

Government of Jammu and Kashmir  
**Information Technology Department**  
Civil Secretariat, J&K

Subject: Jammu & Kashmir Communication & Connectivity Infrastructure Policy (JKCCIP)- Amendment thereof.

Reference: Indian Telegraph Right of Way (Amendment) Rules, 2022 received from Ministry of Communication, Department of Telecommunication, Government of India vide Notification No. CG-DL-E-25082022-238236 dated: 17-08-2022.

Government Order No.: 28-JK(ITD) of 2023  
**Dated: 25-03-2023**

Sanction is hereby accorded to the amendment of Jammu and Kashmir Communication & Connectivity Infrastructure Policy (JKCCIP) notified vide Government Order No. 48-JK(ITD) of 2020 dated 01-12-2020 forming annexure to this order, in alignment with Indian Telegraph Right of Way (Amendment) Rules, 2022 issued vide notification no. CG-DL-E- 25082022-238236 dated: 17-08-2022.

**By order of the Government of Jammu & Kashmir.**

Sd/-  
(Prerna Puri) IAS  
Commissioner/ Secretary to the Government  
Information Technology Department

No: IT-Gen/41 /2023 (7111059)

Dated: 25.03.2023

Copy to the:

1. Secretary, Department of Telecommunication, Government of India, New Delhi.
2. The Advocate General, UT of J&K.
3. All Financial Commissioners (Additional Chief Secretaries).
4. Director General of Police, J&K.
5. All Principal Secretaries to the Government.
6. Director General, I&K IMPA&RD.
7. Chief Electoral Officer, I&K.
8. All Commissioner/Secretaries to the Government.
9. Principal Resident Commissioner, J&K Government, New Delhi.
10. Joint Secretary (Jammu & Kashmir/Ladakh), Ministry of Home Affairs, Government of India
11. Chairperson, J&K Special Tribunal.
12. Divisional Commissioner, Kashmir/Jammu.

- 13.All Heads of Departments/Managing Directors.
- 14.All Deputy Commissioners.
- 15.Director Information, I&K.
- 16.Director, Archieves, Archaeology and Museums.
- 17.Secretary, J&K Public Service.
- 18.Commission/BoPEE/SSB. Director, Estates, Srinagar/Jammu.
- 19.Principal Private Secretary to the Hon'ble Lieutenant Governor.
- 20.General Manager, Government Press, Srinagar/Jammu.
- 21.Private Secretary to Advisor (B) to the Lieutenant Governor.
- 22.Private Secretary to the Chief Secretary.
- 23.Private Secretary to Commissioner/Secretary to the Government,  
Information Technology Department.
- 24.I/c Website, Information Technology Department.
- 25.Government Order/Stock file.

*N10m*  
*25.3.23*  
Under Secretary to Government  
Information Technology Department



Government of Jammu and Kashmir  
**Information Technology Department**  
Civil Secretariat, J&K

NOTIFICATION: 25<sup>th</sup> March, 2023

With reference to sub section (1) and clause (e) of sub-section (2) of section 7 read with sections 10, 12 and 15 of the Indian telegraph Act, 1885(13 of 1885), Indian Telegraph RoW Rules, 2016 and the issuance of Indian Telegraph Right of Way (Amendment) Rules, 2022 vide notification no. CG-DL-E-25082022-238236 dated: 18-08-2022 and in exercise of powers conferred by clause (ii) of section 23 of Jammu and Kashmir Communication and Connectivity Infrastructure Policy (JKCCIP), the Government of UT of Jammu and Kashmir hereby makes the following rules further to amend the Jammu and Kashmir Communication and Connectivity Infrastructure Policy (JKCCIP) 2020, namely:

**1. Short title and Commencement-**

i. These rules may be called the Jammu & Kashmir Communication & Connectivity Infrastructure Policy (Amendment) Rules, 2023.

ii. They shall come into force at once.

2. In the Jammu and Kashmir Communication and Connectivity Infrastructure Policy (JKCCIP) 2020 (hereinafter referred to as the said rules), in the opening paragraph, the brackets and sign and words "(optical fibre cable)" and "(mobile towers and telegraph line)" shall be omitted.

3. In rule 2, in sub-rule (1), after clause (p), the following clause shall be inserted, namely:-

"(q) "Schedule" means a Schedule appended to these rules".

4. In rule 7, in clause (iii), for the words and sign "fee of INR 1000/ kilometer length", the words and sign "fee and compensation of the amount specified in Part-I of the Schedule" shall be substituted.

5. In rule 8;

(i) after clause (ii), the following clauses shall be inserted; namely:-

"(ii-a) The area of the underground telegraph infrastructure proposed to be established shall be the length of duct multiplied by the diameter of the duct multiplied by the number of the ducts".

**Explanation.-** "duct" means a pipe, permanently lubricated or of any other kind, used as underground cable conduit for telegraph line.

(ii-b) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for the use of the property under



which the underground telegraph infrastructure is proposed to be established, as may be determined by the appropriate authority".

- (ii) in clause (iv) (a), for the words "as may be specified, subject to the provisions of the Act and these policy regulations", the words "not exceeding the amount specified in Part-II of the Schedule" shall be substituted;
- (iii) in clause (iv) (b), the following shall be added as proviso 2<sup>nd</sup>; namely:-  
"Provided that where horizontal directional digging technology is used for establishing underground telegraph lines, restoration charges shall be levied for pits only."
- (iv) in last para of clause (iv) (b), after the words "an amount", the words "not exceeding the amount specified in Part-II of the Schedule" shall be inserted.

6. In rule 13, in clause (iii), for the words, figures and sign "Rs 10,000 per month", the words "the amount specified in Part-I of the Schedule" shall be substituted.

7. In rule 14;

- (i) after clause (ii), the following clause shall be inserted, namely:-

"(ii-a) The area of the overground telegraph infrastructure (mobile tower) proposed to be established shall be the area occupied by the mobile tower and the supporting infrastructures, such as base transceiver station, engine alternator, etc. at the ground.";

- (ii) in clause (iii), the following proviso shall be added; namely:  
"Provided that the compensation payable for the immovable property for the establishment of poles for installation of small cells and telegraph line shall not exceed the amount specified in Part-III of the Schedule."

- (iii) in clause (v) (a), for the words "as may be specified, subject to the provisions of the Act and these policy regulations", the words and sign "not exceeding the amount specified in Part-II of the Schedule" shall be substituted.

- (iv) in clause (vi), after the word "fee", the words "and compensation," shall be inserted.

- (v) after clause (vi), the following clause shall be added; namely:-

"(vii) For the purposes of this rule, and provisions of Indian Telegraph Right of Way Rules, 2016 and the Schedule, the expression,-

- (a) "mobile tower" means any above-ground contrivance for carrying, suspending or supporting a telegraph and does



not include pole;

- (b) "pole" means any above-ground contrivance of height not exceeding eight meters for carrying, suspending or supporting a telegraph and does not include mobile tower;
- (c) "small cell" means a low powered cellular radio access node that has a coverage of distance from ten meters to two kilometers."

(vi) after rule 14, the following rules shall be added; namely: -

**"14-A. Usage of street furniture for installation of small cells and telegraph line.**-(1) A licensee shall for the purpose of installation of small cell and telegraph line submit an application, along with details of street furniture and a copy of certification by a structural engineer authorised by appropriate authority, attesting to the structural safety of the street furniture where installation of small cells and telegraph line is proposed to be deployed, to the appropriate authority for permission to use street furniture for installation of small cells and telegraph line.\

(2) The application under sub-rule (1), shall be accompanied with such fee as may be determined by the appropriate authority to meet administrative expenses for examination of the application, which shall not exceed the amount specified in Part-I of the Schedule.

(3) The appropriate authority shall, within a period not exceeding sixty days from the date of application made, grant permission or reject the application for reasons to be recorded in writing:

Provided that no application shall be rejected unless the applicant 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 appropriate authority fails to either grant permission or reject the application.

(4) The appropriate authority shall be entitled to receive such compensation from the licensee, not exceeding the amount specified in Part-III of the Schedule, for use of street furniture for installation of small cells and telegraph line, as may be determined by the appropriate authority.

(5) The appropriate central authority may permit installation of small cells on their buildings and structures."

**"14-B. Establishment of telegraph infrastructure over private property.**- Where the licensee proposes the establishment of overground telegraph infrastructure over any private property, the licensee shall not require any permission from the appropriate authority:

Provided that in case of establishment of mobile tower or pole over a private building or structure, the licensee shall submit an intimation, in writing, to the appropriate authority, prior to commencement of such establishment:

Provided further that along with the intimation, he shall also submit the details of the building or structure, where the establishment of mobile tower or pole is proposed, and a copy of certification by a structural engineer, authorised by the appropriate authority, attesting to the structural safety of the building or structure, where the mobile tower or pole is proposed to be established."

8. In rule 22, the following sub-rule shall be added, namely:-

"(2) Every application for permission under these rules shall be made by the licensee on an electronic portal developed by the Central Government".

9. After form 2 to the said rules, the following Schedule shall be added; namely: -

### **"THE SCHEDULE**

[See rules 5 (3), 6 (1B), 6 (2) (a), 6 (3), 9 (3), 10 (2), 10 (3) (a), 10A (2), 10A (4)]

Rule	Item	Amount
(1)	(2)	(3)
<b>Part-I Fee</b>		
5(3)	For establishment of underground telegraph infrastructure	One thousand rupees per kilometer.
9(3)	For establishment of overground telegraph infrastructure	(i) Ten thousand rupees for establishment of mobile towers. (ii) One thousand rupees per kilometer for establishment of overground telegraph line. (iii) Nil for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of appropriate central authority. (iv) One thousand rupees per pole for establishment of poles, for installation of small cells and telegraph line, on the immovable property vested in, or under control or management of

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		appropriate authority, other than appropriate central authority.
10A (2)	For installation of small cells and telegraph line using the street furniture	Nil.


### Part-II Charges for restoration


6(2)(a)	Establishment of underground telegraph infrastructure where undertaking is not given by the licensee to discharge the responsibility to restore the damages	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
6(3)	Bank guarantee as security for performance in case of establishment of underground telegraph infrastructure where undertaking is given by the licensee to discharge the responsibility to restore the damages	20% of the sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area.
10(3)(a)	Establishment of overground telegraph infrastructure	Sum required to restore immovable property as per the rate prescribed by central public works department for that area or as per the rate prescribed by state public works department for that area, if no rate has been prescribed by central public works department for that area. Further, licensee shall restore the damage incurred in case of establishment of poles for installation of Small Cells and telegraph line.

### Part-III Compensation

6(1B)	Establishment of underground telegraph infrastructure	Nil.
10(2)	Establishment of poles for installation of small cells and telegraph line	Nil
10A (4)	Usage of street furniture for installation	(i) For installation of small cells: Three hundred rupees per

	of small cells and telegraph line	<p>annum for urban area and one hundred and fifty rupees per annum for rural areas per street furniture.</p> <p>(ii) For installation of telegraph line: One hundred rupees per annum per street furniture.</p>
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 (Prerna Puri) IAS  
 Commissioner/ Secretary to the Government  
 Information Technology Department

  
 28/8/23