



सत्यमेव जयते

GOVERNMENT OF INDIA  
LAKSHADWEEP ADMINISTRATION  
DEPARTMENT OF INFORMATION TECHNOLOGY  
LAKSHADWEEP INFORMATION TECHNOLOGY SERVICES SOCIETY  
October 2020

**To**

1. All Directors, UTLA
2. CGM, BSNL
3. TAIPA

**Subject:** Right of Way policy in Lakshadweep - Reg.

Sir,

Government of India has made Right of Way (ROW) policy adoption and notification as mandatory for all States/UTs. Accordingly, UT of Lakshadweep is proposing to adopt the attached Right of Way Rules modelled on the current ROW policy in Kerala.

The proposed ROW policy for UT of Lakshadweep is being circulated and is being put up on the website (<http://lakit.nic.in> & <https://lakshadweep.gov.in>) for review and seeking comments/ observations on the same. It is requested to kindly review the proposed ROW policy and submit your observations, if any, with this department on or before 15<sup>th</sup> November 2020.

Sincerely,

Amit Verma  
Director IT | CEO LITSS

**Copy to:**

1. PA to Hon'ble Administrator for information
2. PA to Advisor to Administrator for information
3. PA to Sec. Home, for information
4. PA to Sec. IT, for information
5. PA to Sec. PSA, for information
6. PA to Sec. Fisheries, for information
7. PA to Sec. Environment, for information
8. PA to Sec. FCS, for information
9. PA to Collector, Lakshadweep, for information
10. Director General, TAIPA
11. TDM, BSNL



Administration of the UT of Lakshadweep

Draft RoW policy

**Consequent upon the notification of Indian Telegraph Right of way Rules 2016 dated 15-11-2016** in the extra ordinary gazette of India, the Administrator, UTL hereby issues guidelines for seeking and granting permission for establishing underground and over ground infrastructure.

**1. Definition:** (1) Unless the context otherwise requires.

(a) "Act" means the Indian Telegraph Act, 1885 (13 of 1885)

b) "appropriate authority" means the Central Government, respective State Governments, UT Administration/ local authority or such authority, body, company or institution incorporated or established by the Central Government or the State Government, in respect of property, under, over, along, across, in or upon which underground or over ground telegraph infrastructure, is to be established or maintained, vested in, or under, the control or management of such appropriate authority;

(c) "Lakshadweep" means the Union Territory of Lakshadweep and its administrative extent;

(d) "licensee" means any person holding a license issued under sub-section (1) of section 4 of the Act;

(e) "overground telegraph infrastructure" means a telegraph or a telegraph line established over the ground and includes posts or other above ground contrivances, appliances and apparatus for the purpose of establishment or maintenance of the telegraph or the telegraph line;

(f) "rule" means the Indian Telegraph Right of Way Rules, 2016.

(g) "underground telegraph infrastructure" means a telegraph line laid under the ground and includes manholes, marker stones, appliances and apparatus for the purposes of establishment or maintenance of the telegraph line.

**2. Nodal Officer for appropriate authorities:** As required under sub rule (1) of rule 4 of The Indian Telegraph Right of Way Rules 2016, the following officers are designated as Nodal officer for the purpose of this act.

(a) CEO for District panchayat except for properties/buildings belonging to departments, co-operative bodies or any other department as the case may be.

(b) Senior most officer in the **district/range/area** of the concerned department/ PSU/autonomous organization/Co-operative bodies as the case may be.

(c) **Project Director/ Deputy GM(Tech)/ Manager(Tech) for roads under Central National highways division, as & when present or the case may be.**

(d) Executive Engineer for Electricity Department

(e) Superintending Engineer LPWD

(f) Director, RTO

(g) Director, Information Technology

(h) TDM or other senior most officer, BSNL

**3. Electronic application procuring system:** Every appropriate authority shall develop an electronic system for the procuring of the application **within three months** from the date of this order. The government may consider a single electronic application processing system for all authority under its control.

**4.Application by licensee for permission to lay underground telegraph infrastructure**

The licensee shall submit the application in duplicate to the concerned Nodal officer along with following documents.

- (i) Copy of license granted by Govt. of India.
- (ii) Route map with exact latitude and longitude, description of location and nature of land with details of underground telegraph infrastructure proposed to be laid.
- (iii) Clearance certificates if any as required from concerned departments like forest/fire and rescue/environment as the case may be.
- (iv) Letter of consent from the owner of land/building where OFC/telegraph infrastructure proposed to be laid.
- (v) Location map showing alignment of trenching of various reaches with cross section of trenching.
- (vi) Proposed mode and time duration for execution of work.
- (vii) Proposed time of the day when the work is expected to be done by the licensee.
- (viii) Estimate of restoration charges the appropriate authority has to put in consent of the work proposed by the licensee.
- (ix) PBG @ Rs 75/metre with a validity of six months as a security against improper restoration of ground in term of filling/unsatisfactory compaction or for damages caused to other underground installation, utility services, or for interruption/interference/disruption or failure caused thereof to any services.
- (x) Proposed safety measures to ensure public safety during excavation work.
- (xi) Proposed measures to mitigate the inconvenience that is likely to be caused to the public during the underground telegraph infrastructure laying process.
- (xii) Copy of receipt of application fee towards administrative expenses @1000/kilometre.
- (xiii) Any other relevant documents/information as may be required by the Nodal officer of appropriate authority.

**5. Grant of permission to lay underground telegraph infrastructure:**

- 1) Nodal officer of the appropriate authority shall, within fifteen days of the receipt of the application, in consultation with concerned sections, shall scrutinize the application based on the following parameters.
  - (a) Route map with exact latitude and longitude, description of location and nature of land with details of underground telegraph infrastructure proposed to be laid.
  - (b) Mode of execution.
  - (c) Time duration of execution of work and the time of the day that the work is proposed to be executed.
  - (d) Responsibility for restoration of any damages that the appropriate authority may necessarily be put in consequence of the work proposed to be undertaken
  - (e) Estimation of expenses, that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken
  - (f) Assessment of proposed safety measures to ensure public safety during the period of work.
  - (g) Assessment of inconvenience to public and the proposed measures by the licensee to mitigate the inconvenience.
  - (h) Assessment of documents submitted as proof while applying for permission.

- (i) Any other document/matter related to the subject consistent with the provision of the act through a general or special order by the appropriate authority, for which the licensee be given 15 days to respond. If no response with the stipulated time, application will be disposed accordingly.
- 2) Nodal officer through a single window clearance system shall examine the application submitted by licensee under rule 4. After carefully examining the factors given as per rule 4 and taking into consideration the suggestion and complaints under sub-rule (2) of rule 5.
  - (a) Grant permission within a period of **sixty days** on conditions as specified in sub-rule (1) of rule 5
  - (b) In the event of application is to be rejected the reason may be given in writing to the licensee and the licensee may be given **seven days** for submitting their reason as to why the application must not be rejected. After examining the reason, if the appropriate authority is still of the view that the application is to be rejected the same may be rejected.
- 3)
  - (a) The licensee whose application is granted with permission shall obtain necessary order from the appropriate authority.
  - (b) Restoration charges as calculated by the appropriate authority, which may be revised from time to time as per the relevant rules, shall be deposited in cash as advance within 30 days from the date of grant of permission before starting the work. Appropriate authority at its discretion may extend period of payment on application from licensee.
  - (c) If the licensee agrees to undertake the restoration of the damaged infrastructure, an amount equal to restoration charges shall be submitted as bank guarantee with validity for a period of one year.

No other fee other than those mentioned in ix and xii of rule 4 shall be charged from the licensee by the appropriate authority.
  - (d) During monsoon season appropriate authority may allow micro trenching provided the licensee taken adequate safety measures and arranges for the immediate restoration of the damaged infrastructure.
  - (e) The Nodal officer or any other officer authorized by the nodal officer must supervise the work and ensure that the condition under clause (a),(b),(c),(d),(f) and(g) of sub-rule (1) of rule 5 and clause (c) and (d) under sub-rule 4 of rule 5.The supervisory officer can impose any other reasonable condition deemed fit as it may be required.
  - (f) In the event of any wilful violation from the part of licensee on any of the condition for grant of permission under rule 5, the bank guarantee submitted by the licensee may be forfeited in full or part, the permission granted to the licensee may be withdrawn and the reason be given in writing after giving licensee an opportunity to be heard.
  - (g) The licensee whose application is granted with permission shall sign an agreement as per the Annexure – I. The RoW permission shall come into force only from the date of execution of the agreement.

#### **6. Application by licensee for permission to lay overground telegraph infrastructure**

- 1) The licensee shall submit the application in duplicate to the concerned Nodal officer along with following documents.
  - (i) Copy of licensee granted by Govt. of India.
  - (ii) Description of the over ground structure proposed to be laid.

- (iii) Location details of each structure with exact latitude and longitude, plan on a scale of 1:1000 with reference to nearby landmarks including HT/LT power lines or any other critical installation as the case may be, extent of land required.
- (iv) Technical details certified by a structural engineer including drawings, design etc.
- (v) Clearance certificates if any as required from concerned departments like forest/fire and rescue/environment as the case may be.
- (vi) Details of buildings or structure in case the installation is above buildings/roof tops etc along with structural stability certificate from an authorised.
- (vii) Letter of consent from the owner of land/building where OFC/telegraph infrastructure proposed to be laid along with proof of ownership. In case of land used/owned by Government/PSU/LSGD/Autonomous organisations letter of consent from competent authority need to be submitted.
- (viii) Proposed mode and time duration for execution of work
- (ix) Proposed safety measures to ensure public safety during installation work
- (x) Proposed measures to mitigate the inconvenience that is likely to be caused to the public during the over ground telegraph infrastructure installation process.
- (xi) Certificates from competent authority in case of using DG sets at the site.
- (xii) Name and contact details of the employees of the licensee for communication in regard to application made.
- (xiii) Any other relevant documents/information as may be required by the Nodal officer of appropriate authority or as notified by special orders of the State/Central government such as SACFA clearance for the sites concerned.
- (xiv) Expenses/restoration charges that such appropriate authority will necessary be put in consequence of the proposed work/damages if any.
- (xv) Copy of receipt of Rs 1000/-(one thousand only) towards administrative expenses.

**7. Grant of permission for establishing overground telegraph infrastructure**

- 1.a) Nodal officer of the appropriate authority shall within fifteen days of the receipt of the application in consultation with concerned sections shall scrutinize the application based on the documents/certificates/information as submitted under sub-rule (1) under rule 6 of this order
  - b) Any other document/matter that may be required related to the subject, consistent with the provision of the act may be sought through a general or special order by the appropriate authority, for which the licensee be given 15 days to respond. If no response with the stipulated time, application will be disposed accordingly.
- 2) Nodal officer through a single window clearance system shall examine the application submitted by licensee under rule 6. After carefully examining the factors given as per rule 6 and taking into consideration the suggestion and complaints under sub-rule (2) of rule 7,
  - (a) Grant permission within a period of sixty days on conditions as specified in sub-rule (1) of rule 6
  - (b) In the event of application is to be rejected the reason may be given in writing to the licensee and the licensee may be given seven days for submitting their reason as to why the application must be rejected. After examining the reason, if the appropriate authority is still of the view that the application is to be rejected the same may be rejected.
- 3) (a) The licensee whose application is granted with permission shall obtain necessary order from the appropriate authority.
  - (b) Expenses/restoration charges that such appropriate authority will necessary be put in consequence of the proposed work/damages, if any, shall be submitted as bank guarantee with validity for a period of one year.

No other fee other than those mentioned in (xii) and (xiii) under sub-rule 1 of rule 7 shall be charged from the licensee by the appropriate authority

- (c) The Nodal officer or any other officer authorized by the nodal officer must supervise the work and ensure that the condition under clause (ii),(iii),(iv),(vi),(viii),(ix),(x), (xii) and (xiv) of sub-rule (1) of rule 6. The supervisory officer can impose any other reasonable condition deemed fit as it may be required.
- (d) In the event of any wilful violation from the part of licensee on any of the condition for grant of permission under rule 6, the bank guarantee submitted by the licensee may be forfeited in full or part, withdraw permission granted to the licensee for the reason to be given in writing after giving licensee an opportunity to be heard.

### **8. Dispute resolution**

1) There shall be a **District level and State level dispute resolution committee** to deal with various disputes/grievances related to the grant of permission to licensees for right of way including

- (i) Grievance/complaints from public.
- (ii) Grievance /complaints/disputes from appropriate authority and licensees.
- (iii) Grievance /complaints from local bodies or from other stake holders.

District level committee will be the forum for dispute resolution and the State level committee will act as the appellate authority

2) District level committee will consist of the following members

- (i) District Collector as Chairman
- (ii) Superintendent of Police as member
- (iii) Executive engineer PWD as member
- (iv) Technical District Manager BSNL as member
- (v) Technical experts nominated by chairman

3) State level committee will consist of following members

- (i) Hon'ble Administrator as chairman
- (ii) Advisor to Administrator as member
- (iii) Secretary, Home as member
- (iv) Secretary, Dept. of PWD as member
- (v) Secretary, Dept. of IT as member
- (vi) Technical District Manager BSNL as member

4) District level committees should resolve the dispute within fifteen days from the date of receiving/filing of application and the State level committees should decide on the appeal within three weeks on receipt/filing of the appeal.