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ORDINANCE No. XII OF 2010

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ORDINANCE

to amend the Islamabad Consumers Protection Act, 1995

WHEREAS it is expedient to amend the Islamabad Consumers Protection Act, 1995 (III of 1995), for the purposes hereinafter appearing;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the Islamabad Consumers Protection (Amendment) Ordinance, 2010.

(2) It shall come into force at once and shall be deemed to have taken effect on the 26th March, 2010.

2. **Insertion of new section 8A, Act III of 1995.**—In the Islamabad Consumers Protection Act, 1995 (III of 1995), after section 8, the following new section shall be inserted, namely:—

“8A. **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 in respect of profiteering, hoarding, black-marketing, adulteration, selling of expired items of food and other items 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 on the spot and punish the defaulter with 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.”

STATEMENT OF OBJECTS AND REASONS

In order to effectively implement the Islamabad Consumers Protection Act, 1995, summary trial is proposed to be introduced whereby Special Magistrates appointed under section 14 A of the Code of Criminal Procedure, 1898 would summarily try the cases of profiteering, hoarding, black-marketing, adulteration, selling of expired items of food and other item unfit for human consumption or charging excess of the prices fixed by the competent authority. This will provide efficacious remedy as well relief to the general public.

The bill is aimed to achieve the aforesaid objects.

DR. ZAHEERUDDIN BABAR AWAN
Minister for Law, Justice and Parliamentary Affairs
Member-in-Charge