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Date: ..11-01-2022 ...

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11. The Chairman,
Standing Committee on Science & Technology and Environment &
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Subject: Proposal towards Enactment of Right to Repair law in India.

Summary:

As of in the present smart world, our nation is in abundant usage of smart electronic devices like Smart phones, Smart Televisions, Smart Computes, Laptops, Tablets, Smart Refrigerators, Smart Washing machines, Smart Air Conditioners, Smart Vacuum cleaners, Smart Watches etc. The production of these devices has contributed release of high quantity of Carbon-dioxide which is one of the greenhouse gases which promotes Global Warming. It is estimated that production of smart phone devices alone contributes 80-90 % of Carbon emissions as phone has over 60 different metals including rare earth metals that can contaminate soil and water if not disposed properly.



While the said smart devices get faulted, majority of people drop it either in the dustbin or landfills and are purchasing a new one as either the repairing infrastructure and information on how to repair the devices are not provided or sufficient spare parts, tools and controlled software are not supplied by manufacturing companies as a marketing strategy of planned obsolescence adopted by them, thereby promotes the mindset of the people to purchase a new one instead of pursuing to get repair done. So the repairable device became as e-waste scrap in abundance due to the lack of repairing infrastructure, controlled software and availability of insufficient spare parts, the availability which, the manufacturer should have to be ensured in the market. In order to tackle such a situation, countries around the world have been attempting to pass effective 'right to repair' laws in the recent past.

Need of Right to Repair Act in India:

The notion of the 'Right to Repair' is simple and effective: An individual purchasing a product must own it completely. Apart from being able to use the product in any way they wish to, consumers must also have the right to modify or repair the product whenever, however, and in whichever manner they want. In purchasing an item, the control of the product is transferred from the seller to the buyer. When contracts of sale do not cede full control of the product to the owner, their legal rights are constrained. Even though legislations allow for individuals to legally repair their products, owners are often prohibited from making repairs themselves or from allowing third-party technicians to do so. This is by way of limitations on access to repair spare parts, tools, information documentation, and firmware.

It is estimated that during this 2020-2030 decade, generation of electron e-waste would be increased by 40% but the recycling rate is just a half of 20%. Hence the discarded e-waste poses a significant risk to the environment in the form of abundant Carbon emission and water pollution.

Our nation is one of the highest e-waste generating country while compare with other countries like U.S, U.K, E.U., China, Japan wherein anti-waste, Right to Repair laws has been enacted ensured to give their consumers the right to get repaid their own electronic devices and required the manufacturer to supply the necessary spare parts, tools and key book of information on how to be repaired in the market. That makes a way not only fruitful to reduce the financial burden of the



consumers, but also yield a goodness to the environment too by reducing the carbon emission from the e-wastes.

But in our Nation, such laws are not in existence to be ensured the liability up on the part of manufacturer to supply sufficient spare parts, tools in coincide with the manufacturing quantity ratio apart from furnishing the information on how to be repaired. So the consumers are not able to get repaired the faulted devices in fill fledged effects after the warranty period and they are automatically constrained to through in the dustbin or backyard and adopts to purchase a new device even though the defaulted device are fit to be repaired.

Right to Repair in other Countries:

As of 2021, almost 50 states in the consortium of U.S. have proposed legislation to the right-to-repair act, however, only the state of Massachusetts passed a law regarding the same. For instance, the proposed bill concentrates on agriculture-related equipment in the states of Florida and South Carolina, while in California the focus is on medical equipment. In July 2021, Joe Biden signed an executive order directing federal agencies to promote competition in the U.S. economy and called on the Federal Trade Commission(FTC) to force tech companies to allow consumers to fix their own electronic devices like laptops, mobile phones, cars, washing machines etc. either themselves or giving it to a technician of their choice.

The Right to Repair law in the U.K. came into force on 1st July, 2021 that made mandatory for manufacturers to make spare parts for electrical devices and appliances available to both consumers and third-party repair technicians within two years of all model launches, and then for between seven and 10 years after the model is discontinued, depending on the type of product. The aim of the new rules is to extend the lifespan of products thereby reduce the generation of e-waste and carbon emission to certain extend. The legislation is considered as a positive step in reducing e-waste by encouraging repairing of devices instead of dumping in the scrap.

The European Union has framed a policy goals to create a sustainable, clean and competitive tech marketplace and in accordance with the same effects, Right to Repair Act was passed which came into effect from March, 2021. The main aim behind it is to reduce the generation of e-waste by extending the lifespan of



consumer appliances and to significantly reduce its dependence on irreplaceable resources and become sustainability by 2025.

Conclusion:

The Right to Repair is a keen battle between the customer and the manufacturer. The right to repair can apply to any industry. With people across the globe becoming dependent on technology and electrical devices, countries that are proposing the 'Right to Repair' laws have different goals to meet such as e-waste, sustainability, carbon neutral goals etc. In foreign countries, independent repair shop owners are among the most vocal supporters for this legislation because they would be the one to gain the most out of this campaign. It's a win-win situation for consumers if the proposed laws help in ending monopoly and make the repair information available in the public domain. Our government also adopted the policy reaching the goal of "Ensure sustainable consumption and production patterns" and the "Take urgent action to combat climate change and its impacts" are the two important goals enshrined in the 17 goal of **2030 Agenda for Sustainable Development** developed by United Nation.

Hence in the interest of protecting the environment of our nation apart from consumer's welfare, a suitable "Right to Repair Act" may be enacted in our own wisdom for such electronics devices like availability of same in other countries to counter at our prevailing juncture. Our Council would bring a valuable feedback and support to our government fortify our nation forever pertains to environment and health care. Jai Hind...

Thanking you

Regards

Dilipp Singh 