



सत्यमेव जयते

Department of Telecommunications  
Ministry of Communications  
Government of India



# Understanding Right of Way as per Telecommunications Act 2023 & Right of Way Rules 2024 issued under the Act

Uploaded on 03.10.2024

# The Telecommunications Act, 2023

## Multiple acts

Indian Telegraph Act, 1885

Indian Wireless Telegraphy Act,  
1933

The Telegraph Wires (Unlawful  
Possession) Act, 1950



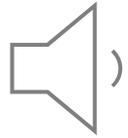
## One single

**The Telecommunications Act,  
2023- Digital by Design**

**The Telecommunications (Right of Way)  
Rules, 2024 notified on 17.09.2024 to be  
effective from 01<sup>st</sup> January 2025**



# Telecom RoW Rules, 2024- Effective from **01.01.2025**



**Draft Rules  
Published on  
09.07.2024, with 30  
days' time for public  
consultation**



**After considering  
objections/  
suggestions,  
notified on  
17.09.2024**



**Appoint a Nodal  
officer within 30  
days. i.e. by  
16.10.2024 (through  
Portal)**



**Rules binding and to  
be followed without  
the need for adoption**

# Important Definitions (Sec.10 of the act, read with rule 2)



## Public Entity (PE)

- The Central Government
- The State Government
- Local authority
- Any authority, body, company or institution incorporated or established by the Central Government or the State Government, or under any statute; or
- Any non-government entity vested with the ownership, control or management of any public facility or class of public facilities, as may be notified by the Central Government (in process)



## Facility Provider (FP)

- **FP** means the Central Government or any authorized entity
- It includes any contractor or sub-contractor or agent working for the Central Govt. or authorized entity
- Definition of Authorization as per the Act covers all entity having permission for establishing, operating, maintaining or expanding telecommunication networks



## Property categorization

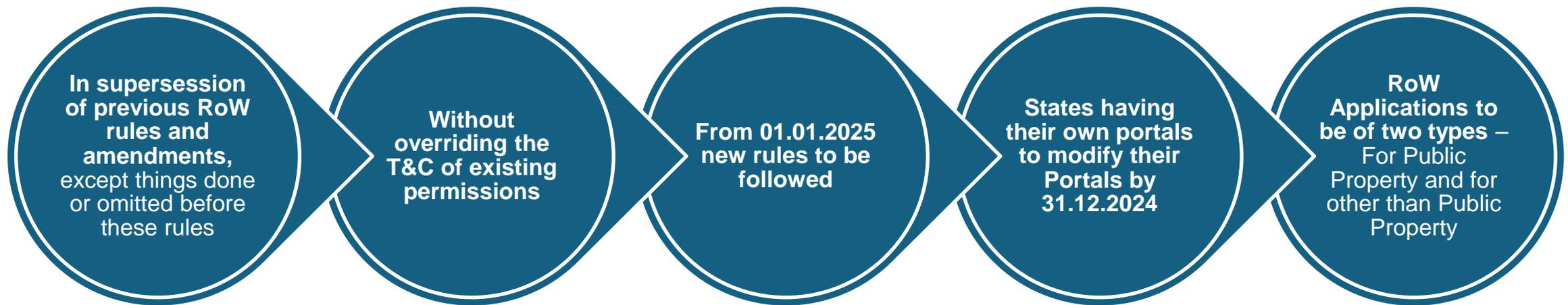
- **Public property** (owned by public entity) – Central , State, local authority, any institution, any non govt. entity managing public facility and notified by Central govt.
- **Other than public property**



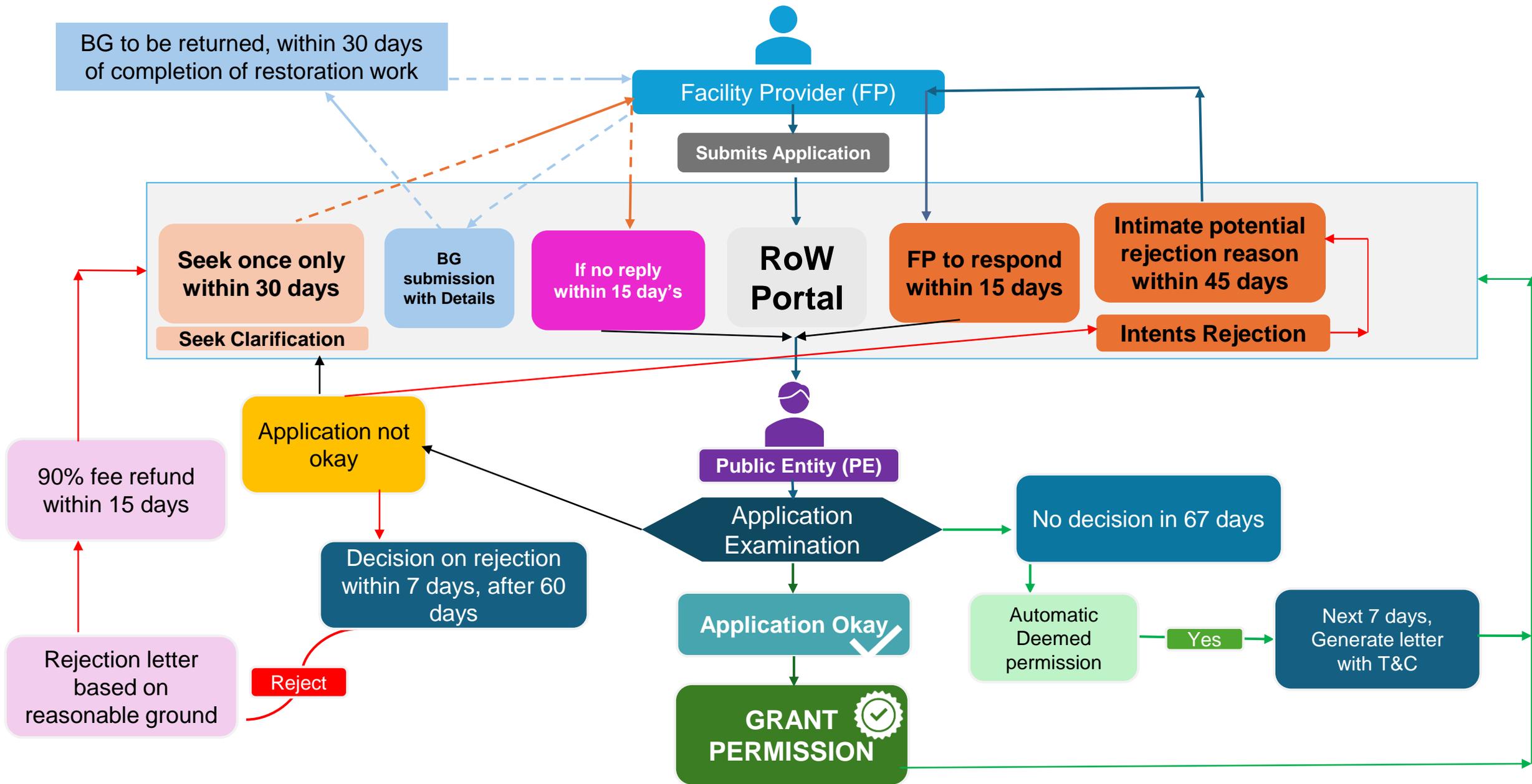
## Mobile Tower

- Any above-ground contrivance, including that which may be dismantled and reassembled at another location, used for carrying, suspending or supporting a telecommunication network, but does not include a pole

# Right of Way Rules 2024



# RoW Application process- Public Property



# Misc. provisions

1

**Validity-** Permission to be **co-terminus** with the term of authorization/ license or exemptions from such authorization/ license (Rule-5)

2

PE shall **not levy any fee, charge, rent, annuity, or compensation or entry fee**, for access, or seek any other financial contribution in any Form [Rule -7(11), 9(9), 12(3), 15(3)]

3

**No coercive action**, such as sealing, preventing access, or forcible shutdown of the telecommunication network [Act- 14(4)]

4

**Applicable taxes, cess and levies:** Charges payable under these rules shall be exclusive of taxes, cess and levies (Rule -21)

**No property tax , levy, cess, fees, or duties to be levied on the tower as it has been delinked from the property-** [Act- 14(3)]

5

**Days Means** all days including public holidays (Rule -22)

“*force majeure* event” means and is limited to-

- war or hostilities
- major riots or civil commotion
- earthquake, flood, tempest, lightening or other natural physical disasters
- restrictions imposed by the Central Government or State Governments

## Applicability

- Establishment, operation and maintenance of Underground/ Overground telecommunication network in public property and Usage of street furniture

## Timelines

- Timelines specified for the **execution of work** shall stand extended by the duration of any *force majeure* event **as may be notified**

# RoW charges as per the RoW Rule, 2024

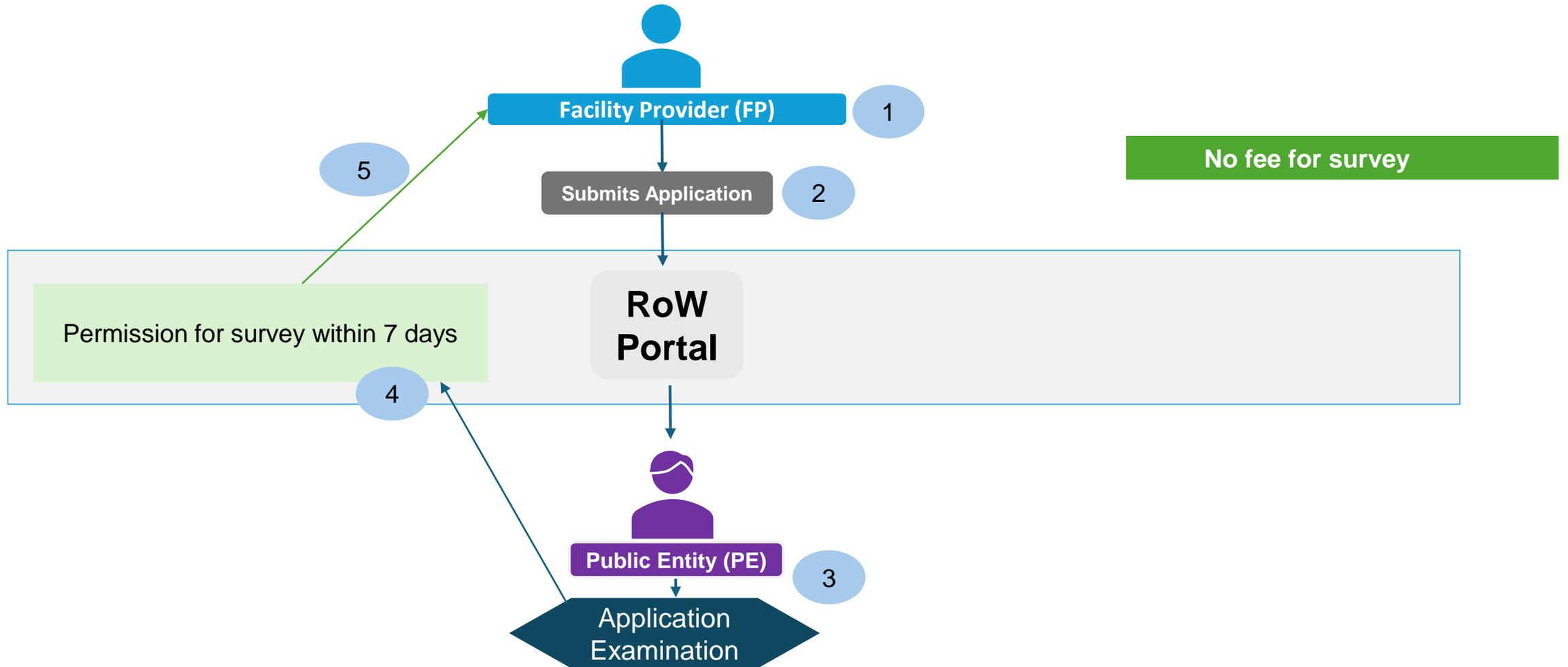


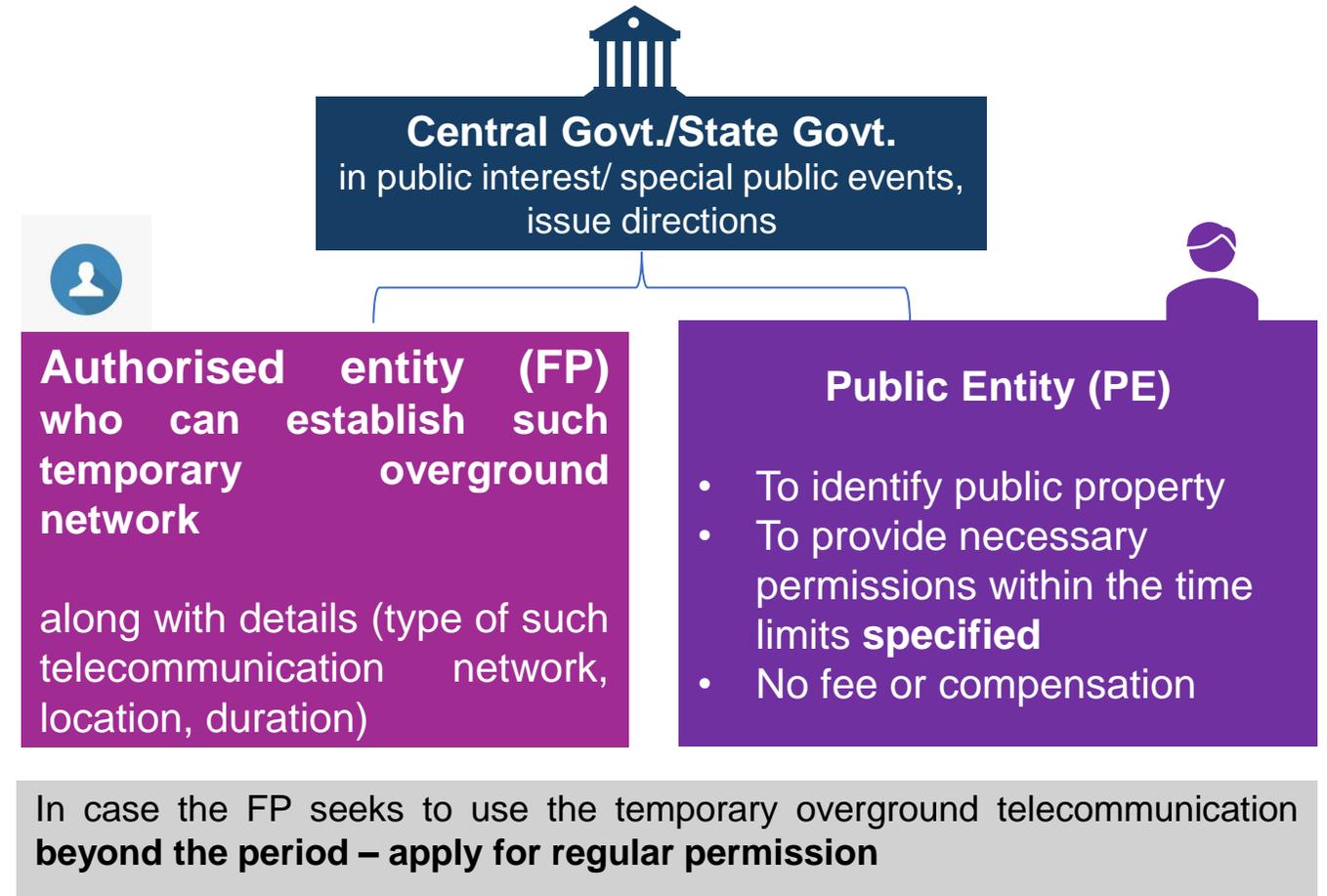
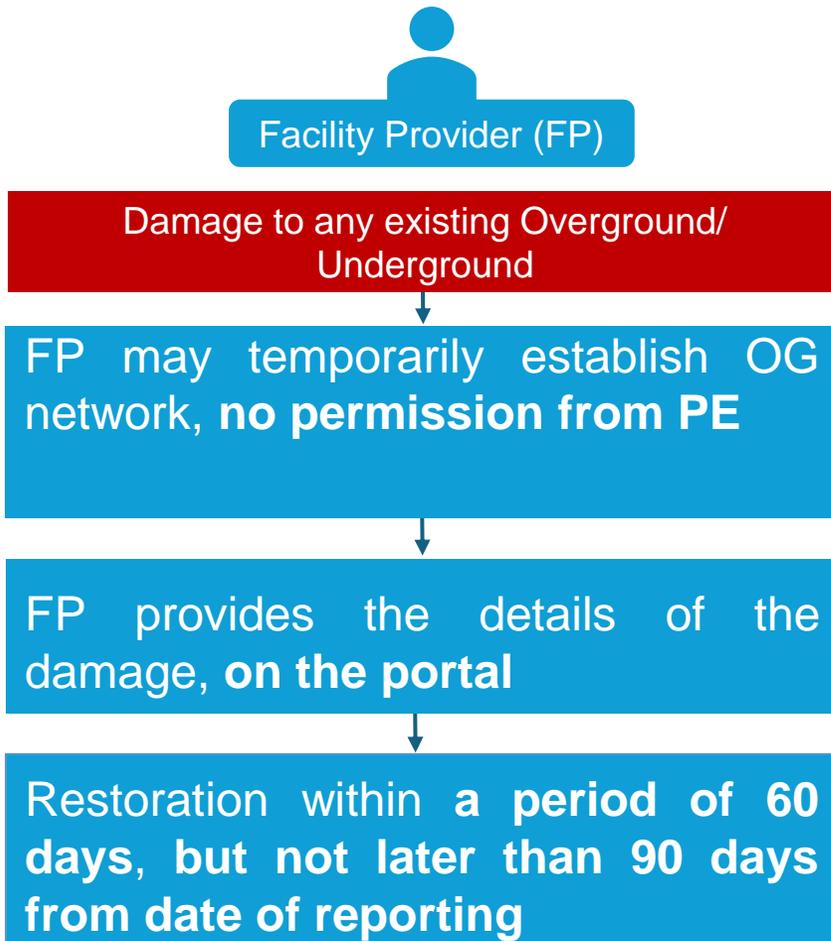
	Tower	OFC/ submarine cable	Small Cell	Street Furniture
Application Fee (one time)	<p>₹ 10,000/Tower 8(4)(a)</p> <p>For other than public property, only intimation 15 (3)</p>	<p>Overground ₹ 1000/KM 8(4)(b)</p> <p>Underground ₹ 1000/KM 6(4)</p>	NIL 11(3)	Establishment of pole-NIL 8(4)(c)
Compensation Charges	Once/annually (Assessed by Public Entity) 9(2)(b)	NIL 7(11)	<p>**Urban- ₹ 300/street furniture/Yr 11(8)(a)</p> <p>**Rural- ₹ 150/ street furniture/Yr 11(8)(a)</p>	<p>**Usage of Street Furniture for telegraph line- ₹ 100/ SF/Yr 11(8)b</p> <p>Compensation for establishment of Pole –Nil 9(2)b</p>
Compensation for damage/ BG (Restoration Charges)	<p>As per CPWD rate 9(8)(a)</p> <p>As per PWD rate 9(8)(b)</p>	<p>By Self-BG 20% of restoration cost 7(9)(b)</p> <p>• By Local Body- As per CPWD / PWD rate 7(8)(b)</p> <p>• For HDD, charge limited to area of pit only 7(8)(b)</p>	<p><b>Establishment of Telecom infrastructure on other than Public Property:- Rule 15</b></p> <ul style="list-style-type: none"> <li>No Permission is required</li> <li>Only information required to be submitted (Structural Suitability required)</li> </ul>	

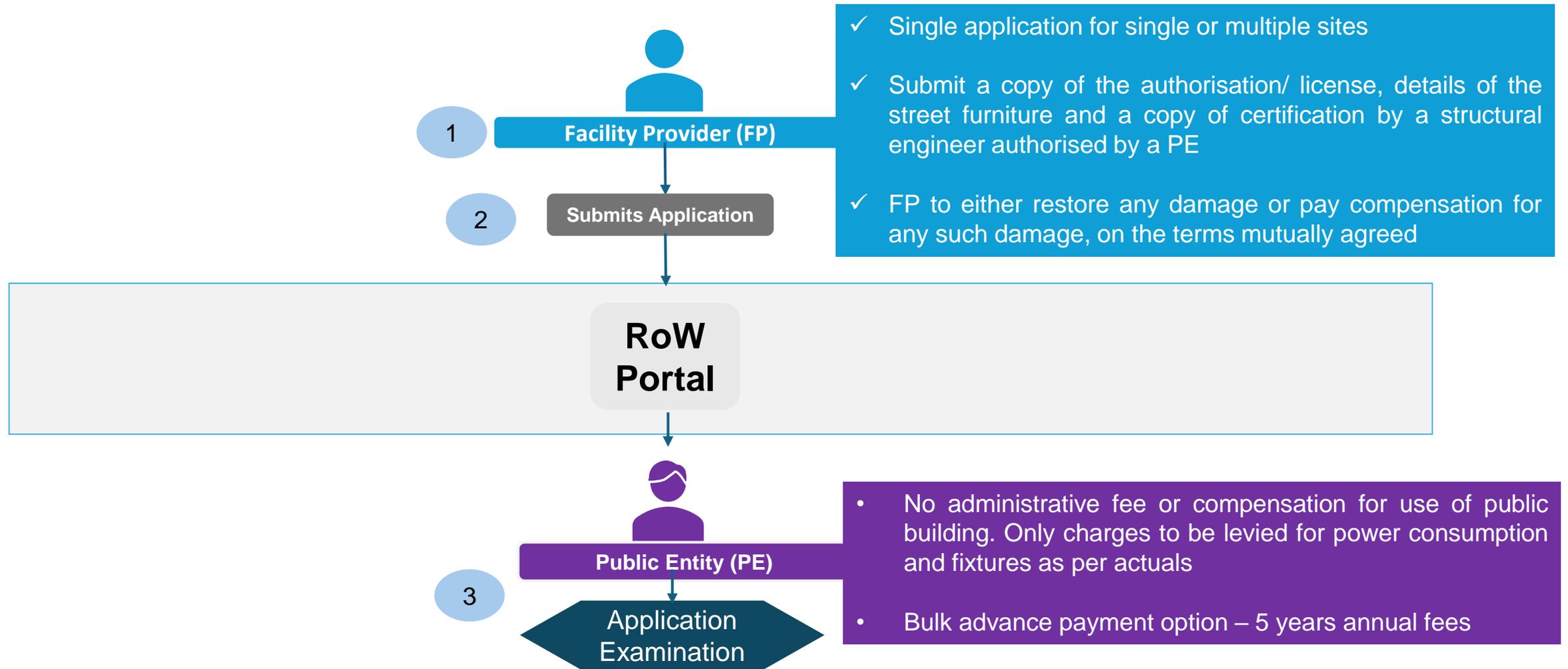
Remarks:- For Survey by FP, no charge 6(2)(b)

\*\*Option of payment of annual fees in advance for a period of 5 years - 11(8)

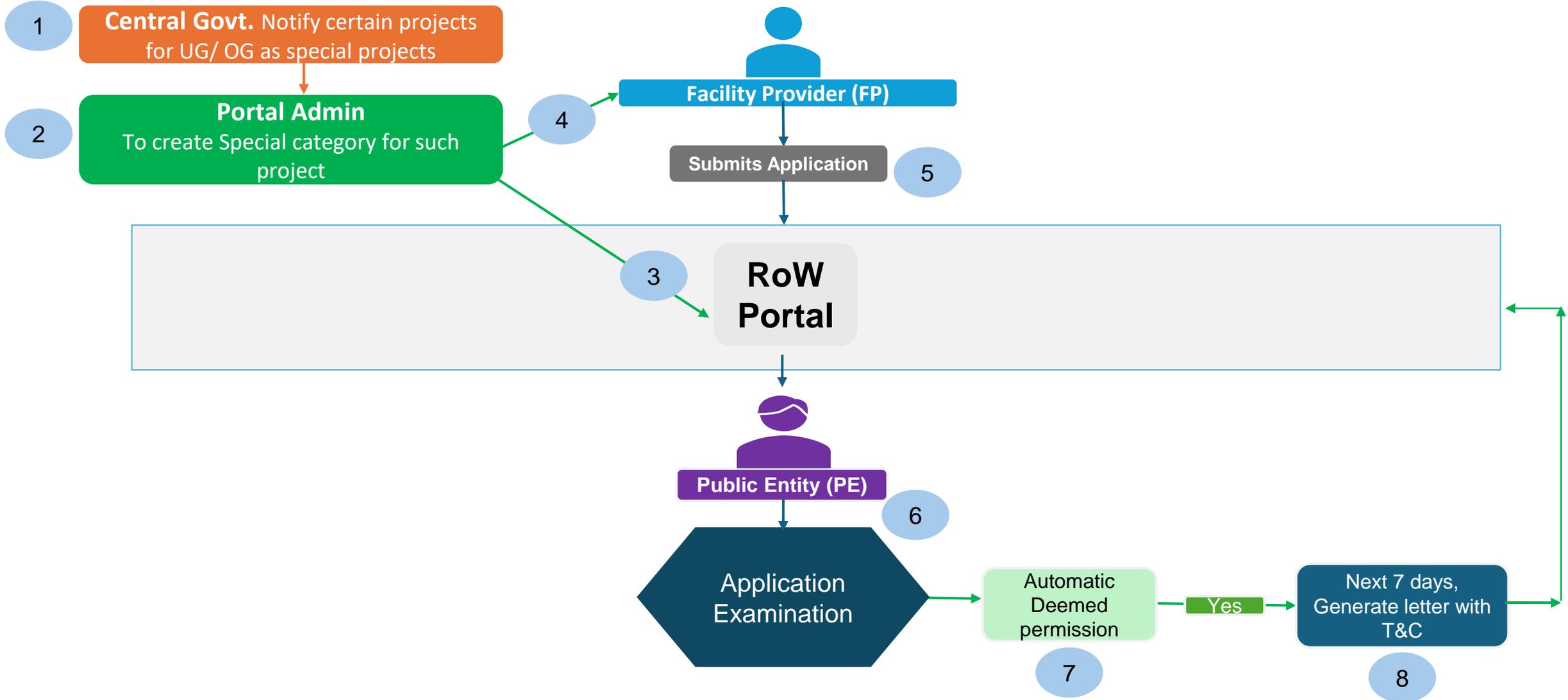
# Survey Rule- 6(2), 8(2)







# Special Project by Central Govt. in public interest (Rule-12)





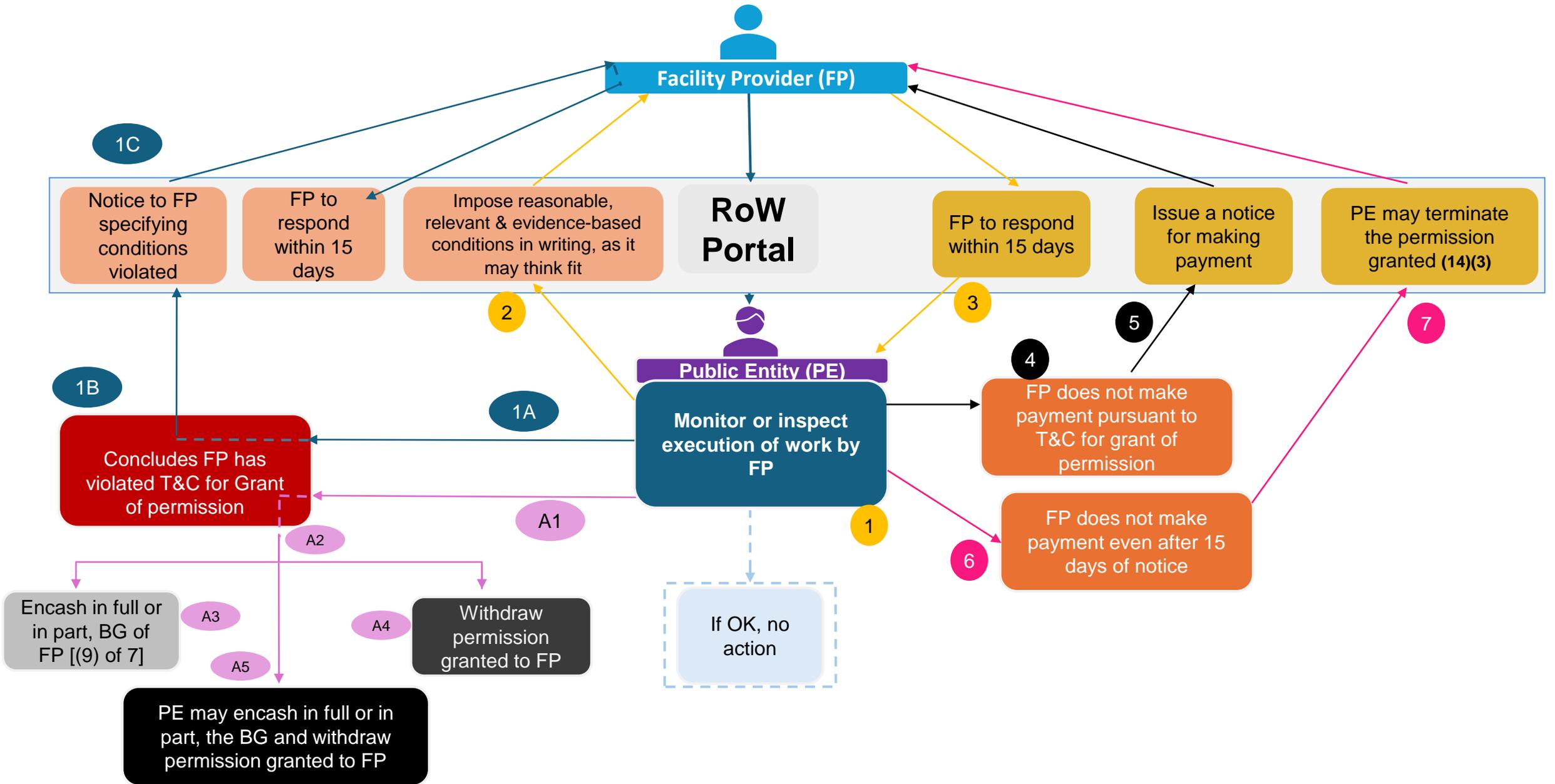
## Facility Provider (FP) shall ensure-

1 Payment of all amounts as specified and adherence to the T&C

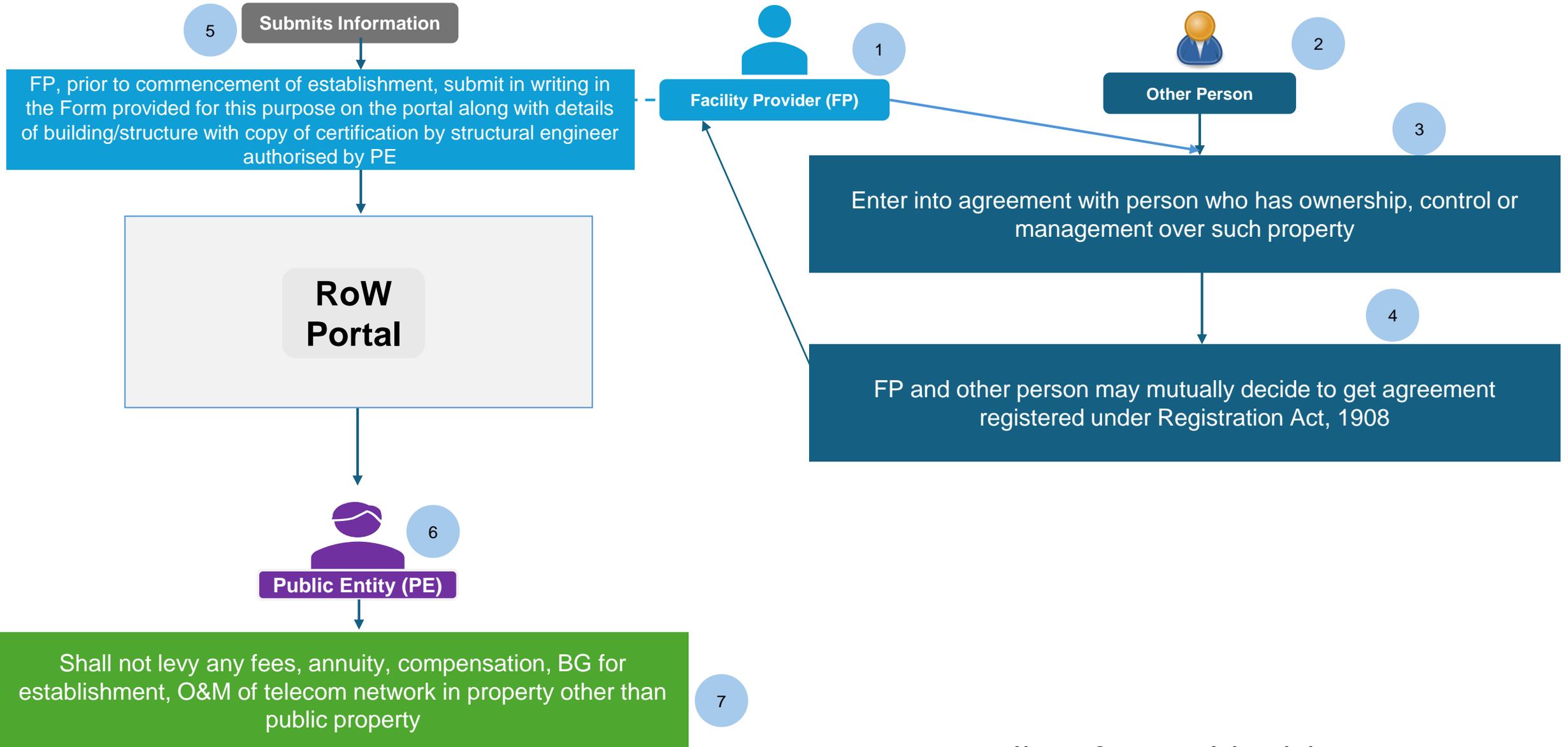
2 Implementation of measures to mitigate public inconvenience and ensure public safety including measures to ensure the Structural Safety of Overground Telecom Network

3 Maintenance of up-to-date digital information of underground telecommunication network established by that FP, including as-built information at a frequency as specified by Central Govt., through positional intelligence/other appropriate technology and to be shared/updated on demand, through the portal, with the designated officer, as may be notified by the Central Government in this behalf

# Powers of Public Entity with respect to ongoing work (Rule-14)



# Application Process- Other than public property (Rule-15)

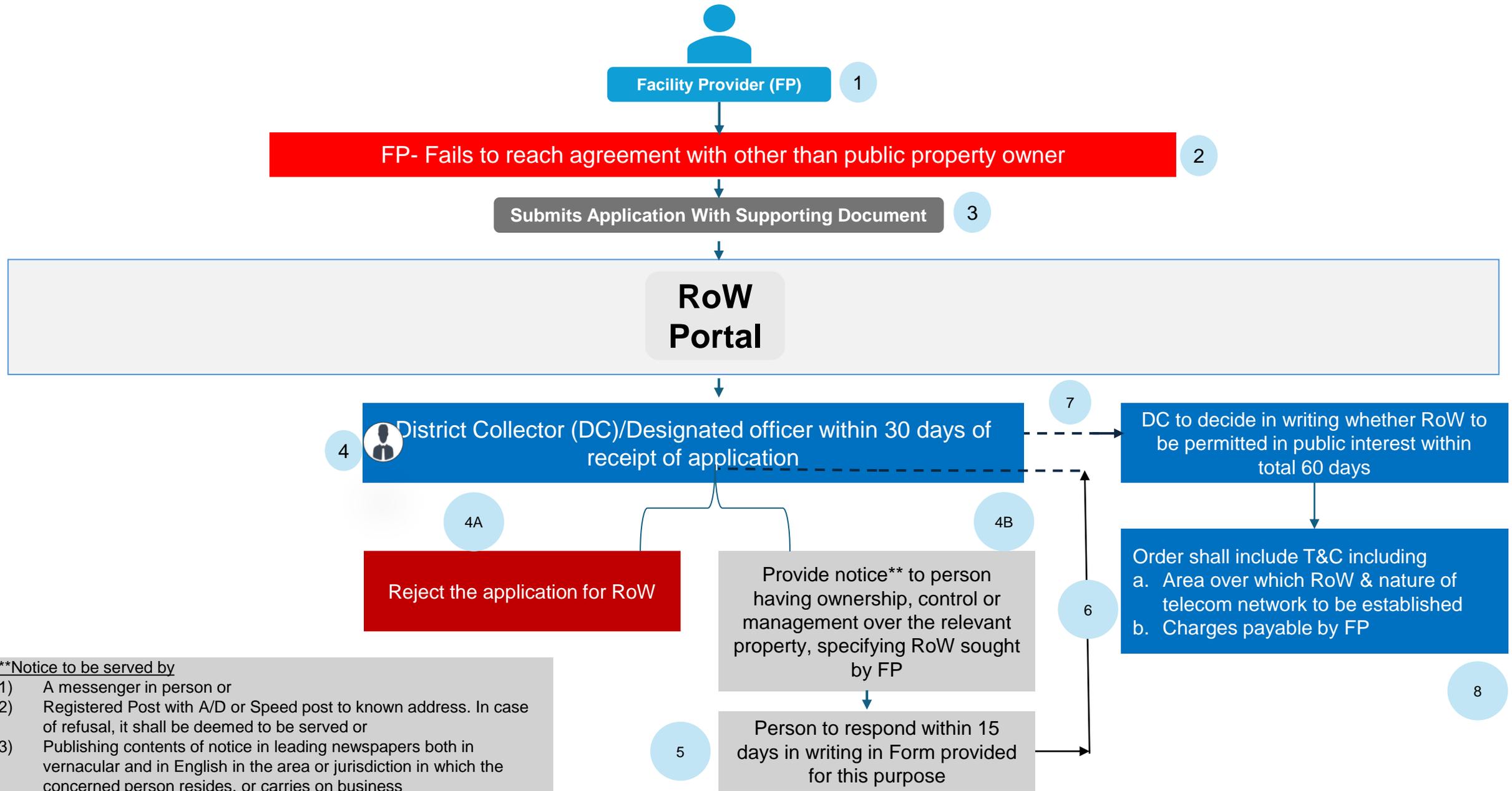


**Note- Generate Acknowledgement Receipt**

# Permitting RoW (other than public property) by Central Government in public interest



(Rule-16)



**\*\*Notice to be served by**

- 1) A messenger in person or
- 2) Registered Post with A/D or Speed post to known address. In case of refusal, it shall be deemed to be served or
- 3) Publishing contents of notice in leading newspapers both in vernacular and in English in the area or jurisdiction in which the concerned person resides, or carries on business

Where the Central Government has notified an infrastructure project or class of infrastructure projects, **the public entity shall**

- i. Make available (duct) on an open access basis, that is, non-discriminatory and non-exclusive, subject to payment of charges based on **prevailing market rates and the principle of cost recovery over a minimum period of twenty-five years**
- ii. **Provide for an online application process to enable facility providers to make an application**

Provided that such charges shall not exceed the amount as may be notified by the Central Government from time to time



- Reduces pollution
- Better air quality
- Reduces global warming
- Reduces FOREX outgo
- Reduces CO2 emission
- Lesser Congestion on roads



- **Avoid frequent Digging and Excavation**
- **Decrease costs for the Nation**
- **Multiple RoW permissions can be avoided**
- **Digital-ready infrastructure**
- **Improved aesthetics of the City**
- **Better for environment**

**Note:** Illustration shows common duct and benefits similar to Metro, not related to the rules/act.

# Handling of property having Telecom network items (Rule-18, 19)



Property Owner

Person having ownership over property may decide

To remove, relocate, alter Overground/  
Underground network

Issue notice to FP for removal/ relocation

Within 30 days FP to submit plan

FP to

- Ensure removal/ relocation within 90 days
- Bear responsibility and liability including the cost for removal
- The person issuing notice shall defray such expenses from the compensation, if any, that such person may have received from the F.P

To cause damage/ interrupt/ interfere with  
Overground/Underground network

Upload on portal (\*CBuD) notice to exercise legal right including presence of emergency, if any

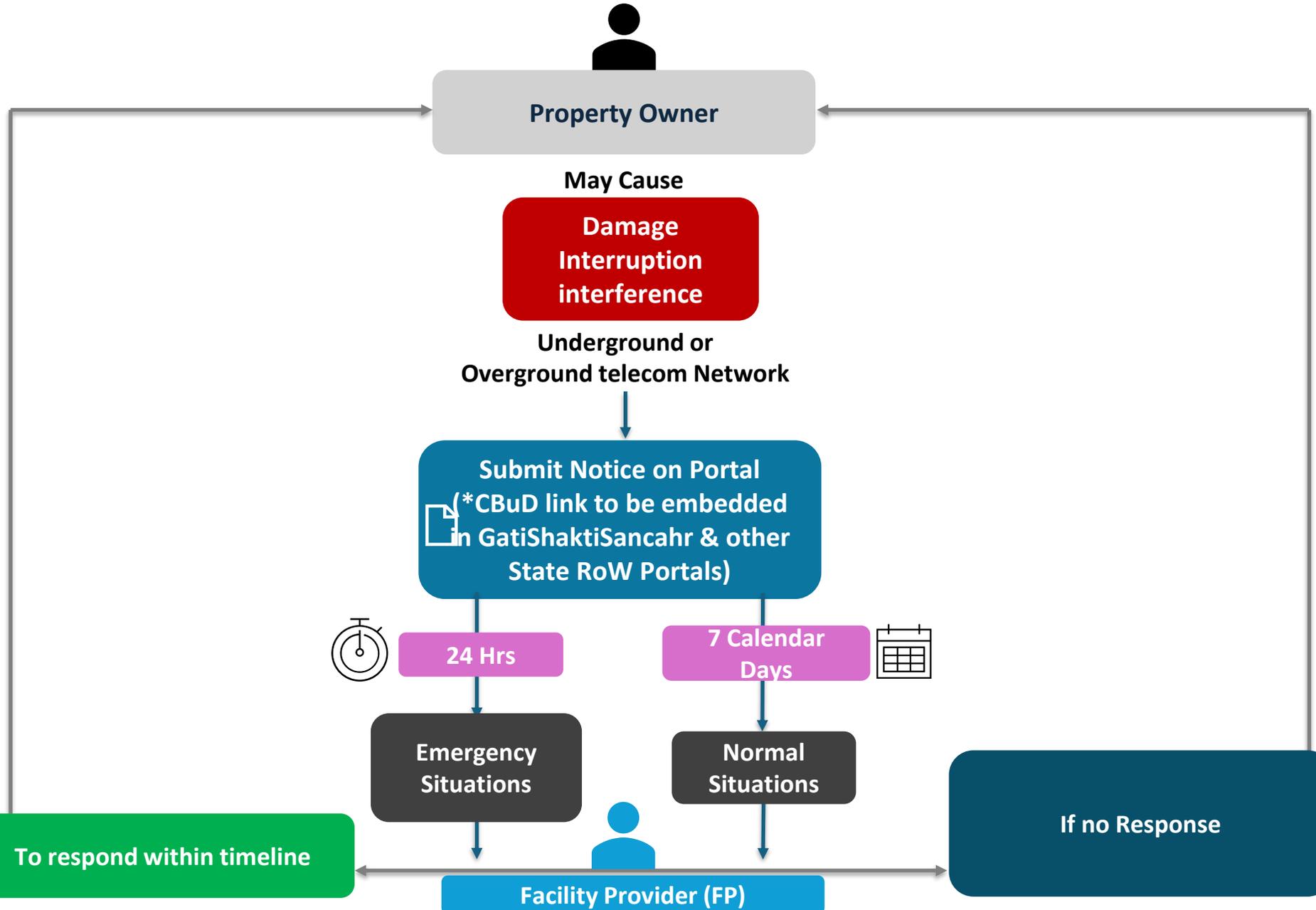
FP shall provide network details falling under/ over or along the property with precautionary measures to be taken

Within 24 hrs. for emergency case

In other situation, period of 7 days

\*CBuD- Call Before u Dig

# How to deal with property having Telecom Infra? (Rule-19, 20)



\*CBuD- Call Before u Dig

- In case of damage, pay damages.
- Quantum of compensation = expenses incurred in repair+restoration
- In case of dispute - **District Judge**
- Sec. 42 (1) of the chapter IX prescribes- whoever causes damage to critical telecommunication infrastructure shall be **punishable with imprisonment for a term which may extend to 3 years, or with fine which may extend up to 2 crore rupees, or with both**

# Summary Takeaways



- State having their own portal to modify their portal by 31.12.2024
- PE shall **not levy any fee, charge, rent, annuity, or compensation or entry fee**, for access, or seek any other financial contribution in any Form
- Permission to be granted on non-discriminatory and non-exclusive basis
- The telecommunication network installed shall not be subject to any claims, encumbrances, liquidation or the like, relating to such property
- No property tax, levy, cess, fees or duties to be taken for the Telecommunication network
- No coercive action, such as sealing, preventing access, or forcible shutdown of the telecommunication network [Act- 14(4)]



# Thank You

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# Different Type of Common Ducts



**GIFT Utility Duct: Gandhinagar**

Gujarat International Finance Tec-City (GIFT) RCC duct containing prefabricated HDPE developed the vision of “Digging Free City

1. NHLML developing OFC infrastructure along – Delhi-Mumbai Express Way (1367Km) & Hyderabad-Bangalore (512Km) **(Similarly State may plan to lay common telecom duct for better and stable digital infrastructure)**

