

HP STATE POLLUTION CONTROL BOARD

Him Parivesh, Phase-III, New Shimla (H.P.)

No. PCB-OA No. 220/2020-

13571

Dated: 21-12-2021

To

✓ The Registrar General
Hon'ble National Green Tribunal
Faridkot House, Copernicus Marg, New Delhi-110001

Subject: Compliance report in Execution Application No. 27/2021 in O.A. No. 220/2020 titled as Ishlam Deen & Ors. Vs. State of Himachal Pradesh, before the Hon'ble NGT.

Sir,

Kindly refer to order dated 06.10.2021 passed Hon'ble National Green Tribunal in the aforementioned matter wherein following directions have been passed:-

"...2...In the Execution Application, it is stated that no action is being taken in pursuance of above order even though provisions of the Air (Prevention Control of Pollution) Act, 1981 and the Noise Pollution (Regulation and Control) Rules, 2000 are attracted. The State PCB is under obligation to enforce the said provisions to check noise and air pollution caused by the mobile tower, as alleged, in the vicinity of house of the applicant. The State PCB may, thus, either stop the operation of the generator or ensure mitigation measures so that generation of the noise and air are within the parameters. The State PCB may also examine whether requisite consent under the Air Act has been taken either for the individual tower or a composite consent. If so, conditions of such consent need to be complied can also be invoked, including the siting of the tower as per laid down norms. An action taken report may be filed within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 03.01.2022.....".

In this connection, it is submitted that as per information received from Regional Officer, HPSPCB, Dharamshala, in compliance to order dated 19.10.2020 passed by Hon'ble NGT in Original Application No. 220/2020 titled Ishlam Deen & ors v. State of Himachal Pradesh, the site was inspected by officials of the State Board on 05.11.2020, in presence of the complainant i.e. Sh. Ishlam Deen s/o Sh. Nikka Ram. The noise monitoring was conducted at complainant's house and results were found to be within limits. The inspection report dated 07.11.2020 received from Regional Officer, HPSPCB, Dharamshala is annexed as **Annexure-A**.

It is further submitted that in compliance to order dated 06.10.2021 of Hon'ble NGT in the present matter, the site of 'mobile tower' was again inspected on 25.10.2021 by official of Regional Office, Dharamshala and report dated 27.10.2021 was submitted by Regional Officer, HPSPCB Dharamshala which is annexed as **Annexure-B**.

That as per the above reports dated 07.11.2020 and 27.10.2021, the mobile tower in question is situated at a distance of 40 meters from the complainant's house and

being operated with electricity supplied from HPSEB (H.P. State Electricity Board) Ltd. A DG set of 10 kVA capacity is installed by the unit, in case of power failure, for uninterrupted power supply to mobile tower. The DG set is installed as backup measure and provided with canopy (acoustic enclosure) and exhaust muffler.

It is submitted that the Department of Information & Technology, Government of H.P. initially issued a policy for setting up of mobile telecommunication towers in the year 2006 which was later revised in the year 2017 (copies annexed as **Annexure-C collectively**). As per the said policy, permission for installation of mobile towers is given by concerned local bodies i.e. Gram Panchayat or Municipal Corporation. In the present case, as per the report dated 27.10.2021 received from Regional Officer, HPSPCB Dharamshala, the mobile tower unit has obtained NOC of the concerned Gram Panchayat.

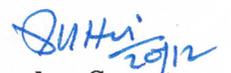
It is submitted that mobile towers do not come under consent mechanism of the State Board. As regard to issue of grant of consent to DG set, the CPCB classification of industrial sectors dated 07.03.2016 provides that "*Stand-alone DG Sets having total capacity 1 MVA or less and equipped with acoustic enclosures alongwith adequate stack height may be exempted from the purview of Consent management. Higher capacity DG sets have already been covered under Red / Orange categories...*". As the DG set in question is having capacity less than 1 MVA (1 mega-volt ampere) i.e. only 10 kVA (kilo-volt ampere) and has been provided with acoustic enclosure and exhausted muffler, therefore it is submitted that it does not fall under the consent mechanism of the State Pollution Board.

Reportedly, the Noise Monitoring and Ambient Air Monitoring were conducted on 25.10.2021 in presence of the parties concerned and the results have been found within the prescribed limits. Copy of spot inspection report dated 25.10.2021, countersigned by persons present is enclosed alongwith inspection report dated 27.10.2021.

That the inspection report dated 07.11.2020 and 27.10.2021 (annexed as **Annexure-A & B respectively**) received from Regional Officer, HPSPCB Dharamshala, may kindly be placed on record please.

(Encl: as above)

Yours faithfully,


Member Secretary,
HPSPCB, Shimla.

Inspection Report: In the matter ; Hon'ble National Green Tribunal :**OA No.220/2020.****Titled as Ishlam Deen & Ors V/s State of HP.**

The site where mobile tower of Airtel company has been installed in VPO Gummer Tehsil Jawalamukhi District Kangra (HP) was inspected in presence of the complainant Sh. Ishlam Deen S/O Nikka Ram. This mobile tower is operated with electricity but in case of power failure, in order to make uninterrupted service, 10 KVA DG set having acoustic enclosure and exhaust muffler (Sound proof) has been installed.

The distance between the house of complainant and DG set as measured was found 40 mtrs. The noise monitoring was carried out on date 5-11-2020 and the results are as under:

S.No.	Location	Noise monitoring results dB(A)	Ambient Air Quality standards : Residential area dB (A)	Remarks
1.	At the house of Sh. Ishlam Deen (DG set not in operation)	42.7 dB(A)	55	Within limit
2	At the house of Sh. Ishlam Deen (DG set in operation	50.5 dB(A)	55	Within limit

As per CPCB revised classification of industrial sectors , “ *Stand Alone DG sets having total capacity 1MVA or less and equipped with acoustic enclosures alongwith adequate stack height may be exempted from the purview of consent mechanism. Higher capacity DG sets have already been covered under Red/ Orange categories.* ”

The noise monitoring results have been found within prescribed limits. This DG set is having capacity less than one MVA and has been provided with acoustic enclosure and exhaust muffler (Sound proof) , therefore, it does not fall under consent mechanism of State Pollution Control Board.


2/11/20



H.P. STATE POLLUTION CONTROL BOARD
 "Him Parivesh Bhawan", Regional Office Dharamshala,
 Near GSSS, Dari, Tehsil Dharamshala, Distt.-Kangra (H.P.),
 Pin-176057, Phone- 01892-222628

Website: <http://hppcb.nic.in>

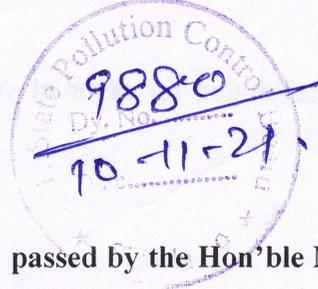
e-mail: pcbproassur@gmail.com

No. HPSPCB/Complaint File/RO(D/sala)/2021- **4499**

Date: **27/10/21**

To

✓ The Member Secretary,
 HP State Pollution Control Board,
 Him Parivesh Bhawan, Phase-III,
 New Shimla-09 H.P.



Subject: - Compliance of order dated 06-10-2021 passed by the Hon'ble NGT in Execution Application No. 27/2021 in OA No. 220/2020 titled Ishlam Deen & Ors. V/s State of HP & Ors.

Sir,

Kindly refer to your office letter no. PCB/(DL-295)/ OA No. 220/2020/21-10254, dated: 19/12/2021 on the subject cited above. In this regard, it is informed that the inspections of the alleged site was conducted on date: 25/10/2021 and copy of the Inspection report is attached as **Annexure- I**. The spot inspection report is also attached as **Annexure -II**. The Noise monitoring and Ambient Air Monitoring was conducted in the presence of all the concerned and the results have been found within limits, copy attached as **Annexure - I** and **Annexure-III**.

Further as per CPCB classification of industrial sectors, dated 07/03/2016 " **Stand alone DG sets having total capacity 1 MVA or less and equipped with acoustic enclosures along with adequate stack height may be exempted from purview of consent management. Higher capacity DG sets have already been covered under Red/Orange categories.**" Also as per office order vide No PCB/Consent Branch/ Review meeting NOCs/2020-25783-25805, dated: 24/02/2021 issued by worthy Member Secretary, HPSPCB Shimla that **stand alone DG sets capacity ≤ 1 MVA and Industries having Diesel Generator sets up to 15 KVA** falls in white category and does not fall under consent mechanism of the State Board.

This mobile tower is at a distance of 40 meter from the complainant's house i.e. Sh. Ishlam Deen s/o Nikka Ram and is operated with electricity from HPSEB Ltd. In case of power failure, in order to make uninterrupted power supply to tower (10 kVA) DG set along with canopy

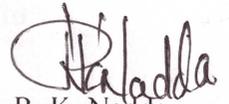
and exhaust muffler has been installed as backup measure. This DG set is having capacity less than 1 MVA and has been provided with acoustic enclosure and exhaust muffler, therefore, it does not fall under the consent mechanism of State Pollution control Board. The establishment, operations and other allied matters relating to the towers do not fall within ambit of Pollution control Board.

Therefore, the mobile tower is operated with electricity and in case of power failure DG set is operated as stated above. The results of Noise and ambient air found within prescribed limit. The DG set being 10 kva (less than 1 MVA) does not fall within the purview of PCB.

This is submitted for favor of your kind information and further necessary action, please.

Encls: Annexure I to III (09 Pages)

Yours faithfully,



Dr. R. K. Nadda
Sr. Environmental Engineer
HPSPCB Dharamshala

Inspection report in the matter regarding Hon'ble NGT OA no. 220/2020 titled as Ishlam Deen & ors. V/s State of H.P.

This is in reference to head office letter no. PCB/(DL-295)/OA No. 220/2020/21-10254, dated : 19-10-2021 vide which it is directed to inspect site, conduct fresh Noise/Air Monitoring at site in compliance to order passed on date 06/10/2021 passed by Hon'ble NGT in Execution application no. 27/2021 in OA no 220/2020 tiled as Ishlam Deen & ors. v/s State of HP. In this regard, it is informed that the inspection of the concerned site where the tower is already established and operational i.e. VPO Gummer, Tehsil – Jawalamukhi, District- Kangra H.P. Pin - 176031 was conducted by the undersigned in the presence of Complainant's wife (Smt Rashida Begum), Pradhan (Smt Shimla Devi) and Up-Pradhan (Sh Kasturi Lal) of Gram Panchayat Gummer, Technician/operator(Sh. Ravinder Rana). The noise monitoring as well as Ambient Air Monitoring is conducted in the presence of the above mentioned members.

Complainant Sh. Ishlam Deen was also approached telephonically at 1:45 pm on date: 25/10/2021 to be present at site but he informed that "he was out of state i.e. in Punjab and also his wife has gone out of town . Only his father i.e. Nikka Ram is at home and will accompany you during inspection." However, his wife arrived at home nearly 4:15 pm.

Further it is informed that the measured distance of the complainant house from the Airtel mobile tower is around 40 meters. The Diesel Generator (DG) provided with capacity 10 kva/08 KW (photograph enclosed) and is provided as backup for emergency cases when there is no electricity in order to maintain uninterrupted signal services. This DG set is enclosed with Canopy and exhaust muffler (photograph enclosed). It was also informed by Sh. Ravinder Rana, Technician that they have already obtained NOC from Gummer Panchayat vide resolution no. 4, dated 24/11/2016. The same is also hand over by Pradhan of Gram Panchayat Gummer, copy of same is attached also.



The details of noise monitoring conducting during inspection is mentioned below:

Sr. No.	Location	Whether DG set is Operational (Yes/No)	Noise Results (dB)	Ambient Quality Standards in respect of Noise(dB) Residential (Day time)	Air Standards for area	Remarks
1.	At the Verandah of complainant's house i.e. Sh. Ishlam Deen house s/o Sh Nikka Ram VPO Gummer, Teh Jawalamukhi , Distt Kangra HP	NO	47.9 dB	55		Within prescribed limit
2.	Teh Jawalamukhi , Distt Kangra HP	YES	53.4 dB	55		Within prescribed limit

The noise results found within limits. The ambient air monitoring samples is already handed over to Regional Laboratory on date: 26/10/2021, results of which are awaited.

Further as per CPCB classification of industrial sectors, dated 07/03/2016 " Stand alone DG sets having total capacity 1 MVA or less and equipped with acoustic enclosures along with adequate stack height may be exempted from purview of consent management. Higher capacity DG sets have already been covered under Red/Orange categories." Also as per office order vide No PCB/Consent Branch/ Review meeting NOCs/2020-25783-25805, dated: 24/02/2021 issued by worthy Member Secretary, HPSPCB Shimla the **stand alone DG sets capacity \leq 1 MVA and Industries having Diesel Generator sets up to 15 KVA** falls in white category.

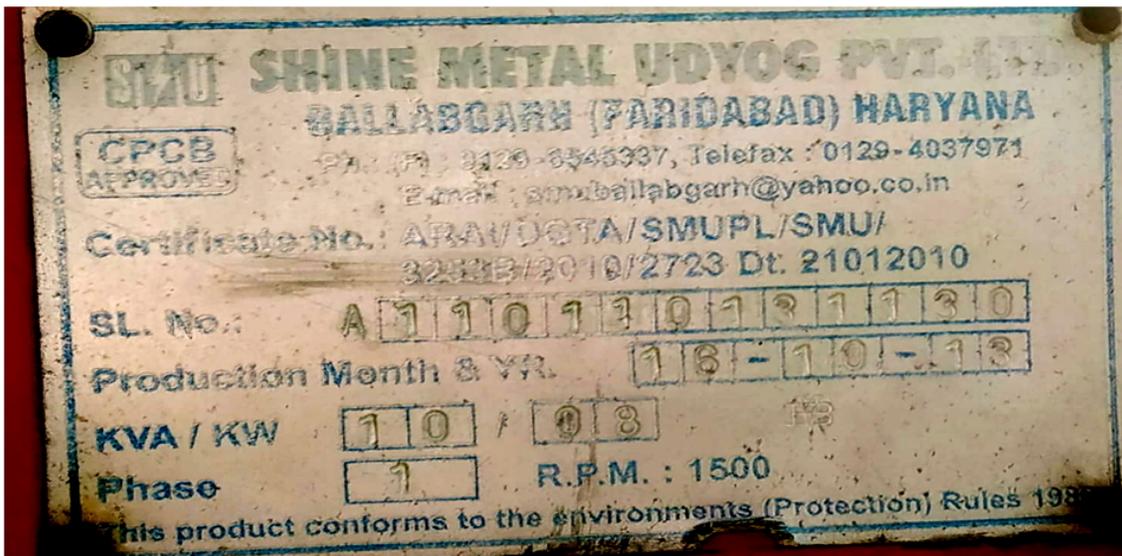
The Inspection Report along with Photographs is submitted for favor of your kind information and further necessary directions, please.


 Junior Environmental.Engineer
 HPSPCB, Dharamshala

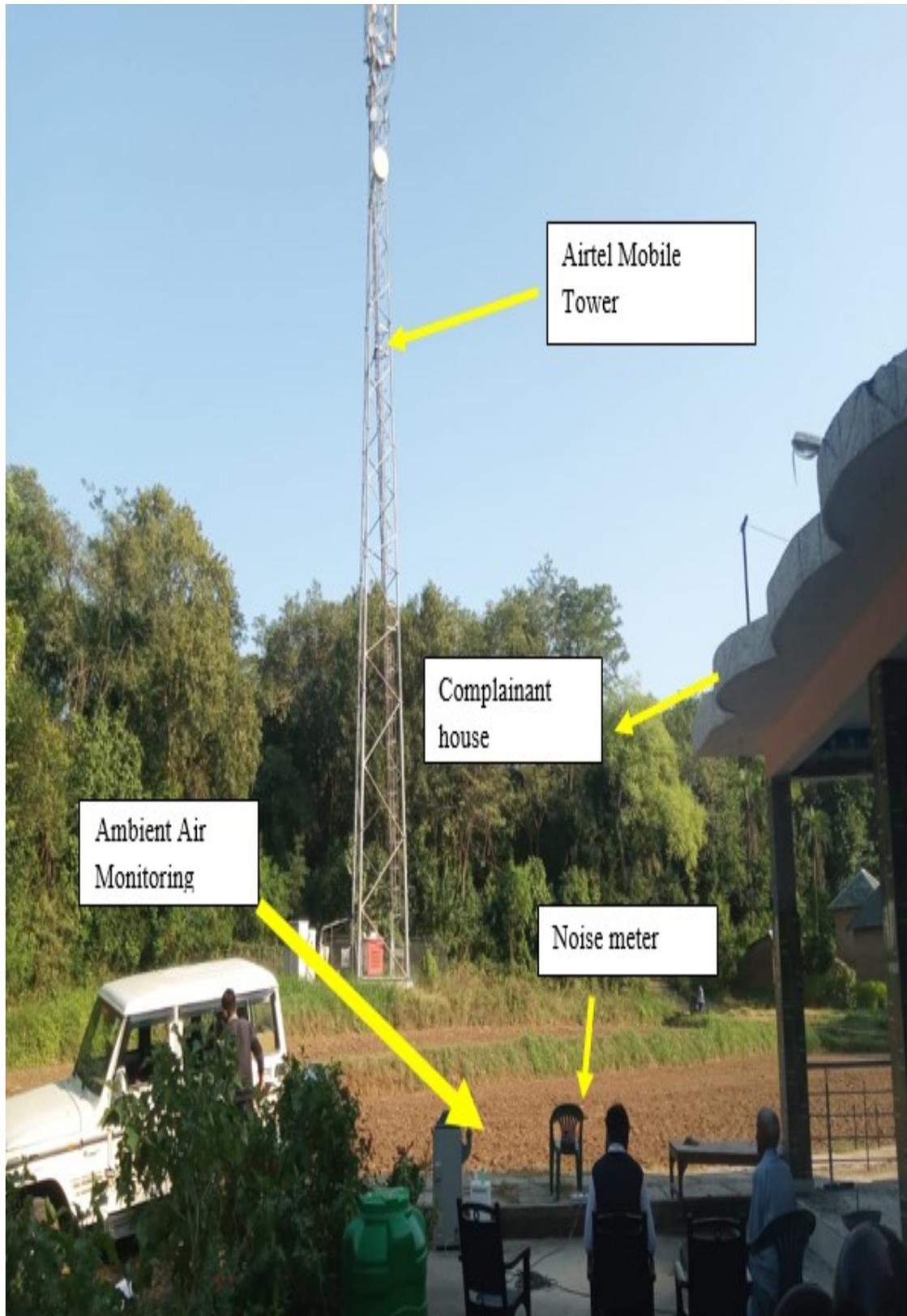
Photographs of Inspected site i.e. VPO - Gummer Tehsil Jawalamukhi, Distt. Kangra, taken on date 25/10/2021 during inspection.



DG set equipped with canopy and exhaust muffler provided as backup in case of electricity failure.



Details of DG set capacity i.e. 10 kva/08 kw



Photographs showing complainant house, mobile tower, air monitoring device and noise meter.



H.P. STATE POLLUTION CONTROL BOARD
“Him Parivesh Bhawan”, Regional Office Dharamshala
Near GSSS, Dari, Tehsil Dharamshala, Distt.-Kangra (H.P.), PIN 176057
Phone No. 01892-222628

Website: <http://hppcb.nic.in>

e-mail: pcbroyassur@gmail.com

Comparative statement under Air (Prevention & Control of Pollution) Act, 1981

Analysis Report No. A- 164 , dated : 27.10.2021

Sampling location : At the Verandah of complainant's house i.e. Sh. Ishlam Deen house s/o Sh Nikka Ram, (by keeping DG set 10 kva of Mobile Tower operational) VPO Gummer, Tehsil Jawalamukhi , Distt Kangra HP

(Study Sample)

Sr. No.	Particulars	Results	Limits	Remarks
1	Respirable Suspended Particulate Matters, (RSPM)	28 $\mu\text{g}/\text{Nm}^3$	100 $\mu\text{g}/\text{Nm}^3$	Within Limit
2	NOX	BDL	80 $\mu\text{g}/\text{Nm}^3$	-
3	SO ₂	BDL	80 $\mu\text{g}/\text{Nm}^3$	-

Remarks:-

The RSPM found within the prescribed limit.

Sr. Environmental Engineer
HPSPCB Dharamshala

This is in reference to letter No. 10254, dt 19/10/2021 regarding 'Compliance of order dt 06/10/21 passed by Hon'ble NGT in Execution application no. 27/2021 in OA No 220/2020 titled Ishlam Deen & Ors vs State of HP & Ors. In this regard, inspection of site is conducted on 25/10/2021 by JEE-III, HSPCB Shashankhala.

Complainant, Sh. Ishlam Deen, was also contacted telephonically on 9816572680 at 1:45 PM to be present at site so that Noise monitoring and Ambient Air monitoring could be conducted in his presence, but he informed that "he was out of state i.e. in Punjab doing his jobwork and also his wife has gone out of town. Only his father i.e. Nikka Ram is at home and accompany you".

The inspection of the site i.e. tower at village Gummer & Po-Gummer Teh. - Jawalamukhi, Distt. Kangra is conducted in presence of Pradhan & Up-Pradhan of Panchayat Gummer, Ravinder Pana (who is a technician & operate the DG set, work for company) and Complainant's wife i.e. Smt Rashida Begum (she arrived at home nearly 4:15 pm).

Noise monitoring results mentioned as under:

Location	Machinery status	Results/standard value	Remarks
At verandah of complainant house i.e. Sh. Ishlam Deen & Nikka Ram village post office - Gummer (residence)	When DG sets is operational	53.4 dB / 55 dB for residential area (day time)	within limit
	When DG sets is not operational	47.9 dB	within limit

The Ambient air monitoring at verandah of Complainant's house is also keeping DG sets operational. Distance of tower is approx 40m from the house.
* This inspection report is written in English & for convenience of undersigned, the same is translated into Hindi before taking signature.

Rashida Begum.
25/10/21
Complainant's wife
Rashida Begum

Ravinder
25/10/21
Technician
Ravinder Rana



हस्ताक्षर
दिनांक
Pradhan
Smt. Shikha
Devi

25/10/2021
Uphadhan
Sh. Kasturi
lal

25/10/21
JEE,
HPSPCB.
Er. Anshul Kumar



कार्यालय ग्राम पंचायत, गुम्मर

Gummer

विकास खण्ड देहरा

तहसील देहरा, जिला कांगड़ा (हि०प्र०)

आज दिनांक 24/11/2016 को पंचायत/ग्राम सभा बैठक प्रधान/अध्यक्ष श्री. रमेश कुमार जी की अध्यक्षता में हुई तथा निम्नलिखित कार्यवाही अमल में लाई गई।

प्रस्ताव संख्या 1

उपस्थिति 10/11

दिनांक 24/11/2016

विषय:-

पंचायत क्षेत्र- लम्बोत से एडलमठ पारित करने के लिए राष्ट्रीय इन्फोर्मेटिव लिमिटेड (एडलमठ टावर) का सर्वेक्षण किया जाना अती है। सर्वेक्षण के लिए रिजर्वेशन से इस के जरूरत जमान के पत्रों परेशानी का समाधान करने प्रस्ताव है। इलाक़े के जमान सुलभक, गांव गुम्मर की जमान, खलक नं. 653, महल के कैंडू गुम्मर से एडलमठ टावर लम्बोत जाना है। इस पंचायत का इस सर्वेक्षण के मिलने पर गुम्मर की आपत्ति नहीं है। एडलमठ क्षेत्र- लम्बोत से पारित किया गया।

प्रमाणित किया जाता है कि प्रस्ताव सफल, मायबोरी रिजर्वेशन के अनुसार

हस्ताक्षर

Secretary,
Gram Panchayat Gummer
Dev. Block Dehra
Distt. Kangra (H. P.)

Copy of No Objection Certificate issued by Gram Panchayat Gummer.



कार्यालय ग्राम पंचायत गुम्बर विकास खंड देहरा जिला काँगड़ा हिमाचल प्रदेश

ग्रामपंचायत गुम्बर पंचायत बैठक दिनांक 24/11/2016

अध्यक्षता बैठक श्री .. राम लोक dhanotiya

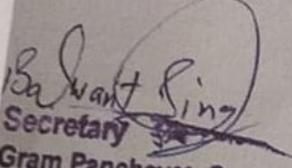
प्रस्ताव संख्या 04

दिनांक 24/11 /2016

उपस्थिति 07/07

पंचायत सर्व सम्मति से प्रस्ताव पारित करती है कि भारतीय इनफोट- लिमिटेड (एयरटेल टावर)का संचालित किया जाना जरूरी है | क्योंकि यहाँ सिग्नल न होने के कारण लोगों को भारी परेशानी का सामना करना पड़ता है | अल्पदीन सपुत्र जान मुहमद गाँव गुम्बर की जमीन के खसरा संख्या न 653 महल मौजा गुम्बर में एयरटेल टावर लगाया जाना है | और पंचायत को इस संदर्भ में किसी प्रकार की आपत्ति नहीं है | प्रस्ताव सर्वसम्मति से पारित किया गया है |

प्रतिलिपि :-वर्तमान प्रधान महोदय की सेवा में आगामी कारवाही हेतु प्रेषित की जाती है |


Secretary
Gram Panchayat, Gummer
Dev. Block Dehra (Kaogra) H.P

MV
AMT
29/6
27/6/17

No. DIT.Dev-(IT)2005(Misc.) - 96
Department of Information Technology
Government of Himachal Pradesh

From

**Principal Secretary (IT) to the
Government of Himachal Pradesh**

To

**The Commissioner-cum- Chief Secretary (TD) to the
Government of Himachal Pradesh**

**The Addl. Chief Secretary (MPP & Power/ Finance/ TCP, Housing & UD/
Environment) to the Government of Himachal Pradesh**

**The Principal Secretary (RD & PR) to the
Government of Himachal Pradesh**

Dated: Shimla-2, the 21st June, 2017

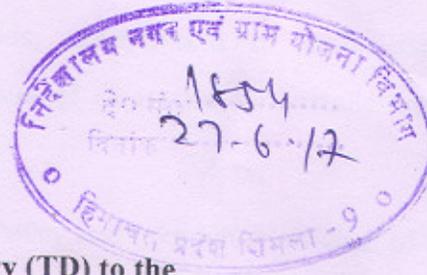
Subject: Revised Policy for Setting up Mobile Communication Towers

Sir,

The Department of Information Technology notified a Policy for setting up Mobile Communication Towers in the State vide Notification No. DIT.Dev-(IT)2005(Misc.) dated August 22, 2006 and subsequent clarification issued vide letter dated October 4, 2006. The objective of framing this Policy was to accelerate growth of mobile communication in the State while improving quality of service and to have a suitable regulatory mechanism to prevent haphazard approach.

The State Government was receiving feedback for quite some time regarding Mobile Towers from various quarters such as:

- i. Citizens were complaining against haphazard construction of Mobile Towers,
- ii. Local Bodies and other government agencies were complaining about non-payment of dues by telecom operators or non-adherence to the prescribed norms



- iii. Telecom Operators not getting NOCs from the government agencies in time thereby hampering/ delaying the installation of mobile towers in the State and in turn preventing quick expansion of mobile network in the State.
- iv. The Department of Telecommunications, Government of India issued guidelines for state governments for issue of clearance for installation of Mobile Towers.

This necessitated the need to revisit the Policy and take a holistic view of the present processes being followed by the government agencies as well as by the Telecom Operators so that bottlenecks and issues, if any, in granting NOC to the Telecom Operators or collecting dues from the Telecom Operators could be identified and accordingly, changes in the Mobile Communication Towers Policy of the State could be done.

Accordingly, the State IT Department drafted the revised Policy and sought comments from all the Government Departments, Citizens and other stakeholders on the revised Policy. Based on the comments received from all the stakeholders and guidelines issued by Department of Telecommunications, Government of India for issue of clearance for installation of Mobile Towers, the existing Policy for Setting up Mobile Communication Towers was modified. The revised Policy was taken to the Council of Ministers in its meeting held on 05-06-2017. "Revised Policy for Setting up Mobile Communication Towers" enclosed in **Annexure-A** to this letter has been approved by the Government.

It is, therefore, requested that further necessary action may be taken at the level of your Department by issuing instructions and / or notifications or by amending bye-laws in keeping with Acts & Rules of relevant local bodies in this regard and initiate actions on field as per the provisions of revised Policy. A copy of action taken in the matter may kindly be supplied to this Department for reporting compliance of decision taken by the Council of Ministers.

Yours faithfully,

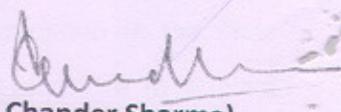
(Jagdish Chander Sharma)
Principal Secretary (IT) to the
Government of Himachal Pradesh

Endst. No.: As above

Dated: Shimla-2, the 21st June, 2017

Copy forwarded to the following for favour of information and necessary action:

1. The Commissioner, Tribal Development, Shimla-2
2. The Chairman, HPSEB, Shimla-4.
3. The Director, Rural Development and Panchayati Raj, Shimla-9.
4. The Director, Urban Development, Shimla-2.
5. The Director, Town & Country Planning, Shimla-9.
6. All the Deputy Commissioners in Himachal Pradesh.
7. The Commissioner, Municipal Corporation, Shimla-1.
8. The CEO, Housing Board, Shimla-2.
9. The Chief General Manager, BSNL, SDA Complex, Shimla-9.
10. The Circle Head, Airtel, SDA Complex, Kasumpti, Shimla-9.
11. The Business Head, Reliance Communication Ltd., Bhrata Sadan, Kasumpti, Shimla-9.
12. The Circle Head, Tata Indicom, Mouza Chotta, Kasumpti, Shimla-9.
13. The Circle Head, Idea, Keonthal Complex, Khalini, Shimla-2.
14. The Circle Head, Vodafone, Durga Cottage, Kasumpti, Shimla-9.
15. The Circle Head, Reliance Jio Infocomm Ltd., ISBT, Tutikandi, Shimla-4.


(Jagdish Chander Sharma)
Principal Secretary (IT) to the
Government of Himachal Pradesh

**Government of Himachal Pradesh
Department of Information Technology**

No. DIT.Dev-(IT)2005(Misc.) - 96

Dated: Shimla-2, the 25th June, 2017

NOTIFICATION

Whereas, a policy for setting up of Mobile Communication Towers in the State was issued in 2006 in order to accelerate growth of Telecommunication Infrastructure in the State under a suitable regulatory mechanism and to improve the quality of service. However, a need was felt to revise the existing Policy for setting up of Mobile Communication Towers in the State on account of the guidelines issued by Government of India in 2013, advisories received from time to time and other related developments in the field of Telecommunications.

Now, therefore, in supersession of this Department notification of even number dated August 22, 2006 and subsequent clarification issued vide letter of even number dated October 4, 2006, the Governor of Himachal Pradesh is pleased to re-notify the **Policy for setting up of Mobile Communication Towers in Himachal Pradesh.**

Concept:

This Policy seeks to accelerate growth of mobile communication in the State while improving quality of service and to have a suitable regulatory mechanism to prevent haphazard approach. The Policy spells out the various roles of Town and Country Planning Department (TCP), Local Bodies, Special Area Development Authority (SADA), Pollution Control Board (PCB), HP State Electricity Board Ltd. (HPSEBL), etc regarding issuance of various clearances before installation of Mobile Communication Towers and formulates guidelines to be adhered to by Telecom Service Provider (TSP)/ Infrastructure Provider (IP) both before and after installation of Mobile Communication Towers.

1. Authority to grant permission for setting up Mobile Towers

Prior permission of the Town and Country Planning Department/ Local Body/ SADA (as the case may be) is required for setting up Mobile Communication Towers (including Wall/ Pole

Mounted Antennas) or erection of a part thereof, raising any construction, including Tower, etc.

2. Procedure for Submitting Application

The application for setting up of Mobile Communication Towers (including Wall/ Pole Mounted Antennas) or erection of a part thereof etc., shall be made by the concerned Telecom Service Provider (TSP)/ Infrastructure Provider (IP) [after depositing dues as defined in Clause 3 below] to the concerned Local Body/ SADA/ TCP along with required documents as detailed in this Policy.

2.1 Documents to be submitted along with Application by Telecom Service Provider (TSP)/ Infrastructure Provider (IP) for seeking approval from Local Bodies/ SADA for setting up of Mobile Communication Tower:

2.1.1 Copy of documents issued by Central Government/ Agencies:

- i. Copy of relevant license/ Infrastructure Provider Registration Certificate from Department of Telecommunications (DoT), Government of India.
- ii. Copy of Standing Advisory Committee on Radio Frequency Allocation (SACFA) clearance / copy of Standing Advisory Committee on Radio Frequency Allocation (SACFA) application for the said location submitted to Wireless Planning Coordination (WPC) wing of DoT with registration number as Wireless Planning Coordination (WPC) acknowledgement along with undertaking that in case of any objection/ rejection, Telecom Service Providers (TSPs)/ Infrastructure Providers (IPs) will take corrective actions / remove the tower.
- iii. Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets.
- iv. Acknowledgement receipt issued by the Telecom Enforcement, Resource and Monitoring (TERM) Cells (DoT) of the self-certificate submitted by TSP/ IP in respect of, Mobile Communication Tower/ Base Transceiver Station (BTS - ground based/ roof top/ Pole/ wall mounted) in the format as prescribed by Telecommunication Engineering Centre (TEC), DoT,

establishing / certifying that all General Public areas around the tower will be within safe Electromagnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennae starts radiating.

- v. Clearance from WPC Wing through Nodal Agency Directorate of Coordination Police Wireless (DCPW), Government of India to be submitted along with the application in order to ensure Mobile Communication Tower/ Base Transceiver Station (BTS - ground based/ roof top/ Pole/ wall mounted) are installed at a considerable distance from Himachal Pradesh Police Wireless installations without adversely affecting the HF & VHF Communication of Himachal Pradesh Police.

2.1.2 Copy of documents issued by the State Government/ Agencies:

- i. Copy of sanctioned roof plan, if the tower is to be erected on an existing building.
- ii. Minimum setbacks as applicable for residential buildings in the Planning Area or Special Area or Municipal Body shall be applicable, in case tower is installed on ground. A Structural Stability Certificate of the building shall be mandatory for roof top towers and towers erected on ground from the competent authority.
- iii. Copy of the approved completion plan clearly depicting that the completion of top floor along with roof of the building has been approved by the Competent Authority. In case of some buildings completed before a cut-off date, there is no need of building completion plan. In such cases structural safety certificate will suffice.
- iv. Copy of clearance from the Fire Safety Department only in case of high rise buildings where Fire Clearance is mandatory as per the National Building Code of India, 2005.
- v. Prior approval of the Government of India under Forest (Conservation) Act, 1980 needs to be taken through State Forest Department in case Tower is to be erected on forest land.
- vi. Revenue documents, i.e., tatima and jamabandi in original.

Note: In case of Gram Panchayats, not falling in Planning Areas and Special Areas constituted under the H. P. TCP Act, 1977, there shall be no requirements of roof and completion plan as stipulated in Clause 2.1.2(i), 2.1.2(ii) and 2.1.2(iii) supra.

2.1.3 Other requisite documents to be submitted along with Application:

In addition, following documents shall have to be submitted along with the application:

i. Data Sheet

- a) Name of Telecom Service Provider/ Infrastructure Provider
- b) Location
- c) Tower reference:

Height; Weight; Ground/ Roof Top; Pole/Wall Mounted;
Number of Antennae.

ii. Site plan in scale of 1:200 and location plan in 1:1000.

iii. Structural safety certificate of tower from a graduate structural engineer as per section 243 of the Himachal Pradesh Municipal Corporation Act, 1994 or Graduate Structural Engineer who is a member of the Institution of Engineers (www.ieindia.org) or Authorised Chartered Structural Engineer of the State/ Local Bodies or from any Indian Institute of Technologies (IITs) or Any National Institute of Technologies (NITs) or Central Building Research Institute (CBRI), Roorkee or Rail India Technical and Economic Service (RITES), Gurgaon or Structural Engineering Research Centre (SERC), Chennai or other agency authorized by Local Body/ SADA/ TCP

iv. Copy of No Objection Certificate (NOC) from Building Owner / entities having roof top rights or roof top tenants in case of roof based tower/ land owner in case of ground based tower, as the case may be along with proof of ownership.

v. Design parameters and foundations details. Drawing of tower with complete details in shape of Ferro-prints or AutoCAD drawings. Height of the tower and HT lines in the vicinity should be clearly indicated. In case proposed tower is in vicinity of or adjoining to high or low voltage lines, then its

- horizontal and vertical distances from the same shall be clearly indicated in the drawings and shall conform to the National Building Code of India, 2005.
- vi. Responsibility of public safety will lie with the Telecom Service Provider during establishment or post establishment of Mobile Tower, during maintenance or other related activities. The Telecom Service Provider shall take all necessary safety steps and measures while executing the work. The Telecom Service Provider will indemnify the Local Body/ SADA/ TCP against any accident and damage caused to life or property during execution and post execution. An Indemnity Bond for the same to be submitted along with application.
 - vii. Requisite Fee, as defined in Clause 3 below, by way of a Demand Draft/ RTGS/ NEFT.
 - viii. **Indemnity bond** to indemnify the Local Body/ SADA/ TCP or any other persons or institutions (as the case may be) in the prescribed format against (i) any liability for the damage caused to the Mobile Communication Tower infrastructure/ utilities/ facilities installed by the TSP/ IP for any reasons, (ii) claims against any losses, death, disability or injuries that may be inflicted upon third party as a result of the actions of the TSP/ IP, and (iii) claims against any accidents on account of the Mobile Communication Tower infrastructure / facilities installed or against any claims thereafter during the period of Operation & Maintenance of such Mobile Communication Tower infrastructure at all times. The TSPs/ IPs shall ensure safety and security of all Mobile Communication Tower installations/ utilities/ facilities and shall be solely responsible for compensation/ indemnification of concerned authority for damage caused/ claims or replacements sought for at the cost and risk of TSPs/ IPs to the concerned authority.

3. Fee Structure:

Application fee and Annual Renewal fee to be charged at the following rates shall be paid by the Telecom Service Provider/ Infrastructure Provider:

3.1 Municipal Corporation Areas: One time installation fee @ Rs 50,000/- per tower and Annual Renewal Fee @ Rs 25,000/- per annum per tower.

3.2 **Municipal Councils and Nagar Panchayats:** One time installation fee @ Rs 25,000/- per tower and Annual Renewal Fee @Rs 12,500/-per annum per tower.

3.3 **Town and Country Planning Areas falling outside the jurisdiction of Municipal Corporation, Municipal Councils and Nagar Panchayats but within the limits of notified Planning Areas, Special Areas and Deemed Planning Areas:** One time installation fee @ Rs 10,000/- per tower and Annual Renewal Fee @ Rs 5,000/-per annum per tower.

3.4 **Rural Areas (outside the Planning Areas) or Areas located in Tribal or Difficult Area:** Application Fee @ Rs 10,000/- per tower and Annual Fee @ Rs 5,000/- per annum per tower.

NOTE:

- i. An Option for lump sum payment of annual renewal fee may also be given in blocks of 5 years (with 25% discount for upfront payment of the entire amount including annual renewal fees for 5 years).
- ii. There will be an increase in the annual renewal fee by 25% after every 5 years.
- iii. The rates for Application fee shall be as notified by State Government from time to time
- iv. An additional amount @ 60% shall be levied for every additional antenna which shares the same tower. No separate documentation for permission will be required, if an existing tower is used to install antennae(s) of another operator. However, 60% of the prescribed fee will be required to be paid.
- v. It is clarified that this Fee shall be charged for granting requisite approval for setting up of Mobile Communication Towers related infrastructure on top of an existing building or on the ground. This fee shall be in addition to the rent charged by owner of land, which he negotiates with the Telecommunication Companies.
- vi. TSPs/ IPs are required to deposit Annual Fee within 30 days of issuance of demand note by the Local Body/ SADA/ TCP indicating the following:
 - a) Amount to be deposited

- b) A penalty @5% per week of the annual renewal fee would be payable by the Telecom Service Provider if payment is delayed beyond thirty days.
- c) However, if the payment is delayed for more than two months, the concerned Local Body/ SADA/ TCP reserves the right to cancel the permission after giving a final notice of seven days.

4. Timeline for filing Application and granting approval:

In the first week of every month, the concerned Local Body/ SADA/ TCP will process the applications received from various Telecommunication Companies till the 21st day of the preceding month for the installation of Mobile Communication Towers or applications received 10 days before a regular or an unscheduled meeting as the case may be. Applications not received within time frame indicated above will be taken up for processing in the successive month along with the applications received in the current month. The Local Body/ SADA/ TCP will communicate acceptance or rejection or objections/ shortcomings, if any, to the Telecom Service Provider within 15 days of the meeting of Local Body/ SADA/ TCP. If the timelines are not adhered to by concerned Local Body/ SADA/ TCP then TSP/ IP can apply to Joint Coordination Committee (JCC) at Sub Division level.

5. Location:

Location of Mobile Communication Towers is governed by radio frequency system. The location shall be determined as follows:

5.1 Telecom Infrastructure/ installation of Tower is permitted under this Policy for all locations irrespective of provisions relating to land use under any other law/ act and provisions of section 118 under the HP Tenancy and Land Reforms Act, 1972. However, the erection of a Tower/ Telecom Infrastructure is not to be construed as a transfer of Land in favour of Telecommunication Companies.

5.2 The preference of location for setting up of Mobile Communication Tower shall be in the following order:

- i. As far as possible, TSP/ IP should try to avoid residential areas.
- ii. Where it is not possible to avoid the location of this tower in a residential area, possibility should be explored to locate these towers in open spaces subject to the condition that the maximum area for installation of such Mobile

- Communication Tower is not more than 10% area of such open spaces and the same is located in one corner of such open spaces or on Community buildings in these areas.
- iii. Where it is not possible to find suitable space as mentioned at 6.2(i) to 6.2(ii) above, the towers should be permitted to be located on the roof top of Community building failing which residential buildings subject to the conditions mentioned under Clause 2.1.3(iv).
 - iv. Erection of towers on heritage buildings shall not be allowed.
 - v. Installation of Mobile Communication Towers shall not be permissible within the premises of schools, colleges, and hospitals as well as on the adjoining land/ building within 3 meters from the boundary of premises of schools, colleges and hospitals. Also Antenna(e) shall not be directed / positioned towards any school / college/ hospital building.
 - vi. The existing Mobile towers the location of which is not in accordance with the provisions of clause 6.2(v) above, shall be reviewed by the Local Body/ SADA/ TCP (as the case may be) in accordance with the provisions of this Policy after it is given effect to. Any decision on such review, however, shall not be taken without affording adequate opportunities to the TSPs/ IPs to represent their case. The TSP/ IP shall comply with the orders, if any, passed on review by the Local Bodies/ SADA, as the case may be, and take appropriate action including removal of Towers etc. within 60 days from the date of receipt of order so passed.
 - vii. Wall Mounted/ Pole Mounted Antenna:
 - The Antenna(e) mounted on Pole should be at least 5 metre above ground level/ road level on flyovers/ buildings.
 - No residential/ office/ work place is directly in front of the Wall/ Pole mounted Antenna(e) at a height comparable to the Antenna(e) as per DoT guidelines.
 - viii. The TSPs/ IPs shall create pre-fabricated structure/ fencing around the Mobile Towers with restricted entry through door so that the usage of that particular

- portion to be restricted and not accessible for general purpose use. Similarly, efforts should be made to avoid BTS Antennas in narrow lanes ≤ 5 mtrs.
- ix. The TSPs/ IPs shall implement in-building solutions through a shared common facility, accessible and available to all service providers, in the State Government buildings, including schools, colleges and hospitals, and State Public Sector Undertaking offices.
- x. The TSPs/ IPs can setup Mobile Communication Tower on Government Land/ Building. However, TSPs/ IPs are required to adhere to following norms prior to and / or after setting up of Mobile Communication Tower on Government Land/ Building:
- Head of Office in case of office premises shall issue NOC to TSPs/ IPs for installing Roof Top Tower/ Ground Based Mobile Communication Tower and the same to be submitted along with Application by Telecom Service Provider (TSP)/ Infrastructure Provider (IP) for seeking approval from Local Bodies/ SADA for setting up of Mobile Communication Tower.
 - Use of Government premises or buildings to the TSPs/ IPs should not be detrimental to the daily routine activities of the office or officers concerned.
 - Damage caused to the government building/ assets/ land, if any, shall be rectified by the TSPs/ IPs to bring back to the original condition and to the satisfaction of the authorities concerned. The TSPs/ IPs will be solely responsible for any damage/ losses to the property/ people due to any accidents occurring due to the Mobile Communication Tower.
 - Government Department shall provide advance possession of the Government sites and quasi Government sites for which TSPs/ IPs have applied on non-exclusive basis subject to the designs and drawings as per IS code procedures on non-exclusive basis.
 - In addition to this, the Government Department would charge rent from the Telecommunication Companies. This rent would be in addition to the Fee charged for granting requisite approval for setting up of Mobile

Communication Towers related infrastructure on top of an existing government building or land. The annual rent would be as follows:

- Ground Based Towers → 10% of circle rates of land fixed by DC
- Roof Top Towers → Rentals to be fixed by concerned PWD authority after considering the land value and building cost

xi. **Cell on Wheels Mobile Towers:** Cell on Wheels Mobile Towers, usually referred to as COW, is a mobile cell site that consists of a cellular antenna tower and electronic radio transceiver equipment on a vehicle or trailer, designed to be part of a cellular network. COWs are used to provide expanded cellular network coverage and/ or capacity at special events such as major events, major conventions, or in disaster areas where cellular coverage either was never present or was compromised by the disaster. Formal clearance or permit will not be required for installation of COW for such specific temporary needs subject to prior formal intimation to the Deputy Commissioner, Superintendent of Police of the concerned district and the concerned Officer-in-Charge of the Police Station.

6. Noise Pollution

Generator sets installed at the tower site to cater to the power requirements of the antenna should conform to the noise and emission norms prescribed under the Environment Protection Act and Rules. However, in view of time frames set out by HPSEBL for providing electrical connection, need for generators should be minimized. Use of UPS is encouraged over DG Sets. Acknowledgement of a duly filled application form to the concerned Local Body/ SADA/ TCP shall be deemed to be sufficient for making an application to HPSEP&PCB (Himachal Pradesh State Environment Protection & Pollution Control Board). Consent to operate shall be normally granted by HPSEP&PCB based on manufacturers' specification sheet and test certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the DG Sets, unless there is a felt need of carrying out noise tests. However, antenna shall be made operational only after obtaining permission of Local Body/ SADA/ TCP, HPSEP&PCB (if applicable) and clearances as per Clause No. 1 above. The TSPs/ IPs are advised to use Solar Power Panels as far as possible.

7. Safety/ Precautionary Provisions

The Telecommunication Companies are required to meet Quality of Service (QoS) parameters/ norms of radiation specified by the Government of India from time to time. The Electro Magnetic Radiations (EMR) shall necessarily be under control and the Telecommunication Companies must adhere to the guidelines issued by DOT from time to time. All radiation related technical details would be dealt with by the Telecom Enforcement, Resource and Monitoring (TERM) Cell unit of DOT at State level.

8. Electrical Connections:

HPSEB would provide electrical connection for energizing a tower within 30 days, depending on ground situation, if the location of tower is less than 50 meters from existing 3-phase LT supply network, on receipt of a formal application and completion of codal formalities by the concerned Telecommunication Company in the concerned Sub Division of HPSEB subject to the following conditions:

- a) Load is available from the existing distribution transformer
- b) 3-phase LT is already there

If the Mobile Communication Towers are located on isolated ridges of the hills and the extension of HT network, installation of step down distribution transformers and extension of L.T. line are required for providing power connection at such places, the connection will preferably be made available within three months from the date of duly completed application along with deposit of requisite amount. Considering low power requirement, the operator should not be normally asked to pay for the entire capital cost of creating necessary infrastructure. Acknowledgement of a duly filled application form to the concerned Local Body/SADA shall be deemed to be sufficient for making an application to HPSEBL.

9. Public Grievance Redressal and Coordination Mechanism:

9.1 State Government Assistance

- i. A **Joint Coordination Committee** having following members will be constituted at the Sub Division level for review of all Telecommunication Infrastructure related matters, like adherence to the timelines for granting approval, issues pertaining to Local Body/ SADA/ TCP or TSP/ IP:
 - a) SDM (as Chairperson),
 - b) Representatives of Telecom Service Providers,

- c) Representatives of Concerned Departments and
 - d) Representatives of Local Body/ SADA/ TCP
- ii. To resolve larger issues related to Telecommunication infrastructure where district level intervention is required and other issues related to Local Body/ SADA/ TCP or TSP/ IP including grievances of or against the Telecommunication Companies, a **District level Coordination Committee** headed by the Deputy Commissioner shall be constituted.
 - iii. Similarly, a **State level Coordination Committee** headed by the Director (IT) shall be constituted to monitor issues pertaining to Mobile Tower Infrastructure in the State. The proposed State/ District level Coordination Committee would consist of officers from TERM Cells, State/District Administration, representatives of concerned Departments, representatives of concerned Telecom Service Provider(s), eminent public persons.
- 9.2 Any complaint concerning illegal installation of Mobile Communication Tower on ground or on any building or any query of any nature regarding the installation of Telecommunication Infrastructure shall be addressed to the Local Body/ SADA/ TCP with a copy to the Joint Coordination Committee headed by concerned Sub Divisional Magistrate and Director (IT). The Local Body/ SADA/ TCP shall take a final decision in the matter after inquiring into it and direct action considered appropriate to be taken by the concerned Telecom Service Provider within such period as may be prescribed by the Local Body/ SADA/ TCP.

10. Other Provisions

- 10.1 Any existing Mobile Communication Tower not conforming to the provisions of this Policy shall be removed by the concerned TSP/ IP within a period of 60 days from the date of receipt of directions in this regard from the Local Body/ SADA/ TCP to that effect failing which the permission granted by State Government for setting up of that particular Mobile Communication Tower under this Policy would stand cancelled automatically and the same would be declared as unauthorised structure. Action would be initiated by concerned authority of the State Government to demolish unauthorised structure. At the same time, citizens also

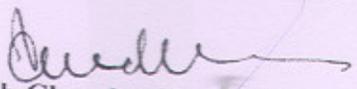
should not violate the Policy while constructing a new house or a building or a colony close to an existing Mobile Communication Tower.

- 10.2** The Mobile Communication Infrastructure created by the TSP/ IP will not be let out without prior intimation to the Local Body/ SADA/ TCP, which has granted the original permission, along with requisite fee.
- 10.3** Sign boards and Warning signs ("Danger", "RF Radiation", "Restricted Area", "Don't Enter" etc.) clearly visible and identifiable shall be provided at Tower/ Antenna sites.
- 10.4** The TSP/ IP shall display the details of the following on a board (minimum size 24" x 48") separately or prominently on the cabin, for the perusal of general public in such a way that the same shall be clearly visible and identifiable:
- i. Name of Telecom Service Provider:-
 - ii. Location:-
 - iii. Tower Reference:-1) Height, 2) Weight,3) Number of Antennae planned on tower, 4) Permissible EMF radiation level,5) Proposed EMF radiation level
 - iv. Due date for next renewal
 - v. Contact Person's name, address and Telephone Number
 - vi. Address of Complaint Redressing Authority with Telephone Numbers
 - vii. Other important information, if any
- 10.5** Mobile Communication Towers shall be inspected for distortion of members, torques of nuts and bolts at least once in a year. The TSP/ IP shall get the Mobile Communication Towers inspected through a Graduate Structural Engineer and will maintain record of the same and share gist of the report with concerned Local Body/ SADA/ TCP. However, in case of areas affected by any natural calamity, such as cyclone, earthquake, flood, etc., such inspection shall be carried out by Telecom Service Provider immediately after such incident through a qualified Structural Engineer and a certificate to that effect shall be submitted to the Local Body/ SADA/ TCP.
- 10.6 Indemnity Bond:** The TSP/ IP shall indemnify the Government and any of its agencies against any loss of life or property in the process of execution of works or against any claims thereafter during the period of Operation & Maintenance of such

Mobile Communication Tower infrastructure at all times. The TSP/ IP shall submit the Indemnity Bond on a non-judicial stamp paper of Rs 100/- denomination, duly attested by the competent authority.

10.7 Notwithstanding anything contained hereinabove, all the Regulations / Bye-Laws / Memorandum / Directions / Guidelines in this regard, issued or to be issued from time to time, by the Department of Telecommunications, Government of India and by the Government of Himachal Pradesh, shall prevail and be binding on TSP/ IP and also on all the Competent Authorities concerned, in which case, this Regulation shall stand modified to that extent.

10.8 Powers of Interpretation and Removal of Doubt :- If there is any overlapping provision in this Policy and if any interpretation is required regarding the clauses of this Policy, then the matter shall be referred to the Director, Department of Information Technology, Government of Himachal Pradesh, whose decision shall be final and shall not be called upon question under any circumstances.


(Jagdish Chander Sharma)
Principal Secretary (IT) to the
Government of Himachal Pradesh

Endst. No. : As Above

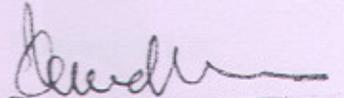
Dated: Shimla-2, the

June, 2017

Copy forwarded to the following for information and necessary action:

1. The Commissioner, Tribal Development, Shimla-2
2. The Chairman, HPSEB, Shimla-4.
3. The Director, Rural Development and Panchayati Raj, Shimla-9.
4. The Director, Urban Development, Shimla-2.
5. The Director, Town & Country Planning, Shimla-9.
6. All the Deputy Commissioners in Himachal Pradesh.
7. The Commissioner, Municipal Corporation, Shimla-1.
8. The CEO, Housing Board, Shimla-2.

9. The Chief General Manager, BSNL, SDA Complex, Shimla-9.
10. The Circle Head, Airtel, SDA Complex, Kasumpti, Shimla-9.
11. The Business Head, Reliance Communication Ltd., Bhrata Sadan, Kasumpti, Shimla-9.
12. The Circle Head, Tata Indicom, Mouza Chotta, Kasumpti, Shimla-9.
13. The Circle Head, Idea, Keonthal Complex, Khalini, Shimla-2.
14. The Circle Head, Vodafone, Durga Cottage, Kasumpti, Shimla-9.
15. The Circle Head, Reliance Jio Infocomm Ltd., ISBT, Tutikandi, Shimla-4.



(Jagdish Chander Sharma)
Principal Secretary (IT) to the
Government of Himachal Pradesh

No.DIT.Dev-(IT)2005(Misc.)
Government of Himachal Pradesh
Department of Information Technology

From
**Secretary (IT) to the
Government of Himachal Pradesh**

To
**Pr. Secretary(MPP & Power and Pollution Control/
UD/ Tribal Development/ TCP) to the
Government of H.P.**

**Secretary(Housing/ Finance/ RD and PR/) to the
Government of H.P.**

Dated: Shimla-2, the August 22, 2006

Subject: Policy for Setting up Mobile Communication Towers

Sir,

There has been an exponential growth in the field of mobile communication. The mobile subscriber base in Himachal Pradesh, which was almost negligible in 2001, has now crossed 7 lacs. **In order to further accelerate growth of this important telecommunication tool, to improve quality of service and to have a suitable regulatory mechanism to prevent haphazard approach, there is an urgent need of having policy for setting up mobile communication towers.**

Permission for erecting mobile communication towers is to be accorded by the concerned Urban Local Body or SADA or Panchayat, as the case may be, for which a pre-determined fee can be levied.

In order to arrive at a policy frame-work in this regard, a meeting of all telecom service providers in Himachal Pradesh and concerned departments was held on 28.02.2006. Based on decisions taken in the meeting and subsequent suggestions received from various departments, the matter was taken to the Council of Ministers in its meeting held on 18.08.2006. "Policy for Setting Up Mobile Communication Towers" enclosed in **Annexure-A** to this letter has been approved by the Government.



It is requested that further necessary action may be taken at the level of your Department by issuing instructions and / or notifications or by amending the bye- laws in keeping with Acts & Rules of relevant local bodies in this regard. For instance, Gram Panchyats may need to take follow up action under Section 100 (1)(d) of the Himachal Pradesh Panchayati Raj Act, 1994. Similarly, the Town and Country Planning Department will have to prescribe fees under Section 30 of the Himachal Pradesh Town and Country Planning Act, 1977 in accordance with the Cabinet decision. A copy of action taken in the matter may kindly be supplied to this Department for reporting compliance of decision taken by the Council of Ministers.

Yours faithfully,

**Secretary (IT) to the
Government of Himachal Pradesh.**

Endst. No. As above

Dated: Shimla-2, the August 22, 2006

Copy forwarded to the following for favour of information and necessary action:

1. The Chairman, HPSEB, Shimla-4
2. The Commissioner, Tribal Development, Shimla-2.
3. The Director, Rural Development and Panchayati Raj, Shimla-9. The Director, Urban Development, Shimla-2
4. The Director, Town and Country Planning, Shimla-9.
5. All the Deputy Commissioner in Himachal Pradesh.
6. The Commissioner, Municipal Corporation, Shimla-1.
7. The CEO, Housing Board, Shimla-2.
8. The Chief General Manager, BSNL, SDA Complex, Shimla-9
9. The Chief Operating Officer, Airtel, Shimla.
10. The Business Head, Reliance, Khalini, Shimla.
11. The Circle Head, Tata Indicom, Kasumpti, Shimla.
12. The Circle Head, Idea, Kainthla Niwas, Khalini, Shimla.
13. The Chief Operating Officer, Hutch, Kasumpti, Shimla.

**Secretary (IT) to the
Government of Himachal Pradesh.**

Policy for Setting up Mobile Communication Towers
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1. **State Government Assistance:** The concerned Sub Divisional Magistrate shall assist the Telecom Service Providers in getting various clearances in different departments and any case requiring higher level intervention shall be brought to the notice of the Deputy Commissioner / Director IT / (in that order), so that all approvals are obtained in a time bound manner.
2. **Fee Structure:** (a) Prior permission of the Local Body / SADA/ (as the case may be) will be obtained [after receiving dues as per (b) below] for raising any construction, including tower.
 - (b) One time and renewal fee to be charged at the following rates shall be paid.
 - i) **Municipal Corporation, Shimla:** Installation Fee @ Rs.20,000/- per tower and Annual Renewal Fee @ Rs.10,000/- per annum per tower. Fee in following Special Areas falling within Shimla Planning Area namely, Dhalli, New Shimla (Kasumpti) and Totu will also be levied at the same rates.
 - ii) **Other Urban/ SADA Areas:** Installation Fee @ Rs 10,000/- per tower and Annual Renewal Fee @ Rs.5,000/- per annum per tower.
 - iii) **Rural Areas and Urban/ SADA locations in Tribal/ Difficult Area:** Installation Fee @ Rs 4,000/- per tower and Annual Renewal Fee @ Rs.2,000/- per annum per tower.

NOTE:

- An option for lump sum payment of renewal fee may also be given in blocks of 5 years (with 40% discount for upfront payment of the entire amount including renewal fees for 5 years). There will be periodic increase in renewal fee by 25 % after every 5 years.
- An additional amount @ 60% shall be levied for every additional antenna which shares the same tower.



- (c) It is clarified that this Fee shall be charged for granting requisite approval for erecting the immovable structure viz. communication tower on top of an existing building or on the ground. **This fee shall be in addition to the rent charged by the owner of land, which he negotiates with the Telecom Service Provider.**
3. **Prohibition on Subletting:** These structures will not be sublet without the permission of the Local Body/ SADA, which has granted the original permission.
 4. **Other Clearances:** Requisite clearances from Defence, Prasar Bharti and Civil Aviation by the telecom companies all by themselves as per the requirements of these authorities. However, these other clearances shall be obtained by the Telecom Service Provider independently on his own and it shall not be a pre-requisite for granting permission based on documentation in point no.5 below.
 5. **Documentation:** Application to a Local Body / SADA shall be made along with the following documents:
 - i) Affidavit from the owner of the land/ building containing his consent along with proof of ownership.
 - ii) Copy of sanctioned roof plan, if the tower is to be erected on an existing building. As far as possible, sufficient open space should be left on all sides of the tower to ensure that damage is not caused, if the tower falls down. If due to any specific site related limitations, sufficient space cannot be left, and if permission is to be granted, third party insurance of such amount shall be got done, as may be decided by the sanctioning authority.
 - iii) Design parameters and foundations details. Drawing of tower with complete details in shape of ferro-prints. Height of the tower and HT lines in the vicinity should be clearly indicated.
 - iv) Structural safety certificate of tower from a graduate structural engineer who should be a member of IEEE.
 - v) Indemnity Bond to take care of any loss or injury due to accident caused by the tower (including a declaration to the effect that the applicant shall take special precautions for fire safety and lightning).

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- vi) Requisite Fee by way of a Demand Draft.
- vii) Revenue documents i.e. tatima and jamabandi in original.
- viii) Site plan in scale of 1:200 and location plan in 1:1000.
- ix) Copy of completion plan of the building if tower is to be erected on top of an existing building.

Note: In case of Gram Panchyats, roof plan at Sr. No. (ii) and completion plan as per Sr. No. (ix) shall not be needed shall not be required.

6. **Deemed Approval:** A final decision shall be taken within 30 days from the date of submission of all the documents. **If the documents submitted for permission are complete in all respects and a decision is not taken within 30 days, deemed permission shall be assumed.** Local Body/SADA/MC shall also have online application form for installation of Mobile Communication Towers. Monitoring of applications through REFNIC or any other online interface on the lines of website of TCP shall be provided.
7. **Location:** Location of communication towers is governed by radio frequency system and as far as possible, cellular operators should try to avoid residential areas. The location shall be decided as follows:
 - i) First preference should be given to the location of tower in the commercial areas or other public areas.
 - ii) Where it is not possible to avoid the location of this tower in residential area, possibility should be explored to locate these in open spaces or on community buildings in these areas.
 - iii) Where it is not possible to find such suitable space mentioned at Sr. No. (ii) above, tower should be permitted on the roof top of residential buildings.
 - iv) Erection of towers on heritage buildings shall not be allowed.
 - v) Such towers can be permitted only on top of buildings already approved or regularized under the law in force.
8. **Compounding of Minor Deviations:** At certain places the Telecommunication Operators are forced by technical feasibility to install Antennae on the particular

building which may have minor violations, which are compoundable as per Law. **In such cases, building owner can get compounding done in advance for which an outer time limit of 30 days for taking a final decision shall be applicable.**

9. **Noise Pollution:** Generator sets installed at the tower site to cater to the power requirements of the antenna should conform to the noise and emission norms prescribed under the Environment Protection Rules. However, in view of time frames set out for electricity providing electricity connection, need for generators should be minimised. **Acknowledgement of a duly filled application form to the concerned Local Body/ SADA shall be deemed to be sufficient for making an application to HPSEP&PCB (Himachal Pradesh State Environment Protection & Pollution Control Board).** Consent to operate shall be normally granted seeing manufacturers' specification sheet, unless there is a felt need of carrying out noise tests. However, antenna shall be made operational only after obtaining permission of Local Body/ SADA, HPSEP & PCB (if applicable) and other clearances as per S.No.4 above.
10. **Sharing of Sites:** The Telecom Operators should share the towers for fixing their respective antennas provided that the prescribed technical requirements are duly fulfilled, so as to curtail multiplicity of towers and to optimize the use of the existing ones.
11. **Electrical Connections:** HPSEB shall provide electrical connections for energising a tower within **30 days**, if the location of tower is within 250 meters of HPSEB system. If the mobile communication towers are located on isolated ridges of the hills and the extension of HT network, installation of step down distribution transformers and extension of L.T. line are required for providing power connection at such places, the connection shall be made available within **three months** from the date of duly completed application and deposit of requisite amount. Considering low power requirement, the operator should not be normally asked to pay for the entire capital cost of creating necessary infrastructure. **Acknowledgement of a duly filled application form to the concerned Local Body/ SADA shall be deemed to be sufficient for making an application to HPSEB.**