

TELECOMMUNICATIONS AND TELECOMMUNICATIONS LAWS IN PAKISTAN

**[BASICS OF TELECOM, POLICIES, LAWS, RULES &
REGULATIONS AND INTERNATIONAL AGREEMENTS]**

**Containing other Relevant Laws, Rules and
Case Law thereunder**

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*Dedicated
to
my
Father and Mother.*

Preface

Telecommunications is becoming very complicated subject with new inventions which cannot be even imagined a few years back. Due to such inventions and their use in business and trade is providing quick and huge profits. Such use and developments in the field of telecommunications has made it the fast growing sector in the world and determining the directions of the national as well as world economies. Today's age is information technology and digital age with all new possibilities. Fast, faster and the fastest. There are non-stop demands for more and more better services with variety. Such demand is the impetus behind innovations and inventions in the field of telecommunications with a profit motive with the least expenses.

Thus, Telecommunications sector in Pakistan is booming with millions of mobile phones and land lines. It is the age of information technology and everything is being digitalized. Few years back, getting a telephone connection was a Herculean job in Pakistan and sometimes was made available after intervention at the highest level or even sometime by the concerned Minister. Nobody could think such a revolutionary changes in the telecommunications sector in a country like Pakistan where everything is moving with snails pace.

Among other reasons, the Government's policy of privatization and de-regulation is the major impetus behind the opening of telecommunications sector in addition to obligations under World Trade Organization. However, no country may survive in a better way with an outdated communication system and similarly with a rotten and backward telecommunications system in this age of information technology. Growth of information technology is so fast that it is changing and outdated the things in days not in years. Just with the passage of few years manual telephone exchanges and telephone sets have become the part of antiques. No one has seen such rapid changes in his life before the last quarter of the twentieth century. Today, no wires are required to transmit the magnetic pulses which will be reconverted into sound waves at the other end with old style electromagnetic instruments. Even now, it is the end of tik tik era of telegraph machines and teleprinters sending and receiving messages from distant places within and outside the country with the dawn of digital age of computers and information technology providing SMS messages in mobile handsets wherever someone is, or receiving electronic mails through computers in addition to access bulk of data of all kinds through World Wide Web at very cheaper rates as and when desired. Now, technology is mobile with mobility of human beings or animals or big man-made technological gadgets and big flying machines like jumbo aeroplanes carrying hundreds of passengers from one destination to another in different parts of the world with computer-guided systems without much trouble.

Geostationary Satellites have further changed the communication patterns in the world as every corner or part of this globe is under the direct surveillance of these electronic eyes which may image thousand times better than human camera i.e. eye.

Generally it is said that the law is rigid system with very slow changes keeping abreast the latest developments but the advancements in information technology has made it equally fast to provide legal solutions to newly emerging issues and problems based on digitalization of data, communications and information technology.

Opening of or privatization/de-regulation of a sector is not an easy job. It requires a lot of regulatory frameworks like policies, new laws, changes in the existing laws and rules and regulations to provide solutions to all issues and problems resulting from such opening and privatization. Economic factors and unscrupulous elements/stakeholders may spoil the prospective benefits of such policies with concentration of wealth and monopolizing the sector from sole public control to control in few hands in private sector with all its economic implications.

To keep the competitive environment and transparency the Government of Pakistan has established a regulatory regime for telecommunications and information technology sector in the country with the opening, privatization and de-regulation of telecommunications sector. Pakistan Telecommunication Authority is entrusted to regulate and supervise the telecommunication sector in Pakistan and to keep it in line with changing international technological scenario to lead this nation in this telecommunication century.

The Telecommunication (Re-organization) Act, 1996 (XVII of 1996), is the basic legal framework given by the Parliament to achieve the ambitious goals in the telecommunication and information technology sector in Pakistan providing different key organizations including the Pakistan Telecommunication Authority.

Pakistan Telecommunication Authority has made a lot of efforts to regulate each and every aspect of the telecommunications sector in Pakistan and to meet the internationally posed challenges of competition and transparency. Authority has made and notified many Rules and Regulations providing regulatory guidelines for various aspects of telecommunications.

It is pertinent to point out here that I am neither a telecommunication engineer nor an electrical engineer. But I would like to mention that the basic reason for providing basic information about basics and principles of telecommunications is that I had read the subjects like Electricity and Magnetism, Waves and Oscillations and some other related subjects during my studies in my B. Sc. Although, latter it was not my ambition to study science any more but it is the first time in my life when I am able to utilize my knowledge and information of the above subjects and nothing apparently seemed me new while I was researching on the subject of telecommunications and

studying different very complicated concepts of Physics including Electricity, Magnetism, Waves and Oscillations which are not, in any way easy for an ordinary reader to understand. However, I have made efforts to keep the concepts very simple, clear and concise.

But telecommunication, in no way, is my specialization. Similarly, the telegraph, telephone and wireless are not the inventions of this part of world. And only scarce material about these basics of telegraphy, telephony or wireless i.e. telecommunications, is available in the country. Particularly, all historical information is relating to America, Europe and Scandinavian countries wherein telecommunications and its concepts had been developed and grown up into a full fledged technology with latest systems. I have benefited from all those sources. However, about the material used in this publication, I have extensively relied on Thomas Farley's History of Telephone Series available at website. However, easy and simple language has been used for easy understanding of the readers as in most of the cases they are legal professionals with the least concern of technical details but it is necessary for a legal practitioners in the field of telecommunications to, at least, understand the basic concepts and principles of telecommunications. Upto this extent first twenty chapters will be quite useful for such professionals as after studying this book they will be in possession of basic knowledge and information about telecommunications.

However, for more technical information about telecommunications, some more advanced sources may be consulted. If some concepts are not clearly conveyed or described according to their technical requirements, I may simply request that you may resort to relevant knowledge in the field telecommunications in consultation with some expert or professional in telecommunications.

Similarly, some other texts have been taken or adopted from some other sources. Thus, those sources may be consulted for more knowledge and information on the subject.

Some international treaties, agreements, conventions or similar documents have also been included in the book for your benefit from an international perspective in the field of telecommunications.

In the same way, the knowledge of basic terms quite frequently used in a subject are also beneficial and to achieve this purpose a glossary of terms and abbreviations relating to telecommunications has been added at the end of the book.

It is also to mention that the book in your hands, in addition to some theoretical concepts, is also a compilation containing all laws relating to telecommunications and information technology in Pakistan along with rules and regulations made thereunder in their upto date form with proper referencing and suitable footnotes. Few repealed legal texts have also been included in the book to

provide a historical perspective to the readers and users about opening and de-regulation of telecommunications sector in Pakistan from public to private sector.

I hope it will be a useful publication in the telecommunications field for practitioners of telecommunications law, other lawyers, academics in telecommunications sector and students of telecommunications law as well. It is containing extensively upto date legal texts, case law and also providing some determinations of Pakistan Telecommunication Authority and its Officers for the benefits of the readers and users of this book.

Every effort has been made to make legal texts and references error-free. However, there is possibility of errors and omissions but all it will be without any bad intention. However, I shall be thankful if you point out all such lapses, mistakes, errors or omissions for rectification in future editions of this book in more improved form. Your cooperation, guidance and assistance will be of tremendous benefit for me.

All suggestions and comments will be welcomed for improvement of quality of this work. I shall also be ready and available for all such authorities which intend to update their rules and regulations for the benefit of general public with all guidance, advice and expertise.

You can also send me or my legal advisors messages electronically at my or their e-mail addresses given on this page. Your questions and queries will also be replied and advice about any legal aspect will also be provided.

Islamabad, November, 2006.

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Acknowledgement

Author, Editor and Compiler

is

thankful to all those

*friends, colleagues, experts, professionals and well-wishers
whose active advice and guidance made me able to produce
this work and have guided me during the process of editing and
compiling of these laws, rules and regulations.*

*I am also thankful to printers, publishers,
their staff members without whose efforts and cooperation
this work was not possible.*

*I am also thankful to PTA, ITU, FCC, ETSI and other Organizations
and Institutions for using their websites particularly for taking extracts from
Determinations for the benefit of readers and users of this publication.*

TELECOMMUNICATIONS AND TELECOMMUNICATIONS LAWS IN PAKISTAN

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PART - I

**HISTORY
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