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 24h 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) Rules, 2001.**

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 Central or State Government Departments of Railways, Defence, Telecom, Posts & Telegraph, State Road Transport Undertakings, State Electricity Boards and others who purchase batteries through

central 'rate' or running contract centrally placed on behalf of individual departments or user units under their jurisdiction.

(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;

(1) '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 3e June and 3 0 December of every year;

(iv) set up collection centres 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 centres 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 centres; and

(c) addresses of dealers and designated collection centres.

(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.

5. **Registration of Importers.** - The importer shall get himself registered with the Ministry of Environment and Forests or an agency designated by it by submitting details in

Form-11.

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 thatused 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 centres or to the registered recyclers ; and

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

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 to the State 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 centres.

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, 198 1, as amended;

(b) a copy of the valid authorisation under Hazardous Wastes (I 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 bythe 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 120 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 thedate of issue or from the date of renewal unless suspended or cancelled earlier;

Form VI atleast 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 v ng film 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 ibed 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 cousumer 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 centres.

(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 centres,- 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-,

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 apprise the Ministry of Environment and Forests, Government of India.

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

FORM O I

[See rule 4(iii)]

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

[To be submitted by manufacturer/assembler /reconditioner by 30th June (for the period October-March) and 31st December (for the period April-September) every year]

1. Name and address of the manufacturer / assembler / reconditioner
2. Name of the authorised person and complete address with telephone and fax numbers
3. Total number of new batteries sold during the period October-March/April-September in respect of the following categories

Category	(i) No. of Batteries (ii) Approximate weight in Metric Tones
(i)Automative	
(a)Four Wheeler	
(b)Two Wheeler	
(ii)Industrial	
(a)UPS	
(b)Motive power	
(c)Stand-by	
(iii)others(inverters, etc.)	
Number of battaries sold to	
i. dealers	
ii. bulk consumers	
iii. OEM	
iv. Any other party for replacement	
Should be indicated separately	

4. Name and full address of the designated collection centres
5. Total number of used batteries of different

categories as at Sl. No. 3 collected and sent to the registered recyclers*

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

Place_____

Date_____ Signature of the authorised 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 o IV

[See rule 6(iv)]

FORM FOR FILING RETUNS OF SALE OF NEW BATTERIES AND COLLECTION OF LEAD ACID BATTERIES

[To be submitted by the Importer of new lead acid batteries by 30th June (for the period October-March and 31st December (for the period April-September) every year]

1.	Name and address of the importer	
2.	Name and address of the authorised person and telephone and fax numbers	
3.	Number of new batteries sold during the period October-March/April-September in respect of the following categories	
	Category	
	(i)Automative	
	(a)Four Wheeler	(i) No. of Batteries (ii) Approximate weight
	(b)Two Wheeler	in Metric Tones
	(ii)Industrial	
	(a)UPS	

(b)Motive power

(c)Stand-by

(iii)Others(inverters, etc.)

Number of batteries sold to

i. Dealers
ii. Bulk consumers
iii. OEM
iv. Any other party for replacement

4. Name and full address of the designated collection centre

5. Total number of used batteries of different categories as at Sl. No. 4 collected and sent to the registered recyclers*

xenclose a complete list

Place_____

Date_____ Signature of the authorised person

FORM O V

[See rule 7(iv)]

FORM FOR FILING RETUNS 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 authorised person and complete address with telephone and fax numbers 3. Number of new batteries sold during the period October-March/April-September in respect of the following categories

Category	(i) No. of Batteries (ii) Approximate weight in Metric Tones
(i)Automative	
(a)Four Wheeler	
(b)Two Wheeler	
(ii)Industrial	
(a)UPS	
(b)Motive power	
(c)Stand-by	
(iii)others(inverters, etc.)	
Number of batteries sold to	
i. As replacement of used batteries	
ii. To bulk consumers	
iii. To OEM	

iv. To any other party

4. Total number of used batteries of different categories as at Sl. No. 3 collected and sent to registered recyclers * / designated collection centres / manufacturers

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

Place_____

Date_____ Signature of the authorised person

FORM O VI

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

FORM FOR APPLICATION FOR

REGISTRATION OF FACILITIES POSSESSING ENVIRNMENTALLY SOUND

MANAGEMENT PRACTIVE 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 O
   b.Under Water Act, 1974; Valid up to -
6. Validity of Authorisation 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 — Year O1 / Year-2 / Year-3

   Name :
   (a)
   (b)
   (c)
9. Raw material consumed (Tones / year) — Year O1 / Year-2 / Year-3

   Name :
   (a)
   (b)
   (c)

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
17.	Hazardous Waste Management a.Waste generation b.Details of collection, treatment c.Disposal (including point of final discharge)	S.No Name of Process Quantity / y Waste category

i. Please provide details of the disposal facility

ii. Whether facilities provided are in compliance of the conditions issued by the SPCB in Authorisation

iii. Please attach analysis report of characterisation of hazardous waste generated (including leachate test if applicable)

18. Details of waste proposed to be taken in auction or import, as the case may be, for use as raw material

1.Name

2.Quantity required /-

3.Position in List A/List B as per Basel Convention (BC) ○

4.Nature as per Annexure III of BC-

19. Occupational safety and health aspects — Please provide details of facilities provided.

20. Remarks

i. Whether industry has provided adequate pollution control system / equipment to meet the standards of emission / effluent. — Yes/No

If Yes, please furnish details

ii. Whether industry is in compliance with conditions laid down in the Hazardous Waste Authorisation — Yes / No

iii. Whether Hazardous Waste collection and Treatment, Storage and Disposal Facility (TSDF) are operating satisfactorily. — Yes / No

iv. Whether conditions exist or likely to exists of the material being handled / processed of posing immediate or delayed adverse impacts on the environment.

v. Whether conditions exist or is likely to exist of the material being handled / processed by any means capable of yielding another material e.g., leachate which may possess eco-toxicity. — Yes / No

21. i. Cost of the unit

ii. Cost of pollution control equipment including environmental safeguard measures

a.Capital :

b.Recurring :

22 Any Other Information :

i)

ii)

iii)

I hereby declare that the above statements / informations are true and correct to the best of my knowledge and belief.

Date ;

Place : Signature

Name

Designation

FORM ○ VII

[see rule 8(iii)]

FORM FOR FILING RETURNS BY RECYCLERS OF USED BATTERIES [To be submitted by recyclers by 30th June and 31st December of every year]

1. Name and address of the recycler

2. Name of the Authorised person and full address with telephone and fax number

3. Installed annual capacity to recycle used battery scrap (in MTA)

4. Total quantity of used battery scrap purchased from / sent for processing during the period from October ○ March / April-September
   - i. Quantity of used batteries sent by / purchased from the manufacturers
   - ii. Quantity of used batteries purchased from the dealers
   - iii. Quantity of used batteries purchased from auctioneers
   - iv. Quantity of used batteries obtained from any other source -

5. Quantity of lead recovered from the used battery scrap (in MTA)

6. Quantity of recycled lead sent back to
   - i. the manufacturer of batteries
   - ii. other agencies * -

xenclose list of other agencies.

Place _____ Signature of the authorised person

Date _____

FORM ○ VIII

[see rule 10 (2)(ii)]

FORM FOR FILING RETURNS BY RECYCLERS OF USED BATTERIES

[To be submitted by the bulk consumer to the Sate Board by 30th June (for the

period October_

March) and 31st December (for the period April-September) every year]

1. Name and address of the bulk consumer
2. Name of the Authorised person and full address with telephone and fax number
3. Number of new batteries of different categories purchased from the manufacturer / importer / dealer or any other agency during October-March and April-September

   Category :

   i. Automative

   a.four wheeler

   b.two wheeler

   i. Industrial

   a.UPS

   (i) No. of Batteries (ii) Approximate weight (in Metric Tonnes)

   b.Motive Power

   c.Stand-by

   i. Others

4. Number or used batteries of categories mentioned in Sl. No. 3 and Tonnage of scrap sent to manufacturer / dealer / importer / registered recycler / or any other agency to whom the used batteries scrap was sent

Place _____ Signature of the authorised person

Date _____

xEnclose list of manufacture / dealer / importer / registered recyclers / or any other agency to whom the used batteries scrap was sent.

FORM o IX

[see rule 11 (ii)]

FORM FOR FILING RETURNS BY AUCTIONEER OF USED BATTERIES

[To be submitted by the auctioneer to State Board by 30th June and 31st December of every year]

1. Name and address of the auctioneer
2. Name of the Authorised person and full address with telephone and fax number
3. Number of used batteries and total Tonnage (of MT) available during the period from October-March and April-September

4. Sources of the used battery scrap

5. Number of used batteries and total Tonnage (of MT) auctioned during the period from October-March and April-September

6. Number of used batteries and total Tonnage of (MT) sent to the registered recyclers *

xenclose a list.

Place _____

Date _____

[F. No. 23-5/98-HSMD]

DR. V. RAJAGOPALAN, Jt. Secy.