

THE UTTAR PRADESH PUBLIC LAND (PERMISSION FOR
PLACING AND MAINTAINING OPTICAL FIBRE CABLE)
ACT, 2001¹

[U. P. Act No. 6 of 2001]

**[As passed by the Uttar Pradesh Legislature, assented to by
the Governor on March 27, 2001 and published in U.P. Gazette
Extraordinary on March 28, 2001.]**

AN

ACT

***to provide for permission to place and maintain optical
fibre cable on a public land.***

**IT IS HEREBY enacted in the Fifty-second Year of the Republic
of India as follows :-**

**Short title and
commencement**

- 1.** (1) This Act may be called the Uttar Pradesh Public land
(Permission for Placing and Maintaining Optical Fibre Cable) Act, 2001.
(2) It shall be deemed to have come into force on February 14,
2001.

Definitions

2. In this Act,-

(a) "Avas Parishad" means the Uttar Pradesh Avas Evam
Vikas Parishad established under the Uttar Pradesh Avas Evam
Vikas Parishad Adhiniyam, 1965;

(b) "Development Authority" means a Development Authority
constituted under the Uttar Pradesh Urban Planning and
Development Act, 1973;

(c) "Industrial Development Authority" means an Industrial
Development Authority constituted under section 3 of the Uttar
Pradesh Industrial Area Development Act, 1976;

(d) "licensee" means a person licensed under section 4 of the
Indian Telegraph Act, 1985;

(e) "local authority" means the Avas Parishad, a
Development Authority, an Industrial Development Authority, a
Panchayat or Municipality;

(f) "Municipality" means a Municipal Corporation, Municipal
Council or Nagar Panchayat constituted under the Uttar Pradesh
Municipalities Act, 1916 or the Uttar Pradesh Municipal
Corporation Act, 1959, as the case may be;

(g) "Optical fibre" means a glass or plastic fibre capable of
being used as a medium to transmit information as light pulses;

(h) "Panchayat" means a Gram Panchayat, Kshettra
Panchayat or Zila Panchayat constituted under the United
Provinces Panchayat Raj Act, 1947 or the Uttar Pradesh Kshettra
Panchayats and Zila Panchayats Adhiniyam, 1961, as the case
may be.

1. For SOR see at the end of this Act.

(i) “public land” means a land, road street, pavement or other immovable property belonging to, or vested in, or controlled or managed by local authority.

Over-riding effect

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law for the time being in force.

Power of the State Government to give permission

4. The State Government shall have power to give permission to a licensee to place and maintain optical fibre cable under, over along, across in, or upon, any public land, to the State Government in the prescribed manner.

Permission to place and maintain optical fibre cable

5. (1) Any licensee may make application for permission to place and maintain optical fibre cable under, over along, across in, or upon, any public land, to the State Government in the prescribed manner.

(2) The State Government may, after such inquiry as it considers necessary, give the permission applied for on such terms and conditions as may be prescribed.

(3) A licensee to whom a permission under sub-section (2) has been given, may, for the purposes of placing, maintaining, examining, repairing, altering or removing any optical fibre cable enter on the public land under, over along, across in, or upon which such cable is proposed to be, or has been, placed and shall also be entitled to do all acts necessary for the said purposes.

Power to make rules

6. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Repeal and Savings

7. (1) The Uttar Pradesh Public Land (Permission for Placing and Maintaining Optical Fibre Cable) Ordinance, 2001 is hereby repealed.

U.P. Ordinance no. 3 of 2001

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

With a view to encouraging co-operation of private sector in the development of information technology, it was considered expedient to give maximum facility to private institutions who want to place optical fibre cable. It was, therefore, decided to make a law to empower the State Government, notwithstanding anything to the contrary in any other law for the time being in force, to give permission to such private institutions to place and maintain optical fibre cable under, over, along, across, in or upon the land, road, street, pavement or other immovable property belonging in, or vested in, or controlled or managed by a local authority.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Public Land (Permission for Placing and Maintaining Optical Fibre Cable) Ordinance, 2001 (U.P. Ordinance no. 3 of 2001) was promulgated by the Governor on February 14, 2001.

This Bill is introduced to replace the aforesaid Ordinance.
