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ISLAMABAD CONSUMERS PROTECTION ACT, 1995
ACT NO. III OF 1995

An Act to provide for promotion and protection of the interest of consumers

WHEREAS sit is expedient to provide for promotion and protection of the interests of consumers and for matters connected therewith and incidental thereto ;

It is hereby enacted as follows :—

1. Short title, extent and commencement.—(1) This Act may be called the Islamabad Consumers Protection Act, 1995.

(2) It extends to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Authority" means the Court of Sessions, Islamabad;

(b) "complaint" means—

(i) | a consumer;

(ii) | a consumer's association; and

(iii) the Federal Government, Chief Commissioner, Islamabad Capital Territory, Capital Development Authority, or any person or agency authorized by the aforesaid on their behalf to file complaint before the Authority;

(c) "consumer" means any person who—

(i) buys goods for a consideration which has been paid or partly paid and partly promised to be paid or under any system of deferred payment or hire purchase and includes any user of such goods but does not include a person who obtains such goods for re-sale or for any commercial purpose; or

(ii) hires any goods or services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment and includes any beneficiary of such services.

(d) "Council" means the Consumers' Protection Council, Islamabad; established under section 3;

(e) "Services" includes services of any description which is made available to potential users and includes the provision of facilities in connection with banking, financing, insurance, transport, manufacturing, processing, accountancy, supply of electrical, mechanical or any other form of energy, boarding or lodging, entertainment, medicine, education, construction

(f)

work, amusement, catering, security, or purveying a news or other information, and similar other services, but does not include the rendering of any service free of charge or under the contract of personal service; and

“unfair trade practice” means a trade practice which, for the purpose of sale, use or supply of any goods, or for provision of any service or for their promotion, adopts one or more of the following practices, causes loss or injury through hoarding, black-marketing, adulteration, selling of expired drugs, food items and commodities unfit for human consumption, or charging for the goods and service in excess of the prices fixed by an authority authorized to do so under any law for the time being in force or in furtherance of such sale, use or supply makes any statement, whether orally or in writing, or by chalking on walls or through sign-boards or neon-sign or by distributing pamphlets or by publication in any manner, including through electronic media, by—

- (i) falsely representing that the goods or, as the case may be, services are of a particular standard, quality, quantity, grade, composition, style or mode;
- (ii) falsely representing any rebuilt, second-hand, renovated, reconditioned or old goods as new goods;
- (iii) falsely representing that the goods or, as the case may be, services have sponsorship or approval of the competent agency or authority or possesses specified characteristics, performance, accessories, uses or benefits which such goods or services do not have;
- (iv) falsely representing that the goods or services offered fulfil the prescribed standard fixed by local or international authorities;
- (v) giving misleading representation of the need for, or the usefulness of any goods or services;
- (vi) falsely giving to the public any warranty or guarantee of the performance, specification, required ingredients, efficacy or length of life of a product or any goods that is not based on an adequate or proper tests thereof;
- (vii) falsely offering for sale or on lease any premises, house, shop or building with specified facilities or with the promise to deliver possession thereof within a specified period or without any escalation in price or by falsely representing that such premises, house, shop or building is being sold, built or constructed in accordance with the approved plans, specification and approval of the concerned authorities;
- (viii) misleading the public concerning the price at which a product or products or goods or services have been, or are ordinarily sold or provided;

(ix)

(x)

(xi)

(xii)

giving false or misleading facts regarding facilities available in the private educational institutions or falsely representing that such institutions have proper approval of the concerned authorities;

falsely representing for provision of services by professionals and experts, including by doctors, engineers, advocates, mechanics, teachers, hakeems and spiritual healers;

giving false or misleading facts disparaging the goods, services or trade of another person, firms, company or business concern;

advertising for the sale or supply at a bargain price of goods or services which are not intended to be offered for sale or supply at such price;

(xiii) offering of gifts, prizes or other items with the intention of not

providing them as offered or creating the impression that something is being given or offered free of charge when it is fully or partly covered by the amount charged in the transaction; and

(xiv) falsely gives description of commodities and services offered through

mail order.

3. The Council.—(1) As soon as may be, after the commencement of this Act, the Federal Government may, by notification in the official Gazette, establish the Consumers Protection Council, Islamabad.

(2) The Council shall consist of the following :—

(i)

(Gai)

(iii)

(iv)

(v)

(vi)

(vii)

(viii)

The Chairman, to be appointed by the Federal Government Chairman from amongst prominent social workers permanently residing at Islamabad.

Members of Parliament representing Islamabad Capital Member Territory;

Chief Commissioner, Islamabad Capital Territory, Islamabad; Member Chairman, Capital Development Authority; Member three representatives of the Consumers Associations in Member Islamabad;

a representative of the Ministry of Interior who shall not be Member below the rank of Joint Secretary;

a representative of the shopkeepers, vendors or manufacturers Member as

recommended by the Chamber of Commerce and Industries, Islamabad;

a representative of the Finance Division who shall not be Member below the rank of Joint Secretary;

(ix)

(x)

(xi)

(xii)

a representative of the Ministry of Health who shall not be below the rank of Joint Secretary;

a representative of Ministry of Food, Agriculture and Livestock who shall not be below the rank of Joint Secretary;

a representative of the Ministry of Industries and production who shall not be below the rank of Joint Secretary;

a lady social worker permanently residing at Islamabad to be appointed by the Federal Government.

Member

Member

Member

Member

(3) The existence of a vacancy in, or defect in the constitution of, the Council shall not invalidate any act or proceedings of the Council.

4. Meetings of the Council. — (1) The Council shall meet as and when necessary and at such time and place as the Chairman may fix:

Provided that not more than a period of two months shall intervene between the two meetings of the Council.

(2) In absence of the Chairman, the Members present in the meeting shall elect one of the members to act as Chairman.

(3) The quorum of the meeting of the Council shall be four members.

5. Objects and functions of the Council, etc.—(1) The objects and functions of the Council shall be to determine, promote and protect rights of consumers, including—

(a) the right of protection against marketing of goods which are hazardous to life and property;

(b) the right of information about the quality, quantity, potency, purity, standard and price of goods and services;

- (c) the right of access to a variety of goods at competitive prices;
- (d) the right for redressal against unfair trade practices of unscrupulous exploitation of consumers,
- (e) the right of Consumers' education; and
- (f) the right of easy availability of essential services.

(2) The Council shall be responsible for formulation of the policies for promotion and protection of the rights of consumers, fair and honest trade practices by the manufacturers, producers and suppliers of goods and services in relation to interest of consumers and their effective implementation;

(3) For promotion and protection of the interests of consumers, the Council shall coordinate

between the Government, manufacturers, producers, suppliers and consumers.

6. Authority.—(1) The Authority shall receive complaints of the consumers and those made on behalf of the council for investigation and determination thereof.

(2) The Police, Capital Development Authority and other agencies of the Federal Government and Islamabad Capital Territory Administration shall act in aid of the Authority for performance of its functions under this Act.

7. Prohibition of false advertisement etc.—(1) Notwithstanding anything contained in any other law for the time being in force, no company, firm or person shall advertise in any manner not authorised by law for the sale or hiring of goods or services or any property, movable or immovable, or solicit deposits for repayment at higher rates of profits or interest and thereby causes loss to any consumer, whether financial or otherwise.

(2) Notwithstanding any punishment provided for making misrepresentation, false or misleading advertisement in any other law for the time being in force, the company, firm or a person making such advertisement shall be liable to pay such compensation as the Authority may direct for causing loss to the person affected by such advertisement.

8. Procedure for disposal of the complaints—(1) A complainant may in respect of any goods sold or delivered or any service provided or supplied or against any unfair trade practice file a complaint with the Authority.

(2) The Council may, in the case of any unfair trade practice coming to its notice, directly make complaint to the Authority through an officer authorised by it.

(3) Where on examination of the complaint received under sub- section (1) or sub-section (2), the Authority is of the opinion that any right of the consumer has been infringed, it shall cause the notice of the complaint to be served on the respondent who shall be required to give his reply within a period of seven days.

(4) After considering the complaint and the reply of the respondent and after providing the parties and opportunity of being heard, or if no reply is received and after such enquiry as the Authority may deem appropriate it may pass such orders as the circumstance may require.

'I8A. Power to try summarily.—(1)Without prejudice to the foregoing provisions and in addition to the powers exercisable by the Authority where any right of a consumer is infringed or contravened by way of profiteering, hoarding, black- marketing, adulteration of food items, selling of expired items of food and other item unfit for human consumption or charging for goods and services in excess of the prices fixed by the competent authority under any law for the time being in force, it shall be tried by a special Magistrate appointed under section 14A of the Code of Criminal Procedure, 1898, (Act VI of 1898) in a summary manner as provided in sections 262 to 265 of the said Code:

Provided that sub-section (2) of section 265, shall not apply.

(2) If a Special Magistrate has reason to believe that any infringement or contravention of any right of consumer as stated in sub-section (1) punishable under this Act has been committed by any person, he may enter the place or premises where the infringement or contravention has been committed and try the same or the spot and punish the defaulter within imprisonment which may extend to six months or fine which may extend to fifty thousand rupees or with both.

(3) Any person aggrieved by the order of special Magistrate may, within fifteen days prefer an appeal to the Authority.]

9. Penalties.—(1) Where any right of consumer required to be protected under section 5 of the Act is in any way infringed, the person responsible for such infringement shall be punished with imprisonment which may extend to two years, or with fine which may extend to forty thousand rupees, or with both.

(2) Whoever makes advertisement through print or electronic-media or by chalking on walls or in any other manner in contravention of section 7, he shall be punished with imprisonment which may extend to two years, or with fine which may extend to thirty thousand rupees, or with both.

(3) The Authority may, where it deems appropriate, order for payment of compensation to the consumer to the extent the consumer has suffered any damage or loss through any unfair trade practice.

(4) The Authority may, where it deems necessary for protection of the rights of other consumers, order for confiscation of any goods or material or direct for their destruction.

10. Appeal. An appeal against the order of Authority shall lie to the High Court and the provisions of the Code of Criminal Procedure, 1898 (V of 1898) in respect of appeals to the High Court shall, mutatis mutandis, apply.

11. Immunity of the Council, etc. No suit, prosecution and other legal proceedings shall lie against the Council, its members, the Authority and other officers and authorities acting under the directions of the Council or, as the case may be, the Authority in respect of anything done under the provisions of this Act or any rules or orders made thereunder.

12. Rules. The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.