

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

further to amend the Pakistan Telecommunication (Re-organization) Act, 1996

WHEREAS it is expedient further to amend the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows: -

1. Short title and commencement. – (1) This Act shall be called the Pakistan Telecommunication (Re-organization) (Amendment) Act, 2026.

(2) It shall come into force at once.

2. Amendment of section 2, Act XVII of 1996. – In the Pakistan Telecommunication (Re-organization) Act, 1996 (XVII of 1996), hereinafter referred to as the said Act, in section 2, -

(a) For clause (fa) the following shall be substituted, namely: -

“(fa) **“Federal Government”** means the Federal Government as defined in the Constitution of Islamic Republic of Pakistan;”

(b) after clause (h), the following new clause (ha) shall be inserted, namely: -

“(ha) **“Managing Director”** means the Managing Director of the National Telecommunication Corporation appointed under section 41A”;

(c) For clauses (ma), (mb) and (mc), the following shall be substituted, namely: —

“(ma) **“Private Access for Telecommunication Infrastructure”** means land, premises, or property that is owned, managed, maintained, or repaired by any person or entity other than a public authority, and which may be accessed or used by a licensee for the purposes set out in section 27A;”

Provided that for the purposes of this clause, private access shall include—

- (i) individual private ownership, being land, premises or property owned or lawfully possessed by a natural person; and
- (ii) collective or organized private ownership, being land, premises or property owned, managed or administered by a private housing society, cooperative housing scheme, residential or commercial estate management entity, or any similar private body registered or unregistered, but not defined as a public authority under this Act.”

“(mb) **“Public Authority”** for the purposes of clauses (ma), (mc) and (qb), means the local authority, corporation, provincial or Federal Government, or any other public body indirectly or directly owned or controlled by the Federal Government or Provincial Government or local Authority which owns, manages, maintains, or repairs such land, premises or property as mentioned in the said clauses;”

“(mc) **‘public access for Telecommunication Infrastructure’** means land, premises, or property that is owned, managed, maintained, or repaired by a public authority, and which may be accessed or used by a licensee for the purposes set out in section 27A;” and

(d) for clause (qb), the following shall be substituted, namely: -

“(qb) **“access by licensee for Telecommunication Infrastructure”** means the right of a licensee to enter upon, use, or pass over land, premises, or property, whether public or private, for the installation, deployment, operation, or maintenance of telecommunication systems, ICT infrastructure, optical fiber cables, telecom towers or related equipment and services, in accordance with section 27A.”.

3. Amendment of section 3, Act XVII of 1996. – In the said Act, in section 3, -

- (a) in sub-section (2), for the expression “Federal Government”, wherever occurring, the expression “Prime Minister” shall be substituted;

- (b) in sub-section (3), for the expression “Federal Government”, the expression “Prime Minister” shall be substituted;
- (c) in sub-section (5), for the expression “Federal Government”, the expression “Prime Minister” shall be substituted; and
- (d) for sub-section (7), the following shall be substituted namely: -

“(7) The Chairman and members of the Authority shall be paid such remuneration for their respective terms of office as may be determined by the Federal Government.”

3A. Amendment of section 7A, Act XVII of 1996.- In the said Act, in section 7A, in sub-section (7), clause (b) shall be omitted.

4. Amendment of section 14, Act XVII of 1996. – In the said Act, for section 14, following shall be substituted namely: -

“**14. Maintenance of accounts.** – The accounts of the Authority shall be maintained in accordance with the provisions of the Public Finance Management Act, 2019.”.

5. Amendment of section 15, Act XVII of 1996. – In the said Act, in section 15, in sub-section (3), for the expression “Federal Government”, the expression “Division to which business of the Authority stands allocated” shall be substituted.

6. Substitution of section 27A, Act XVII of 1996. - In the said Act, for section 27A, the following shall be substituted, namely: -

“**27A. Access by licensee for Telecommunication infrastructure.** - (1) Notwithstanding anything contained to the contrary in any other law, rules, regulation, policy, bye-laws, or contracts for the time being in force, for the purposes of installation, deployment, operation or maintenance of any telecommunication system, information and communication technology infrastructure, telecom tower and related equipment or laying of optical fiber cables and related equipment, every licensee shall, have the same rights of access or usage as defined and provided under clauses (ma), (mc) and (qb) of section 2 of this Act.

(2) No Owner, lessee, tenant or public or private entity shall hinder or abridge the Rights granted under sub-section (1).

(3) To avail the rights of access or usage granted under sub-section (1), the licensee shall seek the approval of the owner, lessee, or tenant of the relevant property, land, or premises for the proposed mode of execution through registered mail and courier service, where no response is received from the owner, lessee or tenant within fifteen days of receipt of such request, the licensee shall issue a mandatory reminder.

(a) In the case of public access for telecommunication infrastructure, if no response is received within thirty days of receipt of the initial request by the Public Authority, despite issuance of the mandatory reminder, the request shall be deemed to have been approved.

(b) In the case of private access for telecommunication infrastructure, if no response is received within thirty days of receipt of the initial request, despite issuance of the mandatory reminder, the licensee may refer the matter to the appropriate government for resolution.

(c) In the case of collective or organized private ownership, being land, premises, or property owned, managed, or administered by a private housing society, cooperative housing scheme, residential or commercial estate management entity, or any similar private body, whether registered or unregistered, the request shall, notwithstanding non-response, be deemed to have been approved:

Provided that the owner, lessee or tenant may impose conditions on the timing or manner of execution for access by licensee for telecommunication infrastructure and the licensee shall not hinder the owner's, lessee's or tenant's use or access of the property.

(4) The licensee shall be responsible for the repair and maintenance of such works and shall restore the affected area in its original condition in accordance with the specifications and standards agreed upon by the respective owner, lessee or tenant:

“Provided that while executing any works under this section, the licensee shall endeavor to avoid crossing a permanent building and in the event of any dispute arising between the owner, lessee, or tenant and the licensee under section 27A, regarding the repair and maintenance of such works or the

restoration of the affected area to its original condition in accordance with the specifications and standards mutually agreed upon by the respective owner, lessee, or tenant, such dispute shall be referred to the appropriate government for resolution and settlement within a maximum period of forty five days from the date of receipt of the complaint.”

(5) Notwithstanding anything contained in this Act or any other law, rules, regulations, bye-laws, or contracts for the time being in force,—

(a) no charges, fee, rent, of any nature whatsoever shall be demanded, levied or recovered by any public authority, owner, lessee or tenant in respect of public access for telecommunication infrastructure for the rights of access or usage granted under sub-section (1);

(b) in respect of private access for telecommunication infrastructure,—

(i) where the access relates to individual private ownership by a natural person, the licensee and the owner, lessee or tenant may mutually agree upon charges, fee or rent for such access. And where such charges, compensation or consideration are not mutually agreed, the matter shall be referred to the appropriate Government for resolution.

(ii) where the access relates to collective or organized private ownership, including private housing societies, cooperative housing schemes, residential or commercial or non-commercial estate management entities, cantonments, defence housing authorities, or similar organized private developments registered or unregistered, owned or controlled directly or indirectly by the Federal Government, Provincial Governments or local governments, no charges, fee, rent, consideration or compensation shall be demanded, levied or recovered in respect of such access;

(c) no charges shall be imposed in respect of the approved mode or manner of execution of works undertaken for restoration purposes,

and the licensee shall remain responsible for the repair, maintenance and restoration of the affected area to its original condition in accordance with the agreed specifications and standards.

(6) Once rights have been granted under this section and the licensee has complied with the requirements thereof, the owner, lessee or tenant shall not unilaterally alter the terms or revoke the permission granted.

27B. Enforcement. – (1) The appropriate government may impose a fine up to fifty million rupees on any owner, lessee, tenant or entity that obstructs or delays the grant of rights under section 27A.

(2) In case of a dispute arising between the owner, lessee or tenant and the licensee under Section 27A, the matter shall be referred to the appropriate government for settlement. The appropriate government shall nominate, by notification in the *official Gazette*, an officer not below the rank of Secretary to the said Government to act on its behalf for settlement of dispute within a maximum period of forty-five days from the receipt of the complaint.

(3) The nominated officer may require any person, public authority, or licensee to, produce and allow examination of any relevant document, record, or material in their custody required for enforcing the provisions of this section and also furnish any information or clarification deemed necessary for the purposes of settlement of dispute.”

7. Amendment in section 41, Act XVII of 1996. — in section 41, -

(a) for sub-section (2), the following shall be substituted, namely: -

“(2) The National Telecommunication Corporation shall be managed by a Board of Directors consisting of, -

S. No	Membership	Status
(1)	(2)	(3)
1.	One independent Member appointed by the Federal Government	<i>Chairman</i>
2.	Secretary of the Division to which the business of Information Technology and Telecommunications stands allocated	<i>Member Ex-officio</i>
3.	Additional Secretary of the Division to which business of Finance stands allocated	<i>Member Ex-officio</i>
4.	Managing Director	<i>Member</i>
5.	In addition to the independent Member appointed at serial number 1, the Federal Government shall appoint three Independent Members from the private sector, each possessing not less than ten years of relevant professional experience, along with the requisite qualifications, competence and knowledge in the fields of telecommunication, law, finance or any other relevant field, and at least one of such Independent Members shall be a	<i>Members (Independent)</i>

	woman.	
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Provided that subject to the State Owned Enterprises Act, 2023 (VII of 2023) offices of the Chairman and the Managing Director shall be kept separate, the quorum of a meeting of the Board of directors shall not be less than five members, including not less than two independent members and one *ex-officio* member, present personally or through video-link and the Chairman of the Board of Directors shall in case of an equal number of votes, have a casting vote.

- “(b) in sub-section (3), for the full stop at the end a colon shall be substituted, and thereafter the following proviso shall be added, namely:-

“Provided that in addition to the license granted under sub-section (3), the National Telecommunication Corporation is authorized to provide information communication technology related service to all organizations of the Federal Government and Provincial Government or such other Governmental agencies or Governmental institutions as the Federal Government may determine from time to time.”

- (c) in sub-section (4), in paragraph (e), for the expression, “Federal Government”, the expression, “ a Committee appointed by the Board of Directors of the National Telecommunication Corporation” shall be substituted;”
- (d) in sub-section (5), the word “it”, the expression “the Board of Directors of the National Telecommunication Corporation” shall be substituted;
- (e) in sub-section (7), the expression “Federal Government”, the expression “the Board of Directors of the National Telecommunication Corporation” shall be substituted;

(f) in sub-section (14), the expression “available for public inspection” the expression “published on the official website of National Telecommunication Corporation” shall be substituted; and

“(g) for sub-section (16), the following shall be substituted, namely: -

“(16) The National Telecommunication Corporation may, in addition to the audit by the Auditor-General, cause its accounts to be audited by internal or other external auditors who shall report directly to the Board of Directors of the National Telecommunication Corporation.”

8. Insertion of section 41A, Act XVII of 1996.- In the said Act, after section 41, amended as aforesaid, the following new section 41A shall inserted, namely: -

"41A. Managing Director of the National Telecommunication Corporation. -

(1) There shall be a Managing Director of the National Telecommunication Corporation who shall be appointed by the Federal Government from amongst three candidates recommended by the Board of Directors with a three-fourth majority, which shall include the vote of the ex-officio member of the Division to which the business of the National Telecommunication Corporation stands allocated with the following qualifications and experience. -

(a) a Ph.D. in Telecommunication, Electrical, Electronic, ICT, or Computer System Engineering, Engineering Management or relevant engineering discipline from the Higher Education Commission (HEC) recognized Institution or University, or a foreign well-reputed and recognized University, with at least nine years of professional experience in the relevant field or a Master’s degree in Telecommunication, Electrical, Electronic, ICT, or Computer System Engineering, Engineering Management or a relevant engineering discipline from the HEC-recognized University, or a foreign well-reputed and recognized University, with at least twelve years of professional experience in the relevant field.”.

(b) Have at least five (5) years of senior leadership experience in a large ICT or telecommunications organization, or service provider and demonstrate a proven track record of successfully leading large-scale

ICT or telecom projects and programs, implementing organizational change, and managing large technical teams.

(2) No person shall be appointed as the Managing Director unless the person complies with and satisfies the fit and proper criteria prescribed in the State-Owned Enterprises Act, 2023.

(3) The Board of directors of the National Telecommunication Corporation shall devise a transparent, competitive and objective procedure for scrutiny, short listing and interview of the applicants for the post of Managing Director.

(4) The terms and conditions of the appointment of the Managing Director shall be determined by the Board of Directors:

Provided that the person holding the office of Managing Director on the date of the commencement of this amendment Act shall continue as the Managing Director and will hold the office of Managing Director of the National Telecommunication Corporation till the end of his tenure, which may be extended for two years by the Federal Government.

(5) The Managing Director of the National Telecommunication Corporation shall exercise and perform the following powers and functions, as enumerated below:-

- (a) be responsible for the day to day management of the National Telecommunication Corporation;
- (b) ensure the proper implementation of strategies and policies; and
- (c) put in place appropriate arrangements to ensure that funds and resources are properly safeguarded and are used economically, efficiently and effectively and in accordance with the objective of the National Telecommunication Corporation and all other statutory obligations.

(6) The Managing Director shall be appointed for a term of three years on a performance-based contract, extendable by another two years on demonstration of substantial satisfactory performance.

(7) The annual performance review of the Managing Director shall be undertaken by the Board of Directors:

Provided that in case of his performance review, the Managing Director shall not participate in that process.

(8) The Federal Government may remove the Managing Director, before the completion of his term except on the recommendation of the Board of Directors, which shall be based on the outcome of the performance evaluation conducted under this section or on any other just cause, and such recommendation shall clearly record the reasons for recommending the removal.

9. Amendment of section 43, Act XVII of 1996. – In the said Act, in section 43, in sub-section (2), -

- (a) in clause (i), for the expression “Federal Government”, the expression “Prime Minister” shall be substituted;
- (b) in clause (ii), for the expression “Federal Government”, the expression “Prime Minister” shall be substituted; and
- (c) in the proviso, for the expression “Federal Government”, the expression “Prime Minister” shall be substituted.

10. Insertion of new section 58A, Act XVII of 1996. – In the said Act, after section 58, the following new section 58A, shall be inserted, namely: -

“58-A. Application of the State-Owned Enterprises Act, 2023. – Notwithstanding anything contained in this Act, the State-Owned Enterprises Act, 2023 (VII of 2023), shall apply to the provisions of this Act and, in case of any inconsistency between the provisions of this Act and the State-Owned Enterprises Act, 2023, the provisions of the State-Owned Enterprises Act, 2023 shall prevail.”

STATEMENT OF OBJECTS & REASONS

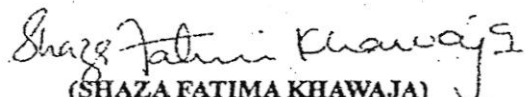
The Pakistan Telecommunication (Re-organization) Act, 1996 (the Act) provides the legal framework for regulation and development of the telecommunication sector in Pakistan. With the passage of time, there is a need to update and modernize the existing law to address emerging requirements of the sector. Accordingly, the Pakistan Telecommunication (Re-organization) (Amendment) Bill, 2025 has been formulated.

The proposed amendment aims to strengthen the national Right of Way (RoW) regime for swift and coordinated deployment of telecommunication infrastructure and associated network facilities, and by providing for a structured mechanism for resolution of complaints and settlement of disputes along with imposition of a fine of up to one million rupees in cases of obstruction, refusal or delay in granting such access, which is essential for development of the telecommunication sector and for ensuring seamless, affordable and uninterrupted access to telecommunication services for consumers across the country.

It also seeks to bring the National Telecommunication Corporation into conformity with the State-Owned Enterprises (Governance and Operations) Act, 2023 (VII of 2023), in order to improve its governance structure, operational economy, transparency and efficiency in line with applicable laws governing state-owned enterprises.

Furthermore, the amendment provides for substitution of section 3(7) relating to the Pakistan Telecommunication Authority (PTA), in order to provide for determination of remuneration of the Chairman and Members of PTA by the Federal Government.

In addition, the amendment replaces references to the "Federal Government" with the appropriate statutory authorities in various provisions of the Act, in order to ensure legal clarity, proper delegation of powers, sectoral alignment and operational efficiency, in pursuance of the decision of the Honourable Supreme Court of Pakistan in the *Mustafa Impex* case.


(SHAZA FATIMA KHAWAJA)
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