



WHITE COLLAR CRIMES AND PLANNED OBSOLESCENCE: A JURISPRUDENTIAL ANALYSIS

**Varia Ameer
Hitendra**

Ph.D. Student, Department Of Law, Saurashtra University, Rajkot

ABSTRACT

Planned obsolescence, the deliberate strategy by corporations to reduce product lifespan or functionality, represents a modern form of consumer exploitation. While traditionally associated with market competition, jurisprudential analysis reveals that such practices can be classified as white collar crimes due to their deceptive nature, financial harm to consumers, and broader socio-economic and environmental impact. This paper examines the legal and philosophical dimensions of planned obsolescence within the framework of white collar crimes, analyzing its treatment under Indian law and drawing comparisons with international approaches. It argues for judicial activism and legislative reforms in India to explicitly recognize planned obsolescence as a form of economic crime, ensuring stronger consumer protection and corporate accountability.

KEYWORDS : White collar crime, planned obsolescence, judicial activism, financial fraud, India.

INTRODUCTION

The study of white-collar crime has traditionally been limited to offenses such as embezzlement, insider trading, and tax fraud. However, with globalization and rapid technological advancement, corporate malpractices have evolved, giving rise to subtler forms of economic exploitation. Planned obsolescence—the intentional design of products with a reduced lifespan—is one such practice that straddles the line between aggressive marketing and consumer fraud.

From smartphones with non-replaceable batteries to software updates that deliberately slow devices, corporations worldwide use obsolescence strategies to maintain profits at the expense of consumers. Jurisprudentially, this raises a critical question: should planned obsolescence be considered a white collar crime, and if so, how should the law address it?

Understanding Planned Obsolescence

Planned Obsolescence Refers To The Practice Of Designing Products To Become Obsolete Or Non-functional Within A Predetermined Period. It Can Be Categorized As:

- **Technical Obsolescence:** Physical wear and tear caused by inferior materials or deliberate design flaws.
- **Functional Obsolescence:** Products rendered outdated through the introduction of incompatible updates or accessories.
- **Psychological Obsolescence:** Marketing tactics that create a perception of inferiority in otherwise functional products, pushing consumers toward upgrades.

While Not Always Codified As Criminal, Planned Obsolescence Embodies The Characteristics Of White-collar Crimes:

- **Deceptive Intent:** Corporations conceal the true durability of products.
- **Economic Harm:** Consumers spend more frequently than necessary.
- **Corporate Power Abuse:** Firms exploit their dominant position in markets.
- **Social Impact:** Creates e-waste and environmental degradation.

Legal Framework In India

- India's legal approach to planned obsolescence remains fragmented. The Consumer Protection Act, 2019 protects against unfair trade practices, yet it does not expressly mention planned obsolescence.
- The Competition Act, 2002 guards against abuse of dominant market positions but lacks targeted enforcement.
- Bhartiya Nyaya Sanhita includes provisions for cheating and criminal breach of trust, there is no judicial precedent

treating obsolescence as criminal deception.

- The Environment Protection Act, 1986 indirectly addresses environmental damage, yet e-waste from obsolescence remains largely unregulated.

Comparative International Perspectives

- France criminalized planned obsolescence in 2015 under Article L441-2 of the French Consumer Code, prescribing fines and imprisonment.
- The European Union passed Directive 2009/125/EC requiring product eco-design, emphasizing durability and repairability.
- In the United States, while the Federal Trade Commission prohibits unfair trade practices, no specific statute addresses obsolescence; however, Apple Inc. paid massive settlements following battery throttling revelations.
- Singapore enforces strict fair trading under its Consumer Protection (Fair Trading) Act, potentially applicable to cases of deliberate product degradation.

Case Studies

- Apple Inc. admitted slowing down older iPhones to "preserve battery life," leading to lawsuits worldwide and a \$500 million settlement in the U.S. (In re Apple Inc. Device Performance Litigation, No. 18-md-02827 (N.D. Cal. 2020)).
- In France v. Epson, French authorities investigated Epson for deliberately reducing printer lifespan, raising Europe's first legal challenge to obsolescence.
- Indian reports in 2022 revealed smartphone brands using non-replaceable batteries and locking repair software, suggesting deliberate design limitations.

Jurisprudential Analysis

- Theories of justice such as deterrence justify criminal penalties to discourage corporations from such conduct. Retributive justice emphasizes the fairness of punishing deceitful practices.
- Utilitarianism supports broader legal reforms to protect the environment and economy. Restorative justice focuses on consumer compensation and sustainable practices.
- Judicial activism, seen in environmental PILs like M.C. Mehta v. Union of India, (2004) 12 SCC 118, can extend to consumer protection where legislative gaps exist.

Challenges In Regulating Planned Obsolescence

- Proving intent behind design limitations is complex.
- Consumers voluntarily purchase products, complicating fraud claims.
- There is a lack of regulatory definitions.

- Corporate lobbying resists stronger laws.

The Role Of Judicial Activism

Judicial activism can fill gaps where legislative inertia persists. Courts could recognize planned obsolescence as an unfair trade practice under the Consumer Protection Act, link it to Article 21 (Right to Life), and mandate regulatory action similar to environmental law interventions.

Recommendations

- Amend Indian consumer law to include planned obsolescence.
- Require manufacturers to disclose product life expectancy.
- Establish tribunals to handle technology-related consumer complaints.
- Encourage judicial recognition of obsolescence-related harms.

CONCLUSION

Planned obsolescence reflects the changing face of white collar crime. Deceptive and profit-driven, it undermines consumer rights and burdens the environment. Indian law must evolve through judicial interpretation and legislative clarity to deter such conduct and protect the public interest.

REFERENCES

1. Edwin H. Sutherland, *White Collar Criminality*, 5 *Am. Soc. Rev.* 1 (1939).
2. *Consumer Protection Act, 2019* (India).
3. *Competition Act, 2002* (India).
4. *Indian Penal Code, 1860*.
5. *Environment Protection Act, 1986* (India).
6. *France Consumer Code, Article L441-2* (2015).
7. *Apple Inc. Battery Throttling Litigation*, No. 18-md-02827 (N.D. Cal. 2020).
8. *France v. Epson*, Tribunal de Grande Instance de Nanterre (2018).
9. *Directive 2009/125/EC*, European Parliament (Eco-design).
10. *OECD, Report on Consumer Law and Planned Obsolescence* (2023).
11. *M.C. Mehta v. Union of India*, (2004) 12 SCC 118.