



**GOVERNMENT OF ODISHA
ELECTRONICS & INFORMATION TECHNOLOGY DEPARTMENT**

No 857 /E&IT,
EIT-DEV-III-NET-0004-2017

Bhubaneswar

Dated 22.08.2023

RESOLUTION

Sub: Amendment to Odisha Mobile Towers and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017 as per the Indian Telegraph Right of Way (Amendment) Rules, 2022

In order to align **Odisha Mobile Towers and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017** with the **Indian Telegraph Right of Way (Amendment) Rules, 2022** and to facilitate faster and easier deployment of Telecom Infrastructure to enable speedy 5G rollout by mitigating the operational difficulties for establishing telegraph infrastructure by the Telecom Service Providers (TSPs)/Infrastructure Providers (IPs) across the State as well as to upgrade/improve quality of services, the State Cabinet in its **63rd meeting held on 11.08.2023** has approved the following amendments in the Odisha Mobile Towers and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017.

Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
5.5 Right of Way (ROW) for Optical Fibre Cable infrastructures	As the name of the Policy has been changed, the title of the heading of clause 5.5 shall be changed	The Clause Title should be read as: "Right of Way (ROW) for Telegraph and Optical Fibre Cable Infrastructures"
5.5.1.a. Application with the supporting documents Clause 5.5.1.a (xiv) does not exist and it is to be inserted	New sub-clause to be added to 5.5.1.a (xiv) every application for underground telegraph infrastructure shall be accompanied with a	Following Clause to be added: 5.5.1.a (xiv) every application for underground telegraph infrastructure shall be accompanied with a fee of



Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
	fee of Rs. 1000/- per kilometre to meet administrative expenses for examination of the application and the proposed work.	Rs. 1000/- per kilometre to meet administrative expenses for examination of the application and the proposed work.
5.5.2. Grant of permission by appropriate authority Clause 5.5.2 (1A) and 5.5.2 (1B) does not exist and it is to be inserted	New sub-clause to be added to 5.5.2 (1A) and 5.5.2 (1B) The area of the underground telegraph infrastructure proposed to be established shall be the length of duct multiplied by the diameter of the duct multiplied by the number of the ducts. Explanation. - "duct" means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telegraph line. The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for the use of the property under which the underground telegraph infrastructure is proposed to be established, as may be	Following Clauses to be added: 5.5.2 (1A) The area of the underground telegraph infrastructure proposed to be established shall be the length of duct multiplied by the diameter of the duct multiplied by the number of the ducts. Explanation. - " duct " means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telegraph line. 5.5.2 (1B) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for the use of the property under which the underground telegraph infrastructure is proposed to be established, as may be determined by the appropriate authority.

Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
	determined by the appropriate authority.	
<p>5.5.2 (2)(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; or</p> <p>Existing clause 5.5.2 (2)(i) to be updated</p>	<p>Existing clause 5.5.2 (2)(i) shall be changed in order to add telegraph infrastructure 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, not exceeding the amount specified in Part-II of the Schedule provided that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied for pits only</p>	<p>Existing clause 5.5.2 (2)(i) to be read as :</p> <p>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, not exceeding the amount specified in Part-II of the Schedule</p> <p>Provided that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied for pits only</p>
<p>5.10 Right of Way (RoW) using electricity Pole and other utility Structures of the Government for Aerial Optical Fibre Cable laying</p>	<p>As the name of the Policy has been changed, the title of the heading shall be changed</p>	<p>The Clause Title should be read as:</p> <p>Right of Way (RoW) using electricity Pole and other utility Structures of the Government for Aerial Optical Fibre Cable laying and Overground Telegraph Infrastructure</p>
<p>Clause 5.10 (viii) does not exist and it is to be inserted</p>	<p>New sub-clause to be added to 5.10 (viii) every application for overground telegraph</p>	<p>Following clause to be added:</p> <p>5.10 (viii) every application for overground telegraph</p>

Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
	<p>infrastructure shall be accompanied with following fee Ten thousand rupees for establishment of mobile towers, One thousand rupees per kilometre for establishment of overground telegraph line, Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority, One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.</p>	<p>infrastructure shall be accompanied with following fee</p> <ul style="list-style-type: none"> i. Ten thousand rupees for establishment of mobile towers ii. One thousand rupees per kilometre for establishment of overground telegraph line. iii. Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority iv. One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.
<p>Clause 5.10 (A) does not exist and it is to be inserted</p>	<p>New clause to be added as 5.10 (A) Usage of street furniture for installation of small cells and telegraph line.</p>	<p>Following Clause to be added: 5.10 (A). Usage of street furniture for installation of small cells and telegraph line</p>

Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
		<ol style="list-style-type: none"> 1. A licensee shall for the purpose of installation of small cell and telegraph line submit an application, along with details of street furniture and a copy of certification by a structural engineer authorised 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. 2. The application under sub-rule (1), 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 specified in Part-I of the Schedule. 3. The appropriate

Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
		<p>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:</p> <p>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.</p> <p>4. The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for use of street furniture for installation of small cells and telegraph line, as may be determined by the appropriate authority.</p> <p>5. The appropriate central authority may permit installation of small cells</p>

Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
		<p>on their buildings and structures.</p> <p>6. For the purposes of sub-rule(5), the “appropriate central authority” means the Central Government or the authority, body, company or institution, incorporated or established by the Central 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.</p>
<p>5.5.1 Process of Granting Permission Clause 5.5.1 (xiv) does not exist and it is to be inserted</p>	<p>New Clause to be added as 5.5.1 (xiv) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety and payment of restoration charge not exceeding the amount specified in</p>	<p>Following clause to be added: 5.5.1 (xiv) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety or structural safety and payment of restoration charge not exceeding the amount specified in Part-II of the Schedule, or compensation</p>

Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
	Part-II of the Schedule, or compensation	
5.5.1 Process of Granting Permission Clause 5.5.1 (xv) does not exist and it is to be inserted	New Clause to be added as 5.5.1 (xv) The area of the overground telegraph infrastructure (mobile tower) proposed to be established shall be the area occupied by the mobile tower and the supporting infrastructures, such as base transceiver station, engine alternator, etc. at the ground.	Following to be added: 5.5.1 (xv) The area of the overground telegraph infrastructure (mobile tower) proposed to be established shall be the area occupied by the mobile tower and the supporting infrastructures, such as base transceiver station, engine alternator, etc. at the ground.
5.5.1 Process of Granting Permission Clause 5.5.1 (xvi) does not exist and it is to be inserted	New Clause to be added as 5.5.1 (xvi) Provided that the compensation payable for the immovable property for the establishment of poles for installation of small cells and telegraph line shall not exceed the amount specified in Part-III of the Schedule.	Following to be added: 5.5.1 (xvi) Provided that the compensation payable for the immovable property for the establishment of poles for installation of small cells and telegraph line shall not exceed the amount specified in Part-III of the Schedule.
	New clause to be added as 5.10 (B) Establishment of telegraph infrastructure over private property . – Where the licensee proposes the establishment of overground telegraph infrastructure over any private property, the	Following Clause to be added: 5.10 (B). Establishment of telegraph infrastructure over private property – Where the licensee proposes the establishment of overground telegraph infrastructure over any private property, the licensee shall not require any permission

Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
	<p>licensee 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 licensee 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, authorised 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.</p>	<p>from the appropriate authority: Provided that in case of establishment of mobile tower or pole over a private building or structure, the licensee 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, authorised 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.</p>
6.17. Right of Local Authority to seek removal of Mobile Towers and OFC and	As the name of the Policy has been changed, the title of the heading should	<p>The Clause Title should be read as: "Right of Local Authority to seek removal of Mobile</p>

Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
other related telecom infrastructure.	be changed	Towers and OFC and Underground/Overground Telegraph infrastructure."
<p>4th Paragraph of Clause 6.17 : Provided that the appropriate authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, provide reasonable time to the Applicant for removal or alteration of such telegraph infrastructure:</p> <p>Existing 4th Paragraph of Clause 6.17 to be updated</p>	<p>Paragraph to be changed Provided that the appropriate authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, give a reasonable time of not less than ninety days to the licensee for removal or alteration of such telegraph infrastructure:</p>	<p>The Paragraph to be read as: Provided that the appropriate authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telegraph infrastructure, give a reasonable time of not less than ninety days to the licensee for removal or alteration of such telegraph infrastructure:</p>
<p>5.5.1 Process of Granting Permission Clause 5.5.1 (xvii), 5.5.1 (xviii), 5.5.1 (xix) and 5.5.1 (xx) does not exist and it is to be inserted</p>	<p>New clauses to be added as 5.5.1 (xvii), 5.5.1 (xviii), 5.5.1 (xix) and 5.5.1 (xx)</p>	<p>Following Clauses to be added: 5.5.1(xvii) Sites/Lands will be identified by the telecom service provider. If the identified land is a forest land of <i>less than 1.0 ha and involving felling of trees not exceeding 75 trees</i> then the applicant will apply in prescribed format on online portal. (https://mits.odisha.gov.in/en) to the approving authority (Divisional Forest Officer) for obtaining a licence under this provision along with the</p>

Existing Clause in Odisha Mobile Towers, and Telegraph Line, OFC and related Telecom Infrastructure Policy, 2017	Proposed Modified / Additional Clause	Final Proposal
		<p>prescribed fees. For Land more than 1 ha the service provider has to apply as prescribed under FC Act, 1980 and FC Rule, 2022.</p> <p>5.5.1(xviii) Action will be taken by the Divisional Forest Officer (DFO) on behalf of Forest , Environment & Climate Change Department for obtaining user rights of the said forest land as per prescribed SOP dated 19/10/2019 with due recommendation of Gram Sabha.</p> <p>5.5.1(xix) After receiving the User Rights as per the Section 3(2)(E) and other relevant sections of Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 from Forest , Environment & Climate Change Department, license can be issued by the DFO of the relevant forest land.</p> <p>5.5.1(xx) If any fee, compensation amount, indemnification amount is payable by Forest, Environment & Climate Change Department, in addition to License/Processing fee under policy in respect of a particular land as per Schedule Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights)</p>

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		Act, 2006 and other conditions/rules then it will be borne by the user service provider.
3. Nodal Department	New 2 numbers of paragraphs need to be included	<p>Para 1 A nodal officer of the level of ADM in each district for RoW related works will be designated and their contact details shall be made available in the portal.</p> <p>Para 2 Distribution Company will appoint a nodal officer designated to resolve all power related issues of Telecom service/infra providers</p>
4.4 Role of Local Authorities	New clauses to be added as 4.4 (vii)	4.4 (vii) Distribution Company to intimate the infra providers of the duration of electric supply to telecom infra in rural areas on request by the service providers. This will help service providers to plan for power back up

THE SCHEDULE

[See rules 5.5.1.a, 5.10, 5.10 (A) (2), 5.5.2 (3), 6.7, 5.5.1 (xiv), 5.5.2 (1B), 5.5.1 (xvi), 5.10 (A) (4)]

Rule	Item	Amount
[1]	[2]	[3]
Part-I Fee		
5.5.1.a	For establishment of underground telegraph infrastructure	One thousand rupees per kilometre.
5.10	For establishment of overground	(i) Ten thousand rupees for establishment of mobile towers

	telegraph infrastructure	(ii) One thousand rupees per kilometre for establishment of overground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.
5.10(A) (2)	For installation of small cells and telegraph line using the street furniture	Nil.
Part-II Charges for restoration		
5.5.2 (3)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore the damages	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
6.7	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the licensee to discharge the responsibility to restore the damages	20% of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
5.5.1 (xiv)	Establishment of	Sum required to restore immovable property as

	overground telegraph infrastructure	per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area. Further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.
Part-III Compensation		
5.5.2(1B)	Establishment of underground telegraph infrastructure	Nil.
5.5.1(xvi)	Establishment of poles for installation of small cells and telegraph line	Nil.
5.10(A)(4)	Usage of street furniture for installation of small cells and telegraph line	<p>i. For installation of small cells: Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture.</p> <p>ii. For installation of telegraph line: One hundred rupees per annum per street furniture.</p>

These amended provisions will come into force with immediate effect.

ORDER: Ordered that Resolution be published in an extraordinary issue of the Odisha Gazette and copies of the Resolution be forwarded to all Departments of the Government.

By Order of Governor

(Manoj Kumar Mishra)
Principal Secretary to Government

Memo No. 3552 /E&IT,

Dated 22.08.2023

Copy forwarded to the Director, Printing, Stationery and Publications, Odisha, Cuttack with request for its immediate publication in the extra ordinary issue of Odisha Gazette and to supply 200 copies of the Resolution to this department.

Principal Secretary to Government

Memo No. 3553 /E&IT,

Dated 22.08.2023

Copy forwarded to the Principal Secretary to Governor, Odisha / ACS to Chief Minister /Private Secretary to all Ministers/ OSD to Chief Secretary/ Private Secretary to Development Commission-cum-Additional Chief Secretary for kind information of Governor/ Chief Minister/ All Ministers/ Chief Secretary/ Development Commissioner-cum-Additional Chief Secretary respectively.

Principal Secretary to Government

Memo No. 3554 /E&IT,

Dated 22.08.2023

Copy forwarded to all Departments of Government/ All Heads of Departments /All Revenue Divisional Commissioners/ All Collectors/ Principal Resident Commissioner, Government of Odisha, Odisha Niwas, Channykpuri, New Delhi- 110021/ Additional Secretary, Meity, New Delhi, Govt. of India, e-mail: bhuvnesh.k@meity.gov.in/ SIO, NIC, Bhubaneswar/ Accountant General (A&E), Odisha, Bhubaneswar for information.

Principal Secretary to Government

Memo No. 3555 /E&IT,

Dated 22.08.2023

Copy forwarded to the **Additional Director General, Telecom, Odisha LSA**, e-mail: srddg.dot.od@gov.in, Department of Telecommunications/ the CGM, BSNL, Odisha Circle, BSNL Bhawan, Unit-II, Bhubaneswar, e-mail: cgm_or@bsnl.co.in/ The Circle Head, Reliance Jio Infocomm Ltd. Wing A&B, First Floor, Fortune Tower, Chandrasekharpur, Bhubaneswar-751023, e-Mail: sudhir.pradhan@ril.com/ shaikh.sarajuddin@ril.com/ The Network Head, Vodafone Idea Ltd., Odisha Circle at e-mail: kasturi.roygupta@vodafoneidea.com /The Network Head, M/s Bharati Airtel Ltd., Odisha Circle at E-mail: sudhansu.dash@in.airtel.com for information.

Under Secretary to Government

Sudal
22/08/2023

Memo No. 3556 /E&IT,

Dated 22. 08. 2023

Copy forwarded to Shri Bijoyananda Mishra, Advisor (Telecom), OCAC at e-mail bijoy.mishra@ocac.in for kind information.

BBal
22/08/2023

Under Secretary to Government

Memo No. 3557 /E&IT,

Dated 22. 08. 2023

Copy forwarded to Parliamentary Affair Department for information with reference to their Memo No.-4699, dated.11.08.2023.

BBal
22/08/2023

Under Secretary to Government

Memo No. 3558 /E&IT,

Dated 22. 08. 2023

Copy forwarded to Head State Portal Group, IT Centre, Secretariat, Bhubaneswar to host the Resolution in the Government Website as well as Website of E&IT Department for wider circulation.

BBal
22/08/2023

Under Secretary to Government

Memo No. 3559 /E&IT,

Dated 22. 08. 2023

Copy forwarded to CMD, IDCO/ MD IPICOL/ Director, STPI/ Director, IIIT, Bhubaneswar/ MD, OKCL/ General Manager (Admn.), OCAC/ All Section, E&IT Department for information and necessary action.

BBal
22/08/2023

Under Secretary to Government