DISPOSABILITY AND DENIAL: PLANNED OBSOLESCENCE VERSUS SUSTAINABILITY AND LEGAL ACCOUNTABILITY

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ABSTRACT

The Right to Repair is a growing global movement aimed at restoring consumer autonomy by ensuring individuals can repair and maintain the products they own without facing restrictive barriers from manufacturers. In India, the framework remains non-binding, with only policy-level initiatives such as the Right to Repair Portal, lacking legislative enforcement. This regulatory gap allows manufacturers to adopt planned obsolescence strategies, including outdated technology where functional products are rendered obsolete due to the withdrawal of software updates or parts support. Such practices accelerate e-waste generation, unsustainable resource extraction, and environmental degradation. While Indian competition law has begun addressing monopolistic repair restrictions, comprehensive legal clarity is still lacking. The use-and-throw model, reinforced by product design and market incentives, undermines both sustainability and consumer rights. Effective implementation of the Right to Repair requires enforceable laws, essential spare parts availability, public awareness, cybersecurity safeguards, and support for independent repair ecosystems. Aligning repairability with environmental and digital sustainability goals can reduce waste, extend product lifecycles, and foster a more equitable, inclusive, and resilient consumer economy.

Keywords: Right to Repair, planned obsolescence, consumer rights, e-waste, sustainability, repair economy, competition law, India, circular economy, product longevity.

Disposability and Denial: Planned Obsolescence Versus Sustainability and Legal Accountability

The modern consumer marketplace has evolved around a model of convenience, speed, and disposability. Today's consumer is often conditioned to prioritize newness when compared to durability and keep on replacing rather than repairing, upgrading rather than maintaining. The culture of "use-and-throw" has been normalized across product categories, from smartphones and electronic gadgets[1] to fashion and kitchen appliances. In this landscape, the value of a product is frequently measured not by how long it lasts, but by how quickly it can be replaced with newer or more advanced.

This behavior has been shaped and reinforced by manufacturers who deliberately design products with shorter life cycles and limited repair options. Built-in obsolescence, through non-removable batteries, discontinued software updates, or the lack of spare part availability that ensures, consumers return to the market sooner than necessary. Rather than investing in long-term customer relationships through durable goods and service support, many manufacturers focus on maintaining demand through rapid product turnover and model obsolescence[2] . Such a culture redefines the very idea of ownership. Consumers increasingly play the role of repeat buyers rather than informed users, and product value becomes tied to fashion cycles or upgrade schedules rather than reliability or functionality. This manufactured dependency undermines consumer autonomy[3] and creates a commercial environment where longevity and self-reliance are seen as outdated. As a result, both consumer expectations and manufacturer incentives become locked in a cycle of disposability that favors short-term profit over long-term utility.

The other one, is the Outdated technology, Outdated technology is a form of planned obsolescence[4] where products stop working properly not because they are broken, but because

[1] D. Babin Dhas, S.C. Vetrivel and M. Mohanasundari, "E-waste management: An empirical study on retiring and usage of retiring gadgets," *AIP Conference Proceedings*, Vol. 2387, 2021, Article No. 130002, available at https://doi.org/10.1063/5.0068586 (last visited July 12, 2025).
[2] Dunia Zongwe, G.S. Mahantesh and R. Mamatha, "The Economics of Repair: Fixing Planned Obsolescence by Activating the Right to Repair in India," *International Journal on Consumer Law and Practice*, Vol. 11, 2023, Article 6, available at https://repository.nls.ac.in/ijclp/vol11/iss1/6 (last visited July 12, 2025).
[3] Kelvin Hiu Fai Kwok, "An Autonomy Theory of Consumer Protection Law," *Antitrust Law Journal*, Vol. 86, Issue 2, 2024, pp. 411–472, University of Hong Kong Faculty of Law Research Paper No. 2025/01, available at https://ssrn.com/abstract=5109269 or http://dx.doi.org/10.2139/ssrn.5109269 (last visited July 12, 2025).
[4] Esra Karakuş Umar and Rafet Beyaz, "Planned Obsolescence: Is It a Trap Set for the Consumer or Is It a Strategy Contributing to Social Development?," *Ege Akademik Bakış (Ege Academic Review)*, June 2021, available at https://www.researchgate.net/publication/352876338_Planned_Obsolescence_Is_It_a_Trap_Set_for_the_Consu

companies stop providing updates, support, or parts. For example, an old phone or computer may still turn on, but if the software is no longer updated, it becomes hard to use safely or connect with new devices. This forces people to buy new products, even if the old ones are still working. As a result, consumers have less control over the things they own and are pushed into spending more money. Since there is no law in India that requires companies to support products for a minimum time, companies can stop support whenever they want. This makes good technology go to waste and shows a gap in both legal rules and fair consumer treatment.

The normalization of use-and-throw and Outdated technology consumer culture directly undermines the principles of sustainability. Products designed for short lifespans and restricted from repair lead to excessive consumption, rapid depletion of resources, and constant manufacturing cycles. Without legal frameworks such as the Right to Repair, manufacturers have little incentive to build durable, repairable goods or provide consumers with the tools and information needed to maintain them. This not only accelerates the demand for raw materials but also breaks the foundation of a circular economy, which depends on reuse, repair, and resource efficiency. Equally important is the impact on consumer autonomy. When users are denied access to spare parts, repair manuals, or affordable service options, they lose control over products they legally own. This creates a power imbalance where the consumer becomes dependent on the manufacturer's terms alone, even for basic maintenance. The Right to Repair seeks to restore by giving consumers the legal right to fix their products or seek independent help. Due this absence, individuals are forced into premature repurchases, reinforcing a system that prioritizes corporate convenience over consumer rights and long-term value.

From E-Waste to Carbon Sink Collapse

1. E-Waste Proliferation and Toxic Load

The use-and-throw model, particularly in the electronics sector, results in a massive buildup of electronic waste (e-waste). Products like smartphones, laptops, earbuds, and batteries are increasingly designed with non-replaceable parts[5] and short lifespans, encouraging frequent replacement over repair. Once discarded, these items often end up in landfills or informal

mer_or_Is_It_a_Strategy_Contributing_to_Social_Development or https://doi.org/10.21121/eab.953538 (last visited July 12, 2025).

[5] Dr. Anjum Ahmed and Ms. Rukhsar, *A Study of E-Waste Awareness and Its Management Among Undergraduate Students*, Department of Education, Aligarh Muslim University, Aligarh, India

recycling zones, where they release hazardous substances such as lead, mercury, cadmium, and lithium. Inadequate disposal practices not only pose serious health risks to workers and also contaminate soil and water systems. India being one of the largest producers of e-waste globally, the lack of repair-friendly design continues to accelerate the e-waste crisis.

2. Loss of Biodiversity through Resource Extraction

The throwaway culture also intensifies the demand for raw materials used in short-lived products. Mining for rare earth elements, lithium, cobalt, and other metals essential for batteries and electronics often occurs in ecologically sensitive regions. These extractive activities lead to deforestation, water depletion, and destruction of habitats critical to wildlife. As ecosystems are disrupted or eliminated to meet production demands, species are displaced or driven toward extinction. This direct link between short-use product cycles and biodiversity loss is especially concerning for countries like India, where natural ecosystems are already under strain due to urbanization and climate stress.

3. Undermining of Carbon Sinks and Climate Commitments

The use-and-throw model also undermines efforts to combat climate change by increasing carbon emissions and weakening carbon sinks. Every time a new product is manufactured to replace a discarded one, energy-intensive industrial processes mostly rely on fossil fuels. This directly contradicts India's obligations under international agreements like the Paris Agreement, which requires nations to reduce emissions and protect climate-stabilizing systems. The impact of overproduction, waste, and ecological degradation pushes the planet further away from climate targets.

India's Right to Repair: Still a Guideline.

The Right to Repair is a consumer rights concept that asserts individuals should have the ability to repair and maintain the products they own without undue restriction. At its core, it promotes access to essential resources such as repair manuals, spare parts, diagnostic tools, and the freedom to choose how and where to get a product repaired, whether by oneself or through an independent technician. This challenges the manufacturer by imposing barriers like proprietary components, software locks, and limited availability of repair information, which often force consumers into premature replacements or expensive service agreements. By reinforcing the

idea that ownership includes the right to restore functionality, the Right to Repair reclaims consumer autonomy, supports product longevity, and encourages fair competition in after-sales service markets.

India's approach to the Right to Repair remains in a formative stage, marked by policy-level efforts rather than enforceable legislation. In 2022, the Department of Consumer Affairs (DoCA) launched the Right to Repair Portal as part of a larger initiative to promote consumer empowerment. The portal aims to bridge the gap between consumers and manufacturers by encouraging voluntary disclosure of repair manuals, access to spare parts, and service support for key sectors such as electronics, automobiles, farming equipment, and consumer durables. While this marked an important acknowledgment of the issue, the initiative is currently reliant on industry cooperation and does not impose legal obligations.

Despite its potential, the framework lacks statutory backing and remains a non-binding mechanism. Manufacturers are not legally required to provide repair tools or information, nor are there penalties for denying access to independent repair services. As a result, consumer rights continue to be undermined by restrictive repair practices, planned obsolescence, and proprietary service monopolies. The absence of legislation also means that there is no formal grievance redressal system or accountability mechanism to enforce repair access. Without legislative, India's Right to Repair remains an aspirational goal rather than a guaranteed consumer right.

Judicial Recognition of Repair Rights Under Indian Competition Law

Indian jurisprudence has begun addressing restrictive repair and servicing practices through the lens of competition law, particularly under the Competition Act, 2002. In Maruti Suzuki India Ltd. v. CCI (2019)[6] , the Competition Commission of India (CCI) held that Maruti's practice of limiting access to spare parts and diagnostic tools to its authorized service centers was anti-competitive, violating Sections 3 and 4 of the Act[7] . Similarly, in Shamsher Kataria v. Honda Siel Cars India Ltd. (2014)[8] , the CCI ruled against original equipment manufacturers (OEMs) who denied spare parts and technical information to independent repairers. The Commission

[6] *Maruti Suzuki India Ltd. v. Competition Commission of India*, Appeal No. 14/2017, decided on 9 Jan. 2019 (COMPAT).
[7] The Competition Act, 2002, ss. 3 and 4, No. 12, Acts of Parliament, 2003 (India).
[8] *Shamsher Kataria v. Honda Siel Cars India Ltd.*, Case No. 03/2011, decided on 25 Aug. 2014 (CCI).

deemed this conduct abusive, reinforcing the view that monopolistic repair control by manufacturers harms consumer interests and market competition.

In Samsung Electronics v. Kapil Wadhwa (2013)[9] , the Delhi High Court dealt with the legality of parallel imports and the limits of trademark rights. While the Court allowed the resale of Samsung products imported outside the authorized supply chain, it restricted the use of Samsung's trademark by unauthorized sellers. The judgment struck a nuanced balance between intellectual property rights and consumer access to affordable products. Collectively, these rulings signal an emerging trend in Indian legal thought that supports broader consumer access, discourages anti-competitive repair restrictions, and implicitly aligns with the principles underlying the Right to Repair movement, even in the absence of dedicated legislation.

The implementation of the Right to Repair faces strong resistance from manufacturers (OEMs) who often refuse to share repair manuals, tools, or diagnostic software. They argue that third-party repairs could compromise product safety, reduce quality, or infringe on intellectual property rights. At the same time, mandating the long-term availability of spare parts can lead to redundant inventory[10] and overproduction. Many of these parts may never be used, becoming obsolete or degrading over time, which adds to e-waste and contradicts the environmental goals of the movement. Additionally, even when spare parts are available, their high cost along with expensive authorized repair services make unaffordable for many consumers, this leads to undermining the objective of encouraging repair, instead choosing for replacement.

Modern products such as electronics and automobiles also pose a challenge due to their technical complexity. They often require specialized tools, proprietary software, and expert skills that make independent or DIY repair[11] difficult without manufacturer support. Legal uncertainty adds to the problem, as many countries lack clear, enforceable laws regarding which products are covered, how long support should be maintained, and what repair information must be disclosed. Without consistent legal frameworks, both consumers and

[9] *Samsung Electronics Co. Ltd. v. Kapil Wadhwa*, AIR 2013 Del 198.
[10] Peter C. Carstensen & Robert H. Lande, "The Merger Incipiency Doctrine and the Importance of 'Redundant' Competitors," *Wisconsin Law Review*, Vol. 2018, p. 783, Univ. of Wisconsin Legal Studies Research Paper No. 1440 (Feb. 7, 2018), available at https://ssrn.com/abstract=3134480 or https://www.antitrustinstitute.org/wp-content/uploads/2019/04/Carstensen-Lande-Final.pdf (last visited July 12, 2025).
[11] Tanish Jain, "Navigating the Right to Repair in India," *NLIU Law Review*, Vol. XIV, Issue I (Dec. 2024), pp. 101–134, available at https://nliulawreview.nliu.ac.in/wp-content/uploads/2025/01/Volume-XIV-Issue-I-101-134.pdf (last visited July 12, 2025)

manufacturers are left navigating vague or conflicting rules, slowing down the effective rollout of repair-friendly policies.

Moreover, environmental trade-offs must be considered, as increased production and transportation of spare parts can raise carbon emissions, even if the goal is to reduce e-waste. Consumer awareness also remains low many people simply don't know their rights or where to obtain spare parts. In rural and remote areas, the lack of access to certified repair professionals makes exercising these rights even harder. Finally, manufacturers have raised cybersecurity and data privacy concerns, especially in the context of smart or connected devices. They warn that open repair systems could increase the risk of hacking, unauthorized access, or data breaches, making cybersecurity a crucial issue in the Right to Repair debate.

Conclusion

The Right to Repair is increasingly recognized as a necessary legal and policy tool to safeguard consumer rights, promote fair market competition, and encourage sustainable practices. In India, while the Department of Consumer Affairs introduced a draft framework in 2022 and the Competition Commission of India (CCI) has addressed anti-competitive repair restrictions through key rulings, there is still no binding legislation enforcing repair rights. Globally, the European Union has mandated product repairability under its regulations, and several U.S. states have enacted right-to-repair laws. In contrast, the use-and-throw model is often enabled by planned obsolescence which has raised concerns under Section 2(1)(r) of the Consumer Protection Act, 2019, as an unfair trade practice, and may also conflict with environmental obligations under the E-Waste (Management) Rules, 2022. Economically, the Right to Repair supports local repair businesses, reduces consumer dependency on original manufacturers, and lowers long-term ownership costs. It enables a more inclusive repair economy and discourages monopolistic control over post-sale servicing. On the other hand, the use-and-throw culture benefits manufacturers through repeat purchases, but increases overall consumer expenditure and undermines circular economy goals. Environmentally, repairability reduces e-waste, conserves raw materials, and aligns with global climate and biodiversity commitments. In contrast, the throwaway model contributes to rising landfill volumes, high resource extraction, and a growing carbon footprint, making it incompatible with sustainable development objectives.

Recommendations

Firstly, to make the Right to Repair more effective, governments should create clear laws that define which products are covered, what parts must be available, and for how long. Instead of requiring all spare parts to be stocked, focus should be on essential and high-demand parts. Manufacturers can be encouraged to use modern methods like 3D printing or modular designs to reduce waste. Financial support and training should be provided to build a network of skilled repair professionals, especially in rural areas. Public awareness campaigns can help consumers understand their repair rights. At the same time, proper cybersecurity rules should be set to protect user data during repairs. Finally, reusing and refurbishing parts through certified secondary markets can reduce e-waste and support a more sustainable repair system.

Secondly, to strengthen the Right to Repair and reduce environmental harm caused by mass production and premature product disposal, it is essential to regulate the number of manufacturers permitted within each product category. When too many Original Equipment Manufacturers (OEMs) flood the market with overlapping, short-lifespan products, it leads to saturation, weakens after-sales service quality, and overwhelms the repair ecosystem. Limiting the number of active manufacturers up to four per product category, would encourage companies to prioritize durability, long-term service support, and repair accessibility, rather than constant model replacement. This aligns with the objectives of sustainable consumption, consumer autonomy, and circular economy principles. By introducing eligibility standards based on repairability, such as mandatory spare part availability, public repair manuals, and long-term software support only to those manufacturers committed to sustainable practices would be certified for market access. This approach would also curb the growing problem of planned obsolescence, where products are deliberately made difficult to repair or designed to fail prematurely. In doing so, the policy would operationalize the Right to Repair as a legally enforceable consumer right, while simultaneously addressing environmental obligations under the E-Waste (Management) Rules, 2022 and broader goals under the Consumer Protection Act, 2019.