

GOVERNMENT OF PUNJAB
DEPARTMENT OF INDUSTRIES & COMMERCE,
(INFRA SECTION)

Dated

11th December, 2015

No.INFRA/GUIDELINES/TELECOM INFRASTRUCTURE/ 11265-A

The Indian Telecom Sector has witnessed phenomenal growth and mobile telephony in particular which has revolutionized the life of a common man in the Country over the past decade. Getting better telecom/high speed internet connectivity in Punjab is imperative for all round development of the State and to make it truly a digital State. Mobile Towers are integral part of any Mobile Network and are pivotal for providing better connectivity.

2. As per notification titled INFRA/ GUIDELINES/ TELECOM INFRASTRUCTURE/ 13546 dated 5th December 2013 governing grant of permission for installation of telecom infrastructure and Right of Way, permissive sanction was accorded for installation of Towers in open spaces owned/provided by Government Department/Agency/Local Authority etc. on payment of Annual Lease Charges for every such site amounting to 6% of the Circle Rate/Collector Rate on per annum basis.

3 Even though, the Government had taken a policy decision in 2013, it has been felt that more clarity in this regard is required for the formulation of modalities in installation of towers in the open space/site in the premises of Government Offices.

4. Government have examined the matter afresh in light of DO letter dated 2.8.2015 of Sh. Ravi Shankar Prasad, Hon'ble Communication & IT Minister, Government of India addressed to Chief Minister, Government of Punjab and accordingly are pleased to grant permissive sanction to lease out Government Land & Buildings including that of Public Sector Undertakings, Semi-Government Undertakings, Boards, Corporations & Societies to any Licensed Telecom Service Providers/Infrastructure Providers operating in State of Punjab on non exclusive basis for installing Ground Based Mast (Tower)/Roof Top Tower, for facilitating better communication connectivity in accordance with the guidelines issued in the matter by the Government of India and Government of Punjab from time to time.

5. The Telecom Infrastructure provider will identify the appropriate Government Land or Building for installing Telecom Tower/Mast and will make an application to the Office of Deputy Commissioner of the respective District. The

application will be examined/considered by the committee consisting of following officers:-

- i) Deputy Commissioner or Additional Deputy Commissioner (General)-Chairman.
- ii) District Head of the concerned Department, Board, Corporation, Societies whose land is to be leased out.
- iii) SE (operations), PSPCL or his nominee.
- iv) Any Officer out of the following who will be nominated by the Deputy Commissioner:
 - a) Executive Engineer (Buildings)
 - b) Executive Engineer (Panchyati Raj)
 - c) Executive Engineer (Mandi Board)
- v) Municipal Commissioner/Executive Officer of the concerned Municipal Corporation/Municipal Committee in the Urban Areas.
- vi) District Town Planner or his nominee in case of Rural Areas.
- vii) Deputy Commissioner can co-opt any other official as per local needs.

6. The aforesaid Committee will decide the applications submitted by Telecom Service Providers within 15 days of receipt of application. By way of illustration, it is clarified that the Telecom Service Providers would be free to establish Towers/Masts in Schools, Colleges, Fard Kendras, Suvida Centres, Saanj Kendras, SDM Offices, Hospitals, Anganwari Centres etc. The towers/masts to be established on the Government Land/Building will be of modern technology. The lease rent to be charged from the Telecom Services Providers would be as per policy notified earlier vide no. INFRA/ GUIDELINES/ TELECOM INFRASTRUCTURE/ 13546 dated 5th December 2013.

7. After the Telecom Service Providers obtain permission from the aforesaid committee, No NOC/Approval would be required from the any authority of State of Punjab.

8. The permissive sanction being accorded for installation of towers/masts on Government land/building will be subject to following conditions:-

- i) 6% of the Circle Rate/Collector Rate of the land will be charged as annual lease money for each such site on per annum basis. The registered infrastructure providers will execute a Rent Deed with the concerned Government Department/Entity who has the ownership over the land/building in question. The registered infrastructure providers will be responsible for the payment of all local levies/Taxes to the concerned Local Body. For the time being, the Lease Rent of Government Buildings/Lands will be received by the Office of Deputy Commissioners.

As and when the Department of Finance makes a receipt head for receiving lease rent in question, the said lease money shall be deposited in the receipt head notified by the Finance Department. Corporations/Boards/Societies will be able to receive the lease rent directly.

- (ii) The fee structure as notified by the State Government vide Notification No INFRA/ GUIDELINES/ TELECOM INFRASTRUCTURE/ 13546 dated 5th December 2013 shall remain applicable without any change what so ever.

Also, the Telecom Service Provider shall be responsible for paying any other taxes /charges /fees levied under any law/ rules in force from time to time.

- (iii) If the tower being constructed at Government land/building is to be shared with any other Telecom Service Provider in future as per technical feasibility, the Telecom Service Provider should seek permission from District Level committee before sharing infrastructure. For every additional sharing, adequate sharing fee specified in Clause 2.0(A) of the Telecom Policy dated 5.12.2013 - **Guidelines for laying of cables and installation of Telecom Infrastructure by Licensees** would be applicable.

- (iv) Telecom Service Providers/Infrastructure Providers shall have no right or claim over any Government Building/Premises, in light of this policy for granting permission for installing Ground Based or Roof Top Towers/Masts. It shall be the discretion of the Head of the Office/District Collector for taking a appropriate decision for allowing the installation of Tower/Mast. Future expansion/extension of building/premises should be kept in mind by the Head of Office/Deputy Commissioner. This permissive sanction does not force any Department to grant permission.

- (v) Technical feasibility and structural stability would be considered by the District Level Committee before allowing installation of towers/masts.

- (vi) Telecom Company providing services should comply all regulations and stipulations, rules issued by Government of Punjab and Government of India from time to time (including that of the Ministry of Civil Aviation, Government of India, EMR guidelines) in this regard.

- (vii) Damage caused to the building/assets/land if any, shall be rectified by the Telecom Service Providers/Infrastructure Providers to bring it back to the original condition and to the satisfaction of the authorities concerned. The Telecom Service Providers/Infrastructure Providers will be solely responsible for any damage/losses to the property/people due to any accidents occurring due to the Tower.

(viii) Leasing premises or buildings to Telecom Service Providers/Infrastructure Providers should not be detrimental to the daily routine activities of the office or officers concerned.

This issues with reference to General Administrative Department (Cabinet Affairs Branch) No.1/196/2015-1Cabinet/3888 dated 24.10.2015.

Place: Chandigarh
December 01, 2015

Anirudh Tewari, IAS
Principal Secretary to Govt. Punjab
Department of Industries & Commerce

Endst.No.Infra/Guidelines/Telecom/Infrastructure/ 11266-A Dated:11.12.2015

A copy is forwarded to the Controller of Printing & Stationary, Punjab, Chandigarh with the request that notification may please be published in the extra ordinary Punjab Government Gazette notification. After publishing the same 100 copies may please be sent to this department.

Joint Director (Infra)
For Director of Industries & Commerce Punjab

Endst. No.Infra/Guidelines/Telecom/Infrastructure/ 11267-A Dated: 11.12.2015

A copy is forwarded to the following for information:-

- 1 The Principal Secretary to Government, Punjab, Department of Finance.
- 2 The Secretary to Government, Punjab, Department of Local Government.
- 3 The Secretary to Government, Punjab, Department of Housing & Urban Development.
- 4 The Principal Secretary to Government, Punjab, Department of Rural Development & Panchayats.
- 5 The Principal Secretary to Government, Punjab, Department of Public Works Department (B&R).
- 6 The Principal Secretary to Government, Punjab, Department of Science & Technology.

Joint Director (Infra)
For Director of Industries & Commerce Punjab

Endst. No.Infra/Guidelines/Telecom/Infrastructure/11268-A Dated:11.12.2015

A copy is forwarded to the Principal Accountant General, Punjab (Audit and Entitlement) for information and necessary action.

Joint Director (Infra)
For Director of Industries & Commerce Punjab

Endst. No.Infra/Guidelines/Telecom/Infrastructure/ 11269-A Dated: 11.12.2015

A copy is forwarded to the Chairman, Punjab Pollution Control Board, Patiala for information and necessary action.

Joint Director (Infra)
For Director of Industries & Commerce Punjab