Before diving into aspects of the consumer protection act, it is important to know how the Act defines various terms that will have a bearing on a consumer dispute. For instance, a “consumer” is not always a person who pays for a service.

There may be certain circumstances in which the courts do not consider a person a “consumer” despite the fact that all goods and services are covered under the Act. It is important to understand the different cases in which a person may not be a consumer.

**Q. Who is a consumer?**

The Consumer Protection Act defines a consumer as a person, voluntary consumer association or central or state government who buys any goods or service for a payment. It also includes cases where the goods or service has been procured under deferred payment.

It also includes those who buy and resell goods for livelihood and are self-employed.

There are some cases in which a person is not considered a “consumer”.

**Q. Who is not a consumer?**

A person who does not pay for the goods and services cannot be considered a consumer. There are numerous cases with precedents where courts have ruled if procurement of a specific service or good qualifies the buyer as a consumer. For further details, the consumer is referred to a handbook issued by the “Indian Social Institute, Delhi” titled, “Rights of the Consumer”.

**Q. What are my rights as a consumer?**

A consumer is endowed with the right to:

- Be protected against the marketing of goods and services which are hazardous to life and property.

- Be informed of quality, quantity, potency, purity, standard and price of goods and services.

- Be assured of access to a variety of goods and services at fair prices.

- Be heard and for his/her concerns to be given due consideration.

- Seek redressal against unfair trade practices.

- Consumer education.

**Q. Who can file a complaint?**

A complaint can be filed in the appropriate consumer court (district, state or national) by a complainant who may be:

- a consumer

- a voluntary and registered consumer association

- Central or state government

- a group of consumers with the same complaint

- Legal heir or representative in case of death of complainant.

**Q. What powers does a consumer court have?**

Consumer courts have been established at the district, state and national level to ensure that consumers get speedy justice.

The Consumer Protection Act confers the powers of a civil court on a consumer court at the district level. The same powers as that are available to a civil court in matters ranging from summoning and enforcing attendance of witnesses to reception of evidence on affidavits is also available to a district level consumer court.

**Q. Are there any other terms that in the Consumer Protection Act that one must be aware of?**

Yes. Some terms and their definitions are given below:

Defect - Any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard as is claimed by the trader in any manner in relation to any goods.

Deficiency - Any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by a person in pursuance of a contract or otherwise in relation to any service.

**Q. What is the difference between “restrictive” and “unfair” trade practices?**

Restrictive trade practices are those with the help of which a trader or manufacturer is able to reduce the supply of a product or service to the market thereby raising its price.

Unfair trade practices are those in which a trader or manufacturer uses unfair methods or deceptive practices to push sales, use or supply of a goods or service.

--Ends