

**GOVERNMENT OF NAGALAND**  
**DEPARTMENT OF INFORMATION TECHNOLOGY AND COMMUNICATION**  
**NAGALAND: KOHIMA**

No.IT&C/14-7/2010(pt-1)/13

Dated Kohima, the 30<sup>th</sup> September 2024

**NOTIFICATION**

**Subject: Guideline for Granting Right of Way (RoW) for installation of Telecom Infrastructure in the State of Nagaland (Amendment), 2024**

In pursuance to the Indian Telegraph Right of Way (RoW) Policy, 2016 and its subsequent amendments issued in 2022 and 2023 by the Ministry of Communications, Department of Telecommunications, Government of India, the Government of Nagaland hereby notifies the amendment to the existing Guideline for Granting of Right of Way (RoW) for installation of Telecom Infrastructure in the State of Nagaland, 2019.

This amendment "**Guideline for Granting Right of Way (RoW) for installation of Telecom Infrastructure in the State of Nagaland (Amendment), 2024**" is issued to streamline the establishment of telecom infrastructure and ensure better connectivity while adhering to national policy. This guideline stipulates a set of standards and regulations for granting of permission for the installation of Telecom Infrastructure both overground (Mobile Towers, Aerial OFC, 5G) and underground (Optical Fibre) within the territorial jurisdiction of Nagaland.

**Enclosed:** Copy of Guidelines.

Sd/- **Dr. J. Alam, IAS**


Chief Secretary to the Government of Nagaland

Dated Kohima, the 30<sup>th</sup> September 2024

No.IT&C/14-7/2010(pt-1)

Copy to:

1. The Principal Secretary to the Hon'ble Chief Minister, Nagaland for kind information.
2. The Deputy Secretary to the Chief Secretary, Nagaland for kind information
3. All AHODs/HODs for kind information
4. All Deputy Commissioners for kind information and necessary action.
5. The DDG, NE LSA, Department of Telecom, Govt of India, Dimapur.
6. All Telecom Service Providers (TSPs)/ Infrastructure Providers (IPs) for strict compliance.
7. The Publisher, Nagaland Gazette, for early publication.
8. Office copy

  
30/09/2024

**(Mohammed Ali Shihab), IAS**

Commissioner and Secretary to the Government of Nagaland  
Department of IT and Communication

**GOVERNMENT OF NAGALAND  
DEPARTMENT OF INFORMATION TECHNOLOGY AND COMMUNICATION  
NAGALAND: KOHIMA**

Dated Kohima, the 30<sup>th</sup> September 2024

**NOTIFICATION**

**Subject: Guideline for Granting Right of Way (RoW) for installation of Telecom Infrastructure in the State of Nagaland (Amendment), 2024**

No.IT&C/14-7/2010(pt-1) : : In exercise of the powers conferred by Rule (22) of the Guideline for Granting Right of Way (RoW) for installation of Telecom Infrastructure in the State of Nagaland 2019 and in pursuant to the **Indian Telegraph Right of Way Rules, 2016 and subsequent amendment issued in 2022 and 2023** by the Central Government, Department of Telecommunication, Ministry of Communication, the Government of Nagaland hereby makes the following amendment to the Guideline for Granting Right of Way (RoW) for the installation of Telecom Infrastructure in the State of Nagaland, 2019, namely:

1. (a) These rules shall be called the **Guideline for Granting Right of Way (RoW) for installation of Telecom Infrastructure in the State of Nagaland (Amendment), 2024**.  
(b) They shall come into force on the date of its publication in the Official Gazette.
2. In the Guideline for Granting Right of Way (RoW) for installation of Telecom Infrastructure in the State of Nagaland 2019 (*hereinafter referred to as the **principal rules***), in Rule 2 of the principal rules, in sub-rule (1), after clause (P), the following clause shall be inserted, namely: -
  - (q) "Mobile tower" means any above-ground contrivance for carrying, suspending or supporting a telegraph and does not include pole.
  - (r) "Pole" means any above-ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telegraph and does not include mobile tower.
  - (s) "Small Cell" means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilometres.
  - (t) "Duct" means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telegraph line.
  - (u) "CCA" means Controlling Administrative Authorities.
  - (v) "Street Furniture" means a post or pole used for electricity, street light, traffic light, traffic sign, bus stop, tram stop, taxi stand, public lavatory, memorial, public sculpture, utility pole or any other structure or contrivance of such nature established over the property of an appropriate authority.
  - (w) "Head of Account" means
    - (i) Fees etc - Major Head : 1275 – Other Communication Services  
Sub-Major Head : 00  
Minor Head : 104 0 Telecommunication Licence Fees
    - (ii) Deposit Works
      - Major Head : 8443 – Civil Deposit
      - Sub-Major Head : 00
      - Minor Head : 108 0- Public Works Deposit



3. In Rule 3 of the principal rules, for the words "Shall be implemented by all the telecom service providers" shall be substituted by "Shall be implemented by all the telecom licensees and Registered Telecom Infrastructure Providers (registered with DOT) within the State".
4. In Rule 5 of the principal rules, "District Nodal officer and Approving Authority", the following shall be substituted: -

"Local Authorities and Nodal officers" designated from various Departments to give the permission for use of the Government properties shall be as mentioned below:

| Areas  | Department  | Local Authorities  |
|--|---|--|
| Mobile Towers  | Home Department   | Deputy Commissioners   |
| Overhead Aerial OFC over electrical infrastructures.                           | Power Departments   | Head of Department   |
| Street Furniture for 5G  | Asset owning Departments  | Administrative Authority of the Building/ Head of the Department |
| Government Buildings   | Building owning Departments   | Head of Department   |
| Forest land  | Forest & Environment Department.  | Head of Department   |
| In Build Solution (IBS):   | Building owning Departments   | Administrative Authority of the Building/ Head of the Office     |
| Laying underground OFC on Road under the jurisdiction of the State Government. | 1. NPWD (R&B, NH)<br>2. Urban Development and Municipal Affairs<br>3. Rural Development | Head of Department   |

Every Appropriate Authority shall designate a nodal officer for the purpose of this Policy.

The Role of the Nodal Officer shall include but not limited, to the following:

- Responsible for day-to-day activities & communication with the Applicant.
- Co-ordinate for timely approvals/NOCs.
- The entire infrastructure being raised within the jurisdiction under the local authority shall be monitored regularly.

5. In Rule 6, Sub-Rule (6.1) of the principal rules, after clause (XIII) the following rules shall be inserted, namely: -

XIV. Licensee shall ensure safety and security of all overground installations/utilities/facilities and shall be solely responsible for compensation/indemnification of the concerned authority for damage caused/claims or replacement sought, at the cost and risk of licensee.

XV. Any Requisition and Acquisition of land for the purpose of establishment of mobile tower and other telecom infrastructures should follow the procedures as provided under the Nagaland Land (Requisition and Acquisition) Act 1965.

6. After Rule 8 of the principal rules, the following sub-rule 8 (A) shall be inserted namely:

**8(A) Establishment of temporary overground telegraph infrastructure:**

- a). In case of damage to any existing underground telegraph infrastructure for any reason the licensee, whose underground telegraph infrastructure is damaged, may temporarily establish the overground telegraph infrastructure in lieu of the damaged underground telegraph infrastructure, to restore the telegraph service for the period of sixty days from the date of reporting of damage of the infrastructure to the appropriate authority/district nodal officer.
- b). No fee or compensation shall be charged by the appropriate authority for the establishment of temporary overground telegraph infrastructure under this rule.

7. In Rule 11 of the principal rules, the following sub-rule shall be inserted, namely:

**11(iii) Deemed Approval:**

Application submitted under Rule 6,7 and 8 shall deemed to have been granted if the District Nodal Officer fails to grant permission or reject the application within 60 working days from the date of the submission of the application.

Provided that in case of rejection of the application within 60 working days, the applicant has to correct the deficiencies and re-submit the application, if the re-submitted application is not approved or rejected within 30 days from the date of the re-submission, permission shall deem to have been granted, the deemed permission shall be communicated to the applicant electronically from Single Window immediately.

The approving authority retains the right to verify the sites at a later date, and if deficiencies are found, a notice will be issued to the TSP/licensee for rectification or seek removal as per Rule 19 of the Guideline. The State reserves the right to extend the timeline in cases where additional scrutiny or public interest considerations arise, with clear communication to the licensee regarding the reasons for such an extension.

8. Rule 12 of the principal rules shall be substituted as below:

"The licensee shall pay the charges and fees as per **Schedule -I** of this rule."

9. After rule 14 of the principal rules, the following rules shall be inserted, namely: –

**14(A): Usage of street furniture for installation of small cells and telegraph line. -**

- a). 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.
- b). The application under sub-rule (a), 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-I.**

- c). The appropriate 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:

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.

- d). The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule-I, for use of street furniture for installation of small cells and telegraph line, as may be determined by the appropriate authority.
- e). The appropriate local authority may permit installation of small cells on their buildings and structures.
- f). For the purposes of sub-rule (e), the —appropriate central authority means the State Government or the authority, body, company or institution, incorporated or established by the State 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.
- g). Prohibits the Controlling Administrative Authorities (CAA) / asset controlling authority from entering into exclusive rights/exclusive tie-ups with any licensee/registration holder. Street furniture (SF) infrastructure is to be offered in a non-exclusive and non-discriminatory manner.
- h). If multiple IPs/TSPs request to use the same street furniture (SF), the Controlling Administrative Authorities (CAA) will make the final decision on a fair basis to select the TSP(s) who will use the street furniture (SF).

#### **14(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 from the appropriate authority:

- a). 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 along with necessary clearance from the owner to the appropriate authority, prior to commencement of such establishment:
- b). 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.



- c). All such application shall be applied online along with all prescribed supporting documents including consent from the village chairman or municipal/town council whichever is applicable. However, the State reserves the right to impose additional conditions or deny such requests in circumstances deemed necessary for public safety, environmental concerns, or other relevant reasons, read in conjunction with Rule No. 19 "Right of authority to seek removal".

**14(C). Uniform policy for Street Furniture.**

- a). One-time bulk upload for seeking permission to install small cells in a designated area shall be allowed. The same shall be incorporated in the State RoW portal.
- b). The Telecom Service Providers (TSP)/ Infrastructure Providers (IP) shall submit all the necessary documents like Site map, Structural stability Report, etc. during submission of applications.
- c). One time approval of the bulk Row applications with respect to 5G rollouts using street furniture by appropriate authority shall be allowed.
- d). Permission shall be deemed granted if the appropriate authority fails to grant permission or reject the application within Sixty (60) days with respect to 5G rollouts.

**14(D). Power supply to the small cells.**

- a). Bulk permit to be issued for the installation of all the components for the roll out of 5G using street furniture.
- b). Single common electricity bill for a particular area to be implemented for 5G rollout subject to total connected load, the number of power supply hours and particular area/zone is fed through a single transformer or separate phase/line drawn from the common distribution transformer feeding the area.
- c). Priority power connection for telecom sites for 5G rollout shall be provided by the State Power Department.

10. In Rule 19 of the principal rules, the following rule shall be inserted, namely: -

19 (IV): Any abandoned / Non-operational telecom tower or OFC/Telegraph/Telecom infrastructure in the State shall be monitored by the District Nodal Officer and shall issue notice to the applicant (licensee), being the owner of such telecom tower or OFC/ Telegraph/Telecom infrastructure with an intimation to LSA, DoT in charge of the State and Chairman, State Telecom Steering Committee (STC). Wherein the owner of such telecom tower or OFC/ Telegraph/Telecom infrastructure is responsible and liable including the cost to take action on the decision taken as deemed fit by the District Nodal Officer.

11. In Rule 20.3 "District Telecom Committee (DTC)" of the principal rules the following shall be added:

|   |   |                  |
|---|---|------------------|
| Representative from Department of IT&C      | - | Member           |
| Representative from LSA, DoT, GOI, Nagaland | - | Member           |
| Additional Deputy Commissioner (ADC)        | - | Member Secretary |



12. After Rule 23 of the principal rules, the following rule shall be added, namely:

***Rule 24: Validity of permission***

The permission issued to any applicant under this rule shall be co-terminus with the validity of the license/registration certificate issued by the Department of Telecommunication, Government of India.

***Rule 25: Penalties***

If an Applicant violates any provision of these Guidelines, it shall be liable to be penalized as per the following terms and conditions:

- a). As soon as competent/appropriate authority becomes to know that any provision has been violated, a show cause will be issued to licensee. The licensee should reply within 15 days from date of service of notice.
- b). If the reply is not satisfactory, the licensee shall be levied penalty as deemed fit.
- c). Also, if warranted, the permission granted to the Applicant may be withdrawn.

***Rule 26: Remittance of Fees/Charges/Compensation to State Account***

As stipulated by Finance Department vide Letter No.Bud/11-81/2011-12 dated 30<sup>th</sup> October 2019 and 6<sup>th</sup> February 2024, the following procedure shall be followed for remittance of fees/charges/compensation etc: -

- a). All deposits/payments under this guideline shall be deposited to the **Centralised Government Account**. The Department of IT & Communication which is the nodal Department shall immediately deposit the amount into the **State Account by treasury challan** under the relevant **Head of Account**.
- b). Thereafter, the line Departments may propose for meeting the expenses incurred by them as per State Government approved rates, by clearly indicating details of works for Survey / supervision etc.



13. After rule 23 of the principal rules, the following Schedule shall be inserted, namely:

**“SCHEDULE – I “**

| Rule   | Item   | Amount  |
|--|--|---|
| (1)  | (2)  | (3)   |
| <b>Part-I Fees (One-time Administrative Charge, Non- Refundable)</b> |  |   |
| 7  | For establishment of underground telegraph infrastructure.   | One thousand rupees per kilometer.  |
| 6  | For establishment of overground telegraph infrastructure.  | (i) <b>Ten thousand rupees</b> for establishment of mobile towers.  |
|  |  | (ii) <b>One thousand rupees per kilometre</b> for establishment of overground telegraph line.   |
|  |  | (iii) <b>Nil for establishment of poles, for installation of small cells and telegraph line</b> , on the immovable property vested in, or under control or management of appropriate central authority.   |
|  |  | (iv) <b>One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line</b> , on the immovable property vested in, or under control or management of appropriate authority, other than appropriate central authority.                     |
| 8(A)   | For Establishment of temporary over ground Telegraph Infrastructure.   | Nil.  |
| 14(A)  | For installation of small cells and telegraph line using the street furniture.   | Nil.  |
| <b>Part-II Charges for restoration</b>                               |  |   |
| 7  | 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. |



|   |   |  |
|---|---|--|
| 7 | <b>Bank guarantee as security</b> 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.   |
| 7 | Establishment of overground telegraph infrastructure.   | <b>Sum required to restore immovable property as per the rate prescribed by central public works department</b> 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. |

| <b>Part-III Compensation/ Annual Charges</b> |   |  |
|--|---|--|
| 7  | Establishment of underground telegraph infrastructure                         | Nil.   |
| 14(A)  | Establishment of poles for installation of small cells and telegraph line.    | Nil  |
| 14(A)  | Usage of street furniture for installation of small cells and telegraph line. | (i) For installation of small cells: <b>Three hundred rupees per annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture.</b><br>(ii) For installation of telegraph line: <b>One hundred rupees per annum per street furniture.</b> |

*The above charges are exclusive of GST, Labour cess and other applicable taxes.*

14. In FORM-4, FORM-5 of the principal Rule, the Sub-Rule 5 shall be substituted as below: -  
 "This permission shall be valid from this date up-to the period of license/registration granted to the licensee by Department of Telecommunication, Government of India."

  
30/09/2024

**(Mohammed Ali Shihab), IAS**  
 Commissioner and Secretary to the Government of Nagaland  
 Department of IT and Communication