



**The Uttar Pradesh Public Land (Permission for Placing and Maintaining
Optical Fibre Cable) Act, 2001**
Act 6 of 2001

Keyword(s):

**Avas Parishad, Development Authority, Industrial Development Authority,
Licensee, Local Authority, Municipality, Optical Fibre, Panchayat, Public Land**

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

Dated Lucknow, March 28, 2001

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sarvajanik Bhumi (Optical Fibre Cable Bichhane Aur Uska Anurakshan Karne Ke Liye Anumati) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 6 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 27, 2001.

**THE UTTAR PRADESH PUBLIC LAND (PERMISSION FOR PLACING AND
MAINTAINING OPTICAL FIBRE CABLE) ACT, 2001**

(U.P. ACT NO. 6 OF 2001)

[As passed by the Uttar Pradesh Legislature]

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 :—

1—(1) This Act may be called the Uttar Pradesh Public Land (Permission for Placing and Maintaining Optical Fibre Cable) Act, 2001.

Short title and
Commence-
ment

(2) It shall be deemed to have come into force on February 14, 2001.

2. In this Act,—

Definitions

(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, 1885;

(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, Kshetra Panchayat or Zila Panchayat constituted under the United Provinces Panchayat Raj Act, 1947 or the Uttar Pradesh Kshetra Panchayats and Zila Panchayats Adhiniyam, 1961, as the case may be;

(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.

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 to, 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.

By order,
Y.R. TRIPATHI,
Pramukh Sachiv.