

SIKKIM



GOVERNMENT

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Thursday 12th January, 2023

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GOVERNMENT OF SIKKIM
DEPARTMENT OF INFORMATION TECHNOLOGY
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No. 13/DIT/2023

Dated: 11/01/2023

NOTIFICATION

The State Government is hereby pleased to make the following amendments in "Right of Way Policy (ROW)" published vide Notification No. 10/DIT/2021 Dated 02/07/2021:

1. (a) In the said policy, under clause (6.4), sub-clause (I) will be replaced by "One time permission charge shall be applicable for the establishment of Micro Communication Equipment by the Applicant in the State of Sikkim would be **Rs. 1,000**".
- (b) In the said policy, under clause (6.4), sub-clause (II) will be replaced by "**Rs. 500** per Pole is payable annually to the owner agency/Department e.g. State Power Dept., State Roads & Bridges Dept. etc. – in case Poles/micro communication devices installed at a Government owned property and are not employed to carry aerial cables/OFC".
2. In the said policy, the following clause shall be inserted after Clause (8) namely:-

9A. Usage of street furniture for installation of small cells and telegraph line.

- i. An applicant shall for the purpose of installation of small cell and telegraph line apply, along with details of street furniture (this includes post/pole used for electricity, street light, traffic light, traffic sign, bus 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) and a copy of certification by a structural engineer authorized 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.

- ii. The application under sub-rule (i), 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 **Rs. 1000 per street furniture**.
- iii. 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.
- iv. The appropriate authority shall be entitled to receive such compensation from the applicant, not exceeding the amount **Rs. 300 per annum for urban area and Rs. 150 per annum for rural areas per street furniture**, for use of street furniture for installation of small cells and telegraph line, as may be determined by the appropriate authority.
- v. The appropriate authority may permit installation of small cells on their buildings and structures.
- vi. For the purposes of sub-rule (v), the "appropriate authority" means the State Government or the authority, body, company or institution, incorporated or established by 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 Government, authority, body, company or institution.

9B. Establishment of telegraph infrastructure over private property.

Where the applicant proposes the establishment of overground telegraph infrastructure over any private property, the applicant 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 applicant 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, authorized 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.

By Order and in the name of the Governor.

Yogendra Sharma"
Secretary

SIKKIM



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GAZETTE

**EXTRAORDINARY
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No. 155

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No. 10/DIT/2021

Dated:02/07/2021

NOTIFICATION

Whereas considering the fact that Telecom connectivity has admittedly become the most crucial infrastructure for transparency and speed in governance, development, security, concurrent monitoring and all the rest, and the only means to overcome the geo-climatic obstacles to communications in the State. The State Government had issued notification vide No. GOS/ UD&HD/2336/44)07/1563, Dated 13/08/2008 stipulating a set of charges to be complied with at the time of installation of mobile towers within the territorial jurisdiction of Sikkim.

Further, the State Government also issued notification vide No. 467/820/ DIT/11 dated: 21/05/2011, 724/223/DIT/2017 dated: 23/08/2017 & 578/DIT/18 dated: 21/09/2018 stipulating a set of guidelines to be complied with at the time of Optical Fiber Cable laying within the territorial jurisdiction of Sikkim.

Subsequently, the Department of Telecom, Government of India had notified the ROW rules, 2016 for both over ground and underground telecom infrastructure.

Accordingly, in pursuance of the provisions of the IT Right of Way rules, TO 16 and in supersession of all the earlier policies, orders and guidelines issued with regard to telecom towers, OFC and related telecom equipment's, the State Government is hereby pleased to notify the revised comprehensive Right of Way Policy (RoW) to bring uniformity, clarity and simplification in the process of giving permission for installation of Telegraph/Telecom infrastructure for both over the ground (Mobile Towers, Aerial OFC) and under the ground (Optical Fiber Cable) within the territorial jurisdiction of Sikkim for strict compliance.

This notification supersedes the earlier RoW Policy for Sikkim issued vide notification no. No. 467/820/DIT/11 dated: 21/05/2011, 724/223/DIT/2017 dated: 23/08/2017 & 578/DIT/18 dated: 21/09/2018.

1. Short title and commencement:

- a) This Policy may be called as Sikkim Telecom Infrastructure Policy 2021.
- b) It shall extend to the whole State of Sikkim.
- c) It shall come into force from the date of its publication in Official Gazette.
- d) It shall be administered by the Information Technology Department, Government of Sikkim
- e) This Policy shall not be in violation or super-session of the provisions contained in the Indian Telegraph Act, 1885, Towerguidelines issued by DoT in August 2013, Indian Wireless Telegraphy Act 1933 and Indian Telegraph Right of Way Rules, 2016 in anyway.

2. Definition:

1) In this policy, unless otherwise required in the context:-

- a) "State" means State of Sikkim.
- b) "DIT" means Department of Information Technology, Govt. of Sikkim
- c) "Licensee" means any person holding a license issued under section 4 of the Indian Telegraph Act, 1885.
- d) "Applicant" means any Infrastructure Provider (IP) or Telecom Service Provider (TSP) who makes an application seeking permission to establish and maintain the Telecom Infrastructure.
- e) "Telecom Service Provider (TSP)" means a licensee providing telephony services, including, inter alia, mobile phone services, internet and data transfer services etc.
- f) "Infrastructure Provider (IP)" means Infrastructure providers registered with Department of Tele communications to set up Telecom Infrastructures in India.
- g) "Application" means the application for single window clearance for the establishment and maintenance of Telecom Infrastructure.
- h) "Application Form" or "Form" means the form appended to this policy.
- i) "Permission" means any permission pertaining to this Policy for Telecom Infrastructure.
- j) "Appropriate Authority" means the 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 over ground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate authority.
- k) "Overground Telecom Infrastructure" means over ground infrastructure for telegraph or telegraph line established over the ground and includes the poles, posts, Telegraph/ Telecom Infrastructure and other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line.
- l) "Underground Telecom Infrastructure" means a telegraph line or Optical Fibre Cable (OFC) laid under the ground and includes manholes, marker stones, appliances and apparatus, for the purpose of establishment or maintenance of the telegraph or OFF line.
- m) Telegraph/ Telecom Infrastructure includes -

1. Telecommunication Cell Site or Base Station (TCS / BS) or Telecom Tower or Mobile Tower, a place for tower, delta, single pole antenna, microwave antenna, telecom transceiver machinery, related civil works, requisite wire and cable, power supply equipment, Diesel Generator set, cabin or cupboard for housing any or all of the aforesaid items is necessary.
 - ii. Ground based tower (GBT), ground-based mast/ monopole (GBM), roof top tower (RTT), roof top pole (RTP).
 - iii. Cell Phone Tower (CPT), Micro cell tower (MCT), antenna fixtures, fabricated antenna, tower to install telephone lines and Wi-Fi antenna,
 - iv. Pre-fabricated or masonry structure shelters or installation of Base Transceiver Station (BTS) and other equipment's,
 - v. Ducts, underground OFC, cabling or the poles or electric poles.
 - vi. In Building Solution & Micro Communication Equipment (Micro Cell), or any other appliances, apparatus, etc. necessary for the effective establishment & maintenance of telecom services.

However, the Telegraph Infrastructure, for the purpose of this Policy, shall not include Television Antennas or Dish Antennas installed for domestic purpose.

Provided further that Cell-on-Wheels (CoW) and any temporary infrastructure for managing events/ festivals /fares of short duration (maximum 90 days which may be further extended post approval from Nodal Department), or to give coverage to blank areas, shall not be included in Telegraph Infrastructure for the purpose of this Policy and no formal permission and fees is required for installation of such temporary infrastructure.

3. Nodal Department:

For the implementation and coordination of this Policy the Department of Information Technology (DIT) shall be the Nodal Department. To overcome the difficulties in the implementation of the above Policy, necessary interpretation, clarification, instruction will be issued from time to time by DIT.

4. Applicability

This Policy shall apply to the whole of the State of Sikkim and shall be implemented by all Municipal Councils and other designated Bodies/ Areas, Authorities in district, blocks and village levels empowered to give plan approval of buildings within their jurisdiction. These regulations will be applicable to all existing/ proposed telecom towers installed/ to be installed.

All applicants shall apply to the Secretary, Department of Information Technology, Government of Sikkim, with all required relevant documents including the Requisite NOCs/ clearances, consents and undertakings.

The permission issued by DIT for both underground and overground telegraph infrastructures shall be co-terminus with the validity of the license issued by the concerned authority. However, all installation or laying of cables and relevant works of *OFC/ OPGW* for which permissions are issued shall be completed within **18 months** and for installation of *tower/ BTS / poles* the works shall be completed within **6 months** from the date of issue of permit by DIT.

However, on non-receipt of the work completion report within the stipulated time, a 30-day notice shall be issued in writing to the TSP, seeking clarification on the reasons for the delay. Failure on the part of the TSP to furnish satisfactory justification, the DIT shall cancel the permit issued and will impose a penalty of 2% against the **performance bank guarantee**.

4.1. Electronic application process & disclosure of the application

The State Government / Nodal Department may establish a single electronic application process for all nodal authorities or will delegate to appropriate authority to develop an electronic application process, within a period of 12 months from the date of notification of this policy for submission of applications.

Till such application process is developed, the Applicant shall, for the purpose of establishment of telegraph infrastructure under any immovable property vested in or control or management of any Appropriate Authority, make an application in the Application Form, supported by such documents, to Secretary, DIT in the form and manner as specified in this Policy.

5. Permission for Mobile Towers.

5.1. Locations permissible for installation of Mobile Towers / other structures

- a) Installation of Mobile Towers shall be allowed on residential/ non- residential building (Office, School, College and buildings) owned by the Government or by private entities in the State of Sikkim.
- b) In core urban areas, having high cell site density where it is not possible to install Mobile Towers/ Antenna in residential buildings, the Micro Cell based stations can be considered, in order to provide seamless uninterrupted mobile service.
- c) To provide proper network service outside core urban area, the installation of mobile towers may be allowed on the agriculture areas, only subject to submission of NOC from the head, Gram Panchayat.
- d) For the installation of mobile towers on residential/ non-residential buildings or land NOC from the concerned owner/ department shall be obtained.
- e) The mobile towers shall be permitted to install only on buildings having approved blue print plan/ occupation/ completion certificate / sewerage connection /electricity connection.
- f) Low power BTS shall be allowed to mount on the low-tension poles of Power department provided it is not interfering with the power transmission.

Based on the installation type, mobile towers are further classified as Ground Based Towers (GBT) or Roof Top Towers (RTT) or Roof Top Poles (RTP) and Roof Top Mast (RTM).

5.2. Validity of permission issued:

The permission/permit issued under this policy to any Applicant shall be co-terminus with validity of License issued to TSP/Registration certificate issued to IP-I (Infrastructure Provider Category I).

5.3. Procedure for submitting application for establishment of Mobile Tower

The Applicant shall submit application with all the relevant information mentioned in the specified form as annexed (Appendix-A) to the office of Secretary-DIT, Government of Sikkim. The final permission for installation of towers shall be granted with the grant of permission/NOC from the Urban Development Department or Rural Development Department, Government of Sikkim as the case (location) may be.

Following information and supporting documents are required to be attached along with the applications for establishment of Mobile Tower:

- i. A copy of License/ registration certificate granted by the Department of Tele communication
- ii. The nature and location, including exact latitude and longitude, of post or other above ground contrivances proposed to be established.
- iii. The details of building or structure, where the establishment of the Over ground telegraph infrastructure is proposed. The copy of approved blue print plan for the building on which the tower is proposed to be raised.
- iv. Acknowledgement receipt issued by of the self-certificate submitted by the Applicant in respect of mobile tower/Base Transceiver Station (BTS) establishing/ certifying that all general public areas around the tower will be within safe Electro Magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennas start radiating.

(Note: - It can be submitted within 90 days of the commissioning of tower)

- v. Copy of Clearance from Fire Safety Department only in case for high rise building where fire Clearances is mandatory.
- vi. Copy of Standing Advisory Committee for Frequency Allocation (SACFA) clearance/copy of SACFA application for the said location submitted to Wireless Planning & Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, Applicant will take corrective actions/ remove the tower.

(Note: - the copy can be submitted to the Nodal Department within 60 days of the commissioning of tower).

- vii. Genset shall be allowed only if the parameters set by State Pollution Control Board are met and the No Objection Certificate to be furnished. Copy of the type test certificate issued by the Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets, in case the capacity of the DG is above 1 MVA. The location of the genset should be within the premises of the building on which the tower is installed and, in any case, it shall not be located on the public spaces/ setbacks of the buildings.
- viii. For Forest, protected area, the copy of clearances from State Environment & Forest Department, if applicable.
- ix. Copy of Structural Stability Certificate for ground-based towers. In case of roof top BTS towers, structural stability certificate for the building and tower based on written approval of any authorized Structural Engineer of State/ Local bodies/ Central Building Research Institute (CBRI), Roorkee/IIT/ NIT or any other agencies authorized from time to time by the State Government.

- x. Submission of NOC of land/building Owning Agency Private Agency or Public Agency).
- xi. The tower shall be mandatorily shared within the Telecom Service Providers.
- xii. Indemnity Bond (in original) to take care of any loss or injury to accident caused by the tower apart of the reasons of force-majeure (including a declaration to the effect that the Applicant will take necessary precautions for fire safety and lightning and it shall be solely responsible for paying all kinds of compensation and damages and would be responsible for case arising therefrom).
- xiii. For the mounting of low power BTS to the LT poles, clearance / NOC from the Power Department has to be obtained.
- xiv. Any other matter connected with or relevant to the work as may be specified, through a general or special order, by the State Government.

5.4. If the application is not complete, the Applicant may be given opportunity to submit revised application or documents, rectifying the defects within 15 days and Nodal department may accept the revised application.

5.5. If the Nodal department rejects the application, the reasons for the rejection should be intimated to the applicant in writing within 7 days of submitting the application.

5.6. However, no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection.

5.7. All the clearances from the concerned departments should be forwarded to Department of Information Technology (DIT), within a minimum of 15 (fifteen) days and a maximum of 1 (one) month. In the event of non-receipt of such clearances from the line departments within the stipulated time frame, it shall be deemed that the department has no objection and that the DIT, can go ahead with issue of Telecom Tower permissions, provided the application is complete in all respects.

5.8. Every application under sub-rule 5.3 shall be accompanied with a one-time non-refundable fee of **INR 10,000** to meet administrative expenses for examination of the application and the proposed work.

5.9. Additional charges apart from charges mentioned in clause 5.8) only for Government land & Buildings:

- a. One time Land usage charges for Ground Based Tower would be INR 1000per sq.ft. over and above the rental agreement drawn.
- b. One time Land usage charges for Roof Top Tower would be INR 2000 persq.ft. over and above the rental agreement drawn.

*** However, the land / roof usage charges defined as above at Para. 5.9.a & b for installation of GBT, GBM and Roof Top Towers in the land and building owned by Municipal Corporation, may not be applicable if the Municipal Corporation has any approved rate existing for the same.**

6. Permission for Micro Communication Equipment/Pole

This Policy intends to promote installation of Micro Communication Equipment/ Pole, where installation of Mobile towers viz GBT or RTT or RTP may not be feasible.

6.1. Permissibility:

Micro Communications Equipment being a small equipment can be installed on any type of land/ building/ zone across the State regardless of its specified land use including but not limited to the premises of: -

- I. Institutional/ Govt. buildings/ residential buildings including Multi Story Buildings/Group Housing Complexes/ building used for industrial and commercial purposes.
- II. On street electric poles, telegraph poles and other structures.

6.2 Procedure for submitting application for obtaining clearance/NoC/Consent (Permission) from Nodal Department for installation of Micro Communication Equipment/ pole:

The Applicant, as the case may be, shall submit filled up application with all the relevant information and documents to the Nodal Department. The Nodal Department shall issue permit/ permission to the Applicant: -

- i. Copy of relevant license /Infrastructure Provider Registration Certificate from DoT.
- ii. Data Sheet
 - a) Details of Applicant
 - (b) Location where Micro cell to be installed
- III. Copy of clearance from Fire Safety Department only in case for high rise buildings where fire clearance is mandatory.
- IV. Indemnity Bond (Original) to take care of any loss or injury to accident caused by the micro cell equipment (including a declaration to the effect that the Applicant will take necessary precautions for fire safety and lightning and it shall be solely responsible for paying all kinds of compensation and damages and would be responsible for case arising there from)
- V. Copy of NoC from building /land owner which Micro cell structure is proposed to be installed & authorized person in case of Government premises.

6.3. The rejection & permission of application, appeal procedure shall be as provided in tower policy.

6.4 Fees:

- I. One time permission charge shall be applicable for establishment of Micro Communication Equipment by the Applicant in the State of Sikkim would be **INR 3000**.
- II. **INR 1,000** per Pole is payable annually to the owner agency/Department e.g. State Power Dept, State Roads & Bridges Dept etc. - in case Poles/micro communication device is installed at a Government owned property and are employed to carry aerial cables/OFC.

7. Permission for In Build Solution (IBS):

This Policy intends to promote installation of In Build Solution (IBS), where there is a poor connectivity in terms of weak signal strength inside the office, shopping mall, hospitals, multi-story building, education institutions and objective is to strengthen quality of service of mobile network.

7.1. Mode of deployment of In Building Solution:

There shall be various mode of deployment of in Building solutions such as:

7.1.1. The possible modes are Deployment by a neutral host infrastructure provider or Build and managed by telecom service provider and sharing with other service providers on non-discriminatory basis.

7.1.2. The In Building Solution (IBS) can also be deployed by IP-I (Infrastructure Provider Category I) and shared with telecom service providers. For deploying indoor solutions these companies will be requiring permissions from the building owners. Moreover, if these IP-I companies are required to install optical fibre for connecting IBS nodes for which RoW / permissions will be required and shall be granted accordingly.

7.2. Permissibility:

In Build Solution Component being a small equipment can be installed on any type of land/building/utility pole and there is no requirement of getting the permission for installation of these components from the Nodal Department but it is required to get permission from the Administrative Authority of the concerned building applicable only for Government buildings and no such NoC / Consent will be required for private buildings).

7.3. Procedure for submitting application for obtaining clearance /NoC/Consent:

The application may be made to the Administrative Authority of the Building/ Head of the office with Layout diagram for implementing IBS in the building. (applicable only for Government buildings and no such NoC / Consent will be required for private buildings).

7.4. Fees:

There shall be no fee to be charged for IBS. However, charges can be levied for provision of power, fixtures, etc. if taken by the TSP/ IP.

8. Permission for Right of Way (ROW)for Optical Fibre Cable (OFC)/ Optical Ground wire (OPGW)/other broad band media infrastructures:

8.1. Application by the Applicant:

- 8.1. 1 The ROW Policy will be applicable for all roads owned and managed by State Government, Local Bodies, Public Sector Undertakings and Border Road Organization in the State. Permission for ROW will be granted by the State Government through the Secretary, Department of Information Technology (DIT), as per guidelines and design parameters laid down by the office of Chief Engineers with respect to roads owned and managed by concerned Department. With respect to roads owned by other Departments of the Government, Local Bodies, Public Sector Undertakings etc., the appropriate authority for granting permission will be designated by them. However, in case of National Highway lands permission of ROW will be granted by Ministry of Road Transport and Highways (MORTH) or its designated authority.

The Department of Information Technology, Government of Sikkim, shall be the nodal office and all such applications for ROW shall be routed through the Secretary, DIT who would then forward it to the concerned department. The agency availing the ROW shall submit the completion report to Secretary, DIT so that updated information of the OFC/ OPGW/other broad band media Network in

the State can be maintained. The ROW shall be issued to the applicant after they have obtained the necessary clearances from the respective Roads and Bridges Department/ Rural Management and Development Department / Energy and Power Department/ Urban Development & Housing Department and the Agency in charge of the road.

- 8.1.2. If the alignment of any OFC/ OPGW/ other broad band media network line passes through a forest land then forest clearance is required to be accorded under the Forest (Conservation) Act, 1980 after completing the formalities prescribed under the Act. In this case the ROW is allowed to the Applicant by the Forest, Environment and Wildlife Management Department, the status of the diverted land continues to be forest land even after it is put to non-forest use.
- 8.1.3 Applicant shall, for the purposes of establishment of OFC/ OPGW/ other broad band media connectivity under or upon any immoveable property vested in or under the control or management of any appropriate authority, make an application, supported by such documents, to that authority as prescribed here in this policy.
- 8.1.4. The information along with supporting documents to be provided by the applicant in the application made under clause 8.1.3. shall include: -
 - (a) A copy of License/ registration certificate granted by the Department of Tele communication.
 - (b) The details of the OFC/OPGW/other broad band media infrastructure proposed to be laid.
 - (c) The mode of and the time duration for, execution of the work.
 - (d) The time of the day and when the work is expected to be done in case the licensee expects the work to be done during specific time of the day.
 - (e) The details of expenses, estimated on the basis of the applicable schedule of rates adopted by the appropriate authority, that such appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the licensee.
 - (f) The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such in convenience.
 - (g) The specific measures proposed to be taken to ensure public safety during execution of the work.
 - (h) The names and contact details of the employees of the applicant for purposes of Communication in regard to the application made.

Any other matter relevant, in the opinion of the applicant, connected with or relevant to the work proposed to be under taken

8.2. If the application is not complete, the Applicant may be given opportunity to submit revised application or document s), rectifying the defects within 15 days and Nodal department may accept the revised application.

8.3. If the Nodal department rejects the application, the reasons for the rejection should be intimated to the applicant in writing within 7 days of submitting the application.

8.4. However, no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection.

8.5. All the clearances from the concerned departments should be forwarded to Department of Information Technology (DIT), within a minimum of 15 (fifteen) days and a maximum of 1 (one) month. In the event of not receiving such clearances from the line departments within the stipulated time frame, it shall be deemed that the department has no objection and that the Department of Information Technology (DIT), can go ahead with issue of Right of Way (ROW) permissions, provided the application is complete in all respects.

8.6. Every application under sub-rule (8) shall be accompanied with a non-refundable fee of **INR 1000/route kilometer** to meet administrative expenses for evaluation of the application and the proposed work.

8.7. DIT will accept the undertaking by the Applicant to discharge the responsibility to restore the damage. DIT while granting permission under clause 8.5, shall seek a bank guarantee for an amount of INR 75 per running meter in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

Provided that no fee, charges, lease, rental, license fee or any other such charge in cash or kind shall be levied by the appropriate authority on the licensee for execution of the work.

8.8. If the applicant has failed to complete the work satisfactorily during the prescribed tenure and no proper justification on the same could be provided, the DIT will impose a penalty of 2% against the furnished performance bank guarantee in the form of Earnest Money Deposit (EMD).

8.9. The route limit per application should be under 250Kms.

8.10. All application for last mile connectivity under route limit of 5 km shall be granted Right of Way (ROW) without levying any charges on receipt of clearances from the concerned line departments.

8.11. The Telecom Service Providers (TSP) / Infrastructure Providers should Ultimate the details of their Nodal Officer including the contact details along with the application and who shall act as the single point of contact on behalf of the Telecom Service Providers (TSP) & Infrastructure Providers(IP-I).

8.12. Grant Permission:

- I. Any applicant that has been license/registered with the Department of Tele communication shall be eligible to avail the ROW facility/permission. However, enforce ability for the permission so granted shall be restricted to the extent of provision/ scope of service contained/ defined for the license so granted by the Department of Tele communication for the tele communication infrastructure.
- II. Roads and Bridges Department/Rural Development Department/ Power Department/ Urban Development Department and the Agency in-charge of the road will provide broad guidelines for various options depending upon topography and site conditions for availing of ROW.
- III. A joint survey will be conducted with representatives of the Department of Forest & Environment, Roads and Bridges Department/ Rural Development Department/

Power Department/ Urban Development Department and Agency owning the road the licensee prior to commencement of work to undertake a feasibility of work to be carried out.

- IV. The applicant shall be solely responsible for full compensation/indemnification of concerned Agency/ aggrieved owners for any direct, indirect or consequential damage caused to them / claim or replacements sought for. The concerned agency in coordination with owner shall also have the right to make good such damages/ recover the claims at cost and the risk of the licensee.
- v. No applicant shall claim exclusive right on the ROW and any subsequent user will be permitted to use the ROW, either above or below, or by the side of the utilities laid by first user, subject to technical requirements being fulfilled which shall be decided by the Roads and Bridges Department/ Rural Development Department/ Urban Development Department or Agency in charge of the road.
- VI. The permission granted shall not in any way be deemed to confer to the applicant any ownership right or any interest in route/ highway land/property.
- VII. The applicant shall be responsible for ascertaining from the respective agency in coordination with owner, regarding the location with other cables, underground installation/utilities/facilities etc. before commencement of the work.
- VIII. The applicant will submit a list of roads proposed for laying OFC/ OPGW/ other broad band media to the local bodies. The Commissioner of the local body for urban bodies) concerned will examine the list, and if for any reason considers that any specific road is to be deleted from the list, the applicant will lay the OFC/OPGW/ other broadband media in the alternative road suggested.
- IX. The applicant shall make his own arrangements for crossing drain, culverts, bridges, jhora, river etc. at their own cost. If due to unavoidable reasons the road needs to be cut for crossing or laying of OFC/ OPGW/ other broadband media the licensee shall deposit the restoration cost/ reinstatement charges as assessed by the government in coordination with the concerned agency.
- x. In case of up gradation of the road or extension of road carriage width, the cables/ ducts or any other structures laid by the applicant shall be shifted and re-laid at their own cost and within specified period indicated by the Roads & Bridges Department/ Rural Development Department or the agency in- charge of the road.
- XI. Where the appropriate authority having regard to circumstances which have arisen since the establishment of any underground or over ground infrastructure or upon any immoveable property vested in or under the control or management of that appropriate authority that it is necessary and expedient to remove or alter such infrastructure it shall issue a notice to the applicant being the owner of such infrastructure to remove or alter its location.
- XII. Shifting of existing facilities like telephone cables, electrical lines, electrical poles etc. wherever required would be done in a time bound manner and at their own cost. The applicant will ensure that there is no hindrance to the free flow of traffic.
- XIII. Restoration/ reinstatement of the road damaged due to digging and other activities while laying cables/ ducts or construction of structures while availing the ROW will be done by the Applicant to the satisfactory level of the land/road owner department.

- XIV. The applicants are required to give 6 months guarantee for the restoration work done by them. If any damage is caused to the road so restored, the applicants should carry out the work again at their cost to the satisfaction of the local bodies.
- XV. As per the site conditions if private land has to be utilized or private structures are to be utilized, the applicant will be required to meet the cost of land acquisition/ rentals etc. as the case may be.
- XVI. In case of overhead cables/ ducts (OFC/ OPGW/ other broad band media) to be placed from point-to-point connection, usage of high tension/low tension poles can be accessed once the clearance for the same has been under taken from the Power Department. The Secretary, Power Department will be the nodal authority to take any such decision. The Department of Power will allow the use of spare cores available under Rental/lease basis to the companies desirous of expanding the data service area. However, for overhead laying of OFC / OPGW/ other broad band media over other private or government land, NOC from the concerned party has to be taken.
- XVII. There will be a provision of reinforced ducts in all important new roads being constructed in Sikkim. However, for the existing roads, the concerned agency may provide new ducts within 24 months. This duct will be used for laying communication cables by the various service providers. These ducts should be made sharable with other service providers on mutual agreed terms between the parties. The agency in charge of the roads will be authorized to levy yearly rental or onetime payment as charges on mutually agreeable terms and conditions. In case the ducts are not available during the time of applying of application the applicant can lay media as per the conventional method.

8.13. Safety Measures:

- I. Assessment of measures to ensure public safety and in convenience that the public is likely to be put to in consequences of the work proposed and the measures to mitigate such in convenience is indicated by applicant.
- II. Prior to the commencement of work of laying the underground/ over ground infrastructure during the execution of work, the measures to mitigate public inconvenience and providing for public safety are strictly followed by the applicant.
- III. The applicant should give prior information to the relevant Traffic and Transport department officials while undertaking the OFC/ OPGW/ other broadband media laying work on roads to enable diversion or regulation of traffic. During the progress of work, the Police Department (Traffic) shall be consulted on a daily basis. Even before the work is started, 'Caution-cum-information' boards Shall be positioned by the applicant on both ends of the road.
- IV. In case of all excavations to a depth of more than 1.5 meters, the holes shall be covered appropriately on both sides to avoid soil erosion. Manholes shall be covered on all the four sides using corrugated sheets or equivalent product. These sheets shall be painted in red colour.
- V. Applicant shall ensure that the debris/waste material if any shall be disposed by them at their own cost failing which the owner of the road will do so at the cost of the applicant. The digging of the trenches would be strictly regulated so that cables are laid and trenches are filled up before the close of the work every day. Filling

should be completed to the satisfaction of the line Department. While carrying out digging work, necessary caution like barricading, traffic diversion signs, danger lighting etc. shall be provided by the user.

9. Formation of Committees:

The State Level Monitoring Committee as constituted by State Government vide Notification No. 577/ DIT/ 18 dated 21st September 2018 would be working towards the purpose of review and monitoring of the progress of the permission given for telecom infrastructures and telecom growth in the State. Representatives of Telecom Infrastructure Providers & Service Providers would also be part of the said committee and would be invited for such meetings to discuss the telecom related matters in Sikkim. The Committee will also be submitting their recommendations for the telecom development to the State Broadband Committee.

10. Other Terms and Conditions

10.1. Refund of fee to the applicants:

In case the application for permission is rejected, the fee paid shall be returned to the applicant within one month from the date of rejection after deducting 20% as administrative charge.

10.2. Safety and Security of Telecom Infrastructure:

- I. In order to avoid disruption in mobile communication which is an essential service, sealing of mobile communication towers / disconnection of electricity may not be resorted to without the consent of the respective TERM (LSA) cell of DoT in case of any complain or issue related to EMF emissions. Mandatory advance notice of 90 days, mentioning the action to be taken, must be given to the applicant initiating any steps against the Telecom Infrastructure.
- II. Strict legal action by the respective law & enforcement authorities to be initiated against any willful or negligent damage to the telecom infrastructure facility and causing interruption to the network connectivity.

10.3. Electrical power to Applicant:

Mobile communication tower being a critical infrastructure, Energy Department may give priority in providing electrical power connection to Mobile Towers and Telecom equipment's. The Power distribution companies should ensure that disconnection of electrical power if required is executed with prior written notice of atleast 30 days given to the concerned IP and TSPs.

10.4. Regularization/Compounding:

- I. Wherever permission has already been granted under erstwhile policy/ orders, the same shall hold good and no fresh permission shall be required under these guidelines. The tenure of permission so granted shall be effective from the date of its issuance and it shall hold good during the period of permission granted by the DoT.
- II. For all the existing mobile towers where application has been already submitted, shall be regularized by Appropriate Authorities on the basis of application and documents already submitted. Earlier fees paid, if any, by the applicant shall be

adjusted as per this policy which shall also be taken into consideration along with the payments already made and under process with various local/ State Government authorities. In case the permission is not issued within 30 days from the date of commencement of this policy, the applicant shall re-approach the local/ State Government Authorities on which local/ State Government Authorities is required to revert in next 15 days.

- III. For all the existing mobile towers etc. wherein formal permission has not been issued by the appropriate authorities and application not submitted, shall be regularized upon submission of application in FORM annexed herein along with information and documents as specified therein and after the payment of prescribed fee/ charges under this policy. Such application shall be submitted within six months of notification of this policy, after which these mobile towers shall be deemed as unauthorized. Once the application is submitted within the due time, the operation of the Mobile Tower shall not be discontinued till disposal of the application by the appropriate authority or till the disposal of appeal if any) filed in time before the Appellate Authority, whichever is later. In case the permission has not been issued within 30 days, the Applicant shall re-approach the local/ State Government Authorities after the 30th day from the submission of the complete application, on which local/ State Government Authorities is required to revert in next 15 days.

10.5. Dispute Resolution

- I. Any dispute arising between Applicant and the Appropriate Authority in consequences of this Policy, shall be referred to Principal Chief Engineer cum Secretary, Urban Development Department being the Dispute Resolution Officer (DRO) as designated by Central Government vide its Gazette Notification No. 515- G.S.R 624 E dated 22nd June, 2017.
- II. The Central Government designated officer shall determine the disputes as referred in sub-rule (I) within a period not exceeding sixty days in such a manner as may be specified by the Central Government from time to time.

10.6. Changes in the Policy:

This policy shall be suitably adjusted to accommodate changes that may be necessitated on account of any technology or regulatory changes which may be introduced by the Department of Telecommunications, Government of India or any other Competent Authority in order to keep this policy dynamically responsive to changing technology, regulatory regime or any other unforeseen development.

By Order and in the name of the Governor.

Raj Yadav, IAS
Secretary, DIT
File No: GOS/223/DIT/16

Application Form

Application for permission for Establishment of Mobile Towers, OFC and Other Telecom Related Infrastructure in the State of Sikkim.

To _____

Date ... / ... / ...

(Use of CAPITAL Letters Only)

A	Details of the Applicant	
1	Name of the Applicant	
2	License/ Registration Certificate Details	
3	Address for correspondence	Plot/Flat No
		Street/Road
		Village
		City/Town
		District
		Pin
		Contact No
4	Authorised person with designation	Name
		Designation
		Mobile No
		e-Mail

B	Proposals		
1	Mobile Towers	GBT <input type="checkbox"/>	RTT <input type="checkbox"/> RTP <input type="checkbox"/>
2	ROW OFC	Underground	Aerial <input type="checkbox"/>
3	COW		
4	Micro Cell		

C	Location of the Proposed Site/ Route	
C 1	Mobile Towers	
	Owner of the land/Building	Govt/PSU/Private
	Name of the owner/ Authorised Person	
	Plot/Flat/Premises Nos	
	Road/Street	
	Ward/Block No/Village	
	Land Mark	

	City/Town, District					
	Plot Size		Khata No			
	Ownership Document		Aggre. No		Date	
C 2	ROW OFC - Underground					
	Rout Permit		From		To	
	Area in Sq. Meter/KM					
	District under coverage		Dist 1		Dist 2	
	Land Under The Ownership (In Sq Meter/ KM)					
	Rural Authority		Urban Authority			
	Forestry		NHA			
	PWD		RD			
	Central Authority		Private			
	PSU		Revenue			
	Others if any					
C3	ROW – Aerial OFC					
	Route Permit		From		To	
	Area in Sq.Meter/KM					
	Number of poles to be used					
	Permit from Dept of Energy/Company like CESU					
C3	MICRO Cell					
	Owner of the land/Building		Govt/PSU/Private			
	Name of the owner					
	Plot/Flat/Premises Nos					
	Road/Street					
	Land Mark					
	City/Town, District					
	Ownership Document		Agreement No, if any		Date	

D	Documents as per requirement	Enclosed (Y/N)
	Copy of relevant license or Infrastructure Provider Registration Certificate from DoT.	
	Copy of structural stability certificate for Roof-Top Towers	
	Copy of the type test certificate issued by Automotive Research Association of India (ARAI) or any other authorized Agency to the manufacturers of the Diesel Generator (DG) Sets	
	Copy of clearance from Fire Safety Department in case of high rise buildings, if applicable	
	Copy of clearance from State Environment & Forest Department, if applicable.	
	Copy of SACFA clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement (to be submitted as soon as the location is finalized and tower is installed)	
	Drawing of the tower along with specifications of foundations and design parameters.	
	Indemnity Bond (Original) to take care of any loss or injury to accident caused by the tower.	
	Copy of approved blue print plan for the building on which the tower is proposed to be raised.	
	Copy of NOC from building /land owner or Authorised Personnel	
	Route plan along with GIS Map only for laying OFC	
	Prescribed Fees for Permission	
	Other documents if any prescribed under this policy	

Certified that all the information/documents furnished above are authentic and true to best of my knowledge.

Name of Authorised Official	
Designation	
Signature with Seal of the Organisation	
E-Mail	
Tele No.	
Mobile No.	
Date	

