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PART II

Statutory Notifications (S. R. O.)

**GOVERNMENT OF PAKISTAN
PAKISTAN TELECOMMUNICATION AUTHORITY**

NOTIFICATION

Islamabad, the 4th August, 2020

S.R.O. 869(I)/2020.—In exercise of powers conferred under clause (o) of sub-section (2) of section 5 of the Pakistan Telecommunication (Re-organization) Act, 1996, the Authority hereby makes the following regulations, namely:

1. **Short Title and Commencement.**—(1) These regulations shall be called the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication (Amendment) Regulations, 2020.

(2) These regulations shall come into force with effect from the date of gazette notification of this amendment.

2. **Amendment in Regulation 3, S.R.O 713 (I)/2009.**—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3417 of S.R.O 713 (I)/2009 of 2009, after clause (1) of sub-regulation (1) of regulation 3 a new clause (m) shall be inserted and read as follows:

“(m) “Originator” means the initiator of a call, SMS”

(1917)

Price: Rs. 6.00

3. **Amendment in Regulation 5, S.R.O 713 (I)/2009.**—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3418 of S.R.O 713 (I)/2009 of 2009, proviso of sub-regulation (1) of regulation 5 shall be omitted.

4. **Amendment in Regulation 11, S.R.O 713 (I)/2009.**—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3421 of S.R.O 713 (I)/2009 of 2009, regulation 11 shall be substituted and read as follows:

- “11. **Complaint Handling Procedure.**—(1) *All Operators shall setup a round the clock complaint handling mechanism for Subscribers in accordance with Part-IV of the Telecom Consumers Protection Regulations, 2009 within sixty (60) days of the notification of these Regulations.*
- (2) *The operators shall acknowledge every complaint by a subscriber with a unique complaint number.*
- (3) *The specified procedure to be followed by an Operator for handling of a complaint filed with respect to Fraudulent Communication shall be as follows:*
- (i) *The number and IMEI (incase of Mobile MSISDN) of the fraudulent communication originator shall immediately but not later than 24 hours of receipt of complaint, be blocked by the Operator: Provided further that all numbers mentioned/ used in the contents of fraudulent communication shall also be blocked after necessary probe by the operators;*
- (ii) *In the case of more than one instance of indulging in fraudulent activity the subscriber, shall not be eligible for any other cellular mobile service subscription;*
- (iii) *Operators shall issue a warning through SMS to all numbers issued against the fraudster's CNIC that a number issued against his CNIC has been found involved in fraudulent activity and in case any number on his name is found again in fraudulent activity then all number issued against his CNIC shall be blocked permanently and that his CNIC shall also be blacklisted for any future telecom service subscription;*
- (iv) *In case of involvement of any subscriber in fraudulent activity for second time ignoring the warning, operators shall not issue new subscription against fraudulent CNIC and also block already issued connections against the CNIC; and*

- (v) *The Operator shall take all reasonable steps to refund the amount to the complainant.*
- (4) *The specified mechanism to handle complaints against Obnoxious Communication shall constitute the following measures to be adopted by all Operators:*
 - (a) *Recording of all telephone numbers including area code (where applicable) of a complainant;*
 - (b) *Telephone number and area code (where applicable) of the originator of the Obnoxious Communication;*
 - (c) *Issuance of warning immediately but not later than 24 hours of receipt of complaint and record the same in the grey list being maintained by the Operator;*
 - (d) *If the originator is repeatedly involved in Obnoxious Communication even after issuance of warning, the Operator shall terminate the outgoing communication of the Telephone subscription of the originator immediately but not later than 24 hours of the receipt of the complaint."*

5. **Amendment in Annex-B, S.R.O 713 (I)/2009.**—In the Protection from Spam, Unsolicited, Fraudulent and Obnoxious Communication Regulations, 2009, at page 3423 of S.R.O 713 (I)/2009 of 2009, Annex-B shall be omitted.

[No. 60/Regs/PTA/2020/Pt-II/190.]

ERUM LATIF,
Director (Law & Regulations).