

NON-APPLICABILITY OF THE CONSUMER PROTECTION ACT, 2019 ON ADVOCATES:

ADVOCACY IS A PROFESSION, NOT BUSINESS OR TRADE!

The Hon'ble Supreme Court of India, in its recent judgment in "[Bar of Indian Lawyers v. D.K. Gandhi PS National Institute of Communicable Diseases and Anr. \(Civil Appeal No. 2646 of 2019\) \(2024 INSC 410\)](#)" has held that advocates would not be covered under the ambit of the Consumer Protection Act, 2019.

The Apex Court after considering the intention of the Legislature opined that even the re-enacted Act of 2019 (the “Act”) did not intend to cover professionals, as services provided by advocates cannot be equated with business or trade. Moreover, according to the Hon'ble Court, a professional requires high level of proficiency and training, and thus making them fall under the ambit of trade and business would lead to overstretching the scope of the Act. Also, if the professionals are brought under the ambit of the Act, it would lead to filing of pool of vexatious and frustrated suits and the very purpose of the Act i.e. providing consumers with timely and effective dispute resolution would be defeated.

The Apex Court while discussing “Whether legal profession is 'sui generis'?”, held that duty of an advocate is not just limited to the client or their opponent, but being an officer of the Court, an advocate also has a paramount duty to assist the Courts. The nobility and uniqueness of the profession can be gauged by the fact that lawyers are considered as intellectuals among the elites and social activists among the downtrodden. The Hon'ble Court also held that the contract between a client and an advocate is a ‘contract of personal service’ (where client exercises direct control over the advocate) and hence excluded from the definition of 'service' as stated under the Act.