



Khyber Pakhtunkhwa Judicial Academy

Report Of
2- Day Workshop
On
The Khyber Pakhtunkhwa Consumer Protection Rules, 2021
23 – 24 June, 2022



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**KHYBER PAKHTUNKHWA JUDICIAL ACADEMY,
OLD SESSIONS COURT BUILDING, JAIL ROAD, PESHAWAR,
KHYBER PAKHTUNKHWA, PAKISTAN**

CONTENTS

1.0	REPORT ABSTRACT	3
2.0	INTRODUCTION	4
3.0	PROCEEDINGS IN BRIEF	4
	ANNEX-A.....	6
	• CONCEPT NOTE	6
	ANNEX-B	9
	• SCHEDULE OF ACTIVITIES	9
	ANNEX-D	13
	• GROUP DISTRIBUTION.....	13
	ANNEX-E.....	15
	• RECOMMENDATIONS BY GROUP-I.....	15
	ANNEX-F	16
	• RECOMMENDATIONS BY GROUP-II.....	16
	ANNEX-G	17
	• RECOMMENDATIONS BY GROUP-III	17
	ANNEX-H	19
	• RECOMMENDATIONS BY GROUP-IV	19
	ANNEX-I	21
	• CONSOLIDATED RECOMMENDATIONS	21
	ANNEX-J	22
	• TRAINING PHOTOS.....	22

1.0 REPORT ABSTRACT

A Two – Days, Workshop on the Khyber Pakhtunkhwa Consumer Protection Rules, 2021 (the Rules) was conducted by Khyber Pakhtunkhwa Judicial Academy on 23 – 24 June, 2022.

Participants of the workshop were Judges of the Consumer Courts and Officers of the Industries, Commerce and Technical Education Department, Government of Khyber Pakhtunkhwa. Mr. Muhammad Zeb Khan - Member Inspection Team, Peshawar High Court (nominee of Registrar, Peshawar High Court) was the chief guest at the inaugural ceremony. The ceremony was presided over by the Director General, Khyber Pakhtunkhwa Judicial Academy (KPJA). The Judges Consumer Protection Court, Peshawar, Chitral and Faculty of the Academy were moderators of the workshop.

In orientation session, participants were apprised of concept and methodology of the workshop. The second session included an overview of the salient provisions of Khyber Pakhtunkhwa Consumer Protection Act, 1997 (the Act) and the Rules, 2021. The participants were divided into four groups for thorough deliberations on the Act and the Rules. They deliberated for two days on both the legislations, where after, they presented their group recommendations. The house then formulated consolidated recommendations for presentation to the concerned.

Hon'ble Mr. Justice Lal Jan Khattak, Judge Peshawar High Court, graced the concluding ceremony of the workshop, as chief guest.

2.0. INTRODUCTION

2.1. The Khyber Pakhtunkhwa Judicial Academy has the statutory mandate to provide training to all justice sector stakeholders, to hold conferences, seminars, lectures, workshops, and symposia in matters relating to administration of justice (Section 4 of the Academy Act).

2.2. The Khyber Pakhtunkhwa Consumer Protection Act was enacted in the year 1997. However, rules under the Act were awaited. This had an impact on implementation of the law. The Government of Khyber Pakhtunkhwa has prescribed the Khyber Pakhtunkhwa Consumer Protection Rules in the year 2021. The objectives of newly laid down rules could be achieved with their proper understanding. With this end in view, the Khyber Pakhtunkhwa Judicial Academy organized a Two – Day Workshop on the Rules.

3.0. PROCEEDINGS IN BRIEF

Day-1

3.1.1. **Inaugural Session:** The programme started with recitation from the Holy Quran. The participants were formally welcomed by the Director General of KPJA. In her welcome remarks she highlighted the concept and objectives of the workshop. She expressed hope that the workshop would provide participants with a platform to thoroughly discuss and understand the Act and the Rules and recommend suggestions that would serve as a foundation stone for future reforms. Mr. Muhammad Zeb Khan, Member Inspection Team, Peshawar High Court and chief guest, lauded the efforts of Academy for holding the session by inviting the relevant judges and government officers to deliberate on the Rules for uniform applicability.

3.1.2. **Brain Storming Session:** The Judge Consumer Court, Peshawar highlighted the concept and methodology of the workshop. The activity was followed by brief Q&A session. The Judge Consumer Court, Chitral presented a comprehensive overview of salient provisions of the Act, 1997 and the Rules, 2021.

3.1.3. **Deliberative Session:** The participants were divided into four groups for deliberations. The groups then undertook extensive discussions on the Act and the Rules. The groups also deliberated upon practices and procedures of the Consumer Courts.

Day-2

3.1.4. **Recommendations Session:** The participants made further deliberations. They formulated and presented their recommendations (Annexures *E, F, G, & H*). After deliberations, the house agreed on consolidated recommendations (Annexure-I).

3.1.8 Hon'ble Mr. Justice Lal Jan Khattak, Judge Peshawar High Court, graced the concluding ceremony, as Chief Guest. The Judge Consumer Court, Peshawar presented the consolidated recommendations before the forum. In his address, hon'ble the chief guest lauded the efforts of the Judicial Academy and the Provincial Government for organising the workshop. He expressed his hope that the recommendations would ensure protection of the consumer rights and would further improve public service. In the end, certificates were distributed by the hon'ble chief guest amongst the participants.

Annexures

ANNEX-A	
CONCEPT NOTE	
Program	Workshop on “the Khyber Pakhtunkhwa Consumer Protection Rules, 2021”
Duration	02 Days
Participants	Judges of Consumer Courts, Deputy Directors/ Assistant Directors & Senior Officers of the Industries Department, Government of Khyber Pakhtunkhwa.
No. of participants	32
Methodology	Participatory, Interactive

BACKGROUND & SCOPE

Protection of consumer rights holds a significant place in international and national legislations. The United Nations Guidelines for Consumer Protection were adopted in 1985 (revised 1999). The Guidelines propose objectives described as “legitimate needs” of the consumer. These are: right to be heard; right to information; right to safety; right to choose; right to consumer education; and promotion of economic interests of consumers.

In Pakistan, initially the consumer related legislation was contained in the Pakistan Penal Code, 1860. Thereafter, from time to time, legislation in the shape of West Pakistan Pure Food Ordinance, 1960, Cantonments Pure Food Act, 1966, Pakistan Hotels & Restaurants Act, 1976, Drugs Act, 1976, Pakistan Standards and Quality Control Authority Act, 1996, Pakistan Telecommunication (Re-organization) Act, 1996, National Electric Power Regulatory Authority Act, 1997, Natural Gas Regulatory Authority Ordinance, 2000, were promulgated to provide a remedial forum to consumers. However, the laws do not cater for express consumer welfare approach. The statutes dealing with pricing issues, for instance, are apparently concerned with consumer-related issues. However, these do not provide for consumer participation mechanism. This can be attributed to insufficient attention and awareness on consumer right protection. Consequently, the matter of pricing is dealt with from the standpoint of the government (representing the consumer) and the retailer or manufacturer. The government representing the consumer suffers from a conflict of interest. For example, seeking to generate tax revenues from



sales and supplies, the need to accommodate the organized influence and pressure from the suppliers, especially the powerful multinationals and at the same time representing the consumer. In other words, the government has its own point of view that may conflict with what is in the best interest of the consumer.

In 1995, for the first time, Islamabad Consumer Protection Act, 1995 was promulgated for the promotion and protection of consumer interests and establishment of consumer councils. This was followed by the Provincial Consumer Protection Laws.

The Khyber Pakhtunkhwa Consumer Protection Act (the Act), was enacted in year 1997, however, detailed rules of procedure were not prescribed. Thus, each Consumer Court devised its own methodology of hearing cases and dealing with the complaints under the Act. Such inconsistent practices and procedures in court proceedings are creating confusion amongst litigant public, lawyers' community and other related stake holders. There is need to bring uniformity and consistency in practice and procedure of different Consumer Courts on identical consumer related complaints/ matters.

After promulgation of the Khyber Pakhtunkhwa Consumer Protection Rules, 2021 (the Rules), it is high time to create clear understanding of the Rules. The subject matter came as agenda item, before the Hon'ble Administrative Judge, Consumer Courts, in meeting held on 3rd of June, 2022. The idea of deliberation on the Rules was also approved in the meeting.

Furthermore, there is always scope of improvement. The workshop will provide an opportunity to discuss the Rules, highlight ambiguities, if any, and suggests further legislative reforms in the Act and the Rules for the betterment of public at large.

OBJECTIVES:

Specific objectives of the activity can be summarized as under:

- To enhance understanding of the Khyber Pakhtunkhwa Consumer Protection Act, 1997;
- To sensitize participants on effective implementation of the Khyber Pakhtunkhwa Consumer Protection Rules, 2021;

- To discuss the practical aspects of the Rules and practice and procedure of the Consumer Courts working in different areas in the province; and to
- Suggest amendments in the Act and Rules, if so recommended.

OUTCOMES:

The following outcomes are expected from the activity:

- Better understanding of the Khyber Pakhtunkhwa Consumer Protection Act, 1997 and the Rules, 2021;
- Smooth implementation of the Rules by the Consumer Courts, the Industries, Commerce and Technical Education Department, Government of Khyber Pakhtunkhwa, and authorized officers;
- Bringing uniformity and consistency in practice and procedure of the Courts; and
- Proposing Legal Reforms in the consumer protection law and rules.

WORKSHOP CONTENTS:

The following would constitute reference material for the workshop.

Core Readings;

- The Khyber Pakhtunkhwa Consumer Protection Act, 1997
- The Khyber Pakhtunkhwa Consumer Protection Rules, 2021

Recommended Readings:

- The United Nations Guidelines for Consumer Protection, 1985 (Revised 1999)
- The Islamabad Consumer Protection Act, 1995
- Islamabad Capital Territory (Consumers Protection) Rules, 2011
- The Balochistan Consumer Protection Act, 2003
- The Punjab Consumer Protection Act, 2005
- The Punjab Consumer Protection Rules, 2009
- The Sindh Consumer Protection Act, 2014
- The Sindh Consumer Protection Rules 2017
- The Consumer Protection Legislation of other jurisdictions

ANNEX-B
SCHEDULE OF ACTIVITIES

Day 1

Thursday, June 23, 2022

Inaugural Sessions

08:30 – 8:55	Arrival of Participants and Registration
8:55 – 09:00	Recitation from the Holy Quran
9:00 – 09:05	Welcome Address Director General, Khyber Pakhtunkhwa Judicial Academy
9:05 – 09:10	Address of the Chief Guest

Orientation – Brainstorm Session

9:15-09:25	Activity 1.1 Concept & Methodology of the Workshop Moderator: Mr. Muhammad Asif Khan, Judge Consumer Court, Peshawar
9:25-10:20	Activity 1.2 Overview of salient provisions of the Khyber Pakhtunkhwa Consumer Protection Act, 1997 and its Rules, 2021 Moderator: Mr. Amjad Zia Siddiqui, Judge Consumer Court, Chitral
10:20-10:30	Group formation [04 Groups]

Deliberations Sessions

11:00-12:45	Activity 1.3 [Group discussion] Clause-wise discussion on the Khyber Pakhtunkhwa Consumer Protection Act, 1997 and Khyber Pakhtunkhwa Consumer Protection Rules, 2021 Moderators: Mr. Muhammad Asif Khan, Mr. Amjad Zia Siddiqui & Faculty of KPJA
01:30-03:00	Activity 1.4 [Group discussion] Bringing uniformity in the proceedings before Consumer Courts of the Khyber Pakhtunkhwa. [Uniformity of procedure & practice in cases of civil or criminal proceedings in line with CPC or CrPC] Moderators: Mr. Muhammad Asif Khan, Mr. Amjad Zia Siddiqui & KPJA Faculty

Day 2
Friday, June 24, 2022

Activity 2.1

- 08:45am Recitation from the Holy Quran
- 09:00-10:30 Group discussions/ Deliberations for Recommending Suggestions

Activity 2.2

- 11:00-11:15 Presentation/Recommendations - Group 1
- 11:20-11:35 Presentation/Recommendations-Group 2
- 11:40-11:55 Presentation /Recommendations- Group 3
- 12:00-12:15 Presentation/Recommendations- Group 4
- 12:20-12:45 Consolidation of Recommendations

Concluding Ceremony

- 2:00-2:10 Arrival of hon'ble the Chief Guest
- 2:10-2:15 Recitation from Holy Quran
- 2:15-2:25 Welcome Address by the DG KPJA/Dean Faculty
- 2:25-2:40 Presentation of Consolidated Recommendations of Workshop –
Judge Consumer Court, Peshawar
- 2:40-3:00 Concluding Remarks by hon'ble the Chief Guest
- 3:00-03:30 Certificate Distribution & Group photograph

ANNEX-C

PARTICIPANTS

SNO	Name	Designation
1	Mr. Muhammad Hamid Mughal	Judge, Consumer Court, Charsadda
2	Syed Asghar Ali Shah	Judge, Consumer Court, Mardan
3	Mr. Muhammad Jamal	Judge, Consumer Court, Karak
4	Mr. Muhammad Asif Khan	Judge, Consumer Court, Peshawar
5	Mr. Gohar Rehman	Judge, Consumer Court, Swat
6	Mrs. Nusrat Yasmeen Intikhab	Judge, Consumer Court, Lakki Marwat
7	Mrs. Muneera Abbasi	Judge, Consumer Court, Haripur
8	Mr. Muhammad Arshad	Judge, Consumer Court, Swabi
9	Mr. Badaruddin	Judge, Consumer Court, DI Khan
10	Mr. Liaqat Ali	Judge, Consumer Court, Nowshera
11	Mr. Amjad Zia Siddiqui	Judge, Consumer Court, Chitral
12	Mr. Abid Sarwar	AR(Admin),PHC
13	Mrs. Sadia Arshad	Judge, Consumer Court, Abbottabad
14	Mrs. Hajira Rahman	Judge, Consumer Court, Malakand
15	Mrs. Faryal Zia Mufti	Judge, Consumer Court, Manshera
16	Mr. Muhammad Arif Khan	Judge, Consumer Court, Kohat
17	Mr. Ishfaq Ali Haider	Judge, Consumer Court, Bannu
18	Mr. Wali Muhammad Khan	Judge, Consumer Court, Tank
19	Mr. Saqib Raza	Secretary, Industries, Commerce & technical Education Department KP
20	Mr. Iftikhar Ahmad Marwat	Director General Industries & Commerce KP
21	Mr. Mansoor Qaiser	Director, Industries & Commerce KP

22	Mr. Muahhammad Hanif Khan	Additional Director, Industries & Commerce KP
23	Mr. Sanan Ullah Khan	Deputy Director Admn & Accounts, Directorate General Industries & Commerce KP
24	Mr. Mujahid Khan	Deputy Director CPC Directorate General Industries & Commerce KP
25	Syed Sajjad Ali Shah	Deputy Director Industries Hazara Division, Abbottabad
26	Syed Badshah	Deputy Director Industries, Peshawar Region, Peshawar
27	Mr. Shahab Nawaz	Deputy Director Industries, Bannu Region
28	Syed Mohsin Ahmad Bukhari	Deputy Director Industries, Kohat Region
29	Mr. Asif Raza	Deputy Director Industries, Malakand Region
30	Mr. Jamil Khan	Assistant Director CRP, Peshawar
31	Mr. Arafat Afridi	Assistant Director CRP, District Khyber
32	Mr. Muhammad Asif	Industrial Development Officer, Peshawar

ANNEX-D
GROUP DISTRIBUTION

Group-I

1	Mr. Muhammad Hamid Mughal	Judge, Consumer Court, Charsadda
2	Mr. Muhammad Jamal	Judge, Consumer Court, Karak
3	Syed Asghar Ali Shah	Judge, Consumer Court, Mardan
4	Mr. Muhammad Arif Khan	Judge, Consumer Court, Kohat
5	Syed Mohsin Ahmad Bukhari	Deputy Director Industries, Kohat Region
6	Mr. Arafat Afridi	Assistant Director CRP, District Khyber
7	Mr. Muhammad Asif	Industrial Development Officer, Peshawar

Group-II

1	Mr. Gohar Rehman	Judge, Consumer Court, Swat
2	Mrs. Nusrat Yasmeen Intikhab	Judge, Consumer Court, Lakki Marwat
3	Mr. Muhammad Arshad	Judge, Consumer Court, Swabi
4	Mr. Liaqat Ali	Judge, Consumer Court, Nowshera
5	Syed Mohsin Ahmad Bukhari	Deputy Director Industries, Kohat Region
6	Mr. Mansoor Qaiser	Director, Industries & Commerce KP
7	Mr. Asif Raza	Deputy Director Industries, Malakand Region

Group-III

1	Mr. Badaruddin	Judge, Consumer Court, DI Khan
2	Mrs. Muneera Abbasi	Judge, Consumer Court, Haripur
3	Mrs. Faryal Zia Mufti	Judge, Consumer Court, Manshera
4	Mrs. Hajira Rahman	Judge, Consumer Court, Malakand
5	Mr. Muahhammad Hanif Khan	Additional Director, Industries & Commerce KP
6	Mr. Shahab Nawaz	Deputy Director Industries, Bannu Region
7	Mr. Jamil Khan	Assistant Director CRP, Peshawar

Group-IV

1	Mrs. Sadia Arshad	Judge, Consumer Court, Abbottabad
2	Mr. Ishfaq Ali Haider	Judge, Consumer Court, Bannu
3	Mr. Wali Muhammad Khan	Judge, Consumer Court, Tank
4	Mr. Iftikhar Ahmad Marwat	Director General Industries & Commerce KP
5	Mr. Sanan Ullah Khan	Deputy Director Admn & Accounts, Directorate General Industries & Commerce KP
6	Mr. Mujahid Khan	Deputy Director CPC Directorate General Industries & Commerce KP
7	Syed Sajjad Ali Shah	Deputy Director Industries Hazara Division, Abbottabad

ANNEX-E

RECOMMENDATIONS BY GROUP-I

Having perused closely and consciously read the Consumer Protection Rules Act and Rules we are of the considered opinion that without adhering to the ground realities, the Act was promulgated and the courts there-under were established. It was not properly considered before the framing of statutes and rules whether in the present society with existing temptation and exploitative situation coupled with absence of effective and assertive civil society and volunteers to raise the cause of poor, this Act and Rules may not succeed to achieve the objectives considered to be achieved there under. The Act and Rules are indicative of summary trials but in essence a case ordinarily consume about four months and if the habitual pleading tactics are involved in a case, the same may prolong for more than one year excluding the time to be consumed at appellate stage. Moreover, being an exhaustive law and latest on the subject, the other statutes dealing with the consumers' matters and the establishment made there under have to be scrapped to bring all them under one umbrella of consumer protection Act, avoiding overlapping of laws and practical skirmishes caused among the staff of different agencies dealing with subject matters.

In view of aforesaid defects and that no clear cut notified rates of goods and services are available and likewise, provincial consumer protection council being dormant to clarify aforesaid important matters, we formulate following recommendations:

- That for the time being, the existing consumer courts are incapable of proper delivery as expected under the Act and rules which needs reconsideration.
- That the trial proceedings are neither summary nor clearly civil or criminal and the consequent complex situation depicted in prevailing laws renders it bad law to be reconsidered afresh.
- That nature of consumer disputes not only require summary disposal but being business and commercial transaction are matters of spontaneous resolution and do not permit prolonged time consumption and rigorous of legal procedures.
- We also recommend that substantive change be opted for reconsidering the entire structure provided for resolution of consumer disputes under the Acts and rules. We may opt for substitution of the same by commercial or administrative tribunals not bound by legal or procedural rigors as are in India and many other developed countries.

ANNEX-F

RECOMMENDATIONS BY GROUP-II

- Section 10 of Act is about the council. It was agreed to be recommended that :
 - Council's formation, as to who are its members
 - Minutes of its meetings, as to what was the agenda and what was resolved; And
 - Policies adopted by the council shall/must be shared with the:
 - Court, Department (Industries Department) and shall also be publicly displayed.
- Section 12 of Act is about jurisdiction of court. Section 12 (b) says that when there are more than one respondent and they reside at different places, case can be filed at any of such places, but permission of court or acquiescence of party is needed. Here it is not clarified that at which stage, either before filing of petition or during the proceedings, the said permission or acquiescence of party shall be procured. It is also not clarified, that in case the permission or acquiescence of party is not granted, what consequences shall follow.
- Similarly, Section 12 of the Act does not cover or provide any procedure for complaints against E-commerce. Though E-Commerce is there in Rule 43, but no procedure for filing of complaint and no specific area of jurisdiction is provided.
- Need is therefore felt that there shall be clear and specific rules regarding:
 - E-Transactions
 - Court having jurisdiction in the said matters
 - And, also there shall be clear, loud and specific rules on return and refund policy.
- In section 11 of Act
 - Enquiry & Inspection
 - Sealing and de-sealing of premises is provided but there is no clear procedure for the same. The same is required.

ANNEX-G

RECOMMENDATIONS BY GROUP-III

- a) The word complaint is not defined in definition clause of the Consumer Protection Act, 1997 so to remove any ambiguity the same should be defined in the Act. Although the word complaint is defined in Khyber Pakhtunkhwa Consumer Protection Rules, 2021 under Rule-2, Sub-Clause-d but it was suggested by the members that it should also be defined in the Act as well.
- b) From the very beginning a clerical mistake was pointed in the Khyber Pakhtunkhwa Consumer Protection Act, 1997 that in definition clause (Section-2, sub-section-b) complaint is mentioned instead of word complainant. This mistake needs corrections.
- c) The establishment of Consumer's Protection Council at provincial level as defined in Section-8 of the Act should be established at district level to devise policies for protecting the consumer from unfair trade practices. Previously, the district level was included through the Amendment Act-II of 2005 but was removed by the Khyber Pakhtunkhwa Act No. XVII of 2015. It was suggested that the amendment of 2015 should be abolished and the Amendment Act-II of 2005 should be revived for providing a forum at each district.
- d) A special fund be placed at the disposal of Assistant Director of Consumer Protection for sending the sample to the laboratory in challan cases. As the AD should not be burdened for the sample expenses as mentioned in section-14 sub-clause (d) of the Act which requires that the complainant is bound to deposit the fee before sending the sample of the goods to the laboratory. The AD is also deemed to be a complainant under section-13 sub-clause (d) of the Act.
- e) Administrative Agencies if pass any order relating to consumer rights e.g fixation of price of any services or commodity then the Consumer Court should act as an appellate forum if someone is aggrieved from the said decision of the administrative agencies.
- f) Sealing of premises as mentioned in Rule-10 of the Khyber Pakhtunkhwa Consumer Protection Rules, 2021 it was suggested that the word premises should be defined in the Rules.

- g) In Section-2, Sub-Section “o” of the Act ,1997 unfair trade practice is defined. It is mentioned that a trade practice is unfair if a person is charging for a good and services in excess of the price fixed by a court authorized to do so under any law for the time being in force. Likewise in Clause-J of rule-2 of the Khyber Pakhtunkhwa Consumer Protection Rules, 2021 it is mentioned that price fixation means the price of the commodities and services fixed by District Price Review Committee or by any other forum authorized by any other law for the time being in force and include the court as mentioned in clause “o” of the section-2 of the Act. It was suggested that a schedule be annexed with the Rules in respect of laws which empower the court to fix the prices.
- h) Service structure of process server and bailiffs of consumer court should be formulated.
- i) Fine received by the court should be deposited in the national bank by the accountant and he be held responsible for any delay and misappropriation.
- j) Registrar of the consumer court should be authorized to receive the compliant and to issue the notices in absence of presiding officer.
- k) The council and AD should be proactive regarding the public awareness.
- l) The powers of consumer court are not defined in the Act or Rules. These should be supplied.
- m) Every decision of District Price Review Committee must be approved by the consumer protection council.
- n) Section-17 of the Act defines appellate jurisdiction of Consumer Court against the order of Director and Authorized Person. It is mentioned in Section-17 of the Act that any person aggrieved from the order passed by the Director under Sub-Section-1 of the Section-11-C (mistakenly written as 11-A in the Act) may file an appeal in the court. It was suggested that sub-section-1 of 11-C should be substituted with section 11-C as a whole.
- o) Sealing of premises under Section-10 of Rules, the power of sealing and de- sealing is given to Director. It was recommended that the Director after sealing shall communicate to the court accordingly. Amendment or addition is required in Rule-13.

ANNEX-H

RECOMMENDATIONS BY GROUP-IV

- a) Since the scheme of law is such that arena is left open at the discretion of the consumer court for dispensation of easy justice to litigants depending upon nature of complaint, therefore, any effort to limit its scope for bringing uniformity in strict sense will curtail its utility for the masses. However, holding similar workshops, seminars and other interactive sessions will be helpful for sharing of experiences by consumer courts of different jurisdictions and procedural uniformity among the courts to some extent.
- b) A standing committee may be constituted for studying the working of different systems in the country as well as the world at large and formulation of recommendations qua best practices, which may be included in the Act and Rules, where needed.
- c) District Consumer Protection Councils be established at district level for more fruitful results of consumer protection law.
- d) There is no office of Public Prosecutor or District Attorney for AD offices or consumer courts, which need to be established; or the District Public Prosecutor and District Attorney of the concerned district may be authorized to conduct cases in consumer courts.
- e) The heading "Complaint", given to definition of complainant in clause (b) of Section 2 of KPK Consumer Protection Act, 1997, needs to be amended.
- f) In section 19 of the Act, in line no.3 before the words "exceeding ten thousand rupees", the words "may also impose fine / cost not" are missing, which are required to be added.
- g) In the definition of "Price fixation" as given in clause (j) of Rule 2 of KPK Consumer Protection Rules, 2021, last sentence having the words "and include the courts as mentioned in clause (o) of Section 2 of the Act", is misconceived having no relevance. This needs to be rectified.
- h) In Rule 18, sub Rule 1 of KPK Consumer Protection Rules, 2021, instead of the word "acceptance", the words "filing or admitting", be inserted.
- i) Like Section 20 of Punjab Consumer Protection Act, 2005, provisions of Return and Refund Policy may be made part of the KPK Consumer Protection Act, 1997.
- j) Although Consumer Protection Act, is summary law but the very important provision of ADR / Settlement is lacking while Section 29 of Punjab Consumer Protection Act specifically deals with settlement at pre-trial stage. Such like provision may also be included in KPK Consumer Protection Act.

- k) For E-commerce, Rule 43 is enacted in the KPK Consumer Court Rules, 2021, but there is no provision in this respect in the main statute. This flaw needs to be removed by amending the main statute.
- l) Although, E-commerce is now part of newly enacted Rules, 2021, but the important area of implementation of orders of consumer courts outside the jurisdiction is lacking, without which this Rule and its provisions are not fruitful.
- m) In case, a complaint is concluded and order is passed, case file should not be consigned rather same be converted to execution like The Gas Theft, Control and Recovery Act, 2016 as well as in line with the spirit of summary trial as envisaged in Order 37 of Civil Procedure Code, regulating summary trials.

ANNEX-I
CONSOLIDATED RECOMMENDATIONS

1. Act and Rules are required to be amended suitably to:
 - a) Bring all Consumer related laws under the Jurisdiction of Consumer Protection Court;
 - b) Cover all cases/ disputes relating to Service provider and consumer;
 - c) Establish Consumer Protection Councils at district level;
 - d) Insertion of definition of the term “Complaint”
 - e) Power of sealing premises be made subject to Court orders;
 - f) Conferment of Magisterial Powers upon Directors/ Deputy Directors/ Assistant Directors;
 - g) Provisions of Refund/ Return policy be made part of law as per pattern of Punjab;
 - h) Inclusion of e-commerce provisions in the Act.
2. Appointment of Prosecutors/ Government Pleaders in Courts for prosecuting cases on behalf of Government/ AD.
3. Establishment of Process Serving Agency and Sheriff’s Petty Accounts and devising service structure of Process Servers/ Bailiffs as per practice and procedure of the Peshawar High Court.
4. Framing Copying branch Rules for issuance of Certified copies and depositing generated revenue in specific head.
5. Establishment of Record rooms of Consumer Courts under the relevant Act and Rules.
6. To sum up, it is recommended that:

A committee comprising of representatives of Industries, Law, Home Departments, Government of Khyber Pakhtunkhwa and one to two consumer court judges may be constituted for recommending improvements/ amendments in the Act and Rules, after studying laws and best practices of other countries including India, Philippines etc. and other provinces as well.

ANNEX-J

TRAINING PHOTOS

