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Shri Anand Singh, IAS
Jt. Secretary-Telecom
Department of Telecommunications

Subject: Request for allowing digital display of information related to Specific Absorption Rate value and safety precautions in the Manufacturer's mobile handset booklet as per office memorandums issued by the Department of Telecom dated January 25, 2012 and August 17, 2012.

Respected Sir,

Greetings from MAIT!

At the outset, MAIT would like to thank the Department of Telecommunications ("**DoT**") for continuously engaging with the industry stakeholders and addressing their legitimate concerns from time to time.

We are addressing this representation in reference to the display of Specific Absorption Rate ("**SAR**") value for mobile phones and certain safety precautions in the Manufacturer's mobile handset booklet in accordance with the office memorandums issued by the DoT on January 25, 2012¹ & August 17, 2012² ("**SAR Value OMs**").

Briefly, the above-mentioned SAR Value OMs issued by the DoT mandates mobile phone manufacturers to, *inter alia*, comply with the following requirement:

- a) Manufacturer's booklet shall contain safety precautions,

Accordingly, the above stated requirements in the SAR Value OMs pertain to providing a "*Manufacturer's mobile handset booklet*" that must contain the SAR value information of the mobile handsets and the necessary safety precautions.

Since the OMs do not clarify whether such Manufacturer's mobile handset booklet can be made available online or not, as a general practice, to ensure compliance, all the extensive information pertaining to the SAR Value information and safety precautions prescribed in the SAR Value OMs are printed as a physical booklet that is inserted in the product packaging of mobile phones. However, with the advancement in technology and growing acceptance as well as expectation of consumers to access relevant information online, providing such Manufacturer's mobile handset booklet in the form of a physical booklet can have the unintended negative repercussion of consumers disposing of the physical booklet after purchase along with the product packaging thereby leading to loss of important information. Additionally, a physical booklet, will require consumers to take special precautions to ensure that the booklet is preserved for future reference.

¹ Specific Absorption Rate Value for Mobile Phone, Office Memorandum dated January 25, 2012, Department of Telecom. Available at

<https://dot.gov.in/sites/default/files/Office%20Memorandum%20dated%2025012012.pdf?download=1>

² Specific Absorption Rate Value for Mobile Phone, Office Memorandum dated August 17, 2012, Department of Telecom. Available at

https://dot.gov.in/sites/default/files/Specific_absorption.pdf

Given the ease and growing acceptance of using digital methods for accessing information through smartphones, and increasing consumer behaviour towards accessing and using online resources, it is recommended that digital alternatives should be adopted instead of physical booklets with information. Such adoption of digital/online alternatives to physical booklets will ensure quick access to important information by the consumer and also not lead to loss of such information since information in the digital format will be permanently available to the consumer and will also not require additional precautions at the consumer's end of preserving a physical object.

Digital display of information through online links/e-labelling/QR code also allows manufacturers of mobile handsets to provide a broad range of important compliance related information in a simple, convenient, permanent and easily accessible manner. Such digital display of information is not only cost effective but also helps in reducing waste and enables faster roll out of products, thereby reducing compliance burden in the interest of facilitating ease of doing business.

Accordingly, the extensive information display requirements under the SAR Value OMs issued by the DoT regarding the display of SAR value and safety precautions on the Manufacturer's mobile handset booklet is dated and we strongly recommend adoption of modern and digital methods for displaying such information through online links/e-labelling/QR code.

Digital modes of accessing important regulatory information have already been adopted by other regulations which allow for the use of e-label/ QR code/electronic display of such information. The same have been mentioned below:

- a. Legal Metrology (Packaged Commodities) Rules, 2011³ allow limited use of QR Codes on labels of electronic products manufactured/packaged/imported after 15th July 2022;
- b. Bureau of Indian Standards (Conformity Assessment Regulations) 2018⁴ read with the BIS Electronic Labelling (e-labelling) Guidelines, 2017 allow devices with an integrated display screen to present the required labelling information including BIS "Standard Mark" electronically in lieu of a physical label on the product.⁵
- c. Mandatory Testing and Certification of Telecom Equipment Procedure ("**MTCTE Procedure**") issued in May 2021 permits "*e-label of TEC Certification in case of Telecom / related ICT equipment with integrated displays in lieu of physical labelling*".⁶ Additionally, the MTCTE Procedure also allows certain information to be provided in the form of machine readable i.e. two dimensional code (QR code, etc.) in case sufficient space on parts, items or product is not available for marking labelling information.⁷

³ The Legal Metrology (Packaged Commodities) (Second Amendment) Rules, 2022. Available at

<https://consumeraffairs.nic.in/sites/default/files/uploads/legal-metrology-acts-rules/Notification%20-%20Legal%20Metrology%20%28QR%20Code%29.pdf>

⁴ Scheme-II of Schedule-II of Bureau of Indian Standards (Conformity Assessment) Regulations, 2018. Available at https://www.bis.gov.in/wp-content/uploads/2019/03/BIS_CA_12032019.pdf

⁵ The Electronic Labelling (e-labelling) Guidelines, 2017. Available at

https://www.crsbis.in/BIS/app_srv/tdc/gl/docs/E%20LABELLING%20GUIDELINES%20registration.pdf

⁶ Paragraph 2.0, Annexure D, Mandatory Testing and Certification of Telecom Equipment Procedure, May 2021. Available at

https://tec.gov.in/pdf/MTCTE/MTCTE_PROCEDURE_amend.pdf

⁷ Paragraph 4.0, Annexure D, Mandatory Testing and Certification of Telecom Equipment Procedure, May 2021.

- d. Furthermore, under the Consumer Protection (E-Commerce) Rules, 2020, any seller offering goods or services for sale through a marketplace e-commerce entity is required to provide information about the goods and services offered on its platform or website.⁸

Hence, in light of the foregoing regulations which allow for displaying information through a QR code/e-label/online links, **we request that the DoT extend a similar regulatory allowance for permitting the Manufacturer's mobile handset booklet to be made available online or through QR Code/e-label instead of mandatorily providing the same through a physical booklet.**

We hope that the above stated concerns and recommendations are taken into due consideration by the DoT and look forward to a favourable response. We remain available for any further discussions/clarifications at DoT's request.

Warm regards,



Col Suhail Zaidi (Retd)
Director General

CC: Shri Soumitra Mandal, Director-IP, Department of Telecommunications

⁸ Rule 6(5), Consumer Protection (E-Commerce) Rules, 2020. Available at

<https://consumeraffairs.nic.in/sites/default/files/E%20commerce%20rules.pdf>