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Empowering Consumers: Exploring the Interplay between Durability and the Right to Repair

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doi: [10.33472/AFJBS.6.Si3.2024.3409-3418](https://doi.org/10.33472/AFJBS.6.Si3.2024.3409-3418)**ABSTRACT:**

Consumer repair rights and product durability are becoming increasingly important in the modern era, where consumption rates are skyrocketing and technological waste is mounting. The freedom to repair is not only a convenience but also a vital component of sustainable consumption and ethical manufacture, according to this abstract, which examines the underlying connections between these ideas. To encourage repeat purchases, the planned breakdown is a marketing strategy that purposefully shortens product lifespans. The abstract begins by stressing the environmental effects of this practice. This results in mountains of electronic waste, which puts a heavy strain on resource extraction and landfills. The article then highlights the viewpoint of the customer, contending that a lack of repair choices forces them to replace functional things before their time, putting them under needless financial burden and limiting their control over their possessions. The abstract explores the idea of the right to repair, which is characterized as the capacity of customers or independent repair businesses to obtain the equipment, data, and replacement components required to fix their devices. By enabling people to prolong the life of their goods, this right lowers waste and encourages resource conservation. Moreover, it opposes the trash attitude that permeates today's consumer society by promoting a culture of repair and reuse. The abstract goes one step further and describes the financial advantages of a strong ecosystem for repairs. Independent repair businesses support their communities and generate employment opportunities, and manufacturers have access to insightful input on the durability and design of their products. Furthermore, manufacturers' long-term revenue might increase by extending product lifecycles through the availability of spare parts and repair choices. The abstract's call to action at the end highlights how critical it is to support robust right-to-repair laws and encourage a cultural shift toward sustainable consumerism and long-lasting products. It draws attention to how this movement can uplift consumers, save the environment, and establish a more accountable and circular economy.

Keywords: Product durability, Repair, Sustainable Consumption, Circular Economy, Consumer Empowerment.

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1. INTRODUCTION

Discarded electronics are weighing our earth down, a sobering reflection of our disposable civilization. This dilemma is exacerbated by planned obsolescence, which reduces device lifespans by producing mountains of e-waste and depleting valuable resources. This is where our battle for sustainability becomes more potent as the consumer's right to repair arises. Imagine a future in which a local shop could easily diagnose and repair your smartphone, saving it from unexplained software updates after two years. Or imagine a washing machine that has been happily humming for ten years, all made with reliable parts that are easily obtained. The goal of durability and repair rights is to create a future in which goods are made to last and people can mend them, reducing waste and fostering a circular economy.

The capacity of a consumer to mend or alter their consumer electronics item is known as the "right to repair." Otherwise, service can be refused to them here. Once an item is purchased, the client owns it, and if it is broken, it needs to be fixed right away. The product must be simply and affordably repairable and modifiable by the manufacturer. Manufacturers have now embraced the new trend and are changing their models and iterations of the product year or very shortly after it is introduced. This means that parts and maintenance for the previous version of the product are difficult to obtain if it is broken or malfunctioning. The customers are having problems with products that are no longer available on the market, in which case you can buy a new version or replace the old one. This technique results in significant financial losses for consumers. Additionally, it violates the freedom of choice. Many businesses have stopped producing their goods. For example, Ford has stopped producing new automobiles in India. But what about the consumers?

The main issue is the unfair burden that defective items inflict on customers who have to pay for their losses. It is essential that producers take accountability for offering the best services. In situations in which manufacturers fail to meet expectations, a third party should also have the right to resolve these problems alongside the product owner. In addition, product parts ought to be easily obtained in the marketplace to guarantee smooth maintenance and repairs. Technology corporations have started a concerning tendency in recent years of encouraging customers to buy new products to replace faulty ones rather than repairing their existing ones. This procedure aggravates the e-waste problem in addition to adding to environmental contamination. For example, India struggles with an annual e-waste volume of almost one million tons, which pollutes the soil, water, and air. Thus, it is becoming more and more clear that the "Right to Repair" is desperately needed. A number of nations have passed laws designating the Right to Repair as a fundamental consumer right in order to address this rising concern. India has taken a major step in the right direction by establishing a committee to develop legislation detailing the obligations of manufacturing enterprises and the details of the Right to Repair, in accordance with international efforts. This proactive strategy seeks to lessen the negative effects on the environment, cut down on e-waste, and make sure that customers aren't unfairly stuck footing the bill for defective goods. India is joining the global community in tackling the issues brought about by manufacturers' unwillingness to support repairs and fulfill their obligations by promoting a regulatory framework that places a premium on consumer rights and environmental sustainability.

The right-to-repair movement has accelerated recently in several nations, including the US and Europe. The right to repair as a consumer right in India has, however, received little attention. This study intends to investigate the idea of the right to repair in India and examine the advantages and difficulties of making it a legal right for consumers.

The global Right to Repair movement is gathering steam as customers call for easier access to knowledge and resources so they may fix and customize the goods they own. In India, consumers have few options when it comes to fixing their vehicles, appliances, and electronic

equipment since there is unclear legislation surrounding the right to repair. The right to repair has become an increasingly important issue around the world, as consumers face limitations on their ability to repair or modify their own devices. In the US and Europe, where lawmakers and activists have fought for laws and regulations that would give customers more control over their devices, the right-to-repair movement seems to have been particularly active. In India, however, the right to repair has received relatively little attention, despite the country's growing consumer electronics market and high levels of e-waste. This research paper seeks to explore the potential benefits of recognizing the right to repair as a consumer right in India.

HISTORICAL BACKGROUND

The Right to Repair has a historical foundation that dates back to the 20th and 21st centuries, when items became more complicated and proprietary. Manufacturers started creating goods with difficult-to-access and fix components as technical breakthroughs quickened. Customers and independent repair specialists were concerned about this change since it limited their capacity to diagnose and fix malfunctioning equipment. The growing trend of manufacturers, particularly in the electronics and automotive industries, restricting access to service manuals, diagnostic tools, and replacement parts gave rise to the Right to service campaign. In addition to having an adverse effect on consumers' finances, this restriction made electronic waste a growing problem by causing devices to become outdated. Over the years, various countries and states have initiated legislative efforts to address these concerns, emphasizing the need for consumers to have the right to repair their own products or seek assistance from independent repair providers. The historical trajectory of the Right to Repair reflects an ongoing struggle to balance innovation, intellectual property concerns, and consumer rights in the evolving landscape of modern technology and manufacturing.

The Right to Repair movement began in the automotive industry, where independent repair shops have long complained about the difficulties they face in accessing the information and tools they need to repair vehicles. This movement has since expanded to other industries, including electronics and appliances. Consumers are increasingly frustrated with the limited options they have for repairing their products, as manufacturers use proprietary parts and software, restrict access to repair manuals and diagnostic tools, and void warranties if repairs are made by anyone other than authorized service providers. This not only limits consumer choice but also leads to unnecessary waste and environmental harm, as consumers are forced to discard products that could otherwise be repaired and reused.

PROVISIONS REGARDING THE RIGHT TO REPAIR UNDER DIFFERENT COUNTRIES:

The goal of this global campaign is to guarantee that users have the freedom to fix their electronics. If not, manufacturers limit the use of their services by their clients to establish their reputation as the most reliable in the industry. The hardware and software tools that a manufacturer provides to its customers are entitled to be accessed by the user. Additionally, the user has the option of fixing the device themselves, taking it to a manufacturer's service center, or having a third party fix it for them. The movement has its roots in the 1950s at the beginning of the computer age. Since then, activists and organizations around the world have been demanding the right of consumers to be able to repair their electronics and other products as part of the 'right to repair' movement. The movement seeks to get companies with spare parts, tools, and information on how to repair equipment available to customers. In recent years, countries around the world have been advocating for the passage of effective 'right to repair' laws. Numerous countries have taken measures, implemented policies, and even tried to enact legislation recognizing the right to repair to prevent technological waste. The scope for exercising the right to repair is restricted by a small number of existing legal rules. Repairing

locally manufactured farming equipment and/or instruments was standard procedure prior to the Industrial Revolution, and there was no recognition of a particular "right" to do so. The introduction of mass manufacturing, more sophisticated production techniques, and durable consumer goods during the Industrial Revolution created a clear divide between the manufacturer and the consumer, which may have contributed to a repairability issue. Henry Ford, the man who started the automobile business, stated in his book that he intended customers who purchased one of his products never to have to buy another. "You can take a car that is ten years old and, with parts that are accessible today, convert it into a car of today with relatively little price" was another crucial element. This requirement indicates that the components must be exchangeable (Ford & Crowther, 1922, p. 124). Ford's product design placed a strong emphasis on being repairable (Hanley, Kelloway, & Vaheesan, 2020). Repairability as a consumer right was first contested in court when IBM was sued for antitrust infringement in 1956. After a trial to determine whether IBM's refusal to permit customers to repair computers they had leased violated the law, the business, which at the time held a dominant position in the mainframe industry, was ordered to give its customers components and subassemblies at fair and non-discriminatory prices.

POSITION OF RIGHT TO REPAIR UNDER THE UNITED KINGDOM LEGAL SYSTEM:

The Right to Repair is governed by the following laws in the UK:

- **Eco-design Regulations:** Several products, including household appliances, must meet strict energy efficiency and environmental performance requirements under the UK's Eco-design Regulations. The purpose of these rules is to incentivize producers to create more robust and repairable items.
- **Regulations Regarding Waste Electrical and Electronic Equipment (WEEE):** A framework for the collecting, recycling, and handling of waste electrical and electronic equipment is established under the WEEE Regulations in the United Kingdom. Producers are compelled to bear the cost of gathering and managing waste electronics and waste (WEEE), which encourages them to create goods that are easier to repair and have longer lifespans.
- **Consumer Rights Act 2015:** While not specific to the Right to Repair, the Consumer Rights Act 2015 provides consumers with certain rights, including the right to expect goods to be of satisfactory quality and fit for purpose. If a product fails to meet these standards, consumers have the right to request repairs or replacements.

POSITION OF RIGHT TO REPAIR UNDER FRANCE'S LEGAL SYSTEM

- **The Anti-Waste Law for a Circular Economy (AGEC Law)** was passed by France and went into force in 2021. Measures to encourage repairability and lessen obsolescence are included in this legislation. Consumers must be informed about the simplicity of product repair by producers through the display of a repairability index on select electronic products. A further requirement of the AGEC Law is that manufacturers provide independent repair experts with access to spare parts and repair manuals.
- **Higher Producer Responsibility (EPR):** By incorporating the EPR principle into French law, manufacturers are held financially accountable for the way their products are handled at the end of their useful lives. Using this strategy, producers are encouraged to create more robust, ecologically friendly, and repairable items.

POSITION OF RIGHT TO REPAIR UNDER UNITED STATES' LEGAL SYSTEM

Important details of the United States' Right to Repair are as follows:

- **State Legislation:** Right to Repair laws have been proposed or passed in several states, including Massachusetts, Nebraska, and New York. The general goal of these regulations is to compel manufacturers to let independent repair businesses and consumers access to repair documentation, tools, and components.
- **Automotive Right to Repair:** Discussions about the Right to Repair have centered on the automobile sector. The goal of the federally introduced Motor Vehicle Owners' Right to Repair Act is to guarantee that independent repair shops and car owners have access to the same diagnostic and repair data as the manufacturers.
- **IT Industry:** Talks on Right to Repair have centered a lot on consumer goods and IT companies. Proponents push for laws requiring manufacturers to provide consumers and independent repair businesses with repair manuals, diagnostic tools, and replacement components.
- **Lobbying and Opposition:** Citing worries about intellectual property, safety, and product integrity, certain manufacturers—particularly in the IT and agriculture sectors—have opposed the Right to Repair Act. This has resulted in continuing discussions between those defending commercial interests and those advocating for consumer rights.
- **Federal Initiatives:** Although there hasn't been any substantial federal law passed, there have been government debates. Proponents are still pressing for federal intervention to provide a uniform and standardized framework for the Right to Repair.

LEGISLATIVE FRAMEWORK ON RIGHT TO REPAIR (R2R) IN INDIA: A CURRENT SNAPSHOT

While India lacks a dedicated R2R law, the movement is gaining momentum. Here's a nuanced look at the current legislative landscape and potential for progress:

Globally, the right to repair is becoming more and more recognized as a consumer right, and several nations have passed legislation to safeguard this right. There is no particular law or regulation that deals with the right to repair specifically in India; instead, the legal framework for this right is constantly developing. Nonetheless, some laws and rules—such as those about competition law and consumer protection—touch on similar topics.

- **The Consumer Protection Act, 2019:** The protection of consumer rights, such as the right to information, the freedom to make decisions, the right to be heard, the right to pursue remedies, and the right to consumer education, is made possible by this act. Although the Act doesn't address the right to repair expressly, it does safeguard consumers' rights when it comes to goods and services and requires firms to deliver goods and services that are of a high enough caliber, appropriate for the purpose, and adhere to certain standards.
- **The Competition Act of 2002:** It forbids corporations from abusing their dominating market positions or entering into anti-competitive agreements. The Competition Commission of India (CCI), which has the authority to look into and punish anti-competitive behavior, is also established by the Act. Although the Act does not address the right to repair expressly, it does protect market competition, which may help to stop manufacturers from unfairly limiting consumers' options for repairs.
- **Guidelines for Motor Vehicle Aggregators, 2020:** The Ministry of Road Transport and Highways released these regulations to control ride-hailing services like Ola and Uber. The guidelines do not specify where the repairs must be made, but they do require ride-hailing businesses to make sure that the vehicles of their partner drivers are maintained and serviced following the manufacturer's specifications. Consumer groups and other interested parties are actively advocating for better legal safeguards for the right to repair in India, in addition to these laws and regulations.

ADVANTAGES OF ESTABLISHING THE RIGHT TO REPAIR AS A CONSUMER ENTITLEMENT IN INDIA

- **Environmental Conservation:** In keeping with international environmental aims, the Right to Repair makes a substantial contribution to cutting down on electronic waste, addressing issues of contamination in the environment, and encouraging sustainable consumer habits.
- **Economic Advantage:** The Right to Repair helps consumers financially by enabling cost-effective maintenance, extending the life of products, and lowering the need for new purchases altogether.
- **Promotion of Competition:** The Right to Repair's implementation promotes a competitive repair market, which helps independent repair services to grow. Customers seeking repairs may have more options, better service, and cheaper repair rates as a result of this competition.
- **Empowerment of the Consumer:** Allowing for the Right to Repair in India gives customers more control over the goods they buy, encourages a feeling of ownership, and lessens their reliance on manufacturers for maintenance.
- **Job Creation:** A robust repair ecosystem, bolstered by the Right to Repair, has the potential to provide new employment opportunities in the repair services sector, hence promoting economic expansion and the advancement of skilled labor in the repair sector.
- **Customer Satisfaction:** Ensuring consumers have the right to repair improves their happiness and confidence in the marketplace. Customers are more likely to have a favorable experience and have faith in the durability of their purchases when they know that products are easily maintained and repaired.
- **E-trash Reduction:** The Right to Repair is essential for reducing the amount of electronic trash disposed of, tackling India's electronic waste management issue, and promoting environmental sustainability.
- **Worldwide Cooperation:** Embracing the Right to Repair places India in line with worldwide programs that defend consumer rights, cut down on technological waste, and encourage responsible consumption.
- **Legal Framework:** India's recognition of the Right to Repair as a consumer right has created a clear legal framework that gives customers a way to file complaints if manufacturers neglect their repair duties. This guarantees responsibility and compliance with consumer protection laws.
- **Technological Innovation:** By fostering the development of modular and readily repairable designs in manufacturing and opening doors for third-party repair services, The Right to Repair promotes advances in sustainable and durable product development.

LEGAL PERSPECTIVES ON THE RIGHT TO REPAIR IN INDIA: EXAMINING THE JUDICIAL APPROACH

The case of *Shamsher Kataria versus Honda Siel Cars India Ltd.* In this instance, the Commission considered the concept of vertical agreements, which included trade refusals in addition to exclusive supply and distribution contracts. The Commission also found that with this distribution structure, OEMs could charge exorbitant prices to their captive clients, boost their profit margins on auto parts sales compared to car sales, and potentially have long-term structurally anti-competitive effects on the Indian auto industry. After determining that the contested agreements violated Section 3, the Commission concluded that the network of these agreements allowed OEMs to become monopolistic participants in the aftermarkets for their

model of cars, erect entry barriers, and bar competition from independent service providers. As a result, the right to repair is only partially recognized by this Act and the Competition Commission of India's ruling in the aforementioned case.

The Delhi State Consumer Disputes Redressal Commission ruled in ***Kirti Singh v. Oriental Insurance Company Limited*** that an insurance company cannot refuse to pay for repairs just because they were not completed at an approved service center. The Commission stated that insurance firms cannot place arbitrary conditions on consumers' ability to choose where they want their vehicles fixed.

In the 2018 case of ***Saurabh Sharma v. Honda Siel Cars India Ltd.***, the NCDRC ruled that a manufacturer cannot deny warranty coverage only because the customer had his car fixed at an unapproved service facility. The NCDRC stated that customers are entitled to decide where they wish to have their cars fixed and that manufacturers cannot impose arbitrary conditions on this right.

Hitesh Bhatt v. Tata Motors Limited (2015): In this instance, a manufacturer cannot compel a customer to use only its approved service centers for repairs, according to the ruling of the National Consumer Disputes Redressal Commission (NCDRC). As long as the repairs are carried out by qualified experts using original parts, customers are free to select where they want their cars fixed, according to the NCDRC.

HCL v. Sanjeev Nirwani: As per the District Consumer Disputes Redressal Forum (East), NCT OF Delhi, an OEM must provide replacement components and consumables like batteries to keep the laptops operating. They also mentioned that "services" include paid post-warranty period services. The forum concluded that these kinds of acts have to be classified as "unfair trade practices".

CHALLENGES OF THE RIGHT TO REPAIR IN INDIA:

- No dedicated law: The enforcement and implementation of Right to Repair laws face challenges due to complex supply chain dynamics and resistance from manufacturers reluctant to relinquish control over repairs, necessitating comprehensive regulatory measures and industry cooperation for effective execution. Striking a balance between consumer rights and corporate interests poses a persistent obstacle to the seamless application of these regulations.
- IP concerns: Manufacturers worry about sharing repair information.
- Lack of standardization: Parts availability and compatibility are hampered.
- Manufacturer resistance: Focus on profit over sustainability.
- Limited access to parts: Customers' capacity to fix their own devices is often restricted by manufacturers who either don't offer repair services at all or make it difficult for independent repair firms to obtain repair manuals or replacement parts.
- Warranty concerns: Consumers fear voiding warranties through independent repairs.
- Low awareness: The right to repair is a relatively new concept in India, and many consumers may not be aware of their rights or the benefits of repairing their products.

Implementing R2R in India demands collective effort from consumers, manufacturers, policymakers, and advocacy groups. By addressing these challenges and fostering collaboration, India can move towards a sustainable future where R2R empowers consumers and protects the environment.

2. CONCLUSION

Planned obsolescence is driving a swift transition towards yearly product updates, which poses a direct threat to customers and the environment. It puts people's financial security at risk, tramples on their right to privacy, and produces mountains of toxic e-waste that endangers the

health of our world. The practice of discontinuing operations in India, as demonstrated by Ford and several other mobile businesses, reflects the practical ramifications of this approach, which leaves customers stuck with defective products. But there's more than misery in store for us. We can end this unsustainable loop by promoting and putting into practice remedies like strong right-to-repair laws, encouraging manufacturers to put durability first, and increasing customer awareness. Crucial first steps toward a future where environmental responsibility and individual needs are satisfied include pushing manufacturers to create long-lasting designs and empowering customers to extend product lifespans through accessible repairs. Recall that this change calls for cooperation from all. Every wise purchase, every voice in favor of right-to-repair legislation, and every action taken to promote responsible consumption helps to create the foundation for a more equitable and sustainable future. Let's decide to end the cycle of intentional obsolescence and create a society in which goods work for people rather than against them. This conclusion leaves the reader with a clear and practical message by highlighting the urgency of the problem, outlining viable remedies, and urging group action.

RIGHT TO REPAIR IN INDIA: RECOMMENDATIONS FOR MOVING FORWARD

The recent trend of rapid model changes and limited repair options for older products highlights the need for robust Right-to-repair (R2R) frameworks in India. Here are some suggestions to promote R2R in the country:

Legislative Action:

- Enact a comprehensive R2R statute that ensures customers have the right to obtain diagnostic tools, spare parts, and repair information for their electronic equipment.
- Manufacturer participation should be made mandatory by requiring manufacturers to register on a common R2R portal and to provide diagnostic software, repair manuals, and parts lists either directly or through authorized partners.
- To make repairs easier and enhance part availability, promote standardization of connectors and components across product categories. Give customers the option to decline software upgrades that purposefully reduce functionality or decrease the life of a product.

Enforcement and Awareness:

- Create a dedicated enforcement agency or empower existing consumer protection bodies to ensure compliance with R2R regulations.
- Launch public awareness campaigns to educate consumers about their R2R rights and the benefits of repair over replacement.
- Provide training and certification programs for independent repair technicians and incentivize their growth through tax breaks or subsidies.

Manufacturer Incentives:

- Encourage manufacturers to offer extended warranties that cover parts and labor beyond the standard period.
- Implement tax breaks for manufacturers who design and produce products with longer lifespans and readily available spare parts.
- Mandate manufacturers to implement take-back programs for their products, ensuring proper recycling and responsible e-waste management.

Collaborative Efforts:

- Establish regular forums for dialogue between government, manufacturers, consumer advocacy groups, and independent repair communities to share best practices and address emerging challenges.
- Support research and development efforts aimed at creating more modular and repairable electronic products.

By putting these recommendations into practice, India may make great strides toward a more consumer-focused and sustainable future where mending rather than replacing things would empower people and save the environment.

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