

TELECOMMUNICATIONS L A W S

[AMENDED UPTO DATE WITH CASE LAW]

**Containing Relevant Laws and Rules
thereunder**

G. M. CHAUDHRY

*M.B.A., M.A.(English), M.A.(Political Science), M.A.(History), LL. B.(Pb.),
D.T.L.(Pb.), D.L.L.(Pb.), D.I.P.L.(Pb.), Certificate in Islamic Laws,
General Course on Intellectual Property (Switzerland)*

All rights are reserved with the Author, Editor and Compiler. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form whatsoever or by any means, electronic, magnetic tape, mechanical, photocopying or otherwise, without prior permission in writing from the Author, Editor and Compiler.

Any person who infringes the above in relation to this publication may be liable to criminal prosecution and civil claims for damages. The Copyright Ordinance, 1962 (XXXIV of 1962), has made the abovesaid violations a non-bailable and cognizable offence.

Disclaimer

Efforts have been made to avoid errors and omissions in this publication with due care and diligence. However, errors or omissions may creep in while editing or processing for computerization and printing. Any such mistake, error, discrepancy or omission may be brought to the notice of Author, Editor and Compiler or the Publisher which shall be rectified in the next edition.

Author, Editor and Compiler, Publisher, Printer or sellers are not responsible, directly or indirectly, for any consequences, damage or loss of action, consequential or incidental, to anyone, of any kind, in any manner, resulting therefrom the use of legal texts or case law, or their references, as those are edited and compiled in good faith keeping utmost care and caution to make them error-free. However, in case of any confusion or difference, original legal texts or decisions may be consulted and used.

It is further pointed out that a few legal texts have been reproduced from such sources which are not accessible easily and even after making the best efforts it was not possible to have access to latest amended texts of such documents and editor and compiler or the publisher is not responsible about the present status of those documents and are not accepting any legal responsibility about such documents as these are included in this publication for the information of users in good faith and the users may resort to relevant authorities for their latest status.

*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 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.

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.

G. M. Chaudhry
gmchaudhry2001@yahoo.co.uk

Legal Advisors and Consultants
Chaudhry & Chaudhry Associates
chaudhry_chaudhry@hotmail.com

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 for using their website particularly for taking
extracts from Determinations for the benefit of readers and users of this
publication.*

TELECOMMUNICATIONS L A W S

CONTENTS

S. No.	Description	Page No.
-----------	-------------	-------------

PART – I **TELECOMMUNICATIONS LAWS, ETC.**

1. The Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996)
2. The Pakistan Telecommunication Corporation Act, 1991 (XVIII of 1991)
3. The Telegraph Act, 1885 (XIII of 1885)
4. The Wireless Telegraphy Act, 1933 (XVII of 1993)
5. The Pakistan Broadcasting Corporation Act, 1973 (XXXII of 1959)
6. The Electronic Transactions Ordinance, 2002 (LI of 2002)
7. The Pakistan Electronic Media Regulatory Authority Ordinance, 2002 (XIII of 2002)
8. The Freedom of Information Ordinance, 2002 (XCVI of 2002)

PART – II **RULES AND REGULATIONS MADE UNDER DIFFERENT LAWS RELATING TO TELECOMMUNICATIONS, ETC.**

9. The Pakistan Telecommunication Rules, 2000

10. The Amateur Radio Services Regulations, 2004
 11. The Audiotex Service Regulations, 2004
 12. The Burglar Alarm Service Regulations, 2004
 13. The Card Pay Phone Service Regulations, 2004
 14. The Fixed Line Tariff Regulations, 2004
 15. The Interconnection Disputes Resolution Regulations, 2004
 16. The Non Voice Communication Network Service Regulations, 2004
 17. The Pakistan Telecommunication Authority (Functions and Powers) Regulations, 2004
 18. The Registration of Satellite Service Provider Regulations, 2004
 19. The Trunk Radio Services Regulations, 2004
 20. The Type Approval Regulations, 2004
 21. The Vehicle Tracking Service Regulations, 2004
 22. The Access Promotion Rules, 2004
 23. The Mobile Number Portability Regulations, 2005
 24. The Number Allocation & Administration Regulations, 2005
 25. The Access Promotion Regulations, 2005
 26. The Pakistan Telecommunication Authority Employees Service Regulations, 2004
 27. The Pakistan Telecommunication Employees Trust (Investment) Rules, 2003
 28. The Video Recording or Reproducing Apparatus (Possession and Licensing) Rules, 1984
 29. The Television Receiving Apparatus (Possession and Licensing) Rules, 1970
 30. Freedom of Information Rules, 2004
-

PART - I

**TELECOMMUNICATIONS
LAWS, ETC.**