

No.DIT.Dev-(IT)2005(Misc.)
Government of Himachal Pradesh
Department of Information Technology

From

**Secretary (IT) to the
Government of Himachal Pradesh**

To

**Pr. Secretary(MPP & Power and Pollution Control/
UD/ Tribal Development/ TCP) to the
Government of H.P.**

**Secretary(Housing/ Finance/ RD and PR/) to the
Government of H.P.**

Dated: Shimla-2, the August 22, 2006

Subject: Policy for Setting up Mobile Communication Towers

Sir,

There has been an exponential growth in the field of mobile communication. The mobile subscriber base in Himachal Pradesh, which was almost negligible in 2001, has now crossed 7 lacs. **In order to further accelerate growth of this important telecommunication tool, to improve quality of service and to have a suitable regulatory mechanism to prevent haphazard approach, there is an urgent need of having policy for setting up mobile communication towers.**

Permission for erecting mobile communication towers is to be accorded by the concerned Urban Local Body or SADA or Panchayat, as the case may be, for which a pre-determined fee can be levied.

In order to arrive at a policy frame-work in this regard, a meeting of all telecom service providers in Himachal Pradesh and concerned departments was held on 28.02.2006. Based on decisions taken in the meeting and subsequent suggestions received from various departments, the matter was taken to the Council of Ministers in its meeting held on 18.08.2006. "Policy for Setting Up Mobile Communication Towers" enclosed in **Annexure-A** to this letter has been approved by the Government.



It is requested that further necessary action may be taken at the level of your Department by issuing instructions and / or notifications or by amending the bye- laws in keeping with Acts & Rules of relevant local bodies in this regard. For instance, Gram Panchyats may need to take follow up action under Section 100 (1)(d) of the Himachal Pradesh Panchayati Raj Act, 1994. Similarly, the Town and Country Planning Department will have to prescribe fees under Section 30 of the Himachal Pradesh Town and Country Planning Act, 1977 in accordance with the Cabinet decision. A copy of action taken in the matter may kindly be supplied to this Department for reporting compliance of decision taken by the Council of Ministers.

Yours faithfully,

**Secretary (IT) to the
Government of Himachal Pradesh.**

Endst. No. As above

Dated: Shimla-2, the August 22, 2006

Copy forwarded to the following for favour of information and necessary action:

1. The Chairman, HPSEB, Shimla-4
2. The Commissioner, Tribal Development, Shimla-2.
3. The Director, Rural Development and Panchayati Raj, Shimla-9. The Director, Urban Development, Shimla-2
4. The Director, Town and Country Planning, Shimla-9.
5. All the Deputy Commissioner in Himachal Pradesh.
6. The Commissioner, Municipal Corporation, Shimla-1.
7. The CEO, Housing Board, Shimla-2.
8. The Chief General Manager, BSNL. SDA Complex, Shimla-9
9. The Chief Operating Officer, Airtel, Shimla.
10. The Business Head, Reliance, Khalini, Shimla.
11. The Circle Head, Tata Indicom, Kasumpti, Shimla.
12. The Circle Head, Idea, Kainthla Niwas, Khalini, Shimla.
13. The Chief Operating Officer, Hutch, Kasumpti, Shimla.

**Secretary (IT) to the
Government of Himachal Pradesh.**

Policy for Setting up Mobile Communication Towers

1. **State Government Assistance:** The concerned Sub Divisional Magistrate shall assist the Telecom Service Providers in getting various clearances in different departments and any case requiring higher level intervention shall be brought to the notice of the Deputy Commissioner / Director IT / (in that order), so that all approvals are obtained in a time bound manner.
2. **Fee Structure:** (a) Prior permission of the Local Body / SADA/ (as the case may be) will be obtained [after receiving dues as per (b) below] for raising any construction, including tower.
 - (b) One time and renewal fee to be charged at the following rates shall be paid:
 - i) **Municipal Corporation, Shimla:** Installation Fee @ Rs.20,000/- per tower and Annual Renewal Fee @ Rs.10,000/- per annum per tower. Fee in following Special Areas falling within Shimla Planning Area namely, Dhalli, New Shimla (Kasumpti) and Totu will also be levied at the same rates.
 - ii) **Other Urban/ SADA Areas:** Installation Fee @ Rs 10,000/- per tower and Annual Renewal Fee @ Rs.5,000/- per annum per tower.
 - iii) **Rural Areas and Urban/ SADA locations in Tribal/ Difficult Area:** Installation Fee @ Rs 4,000/- per tower and Annual Renewal Fee @ Rs.2,000/- per annum per tower.

NOTE:

- An option for lump sum payment of renewal fee may also be given in blocks of 5 years (with 40% discount for upfront payment of the entire amount including renewal fees for 5 years). There will be periodic increase in renewal fee by 25 % after every 5 years.
- An additional amount @ 60% shall be levied for every additional antenna which shares the same tower.



- (c) It is clarified that this Fee shall be charged for granting requisite approval for erecting the immovable structure viz. communication tower on top of an existing building or on the ground. **This fee shall be in addition to the rent charged by the owner of land, which he negotiates with the Telecom Service Provider.**
3. **Prohibition on Subletting:** These structures will not be sublet without the permission of the Local Body/ SADA, which has granted the original permission.
4. **Other Clearances:** Requisite clearances from Defence, Prasar Bharti and Civil Aviation by the telecom companies all by themselves as per the requirements of these authorities. However, these other clearances shall be obtained by the Telecom Service Provider independently on his own and it shall not be a pre-requisite for granting permission based on documentation in point no.5 below.
5. **Documentation:** Application to a Local Body / SADA shall be made along with the following documents:
- i) Affidavit from the owner of the land/ building containing his consent along with proof of ownership.
 - ii) Copy of sanctioned roof plan, if the tower is to be erected on an existing building. As far as possible, sufficient open space should be left on all sides of the tower to ensure that damage is not caused, if the tower falls down. If due to any specific site related limitations, sufficient space cannot be left, and if permission is to be granted, third party insurance of such amount shall be got done, as may be decided by the sanctioning authority.
 - iii) Design parameters and foundations details. Drawing of tower with complete details in shape of ferro-prints. Height of the tower and HT lines in the vicinity should be clearly indicated.
 - iv) Structural safety certificate of tower from a graduate structural engineer who should be a member of IEEE.
 - v) Indemnity Bond to take care of any loss or injury due to accident caused by the tower (including a declaration to the effect that the applicant shall take special precautions for fire safety and lightning).

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- vi) Requisite Fee by way of a Demand Draft.
- vii) Revenue documents i.e. tatima and jamabandi in original.
- viii) Site plan in scale of 1:200 and location plan in 1:1000.
- ix) Copy of completion plan of the building if tower is to be erected on top of an existing building.

Note: In case of Gram Panchyats, roof plan at Sr. No. (ii) and completion plan as per Sr. No. (ix) shall not be needed shall not be required.

6. **Deemed Approval:** A final decision shall be taken within 30 days from the date of submission of all the documents. **If the documents submitted for permission are complete in all respects and a decision is not taken within 30 days, deemed permission shall be assumed.** Local Body/SADA/MC shall also have online application form for installation of Mobile Communication Towers. Monitoring of applications through REFNIC or any other online interface on the lines of website of TCP shall be provided.
7. **Location:** Location of communication towers is governed by radio frequency system and as far as possible, cellular operators should try to avoid residential areas. The location shall be decided as follows:
- i) First preference should be given to the location of tower in the commercial areas or other public areas.
 - ii) Where it is not possible to avoid the location of this tower in residential area, possibility should be explored to locate these in open spaces or on community buildings in these areas.
 - iii) Where it is not possible to find such suitable space mentioned at Sr. No. (ii) above, tower should be permitted on the roof top of residential buildings.
 - iv) Erection of towers on heritage buildings shall not be allowed.
 - v) Such towers can be permitted only on top of buildings already approved or regularized under the law in force.
8. **Compounding of Minor Deviations:** At certain places the Telecommunication Operators are forced by technical feasibility to install Antennae on the particular



building which may have minor violations, which are compoundable as per Law. **In such cases, building owner can get compounding done in advance for which an outer time limit of 30 days for taking a final decision shall be applicable.**

9. **Noise Pollution:** Generator sets installed at the tower site to cater to the power requirements of the antenna should conform to the noise and emission norms prescribed under the Environment Protection Rules. However, in view of time frames set out for electricity providing electricity connection, need for generators should be minimised. **Acknowledgement of a duly filled application form to the concerned Local Body/ SADA shall be deemed to be sufficient for making an application to HPSEP&PCB** (Himachal Pradesh State Environment Protection & Pollution Control Board). Consent to operate shall be normally granted seeing manufacturers' specification sheet, unless there is a felt need of carrying out noise tests. However, antenna shall be made operational only after obtaining permission of Local Body/ SADA, HPSEP & PCB (if applicable) and other clearances as per S.No.4 above.
10. **Sharing of Sites:** The Telecom Operators should share the towers for fixing their respective antennas provided that the prescribed technical requirements are duly fulfilled, so as to curtail multiplicity of towers and to optimize the use of the existing ones.
11. **Electrical Connections:** HPSEB shall provide electrical connections for energising a tower within **30 days**, if the location of tower is within 250 meters of HPSEB system. If the mobile communication towers are located on isolated ridges of the hills and the extension of HT network, installation of step down distribution transformers and extension of L.T. line are required for providing power connection at such places, the connection shall be made available within **three months** from the date of duly completed application and deposit of requisite amount. Considering low power requirement, the operator should not be normally asked to pay for the entire capital cost of creating necessary infrastructure. **Acknowledgement of a duly filled application form to the concerned Local Body/ SADA shall be deemed to be sufficient for making an application to HPSEB.**

