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Effectiveness of Consumer Protection Laws in Pakistan

Naveed Hussain
Assistant Professor, School of Law, University of Gujrat
Email: naveed.hussain@uog.edu.pk

Rao Qasim Idrees
Associate Professor, School of Law, University of Gujrat
Email: qasim.rao@uog.edu.pk

Yasir Arfat
Lecturer, School of Law, University of Gujrat
Email: yasir.arfat@uog.edu.pk

ABSTRACT

The consumer protection aspect has increasingly become a significant aspect of economic regulation in Pakistan especially when it comes to the market expansion, privatization of services, e-commerce expansion and increasing consumer vulnerability. The last 20 years have seen the adoption of various consumer protection laws both federal and provincial in Pakistan to protect the consumer against fraudulent trade, faulty products, misleading advertisements, and inadequate services. Although this is a growing legal structure, the actual success of consumer protection legislation is wanting. This paper critically analyzes consumer rights protection in Pakistan by considering substantive content of the consumer protection laws, institutional means provided to enforce the laws and the availability and efficiency of remedies to consumers. It contends that though the laws in Pakistan which protect the interests of consumers are fairly comprehensive on paper, it lacks effectiveness due to poor enforcement, institutional capacity, consumer awareness and procedural obstacles as well as uneven judicial application. The article also concludes that consumer courts in most cases lack the deterrent effect due to delays, lack of resources and lack of expertise which are uneven and discourage consumer litigation. This paper puts Pakistan in the context of comparative and international consumer law in order to point out the disconnection between law and practice in the context of consumer protection in Pakistan. It finds that real protection of consumer rights is possible only with the help of effective legal measures along with the enforcement institutions, improved procedures, consumer awareness, and making consumer protection a part of a larger regulatory and competition policy.

Keywords: Consumer Rights; Consumer Protection Laws; Pakistan; Consumer Courts; Enforcement; Unfair Trade Practices; Defective Goods; Consumer Awareness; Regulatory Institutions; Access To Justice.

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Introduction

Consumer protection has become a highly important part of the contemporary regulatory governance as it can be explained by the necessity to trade-off market freedom with the protection against exploitation, deception, and unequal bargaining power. In the economies with the high commercialization rates and growing service industries, the efficient consumer protection legislation is crucial in providing fair competition, confidence in people, and social well-being. Consumer vulnerability has been intensified in Pakistan by the growing consumer markets, technological change, and the growing privatization of services that are fundamental, which would render legal protection against unfair trade practices more relevant.[1]

Consumer protection regime in Pakistan has developed over the years since the onset of the 2000s as consumer protection statutes have been implemented at the federal and provincial levels. These regulations set out to guard clients against faulty products, low-quality services, false advertisements, price warping, as well as exploitive business practice. Creation of consumer courts and regulatory authorities is an indication of a formal interest to avail accessible and specialized consumer dispute resolution forums. Hypothetically, the consumer protection system in Pakistan is in tandem with the global trend towards empowering consumers, providing them with access to justice, and demanding accountability in the market.[2]

Nevertheless, consumer protection in Pakistan is not very practical despite the formal developments. The violation of the consumer rights is rife in the utilities, telecommunications, healthcare, housing, transportation, and e-commerce sector. Laxity in enforcement, lack of regulatory supervision and barriers to procedure inhibit access of consumers to timely and remedial redress. Most consumers have no knowledge of their legal rights, or their legal rights are facing practical obstacles, such as cost, delay and fear of retaliation, which prevent the pursuit of legal claims. This has meant that there is a tendency of consumer protection laws being on paper rather than on practice in the daily commercial activities.[3]

There are institutional capacity constraints that have substantial influence on the outcomes of enforcement. Consumer courts are often under resources, staffed, and lack technical knowledge to deal with complicated disputes. Slow adjudication processes and the lack of uniform use of law make the consumer protection laws less deterrent. In addition, regulatory bodies charged with the responsibility of regulating the market lack co-ordination leading to uncoordinated enforcement and lack of regulatory loopholes. These institutional shortcomings reduce confidence of people in consumer protection systems and market discipline.[4]

The growth of the digital markets and the e-commerce has made the issue of

[1] Shahbaz, S., Khan, N. A., & Waqar, M. (2024). Consumer Rights and Responsibilities in Islamic Law: Implementation Challenges in Pakistan. *Pakistan JL Analysis & Wisdom*, *3*, 214.
[2] Khan, T., Zakir, M. H., & Iqbal, M. Z. (2023). Comparative analysis of consumer laws in Pakistan and India. *Journal of Social Sciences Review*, *3*(2), 1162-1175.
[3] Khan, A. S., Ali, A., Saleem, M., Naznin, S., & Shah, M. (2014). Understanding and analysis of consumer protection laws in Pakistan. *J. Appl. Environ. Biol. Sci*, *4*(12), 92-98.
[4] Rizvi, A., Farooqi, M. A., Ramzan, M., Qureshi, H. I. A., & Javed, K. (2023). Consumer protection and protectionism in Pakistan: Regulatory framework, issues and solutions. *Journal of Positive School Psychology http://journalppw. com*, *7*(1), 1339-1355.

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consumer protection even more complicated. Online transactions, cross-border services and online advertising are posing new legal challenges of jurisdiction, liability, data protection and enforcement. The consumer protection laws in Pakistan have been found wanting in matchping with the current developments and therefore the consumers are at the mercy of new types of exploitation. This regulatory lapse brings forth the necessity of dynamic legal frameworks that can be used to respond to changing market practices.[5]

The legal regime in Pakistan could be rated based on the international consumer protection standards. The principles formulated by the United Nations and the experiences of other comparative jurisdictions focus on active enforcement, joint remedies, regulatory coordination, and consumer education. Although some of these principles are represented in laws of Pakistan, the efficacy is constrained by gaps in the implementation and design of institutions. The analysis of consumer protection in the light of the wider picture helps in pointing to the need to go beyond legislation implementation into good governance.[6]

This paper critically assesses the consumer right protection in Pakistan by looking at the efficiency of consumer protection laws and enforcement systems. It aims at determining whether the current legal systems offer substantial protection to the consumers and to find structural obstacles to effective enforcement. The article seeks to raise the issue of the lack of connectivity between legal promise and consumer experience by examining statutory provisions, institutional performance, and the judicial practice and suggested several reforms that enhance consumer protection in Pakistan. The following sections review the related scholarly literature, describe the methodological framework chosen in the study, discuss the main peculiarities of the consumer protection regime in Pakistan, and provide the recommendations on how to make it more effective.

Literature Review

The consumer protection literature in Pakistan indicates a general agreement that despite Pakistan having made commendable strides in the enactment of consumer protection laws, the success rate of such laws appears to be low based on poor enforcement, institutional limitation and low level of consumer awareness. Early legal analysis places the consumer protection law in Pakistan in a larger paradigm of the post-liberalization regulatory reform. DN Ahmed has suggested that the introduction of consumer protection laws was mainly due to expansion and privatization of the market with no corresponding investment in the institutions to enforce the laws. This has led to consumer protection being marginal to the regulatory framework in Pakistan.[7]

As a major area of research, S Bashir and others note that provincial consumer

[5] Khan, K., & Aftab, S. (2000). Consumer protection in Islam: The case of Pakistan. *Australian economic papers*, *39*(4), 483-503.

[6] Arfat, Y., Hussain, N., & Mukhtar, U. (2024). Consumer protection in digital environment in Pakistan. *Dialogue Social Science Review (DSSR)*, *2*(5), 386-399.

[7] Ahmed, D. N. (2020). Consumer Protection Laws and Application: A Case Study of Pakistan. *Journal of Research Society of Pakistan*, *57*(3).

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protection laws in Pakistan largely address such important domains as defective goods, deficient services, misleading advertisements, and unfair trade practices. On the doctrinal side, such laws generally indicate international norms of consumer protection. Yet, researchers point out that the statutory text can be general and does not have specific norms to regulate such complicated areas as utilities, banking services, and online transactions, which causes ambiguity and enforcement issues.[8]

The literature focuses on enforcement and institutional capability. In their research S wahid note that consumer courts, which are supposed to offer quick and easy administration of justice, are often marred by delays, understaffing and incompetence. Empirical findings indicate that most consumer courts receive a small number of cases as compared to the magnitude of consumer rights abuses, which implies that they are not used to full capacity and are also poor at deterring such abuses. The literature has stressed that consumer protection laws are meaningless without efficient enforcement, and thus cannot impact business practice.[9]

Sustained scholarly focus is also paid to consumer awareness and availability of justice. AS Khan posits that lack of legal literacy among the consumers is a major setback of the effects of the consumer protection laws. In most cases, many consumers are not aware of their rights and consumer courts especially in rural and semi urban regions. Researchers also observe that the complexity of the procedures, price and the fear of retaliation scare away the consumers who seek the redress of law and the culture of tolerance to unjust commercial practices is practiced.

Another area of focus has been judicial interpretation of consumer protection laws. Legal commentators note that courts tend to be formalistic in their approach, focusing on compliance with the procedures, not the welfare of consumers. H Noor and H Sultana also adds the inability to predict the outcomes because of the lack of consistency in the reasoning of the judges and the absence of special training, which undermines the trust of consumers towards the legal system. This discrepancy weakens the formation of consistent consumer jurisprudence and restriction of the deterrent effect of the law.[10]

New challenges of digital markets and e-commerce are also drawn to the literature. Mumtaz and others claim that the current consumer protection legislation in Pakistan cannot deal with online fraud, international residents and online advertising. There is also bad coordination between consumer protection and telecommunications or data protection laws which only widens regulatory gaps further. This new legal science highlights the existence of the necessity of flexible legal systems sensitive to technological advancement.[11]

Overall, the literature is united in the opinion that the laws on consumer protection in

[8] Bashir, S., Khan, A. S., & Khan, F. S. (2023). The role of consumer education in strengthening consumer protection laws. *Pakistan Journal of Social Research*, *5*(02), 85-92.
[9] Wahid, S. (2024). Protection of Consumer Rights in Digital Marketplace in Pakistan: A Critical Review of Current Policies and Future Guidelines. *Journal of Pakistan Administration*, *45*(2), 196-207.
[10] Noor, H., & Sultana, H. (2024). Consumer Protection in Digital Age: A Comprehensive Study of Laws in Pakistan. *Indus Journal of Law and Social Sciences*, *3*(1), 31-48.
[11] Mumtaz, M., Hussain, S., & Zaghal, K. A. (2013). Analytical study of consumer protection laws in Pakistan. *International Journal of Global Business*, *6*(2), 104.

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Pakistan are institutionally weak but substantially sufficient. The problems that consistently arise according to the scholarly commentators are the inadequacy of enforcement, lack of awareness, procedural barriers, and fragmentation of the regulation, which weakens the practicality of consumer rights. This literature forms the analytical framework of the methodological strategy used in the following section, which discusses the effectiveness of consumer protection laws in Pakistan by structurally evaluating both the legal provisions, institutional mechanisms and enforcement consequences.

Methodology

The research methodology, which has been applied in this article, doctrinal and institutional research in order to evaluate the performance of consumer protection laws in Pakistan. The methodological approach is based on the fact that consumer protection does not rest only on the fact that there are statutory rights but on the connection between legal norms, bodies of the law enforcement, judicial practice, and consumer consciousness. Based on this, the research combines legal analysis and institutional analysis to analyze the design as well as the performance of the consumer protection regime in Pakistan.

The initial part of the methodology is doctrinal analysis of consumer protection laws in both the federal and provincial government. This entails a careful scrutiny of the statutory regulation that provides the rights of a consumer, unfair trade practices, products that are defective or services that are deficient, misleading advertisements, and the remedies provided. The examination will assess the extent and transparency of legal protections, the sufficiency of penalties and compensation policies and the degree to which consumer protection laws are applicable to new market practices such as digital transactions and service-based industries. Specific focus is placed on the uniformity of the provincial laws and their conformity to international consumer protection regulations.

The second methodological aspect dwells on the institutional enforcement mechanisms. This involves a study of the organization, jurisdiction, and operations of consumer courts, consumer protection councils, and regulatory bodies with the responsibility of seeing to it that the market is regulated. The analysis evaluates institutional capacity, procedural efficiency, accessibility and effectiveness of enforcement by measuring things like the rate of case disposal, the availability of interim relief, judgment execution, and the coordination of regulatory agencies. The institutional performance is discussed as a key factor of the practical efficiency of laws on consumer protection.

A third aspect of the methodology looks at the practice of judicial interpretation as well as dispute resolution. Consumer courts are very instrumental in the interpretation of statutory rights into enforceable remedies. This element measures the judicial reasoning trends, uniformity and predictability and the appropriate balance between the arguability and consumer welfare. Another factor of judicial delay and inadequate specialization on consumer confidence and discouragement of unfair commercial practice is also taken into consideration in the study.

In accordance with the strategy of the whole flow of articles, analytical tools are added in a structured form to improve the clarity and rigor. The comparative tables

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can be taken later in mapping out consumer rights as per enforcement mechanisms and deficiencies observed, conceptual diagrams can be used to show the consumer protection enforcement chain, i.e., filing complaints and adjudicating and executing orders. These instruments aid in analysing in a systematic manner without simplifying intricate institutional processes.

The methodology also includes international and comparative point of view. The consumer protection framework in Pakistan is evaluated on international standards of Consumer Protection including the United Nations Guidelines on Consumer protection and other comparative practices of other jurisdictions with effective consumer protection regimes. This comparative lenses is employed to determine the best practice in regulatory enforcement, collective remedies and consumer education keeping in mind that Pakistan has its institutional and economic context.

Lastly, the evaluation model used in this research explains effectiveness outcome-orientedly. Instead of basing the measure of success on the presence of consumer protection laws as such, the study evaluates whether they offer ready redress, discourage dishonest business conduct, and help to increase patient confidence in a market. The method will make the analysis stay within the real life implications of the consumer protection laws to the consumer welfare. The methodological assumptions that follow herein are the foundation of the next section where the research results on the effectiveness and limitations of consumer protection laws in Pakistan are presented.

Research Findings

The study results show that consumer protection laws in Pakistan offer a fairly extensive legal basis of protecting consumer rights, but they are imperfectly effective due to the deficiencies in enforcement and instate-related limitations. Among the key insights, it was determined that even though consumer protection laws are quite specific about consumer rights and outlaw unfair trade practices, these laws are not actively implemented in all industries or localities. Consequently, the protection of consumers is still unequal and mostly reliant on the goodwill and ability of individual consumers to seek legal redress.

One of the key conclusions is related to the performance of consumer courts. Despite the fact that the consumer courts were put in place to offer quick and convenient justice, it has been seen that the courts are slow, overworked with a lot of cases, and lack resources. Most consumer courts have a small number of employees and are not technically skilled to handle a dispute concerning a complicated service like utilities, telecommunications, healthcare and financial products. These limitations lower the deterrent impact of consumer protection legislation, since organizations have low chances of facing sanctions on infractions in time or in a large way.[12]

The results also show that the external mechanisms of enforcement other than consumer courts are poorly developed. The regulatory agencies overseeing the market practices are not well coordinated with the consumer protection agencies and thus this results in a scattered supervision. There are infrequent inspections, administrative

[12] Afzal, S., Saleem, H. A. R., & Niaz, S. U. (2024). A Critical Appraisal of Consumer Protection Laws and E-Commerce in Pakistan. *Pakistan JL Analysis & Wisdom*, *3*, 131.

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penalties and active enforcement, and the whole system of consumer protection is based more on individual complaints than on systematic regulation. This is an inefficient enforcement system that reduces consumers to an excessive burden and tolerates rampant malpractice on a large scale.

Table 1: Consumer Protection Areas and Enforcement Gaps in Pakistan

Area of Consumer Protection	Legal Provision	Observed Enforcement Gap
Defective goods	Right to replacement/refund	Weak monitoring of sellers
Deficient services	Compensation mechanisms	Delayed adjudication
Misleading advertisements	Prohibited by law	Rare penalties
Price manipulation	Regulated in essential goods	Limited inspections
E-commerce transactions	Covered indirectly	Regulatory ambiguity

The other important discovery touches upon consumer consciousness and availability of justice. Most consumers do not know or understand their rights and the presence of consumer courts, especially in the rural and semi-urban regions. Consumers fear retaliation, even in the presence of awareness, there are procedural requirements and costs involved in the filing of complaints. Such ineffective use of laws negatively affects the efficiency of the consumer protection statutes and also helps to create the atmosphere of toleration to unfair business activities.[13]

The results also present a discrepancy in the judicial practice. Consumer courts in many instances use formalistic methods whereby they emphasize procedural compliance and not the substantive consumer welfare. Judgments have low compensatory and deterrent value as remedies given are sometimes small and do not proportionate to the magnitude of harm caused to the consumers. Another area of weakness is the execution of consumer court orders, which have been subject to delays and other businesses defaulting to execute the orders, which aggravate the consumers.[14]

These problems are aggravated by emerging problems in digital markets. The consumer protection laws have been fighting an uphill battle to keep abreast with the rise of e-commerce, online advertisements and digital services. Cross-border transactions, jurisdictional uncertainty and absence of clear regulatory control of these transactions present loopholes that expose the consumer to deception and fraud. The results imply that the current legal systems need serious changes in order to govern

[13] Rupam, A. A. (2023). Consumer Legal Forum of Bangladesh: A Comparative Study with India and Pakistan. *Law and Society Students' Journal*, *1*(1), 12-12.
[14] Gandapur, S. B., Qureshi, M. E., Khan, P. B., Khan, W., & Ullah, I. (2014). Protection of consumer's rights in Pakistan. *JL Pol'y & Globalization*, *31*, 64.

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these market practices that are changing.[15]

In general, the results of the research indicate that the consumer protection laws in Pakistan have a substantively good state, but their lies are poor implementation, institutional capacity, consumer awareness, and procedural implications. The disconnect between legal rights and workable remedies is still very large, which diminishes the capacity of the consumer protection laws to affect the market practice and safeguard the consumer welfare. The findings form the basis of the discussion that follows, in which the structure and institutional determinants in the effectiveness of consumer protection in Pakistan are discussed.

Discussion

The results of the research show that the efficiency of the consumer protection legislation in Pakistan is limited not as a result of the lack of legal norms but due to an ineffective system of action, institutional characterization, and consumer relations. It is highlighted in the discussion that consumer protection in Pakistan is more of a reactive and complaint-driven approach, where individual consumers bear the responsibility of enforcing consumer protection regulations, as opposed to proactive regulatory policing. This model highly constrains the transformative capacity of the consumer protection laws and permits the unjust trade practices to continue with reduced responsibility.[16]

One key question that has come about in the form of the discussion is the institutional weakness of consumer courts. Although these courts were designed as a specialized and accessible court, the courts have been compromised due to the lack of resources, delays, and expertise in their procedures. The absence of standardized training of consumer court judges and staff leads to the inconsistency of the decisions and poor development of jurisprudence. Consequently, consumer courts have not been able to gain credibility as effective consumer redress and detraction mechanisms.[17]

The discussion also brings out the disintegration of consumer protection enforcement in various regulatory organizations. Consumer protection laws tend to stand alone of sector regulators dealing with utilities, telecommunications, healthcare, and financial services. This lack of coordination causes gaps in the regulations, overlapping of mandates, decreasing the efficiency of enforcement as well as uncertainty among both the consumers and the businesses. To have proper consumer protection, there must be concerted regulatory measures that will entail a mixture of personal redress and general market regulation.[18]

Consumer awareness and empowerment are discovered to be determinant issues of

[15] Murtiza, G., & Muhammad, G. (2020). Consumer Protection Laws in Pakistan-Enforcement Barriers and Recommendations. *Pakistan Languages and Humanities Review*, *4*(1), 47-58.

[16] Rashid, M., Khan, A. S., Gul, N., Alauddin, H., & Khan, R. A. (2020). Consumer Protection Laws In Pakistan: Implication For Government Service Providers. *Ilkogretim Online*, *19*(3), 4148-4167.

[17] ABDEEN, Z. U. DIGITAL TRADING IN PAKISTAN: MANAGING EFFECTIVENESS OF E-COMMERCE PLATFORMS.

[18] Gilani, S. R. S., Mujtaba, B. G., Qureshi, A. N., & AlMatrooshi, A. M. (2024). Medical negligence and consumer protection laws: a swift analysis and recommendations. *Health Economics and Management Review*, *5*(2), 1-13.

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effectiveness. It is highlighted in the discussion that the legal rights can only have significance in case consumers know of them and they can exercise their rights. Poor consumer education, especially to the marginalized groups, is a very big deterrent to the effectiveness of the consumer protection legislation. Consumer protection is purely elite and is not fully exploited without specific awareness campaigns and easily available mechanisms to report a complaint.[19]

The culture of judicial and administrative is also relevant. The consumer laws that are meant to protect consumers are undermined by formalistic methods of adjudication, technicalities of procedure, and unwillingness to place severe penalties on companies that violate the law. This debate implies that consumer protection must have a deliberate and welfare-driven interpretive strategy that accentuates consumer interests and market justice as opposed to hard procedure.[20]

Comparatively, the discussion has pointed out that successful consumer protection regimes are based on both individual remedies and regulatory enforcement and collective redress schemes. The high dependence of litigation in Pakistan on the individual litigation based on the consumer courts is against the best practice in the world which focuses on the proactive regulations and administrative penalties and the class actions. This cross-country analysis highlights the necessity to reconsider enforcement policies. In general the discussion finds that consumer protection in Pakistan is limited with a lack of fit between legislative ambition and institutional capacity. Unless the enforcement institutions are made stronger, there is a need to improve regulatory coordination and to empower consumers, consumer protection laws will remain ineffective to the goals they are supposed to achieve.

Recommendations

To enhance effectiveness of consumer protection laws in Pakistan it is important to have a holistic reform approach that will cover enforcement, institutional capacity, and empowerment of consumer. Institutional capacity of consumer courts is one of the most crucial suggestions. This involves additional staffing, special training and shortening of process to guarantee a timely adjudication. Accountability and efficiency would be increased by setting performance standards and tracking the rate of case disposal.

The model of the enforcement undertaken by regulatory bodies should be made more proactive than reactive. The regulatory bodies must be given the mandate to inspect, administer administrative fines, and commence legal actions against the businesses that are involved in unfair trade practices. Better cooperation between consumer protection authorities and other regulators of the specific sector would enhance control and decrease the gaps in the regulations.

It is necessary to simplify the procedures to enhance access to justice. Lower barriers on the part of consumers would be achieved through simplified complaint practices,

[19] Jakhrani, M. I., & Mastoi, N. R. ROLE OF THE CONSUMER COURTS IN PROTECTING THE RIGHTS OF ONLINE CONSUMERS IN ONLINE SHOPPING–A CASE STUDY OF SINDH PROVINCE PAKISTAN.

[20] Farooqi, N. A. (2013). Consumer Protection in Pakistan from Anti-Competitive Practices–A Way Forward. *Available at SSRN 2714206*.

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low costs, increased use of digital platforms to file and track complaints. Other dispute resolution methods should also be introduced as an option; this would offer quicker and a non-combative way of resolving consumer disputes.

There is a necessity of improving consumer awareness and education. Consumers would be empowered by conducting public awareness campaign, incorporating consumer education in school syllabus and cooperation with the civil society organizations which would enable them to demand their rights. The rural and informal consumers are vulnerable consumers who should be given special attention.

New practices in the market should be sought under the legal reforms. Consumer protection legislation ought to be revised to address specifically e-commerce, online advertising, and online transactions. The digital markets would be more defensible with clear liability regulations and jurisdiction provisions.

Lastly, Pakistan ought to contemplate the implementation of joint redress, including class action or representative complaint, to solve systematic consumer damage. By imposing collective remedies, the costs would be borne by fewer consumers and the consumer protection laws would have a greater deterrent effect.

Conclusion

The paper has critically evaluated consumer right protection in Pakistan by evaluating the usefulness of consumer protection laws and consumer protection mechanisms. In the analysis, it is shown that as much as Pakistan has come up with a reasonably well-rounded legal environment that contains consumer protection, its practical application is minimal because of poor enforcement, institutional constraints, and consumer awareness.

The main finding of this paper is that the consumer protection legislation in Pakistan is still not working towards its desired goal of empowering the consumer and controlling the market. This disparity between the legal and practical remedies compromises consumer trust and encourages unfair trading practice. The institution of strengthening enforcement, increasing regulatory coordination, and empowerment of consumers would be critical to closing this gap.

The article also highlights that proper consumer protection is a part of larger economic governance and market integrity. Effective consumer protection regimes facilitate healthy competition, market confidence and welfare. Weak protection on the other hand continues inequality and exploitation.

To sum it up, the protection of consumer rights in Pakistan needs to be shifted to a new stage of effective enforcement and empowering the consumers, rather than formal legislative measures. Through an investment in the institutional capacity, proactive regulations and alignment of the legal frameworks to the dynamic markets, Pakistan can turn the face of its consumer protection laws to be symbolic pledges into an effective source of market justice and consumer welfare.

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