



GOVERNMENT OF CHHATTISGARH
Electronics and Information Technology Department
Mantralaya, Naya Raipur

::NOTIFICATION::

Raipur, Dated- 26/06/2015

No: F 4-542014/56/EIT :: State Government hereby notifies "Right of Way Policy, 2015" of Chhattisgarh State, as enclosed.

In exercise of the powers conferred by sub-clause 4.2 of Clause 4 of the Right of Way Policy, 2015, the State Government, hereby, notifies that the said policy shall come into force from 1st February 2015.

**In the name of the Governor of
Chhattisgarh and by Order,**

(B Ananda Babu)
Secretary
Govt. of Chhattisgarh
Electronics and Information Technology

THE "RIGHTS-OF-WAY" POLICY FOR DEVELOPMENT OF TELECOMMUNICATION INFRASTRUCTURE, 2015

1. Preamble. —

Whereas, the telecommunication infrastructure is an enabling infrastructure for electronic transferring and accessing information which is significant for economic, social and cultural development and for conferring benefits for competitive advantage to the local business. Therefore, there is a need for the creation of a "National Optical Fibre Network" (referred hereinafter as NOFN) which will form the backbone of the "Digital India Initiative" for providing broadband connectivity to the village panchayats, and will help in offering online governance, banking and health services even in the rural areas of Chhattisgarh.

Whereas, having regard to the creation of telecommunication infrastructure there is a requirement of installation and arrangement of cables in, above or below the public property such as roads etc. The service provider has to obtain prior permission from various departments and local bodies to execute these works. Therefore, the State Government, hereby, notifies a uniform, transparent "Right of Way Policy-2015" for creation of telecommunication infrastructure to expedite the process of obtaining permission to the service provider.

2. Objective. —

To provide permission for free right of way for the telecom infrastructure development in the State of Chhattisgarh through transparent and time bound process.

3. Definitions.—

- 3.1. "**Department of Telecommunications**" means Department of Telecommunications, Government of India;
- 3.2. "**Department of Electronics and Information Technology**" means Department of Electronics and Information Technology, Government of Chhattisgarh;

3.3. **“Principal Secretary/ Secretary”** means the Principal Secretary/Secretary of the Department of Electronics and Information Technology, Government of Chhattisgarh;

3.4. **“Collector”** means the District Collector cum Chairman, District Level Committee of the respective District;

3.5. **“Committee or District Committee”** means the District Level Committee to be constituted under this policy as mentioned in clause 6.4.;

3.6. **“Agency”** means the respective Department, Organization, Authority, Local body or Company including their assignees owning or responsible for the construction or maintenance of the respective infrastructure including road, electrical or telephone line, installation, poles etc.;

3.7. **“Service Provider or Applicant”** means the executing agency(s), corporation(s), firm(s) or agency(ies) registered with, and granted license by Department of Telecommunication, is the applicant for Right of Way;

3.8. **“Licencee”** means respective service provider who has obtained necessary licence from the Department of Telecommunication, Government of India to plan and construct telecom infrastructure in the State of Chhattisgarh;

3.9 **“Optical Fibre Cable”** means cable containing one or more optical fibre elements with appropriate specifications deployed for long distance telecommunication, or providing a high-speed data connection which shall include but not limited to cables with ground wire support, self-supporting Cable and all type of wire, cables which are to be laid under this policy.

4. Applicability and Enforcement.—

4.1. This policy shall be applicable for all properties, lands and roads owned and managed by State Government, Local Bodies, State Organisations and its Undertakings.

4.2. This policy shall come into force from the date of its publication in the Official Gazette.

5. Nodal Department.—

5.1. Department of Electronics and Information Technology shall be the Nodal Department, for implementation, and required coordination for the Policy. The Department of Electronics and Information Technology shall also notify the Nodal Officer regarding the execution of this policy.

5.2. Department of Electronics and Information Technology shall from time to time issue appropriate guidelines, clarifications, elucidation, directives etc. to implement, oversee, monitor this policy and resolve various issues arising during the implementation of this policy.

6. Process of obtaining permission —

6.1. The Service Provider shall submit application in requisite format along with State Action Plan with GIS Map to the Department of Electronics and Information Technology, Chhattisgarh to obtain permission for right of way for laying down optical fibre cable for the development of telecom infrastructure.

6.2. The Service Provider shall present the action plan before Principal Secretary/Secretary of Department of Electronics and Information Technology, Chhattisgarh on prescribed date by the Department of Electronics and Telecommunication. The Department of Electronics and Information Technology, Chhattisgarh shall issue letter of consent after incorporating necessary suggestions or clarifications in the plan by the service provider as suggested by the department and a copy of the same shall also be endorsed to the concerned Collector.

6.3. The Service Provider shall submit District Action Plan before the concerned Collector. The District Action Plan shall comprise of details

about all the villages, private and revenue lands, national highways, state highways, roads and electric line network etc., duly super imposing on GIS map of appropriate scale along with list of the departments from whom the permission for right of way for laying the optical fiber is sought. Above action plan shall also comprise of letters of consent from the private property owners, if those properties are proposed to be utilized.

6.4. In each district, for the implementation of this policy and review of its progress there shall be District Level Committee which shall be constituted as given below, –

1	Collector	Chairman
2	Chief Executive Officer, Zila Panchayat	Member
3	Divisional Forest Officer	Member
4	Executive Engineer, Public Works Department	Member
5	Executive Engineer, Water Resources Department	Member
6	Executive Engineer, Public Health Engineering	Member
7	Divisional Engineer, Chhattisgarh State Power Distribution Company	Member
8	Municipal Commissioner/Chief Municipal Officer	Member
9	Concerned SDO, revenue	Member
10	Deputy Director, Town and Country Planning	Member
11	Deputy Collector (In-Charge of IT, at Collectorate)	Member Secretary
12	Any other officer nominated by the Collector	Member

6.5. The applicant shall make presentation about District Action Plan before District Level Committee on a date fixed by District Collector and incorporate all the suggestions and corrections in the district plan as suggested by the Committee. The departments shall undertake site inspection for the works as mentioned in the revised

plan and issue its instructions regarding consent or revision as necessary within 15 days. The service provider will resubmit the revised action plan before District Level Committee. In case the roll-out plan is found to be in compliance with the directives, than the concerned District Collector may grant necessary permission for the execution of work. This permission *inter alia* shall also include all other relevant permissions and/or no objection certificates by the respective departments.

6.6. The District Collector shall ensure that permission letter as requested in District Action Plan shall be issued within 30 days from the date of receipt of application from Service Provider.

6.7. The conditions set forth in the permission/no objection order issued by departments must be complied by the Service Provider.

6.8. Under the policy, approval for the right of way on the government land shall be provided free of cost, to all service providers for laying optical fibre, for NOFN Scheme or other service providers to develop telecom infrastructure in the State.

6.9. To commence work on the forested land, prior permission from Appropriate Authority shall be required under the provisions of 'Forest Conservation Act, 1980'.

6.10. The Service Provider needs to obtain approval from the competent authority of National Highway Authority of India for right of way on the land belonging to National Highway, as per the directives issued by Government of India from time-to-time.

6.11. A bank guarantee of the specified amount as indicated hereinafter valid for a period not less than a year or till the completion of the rollout for the specific district, whichever is higher, from a scheduled nationalised bank is to be furnished in the specified format in favour of the Nodal Officer/ Department as directed by respective District Collector. This shall be kept as security against

any damages, bad workmanship, disruption caused, and failure thereof to any services or loss sustained to the property of government or any of its organisation. Notwithstanding this or anything specified hereinabove, the Service Provider shall be liable to pay full compensation to the aggrieved party private or otherwise, for any damage sustained by reason of exercise of rights of way by the service provider. The bank guarantee shall be in the custody of respective Nodal Department and released only after receipt of completion report of the roll-out in the concerned district from the concerned department.

**Bank guarantee to be submitted by the Service Provider
for execution of work on road side**

S. No.	Department	Road / Highway of	Amount of Bank Guarantee Per Km. of Optical Fibre to be laid
1	National Highway	National Highway Authority of India	As per the instructions issued by National Highway Authority of India from time-to-time.
2	a. Roads in the revenue divisions of Bastar and Sarguja	Public Works Department	Rs.5000/-
	b.Roads in the remaining Revenue Divisions in the State	--do--	Rs.25000/-
3	a. Urban roads of width 60 feet or more	Urban Development and Administration Department	Rs.50000/-
	b. Urban roads of width 30 to 60 feet	--do--	Rs.25000/-
	c. Urban roads of less than 30 feet width	--do--	Rs.15000/-
4	Other infrastructure, properties, roads etc. maintained by State Departments	Respective Departments of the State Government	Rs.5000/-

6.12. Under NOFN scheme the State Electricity Company shall not charge Service Providers for laying optical fibre cable over electrical infrastructure / lines of state power transmission.

6.13. The clearances or permission granted under this policy, shall not in any way, be deemed to confer to the service provider, any ownership right or any interest on that route, highway, land or property.

6.14. In case of any breach of the provisions of this policy, the Department Of Electronics And Information Technology or concerned District Collector shall be empowered to withdraw any or all permissions issued or may terminate the contract after giving a show cause notice of 15 days, or may direct to make good or cure the default or the breach by the service provider or may appoint any other agency to rectify/cure the damage and recover the expenditure of the same by deducting the amount due from the bank guarantee submitted by service provider or by other means.

6.15. The notifications, directives instructions, etc., shall be issued time to time by the Electronics and Information Technology Department, Government of Chhattisgarh, for the effective implementation of the policy.

7. Execution Procedure-

7.1. Before commencement of work in any district, the Service Provider shall enter into conditional agreement in prescribed format.

7.2. The date of the commencement and completion of work in District and other milestones related to information shall be informed by the Service Provider to the Department of Electronics and Information Technology as well as concerned District Collector.

7.3. The Service Provider shall be liable to make good and shall extend all its assistance for rectifications of damages to property or restoration of services, if any, caused by him, within 24 hours of such damage or disruption of service. The entire rectification and restoration work shall be at the cost of service provider, as per the

standard operating procedure of the department concerned and under the supervision of the same department.

7.4. The Service Provider shall be liable to any damages or disruption caused by him, during laying of optical fibre cables over electricity utility companies properties. The cost of entire rectification, restoration work or loss of revenue or other shall be paid by the service provider to the respective electricity utility companies. In case of shifting of such lines of utility companies, the services provider shall be responsible for dismantling and reinstalling its cables.

7.5. The Service Provider shall be wholly responsible for safety of their material or manpower and maintaining safe distance from live or charged wires.

7.6. In case of up-gradation of the road or extension of road carriage width, the cable or ducts or any other structure laid by the service provider needs to be shifted or re-laid the service provider shall be responsible at its own cost for the such shifting, re-trenching and re-laying of optical fibre cables for all such place within specified period indicated and approved by appropriate authority. The shifting, re-trenching and re-laying of optical fibre cables by the service provider shall be as per the directives and to the satisfaction of the concerned authority.

7.7. The Service Provider shall inform three days in advance about the repair or maintenance work to be undertaken to the concerned District Collector and other relevant departments.

7.8. As per the site conditions, if use of land or property of third party, private or otherwise, to be used, wholly or partly, as part of action plan for the district, the service provider shall be liable to pay the appropriate compensation or rent to be decided mutually between the third party and the service provider. In case of any dispute arising between such parties the district collector may decide to fix the extent of compensation or rent or both, which shall be final and binding to all the parties.

7.9. The Service Provider shall not claim, treat, or establish exclusive right over the place and property under this 'Right of Way' policy and any subsequent user or entity shall be permitted to use the, either above or below, or by the side of the utilities laid by the first service provider, subject to the fulfilment of technical requirements to be decided by the Appropriate Government Authority.

8. Service provider eligibility.-

8.1. The validity of "Right of Way" would be co-terminus with the validity of license of the Service Provider.

8.2. The appropriate reference(s) to the definition(s), provision(s), eligibilities, conditionality (ies) and boundary (ies) or locational area(s) mentioned in license(s) issued by the Government of India shall be effective and applicable to permissions issued by the state under this policy for obtaining right of way.

9. Construction of permanent ducts along roadside for establishing Optical Fiber.-

9.1. State agencies may keep provision for construction of reinforced ducts along the side of highways or roads in the State. These ducts will be used for laying optical fibre by various service providers. The Appropriate Authority of Government shall be entitled to levy yearly rental or one-time payment as user charges.

9.2. The permission to use these ducts and review of utility will be done by the District Level Committee.

9.3. Service provider shall not be allowed to lay optical fibre separately or create separate ducts for laying of cable, wherever such facilities are planned by the district authorities.

10. Provision of bandwidth for E-Governance services.-

10.1. The Service provider has to ensure provisioning of bandwidth at no cost to government for E-Governance services as indicated below,

on optical fibre cable, at one location, in each of these administrative units, as directed by the District Collector:

S. No.	Unit	Minimum bandwidth to be provisioned
1	State Capital Headquarter	16 MBPS
2	District Headquarter	8 MBPS
3	Tehsil, Block headquarters	4 MBPS
3	Municipal Corporation	8 MBPS
4	Municipality	4 MBPS
5	Nagar Panchayat	2 MBPS

10.2. The service provider need to ensure above bandwidth connectivity till such time the services by the service provider are operational in the State.

11. Monetary subsidy/exemption/concessions..

Monetary subsidy/exemption/concessions given under the policy shall be deemed to be cancelled and recoverable with penalty if such subsidies/exemptions/concessions are misused or used for the purpose other than the public stated purpose of this policy.

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