

Major definitions

- **Complaint**– According to [Sec-2\(1\)\(c\)](#) any allegation made by the consumer regarding any restrictive or unfair trade practice which the traders have adopted such as goods bought by a consumer are defective, services hired or availed by him suffer some deficiency, trader has charged an excessive price of the goods mentioned in the complaint, goods or services which are hazardous to the life and property of the consumer has been offered for sale to the public by the trader or the service provider.
- **Consumer Dispute**– according to [Sec-2\(1\)\(e\)](#) of the act it is a situation when a person denies the allegations filed against him in a complaint.
- **Person**– according to [Sec-2\(1\)\(m\)](#) of the act the word person includes a registered or unregistered firm, a Hindu undivided family, co-operative society and any other association which is registered as a person under the Societies Registration Act of 1860.
- **Service**– according to [Sec-2\(1\)\(o\)](#) service means any description or any facility which is provided to the potential users and is not rendered free of charge or under a contract of personal service.

Redressal Mechanism

The Consumer Protection Act proposes three-tier redressal mechanism: quasi-judicial machinery at the National, state and district level. The jurisdiction of each consumer redressal forum has been described under this act.

District Consumer Disputes Redressal Forum

Each and every district has a District Consumer Disputes Redressal Forum. According to [Sec-11](#) of this act, this forum has the jurisdiction to entertain complaints and disputes only where the value of the goods or services and the value of the compensation claimed does not exceed Rs 20 Lakhs. **The District Forum shall have the same powers as that of a civil court in the following matters:**

- In the summoning and enforcing of attendance of any defendant or witness
- In examining the witness on an oath
- In receiving the evidence on affidavit
- In any other matter which may be prescribed
- Demanding of the report of concerned analysis or test from the appropriate laboratory or from any other authorized relevant source.
- In discovering and producing any document or other material objects which are producible as evidence in the forum.

The District forum shall consist of a President i.e. the head of the commission who is or has been or is qualified to be a district judge and two other members possessing a bachelors degree from a recognized university and one of them shall be a woman.

The members of a commission shall be the persons of ability, integrity and standing and have adequate knowledge and experience regarding the field of a consumer. Each and every member of the district forum shall either hold the office for a term of 5 years or up to the age of 65 years, whichever is earlier.

State Consumer Disputes Redressal Commission

Each and every State has a State Commission. According to [Sec-17](#) of the act, the pecuniary jurisdiction of a State Commission for entertaining complaints or issues where the value of goods or services and the value of the compensation claimed exceeds Rs. 20 Lakhs but is less than Rs. 1 crore.

The State Commission shall consist of a President and the other two members. The President shall be a person who is or has been qualified to be a Judge of High Court and the other two members shall be possessing a bachelors degree from a recognized university. Out of two members, one shall be a woman.

The members of a commission shall be the persons of ability, integrity and standing and have adequate knowledge and experience regarding the field of a consumer. Each and every member of the district forum shall either hold the office for a term of 5 years or up to the age of 67 years, whichever is earlier.

National Consumer Disputes Redressal Commission

The National Commission was instituted in 1988. It is headed by a sitting or retired Judge of the Supreme Court of India. The present President of the commission is Justice R.K. Agrawal who is a former Judge of the Supreme Court of India. According to [Sec-21](#) of the act, the pecuniary jurisdiction of a National Commission for entertaining complaints or issues where the value of goods or services and the value of the compensation claimed is more than Rs. 1 crore.

The National Commission has been constituted with various powers such as:

- It has the powers of administrative control over all the State Commissions. It can call all the State Commissions or any one of them for periodical returns regarding the institution, disposal and pendency of cases.
- It can adopt a uniform procedure in the hearing of the matters.
- It can provide a speedy grant of copies of documents to the parties.
- It also has a general power of overseeing the functioning of the State Commissions and the District Forums.
- It has the power of providing prior service of the copies of the documents produced by one party to the opposite parties.

In addition to the President of the commission, it shall consist of 4 other members, out of which at least one shall be a woman. **All of these members shall fulfil the following conditions to be able to qualify as a member in the National Commission:**

1. Their age should not be less than 35 years of age.
2. They shall be possessing a bachelors degree from a recognized university.
3. They shall be a person of ability, integrity and standing and have adequate knowledge and experience regarding the field of a consumer.

Every member of the commission shall hold office for a term of 5 years or up to the age of 70 years whichever is earlier.

Who can file a complaint?

According to [sec-2\(1\)\(b\)](#) a complainant can be a person who is:

- A consumer, or
- Any voluntary consumer association registered under the Companies Act of 1956 or under any other law for the time being in force, or
- The Central Government or any State Government, who or which makes a complaint, or
- One or more consumers, where there is more than one consumer they shall have the same interest for filing a collective complaint, or
- In the case of death of a consumer, his legal heir or representative who or which makes a complaint.

The limitation period for filing a Complaint or Appeal to higher commission

- **Filing of a complaint**– the complainant can file a case against the trader or the service provider only within two years from the date on which the cause of action arose. The forum may entertain the case in case of delay only if the complainant gives sufficient cause.
- **Appeal to the State Commission**– according to [sec-15](#) of the act an appeal can be filed to the State Commission by any person who is aggrieved by an order passed by the District Forum within a period of thirty days from the date of an order, in a form and manner prescribed under the act. If an appeal is filed after the expiry of the period of limitation the State Commission has the

discretion to entertain that appeal if the complainant shows sufficient cause for not filing an appeal within the limitation period.

- **Appeal to the National Commission**– according to [sec-19](#) of the act an appeal can be filed to the National Commission by a person aggrieved by the order passed by the State Commission within 30 days from the date of receipt of order. The appeal to be accompanied by a copy of an affidavit.
- **Appeal to the Supreme Court of India**– according to [sec-23](#) of the act an appeal may be referred to the Supreme Court of India by the party aggrieved by the order passed by the National Commission within a period of 30 days from the date of order passed.
- **Revision Petition to the National Commission**– [sec-21\(b\)](#) of the act vests the power in the National Consumer Disputes Redressal Commission to call for the records and pass appropriate orders in any consumer dispute which is either pending or has been decided by the State Commission. The National Commission can exercise its revisional jurisdiction only if it appears to the commission that the State Commission has acted illegally or with irregularity or outside its jurisdiction. Such a Revision Petition can be filed within a period of 90 days from the date of the order passed by the aggrieved party.