

CPA in need of protection

It is an irony that the Consumer Protection Act (CPA) which is intended to protect the interests of the consumers is finding it difficult to survive like a helpless consumer. Either because of the indifference of the government or the inherent loopholes in the Act, the CPA is in the process of losing, what little power it has.

The CPA was enacted in 1986 and came into effect in 1987. But that was only on paper. As per the provisions of the CPA, the state and union territories were expected to establish District Consumer Disputes Redressal Forum and State Commission, being the two levels of the redressal machinery under the CPA. For over two years, the CPA could not provide relief to the harassed consumers as the states, with the exception of a few, did not implement the Act.

When the states did not show interest in implementing the Act, the Common Cause, a Delhi based voluntary organization, filed a public interest litigation in the Supreme Court which directed the states to implement the CPA. Fearing contempt of court proceedings the states immediately acted on the directive.

But the half hearted effort could be seen even today in the working of the consumer for a and the Commission. Inadequate staff, lack of infrastructure, non-availability of stationery, postal stamps etc., are being reported from many district centers. In some of the states, including Karnataka, all the District Forums do not have independent presidents. In some cases a few adjoining districts forums are put under one president.

As a result the consumers have not been able to get their grievances resolved quickly i.e., within 90 days as provided in the CPA. The statistics, though questionable, provided by the Central Ministry of Food, Civil Supplies and Consumer Affairs indicates the working of the consumer for a across the country.

For example, the number of complaints filed in the State Commission since inception is 1,42,000 of which 84,600 complaints have been disposed, which works out to 60 per cent. But the number of complaints disposed within the stipulated time of 90 days is hardly 20,000 which is just 24 per cent of the complaints filed. Again this includes complaints which are rejected on technical grounds.

In some of the states, including Karnataka, the performance is discouraging. The report says that out of 6,192 complaints filed in the Karnataka State Commission, 4,127 have been disposed to the end of February 1998. The Number of complaints settled within 90 days is 217 which is 3.50 per cent of the cases filed.

The performance of the District Forums is no better than the State Commission. Out of 11, 88,000 complaints filed since inception, 9,23,900 (78%) complaints have been cleared up to August 1998. Nearly 2, 66,800 complaints i.e., 32 per cent of the cases filed has been finalized within the stipulated time period of 90 days. Out of 8,549 complaints filed in the National Commission at Delhi, the complaints disposed up to September 98 is 8549.

Ever since the states were compelled by the Supreme Court to implement the CPA, states have been representing to the Centre that due to financial constraints they are unable to make the for a and commission work effectively. Sensing the gravity of the situation the Central Government came out with a scheme of providing one time grant to all the states and union territories.

The Centre formulated a scheme for grant of financial assistance in 1995-96. In the last three financial years the Centre has released Rs 5,812 lakh for purchase of computers, books, furniture, building and for improving the facilities at the Forum and Commission. Karnataka has received Rs 250 lakh. But it is understood that the amount is still lying unutilized while the working of the forum and commission remains dissatisfactory.

Some of the inherent loopholes in the CPA are also weakening the consumer movement. For instance service like education, posts, telephones, railways etc., are not covered under the CPA. The laws governing these services have a provision which bars any other court like Consumer Forums to deal with the complaints against them. As a result consumer forums have been handicapped in providing relief to the consumers.

Besides, services provided by other agencies like Co-operative Societies, Employees State Insurance Corporations etc., do enjoy exemption from being tried in any other judicial bodies thereby closing the doors of consumer forums to the aggrieved consumers.

The buyback ordinance which affects a few companies comes into effect within five days after its announcement. Whereas the recommendations of a Working Group set up by the government, three years ago, for amending the CPA which benefits hundreds of consumers is yet to see the light of the day. The message is clear on the wall.
