



**PAKISTAN TELECOMMUNICATION AUTHORITY**  
**HEADQUARTERS, F-5/1 ISLAMABAD**

<http://www.pta.gov.pk>

**Re:**

**Pakistan Telecom Mobile Limited (U fone)**

**Enforcement Order under Section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 read with sub-rule (4) of Rule 9 of the Telecom Rules, 2000**

Date of Issuance of Show-cause Notice:	25 <sup>th</sup> November, 2008
Date of Hearing:	25 <sup>th</sup> June, 2009
Venue of Hearing:	PTA HQs, Islamabad

**The Authority Present:**

Dr. Mohammed Yaseen:	Chairman
S. Nasrul Karim A. Ghaznavi:	Member (Finance)
Dr. Khawar Siddique Khokhar:	Member (Technical)

**The Issue:**

**“The Licensee’s Obligations Regarding Mobile Subscribers’ Documentation and Antecedents Verification”**

**Decision of the Authority**

**1. Brief Facts:**

1.1. M/s Pakistan Telecom Mobile Limited (U-fone) (the “licensee”) which is maintaining telecommunication systems and providing telecommunication services in the country under licence No.PTA/CMT(4)/PTML dated 31<sup>st</sup> August, 1998 (the “licence”) issued to it by Pakistan Telecommunication Authority (the “Authority”) was, on 25<sup>th</sup> November, 2008 issued a show cause notice (the “notice”) under section 23 of the Pakistan Telecommunication (Re-organization) Act, 1996 (the “Act”) for contravening the terms and conditions of the licence.

1.2. Powers of the Authority to issue Show Cause Notice: Under section 23 of the Act, whenever provisions of the Act, the rules framed thereunder or the terms and conditions of licence are contravened by a licensee, the Authority may proceed against it with the issuance of a show cause notice. For ready reference, the said section is reproduce as under;

1) *Where a licensee contravenes any provision of this Act or the rules made thereunder or any term or condition of the licence, the Authority[ or any of its officers*

*not below the rank of director] may by a written notice require the licensee to show cause within thirty days as to why an enforcement order may not be issued.*

*(2) The notice referred to in sub-section (1) shall specify the nature of the contravention and the steps to be taken by the licensee to remedy the contravention.*

*(3) Where a licensee fails to—*

*(a) respond to the notice referred to in sub-section (1); or*

*(b) satisfy the Authority about the alleged contravention; or*

*(a) remedy the contravention within the time allowed by the Authority, [or any of its officers not below the rank of director], the Authority[ or any of its officers not below the rank of director], may, by an order in writing and giving reasons—*

*(i) levy fine which may extend to three hundred and fifty million rupees; or*

*(ii) suspend or terminate the licence, impose additional conditions or appoint an Administrator to manage the affairs of the licensee, but only if the contravention is grave or persistent.*

*(4) Without prejudice to the provisions of sub-section (1) and sub-section (3), the Authority [or any of its officers not below the rank of director] may, by an order in writing, suspend or terminate a licence or appoint an Administrator, if the licensee—*

*(a) becomes insolvent or a receiver is appointed in respect of a substantial part of the assets;*

*(b) being an individual, become insane or dies.*

*Explanation—For the purpose of this section, the Administrator shall be appointed from amongst the persons having professional knowledge and experience of telecommunication.*

1.3. Clauses of the licence contravened: As is clear from the above, contravention of the provisions of the Act, the rules or the terms and conditions of the licence may lead to issuance of a show cause notice by the Authority. In the instant case, it was contravention of clause 1.14 of the licence by the licensee which constrained the Authority to invoke the provisions of section 23 of the Act. However, inadvertently, as a typo error, in the notice clauses of the licence contravened were mentioned as 3.1.2 and 3.1.3. Clause 1.14 of the licence is reproduce below;

*1.14 The Licensee would comply with the requirement of national security as contained in section 54 of the Act and in this regard shall comply with any direction given by the Authority issued from time to time, which would be binding on the Licensee to implement.*

- 1.4. The Contravention in brief: As given above, the licensee is obliged to abide by each and every decision/order/determination/directive of the Authority under clause 1.14 of the licence given in regard to the requirement of national security. However, the licensee was found to have persistently ignored the Authority's instructions/orders/directives issued to it on the subject of cleaning of old data and issuance of new connections (SIMs). The facts which constituted the contravention on the part of the licensee were communicated to the licensee in the notice in the following sequence;
- i. Vide determination No.DG(LE)/9(2-24)/Coord/PTA/02V-III dated September 17, 2004 "Verification Procedure for Mobile Subscribers' Antecedents" the licensee was directed and required to issue new connections on the strength of CNICs only and to ensure that the SIM gets activated only after proper verification of the requisite documents and form B alongwith CNIC of one of the parents was made mandatory for issuing connection/SIM to children under 18 years of age;
  - ii. On the reservations shown by the licensee and all other mobile operators, the aforementioned determination was withdrawn vide determination No.DG (LE)/9(2-24)/Coord/PTA/02 Vol-III dated September 29, 2004 and with the consent of all the mobile operators/licensees including licensee the responsibility of authenticity/verification of mobile subscribers' antecedents was placed on the licensee in the case of the licensee's subscribers and on all other operators regarding their subscribers;
  - iii. Vide letter No.9(2-24)/Coord/PTA/02 Vol.III dated 28<sup>th</sup> June, 2005 an SOP on verification of Mobile/WLL/Fixed line subscribers' antecedents was issued for strict and immediate compliance w.e.f. 1<sup>st</sup> March, 2005 requiring the licensee to issue new connections/SIMs on the strength of CNICs, NICs, Form-B in case of the applicant below the age of 18 years alongwith CNIC/NIC of one of the parents and in case of foreigners, on the copy of the passport;
  - iv. Vide the aforementioned SOP it was further laid down to verify subscribers data through NADRA within ten days of the sale/issuance of the new number to the subscriber and in case of erroneous data entry, to approach the customer for provision of correct data within 15 days and to verify it from NADRA and on non-compliance by the customer, to bar the outgoing facility in the first instance and after expiry of 30 days to close the connection permanently;
  - v. No action was taken by the licensee on the aforementioned SOP, constraining the Authority to communicate its concern through the letter of its Chairman No.9(2-24)/2007/Enf/PTA dated 26<sup>th</sup> March, 2007. Vide the said letter the licensee was informed that the licensee's continuous violations of the SOP/directives has given enough reasons to believe that the Authority/PTA has been taken for granted and the licensee was required to submit a detailed report alongwith the strategy evolved to address the issue of verification procedure by 15<sup>th</sup> April, 2007;
  - vi. Since there was no compliance of the Authority's directives on the issue, vide letter No.9(2-24)/2007/Enf/PTA dated 1<sup>st</sup> June, 2007 Chairman of the Authority again communicated to the licensee the Authority's concern over the issue of

verification of antecedents of mobile subscribers and in view of the importance of the matter, the Chairman vide the said letter, sought personal indulgence of the licensee's CEO, in the matter and the CEO was requested to ensure implementation of the decision taken in the meeting of 25<sup>th</sup> May, 2007;

- vii. The licensee was directed in various meetings and through letters/directives (e.g. May 31, 2007, July 10, 2007, August 24, 2007, August 30, 2007, September 14, 2007, October 3, 2007 and October 9, 2007) to streamline the procedure for sale of new connections down to franchisees and outlets/retailers and clean the old data by end of July, 2007, prior to surprise visits/inspections by PTA;
- viii. The deadline given by the Authority for carrying out surprise checks/inspections was also relaxed on the licensee's request from 1<sup>st</sup> July and 1<sup>st</sup> August, 2007 to 1<sup>st</sup> September, 2007;
- ix. Looking at the continuous default in implementation of the Authority's directions regarding verification of the subscribers' antecedents by the licensee, the Authority had to warn and inform the licensee's franchisees on 24<sup>th</sup> June, 2007 through advertisements/notices appeared in the national press to stop issuing cellular connection on fake identity but all in vain;
- x. Looking into the gravity of the issue of the subscribers' either no or fake data with the licensee and the law and order situation it has resulted into and the threat it has posed to the nation at large, the august Supreme Court of Pakistan in HRC No.2843/2007 took *suo moto* notice;
- xi. The sub-committee of the Senate Standing Committee on Interior also took serious notice of the non-availability of mobile users' antecedents with the relevant operators and the procedure of issuing SIMs without verification;
- xii. Proceeding further in the matter, the august Supreme Court of Pakistan vide its order dated 9 August, 2007 also directed the cellular mobile companies including you to cooperate with PTA and adhere to the instructions it has issued in this regard in letter and spirit;
- xiii. Orders/directions/instructions of the Supreme Court of Pakistan are followed/obeyed/implemented as laws of the land;
- xiv. Policy Directive was issued by MoIT & Telecom regarding "Mobile Subscribers' Documentation and Antecedents Verification" vide letter No. 4-I/2005-M (T) dated January 24, 2008. Accordingly, PTA issued Standing Operating Procedure on the same vide letter number 9(2-24)/2008/Enf/PTA dated February 22, 2008 whereby the licensee was directed to clean the old data and issue new connections after due verification through NADRA database.

- 1.5. Result of the Surveys: Two nationwide surveys were conducted by the Authority in September and November 2008. It revealed during the said surveys that the licensee's new connections/SIMs are still available in the market for sale without filling Customer Agreement Form (CSAF) from the customer, without CNICs or on any CNIC copy without "verification of subscribers' antecedents" in sheer disregard to the Authority's directives.

The following results of some of the surveys conducted showing the licensee's violation of the Authority's directives were communicated to the licensee in the notice under:

**First Joint Survey 8 – 21 September, 2008**

Zone	Outlets Checked		With Verification		Without Verification	
	F	R	F	R	F	R
Karachi	7	31	7	9	-	22
Lahore	-	30	-	12	-	18
Peshawar	3	47	2	8	1	39
Quetta	7	31	6	-	1	31
Rwp/Ibd	-	46	-	28	-	18
Muzaffarabad	2	26	-	-	-	26

Franchisees 2/19 = 10.52%, Retailers 154/211 = 73 %

**Second Joint Survey 10-16 November, 2008**

Zone	Outlets Checked		With Verification		Without Verification	
	F	R	F	R	F	R
Karachi	3	15	3	6	-	9
Lahore	5	15	4	1	1	14
Peshawar	4	20	3	3	1	17
Quetta	4	20	4	-	-	20
Rwp/Ibd	4	15	3	6	1	9
Muzaffarabad	1	5	1	2	-	3

Franchisees 3/21 = 14.28%, Retailers 72/90 = 80%

- 1.6. Conveying of the Authority's concern: A numbers of meetings were held with the licensee wherein the licensee were conveyed the concerns of the Authority on non compliance of SOP. Chairman PTA called a meeting of the CEOs on October 7, 2008 and of regulatory heads of the companies on October 20, 2008 where results of first joint survey conducted in September 2008 were communicated with the directions to streamline the procedures. The mobile operators including the licensee were told that next joint survey would be conducted shortly and necessary legal action would be initiated if any mobile licensee is found in violation of the directions in this regard.
- 1.7. The licensee was required to explain its position: While acting under the delegated powers of the Authority, DG(L&R), PTA, vide the notice required the licensee to remedy the aforementioned contravention by immediately complying with the Authority's SOP/directives/instructions mentioned above and submit compliance report within ten days of the issuance of the notice and to show cause in writing

within thirty (30) days of the issuance of the notice and explain as to why an enforcement order under sub-section (3) of section 23 of the Act may not be issued against it for disregarding and not complying with the Authority's aforementioned directives/instructions/orders and the persistence it has shown so far in gravely contravening the terms and condition of the licence.

- 1.8. Licensee's response to the notice: The licensee's response to the notice dated 24<sup>th</sup> December, 2008 is reproduced in *verbatim* as under:

*At the outset, we assure you that Ufone has always taken all possible measures to ensure full compliance to its license obligations as well as all determinations, directives and instructions issued by the honorable Authority. The honorable Authority's determinations and Standard Operating Procedure (SOP) on the issue of verification of subscribers' antecedents have not been exceptions to this and we have been striving to implement the same in its true letters and spirit.*

***Measures Undertaken:***

*As required by the honorable Authority, we have taken various measures in recent past to counter this discrepancy resulting from the evasive tactics of the franchisees, including:*

- 1. Verification of all the existing subscribers' antecedents and disconnection of all the unverified connections - Ufone has already de-activated/blocked a total of 2,564,511 subscribers' connections and continues to verify all new subscribers' antecedents with NADRA.*
- 2. Inspection of existing subscribers' data to ensure that no subscriber holds more than ten connections against a single CNIC at one time and disconnection of extra connections-ufone has already de-activated/blocked 367,711 connections in this regard and continues to check for further such instances.*
- 3. Upon the honorable Authority's instructions, we developed and implemented a new system of SMS based verification of subscribers' antecedents. However, the same system was deemed inefficient by the honorable Authority and we were subsequently instructed by the honorable Authority to shift from this system to the new system of activating non active SIMs through the Company Call Centers.*
- 4. Issuance of warning letters to our franchisees, examination of explanations provided in response to our warning letters, and the persons/franchisees found guilty of such omissions strongly reprimanded. Ufone has issued various letters detailing out the directions to ensure compliance with the honorable Authority's directives.*
- 5. Increase in the number of surprise checks/raids conducted to ensure strict adherence to the honorable Authority's determinations/SOP by the franchisees.*
- 6. Suspension of various franchisees that were caught selling/issuing Ufone connections without required documentation and/or proper verification of the subscribers' antecedents even after such warning letters were issued to them. Ufone had suspended 21 franchisees and given strict -warning letter with penalty upto Rs 25,000 to 15 franchisees based on these survey results. Please note that certain*

*suspended franchisees were restored only upon the honorable Authority's instructions.*

7. *Introduction of internal audit system through Ufone's own Regional Retail Manager/Regional teams on regular basis to ensure complete and positive compliance of honorable Authority's directives/SOP by Ufone's franchisees and retailers.*

### ***Suspension of Franchisees & Ban on Retailers***

*As to the franchisees and retailers found in violation of the honorable Authority's directives/SOP in the latest surveys as mentioned in the SCN, please note that we have suspended all five franchisees and have issued instructions to all the other concerned franchisees to halt their business with such retailers. A compliance report in this regard has already been submitted with the honorable Authority on 5th December 2008*

### ***Loopholes in the Prevalent System & Proposal of a New System***

*As you are aware, on 24 January 2008 the Government of Pakistan through the Ministry of Information Technology (IT & Telecom Division) issued a Policy Directive for Mobile Subscriber Documentation and Antecedent Verification, which not only acknowledges the cumbersome nature of the process of correcting/collecting the existing subscribers' data but also recognizes the enormous burden that the cellular operators including Ufone are facing due to this.*

*Moreover, the honorable Authority has now proposed a new system whereby only deactivated SIMs shall be issued to subscribers and activated only upon verification of a subscriber's antecedents through the Company's Call Centers. By introducing the new system, the honorable Authority has acknowledged the inherent loopholes in the existing system and we appreciate this acknowledgement of existence of loopholes in the prevalent system. However, we do have our reservations as to some modalities of the same and hope that with the support of the honorable Authority such reservations shall be addressed before the implementation of the new system.*

*We hope that with the successful completion of verification of existing subscribers' antecedents by Ufone and the scheduled implementation of the new system, the loopholes of the existing system being exploited by franchisees will adequately be addressed.*

### ***Strict Compliance in the Interim Period***

*We assure the honorable Authority that during the interim period prior to the implementation of the new system, all our efforts shall continue to ensure strict adherence to the honorable Authority's directive/SOP, and any violation committed during this period by any franchisee or retailer shall be promptly dealt with by terminating the violator and disconnection of any such connection issued without proper verification.*

### ***Obligation towards National Security***

*We fully recognize our responsibilities towards national security and assure you of our constant vigilance in adhering to all determinations/directives/SOP issued for protection of citizens of Pakistan, and safeguarding the integrity of our nation in any form or manner. Our commitment in this regard is evident from the extraneous efforts we put in to achieve the enormous task of verification of existing subscribers' antecedents. We hope that the Authority will appreciate our continued efforts in achieving this common purpose, and implementation of the Determination and Directives of the honorable Authority.*

### **PRAYER**

*In view of the above, it is respectfully prayed that:*

*i) Ufone be exonerated from the liabilities arising out of inherent loopholes in the prevalent system and the proposed new system of de-activated SIMs be implemented in consultation with all stakeholders; and*

*ii) the SCN may be withdrawn.*

- 1.9. 2<sup>nd</sup> Notice re continued contravention: the aforesaid reply was not found satisfactory, however, in the light of licensee's assurances regarding streamlining its system/procedures, once again joint surveys were conducted in March, 2009, therefore, in continuation of the notice, on 13<sup>th</sup> May, 2009 another notice No.14-554(L&A)/PTA/09/720 (the "2<sup>nd</sup> notice") was issued to the licensee. Besides requiring the licensee to appear before the Authority for personal hearing on the issue on 19<sup>th</sup> June, 09, the 2<sup>nd</sup> notice was meant to communicate to the licensee that its violations of the Authority's instructions/orders/SOPs on the subject is still continued even after issuance of the notice and implementation of the new system. This reminder was given for two reasons, *firstly*, to inform the licensee that despite its assurance in the reply to the notice that there will be no violation after implementation of the new regime, the violation is continued and, *secondly*, to let the licensee come prepared for the hearing on the its fresh violations as well.
- 1.10. Licensee's response to the 2<sup>nd</sup> notice: In response to the 2<sup>nd</sup> notice and in continuation of the licensee's earlier to the notice, the licensee submitted the following which is reproduce in *verbatim*:

### **PTML's Actions regarding Alleged Violations**

*To start with, we wish to bring to the kind notice of the Pakistan Telecommunications Authority ("PTA" or "the Authority") that without prejudice to the legal defence and stance of PTML outlined in its earlier responses and in this communication in the lines below, PTML has, acting as always in good faith, taken swift remedial action, pursuant to the applicable SOPs/instructions of the Authority regarding all alleged violations mentioned in the Notice. Despite the then foreseeable loopholes identified and respectfully submitted to the Authority (vide its letter dated 24<sup>th</sup> December, 2008), PTML has in the interim acted in accordance with the assurance it gave to the Authority and insofar as it was possible to do so within its ability adhered*



*to the applicable SOP. A variety of actions have duly been taken including, but not limited to, the following:*

- a) Suspension/warning/cancellation of defaulter franchisees/retailers;*
- b) halting operations with defaulter franchisees/retailers;*
- c) collection/retrieval of stock where operations halted;*
- d) letters of stern warning and instructions to strictly adhere to the Authority's SOPs, etc. with the threat of termination for good against future non-compliance;*
- e) shifting to the new system of verification as per the instructions of the Authority;*
- f) conducting its own surprise checks/raids to ensure strict adherence to the Authority's SOP;*
- g) providing no payment to franchisees whose submitted documentation does not match the particulars of the actual subscribers against whom the SIM is activated; and*
- h) even introducing an internal audit system in each of PTML's Regions to monitor and ensure compliance .*

*In this regard, please further note that a total of one hundred and seventeen (117) cases were reported in the findings of the two joint surveys comprising eight (08) franchisees and one hundred and nine (109) retailers. When SIMs were activated through "789" in eighty-four (84) out of 117 cases, all 84 were duly verified through "789". Remaining twenty-three (23) SIMs are yet to be activated.*

*The five (05) cases of activation through "789" highlighted by PTA as violations are not violations since:*

- a) Two (02) out of five (05) were fully verified alongwith secret questions.*
- b) Remaining three (03) were also verified except that secret question was not asked because no information on secret questions was provided/displayed by NADRA. The SIMs were activated since the new regime/SOP was silent on whether or not to activate the SIMs if no information was displayed regarding the secret questions. The issue has been subsequently clarified to CMTOs and is being fully adhered to by PTML. In any case, verification of these three SIMS was correct as per NADRA's provided information and the purpose of verification was duly served.*

*We trust that the foregoing would satisfy PTA regarding the necessary remedial actions already taken by PTML in this behalf.*

*Nonetheless, for a just and fair disposal of the matter, we would like to draw the kind attention of PTA to the following which are primarily legal submissions and each may be taken individually:*

### **Improper Conduct of Joint Survey**

- 1. The purpose of conduct of “joint” surveys is obvious i.e. to associate the CMTOs’ representatives for ensuring transparency of the survey.*
- 2. PTA’s officials conducting the surveys have been associating representatives of PTML’s competitors i.e. other CMTOs while conducting the surveys.*
- 3. This practice is incorrect since if they are to be the witnesses of the propriety of the survey in respect of a competitor CMTO’s observance/non-observance of the SOPs, their competence as witnesses is challengeable because of being an “interested” witness. The credibility of the joint surveys is thus legally questionable.*
- 4. Moreover, although PTML’s representative is accompanied with PTA’s officials conducting the survey, he has not been made to enter the franchisee’s or retailer’s premises to witness the exact transaction and he is merely informed only after the transaction has taken place as to what transpired. This practice is also incorrect and leaves a lot to be desired regarding the transparency of the joint surveys.*
- 5. The Authority is requested to examine these concerns for a fair and transparent joint survey in future.*

### **“Notice” Not an Extension of “SCN”**

- 6. PTA issued a Standard Operating Procedure (SOP) on Mobile Subscribers’ Documentation and Antecedents Verification vide its letter No.9(9-24)/2008/Enf/PTA dated 22<sup>nd</sup> February, 2008 (“**the old SOP**”).*
- 7. Thereafter, vide its letter No.15-9/2009/Enf/PTA dated 30<sup>th</sup> January, 2009, the latest SOP on Mobile Subscribers’ Documentation and Activation of SIMS After Verification (“**the new SOP**”) was issued by the Authority which supersedes the old SOP.*
- 8. The SCN was issued under the old SOP while the Notice has been issued under the new SOP.*

9. Yet the Notice has been sent in continuation of the SCN and is intended to treat the alleged violations of the new SOP as a continuing wrong on part of PTML not remedied as required in the SCN. It has been alleged in the Notice (issued under the new SOP) that PTML has failed to remedy its violations mentioned in the SCN which was admittedly issued under, and pertained only to, the old SOP.

10. The alleged violations mentioned in the Notice being in respect of the new SOP could not form basis for judging PTML in respect of remedy of violations sought by PTA under the old SOP.

11. The new SOP and old SOP do not co-exist and the former has superseded the latter. A violation of the new SOP could not be termed or treated as a violation of the old SOP and, accordingly, a violation of new SOP could not be treated as a failure to remedy the violation of old SOP.

12. If at all any proceedings were to be initiated in respect of violations of the new SOP, the same could not be made part of the SCN and only fresh proceedings would lie in respect thereof (if otherwise legally admissible).

13. The Notice cannot, and may please not, be treated in continuation of or an extension of the SCN and the contents of the Notice and the allegations mentioned therein may be ignored for the purposes of disposal of the SCN.

14. This will also be in keeping with the letter and spirit of section 6(b) of the Pakistan Telecommunication (Re-organization) Act, 1996 (“Act”) and section 24A of the General Clauses Act, 1897.

#### **SOPs prior to Government’s Policy Directive to be Ignored**

15. The SCN alleges violations on part of PTML of the SOPs issued by the Authority ever since its first SOP made/issued on the subject i.e. September 2004.

16. Without going into the merits of the said allegations, it is submitted that any alleged violation of the SOPs issued prior to Federal Government’s policy directive issued in this regard on 24<sup>th</sup> January, 2008 (“**GOP’s Policy Directive**”) cannot be proceeded upon for any action against PTML.

17. The SOPs are not made under any direct provision of the Act. They have also not been made a part of any rules made by the Federal Government under section 57 of the Act or the regulations made by the Authority under section 5(2)(o) of the Act.

18. Prior to GOP's Policy Directive which came on 24<sup>th</sup> January, 2008, the only provision that was relied upon by PTA in issuing the SOPs were sub-sections (1) and (2) of section 54 of the Act.

19. A bare reading of the said provisions of the Act makes it clear that the same address a totally different situation and could not, by any stretch of interpretation, be deemed to vest a power in the Authority for issuing SOPs for mobile subscribers' documentation and antecedents verification.

20. There was, as such, no legal backing for the issuance of any SOP on the subject till such time as GOP's Policy Directive was issued although it remains debatable whether the same does provide the correct legal foundation for issuance of an SOP or not.

21. In fact, it was during the hearing of the Human Rights Case (HRC) No.2843/2007 before the august Supreme Court of Pakistan that the need for some legal backing for the SOP was highlighted and, in the same context, the august Supreme Court inquired from the Federal Government if any policy directive had been issued by it under section 8 of the Act. This is evident from the order sheet of the august Supreme Court as well as the pleadings of the parties in the said case.

22. It was again in view of the fact that GOP's Policy Directive had been issued and the old SOP made in light thereof that the august Supreme Court, vide its order dated 18<sup>th</sup> March, 2008, disposed off the matter for the time being without any further proceedings.

23. This being so, any alleged violation of SOPs issued prior to GOP's Policy Directive cannot be cited as a direct or indirect ground for proceeding against PTML.

24. We may nonetheless mention that the disposal of the matter by Supreme Court of Pakistan without passing any operative order does not bestow any sanctity to either GOP's Policy Directive or the SOPs issued by PTA from time to time.

#### **No Penal Action prescribed against CMTOs in GOP's Policy Directive**

25. GOP's Policy Directive, which is purportedly the only legal basis for issuance of both the old SOP and new SOP, does not provide for nor contemplate any action against CMTOs for the violation of any SOP by the franchisees or retailers of a CMTO.

26. Section (9) of GOP's Policy Directive is very clear in this regard which only penalizes the concerned franchisee and retailer of the CMTO and not the CMTO. No

*other penal consequence is provided for the CMTOs in GOP's Policy Directive in respect of SOP's violation.*

27. *This omission in GOP's Policy Directive of not penalizing the CMTOs for a violation of their franchisees and retailers is deliberate on part of the Federal Government.*

28. *This intention of the Federal Government is also evident from the preamble of GOP's Policy Directive which repeatedly refers to the lack of emphasis on part of the "retail agents" of CMTOs on subscribers' antecedent data collection and not to the CMTOs themselves.*

29. *Given the ground realities and practical limitations involved in overseeing the vast countrywide network of franchisees and retailers that was allowed by all concerned to flourish for the sake of growth of services and access and availability to the consumers, it was only fair and logical not to hold a CMTO liable for the acts or omissions of its franchisees and retailers.*

30. *In this regard, the preamble of GOP's Policy Directive clearly acknowledges and appreciates the tremendous growth of CMTOs' distribution channels and their services and its benefits to telecommunication service consumers throughout the country.*

31. *Needless to mention that this growth was intentionally and rightly so promoted by the Authority in pursuance of its statutory mandate under clauses (c), (d) and (e) of section 4(1) of the Act, which requires PTA to:*

- a. promote and protect the interests of users of telecommunication services;*
- b. promote the availability of a wide range of high quality, efficient, cost effective and competitive telecommunication services throughout Pakistan; and*
- c. promote rapid modernization of telecommunication systems and telecommunication services.*

32. *This growth directly benefited the consumers/users of mobile telecommunication services in line with the statutory goal of promotion and protection of their interest which is a recurring theme in the Act. Reference is made, for instance, to sections 6(f) and 18(1) of the Act.*

33. *Mindful of the paramount interest of the telecommunication services users/consumers, the Federal Government itself recognized in the preamble of GOP's Policy Directive "the importance of adequate balancing of interests of all stakeholders*

*including the consumers, licensed operators, the regulator and security agencies through adoption of all encompassing, carefully time sequenced measures” for mobile subscribers’ antecedents verification.*

34. *In doing this balancing act, the Federal Government absolved CMTOs from any liability for violation by any franchisee or retailer. This intention becomes even more evident from the provisions of section (8) of GOP’s Policy Directive which specifically pertains to “Regulation and Compliance to Policy”.*

35. *In consonance with the penal provisions of section (9) which provides for penal action only against a franchisee or retailer for their respective violations, sub-section (2) of section (8) of GOP’s Policy Directive accordingly requires all CMTOs “to update penalty clauses in the contracts of the franchisees and downstream retailers”.*

36. *In this view of the matter, the CMTOs (including PTML) cannot, and should not, be penalized for any acts or omission of their franchisees or retailers and they alone, as clearly envisaged by GOP’s Policy Directive, are liable in the manner provided in GOP’s Policy Directive.*

37. *It is only in paragraph 14.b. of the new SOP, purportedly made in pursuance of GOP’s Policy Directive, that PTA has on its own provided for “legal action under the provisions of the Act” as one of the actions to be taken in case of non-compliance with the new SOP besides the action of permanently sealing the concerned franchisee.*

38. *To that extent, being in derogation of GOP’s Policy Directive (which is binding on PTA as per section 8(1) of the Act) and exceeding its mandate thereunder, paragraph 14.b. of the new SOP is to be disregarded.*

39. *Resultantly, any proceedings against PTML under the Act including the SCN and the Notice may kindly be withdrawn since they should not have been instituted against it in the first place as per the mandate of GOP’s Policy Directive.*

#### **“New SOP” Not Covered / Backed by GOP’s Policy Directive**

40. *As aforesaid, the legal basis for issuance of both the old SOP and new SOP is GOP’s Policy Directive.*

41. *GOP’s Policy Directive undeniably relates to the mobile subscribers’ antecedent verification in the scenario of pre-activated SIMs. It does not contemplate nor provide for verification of SIMs in a regime where SIMs are only to be activated post verification from NADRA.*

42. This has been clearly acknowledged by PTA in its written submissions before the august Supreme Court of Pakistan in HRC No.2843/2007 when in response to a written suggestion made by Mr. Rana Shahid Pervaiz, DSP Cantt, Rawalpindi, before the august Supreme Court seeking sale of only deactivated SIMs, it was categorically stated by PTA that “Sale of deactivated SIMs is not contemplated by the Federal Government’s policy directive on the subject, which is presumed to be aware of any security/law and order concerns related to sale of activated SIMs” [Emphasis added].

43. It was further stated by the Authority before the Supreme Court that “Sale of deactivated SIMS also raises a serious issue of hampering the growth of mobile phone industry”.

44. Given the above stance taken by PTA before the august Supreme Court, the new SOP being essentially a procedure for sale of inactive/deactivated SIMs and activation thereof after verification, it would not be covered by GOP’s Policy Directive and, as such, unless a fresh policy directive is issued by the Federal Government in line with the new SOP, it would be without the legal cover and backing that it purports to have.

45. Being admittedly deficient in legal backing/support by GOP’s Policy Directive which is purportedly its sole legal basis, the new SOP cannot be legally made basis for invoking any penal provisions or proceedings under the law. The Notice may, therefore, be withdrawn without any further action.

#### **GOP’s Policy Directive – Not in Line with Section 8(2)(c) of the Act**

46. GOP’s Policy Directive has been purportedly issued under section 8(2)(c) of the Act which allows the Federal Government to issue policy directives to the Authority in respect of “requirements of national security and of relationships between Pakistan and the Government of any other country or territory outside Pakistan and other States or territories outside Pakistan” [Emphasis added].

47. “National security” is not defined in the Act although it has been used at two other places in the Act in sections 54(1) and 57(2)(ag) thereof. “National security” has to be thus properly interpreted.

48. In plain English, this would mean security of the nation. At one place in section 54(1) of the Act, the overall context in which the phrase “national security” has been used seems to be the same i.e. security of the nation or state.

49. Somewhat akin to this understanding, Article 260 of the Constitution of the Islamic Republic of Pakistan, 1973 defines “security of Pakistan” in terms of “safety,

welfare, stability and integrity of Pakistan and of each part of Pakistan” but excludes public safety.

50. A “National Security Council” is mentioned to be established under section 3 of the National Security Council Act, 2004 “to serve as a forum for consultation on matters of national security including the sovereignty, integrity, defence, security of the State and crisis management” [Emphasis added].

51. Given the state or national level implications of a security issue, it remains arguable whether the verification of mobile subscribers’ antecedents is a matter of “national security” or not.

52. The preamble of GOP’s Policy Directive clearly mentions the purpose of the antecedents verification i.e. to act as an aid in investigation of crimes.

53. Undeniably, as a mode of communication like any other, mobile phones can be expectedly used by criminals. However, this alone should not make it a matter of such high significance as to qualify as a matter of national security.

54. If the nature of crimes committed with the aid of mobile phones affects national security, only then perhaps this could have qualified as a matter of “national security”.

55. GOP’s Policy Directive does not specify any specific category of crimes at a scale that could affect or threaten national security, which could justify issuance of a policy directive under section 8(2)(c) of the Act.

56. Moreover, GOP’s Policy Directive has been only approved by the concerned Federal Minister as evident from the last sentence of the said document.

57. Under the Rules of Business, 1973, approval of a policy by the Minister, instead of the Prime Minister, signifies that it has not been treated as an “important policy decision”.

58. Sub-rules (1) and (5) of rule 5 of the Rules of Business, 1973 in this regard state as under:

“(1) No important policy decision shall be taken except with the approval of the Prime Minister.

...

(5) Subject to sub-rule (1), the Minister shall be responsible for policy concerning his Division.” [Emphasis added]



59. Having not been treated as an important policy decision, it could be assumed that the GOP's Policy Directive was not important enough to qualify as a matter or requirement of "national security" as per section 8(2)(c) of the Act.

60. Moreover, there is no evidence if the matter of mobile subscribers' antecedents verification was ever taken up by the National Security Council established for this very purpose under the National Security Council Act, 2004 as aforesaid.

61. Since it is arguable if GOP's Policy Directive could even be validly issued under section 8(2)(c) of the Act which it purportedly invokes, it does not offer enough sound legal grounding for PTA to issue any SOP pursuant thereto, let aside penalizing CMTOs for an alleged violation of such SOP. The SCN and Notice may, thus, kindly be withdrawn.

#### **GOP's Policy Directive – Not in Line with Section 57(2)(ag) of the Act**

62. In sub-section (1) of section (8) of GOP's Policy Directive, the Federal Government has directed PTA to devise "regulations" for the implementation of GOP's Policy Directive.

63. On the other hand, section 57(2)(ag) of the Act specifically empowers the Federal Government itself to make "rules" for "enforcing national security measures in the telecommunication sector" [Emphasis added].

64. It is a well-settled legal proposition that when law prescribes something to be done in a particular manner, it must be done in that prescribed manner and doing it in any other manner would not be valid nor upheld by the courts of law.

65. Federal Government's direction in section (8)(1) of GOP's Policy Directive to PTA to frame regulations would amount to abdicating its own rule-making powers, which is not permissible under the law.

66. Therefore, assuming for the sake of argument that verification of mobile subscribers' antecedents is a matter of "national security", only rules under section 57(2)(ag) could be made in this regard and not regulations.

67. To that extent, GOP's Policy Directive is in direct conflict with, and ultra vires, of the parent/primary legislation i.e. the Act, in particular, section 57(2)(ag) thereof.

68. In this view of the matter and the fact that no rules have been made by the Federal Government till date, the GOP's Policy Directive and any SOPs made

pursuant thereto do not afford sufficient legal grounding for penalizing any one for a violation thereof.

**GOP's Policy Directive & SOPs – Not in Line with NADRA Ordinance, 2000**

69. The only verification tool in both GOP's Policy Directive and all SOPs is the computerized National Identity Card (NIC) of the intended subscriber.

70. The NIC of each intended subscriber is required to be produced "in original" at the time of applying for mobile phone service.

71. NICs are issued under the National Database and Registration Authority Ordinance, 2000 ("NADRA Ordinance"), which is a special law dealing with NICs and incidental matters including inter alia the possession and production of NICs and the purposes for which they are necessary to be produced.

72. Section 19 of NADRA Ordinance states the purposes for which an NIC is necessary to be produced by a holder of NIC. Sub-section (3) of section 19 specifically and expressly empowers the Federal Government as under:

"(3) The Federal Government may, by notification in the official Gazette, specify any other purpose for which the production of any card or certificate or receipt issued under this Ordinance shall be necessary." [Emphasis added]

73. While production of original NIC by the intended subscriber has been made compulsory before sale of SIM in both GOP's Policy Directive and the SOPs, no corresponding notification in the official Gazette has been made by the Federal Government under the above-produced section 19(3) of NADRA Ordinance.

74. It being a settled proposition of law that what the law prescribes to be done in a particular manner must be done in that manner and in no other, the absence of requisite notification by the Federal Government in the official Gazette under section 19(3) of NADRA Ordinance leaves a serious legal lacuna in both GOP's Policy Directive and the SOPs.

75. With no corresponding legal obligation of holders of NIC to produce their original NICs at the time of applying for a SIM, even the franchisees and retailers cannot be penalized under the GOP's Policy Directive or the SOPs for a related violation.

76. It must be mentioned that non-production of original NIC goes to the root of the entire scheme of verification as obtaining a copy of NIC in the absence of having seen the original is clearly insufficient.

77. Besides this, GOP's Policy Directive and the SOPs are again legally flawed when they require copies of NICs to be obtained from intended subscribers.

78. It is nowhere provided in NADRA Ordinance to make copies of NIC. In fact, on the contrary, it is discouraged to make copies and holders of NICs are required to "possess" NICs and to "produce" them for proving their identity as and when required.

79. Section 15 of NADRA Ordinance provides for safe and proper custody of all cards, including NICs, issued under NADRA Ordinance in the following terms:

***"15. Safe and proper custody of cards.-(1) Every person to whom a card is issued by the Authority shall be responsible for its safe custody and for maintaining it in proper shape.***

*(2) The Authority may by regulations prescribe standards for custody and maintenance of various cards issued by it."* [Emphasis added]

80. Section 16 of NADRA Ordinance further provides for inspection of cards as follows:

***"16. Inspection of Cards.-A Registration Officer or any officer under the control of and authorized by the Authority in this behalf may require a person to whom any card has been issued to produce the card for inspection before him or, if it is not in his possession when so required to produce it within such time, before such officer and at such place as the Registration Officer or the officer so authorized may direct."***[Emphasis added]

81. NADRA Ordinance does not contemplate production or possession of a "copy" of NIC as proof of identity in lieu of the original NIC. In fact, making "copy" of an NIC defeats the very purpose of "holding" an NIC as an identification document.

82. It is, thus, only the original NIC which forms proof of its contents leading to the proof of identity of its holder. For the same purpose, the photograph, signatures, thumb impression and other information pertaining to the cardholder are printed on the NIC.

83. The hazards of accepting a copy of NIC in lieu of original are well-known and the scope for abuse and misuse cannot be overemphasized. This practice must be suppressed. Making copies of NIC renders the whole purpose behind having computerized NICs with security features useless.

84. Even the superior courts of Pakistan have deprecated the practice of transacting on the basis of copies of NICs since it leaves open a floodgate for misuse and theft of identity.

85. In any case, in the presence of a convenient facility to verify NICs from the very authority issuing these cards i.e. NADRA, no useful purpose would be served by retaining the copy of NIC and instead merely the NIC number could be noted down from the original NIC produced by the intended subscriber.

86. In view of the abovementioned legal flaws, GOP Policy Directive and SOPs do not afford a legally sound basis for implementing the same, let aside penalizing some one for a violation thereof. The SCN, therefore, needs to be withdrawn.

#### **SCN cannot be issued for Violation of SOP**

87. Proceedings under section 23 of the Act could not be initiated in respect of violation of an SOP whether it is the old SOP, the new SOP or any other SOP issued in respect of mobile subscribers' documentation and antecedents verification.

88. Section 23 of the Act does not cite violation or contravention of anything in the nature of SOP as a ground for invoking the said provision of the Act.

89. It is only the contravention of the provisions of the Act, the rules made thereunder or the terms and conditions of the license, which could form basis for initiating proceedings under section 23 of the Act.

90. All SOPs thus far issued in respect of mobile subscribers' documentation and antecedents verification could not be termed or treated as a provision of the Act, a provision of the rules made thereunder or a term or condition of PTML's license.

91. Reference in the SCN to clauses 3.1.2 and 3.1.3 of PTML's license is incorrect since there are no clauses in PTML's license numbered 3.1.2 or 3.1.3.

92. Needless to state that GOP's Policy Directive is not issued under section 8(2)(a) of the Act which allows Federal Government to issue policy directive regarding the conditions on which licenses for telecommunication services should be granted. As such, it was never intended to make the SOP or any obligation therein to be a condition of PTML's or, for that matter, any CMTO's license.

#### **SOP – Not Legally Appropriate for Penalizing**

93. It is an established and well-settled principle of law that to penalize someone for violation of an obligation:

- a. *the obligation must be clearly defined;*
- b. *it must have binding legal force; and*
- c. *the penalty for its violation must also be clearly and lawfully prescribed.*

94. *The SOPs and obligations of CMTOs contained therein have throughout been undergoing improvements and changes both with practical experiences gained during the process as well as the different technologies and technical solutions employed/experimented.*

95. *The verification of mobile subscribers' antecedents was, to start with, not the area of concern either for PTA or the CMTOs, nor is it required to be so under the scheme of the Act. It was on concerned agencies' requirement that the SOPs were put in place and revised from time to time as aforesaid.*

96. *The purpose was to cater for the ground realities and to balance the growth of the industry and interest of users of mobile telecommunication services – something protected by the Act -with concerns of law enforcing agencies – something that was extraneous to the purposes of the Act.*

97. *As stated earlier, the legal backing for SOPs was not clear and was in fact absent. In these circumstances, PTML had been throughout cooperating with PTA in good faith to help achieve the purposes of the SOPs and in the absence of a clear legal mandate for the SOP and given the practical ground realities, it was not expected to incur any liability for any alleged violation of the SOPs by its franchisees or retailers. Hence, even when GOP's Policy Directive came, it did not provide for any penal consequence for CMTOs and only penalized the franchisees and retailers for their violation of the SOPs to the exclusion of CMTOs.*

98. *With changing SOPs, no clearly spelt binding obligation with categorically stated penal consequences existed at any time which could provide the basis for proceeding against PTML under section 23 of the Act.*

99. *Besides foregoing, all SOPs relating to mobile subscribers' antecedents verification are, by nature, non-statutory instruments/notifications.*

100. *The fact that an SOP is made pursuant to a governmental policy directive issued under section 8 of the Act (like GOP's Policy Directive) does not elevate its status from that of a non-statutory instrument to any better.*

101. In fact, PTA has yet to frame regulations as directed by the Federal Government in sub-section (1) of section (8) of GOP's Policy Directive. However, even if framed, the regulations alone do not afford basis for invoking the provisions of section 23 of the Act as contravention of "regulations" is not an actionable incident mentioned therein. At present though, no regulations have been framed despite the express requirement of GOP's Policy Directive.

102. This is, however, without prejudice to the fact that assuming (though without conceding) that verification of mobile subscribers' antecedents is a matter of "national security", only rules under section 57(2)(ag) could be made in this regard and not regulations. Admittedly, no rules have been made by the Federal Government under the said provision to date.

103. As such, in any case, an SOP would legally merely be a guideline and would not afford necessary legal basis for penalizing a CMTO for any alleged violation of the SOP under section 23 of the Act.

#### **Conflict with Fundamental Rights under Article 18 of the Constitution**

104. GOP's Policy Directive and the SOPs for mobile subscribers' antecedents verification being restrictive of CMTOs' ability to freely conduct their business by making subscription to their mobile phone services more difficult/cumbersome, they also potentially conflict with CMTOs' fundamental right of freedom of business guaranteed under Article 18 of the Constitution of the Islamic Republic of Pakistan, 1973.

105. This being so, any obligations under GOP's Policy Directive or an SOP – which are merely policy guidelines – must be given restrictive interpretation vis-à-vis a Constitutional provision and, in particular, any penal provisions thereof must not be liberally interpreted or applied.

106. In fact, given the aforementioned factual and legal assertions, no liability is attracted to PTML and the SCN and the Notice may kindly be withdrawn.

#### **Purposive Interpretation of SOP**

107. With the introduction of the new SOP, PTA and the CMTOs have come a long way in establishing a much improved and swift mode of verification which surpasses all previous SOPs in its effectiveness to achieve the desired goal of verification.

108. Since beginning, the new SOP has been faithfully followed by PTML at its end and it is gratifying to note that the implementation is smooth and as per the outlined procedure.

109. Regardless of the aforementioned legal issues, PTML as a responsible corporate citizen of Pakistan and in sheer good faith has been and is trying its utmost to comply with the new SOP as had been its efforts throughout to comply with the previous SOPs.

110. The new SOP is ancillary to the new system of verification which was launched in February 2009. As with any teething period any and all irregularities were being countered with as they arose. In fact PTML was also very pro-active in highlighting any foreseeable loopholes, in spite of which in the interim used its best endeavours to apply the SOP.

111. With deactivated/inactive SIMs and facility of online verification on “789”, it has been seen and acknowledged by all concerned that the new SOP serves the purpose of verification much better than earlier modes of verification.

112. Even if there is a discrepancy at the franchisees’ or the retailers’ end, the purpose is still duly served since SIMs are only activated through “789” after online verification from NADRA.

113. As time unfolds, it goes further to highlight the ground realities of the Industry; discrepancies at the franchisees’ and retailers’ ends are being monitored as best as they can, in addition to the steps taken PTML has also initiated compliance to the verification system by the franchisees and retailers by not paying them for documentation that does not match the particulars of the actual subscribers activating the SIMs.

114. For this reason, the new SOP has dispensed with any other verification of a subscriber’s particulars contained in his documentation like CSAFs or NIC copies. The CMTOs are also to book connections only in the name of persons whose verified data is given verbally on “789” and whose voice recording is also being archived as per the new SOP.

115. To this extent, when the documentation is no more the point of reference for verification and has been dispensed with for this purpose, it will only be fair and just to adopt a purposive interpretation of the whole regime of verification under the new SOP and, accordingly, since the purpose is served by online verification on “789”, discrepancy (if any) noted on the documentation side should not be made the basis for penalizing any one.

116. Furthermore the changes in the modes of verification are a counter response to the problems that exist in the then existing modes of verification, as is now apparent that loopholes do exist as an Operator PTML has communicated these to the Authority in the endeavour to comply and assist in further counter measures. Again aiding in the achieving the primary objective behind the antecedent verification process.

117. In fact, as has been repeatedly requested by CMTOs and also verbally assured by the worthy Chairman of the Authority in his meeting with the CEOs of CMTOs, the onerous paperwork associated with documentation may now be dispensed with in view of the new regime of online verification on "789". Needless to mention that this will also be in line with the international practice in the industry.

*In view of foregoing submissions, it is respectfully requested that the SCN and Notice may kindly be withdrawn without any further action thereon.*

- 1.11. The Hearing: On the licensee's request, the hearing scheduled for 19<sup>th</sup> June, 09 was later on adjourned to 25<sup>th</sup> June, 09. On the said date the licensee appeared before the Authority through Mr. Abdul Aziz Khan, its CEO, Naveed K Butt, VP CS&RA, SM Irfan, Mr. Bashir Alvi, Yaser Aman Khan, alongwith its legal counsel Mr. Afnan Kundi, ASC, and Misbah ul Mustafa, Advocate.
- 1.12. The learned counsel representing the licensee, elaborated on the points reproduced in para 1.10, above.
- 1.13. Since the licensee's response to the notice was not satisfactory, it was required to appear for personal hearing. The hearing was thus convened for the only purpose of hearing the licensee on the reply to the notice alone besides the contravention mentioned in the 2<sup>nd</sup> notice. It was, therefore, expected that in response to the notice, the licensee will only elaborate the points it has raised in its reply of December 24, 2008. To the contrary, the licensee through its arguments/reply to the 2<sup>nd</sup> notice also raised a number of objections on the notice which it had not taken before in the aforesaid reply to the notice.
- 1.14. The legal objections raised in the reply to the 2<sup>nd</sup> notice dated 25<sup>th</sup> June, 09 on the issuance of the notice including the point that show cause notice can not be issued on violation of SOP are not considered being not taken/raised in reply to the notice.
- 1.15. In reply to the notice dated December 24, 09, the licensee has given few instances showing its efforts to implement the SOP. However, it has failed to give a satisfactory response specific to the violations mentioned in the notice (result of the surveys).
- 1.16. The licensee's objections on the policy directive issued by the Federal Govt. are also not entertained as the licensee has failed to assist on the point as to how the Authority can entertain these objections and can ignore its obligations of implementing policy directives under the Act on the grounds submitted by the licensee.



## **2. Findings of the Authority**

- 2.1 Though in reply to the notice, the licensee has narrated a number of events showing the actions taken by it for implementation of the SOP and the Authority's instructions on the subject, however, the licensee has failed to give a satisfactory response on the specific violations communicated to it through the results of both the surveys, as reproduced above. The enforcement division has produced sufficient record and ample evidence to establish that the licensee has violated the Authority's directions/instructions contained in the SOP.
- 2.2 Violation of the SOP, having being established, means that the licensee has shown disregard to the Authority's orders/instructions on the subject and has thus contravened clause 1.14 of the licence. This being the case, the notice is rightly issued and there is no reason for withdrawing it as requested in reply to the notice.

## **3. Order of the Authority:**

- 3.1 Under sub-rule 4 of rule 9 of the Telecom Rules, 2000, the licensee is directed to remedy the contravention within twenty five days of the issuance of this "Enforcement Order" and submit complete compliance report of the SOP in vogue and the new regime which shall be verified by the Authority by conducting a joint survey;
- 3.2 In case of the licensee's failure to comply with para 3.1, above, "Final Enforcement Order" under sub-rule 5 of Rule 9 of the Telecom Rules, 2000 shall be issued against the licensee.

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(Sayed Nasrul Karim A. Ghaznavi)  
Member (Finance)

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(Dr. Khawar Siddique Khokhar)  
Member (Technical)

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(Dr. Mohammad Yaseen)  
Chairman

Signed on this 6<sup>th</sup> day of July, 2009