

# THE AWARE CONSUMER

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## Right to Repair

– A Challenge for Consumers in 'Bharat' !

### INTERVIEW



**Dr. M.S. Kamath**  
Honorary Secretary  
Consumer Guidance  
Society of India (CGSI)

**GOVERNMENT PERSPECTIVE**  
Setting the Stage for a  
'Repairable' Future

**IN FOCUS**  
The Return and Exchange  
Warranty Betrayal



**HORIZON**  
Is A Repair Revolution  
on the Cards?

**PLUS**

**ROUND UP • RESEARCH FEATURE • MY MARKET**



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MESSAGE FROM PUBLISHER & EDITOR

# Freedom to Repair is a Consumer Right!

**WHAT HAPPENS WHEN** your phone or laptop battery does not hold a charge anymore? You try to get it changed, but the company either tells you that the battery cannot be replaced or the spare parts of the said model are no longer available. In many cases, the cost of a new battery is too hefty for a used device. With repairs out of reach, you don't have any choice but to buy a new one....

Alas, there is a nagging frustration at the back of your mind as the device is working fine apart from the battery charge and you are loath to spend thousands of rupees to replace it!

Indeed, consumers are largely dependent on the whims of the manufacturers for repairing their electronic devices and other appliances who have severely restricted our ability to fix the products we own. They maintain proprietary control over the spare parts and repair processes, sharing limited information about the product while prohibiting self-repair or by third-party repairers.

This kind of monopoly on repair techniques violates the basic 'Freedom to Choose' of the consumers. The lack of

easy and affordable repairability is not just burdensome for the consumers but the 'buy, use, toss and buy again' cycle also contributes to the rising mounds of e-waste. Can we ignore the 'Repair, Reuse and Recycle' mantra in this era of encouraging sustainability? The sad fact is that while consumers want to keep using the products as much as possible, the ecosystem does not support their choice.

Finally, the government is working on developing a comprehensive framework for the 'Right to Repair' that will allow people to extend the life of their phones, appliances and other electronic devices by providing access to repair options by original equipment manufacturers or third-party repairers. It has also launched a Right to Repair portal that provides warranty and consumer care contact details of the primary consumer products' manufacturers for now.

We sincerely hope that the government will usher in a consumer-centric ecosystem with increased repairability and bring transparency through collaboration!



Prof. Bejon Kumar Misra  
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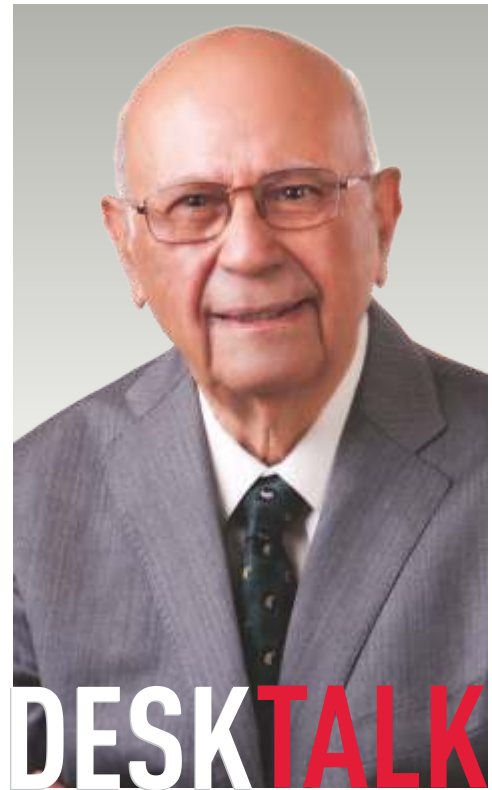
**Raho halke,  
jiyo khulke.**



PRAFULL D. SHETH

Editorial Board Member

# THE BROKEN PROMISES OF REPAIR, EXCHANGE AND REFUND!



**WHEN YOU PURCHASE** a television, refrigerator, mobile phone, gaming console or other consumer durables, you obviously expect it to work properly and last for years to come. However, what if the product turns out to be faulty or damaged in some manner?

Most consumer durables are covered by warranty and guarantee policies that assure the customers that defective products will be entitled to repairs, replacement or refund. However, the story plays out very differently when a product actually turns out to be faulty, substandard, breaks easily or is unsafe in some manner.

The customer service department of the company does not respond as expected. The consumer is made to run from pillar to post - either contacting them repeatedly, providing proof of malfunctioning, entertaining repeated calls/visits to check the product, denials of the defect, imposing of additional charges and so on.

Alas, the defect is rarely addressed in a satisfactory manner. Even when the customer is entitled to get a new product in exchange or refund of the money, they are

stuck with a repaired appliance or device. Most times, the repairs are also done in a slipshod manner and the product never functions like it is supposed to.

Filing a case with the consumer commission remains the only option when pleas and threats fall on deaf ears.

However, all of us are well aware that these cases can drag on for months and even years before the consumer can even expect a favourable decision.

And what about the insurance cover offered for big ticket goods and services? The customer is supposed to get a replacement or refund without any issue. But this is hardly ever the case as the harangued consumers have to jump through many hoops, which may still turn out to no avail.

Little wonder that there is a huge trust deficit in insuring of products and services in our country? Can we expect the

government to take the defaulting companies to task and the Product Liability feature of the new Consumer Protection Act, 2019 to actually deliver justice to the consumers? ▶



## 16

### RESEARCH FEATURE

#### RIGHT TO REPAIR – HOW MUCH IS THE WORLD LISTENING?



Laws are being put in place across the world to recognise the Right to Repair. Leading the charge are countries like USA, UK, Australia and European Union.



## 25

### HORIZON

#### IS A REPAIR REVOLUTION ON THE CARDS?



The government is in the process of developing a 'Right to Repair' framework to allow consumers to repair the products they buy on their own or choose their own service providers, instead of having to compulsorily go through the manufacturers.



## 31

### INTERVIEW



**Dr. M.S. KAMATH**  
HONORARY SECRETARY, CONSUMER GUIDANCE SOCIETY OF INDIA (CGSI)

## 38

### MY MARKET

#### POWERING THE GAME-CHANGING FREEDOM TO REPAIR



Televisions, refrigerators, washing machines, cars, computers, mobile phones, gaming consoles, wireless earbuds, smart home devices, etc. are termed as consumer durables for good reason.



## 41

### IN FOCUS

#### THE RETURN AND EXCHANGE WARRANTY BETRAYAL



Consumers have a right to defect-free goods and in case a product turns out to be flawed or defective, they should get a replacement.



## 45

### OUT OF THE BOX

#### STANDING TALL WITH INSURANCE ON PRODUCTS AND SERVICES



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Published at:

B - 306, 1st Floor,  
C.R. Park, New Delhi-110019

Printed at:

M/s. Swastika Creation  
19, D.S.I.D.C. Shed, Scheme 3,  
Okhla Phase II, New Delhi - 110020

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Total number of pages - 64, Including Covers

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NIDHI KHARE  
ADDITIONAL SECRETARY, DEPARTMENT OF CONSUMER AFFAIRS, GOVERNMENT OF INDIA

The industry has understood that "Right to Repair" will only strengthen after-sale services of their goods, and build trustworthiness and credibility.

# ROUNDUP



## CGSI Presents 'Right To Repair' Bill To Centre

**INDIA'S OLDEST CONSUMER** body, the Consumer Guidance Society of India (CGSI) in association with Shri Vile Parle Kelavani Mandal (SVKM)'s Pravin Gandhi College of Law and Kohinoor Education Trust's Schools of Management submitted a 'Right to Repair Bill' template to the Ministry of Consumer Affairs, Government of India in July, 2023.



The bill envisages giving consumers the right to repair products at shops other than the authorised centres without infringing the product warranty. CGSI is also keen that there should be manuals and tool kits detailing the availability of the products and their spare parts.

The key requirements raised in the Bill are:

- A minimum number of authorised repair centre and independent repair providers

### DATA BRIEFING

The right to repair in India is a step toward achieving a circularity that reduces waste and resource consumption. India generates about **3.2 million tonnes of e-waste annually.**





Basic philosophy behind this bill is that tomorrow if someone has locked into a product, the authorised dealers should not raise their hands to say that nothing can be done. Or for example, three years down the line if something was to happen to the washing machine, they should not say spare parts are no more available. It is true that technology is bringing in changes speedily, we also do not say that companies do not make money but there should not be any hanky-panky.



– Dr. M S Kamath, General Secretary, CGSI

- An appellate body to look after the issue of repair complaint
- Compulsory registration of the product and the spare part details, time for which they will be available
- Establishment of a right to repair fund
- Penalty for failure to provide information
- Penalty for anti-repair practices
- Penalty for fraudulent practices

This is based on a survey conducted by CGSI which revealed that 95% of the respondents want manufacturers to provide detailed repair manuals to customers, and as many as 87% stated they would be comfortable assembling a product if given a comprehensive manual. Nearly 69% believed that the Right to Repair Act will

have an impact in reducing the environmental damage caused due to premature disposal of products while 94% opined that India should declare the Right to Repair Act as a basic right.

Dr. Kamath reiterated, “We want the government to consider these points when they make a bill of their own. There are times when an authorised centre is far away and it also charges more to repair a product or gadget. The idea of this bill is that a person can go to a nearby place and get it repaired at a cheaper rate without having to lose the warranty.”

In an earlier press statement, CGSI has stated that the European Union, Canada and Australia have resolutions that make labelling of products mandatory along with details of spare parts, tools and repair related information for at least 10 years since release. ▶



# Apple's Dramatic U-Turn on Right to Repair Law



# Right to Repair

## Gains Momentum Across India

### THE LUCKNOW UNIVERSITY'S

moot court association organised a national seminar on 'Right to Repair and Consumer Protection Law in India' in April this year. With Professor (Dr.) Ashok R. Patil (Chair Professor, Chair on Consumer Law and Practice, Ministry of Consumer Affairs, GoI) as the Chief Guest, the seminar intended to promote awareness and understanding of the right to repair as well as safeguard the interests of consumers. It provided a platform for participants to explore the legal, technical and social challenges to implementing the right to repair and discuss possible solutions while exchanging their ideas and experiences. The main aim was to contribute to building a network of stakeholders working towards a more sustainable and equitable future.

The participants (including professors and research scholars



from various universities and students) discussed the role of various stakeholders, including consumers, manufacturers, governments and civil society, in promoting and protecting the right to repair. They also tried to identify best practices by corporate houses and judicial attitudes in ensuring the right to repair.

The experts stated that the consumer is king and hence the right to repair is not a local or national but now a global movement that aims to ensure that one can fix and repair one's devices. They also reaffirmed that this right is a must-have as it gives the user access to a manufacturer's hardware and software tools.

July witnessed another such discussion organised by the Pro Bono Club of the Central University of South Bihar (CUSB) on the Consumer Protection Act with a special reference to 'Right to Repair'. It was attended by a large number of CUSB faculty and students. The assembled experts shared some useful insights with the students and helped them understand the basic concept of right to repair envisaged under the Consumer Protection Act, 2019. ▶

**WHILE CALIFORNIA'S RIGHT** to Repair bill - one of the most comprehensive ones in the USA - was being reviewed, tech giant, Apple did a surprising about-face by expressing its support for the legislation.

In its letter to a California state senator, Apple stated that it supports the California Right to Repair Act because it empowers consumers to safely repair their devices along with requirements that protect individual users' security as well as product manufacturers' intellectual property. It will not compromise privacy or data security. The company emphasised its commitment to creating durable products and providing users with safe repair options.

Apple even urged members of the California legislature to pass the bill. This is a complete

reversal from its years-long opposition towards access to repairs where it opposed bills of this kind in a number of different US states (including California).

With the bill set to become law, it will compel manufacturers to provide means for diagnosing, maintaining and repairing products to owners, repair facilities and dealers. This applies regardless of whether the product is under warranty.

This backing from Apple will give a massive boost for the Right To Repair movement. As Kyle Wiens, CEO of iFixit (a US website that sells repair parts and publishes online repair guides for consumer electronics and gadgets) stated, "Apple's endorsement of the bill is a watershed moment for consumer rights. The Berlin Wall of tech repair monopolies is starting to crumble, brick by brick!" ▶

**It is noteworthy that Apple has also started selling certified refurbished products on its website. These devices are refurbished with genuine Apple spare parts and are backed by the standard one-year limited warranty.**

Kyle Wiens  
CEO, iFixit



#### GLOBAL AUTO AFTERMARKET

association leaders are supporting a Right To Repair Position Statement that enumerates the core beliefs of the movement and the objectives and intended outcomes of right to repair legislation. Importantly, the document sets forth 10 best practice principles for developing a framework for right to repair legislation that any supporting country can use and adapt to their needs.

This is based on the belief that for a truly open, fair and competitive automotive aftermarket, consumers need to be protected by legislation that reflects the new reality of vehicles. In the current scenario, consumers are facing a significant

threat to their right to repair their vehicles at auto repair shops of their choice. As independent auto repair shops cannot service a vehicle, it becomes more difficult to ensure vehicles are operating as efficiently and safely as possible;

Globally, the automotive aftermarket keeps 1.5 billion vehicles on the road while contributing \$1.8 trillion to the global economy. After vehicles exit their warranty period, independent repair outlets perform 70% of repairs. This vibrant industry and the consumer choice that it creates is being threatened by automotive manufacturers that block access to wirelessly transmitted vehicle repair and maintenance data.



Auto Care Association and associations around the globe are aligned in preserving the owner's choice for vehicle repair. This statement represents a herculean effort to protect our industry and the rights of individuals around the world. Vehicle owners deserve the right to maintain and repair their vehicle using the repair location of their choice.



- Bill Hanvey, President and CEO, Auto Care Association, USA





Without the convenience and choice of independent parts and repair, especially in suburban and rural communities, consumers have limited access to affordable vehicle service and repair. These restrictions can have catastrophic effects on local economies and the well-being and safety of millions that rely on vehicle transportation daily.

Both Australia and South Africa have successfully retained their drivers' right to repair their vehicles. These countries are a model for similar legislation in other countries that levels the playing field and keeps the consumer at the heart of decision-making across the transportation ecosystem!



**VINNIE MEHTA**, Director General, ACMA said, "ACMA has joined this global movement to express solidarity with other international like-minded

associations across automotive nations for unshackling the aftermarket..... It is also pertinent to note that a significant proportion of the automotive aftermarket in India is serviced by unorganised players. A legislation such as Right to Repair

will unleash the aftermarket in India and help it evolve into an organised sector."

It should be noted that globally the size of the aftermarket is as large as the original equipment manufacturers (OEM) supply. However, in India it is just 18% of the overall \$56.5 billion auto components market. The aftermarket in India contributes \$10.1 billion to the economy and is one of the fastest-growing segments of the auto components industry.

However, sustainability is still a huge struggle for multi-brand service outlets. As **KT JAGANNATHAN**, a senior financial journalist expounds, "If and when the right to repair becomes a law, it requires an elaborate ecosystem to achieve the desired objectives in the auto arena. A combination of customer experience, buyers' trust and comfort levels will determine its success going forward!" ▶



**ACMA (Automotive Components Manufacturers Association of India) signed the right to repair position statement in March 2023. It represents over 830 component manufacturers in India.**



#65YearsOfSuccess

# 65<sup>th</sup> Anniversary

Thank you to everyone who has helped make this possible.  
We hope to continue serving you for many more years to come.



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## Consumers, Beware

# Uniting for the Ethos of Repair and Exchange

When a device break downs or stops working properly, we need to get it repaired. Things mostly go downhill from here as the manufacturer usually dictates who can fix the product, making it a pretty expensive deal. And if the company says that repairs are not possible, it is mostly difficult for consumers to find reliable repair services or for repair technicians to perform the repairs.



**Why are we at a sore disadvantage when it comes to repairing or exchanging our consumer durables?**



**TODAY, IT IS** impossible to imagine life without a slew of electronic devices, appliances and other equipment. They have become essential for our communication, our work, our entertainment and our very existence. They are imperative in every corner of our life – from refrigerators, mixers, microwaves and dishwashers in the kitchen to electronic trimmers, shavers and washing machines in the bathroom to air conditioners, televisions, tablets and gaming consoles in the living room to laptops and printers at our workstation to smartphones and earphones in our pockets. Then we have cars and bikes parked outside for our commute and so much more.....

But what happens if the screen of the mobile phone breaks, the laptop battery dies out, the fridge does not cool properly, the a/c throws hot air, the washing machine doesn't start, the television screen is not clear, the printer stops printing or the car develops some technical issue?

The first thought is obviously to contact the manufacturer and get the device repaired. And a dramatic saga starts to unfold – when you call or visit the customer care department, you are asked to shell out a huge

sum of money for the repairs. At times, the cost of replacing a screen, battery or other component may be almost equal to buying a new product itself!

In many cases, you are handed a bevy of excuses, like the spare part is not available, will take weeks to arrive or is out of production.

If you sit down and think about it, have we not become subconsciously conditioned to such scenarios. We resign ourselves to the fact that repairs are mostly either too expensive – we will have to cough up thousands of rupees - or impossible – we will have to purchase a new product!

## Planning an Exchange or Refund?

If your device is still under warranty, you might assume that getting it repaired would be easy. And if a new product turns out to be defective, you can always opt for a replacement or refund.

But the real-life scenario is no better here as it takes repeated calls, emails or visits to the company to even get someone to pay heed to your issue. Then follows a series of denials, evasions and other deterrent tactics.

We cannot even think about approaching a third party repair service provider as this will either void the warranty of the product or cause it to malfunction again in the future. It has been drilled into our heads by the manufacturers that 'outside' repairers use inferior quality parts, faulty techniques or do something else that will render it defective.

We do not even consider independent repair services until the original warranty period has expired, and even then, with great trepidation. Repairing something on our own – or the DIY scenario - is simply out of the question!

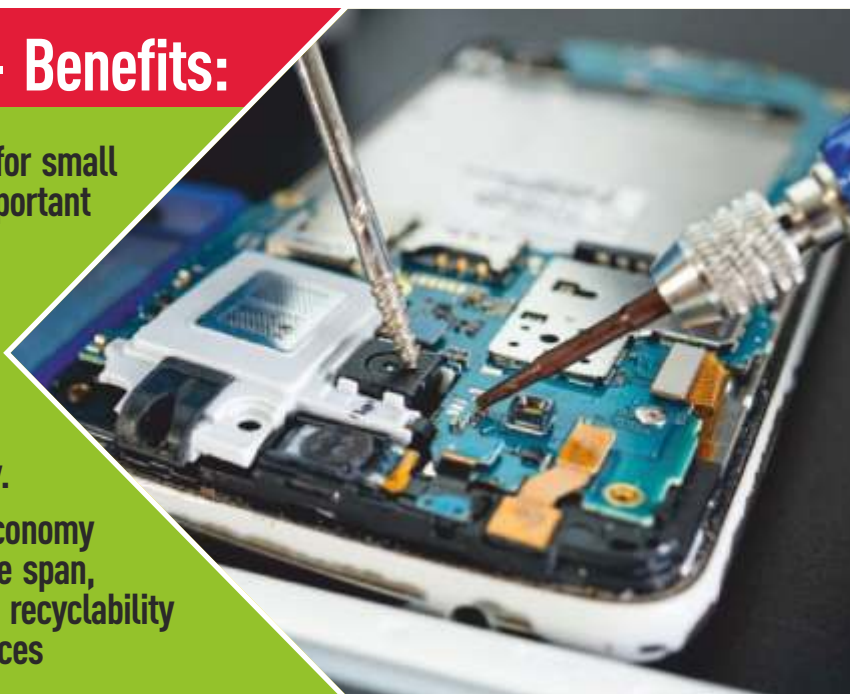
Have you ever questioned how can a manufacturer force the consumer to get a product repaired from it, when the same can be done by someone else at a cheaper price? Why are the required components not available openly in the market? For that matter, how can they deliberately make it difficult to repair a product?

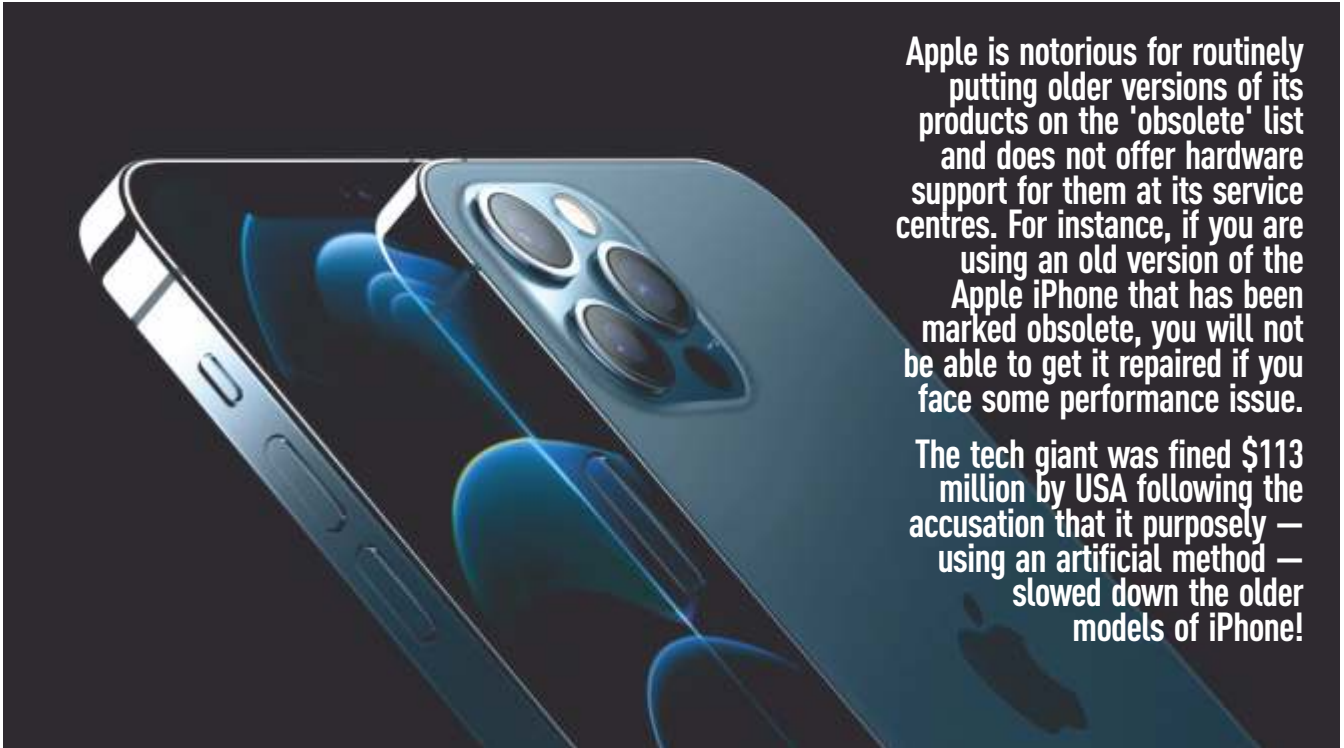
This is a severe restriction of consumer rights that increases the expenses for users while granting manufacturers a monopolistic advantage.

Alas, most consumers are not even aware of the concept of 'Right

## RIGHT TO REPAIR – Benefits:

- This will help boost business for small repair shops, which are an important part of local economies.
- It will help reduce the vast mountain of electrical waste (e-waste) that piles up each year on the continent.
- It will save consumers' money.
- It will contribute to circular economy objectives by improving the life span, maintenance, re-use, upgrade, recyclability and waste handling of appliances





Apple is notorious for routinely putting older versions of its products on the 'obsolete' list and does not offer hardware support for them at its service centres. For instance, if you are using an old version of the Apple iPhone that has been marked obsolete, you will not be able to get it repaired if you face some performance issue.

The tech giant was fined \$113 million by USA following the accusation that it purposely — using an artificial method — slowed down the older models of iPhone!

to Repair', forget about demanding or expecting the same!

### Planned Obsolescence

The malpractices of manufacturers are not limited to restricting repairs and replacements of their products. Do we even realise that the brands are silently promoting a culture of 'planned obsolescence'?

Think about it — aren't we aware that many of the consumer durables and electronic devices are deliberately designed in such a way that they function properly for a certain amount of time only. After that, they prove to be extremely hard to fix and have to be mandatorily replaced. Some manufacturers even go to the extent of artificially reducing the lifespan of their products to boost new sales.

Consider smartphones that do not get software updates after a particular time, or the battery is irremovable and cannot be replaced, or the model is discontinued, or replacement parts

are no longer available. Indeed, it is a common fact across consumer durables that spare parts are mostly limited or unavailable for older or less common models of devices.

Then there are devices — like earphones — that are impossible to open without destroying them. The option to repair simply does not exist!

### Rising Consumerism

Blame it on the manufacturers or our conditioning, but we are moving towards a use-and-throw approach. If something cannot be repaired or is too costly to repair, we conveniently consider it as a 'God-sent' chance to upgrade to a latest version of the device. This kind of excessive replacement of consumer durables is fuelled by the ease of new purchases that can be delivered to our doorstep at the click of a mouse.

Basic mindfulness about extending the life of our products is getting drowned out by the culture of consumerism. However, given the

horrifying scale at which electronic waste is rising in our country, it has become more crucial than ever for us to use, reuse and recycle our products as much as possible to contribute to a circular economy. And this again brings us back to the need for the Right to Repair!

### Conclusion

A comprehensive Right to Repair legislation is our only hope to break free from the clutches of manufacturers who go out of their way to control the lifespan and performance of our consumer durables! This covers everything from repairs being economical to getting devices repaired outside without losing warranty to easy replacement/refund for faulty products. The bottom line is that consumers should be satisfied with the 'after sales service' of the products and services they 'own' and refrain from replacing them quickly! ▶

**The rationale behind the Right to Repair is that the individual who purchases a product must own it completely!**



## RIGHT TO REPAIR

### – How Much Is the World Listening?

Laws are being put in place across the world to recognise the Right to Repair. Leading the charge are countries like USA, UK, Australia and European Union. Will India actually be able to catch up with them and award this right to the consumers?

**THERE IS A** global movement on the Right to Repair - a key element of consumer protection and empowerment – with a focus on ensuring that people are able to fix and repair their own technical, electronic or automotive devices. Otherwise, the manufacturers of consumer durables tend to restrict the consumers to use only their offered services, thus creating a monopoly in the repair market.

The Right to Repair drive is centred on giving consumers access to hardware and software tools on the one hand and the choice of repairing the device on one's own or

**When only the manufacturer or a brand-authorised workshop can access the necessary materials to fix our devices, they can charge whatever they want or even push us to upgrade!**

taking it to a third party service centre on the other.

#### **The Beginning of the Revolution**

It was the automobile industry that originally established the concept of certified repairs by manufacturers. Ironically, the first seed of the

consumers right to repair was introduced in the United States in 2001 to end the monopoly of car manufacturers maintaining control over repair information that was unfair to the independent shops as well as the consumers.





However, the movement gained traction only when laptops, smartphones and other consumer electronics started becoming universally available. It was also backed by climate change activists who were concerned by the growing mounds of e-waste.

## United States of America

The first regulatory framework for repair rights came into being with the passage of the Motor Vehicle Owner's Right to Repair Act in 2012 in USA that requires automobile manufacturers to provide consumers and independent repair shops with the necessary documents and information (as provided to franchised dealers) to allow them to repair the vehicles. This way automobile owners get the right to get their vehicle serviced at a facility of their choice or even do it on their own!

Tech companies have been fighting against similar bills from 2016 when a larger right to repair movement - led by TRA (The Repair Association) – started gaining ground.

In 2021, President Joe Biden signed a sweeping executive order that instructed the Federal Trade Commission (FTC) to craft rules to prevent manufacturers from preventing repairs performed by owners or independent repair shops for all kinds of consumer durables. The thrust was on curbing the restrictions imposed by manufacturers and making third-party repairs easier. The FTC is working on drafting new right to repair regulations for products.

New York became the first state to enact a right to repair law covering consumer electronics under the Fair Repair Act, 2022 that came into effect in July 2023. It requires companies to provide patented tools, parts and information to independent repairers and remove software restrictions that prevent users from repairing their own products.

Following this, Minnesota and Colorado have also cleared Right to Repair laws. At least 15 more states have introduced similar bills this year.

**"This is one giant leap for repairkind!"**  
– iFixit,  
a self-repair group in USA



**"It's not just about providing parts and tools for repairs; it's about empowering consumers to make environmentally responsible choices"**  
– Liz Chamberlain, iFixit

## United Kingdom

In July 2021, the United Kingdom implemented the Right to Repair Regulations which require manufacturers to make spare parts available to their customers and third parties. This will make it easier for consumers to repair daily-use gadgets such as televisions, refrigerators and washing machines.



## European Union

The European Union brought in Right to Repair Rules in 2019, giving consumers access to tools and other resources to repair consumer goods, thus establishing a circular economy of digital devices. The repair laws require manufacturers of consumer appliances to make spare parts available to professional repairmen for up to ten years after the product is first released. However, smartphones and laptops do not fall within the



ambit of the legislation. Efforts are ongoing to broaden the scope of the legal framework for such product repairs and bring in an active legislation.

## France

The country instituted an Anti-Waste Law in 2020, requiring manufacturers to include repairability ratings on all products sold in the country. This first-of-its-kind mandatory repairability score ranks products based on their ease of repair, thus putting repairability at the centre of purchase decisions. The index initially covered five product groups and used five criteria – documentation, disassembly, availability of spare parts, price of spare parts and product-specific aspects - that indicate how 'repairable' a product is. Every product is assigned a score from 1 to 10 for each criterion; this has proved very helpful in purchasing situations. Several other European countries are considering a similar index.



## South Africa

The Guidelines for Competition in the South African Automotive Aftermarket came into effect in 2021 to facilitate the enforcement of the Competition Act in the automotive aftermarket and open it to all service providers.



## Australia

Even though the country does not have a specific Right to Repair legislation, it hosts Repair Cafes – a free gathering place where skilled repairmen volunteer to share their skills with people who bring in their goods. Meanwhile, the Australian Repair Network is bringing together stakeholders from government, public policy, industry, repairers and consumer communities to push for a Right to Repair legislation.





*Consumer organisations around the world are putting pressure on their governments to enact laws for the **Right to Repair!***

### Canada

The country announced this year that it will implement right to repair for electronic devices and home appliances by 2024.



### India

The government is working on enacting a Right to Repair framework. Meanwhile, the 'Right to Repair' can be considered to be implicit under Section 2 of the Consumer Protection Act, 2019 which states that any activity which restricts or impedes the right-to-repair of a customer is classified as a 'restrictive trade practice'. The Act expressly recognises the 'right to choose', which implies that a customer must have access to quality goods and services at competitive prices set by a free market. Therefore, any monopoly on repair methods is in violation of this right.



Though the right to repair is yet to be recognised as a statutory right, certain judicial pronouncements within the antitrust landscape have tacitly recognised the right. The most prominent case is the *Shri Shamsher Kataria v Honda Sael Cars Limited & Ors* (2014) wherein the Competition Commission of India (erstwhile COMPAT) held 14 automobile manufacturers liable for engaging in the anti-competitive conduct of abusing their dominant position and selling spare parts only to authorised dealers and denying access to independent repairers by way of end user license agreements.

The petitioner complained that many automobile manufacturers engaged in anti-competitive practices, such as not making genuine spare parts/components freely available in the open market and that most OEMs (original equipment manufacturers) and authorised dealers had clauses in their agreements requiring authorised dealers to source spare parts only from the OEMs and their authorised vendors. This practice

limited the repairs to the OEMs and licensed vendors only.

While the Commission did not pronounce an overarching recognition of the right to repair, it, deemed that the restriction was an abuse that not only impacts independent repairers but also detrimentally hampers consumer welfare, given that the consumer's right to receive cost-effective repairs is constrained. It was stated that this allowed OEMs to seek exploitative prices from their locked-in consumers, increase revenue margins from the sale of auto component parts as compared to the automobiles themselves, and have potential long-term anti-competitive structural effects on the Indian automobile market.

The ruling required the companies to provide repair rights to third-party outlets, along with the relevant spare parts and data. However, the qualifiers to the order opened a web of unanswered questions and diluted its effects. The adjudications were incongruent in some of the following cases with contradicting opinions coming to the fore.

## Global Pushback from Manufacturers

The Right to Repair movement has faced tremendous resistance from top companies like Microsoft, Google, Apple, Amazon and Tesla. Many of them keep finding new ways to lock their devices and circumvent the consumers' right to repair. For instance, substitutable components are usually not available at a cost-effective price. Some even go to the extent of installing software that makes it impossible for someone else to repair the device. The supposed claim in many instances is that Do-It-Yourself (DIY) repairs can prove dangerous.

Apple is notorious for restricting the supply of spare parts, repair manuals and proprietary tools. It even manages to control repairs of its devices by causing them to lock or malfunction – display of warning messages or lapse of security features – when repaired at a non-authorized repair facility!

**There are significant lobbying efforts against the right to repair from tech companies – it is believed some of them even managed to dilute the path-breaking New York law by placing limits on the spare parts that have to be made available to customers and independent repair shops!**

## The Changing Horizon

As the Right to Repair drive gains momentum in legislative circles, new manufacturers are popping up that



**The Right to Repair is the focal point of the Think20 (T20) - official Engagement Group of the G20 – policy brief on 'Policy Instruments for Extending the Life of Consumer Durables' outlined in May 2023. It presents five policy instruments for prolonging product lifetimes for wider adoption among G20:**

- Repair vouchers and repair funds
- Information on the service life and repairability of products
- Minimum product repairability requirements
- Ban on destroying unused goods
- Ban on planned obsolescence

**The first three policies are aimed at promoting product repair to extend product lifespan and thereby decrease environmental impact by reducing purchases of new products. The other policies are bans that send normative signals to market players who deliberately destroy new products or reduce product lifespans (planned obsolescence).**

**These T20 recommendations are presented to G20 working groups, ministerial meetings and leaders' summit to help the G20 deliver concrete policy measures. The G20 countries can explore the feasibility of developing similar policies to reduce the impacts of durable consumer goods.**

actually adopt right to repair as a core philosophy. Therefore, many top tech companies have had no choice but to make adjustments to their repair policies and expand the repair options.

A major shift is on the cards with many industry leaders releasing their own versions of repair kits (though the price can be prohibitive in many cases). Apple introduced a Self-

Service Repair program for select devices. The program provides customers with access to Apple parts, tools and manuals to repair batteries, screens, etc. on their own. Samsung has also introduced a self-service, right to repair program for Galaxy devices. Following the FTC order, Apple announced that consumers will have the right to purchase spare components of Apple products.

## Conclusion

If all goes as expected, companies will have to make spare parts, tools and information on how to repair consumer durables available to the consumers. This will not only reduce the cost of repairs but also level the playing field for independent repair shops while also reducing our e-waste footprint on the environment. ▶




**Interestingly, Apple co-founder Steve Wozniak voiced his support for the Right to Repair movement with, "We wouldn't have had an Apple had I not grown up in a very open technology world!"**



## Consumers Holding Defective High-Value Products without Any Conducive Resort

With Indian consumers purchasing more and more high-value goods, survey trends reveal that many of us end up dealing with defective products without proper recourse for replacement or even repairs. Another survey highlights that users of Apple products find 'authorised' repairs too expensive.

A close-up photograph of a technician's hands, wearing white gloves, working on a disassembled smartphone. The technician is using a small metal tool to manipulate components on the phone's internal circuit board. The background is blurred, showing other electronic components and tools on a workbench.

*Pan-India studies by LocalCircles gauge the magnitude of the replacement and repair issues faced by consumers for defective high-value products!*

**THE CONSUMER TECHNOLOGY** space is flourishing with more and more people purchasing latest versions of smartphones, smartwatches, tablets and laptops apart from other electronics and appliances. However, even before the excitement of owning a flashy or advanced gizmo sinks in, many of them find that the product is not functioning properly, either due to an inherent defect or other service issue!

The consumer will usually try to contact the company-either to avail the warranty or get 'out-of-warranty' products repaired at the company-authorised service centre. However, only in a handful of cases does the warranty department respond quickly and address the grievance within days; most others take a long time to sort out the issue, if ever. Or the price of repairs at authorised outlets is too steep and cost-prohibitive for the average consumers.

Alas, the consumer either gets the product repaired locally (which has consequences), continues using it till it becomes completely defunct or buys a replacement.

In an earlier edition of The Aware Consumer, we had reported a nationwide survey conducted by LocalCircles - India's leading community social media platform - to gather the consumers' pulse on getting a defective high-value product fixed or replaced.

The study received over 28,000 responses from consumers residing in 355 districts of India. 63% of the participants were men while 37% were women. 49% of respondents were from tier 1 districts, 29% from tier 2 and 22% from tier 3, 4 and rural districts. Consumer experiences were collated over a period of 24 months

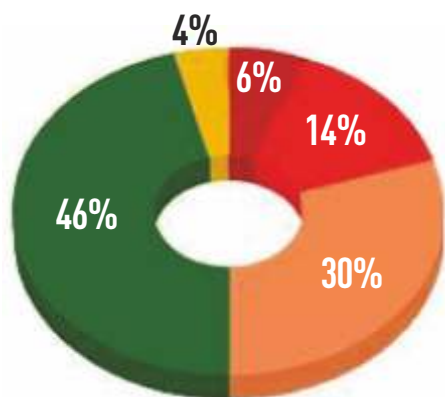
before releasing the report in March 2022.

The survey highlighted that majority of the brands will go to whatever extent possible to deny a replacement to the consumer, even under warranty. Outside warranty service is mostly broken for most brands. In some cases, it takes weeks to just acknowledge a consumer complaint. In many other cases, something as simple as a toll-free number is hard to find for consumers; even after it is found and the consumer approaches it, the customer service agent remains elusive. Then there are the customer service hours and calls received after-hours are just not returned. Many consumers simply give up on such faulty after-sale services. Meanwhile, the consumer's functioning is disrupted without any compensation or redressal whatsoever.

**LocalCircles enables citizens and small businesses to escalate issues for policy and enforcement interventions and also enables the government to make policies that are citizen and small business centric. It is India's #1 pollster on issues of governance, public and consumer interest.**

The most shocking finding of the survey was that **nearly one in two Indian consumers are stuck with one or more high-value faulty products!** Breaking down the poll results, 6% of consumers said it 'happened with five or more products', 14% said it 'happened with two to four products', and 30% say it 'happened with one product'. (see Figure 1)

**FIGURE 1: In the last 2 years, how often did you find that the electrical/electronic/whitegood/automobile/other category high value products that you purchased were inherently defective?**



Responses - 9,661

- Happened with 5 or more products
- Happened with 2-4 products
- Happened with 1 product
- Did not find any defects in products purchased
- Can't Say

LocalCircles

**46% consumers say they purchased a high value product in the last 2 years which was inherently defective**

**FIGURE 2: In the last 2 years, when you identified a high value defective product how did you get the issue resolved?**



**Of consumers who had a high value product with inherent defect in the last 2 years, 3 in 10 could not find any assistance from the brand; 1 in 10 just got it repaired locally**

The survey proceeded to delve into how the issue of inherent defects was resolved by the brand. Of those who purchased products that turned out faulty or defective, 3 in 10 did not get any assistance from the brand to get the product fixed or replaced – so they either bought a replacement product, got it repaired locally, sold or disposed it, or are still holding on to the defective product. 1 consumer in every 10 did not bother to approach the brand and got it fixed locally. (see Figure 2)

LocalCircles further stated that it regularly receives a large number of complaints against many appliances, electronics and gadget brands every month. This is primarily because most brands in India fail to understand the concept of fast and consumer-centric after-sales service.

**After-sales service or replacing of faulty products is a tricky issue in India and consumers often struggle to find a speedy resolution!**

When the Ministry of Consumer Affairs announced that it will create a framework to enable the Right to Repair in India, LocalCircles conducted a follow on survey in June-July 2022 to further understand the experience of consumers with repairs of devices and whitegoods and the issues they face. The survey received more than 34,000 responses from 309 districts of India. 61%

respondents were men and 39% were women. 47% respondents were from tier 1, 31% from tier 2 and 22% from tier 3, 4 and rural districts.

The survey found that 43% of the Indian households that participated had 3 or more electronic devices (smartphone, laptop, printer, etc.) at home that were less than 5-years-old and needed service or repair. (see Figure 3)

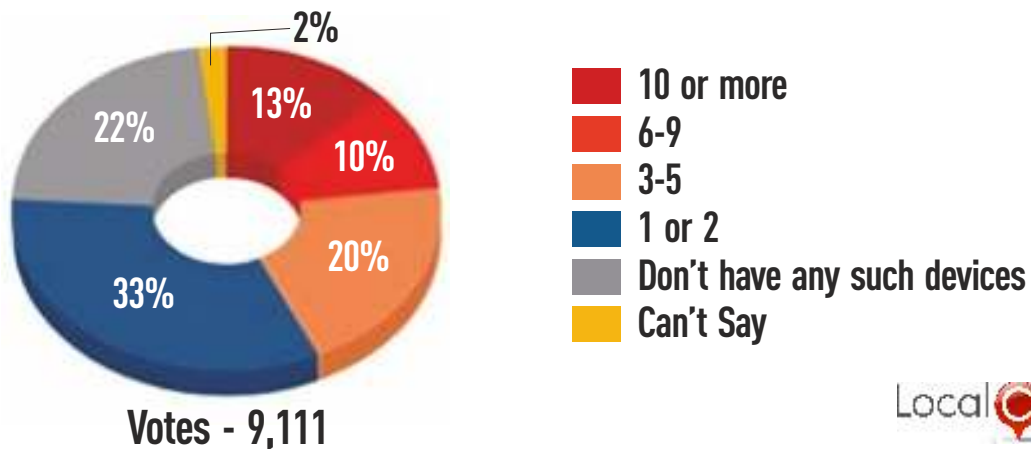
When these consumers with 3 or more devices at home needing repair were asked about why they had not gotten their device repaired, 18% said they tried but the brand failed to deliver, 47% said that the cost of getting service or repair with the brand was prohibitive and bad economics and hence they didn't. 10% respondents found the process of coordinating service/repair with the brand unclear while 5% did not want to go through the hassles of coordinating service/repair with the brand. (see Figure 4)

Alas, consumers buy new devices despite having a less than 5-year-old device at home because of broken after-sale service economics and warranty/service/repair processes of brands!

Furthermore, 47% respondents stated that it is not economical to repair the product currently in the authorised centres. This indicates that not only are repair costs leading to consumers buying new replacement products (and hence an impact on their household budgets), but this is also creating a lot of electronic and



**FIGURE 3: How many less than 5 year old devices (laptop, desktop, tablet, smartphone, printer, others) does your household have where you have had a technical issue and you chose to buy a new one instead of trying to get them repaired/serviced locally or by the company?**



**43% Indian households have 3 or more less than 5 year old devices (laptop, desktop, tablet, smartphone) at home needing service or repair**

**FIGURE 4: Whenever you have decided to buy a replacement device (laptop, desktop, tablet, smartphone, printer, others) for a less than 5 year old device, what was the primary reason for it?**



**Households buy new devices despite having a less than 5 year old device at home because of broken after sale service economics and warranty/service processes of brands**

electrical waste in the country. By giving consumers the right to repair, even if 50% of these devices were repaired economically, it would have a significant positive impact!

Similar scenarios were found when the household consumers were asked about whitegoods and appliances.

## The Apple Story

LocalCircles conducted a Right to Repair study in December 2022 where 49% of the 2344 Apple device users who responded had a less than 3-year-old Apple device needing repair and said they found it cost prohibitive to repair it through Apple and its partners. 19% did not even check repair costs through Apple and got it done locally.

It conducted another national survey of over 22,000 Apple product consumers located in 271 districts of India in April 2023. 63% respondents were men while 37%

were women. 47% respondents were from tier 1, 35% from tier 2 and 18% from tier 3, 4 and rural districts. It focused on issues faced with Apple devices like iPhones, iPads, laptops, desktops and accessories like airpods and chargers.

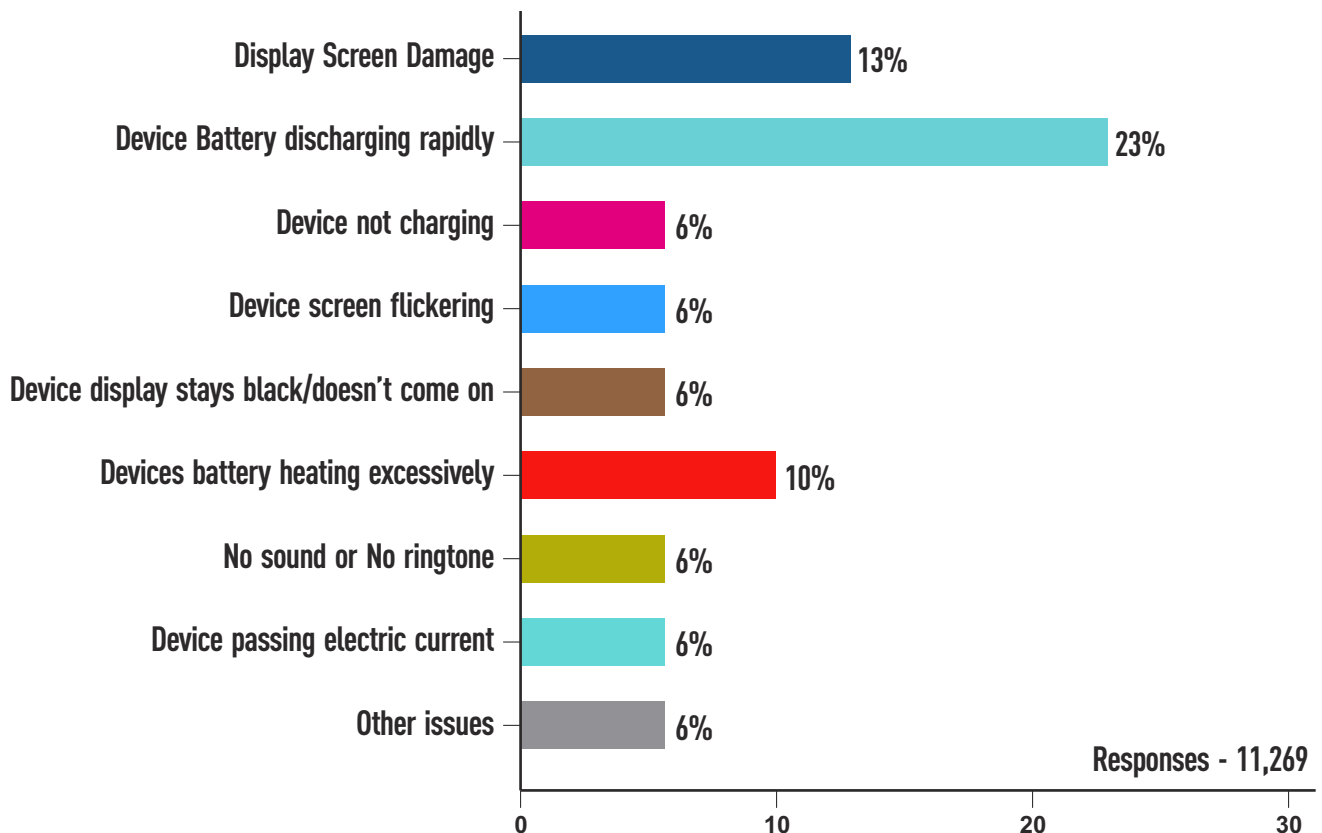
The results showed that nearly 3800 Apple device owners had some issue with a less than 3-year-old device with common issues being rapid battery discharge, display screen damage and battery heating. (see Figure 5)

The survey concluded, "The more critical aspect from a consumer standpoint is the product quality, reliability, service response and service affordability on Apple products. This is an area that needs immediate attention of Apple as the survey finds that a sizable percent of Apple consumers have been facing issues with their less than 3 year old devices and many find Apple repair cost unaffordable and hence resort to local repairs."

**Are the brand manufacturers listening? ,**

**FIGURE 5: Rapid battery discharge, Display screen damage and battery heating amongst top issues consumers have experienced with less than 3 year old Apple devices in India**

What are all the major issues you have faced with less than 3 year old Apple products in the last 5 years?



*\*\*Some respondents have selected more than 1 options in the survey and hence the total does not equate to 100%*

## Is A Repair Revolution on the Cards?

The government is in the process of developing a 'Right to Repair' framework to allow consumers to repair the products they buy on their own or choose their own service providers, instead of having to compulsorily go through the manufacturers.



## Right to Repair

Will this mark the making of a Right to Repair movement?



**IT IS NO** secret that manufacturers impose barriers that limit the ability of consumers to repair most of the products they use. The government is taking cognizance of the imperative need to restrict such non-competitive practices and discourage the culture of 'planned obsolescence'.

In July 2022, the Department of Consumer Affairs under the Ministry of Consumer Affairs, Food & Public Distribution, Government of India constituted a committee to develop a comprehensive framework for Right to Repair in India. This is on the lines of the LiFE (Lifestyle For Environment) initiative launched by the Honourable Prime Minister Narendra Modi on

some manufacturers so as to enable people to get consumer durables repaired as they deem fit. The overarching aim is to give consumers a chance to repair their appliances, devices and other products at an optimal cost instead of being forced to buy new ones.

The committee held its first meeting on 13th July, 2022 and recognised key areas for the right to repair. The primary sectors that the framework will initially focus on are consumer durables, automobiles/ automobile equipment, farming equipment and tech gadgets (like mobile phones, tablets, earphones, smartwatches, portable music players, etc).

to claim a warranty – like getting a product repaired from a 'non-authorised' provider. Even the digital warranty cards ensure that customers cannot claim the warranty if they purchase a device from a 'non-recognised' retailer. This inherently violates their 'Freedom to Choose' and the committee emphasised on the need to give consumers the right to choose how they get their products fixed.

The committee is also seeking to address the issue of planned obsolescence and the resulting electronic waste in the country. During the discussions, it was decided that:

## RIGHT TO REPAIR COMMITTEE



**Nidhi Khare**



**Anupam Mishra**



**Justice Paramjeet Singh Dhaliwal**



**Prof. (Dr.) G.S. Bajpai**



**Prof. Ashok Patil**

The Right to Repair committee is chaired by Ms. Nidhi Khare, Additional Secretary, Department of Consumer Affairs, Government of India. The other members are Anupam Mishra (Joint Secretary, Department of Consumer Affairs), Justice Paramjeet Singh Dhaliwal (former Judge of the Punjab and Haryana High Courts, former President of the Punjab State Consumer Disputes Redressal Commission), Prof. (Dr.) G.S. Bajpai (Vice Chancellor, National Law University, Delhi) and Prof. Ashok Patil (Chair of Consumer Law and Practice). It also comprises of representatives from various stakeholders such as ICEA, SIAM, consumer activists and consumer organisations.

mindful and sustainable consumption in 2021. The initiative is aimed at "mindful and deliberate utilisation, instead of mindless and destructive consumption" to protect and preserve the environment. It incorporates the concept of reusing and recycling consumer goods. The Right to Repair will obviously aid in attaining the LiFE objectives.

The mandate of the committee is to engage in detailed consultations with the stakeholders on how to cut down restrictive practices followed by

One of the key topics raised in the discussions during the first meeting was that many companies avoid publishing guides that can help users make repairs easily. The committee pointed to the creation of monopolies on spare parts as manufacturers have exclusive rights over spare components (regarding the kind of design they use for screws and other parts).

It was also flagged that there are certain manufacturer practices where the consumers end up losing the right

- Manufacturers should provide complete information and access to manuals, schematics and software updates.
- The software licence should not limit the transparency of the product on the market.
- Parts and tools for servicing devices, including diagnostic tools, should be made available to third parties and even individuals, so that minor flaws in the product can be fixed.



75  
Azadi Ka  
Amrit Mahotsav

**Mindful and Deliberate Utilisation,  
not Mindless and Destructive Consumption,  
is needed today.**



- The focus will be on harmonising trade between the Original Equipment Manufacturers (OEMs), third-party buyers and sellers - thus creating new jobs as well as bringing transparency through collaboration.

**Once it becomes mandatory for manufacturers to share their product details with customers, the latter can either repair them by self or by third parties, rather than only depending on original manufacturers.**

Therefore, the Right to Repair framework aims to build a consumer-centric ecosystem characterised by easy access to repair and overhauling services - not only by original manufacturers but reliable third-party technicians as well. The increased reparability will yield benefits like:

- Reduce costs and save money for the consumers
- Boost business for small repair shops which are an important part of the local economy
- Extend the lifespan, maintenance, re-use, upgrade and recyclability of



consumer durables, thus encouraging sustainability and contributing to the circular economy

- Reduce the vast mountain of electrical waste (e-waste) that is discarded every year.

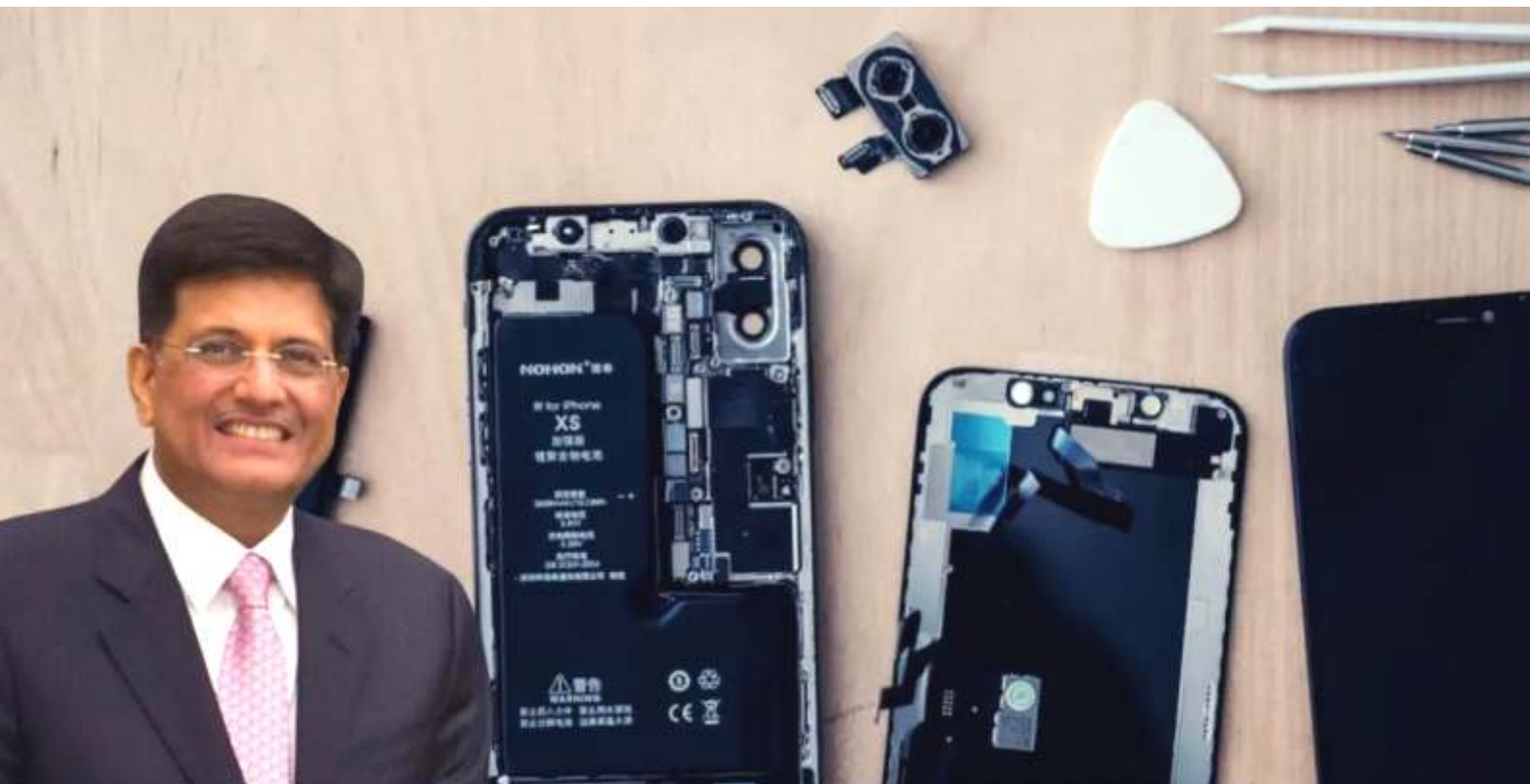
## Conclusion

It has been over a year since the committee was formed to give

consumers the Right to Repair, generate employment through the Aatmanirbhar Bharat initiative and fulfill the LIFE (Lifestyle for the Environment) movement. However, such a drive will only have teeth if it is made into a law. A pushback from the companies is to be expected. The government has a long way to go to actually get the manufacturers on board! ▶

## Setting the Stage for a 'REPAIRABLE' Future

The Government of India has launched the Right to Repair portal as a single platform to provide easy access to necessary information on repair and maintenance of products to consumers.



**Piyush Goyal Launched Right to Repair Portal for Consumers**

*The portal has a consolidated list of consumer care contact details of all major consumer products manufacturers for quick viewing.*



**INDIA SUPPORTS THE** right to repair for consumer goods – an emerging concept of allowing end users, consumers as well as businesses, to repair devices they own or service without any manufacturer or technical restrictions.

**Though the Right to Repair is yet to be recognised as a statutory right in India, certain judicial pronouncements have indirectly recognised the Right to Repair.**

On the occasion of National Consumer Day, 24th December, 2022, Mr. Piyush Goyal, Union Minister of Consumer Affairs and Food & Public Distribution launched a Right to Repair Portal for consumers in India. <https://righttorepairindia.gov.in> is a unified portal of the Department of Consumer Affairs that consolidates all the warranty and post-sales information provided by the consumer brands. For now, it covers four key sectors, namely farming equipment, mobiles and electronics, consumer durables and automobiles/automobile equipment.

**All the public information related to a product's service, warranty, terms and conditions, etc. are aggregated on the Right to Repair portal.**

The website serves as a one-stop-shop for:

- A variety of information about a brand or product, like website address, range of products available, product specifications, price, service commitment, warranty, guarantee and other product details.
- Complete information about product repair and maintenance. Consumers can quickly and conveniently access them for any kind of assistance – be it repairs or technical support.
- There are links to both the authorised service network of the brands and third-party service providers. It provides the contact information and list of services provided by authorised service providers - basically who, what, where, why, when, how and for how much the product can be repaired.
- Consumers can view the prices and warranty of genuine spares, replacement parts and other consumables. It will also mention methods to check authenticity of spare parts – by displaying standards or hallmarking notified for the components - and information on country of origin.

**The portal states, “Under this framework, it is mandatory for manufacturers to share their product details with customers so that they can either repair them by self or by third parties, rather than only depending on original manufacturers.”**

## Sectors and Categories on Right to Repair Portal

S. No.	Sectors	Product Categories
1.	Farming Equipment	Tractor Parts Harvesters Water Pump Motors
2.	Mobiles/Electronic Displays/Data Storage Components	Mobiles Tablets Wireless Headphones and Ear Buds Laptops Universal Charging Ports/Cables Batteries Servers and Data Storage Hardware and Software Printers
3.	Consumer Durables	Water Purifiers Washing Machines Refrigerators Televisions Integrated/Universal Remote Dishwashers Microwaves Air Conditioners Geysers Electric Kettles Induction Cooktops Mixer Grinders Electric Chimneys
4.	Automobile Equipment	Passenger Vehicles Two Wheelers Electric Vehicles Three Wheelers Cars

- The repair manuals will provide information enabling consumers to self-repair their products, if they wish.

Therefore, the portal opens a simpler and more practical approach for consumers to better understand and fix their products. It also seeks to streamline trade between the original equipment manufacturers and third-party sellers.

## How to Use?

A list of registered brands is displayed on the homepage of the website. A consumer can easily search for a company that is available. Clicking on the brand will lead to a new page featuring an overview of the company, its website address, social media handles, etc. The 'Product Listings' section features a range of products manufactured by the respective company.

Clicking on any of the products will allow you to easily access all the related information from tabs like Basic Information, Product Information, Customer Care Details, Services Details and Other Details. These sections provide detailed information on everything from the product registration, batch number, star rating, model year and minimum lifespan to country of origin, duration of warranty, customer care details and hours of operation. Then there are AMC details, repair manuals and even repair videos in certain cases.

Basically, consumers can avail authentic information and access to timely updates to be better informed about their products. The portal carries information about the authorised repairers even while it promotes third party repairers.

## Current Status

The portal has onboarded leading brands such as Samsung, Honda, Kent RO Systems, Havells, Hewlett Packard, boAt, LG, Panasonic, Nokia, Apple, Canon and Hero MotoCorp. A total of 26 top consumer brands feature on the portal as of date, providing a range of information and services.

The government is in the process of onboarding more companies and reliable third-party technicians to provide easy access to overhauling services. It is only when all manufacturers provide adequate information about repair options or how to repair devices, can consumers truly exercise their right to repair!



**"Currently, customers reach out to us for each and every issue, no matter how small. This new initiative will provide them with a platform to address certain issues through the content provided on the portal."**

**- Preeti Bajaj, CEO and MD, Luminous Power Technologies that makes products like inverters, UPS systems, batteries, fans, lighting, wires and switches**

**"The next step for us is to see that manufacturers do not see this [Right to Repair] as an obstacle, but an integral part of producing goods."**

**- Nidhi Khare,  
Chairperson of the  
Right to Repair committee  
and Additional Secretary,  
Department of  
Consumer Affairs,  
Government of India**



Ms. Khare also pointed out that the companies that have come onboard perceive Right to Repair as an important way to reshape their production and make their industry future-ready as more consumers become conscious of sustainability.

It is expected that the portal will serve as a platform where consumers and repair service providers can connect with each other so that consumers can get their devices repaired in an easy and transparent manner. It will also help the repair service providers gain access to product manuals, spare parts and software updates so that they can fix the devices efficiently.

## Lot More to Be Done

Alas, currently, there is no comprehensive regulation governing the Right to Repair in India. This is creating confusion among the consumers and even the repair technicians about their rights and responsibilities.

Ramesh Vaidyanathan, Managing Partner, Advaya Legal, believes that in India, Right to Repair should have been given far greater priority by the government than what it has managed to get. He said, "They need to give it more teeth by making suitable amendments to the Consumer Protection Act, and also spelling out consequences and penalties if companies fail to adhere to or honour the Right to Repair."

Can we hope that this portal will also provide consumers the facility to register their complaints by providing details like product name, product model and nature of the complaint?

## Conclusion

Consumers will benefit from the Right to Repair platform by having their products serviced quickly and efficiently, that too, in the manner they desire. The aim is to ensure that consumers are no longer dependent on the original manufacturers and can either repair their devices themselves or through third parties.

However, these are still baby steps on the Right to Repair; the onboarding of manufacturers is taking time, as can be expected! ▶

# INTERVIEW



## Dr. M.S. KAMATH

Honorary Secretary of the Consumer Guidance Society of India (CGSI), a non-profit consumer organisation established in 1966, speaks to The Aware Consumer about the Right to Repair.



**Dr. Kamath teaches law at the University of Mumbai and is attached as medico-legal consultant to several hospitals in Mumbai. He is also visiting faculty to K.E.M. Hospital & Seth G.S. Medical College; and J.J. Group of Hospitals & Grant Medical College on 'Law & Ethics in Medical Practice'.**

**With an M.B.B.S and L.L.M in Consumer Laws from the University of Bombay, Dr. Kamath is widely known as a Consumer Activist. He has represented several patients and doctors in consumer courts in medical negligence cases. He has also compered over 150 programmes for Doordarshan on health and consumer issues.**

**Dr. Kamath was selected by the National Consumer Dispute Redressal Commission to train District Forum judges on disposal of medico-legal matters. He has been instrumental in getting landmark judgments and orders passed by the Supreme Court in favour of the consumers. In January 2018, he was awarded the first Consumer Protection Award for dedicated services to the Consumer Community by the Government of Maharashtra.**

**Currently, Dr. Kamath is on the Governing Council of the Quality Council of India, a Member of the Mutual Funds Advisory Committee of SEBI and the Apex Committee of TRAI, handling consumer disputes. He also served as Member, B.E.S.T. Consumer Disputes Forum to settle disputes of BEST electricity consumers and was a member of the Maharashtra State Consumer Protection Council.**

**Q In your opinion, how will the Right to Repair empower the consumers? What other implications can be expected?**

We Indians were the first people to recycle newspapers, bottles, etc. much before everyone else. I recall from my childhood days that we used to collect old books, newspapers and empty bottles and sell them to the raddiwala. This was not happening anywhere else in the world and others used to laugh at us for such thrifty habits. Now it has become the norm in USA and Europe to have different bins for plastic, paper, glass and other such items. We have been practicing this for more than 50 years!

Indeed, we Indians don't believe in throwing things away; we believe in value for money and extracting every paisa out of whatever we buy. So, if something goes wrong – unlike the American philosophy to just throw it away and buy a new one – we will go the extra mile to get it repaired and use it for another year or two. This is actually a very good policy – if you can extend the life of an appliance or device by another 2 years with repair, according to me you have saved 16% as against an average return of 8% on a fixed deposit. Moreover, you will also be able to buy a better model after 2 years than what is existing today.

Therefore, repairing is a basic right of every Indian and every consumer should try to repair as much as possible. The right to repair gives extra life, extra utility, better effects on the environment and last but not the

least; extra savings for the people. In fact, whatever you repair and reuse will be saved from ending in the dustbin, landfill or the sea, ultimately harming the environment.

**Q The Ministry of Consumer Affairs had constituted a Right to Repair Committee last year and launched the portal as well. What are your expectations from these developments?**

The ministries and government always work very slowly. This is why CGSI has walked the extra mile and prepared a complete Right to Repair Bill – starting from defining what is repair right up to the final remedies for filing grievances, applicable penalties and more. What we are trying to do is hasten the procedure by giving the authorities a completely baked meal.

We have told the Consumer Affairs Ministry very clearly that this is only a basic draft – we do not expect it to be passed in the current form. It can be given to the people in the Ministry, the lawmakers, the Parliamentary committee or other experts and they can build on it with their inputs.

**Q Can you elaborate on how the CGSI expects its Right to Repair Bill to be used?**

The Bill is just a starting point. We have provided a skeleton that can be shaped by the government as they want. We have done a lot of work here – we have interacted with law colleges and other experts, taken



**If a person goes to a consumer commission, it takes nearly 6 to 8 years to get a resolution. This is when these are defined as fast track courts and an alternative remedy that should work faster than the regular ones.**

**– Dr. M.S. Kamath,  
Hony. Secretary, CGSI**

public opinions and our team has worked day and night for almost 2 months. We don't want proprietary rights or any other recognition; all we want is it should be enacted after finetuning so that the consumers can get the benefit.

**Q How can the needs of consumers be balanced with the concerns of manufacturers regarding IP rights and data security?**

The public good remains primary above all else. All other arguments are just trying to undermine the right to repair that should be extended to the consumers. The concept of the Right to Repair has finally echoed with a huge company like Apple. It has come out with a directory on how to repair their devices and they are actually providing tool kits for the same. Apple was one of the top companies with a history of monopolistic terms – they restricted the use of other apps and software on their devices. They used to have restrictive trade practices and would not allow others to improve on their system. Now if they can do an about turn with manuals and kits for repairs, how can other companies say they have a problem?

Same is the story with Microsoft – it was extremely protective about its software and did not permit other changes. But with advancements in technology, they had to allow pdf and other formats into their domain. This shows that there is a model that can be successful and has been put in the public domain. It should be followed by others also.

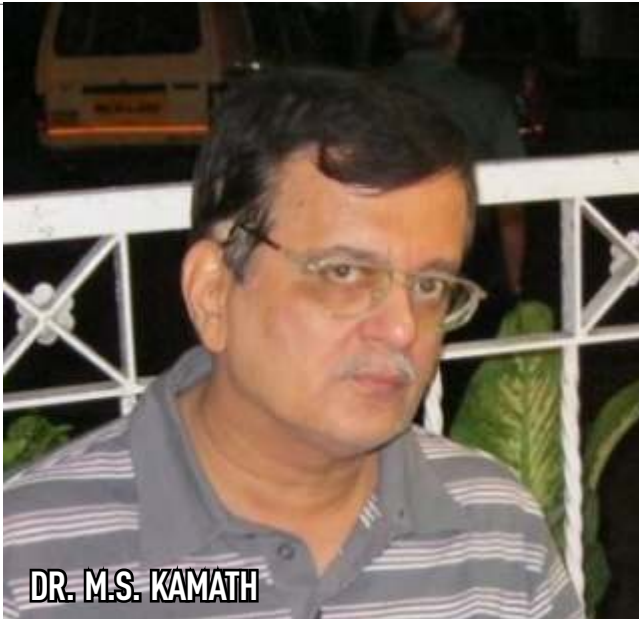
**Q Are there any misconceptions about the Right to Repair that you would like to address?**

The primary misconception is that providing repair will be too expensive and not worthwhile for the manufacturers. We will not get the right people. We have covered these aspects in our Bill. The companies should train people and keep spares ready.

Today, if a person buys a washing machine and it develops a snag, the company says they will repair it but the spare parts are not available. In the Bill, we have stated that once a device is manufactured, the spare parts should be available for 10 years after the last piece of that model has been sold. The prices should be published on the website on the day of manufacture. And the total of all the spare parts should not exceed the cost of the appliance.

We have incorporated the scope for inflation as well. For instance, the company can state that every alternate year the prices will be increased by a specific percentage. Things are obviously getting costly and we don't believe that starving the industry will be beneficial for the consumers. The industry and consumers are both very important – they have very different goals, but it cannot be denied that the consumer needs the industry and vice versa.

We don't mind manufacturers having a reasonable profit margin on the spare parts also. They have to account for the storage, supply and other aspects. However, this should not become profiteering. Ultimately



DR. M.S. KAMATH

it is only when the industry profits that they will make better products for the consumers. But it should not be a one-sided game where the consumers loses every time and the manufacturer is winning at their cost!

What is important is that we have to start walking this path – only when we move ahead we can come to know the problems that will ensue and we can face them in a dynamic manner. We should keep innovating along the way with amendments as needed.

**Q Most of the consumers are not even aware of their Right to Repair? What do you think should be done to spread awareness and garner support among the public?**

The problem is that the Right to Repair does not even exist as of now. If a mobile goes out of order and the technician says the speaker is not working, I should be able to go to the website, find the spare part, buy it and give it to the technician for repair. However, we are totally at the mercy of the repairers who can easily say that a product cannot be repaired and we have to buy a new one. Especially for big ticket items like refrigerators and washing machines, shelling out thousands of rupees for a new purchase does not make sense when it could be repaired for a much smaller amount.

This will not happen overnight. The concept has to percolate through society which will take a decade or even more. However, we have to start somewhere!

**Q What do you foresee in the future? Can we expect to have a Right to Repair law?**

We have put up what we feel is good for the consumers. Initially, the government showed a lot of interest and enthusiasm. But after receiving the Bill, there has been no proper response. I have called the Ministry three times, but they always say they are looking into it.

The problem is that in India, the government and the people do not work hand-in-glove with each other. Our team has given the Bill – the easiest thing for the

government is to give it to the policymakers and work on the amendments that are needed.

How long it takes will depend on the people who are in possession of the Bill and what they want to do; only if they are keen they will push it through. Again, if there is a huge demand from the consumers, and they question what the ministry is doing with the bill, it can happen soon. Last but not the least; it is in the hands of the Parliamentarians who ultimately are going to make the law.

It is expected that the industry will put a lot of pressure here as the stakes are high for them. There will be many lobbies, but if a few of them work in the larger consumer interest, it can be done in the near future!

**Q What are your views on the difficulties faced by consumers in getting exchange or refund for defective goods?**

There are two very bad aspects in this. One is that the industry does not trust the consumers and neither do the consumers trust the industry. We cannot deny that many consumers resort to underhand tactics like accidentally damaging their product and denying their fault while blaming the manufacturer for the damage. These bad elements spoil the pitch and the industry takes these few examples and tarnishes all the consumers with the same brush. In a country like USA, a company will immediately take the faulty product back and give a replacement because less than 1% consumers make such complaints. In India, consumers tend to take advantage of such policies and misuse it for their gain. A company cannot afford to, say, give a consumer a new shirt every week when he keeps popping up with one complaint after another! Ultimately, the honest consumers end up suffering.

Our law enforcement and vigilance is also woefully inadequate. If a person goes to a consumer commission, it takes nearly 6 to 8 years to get a resolution. This is when these are defined as fast track courts and an alternative remedy that should work faster than the regular ones.

The judiciary has become a letdown for the country – atleast the bureaucracy is working and moving matters – they are making bullet trains and expressways that improve trade, industry and business, thus benefitting the consumers. However, the judiciary has failed the people in a big way. It does not come down heavily on the defaulters – be it the manufacturers or the consumers. This is why the consumers are undisciplined. We know that filing cases and getting judgments is a long road and unscrupulous people can get away with breaking rules and doing as they wish! Companies are exploiting the system and deliberately flouting laws for their benefit!

What we need is a sea change in thinking. I don't believe that only manufacturers and service providers are required to get their act in order. Even the consumers have to be responsible and honest so that their complaints can be accepted at face value rather than making false allegations which discredits the entire system. This will set the stage for a fair Right to Repair in the country! ▶





**Pyush Misra**  
Trustee,  
Consumer Online Foundation

## The Road to Right to Repair Strewn with Potholes

“The Right to Repair is beneficial for consumers, giving them convenience, control and accessibility of service parts. However, dig deeper and several risks, drawbacks and limitations seem to surface.”

– Pyush Misra



*Breaking the monopoly of manufacturers on the repair market can backfire.....*

**THE RIGHT TO** Repair has its heart in the right place – the argument of enabling consumers to independently repair or modify consumer goods on their own springs from a space of empowerment and choice, not to mention supporting small businesses and reducing e-waste.

It is the norm for companies to make it as difficult as possible for consumers to extend the life of their products – third-party repairs are prohibited and the amount of information available about the product is severely restricted. With efficient and affordable fixes for used products being difficult to come by, consumers have no option but to buy new ones.

Right to repair focuses on requiring manufacturers to share repair information, provide diagnostic tools and supply service parts apart from permitting 'unauthorised' repairs. However, this comes with its own set of challenges as the companies will strategically respond to the changes on the horizon.

### A Tale of Unexpected Repercussions

An article by the Harvard Business Review on 'The Unintended Consequences of Right-to-Repair Laws' lays out two potential scenarios:

- Manufacturers will have to redesign their products to make them more repair-friendly. This will increase the production costs, not to mention the reduction in sales as their products will be repaired and used longer by

consumers. The companies can dramatically increase the prices of new products to absorb the losses which will obviously pinch the consumers. Some companies may even offer free repair services as an additional value – in conjunction with the steeper price tag – which will negate the need for self/independent repairs.

- Conversely, the manufacturers may cut their profit margins and flood the market with cheaper products. This will reduce the appeal of independent repairs as consumers would rather buy a brand-new product at a low price than fix a used one. The slashed prices may seem attractive, but the discarding of old products will negatively impact the environment.

**“Lawmakers should examine specific product categories, including their production cost and environmental impact, and guard against sweeping, a one-size-fits-all legislation.”**

– Harvard Business Review

### Evolving Concerns

Companies across the world are fighting tooth and nail against the Right to Repair legislation. They have raised several issues, such as:

- **Risk to Safety** – Self or independent repairs are the harbinger of convenience and affordability. But what about the quality? The technology in use today is extremely complicated and calls for in-depth expertise. An inexperienced technician may fail to repair a product properly, causing it to malfunction in the future and lead to product quality issues that can impinge on the brand image of the manufacturer. They can even refurbish devices with low quality parts and sell them without guarantee of quality. Not to mention the risk of self-repairs without proper knowledge and preparation. That's not all. Third-party repairers can use unauthorised parts and potentially dangerous components which can prove dangerous for the consumers or the repairers themselves. Think, a high-energy lithium-ion battery exploding and you will get the picture.

**Who will you blame for a faulty repair job or a manufacturer's inability to undo poorly done repairs – the technician or the original manufacturer?**

## Research: The Unintended Consequences of Right-to-Repair Laws

by Luyi Yang, Chen Jin, and Cungen Zhu

January 19, 2023





**Right to Repair allows you to extend the life of your phones, appliances or other electronic devices by providing you access to repair options by original equipment manufacturers or third-party repairers.**

- **Risk to Security** – Third-party access to products raises issues of privacy and security. Ill-intentioned technicians get access to people's devices and hardware – they can misuse the data sans any accountability mechanism to prevent such actions. This will also increase consumers' vulnerability to cyber attacks and allow hackers to obtain access to personal data. Additionally, modifying or removing a device's software to introduce new functions or add new apps can also increase the risk of getting infected with malware and spyware. Would you want the manufacturer of your laptop or smartphone to release sensitive materials like diagnostic codes, technical manuals and back-end software? Will you even realise when your personal data has been compromised?

**TechNet, the network of innovation economy CEOs and senior executives in the USA issued a statement saying, "Allowing unvetted third parties with access to sensitive diagnostic information, software, tools and parts would jeopardise the safety of consumers' computers, tablets and devices, and put them at risk for fraud and data theft."**

- **Risk to Intellectual Property** – Permitting independent repairs will require the manufacturers to share proprietary information, parts, tools and equipment with the public at large without the contractual safeguards currently in place between manufacturers and affiliated service providers. Revealing this cutting-edge technical

data will infringe on their intellectual property rights and place their trade secrets at risk; designs can be copied easily in the future. There are fears of the access to replacement parts conflicting with patent exclusivity too. Ultimately, this will undermine their substantial investments in research and development, thus cutting down on the drive for innovation and technological progress.

- **Lower Efficiency** – Modern technology focuses on efficiency – the product should be as good as possible - like in the case of smartwatches, wireless earphones, etc. However, many of them are not repairable. Manufacturers will have to sacrifice the efficiency factor at the altar of accommodating repairability in the design. If the product proves to be inferior, it will lose out on the competitive stakes too, with consumers opting for better performing options.

## Conclusion

Implementing a Right to Repair mandate is not as simple as it seems. The framework cannot be left open-ended and broad; incorporating some safeguards is essential. It must keep the interests of consumers in view while also assuaging the valid concerns of manufacturers.

A holistic approach after assessing all aspects – including the potential repercussions - is crucial here. Manufacturers should be encouraged to develop newer and better products while still allowing users to repair existing ones. Consumers should be made aware of the benefits of Right to Repair at a deeper level to secure their support. ▶



# Powering the Game-Changing Freedom to Repair

Televisions, refrigerators, washing machines, cars, computers, mobile phones, gaming consoles, wireless earbuds, smart home devices, etc. are termed as consumer durables for good reason. They are supposed to last for a fairly long time. When consumers spend a large amount of money on purchasing them, how does it make sense to have to replace these 'durables' in a few years just because it is either excessively expensive or impossible to repair them when they happen to malfunction?



**THE RATIONALE FUELLING** the 'Right to Repair' is that once a consumer purchases a product, he/she must own it completely! This includes the ability to repair or modify it easily and on their own terms, without being dependent on the whims of manufacturers!

Indeed, owners of hi-tech products like smartphones, smartwatches and other gadgets want to repair their devices on their own or through an independent provider (at a reasonable cost) as opposed to the inflated charges and working time imposed by the manufacturer (through authorised repair centres).

**When a contract fails to transfer full authority to the buyer, the legal rights of the consumer are affected!**

## The Reality

Anti-competitive and uneconomical repairs are the norm in the market. Most of the technology companies make their products difficult, if not impossible, to repair. Some have their pieces glued together; some cannot even be opened without destroying them!

Almost every manufacturer has its own set of non-competitive practices so that the consumers cannot self-repair or approach third-party repairers. The monopoly over repairs allows them to charge exorbitant fees for the services. And if a part is unavailable or impossible to repair, the only option is to purchase a new product. A win-win for the manufacturer in either case!

**A smartphone's battery degrades with time and reduces its performance. But replacing it can make the device function almost like new again. However, the manufacturer may deliberately glue the battery to the device to make it non-replaceable or stop manufacturing the battery for older devices. Even when a battery is available, it has to be purchased from the manufacturer or its authorised dealer only.**

Alas, manufacturers continue to hold sway over the repairs of consumer durables and tech devices. The Right to Repair will cut down such restrictive practices by arming consumers with the parts, processes and tools to fix their products on their own or take it to an independent service provider of their choice. This notion of promoting the freedom to repair is what can break the monopoly of manufacturers.

## Easier Said Than Done

The Right to Repair paradigm encompasses four chief principles:

- The device should be constructed and designed in a manner that allows repairs to be made easily.
- End users and independent repair providers should be able to access original spare parts and necessary tools (software as well as physical tools) at fair market conditions.

- Repairs should be possible and not hindered by software programming. It should not be illegal to unlock, adapt or modify a gadget, like installing custom software.
- The repairability of a device should be clearly communicated by the manufacturer by providing reasonable access to manuals, schematics and software updates. Software licencing should not restrict support alternatives and should clearly state what is included in a sale.

**The law does not grant a manufacturer control over the property after it has been sold.**

Therefore, the Right to Repair will require manufacturers to make their products modular and easy to repair. This will involve developing new standards in both manufacturing and design. They also have to openly share repair information and manuals of the products apart from providing access to spare parts and diagnostic tools. As the gadgets will last longer now, this will put an end to the culture of planned obsolescence as well.

However, all this cannot be achieved overnight. To start with, most electronic devices face different levels of complexities on the repair parameters. As Nitesh Gupta, Director of Optiemus Electronics Limited, a leading electronic manufacturing services provider said, "Purely from my experience of manufacturing devices, how repairable a product is also depends on the size and form factor of the devices, the usage type - if the product is stationary or used on-the-go - and also the cost." Making them repair-friendly will be challenging and take time as well.

This will also require companies to change their approach - understand that making repair-friendly goods and disclosing repair information/parts will actually strengthen the brand in the long run!

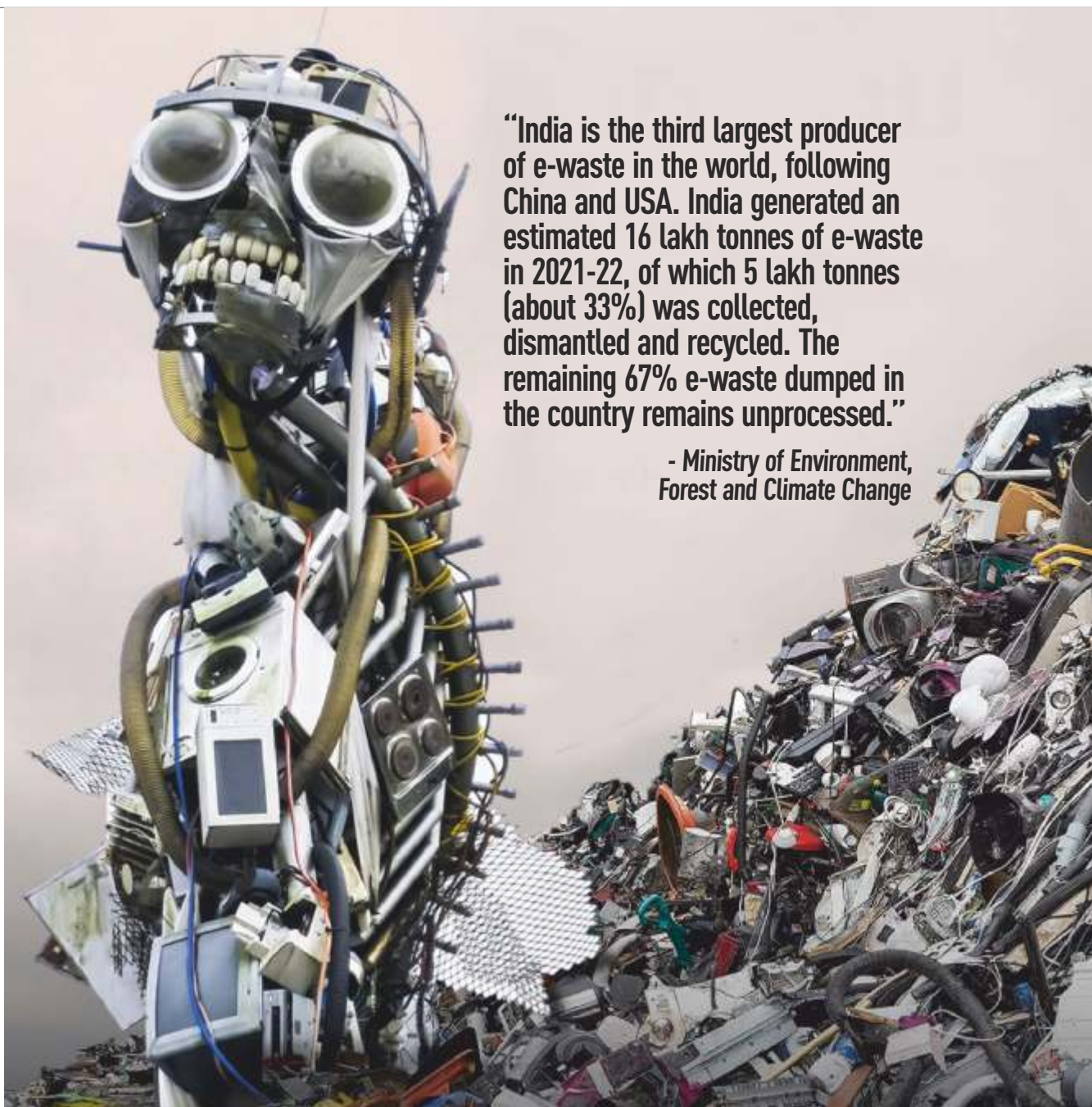
**"The industry has understood that providing these details is only strengthening the after-sales services of their goods. And it also builds trustworthiness and credibility about their products."**

**- Ms. Nidhi Khare, Chairperson of Right to Repair Committee, Department of Consumer Affairs, Government of India**

Fortunately, our country has a thriving repair service sector as well as independent third-party repairers. As Prof. (Dr.) G.S. Bajpai, member of the Right to Repair Committee suggests, "Companies supporting Right to Repair can train third-party individuals to repair a product while signing formal agreements of confidentiality. This will also minimise security risks." This way the Right to Repair can drive job creation (read: Aatmanirbhar Bharat) and boost the local economy too.

However, the policymakers will have to take the intellectual property rights and security issues into consideration. It has been recommended that a blanket





**“India is the third largest producer of e-waste in the world, following China and USA. India generated an estimated 16 lakh tonnes of e-waste in 2021-22, of which 5 lakh tonnes (about 33%) was collected, dismantled and recycled. The remaining 67% e-waste dumped in the country remains unprocessed.”**

**- Ministry of Environment, Forest and Climate Change**

waiver should be avoided. A quality assurance clause for use of company-recommended spare parts and certified repair shops can be included. Non-disclosure agreements and repair certification/license to technicians who pass certain skill tests can go a long way here.

## **The Long Term Effects**

The rise of electronic waste generation is accelerating climate change. And only the Right to Repair can make it cheaper for consumers to extend the life of their products. After all, when consumers are able to repair their devices and appliances in an easy and affordable manner, they will be willing to forego constantly purchasing replacements, thus leading to a more

sustainable economy. Moreover, the Right to Repair will also empower people to cannibalise products to provide spare parts for the circular economy. Everyone benefits in the end as everything from the lifespan, maintenance, reuse and upgrading to recyclability and waste disposal of consumer goods gets a strong fillip!

## **Conclusion**

With increased repairability, the world will see satisfied consumers who get full value from the products they buy and curb the resultant e-waste as well. However, balancing the needs of manufacturers and intellectual property rights with the competitive rules remains crucial here. ■



# The Return and Exchange Warranty Betrayal

Consumers have a right to defect-free goods and in case a product turns out to be flawed or defective, they should get a replacement. However, actually getting an exchange or refund is an extremely uphill task. Regulation is needed to ensure that consumers can easily get a replacement or their money back.



**RETURN**  
**REFUND**  
**REPLACE**

**Are your consumer rights really protected when you buy goods and services?**

**ALMOST EVERY MANUFACTURER** enforces stringent measures when customers get their electronic devices, home appliances, automobiles, etc. repaired by an independent or 'non-authorised' third party. They lose the right to claim the warranty, a condition which practically locks them into that brand. In direct contrast to this, the Right to Repair states that third-party repairs should not impact the warranty of a product.

Given the situation on the ground, we do not opt for independent repair services until the original warranty period ends. When a mobile phone, laptop, smartwatch, television, printer, refrigerator, microwave, air conditioner, geyser, digital camera or car that we have recently purchased turns out to be faulty, damaged or does not perform as expected, we automatically turn to the company to do right by the warranty.

Indeed, consumer durables come with a manufacturer warranty which usually states that minor faults will be repaired by the company. However, if the defect is major, the manufacturer promises to replace it with a new one or refund the money, as the case may be. Additionally, most products are backed by reasonable Return and Exchange policies.

**A warranty is a written guarantee for a product and declares the maker's responsibility to repair or replace a defective product or its parts. A guarantee is an agreement assuming responsibility to perform, execute or complete something and offering security for that agreement. Companies generally offer warranty for their products.**

But, how does the situation pan out in reality?

When a product doesn't work, breaks easily, is unsafe or fails to perform the way it should, the consumer makes a complaint to the company. They usually ask for repairs or a replacement as the product is under the manufacturer warranty.

This is the beginning of a lengthy battle – most companies will do everything possible to skirt their responsibility. Some will refuse to accept the defects while some may promise a follow-up but do not take any action. Many companies simply do not respond to the emails, messages or calls of the customers.

Alas, very few consumers get a satisfactory resolution. Even when the technician examines the faulty device, they may deny the error or perform slipshod repairs which cause the device to malfunction again and again.

Often the customer is shocked to find that the manufacturer imposes a 'minimal' fee for the repairs (like labour charges) even though the product is still under warranty. Or they may be forced to pay the shipping charges for sending the device back to the manufacturer. Many other conditions are also imposed on receiving the supposedly warranty service.

## Some real-life examples received by our team that show the repeated attempts and sheer plight of the customers

### Mr. Kalyan & Unprofessional Flipkart Team

Wake Up!! Wake Up!! Wake Up!! Wake Up!!

FURTHER, I WILL SHARE ALL THE MAILS OVER SOCIAL MEDIA

Recently, I purchased a product on Flipkart i.e IFB 23 L Convection Microwave Oven (23SC3, Silver) & today an engineer came for installation & when he installed the product, it was not working properly, means start malfunctioning. Then the Engineer confirmed that I can lodge a complaint for the replacement of it as product is not ok - from the look & malfunctioning of the product it is observed that either the product is used or refurbished.

I have paid for the new product, if Flipkart does not deliver the same for which I pay the amount then take back your faulty product & refund my money instantly.

As I see in Flipkart, it shows that again other engineers will visit. I say sorry that I will not keep this faulty product as he will try to do some temporary fixation to stop malfunctioning. I can't waste my time any more as 7 days already wasted with Flipkart.

As my product is under replacement period, replace it with new product by coming Friday to take back your product & refund my money. I have many options from where I can buy best quality product as well as their customer support listen customer voice & provide solution over call - not like Flipkart where customer need to write the mail to CEO to resolve the issue.

– Sumesh Dhiman (mrc.india@gmail.com)

■ Mr. Suresh has sent over 13 such desperate reminders, but never got a response!

Dear Sir,

I purchased an AC stabilizer, but your item is not working properly. So many times I complained on your customer support number, but they all the time extend service date. Please do the needful as soon as possible.

Such a big company like Candes World, which has such a big name in electrical equipment - You are not getting a small stabilizer corrected. Such a big company cannot satisfy its customers with its service. If it is not in your control to get the equipment repaired, then you can pick up your equipment and get me my money back. When the summer season is over, then I will use AC?

Your customer support said if you want you can go consumer forum!

– Prateek Tiwari (prateektiwari6438@gmail.com)

■ Despite his repeated emails, all he gets is:

Dear Sir/Ma'am,

Greetings of the Day!!?

We have received your complaint; we are working on your complaint & forward this complaint assign technical on priority. Or alternatively you can also contact us on 9310217042 WhatsApp number - 8882253256 (Mon to Sat 10.00 am to 6.00 pm).

Dear Samsung

This is to inform you that I bought a Samsung Galaxy S21 FE 5G (Model Name SM-G990E/DS), IMEI 356350642848062 mobile a few months ago. It was running good for 3 months but from the previous 5 days, I have been facing some issues in my device like my device automatically gets heated, battery backup has decreased. If I charge my phone fully, it only takes 15 minutes to empty 50% of it.

I have shown the issue in my nearest Samsung service centre (Authorised service centre - Arihant Electronics, Dr B Baruah Road, Guwahati). They had checked the same and said that I need to update the software and I have updated the software. After this, the issue has not been resolved and I am facing the same kind of issue. I have been a Samsung customer for the last 10 years. It's very disappointing to get such a type of product from a brand like Samsung.

Being a Samsung customer for so many years, I request you to provide me a fresh replacement of my handset at earliest, as I have already repaired it once, but still suffering from the same issues. Please look into it and help me in it.

– Sanjib Deka, Guwahati (sanjibdebaghy@gmail.com)

■ **Poor Mr. Deka is still suffering and continues to write to the company:**

After repeated follow ups with your service team I am again writing this to you. After waiting for completely one month, today service team has called me just to assure that my mobile will be repaired, and one of the higher authority of Samsung confirms me that they are going to close my complaint if I have not repaired my handset. Really??? Is this what I get from Samsung? I have waited and suffered for more than a month now just for a replacement. As a customer how can I accept a repaired mobile phone which is only 3 months old of cost Rs. 40,000.

For a customer like us we work hard to purchase a costly phone. So how can I accept that my newly brought mobile just stopped working after 3 months of use?

Its Samsung service responsibility to understand the problems of a general customer. Till now I don't get it how come I am suffering for this, it's like a mental torture now. I have called all the Samsung authorities, mailed them, but they are just misleading me and not giving proper solution for my problem. I have never expected such a poor service from Samsung, it's really disgusting.

Samsung team I am again clarifying this to you, I am not ready to repair my handset, kindly don't come with this resolution to me. I want replacement of my handset as soon as possible under any circumstances.

**All Mr. Deka heard from the company is:**

Dear Mr. Deka,

Greetings from Samsung Customer Support!

I regret the trouble this may have caused you.

Please be informed that your matter is already highlighted with Senior Escalation Team with reference number 3101028067. Moreover, our team will contact you for further discussion. You will surely get the resolution. Your patience and understanding in this matter are highly appreciated.

Thank you for writing to Samsung.

Hi Livpure,

There is very bad service from your side in ground level - after purchasing the AMC your technician Mr Amit Kumar denied to change the power Adaptor SR number No.JS-23070705513024. They did temporary fixing by cutting the wire PFA and from past 6 days again RO stop working, power is not coming.

I raised a request again SR JS-23072702405728, assigned to Amit Kumar. I called multiple times but till now he has not come to change it. I already called Area Manager MR Deepak Kumar, but still issue is not resolved.

May I know what is this and what is the use of purchasing AMC if your technician simply denied to change the defective parts?

NOTE: IF U NOT WANT TO FIX/SOLVE THE CUSTOMER PROBLEM THEN RETURN THE MONEY. I WILL GO FOR OTHER BRAND. THIS IS NOT THE FREE SERVICE.

– Sujit Kumar (mr.sujitkumar11@gmail.com)

■ **Most customers simply get automated responses like:**

Hi!

We regret the inconvenience caused. We have escalated this query to higher departments and it is being worked upon. I would request your patience until we receive any further updates. Apologies for any inconvenience caused.



**The situation often turns out to be even worse for online purchases, which are fast becoming the norm even for consumer durables!**

In case of a major defect or when the problem continues to persist after multiple repair attempts, the customer has the right to demand a replacement product or a full refund for the purchase. However, more often than not, the manufacturers fail to come through on this promise. They try their best to deny the claim, ask the customer to pay a part of the price for the replacement or offer a partial refund only.

Indeed, the warranties and guarantees go for a toss as most of the times, consumers fail to get justice for the defective products! In many cases, the consumer may have even paid extra for an extended warranty for 'big-ticket' items, but all to no avail....

**The new Consumer Protection Act, 2019 has a specific clause for 'Return of Defective Goods and Services' - The seller has to take back defective goods or deactivate defective services and refund the amount within the stipulated time mentioned in the bill/memo or within 30 days. The seller cannot claim no refund in case of defective goods and services. Further, it defines 'defect' to mean any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard, which is required to be maintained by or under any law or contract, express or implied or as is claimed by the trader in any manner whatsoever in relation to any goods or products.**

The Act has also introduced the concept of 'Product Liability'. This holds the product manufacturer, seller or service provider responsible for compensating for any harm caused to a consumer by a defective product manufactured or sold or by deficiency in services in relation to the product. It provides that an action for product liability can be initiated against the product manufacturer, seller or service provider under the consumer courts if:

- (i) the goods supplied are defective
- (ii) the consumer has been charged excessively for the goods
- (iii) goods which are hazardous to life and safety are being offered by a trader who is aware of the unsafe nature of the goods and offers goods in contravention of prescribed standards and
- (iv) any unfair or restrictive trade practices are adopted by the trader

**After sales service should make sure customers are satisfied with the products and services of the organisation! Why does this not happen?**

### Ripped Off and Fed Up!

If a product does not perform as it should, does it not constitute a fault, imperfection or shortcoming in the quality? How is it justified that the after-sales service is poor or you don't get repairs to fix the problem?

Is it too much to expect that an item that you buy is defect-free, works satisfactorily and remains so for a reasonable amount of time? When a TV, fridge or laptop is supposed to last for at least 10 years, is it fair if it does not perform properly within a year or two? How can we be expected to make do with a repaired product when we have paid an exorbitant price for the purchase?

Finally, is it unreasonable to expect companies to stand behind the products they sell?

Indeed, the only way out in most cases is to file a grievance with the National Consumer Helpline or a complaint in a consumer court. However, this is a long-drawn out process with cases taking years to reach a conclusion. During the proceedings, consumer commissions usually demand a 'Proof of Defect' from the complainant. Why is this onus on the consumers when they have paid for a product and it should perform as expected? What about the time and energy spent on the court proceedings?



**"Certain ambiguity in the Consumer Protection Act, conservative and often contradictory interpretation of the law by the consumer courts, miserly computation of compensation and the inordinate delays in the process of adjudication, have all combined to make it next to impossible for consumers to get justice vis-à-vis defective goods."**

**– Pushpa Girimaji,  
a specialist in consumer law and consumer safety**

### Conclusion

Consumer rights are being violated and how! Why don't we have a law that actually protects them against defective goods? Why can't we demand 'Give me my money back' and actually get it? ▶



**Payal Agarwal**  
Editorial Consultant

## Standing Tall with Insurance on Products and Services

“Repairs, servicing and replacement of consumer durables are a huge burden after the warranty period is over. Availing extended warranty insurance can be a safety net, both for products, and services like travel by trains or flights.”

– Payal Agarwal



**Why don't we consider insuring our valuable consumer durables or even our travel to avoid expensive repairs and other personal losses?**

**ALMOST ALL CONSUMER** durables come with a manufacturer's warranty. This is applicable for a year or two and provides that repair or replacement for any manufacturing defects or malfunctioning will be provided by the manufacturer.

However, in most cases, our TVs, washing machines, dishwashers, refrigerators, water filters, air coolers, laptops, printers, automobiles, etc. work properly for the first few years. It is only later that performance issues begin to arise. At times, even flaws in the device may not become apparent during initial usage.

**Over a period of time, the amount of money and effort it takes to keep an appliance operational tends to increase steadily!**

Alas, the warranty has expired by then and you have to foot a hefty bill for the repairs. At times, you may need to shell out thousands of rupees to buy a replacement as the repair price does not seem worth it for a used device. This is quite disappointing as the product should have actually lasted for a good number of years!

## Extended Warranty/Asset Protection Insurance

This is why many companies offer extended warranty options on their products. This additional warranty extends the warranty coverage by 2 to 4 or even 10 years. The extended coverage can be offered by the manufacturer directly, a retailer or administered through a sub-contractor or third-party insurance provider. The price could be fixed (depending on the product) or be calculated as a percentage of the retail price.

Some insurance companies have also started offering Asset Insurance plans for such contingencies that may arise after the expiry of the manufacturer's warranty. They may offer some additional perks as well.

**Extended warranty has to be bought at the time of purchase of the product or within a short window of few weeks or months.**

The coverage usually kicks in post the manufacturer's original warranty and includes repair or replacement for defects or malfunctioning arising out of mechanical issues. At times, the terms may be more comprehensive than the manufacturer warranty and definitely incorporate more benefits than the standard Annual Maintenance Contracts (AMC). In fact, manufacturer warranties often contain a lot of fine print and may not provide the coverage you assume – there are limits and stipulations on where the product can be serviced. In contrast, insurance contracts are more all-encompassing!

Therefore, insurance of products is actually a cost-effective option as the insurance premium is nominal when compared to the pricey out-of-pocket defects that can surface later. This enhances the life of the product, thus maximising the return on investment as well.

## Ensuring Long-Term Durability

Safeguarding expensive gadgets and appliances against sudden and unexpected damages with insurance cover should be the norm. The sum insured on the policy will be equal to the original invoice value of the product. It will free the mind of the stress of steep repairs and maintenance costs on account of unforeseen defects or

**Insurance on consumer durables is offered by very few providers – like Bajaj Allianz, HDFC Ergo, etc. IRDAI is in talks with some insurance companies and multi-brand retailers to provide such insurance policies that will spare consumers from the pinch of expensive repairs.**





poor workmanship that cause the product to malfunction or breakdown.

**When it comes to insurance, the usage of the insured product should conform with the instructions of the manufacturer. The plan will cover the costs incurred for repair or replacement due to mechanical failure during normal usage and not those caused by improper handling, normal wear and tear or cosmetic damages. In case of damage, the policyholder has to inform the insurance company, usually within two weeks from the day of occurrence.**

### Things to Consider when Insuring a Product:

- Is the product likely to need repairs? This is most likely for automobiles and durable appliances/electronics.
- What does the agreement cover along with the applicable terms and conditions? Is the coverage comprehensive?
- What is the guarantee on the quality of spare parts and repair services?
- Are there any deductibles like fee-for-service, shipping charges or other associated expenses? Such costs should ideally be minimal.
- Is the claim process easy with minimum documentation and cashless service?

The most important question here is that will the manufacturer/insurance provider repair/replace the damaged/defective product no questions asked.

### Insurance Protection for Flight Tickets

Air travel is becoming exorbitantly expensive by the day. In addition to the high prices, there is always the lingering fear of losing most of the money should your plans change due to unpredicted events. Indeed, airlines usually levy heavy cancellation charges or make the tickets non-refundable.

Not many people may be aware that most of the airlines now offer cancellation insurance on domestic travel. This is usually one of the options on the Add-On page during the flight booking. (The price is only a few hundred rupees per passenger per sector. For a round trip, the fee will be charged twice.)

While most of do not consider ticking this box, it will come in handy should we be faced with a last-minute health emergency or other contingency that plays havoc

with your travel plans. Rather than drowning in regret later, why not purchase this 'insurance' that will entitle you to reimbursement of the ticket price should you want to change/cancel the booking?

However, certain limitations may be applicable based on the number of hours prior to the scheduled departure. Some plans even cover flight delays or cancellations by the airline. Some may extend it to missed flights and lost/stolen baggage as well.

Most of the cancellation coverage by airlines/flight booking portals is backed by an insurance provider. In addition to this, some insurance companies also offer flight cancellation cover (like TATA AIG, HDFC Ergo, etc.), usually as a part of travel insurance.

When it comes to making a claim, the process should be straightforward – inform the airline about the change you require in the ticket booking and get a refund or new ticket for the travel date you want (by paying the price difference, if any). However, many a times, the situation does not play out like this in reality. The airlines make the claimant run from pillar to post, asking for a host of documents as proof (sometimes even if the flight has been delayed from their end).

Little wonder then that consumers usually prefer not to opt for such 'cancellation insurance'!

### Insurance Protection on Train Travel

This kind of insurance is not limited to securing flight bookings against cancellation fee. The Indian Railway Catering and Tourism Corporation (IRCTC) provides an optional travel insurance policy (from September 2016) for passengers buying confirmed or RAC tickets from its online portal or mobile app. For a token charge of just 35 paise, it offers monetary compensation in case of injury or death during a train journey.

Here again, the insurance charge is optional - all a person has to do is tick the insurance box while making a train reservation on <https://www.irctc.co.in/>. However, if the option is exercised, it will be compulsory for all passengers booked under one PNR number.

#### Other Preferences

☐ Consider for Auto Upgradation.

**Travel Insurance (Incl. of GST)** Do you want to take Travel Insurance (₹0.35/person)?

☒ Yes, and I accept the [terms & conditions](#)

☐ No, I don't want travel insurance

The coverage is for death, disability, hospitalisation expenses for injury and transportation of mortal remains following a rail accident or untoward incident.

Death	Permanent total Disability	Permanent partial Disability	Hospitalization expenses for injury	Transportation of mortal remains
₹10,00,000	₹10,00,000	₹7,50,000	₹2,00,000	₹10,000

*The travel insurance scheme is uniform for all reserved classes of all trains. (The coverage for hospitalisation expenses for injury is over and above the death/permanent total disability/partial disability.)*





**Despite the easy and inexpensive availability of this insurance coverage, it is shocking that a very miniscule number of people actually claimed the insurance following the recent Balasore train tragedy (in Odisha) that left at least 288 dead and over 1000 injured. This was in spite of Liberty General Insurance launching a 24/7 helpline for policyholders impacted by the train accident and proactively reaching out to policyholders who travelled on the two ill-fated passenger trains. Even IRCTC walked the extra mile by stepping in to facilitate the insurance settlements. It also advised both the insurers not to reject any claim without the concurrence of IRCTC.**

After booking the ticket, the customers receive the policy information through SMS and on their registered email IDs directly from the insurance companies along with the link for filling nomination details. The policy number is available on the IRCTC ticket booked history page.

If an insured passenger (or legal heir) wants to make a claim, they have to send a detailed statement to the nearest office of the insurance company (SBI General Insurance and Liberty General Insurance) within four months of the incident. In case nomination details were not provided at the time of booking, the settlement is made with the legal heirs.

Some pertinent questions arise here – Why are passengers who book reserved tickets through the manually operated railway reservation counters and those travelling in general coaches not entitled to the insurance coverage? Why is the insurance kept optional and not made mandatory on all bookings – like being in-built into the price of the ticket? For that matter, why is the claim process so protracted and laborious? Or, why are other

contingencies like baggage loss, train delay, personal liability, etc. not covered?

**Only 54% of the passengers who book e-tickets on the online portal opt for travel insurance**  
– IRCTC data

## Conclusion

Penetration of insurance of products and services is very low in India. There is a huge trust deficit as most consumers think that they will not get a replacement for the insured product when it gets damaged. Neither is the process customer-friendly when it comes to getting refunds for ticket cancellation and other such claims.

These issues have to be addressed openly to increase insurance usage by the consumers. Moreover, awareness campaigns are required as the cost of the cover is not prohibitive in most cases - most consumers are either indifferent about the need for coverage or do not even know that such options are available! ▶

## Round II: A Second Lease of Life for Consumer Goods

Consumerism is on the rise as we are constantly looking to replace our mobile phones, laptops, air conditioners, etc. with the latest hi-tech models. But what happens to the old devices that are being discarded even though they are in good working condition? Why don't we try to find a new home for them, thus reducing some of the environmental burden on the planet as well?



The throw-away culture of discarding used consumer durables has to give way to thoughtful resale of second-hand goods.



### WANT TO CHANGE

your 32 inch LED TV for a 48 inch screen to enjoy the bigger and better viewing experience?

Hankering after a new four-door refrigerator to get more space while relishing the luxurious appearance? Used to

upgrading your mobile phone the moment the latest iPhone, Samsung or One Plus model hits the market? Wish to buy a fancy, upmarket vehicle even though you already have a working set of wheels?

The average consumer is spoilt for choice. This is the age of excessive consumerism and those of us who can afford the latest gadgets and appliances don't think twice before indulging our whims and fancies. Nobody can be denied the benefits/pleasure of new technologies, but do we spare a thought for the discarded products?



**While the Right to Repair is taking a stand for allowing consumers to extend the life of their gadgets and appliances by being able to repair them as they see fit, what if a person does not want to use an old product anymore?**

**Does it make sense to allow old and used consumer durables to be left in a corner of a balcony, attic or basement to collect dust while you take pleasure in one new purchase after another?**

### The Case for Second-Hand Goods

The manufacturing of every new product eats into the finite natural resources; the energy consumed leaves its own carbon footprint on our planet. Limiting our consumption will also restrict the waste and emissions that are burdening the Earth.

Therefore, extending the life of our appliances, gadgets and other devices works in favour of the environment. This does not always mean that you have to go on using a product till it becomes unusable or obsolete; if you don't want to do so, why not at least consider 'selling' them rather than just throwing away or allowing them to pile up indefinitely.

Indeed, second-hand goods can get a new home and a new life! While the buyer gets the opportunity to purchase something that he/she wants at a lower price, it also means that one less product is manufactured in a factory. This can limit the mass production of goods by manufacturers in the long run. Meanwhile, you get some extra cash in your pocket. This kind of resourcefulness is not only eco-friendly and sustainable, but also contributes to a circular economy.

**The market for second-hand goods may be limited right now. But, according to a 2015 study, the demand for new goods will decrease if there is a constant supply of used products that are still valuable!**



### The Options Are....

There are various options for 'selling' your household items – be it consumer appliances, electronics, technological gadgets, vehicles or even furniture, clothes, handbags, shoes, watches, jewellery, etc – that are in usable condition.

Both the organised and unorganised markets for second-hand, used, pre-owned or 'pre-loved' goods are growing steadily in India. While thrift stores and garage sales are very common in USA and Europe, we have our own famous 'chor bazaars' and roadside vendors hawking used furniture, clothes, etc. The past few decades have witnessed the advent of more structured platforms like:

**Online websites** – OLX was the frontrunner in the online marketplace for second-hand goods. Now there are umpteen web platforms like QuikrBazaar, Cashify, Secondhandbazaar, ClickIndia, Hobbyclues, Finderguru, eBay India, Digi2L, etc. The interface is simple - All you have to do is post an 'ad' of the product in the appropriate category and sub-category with multiple real and original pictures, description, price quotation and so on. Interested parties can contact you on the



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COUTURE.COM**  
AUTHENTIC LUXE ESTD 2014

*Elanic*



**ZAPYLE**

**Re\_fashion**

platform itself to initiate the transaction. While the listing is free, there are options of boosting the 'ad' for a small fee.



CarDekho is a popular platform for selling used cars. Similarly, there are specific reselling sites and apps (like Confidential Couture, Elanic, Envoged, Zapyle and Refashion) exclusively for pre-owned luxury and high-street apparel, footwear and accessories.

**Social Media** – Then there is Facebook Marketplace and other such social media avenues – people even post 'thrift stores' on their Instagram stories to sell everything from used clothes and shoes to even jewellery. The aesthetics are clear, the defects are clarified and the price is posted in the caption or available through DMs. Some social media users have even hosted auctions of their pre-owned products.



**BIG BAZAAR**

**Croma**  
A store for the mobile

**H&M**

**Exchange Festival** – Many supermarkets, multi-brand retailers and even stand-alone brand stores host Exchange Melas from time to time. Every place from Big Bazaar to Croma to H&M have organised such limited-period campaigns where customers can bring the junk piled up in their homes – from old clothes, utensils and accessories to TVs, mobile phones and furniture – to get cash vouchers, discounts, etc.

**Exchange on Purchases** – 'Exchange Old for New' – such offers are most common in the automobile segment where consumers usually trade-in their old car or scooter when buying a new one. Even consumer appliances and electronic gadgets like televisions, refrigerators, washing machines, laptops and mobile phones have caught on to this trend. While you can get rid of the old product that you will no longer use, it will also entitle you to a

**Anything that you are doing online can make you a victim of cybercrime – this includes selling second-hand goods. OLX has particularly been in the eye of the cyber scams storms with new types of frauds surfacing over the past few years.**

A number of fraudsters pose as buyers and enter into long conversations with the sellers about the product they want to sell. After the inquiries and negotiations, the deal is closed and the 'buyer' agrees to make an online payment. Everything seems genuine till here, until the person sends a screenshot saying he/she has made the payment. As the seller has not received the money, he/she is 'guided' through a process of scanning a QR code and sharing the UPI pin only for the money to be debited (rather than credited) from their bank account! Some scamsters even transfer Rs. 5 or 10 to the seller as a 'test' or ask the seller to make a Re. 1 payment to authorise the sale, only to end up losing all the money in their bank account.

People are advised to proceed with caution in such cases - verify the credentials of the buyer and avoid clicking on any link, sharing their OTP or scanning any QR code as it will be a trap to defraud you. Report it to your bank and lodge a complaint at [www.cybercrime.gov.in](http://www.cybercrime.gov.in) or call 1930. Always keep in mind that you never have to scan a QR code or enter your UPI Pin to receive money; it is only for payments!

Above all, if you are not convinced, always decline! It's better to be safe than sorry!



**finderguru.com**

**ebay**

**Digi2U**

discount/markdown on the price of the new purchase. The amount will vary depending on the model and condition of the used product.

**E-commerce websites** – E-commerce players like Amazon and Flipkart have also jumped on to the second-hand bandwagon by offering customers the option of exchanging a used product for a new one – in both the same and even different categories. Like an old mobile can be traded-in for a mark down on the price when buying a new mobile or even a tablet, TV, microwave, etc. These portals also host dedicated sections like Amazon Renewed and Flipkart Guaranteed where consumers can buy certified refurbished products,

**amazon**

**Flipkart**



including mobile phones, laptops and other electronics at discounted prices.

## Conclusion

Reselling consumer goods ensures that they are used to their full capacity. Why not play your part in reducing waste, maximising resources and reducing the throwaway culture? Don't forget the popular adage, 'One man's trash is another man's treasure'!



Dr. S Somanath, Director, VSSC, ISRO

Trashing old appliances or devices is not sustainable or even safe. It is better to sell used products that are in good condition. However, for the reused market to really catch on, the stigma attached to second-hand goods needs to be overcome.



Consider this -

We recycle quite a bit. If we make a prototype model, we always look at - can I use it for some simulation work after doing little bit of tweaking. Or, instead of making a fresh item can I use this? So, ultimately at the end of the launch what we see is we have not accumulated too much of materials. We used just enough materials to make it to the flight stage. This is definitely not by cutting corners; it is the attitude that we put forth before the development program!

– Dr. S Somanath, Director, VSSC, ISRO



When our highly advanced space centre can reuse and recycle its materials, why do we shy away from the same?







**Dr. Anamika Wadhwa**  
Director  
Consumer Online Foundation

## ADVOCATING FOR SAFE RECYCLING AND DISPOSAL

“Recycling consumer durables is not as straightforward as newspapers, cardboard boxes or even plastic items. However, we have to practice sensitivity towards the environment and the future by ensuring that our discarded goods are recycled as far as possible rather than being disposed as waste.”

— Dr. Anamika Wadhwa

### REDUCE

Judicious use  
of electronic gadgets  
conserves energy

### REUSE

Use of refurbished  
electronic items helps  
in limiting e-Waste



### RECYCLE

Recycling of e-Waste  
prevents release of toxic  
elements in the environment



Creating awareness  
on e-Waste Management,  
proper handling collection  
& recycling through  
capacity building training  
programmes

**INDIA IS THE** fifth-largest consumer durables market and one of the largest growing electronics markets in the world. In 2021, the Indian appliances and consumer electronics industry stood at \$9.84 billion and is expected to double these figures to reach \$21.18 billion by 2025.

It is not just about mindless consumerism here. The lifecycle of electronic goods is becoming shorter by the day as fresh designs with improved technology constantly displace functional older models. With products and technologies becoming obsolete more and more quickly, there is a glut of discarded devices that make up a growing component of the waste stream in our country.

The blame does not rest solely on the consumers who do not wish to use old models anymore. At times, extending the usage of old appliances or giving them for reuse is not always the best option as they may lose their efficiency or consume more energy than the latest models. Moreover, many consumer durables come with a limited lifespan and cannot/should not be used beyond their end-of-life.



However, you cannot simply toss used durable goods in the dustbin and allow them to be merged in the municipal waste stream. Many electronics contain flammable liquids and hazardous substances which make them dangerous when left around. Moreover, disposing them in the landfills is not sustainable - it depletes resources and wastes energy, not to mention releasing toxins in the environment. And, regardless of its size, no country in the world has the land space to sustain endless tossing of consumer durables in landfills!

Indeed, when Reduce and Reuse is no longer possible, Recycle is the only option for reducing consumer e-waste. Fortunately, most of our household appliances and gadgets – from refrigerators, ovens, toasters, washing machines and air conditioners to laptops, printers, mobile phones and automobiles - can be recycled.

## What Happens During Recycling?

Discarded products that are still usable can be refurbished for continued use. Otherwise, their spare parts and other components can be salvaged to rejuvenate other used products. The good news is that almost 90% of the materials used in our appliances and devices are reusable. They can be disassembled to extract materials like iron, steel, aluminium, copper, glass and plastic that can easily be reused as raw materials. Some even contain trace levels of expensive precious metals such as silver, gold and palladium. Meanwhile, the harmful substances are treated separately, so they don't end up harming the environment.

The best option for recycling an appliance or device is to hand it over to the store when purchasing a replacement. Or, you can sell it to the local kabaadi wala (scrap dealer) for a nominal amount of money. Recycling centres are few and not easily accessible in our country as of now. But, many non-profits and other organisations organise collection drives for used consumer durables.



We tend to have a hoarding mentality. And as consumer durables don't become 'waste' immediately at end-of-use, we prefer to save them as a backup. Old mobile phones and laptops are stored somewhere at the back of a shelf as there seems to be some value associated with them. Researcher Carrie Synder highlights some bald facts in a series of articles she published last year about encouraging consumers to hand over durable goods once they are no longer using them. She states, "Many durable goods are hibernating in consumers' homes, keeping them from a secondary use. While this action seems environmentally neutral to most consumers, the more we keep products out of circulation, the more new materials need to be mined to produce new products. For example, for certain rare materials in electronics, we're quickly getting to the point where the biggest mine we have for them is no longer the ground; it's in people's homes - in all the devices they're no longer using."

The research was sponsored by Google's Consumer Hardware Sustainability team and is available at [www.morethansustainability.com](http://www.morethansustainability.com).

## Barriers to recycling hibernating devices

generally need to be solved in this order

A

Lack of awareness of handoff options

B

Expecting compensation (financial or social)

C

Nostalgia about device

D

Possible future use (keeping as a spare)

E1

Data retrieval needs (recovery)

D2

Data removal needs (wiping)

F

Low handoff convenience

CC-BY-SA  
morethansustainability.com

It should be noted here that consumers in USA, UK and other developed nations often prefer to throwaway their consumer durables rather than repair them for reuse. In fact, in the European Union and USA, many products are never sold or used but are still destroyed, due to overproduction or overstocking leading to large volumes of unsold goods.

However, they have strict recycling rules where the manufacturers bear the cost of collecting and recycling the used products from consumers. Increased recycling and energy recovery techniques have significantly decreased discards to landfills in such countries.

Their policymakers are concerned about the large volume of products that remain unused and go directly to landfills, incineration or, in the best case, recycling. Several European countries have started to address this problem: France has banned destroying unsold goods; Germany introduced mandatory reporting requirements for volumes of destroyed goods; Belgium reduced a value-added tax (VAT) for products donated to charity.



*In US, the first waste sorting robot Clarke was installed in 2016, by Denver-based AMP Robotics who had trial tested its robot at Alpine Waste & Recycling's Altogether MRF (Materials Recovery Facility) near Denver.*

## E-Waste (Management) Rules in India

The Ministry of Environment, Forest and Climate Change, Government of India formulated the E-Waste (Management) Rules in 2016 that were again updated in 2022. Following the diktat that producers of electronic goods should develop a recycling mechanism, many of the leading companies like LG, Videocon, Panasonic, Whirlpool and Voltas have tied up with authorised recyclers. Samsung has launched a collection and recycling programme with a network of collection points across the country where consumers can dispose of their used Samsung products.

Moreover, the government is also bringing traditional waste managers –the unorganised kabaadi waalas – into the loop by upskilling them for efficient collection of e-waste.

## Conclusion

The circularity of consumer durables depends on the actions of consumers. Do not hold on to them or even discard them as waste. Choose to recycle as a safe means of disposal! ▶





# Disposal of Unused and Expired Medicines

**OUR MEDICINE BOXES** are usually overflowing with medications that we have stopped taking, don't need any more or are beyond the expiry date. When spring cleaning the drawers, we tend to mindlessly throw away such tablets, capsules and syrups in the dustbin. Little do we realise that unused or expired medicines that are disposed as trash can easily be picked up by anyone, thus leading to accidental poisoning, overdose or even abuse among humans or animals. The results can be dangerous or even fatal.

Flushing them down the toilet or the drain is also not the answer here as the medications will only end up polluting the water or soil; they can even contaminate our drinking water supply. Indeed, pharmaceuticals have been detected in surface water around the world!

Dr. Shalmali Inamdar, Consultant, Physician and Adult Infectious Diseases, Kokilaben Dhirubhai Ambani Hospital Mumbai explains, "All the medicines cannot be flushed in the sewer because there is an increased risk to humans as they are prone to accidental consumption or environmental pollution because of the mixture of these drugs with the water in the sewage."

The WHO recommends disposal methods such as returning to manufacturer, landfill, and waste immobilisation (by encapsulation or inertisation) apart from flushing down the sewer and incineration in certain cases.

USA has well-defined procedures for disposal of pills, inhalers and syringes. Official drug take-back facilities and collection sites are registered and listed on the Drug Enforcement Administration (DEA) website. It also has a specific list of dangerous drugs that can be flushed down the toilet (when no take-back

facility is available) to avoid accidental risks to humans or animals. This covers drugs that pose a high risk of misuse or death if improperly taken, thus outweighing the environmental impact of flushing.

In case both of the above options are not possible, unused and expired medicines can be disposed in the trash by placing them in a sealed plastic bag or sealed container and mixing with dirt, cat litter or coffee grounds.

The UK has the option of returning unused and expired medications to the supplier, dispensing doctor or community pharmacy. They are in turn required to dispose of the medicines

along with glass or plastic ampoules, vials etc.) must be collected in a separate yellow coloured non-chlorinated plastic bag labelled as cytotoxic hazard.

These should either be returned back to the manufacturer or handed over to the nearest Common Bio Medical Waste Treatment Facility (CBWTF) with prior intimation to the State Pollution Control Board (SPCBs)/Pollution Control Committees (PCCs). The CBWTF is required to dispose of the same through incineration at temperature > 1200°C.

The SPCBs call for tenders for collection, segregation, transport, treatment and disposal of

**We are basically following the guidelines prescribed by the World Health Organization (WHO) and United States Food and Drugs Administration (USFDA) for safe disposal of medicines. However, consumers are not aware about them. Therefore, we end up increasing both the health burden and the negative impact on the environment.**

**According to a study conducted in 2020 on the 'Current Disposal Practices of Unused and Expired Medicines Among General Public', 73% of the surveyed 956 medicine consumers in New Delhi and NCR discarded the expired medicines in the household trash. A whopping 93% of consumers were in favour of a government program to collect unused or expired medicines from their home.**

in line with current waste regulations through licensed waste disposal companies.

Alas, India does not have a clear conceptual framework or robust processes for disposing date-expired and unused medicines. As per the Bio-Medical Waste Management Rules, 2016 notified by the Ministry of Environment, Forest and Climate Change, Government of India, all the expired and discarded medicines should be collected in a yellow coloured non-chlorinated plastic bag (different form being used for human anatomical waste) and stored in a yellow coloured container. All cytotoxic drugs (including all items contaminated with cytotoxic drugs

expired/damaged drugs. However, the authorised agencies are rarely, if ever, monitored.....

Hence, the government, policymakers and healthcare facilities in India should ensure that the prescribed rules are properly followed to ensure that the expired drugs do not get mixed with the municipal waste. They should also provide training to educate and guide the general public on safe and proper disposal practices of expired or unused medicines. On their part, the pharmacists, healthcare professionals and even the patients and caregivers should commit to safe and responsible disposal of all unwanted, damaged, out-of-date or part-used medications. ▶



**Ms. Pushpa Girimaji**

– a specialist in consumer law and consumer safety – is the only Indian journalist to have written a weekly consumer column continuously for over three decades. She played an important role in the Consumer Protection Act of 1986 and in the numerous amendments to the law. In recognition of her work in the area of consumer safety, the Underwriters Laboratory, USA, has made her a member of its Consumer Advisory Council.

## 'Right to Repair' Will End Forced Purchase of Goods



“Life of many electric and electronic goods, described as consumer durables on account of their longevity, is coming down, thanks to planned obsolescence by manufacturers. Standards for such goods need to have minimum lifetime requirements to stop unfair practices”

– states **Ms. Pushpa Girimaji**,  
a leading consumer safety advocate,  
author, journalist and  
consumer rights columnist.



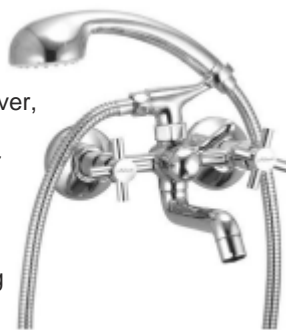
**WHEN RAM PRASAD**, a senior citizen, got an elevator installed in his house to facilitate his movement from the basement to the second floor, he had not taken into account the forbidding cost of servicing the lift. After the lift, costing Rs 10 lakh, was installed, he was told that in order to maintain it in proper working condition, he was required to buy an annual maintenance contract for Rs 60,000.



Considering that in the initial years, the servicing would only be confined to greasing, oiling and some basic checks, Prasad says the cost of annual maintenance being quoted by the manufacturer was too high. He could easily hire trained engineers offering to service the lift for an annual contract of Rs 24,000, but the manufacturer said he would not sell the spare parts to anyone, not even to the buyer of the elevator. Prasad says the manufacturer is, thus, forcing his customers to buy annual servicing contracts at exorbitant rates.

Such practice is highly exploitative and a violation of the consumers' right to choice and fairplay! But, this is just one of the several ways in which manufacturers are compelling consumers to spend more. The absence of spare parts, for example, is another excuse used by the manufacturers to coerce consumers into buying new models, rather than repair the old ones.

**WHEN PRIYA RANJAN** renovated her house 11 years back, she purchased expensive bathroom fittings. However, one day, the heavy shower mixer valve came off, narrowly missing falling on her foot. She was told that the pin which kept the valve in place had fallen off and since the company no longer manufactured that model, she had to buy a new unit. So, instead of a pin that would have probably cost Rs 10 to put back the valve, she was asked to buy the entire unit. Prior to that, the shower head, which was barely used, had fallen down and she was told that it could not be re-fitted and so she had to replace the unit!



Such forced purchases for the lack of spare parts or obsolescence are common in respect of electronic goods such as computers, mobile phones, music systems and television sets, besides a range of household electric goods as well as electronic gadgets. In fact, the life of many such gadgets, described as consumer durables on account of their longevity, is coming down, thanks to planned obsolescence by the manufacturers.

**A REFRIGERATOR, FOR** example, is expected to last two decades, but if you have a problem with the machine after six to seven years of purchase, you are told that the spare part is no longer available as that particular model is outdated. So the manufacturer offers a 'Buyback'



scheme wherein he will take back the old unit and give you a new one at a discount. The deal is highly advantageous to the manufacturer, totally unfair to the consumer! Why should a consumer spend Rs 30,000 on a new model when she can get the old one repaired for Rs 4,000? Surely, a manufacturer who has sold a product has the responsibility to ensure the availability of spare parts during its lifetime.

Fortunately for consumers the world over, there is recognition of the right to repair, rather than be forced to buy new products. There is also acknowledgement of the need to free product servicing from unfair, anti-competitive restrictions on third-party repair and there is a growing crusade for legislation to strengthen these rights.

This movement has got further fortified by the realisation that such forced purchases and planned obsolescence are creating mountain loads of electronic debris, devastating the environment. According to the UN's Global E-waste Monitor, 2020, 53.6 million metric tonnes of e-waste was generated worldwide in 2019 and only 17.4% was collected and recycled. Estimating an e-waste burden of about 74 million metric tonnes by 2030, the report pointed out that e-waste was the 'world's fastest-growing domestic waste stream, fuelled mainly by higher consumption rates of electric and electronic equipment, short life cycles, and few options for repair'. E-waste, containing toxic additives and hazardous substances such as mercury that damage the human brain, is a health and environment hazard, the report emphasised.

Many countries around the world are enacting legislation to bring down e-waste and ensure the consumer's 'right to repair'. India, too, has made a beginning in this direction, with the Union Ministry of Consumer Affairs taking the initiative. However,





much more needs to be done to protect the interests of consumers. First and foremost, the standards for electric and electronic goods need to have minimum lifetime requirements that put a stop to planned obsolescence. The standards should also mandate the availability of spare parts during the stipulated life of the products. And they should be made available to purchasers, or any third party, through a 'right to repair' legislation. There should also be quality standards for repair services and standards for used goods to promote the sale of quality certified second-hand goods.

All these moves will not only ensure affordable, accessible and quality servicing and repairs, but also help cut down e-waste.

*The article is sourced from <https://www.tribuneindia.com/news/comment/right-to-repair-will-end-forced-purchase-of-goods-523961>*

**EARLIER TOO, MS.** Pushpa Girimaji had responded to a harassed consumer by stating that, "It is the responsibility of the shopkeeper to ensure that he sells defect-free goods. The one-sided unfair terms on receipt slips cannot take away your right to redress!" She highlighted, "We have moved away from the old concept of 'Caveat Emptor' or 'let the

buyer beware' to 'Caveat Venditor' or 'let the seller beware'— meaning the seller is responsible for the goods he sells. So, you are not expected to check a product before purchase.

First of all, it is the responsibility of the shopkeeper to ensure that he sells defect-free goods. And if there is a defect, he is liable. Secondly, the one-sided terms and conditions printed on the receipt cannot take away your right to a defect-free product or your right to a refund or a replacement. Or your right to redress, provided under the Consumer Protection Act.

The new Consumer Protection Act has added certain provisions to deal with such cases. Refusing to take back defective goods and refund the cost of the product constitutes an unfair trade practice under the new law. The Consumer Protection Act of 2019 provides consumers the right to redress not only against defective goods and unfair trade practices, but also unfair contracts. Thus, 'imposing on the consumer any unreasonable charge, obligation or condition which puts such consumer to disadvantage' is an unfair contract.



The Supreme Court as well as the apex consumer court — National Consumer Disputes Redressal Commission — have struck down unjust and inequitable contract terms drawn up by service providers as well as manufacturers and retailers as unenforceable. The new Consumer Protection Act strengthens the rights of consumers further against such one-sided terms and conditions."

*The full writeup is available at <https://www.tribuneindia.com/news/features/defect-free-goods-responsibility-of-seller-300594>*



उपभोक्ता मामले विभाग  
DEPARTMENT OF  
CONSUMER AFFAIRS



Department of Consumer Affairs  
**sets up committee**  
to develop comprehensive  
framework on  
**Right to Repair**



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# CPGRAMS

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UPDATE ...



Moving a Step Ahead

Update on the August edition on

# NITI Aayog Recognises Nekkampur Lake Restoration Project in Hyderabad

**THE COMPENDIUM OF** Best Practices in Water Management 3.0 published by NITI Aayog in August this year recognised Nekkampur lake in Hyderabad, Telangana as the best in restoration. The lake was included in the 'Watershed Development' category of the report, along with a few others. It is now considered as an exemplary model for the entire country.

As per the report, there has been a remarkable 90% reduction in the Biochemical Oxygen Demand (BOD) of the lake due to constant maintenance of various treatment systems used in rejuvenating the water body. It also noted that the Nekkampur water body is now a 'beautiful lake with no smell or odour'.

Many biodiversity species are currently found in and around the lake – it is also home to 170 varieties of birds and 5 varieties of fish. Even though, there still are water hyacinth plants in the lake, they do not cover it like a few years ago. NITI Aayog also considers the lake a recreational place for the community.

With an area of 25 acres, the Nekkampur lake was contaminated with garbage, sewage, water hyacinth, cultural siltation and debris dumping. The transformation was engineered by the Hyderabad-based NGO Dhruvansh, which took the initiative in 2016 to save the lake. The Hyderabad Metropolitan Development Authority (HMDA) extended its support when the government permitted the NGO to work on the lake, sanctioning funds in 2018 for a floating island in the lake.

Meanwhile, the Union Jal Shakti ministry released the first census on water bodies across the country. The top five states with regard to major use of water bodies in irrigation are Jharkhand, Andhra Pradesh, Telangana, West Bengal and Gujarat. The report enumerated 24,24,540 water bodies nationwide, out of which 97.1% (23,55,055) were in the rural areas and 2.9% (69,485) in the urban areas.

The census provided a comprehensive inventory of water resources (including natural and man-made water bodies) and collected data on the encroachment of water bodies. It highlighted disparities between rural and urban areas and varying levels of encroachment and revealed crucial insights into water resources. ▶

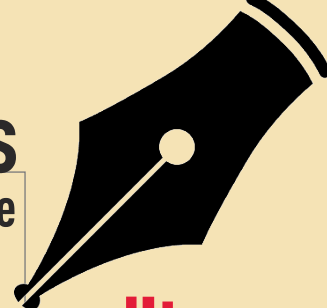


Nekkampur Lake  
Hyderabad



## YOUR OPINION MATTERS

## letters to the



## editor

(August issue:  
World Water Day  
Should Be Observed Every Day!)

We are truly humbled by the praise and acknowledgment that is flowing in from varied sources. Please feel free to send in your comments, views or feedback on The Aware Consumer magazine at [bejonmisra@theawareconsumer.in](mailto:bejonmisra@theawareconsumer.in) – we will publish your opinions and implement your feedback while ensuring that your voice is heard on the right platforms.



forward.

My heartiest compliments for bringing out a consumer awareness journal on one of the high and urgent issues of our lifetime and future generations. The eminent authors have shared their experiences and recommended a large number of implementation methods to meet the challenges. May be we need an Association of Water Warriors in the country to diligently move this cause

– **Brig Dr Laxmi Chandra Patnaik**



Heartiest Congratulations to you and your team for very nicely and vividly covering water as resource and future of nation and how crucial it is to conserve it and it's sustainable use. Purification of our rivers projects is a multi stakeholders responsibility to save our Mother Earth planet, forests and fauna, life on it and providing safe environment for the coming generations. Wonderful and incredible efforts indeed!

– **Dr. K D Yadav**, Senior Vice President (Technical), AAK India Pvt Ltd, Mumbai • [k\\_d\\_yadav22489@yahoo.com](mailto:k_d_yadav22489@yahoo.com)



conserve water in our daily lives! It is also imperative that we educate ourselves and others on the importance of water conservation and work toward long-term solutions to ensure a sustainable water future.

– **Aarti Yadav**, London, UK • [aartihere@gmail.com](mailto:aartihere@gmail.com)

Reading about the shortage of water in the world is a wake-up call. It's alarming to see how quickly our water resources are depleting. I couldn't help but feel a sense of urgency. This problem impacts not only the environment but also our food security, health and overall well-being. Irrespective of whether the government takes any action or not, we all need to take responsibility and find ways to



in need. I am sure this magazine will become a catalyst for change and bring people to work together to secure a water-abundant future!

– **Komal Kedia**, Hyderabad  
[komal2378@gmail.com](mailto:komal2378@gmail.com)

I truly appreciate this magazine shedding light on the global water crisis. The statistics on water scarcity are staggering. This issue reminds us that water is a finite resource, and we often take it for granted. It's clear that climate change and overuse are major contributors to this crisis. It is a complex problem with no easy solutions. It's crucial that we support organizations and initiatives working to provide clean and accessible water to those

## SOURCES / REFERENCES

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## WATCH OUT!

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“Need for Separate Regulation for Medical Devices”

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Posted at Lodi Road HPO, New Delhi on 9-10<sup>th</sup> of every month  
Published on 6<sup>th</sup> of every month

RNI No. DELENG/2015/67140  
REG. NO. DL (S)-17/3523/2017-19