

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 16th May, 2001

S.O. 432(E).- Whereas a notification of the Government of India in the Ministry of Environment and Forests was published in the Gazette of India, Extraordinary, Part II-section 3, sub-section (ii) vide No. S.O. 491 (E) dated 24th May, 2000 and corrigendum published in the Gazette of India Extraordinary Part-II section 3, sub-section (ii) vide No. SO 593 (E) dated 23d June, 2000 under powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), inviting objections from persons likely to be affected, within a period of sixty days from the date of publication of the said notification with regard to the Government's intention to notify the Battery (Management and Handling) Rules, 2000.

And, whereas all objections received have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby notifies the Batteries (Management and Handling) Rules, 2001.

1. Short Title and Commencement. - (1) these rules may be called the **Batteries (Management and Handling) Amendment Rules, 2010.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Application. - These rules shall apply to every manufacturer, importer, re-conditioner, assembler, dealer, recycler, auctioneer, consumer and bulk consumer involved in manufacture, processing, sale, purchase and use of batteries or components thereof.

3. Definitions. - In these rules, unless the context otherwise requires, -

(a) '**Act**' -means the Environment (Protection) Act, 1986 (29 of 1986);

(b) '**assembler**' -means a person who manufactures lead acid batteries by assembling various components;

(c) '**auction**' - means bulk sale of used lead acid batteries or component (s) thereof by invitation of tenders or auction, contract or negotiation by individual(s), companies or Government Departments;

(d) '**auctioneer**'- means a person (s) who auctions used lead acid batteries or components, thereof,

(e) '**battery**'- means lead acid battery which is a source of electrical energy and contains lead metal;

(f) 'bulk consumer' - means a consumer such as the Department of Central Government like Railways, Defence, Telecom, Posts and Telegraph, the Departments of State Government, the Undertakings, Boards and other agencies or companies who purchase hundred batteries or more than hundred batteries per annum.

(g) 'components' means lead bearing components of a lead acid battery;

(h) 'consumer'- means a person using lead acid batteries excluding bulk consumers;

(i) 'dealer'- means a person who sells and receives lead acid batteries or components thereof to and from the consumers or other dealers or retailers on behalf of the manufacturers, importers, assemblers and reconditioners or otherwise;

(j) 'designated collection centre'- means a collection centre established, individually or jointly by one or more manufacturers or importers, assemblers and re-conditioners in pursuance of their responsibilities under rule- 4 of these rules.

(k) 'importer' -means a person who imports new lead acid batteries or components containing lead thereof for the purpose of sale;

(l) 'manufacturer'- in relation to any factory manufacturing lead acid batteries or components thereof means a person or Chief Executive Officer (CEO) of the company who has control over the affairs of the factory or the premises for sale and collection of lead acid batteries or components thereof,

(m) 'original equipment manufacturer' - means manufacturer of equipment or product using lead acid batteries as a component;

(n) 'reconditioner' -means a person involved in repairing of lead acid batteries for selling the same in the market;

(o) 'recycler'-means an occupier who processes used lead acid batteries or components thereof for recovering lead

(p) 'registered recycler'- means a recycler registered with the;Ministry of Environment and Forests or an agency designated by it for reprocessing used lead acid batteries or components thereof;

(q) 'State Board'- means the concerned State Pollution Control Board or the Pollution Control Committee as the case may be

(r) 'used batteries' -means used, damaged and old lead acid batteries or components thereof; and

(s) the words not defined in these rules will have the same meaning as defined in the Environment (Protection).Act, 1986 and the rules framed thereunder.

4. Responsibilities of manufacturer, importer, assembler and re-conditioner - It shall be the responsibility of a manufacturer, importer, assembler and re-conditioner to

(i) ensure that the used batteries are collected back as per the Schedule against new batteries sold excluding those sold to original equipment manufacturer and bulk consumer(s);

(ii) ensure that used batteries collected back are of similar type and specifications as that of the new batteries sold;

(iii) file a half-yearly return of their sales and buy-back to the State Board in Form- I latest by 30th June and 31st December of every year;

(iv) set up collection centers either individually or jointly -at various places for collection of used batteries from consumers or dealers;

(v) ensure that used batteries collected are sent only to the registered recyclers,

(vi) ensure that necessary arrangements are made with dealers for safe transportation from collection centers to the premises of registered recyclers ;

(vii) ensure that no damage to the environment occurs during transportation;

(viii) create public awareness through advertisements, publications, posters or by other means with regard to the following

(a) hazards of lead;

(b) responsibility of consumers to return their used batteries only to the dealers or deliver at designated collection centers; and

(c) addresses of dealers and designated collection centers.

(ix) use the international recycling sign on the Batteries;

(x) buy recycled lead only from registered recyclers; and

(xi) bring to the notice of the State Board or the Ministry of Environment and Forests any violation by the dealers.

(xii) ensure that the new batteries shall be sold only to the registered dealers.

Note: The assemblers and reconditioners are excluded from the purview of responsibilities as specified in sub-clause (iv), (vii), (ix) and (xii).

5. Registration of Importers. – (i) The importers shall get registered as per Form I with the Central Pollution Control Board for a period of five years and a provision of cancellation for failure in collection of the required number of used batteries as per the said rules, non-submission of timely half yearly returns to the State Pollution Control Board with a copy to the Central Pollution Control Board, renewal of the registration granted to the importer shall not be cancelled unless he has been given a reasonable opportunity of hearing

(ii) an appeal shall lie against any order of suspension or cancellation or refusal of registration passed by the Member-Secretary of the Central Pollution Control Board or any other officer designated by the Central Pollution Control Board.

(iii) the appeal shall be in writing and shall be accompanied with a copy of the order appealed against and shall be made within period of thirty days from the date of passing of the order.

6. Customs clearance of imports of new lead acid batteries. - Customs clearance of imports shall be contingent upon

- i. valid registration with the Reserve Bank of India (with Importer's Code Number); (ij) one time registration with the Ministry of Environment and Forests or an agency designated by it in Form-11;
- ii. undertaking in Form-111; and (iv) a copy of the latest half-yearly return in Form-IV

7. Responsibilities of dealer. - It shall be the responsibility of a dealer to

(i) ensure that the used batteries are collected back as per the Schedule against new batteries sold;

(ii) give appropriate discount for every used battery returned by the consumer;

(iii) ensure that used batteries collected back are of similar type and specifications as that of the new batteries sold;

(iv) file half-yearly returns of the sale of new batteries and buy-back of old batteries to the manufacturer in Form V by 31st May and 30th November of every year-,

(v) ensure safe transportation of collected batteries to the designated collection centers or to the registered recyclers ; and

(vi) ensure that no damage is caused to the environment during storage and transportation of used batteries.

(vii) (a) registration with the State Pollution Control Board for five years and a provision of cancellation for failure in collection of the required number of used batteries as per the said rules, non-submission of timely half yearly returns to the State Pollution Control Boards, renewal of the registration shall be as per the compliance status, to submit details

as per Form IV, registration would be considered as deemed registered if not objected to within thirty days:

Provided that the registration granted to the dealer shall not be cancelled unless he has been given a reasonable opportunity of hearing;

(b) an appeal shall lie against any order of suspension or cancellation or refusal of registration passed by the Member-Secretary of the State Pollution Control Board or any other officer designated by the State Pollution Control Board;

(c) the appeal shall be in writing and shall be accompanied with a copy of the order appealed against and shall be made within period of thirty days from the date of passing of the order.

8. Responsibilities of recycler. - Each recycler shall -

(i) apply for registration to the Ministry of Environment and Forests or an agency designated by it if not applied already, by submitting information in Form VI;

(ii) ensure strict compliance of the terms and conditions of registration; however, those already registered with the Ministry of Environment and Forests or all agency designated by it for reprocessing used batteries would be bound by the terms and conditions of such registration;

(iii) submit annual returns as per Form VII to the State Board;

(iv) make available all records relating to receipt of used batteries, sources, quantities and metal yield to be submitted to the State Pollution Control Board for inspection;

(v) mark 'Recycled' on lead recovered by reprocessing; and

(vi) create public awareness through advertisements, publications, posters or others with regard to the following

(a) hazards of lead; and

(b) obligation of consumers to return used batteries only to the registered dealers or deliver at the designated collection centers.

9. Procedure for registration / renewal of registration of recyclers. - 1) Every recycler of used lead acid batteries shall make an application in Form VI along with the following documents to the Joint Secretary, Ministry of Environment and Forests or any officer designated by the Ministry or an agency designated by it for grant of registration or renewal;

(a) a copy of the valid consents under Water (Prevention and Control of Pollution) Act, 1974, as amended and Air (Prevention and Control of Pollution) Act, 1981, as amended;

(b) a copy of the valid authorization under Hazardous Wastes (Management and Handling) Rules, 1989 as amended;

(c) a copy of valid certificate of registration with District Industries Centre ; and

(d) a copy of the proof of installed capacity issued by either State Pollution Control Board/District Industries Centre.

(2) The Joint Secretary, Ministry of Environment and Forests or any officer designated by the Ministry or an agency designated by it shall ensure that the recyclers possess appropriate facilities, technical capabilities, and equipment to recycle used batteries and dispose of hazardous waste generated;

(3) The Joint Secretary, Ministry of Environment and Forests or any officer designated by the Ministry or an agency designated by it shall take decision on application for registration within 90 days of receipt of application form with complete details;

(4) The registration granted under this rule shall be in force for a period of two years from the date of issue or from the date of renewal unless suspended or cancelled earlier;

(5) An application for the renewal of registration shall be made in Form VI at least six months before its expiry. The Joint Secretary, Ministry of Environment and Forests or any officer designated by the Ministry or an agency designated by it shall renew the registration of the recycler granted under sub rule(4) of this rule, after examining each case on merit;

(6) The Joint Secretary, Ministry of Environment and Forests or any officer designated by the Ministry or an agency designated by it may, after giving reasonable opportunity to the applicant of being heard, refuse to grant registration;

(7) The Joint Secretary, Ministry of Environment and Forests or any officer designated by the Ministry or an agency designated by it may cancel or suspend a registration issued under these rules, if in his / her opinion, the registered recycler has failed to comply with any of the conditions of registration, or with any provisions of the Act or -rules made thereunder after giving an opportunity to explain and after recording the reasons therefor;

(8) It shall be the responsibility of the State Boards to monitor the compliance of conditions imposed while according registration, and

(9) An appeal shall lie against any order of suspension or cancellation or refusal of registration passed by the Joint Secretary to the Ministry of Environment and Forests or any officer designated by the Ministry or agency designated by it. The appeal shall be in writing and shall be accompanied with a copy of the order appealed against and shall be presented within 30 days of passing of the order.

10. Responsibilities of consumer or bulk consumer.- (1) It shall be the responsibility of the consumer to ensure that used batteries are not disposed of in any manner other than depositing with the dealer, manufacturer, importer, assembler, registered recycler, reconditioner or at the designated collection centers.

(2) It shall be the responsibility of the bulk consumer to -

(i) ensure that used batteries are not disposed of in any manner other than by depositing with the dealer/manufacturer/registered recycler/importer/reconditioner or at the designated collection centers,- and

(ii) file half-yearly return in Form VIII to the State Board .

(3) Bulk consumers to their user units may auction used batteries to registered recyclers only.

11. Responsibilities of auctioneer- The auctioneer shall -

(i) ensure that used batteries are auctioned to the registered recyclers only,-

(ii) file half-yearly returns of their auctions to the State Boards in Form-IX; and

(iii) maintain a record of such auctions and make these records available to the State Board for inspection.

12. Prescribed Authority. - The prescribed authority for ensuring compliance of the provisions of these rules shall be the State Board. And, it shall file an annual compliance status report to the Central Pollution Control Board by 30th April of every year.

13. Duties of Central Pollution Control Board. - The Central Pollution Control Board shall compile and publish the data received every year from the State Boards. It shall review the compliance of the rules periodically to improve the collection and recycling of used. Lead batteries and appraise the Ministry of Environment and Forests, Government of India.

14. Computerizations of Records and Returns. - Ministry of Environment and Forests or an agency designated by it shall develop a system for computerized tracking of

(i) distribution and sale of batteries;

(ii) collection, auction, transport and re-processing of used batteries;

(iii) sale of re-processed lead by registered recyclers; and

(iv) sale of lead from all domestic producers or importers.

SCHEDULE

[See rule 4(i) and 7(i)]

S.No.	Year	Number of used batteries to be collected back
(i)	During first year of implementation of rules	50% of new batteries sold
(ii)	During second year of implementation of rules	75% of new batteries sold
(iii)	After second year of implementation of rules	90% of new batteries sold

[See rule 4(iii)]

FORM FOR FILING RETURNS OF SALE OF NEW BATTERIES AND COLLECTION OF USED BATTERIES

[To be submitted by manufacturer/importer /bulk consumer by 30th June (for the period October-March) and 31st December (for the period

1.	Name and address of the manufacturer / importer /bulk consumer	
2.	Name of the authorized person and complete address with telephone and fax numbers	
3.	<p>Total number of new batteries sold importers or consumers during the period October-March/April-September in respect of the following categories</p> <p>Category</p> <p>(i)Automotive</p> <p>(a)Four Wheeler</p> <p>(b)Two Wheeler</p> <p>(ii)Industrial</p> <p>(a)UPS</p> <p>(b)Motive power</p> <p>(c)Stand-by</p> <p>(iii) Others (inverters, etc.)</p> <p>Number of batteries sold to</p> <p>i. dealers</p> <p>ii. bulk consumers</p> <p>iii. OEM</p> <p>iv. Any other party for replacement</p> <p>Should be indicated separately</p>	<p>(i) No. of Batteries (ii) Approximate weight</p> <p>in Metric Tones</p>
4.	Name and full address of the designated collection centers	
5.	Total number of used batteries of different categories as at Sl. No. 3 collected and sent to the registered recyclers*	

April-September) every year]

- enclose the list of recyclers to who batteries have been sent for recycling.

Place _____

Date _____

Signature of the authorized person

FORM II

[See rule 5 & 6(ii)]

FORM FOR

**REGISTRATION OF IMPORTER OF NEW LEAD ACID BATTERIES / PRIMARY
LEAD**

{To be submitted in triplicate to the Ministry of Environment and Forests}

1.	Name and Address of the importer	
2.	Import / Export Licence No.	
3.	Name of person / owner / occupier as the case may be	

Date _____

Signature of the Importer

Place _____

FORM III

[See rule 6(iii)]

(To be submitted by importer of new lead acid batteries)

UNDERTAKING

To

The Member Secretary

State Pollution Control Board

1. I _____ of M/s _____ hereby submit that I am in the process of importing _____ (MT) of new lead acid batteries.

2. I undertake that I shall collect back the used batteries as per the schedule prescribed by the Government from time to time in lieu of the new batteries imported and sold, and shall send these only to the registered recyclers. I further undertake that I shall submit half-yearly returns as per item (iii) of rule 6 to the State Board and abide by their directions, if any.

Date:

Place:

Signature of the Importer

Copy to: The concerned Customs Authority

FORM – IV

[See rule 4 and 7(vii)]

FORM FOR REGISTRATION OF DEALERS

[To be submitted by dealers to the State Pollution Control Boards/ Pollution Control Committees]

1. Name and address of the dealers with telephone and fax numbers

2. TIN/VAT number*
 - IF APPLICABLE (AS PER CURRENT STATE SALE TAX RULES, MANDATORY TIN/VAT NUMBER IS REQUIRED ONLY IF THE ANNUAL TURNOVER OF THE DEALER IS MORE THAN THE PRECRIBED VALUE)

Signature of the authorized person

Place _____

Date _____

FORM – V

[See rule 7(iv)]

FORM FOR FILING RETURNS OF SALE OF NEW BATTERIES AND COLLECTION OF OLD BATTERIES

[To be submitted by dealers to the manufacturers by 31st May (for sale during October-March) and 30th November (for sale during April-September) every year]

1.	Name and address of the dealer	
2.	Name of the authorized person and complete address with telephone and fax numbers	
3.	<p>Number of new batteries sold during the period October-March/April-September in respect of the following categories</p> <p>Category</p> <p>(i)Automotive</p> <p>(a)Four Wheeler</p> <p>(b)Two Wheeler</p> <p>(ii)Industrial</p> <p>(a)UPS</p> <p>(b)Motive power</p> <p>(c)Stand-by</p> <p>(iii) Others (inverters, etc.)</p> <p>Number of batteries sold to</p> <p>i. As replacement of used batteries</p> <p>ii. To bulk consumers</p> <p>iii. To OEM</p> <p>iv. To any other party</p>	<p>(i) No. of Batteries (ii) Approximate weight</p> <p>in Metric Tones</p>
4.	Total number of used batteries of different categories as at Sl. No. 3 collected and sent to registered recyclers * / designated collection centers / manufacturers	

- enclose the list of recyclers to who batteries have been sent for recycling.

Place _____

Date _____ Signature of the authorized person

FORM – VI

(See rule 8 (I), 9(1) & 9(5))

**FORM FOR APPLICATION FOR
REGISTRATION OF FACILITIES POSSESSING ENVIRONMENTALLY SOUND
MANAGEMENT PRACTICE FOR RECYCLING OF USED LEAD ACID
BATTERIES**

(To be submitted in triplicate)

1.	Name and Address of the unit			
2.	Contact person with designation, Tel./Fax			
3.	Date of Commissioning			
4.	No. of Workers (including contract labourers)			
5.	Consent Validity	a. Under Air Act, 1981; Valid up to – b. Under Water Act, 1974; Valid up to -		
6.	Validity of Authorization under rule 5 of the Hazardous Wastes (Management and Handling) Rules, 1989	Valid up to -		
7.	Installed capacity of production in (MTA)			
8.	Products manufactured Name : (a) (b) (c)	Year –1	Year-2	Year-3
9.	Raw material consumed (Tones / year) Name : (a) (b) (c)	Year –1	Year-2	Year-3

10.	Manufacturing Process	Please attach manufacturing process flow diagram for each product(s)
11.	Water consumption	Industrial – m3/day Domestic_ m3 / day
12.	Water Cess paid up to	
13.	Waste water generation a. as per consent m3/day b. actual m3 / day (average of last three months)	Industrial Domestic
14.	Waste water treatment (please provide flow diagram of the treatment scheme)	Industrial Domestic
15.	Waste water discharge	Quantity m3/day Location- Analysis of treated waste water – PH, BOD,COD, SS, O&G, Any other (indicate the corresponding standards applicable)
16.	Air Pollution Control a. Please provide flow diagram for emission control system(s) installed for each process unit, utilities etc. b. Details for facilities provided for control of fugitive emission due to material handling, process, utilities etc. c. Fuel consumption d. Stack emission monitoring results vis-à-vis the standards applicable e. Ambient air quality	S.No. Name of Fuel Quantity / day S.No Stack attached to Emission g/Nm3 S.No Location Results ug/m3