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**Ministry of Communications Publishes the
Indian Telegraph (Infrastructure Safety)
Rules, 2022**



On 03rd January 2023, the Ministry of Communications issued a notification in regard to the enforcement of the Indian Telegraph (Infrastructure Safety) Rules, 2022, under the Indian Telegraph Act, 1885 (13 of 1885), deemed to be effective immediately.

The Rules state basic definitions under Section 2. The Rules further states under Section 3, the "Procedure for exercising the legal right to dig or excavate any property", which states the following -

(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 controlled 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 the 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 the legal right to dig or excavate shall be free to dig or excavate the property thereafter.

Lastly, Section 4 states the "Damage charges for breach of provisions of the rule", which states the following -

(1) Any person who, in the 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 expenses that may be incurred in restoring damages.



Sushree Dash
Legal Researcher