

GOVERNMENT OF PAKISTAN

PAKISTAN ELECTRONIC MEDIA REGULATORY AUTHORITY

HEADQUARTERS, ISLAMABAD

CABLE TV REGULATIONS, 2002

Islamabad, the 24th August, 2002.

NOTIFICATION

SRO. PEMRA-1(1)/2002-CTV/Reg. In exercise of the powers conferred under Pakistan Electronic Media Regulatory Authority Ordinance, 2002, and rule 30 of the PEMRA Rules, 2002, the Pakistan Electronic Media Regulatory Authority is pleased to make the following Regulations:

1. Short Title and Commencement. - (1) These regulations shall be called PEMRA Cable Television (Operations) Regulations, 2002.

(2) They shall come into force at once.

(3) These regulations shall apply to the cable TV stations in Pakistan.

PART – I

2. Definitions.

a. "Advertisement" means a set of visual and audio messages for the projection of a product, service, or idea with the object of propagating sale, purchase or hire of the product, service or idea for creating other related effects;

b. "applicable licence fee" means the licence fee determined through bidding and to be paid by a successful applicant at the time of issuance of the

licence;

c. "Authority" means the Pakistan Electronic Media Regulatory Authority (PEMRA) established under the Ordinance;

d. "basic service" means television programmes and FM sound radio programme channels relayed by the licensee which a person is obliged to pay for in order to become a subscriber to a cable service;

e. "Cable Television Operator" means any person who, after receiving the broadcast signals from other transmission channels, re-broadcasts or provides service through a cable television system or otherwise controls or is responsible for the management and operation of a cable television system;

f. "Cable Television System" means a system for receiving the broadcast signals from other channels of communication and re-broadcasting or distributing of television programs through a set of transmission paths, including MMDS, to the multiple subscribers;

g. "Cable Television service" means distribution of programmes through a set of transmission paths, including MMDS, by Cable Television System;

h. "compulsory channels" means television and FM sound radio programme channels which the licensee is obliged by the terms of his license to distribute on the cable relay system;

i. "Commissioner" means the Commissioner of Complaints heading a Council;

j. "Council" means a Council of Complaints established under section 26 of the Ordinance;

k. "distribute" means receive programme services from multiple channels of communication and convey them over the system onto the subscribers;

l. "distribution point" means a point where signals are taken from trunk feeder to energize spur feeders. (In some cases a distribution point may be directly connected to the head end);

m. "eligible channel" means a channel considered suitable for re-broadcasting or distribution;

n. "gross revenue" means the total revenue receipts calculated before realizing the liabilities etc.

o. "illegal cable TV operation" means the relaying or distributing programmes through a cable TV system, without having a valid licence from the Authority;

p. "licence" means permission issued by the Authority to carry on a distribution/relay undertaking by a cable TV operator;

q. "licensee" means the grantee or holder of a license;

r. "local head end", means a specific location at which a licensee distributes or re-broadcasts the programming services, as received from the transmissions of the satellite or local television stations;

s. "MMDS" means Multi-channel Multi-point Distribution Service to transmit audio-video signals through satellite or other wireless telecommunication

devices;

t. "multimedia network" means a cable television system capable of supporting video-on-demand, interactive broadband audio/video, data, internet, email, e-commerce and telephony etc;

u. "Ordinance" means the Pakistan Electronic Media Regulatory Authority Ordinance, 2002;

v. "Programme" means any systematic audio, visual or audio-visual live performance or presentation, or live transmission of films, features, dramas, advertisements and serials relayed or distributed through recognized broadcast or cable TV station;

w. "Regulations" means the Cable Television Regulations issued by the Authority under the PEMRA Ordinance, 2002;

x. "Rules" means the PEMRA Rules, 2002;

y. "Schedule" means the schedule annexed to the PEMRA Rules, 2002

z. "service point" means a system outlet on the network which may be used for monitoring various system parameters;

aa. "set-top box" means a device for selectively receiving and decoding channels relayed over the cable television system whose output is connected to a television receiver;

bb. "spur feeder" means a feeder to which subscriber taps are connected;

cc. "subscriber" means a person, or a commercial concern, who

receives the signal of a cable television system at a place indicated by him to the cable television operator, without further transmitting it to any other person; and

dd. "subscriber's equipment" means equipment at the subscriber's premises such as television receivers, tuners, decoders, video recorders;

ee. "subscriber tap" means a device for connecting a drop-wire to a spur feeder;

ff. "system outlet" means a device for connecting a drop-wire to the subscriber's equipment;

gg. "transfer point" means an interface between the cable relay system and the building's internal network, each of which may be separately owned;

hh. "trunk feeder" means a feeder used for the transmission of signals between a head-end and a distribution point or between distribution points;

(2) Words and phrases used but not defined in these regulations, unless the context otherwise requires, shall have the meanings assigned to them in the Ordinance and the rules made thereunder.

PART II

LICENSING CRITERIA

3. Licence to operate.- (1) No person shall engage in cable TV operation except after obtaining a licence issued under the Ordinance;

(2) Subject to the Ordinance, the Authority shall have the exclusive right to issue licences for the establishment and operation of all broadcast stations including cable TV networks;

(3) Every licence shall be subject to such term and conditions as provided in the Ordinance, the rules and these regulations.

(4) The Authority shall have the powers to charge fees as as specified in the Schedule. The Authority may revise and update the fees and tarriff rates, from time to time, as it may deem fit.

4. Particulars of application for grant of a licence to operate cable TV station.- (1) The application for grant of a licence to operate a cable TV network station shall be made on the prescribed Application Form.

(2) The applicant shall indicate the desired category of licence, in view of the proposed number of subscribers, from amongst the categories provided in the Schedule;

(3) Every applicant for grant of licence shall be accompanied by the application processing fee(non-refundable), as prescribed by the rules and set out in the Table contained in the Schedule annexed to the rules.

(4) The Authority, in case of an MMDS cable TV Station, may forward the application to the Frequency Allocation Board (FAB) to ascertain whether the frequency proposed to be utilized by the applicant is:

i. available;

ii. Suitable for the system; and

iii. the application, prima facie, conforms to the criteria for allocation of frequency.

(5) In case of an application for grant of licence for operating an MMDS station, the licence shall be granted only after the allocation of frequency by the FAB.

5. Criteria for evaluating licence application. – Applications for the grant of a licence shall, in the first instance, be short listed by using the following criteria; namely:

- i. economic viability;
- ii. technical competence;
- iii. financial capability;
- iv. credibility and track record;
- v. extent of Pakistani share in ownership;

6. Issuance of licence.- (1) The Authority shall process each application and on being satisfied that the applicant(s) fulfils the conditions and the criteria and procedure as provided in section 19 of the Ordinance, may, on receipt of the applicable licence fee and security deposit, issue licence to the applicant(s) concerned.

(2) In addition to General Terms and Conditions contained in the Schedule, the Authority may impose on the licensee such other terms and conditions as appear to it necessary;

(3) The Authority, if satisfied that the issue of the licence to a particular person is not in the public interest, may, for reasons to be recorded in writing and after giving the applicant an opportunity of being heard, refuse to grant a licence.

(4) The Authority shall take decision on the application for a licence within one hundred days from receipt of the application;

(5) The Authority shall decide on the applications after an open and transparent bidding process in such cases where the number of the applicants is greater than the number of licences which the Authority has fixed for that category of licence.

7. Fees and security deposits. - (1) The fees payable pursuant to these regulations shall be as set out in the Tables contained in the Schedule;

(2) Each successful applicant shall, before the issue of the licence, deposit the applicable licence fee and make a security deposit, set out in the Schedule, as a pre-requisite for the grant of a licence to establish a cable TV network station. The security deposit shall be refundable after the expiry of one year of operation of the station to the satisfaction of the Authority.

(3) The Authority shall have the power to revise and update, from time to time, the application fee and the fee for the grant, renewal or extension of a licence by substituting the Tables contained in the Schedule.

8. Ineligibility for a Licence.- Subject to the section 25 of the Ordinance and Rule 17 of the PEMRA rules, no licence shall be issued to:

- i. a person who is not a citizen of Pakistan or resident in Pakistan;
- ii. a foreign company organized under the laws of any foreign government;
- iii. a firm or company the majority of whose shares are owned or controlled by foreign nationals or whose management control is vested in foreign nationals or companies; or
- iv. a person whose licence under the Ordinance has previously been cancelled because of the contravention of the provisions of the Ordinance.

9. Licence conditions.- (1) The licences shall be issued to the eligible applicants through an open bidding process provided the number of applications exceeds the number of licences to be issued for a particular area of coverage;

(2) The applicant shall be granted such category of licence as based on number of the proposed subscribers, according to the Schedule.

(3) The licence shall be valid only for the area of coverage as specified in the application form and the terms of the licence.

(4) The successful bidders shall pay such applicable licence fee, the Security Deposit and later such annual Fee as prescribed in the Schedule.

(5) The licence shall be valid for a period of 5 years and may be renewed subject to satisfactory performance.

(6) Late payment of the license fee shall incur a surcharge of 5% of the licence fee per month upto a maximum of 15%, failing which the licence would be deemed to have been cancelled.

(7) The licensee shall maintain a record and register of the programme channels and the advertisements aired or distributed, on audio or as the case may be on the video tapes, at least for a period not less than thirty days.

(8) The licensee shall pay to the Authority 5 % of the gross revenue receipts for airing or distributing the advertisements on his cable television system.

(9) The licence shall be deemed to have been withdrawn and cancelled, if the licensee fails to put into operation the cable TV network station within a period of one year from the date of its issuance.

10. Tariff rates.- (1) The licensee shall be allowed to charge a maximum subscription fee for the basic service at the rates as approved by the Authority and reflected in the Schedule;

(2) The licensee shall not discriminate against any subscriber in offering service and setting charges.

11. Internet over Cable.- A licensed Internet service provider may offer Internet services over cable; however, he shall enter into interconnect agreement with the licensed cable operator and will be subject to the PTA Regulations, issued for the said service, in addition to the Ordinance, Rules and Regulations of the Authority.

12. Provision for live broadcasting of certain events.- (1) For the purpose of ensuring the widest availability of viewing in Pakistan of a national or international event of general public interest, including sports events, matches of cricket, hockey, squash, football etc., the Federal Government, or the Authority, may notify the same well in advance.

(2) The national or international events of general public interest, notified under sub-regulation (1), shall be carried on networks of national broadcasters and free to air channels as well. The satellite channel operator or broadcaster having distribution rights of such events for Pakistan, shall be obliged to offer such rights to the national broadcasters to pick up and re-broadcast the events relevant to Pakistani audience, as free-to-air programmes.

13. Copyright.- (1) The licensee shall be responsible for ensuring that copyright obligations with respect to the programmes being relayed over the system are fulfilled.

(2) Neither the Authority nor any employee of the Authority shall be liable for any offence, damage or other injury which anyone may suffer because of the

negligence or violation of any law or code of conduct by the licensee or ensuing from any other source.

14. Monitoring.- (1) Without prejudice to any provision of the Ordinance and the rules and regulations made thereunder, the licensed system shall be monitored with respect to quality of transmitted signal, content of the broadcast, routing of cables, compliance with installation standards, tariffs and the complaints of subscribers.

(2) Quality of signal will be determined by transmission level, noise, modulation, frequency drift, and voltage levels.

(3) In case improper installation of cable or other equipment is detected, the operator shall correct the same within one week of detecting or being informed of the problem.

(4) The licensee shall prominently display the licence at the business premises.

(5) The Councils of Complaints as established under the Ordinance, as also the authorized officers of the Authority, shall monitor the cable operations with a view to protecting the interest of the subscribers and to ensuring ethical and quality cable television service operation.

(6) The licensee shall facilitate the authorized representatives of the Authority, or as the case may be, the Council, to visit his premises for the purpose of inspection.

(7) A cable operator who contravenes provisions of these Regulations or who incurs frequent complaints from subscribers regarding his service or programming content may be called by the Council or the authorized officer of the Authority to explain reasons thereof.

(8) Where a licensee contravenes any provision of the regulations, or any condition of the licence, the Authority may, by written notice require the licensee to show cause, without prejudice to any other action under section 30 of the Ordinance, as to why his licence should not be cancelled.

(9) If the Authority on considering the explanation of the licensee is of the opinion that the licensee has contravened any provision of the Ordinance or the rules or the regulations or condition of licence, it may cancel the license.

PART – III

COUNCILS OF COMPLAINTS

15. Establishment of the Councils of Complaints.- (1) There shall be established the Councils of Complaints at Islamabad, the Provincial capitals and at such places as may be required, for carrying out the functions under the Ordinance.

(2) The regional Councils shall work independently under the supervision of the Authority and their functions will be coordinated by a Coordinating Officer, stationed in Islamabad.

(3) The regional Councils shall be fully competent to take action on the complaints, as provided in the Ordinance and the rules made thereunder.

16. Functions of the Councils.- (1) The Councils shall receive and inquire into the complaints made by persons or organizations from the general public against any aspects of programmes broadcast or distributed by a cable TV network station and render opinions on such complaints.

(2) The Councils shall take cognizance of complaints received by it directly from the public or those referred to it by the Authority.

(3) The Councils may recommend to the Authority appropriate action including the suspension or revocation of a licence or censure or imposition of fine upon a licensee for violating the Code of Conduct for programmes and advertisements.

(4) The Councils shall monitor, at random, all aspects of broadcasts, including the programmes' content, quality of standards of the transmissions of the cable TV stations. It shall keep the Authority informed about the feedback and public response to the contents, quality and impact of the programmes and advertisements aired or distributed.

17. Duties of the Officers.- (1) The Authority shall appoint such number of officers and staff at the regional offices as may be expedient, to execute the purposes of the Ordinance and the rules made thereunder, and to serve as the Secretarial set up for the respective regional Councils. The officer incharge of a regional office shall be the representative of the Authority and shall perform such functions and duties as may be assigned to him, from time to time, by the headquarters. He shall also act as Secretary to the respective regional Council under the supervision of the respective Commissioner of Complaints.

(2) The Authority shall appoint a coordinating officer at its headquarters in Islamabad to liaise with the regional offices of the Councils of Complaints.

PART – IV

OFFENCES, PENALTIES AND ENFORCEMENT

18. Inspection and Enforcement.- (1) In case of illegal operation or violation of the licence conditions by a cable TV operator, the Authority may authorize an officer/official to physically inspect the place from where illegal operation is being

carried out, and on confirmation, take steps for its immediate closure. The Officer shall have the assistance of local law enforcing authorities as well as his own force.

(2) The authorized officer or official may also take recourse to law, on his own initiative, after seeking appropriate orders from the Authority.

(3) Subject to the prior permission of the Authority, the Officer may also take appropriate steps for the seizure of the equipment being used for illegal operation.

(4) The Authority, may request the Federal or a Provincial Government to detail such number of officers as may be required, for the enforcement and implementation of the orders of the Authority passed under the Ordinance and the rules and regulations made thereunder.

19. Offences and Penalties.- (1) Any CTV operator or person who violates or abets the violation of any of the provisions of the Ordinance shall be guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one million rupees, or with both.

(2) Where such CTV operator or person repeats the violation or abetment, such person shall be guilty of an offence punishable with imprisonment for a term which may extend to three years, or with fine which may extend to two million rupees, or with both.

(3) Where the violation, or abetment of the violation of any provision of this Ordinance is made by a person who does not hold a licence, such violation shall be punishable with imprisonment for a term which may extend to four years, or with fine, or with both, in addition to the confiscation of the equipment.

20. Offences by companies.- Where any offence under this Ordinance has been committed by a person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company itself shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

21. Prohibition of broadcasts.- (1) The Authority, or an officer so authorized by the Authority, may, giving reasons in writing, prohibit any cable TV operator or a licensee from re-broadcasting or distributing any programme or a specific channel, if the Authority, or as the case may be the officer, is of the opinion that such particular programme or the contents of the channel broadcasts are likely to create hatred among the people or is prejudicial to the maintenance of law and order or is likely to disturb peace and tranquility or is against the Ideology of Pakistan or contains pornographic or obscene material or endangers national security or is violative of the terms and conditions of the licence.

(2) Subject to sub-rule (1) of this rule, the officer, after making such an order, shall inform the Authority in writing within 24 hours, with his reasons for passing the orders and all relevant supporting material. The Chairman shall decide whether the matter requires the convening of an emergent meeting and if in his opinion it does not, the matter shall be put before the Authority in its next regular meeting.

22. Proscription of a foreign broadcasting service.- (1) If the Authority, on having brought to its notice, considers that the content of any foreign broadcasting service is unacceptable, it shall order proscription of that service;

(2) The Authority shall not consider a foreign broadcasting service to be unacceptable, for the purpose, unless it is satisfied that the content of that service included any matter which prejudices the security and sovereignty of

Pakistan, the public interest or order or national harmony or is obscene or pornographic or is against good taste or decency.

23. Suspension of the licence.- The Authority may suspend the licence of a broadcaster or cable TV operator, for a period not exceeding three weeks, on one or more of the following grounds, namely:-

- i. the licensee has failed to pay the annual licence renewal fee;
- ii. the licensee has contravened any provision of the Ordinance or rules or regulations made thereunder;
- iii. the licensee has failed to comply with any condition of the licence;
- iv. if the shareholders of the licensee, being a company, have transferred, whether in one or more or a series of transactions, the majority of their shares.

Provided that no licence shall be suspended or cancelled unless the licensee has been given reasonable notice to show cause and personal hearing.

24. Cancellation of licence.- (1) Where a licensee contravenes any provision of the Ordinance or the rules or the regulations made thereunder , or any condition of the licence, the Authority, on its own accord or on the recommendation of the Council of Complaints, established under section 26 of the Ordinance, may, by written notice require the licensee to show cause as to why his licence should not be cancelled.

(2) If the Authority, on considering the explanation of the licensee, is of the opinion that the licensee has contravened any provision of the Ordinance or the rules or conditions of the licence, it may cancel the licence.

25. Seizure of broadcasting or distributing equipment.- (1) The Chairman, or an

authorized officer of the Authority, may order the seizure of the broadcast or distribution system equipment or any other equipment which is used to provide, assist or help to operate or broadcast a programme, which has been suspended or terminated by the Authority or which is in use for illegal cable TV operation.

(2) The authorized officer may also take steps for closure of the premises where the illegal operation is being carried out.

Provided that the equipment so seized may be returned to the licensee after imposing on him such punishment as the Authority may determine.

Provided further that the equipment seized for being used for illegal operation or without having a valid licence shall not be returned unless the concerned party files a formal application for grant of licence, gives an undertaking to abide by the provisions of the Ordinance, Rules and Regulations, and also pays such fines as may be imposed by the Authority.

26. Power to impose fine.- (1) The Authority shall have the power to impose fine upto five hundred thousand rupees on a CTV operator who contravenes the provisions of the Ordinance, Rules or Regulations, code of conduct, any term of the licence or such other instructions issued by the Authority from time to time.

(2) The fine so imposed shall be recoverable as arrears of land revenue.

27. State agencies to assist Authority in enforcement.- All the field officers of local administration, police, civil armed forces and all officers involved in collection of land revenue shall assist the designated officers of the Authority in the discharge of their functions, relating to the enforcement, under the provisions of the Ordinance and the rules and regulations made thereunder."

28. Appeals.- (1) A person, aggrieved by an order of an officer of the Authority,

acting under the delegated powers of the Authority, may, within thirty days of issuance of the order, appeal to the Authority and the Authority shall decide the matter within forty five days of the submission of the appeal.

(2) A person aggrieved by any decision or order of the Authority on the ground that it is contrary to the provisions of the Ordinance, Rules or Regulations, may within thirty days of the receipt of such decision or order, appeal to the High Court in the manner prescribed by the High Court, for filing the first appeal before the Court against an interlocutory order of a Civil Court.

Provided that no decision or order of the Authority shall be suspended or revoked, unless the Authority is given an opportunity of being heard.

PART – V

QUALITY STANDARDS OF PROGRAMMES AND EQUIPMENT

29. General standards for transmission programmes.- (1) The licensee shall provide a suitable proportion of programmes and channels of indigenous origin;

(2) The licensee shall abstain from receiving or transmitting ineligible channels and shall be bound to relay and distribute the compulsory programme channels as notified by the Government or by the Authority, from time to time;

(3) The cable TV operation licensee shall include the national TV broadcast channels, as the priority serial order channels, at serial number 1 to 5, in the respective bouquet of the channels distributed by him.

(4) The licensee shall provide basic service transmission channels, which shall also include a group of channels as agreed upon by the operator, to the subscribers in lieu of the basic subscription fee. The group of channels shall include PTV-1, PTV World, a Quranic channel and an Islamic educational channel.

(5) The licensee shall ensure that nothing is contained in any programme, or an advertisement, which is prejudicial to the interests of the sovereignty and integrity of Pakistan, Ideology of Pakistan, security, friendly relations with foreign states, public order or which may constitute contempt of court, defamation or incitement to an offence;

(6) The licensee shall ensure emphasis on promotion of national dignity and character, values of national integration, religious, sectarian and communal harmony and a visible deference to the social, cultural, moral and traditional values of the Pakistani society, in relaying the programmes;

(7) The licensee shall not alter or delete a programme in the course of its distribution except as required or authorized under the conditions of the licence or these Regulations and for the purpose of complying with the provisions concerning indecent and pornographic contents.

(8) The licensee shall install effective technical devices in his cable TV system to block the distribution of such programmes or advertisements, or any part thereof, as containing pornographic, obscene or indecent material or violative of the public morality, terms of the code of conduct or the provisions of the Ordinance, the Rules or Regulations made thereunder.

(9) The licensee shall be responsible to stop the transmission, re-transmission or relaying the pornographic contents of any type through his cable network

(10) The licensee shall not use VCR, VCP, DVD or VCD etc. to run pre-recorded programmes on his cable TV System;

Provided that a licensee may, with the prior written permission of the Authority, run, through the above devices, such specific programmes on Islam or such special subjects as the Authority may determine;

Provided further the licensee may, with the prior written permission of the Authority, run, through the above devices, the advertisement slots of his own choice to fill in the programme gaps and to suppress and substitute such advertisements as may be available on direct live channel transmissions being received by him.

(11) The licensee may demand reasonable compensation from such direct live channel operator, in case the licensee allows the advertisements included in the transmission of that channel, to run on his own network system.

(12) The licensee shall abide by the terms and conditions of the licence and comply with the code of conduct for the licensees in respect of contents of the programmes and advertisements relayed or distributed through the cable TV system

(13) The programmes and advertisements shall conform to the provisions of the laws relating to the Motion Pictures, pornography, intellectual property, censorship and any other laws in force in Pakistan and the Ordinance and the rules, regulations and code of conduct framed thereunder.

30. General conditions and quality standards applicable to CTV and decoders/de-scramblers.- (1) The licensed system shall be fully compatible with the equipment normally in use of the subscribers in terms of the capability of quality reception of the signals;

(2) The licensee shall ensure that the installed system meets the criteria for cable- TV systems as laid down by ITU-T, ITU-R and other local and international standards bodies with respect to the network, cables, cable installation and termination, transmitters, receivers, transmitted signals and other equipment.

(3) The system will be designed to cater for the number of subscribers connected to it and will ensure an acceptable level of service and price.

(4) The licensee shall install special equipment to suppress such advertisements as may be of foreign origin or violative of established Pakistani norms of decency and also to suppress pornography, obscenity and other such programme slots which may be undesirable or violative of the provisions of these regulations or terms of the licence;

(5) The licensee shall respond promptly to complaints from subscribers.

(6) The licensee shall not interrupt service to the subscribers. In case the licensee wishes to wind up the business, he shall seek approval in writing from the Authority not later than sixty days prior to such action, and subsequently notify the subscribers.

(7) Licensee is not authorized to up-link or down-link services for which it is not licensed.

(8) Licensee is not authorized to up-link or down-link services from unlicensed satellite operators.

(9) Cable TV operation or decoder selling licence does not allow or employ directly or indirectly to provide unlicensed or unauthorized services from satellite operators or from any other system in Pakistan.

(10) The licensee shall abide by the provisions of the Ordinance and the rules and regulations made thereunder, the code and the terms of the licence and all such other directions given by the Authority from time to time.

31. Safety and environmental standards.- (1) The licensee shall ensure that the system does not cause interference or harm to the equipment of his subscribers and to other systems that may be connected to the system.

(2) The licensee shall ensure that all cable termination at the customer end is done according to the standards for cable TV systems as laid by ITU or IEC or other such local or international standards bodies.

(3) The licensee shall ensure that cables do not become a nuisance to the public and do not pose a hazard to people, animals and the natural environment.

(4) The licensee shall ensure that line isolators are placed where required at household ends and junction points to prevent stray electrical voltage from getting onto the system and causing danger to customer equipment and people.

(5) The licensee shall obtain necessary permits from the municipal authorities and the utility companies, as required to lay the cables.

(6) Where digging of roads is required, the operator shall ensure that it does not pose a traffic and environmental hazard.

(7) Under no circumstances trees be cut down or removed for the purpose of laying cables or installing antennas etc. In case such obstacles are present, an alternative route must be devised even if it means added expenditure to the operator.

(8) Where cable is strung over utility poles, the operator will ensure that it is installed at a sufficient height, out of the reach of people and is properly clamped to the poles.

PART-VI

LICENCE FOR SELLING DE-SCRAMBLERS, DECODERS

32. Cable TV de-scramblers and decoders.- (1) Representatives, agents, vendors, distributors of satellite cable TV broadcasters shall be incorporated in Pakistan and licensed by the Authority for selling decoders only to the licensed cable TV operators.

(2) Applicants shall apply for a licence, to sell decoders, on the prescribed form.

(3) The licence shall be valid for a period of 5 years on payment of annual licence fee and other charges.

(4) The decoders shall comply with the specifications given under Cable Television System Standards.

(5) The licensee shall not discriminate against any customer in selling decoder units (decoder box) and channel cards.

(6) The licensee shall keep a record of all decoders sold.

(7) The decoders shall not be sold to the house-owners, till such time the Authority, by a specific licence, permits the Direct to Home (DTH) service in Pakistan or a part thereof.

33. Decoder selling licence fee.- (1) The licensee shall pay such licence fee and annual charges to the Authority as specified in the Schedule;

(2) The licensee shall submit audited annual accounts, to the Authority, within 120 days of closing of the financial year.

34. Decoder Tariff.- (1) The licensee shall be allowed to charge from customers, licensed cable TV operators, a fixed monthly subscription fee, as specified in the Schedule, for decoders or set top boxes sold to them.

(2) The licensee shall not charge more than the approved rates.

35. Copyright.- (1) The licensee shall be responsible for ensuring that copyright obligations with respect to the programmes being relayed by him are fulfilled.

(2) Neither the Authority nor any employee of the Authority shall be liable for any offence, damage or other injuries which anyone may suffer because of the negligence or violation of the licensee with regard to any of the laws or code of conduct or ensuing from any other source.