

TELECOMMUNICATIONS L A W S

[AMENDED UPTO DATE WITH CASE LAW]

**Containing Relevant Laws and Rules
thereunder**

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Dedicated
to
my son Ahmed Yar and daughter
and also
to
My Wife.

Preface

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 However, no country may survive in a better way with an outdated communication system and similarly with a rotten and backward telecommunications system in this age of information technology.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 outdating 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.

The book in your hands is 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 useful publication in the telecommunications field for practitioners of telecommunications law, other lawyers, academics in telecommunications sector and students of law as well. It is containing extensively upto date legal texts, case law and also providing some determinations of Pakistan Telecommunication Authority for the benefits of the readers and users of this book.

Every effort has been made to make legal texts and references error-free but after all "To err, human". There is possibility of mistakes, 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 answered and advice about any legal aspect will also be provided.

Islamabad, October, 2006.

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PART - I

**TELECOMMUNICATIONS
LAWS, ETC.**