

The Tamil Nadu Municipalities Television Cables Installation Regulation Rules, 2000

TAMILNADU

India

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Rule

THE-TAMIL-NADU-MUNICIPALITIES-TELEVISION-CABLES-INSTALLATION-REGULATION-RULES-2000

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The Tamil Nadu Municipalities Television Cables Installation Regulation Rules, 2000 Published vide Notification G.O. Ms. No. 58, Municipal Administration and Water Supply Department, dated 4th May 2000, Published in Part 3-Section 1 (a) of the Tamil Nadu Government Gazette, Extraordinary dated the 5th May 2000. Issue No.295 (pages 1-5)S.R.O. No. A-40 (a)/2000. - In exercise of the powers conferred by section 347 of the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), section 303 of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), section 431 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), section 430 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), read with section 8 of the Tiruchirapalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 27 of 1994), the Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994) and the Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994), the Governor of Tamil Nadu hereby makes the following rules, namely:-

1. Short title and commencement.

(1)These, rules maybe called the Tamil Nadu Municipalities Television Cables Installation Regulation Rules, 2000.(2)These rules shall apply to all town Panchayats, municipalities and municipal corporations in the State.(3)It shall come into force on the 5th May 2000.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), the Tiruchirapalli City Municipal Corporation Act, 1994 (Tamil Nadu Act 27 of 1994), the Tirunelveli City Municipal Corporation Act, 1994 (Tamil Nadu Act 28 of 1994), the Salem City Municipal Corporation Act, 1994 (Tamil Nadu Act 29 of 1994), as the case may be; (b)"council" means the council of town Panchayats, municipalities and municipal corporations, as the case may be; (c)"Commissioner" means the Commissioners of municipalities and municipal corporations and the Executive Officers of the town Panchayat; (d)"Form" means the forms appended to these rules; (e)"Government" means the State Government; (f)"municipality" with its grammatical variation means the municipal corporations, municipalities and town Panchayats constituted or deemed to have been constituted under the appropriate Act; (g)"television cables" means the cables used by any private individual or firm or company to give satellite television connection in the televisions used by the public in a particular area; (h) words and expressions used but not defined in these rules shall have the meanings, respectively, assigned to them in the Act. In the absence of such meaning, the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891) shall apply for the interpretation of these rules.

3. Issue of provisional permission for installation of television cables over public roads and streets in a municipality.

(1) Any person intending to commence operation of giving cable television connections in any area within the municipal limits, shall apply to the Commissioner in Part I of Form I for provisional permission to install cables on street light poles over public roads and streets or to erect separate poles in any road or streets within the municipal limit for installing such television cables. (2) Every application under sub-rule (1) for a provisional permission shall be accompanied by -(a) a sketch indicating the roads and streets over which the cables are to be installed; (b) the number of street light poles which are to be used for installing the cables; and (c) the numbers of additional poles required to be erected by the applicant on the roads and streets for installing such cables. (3) The Commissioner shall, on receipt of application, scrutinise it and if satisfied about the information furnished by the applicant, grant a provisional permission in Part II of Form I, after receiving the annual rent for such installation of television cables in accordance with rule 4, and subject to the following conditions, namely: -(a) The television cables shall be installed over the public roads and streets at a height of 8 metres and above across the roads, or streets and at a height of 5.5 metres and above along the roads or streets. The cable shall be at least 1 metre away from the light fixture; (b) Not more than five lines shall be taken on each of the street light poles; (c) As far as practicable and possible, the street light poles of the urban local bodies may be used; (d) If additional poles are required to be erected on any public road or street or land, the prior concurrence of the Commissioner shall be obtained. (4) Within sixty days from the date of receipt of such provisional permission, the applicant shall install the cables in accordance with the conditions stipulated in the provisional permission and shall apply in Part 1 of Form II for issue of a No Objection Certificate by

the Commissioner of the municipality.(5)On satisfying himself that the cables have been installed in accordance with the conditions mentioned in the provisional permission under sub-rule (1), and subject to the provisions contained in the Act, the Commissioner may issue a No Objection Certificate in Part II of Form II.

4. Rent to be collected for installation of television cable.

(1)The annual rent to be collected by the municipality for using the street light poles and for erecting additional poles by the applicants shall be-

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| (a) Chennai City Municipal Corporation. | Rs. 9400 (Rupees nine thousand and fourhundred) per annum per kilometer. |
| (b) All City Municipal Corporations other thanChennai City Municipal Corporation. | Rs. 6300 (Rupees six thousand and three hundred)per annum per kilometre. |
| (c) Municipalities and Town Panchayats. | Rs. 5500 (Rupees five thousand and five hundred) per annum per kilometre. |

(2)For the purpose of collecting annual rent to a period relating to less than a year, the annual rent fixed under sub-rule (1) shall be collected for a period of six months.

5. Removal of television cables from the street light poles for violation of conditions imposed.

(1)Where the Commissioner either suo motu or on written representation has a reason to believe that the person to whom a No Objection Certificate issued, has violated or failed to comply with the conditions imposed while issuing the No Objection Certificate under these rules, he shall call upon the person in writing stating the grounds to show cause within such period not less than fifteen days from the date of receipt of such notice as to why the No Objection Certificate issued by the Commissioner should not be cancelled and the television cables should not be removed from the street light poles and the additional poles, if any, erected and also shall give the person an opportunity of being heard.(2)On examining the reply received from the person concerned within the time limit specified in sub-rule (1), the Commissioner may order cancellation of No Objection Certificate and for removal of the television cables installed by the person concerned within the time limit fixed anti failing which the Commissioner shall remove them by utilising the services of the employees of the municipality.

6. Mode of payment of rent.

- The annual rent for installation of television cables shall be paid in the form of bank draft payable to the commissioner or shall be paid in cash in the municipal treasury.

7. Period of payment of annual rent and levy of fine for belated payment.

(1)The annual rent for using the street light poles and for erecting additional poles for installation of television cables shall be paid by the persons concerned within the period from the 1st April to the 30th April of every year failing which a sum of rupee one per month for the annual rent of every one hundred rupees shall be collected:Provided that for determining the fine, fraction of more than fifty rupees shall be rounded off to the next hundred rupees and any fraction less than fifty' rupees shall be ignored.(2)The payment of annual rent from the 1st day of calendar month to the end of that calendar month after expiry of the due dates fixed under sub-rule (1) shall be taken as one month for levy of fine.

8. Installation of brackets in the street light poles by the municipality.

(1)The Commissioner shall make arrangements to install brackets to have the television cables in the street light poles in such a way that the brackets can hold five television cable lines.(2)In respect of the existing street light poles, the Commissioner shall provide such brackets on the street light pole within a period of one year from the date of coming into force of these rules.(3)While providing brackets in the street light poles under sub-rule (2), priority shall be given to the street light poles in roads and streets where there are already cables in existence.(4)The commissioner may provide such brackets in the new street light poles to be installed in future.

9. Issue of No Objection Certificate for the existing cable television operators.

- The cable television operators who are operating the cable television on the date of coming into force of these rules shall apply in Part I of Form II fulfilling the conditions given in sub-rule (3) of rule 3 and on payment of rent as prescribed in rule 4 and shall obtain a No Objection Certificate from the Commissioner within a period of six months from the date of coming into force of these rules.

10. Interpretation of these rules by the Government.

(1)If any question arises as to interpretation of these rules, the question shall be referred to the Government and whose decision shall be final.(2)If any difficulty arises as to giving effect to the provision of these rules, the Government may, by order, do any thing which appears to be necessary, for the purpose of removing the difficulty.Form I

Part I – (See Rule 3)

Application for Provisional Permission for Installation of Television Cables over Public Roads and Streets in a Municipal LimitTown Panchayat/ Municipality/ Corporation

(1) Name and address of the applicant or firm orCompany.

- (2) Name of the roads and streets on which television cables are to be installed and the number of streetlight poles to be used for installing television cable in each road and street.
- (3) If additional poles are to be erected by the applicant on the road and street and the number of poles to be erected are to be indicated.
- (4) Sketch indicating the roads and streets over which the cables are to be installed and the additional poles, if any, are to be erected.

Date :Signature of the Applicant.

Part II

[See Rule 3(3)]Provisional Permission for Installation of Television Cables.....Town Panchayat/
Municipality/ Corporation

Permission No. Date
 :

Reference : Application No dated Rent Receipt of the Municipality.....Dated.....Provisional permission is granted to for the installation of television cable in the following areas.....

2. The street light poles to be used by the applicant are.....

3. The additional poles required by the applicant are permitted to be in the following places.....

Date :CommissionerForm II

Part I

[See Rule 3(4)]Application for no Objection Certificate for Commencing the Operation of Cable Television Connections

- (1) Name and address of the applicant
- (2) Number and date of provisional permission granted
- (3) Name of the roads and streets on which cables have been installed and additional poles erected.
- (4) Details of television cables and other materials used.

Date : Signature of the Applicant.

Part II

[See Rule 3(5)]No Objection Certificate..... Town Panchayat/ Municipality/ Corporation.

N.O.C. No. Date :

Reference : 1. Provisional permission Number.....dated.....

2. Application Number.....dated.....

The No Objection Certificate is granted to for commencing the operation of giving cable television connections in the following areas.....

2. The street light poles permitted to be used by the applicant.

3. The additional poles permitted to be erected by the applicant.

4. The conditions mentioned below will have to be followed by the applicant while operating the cable television connections.

(Conditions to be stipulated by the Commissioner)

Date : Commissioner.