

**Haryana Government  
Urban Local Bodies Department  
Notification**

**The 02.08.2019**

**No. 1/4/2019-RII.-** The following draft of Bye-laws further to amend the Haryana Municipal Corporation (Communication and Connectivity Infrastructure) Bye laws, 2013, which the Governor of Haryana proposes to make in exercise of the powers conferred by section 392 read with section 393 of the Haryana Municipal Corporation Act, 1994 (16 of 1994), is hereby published as required by sub-section(i) of section 394 of the said Act, for the information of persons likely to be affected thereby.

Notice is hereby given that the draft of bye-laws shall be taken into consideration by the State Government on or after the expiry of a period of seven days from the date of publication of this notification in the Official Gazette, together with objections or suggestions, if any, which may be received by the Principal Secretary to Government Haryana, Urban Local Bodies Department, Chandigarh from any person with respect to the draft of bye-laws before the expiry of the period so specified.

**Draft Bye-laws**

1. These bye-laws may be called as the Haryana Municipal Corporation (Communication and Connectivity Infrastructure) Amendment Bye-laws, 2019.
2. In the Haryana Municipal Corporation (Communication and Connectivity Infrastructure) Bye-laws, 2013, (hereinafter called the said bye-laws), in bye-laws 4,-
  - (i) for the heading "Submission of application and development", the following heading shall be substituted, namely:-
  - (ii) "Permission on Non-Exclusive basis:" and  
for clause (1), the following clause shall be substituted, namely:-  
"(1) Permission for Right of Way (RoW) or Right of Use (RoU) and installation of the associated infrastructure shall be provided to an eligible applicant (whether existing or future) desirous of establishing Communication Infrastructure as mentioned under clause (f) and (i) of bye-law 2 on a Non-Exclusive Basis under these bye-laws. However, given the space constraints for Right of Way for multiple service providers in any specific area, the principle of first mover advantage would operate and the subsequent entrant, if any, may need to share the infrastructure capacity already laid by first-moving service provider."
3. In the said bye-laws, in Appendix-B, under heading "Charges", for clauses (i) and (ii), the following clauses shall be substituted, namely:-

"(I) Processing Fees:

In case of ground based mast/roof top mast/mobile communication towers/moveable communication tower/ dish antenna processing fee shall be charged at the rate of ₹ 10,000/- per tower and in case of underground cable or overhead cable (except micro trenching) it shall be ₹ 1/- per route meter.

(ii) Right to Use/ Right of Way charges:

The charges for grant of license for the communication Infrastructure shall be payable at the rates given in table below. These charges shall be payable annually for a period of twenty years or the period of license, whichever is earlier. The applicant shall be required to pay such charges afresh on completion of the period of initial license/or on completion of a period of twenty years, whichever is earlier, at the rates applicable at such time. The applicant if, desire can deposit one time charges as per the table below to twenty times of such full annual charges.

**Charges for license to Right of Way/ Right of Use (in Rupees)**

Serial number	Purpose	Zones		
		Hyper Potential Zone	High Potential Zone	Medium Zone
1	For every Pit dug-up, other than a man-hole with spacing of 100 metre centre to centre (in square metre)	Annual rent of 10% of the collector rates with size of 1m x 1m x 1.5m deep with 100 m centre to centre.		
2	Dish Antenna (other than dish antenna installed under DTH)	₹ 5,000/- per dish antenna		
3	For every pole erected to pay overhead communication cables (per pole)	(i) ₹ 1000/- for new pole (ii) ₹ 500/- for existing poles		
4	Erection of Ground Based Mast/Roof Top Mast (per site)	₹ 10,000/-		
5	Erection of mobile/ communication towers (per site)	₹ 15,000/-		
6	Moveable communication towers mounted on vehicles (per such tower for three month)	₹ 20,000/-	₹ 15,000/-	₹ 15,000/-

4. In the said bye-laws, in Appendix-C, in clause 1, for sub-clause (v), the following clause shall be substituted namely:-

"(V)(a) All applications for seeking permission of any competent authority to the installation of mobile/ telecommunication towers in Government/ Public Sector Undertaking land and buildings shall be submitted by the applicant, along with the prior written consent from the competent authority having legitimate right over the land all other particulars and documents specified in Appendix-A to the concerned nodal officer under whose jurisdiction the area/ building falls.

- (b) Annual user charges in respect of land area and building used for erection of Poles/ Ground Based Masts/ Mobile/ Communication Towers shall be determined as per the Appendix-B.
- (c) The tower being constructed at Government land/ Building is to be shared with and other Telecom Infrastructure Provider/ Service Providers in future as per Technical feasibility. Telecom Infrastructure Providers/ Service Providers shall seek permission from the concerned authority before sharing Infrastructure.
- (d) Charges for grant of permission for Right of Way (RoW)/ Right of Use (RoU) and associated infrastructure: Every applicant shall be required to pay (i) processing fee, (ii) right of Use/ right of Way charges, and (iii) furnish the performance Bank Guarantee as a refundable security for restoration of sites as per the details specified in Appendix-B of this Bye-laws.
- (e) Processing fee and Right of Use/ Right of Way charges shall be payable to the Department who own the land and buildings as per the fee and charges defined under Appendix-B.
- (f) Permit for installation of Ground Based Mast (Tower)/ Roof Top tower on the land/ buildings belonging to the State Government offices/ Public Sector Undertaking shall be issued by the concerned Deputy Commissioner in accordance as per the provisions of this bye-laws. The guidelines in the matter issued by Government of Haryana from time to time shall also be applicable.
- (g) Telecom Infrastructure Provider/ Service Providers shall have no right or claim over any Government Building/ premises, in the light of this bye-laws for granting permission by competent authority to take appropriate decision for allowing the installation of Ground Based Mast (Tower)/ Roof Top Tower on lease or rent basis. This permissive section do not force any Department to grant permission.
- (h) Technical feasibility and structural stability shall be taken in to account by the head of office before easing out the building roof tops. Further expansion/ extension of building/ premises shall be kept in mind.
- (i) All such installations shall be in compliance to the Department of Telecommunication, Government of India norms and related instructions issued by Government of India and State Govt. from time to time.
- (j) Head of Office shall enter into an agreement with Telecom Infrastructure provider/ Service Providers before leasing out land or roof top space of the building. Validity of permission for Right of Way or Right of Use for laying the communication infrastructure and associated installations may be granted on the terms mentioned under Appendix-B of this bye-laws.

- (k) Damage caused to the building/ assets/ land if any, shall be rectified by the Telecom Infrastructure Provider/ Service Providers to bring back the building to its original condition, to the satisfaction of the authorities concerned. The Telecom Infrastructure Provider/ Service Providers shall be solely responsible for any damage/ losses to the property/ people due to any accidents occurring while installing the Tower or thereafter.
- (l) Leasing of premises or buildings to Telecom Infrastructure Provider/ Service Providers shall not be detrimental to the daily routine activities of the office or officers concerned.
- (m) Head of office in case of office premises shall issue No Objection Certificate to Telecom Infrastructure Provider/ Service Providers for installing Roof Top Tower/ Ground Based Mast (Tower) as required under this bye-laws provided that such installation does not violate any law is attached with the application made to the Nodal Officer for obtaining Single Window Clearance.

Anand Mohan Sharan, IAS,  
Principal Secretary to Government, Haryana,  
Urban Local Bodies Department.

Endst. No1/4/2019-RII

Dated, Chandigarh 02.08.2019

A copy of above is forwarded to the Controller, Printing and Stationary Haryana Chandigarh with the request that this notification may please be published in the extraordinary Gazette (both Hindi and English) and 50 copies of printed notification may be sent to this office for record.

*-SD-*  
Superintendent Committee-II  
for Principal Secretary to Govt. Haryana,  
Urban Local Bodies Department.

Endst. No1/4/2019-RII

Dated, Chandigarh 02.08.2019

A copy of the above mentioned notification is forwarded to the following for information and necessary action:-

1. Director, Urban Local Bodies Department, Haryana, Panchkula
2. All the Commissioners, Municipal Corporations in the State
3. All the Deputy Commissioners, in the State
4. All the Executive Officers, Municipal Councils, in the State
5. All the Secretaries, Municipal Committees, in the State

*Am by*  
Superintendent Committee-II  
for Principal Secretary to Govt. Haryana,  
Urban Local Bodies Department.