

DRAFT TELECOM CONSUMERS PROTECTION REGULATIONS, 2008

In exercise of the powers conferred under clause (o) of sub-section (2) of section 5 of the Pakistan Telecommunication (Re-organization) Act, 1996 (Act XVII of 1996), the Authority is pleased to make the following regulations:

PART-I
Preliminary

1. Short title, extent and commencement. – (1) These Regulations may be called the “**Telecom Consumers Protection Regulations, 2008**”.

(2) These Regulations shall apply to all telecom operators and shall come into force at once.

2. Definitions. – (1) In these regulations unless the context or subject otherwise requires: –

- a. “**Act**” means Pakistan Telecommunication (Re-organization) Act, 1996;
- b. “**Authority**” means Pakistan Telecommunication Authority established under section 3 of the Act;
- c. “**Advertisement**” means and includes the following modes of marketing adopted by operators to attract the consumers:
 - i. by displaying of notices, banners, billboards, play cards etc;
 - ii. by means of catalogue, brochures, pamphlets etc;
 - iii. by exhibition on films or photographs; or
 - iv. by electronic or print media or through any other means.
- d. “**Consumer**” means any person who is a valid customer of publicly available telecommunication services from a licensed operator for the consumption of such services;
- e. “**Operator**” means a license holder authorized by the Authority to establish, maintain and provide telecom system and service(s) in Pakistan;
- f. “**Regulations**” means all or any regulations issued by Authority under the provision of the Act including, without limitation, these Regulations; and
- g. “**Rules**” means all or any rules issued by the Federal Government under Section 57 of the Act.

(2) The words and expressions used herein but not defined shall have the same meanings as are respectively assigned to them in the Act and the Rules.

PART-II
Rights of Consumers

- 3. Rights of Consumers:** (1) All consumers shall have the right:
- a) to be duly protected from unauthorized use of their records and personal information;
 - b) to know in advance of any price changes, associated terms including service contracts and the governing provisions of licensed telecommunication services;
 - c) to select from various licensed telecommunication services or tariff packages as per their own choice;
 - d) to have good quality of licensed telecommunication services;
 - e) to be served with accurate and detailed bills for post-paid packages of licensed telecommunication services;
 - f) to be dealt with fair, prompt, courteous manner and get customer service and technical support that are easily accessible 24-hours a day and seven days a week;
 - g) to be provided with licensed telecommunication services on non-discriminatory terms and conditions;
 - h) to communicate in a safe environment, where their communication medium is protected;
 - i) to have clear and easy-to-understand descriptions of the services for which they are paying;
 - j) to know exact costs for all services prior to purchase, clearly expressed in local currency, without the confusion of moving, scrolling or otherwise difficult-to-read text;
 - k) to receive the services the consumer paid for in a timely manner and as listed in the code of commercial practices that meets consumers expectations; and
 - l) to be protected against intrusion into their privacy by means of bulk SMS and unsolicited advertising calls unless otherwise agreed by the consumers.
- 4. Responsibilities of the operators:** -- (1) All operators, in order to provide licensed telecommunication service to their consumers in transparent and non-discriminatory basis shall ensure::
- a) to provide telecom services as per their rollout plan under the terms and conditions of the license of each operator;

- b) to maintain quality of licensed telecommunication services in accordance with the parameter as set out in the license, code of commercial practice or as determined by the Authority from time to time;
- c) to ensure that the effective tariff shall be in accordance with the published / advertised tariffs and the new packages will not be pre-activated without the consent of each consumer;
- d) to ensure that the personal details of the consumer are kept confidential and not sold/provided to third parties for marketing or sales purposes unless otherwise agreed by the customer or required by any applicable law;
- e) to give due notice to the consumer, at least once in writing, on the latest available mailing address of the consumer before disconnecting the services to the consumer in case of non-payment, fraud or any other justified reason;
- f) to provide conspicuous, clear, and not misleading, billing and marketing disclosures;
- g) to establish an appropriate mechanism operational 24 hours a day, 7 days a week for redressal of complaints of its consumers and in case of change of call centers or walk in centers or change of its "toll free number" or "consumer care number" or "help line number", the same shall be intimated through electronic and print media; and
- h) to redress all complaints relating to fault/disruption of service or disconnection of service as soon as possible but within a maximum of 5 working days from the date of registration of such complaints.

5. Relation of Operators and Consumers: --- (1) The relation between operators and consumers is a relation that excludes partnerships, joint venture and agents etc.

2) All operators shall enter into service contract and implement code of commercial practices and service contract in its true letter and spirit as approved by the Authority.

3) The Authority may review terms and conditions of service contract on its own or on the request of the consumers or the operators, as the case may be, and direct the operators to accordingly amend the service contract made with consumers.

4) The operators, with the approval of the Authority, may also amend terms and conditions of the service contract.

6. Advertisements: --- (1). The Operators must be transparent in marketing and advertisement of their licensed telecommunication services. No operator shall use any deceptive practices in relation to the consumer.

2) The Operators shall adopt fair business practices in providing licensed telecommunication services on commercial basis to their consumers and shall avoid followings factors in the advertisements:

- a. not to advertise charges for services which they do not intend to offer;
- b. inducing consumers to enter into a transaction/contracts by representing that the consumer will be given rebate, discount, or other benefits in case of entering into that transaction/contract; and
- c. false statement and misrepresentation includes:
 - i) that the licensed services are of particular kind, standard, quality, approved, affiliated, performance, tariff etc; and
 - ii) that an operator will provide licensed telecommunication services "free" or "without charges" or similar words without clearly and conspicuously disclosing the condition, terms, or prerequisite required to be fulfilled by the consumer in order to avail such licensed telecommunication services.

3) Operators are required to make sure that associated conditions of the advertisements not only contain the tariff rate, unit of charging and applicable taxes but it should be in the same font and slant, whereby making it visible/ readable for the targeted market. Also the detailed terms & conditions of services offered should be readily available on the operators' website.

7. Confidentiality of Information & Communication: (1) All operators or the employees of the operators shall maintain confidentiality of information about consumers and ensure that no information about consumers will be made available to any third person other than what is printed and published in services directories or required by any applicable law.

2) Operators shall take necessary measure to ensure that information about consumer's use of the network or service, or the content thereof will not be available to any third person except duly authorized by consumer or required by applicable law.

3) Operators shall take appropriate measures to safeguard the security of services, if necessary in conjunction with the provider of the network, and inform consumer of any special risk of a breach of the security of the network.

8. Billing information: ---1). All operators shall provide detailed billing information to their consumers, as and when required, in accordance with license terms and condition, regulations published by the Authority, code of commercial practice and service contract as approved by the Authority.

2) The Authority may review the standard billing information requirement in the interest of consumer and pass appropriate direction thereon.

3) All the operators shall maintain call record including called and calling numbers, date, duration and time etc with regards to telecommunication services for a period of one year.

9. Consumers complaints: 1) Operators shall handle and resolve all complaints in accordance with code of commercial practice, standard service contract and per regulations 4(l) above.

2) In case where consumers are left unheard or not redressed in accordance with code of commercial practice and service contract, the consumer can file a complaint before the Authority in accordance with applicable law.

3) The Authority may ask any information about any complaint and its solution, settlement and progress made so far and directs the operators to follow its direction in resolving complaints.