

अजय मित्तल, भा.प्र.से.  
सचिव  
AJAY MITTAL, IAS  
SECRETARY



भारत सरकार  
सूचना एवं प्रसारण मंत्रालय  
शास्त्री भवन, नई दिल्ली-110001  
GOVERNMENT OF INDIA  
MINISTRY OF INFORMATION & BROADCASTING  
SHASTRI BHAWAN, NEW DELHI - 110001

16<sup>th</sup> June, 2017

Dear Chief Secretary,

As you are aware that for providing cable TV services, a Cable Operator is sometimes required to lay and establish cables and erect posts from time to time under, over, along, across, in or upon any immovable property ever vested in or under the control or management of a public authority. Thus, the Cable Operators require permission of the concerned public authority, under whose control or management the immovable property is vested to (a) place and maintain underground cables or posts; and (b) to enter on the property, from time to time, in order to place, examine, repair, alter or remove such cables or posts, subject to the obligation of reinstatement or restoration of the property or payment of reinstatement or restoration charges in respect thereof at the option of the public authority.

2. Section 4B(5) of the Cable TV Networks (Regulation) Act, 1995 specifies that the Central Government may lay down appropriate guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for laying cables or erecting posts on any property vested in, or under the control or management of, any public authority and for settlement of disputes, including refusal of permission by the public authority.

3. Accordingly, this Ministry has prepared guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for grant of Right of Way (RoW). (Copy of these guidelines is enclosed).

4. I request you to develop and issue appropriate mechanism for speedy clearance of requests from cable operators based on the guidelines sent herewith. A copy of the same may also be sent to the M/o I&B for reference.

With regards, & best wishes,

Yours sincerely,

Encl.: a/a.

  
(Ajay Mittal)

To,

All Chief Secretaries.

**Guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for granting Right of Way (RoW)**

{Under Sec 4B(5) of the Cable Television Networks (Regulation) Act 1995}

For providing cable TV services, a cable operator {Multi System Operator (MSO) and Local Cable Operators (LCO)}, is required to lay and establish cables and erect posts from time to time under, over, along, across, in or upon any immovable property ever vested in or under the control or management of a public authority. Thus, the cable operators require permission of the concerned public authority, under whose control or management the immovable property is vested to (a) place and maintain underground cables or posts; and (b) to enter on the property, from time to time, in order to place, examine, repair, alter or remove such cables or posts, subject to the obligation of reinstatement or restoration of the property or payment of reinstatement or restoration charges in respect thereof at the option of the public authority.

2. However, if the public authority in public interest considers it necessary and expedient that the underground cable or post placed by any cable operator should be removed or shifted or its position altered, it can direct the cable operator to remove it or shift it or alter its position, as the case may be, at its own cost in the time frame indicated by the public authority.

3. Section 4B(5) of the Cable Television Networks (Regulation) Act 1995 specifies that the Central Government may lay down appropriate guidelines to enable the State Governments to put in place an appropriate mechanism for speedy clearance of requests from cable operators for laying cables or erecting posts on any property vested in, or under the control or management of, any public authority and for settlement of disputes, including refusal of permission by the public authority.

4. Accordingly, the Central Government, hereby lays down the following guidelines to enable the State Governments to put in place an appropriate

mechanism for speedy clearance of requests from cable operators for granting them facility of Right of Way (RoW), to establish and maintain the cable infrastructure underground and/or overground on any property vested in, or under the control or management of, any public authority and for settlement of disputes, including refusal of permission by the public authority: -

## **5. PROCEDURE**

### **5.1 Submission of application by cable operators requesting for RoW**

5.1.1 A cable operator shall, for the purposes of establishment of cable infrastructure underground and/or overground, on any immovable property vested in or under the control or management of any public authority, make an application covering the following details, supported by the documents, to that concerned authority:-

- (a) a copy of the registration granted by the Government, i.e. by the Head Post Master for local cable operators (LCOs) under Rule 5, and Central Government for Multi System Operators (MSOs), under Rule 11C, of the Cable Television Networks Rules 1994;
- (b) the extent of land required for establishment of the overground cable infrastructure;
- (c) any other matter relevant, in the opinion of the cable operator, connected with or relative to the work proposed to be undertaken; and
- (d) any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or State Government or local authority;
- (e) Undertaking to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the Public authority shall necessarily be put in consequence of the work proposed to be undertaken.

5.1.2 Every application under para 5.1.1 above shall be accompanied with such fee as may be prescribed by the public authority concerned.

## **5.2 Procedure to be followed by public authority to grant RoW permission**

5.2.1 The public authority shall examine the application with respect to the following parameters, namely: -

- a) The route planned for the proposed underground cable infrastructure and the possible interference, either in the establishment or maintenance of such cable infrastructure, with any other public infrastructure that may have been laid along the proposed route;
- b) The extent of land required for the overground cable infrastructure;
- c) The responsibility for restoration of any damage that the public authority may necessarily be put in consequence of the work proposed to be undertaken;
- d) Assessment of measures to ensure public safety and inconvenience that the public is likely to be put to in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the cable operator;
- e) Any other matter, consistent with the provisions of the Act and these rules, connected with or relative to the establishment or maintenance of underground cable infrastructure, through a general or special order, by the Central Government, State Government or the local authority.

5.2.2 The public authority shall within a period not exceeding sixty days from the date of receipt of the application made by cable operators under para 5.1.1 above:-

- (a) grant permission on such conditions including, but not limited to, the time, mode of execution, measures to mitigate public inconvenience or enhance public safety and payment of restoration charge, as may be specified, subject to the provisions of the Act and the Rules; or
- (b) reject the application for reasons to be recorded in writing.

**Provided that no application shall be rejected unless the applicant cable operator 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 public authority fails to either grant permission or reject the application within 65 days of the receipt of the application.**

5.2.3 Where the public authority accepts the undertaking by the licensee to discharge the responsibility to restore the damage that such public authority shall necessarily be put in consequence of the work, the public authority, while granting permission under para 5.2.2(a) above, may seek a bank guarantee for an amount in lieu of expenses for restoration of such damage, as security for performance in the discharge of the responsibility.

### **5.3 Obligations of cable operator in undertaking work after getting permission of RoW from the public authority**

5.3.1 The cable operator shall make the payment of expenses or submit the bank guarantee as determined by the public authority within a period of thirty days from the date of grant of permission and prior to the commencement of work of laying the underground cable or installing the overground infrastructure:

**Provided that the public authority may, at its discretion, extend the said period for payment of expenses or submission of bank guarantee on an application made by the cable operator seeking such extension.**

5.3.2 The cable operator shall ensure that:

- (a) Prior to the commencement of work of laying the underground and/or overground cable infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented; and
- (b) The work of laying underground and/or overground cable infrastructure is carried out in accordance with the conditions specified in the grant of permission by the public authority.

5.3.3 The cable operator shall provide the exact cable routing details to the public authority.

5.3.4 Nothing in this section shall confer any right upon any cable operator other than the purpose only of laying underground cable or erecting posts or maintaining them.

#### **5.4 Powers of public authority to supervise the work**

5.4.1 The public authority may supervise the execution of work to ascertain if the conditions imposed in the grant of permission under para 5.2.2(a) are observed by the cable operator.

5.4.2 The public authority may, on the basis of such supervision, impose such other reasonable conditions as it may think fit.

5.4.3 If the public authority comes to the conclusion that the cable operator has wilfully violated any of the conditions for grant of permission under para 5.2.2(a), it may forfeit, in full or in part, the bank guarantee submitted by the cable operator and withdraw the permission granted to the cable operator, for reasons to be recorded in writing:

**Provided that no action shall be taken unless the cable operator has been given an opportunity of being heard.**

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