CHAPTER - VII

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INTRODUCTION

The framing of laws represents the theoretical approach to solve any social problem and its proper enforcement to achieve the aims is the second practical aspect of the approach. In the absence of proper enforcement machinery, the laws remain limping having unsatisfactory effect on the issue. There are a number of ways to enforce protection laws. Some countries rely on strict criminal law sanctions for deterring and punishing and some on civil Laws. The effective enforcement of consumer protection law usually requires a combination of criminal, administrative and civil remedies.

Interest of consumers could not be protected satisfactorily from the wrongs of adulteration, cheating through weights & measure etc by the prevailing laws of land like I.P.C. in India. The Consumer Protection Act is based on both types of approaches i.e. theoretical and practical; with the formation of Consumer Redressal Forums, Councils, covering urban and rural areas in whole nation simultaneously. The Act has also given importance to the involvement of public to check the nuisance of adulteration by
forming non Govt. organisations with the theme of voluntary consumer organisations. Before 1986 there was no shortage of laws giving consumers rights in India. The difficulty was in getting them enforced, the undue delay, expensive and complicated procedures were typical in civil courts. Consumers increasingly frustrated as manufacturers, traders and service providers repeatedly failed to respond to their concerns, started to push for action.

The Consumer Protection Act, 1986 has set up enforcement agencies in the Act itself for better enforcement of legislation. They are, Consumer Protection Councils both at National and State levels for promoting and protecting consumer rights, Disputes Redressal Forums for dispensing speedy remedies to consumers. The third agency perhaps the important but non-governmental is voluntary consumer organisations, because, it is voluntary consumer organisation which plays a very important role in disseminating consumer education in the society. For successful enforcement of any legislation, people's participation is most significant. The Consumer Protection Act, does not deal with the substantive law and expressly serves the existing law relating to the consumer protection.¹ The Act provides for two types of mechanisms viz., (i) Two tier protection councils - State Consumer Protection Council,
Central Consumer Protection Councils for promotion of consumer rights and (ii) These tier Consumer Dispute Redressal Agencies - District Forum, State Commission and National Commission for vindication of consumer rights inclusive of administration of consumer justice by applying the existing substantive law relating to consumer protection.

**Concept of three tier C.D.R.A.**

The principles applied in formation of three tier Consumer Dispute Redressal Agencies (CDRA) are of very practical use. In other words: "The Consumer Protection Act, 1986 created three-tier Consumer Dispute Redressal Agencies 'District Forums' for each district, a State Consumer Dispute Redressal Commission for each State and a 'National Commission' for the entire country. These adjudicatory bodies, the District Forum, the State Commission and the National Commission are bodies created to provide inexpensive and expeditious remedies to the consumers. These tribunals have to be constituted by a notification by the government. Their composition is broad based. Each District Forums and State Commission shall consist of three members of whom one will be the President. The President of the District Forum shall be a person who is, or has been or is qualified to be a District Judge, the President of
the State Commission shall be a person who is or has been a judge of High Court. The other two members of each tribunal shall be persons of ability, integrity and standing and have adequate knowledge or experience of or have shown capacity in dealing with problems relating to accounts, law, commerce, accountancy, industry, public affairs or administration, one of the member shall be a women. The National Commission shall consist of President and four other members, the President shall be a person who is or has been Judge of the Supreme Court and the other members shall have similar qualifications required for the appointment as members of the other two tribunals. In it one shall be a woman. The salary and other allowances payable to and other terms and conditions of service of the members of the District Forum and State Commission shall be fixed by the State Government and those of the members of the National Commission, shall be fixed by the Central Government. Age limit of 65 years and 67 years have been prescribed for members of District Forum and State Commission and 75 years age limit is prescribed for members of National Commission. The tenure of their office is five years and in the case of State Commission and District Forum till superannuation which ever is earlier. All the three CDRAs, namely District Forum, State Commission and
National Commission are invested with original jurisdiction based on the pecuniary, value of the subject matter of the dispute. Further the State and National Commissions have been conferred also the appellate and original jurisdiction. The enforcement of the provisions of the Act is exclusively entrusted to the hierarchy of this body of three-tier tribunals.

The modern social welfare legislations not only establish tribunals but also prescribe special procedure, sometimes supplementing and at others substituting the general procedural law. The Consumer Protection Act, 1986 establishes the above three tier tribunals called CDRA but also prescribed the procedure similar to that provided by the civil procedure code for jurisdiction and trial of suits. The territorial jurisdiction is based on similar lines of civil procedure code and the procedure requires evidence to be taken and witnesses to be examined and cross-examined. There are provisions relating to the summoning and enforcing attendance of the opposite parties or the witnesses, examining the witnesses on oath, discovery and production of documents or other material objects prescribed as evidence and reception of evidence on affidavits, the requisitioning of the report of the analysis test from appropriate laboratory or from
any other relevant source, issuing of any commission for the examination of witnesses and other allied matters.

The principles of natural justice are to be followed. Accordingly adequate opportunity is afforded to the parties to prove and defend themselves in the dispute. These Redressal Agencies are empowered only to grant one or more relief's provided under sec. 14 of Consumer Protection Act, 1986. They do not have inherent powers like the civil court to pass any other type of orders granting other reliefs even if the tribunals deem other relief appropriate in the circumstance of the case". In order to explain the natures of Consumer Dispute Redressal Agencies, the three tier dispute settlement mechanism has been explained by the Act in the member. 'Redressal Agency' means a tribunal or forum or a court. The Act provides for a three-tier dispute settlement mechanism in hierarchy viz., (1) the District Forum (2) the State Commission (3) the National Commission and it clearly states the nature of these bodies is quasi judicial.¹ They shall observe the principles of natural justice and order relief's of specific nature² is to and to award compensation to consumer wherever necessary, inflict punishments and penalties for non-compliance of orders pronounced by them.³ It is also
empowered to avoid vexatious complaints. Functions and duties of

The District Forum, State Commission and National Commission provided under the Act are authorities constituted to
discharge functions and duties which are very much similar to those
of bodies discharging judicial functions, but still they are not courts
in the strict sense of the term. The procedure prescribed requires
evidence to be taken and witnesses to be examined, cross-examined
are re-examined. There are provisions relating to the summoning
and enforcing attendance of the opposite parties or the witnesses
and examining the witnesses on oath, discovery and production of
any document or other material object prescribed as evidence, the
reception of evidence on affidavits, the requisitioning of the report of
the concerned analysis test from the appropriate laboratory or from
any other relevant source, issuing of any commission for the
examination of any witness and other allied matters.2 Adequate
opportunity is to be afforded to the complainant to prove his case
and similarly a reasonable opportunity is to be given to the opposite
party to refuse and disprove the allegations made against him in the
complaint.
Power to order: The District Forum and for that matter the State Commission and the National Commission have the power to order one or more of the following direction, namely - (a) to remove the defect pointed out by the appropriate laboratory from the goods in question; (b) to replace the goods with new goods of similar description which shall be free from any defect; (c) to return to the complainant the price or as the case may be the charges paid by the complainant; (d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party.

Relief given by Amendment Act of 1993: A finality has been attached to every order of the District Forum, the State Commission and the National Commission and their orders are to be enforced in the same manner as if they were a decrease or orders made by a Civil Court. The provisions of the code of civil procedure relating to the execution of the decrees and the orders have been made applicable.

Power of Revision and Appeal: The State Commission as well as the National Commission has been given the revision and appellate powers. Provisions for single appeal and revision have been made. On the whole the procedure provides by the Act
conforms to the basic principles of fairness and impartiality. The members of the adjudicatory bodies though nominated by the State Government are supposed to be independent in discharging their judicial functions. These bodies are amendable to the jurisdiction of the High Court under Article 227 of the Constitution as those adjudicatory bodies have all the trappings of court exercising judicial or quasi-judicial functions.

**Legislative Provisions:** Establishment and composition of Consumer Dispute Redressal Agencies: The **Establishment**

The Consumer Protection Act, 1986 provides for the establishment of a three tier quasi-judicial machinery for redressing consumer grievances consists of (a) District Forum (b) State Commission and (c) National Commission. These are to be constituted by a notification and in the case of first two tribunals, the notification should be issued by the State Government, and in the case of the third by the Central Government. National Commission is an apex tribunal at the top for the whole country. A State Commission is to be constituted for each State and District Forum for each district within the State and if necessary more than one in a district. In constituting Consumer Protection Councils the framers adopted two-tier system namely, at the national level and at the State level.
The Importance of Notification: The appropriate Government shall issue a notification. Sec 2 (1) of the Act defines notifications as one published in the official gazette of the State or Central Government. In State of Bombay Vs. Balsara it was observed that an order made by the Government in the exercise of the powers conferred by a section in an Act over its efficiency to the section and therefore, in the eye of the law, the notification has the force of law as if made by the legislature itself. The Supreme Court held that the notification required by law to be published in the gazette is of no effect unless it is so published.9

The Composition: The Act provides for the composition of the Consumer Redressal Agencies in hierarchical order - District Forum10 State Commission11 and National Commission12. In describing the three bodies created for providing redressal in consumer disputes the lowest body is designated as a Forum (District Forum) and the other two higher bodies as Commission (State Commission and National Commission). The term 'Forum' in its widest sense means a place where legal redressal is sought or a place where public business is transacted and justice dispensed or a meeting to discuss topics of public concern. In strict sense, at common law, it is the place where a remedy is sought. In this
context the word has been used in the Act, it would mean a court of justice. The two are called 'Commission' the three bodies are quasi judicial tribunals and are vested with varying and different levels of jurisdiction, in India the Law Commission did not favour the establishment of such a Council. With the spate of welfare legislations thousands of administrative tribunals are coming up, and to control and regulate the composition, constitution, procedure and propriety of their decisions a separate apex tribunal there is ample scope for review of their decisions under Articles 226 and 227 by the High Court and under Article 136 and 32 the Supreme Court. Since the Law Commission report there is a change in the situation by the forty-second amendment of the Constitution in 1976 where under the Parliament in exercise of the power conferred by clause (1) of Article 323 A, may be law exclude the jurisdiction of courts excepts the jurisdiction of the Supreme Court under Article 136 of the Constitution. If the courts functions are going to be replaced by tribunals the need for an apex appellate and supervisory tribunal is a necessity to preserve the cherished ideal of judicial review emphasized and preserved so nicely by our Constitution. In lieu of the position by the Amendment Act of 1993 separate provision is
made constituting a selection committee for the appointment of the members to the tribunals.

Jurisdiction of the Redressal Agencies: The modern social welfare legislations generally establish tribunals and they also prescribe the special procedure sometimes supporting and at other substituting the general procedural laws. The Consumer Protection Act, 1986 also established the courts or tribunals called Consumer Disputes Redressal Agencies. The law relating to jurisdiction of the three tribunal is discussed in sections 11, 17 and 21 of the Act.

According to Saunders "By jurisdiction is meant the authority which a court has to decide matters that are litigated before it or to take cognizance of matters presented in a formal way for its decision. The limits of this authority are imposed by the State, charter or commission under which the court is constituted, and may be extended or restricted by the like means." According to Stroud's "Jurisdiction" of a validly constituted court connotes the limits which are imposed upon its power to hear and determine issues between persons seeking to avail themselves of its process by reference (1) to subject matter of the issue, or (2) to the persons between whom the issue is joined, or (3) to the kind of relief sought, or to any combination of these factors. Jurisdiction may be defined to be the
power of a court to "hear and determine a cause, to adjudicate and
exercise any judicial power in relation to it." Thus "Jurisdiction" is
the power and authority conferred by law upon a court, judge or
tribunal to decide the disputes and make judgments/orders
authorised by law. In the case of a tribunal or an agency created
under a statute to give redressal to the aggrieved parties, the statute
should expressly confer jurisdiction and then the tribunal acquires
the executive competence to decide a certain type of action. On this
principle the Act conferred expressly jurisdiction on Consumer
Dispute Redressal Agencies at all levels: District Forum, State
Commission and National Commission. A close examination of
the section 17 conferring jurisdiction of State Commission and sec 21
conferring jurisdiction on National Commission reveals that they are
identical in pattern and they differ from section 11 conferring
jurisdiction on the District Forum. They show that the District
Forum has only one type of jurisdiction called the 'original
jurisdiction' while the other two commissions, State and Central,
have three types of jurisdiction, namely, (a) Original (b) Appellate
and (c) Revisional jurisdictions. All the three have only a special
jurisdiction with reference to the subject matter. They have
jurisdiction only to deal with 'consumer disputes'. They have no
jurisdiction to deal with 'disputes' other than 'consumer disputes'. This is a restriction provided in the other provisions of the Act.

**Elements of Jurisdiction**: There are in general three jurisdictional elements in every valid judgment, namely, jurisdiction of the subject-matters, jurisdiction of the person and the power or authority to render the particular judgment. Absence of any of these jurisdictional elements would render the judgment void and a mere nullity. In other way, the jurisdiction may be classified as (a) Pecuniary and (b) Territorial. (a) Pecuniary Jurisdiction: It is now proposed to discuss the pecuniary jurisdiction or limits of the three tribunals. (a) **District Forum**: The District Forum shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed does not exceed rupees 5 lakhs.20 (b) **State Commission**: The State Commission shall have jurisdiction to entertain complaints where the value of the goods or services and compensation, if any, claimed exceed rupees 5 lakhs but does not exceed rupees 20 lakhs.21 (c) **National Commission**: The National Commission shall have jurisdiction to entertain complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees 20 lakhs.22
The object of fixing these divisions is to see that higher tribunals are not over burdened and they give effect to the rule contained in section 15 of C.P.C. that "every suit shall be instituted in the court of the lowest grade competent to try it." **Territorial Jurisdiction**: Regarding the territorial nexus "enquired section 11 (2) says that a complaint can be instituted in a District Forum within the local limits of whose jurisdiction. (a) The opposite party or (b) if there are two or more opposite parties living in the local limits of different District Forum in any one of them where at least one or some reside where the non-resident opposite parties acquiesces or (c) where the cause of action wholly or partly arises. The territorial jurisdiction of the district forum is death within clauses (a) to (c) of subsection (2) of section 11 and said clauses are alternative and not cumulative. If any one of the clauses is satisfied the suit can be instituted in the court within the limits of whose jurisdiction that condition is satisfied. If the defendant was carrying on business within the limits of jurisdiction of the court that court would have jurisdiction even though the cause of action might have arisen elsewhere. By these rules it if found that in some cases different District Forums may have jurisdiction in the same complaint. In such a case the complainant can choose any District Forum unless
there is a contract restricting the jurisdiction to a District Forum at a particular place. Under the Indian Contract Act, Sec. 28, a contract excluding the jurisdiction of the court is void and is based on the public policy and the same section recognises an exception and so the complainant is bound by such a contract.

**Cause of Action:** A suit is always based on a cause of action. There can be no suit without a cause of action and such cause of action having accrued to the plaintiff. A 'cause of action' means every fact, which, if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the court."23 In other words, it is bundle of facts which taken with the law applicable to them gives the plaintiff a right to relief against the defendant. It must include some act done by the defendant. Since in the absence of such an act no cause of action can possibly accrue.24 It is not limited to the actual infringement of the right sued on but includes all the material facts on which it is founded.25 It does not comprise evidence necessary to prove much facts but every fact necessary for the plaintiff to prove to enable him to obtain a decree.26 Everything which if not proved would give the defendant a right to an immediate judgment must be part of the cause of action. It is in
other words, a bundle of facts which it is necessary for the plaintiff to prove in order to succeed in the suit.

**Jurisdiction of the State Commission:** Though there is no express provision in the Act regarding the territorial nexus, by principles of natural justice, it is impliedly extended to it also. Further the State Commission has three types of jurisdiction viz., (a) original (b) appellate and (c) revisional jurisdiction. (a) **Original:** In case of the value between 5 lakh and 20 lakhs it exercises original jurisdiction. (b) **Appellate:** It is the first appellate court against the orders of any District Forum within that State. This has been stated in sec. 15 of the Act. (c) **Revisional:** In exercise of this jurisdiction a State Commission under section 17 (b) is vested with the power and jurisdiction to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State, where it appears to the State Commission that such District Forum has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity.

**Jurisdiction of the National Commission:** As in the case of the State Commission, with reference to the National Commission
also there is no express provision relating to the territorial jurisdiction. Of course, the act itself has only operation in the territory of India and the jurisdiction of the National Commission is coextensive with it and extending to the whole of the country. Like the State Commission it has also three types of jurisdiction. (a) **Original** : It has original jurisdiction as it is stated that the National Commission shall have jurisdiction to entertain complaints where the values of the goods or services and compensations, if any, claimed exceeds rupees 20 lakhs; (b) **Appellate Jurisdiction** : Section 19 empowers the National Commission to hear appeals against the orders in consumer disputes of any State Commission. State Commission can pass original orders and appellate orders. (c) **Revisitional Jurisdiction** : The National Commission like the State Commission, can exercise its revisitional jurisdiction. Under section 21 (c) it is empowered to call for the records and pass appropriate orders in any consumer dispute is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercised a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity. Further, just as two appeals are provided
against the orders of the District Forum, first appeal against the original orders of the State Commission lies to the National Commission and a further appeal may be provided to the Supreme Court, but this is not done. Under section 23 an appeal lies to the Supreme Court from the original orders of the National Commission.

TERM FAMILIARISED

Complaint: 'Complaint' is a document with which the proceedings under the Act commence. It is an important document as it forms the basis or starting point of the proceeding. In civil cases its counter-part, the document with which a civil proceeding commences a civil court is called 'plaint'. In criminal cases such a document is called 'complaint'. Complaint is an allegation that a wrong has been done or a grievance suffered. This term is most generally used in law with reference to criminal courts to describe the mode in which criminal proceedings are to be instituted and complain under this Act is defined in sec 2 (1) (c). "Complaint" means any allegation in writing made by a complainant that: (i) an unfair trade practice or a restrictive trade practice has been adopted by any trader; (ii) the goods bought by him or agreed to be bought by him suffer from one or more defects; (iii) the services hired or availed of or agreed to be hired or availed of by him suffer
deficiency in any respect; (iv) a trader has charge for the goods mentioned in the complaint a price in excess of the price fixed by or under any law for the time being in force or displayed on the goods or any package containing such goods. (v) goods which will be hazardous to life and safety when used, are being offered for sale to the public in contravention of the provisions of any law for the time being in force requiring traders to display information in regard to the contents, manner and effect of use of such goods; with a view to obtaining any relief provided by or under this Act.

**Essentials**: 1. The complaint should be filed by the complainant. 2. The complaint must contain allegations in writing. 3. It must disclose that the opposite party (a) indulged in unfair or restrictive trade practices which resulted in loss or damage to him or (b) supplied the goods suffer from one or more defects or (c) rendered services which suffer from deficiency in any respect or (d) charged for the goods supplied a price in excess of the price fixed by or under any law in force or displayed on the goods any package containing such goods or (e) goods which will be hazardous life and safety when used, or being offered for sale to the public in contravention of the provisions of any law for the time being in force requiring traders to display information in regard to the contents, manner and
effect of use of such goods. 4. The complaint should be made to concerned authority, the District Forum, State Commission or National Commission having the pecuniary and territorial jurisdiction; 5. The complainant must pray for one of the relief's provided under the Act.27

A cursory look at the above discussion of the definition of the word complaint reveals that out of the 18 words defined in the Act 12 have been employed in the above definition which shows its importance. Unless we understand the scope of the above twelve words we cannot safely say that we have understood this word-complainant -

(i) Complainant: This is the first word used in the definition of 'complaint' and this is defined in the interpretation clause of the Act.28 This is a simple definition which enumerates the various kinds of persons as to who can move the prescribed forum for the protection of a consumer. Ordinarily it is the consumer who seeks a remedy from the Consumer Redressal Agency. But having the same interest29 realising that most of the consumers are below the poverty line, illiterate and ignorant of their legal rights and do not have the capacity or ability to vindicate their rights against the opposite parties who are generally very rich, highly educated and
experienced and cunning, the Act empowered recognised consumer associations to represent the consumers who are victims of the supplier. Consumerism is of recent growth and still in a innocent stage and unless it grows into a well organised ad expanded movement consumer is not a match to be pitted against the giant manufacturer. In society for Civil Rights Vs. Union of India where a complaint was filed on behalf of unspecified number of persons the commission dismissed the complaint on the ground that under the scheme of the Act a complaint can be filed only by the persons specified in the Act. In order to remedy the situation one more class of complainants was added by the Amendment Act 1993, under which representative litigation can be initiated by one or more consumers on behalf of others having common interest. The other categories of complainants are Central Government and State Government. Governments become a big consumer with the emergency of social welfare state.

(ii) Consumer: The first type of complainant recognised by the Act is the 'consumer'. The word 'Consumer' is defined in the Act. This is the most important definition as the Act itself is intended to confer 'better protection' on him. But a cursory look at the definition proves the inefficiency of the draftsman. The draftsman of a bill, unlike a
novel writer or author of a literary piece, should be brief, certain any clear. He can be compared to a Sutra Kara (the framer of sutras) in Sanskrit grammar about whom it is said that he will feel the pride any joy on the birth of a son when he could cut short one syllable from the sutra without changing the meaning. He must not forget that brevity is the soul of wit and this brevity must not be at the cost of clarity. This definition contains redundancy which could be avoided by an intelligent grouping of the subjects which it qualifies. The words 'for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment' are unnecessarily repeated four times making the definition verbose and length.

**Voluntary Organisation of Consumer in India:** In the first half of 20th Century there was no consumer's consciousness. The consumers were giving importance to their freedom of contract. But gradually, lot of social, political and economic changes occurred all over the world due to industrial revolution and advancement of mode of transport. Large scale production started with use of big machines and the market of goods spreader from one country to another with great speed. India's cottage industries network who received a setback. Indian consumers were mostly illiterate and
innocent. They could not analyse the proportion of truth and falsity in advertisements of attractive goods. The manufacturer in these circumstances exploited the Indian consumers to great extent. Sellers became richer day by day while the consumers started becoming poorer. Consumers were cheated by manufacturers and sellers for many years. But the realisation of this mass exploitation came in the minds of consumers and they could understand the advantages of unity. The voluntary consumer organisations were gradually founded in different States as per their literacy magnitude. As per 1970' statistics, Andhra Pradesh had 188 organisation with 44% literacy; Uttar Pradesh had only 14 organisations with 42% literacy; M.P. had only 5; Kerala with 90% literacy had 18 and Bihar with 36% literacy had 26 organisations with 42% literacy; M.P. had only 5; Kerala with 90% literacy. During the last 30 years, these types of organisation multiplied more in urban area than in rural ones. The enactment of Consumer Protection Act 1986 had encouraged the activities of these organisations to help the Consumer Protection Redressal Agencies.
CITATION


5. Ibid : Sec 25.


10. Consumer Protection Act, 1986 : Sec. 10 (see Appendix).

11. Ibid : Sec. 16 (see Appendix).

12. Ibid : Sec. 20 (see Appendix).


16. Hriday Nath Roy Vs. Ramachandra Barua Sharma, AIR 1921 CAL 34 at p. 36.

17. Consumer Protection Act, 1986 : Sec. 11 (see Appendix).

18. Ibid : Sec. 17 (see Appendix).
19. Ibid: Sec. 21 (see Appendix).

20. Ibid: Sec. 11 (see Appendix).

21. Ibid: 17(a)(i) (see Appendix).

22. Ibid: Sec. 21(a)(i) (see Appendix).


27. Consumer Protection Act, 1986: Sec. 14: Consumer Protection Rules, 1987: Rule 14 (1). The differences between the definitions of the word in the Criminal Procedure code and this Act are

(a) The Complaint can be oral or in writing under the Criminal Procedure Code while under this Act, it should be in writing.

(b) Since, it can be oral under the Criminal Procedure Code no form is prescribed while under this Act, the Central Consumer Protection Rules, 1987 prescribed the particulars required to be made in it.

28. Consumer Protection Act, 1986: Sec. 2(1) (b) which reads as

(i) a consumer; or

(ii) any voluntary consumer association registered under the companies Act, 1956 (1 of 1956) or under any other law for the time being in force; or

(iii) the Central Government or any State Government, who or which makes a compliant.
(iv) one or more consumers where there are numerous consumers.


32. Consumer Protection Act, 1986 : Sec. 2(1) (d) reads Consumer means any person who:

(i) buys any goods for a consideration which has been paid or promised or partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised or under any system of deferred payment when such use is made with the approval of such persons, but does not include a person obtains such goods for resale or for any commercial purpose.

(ii) hires (or avails of) any services for a consideration which has been paid or partly paid and partly promised, or under any system of deferred payment and include any beneficiary such services other than the person who hires (or avails of) the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first person.

Explanation : for the purpose of sub-clause (i) "commercial purpose" does not include use by a consumer of goods bought and used by him exclusively for the purpose of earning his livelihood, by means of self-employment.