



Roadmap For India's "Right to Repair"

Part I: Global Efforts Towards
Right to Repair & Learnings for India

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CHASE
INDIA

Overview

Riding on the wave of the global right to repair movement, the Government of India has formalized its efforts towards delineating a comprehensive right to repair for the country by setting up a committee. This committee, under the Department of Consumer Affairs, met for the first time in July 2022, wherein it identified four sectors for the right to repair¹ - Farming Equipment, Mobile Phones/tables, Consumer Durables, Automobile/Automobile Equipment. The aim of developing a framework on right to repair in India is to empower consumers and product buyers in the local market, harmonize trade between the original equipment manufacturers and the third-party buyers and sellers, emphasize on developing sustainable consumption of products and reduction in e-waste.

As the government works towards drafting the framework, Chase India, as part of its policy research efforts, aims to contribute to the proceedings targeted at building a robust policy roadmap for the right to repair in India.

As part of this effort, we are working towards a series of two reports which intend to provide details of the global developments capturing key principles, followed by a deliberation with stakeholders across the four identified sectors

to enhance the principles in the Indian context.

This is Part I of our report. It is based on secondary research where we have undertaken a comprehensive review and analysis of the repair proceedings in the US, UK, EU, and Australia. We have also identified certain key principles for the right to repair, suited to the Indian context.

For Part II of the report, we will engage with relevant stakeholders to analyse and further develop the identified principles.

1.<https://pib.gov.in/PressReleasePage.aspx?PRID=1841403#:~:text=The%20committee%20held%20its%20first,Durables%20and%20Automobiles%2FAutomobile%20Equipment.>

Introduction

In the current status quo it has been found that manufacturers of a wide range of products, across sectors, complicate one's ability to repair things, for instance by limiting the availability of spare parts or by putting prohibitions on who gets to tinker with them. Repairs are frequently delayed and are often made at exorbitant costs. Such restrictive approach² on repair processes, along with a culture of planned obsolescence, infringes a consumer's 'right to choose' and often forces them to toss a defective item and buy a new product every few years.

A growing global movement, therefore, calling for the 'right to repair' is finding deep, cross-partisan support. The 'right to repair' is a legal concept that allows consumers to repair the products they buy or, choose their own service providers instead of having to go through the manufacturer.

The movement demanding the 'right to repair' for consumers traces its roots back to the very dawn of the computer era in the 1950s³. Since then, the goal of the movement has been the same – to get companies to make spare parts, tools and information on how to repair devices available to consumers and repair shops to increase the lifespan of products and to keep them from ending up in landfills. Advocates of

the 'right to repair' movement range from individual consumers to local businesses from the repair service sector. Over the years, the movement has culminated into a series of laws adopted by countries worldwide that require manufacturers to provide repair documentation and necessary tools and parts to anyone who wants them.

Right to repair is a step toward achieving the UN Sustainable Development Goals, especially Goal 12 on responsible consumption and production. A better support for the repair ecosystem would ensure a prolonged product life as well as reduce e-waste, thus contributing to a circular economy.

2.<https://www.news9live.com/business/other-news/govt-eyes-right-to-repair-against-monopoly-of-manufacturers-over-repair-and-spare-parts-182613>

3.<https://indianexpress.com/article/explained/explained-what-is-the-right-to-repair-movement-7400287/>

Recent Developments in the Indian Ecosystem

Making India a self-reliant economy with a focus on sustainable consumption has been on the government's agenda for a while. Recently, Prime Minister Narendra Modi launched the LiFE (Lifestyle for the Environment) movement, which is a global initiative to influence and persuade individuals, communities, and organizations across the world to adopt an environment conscious lifestyle.⁴

In a bid to further emphasize on the LiFE movement through sustainable consumption, the Department of Consumer Affairs has taken a significant step for the development of a comprehensive framework for the Right to Repair. The Department, in this regard, set up a committee chaired by Nidhi Khare, Additional Secretary, Department of Consumer Affairs, Government of India. The participant members of the committee are - Anupam Mishra, Joint Secretary DoCA; Justice Paramjeet Singh Dhaliwal, former Judge of Punjab and Haryana High Court, Former President of State Consumer Dispute Redressal Commission, Punjab; Prof. (Dr.) G.S. Bajpai, Vice-Chancellor, Rajiv Gandhi National University of Law, Patiala; Prof. Ashok Patil, Chair of Consumer Law and Practice and representatives from various stakeholders like ICEA, SIAM, Consumer Activists & Consumer Organizations.⁵

These recent developments hold a lot of significance against the backdrop of India's upcoming G20 Presidency and align with workstreams under the Sherpa Track. While the G20 priorities are in the process of being firmed up, ongoing conversations indicate that Sustainable growth, LiFE Movement, and circular economy will be some of the major focus areas.

4.<https://pib.gov.in/PressReleaseframePage.aspx?PRID=1831364>

5.<https://pib.gov.in/PressReleasePage.aspx?PRID=1841403>

Relevance for Ecosystem Stakeholders

For Consumers:

▶ **Enhancement of Consumer Rights:** The purchase of any device signifies a shift of power and ownership from the manufacturers to the consumer and there are often consumer protection laws and guarantees which help consumers exercise their ownership over the device or product. However, the absence of an established right to be able to repair their own product, in the way they deem fit, ensures continued reliance on the manufacturers or sellers of the product and often gets in the way of consumers becoming true owners of the products they use.

Existing consumer rights and guarantees can only be truly realized when there is an increased and transparent flow of information from the manufacturers to the consumers. Improving product information and overcoming information gaps regarding product qualities such as durability and repairability will help consumers make an informed purchasing decision. From a consumer perspective, information on product warranties, repair and maintenance helps keep the new ones, thus keeping the costs down.

▶ **Enable Access to Repair Supplies and Promotion of Competition:** The current obsolescence gives rise to restrictive

tendencies where manufacturers have the power to significantly influence purchase decisions. A framework on the right to repair will help bring in accountability to the product manufacturers and enable access to repair supplies and information. This will boost local repair shops and small businesses, which are an important part of local economies. Promoting repair of products will also lead to an uptake of second-hand and refurbished products.

▶ **Circular Economy:** Allowing the repair of devices, instead of throwing them away, increases the shelf life of a product and helps reduce the amount of e-waste and greenhouse emission that is generated. A framework to prevent premature or planned obsolescence will help in reducing the unaccounted environmental impact associated with short-lived products.

The generation of electronic waste has been increasing faster than plastic waste, with e-junk witnessing 31% annual growth in India.⁶ More than half of this e-waste is made of equipment that can be repaired and reused. Granting consumers the right to repair will thereby help in ensuing usage of the product through its entire lifecycle.

⁶<https://www.dpcgc.org/statca51f6a44da8752f00830ad-4814ddd24/531310fb39e2e00e79e462218c3e9d42.pdf>

For Manufacturers:

▶ **ESG and Sustainability Reporting:** There is a growing requirement for firms to provide ESG reports to national governments and international agencies. The Securities and Exchange Board of India (SEBI) introduced the requirement of ESG reporting back in 2012 and mandated that the top 100 listed companies by market capitalization file a Business Responsibility Report. This was later extended to the top 500 listed companies by market capitalization in 2015. In May 2021, the SEBI introduced a new ESG reporting structure by the name Business Responsibility and Sustainability Report (BRSR). BRSR was introduced with the aim of making it mandatory for the top 1000 listed companies to report their sustainability performance to maintain transparency with stakeholders.⁷ Adopting the right to repair will make it easy for manufacturers to declare their BRSR and comply with other guidelines on responsible business conduct⁸ in India and across the world that require them to make declarations related to the sustainability of their businesses.

▶ **Improved Product Reliability and Durability:** A right to repair framework will enable manufacturers understand and deliver on consumer needs and desires which will drive consumer satisfaction from the use of a

product with improved reliability and durability. While retooling manufacturing lines to build more durable products is a significant investment, it will ultimately lead to a higher brand preference among consumers.

▶ **Embrace Benefits of Industry 4.0:** Adoption of the right to repair will help manufactures move towards a new production model that factors in predictive maintenance and leverages augmented reality and digital twinning to help consumers successfully perform repairs. IoT data feedback, data analysis and other emerging trends associated with Industry 4.0 can be used to ensure that parts are replaced before they fail.

▶ **Formalizing the Gray Market of Repair:** A right to repair will help in the recognition of local repair shops and small businesses that work on the outskirts of the current manufacturer driven market. This will boost the local economy and training of new repair technicians will not just create jobs, it will also help in the formation of new entities which will serve a catalyst for the emergence of a new sub-sector dealing exclusively in the repair and refurbishment of commodities and products.

7.<https://www.mondaq.com/india/securities/1196024/sebi39s-esg-disclosure-requirements-business-responsibility-and-sustainability-reporting#:~:text=The%20Securities%20and%20Exchange%20Board,by%20market%20capitalisation%20in%202015.>

8.<https://pib.gov.in/Pressreleaseshare.aspPRID=1568750#:~:text=Ministry%20of%20Corporate%20Affairs%20has,principles%20in%20letter%20and%20spirit.>

For Government:

▶ **Job Creation:** Being a welfare state, a well-defined framework on the right to repair will assist the government in creating jobs and raising wages by limiting the restrictive nature of current repair practices that impede economic mobility and transfer of skills. A repair framework will help curb anti-competitive practices; provide business opportunities for small and independent repair shops and allow the repair service sector to thrive and reach its full potential.

▶ **Meet Climate Goals:** India has recently updated its Nationally Determined Contribution (NDC) under the Paris Agreement and has pledged two quantitative targets – reduce Emissions Intensity of its GDP by 45% by 2030 and derive about 50% of electricity from non-fossil fuel-based energy resources by 2030.⁹ Without a repair framework to curb carbon emissions, India's climate goals will remain a distant dream.

▶ **E-Waste Management:** India's e-waste output is growing annually at over 30%, and stood at over 10 lakh tonnes in 2019-20, according to government data. By establishing the right to repair within India, the government would be able to encourage e-waste reduction. The initiative would help in making consumer goods last longer and cutting

down on waste by eliminating planned obsolescence.

9. <https://www.newindianexpress.com/nation/2022/aug/04/india-sets-new-climate-target-45-less-emission50-per-cent-electricity-from-non-fossil-fuel-based-energyresources-by-2030-2483878.html#:~:text=T20%20World%20Cup-,India%20sets%20new%20climate%20target%3A%2045%25%20less%20emission%2C%2050,over%20the%20period%202021%2D2030.>

Global Efforts

United States of America

In the US, much of the debate on the right to repair has focused on consumer and competition issues, particularly enabling access to needed spare parts, tools and information, and tensions with intellectual property rights. The term 'right to repair' originated from a 2013 legislation in Massachusetts requiring motor vehicle manufacturers to provide access to diagnostic tools and repair information to independent repairers.¹⁰ This act guaranteed every car owner's right to have their vehicle serviced at the repair facility of their choice.

However, this Right to Repair law and the national agreement that followed specifically excluded telematics, which is the data transmitted wirelessly from the vehicle to the manufacturer. Subsequently in November 2020, Massachusetts voters approved the 'Initiative Law to Enhance, Update and Protect the 2013 Motor Vehicle Right to Repair Law'¹¹ as an amendment to the Massachusetts Motor Vehicle Right to Repair Act.¹² This Initiative

requires that vehicle manufacturers provide motor vehicle owners and independent car repair facilities with expanded access to telematic (wireless) mechanical data related to vehicle diagnosis, maintenance, and repair.

In June 2021, the US Federal Trade Commission board voted 'to ramp up enforcement against repair restrictions' in response to an executive order issued by the Biden Administration.¹³ The policy statement aimed at manufacturers' practices that made it extremely difficult for purchasers to repair their products or shop around for other service providers to do it for them. By enforcing against restrictions that violate antitrust or consumer protection laws, the Commission took an important step to restore the right to repair.

More recently, in June 2022, the New York state legislature passed the 'Fair Repair Act', which (as of mid-2023) requires digital electronics manufacturers to make parts, tools, information, and software available to consumers and independent repair shops.¹⁴ This

10.<https://malegislature.gov/Laws/SessionLaws/Acts/2013/Chapter165>

11.<https://www.mass.gov/files/documents/2019/08/07/19-06.pdf>

12.<https://malegislature.gov/Laws/SessionLaws/Acts/2013/Chapter165>

13.<https://www.ftc.gov/news-events/news/press-releases/2021/07/ftc-ramp-law-enforcement-against-illegal-repair-restrictions>

14.https://www.business-standard.com/article/international/us-passes-world-s-first-right-to-repair-law-for-digital-electronics-122060400311_1.html#:~:text=Topics&text=In%20a%20world's%20first%2C%20the,consumers%20and%20independent%20repair%20shops

bill covers most products containing electronics, home appliances, medical devices, public safety communications equipment like police radios, agricultural equipment, and off-road equipment. The bill does not include motor vehicles as it is covered by a national Right to Repair agreement between the automakers, after the 2013 Massachusetts legislation was passed. For independent repair shops, this news is huge as they will finally be able to compete with manufacturers, resisting the repair market consolidation manufacturers have created by restricting access to parts and tools.

United Kingdom

After leaving the European Union, the UK chose to mirror the right to repair requirements that originated from EU proposals made prior to the exit. The UK government introduced new ecodesign and labelling requirements for specified electrical products sold in Great Britain.¹⁵ The Ecodesign for Energy-Related Products and Energy Information Regulations 2021¹⁶, sometimes referred to as the “Right to Repair Regulations” were made on 18th June 2021, accompanied by Explanatory Memorandum.¹⁷ The Draft regulations were laid in April 2021 and were subject to scrutiny by the Delegated Legislation Committee (DLC) on 8 June 2021. Most of the provisions came into force on 1st July 2021.

There was broad support for the intent behind the regulations.

The Right to Repair Regulations aim to:

- ▶ Update existing Ecodesign requirements to increase the minimum energy performance and set material efficiency of electric motors, household washing machines/washer-dryers, household dishwashers, household refrigeration and electronic displays.
- ▶ Introduce Ecodesign requirements which set minimum energy performance and material efficiency standards for welding equipment and commercial refrigeration for the first time.
- ▶ Introduce Energy Labelling requirements for commercial refrigeration to enable consumers to discern the most energy efficient products on the market.

The ‘right to repair’ in the UK provides ‘professional repairers’ with access to spare parts and technical information from July 2021, but manufacturers have a grace period of up to two years to make spare parts available.

These regulations apply to Great Britain. Northern Ireland continues to be subject to the EU ecodesign and energy labelling requirements under the Northern Ireland Protocol.

15.<https://researchbriefings.files.parliament.uk/documents/CBP-9302/CBP-9302.pdf>

16.<https://www.legislation.gov.uk/ukdsi/2021/9780348222920>

17.<https://www.legislation.gov.uk/ukdsi/2021/745/memorandum/contents>

European Union

The introduction of an effective ‘right to repair’ for consumers has been announced in several of the European Commission’s strategic documents: the European Green Deal¹⁸, the New Circular Economy Action Plan¹⁹ and the New Consumer Agenda.²⁰

The European Parliament has been a strong advocate for improving repair options for consumers for over a decade.

▶ In a resolution of April 2004, it called for ‘a system of accredited re-use and repair centres’, with the primary aim of reducing waste.²¹

▶ In its resolution of July 2015 on resource efficiency, Parliament noted that repair was an important means of achieving a circular economy.²² It urged the Commission to further develop product standards, which would, inter alia, ensure that products are both durable and easy to upgrade, reuse, refit, repair, recycle and dismantle. It also called for rules on public procurement to favor repaired, reused, remanufactured, and refurbished products.

▶ In the resolution of July 2017 on a longer

lifetime for products, the Parliament proposed several actions to promote product repairability including measures to make repair attractive to consumers; requiring products to be designed for easy and less expensive repair; extending the guarantee if repair takes more than a month, to name a few.²³

The Parliament has raised the level of ambition in the current term by adopting two resolutions that urge on the Commission to establish a consumer’s right to repair, with a view to make repairs systematic, cost-efficient, and attractive. Its resolution of November 2020 calls for a more sustainable single market for business and consumers²⁴ and its resolution of February 2021²⁵ on the new circular economy action plans calls for adoption of a set of measures that ensure that independent and authorized repairers, as well as consumers, have access to the necessary spare parts without unfair hindrances.

The new Right to Repair standards introduced in March 2021²⁶ requires manufacturers to supply spare parts for certain household appliances for up to ten years, although only professional repairers will be supported by

18.<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2019%3A640%3AFIN>

19.<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1583933814386&uri=COM:2020:98:FIN>

20.<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0696>

21.<https://www.europarl.europa.eu/sides/getDoc.do?reference=P5TA-2004-0308&type=TA&language=EN&redirect>

22.https://www.europarl.europa.eu/doceo/document/TA-8-2015-0266_EN.html?redirect

23.https://www.europarl.europa.eu/doceo/document/TA-8-2017-0287_EN.html?redirect

24.https://www.europarl.europa.eu/doceo/document/TA-9-2020-0318_EN.html

25.https://www.europarl.europa.eu/doceo/document/TA-9-2021-0040_EN.html

manufacturers to carry out the repairs. Currently the standard only applies to certain household appliances (e.g., washing machine/washer dryers, refrigerators, dishwashers, and televisions). However, the EU is currently considering expanding this right to repair more appliances, including laptops and smartphones.

Australia

The existing legal provisions in Australia amount to some limited rights or protections in relation to repair facilities but do not amount to a full ‘right to repair’. The Australian Government’s Productivity Commission therefore examined the potential benefits and costs associated with the ‘right to repair’ in the Australian context, including current and potential legislative, regulatory, and non-regulatory frameworks and their impact on consumers’ ability to repair products that develop faults or require maintenance.

The Commission sent its inquiry report²⁷ to the government in October 2021. The key findings of the Commission are:

- ▶ There are significant and unnecessary barriers to repair for some products. The report proposes a suite of measures that aim to enhance consumers’ right to repair while providing net benefits to the community.
- ▶ A ‘right to repair’ is the ability of consumers

to have their products repaired at a competitive price using a repairer of their choice. Realizing this aspiration in a practical way involves a range of policies, including consumer and competition law, intellectual property protections, product labelling, and environmental and resource management.

- ▶ Consumers already have rights to have their products repaired, replaced, or refunded, and to access spare parts and repair facilities, under consumer guarantees in the Australian Consumer Law. These guarantees are reasonably comprehensive and generally work well. However, the report proposes certain improvements to the existing framework.
- ▶ The report recognizes that there are several opportunities to give independent repairers greater access to repair supplies, and increase competition for repair services, without compromising public safety or discouraging innovation. It suggests several measures to the Australian Government to do so.
- ▶ The Productivity Commission’s Inquiry Report also addresses the issue of a lack consumer information about a product’s repairability or durability, which likely makes it difficult for some consumers to select more repairable and durable products based on their preferences.
- ▶ Lastly, the report suggests improvements in the way products are managed over their life, to reduce e-waste ending up in landfill.

26.[https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/698869/EPRS_BRI\(2022\)698869_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/698869/EPRS_BRI(2022)698869_EN.pdf)

27.<https://www.pc.gov.au/inquiries/completed/repair/report/repair.pdf>

Roadmap for India: Identification and Analysis of Key Principles on Right to Repair

Basis the global developments, certain key principles can be identified which can be relevant in the Indian context of right to repair and cut across the sectors identified by the committee. These basic principles are:

▶ **Sustainable Production:** Any approach towards achieving a circular economy will remain incomplete if it does not include sustainable sourcing and procurement of materials used in the production process. A product that is sustainably produced will ensure minimal environmental impact throughout its life cycle and even during disposal. With a focus on durability and repairability of products, sustainable production within the right to repair will also help contain the culture of planned obsolescence. Product repair must be conducted in a fair, safe and sustainable manner and must ensure a level market playing field. Manufacturer programs and independent repair standards ensure this level of performance.

▶ **Product Standardization and Guarantee:** Ensuring that product information related to diagnostic and repair services as well as the related guarantees reaches the consumers in a standardized manner will help build a level playing field for the market players. A focus on product standardization and guarantee will

bring in accountability to the manufacturers towards their products and services and enhance the right to repair for consumers. Standardization across markets in terms of design mandates, repairability indices, and spare part lists would reduce burdens on industry while also promoting repair. Fragmentation of right to repair requirements will be very difficult for producers.

▶ **Marketing and Advertising:** Standardized rules for marketing and advertising of products will make sure that consumers receive reliable, clear, and easily understandable information about the product and are able to make an informed decision around the purchase and subsequent repair of their devices.

▶ **Public Procurement:** A focus on Green Public Procurement within the right to repair framework will help the uptake of energy and resource efficient products and will allow the government to encourage the reuse and repair of devices and products.

▶ **Waste Management:** A right to repair framework must lay down measures to deal with waste in a manner that allows maximum refurbishment of the product. Creation of a repair fund under the Extended Producer Responsibility and introduction of product stewardship scheme are measures that can be adopted.

Legislators should evaluate all aspects to assess fully the need for and potential ramifications of any proposed legislation. Proposals that fail to consider the full spectrum of safety, security, reliability, privacy and environmental issues may detrimentally impact consumers, manufacturers and existing small businesses. Unclear & weak regulation may introduce uncertainty and competitive disruption into the existing network of small, independent repair providers.

members, Department of Consumer Affairs, and other relevant ministries and government departments for consideration.

Way Forward

As mentioned at the very outset, Chase India is working towards developing a comprehensive roadmap for India's right to repair. This paper, which is the first part of the report, covers the prominent global development and identifies key principles that can fit in the Indian context of right to repair.

Part II of the report will entail developing a roadmap for the four identified sectors covering the key principles that have been identified in this paper, viz., Sustainable Production, Product Standardization and Guarantee, Marketing and Advertising, Public Procurement and Waste Management. We will conduct a survey for capturing inputs from various stakeholder groups across the four sectors. Basis analysis of survey inputs, we will build the roadmap defining the comprehensive framework and publish it as Part II of 'Roadmap for India's "Right to Repair"'. The report would then be submitted to committee

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