

**GOVERNMENT OF INDIA  
COMMUNICATIONS AND INFORMATION TECHNOLOGY  
LOK SABHA**

UNSTARRED QUESTION NO:2172  
ANSWERED ON:17.12.2003  
GUIDELINES FOR LAYING OF CABLES  
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**Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:**

to the reply given to Unstarred Question No. 3098 on August 13, 2003 and state:

- (a) whether the information has since been collected ;
- (b) if so, the details thereof ; and
- (c) if not, the reasons for delay therein?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI PRADHAN)

(a) to (c) Salient features of the guidelines for Right of Way are given in the Annexure. As on September, 2003, the details of amount raised/ recovered for damages alongwith suits filed in court of law, as provided by MTNL, are as follows:

Area	Total amount raised for damages (Rs. in Lakhs)	Amount recovered of companies by MTNL (Rs. in Lakhs)	Total number	Action taken
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Delhi	66.88	Nil	3	3 suits have been filed in Delhi High Court
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Mumbai	32.87865	0.41958	7	7 suits have been filed
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**ANNEXURE**

**THE SALIENT FEATURES OF THE GUIDELINES FOR RIGHT OF WAY**

1. These are the guidelines under which Right of Way permissions may be granted to licensed telecom operators and registered infrastructure providers for laying telecom cables/ducts under, over, along, across, in or upon a property vested in or under the control or management of a local authority or of any other person including public authority, public corporation, autonomous body, State Government or Central Government in their respective licensed service area during the currency of their licence.
2. Any authorized licensee of Department of Telecom/Registered Infrastructure Provider is eligible to seek/avail Right of Way facility/permission. However, enforceability of the permission so granted shall be restricted to the extent of provisions/scope of service contained/defined in the licence agreement of that licensee & for the purpose for which it is granted.
3. Either by content or by intent, the purpose of extending Right of Way facility is not to enhance the scope of licence of a licensee and such Right of Way permissions are only enabling/facilitating in nature.
4. The facility of Right of Way for laying underground telecom cables, shall be available to all licensees (irrespective of existing or future) and registered/licensed infrastructure providers, without discrimination and without payment of any compensatory charges/levy/lease rentals/licence fee/ free band width/revenue share/cashless equity etc. subject to the extent of provisions contained in their licence agreements and the reinstatement charges shall be borne by such licensees.
5. A performance bank guarantee @ Rs. 25 per route metre with a validity of one year initially (extendable if required till satisfactory completion of work) shall have to be furnished by each licensee as a security against improper filling/unsatisfactory compaction/restoration and damages caused to other underground installations/ utility services and interference, interruption, disruption or failure caused thereof to any services. Notwithstanding this, licensee shall be liable to pay full compensation to the aggrieved owners for any damage sustained by them by reason of the exercise of Right of Way facility.

6. In order to expedite Right of Way clearances to the licensees in a time-bound manner through an appropriate and effective approval mechanism, the office of Chief Secretary to the respective State Government may act as nodal point/ single window to co-ordinate all activities in the regard.
7. The Right of Way permissions may be granted by the said nodal office to a licensee within a period of two weeks subjects to the licensee's application being complete with route details (including authority/ownership of concerned sections of the route) and compliance to eligibility requirement, payment of reinstatement charges, furnishing of requisite bank guarantee and execution of an agreement having operational details. The office of chief Secretary may be responsible to co-ordinate in case of any dispute for ownership of property and to expedite grant of Right of Way clearance thereof so as to adhere to the stipulated time frame.
8. In case any shifting or alteration in the position of the laid telephone cables is required due to widening of highways and constructing of flyovers or bridges, the licensee shall do the same at his own cost at a later date within specified period indicated by the respective agency.
9. In order to avoid repeated digging on the same routes, if possible, the first incumbent is free to lay voluntarily extra ducts/conduits with extra capacity so as to take care of future needs. The excess capacity can be commercialized by the first incumbent with suitable agreements with the respective State Government /utility agencies. However, the creation of excess capacity by the first incumbent shall not be a pre-condition for giving Right of Way clearances. The Central/State roadways authorities may consider laying ducts/conduits at the time of construction of roads to facilitate laying telephone cables for which suitable charges could be imposed.
10. Licensee shall ensure safety and security of all underground installation/ utilities/facilities and shall be solely responsible for compensation/indemnification of concerned authority for damage caused/claims or replacements sought for at the cost and risk of licensee.
11. Licensee shall be liable to give a notice of 15 days with route details prior to trenching for fresh or maintenance/repair works. A separate performance bank guarantee for maintenance/repair works shall be furnished by licensee.
12. The period of validity of Right of Way permission shall be co-terminus with the validity of licence.