



# **THE BALOCHISTAN GAZETTE**

## **PUBLISHED BY AUTHORITY**

NO. 97 QUETTA MONDAY AUGUST 20, 2007.

### **BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT**

#### **NOTIFICATION.**

Dated Quetta, the 20<sup>th</sup> August, 2007.

No. PAB/Legis:V(40)/2007. The Balochistan Consumer Protection (Amendment) Bill, 2007. Bill, No. 5 of 2007 having been passed by the Provincial Assembly of Balochistan on 6<sup>th</sup> August, 2007 and assented to by the Governor of Balochistan, on 18<sup>th</sup> August, 2007 is hereby published as an Act of the Provincial Assembly.

### **The Balochistan Consumer Protection (Amendment) Act, 2007.** **(Act No. V of 2007).**

**AN**  
**ACT**

(First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra-ordinary) dated the 18<sup>th</sup> August, 2007).

to amend the Balochistan Consumer Protection Act, 2003

WHEREAS, it is expedient to amend the Balochistan Consumer Protection Act, 2003, (Act No. IX of 2003)

1. **Short title and commencement.** This Act may be called the Balochistan Consumer Protection (Amendment) Act, 2007.

(2) It shall come into force at once.

2. **Insertion of new Sub Section (2-A) in Section 8 of Act IX of 2003.** In the Balochistan Consumer Protection Act, 2003, hereinafter referred to as the said Act after Sub Section (2) of Section 8 of the Balochistan Consumer Protection Act, 2003 the following new sub Section is inserted.

(2-A) The Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its own name.

3. **Insertion of new Section 8-A.** In the said Act after Section 8 the following new Section shall be added namely:-

**8-A Staff and Inspectors etc to carry out the purposes of this Act.** The Council with the prior approval of the Government may from time to time employ officers/officials Inspectors and other employee on such terms and conditions as may be prescribed in the rules.

4. **Insertion of new Section 9-A.** In the said Act, after Section 9, the following new Section shall be inserted namely:-

**9-A Consumer Protection Fund.** The Council shall establish, administer and control a Fund to be known as Consumers Protection Fund.

(a) The Fund shall consist of

- (i) such sums as the provincial government may grant;
- (ii) the proceeds from any endowment existing locally or abroad;
- (iii) grants of money raised by the Council from local or foreign sources including from international, multinational agencies and donors, for the purposes of meeting any of its obligations or discharging any of its duties;
- (iv) income from investments and all other sums or property which may in any manner become payable to or vested in the Council in respect of any matter incidental to the exercise of its functions and powers;
- (v) Any punitive damage ordered by the Court that the Court may order to be paid into the Fund.

- (2) Administration of the Fund. The Council may:
- (i) allocate and re-appropriate Fund resources for performance of its function;
  - (ii) draw or authorize to draw Fund from the bank accounts;
  - (iii) verify the annual and half yearly accounts of the Fund.
  - (iv) approve investment policy and schemes for investment of the Fund;

Provided that no scheme of investment for in any entity of a company shall be approved which is rated below A 1 + for short-term and AAA for long term investment by an accredited credit rating company within the preceding two years;

- (v) The Fund shall be operated through an account to be opened in a bank as authorized by the Council.
- (vi) The Fund account shall be operated jointly by the Secretary of the Council and one other member nominated for this purpose by the chairperson of the Council.
- (vii) All planned expenditures, including funds to be spent on any staffing needs or administration expenses, shall have to be approved by the Council, or a special committee approved by the Council for this purpose, in advance;

Provided that the Chairperson, in consultation with the Secretary of the council, may sanction funds up to ten thousand rupees for contingencies.

- (viii) The Council shall cause the accounts of the Fund and the Council to be audited by a Chartered Accountant every year. In addition, the accounts of the Council and use of the Fund money shall be subject to routine audit by government auditors.
- (ix) Balochistan Financial Rules shall be observed in expenditure of all moneys of the Fund.
- (x) The accounts of the Council and use of the Fund money shall be reviewed by the Council at least twice in a year.
- (xi) In addition to the purpose outlined in the Act, the Fund may be spent for hiring of legal services or rendering of professional opinion on behalf of a complainant, if in the opinion of the Council public interest may be advanced by such financial and professional assistance.

5. **Insertion of new sub Section (6).** In the said Act after Sub Section (5) of Section 10 the

following new sub Section shall be inserted namely:-

(6) The Council may designate Specific registered laboratories to carryout any one or more categories of tests based on specialized capacity of laboratory and its proposed cost for carrying out this analysis. Such laboratory shall be known as the designated laboratory for that category of tests.

6. **Insertion of new sub clause (h) and (i).** In Section 15 of the said Act, after clause (g) of section 15 the following new clause (h) and (i) shall be inserted namely:-

(h) The Court may if it deem appropriate in cases where the complainant is a private person direct Authority of the district where cause of action lies, to investigate the matter and furnish a report to the court within prescribed time.

(i) The Court shall if the complaint received relates to Services, qualifications of Service provider or any other matter ancillary to the provision of Services refer a copy of the complaint to the apposite party mentioned in the compliant directing him to give his version of the case with in a period of 30 days or such extended period not exceeding 15 days as may be granted.

7. **Amendment of Section 16 of Act IX of 2003.** In the said Act in sub Section (2) of Section 16 the full stop appearing at the end shall be substituted by comma and thereafter the following words shall be added.

“and certified copies thereof shall be send to the council after pronouncement of judgement/order”

8. **Insertion of new Section 22-A.** In the said Act after Section 22, the following new Section shall be inserted namely:-

**22-A Bar on inspection or search of premises.** (1) Premises of any manufacturer or distributor or retailer shall not be inspected or searched by any official under this ordinance without direction in writing given by the Court.

(2) No public Servant shall seek any record from any person or commercial establishment under this ordinance without prior permission of the court.

**MUHAMMAD KHAN MENGAL,**  
Secretary.