

Government of West Bengal
Department of Panchayats & Rural Development
Joint Administrative Building (6th to 9th Floors) HC-07, Sector III
Bidhannagar, Kolkata – 700 106

No.946/SS/PN/O/I/2M-09/2015

Dated : 31/12/2015

MEMORANDUM

Whereas the Panchayats & Rural Development Department, Government of West Bengal had issued directives vide its No.5094/PN/O/I/2M-4/03(Pt.-I) dated 22/12/2008 clarifying issues relating to provisions for installation of telecom towers in rural areas;

And whereas, the State Government had been contemplating to make necessary modifications in the existing provisions of law regarding installation of telecom towers for growth of telecom infrastructure in rural areas;

And whereas, the State Government considered it necessary and appropriate to issue a general guideline in connection with installation of telecom towers in rural areas on a private land or building or on a Government land or building remaining at the disposal of any Panchayat body or on a land and building owned by any Panchayat body;

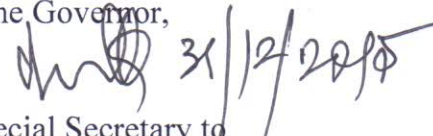
Now, therefore, in partial modification of the earlier directives issued by this Department, the Governor, after careful consideration of the whole matter, is pleased to issue the following instructions to be abided by the Panchayat bodies and all others concerned in this regard:

- (1) In rural areas, any Service Provider willing to set up telecom structure shall have to apply to the Gram Panchayat concerned seeking permission for installation of telecom tower on any private land or building or on a Government land or building remaining at the disposal of the Gram Panchayat or on a land or building owned by the Gram Panchayat. Such application shall be accompanied with a letter of consent from the owner of the land or building in case of a proposal for installation of a telecom tower on a private land or building. The Gram Panchayat, on receipt of such application, shall issue permission in terms of section 23 of the West Bengal Panchayat Act, 1973, and the relevant rules made thereunder on realization of one-time permission fee at the rate stated below.
- (2) If the place of installation of the telecom tower is under the area of a Development Authority within the jurisdiction of a Panchayat Samiti the application shall be made to the Panchayat Samiti concerned in the manner stated above. In such cases, the Panchayat Samiti, on receipt of such application, shall issue permission in terms of section 114A of the West Bengal Panchayat Act, 1973, and the relevant rules made thereunder on realization of one-time permission fee at the rate stated below.
- (3) If any Service Provider approaches a Gram Panchayat or a Panchayat Samiti or a Zilla Parishad for installation of a telecom tower on a land or building owned by them or on a Government land or building remaining at their disposal, the respective

Panchayat body may allow installation of a telecom tower on receipt of payment of rent, subject to availability of space therein and strictly following the conditions laid down in the latest guideline issued by the Ministry of Communications & Information Technology, Government of India (copy enclosed as *Annexure-1*) regarding clearance for installation of telecom towers.

- (4) The Gram Panchayats or the Panchayat Samitis surrounding the district headquarters will realize one-time permission fee @ Rs.8000/- in each case; the Gram Panchayats or the Panchayat Samitis surrounding the Sub-Division headquarters will realize one-time permission fee @ Rs.6000/- in each case; and the Gram Panchayats or the Panchayat Samitis in other areas will realize one-time permission fee @ Rs.5000/- only.
- (5) The Gram Panchayat or the Panchayat Samiti concerned, as the case may be, shall also realize fee for renewal of permission in each subsequent year. The rate of fee for renewal of permission shall be the same as mentioned in para (4) above.
- (6) If the telecom tower is proposed for erection on a Government land or building remaining at the disposal of any Panchayat body or a land or building owned by any Panchayat body, the Panchayat concerned shall enter into an agreement with the Service Provider and collect rent ranging from Rs.5000/- to Rs.16000/- per month depending upon the rural or urban character of the Panchayat. The Panchayat shall pass necessary bye-laws for fixing up the rate of rent subject to a maximum limit of Rs.16000/- per month.
- (7) Since a telecom tower comes under the expression of 'structure or building' under rule 17 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, a Gram Panchayat shall impose and collect tax on the telecom towers in terms of sub-section (1) of section 46 of the West Bengal Panchayat Act, 1973 in each year subsequent to the year of installation of the telecom tower.
- (8) The Panchayats shall not collect any other amount of money in any form or name from any Service Provider for installation of telecom towers excepting those which are mentioned in the foregoing paragraphs.
- (9) This order shall take immediate effect.

By order of the Governor,

 31/12/2018

OSD & EO Special Secretary to
the Government of West Bengal

No.946/1(70)/SS/PN/O/I/3R-9/2015

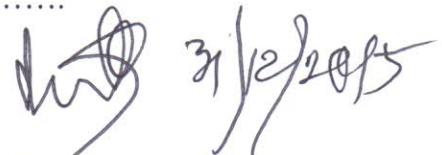
Dated : 31/12/2015

Copy forwarded for information and necessary action to the:

- (1) The Commissioner, Panchayats & Rural Development, West Bengal, Jessop
Building, 63 N.S Road, Kolkata-700001
- (2) The District Magistrate & Executive OfficerZilla Parishad (All)
- (3) The Additional Executive Officer,Zilla Parishad (All)/
Mahakuma Parishad
- (4) The District Panchayats & Rural Development Officer,(All)

She/he is requested to communicate copies of this Memorandum to all concerned including all the Panchayat Samitis and the Gram Panchayats within the district.

- (5) The/Smt./Shri.....



OSD & EO Special Secretary to
the Government of West Bengal

2M-4/03(Pt 1)

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29.12.14

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF INFORMATION TECHNOLOGY & ELECTRONICS
4, CAMAC STREET (7TH FLOOR), KOLKATA -700 016
Phone:2282-1952,Fax:2282-1944.

No. 497(3) -DS(IT)/ IT/P/50/2010

Dated: Kolkata, the 17th December, 2014

From: **D. Bandyopadhyay, WBCS(Exe),**
OSD & Ex-Officio Deputy Secretary to the Government of West Bengal.

To: ☒ **The Principal Secretary,**
Panchayat & Rural Development Department &
Joint CEO, WBSRDA,
Joint Administrative Building, 8th Floor,
HC-7, Sector-III, Salt Lake,
Kolkata - 700106.

The Principal Secretary,
Municipal Affairs Department,
Writers' Buildings,
Kolkata - 700001.

The Principal Secretary,
Urban Development Department,
Nagarayan, Sector- I, Block - DF,
Salt Lake, Kolkata - 700064.

SS (DUP)
23/12

Sub: **Latest guidelines of the Govt. of India on issue of clearances for installation of Mobile Towers**

Sir,

With reference to the above, I am directed to enclose the latest guidelines on issue of clearances for installation of Mobile Towers issued by the Department of Telecommunication, Govt. of India. This is for your kind information and taking necessary action.

Encl: As stated.

Yours faithfully,

27/12/14
D. Bandyopadhyay
OSD & Ex-Officio

Deputy Secretary to the
Government of West Bengal.

DS (SDP)
R. Sharma

SPRD-4666-14
Dt-23/12/14

H. P. Bandyopadhyay

24/12/14

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DEPARTMENT of TELECOMMUNICATIONS
ADVISORY GUIDELINES FOR STATE GOVERNMENTS FOR
ISSUE OF CLEARANCE FOR INSTALLATION OF MOBILE TOWERS
(Effective from 01.08.2013)

1. The Indian telecom sector has witnessed phenomenal growth and mobile telephony in particular has revolutionized in the country over the past decade. Providing telephone coverage across the country has been one of DoT's top priority areas. Out of 921 million connections, 891 million are wireless, as on May 2013. The popularity of cell phone and wireless communication devices has resulted in a proliferation of cell towers across the country.
2. Fixation of standards for exposure limits of radio frequency field emissions from mobile base stations, monitoring their compliance, all radiation related technical issues, issues of Access Service Licence / Infrastructure Provider registration and SACFA clearance for frequency allocation at any location are dealt with by DoT.
3. India has adopted strict limit for radiation from Base Transceiver Station (BTS), as below, which is $1/10^{\text{th}}$ of the International norms (ICNIRP):

Frequency in MHz	Power density limit
900	0.45 watt/m ²
1800	0.9 watt/m ²
2100 and above	1 watt/m ²

4. Broad guidelines for issue of clearance for installation of mobile phone towers were issued on 23.08.2012 and later modified on 26.03.2013. Subsequently, on the basis of feedback received after deliberations made with the state government officials and various stake holders on 16.04.2013 and holding further consultations thereafter, the guidelines have been finalized for the state governments. These are detailed in A and B below. ***These guidelines are issued in supersession of all earlier guidelines on the subject.***

A. Documents to be submitted by Telecom Service Providers/ Infrastructure Providers for obtaining clearance from local bodies / state governments for installation of mobile towers:

- I. Copy of relevant license / Infrastructure Provider Registration Certificate from Department of Telecommunications.
- II. Data Sheet
 - a) Name of Service/Infrastructure Provider
 - b) Location
 - c) Tower Reference:
 - i) Height, ii) Weight iii) Ground/Roof Top iv) Pole/wall mounted v) Number of antennae
- III. Copy of SACFA clearance / copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as

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WPC acknowledgement along with undertaking that in case of any objection/ rejection, TSPs/ IPs will take corrective actions / remove the tower.

- IV. Copy of structural stability certificate for ground based tower. In case of roof top BTS towers, structural stability certificate for the building and tower based on written approvals of any authorized Structural Engineer of state/local bodies/Central Building Research Institute (CBRI), Roorkee/ IIT/NIT or any other agency authorized by local body.
- V. Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of the Diesel Generator (DG) Sets.
- VI. Copy of clearance from Fire Safety Department only in case for high rise buildings where Fire Clearance is mandatory.
- VII. For forest protected areas, the copy of clearance from State Environment & Forest Department, if applicable.
- VIII. The local bodies may also seek submission of the copy of No Objection Certificate (NOC) from Building Owner / entities having roof top rights or roof top tenants in case of roof based tower/ land owner in case of ground based tower, as the case may be. As per their rules in force, State Governments, at their discretion, may seek fresh NOC at the time of renewal of site (tenancy) contract for mobile tower.
- IX. Acknowledgement receipt issued by TERM Cells (DoT) of the self-certificate submitted by Telecom Service Provider/ Infrastructure Provider in respect of mobile tower/ BTS (ground based/ roof top/ Pole/ wall mounted) in the format as prescribed by TEC, DoT, establishing / certifying that all General Public areas around the tower will be within safe EMR exposure limit as per peak traffic measurement after the antennae starts radiating.

B. Action by State government/Local body

- I. Nominal one time Administrative Fee as may be decided by the State Government to recover its costs on the issue of permission for installation of Tower.
- ✓ II. Single Window Clearance may be provided in a time bound manner to telecom service provider / infrastructure provider by the local body / State Government. This will ensure issuance of faster clearances.
- III. Telecom towers have been given infrastructure status by Government of India vide gazette notification no 81 dated 28.03.2012. All benefits, as applicable to infrastructure industry, should be extended. **Electricity connection may be provided to BTS site on priority.**
- IV. Telecom installations are lifeline installations and a critical infrastructure in mobile communication. In order to avoid disruption in mobile communication, an essential service, sealing of BTS

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towers / disconnection of electricity may not be resorted to without the consent of the respective TERM Cell of DoT in respect of the EMF related issues.

- V. State Governments along with DoT may organise public awareness programmes involving civil society members.
- VI. In order to effectively address **Public Grievances** relating to installation of towers and issues related to telecom infrastructure, State Governments may setup:
 - State Level Telecom Committee (STC) consisting of officers from TERM Cells, State Administration, representative(s) of concerned Telecom Service Provider(s) and eminent public persons etc.
 - District Level Telecom Committee (DTC) consisting of officers from District Administration, representative(s) of concerned Telecom Service Provider(s) and eminent public persons etc.

C. Action by DoT/ TERM Cells

- I. Public awareness programme (Through DoT web portal / Govt. Publication).
- II. a) For all the existing as well as new BTSs / Towers, Telecom Service Providers are required to submit self-certificates periodically in the format as prescribed by TEC, DoT, in order to ensure that normally all general public areas around the site are within the safe EMR exposure limits. Any violation noticed attracts heavy penalties on Telecom Service Provider(s) and may also lead to shut down of BTS in case the violation persists.

b) The TERM Cells have been given clear instructions with regard to the technical audit of BTS, including for radiation from towers within safe limits. These include roof top/ ground based/ pole mounted/ wall mounted towers. They will also verify antenna orientation, safe distance from the tower (exclusion zone) etc. Installation and augmentation of BTS and antenna is a continuous process. DoT is organizing frequent workshops for these officers to ensure observance of the latest guidelines issued by DoT on the subject of EMF radiation and public safety. Additional Guidelines for TERM Cells as follows:

Additional Guidelines to TERM Cells for auditing BTS

For EMF radiation

(Effective from 01.08.2013)

1. Instructions/guidelines have been issued to the TERM Cells for auditing the RF radiations from BTS for compliance to the prescribed norms. Following are additional guidelines to TERM Cells in the matter.
2. With a view to strengthen monitoring and compliance of safety aspects / provisions in regard to radio frequency emissions from mobile towers, TERM Cells may take the following also into account while conducting their audits for the purpose of ensuring that all general public areas are within safe EMF exposure limits as prescribed by DoT.
 - In case of both ground based towers & roof top towers, there shall be no building right in front of the antenna(e), of equivalent height taking into account the tilt of the lowest antenna on tower as per details in the table below. Further, the antennae at the same height only are to be counted, as the beam width of the mobile antennae, in the vertical direction, is very narrow.

Number of antenna(e) pointed in the same direction	Building/Structure safe distance from the antenna(e) at the same height (in meters)
1	20
2	35
4	45
6	55

- The distance figures in the above table are based on empirical estimation considering that all the antennae are emitting at their maximum RF power of 20 Watts and exactly in the same direction with same height (a worst case scenario). In practice, the values of safe distance of buildings will depend upon actual deployment scenarios and mostly, may be far less than depicted above.
3. Wall Mounted/Pole mounted Antenna:
 - Wherever the antennae are mounted on the wall of building or pole on/along the road, their height should be at least 5 meters above ground level /road level. However, such installations will have to comply with the radiation limits.
 - As far as safe distance of buildings from antenna is concerned, guidelines as given above will apply.
