

**"POLICY TO FACILITATE ESTABLISHMENT OF INFRASTRUCTURE FOR
PROVIDING WIRE LINE OR WIRELESS BASED VOICE OR DATA ACCESS
SERVICES BY TELECOM SERVICE / INTERNET SERVICE / INFRASTRUCTURE
PROVIDERS IN MADHYA PRADESH-2019"**

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1. Introduction: Madhya Pradesh Government's Vision-2018 aspires for the development of a knowledge-based society and economy. There is a strong emphasis on e-governance and mobile governance to make the Government more transparent, accountable and citizen friendly. This requires the establishment of strong, safe, high quality and uninterrupted telecom infrastructure across the State. This policy aims to facilitate, simplify, encourage and regulate the process of establishing Infrastructure to provide wire line/wireless voice & data access services, particularly in un-served areas, by entities legally authorized and licensed by Government of India in this regard.

2. Objectives:

- 2.1. To ensure the planned growth and expansion of a secure, uninterrupted, and high-quality telecommunications services and infrastructure in Pradesh.
- 2.2. To increase tele-density and Internet usage in all parts of the State.
- 2.3. To provide services to citizens and organizations seeking affordable, reliable, high speed and demand-based voice and data access services.
- 2.4. To establish a simple and transparent framework for providing permissions and approvals for entities seeking to set up telecom infrastructure in the State.

3. Applicability of this Policy: The provisions of this policy shall supersede the existing policy "Policy for Regulatory Process to Provide 4G Broadband Wire line and Wireless access services in the State of Madhya Pradesh—2013". To avail the benefits of this Policy one should have a valid license to provide wire line or wireless based data or voice access services issued by Department of Telecommunications, Government of India or should be registered with have a license to operate as an Infrastructure Provider Company issued by Department of Telecommunications, Government of India.

4. Definitions

- i. Dot – Dept. of Telecommunications
- ii. TSP – Telecom Service Provider
- iii. ISP – Internet Service Provider
- iv. IP – Infrastructure Provider

5. Infrastructure:

In this policy, infrastructure means any structure that is constructed or erected/prefabricated structure/shelter, cable, ducts and necessary equipments required to be setup/installed for providing wire line/wireless based voice and data access services by a Telecom Service Provider (TSP)/ Infrastructure Provider (IP)/ Internet Service Provider (ISP) and includes auxiliary equipment such as generator, solar panels etc.

6. Licensing Authority:

The District Collector, under whose jurisdiction the land for which license is applied for, shall be the competent authority to issue licenses under this Policy and will work as single window for all licenses and approvals required to set up telecom infrastructure in his district.

7. License to be provided for establishing Infrastructure on Government land: Licensing

Authority, after consultation with the department who is in possession of such land may give license for over ground infrastructure on any government land and on land belonging to a Public Sector Undertaking, Authority, Corporation, Commission etc. of the State Government so long as the authority is of the opinion that the setting up of the Infrastructure shall not interfere with the purpose for which the department's authority is using the government land under its possession. In case of smart cities before issuance of license the licensing Authority shall obtain no-objection certificate from the respective smart city company. The broad principles governing the grant of License to establish Infrastructure on Government land shall be as follows:

7.1. Grant of license for over ground Infrastructure:

- a) The license will not be issued to establish infrastructure in the premises of Educational Institutions/ Government Hospitals/ Public Parks/ Play Grounds.
- b) Area of land for which license for over ground infrastructure can be given will be as under:-

Location Type	Maximum Area per location	Typical Dimensions of the area (may vary as per site conditions)
Urban Area	900 sq ft	30 feet x 30 feet
Rural Area	1225sq ft	35feet x 35 feet

- (i) Provided that the entire area falling within the limits of a 'Planning Area' as notified by the Town and County Planning Authority of Madhya Pradesh shall also be considered as falling within the limits of an 'Urban Area'.
- (ii) Provided further that the limitation of area shall not apply on rooftop installations. In such cases the area will be decided on a case to case basis.
- (iii) Provided farther that the limitation of area shall not apply for laying of cables.

7.2. Underground Infrastructure:

- (a) Licensing authority may grant license for right of way for laying ducts, cables and other underground infrastructure on Government land and the land belonging to PSUs/Corporations/Authorities/local bodies of the State Government Provided that the right of way will be granted only on that stretch of land that will not interfere with the main use for which the land has been or is intended to be used for.
- (b) Minimum possible width of land shall be considered while granting the license for right of way on Government land.

- (c) The restoration charges for laying the cable shall be calculated and the applicant shall deposit Bank Guarantee equivalent to estimated amount for the restoration to the concerned agency. Once the restoration work is complete the Bank Guarantee will be returned.
- (d) The applicant shall restore the land to the status it was prior to the laying of the Infrastructure. In case of failure to do so, the Licensing Authority can take necessary to direct a Government Agency to do the restoration and recover the same from the Bank Guarantee deposited by the applicant/licensee.

8. Setting up of infrastructure on Government buildings/Rooftop Installations:

License shall also be provided for setting infrastructure on the rooftops of Government Buildings. Licensees will be subject to the following conditions:

- a) It shall be mandatory for the applicant to submit a safety certificate from the Competent Engineer/Architect for the structure of proposed building where infrastructure is to be erected, as per provisions of Rule 26 of the Madhya Pradesh Bhoomi Vikas Niyam, 2012.
- b) The establishment of Infrastructure should not affect the original use for which the building is being used for, in the opinion of the Licensing authority.
- c) License shall not be provided on the rooftop of Educational Institutions/Government Hospitals.
- d) License can also be issued for buildings belonging to a PSU, Authority, Corporation, Commission etc. of the State Government if the owner of the building does not have an objection for establishing Infrastructure on the rooftop/building.
- e) No licensee shall only be given license to setup infrastructure on the rooftop and would have to make his own arrangements for power, security etc.
- f) The licensee shall make available a 2 Mbps internet connection to the department/authority which owns the building. In case the owner is not occupying the building and does not require the connection, the licensee shall make the internet connection available to a government department/authority that may be occupying the building.

9. License for establishing Infrastructure on land/rooftop Installation belonging to Central Government:

In case of land/building belonging to the Public Sector Undertaking, Authority, Corporation, Commission, etc. of Government of India, the concerned licensing authority may give license to establish infrastructure after taking appropriate permission from the respective authority.

10. License for establishing Infrastructure on land/rooftop Installation belonging to Private Ownership:

In case of private land/building the licensing authority may give license to establish infrastructure on production of the agreement with the owner of the private land/building.

11. Validity of the License:

The license shall be valid for the entire duration for which the company has a valid license issued by the Dept. of Telecom, Government of India to the ISP/TSP/IP Company or in the case of an IP Category-I company, the period for which it has a valid registration with the Department of Telecom, Government of India. The license granted to an applicant shall not be transferable except in case of change in the ownership of the license holding company.

12. Renewal of license:

Upon expiry of the license for establishment of Infrastructure as mentioned in Clause 7 to 10, license can be renewed on submission of proof to the licensing authority of having obtained a valid license/renewal of license to operate as a TSP/ISP/IP company or valid registration in the case of an IP Category-I Company. The license on renewal shall be valid for the period for which the applicant has a valid license/registration issued by DoT, Government of India.

13. License Fees:

The applicant will have to pay the following fees for license on Government land/ Government Building.

- a) **Application processing fees:** as decided and notified by the State Government from time to time.

b) License fee: A license fee of 20% of the Collector guideline rate fixed for the land/property under Stamps & Registration Act shall be deposited in the funds of concerned department of State Government or the Undertaking/ Authority/ PSU/ Company of the State Government, in case of the land/property belonging to the State Government or the Undertaking/ Authority/ PSU/ Company of the State Government.

No separate license fee shall be charged in case of land belonging to Government of India or its Undertaking/ Authority/ PSU/ Company or a private party, and will be governed by the terms of agreement between them.

14. General Conditions for overhead cabling:-

License will be granted for the permission to use the electricity poles and pillars and such other poles and pillars that are a property of the State Government or an Undertaking/Authority/PSU/Company of the State Government. Detailed guidelines for this shall be issued by the Dept of Energy, Government of Madhya Pradesh in consultation with the Department of Science and Technology, Government of Madhya Pradesh.

15. Infrastructure setup under this policy to be considered as temporary structures and as a 'Public Facility':

The infrastructure setup under this policy shall be considered as a temporary structure and as a public utility. Hence,

- a) The provisions of the Madhya Pradesh Bhoomi Vikas Niyam, 2012 would not apply on this infrastructure. However, the ISP/ESP/P would have to obtain structural stability certificate from 'competent sources' for the towers established under this policy.
- b) The infrastructure would be exempt from the payment of property tax to the local bodies under whose jurisdiction it is situated.

16. Validity:

This Policy shall remain in force till 2023 or till the announcement of a new Policy superseding this Policy.

17. Authority to amend:

The Apex Committee for IT under Government of Madhya Pradesh is authorised to make any amendment or addition in the policy.