



RESEARCH PAPER

District Consumer Protection Council Gujranwala: An Analysis of its Performance

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ABSTRACT

All provinces in Pakistan, including Islamabad, have their own consumer protection laws. All of these laws contain provisions for the establishment of consumer protection councils. The main purpose of these consumer protection councils is to protect the consumer from the machinations of manufacturers, traders, dealers and retailers. These consumer protection councils are functioning in seventeen districts of Punjab province. Gujranwala is one of the seventeen districts where the consumer protection council has been formed. This study evaluates the performance of District Consumer Protection council Gujranwala and finds the fact that the performance of this council has been satisfactory. But very small fines are imposed which need to be increased so that people think ten times while violating.

Introduction

As per Punjab Consumer Protection Rules 2009, district consumer protection council consists of district coordination officer/authority, assistant director legal, executive district officer finance & planning, community development, health, revenue, district officer agriculture, one tehsil municipal officer and district police officer/city police officer as official members whereas non-official members include six prominent citizens, president chamber of commerce and industry and four female social workers. Under the provisions of Punjab Consumer Protection Act 2005 (hereinafter PCP Act 2005), consumer can complain to the authority who can impose a fine of up to Rs. 50000 on the violator. These violations include non disclosure with regard to products and services, non exhibition of rate list at some prominent place of shop and non issuance of purchasing receipt. Consumers file complaints with the consumer protection councils to seek redress and justice for shopkeeper misbehavior and abuse, and this is the ultimate goal of these councils. To achieve the same goal, consumer protection council has been set up in Gujranwala.

Whether this council has succeeded in this goal or not? To see it, this paper will look minutely at the verdicts of this council and their number so that the performance of this council can be evaluated.

The complainant went to the respondent and told him that his brother had a Dubai visa which would expire within two months. Respondent was also told that the complainant's brother was a patient of Hepatitis B, a barrier to going abroad. The complainant alleged that the respondent assured him that he would treat his brother to eradicate the disease for which he would charge Rs. 30000. The complainant further alleged that as a result of this assurance, he paid Rs. 19000 and used the medicine prescribed by the respondent but despite repeated examinations, Hepatitis report tested positive. Respondent appeared in person and submitted his written reply stating that he had satisfied the complainant and the complainant was not interested in pursuing the complaint against him. For which, respondent submitted an affidavit and requested that the complaint be kindly dismissed. He also produced his laboratory technician certificate as well as his experience certificate. After examining the complaint, written statement as well as the documentary evidence available on record, the respondent was fined Rs. 2000 (*Aamar Hussain Gondal v. Khalid Pervaiz*, 2010).

The claimant stated that he went to the respondent's tikka shop along with his family and ordered for meal. But the meal served was substandard and defective. When he complained to the respondent, the respondent mistreated him and degraded him in front of his family. He further alleged that the respondent also over-charged for the meal. Respondent appeared and submitted his written reply in which he admitted the allegations leveled by the claimant and apologized for it. The allegations of the claimant had been proved against the respondent. Therefore, the respondent was fined Rs. 2000 (*Waheed Afzal v. Proprietor Nasar Tikka Shop*, 2010).

The complainant stated that he purchased ladies sandal from the respondent in consideration of Rs. 500. The respondent issued the guarantee of one year on the back of his visiting card. However, he refused to issue the receipt. The complainant alleged that the color of the shoes faded in a few days. He contacted the respondent for complaint but the respondent misbehaved and degraded him and refused to listen to him. Respondent appeared in person and submitted his written statement in which he stated that he was ready to change the sandal and assured to be careful in future. The allegations of the complainant had been proved; therefore a fine of Rs. 1000 was imposed as punishment for the violation of section 19 of PCP Act 2005 after the approval of Authority and the file was disposed of (*Muhammad Faisal v. Rizwan Wajid Proprietor Shine Shoes*, 2010).

The complainant alleged that he purchased a packet of Lays chips from the respondent's tuck shop. The retail price mentioned on the packet was Rs. 20, whereas the respondent charged Rs. 25 for it. The respondent was asked to issue receipt at his letter head but he refused to issue the receipt which was the violation of section 19 of PCP Act 2005. It was further stated by the complainant that rate list

was also not exhibited at shop by the respondent. Respondent appeared in person and submitted his written reply in which he admitted the allegations leveled by the complainant and assured that he would exhibit the rate list at his shop and would issue purchasing receipt at his letter head to the consumers. Fine of Rs. 2000 was collected from the respondent for the violation of section 18 and 19 of PCP Act 2005 after the approval of Authority and the file was disposed of (Farman Karamat v. Proprietor Khan Mart, Khan CNG Station near Ali Pur Chowk Bypass, 2010).

The complainant stated that he was resident of Sialkot Road Gujranwala and whenever he passed through the toll plaza Lohianwala, the staff of toll plaza not only overcharged beyond the fixed rates by the Government but also refused to issue the payment receipt. It was further mentioned by the complainant that when he tried to protest against that unlawful action, instead of considering his genuine request he was misbehaved by the staff and respondent. Respondent appeared in person and submitted his written statement in which he denied the allegations. After the examination of the complaint and the written statement, the respondent was found guilty of violating the section 18 of PCP Act 2005 for not exhibiting the scheduled rates at toll plaza and of misrepresenting the innocent citizens/consumers. He had also violated the section 19 by not issuing the proper payment receipts to the passengers/consumers. His malafide intention to grab unlawful money had been proved. He was also guilty of misbehaving with the local respectable citizens/consumers. Fine of Rs. 10000 was imposed against the respondent for the violation of the above mentioned provisions by the approval of Authority (Muhammad Suhail v. Manager Toll Plaza Lohianawala Bypass, 2010).

The complainant purchased a battery of his mobile set Nokia 2300 from the respondent in consideration of Rs. 220. When he tried to charge the said battery, it was not functioning. He contacted the respondent time and again for the replacement of battery but he refused to replace the said defective battery. He further alleged that the respondent did not issue him purchasing receipt inspite of the payment of Rs. 220 as well as misbehaved with him. Respondent appeared in person and verbally conceded the allegations mentioned in the complaint. Even during the inquiry into this matter, the attitude of the respondent was not good. A fine of Rs. 1000 was imposed as punishment (Shahid Younus v. M. Mohsin, 2010).

The complainant stated that the DO (R) received some public complaints against the respondent of selling expired Shaukat Banaspati and Shaukat Cooking Oil. Upon the direction of DO (R) he visited the stall of the respondents at Dhullay Ramazan Bazaar and caught the respondent No.1 red handed of selling expired Shaukat Banaspati and Shaukat Cooking Oil on behalf of respondent No. 2. He also produced the packets of one Liter Shaukat Cooking Oil and 1/2Kg Shaukat Banaspati as sample. Mr. Tahir Cashier appeared on behalf of the respondents and verbally admitted the allegations of the complainant. He was directed to submit written reply on behalf of the respondents and the complaint was adjourned. On the fixed date no body appeared on behalf of the respondents. The Authority imposed a

fine of Rs. 10000 against the respondent for the violation of section 11 of PCP Act 2005 and the file was disposed of (Sharjeel Pervaiz v. Salesman, GM Shaukat Soap & Ghee Industries Pvt. Ltd., 2010).

The complainant purchased a packet of Punjab Dalia from the respondent No. 1 manufactured by the respondent No. 2. He alleged that when he opened the said packet, he was stunned to see the insects and poor quality of the Punjab Dalia and when he tried to examine the ingredients, manufacturing and expiry date, the same were also not available. Respondent No. 1 and 2 appeared in person. The respondent No. 1 stated that he sold the sealed packet of Punjab Dalia and had not violated the PCP Act 2005. Respondent No. 2 (Manufacturer) failed to counter the allegations of the complaint. The Authority imposed a fine of Rs. 5000 against the respondent for the violation of section 11 of PCP Act 2005 (Engineer Shahbaz Malik v. Proprietor Mehrban General Store, 2010).

The complainant alleged that the respondent was running a private school in the name of "Oxford English Grammar School" whereas the said school was unregistered. The respondent was playing with the future of children including his own child's. Respondent appeared and submitted written reply in which he denied the truth of allegations leveled by the complainant and stated that his school was registered up to middle. The registration of the respondent was verified by the EDO (Education) through his letter in which it was mentioned that the school was registered up to middle level as Urdu medium, whereas as per the documentary evidence available on record the respondent was advertising the said school as English Grammar School and College (Regd). Therefore a fine of Rs. 3000 was imposed for violating the rules and regulations of education department and for violating section 16 of PCP Act 2005 (M. Abbas v. Jamshed Ahmad, 2009).

This complaint was filed by the complainant against the respondents for over-charging of 250ml Coke bottles. Respondents appeared in person and accepted the allegations leveled by the complainant. A fine of Rs. 1000 was imposed. The complaint was disposed off after the approval of Authority (Nabeel Ahmad v. Ali Karyana Store, 2009).

The complainant alleged that he made a verbal agreement with the respondent to put mud on his roof in consideration of Rs. 1800 and to fill lenter in consideration of Rs. 3200 respectively. It was also settled that these assignments would be completed through electric lift. He alleged that the respondent violated his agreement by putting mud manually instead of lift which caused wastage of time and mental torture to him. The complainant further alleged that after filling mud manually, the respondent was contacted for providing lift as per agreement but he informed that it would be available on next day. After the delay of one day, the lift was not provided by the respondent. This whole process caused him an irreparable mental and financial loss. At last, keeping in mind the conditions of weather, he had to arrange another lift on higher rates as compare to the rates which were fixed with the respondent. However, at the same time, the respondent reached at the spot and

claimed that the said contract was assigned to him, therefore he would not allow this work to anybody else or he be paid Two Hundred Rupees more. In order to avoid further mental torture Rs. 200 were paid to the respondent inspite of his defective services. Respondent appeared in person and submitted his written reply in which he conceded the allegations. A fine of Rs. 2000 was charged (*Asif Raza v. Muhammad Ashiq, 2009*).

The complainant alleged that he went for lunch at the hotel of respondent and ordered for a plate of meat along with bottle of 250ML. The food was not fresh as well as Rs. 13 were charged for bottle. Rate list was also not exhibited at the hotel and when he protested about defective services and over-charging, the respondent misbehaved. The respondent appeared and submitted written reply in which he denied the allegations. The payment receipt clearly shows the over-charging for 250ML bottle by the respondent for which he was imposed a fine of Rs. 500. The file was disposed off after the approval of Authority (*Nabeel Ahmad v. Sattar Hotel Munir Chowk, 2009*).

The complainant alleged that he purchased shawks of motorcycle from the respondent in consideration of Rs. 1350. The said shawks were out of order and did not work properly. He approached the respondent to replace defective shawks but he refused to do so. The respondent appeared and paid back the amount of defective shawks to the complainant. In the light of the prayer of the complainant, the respondent had to pay the amount of Rs. 1000 as fine (*Abu Bakar Butt v. Sheikh Faisal Khalid, 2009*).

The complainant alleged that he went to the respondent's restaurant for eating meal with his friends. When the meal was served, it was not fresh but defective. He complained to the waiter as well as to the respondent but instead of listening to his genuine complaint they misbehaved with him. However, he returned the said meal and in order to avoid embarrassment in front of his friends, he ordered Tikka. He further alleged that the hygienic conditions were not satisfactory, injurious to health meal was served. After due process of law, respondent appeared and submitted his written statement in which he admitted the allegations leveled by the complainant and apologized for it. Fine of Rs. 500 was collected from the respondent and file was disposed off after the approval of Authority (*M. Amar Sohail v. Ghulam Rasool, 2009*).

The complainant purchased a battery in consideration of Rs. 5500 which was faulty a few days later and the respondent confirmed the fault. As per the warranty card the respondent was bound to replace the battery within the stipulated period but the respondent denied accepting the lawful request of the complainant. Respondent appeared and submitted that he had replaced the defective battery. But inspite of that, respondent was fined Rs. 500 for his defective services after the approval of Authority (*Muhammad Shafique v. Kashif Saeed, 2009*).

This complaint was filed by the complainant against the respondent (tailor) for providing defective services. Respondent appeared in person and solved the grievance of the complainant and apologized for that. Keeping in mind the non-serious conduct and professional inability, the respondent was fined Rs.1000 (Mian Abdul Khalique Bhatti v. Amjad Hussain, 2008).

After looking minutely at the verdicts of the district consumer protection council Gujranwala, now we will observe how many cases this council has handled so that the performance of this council can be evaluated. The performance of this council from 2017 to 2018 can be figured as:

S. No	Month	Cases Filed 2017	Case Filed 2018	Disposed off 2017	Disposed off 2018
1	January	25	54	25	34
2	February	19	25	9	15
3	March	12	21	12	15
4	April	12	30	13	33
5	May	4	12	9	10
6	June	12	20	5	18
7	July	14	10	8	7
8	August	27	10	27	21
9	September	30	10	18	11
10	October	54	7	23	8
11	November	43	15	39	8
12	December	32	7	35	13
Total		284	221	223	193

Source: Directorate of Consumer Protection Council, Government of Punjab

Conclusion

The consumer is one of the most important pillars of any economic system. If this pillar is damaged, the whole economic system will collapse. This pillar needs to be strengthened for the betterment of the economic system. The strength of this pillar lies in protecting its interests and rights. The Gujranwala Consumer Protection Council is playing a key role in strengthening this pillar. Judging by the verdicts of this council and their number, it can be estimated that its performance has been satisfactory. But this research demands that the rate of fine should be increased. Imposing a small fine encourages people to commit crimes.

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