



Indian Telecom Sector- An Assessment of ‘Indian Telegraph Right of Way Rules, 2016’

Under the guidance of

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Introduction

- Telecommunications has been widely recognized as an enabler of socio-economic development of a country
- A robust and reliable telecommunications infrastructure (optical fibre, towers, cables etc.) provides the basic foundation for telecom services
- One of the major concerns in expansion of the telecom infrastructure - getting affordable and timely Right of Way (RoW) permissions
- Telecommunications -Central subject; permissions mostly granted by the respective States / local bodies.
- Union Government notified the 'Indian Telegraph Right of Way Rules, 2016' on 15th November, 2016
- Wide variations across States, Local Bodies & Central authorities due to non-alignment with Indian Telegraph Right of Way Rules, 2016 – fees, process, charging mechanism, site restrictions, denial without reason etc.
- Roll out of 5G requires street furniture for small cells- new dimension to the problem

Objectives

- To understand the ‘Indian Telegraph Right of Way Rules, 2016’ as amended from time to time.
- To identify the issues and challenges in obtaining Right of Way (RoW) permission in a uniform, timely and non-discriminatory manner for establishment of telecommunication infrastructure in the country.
- To suggest remedial measures as way forward to facilitate easier and faster deployment of telecommunications infrastructure.

Research Methodology

- Methodology based on mixed research strategy methods.
- Combination of theoretical and empirical methods.
- Content analysis and field surveys approach will be employed.
- The data sources used in the research are mainly secondary in nature gathered from various:
 - ✓ Academic journals /periodicals/ reports
 - ✓ Policy documents / publications of Government of India
 - ✓ Department of Telecommunications (DoT)
 - ✓ ITU
 - ✓ GSMA
 - ✓ TRAI
 - ✓ TEC

Questionnaire

The primary data is being collected through a questionnaire from:

- ✓ DoT
- ✓ TRAI
- ✓ Telecom Service Providers (TSPs)
- ✓ Infrastructure Providers
- ✓ Industry
- ✓ Associations etc.

Survey

Interaction and discussions with:

- ✓ DoT
- ✓ TRAI
- ✓ Telecom Service Providers (TSPs)
- ✓ Infrastructure Providers
- ✓ Industry
- ✓ Associations etc.

Chapterisation Scheme

- Chapter I- Introduction
- Chapter II- Literature Review
- Chapter III- ‘Indian Telegraph Right of Way Rules, 2016’: An Analysis
- Chapter IV- Research Findings
- Chapter V- Recommendations and Conclusion
- Chapter VI- Bibliography
- Chapter VII- Appendices

Timelines

- Response to questionnaire & survey to be completed by 10-02-2023.
- Initial draft of dissertation to be submitted to guide by 28-02-2023
- Final submission by 17-03-2023

Thank You

Literature Review

Year	Author	Objectives and Issue Discussed	Research Method Adopted	Findings	Research Gap identified
2011	International Telecommunications Union (ITU)	‘Broadband: a platform for progress’ considers why broadband is valuable along with policy issues like regulation, spectrum management, infrastructure etc.	Consultation with different stakeholders and study of various international practices	It stated that Governments can streamline and standardize the application process for access to Rights of Way and pole attachments, and ensure just and reasonable fee structures.	Recommendations were generic in nature and not specific to a country.
2012	Chhaya L. K.	Legislative and Regulatory Issues and Prospects in Indian Telecom Sector	Explanatory	It was stated that there was a need to assure unvarying procedures for Right of Way permissions across the country for apt and quicker deployment of telecom infrastructure	The authors have flagged the issue of RoW permissions. Suitable remedial measures have not been suggested.

Literature Review

Year	Author	Objectives and Issue Discussed	Research Method Adopted	Findings	Research Gap identified
2016	International Telecommunications Union (ITU)	It is a white paper on broadband regulation and policy in Asia-Pacific region	Study of literature and consultation with different stakeholders	It stated that significant efforts were required to be directed by Governments to draft regulatory and legal frame-works based on global and regional exemplars to facilitate efficient broadband deployment . This included, inter alia, enhanced Rights of Way (RoW) access.	The issue of RoW access has been identified but the remedial measures have not been suggested.
2018	Department of Telecommunications (DoT)	The policy document i.e. National Digital Communication Policy, 2018 outlines a set of goals, initiatives, & strategies to unlock the transformative power of digital communications networks.	Extensive consultation with different stakeholders	It provided emphasis on creating a collaborative institutional mechanism between Centre, States, and Local Bodies for common Rights of Way, standardisation of costs and timelines and removal of barriers to approvals.	The methodology to create collaborative mechanism and achieve goals has not been outlined.

Literature Review

Year	Author	Objectives and Issue Discussed	Research Method Adopted	Findings	Research Gap identified
2018	International Telecommunications Union (ITU)	The report navigates through the issues related to 5G and identifies the opportunities and challenges in roll out of 5G.	Study of literature and consultation with different stakeholders	It mentioned that policy makers should agree upon standardized wayleave (Rights of Way) agreements to reduce cost and time to deploy fibre and wireless networks.	The issue of RoW access has been marked but the remedial measures have not been suggested.
2019	Telecom Regulatory Authority of India (TRAI)	The white paper highlights the specifications of the 5G technology, potential use cases, architecture of 5G, spectrum requirements ,and tries to identify regulatory challenges that need to be addressed for the deployment of 5G in India.	Consultation with different stakeholders	It recommended that keeping with the requirements of small cell deployment, suitable amendment in the RoW rules would be beneficial.	The details of amendments required in RoW rules have not been suggested.

Literature Review

Year	Author	Objectives and Issue Discussed	Research Method Adopted	Findings	Research Gap identified
2020	International Telecommunications Union (ITU)	The report reflects on progress made in directing broadband Internet deployment for social development and economic growth across the world.	Study of literature and consultation with stakeholders.	It mentioned that policy recommendations presented by the Commission over the past decade to be leveraged and effected in the decade of action included improvement in Right of Way regulations.	The issue of RoW regulations has been flagged but the remedial measures have not been suggested.
2020	GSMA	The GSMA report analyses the specific RoW challenges faced by Indian telecom operators.	Consultation with different stakeholders	It recommended a slew of measures to accelerate the Right of Way (RoW) for quicker deployment of broadband infrastructure in the country including single window clearance, uniform implementation of the RoW Rules 2016 by all States, structured aerial fiber in dense urban environments etc.	The details of amendments required in RoW rules have not been suggested.

Literature Review

Year	Author	Objectives and Issue Discussed	Research Method Adopted	Findings	Research Gap identified
2021	Telecom Regulatory Authority of India (TRAI)	Recommendations by TRAI regarding Roadmap to Promote Broadband Connectivity and Enhanced Broadband Speed.	Study of literature and consultation with stakeholders.	It inter alia recommended that to overcome the inefficiencies regarding Right of Way (RoW) permissions, the Central Government should come out with the National RoW Policy and constitute a National RoW Council	The recommendations were focussed on entire ecosystem for promotion of broadband and enhanced broadband speed.
2022	Telecom Engineering Centre (TEC)	It is a technical report on 'Rollout of Small Cells for 5G Networks by leveraging Street Furniture'	Consultation with different stakeholders and study of literature	It recommended that Right of Way Rules 2016, should be amended to incorporate provisions for small cells on street furniture.	The report is focussed only on the aspects of small cell.

Research Questions

- What are the ‘Indian Telegraph Right of Way Rules, 2016’ as amended from time to time?
- What are the issues and challenges in obtaining Right of Way (RoW) permission in a uniform, timely and non-discriminatory manner for establishment of telecommunication infrastructure in the country?
- What are the possible remedial measures to facilitate easier and faster deployment of telecommunications infrastructure?

Rationale and Justification

- Timely and affordable RoW permissions from authorities for establishment of telecommunications infrastructure is essential for improvement and expansion of telecom services
- Union Government notified the ‘Indian Telegraph Right of Way Rules, 2016’ on 15th November, 2016
- Problems in getting Right of Way permissions still aplenty
- Telecommunications -Central subject; permissions mostly granted by the respective States / local bodies.
- Availability of academic literature on assessment of ‘Indian Telegraph Right of Way Rules, 2016’ is almost nonexistent.
- Roll out of 5G clearly visible over the horizon- street furniture RoW
- Pressing need to analyse the present scenario pertaining to RoW for the Indian telecom sector, identify the issues and challenges, and suggest remedial measures.

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