities constituted by the State legislature, industrial development authorities, other statutory authorities and gram panchayats, district councils/panchayats, Forest Department, Public Works Department, Housing and Urban Planning Department, other government departments etc., adopting the Indian Telegraphs Right of Way Rules, 2016 promulgated through notification dated 15.11.2016 of Government of India (Appendix –

1), would ensure appropriate amendments in the previously issued government orders/guidelines/rules as per need.

10. The guidelines issued through notification number 1126/78-IT-1-2001-81 Ele-98-TC dated 03 November 2001 of the Uttar Pradesh Public Land (for spreading optical fire cable and for their maintenance), Information Technical and Electronics Department, U.P. and for “spreading optical fiber cable” on the land of local authorities, the guidelines issued through the IT & Electronics Department release number 1508/78-IT-1-2001 dated 03 November 2001 should be deemed dishonored.
11. As a result of any amendments in the Indian Telegraphs Right of Way Rules from time to time by the Government of India, the above guidelines would be amended at an appropriate time.

Yours faithfully,
Sd/
(Rajiv Kumar)
Chief Secretary

Number 852(1)78-1-2018 of date

Copy submitted to the following for information and
necessary action –

1. Commissioner Social Welfare, Uttar Pradesh.
2. Commissioner, Agriculture Produce, Uttar Pradesh.
3. Commissioner, Infrastructure and Industrial Development.
4. Chief Secretary, Hon'ble Chief Minister Ji, U.P.
5. Personal Secretary, Hon'ble Dy. Chief Minister and Departmental Minister, IT & Electronics Department, U.P.
6. Personal Secretary Hon'ble State Minister Ji, IT & Electronics Department, U.P.
7. Personal Secretary, Chief Secretary, Uttar Pradesh.

8. Personal Secretary, Addl. Chief Secretary, IT & Electronics, Uttar Pradesh.
9. Personal Secretary, Special Secretary, IT & Electronics, Uttar Pradesh.
10. Managing Director, UP Electronics corporation Limited, Lucknow.
11. Accountant General, Audit – First & Second Office, Allahabad.
12. Director, State Printing Press, Lucknow.
13. Confidential Department – 1.
14. Guard file.

By order

Sd/

(Sanjeev Saran)

Addl. Chief Secretary


TRUE COPY

प्रेषक

राजीव कुमार
मुख्य सचिव
उत्तरप्रदेश शासन।

सेवानें

1. समस्त प्रमुख सचिव / सचिव, उत्तर प्रदेश।
2. समस्त मण्डलायुक्त / जिलाधिकारी, उत्तर प्रदेश।
3. समस्त विभागाध्यक्ष, उत्तर प्रदेश।
4. निदेशक, स्थानीय निकाय, उ०प्र०, लखनऊ।
5. समस्त नगर आयुक्त, नगर निगम, उत्तर प्रदेश।

Kapoor
for drawing
J

नगरविकास अनुभाग-9

लखनऊ दिनांक : 08 फरवरी, 2018

विषय . प्रदेश में आष्टिकल फाइबर लाइन बिछाने हेतु भारतीय तार मार्ग के अधिकार नियम, 2016 को अंगीकृत किये जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक शासनादेश संख्या 1485 / नौ-9-2012-161ज / 12 दिनांक 15 अक्टूबर 2012 एवं संशोधित शासनादेश संख्या-286 / नौ-9-2014-161 ज / 12 दिनांक 11 मार्च 2014 तथा भारतीय तार अधिनियम-1885 को विनियमित करने हेतु संचार मंत्रालय (दूर संचार विभाग), भारत सरकार, नई दिल्ली की अधिसूचना दिनांक 15.11.2016 द्वारा प्रख्यापित भारतीय तार मार्ग के अधिकार नियम, 2016 का कृपया संदर्भ ग्रहण करने का कष्ट करें।

2. इस सम्बन्ध में मुझे यह कहने का निर्देश हुआ है कि 4जी ब्राण्ड बैंड वायरलाइन / वायरलेस एक्सेस सर्विस प्रदान किये जाने के सम्बन्ध में नगरीय निकायों की भूमि पर भूमिगत आष्टिकल फाइबर / डक्ट डालने अथवा भूमि से ऊपर ओवरहेड केबलिंग के लिए स्थल उपलब्ध कराने के सम्बन्ध में उ०प्र० नगर निगम अधिनियम 1959 में धारा 128 / 129 एवं उ०प्र० नगर पालिका अधिनियम 1916 की धारा 124 में सम्पत्ति अंतरण विषयक प्राविधान एवं इन्फोटेक ब्राण्डबैंड सर्विसेज लि० द्वारा राज्य सरकार को दी जाने वाली सेवाओं एवं सुविधाओं के दृष्टिगत एच०डी०डी० विधि से आष्टिकल फाइबर केबल बिछाने, ग्राउण्डबेस्ड मास्ट स्थापित करने तथा ओवरहेड वायर के लिये पोल लगाने के सम्बन्ध में उल्लिखित शर्तों एवं प्रतिबन्धों के अधीन उपर्युक्त संदर्भित शासनादेश दिनांक 15.10.2012 एवं 11.03.2014 द्वारा दिशा निर्देश निर्गत किये गये हैं।

4. सूचना प्रौद्योगिकी के विकास में निजी क्षेत्र के सहयोग को प्रोत्साहित करने की दृष्टि से ऐसी निजी संस्थाओं को जो आष्टिकल फाइबर बिछाना चाहती हैं अधिकतम सुविधायें प्रदान किये जाने तथा ऐसी निजी संस्थाओं को आष्टिकल फाइबर बिछाने व उनका अनुरक्षण करने की अनुमति प्रदान करने हेतु उत्तर प्रदेश सार्वजनिक भूमि (आष्टिकल फाइबर केबल बिछाने एवं उसका अनुरक्षण करने की अनुमति) अधिनियम- 2001 लागू किया गया है। उक्त अधिनियम की धारा 4 के अन्तर्गत राज्य सरकार को किसी लाइसेन्स धारी को किसी सार्वजनिक भूमि के नीचे, ऊपर

साथ-साथ आर-पार, अन्दर या उस पर आप्टिकल फाइबर बिछाने और उसका अमुरक्षण करने की अनुमति प्रदान करने की शक्तिप्रदान की गई है। अधिनियम की धारा-5 (2) से राज्य सरकार को ऐसी जांच के पश्चात् जैसी वह उचित समझे विहित निबन्धनों और शर्तों के साथ अनुमति प्रदान कर सकने की व्यवस्था है।

5 अतः प्रदेश की नागर निकायों की सीमान्तर्गत आप्टिकल फाइबर केबिल बिछाने, ग्राउण्ड बेस्ट नास्ट (जी०बी०एम०) स्थापित करने तथा ओवरहेड वायर के लिये पोल लगाने के सम्बन्ध में नगर विकास अनुभाग-9, उ०प्र०शासन के शासनादेश संख्या 1485/ नौ-9-2012-161 ज/12 दिनांक 15 अक्टूबर, 2012 एवं संशोधित शासनादेश संख्या 286/ नौ-9-2014-161 ज/12 दिनांक 11 मार्च 2014 के क्रम में भारत सरकार की अधिसूचना दिनांक 15.11.2016 द्वारा प्रख्यापित भारतीय तार मार्ग के अधिकार नियम, 2016 को अंगीकृत करते हुये भूमिगत तार और संरचना की स्थापना और रखरखाव के सम्बन्ध में उक्त नियमावली के निम्न नियमों के अनुसार कार्यवाही सुनिश्चित कराने हेतु निर्देशित किया जाता है:-

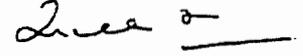
- (1) अधिसूचना दिनांक 15.11.2016 के अध्याय-2 के नियम-6 के उपनियम-2 (ix) के अनुसार प्रत्येक लाइसेन्सी को भूमिगत आप्टिकल फाइबर केबिल बिछाने हेतु आवेदन करते समय पुनर्स्थापना कार्य स्वयं कराने का दायित्व होगा।
- (2) अधिसूचना दिनांक 15.11.2016 के अध्याय-2 के नियम-5 के उपनियम-3 के अनुसार सम्बन्धित विभाग के समक्ष लाइसेन्सी कम्पनी ओ०एफ०सी० बिछाने हेतु आवेदन के साथ प्रति कि०मी० रू० 1000/- की धनराशि प्रशासनिक व्ययों हेतु जमा करेगी। इसके अतिरिक्त नियम-8 के उपनियम-4 के अनुसार अन्य कोई शुल्क देय नहीं होगा।
- (3) अधिसूचना दिनांक 15.11.2016 के अध्याय-2 के नियम-6 के उपनियम-3 के अनुसार सम्बन्धित विभाग, ओ०एफ०सी० बिछाने हेतु कम्पनी को पुनर्स्थापना कार्य में राज्य सरकार द्वारा निर्धारित किये जाने वाले व्यय के बराबर बैंक गारण्टी जमा करने हेतु मांग पत्र निर्गत करेगा, साथ ही इस अध्याय के नियम-8 के नियम-3 के अनुसार यदि विभाग द्वारा ऐसा पाया जाता है कि कम्पनी द्वारा जानबूझकर ओ०एफ०सी० बिछाने की अनुमति की शर्तों का उल्लंघन किया गया है तो सम्बन्धित विभाग को उपरोक्त बैंक गारण्टी को पूर्ण अथवा कुछ हिस्से को प्रतिसंहरण (Revoke) कर लेने का अधिकार होगा।
- (4) अधिसूचना दिनांक 15.11.2016 के अध्याय-3 के नियम-9 के उपनियम-3 के अनुसार "भूमि के ऊपर अवसंरचना" अर्थात् मोबाइल टावर स्थापित करने हेतु कम्पनी को प्रति आवेदन के साथ रू० 10,000/- का प्रशासनिक शुल्क जमा करना होगा।
- (5) अधिसूचना दिनांक 15.11.2016 के अध्याय-3 के नियम-10 के उपनियम-02 के अन्तर्गत यदि राज्य सरकार के किसी विभाग की सम्पत्ति पर मोबाइल टावर लगाने हेतु आवेदन करती है तो सम्बन्धित विभाग इस अनुमति हेतु आवंटित की गयी भूमि का किराया सम्बन्धित कम्पनी से वसूल कर पायगी एवं इस सम्बन्ध में विभाग को भूमि आवंटन हेतु दरें निर्धारित करनी होंगी।
- (6) अधिसूचना दिनांक 15.11.2016 के अध्याय-2 के नियम-6 के उपनियम-02 तथा अध्याय-3 के नियम-10 के उपनियम-03 के अन्तर्गत कम्पनी द्वारा

3.

समस्त भूमिगत अवसंरचना एवं भूमि के ऊपर अवसंरचना हेतु किये गये आवेदनों के सम्बन्ध में 60 दिवसों में अनुमति निर्गत करनी होगी अथवा समुचित लिखित कारण बताते हुये अस्वीकृत करना होगा। 60 दिवसों के उपरान्त deemed अनुमति नानी जायेगी।

6. उक्त शर्त सेवा प्रोवाइडर के लिये मान्य होंगी, जिनके लाइसेन्स को विहित सभी शर्तों के साथ राज्य सरकार द्वारा अनुमति प्रदान की गयी हो।

कृपया उपर्युक्तानुसार प्रकरण में अग्रतर कार्यवाही सुनिश्चित कराने का कष्ट करें।

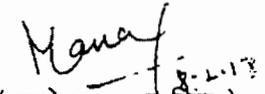

(राजीव कुमार)
मुख्य सचिव

संख्या एवं दिनांक तदैव

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित ।

1. प्रमुख सचिव, मुख्य मंत्री, उ०प्र०शासन ।
2. औद्योगिक विकास आयुक्त, उ०प्र०, लखनऊ
3. पुलिस महानिदेशक, उ०प्र०, लखनऊ ।
4. विशेष कार्याधिकारी, मुख्य सचिव, उ०प्र०शासन ।
5. प्रबन्ध निदेशक, उ०प्र०जल निगम, लखनऊ
6. महाप्रबन्धक, जल संस्थान / जल-कल विभाग, उत्तर प्रदेश ।
7. अधिशासी अधिकारी, समस्त नगर पालिका परिषद् / नगर पंचायत, उत्तरप्रदेश ।
(द्वारा निदेशक, स्थानीय निकाय, उ०प्र०)
8. नगर विकास विभाग के समस्त अनुभाग ।
9. वेबमास्टर, नगर विकास विभाग को विभागीय वेबसाइट पर अपलोड करने हेतु ।
10. गार्डफाइल

आज्ञा से


(मनोज कुमार सिंह)
प्रमुख सचिव।

9c


TRUE COPY

No. – 72/Nao-9-2018-161J/12

Sender

Rajeev Kumar
Chief Secretary
U.P. Government

To

Sender

Rajeev Kumar
Chief Secretary
U.P. Government

To

1. All the Chief Secretaries/Secretary, Uttar Pradesh.
2. All the Divisional Commissioners/District Collector, Uttar Pradesh.
3. All the Heads of Department, Uttar Pradesh.
4. Director, Local Bodies, U.P. Lucknow.

5. All the City Commissioners, Municipal Corporation, Uttar Pradesh

City Development Section – 9

Lucknow date: 08 February 2018

SUB:In connection with adopting Indian Telegraph Right of Way Rules 2016 for spreading optical fiber lines in the State.

Sir,

To regulate the government number 1485/Nao-9-2012-161J/12 dated 15th October, 2012 and amended Government order number – 286/Nao-9-2014-161 J/12 dated 11March, 2014 an Indian Telegraph Act – 1885 on the above subject, please refer the Telegraphs Right of Way Rules, 2016 promulgated through notification dated 15.11.2016 of Government of India.

2. In this connection, I have been directed to state this that in connection with providing 4G Broadband wire lines/wireless access service, to lay optical fiber/ducts on the land of urban bodies or place for overhead cabling over ground, in section 128/129 of U.P. Municipal Corporation Act 1959 and section 124 of U.P. Municipal Council Act 1916, keeping in view the provisions on the subject of transfer of properties and the services and facilities given by Infotel Broadband Services Ltd. to be given to the State Government, to lay optical fiber cable through H.D.D. method, to establish ground based mast and for putting pole for overhead wire, under the mentioned terms and conditions, guidelines have been issued through the above referred government order dated 15.10.2012 and 11.03.2014.
4. In the development of information technology, with a view to encourage cooperation of private

sector, such private institutions who want to spread optical fiber, to provide them optimum facilities and to provide permission to such private institutions to spread optical fibers to maintain them, Uttar Pradesh Public Land (Permission for Placing and Maintaining Optical Fiber Cable) Act, 2001) has been implemented. Under section 4 of the above Act, the State Government shall have the power to give permission to a licensee to place and maintain optical fibre under, over, along, across, on, or upon, any public land. In section 5(2) of the Act, the State Government may, after such inquiry as it considers necessary, give the permission applied for on such terms and conditions as may be prescribed.

5. To spread optical fiber cable under the jurisdiction of city bodies of the State, to establish ground based mast (G.B.M.) and in connection

with installing pole for overhead wire, in seriatim of City Development Section – 9 U.P. Government, government order number 1485/Nao-9-2012-161J/12 dated 15th October, 2012 and amended Government order number – 286/Nao-9-2014-161 J/12 dated 11March, 2014, adopting the Indian Telegraphs Right of Way Rules, 2016 promulgated through notification dated 15.11.2016 of Government of India, in connection with underground cabling and structure and maintenance, it is instructed to ensure action according to the following rules of the above rules:-

- (1)According to Notification dated 15.11.2016, Chapter – 2, Sub-rule – 2 (ix) each licensee would have the responsibility to get the work of re-establishment while applying to spread underground optical fibre cable.

(2)The chapter – 2, rule – 5, sub-rule – 3 of notification dated 15.11.2016, the licensee company along with application for spreading O.F.C., would deposit an amount of Rs.1000/- per k.m. for administrative expenses. Besides this, according to rule – 6, sub-rule – 4, no other fee would be payable.

(3)According to chapter – 2, rule – 5, sub-rule – 3 of notification dated 15.11.2016, the concerned department would issue demand letter to deposit bank guarantee equivalent to the expenses to be determined by the State Government. Along with, according to rule – 3 of Rule – 8 of this chapter if the Department finds such that the company has deliberately violated the terms of permission of spreading O.F.C.; then the concerned department would have the right to fully revoke the above bank guarantee or some portion.

- (4) According to chapter – 3, rule – 9, sub-rule – 3 of notification dated 15.11.2016. for infrastructure over land i.e. to establish mobile tower, the company would have to deposit along with application Rs.10,000/- administrative fee.
- (5) According to chapter – 3, rule – 10, sub-rule – 2 of notification dated 15.11.2016, if application is submitted to install mobile tower on the property of any department of the State Government, then the concerned department, for this permission, would be able to recover the rent from the concerned company for the land allotted for this permission and in this connection, for allotment of land in this connection, the department would have to determine the rates.
- (6) Under chapter – 2, rule – 6, sub-rule – 2 of notification dated 15.11.2016 and chapter – 3 rule – 10, sub rule – 03, in connection with application for viz. underground infrastructure

and over ground infrastructure, the permission would have to be issued within 60 days or would have to deny within 60 days, explaining proper reasons in writing. After 60 days, the permission would be considered deemed.

6. The above terms would be acceptable for the service provider whose license has been given permission by the State Government along with all the prescribed terms.

Please ensure to take further action in the matter as above.

Sd/
(Rajeev Kumar)
Chief Secretary

Copy submitted to the following for information and necessary action -

1. Chief Secretary, Chief Minister, U.P. Government.
2. Industrial Development Commissioner, U.P.
Lucknow.

3. Inspector General of Police, U.P. Lucknow.
4. Special Executive Officer, Chief Secretary, U.P. Government.
5. Managing Director, U.P. Jal Nigam, Lucknow.
6. General Manager, Jal Sansthan/Jal-Kal Department, Uttar Pradesh.
7. Executive Director, all the Municipal Councils/Nagar Panchayat, Uttar Pradesh (through Director, Local Body, U.P.)
8. All the sections of City Development Department.
9. Web Master, City Development Department, to upload on the Departmental Website.
10. Guard file.

By order

Sd/

(Manoj Kumar Singh)

Chief Secretary


TRUE COPY

Dated: 17 Nov. 2011

Office Memorandum

Subject: Inter Ministerial Committee on EMF Radiation – Acceptance of recommendations reg.

I am directed to communicate the acceptance of the following recommendations of the Inter Ministerial Committee on EMF Radiation set up vide order of even number dated 24.8.2010:-

Mobile Handsets

- i) SAR level for mobile handsets shall be limited to 1.6 Watt / Kg, averaged over a 6 minutes period and taken over a volume containing a mass of 1 gram of human tissue.
- ii) SAR level shall be displayed on the handset.
- iii) All cell phone handsets sold in the market in India shall comply with relevant BIS standards and shall be with hand free devices.
- iv) SAR value information of the mobile handsets shall be available on the manufacturer's web site & in the handset's manual. The information on SAR values shall be made available to the consumer at the point of sale.
- v) Mobile hand set manufactured and sold in India or Imported from other countries shall be checked for compliance of SAR limit.
- vi) The manufacturers in India shall provide self declaration of SAR value of the handset. In respect of imported handset from other countries, manufacturers apart from self declaration of SAR shall specify the SAR information in their documents for verification by the appropriate authority. Suitable amendments in the Indian Telegraph Rule under Indian Telegraph Act 1985 shall be enacted for strict compliance.
- vii) Manufacturer's mobile handset booklet shall contain the following safety precautions:
 - a. Use a wireless hands-free system (headphone, headset) with a low power Bluetooth emitter.
 - b. Make sure the cell phone has a low SAR.
 - c. Keep your calls short or send a text message (SMS) instead. This advice applies especially to children, adolescents and pregnant women.
 - d. Use cell phone when the signal quality is good.
 - e. People having active medical implants should preferably keep the cell phone at least 15 cm away from the implant.
- viii) List of SAR values of different mobile phones shall be uploaded on DoT/TEC website.

Mobile Base Stations

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- ix) The exposure limit for the Radio Frequency field (Base Station Emissions) lowered to $1/10^{\text{th}}$ of the existing exposure level as under :

Type of Exposure	Frequency Range	Power Density (Watt/Sq. mtr.)
General Public	400-2000 MHz	$f/2000$
	2-300 GHz	1

f : frequency in MHz.

- x) Provision shall be made for continuous online monitoring and display of radiation level in mobile network frequency range at prominent places in metro/cities and online data transfer to the central server.
- xi) The mobile service providers apart from self certification for compliance of radiation norms on EMF exposure shall measure the radiation level in mobile network frequency range of prominent places and display it for information of the general public. The service providers should have mobile unit for its measurement wherever necessary.
- xii) A national data base with the information of all base stations, their emission compliance status (i.e. Compliant / non-compliant) shall be created and made available in DoT website for public information.
- xiii) Uniform guidelines to be formulated at national level to enforce restrictions on establishment / setting up of BTS towers.
- xiv) An appropriate framework to be created for structural safety clearance for towers set up on roof-tops.
- xv) In the Master Plan of towns and cities the location for installation of mobile towers shall be identified in consultation with the Ministry of Urban Development.
- xvi) New technology low power transmitters shall be installed with in-building solutions for the future expansion of telecom network in the country.
- xvii) Long term scientific research related to health aspect of EMF radiation exposure from multiple antennas of a shared infrastructure sites and associated technologies in India shall be encouraged.
- xviii) A document "Radio waves and safety in our daily life" in regional languages indicating various Dos and Don'ts related to mobile phone users clarifying various myths regarding deployment and use of radio waves shall be created for enhanced customer awareness and to be given to the customer at the point of sale by the mobile service provider.

This issues with the approval of MOC&IT.


(A.K. Chaudhary)
ADG (Elect.)
Tele: 011-23036395

Copy to:

- i) PS to Hon'ble MOC&IT
- ii) PS to Hon. MOS (C&IT)-D
- iii) PS to Hon. MOS (C&IT)-P
- iv) PPS to Secretary (T), DoT
- v) PSs to Member (T)/ Member (F)/ Member (S)
- vi) PS to Addl. Secy.
- vii) Advisor (Technology)
- viii) Sr. DDG (TEC)/ Sr. DDG (AS)/ Sr. DDG (BW)/ DDG (IP)/ DDG (TERM)/ DDG ((CS)/ DDG (PG)/ Wireless Adviser, WPC, DoT for taking necessary action.
- ix) All members of the IMC



Government of India
Department of Telecommunications
(Access Services Cell)
Sanchar Bhawan, 20, Ashoka Road New Delhi - 110 001

No: 800-15/2010-VAS (PL)

Dated: 30.12.2011

To

All CMTS/ UAS Licensee(s)

Subject: Norms on EMF exposure by Base Transceiver Stations (BTSS)

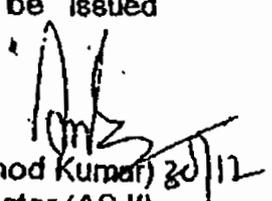
Please refer to the amendment to License conditions dated 4th November 2008 vide which the norms on EMF exposure by Base Transceiver Stations (BTSS) were incorporated in License.

2. In this regard, it has been decided that the new norms for exposure limit for the Radio Frequency Field (Base Station Emissions) as mentioned in the table given below shall be applicable for all the Self Certificates submitted with effect from 01.04.2012.

Frequency Range	E-Field Strength (Volt/Meter (V/m))	H-Field Strength (Amp/Meter (A/m))	Power Density (Watt/Sq.Meter (W/Sq.m))
400MHz to 2000MHz	0.434 f ^{1/2}	0.0011 f ^{1/2}	f/2000
2GHz to 300GHz	19.29	0.05	1

3. Thus, with effect from 01.04.2012, all the BTS/sites for which self certificates shall be submitted to TERM Cells shall be compliant to these new radiation norms.

4. The necessary amendment to licence conditions shall be issued separately.


(Vinod Kumar) 30/12
Director (AS-II)

Copy to:

1. DDG (Security-TERM), DoT
2. DDsG TERM Cell
- ✓ 3. COAI/AUSPI


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Government of India
Department of Telecommunications
(Access Services Cell)
Sanchar Bhawan, 20, Ashoka Road New Delhi - 110 001

File No: 800-152010-VAS (Pt.)

Dated: 10.04.2012

To
All CMTS/ UAS Licensee(s)

Subject: Norms on EMF exposure by Base Transceiver Stations (BTSs).

Kindly refer to this office letter of even number dated 30.12.2011 on the above-mentioned subject.

2. In this regard, it has been decided that the new norms for exposure limit for the Radio Frequency Field (Base Station Emissions) details of which are mentioned in the letter dated 30.12.2011 shall come into effect from 01.09.2012.

10.04.2012
A.K. Tirkey
ADG (AS-II)

Copy to:

1. DDG (Security-TERM), DoT
2. DDsG TERM Cell
3. COAI/AUSPI

[Handwritten Signature]
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