

# **Andhra Pradesh Gram Panchayat (Erection of Telecommunication Towers) Rules 2012**

ANDHRA PRADESH

India

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### **Rule**

### **ANDHRA-PRADESH-GRAM-PANCHAYAT-ERECTION-OF-TELECOMMUNICATION TOWERS RULES, 2012**

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Andhra Pradesh Gram Panchayat (Erection of Telecommunication Towers) Rules 2012 Published vide Notification No. G.O. Ms. No. 334, Panchayat Raj and Rural Development (Parts IV), dated 09.10.2012 Last Updated 4th September, 2019 No. G.O. Ms. No. 334. - In exercise of the powers conferred under sub-section (1) of section 268 read with Section 119 of the Andhra Pradesh Panchayat Raj Act 1994 (Andhra Pradesh Act No.13 of 1994), the Government of the Andhra Pradesh hereby makes the following rules.

#### **1. Short title.**

(1) These rules may be called the Andhra Pradesh Gram Panchayat (Erection of Telecommunication Towers) Rules 2012. (2) These rules shall come into force with immediate effect. However, the Ground based telecom structure already erected in the Gram Panchayats which are not covered under these rules are liable for payment of Rs.10,000/- as one time fee to regularize them as per these rules.

#### **2. Mandatory to obtain preliminary approval / permission etc.**

- The applicants (service providers) shall obtain necessary preliminary approval from the Executive Authority of Gram Panchayat concerned before erecting telecommunication towers and related structures and the structural stability certificate from the respective technical authority before granting final permission and license for usage who intend to erect the telecommunication towers in the respective Gram Panchayats subject to fulfilling the other conditions on the following; (i) The

applicant shall obtain approval of Air Traffic Controller, Airport Authority of India for exempting of roof top antenna from height restriction, in case such exemption is required.(ii)The Applicant shall take special precaution for fire safety and lightening etc.,(iii)The Applicant shall furnish a legally valid undertaking that they are solely responsible for any damage to the building and for public safety.(iv)The Applicant shall furnish NOC from the surrounding building owners, and from the concerned building owners in case rooftop installations.

### 3. Norms for issuing license.

(a)The Inter- Ministerial Committee on EMF radiation in its report has recommended that mobile towers should not be installed near high density residential areas, schools, play grounds and hospitals. Accordingly, the Executive Authority of Gram Panchayat shall impose restrictions on installation of mobile towers near high density residential areas, schools, playgrounds and hospitals as far as possible.(b)Every application filed by any Telecom company shall be scrutinised by the Executive Authority of Gram Panchayat in two (2) stages. In the first stage the Executive Authority of Gram Panchayat shall issue a preliminary license called Temporary permit to those telecom companies whose applications fulfilled the locational (site) norms. No public road shall be used for erection of telecom structures. However, other public sites (other than public roads) including the Gram Panchayat properties shall not be used for erection of Telecom structures without taking the site by the company on lease. The terms and conditions of lease shall be as per G.O.Ms.No.215 PR&RD (Pts-III)Dept., dated 25.06.2001.(c)In every case, where the locational norms as prescribed in these rules and the Act are met by the Telecom Company, the Executive Authority shall issue a temporary permit to erect the towers and related structures.(d)The Gram Panchayat may collect a fee of Rs.1000/- along with the application and grant a temporary permit to erect the towers and related structures to all eligible applicants who fulfilled the site norms prescribed above.(e)In the second stage, on completion of the erection/installation work, the applicant should obtain and furnish a structural stability certificate to the Gram Panchayat, issued by a qualified Structural Engineer having license with the sanctioning authority of the respective Gram Panchayat and obtain a license to operationalize the structures. Gram Panchayat may levy installation and license renewal fee as per the following:-

Sl.No	Category	Fee to be levied by Gram Panchayats
12	Cell towerinstallation fee (One time)(a) Ground basedtowers(b) Roof top towersLicense renewal fee (Annual) for Land based /Roof top towers	Rs.15,000/-Rs.12,000/-Rs.1,000/-

(f)Apart from the installation and license fee levied by the Gram Panchayat the applicant will pay lease rent to the owner of land/building on which the structure will be put at a negotiated rate.(g)Every application for renewal of license must be supported by an updated structural stability certificate issued by a qualified Structural Engineer having license with the sanctioning authority of the respective Gram Panchayat.(h)In case the Executive Authority of Gram Panchayat fails to convey its decision with in 30 days or rejected the application on certain grounds, the aggrieved party (Telecom Company) may prefer the first appeal before Gram Panchayat Committee, who decide the appeal based on the locational norms prescribed in these rules with in 30 days of filing appeal. Further appeal on the decision of Gram Panchayat Committee shall lie to the Commissioner or

his/her nominee within 30 days on which the authority shall pass orders within 30 days of receipt of such appeal. Final appeal on the orders of Commissioner or his/her nominee shall lie before the Government in the form of a Revision Petition under Section 264 of the Andhra Pradesh Panchayat Raj Act 1994.

#### **4. Insurance / Compensation.**

- The applicant company should submit an undertaking to the Gram Panchayat to Provide safety and security nets by paying either Insurance premium or compensation at the rates prescribed by Government from time to time to deal with the damages caused to human and animal life [cases of causalities, injuries, etc.,) and damages to properties etc.,

#### **5. Regulation of any matter.**

- The Government shall be the final authority in regard to regulation of any matter arising out of these rules.