File No. LSGD/PD/28733/2023-DB1 (Computer No. 31604) 38706/2023/FRONT OFFICE PD LSGD

Dr. RATHAN U. KELKAR IAS SECRETARY TO GOVERNMENT

OFFICE IN AND FACE SPAL

PREFETSE, LSGD

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THIRUVANANTHAPURAM

Dear Madam

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Electronics & Information Technology Taxes & Excise Department Government Secretariat Thiruvananthapuram, Govt. of Kerala

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> > > 10-03-2023 Date

D.O.No:IT-B1/167/2022-ITD

As you are aware, various agencies often undertake excavation activities damaging underground utility assets like Optical Fibre Cables. This may be due to lack of knowledge of excavating agencies about existing utilities or lack of coordination with utility asset owner agencies. These damages cause economic loss to utility asset owners and inconvenience to the public. Therefore, the Department of Telecommunications, Ministry of Communications, Government of India has come out with a mobile app viz.,"Call Before u Dig" (CBuD) for addressing the issues related with coordination between excavation agencies and asset owner agencies. Moreover, the use of this app was made mandatory through the notification of the Indian Telegraph (Infrastructure Safety) Rules, 2022 (Copy enclosed).

In order to on-board the stakeholder departments in the CBuD App and coordinate the activities, an officer from the Kerala State IT Mission has been nominated as State Nodal Officer. In addition to that, the Department, Water Resources Power Department, Public Works Department and Local Self Govt. Department appointed the Departmental Nodal Officers for operating the CBuD App.

As it is mandatory to take necessary steps to protect underground utility assets; I would request you to issue necessary instructions to the organizations concerned under the administrative control of your department for making use of the CBuD App, in consultation with the State Level Nodal Officer from the Kerala State IT Mission, as early as possible. Shri Subil BS, Manager (Infrastructure) KSITM is the State Level Nodal Officer for this purpose. I would also, request you to issue necessary instructions to the excavating agencies to carry out all types of digging activities after giving prior intimation through the CBuD App.

Sincere

То

Smt. Sharmila Mary Joseph IAS Principal Secretary, Local Self God Department File No. LSGD/PD/28733/2023-DB1 (Computer No. 31604) 38706/2023/FRONT OFFICE PD LSGD

2 THE GAZETTE OF INDIA : EXTRAORDINARY [PART II—SEC. 3(i)]

(ड.) "तार अवसंरचना" में तार या तार लोइन और पोस्ट शामिल हैं;

(2) उन शब्दों और पदों के जो प्रयुक्त हैं और परिभाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं वही अर्थ होगा जो अधिनियम में है।

3. **किसी संपत्ति की खुदाई या उत्खनन के विधिक अधिकार का प्रयोग करने की प्रक्रिया** – (1) कोई व्यक्ति जो किसी संपत्ति के अधिकार के विधिक अधिकार से खुदाई या उत्खनन की इच्छा इस प्रकार से रखता हो जिससे कि अधिनियम के उपबंधों के अनुसार सम्यक रूप से स्थापित की गई तार अवसंरचना या टेलीग्राफिक संचार को रुकावट डालने या बाधित करने की संभावना हो, तो वह व्यक्ति ऐसे अधिकार का प्रयोग करने से पूर्व इस प्रकार की खुदाई या उत्खनन की सूचना, सामान्य पोर्टल के माध्यम से प्रस्तुत करके अनुज्ञप्तिधारी को सूचना देगा।

(2) उप-नियम (1) के अधीन सूचना में विधिक अधिकार का उपयोग करने वाले व्यक्ति का नाम और पता, एजेंसी का ब्यौरा, पता, खुदाई शुरू करने की तारीख और समय, खुदाई का विवरण और स्थान तथा इस प्रकार की खुदाई या उत्खनन करने के कारण शामिल किए जाएंगे।

(3) अनुज्ञप्तिधारी उप-नियम (1) के अधीन सूचना प्रस्तुत करने पर संपत्ति से संबद्ध किसी भी अनुज्ञप्तिधारी द्वारा स्वामित्व वाली या नियंत्रित या तार अवसंरचना का ब्यौरा सामान्य पोर्टल के माध्यम से यथा शीघ्र उपलब्ध कराएगा जिसका प्रयोग वह तार अवसंरचना को क्षति पहुँचाए बिना समन्वय के लिए पूर्वावधानी उपायों के साथ-साथ अधिकार के विधिक प्रयोग के लिए करना चाहता है।

(4) खुदाई या उत्खनन के विधिक अधिकार का प्रयोग करने वाला व्यक्ति, उप-नियम (3) के अनुसार अनुज्ञप्तिधारी द्वारा किए गए पूर्वावधानी उपायों पर उपयुक्त कार्रवाई करेगा।

(5) ं यदि कोई अनुज्ञप्तिधारी अधिनियम की धारा 19(क) के अनुसार विहित समय के भीतर ब्यौरा उपलब्ध नहीं कराता है तो खुदाई या उत्खनन के विधिक अधिकार प्राप्त व्यक्ति इसके पश्चात संपत्ति की खुदाई या उत्खनन करने के लिए स्वतंत्र होगा।

4. नियम के उपबंधों के उल्लंघन के लिए नुकसानी प्रभार – (1) कोई व्यक्ति, जिसने किसी संपत्ति की खुदाई या उत्खनन के विधिक अधिकार का प्रयोग इस ढंग से किया हो, जिससे अधिनियम के उपबंधों के अनुसार विधिवत रखे गए तार अवसंरचना के बुनियादी ढांचे को नुकसान होता है, यह तार प्राधिकारी को नुकसानी प्रभार का भुगतान करने के लिए उत्तरदायी होगा।

(2) उप-नियम (1) के अधीन नुकसानी प्रभार की गणना ऐसे खर्चों के आधार पर की जाएगी जैसा नुकसानी के प्रत्यावर्तन में उपगत किया जाए।

> [फा. सं. 2-16/2022- नीति] आनंद सिंह, संयुक्त सचिव

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

NOTIFICATION

New Delhi, the 3rd January, 2023

G.S.R. 06(E). In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes the following rules, namely: -

1. Short title and commencement.—(1) These rules may be called the Indian Telegraph (Infrastructure Safety) Rules, 2022.

They shall come into force on the date of their publication in the Official Gazette.

(2)

[भाग II—खण्ड 3(i)]

भारत का राजपत्र : असाधारण

2. Definitions. -(1) In these rules, unless the context otherwise requires, -

(a) "Act" means the Indian Telegraph Act, 1885 (13 of 1885);

(b) "common portal" means a portal or mobile phone application developed and notified by the Central Government for the purposes of these rules;

(c) "licensee" means any person holding a license under sub-section (1) of section 4 of the act.

(d) "notice" means prior information of digging or excavation submitted through common portal.

(e) "telegraph infrastructure" includes a telegraph or a telegraph line and post;

(2) Words and expressions used and not defined herein but defined in the Act shall have the meaning assigned to them in the Act.

3. Procedure for exercising of legal right to dig or excavate any property. — (1) Any person desiring to dig or excavate in the legal exercise of a right with any property in such a manner as is likely to cause damage to a telegraph infrastructure or to interrupt or interfere with telegraphic communication which has been duly placed in accordance with the provisions of the Act, shall give notice to licensee through common portal, by submitting the information of such digging or excavation, prior to the commencement of such exercise.

(2) The notice under sub-rule (1) shall include the name and address of the person exercising the legal right, agency details, contact details, date and time of start of the exercise, description and location of the exercise, and the reasons for such digging or excavation.

(3) The licensee shall, on submission of notice by the person under sub-rule (1), as expeditiously as possible provide through the common portal, the details of telegraph infrastructure owned or control or managed by such licensee, falling under or over or along the property with which the person intends to deal in legal exercise of the right, along with precautionary measures for coordination in avoiding damages to the telegraph infrastructure.

(4) The person exercising legal right to dig or excavate shall take appropriate action on precautionary measures provided by the licensee as per sub-rule (3).

(5) In case no licensee provides details within the prescribed time as per section 19(A) of the Act, the person having legal right to dig or excavate shall be free to dig or excavate the property thereafter.

4. Damage charges for breach of provisions of the rule. — (1) Any person, who in exercise of legal right has dug or has excavated any property in such a manner causing damage to a telegraph infrastructure duly placed in accordance with the provisions of the Act shall be liable to pay the damage charges to the telegraph authority:

(2) The damage charges under sub-rule (1) shall be computed based on such expenses as may be incurred in restoring damages.

[F. No. 2-16/2022-Policy] ANAND SINGH, Jt. Secy.

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064 and Published by the Controller of Publications, Delhi-110054. ALOK KUMAR

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