

GOVERNMENT OF MIZORAM
DEPARTMENT OF INFORMATION & COMMUNICATION TECHNOLOGY
AIZAWL: MIZORAM

NOTIFICATION

Dated Aizawl, the 7th, December, 2020.

No.D.25015/5/2016-ICT : As per approval of the Council of Ministers in its meeting held on 1st October, 2020 and conveyed vide Memo No.J.11011/1/2020-POL/Vol-IV dt. 5.10.2020 and in the interest of public service, the Governor of Mizoram is pleased to notify **“The Mizoram Telecom Infrastructure Policy, 2020”** with immediate effect and until further orders.

Sd/- P. JAWAHAR

Secretary to the Govt. of Mizoram
Deptt of Information & Communication Technology

Memo No.D.25015/5/2016-ICT

Dated Aizawl, the 7th, December, 2020

Copy to :-

- 1) The Secretary to the Governor, Mizoram.
- 2) The Secretary to Hon'ble Chief Minister, Mizoram.
- 3) P.S to all Ministers / Speaker, Government of Mizoram.
- 4) P.S to all Minister of State/ Dy. Speaker, Government of Mizoram
- 5) Sr. PPS to Chief Secretary, Govt. of Mizoram.
- 6) All Administrative Department, Government of Mizoram.
- 7) All Heads of Department, Government of Mizoram.
- 8) Controller, Printing & Stationery, Government of Mizoram with 5 (five) spare copies for publication in the Mizoram Gazette, extra ordinary issue. He is requested to sent 50 copies of the Gazette to this Department.
- 9) Chief Informatics Officer, Information & Communication Technology.
- 10) Guard file.



(Dr. LALTHLAMUANA)

Joint Secretary to the Govt. of Mizoram
Deptt of Information & Communication Technology

Mizoram Telecom Infrastructure Policy, 2020

(Approved by the Cabinet on 1st October, 2020)

**Information & Communication Technology Department
Government of Mizoram**

October, 2020

Table of Contents

Contents	Pages
Preface	3
CHAPTER-I - PRELIMINARY	
1. Introduction	4
2. Vision	4
3. Mission	5
4. Objectives	5
CHAPTER-II – GUIDELINES & REGULATION	
1. Short titles, extent, applicability and commencement	7
2. Definitions	7
3. Nodal Department	9
4. Application process – electronic & manual	9
5. Role of Local Authority for issuing permission for telecom infrastructure	10
6. Application Procedure	11
6.1 Ground Based Tower (GBT) or Roof Top Tower (RTT) or Roof Top Pole (RTP)	11
6.2 Micro Communication Equipment/ Pole	14
6.3 Cell on Wheels (COW)	15
6.4 In-Building Solutions	16
6.5 Right of Way (ROW) for under-ground Optical Fibre Cable infrastructures	17
6.6 Right of Way (ROW) using electricity Pole and other utility Structures of the Government for over-ground / aerial Optical Fibre Cable laying	21
6.7 General	22

Preface

In the past, the general perception among the citizen is that the quality of government administration is deteriorating day-by-day. The government typically is associated with complex hierarchies, elaborate procedures and slow decision-making. Public access to Government services is uncoordinated, cumbersome and paper based, which is further compounded in case more than one agency is involved. Similarly, tracking a file in Government departments can be a tedious job. Hence the quality of governance needs to be considerably improved upon. However, those in the Government continue to feel that they are doing a fine job and nothing could be done better. Therefore, there is a wide gap between the expectations of the citizens and their experience with the Government. In order to address this gap, the Government of Mizoram has taken up ambitious programme on e-Governance under National e-Governance Plan (NeGP) which comprises of core infrastructure projects, state mission mode projects and integrated mission mode projects. The state mission mode project mainly focus on connectivity, service delivery, storage of data, and public service delivery outlet. The Government of Mizoram recognizes that it is imperative to take lead in building vibrant eco-system for delivery of digital services to entire population of the State and especially to rural population which currently is largely deprived of the access to broadband infrastructure.

Recognizing the importance of ubiquitous Telecom service in enhancement of quality of life through multiple societal applications including communication, tele-education, tele-medicine, e-governance, entertainment as well as employment generation by way of high-speed access to information and web-based communication, the Government of Mizoram has devised a policy to radically improve Telecommunications in the State.

The total area of Mizoram is 21087 sq. km of which 91% of state is covered with forest. There are 8 districts in the state and a population of 1,091,014, according to a 2011 census. Mizoram state is having neighbouring countries such as Bangladesh & Myanmar with approximately 722 KM border shared between both the countries. There are approximate 600 nos. of mobile towers and teledensity (number of telephone per 100 population is 95.26 according to TAIPA Report 2018).

The Government envisages leveraging the already existing infrastructures for enhancing telecom penetration in the State. Further, the telecom projects of national importance funded by the Government of India, such as NOFN (National Optical Fiber Network) / BharatNet, Universal Service Obligation Fund (USOF), etc. will be leveraged for the purpose.

The Government of Mizoram envisions playing a key role in enhancing the telecom connectivity of the State towards making its citizens well connected to the world, and making the State a coveted destination for the IT and related industries.

CHAPTER –I (Preliminary)

1. Introduction

Telecommunication in India has emerged as a key driver of economic and social development and with increasing pace of communication, the state of Mizoram which is home to more than 11 lakhs people shall play a significant role. The State Government is leveraging telecommunication in delivering smart governance to its citizens which includes e-governance & m-governance.

This policy ‘The Mizoram Telecommunication Infrastructure Policy 2020’ has been formulated to ensure that Mizoram plays its role effectively and transforms the socio-economic scenario through accelerated equitable and inclusive economic growth by laying special emphasis on providing affordable and quality telecommunication services in rural and remote areas. Thrust of Mizoram Telecommunication Infrastructure Policy 2020 is to underscore the imperative that sustained adoption of technology would offer viable options in overcoming developmental challenges in education, health, employment generation, financial inclusion and much more.

In order to address the increasing mobile data and consumer base, Mizoram needs to establish a robust infrastructure which primarily includes installation of Mobile Towers, laying of cables resulting into impeccable connectivity. The absence of the required infrastructure leads to the degradation of quality of services, slow internet speed and call drops.

The formation of Mizoram Telecommunication Infrastructure Policy 2020 shall ease the implementation of over ground & underground infrastructure establishment in the state and ease out the whole process of applying, approval and installation of the infrastructure across the State

The Mizoram Telecom Infrastructure Policy, 2020 seeks to unlock the transformative power of digital communications networks - to achieve the goal of digital empowerment and improved well-being of the people of the state; and towards this end, attempts to outline a set of goals, initiatives, strategies and intended policy outcomes.

2. Vision:

To provide secure, reliable, affordable and high quality converged telecommunication services anytime, anywhere for an accelerated inclusive socio-economic development.

3. Mission:

- a) To develop a robust and secure state-of-the-art telecommunication network providing seamless coverage with special focus on rural and remote areas for bridging the digital divide and thereby facilitate socio-economic development.
- b) To create an inclusive knowledge society through proliferation of affordable and high quality broadband services across the state.
- c) To reposition the mobile device as an instrument of socio-economic empowerment of citizens.
- d) To promote Research and Development, Design in cutting edge ICT technologies, products and services for meeting the infrastructure needs of domestic and global markets with focus on security and green technologies.
- e) To promote development of new standards to meet national requirements, generation of IPRs and participation in international standardization bodies to contribute in formation of global standards, thereby making India a leading nation in the area of telecom standardization.

4. Objectives

- a) To develop a robust and secure State-of-the-art telecommunication network providing seamless coverage with special focus on rural and remote areas thereby providing secure, affordable and high quality telecommunication services to all citizens.
- b) To benefit the State citizen with seamless connectivity over the entire State.
- c) To formulate a Uniform Policy for entire State.
- d) To Provide Single Window clearance for the establishment of over ground & underground infrastructure.
- e) Encouraging alternate renewable energy- Encouragement on the voluntary initiatives for reduction of carbon emissions. Encouragement of Solar Panels.
- f) Initiatives such as Diesel Free Sites, Conversion of Indoor to Outdoor Sites, Deployment of High Efficient Battery Banks, and installation of Renewable Energy Solutions at sites will all be considered contributing towards the common cause of sustainable telecommunications and considered as Green technologies.
- g) Enable citizens to participate in and contribute to e-governance in key sectors like health, education, skill development, employment, governance, banking etc. to ensure equitable and inclusive growth.
- h) Promote the ecosystem for design, Research and Development, IPR creation,

testing, standardization and manufacturing.

- i) Deliver high quality seamless voice, data, multimedia and broadcasting services on converged networks for enhanced service delivery to provide better experience to users.
- j) Optimize delivery of services to consumers irrespective of their devices or locations.
- k) Recognize telecom as Infrastructure Sector to realize true potential of ICT for development.
- l) Address the Right of Way (RoW) issues in setting up of telecom infrastructure.
- m) Protect consumer interest by promoting informed consent, transparency and accountability in quality of service, tariff, usage etc.
- n) Strengthen the grievance redressal mechanisms to provide timely and effective resolution.
- o) Strengthen the institutional, legal, and regulatory framework and re-engineer processes to bring in more efficiency, timely decision making and transparency.

CHAPTER-II – GUIDELINES AND REGULATION

1. Short title, extent, applicability and commencement

- a) This Policy may be called the "The Mizoram Telecom Infrastructure Policy, 2020".
- b) It shall extend to the whole State of Mizoram.
- c) It shall come into force with effect from **October 2020**.
- d) It shall be administered by the Information & Communication Technology (ICT) Department, Government of Mizoram.
- e) The Policy shall not be in violation or super-session of the provisions contained in the Indian Telegraph Act, 1885, and all the Rules, guidelines and advisories issued by Department of Telecom (DoT), Govt. of India from time to time.
- f) This Policy will override any existing notifications, circulars, rules, bye-laws, regulations where ever necessary which was issued by the State Government, regarding obtaining permission from various authorities in the State of Mizoram; the concerned Department(s) shall issue necessary notification in accordance with this policy within a period of 2 (two) months from the effective date of this policy.

2. Definitions

In this Policy, unless otherwise required in the context: -

- a) "State" means State of Mizoram
- b) "Licensee" means any person holding a license issued under section 4 of the Indian Telegraph Act, 1885.
- c) "Telecom Service Provider (TSP)" means a licensee providing telephony services, including, inter alia, mobile phone services, Internet and data transfer services etc.
- d) "Infrastructure Provider (IP)" means Infrastructure providers registered with Department of Telecommunications to set up Telecom Infrastructures in India.
- e) "Applicant" means licensee including Infrastructure Provider (IP) category 1 authorized to establish and maintain assets such as dark fibres, Right of Way (RoW), duct space and tower for the purpose of granting the same on lease/rent/sale basis to licensees of telecom service licensed under section 4 of the Indian Telegraph Act 1885 on mutually agreed terms and conditions.
- f) "Fees" means administrative fees, permission charges, usage fees, utility fees as prescribed in this policy or any other tax or levy etc. that may be payable

under any law; The fees or annual charges do not include Goods and Service Tax (GST), Labour cess & other applicable taxes.

- g) "Permission" means any permission pertaining to this Policy for Telecom Infrastructure
- h) "Administrative Authority" means the competent authority of a government premise to issue clearances / permissions as per provisions of this policy.
- i) "Nodal Department" means the Information & Communications Technology (ICT) Department, Government of Mizoram.
- j) "Nodal Officer" means the officer designated by the Nodal Department for the purpose of facilitating the implementation of this policy.
- k) "Areas" means areas under the jurisdiction of appropriate Local Authority as outlined in this policy.
- l) "Local Authorities" means the designated officers for the purpose of giving the permission for setting up of Telecom infrastructure as mentioned below:

SN	Area	Urban / Rural	Department	Local Authorities
1	Municipality Area	Urban	AMC	Chief Executive Officer/Executive Officer
2	Town Area	Urban	-	Deputy Commissioner
4	Village and Block level	Urban/ Rural	-	Block Development Officer
6	Government Buildings	Urban/ Rural	Government Departments	Head of Office
7	Forest Land	Urban & Rural	Forest Department	Divisional Forest Officer
8	Roads under the State Government	Urban & Rural	PWD (Roads)	Superintending Engineer (SE) / Executive Engineer (EE)
9	Overhead on electricity tower / poles	Urban & Rural	P&E Department	Superintending Engineer (SE) / Executive Engineer (EE)

- m) "Municipality" means any area notified under the Mizoram Municipalities Act, 2007 (As Amended in 2015), by the State Government from time to time.

- n) “Telecom Infrastructure” means the ‘over-ground telegraph infrastructure’ and ‘under-ground telegraph infrastructure’.
- o) “Over-ground telegraph infrastructure” means a telegraph or a telegraph line established over the ground and includes posts or other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line.
- p) “Under-ground telegraph infrastructure” means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.
- q) "Micro Communications Equipment" means a Pico/ Micro/ Pole site which is small in size and light in weight, deployed on buildings, utility/ streets poles, street furniture, indoors in large buildings viz. malls, convention centers and in areas having space constraints, narrow streets, dense populated areas and open public spaces.
- r) “Local Body” means Mizoram Municipal Board / Town Committee etc.
- s) “Urban areas” for the purpose of this policy means all areas within a Municipality or Town Area
- t) “Rural areas” for the purpose of this policy means all areas except within Urban areas as defined in (s) above.
- u) "Public Grievance" means grievances of public relating to installation of towers and issues related to Telecom Infrastructure
- v) “Policy” means the Mizoram Telecom Infrastructure Policy, 2020, unless otherwise stated.

3. Nodal Department

For facilitation in the implementation of this policy the ICT Department shall be Nodal Department. The Commissioner & Secretary/ Secretary whoever is in-charge of the Information & Communication Technology Department shall be the Nodal Officer.

4. Application process - Electronic & manual

- a) The State Government/ Nodal Department may establish a single electronic application process for all nodal authorities under its control 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.
- b) Till such online application process is developed, the Local Authority, on receipt of the application, shall process the same in an offline manner.

5. Role of Local Authority for issuing permission for Telecom Infrastructure

- a) The Local Authority, as defined in this policy, will receive and scrutinize the applications for issue of permit in their respective area for establishment of Telecom Infrastructure as defined in this policy relating to the following:
 - (i) Mobile Towers - Ground base towers [GBT], Roof Top towers [RTT], Roof top poles [RTP]
 - (ii) Cell on Wheel [CoW]
 - (iii) Micro Communication Equipment (Micro Cell),
 - (iv) Optical Fibre Cable - overhead as well as underground.
 - (v) Other appliances and apparatus as per Indian Telegraph Act, 1885
- b) Respective Local Authorities will receive application from the licensed TSP / IP along with the requisite documents and administrative fees to give the permission for establishment of Mobile Towers (GBT, RTT, and RTP) & laying Optical Fibre Cables under their jurisdiction and Telecom Infrastructure.
- c) Respective Local Authorities will scrutinize the application to check the compliances and requirements as per this policy.
- d) The respective Local Authorities will communicate to the Applicant about any further requirement in compliances for the issue of permission.
- e) Finally, the concerned Local Authorities will issue the permit within the specified time frame as mentioned in this Policy.
- f) Periodical Monitoring and Review of the Tower Structure, OFC or any activities related to telecom infrastructure.
- g) Report to the Nodal Officer of the Nodal Department (ICT Department) about the status of Mobile Towers and progress of other Telecom Infrastructure in the jurisdiction of the respective Local Authorities once in a year or as desired.

6. Application Procedure

6.1 Ground Based Tower (GBT) or Roof Top Tower (RTT) or Roof Top Pole (RTP)

- 6.1.1 The State Government, through the Local Authorities will provide expeditious approval for setting up of telecom infrastructure in the State as per provisions of this policy.
- 6.1.2 The permission / permit wherever issued under this policy to any applicant shall be co-terminus with validity of the License / registration certificate issued to applicant by the Department of Telecommunications.
- 6.1.3 The Applicant shall submit application with all the relevant information mentioned along-with relevant enclosures to the office of Local Authority for the area in which they intend to install telecom infrastructure.
- 6.1.4 Supporting documents: The following information and supporting documents are required to be attached along with the applications for establishment of Mobile Tower:
- (a) Copy of the Registration certificate/ license granted by the Department of Telecommunication
 - (b) Data Sheet
 - (i) Name of IP / TSP
 - (ii) Tower Type: GBT, or RTT or RTP
 - (iii) The location, latitude and longitude of the proposed tower location
 - (iv) The extent of land required for establishment of mobile tower, if the same is with respect to Government Land
 - (v) The details of the building or structure, where the establishment of the mobile tower infrastructure, is proposed.
 - (vi) The names and contact details of the employees of the Applicant for purposes of communication in regard to the application made.
 - (c) Copy of soil test report for Ground Based Towers (GBTs)
 - (d) Copy of structural stability certificate for Roof-Top Towers (RTTs) and the certificate should be from any State government authorized Structural Engineer.
 - (e) Copy of the type test certificate issued by any authorized Agency to the manufacturers of the Diesel Generator (DG) Sets, if the DG sets to be installed at the site.
 - (f) Drawing of the tower with complete details including the specifications of foundations and design parameters.
 - (g) Indemnity Bond (Original) to take care of any loss or injury to accident caused by the tower except for 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 there from.

- (h) Three copies of Location Plan, Site Plan, Elevation Plan and Structure plan.
- (i) Copy of NOC from building / land owner which Mobile tower is proposed to be installed & authorized person in case of Government premises.
- (j) Any other matter relevant, in the opinion of the Applicant, connected with or related to the work proposed to be undertaken.

6.1.5 Fees:

- (a) The applicant shall deposit following one-time application fees along-with the application as per table at sub-para (b) below.
- (b) The applicant shall deposit the applicable charges as per (ii) and (iii) in table below for using areas of lands and buildings of State Government / Bodies / Institutions. These applicable charges shall be payable by the applicant only after receiving the permission to install the telecom infrastructure / tower from the Local Authority.

S.N	Particulars	Urban Areas (Rs)	Rural Areas (Rs)
(i)	One time permission charges for establishment of Telecom Towers (GBT/RTT).	10,000	5,000
(ii)	Land usage charges for ground based Tower for 3 years (applicable for Govt. land only)	200 per sq ft	100 per sq. ft
	One time roof usage charges for Roof Top Towers, for 3 years (Applicable for Govt. buildings only)	300 per sq ft	200 per sq ft

- (c) Usage charges can be calculated on pro-rata basis as per the area used. These charges can be revised from time to time by the Nodal Department.

6.1.6 Regularization of existing operational telecom infrastructure:

For all the existing telecom infrastructures in the State which are operational by the respective telecom operators, wherein formal permission has not been issued by the local authorities and application not submitted, shall be regularized upon submission of application as per provisions of this policy. Such application shall be submitted within six months of issuance of this policy, after which these telecom infrastructures shall be deemed to be unauthorized. Once the application is submitted within due date time, the operations of the mobile towers shall not be discontinued till disposal of the application by the local authority or the disposal of appeal (if any) filed before the competent authority, whichever is later. In case the permission has not been granted

within 30 days, the applicant shall re-approach the local authority after the 30th day from the submission of the complete application, on which the local authority is required to revert in next 15 days, failing which the application shall be deemed to be approved and permission granted post 15th day.

6.1.7 Existing abandoned telecom infrastructure:

For all the existing telecom infrastructures in the State which have been abandoned by a telecom operator / infrastructure provider / applicant, the District Level Telecom Committee (DLTC) Deputy Commissioner of the respective District shall issue a 45 days show cause notice to the respective telecom operator / infrastructure provider prior taking any necessary action.

6.2 Micro Communication Equipment/ Pole

6.2.1 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.

6.2.2 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 :-

- a) Institutional/ Govt. buildings/ residential buildings including multi-storey Buildings/ Group Housing Complexes/ building used for industrial and commercial purposes.
- b) On street electric poles, telegraph poles and other structures.

6.2.3 Procedure for submitting application for obtaining clearance/NOC/Consent (Permission) from Competent Authority for installation of Micro Communication Equipment/pole:

The TSP/IP, as the case may be, shall submit filled up application with all the relevant information and documents to the respective Local Authority as defined for the concerned area in which they want to install Micro cells /low power BTS along-with the below documents:

- a) Copy of relevant license/Infrastructure Provider Registration Certificate from DoT.
- b) Data Sheet
 - a) Name of TSP/IP
 - b) Site location with GPS coordinates
- c) Copy of clearance from Fire Safety Department only in case for high rise buildings where fire clearance is mandatory.
- d) Indemnity Bond (Original) to take care of any loss or injury to accident caused by the tower (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).
- e) Copy of NOC from building/ land owner & authorized person in case of Government premises.

6.2.4 Fees:

One time permission charge shall be applicable for establishment of Micro Communication Equipment by the Applicant in the State of Mizoram.

Sr	Particulars	Fees (Rs)
a	One time application/ permission charge	2000 for Urban and 1000 in Rural areas

6.3 In-Building Solution (IBS)

- 6.3.1 This policy intends to promote installation of In-Building Solution (IBS), where there is a poor connectivity in terms of weak signal strength inside the office, shopping mall, hospitals, multi-storey building, education institutions and the objective is to strengthen quality of service of mobile network.
- 6.3.2 Mode of deployment of In-Building Solution: There shall be various mode of Deployment of In Building solutions such as:
- (i) The possible modes are deployment by a neutral host infrastructure provider or build and managed by mobile operator and sharing with other service providers on non-discriminatory basis.
 - (ii) The In-Build Solutions (IBS) can also be deployed by IP (Infrastructure Provider) and shared with telecom service providers (TSPs). For deploying indoor solutions these companies will be requiring permissions from the building owners. Moreover, if the IP requires to install optical fibre for connecting In-Building Solution (IBS) / Distributed Antenna System (DAS) nodes for which RoW / permissions will be required and shall be granted accordingly.
- 6.3.3 Permissibility: The IBS 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 Local Authority but it is required to get permission from the Administrative Authority of the concerned building. This permission from Administrative Authority is applicable only for Government buildings.
- 6.3.4 Procedure for submitting application for obtaining clearance: The application should be made to the Administrative Authority of the Building/ Head of the office with Layout diagram for implementing IBS in the building.
- 6.3.5 Fees: There shall be no fee to be charged for IBS. However, charges may be levied for provision of power, fixtures, etc. if taken by the TSP/IP.

6.4 Cell on Wheels (COW)

Formal clearance or permit will not be required for installation of Cell on Wheel (COW) for specific purpose to provide good quality mobile coverage during festivals, rallies, social gatherings etc. The COW can be placed maximum for thirty days normally without permission of Local Authority. In case the deployment is more than 30 days owing to any reason, permission from concerned Local Authority is required for a period not exceeding 90 days. Before installation of COW, prior formal intimation to the following authorities within its jurisdiction should be given preferably 15 days before the installation of COW mentioning Geo coordinate (Lat-Long) positions:

- (1) The Deputy Commissioner / Superintendent of Police of the concerned district.
- (2) Concerned officer in charge of the police station of the area where the COW is going to be installed.

No fees shall be charged for installation of COW.

6.5 Right of Way (ROW) for under-ground Optical Fibre Cable infrastructures

- 6.5.1 For enabling smooth rollout and for granting timely permission for laying of Optical Fibre Cable, the Right of Way procedures for various authorities under their control have been outlined in this policy.
- 6.5.2 As far as practicable the Local Authority shall allow the use of machinery for the purpose of installation of under-ground Optical Fibre Cable infrastructure.
- 6.5.3 Process of application and granting permission:
- (a) For projects of national importance leading to creation of national assets that are funded by Government of India, such as the BharatNet project, NOFN, etc. the Nodal Department may be approached.
 - (b) For other purposes, the applicant will apply to the respective Local Authority for permission as stated in this policy.
- 6.5.4 The Applicant will have no right on the property which has been approved to use for the establishment and maintenance of Optical Fibre Cable infrastructures.
- 6.5.5 The Applicant will be liable for repair/restoration of any damage caused to the property during implementation of the scheme. The Applicant shall ensure making good the excavated trench for laying underground Optical Fibre Cable by proper filling and compaction, so as to restore the land including roads, drain, water pipelines, stand-posts, reservoirs, water treatment plants and any other damaged public infrastructure into the same condition as it was before digging the trench, clearing debris/loose earth produced due to execution of trenching the portion for which Right of Way (RoW) has been granted.
- 6.5.6 The Applicant shall not claim exclusive right on the RoW and subsequent user will be allowed to use the RoW, either above or below or by the side of the utilities laid by the first user, subject to the technical requirements being fulfilled.
- 6.5.7 In case of violation of provisions of the policy by any service provider the Local Authority or the concerned Deputy Commissioner will issue a show cause notice to the applicant. In case a satisfactory reply is not received within 45 days of the issuance of the show cause notice, the permission/no objection issued to the applicant will be cancelled.
- 6.5.8 Application process: Application with the supporting documents for establishment and maintenance of underground telecom infrastructure (OFC) to be submitted by the Applicant to the office of the Local Authority:
- (a) Copy of the Registration certificate/ license granted by the Department of Telecommunication;

- (b) the details of underground telegraph infrastructure (OFC) proposed to be laid;
- (c) the mode of and the time duration for, execution of the work;
- (d) the time of the day when the work is expected to be done in case the Applicant expects the work to be done during specific time of the day;
- (e) the details of expenses that such local authority will necessarily be put in consequence of the work proposed to be undertaken by the Applicant;
- (f) the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- (g) the specific measures proposed to be taken to ensure public safety during the execution of the work;
- (h) No Objection Certificate (NOC) from private owner for use of their land for OFC laying
- (i) The names and contact details of the representative of the applicant for purposes of communication in regard to the application made
- (j) any other matter relevant, in the opinion of the applicant, connected with or relative to the work proposed to be undertaken; and
- (k) any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate Local Authority.
- (l) The Applicant shall, while making the application, give a specific commitment on whether it undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the local authority shall necessarily be put in consequence of the work proposed to be undertaken.
- (m) Every application shall be accompanied with a one-time permission fee of **Rs 1000/-** per kilometre for the urban areas and **Rs 500/-** per kilometer for the rural areas.

6.5.9 Grant of permission by Local Authority

- (a) The Local Authority shall examine the application with respect to the following parameters, namely:
 - (i) the route planned for the proposed underground telegraph infrastructure and the possible interference, either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route;
 - (ii) the mode of execution;
 - (iii) the time duration for execution of the work and the time of the day that the work is proposed to be executed;
 - (iv) the estimation of expenses that the local authority shall necessarily be put in consequence of the work proposed to be undertaken;
 - (v) the responsibility for restoration of any damage that the local authority may necessarily be put in consequence of the work proposed to be undertaken;

- (vi) assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the Applicant;
 - (vii) any other matter connected with or related to the establishment or maintenance of underground telegraph infrastructure (OFC), through a general or special order, by the Union Government, appropriate State Government or the appropriate local authority.
- (b) The Local Authority will accept the undertaking by the licensee to discharge the responsibility to restore the damage that such local authority shall necessarily be put in consequence of the work, the local authority, while granting permission for OFC, may seek a Bank Guarantee for an amount at the rate of **Rs. 200/-** per running meter of underground OFC to be laid in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility. This Bank Guarantee should be drawn in favour of the Local Authority as mentioned in this policy and should have a validity of 1 year initially and to be revalidated if necessary as per instructions of the Local Authority.

6.5.10 The Local Authority shall not charge any fee other than those prescribed under this policy from the licensee for establishing underground OFC.

6.5.11 Obligations of licensed TSPs / IPs in undertaking work.

- (a) The Applicant shall submit the bank guarantee within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground telegraph infrastructure. However, the Local Authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the Applicant seeking such extension.
- (b) The Applicant shall ensure that prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented and the work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the Local Authority.
- (c) The Applicant shall ensure provision of positional intelligence, through appropriate technology, like GIS map etc, of all underground telegraph infrastructures to enable the nodal department / local authority to obtain real time information on its location.

6.5.12 Implementation procedure:

- (a) The Applicant will start work after fulfilling all the conditions outlined in this policy. The service provider will have to inform the date of start of work to the concerned DC(s) or Local Authorities as the case may be.
- (b) If any damage is caused to the Government property by the work of the Applicant, then it will be responsibility of the Applicant to restore the same at its own cost or compensate the damage. If delivery of service is affected then the Applicant must restore the service within 24 hours and the Applicant will have to carry out the work according to the instructions of the concerned Local Authority.
- (c) In case the Local Authority intends to increase the width of the road then the Applicant will have to shift the trench dug by it to the safe distance on its own cost at the place suggested by the Local Authority.
- (d) The Applicant would have to inform the concerned Local Authority 3 days in advance about repair or maintenance work in cases where such maintenance planned in advance.
- (e) If the private land or structures are to be used in this work then the Applicant has to give compensation for the private land or the crop as the case may be. In case of any conflict, the decision of the DC or Local Authority shall be binding on both parties.

6.5.13 Permanent ducts constructed by the State agencies along roadside for establishing Optical Fibre Cable (OFC):

- (a) The applicant will pay utility fees for using the duct constructed by the State agencies along the highways, main roads and district roads or other relevant areas. The fees will be decided by the State Government from time to time.
- (b) The OFC ducts should be made sharable with other operators on mutually agreed terms between the parties.
- (c) The permission to use these ducts and review of utility will be done by the DC or concerned Local Authority.
- (d) No Applicant shall be allowed to do separate digging along roadside in the same alignment in which the permanent ducts have been constructed.
- (e) No Bank Guarantee will be collected from the Applicant if they use the State agency constructed ducts to lay the OFC cables.

6.5.14 Govt. agencies may build utility duct for common benefits that shall be made available to TSP / IP to use on payment on utility fee/rent.

6.5.15 Utility fees / rent to use the Govt. Build-up duct, shall be decided by the State Government.

6.6 Right of Way (ROW) using electricity Pole and other utility Structures of the Government for over-ground / aerial Optical Fibre Cable laying

- 6.6.1 Right of Way (ROW) for aerial OFC laying will be encouraged.
- 6.6.2 The Applicant will make the agreement with the concerned electricity Distribution Company for the utilization of the electric poles/ distributed network system.
- 6.6.3 The Power & Electricity Department shall not be held responsible for any loss to the cable or the commercial operation loss to the Applicant due to theft or for any other reason whatsoever. The safety of the cable shall be entirely with the Applicant.
- 6.6.4 The Applicant will submit application with the right of usage of the utility pole in the offices of Local Authority. If the Local Authority finds the application in compliance with the entire requirement, then it will issue the permit to the applicant within the prescribed time. Application along-with the documents as mentioned in this policy shall be submitted in addition to details of number of pole to be used and route chart.
- 6.6.5 If the route of aerial cabling is covering more than one jurisdiction, the Applicant will apply separately to the Local Authorities of the respective jurisdiction for issue of permit.
- 6.6.6 Aerial (Over-Ground) OFC Laying fees:
The charges for using the distribution system of the Power & Electricity department for telecommunication infrastructure shall be as per '*Terms and condition for usage of Electric Poles 2018*' issued by Power & Electricity department vide Gazette notification No. B.20014/5/2009-P&E dated 18.9.2018

6.7 General

6.7.1 Time frame for approval by Local Authority

- a) The local authority shall within a period not exceeding sixty days (60) from the date of receipt of application made for establishment of Telecom infrastructure:
 - (i) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety and payment of restoration charge, as may be specified, subject to the provisions of the Act and rules made thereunder; or
 - (ii) reject the application for reasons to be recorded in writing.
- b) Provided that no application shall be rejected unless the applicant licensee has been given an opportunity of being heard on the reasons for such rejection.
- c) Provided further that the permission shall be deemed to have been granted if the local authority fails to either grant permission under (a) or reject the application under (b); and the same shall be communicated in writing to the applicant not later than five working days after permission is deemed to have been granted.

6.7.2 Refund of fee in case of rejection of application

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.

6.7.3 Zero sealing, except under consent of TERM cell

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 Telecom Enforcement Resource and Monitoring (TERM) cell of DoT in case of any complaint or issue related to electro-magnetic field (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.

6.7.4 Penalty

- a) If an Applicant violates any provision of this Policy, it shall be liable to be penalized as per following terms and conditions:
 - (i) As soon as Local Authority comes to know that any provision has been violated, a show cause will be issued to TSP/IP. TSP/IP should reply within 45 days from date of service of notice.
 - (ii) If reply is not satisfactory, the TSP / IP will be levied penalty upto Rs 35000. The penalty money may be recovered from Bank Guarantee provided by the Applicant to any of the Local Authority in case the

amount is not deposited within the time period specified by the Local Authority.

- b) Notwithstanding anything mentioned in the preceding para (1), the penalty may be exempted by the Nodal Department in events like natural calamities, visits of VVIP, General Election, etc.

6.7.5 Monitoring and Public Grievances & Dispute Resolution Committees

- a) The State Government is committed to effectively implement and address the public grievances relating to Telecom Infrastructure.
- b) In line with this commitment and in alignment with the advisory guidelines issued by Department of Telecommunications (DoT) with effect from 7th May, 2018, the Government of Mizoram constituted the following Committees:-
 - (i) “State Level Telecom Committee” (SLTC) vide notification No. D.20013/5/2014 dated 7.5.2018
 - (ii) “District Level Telecom Committee” (DLTCs) for each of the 8 Districts in the State vide notification No. D.20013/5/2014 dated 7.5.2018
 - (iii) The committees, *inter alia*, has the mandate to conduct public awareness programmes related to telecom matters.
 - (iv) As per the DoT guidelines, the State Government acknowledges Telecom installation as the lifeline installations and a critical infrastructure in mobile communication. Therefore, in order to avoid disruption in mobile communication, an essential service, sealing of BTS towers / disconnection of electricity will not be resorted to without the consent of respective TERM cell of DoT in respect of EMF related issues.
 - (v) Any person aggrieved by the decision of State Level Telecom Committee (SLTC) or any order of the State Government or for such other grievances relating to Telecom Infrastructure in the State may approach the officer designated by the Central Government for resolution of such dispute within reasonable time.
- c) The officer designated by the Central Government shall determine the disputes within a period not exceeding sixty days from the date of reference in such manner as may be specified by the Central Government from time to time.

6.7.6 Electrical power

- a) Mobile communication tower being a critical infrastructure, Power & Electricity Department will give priority in providing electrical power connection to Mobile Towers and Telecom equipment.

- b) The timelines for completion of various activities related to providing Low Tension (LT), High Tension (HT) and Extra High Tension (EHT) connections shall be as stipulated by the Joint Electricity Regulatory Commission for Manipur & Mizoram (JERC M&M).

6.7.7 Right of Local Authority to seek removal of Mobile Towers and OFC and other related telecom infrastructure

- a) Where the Local Authority, having regard to circumstances which have arisen since the establishment of any telegraph infrastructure under, over, across, in or upon, any immovable property vested in or under its control or management of that local authority, that is necessary and expedient to remove or alter such telegraph infrastructure, it shall issue a notice to the Applicant, being the owner of such telegraph infrastructure to remove or alter its location.
- b) On receipt of the notice, the Applicant shall, forthwith and within a period of thirty days, proceed to submit, to the local authority, a detailed plan for removal or alteration of such telegraph infrastructure.
- c) The Local Authority shall, after examination of the detailed plan submitted by the Applicant, pass such orders as it deems fit.
- d) Provided that the locale authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, provide reasonable time reasonable time of not less than ninety days to the licensee for removal or alteration of such telegraph infrastructure.
- e) Provided, further that the responsibility and liability, including the cost at thereof, for removal or alteration of such telegraph infrastructure shall be borne by the applicant / licensee / legal owner of the infrastructure.

6.7.8 Deposit of Revenue receipts to Government account.

Revenue receipts under Mizoram Telecom Infrastructure Policy, 2020 shall be deposited into Government account without delay under the following head of accounts:

For Urban areas:

1225	-	Telecommunication Receipts
01	-	Telephone (Urban)
200	-	Other Services and Service Fee
00	-	
00	-	
00	-	

For Rural areas:

1225	-	Telecommunication Receipts
02	-	Telephone (Rural)
200	-	Other Services and Service Fee
00	-	
00	-	
00	-	

6.7.9 Miscellaneous

- a) The agencies of various utility service providers extending services such as electricity distribution company, water supply pipes, sewerage, RoW works (PWD) etc., while undertaking new construction /repair works in specific alignment to optical fibre cable (OFC) shall intimate to concerned Local Authority and also to concerned TSP/IP providers not less than 15 days before the start of work so as to give sufficient time to TSP/IP to make plans for shifting of OFC/alternate route in order to avoid disruption in mobile /internet services.
- b) As the TSP/IP are providing /supporting Telecom services the planned temporary power shut-down to telecom installation shall not be done without prior notice to the concerned TSP/IP at least 15 days in advance.
- c) The provisions of the Forest Conservation Act, 1980, and the rules made thereunder shall be applicable, wherever the concerned Local Authority is the Divisional Forest Officer (Territorial).

6.7.10 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. The Nodal Department shall be competent to notify changes in the Policy as and when required with prior approval of the Cabinet.