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- Executive Editor



**Consumer Protection: Human Rights Perspective With Respect
To Recent Judicial
Trends In Context Of Maharashtra State- An Overview**

Dr. Mahendra L. Pachadkar

- M.Com, M.Phil, LL.M (Human Rights) NET (Law) Ph.D (Law).

Assistant Professor. (HOD- Department of Business Law) Prahladrai Dalmia Lions College Malad.
Affiliated to University of Mumbai.

Abstract:

Consumer Rights and Human Rights are two sides of the same coin. In the advent of British rules in India the rights become more powerful. Consumers are always treated as God in Japan, always respected in USA but he is nowhere in India. As various treaties and conventions are working on it for protection of consumers rights as protection of their human rights too. To establish the mechanism and to enforce Universal Declaration on Human Rights the United Nations Commission on human rights are came up with the draft of treaties that is International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. In most of the Judicial Decisions it is observed by the researcher that Consumer Protection Council or Forum treated the consumer's grievances are sorted out by mechanism set under a law. But there is no uniformity in the verdict given by the act. Students of the Universities are sometimes treated a consumer and some time is not. Hence there is no uniformity in the verdict given.

Key words: Consumer, rights, covenant, judicial, mechanism.

Introduction:

The Industrial revolution and development in the international trade and commerce has led to the expansion of business and trade, as a result of which a variety of consumer goods have been appeared in the market place to cater or to identify the needs of the consumers and services have been made available to the consumer likes, transport, electricity, entertainment, finance and banking, banking and insurance, medical facility etc.

PROTECTION OF CONSUMER RIGHTS IS PROTECTION OF HUMAN RIGHTS.

Human Rights mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by court. Indian Constitution deals with the rights of it citizens. Every citizen is as consumer in one way or other and every citizen is also a human being. As such the rights to citizens as enshrined in the Constitution are also the rights of human being.

HYPOTHESIS

The researcher would like to mention the statement of hypothesis as follows:-

1. There is no uniformity in the administration of judicial process in the three tire dispute redressal system.
2. There is a violation of human rights of consumers.
3. Consumers Rights falls under the purview of human rights.

SCOPE OF RESEARCH WORK.

METHODOLOGY

Review of Literature:

• Review of literature involve reviewing of past research paper on work done related to said topic by the earlier researcher and review of past judicial decisions adopted by Hon'ble Indian Court of Justice in respect of Consumer Protection.

Population. The Population for this study is all the Consumers includes house wives ,students etc of selected states of Maharashtra and Medical Practitioners in the selected states of Maharashtra.



Sample Size. Sample size consist of 400 Consumers and 435 Medical Practitioners of selected districts of Maharashtra i.e Nagpur, Satara, Kolhapur, Sangli, Solapur, Nasik, Pandharpur, Aurangabad, Karhad, Ratnagiri, & Mumbai etc. Data is collected from almost 800 respondents of the study area.

SAMPLE SIZE AND SAMPLING METHODS,

The sample size in the above studies consist of 15 districts like Satara, Ratnagiri, Kolhapur, Miraj, Akkalkot, Solapur, Sangli, Mumbai, etc each district a consumer of from different sections and various categories have been randomly selected and a structured questionnaire has been given to them for being filled in almost 400 consumers have been intervened and from the same District almost 540 Medical Practitioners, Medical Shop Owners, and a Consumers have been randomly selected and structured questioner have been sent to them by post or the researcher had taken the same field in person from them. Out of 540 questionnaires distributed only 400 responses in first case and 435 responses in other case have been received respectively. The data so collected is being analyzed by using statistical tool 'Z' Test and various judgments relating to consumer protection in the state of Maharashtra.

RESULTS AND FINDINGS.

As per the data collected from the Consumers, Housewives, Students of different colleges in the state of Maharashtra following are the finding and results against the questions asked .

1. Question no 1 denotes about whether the consumers have aware about their rights?. Almost 87% (351) respondents were responded favourably. It means only 12.25% (49) consumers are not aware about their rights as a "Consumer" and it directly denotes that even though majority peoples are aware about their rights their human rights should be protected by giving the statues of human rights to the consumer rights.
4. Question pertaining to whether violation of consumer's rights can be treated as violation of human rights? 82% respondents that is 328 respondents were responded positively as consumer's rights must be treated as human rights as it involves the dignity of human being and moral of the society.
5. As far as adulteration of food and infringement of human rights are directly connected with each other. Researcher wish to focus on the issues and article 21 of the Indian constitution which is right to life. If the manufacture is engages with the adulteration food can be directly ill effects on the public health and the morals are seriously affected hence human rights are infringed. Here around 70.93% population is aware about the issues relating to the adulteration of food and delayed in services form the part of manufacturer and traders. Hence it is must to treat the consumer rights as a part and parcel of human rights.
6. Question number 18 itself clears that whether Educational Institutions, Government Hospitals should bring under the purview of consumer protection act? Almost 81.45% populations has given positive response in favouring. Because if we differentiate the term 'Service' in accordance with the provisions of the consumer protection act, where will be clear cut violation of human rights. According to the population of 325 they want that each and every Government sector hospitals and educational institutions should come under the banner of consumer protection act to get the benefit or protection under the act. If any person who seeks the medication in the Government hospital and got ill treated their definitely there is a violation of human rights as the term 'service' is differently defined as the protection were denied in the case of Horjol Sing Ahaluwalia V/s Spring Meadows Hospital.
Secondly in the case of Registrar University of Bombay, Bombay V/s Mumbai Grahak Panchayat regarding late declaration of result of petitioner and the defense lawyer's contention was Students who applied for revaluation of marks does not fall under the purview of Consumer Protection because revaluation of marks is the facility enhanced to the students for their welfare. Hence there is differences in opinion.



9. In most of districts even though hospitals are well equipped as per the need of an hour doctor patient relations are not much cordial and it reveals that there is infringement. Maximum 97.24% populations are responded in positive as far as doctor patient relationship is concerned.
11. Patients irrespective of their status should bring under the purview of consumer protection act agreed by 90.57% respondents. This is an important question in respect of the parameter to be fixed as to what extent patient should bring in to at par to protect his human rights.

CONCLUSION

From the above data, conclusion can be drawn that there are so many rights pertains to consumer. Human rights are the base of which civil society moves towards an advanced stage of social development. With the time passing on new rights have been included in the rising scope of human rights to ensure justice and personal freedom. Now a day's citizen is also armed with a set of consumer's rights, which are a strong contestant for inclusion within the scope of human rights. There is no difference between citizens and consumer, since consumers as members of civil society have obligation and responsibilities apart from having set of rights.

All people entitled to have some basic and natural rights which help them in having deliberate existence in the world. These basic rights defined as human rights and have become determination of social life. Since last few decades consumer rights have gained significance all over the world. This takes place in the background of growing importance of human rights gained increasing connotation and protecting human values.

The modern consumer movement has gained strength in India during the last few years and today it is a right time to recognize and accept the hypothesis that consumer rights fall within the purview of human rights. Hence hypothesis has been proved right.

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