

**THE AZAD JAMMU AND KASHMIR
COUNCIL ADAPTATION OF PAKISTAN
TELECOMMUNICATION
(RE-ORGANIZATION)
ACT, 2005**

ACT I OF 2005

AN

ACT

*to adapt and enforce the Pakistan Telecommunication
(Reorganization) Act, 1996 in Azad Jammu and Kashmir.*

WHEREAS it is expedient to make provisions to give effect and provide legal cover to the existing and potential other entities to be involved in the telecommunication services in Azad Jammu and Kashmir and for matters connected therewith and ancillary thereto:

It is hereby enacted as follows:—

1. Short title, extent and commencement.- (1) This Act may be called the Azad Jammu and Kashmir Council Adaptation of Pakistan Telecommunication (Re-organization) Act, 2005.

(2) It extends to the whole of Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Adaptation of the Pakistan Telecommunication (Re organization) Act, 1996 (XVII of 1996).- (1) The Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996), and

* Passed by the Azad Jammu and Kashmir Council on 23rd May, 2005 and authenticated by the Chairman, Azad Jammu and Kashmir Council and published by Notification No. C-3/2/2004-AJKC in the Gazette of the Azad Jammu and Kashmir Council, Part I, Islamabad, dated 30th June, 2005, at pages 1-4.

** See also section 7 of Act III of 2006.

[all rules, regulations, notifications and orders made and issued] thereunder and in force immediately before the commencement of this Act are adapted and shall, as far as practicable, be in force in Azad Jammu and Kashmir subject to the following modifications, namely:—

- (a) the expressions “Pakistan” and “Federal Government” shall be construed to refer to “Azad Jammu and Kashmir” and “Azad Jammu and Kashmir Council”, respectively;
- (b) the expression “Authority” shall be construed to refer to “Pakistan Telecommunication Authority” established under the said Act which shall act as an Agent of the Azad Jammu and Kashmir Council in Azad Jammu and Kashmir for the purposes of the said Act;
- (c) the expression “Board” shall be construed to refer to “Frequency Allocation Board” established under the said Act which shall act as an Agent of the Azad Jammu and Kashmir Council in Azad Jammu and Kashmir for the purposes of the said Act;
- (d) the expression “Company”, “Corporation” and “National Telecommunication Corporation” shall be construed to refer to “Special Communication Organization or any other Company or Corporation established or authorized under this Act”;
- (e) the expression “High Court” shall be construed to refer to “High Court of Azad Jammu and Kashmir”;
- (f) the expression “Secretary, Ministry of Communication, Government of Pakistan” shall

¹ Substituted and shall be deemed to have taken effect on the 23rd day of May, 2005 by the Azad Jammu and Kashmir Council Adaptation of Pakistan Telecommunication (Re-Organization) (Amendment) Act, 2006 (Act III of 2006),

be construed to refer to" Secretary, Azad Jammu and Kashmir Council Secretariat"; and

- (g) the expressions "National Assembly" and "Public Accounts Committee of the National Assembly" shall be construed to refer to "Azad Jammu and Kashmir Council" and "Public Accounts Committee of Azad Jammu and Kashmir Council" respectively.

3. Substitution of section 34 of the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996).- In the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996), for section 34 the following shall be substituted, namely;—

"34. Establishment of Special Communication Organization, etc.- The Azad Jammu and Kashmir Council shall authorize the Special Communication Organization ¹[and or any other company or companies] to operate in Azad Jammu and Kashmir for the purposes set out in the said Act on such terms and conditions and in such manner as it may determine".

4. Omission of sections 35, 36, 37, 38, ²[39,] 41, 44, 45, 46, 47, 48, 49, 50, 52 and 53 of the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996).- In the Pakistan Telecommunication (Reorganization) Act, 1996 (XVII of 1996) clauses (w) and (x) of section 2, sections 35, 36, 37, 38, ³[39,] 41, 44, 45, 46, 47, 48, 49, 50, 52 and 53 shall be omitted.

5. Licence to the Company.- (1) Subject to section 34, the Authority shall grant a licence to the Special Communication Organization ⁴[and or to any other company or companies in Azad Jammu and Kashmir for a period of twenty-five years or less] on payment of licence fee determined by the Authority.

¹ Substituted and shall be deemed to have taken effect on the 23rd day of May, 2005 by the Azad Jammu and Kashmir Council Adaptation of Pakistan Telecommunication (Re-Organization) (Amendment) Act, 2006 (Act III of 2006), s.2.

² Inserted *ibid.*, s.4.

³ Inserted *ibid.*, s.4.

⁴ Subs. *ibid.*, s.5.

(2) The Authority shall transfer ¹[fifty per cent or more] of the fee so received from the licensee to the Azad Jammu and Kashmir Council within thirty days from the receipt of such fee.

6. Special Communication Organization.- (1)

Notwithstanding anything contained in this Act, the telecommunication services within Azad Jammu and Kashmir shall be operated by the Special Communication Organization ²[and or by any other entity or entities] authorized by the Azad Jammu and Kashmir Council.

(2) The licence granted to the Special Communication Organization by the Authority shall be deemed to have been issued under this Act.

7. Act to override other laws.- The provisions of this Act shall have effect notwithstanding anything contained in the Azad Jammu and Kashmir Council Wireless Telegraph Act, 1976 (XI of 1976), the Azad Jammu and Kashmir Council Telegraph Act, 1976 (XIII of 1976), or any other law for the time being in force.

8. Removal of difficulty.- If any difficulty or question arises in giving effect to the provisions of this Act or in regard to the construction to be placed on any adaptations, the Council may, from time to time, make such provisions or give such directions as appear to it to be necessary for the purpose of removing such difficulty.

Passed by the Azad Jammu and Kashmir Council on 23rd day of May, 2005.

Sd/-
(SHAUKAT AZIZ)
CHAIRMAN
AZAD JAMMU & KASHMIR COUNCIL

¹ Substituted and shall be deemed to have taken effect on the 23rd day of May, 2005 by the Azad Jammu and Kashmir Council Adaptation of Pakistan Telecommunication (Re-Organization) (Amendment) Act, 2006 (Act III of 2006), s. 5.

² *Ibid*, s. 6.