

The Batteries (Management And Handling) Rules, 2001

UNION OF INDIA

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Rule

THE-BATTERIES-MANAGEMENT-AND-HANDLING-RULES-2001 of 2001

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The Batteries (Management And Handling) Rules, 2001Published vide S.O. 432(E), dated 16.5.2001, published in the Gazette of India, Ext., Pt. II, Section 3(ii), dated 16.5.2001.

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/539In 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)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, reconditioner, 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 and 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 reconditioners 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 reconditioner **.-It shall be the responsibility of a manufacturer, importer, assembler and reconditioner 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 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 II.

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);(ii)one time registration with the Ministry of Environment and Forests or an agency designated by it in Form II;(iii)undertaking in Form III; 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 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 an 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 alongwith 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 authorisation 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 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 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 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 giving him 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 prescribed while according registration.(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 an 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 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 or 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 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.