

Challenges to applying Consumer Rights in Parbhani District

Sushma Govindlal Somani
Lecturer, Nutan Mahavidyalaya, Selu

ABSTRACT

The current study aims to find out the challenges for the application of consumer's Rights Act in Parbhani District. Parbhani District is one of the backwards districts of Marathwada Region. Marathwada Region is the part of Maharashtra state of India. There are found several problems such as unawareness, negligence, lack of facilities etc. during the application of consumer's Rights in Parbhani District. Here the researcher feels the need of the study and worked on current issues regarding the challenges in respect to the use of challenges to apply the consumers rights in Parbhani district.

Keywords: Consumer, Rights, Parbhani, district, awareness etc.

INTRODUCTION

Parbhani is one of the eight districts of Marathwada region and 34 district of Maharashtra state of India. The present name of the district is derived from 'Parbhavati' on account of the existence of a beautiful and massive temple of Goddess 'Parbhavati' in ancient time. Parbhani is the administrative head quarter of district Parbhani comes under the Aurangabad division. Districts population is 1835982 consist of 65158 Sq. Km. of area main language of district include Marathi, Hindi, Urdu, Telgue and Andh. Main occupation of the people is farming. It is located 483km west towards state capital Mumbai. District rank 23rd in the state population. Literacy found to be 75.22%. The districts divided into 09 talukas. Bricks, Broom, Cotton, Milk product, Sugar factories, Ginning and Pressing, Oil seed crushing, Dal mills, Agriculture product and processing are the main production items and industries. District have rail roots less development then which roads connect major towns and remote villages.

Consumer Act 1986:- There various laws for the production of consumers against unfair trade practices like Black market, Adulteration, Misleading advertisement, false weight, high price, Low quality Goods, Praudent practices etc. Generally followed by marketer to increase the profit margin at the consumer health and safety. But consumer have not taken much benefit due to its dilatory and technical legal procedure. To provide better protection of the interest of consumer, cheap and efficacious remedy the Consumer Protection Act 1986 has been introduced.

Before Consumer Protection Act 1986, 30 other acts are in existence, but none of them were effective to protect the consumer. Growth of industries means of transport and communication, cut throat competition, adaptation of LPG and free economy policy resulted into unfair trade practices. Complex language of existence Act, Technicalities, timely and expensive formalities of existing act gave rise the Consumer Protection Act 1986.

Objectives of Act:- Consumer Protection Act 1986 has been implemented with and intension "to improve the public services and to protect the consumer". Supported with simple procedure for redressal and grievances of consumer easy language of law, provision for consumer education in the act. Facilitate achievement of these objectives. Act is in favour of consumer and rights of consumer which is responsible to consol the attitude of the marketo exploit or cheat the consumer.

Following are the Objectives of the Act

1. Protection of 8 basic rights of consumer such as
 - a. **Right to Safety:-** It is the right to protect against hazardous goods and services for life and property of consumer.

- b. **Right to Inform:** - It means that consumer should be provided with all factual information about the products quality, quantity, potency, purity, price, standards, suitability at the time of purchase by the producer to protect consumer against unfair trade practices.
- c. **Right to Safety:** - It means right to choose safe healthy and good product among variety of similar good over an unsafe defectives product.
- d. **Right to be Heard:** - This right empower consumer to raise voice against the misdeed of seller and service provider and grievance at appropriate forums if consumer is cheated.
- e. **Right to seek redressal:-** This right refers to right seek redressal against unfair trade practices or misconduct of seller and deliberate attempt to exploit the consumer also include fair settlement and fair grievances of consumer.
- f. **Right to consumer education:-** It means the right to acquire skill and knowledge so as to exercise their rights as consumer and be an informed consumer throughout lifetime and protected from exploitation.
- g. **Right to Basic needs:-** Food, water and shelter are the basic needs of consumer hence this right ensure that consumer have to be provided with proper food supply, safe and permanent dwellings facilities like sanitation, portable water and power supply.
- h. **Right to Safe environment:** - Environment conservation today became a necessary defence against decreasing quality of life worldwide.
2. **Timely and Speedy redressal of complains :-** Generally people avoid to going to court of law due to lengthy, expensive procedure of getting the justice through court. The Consumer Protection Act lays the time limits as 90 to 150 days within which the complaint should be redressed.
3. **Without Money Justice:-** The provision in the act encourage the consumer to come forward to file a complaint it is not necessary to affix court fee to the written complaint. There is no need of lawyer. Thus redressal of consumer complain requires no money to spend.
4. **The Act common man:-** The language of the act is so easy that person having not studied the law can still able to understand every provisions of the law and may proceeds accordingly.
5. **Concentration on consumer education:-** Illiteracy rate of India is still to high which create problem in implementation of act hence the Act has made provisions to educate the consumer through establishment of consumer councils which use various means of communication to educate the consumer about their rights.
6. **Follow the Principle of Natural Justice:-** The Act provide four justice to both the parties i.e. consumer and trader by giving fair chance to represent his own case in front of forum. It aims to providing faith about Act among consumer as well as trader.
7. **Provision for punishment for false complaint:** - The Act only support genuine complaint as Act is not meant for consumer to use it as a weapon against the trader or Manufacturer.

In order to achieve all stated objectives the Act has established Consumer Protection Councils at central, state and district level. Similarly Consumer Disputes Redressal Agencies and Machinery at District, State and National levels known as District forum, State commission, National Commission within the reach of every consumer.

Challenges:- The Consumer Protection Act 1986 made all possible provisions to protect the consumer from the malpractices of trader but still these various factors which adversely affects on its working in the Parbhani district.

1. **Lack of awareness:** - People in the district are unaware of the fact that they are being cheated by the trader. Most of the people belongs to low income groups busy in making the provision for their bread and butter hence even thought came to know about fact still ignore but don't take legal action. They don't know the rights given under the act and how to enforce them. People are of mentality not to be a put and parcel of legal action. Majority of consumer are ignorant and indifferent towards their rights and

responsibilities give a chance to manufacturer to take under advantage and compels him to buy harmful goods or the goods not required by him.

2. **Illiteracy:-** Majority of the people in the district have low educational qualification hence mainly beggared in traditional occupation and follow traditional pattern of living. Such consumer are unaware about the malpractices made by the seller and the various terms defined in the law related to excess price, defective goods, standard, duplicate goods, inferior quality goods, damaged, dangerous and hazardous goods, impurity of goods. This class of people blindly behaves on advertisement presented by the producer and easily exploited by trader. Such class of people are easy means for trader to sale what they produce because due to illiteracy they never complain and go against the seller on the other hand provides opportunities to seller to eam huge profit. Such class of consumer are unaware of government schemes and policies have service providers are also take advantage of such consumer. They are only interest to satisfy their basic needs not much conscious about quality of goods most of the information presented on the product is in English which is not understandable by the consumer hence producer take advantage of this situation.
3. **Lack of information:-** There is no concentration of big industries in the district hence people are not expose to new methods, technology, availability of alternatives and choices. In case of goods information printed on the pack is not checked by the consumer. Consumer are unaware of the MRTP Act and provisions given in various acts like Agriculture Produce Act, the drugs and cosmetics cuts, standards of weight and measurement Act, the prevention of food adulteration Act, expiry date, manufacturer date etc. related to product and also don't know how to complain if in case of any misdeed alone by the seller. Advertisement strongly influence the buying decision of the consumer and support the seller do exploit them because they have check the reality and hidden facts due to lack of knowledge of market strategies and information. Same is the case with service sector people are easily exploited by the service providers as such customers never read the terms and conditions while taking the services and also not make inquires in case right to inform is totally ignored by the seller. Most of the consumer are unaware about the quality assurance markers like ISI, Agmark, ISO etc. and not curious to know when it appears on the packed commodities.
4. **Inefficiency in State Administration:-** The main reason behind the consumer sufferings and exploitation is the misconduct at government officers were producers and manufacturers are well protected and supported in state of consumer by public servants due to strong financial support. Due such mal administration the offenders are unpunished hence find new means to exploit the consumer to fulfil their selfish moto of earning more money through fraudulent marketing practices without any obstacles. Consumer are not safe but the producers are safe in the market. It is creating a kind of monopoly of seller in the market.
5. **Unity among the seller:-** Consumer Protection Act and consumer movement started with the objective to unite the consumer to fight against the exploitation made by the seller against the right of consumer empowered by Law. But the current market situation show the different pictures where the class of exploiter are united and started exploiting the consumer at mass level. In the free market economy prices of goods fixed by forces of demand and supply and consumer in having opportunities to bargain but seller in the local market fix a prices unitedly and hence their remains no choice for the consumer to choose the goods and accepts the available good. This practice is seems common in case of goods like vegetables, fruits etc. and same in case of services like transportation, medical etc. consumer had to accept the things even thought wrong due to unavailability of close substitute and nature of goods and services. It has became a routine part of consumer life.
6. **Life style of the people:-** People in the rural and semi rural area are very much ignorant, illiterate and blindly faith on the things represented by the seller generally having poor life style due to lack of income sources. Follow traditional pattern of purchasing spend most of his income on food, clothing and shelter avoids luxurious goods. They rarely search for alternative, substitute and enquire about the product to different traders. Most of the people are addict the goods like tobacco and liquor hence ready to race of lively the purchasers are made on credit hence the consumers concentrate on availability of goods rather than its suitability. Television is the main media of entertainment for this population hence repeated

advertising on the TV about the product influence the consumer to buy certain product. Consumer prefer low price and easy available goods. Now a days consumers are attracted towards these products which instantly satisfy their needs. They easily believes and never think about the next side of coin, never check either it is good for human health and environment.

7. **Agriculture failure:-** Agriculture and allied activities are the livelihood of the people the district hence if it fails it adversely affects the life of the people. It results in high cost of living, over burden of loan, unemployment, scarcity of resources and price rise. Under such conditions again consumer is exploited at every stage in the market while purchasing of necessities, purchasing agriculture inputs, in the transaction of land holding and in implementation of government schemes at all these stages seller and service providers take the advantage of their financial weakness.
8. **Puzzling Advertisement:-** Activity is the main source of effective communication for the seller to the buyer. Huge expenditure is incurred by the producer on advertisement so as to give information about the product in the advertisement but such information is presented in such a way that it is defiantly fulfil a certain weakness of the consumer for which he was searching. It creates confidence in the mind of consumer and insist him to purchase the same. Sometimes it is supported with schemes, offers and benefits onside to attract the consumer and on the other hand make safe himself by putting all necessary information according on the product according to rules but in such a way that consumer unable to understand the fact. It makes false promises and representation about the product which result in consumer exploitation. Such advertisement are common and easily running. Keeping all rules aside no action is taken by the state against such misleading advertisement and consumer are unaware of the rules of advertisement. Some products in the markets are made and advertised in such as way that if once the consumer use that product he had to use it compulsory no choice remain to leave the product because it creates need.
9. **Conclusion:-** All thought Consumer Protection Act 1986 and various amendments have made full efforts to protect the consumer in sellers market. But still consumer of the Parbhani district seems to be unaware about his rights as consumer. Consumer of product and services even thought having doubts while purchasing related quality, quantity, reliability of the goods but still in grow bargaining power, emergency, ignorance, lack of information about rules and regulations and procedure, illiteracy, non availability of substitute, poor financial condition, corruption at the root level etc. became the ingredient part of day to day life and reason for his exploitation.

Hence along with educating consumer about their right it the great responsibility of government to have strict watch on the malpractices provision of Act. Various supporting acts and their provision are strictly followed by industries or not are to be inspect time to time honestly. It is the responsibilities of business man to provide quality goods to consumer when he is paying full amount for that quality keeping his selfish moot of earning huge profit aside business man should not forget the fact that consumer satisfied consumer works as best unpaid advertisement vice-versa.

District geographical location, high population, low literacy ratio, lack of infrastructure facilities, lack of transport and communication services, weak financial condition, lack of employment and industrialization, agriculture failure, uneven distribution of income and economic resources etc. main reasons for the explanation of the people in the district. In short, in state of concentrating, mass population to be educated. If small group of traders are strictly controlled then the problems may be solved to great extent then effective steps must be taken to make awareness among the consumer right awareness program seems to be lacking in the district.

REFERENCES

1. Dr. Ganagadhar Kayande Patil's – Consumer Protection and Business Ethics.
2. Dr. Avtar Singh – Law of Consumer Protection, Principles and Practice. (Fourth edition 2005) published by Eastern Book Co., ISBN No.- 9788170128540
3. Dr. S. R. Myneni – Consumer Protection (2010). Published by Asia Law House ISBN NO.-9380559569.

4. Suja r. Nair – Consumer Behaviour in Indian Perspective published by Himalaya Publishing house, 2004 ISBN NO.- 8178661691.
5. Website of Government of India, Ministry of consumer affairs.
6. [www. Scribt.com/doc/17710052//ConsumerProtection Act](http://www.Scribt.com/doc/17710052//ConsumerProtectionAct)