

CHAPTER XIX

TELECOMMUNICATION TOWERS

130. Essentiality of permit.- NO person shall erect or re-erect any non Governmental telecommunication tower or telecommunication pole structures or accessory rooms or make alteration or cause the same to be done without first obtaining a separate permit for each such tower or telecommunication pole structures from the Secretary.

131. Distance from road and boundaries.- (1) The base of the tower or poles shall have minimum 3 metres distance from the plot boundary abutting the road, whether it is proposed on land or over a building, even if the building is having less than 3 metres distance:

Provided that the distance from road boundary of the accessory rooms such as equipment rooms, shelters, or generator rooms proposed over a building shall be that of the building.

(2) In addition to the distance specified under sub rule (1), set back required for road widening proposed in any Town Planning Scheme shall also be provided.

(3) Distance from other boundaries of the plot to the base of the telecommunication tower Or Pole structure or accessory rooms shall be minimum 1.20 metres:

provided that if the telecommunication tower or pole structures or accessory rooms are proposed over a building, the distance from the boundaries other than that abutting a road; shall be that of the existing building;

Provided further that if the building abuts any plot boundary and the telecommunication tower or pole structures or accessory rooms are also proposed to abut that boundary then consent of the owner of the plot on the abutting side shall be obtained and produced along with the application for permit:

Provided also that no portion of the telecommunication tower pole structure or accessory room shall project or over hang into the neighbouring plots.

132. Provisions regarding FAR and height.- The provisions regarding FAR, coverage, height restriction with regard to width of road and distance from the boundary abutting road, distance from central line of road and dimension of parts of building shall not apply to telecommunication towers or pole structures or accessory rooms such as equipment rooms, shelters or generator rooms.

Provided that the height of the telecommunication towers or pole structure or accessory rooms, including the height of the building if they are proposed over a building, shall be restricted as shown in Table 3 of sub rule (2) of rule 32 and for exceeding the height restriction specified under Table 3 of the said rule, clearance from the concerned airport authority shall be obtained and produced before issuing permit.

Provided further that additional distance from boundary abutting the road and other boundaries of the plot proportionate to increase in height shall not be necessary for the telecommunication tower or pole structures or accessory rooms or for the building over which they are proposed.

133. Accessory rooms.- (1) Accessory rooms such as equipment rooms, shelters or Generator rooms essential for the service shall be permitted along with a telecommunication tower or telecommunication pole structures or separately, if a request is made in the application and plans/drawings of the rooms are attached either along with the application for permit or separately.

(2) The cabin may be made with any material but the area of such cabin shall not exceed 15 Sq.mts.

(3) Installation of electricity generator may be allowed if the generator is covered with insulated sound-proof cabin.

(4) Every construction or installation ancillary or necessary for the telecommunication system shall conform to the relevant rules applicable to such construction or installation and licence or permit required under such rules shall also be obtained.

(5) The telecommunication tower or ancillary structures shall not prevent or block the access, exit or entry or reduce the width of such access, exit or entry of building or in no way badly affect the safety measures or amenities provided in the building in which it is erected.

134. Electrical line clearance.- Every tower or ancillary construction shall satisfy the minimum vertical and horizontal clearance from electrical lines as stipulated in the Indian Electricity Act, 1910 and Indian Electricity Rules, 1956 as amended from time to time and also any regulation issued by the State Electricity Board.

135. Protective Wall.- (1) Every tower erected on the ground and through which electric power is transmitted or passed shall be provided with protective wall or grill at a distance of one metre from any point of the base.

(2) The wall or grill shall have a minimum of 1.20 metres height and shall be kept under lock and key, if provided with door.

136. Protection from lightening.- Every telecommunication tower shall be provided with sufficient protection against lightning, conforming to I.S. 2303-1969-Code of Practice, as amended from time to time.

137. Warning lights and colour specifications.- (1) Every telecommunication tower shall be provided with two Aviation Warning Lights (ANL) each at 40 metres and 70 metres height from the ground level and one at the top, the two lights at 40 metres height shall be fixed in one set of opposite and that at 70 metres height shall be fixed at the other set of opposite corners.

(2) Every telecommunication tower shall be painted with international orange and international white colors alternatively each with 5 meter band, starting with international orange at the top.

138. Damage and liability.- The applicant/owner shall be responsible for the structural stability of the telecommunication tower and the building in which it is erected and for any damage caused due to inadequate safety measures.

139. Building to be authorised.- Erection of any telecommunication tower or pole structures or accessory rooms shall be permitted only over authorised buildings.

140. Clearance from Defence Establishment etc.- In case the erection of telecommunication tower is proposed within 200 metres from any property maintained by Defence Establishment or 100 metres from any rail way, clearance from the concerned officer in charge or authority, as the case may be, shall also be obtained before issuing permit.

140A. Site approval etc.- (1) No site approval shall be necessary for the construction of telecommunication towers, telecommunication pole structures or accessory rooms essential for such service.

(2) Telecommunication towers or pole structures or accessory rooms shall be permitted in any zone or over any building irrespective of its occupancy.

141. Submission of application and its disposal.- (1) Application for permit shall be submitted to the Secretary in the form in Appendix A along with two copies of site plan, location, elevation, sections, [x x x x], structural stability certificate, copy of agreement executed with department of Telecommunications or license or permit issued by an authority approved by Government of India from time to time and document to prove ownership.

Note. - (1) Ownership document may be a sale deed or mortgage deed or deed of agreement or license or consent document, etc.

(2) No structural stability certificate shall be necessary in the case of telecommunication pole structures and accessory rooms.

[X X X X]

(3) In case the telecommunication tower is proposed above any building, structural stability certificate shall be submitted in respect of that building also.

(4) The site plan shall show plot dimensions, access street width, details of existing structures within the plot with their uses, height, number of floors, set back from the plot boundaries and between them; proposed tower and ancillary structures.

(5) The structural stability certificate shall be one issued by an Engineer having post graduate degree in Civil Engineering or Structural Engineering, registered or employed in Central or State Government Service or Quasi- Government Organisation.

(6) Application fee shall be Rs. one thousand and permit fee shall be,-

(a) for towers of any height, rupees ten thousand;

5(b) for pole structures (one unit with any number of poles) rupees two thousand and five hundred.

6(c) no separate application fee shall be necessary for the accessory rooms essential for the use of telecommunication tower or pole structures but permit fee shall be remitted corresponding to their area as in the case of a pucca building.

(7) For the purpose of levying fee, the height of the tower shall be taken from the base of the tower and not from the base of the building.

(8) The secretary shall, if convinced of the boundaries and ownership of the plot, plan and drawings and genuineness of the certificates, issue permit, not later than 30 days from the date of receipt of application.

(9) The permit issued under sub rule (8) shall be a work permit and the construction or erection of telecommunication tower or telecommunication pole structures or accessory rooms essential for the use of such tower or pole structures shall be completed within one year from the date of issue of permit.

(10) The period of the permit shall be extended for a further period of one year if an application for the same is submitted to the secretary, within the valid period of the permit.

(11) The application for extension of the period of permit shall be submitted in white paper, typed or written in ink, affixed with necessary court fee stamp; original permit shall also be attached.

(12) No application fee shall be necessary for extension of period of permit but but fee for extension shall be equal to fifty per cent of the fee for original permit in force at the time of extension.

142. Completion Certificate.- (1) After completion of the work of the telecommunication tower or pole structure and accessory rooms as per permit, the applicant and the engineer shall submit to the Secretary completion certificate as in Form E and Form F respectively, along with a certificate of structural safety/stability of the tower and the building, if the tower or pole is constructed over a building.

(2) The secretary shall, if satisfied that the work has been completed as per permit, issue use certificate as in Appendix H allotting a number, included in a different series from that allotted to buildings, on the basis of which the authorities concerned may allow power connection, etc. for use of the service].