



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





Telecom RoW Rules, 2024- Effective from 01.01.2025





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 subcontractor 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



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

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]

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

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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)





Establishment of temporary overground telecommunication network (Rule-10)







In case the FP seeks to use the temporary overground telecommunication **beyond the period – apply for regular permission**





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





Obligations of FP after grant of RoW permission (Rule-13)



Facility Provider (FP) shall ensure-

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

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

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)





permission granted to FP

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



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



concerned person resides, or carries on business

Common ducts and Cable corridors (Rule-17)



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

- Make available (duct) on an open access basis, that is, non-discriminatory and nonexclusive, 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 Metro Rail



- 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

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





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







- 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 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)