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Government of Jharkhand
Department of Information Technology & e-Governance

Notification No.- IT/ Tower Policy-30/2015 (Part)

Ranchi, Date-

Notification

JHARKHAND COMMUNICATION TOWERS AND RELATED STRUCTURES POLICY, 2015

Government of Jharkhand is determined to promote the projects related to ICT & IT based communication system. In order to strengthen this core Information and Communication infrastructure, the State intends to further facilitate effective transformation of the socio-economic scenario through accelerated equitable and inclusive economic growth by encouraging provision of quality infrastructure for connectivity & telecommunication services across the State, especially in the rural and remote areas of the State in a uniform and time bound manner.

Keeping in view the renewed requirements of the State along side the latest Information and Communication Technology (ICT) developments and the need to ensure that the access to and benefits of ICT percolate to urban & rural masses amid the changing economic environment, the State Government has decided to frame the **JHARKHAND COMMUNICATION TOWERS AND RELATED STRUCTURES POLICY, 2015**

1. Short title, extent and commencement:

- 1.1 This Policy may be called the Jharkhand Communication Towers and Related Structures Policy, 2015;
- 1.2 It shall extend to the whole of the State of Jharkhand excluding cantonment areas therein;
- 1.3 The Policy shall not be in violation or supersession of the provisions contained in the Indian Telegraph Act, 1885 and Indian Wireless Telegraphy Act 1933 in any way.
- 1.4 This policy shall take effect from the date of its Notification.

2. Definition:

In this Policy, unless otherwise required in the context:

- 2.1 "Applicants" means the Infrastructure Provider and/or Telecom Service Provider duly registered/licensed respectively by Deptt. of Telecommunication, Govt. of India, New Delhi
- 2.2 "Section" means a section of the Act;
- 2.3 All words and expression used in this Policy and not defined shall have the same meaning as assigned to them in the Act;
- 2.4 "Chief Executive Officer" (CEO) means:
 - 2.4.1 In relation to a Municipal Corporation, the Municipal Commissioner, and
 - 2.4.2 In relation to the Municipal Council or Nagar Panchayat, the Municipal Executive officer.
- 2.5 "Communication/Mobile Tower" means the telegraph apparatus including but not limited to: Tower/Poles along with multiple antennas for Ground Base Tower (GBT) /Roof Top



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Tower (RTT)/ Roof Top Pole (RTP), Pre-fabricated/masonry structure shelter/s for installation of BTS & other equipments. Duct, Fiber, cable, Guard Room etc. Any alternate power source viz Battery, Solar, DG etc. Any other additional equipments etc as may deemed to be necessary by the Infrastructure Provider/Telecom service Provider for effective operations.

This will not include the antennas installed for domestic purpose, small pole/s for extending landline connections, tower installed in campus of institutions/office for LAN/WAN for their own use.


- 2.6 "Municipality" means an institution of Local Self-Government constituted under section 3(2) of the Jharkhand Municipal Act 2011 read with Article 243Q of the Constitution of India, and includes a Municipal corporation, a Municipal Council and Nagar Panchayat referred to in section 3 (2) of Jharkhand Municipal Act, 2011;
- 2.7 "Telecom Service Provider (TSP)" means and includes a person, firm, association of persons or company who is duly licensed by Deptt. of Telecom, Govt. of India under section 4 of the Telegraph Act, 1885 for providing inter alia mobile phone services, internet and data transfer services etc.
- 2.8 "Infrastructure Provider(IP)" means and includes a person, firm, associations of persons or company who is duly licensed by Deptt. of Telecom, Govt. of India and duly authorized to install passive telecom infrastructure such as Communication/Mobile Tower, Dark Optical fibres and other equipments for effective operations of telecom services.
- 2.9 "State" means state of Jharkhand
- 2.10 "permission" means any permission pertaining to this Policy.
- 2.11 "Nodal Authority" means Pr Secretary/Secretary IT to whom applicants will apply for single window permission/clearance.
- 2.12 "Panchayat Samiti" means a Panchayat Samiti constituted under section 32 of Jharkhand Panchayat Raj Act, 2001
- 2.13 "Block" means such local area in a district which the state govt may constitute to be a block.
- 2.14 "Panchayat Area" means territorial area of a panchayat constituted under Jharkhand Panchayat Raj Act 2001.

3. **Application for Registration:**

Any applicant, who intends to erect any communication tower, shall make an application to the nodal authority along with the following documents and requisite fee as prescribed:

- I. Copy of relevant license / Infrastructure Provider Registration Certificate from Department of Telecommunications, Govt. of India.
- II. Copy of SACFA clearance / copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/ rejection, TSPs/ IPs will take corrective actions/ remove the tower.



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- III. Copy of structural stability certificate for ground based tower. In case of roof top BTS towers, structural stability certificate for the building and tower based on written approvals of any authorized Structural Engineer of state/local bodies/Central Building Research Institute (CBRI), Roorkee/ IIT/NIT or any other agency authorized by local body.
 - IV. Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets.
 - V. Copy of clearance from Fire Safety Department only in case for high rise buildings where Fire Clearance is mandatory.
 - VI. For forest protected areas, the copy of clearance from State Environment & Forest Department, if applicable.
 - VII. No Objection Certificate (NOC) from Building Owner / entities having roof top rights or roof top tenants in case of roof based tower/ land owner in case of ground based tower, as the case may be.
 - VIII. Acknowledgement receipt issued by TERM Cells (DoT) of the self-certificate submitted by Telecom Service Provider/ Infrastructure Provider in respect of mobile tower/ BTS (ground based/ roof top/ Pole/ wall mounted) in the format as prescribed by TEC, DoT, establishing / certifying that all General Public areas around the tower will be within safe EMR exposure limit as per peak traffic measurement after the antennae starts radiating.
 - IX. In case the tower is in the vicinity or adjoining to high or low tension electric line, then its distance from the same shall be clearly indicated in the drawings. However TSP/IP will comply norms of minimum prescribed distance from HT/LT line.
 - X. Indemnity Bond (Form III) to take care of any loss or injury due to accident caused by the tower (including a declaration to the effect that the applicant shall take special precaution for fire safety and lightening and he shall be solely responsible for paying all kinds of compensation and damages and would be responsible for any civil or criminal case arising therefore.
 - XI. Copy of receipt of the fee deposited for Registration.

4. Fee structure :

A. For new Registration

4.1 Registration fee shall be deposited before filling request for permission/NOC to the nodal authority at following rates:

i. Registration Fee

1. In Municipal Corporation/Municipality area - 20,000/- per tower (Rs Twenty thousand per tower) to be deposited in Municipal Corporation/Municipality office.
2. In Nagar Panchayat Area/Nagar Parisad Area - 15,000/- per tower (Rs Fifteen thousand per tower) to be deposited in Nagar Panchayat Office/ Nagar Parisad Office.



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3. In Panchayat Samiti Area- 10,000/- per tower (Rs Ten thousand per tower) to be deposited in Panchayat Samiti office at Block Level .

4.2 For all existing Mobile/Communication Tower TSP/IP has to deposit one time registration fee as per fee structure mentioned in para 4.1 above within 90 days of this notification along with list of Communication Towers.

5. Refund of fee to the applicants:

In case the application for permission is rejected, the fee paid under the para- 4 shall be returned to the applicant within one month from date of rejection, after deducting Rs 5000/- as administrative charge.

6. Places permissible for erecting Towers:

- a) All types of Residential/Multi Storey Building/Group Housing buildings
- b) All types of Industrial/Commercial Buildings
- c) All types of Institutional Building
- d) Open lands
- e) In Govt. Bldg/Semi Govt. Bldg or premises after due permission from the authorized officer.

7. Authority to grant permission:

Authority will comprise of following officer which will act as single window for permission

- i) Pr. Secretary /Secretary, IT & e-Governance – Chairman
- ii) Pr. Secretary /Secretary, Forest, Environment & Climate Change or officer nominated by Pr. Sec./Sec., but not below the rank of Deputy Secretary – member
- iii) Pr. Secretary /Secretary, Home, Jail & Disaster Management Department or officer nominated by Pr. Sec./Sec., but not below the rank of Deputy Secretary – member
- iv) Pr. Secretary /Secretary, Urban Development & Housing or officer nominated by Pr. Sec./Sec., but not below the rank of Deputy Secretary – member
- v) Pr. Secretary /Secretary, Revenue, Registration & Land Reforms Deptt. or officer nominated by Pr. Sec./Sec., but not below the rank of Deputy Secretary – member
- vi) Pr. Secretary /Secretary, Rural Development (Panchayati Raj) or officer nominated by Pr. Sec./Sec., but not below the rank of Deputy Secretary – member
- vii) Pr. Secretary /Secretary, Rural Development (Rural Works) or officer nominated by Pr. Sec./Sec., deptt. but not below the rank of Deputy Secretary – member
- viii) Pr. Secretary /Secretary, Health, Medical Education & Family Welfare Deptt. or Specialist Doctor nominated by Pr. Sec./Sec./Officer not below the rank of Deputy Secretary – member
- ix) Member, State Pollution Control Board
- x) DDG, TERM/Director, TERM - member

Above committee will meet fortnightly to discuss the pending permission. Participation of members from Health, Medical Education & Family Welfare Deptt. & State Pollution Control Board will be



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mandatory. Out of total nine members or their representatives, four members or their representatives must be available to complete quorum.

8. Sharing of Sites:

The Telecom Service Provider/Infrastructure Provider may share the towers for fixing their respective antennas. However second/third/fourth TSP will apply with all the document mentioned in para 3. In case of shared site, all the shared TSPs will nominate one single contact points location wise with whom further communication can be done in future.

9. Procedure for permission:

On receipt of application along with requisite fee or say registration fee in Form-I, the authority shall take decision within 60 days from the date of application. The application must contain all the documents mentioned in para-3 along with registration fee. The receipt of application will be issued by officer authorized by nodal authority. In case the documents submitted for permission are complete in all respects along with receipt of fee deposited and then decision is not conveyed within 60 days, deemed permission shall be assumed, provided that the same is in accordance with the prescribed rules.

10. Applicant to keep the norms prescribed for the level of air and noise pollution:

It shall be necessary for the applicant to keep the level of air and noise pollution within parameters prescribed by the Jharkhand State Pollution Control Board. A certificate issued by the generator set manufacturer for the noise and air pollution, shall be considered as no objection certificate.

11. Cell on Wheels :

Formal Permission /NOC is not required for the installation of COW (Cell on Wheels), provided that COW is being placed maximum for thirty days. Before installation of COW formal intimation will be required along with reason for installation of COW. If COW is being installed for more than 30 days then it will be treated as normal communication tower and formal permission will be required and IP/TSP has to take NOC after paying requisite fee mentioned in para 4.1.

12. No Coercive Action:

Telecom installations are lifeline installations and a critical infrastructure in mobile communication. In order to avoid disruption in mobile communication, an essential service, sealing of BTS towers / disconnection of electricity may not be resorted to without the consent of the respective TERM Cell of DoT in respect of the EMF related issues. ***However if it has been found that the tower/RTT/Pole/Antenna has been installed in contravention to the provisions mentioned in this policy then such towers/RTT/Pole/Antenna will be removed with advance notice of 90 day. Penalty in this case will be levied as per para 13.***

13. Penalty:

If an operator violates any provision of this Policy, it shall be liable to be penalized as per following term and condition-

- (i) As soon as Nodal officer comes to know that any provision has been violated, a show cause will be issued to TSP/IP. TSP/IP has to reply within 15 days from date of service of notice.



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- (ii) If reply is not satisfactory then initial fine of Rs. 1,00,000/- (Rs One Lac) will be charged. The TSP/IP has to submit Compliance for such site as per policy within 30 days. Failing this TSP/IP will be penalized by Rs. 5000/- per day after 30 days period till compliance or removal of the tower/RTT/Pole/antenna.

14. Redressal of Public Grievances

In order to actively address Public Grievances relating to installation of towers and issues related to Telecom Infrastructure, State Govt. has constituted State-level Telecom committee (STC) & District Level Telecom committee (DTC) in all districts as prescribed below :-

I. District Level Telecom committee (DTC)

1	Deputy Commissioner	Chairman
2	Deputy Collector (Gen)	Convener
3	Superintendent of Police	Member
4	District Medical Officer	Member
5	Executive Engineer (Building Construction Deptt.)	Member
6	District Officer (State Pollution Control Board)	Member
7	Representative, TERM (Telecom Enforcement Resource & Monitoring)-Jharkhand	Member
8	District Head of BSNL	Member
9	District Head of Telecom/Infrastructure Provider Concerned (against whom complaints are received)	Member
10	An eminent public person (to be nominated by chairman of DTC)	Member
11	Representative, Municipal Corporation/Municipality/ Nagar Panchayat/Nagar Parishad/ Panchayat Samiti	Member

Duties & Functions

- (i) DTC shall deal with public grievances relating to installation of Mobile Towers and issues related to telecom infrastructure in the respective district.
- (ii) DTC shall convene meeting once in a month & resolve the public grievances in a timebound manner.
- (iii) The committee (DTC) may give the company (Telecom Service Provider) an opportunity to rectify the defects, if the committee feel so.
- (iv) The recommendations of DTC shall be adhered to by Municipal Corporation/Municipality/Nagar Panchayat/Nagar Parishad/ Panchayat Samiti or any other authority related to the subject.
- (v) The TSP can also approach DTC for redressing their grievances, if any.
- (vi) Telecom Service Provider or petitioner/complainant may file appeal before STC within 15 days from the date of receipt of the DTC's final decision, under intimation to the chairman of DTC.

II. State Telecom Committee (STC)

1	Secretary, Information Technology & e-Gov. Department	Chairman
2	Director, Information Technology & e-Gov. Department	Convener
3	Secretary, Building Construction Department	Member
4	Pr. Secy./Secy., Home, Jail & Disaster Management Department	Member
5	Pr. Secy./Secy., Health, Medical Education & Family Welfare Deptt.	Member


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| 6 Pr. Secy./Secy., Urban Development & Housing Department | Member |
| 7 Pr. Secy./Secy., Revenue, Registration & Land Reforms Department | Member |
| 8 Pr. Secy./Secy., Forest, Environment & Climate Change Department | Member |
| 9 Pr. Secy./Secy., Rural Development Deptt. | Member |
| 10 Chairman, State Pollution Control Board | Member |
| 11 Deputy Director General (TERM) - Jharkhand | Member |
| 12 State Head of BSNL | Member |
| 13 State Heads of Telecom/Infrastructure Provider concerned
(against whom complaints are received) | Member |
| 14 An eminent public person to be nominated by the chairman of STC | Member |

Duties & Functions

- (i) STC shall act as the appellate body of DTC.
- (ii) STC shall have powers to amend, cancel, endorse the decisions of DTC or to remand back to DTC for considering afresh.
- (iii) The recommendations of STC/DTC shall be adhered to by Municipal Corporation/ Municipality/Nagar Panchayat/Nagar Parishad/ Panchayat Samiti or any other authority related to the subject.

15. 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 responsible to changing technology, regulatory regime or any other unforeseen development.

By order of the Governor of Jharkhand

(Sunil Kumar Barnwal)
Secretary to the Government

Memo No.: 2956

Ranchi, Dated:- 04/12/15

Copy to:- The Superintendent, Govt. Printing Press, Ranchi for publication in the extra ordinary Gazette for general information. It is requested that one hundred copy of the Gazette may kindly be made available to this Dept.

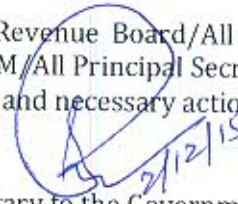
Secretary to the Government

Memo No.: 2956

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Ranchi, Dated:- 04/12/15

Copy to:- Chief Secretary/Development Commissioner/Member Revenue Board/All Additional Chief Secretaries/Principal Secretary to Governor/Principal Secretary to CM/All Principal Secretaries/All Secretaries/All Commissioners/All Deputy Commissioners for information and necessary action.


Secretary to the Government

Memo No.: 2956

Ranchi, Dated:- 04/12/15

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Secretary to the Government

