



A COMPENDIUM ON ENVIRONMENTAL LAWS

2024

Law & Justice Commission of Pakistan
Islamabad

DISCLAIMER

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FOREWORD

As the Secretary of the Law and Justice Commission of Pakistan (LJCP), it is an honor to present the "Compendium on Environment Laws." This compendium is a testament to the Commission's unwavering commitment to the development, improvement, and modernization of the legal system in Pakistan. In alignment with our mandate, the LJCP continues to strive towards legal reforms that not only address contemporary challenges but also pave the way for a just and equitable legal framework.

Environmental legislation has emerged as one of the most crucial areas of legal discourse, not only within Pakistan but also globally. The urgency of addressing environmental issues has been recognized at the highest levels of international law, with recent developments such as the adoption of the Glasgow Climate Pact and the continued efforts to implement the Paris Agreement. These developments underscore the importance of robust environmental legislation in safeguarding our natural resources and ensuring sustainable development for future generations.

The "Compendium on Environment Laws" is meticulously structured to provide a comprehensive overview of the environmental legal framework applicable in Pakistan. It is organized into key thematic areas, including pollution control, natural resource management, and climate change adaptation. Each section provides detailed analyses of relevant statutes, and regulatory frameworks, offering readers a strategic understanding of the legal landscape governing environmental protection in the country.

The LJCP is resolute in its commitment to collaborate with all segments of society, including legal professionals, academics, policymakers, and the general public, to enhance the understanding and application of these laws. By fostering dialogue and cooperation, we aim to ensure that environmental laws are not only well-understood but also effectively implemented. Moreover, the Commission remains dedicated to improving legal literacy and accessibility in Pakistan, recognizing that a well-informed citizenry is vital to the pursuit of justice and the rule of law.

This compendium is an indispensable resource for legal practitioners, academics, policymakers, and students. It not only enhances access to vital legal information but also contributes to a deeper understanding of environmental law in Pakistan. The LJCP reaffirms its commitment to addressing the legal delivery challenges in Pakistan and will continue to advocate for legal reforms that promote justice, equity, and sustainability.

We believe that this compendium will serve as a valuable tool in the ongoing efforts to protect our environment and ensure that the laws of Pakistan evolve to meet the demands of a rapidly changing world.



Secretary

Law and Justice Commission of Pakistan

PREFACE

The United Nations Development Programme recognizes the profound impact that climate crises and environmental degradation have had on development ambitions. Pakistan is no exception, facing recurrent, urgent threats posed by climate change, biodiversity and ecosystem vulnerability, and suffocating pollution. With the admission that these issues are global crises, manifested locally, we have to accompany our partners along their environmental justice journey. In Pakistan, UNDP assists federal and provincial governments to address climate change challenges through an approach that prioritizes people-centered, policy-based commitments to meet the country's Nationally Determined Contribution (NDC) targets and adaptation objectives. This includes putting in place relevant legal frameworks and supporting the institutions that uphold them, as a way to expand access to environmental justice measures across Pakistan, particularly among the most vulnerable.

Aligned with our commitment towards advancing environmental justice and climate resilience in Pakistan, UNDP is a proud partner of the Law and Justice Commission for the development of this "Compendium on Environment Laws." I congratulate the Law and Justice Commission on releasing this publication, which offers a comprehensive overview of the country's environmental legal frameworks.

We expect this compendium to serve as a valuable resource for judges and legislators, policy- and decision-makers, academics and researchers, and many others involved in locally-driven environmental efforts. As such, we will continue working with all relevant stakeholders to operationalize Pakistan's robust environmental framework, federally and across the provinces. Recognizing the need to strengthen awareness of existing environmental laws, this compendium serves as a timely and critical resource for ensuring that both duty bearers and rights holders have the legal information required to effectively respond to environmental challenges.

In Pakistan, UNDP implements multiple programmes to improve access to environmental justice, and support institutions in effective implementation of climate-related policy and programming under the Resilience, Environment and Climate Change, and the Democratic Governance portfolios. The Decentralization, Human Rights and Local Governance (DHL) project spearheads our support to the human rights and justice sector partners in Pakistan through awareness and effective enforcement of environmental laws across the country. This compendium will comprise an additional lever that UNDP and partners can use to advance environmental justice, mitigate climate challenges, and reinforce our shared goal of protecting future generations and leaving no-one behind.

Dr. Samuel Rizk
Resident Representative
UNDP Pakistan



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THE PAKISTAN ENVIRONMENTAL PROTECTION ACT, 1997

ACT NO. XXXIV OF 1997

An Act to provide for the protection, conservation, rehabilitation and improvement of the environment, for the prevention and control of pollution, and promotion of sustainable development

WHEREAS, it is expedient to provide for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution, promotion of sustainable development, and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be called the Pakistan Environmental Protection Act, 1997.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

- (i) “adverse environmental effect” means impairment of, or damage to, the environment and includes—
 - (a) impairment of, or damage to, human health and safety or to biodiversity or property;
 - (b) pollution; and
 - (c) any adverse environmental effect as may be specified in the regulations;
- (ii) “agricultural waste” means waste from farm and agricultural activities including poultry, cattle farming, animal husbandry, residues from the use of fertilizers, pesticides and other farm chemicals;
- (iii) “air pollutant” means any substance that causes pollution of air and includes soot, smoke, dust particles, odor, light, electro-magnetic, radiation, heat, fumes, combustion exhaust, exhaust gases, noxious gases, hazardous substances and radioactive substances;
- (iv) “biodiversity” or “biological diversity” means the variability among living organisms from all sources, including *inter alia* terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

- (v) “Council” means the Pakistan Environmental Protection Council established under section 3;
- (vi) “discharge” means spilling, leaking, pumping, depositing, seeping, releasing, flowing out, pouring, emitting, emptying or dumping;
- (vii) “ecosystem” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;
- (viii) “effluent” means any material in solid, liquid or gaseous form or combination thereof being discharged from industrial activity or any other source and includes a slurry, suspension or vapour;
- (ix) “emission standards” means the permissible standards established by the Federal Agency or a Provincial Agency for emission of air pollutants and noise and for discharge of effluents and waste;
- (x) “environment” means—
- (a) air, water and land;
 - (b) all layers of the atmosphere;
 - (c) all organic and inorganic matter and living organisms;
 - (d) the ecosystem and ecological relationships;
 - (e) buildings, structures, roads, facilities and works;
 - (f) all social and economic conditions affecting community life; and
 - (g) the inter-relationships between any of the factors in sub-clauses (a) to (f);
- (xi) “environmental impact assessment” means an environmental study comprising collection of data, prediction of qualitative and quantitative impacts, comparison of alternatives, evaluation of preventive, mitigatory and compensatory measures, formulation of environmental management and training plans and monitoring arrangements, and framing of recommendations and such other components as may be prescribed;
- (xii) “Environmental Magistrate” means the Magistrate of the First Class appointed under section 24;
- (xiii) “Environmental Tribunal” means the Environmental Tribunal constituted under section 20;
- (xiv) “Exclusive Economic Zone” shall have the same meaning as defined in the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);
- (xv) “factory” means any premises in which industrial activity is being undertaken;

- (xvi) “Federal Agency” means the Pakistan Environmental Protection Agency established under section 5, or any Government Agency, local council or local authority exercising the powers and functions of the Federal Agency;
- (xvii) “Government Agency” includes—
- (a) a division, department, attached department, bureau, section, commission, board, office or unit of the Federal Government or a Provincial Government;
 - (b) a developmental or a local authority, company or corporation established or controlled by the Federal Government or Provincial Government;
 - (c) a Provincial Environmental Protection Agency; and
 - (d) any other body defined and listed in the Rules of Business of the Federal Government or a Provincial Government;
- (xviii) “hazardous substance” means—
- (a) a substance or mixture of substances, other than a pesticide as defined in the Agricultural Pesticides Ordinance, 1971 (II of 1971), which, by reason of its chemical activity or toxic, explosive, flammable, corrosive, radioactive or other characteristics causes, or is likely to cause, directly or in combination with other matters, an adverse environmental effect; and
 - (b) any substance which may be prescribed as a hazardous substance;
- (xix) “hazardous waste” means waste which is or which contains a hazardous substance or which may be prescribed as hazardous waste, and includes hospital waste and nuclear waste;
- (xx) “historic waters” means such limits of the waters adjacent to the land territory of Pakistan as may be specified by notification under section 7 of the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);
- (xxi) “hospital waste” includes waste medical supplies and materials of all kinds, and waste blood, tissue, organs and other parts of the human and animal bodies, from hospitals, clinics and laboratories;
- (xxii) “industrial activity” means any operation or process for manufacturing, making, formulating, synthesising, altering, repairing, ornamenting, finishing, packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or for mining, for oil and gas exploration and development, or for pumping water or sewage, or for generating, transforming or transmitting power or for any other industrial or commercial purposes;

- (xxiii) “industrial waste” means waste resulting from an industrial activity;
- (xxiv) “initial environmental examination” means a preliminary environmental review of the reasonably foreseeable qualitative and quantitative impacts on the environment of a proposed project to determine whether it is likely to cause an adverse environmental effect for requiring preparation of an environmental impact assessment;
- (xxv) “local authority” means any agency set-up or designated by the Federal Government or a Provincial Government by notification in the official Gazette to be a local authority for the purposes of this Act;
- (xxvi) “local council” means a local council constituted or established under a law relating to local government;
- (xxvii) “motor vehicle” means any mechanically propelled vehicle adapted for use upon land whether its power of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, and a trailer, but does not include a vehicle running upon fixed rails;
- (xxviii) “municipal waste” includes sewage, refuse, garbage, waste from abattoirs, sludge and human excreta and the like;
- (xxix) “National Environmental Quality Standards” means standards established by the Federal Agency under clause (e) of sub-section (1) of section 6 and approved by the Council under clause(c) of sub-section (1) of section 4;
- (xxx) “noise” means the intensity, duration and character of sounds from all sources, and includes vibration;
- (xxxi) “nuclear waste” means waste from any nuclear reactor or nuclear plant or other nuclear energy system, whether or not such waste is radioactive;
- (xxxii) “person” means any natural person or legal entity and includes an individual, firm, association, partnership, society, group, company, corporation, co-operative society, Government Agency, non-governmental organization, community-based organization, village organization, local council or local authority and, in the case of a vessel, the master or other person having for the time being the charge or control of the vessel;
- (xxxiii) “pollution” means the contamination of air, land or water by the discharge or emission of effluents or wastes or air pollutants or noise or other matter which either directly or indirectly or in combination with other discharges or substances alters unfavourably the chemical, physical, biological, radiational, thermal or radiological or aesthetic properties of the air, land or water or which may, or is likely to make the air, land or water unclean, noxious or impure or injurious, disagreeable or detrimental to the health,

safety, welfare or property of persons or harmful to biodiversity;

(xxxiv) “prescribed” means prescribed by rules made under this Act;

(xxxv) “project” means any activity, plan, scheme, proposal or undertaking involving any change in the environment and includes—

(a) construction or use of buildings or other works;

(b) construction or use of roads or other transport systems;

(c) construction or operation of factories or other installations;

(d) mineral prospecting, mining, quarrying, stone-crushing, drilling and the like;

(e) any change of land use or water use, and

(f) alteration, expansion, repair, decommissioning or abandonment of existing buildings or other works, roads or other transport systems, factories or other installations;

(xxxvi) “proponent” means the person who proposes or intends to undertake a project;

(xxxvii) “Provincial Agency” means a Provincial Environmental Protection Agency established under section 8;

(xxxviii) “regulations” means regulations made under this Act;

(xxxix) “rules” means rules made under this Act;

(xl) “sewage” means liquid or semi-solid wastes and sludge from sanitary conveniences, kitchens, laundries, washing and similar activities and from any sewerage system or sewage disposal works;

(xli) “standards” means qualitative and quantitative standards for discharge of effluents and wastes and for emission of air pollutants and noise either for general applicability or for a particular area, or from a particular production process, or for a particular product, and includes the National Environmental Quality Standards, emission standards and other standards established under this Act and the rules and regulations made thereunder;

(xlii) “sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;

(xliii) “territorial waters” shall have the same meaning as defined in the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);

(xliv) “vessel” includes anything made for the conveyance by water of human beings or of goods; and

(xlv) “waste” means any substance or object which has been, is being or is

intended to be, discarded or disposed of, and includes liquid waste, solid waste, waste gases, suspended waste, industrial waste, agricultural waste, nuclear waste, municipal waste, hospital waste, used polyethylene bags and residues from the incineration of all types of waste.

3. Establishment of the Pakistan Environmental Protection Council.—(1) The Federal Government shall, by Notification in the Official Gazette establish a council to be known as the Pakistan Environmental Protection Council consisting of—

(i)	Prime Minister or such other person as the Prime Minister may nominate in this behalf.	<i>Chairperson.</i>
(ii)	Minister In charge of the Ministry or Division dealing with the subject of environment.	<i>Vice-Chairperson</i>
(iii)	Chief Ministers of the Provinces.	<i>Members</i>
(iv)	Ministers In charge of the subject of environment in the Provinces.	<i>Members</i>
(v)	Such other persons not exceeding thirty-five as the Federal Government may appoint, of which at least twenty shall be non-official including five representatives of the Chambers of Commerce and Industry and industrial associations and one or more representatives of the Chambers of Agriculture, the medical and legal professions, trade unions, and non-governmental organizations concerned with the environment and development, and scientists, technical experts and educationists.	<i>Members</i>
(i)	Secretary to the Government of Pakistan, in-charge of the Ministry or Division dealing with the subject of environment.	<i>Member/ Secretary.</i>

(2) The Members of the Council, other than *ex-officio* members, shall be appointed in accordance with the prescribed procedure and shall hold office for a term of three years.

(3) The Council shall frame its own rules of procedure.

(4) The Council shall hold meetings as and when necessary, but not less than two meetings shall be held in a year.

(5) The Council may constitute committees of its members and entrust them with such functions as it may deem fit, and the recommendations of the committees shall be submitted to the Council for approval.

(6) The Council or any of its committees may invite any technical expert or representative of any Government Agency or non-governmental organization or other person possessing specialized knowledge of any subject for assistance in performance of its functions.

4. Functions and powers of the Council.—(1) The Council shall,—

- (a) co-ordinate and supervise enforcement of the provisions of this Act;
- (b) approve comprehensive national environmental policies and ensure their implementation within the framework of a national conservation strategy as may be approved by the Federal Government from time to time;
- (c) approve the National Environmental Quality Standards;
- (d) provide guidelines for the protection and conservation of species, habitats, and biodiversity in general and non-renewable resources;
- (e) coordinate integration of the principles and concerns of sustainable development into national development plans and policies; and
- (f) consider the National Environmental Report and give appropriate directions thereon.

(2) The Council may, either itself or on the request of any person or organization, direct the Federal Agency or any Government Agency to prepare, submit, promote or implement projects for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, and the sustainable development of resources, or to undertake research in any specified aspect of environment.

5. Establishment of the Pakistan Environmental Protection Agency.—(1) The Federal Government shall, by notification in the official Gazette, establish the Pakistan Environmental Protection Agency, to exercise the powers and perform the functions assigned to it under the provisions of this Act and the rules and regulations made thereunder.

(2) The Federal Agency shall be headed by a Director-General, who shall be appointed by the Federal Government on such terms and conditions as it may determine.

(3) The Federal Agency shall have such administrative, technical and legal staff as the Federal Government may specify, to be appointed in accordance with such procedure as may be prescribed.

(4) The powers and functions of the Federal Agency shall be exercised and performed by the Director-General.

(5) The Director-General may, by general or special order, delegate any of these

powers and functions to staff appointed under sub-section (3).

(6) For assisting the Federal Agency in the discharge of its functions, the Federal Government shall establish Advisory Committees for various sectors, and appoint as members thereof eminent representatives of the relevant sector, educational institutions, research institutes and non-governmental organizations.

6. Functions of the Federal Agency.—(1) The Federal Agency shall,—

- (a) administer and implement the provisions of this Act and the rules and regulations made thereunder;
- (b) prepare, in coordination with the appropriate Government Agency and in consultation with the concerned sectoral Advisory Committees, national environmental policies for approval by the Council;
- (c) take all necessary measures for the implementation of the national environmental policies approved by the Council;
- (d) prepare and publish an Annual National Environment Report on the state of the environment;
- (e) prepare or revise and establish the National Environmental Quality Standards with approval of the Council:

Provided that before seeking approval of the Council, the Federal Agency shall publish the proposed National Environmental Quality Standards for public opinion in accordance with the prescribed procedure; and

- (f) ensure enforcement of the National Environmental Quality Standards;
- (g) establish standards for the quality of the ambient air, water and land, by Notification in the official Gazette, in consultation with the Provincial Agency concerned;

Provided that—

- (i) different standards for discharge or emission from different source and for different areas and conditions may be specified;
- (ii) where standards are less stringent than the National Environmental Quality Standards prior approval of the Council shall be obtained;
- (iii) certain areas, with the approval of the Council, may exclude from carrying out specific activities, projects from the application of such standards;
- (h) co-ordinate environmental policies and programmes nationally and internationally;

- (i) establish systems and procedures for surveys, surveillance, monitoring, measurement, examination, investigation, research, inspection and audit to prevent and control pollution, and to estimate the costs of cleaning up pollution and rehabilitating the environment in various sectors;
- (j) take measures to promote research and the development of science and technology which may contribute to the prevention of pollution, protection of the environment, and sustainable development;
- (k) certify one or more laboratories as approved laboratories for conducting tests and analysis and one or more research institutes as environmental research institutes for conducting research and investigation, for the purposes of this Act;
- (l) identify the needs for, and initiate legislation in various sectors of the environment;
- (m) render advice and assistance in environmental matters, including such information and data available with it as may be required for carrying out the purposes of this Act:

Provided that the disclosure of such information shall be subject to the restrictions contained in the proviso to sub-section (3) of section 12 ;

- (n) assist the local councils, local authorities, Government Agencies and other persons to implement schemes for the proper disposal of wastes so as to ensure compliance with the standards established by it;
- (o) provide information and guidance to the public on environmental matters ;
- (p) recommend environmental courses, topics, literature and books for incorporation in the curricula and syllabi of educational institutions ;
- (q) promote public education and awareness of environmental issues through mass media and other means, including seminars and workshops ;
- (r) specify safeguards for the prevention of accidents and disasters which may cause pollution, collaborate with the concerned person in the preparation of contingency plans for control of such accidents and disasters, and co-ordinate implementation of such plans ;
- (s) encourage the formation and working of non-governmental organizations, community organizations and village organizations to prevent and control pollution and promote sustainable development;
- (t) take or cause to be taken all necessary measures for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution and promotion of sustainable development; and

- (u) perform any function which the Council may assign to it.
- (2) The Federal Agency may,—
- (a) undertake inquiries or investigation into environmental issues, either of its own accord or upon complaint from any person or organisation;
 - (b) request any person to furnish any information or data relevant to its functions;
 - (c) initiate with the approval of the Federal Government, requests for foreign assistance in support of the purposes of this Act and enter into arrangements with foreign agencies or organizations for the exchange of material or information and participate in international seminars or meetings;
 - (d) recommend to the Federal Government the adoption of financial and fiscal programmes, schemes or measures for achieving environmental objectives and goals and the purposes of this Act, including—
 - (i) incentives, prizes awards, subsidies, tax exemptions, rebates and depreciation allowances; and
 - (ii) taxes, duties, cesses and other levies;
 - (e) establish and maintain laboratories to help in the performance of its functions under this Act and to conduct research in various aspects of the environment and provide or arrange necessary assistance for establishment of similar laboratories in the private sector; and
 - (f) provide or arrange, in accordance with such procedure as may be prescribed, financial assistance for projects designed to facilitate the discharge of its functions.

7. Powers of the Federal Agency.—Subject to the provisions of this Act, the Federal Agency may—

- (a) lease, purchase, acquire, own, hold, improve, use or otherwise deal in and with any property both movable and immovable;
- (b) sell, convey, mortgage, pledge, exchange or otherwise dispose of its property and assets;
- (c) fix and realize fees, rates and charges for rendering any service or providing any facility information or data under this Act or the rules and regulations made thereunder;
- (d) enter into contracts, execute instruments, incur liabilities and do all acts or things necessary for proper management and conduct of its business;
- (e) appoint with the approval of the Federal Government and in accordance

with such procedures as may be prescribed, such advisers, experts and consultants as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit;

- (f) summon and enforce the attendance of any person and require him to supply any information or document needed for the conduct of any enquiry or investigation into any environmental issue;
- (g) enter and inspect and under the authority of a search warrant issued by the Environmental Tribunal or Environmental Magistrate, search at any reasonable time, any land, building, premises, vehicle or vessel or other place where or in which, there are reasonable grounds to believe that an offence under this Act has been or is being committed ;
- (h) take samples of any materials, products, articles or substances or of the effluents, wastes or air pollutants being discharged or emitted or of air, water or land in the vicinity of the discharge of emission;
- (i) arrange for test and analysis of the samples at a certified laboratory;
- (j) confiscate any article used in the commission of the offence where the offender is not known or cannot be found within a reasonable time:

Provided that the power under clauses (f), (h), (i) and (j) shall be exercised in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), or the rules made under this Act and under the direction of the Environmental Tribunal or Environmental Magistrate; and

- (k) establish a National Environmental Coordination Committee comprising the Director-General as its chairman and the Director-Generals of the Provincial Environmental Protection Agencies and such other persons as the Federal Government may appoint as its members to exercise such powers and perform such functions as may be delegated or assigned to it by the Federal Government for carrying out the purposes of this Act and for ensuring inter provincial co-ordination in environmental policies.

8. Establishment, powers and functions of the Provincial Environmental Protection Agencies.— (1) Every Provincial Government shall, by notification in the official Gazette, establish an Environmental Protection Agency, to exercise such powers and perform such functions as may be delegated to it by the Provincial Government under sub-section (2) of section 26.

(2) The Provincial Agency shall be headed by a Director-General who shall be appointed by the Provincial Government on such terms and conditions as it may determine.

(3) The Provincial Agency shall have such administrative, technical and legal staff as

the Provincial Government may specify, to be appointed in accordance with such procedure as may be prescribed.

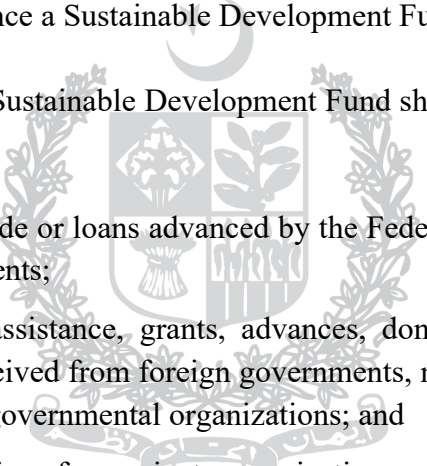
(4) The powers and functions of the Provincial Agency shall be exercised and performed by the Director-General.

(5) The Director-General may, by general or special order, delegate any of these powers and functions to staff appointed under sub-section (3).

(6) For assistance of the Provincial Agency in the discharge of its functions, the Provincial Government shall establish sectoral Advisory Committees for various sectors and appoint members from amongst eminent representatives of the relevant sector, educational institutions, research institutes and non-governmental organizations.

9. Establishment of the Provincial Sustainable Development Funds.—(1) There shall be established in each Province a Sustainable Development Fund.

(2) The Provincial Sustainable Development Fund shall be derived from the following sources, namely:-

- 
- (a) grants made or loans advanced by the Federal Government or the Provincial Governments;
 - (b) aid and assistance, grants, advances, donations and other non-obligatory funds received from foreign governments, national or international agencies, and non-governmental organizations; and
 - (c) Contributions from private organizations, and other persons.

(3) The Provincial Sustainable Development Fund shall be utilized in accordance with such procedure as may be prescribed for—

- (a) providing financial assistance to the projects designed for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, the sustainable development of resources and for research in any specified aspect of environment; and
- (b) any other purpose which in the opinion of the Board will help achieve environmental objectives and the purposes of this Act.

10. Management of the Provincial Sustainable Development Fund.—(1) The Provincial Sustainable Development Fund shall be managed by a Board known as the Provincial Sustainable Development Fund Board consisting of—

(i)	Chairman, Planning and Development Board/Additional Chief Secretary Planning and Development Department.	Chairperson
(ii)	such officers of the Provincial Governments not exceeding six as the Provincial Government may appoint, including Secretaries in charge of the Finance, Industries and Environment Department.	Members
(iii)	such non-official persons not exceeding ten as the Provincial Government may appoint including representatives of the Provincial Chamber of Commerce and Industry, non-governmental organizations, and major donors.	Members
(iv)	Director-General of the Provincial Agency.	Member/Secretary

(2) In accordance with such procedure and such criteria as may be prescribed, the Board shall have the power to—

- (a) sanction financial assistance for eligible projects;
- (b) invest moneys held in the Provincial Sustainable Development Fund in such profit-bearing Government bonds, savings schemes and securities as it may deem suitable; and
- (c) take such measures and exercise such powers as may be necessary for utilization of the Provincial Sustainable Development Fund for the purposes specified in sub-section (3) of section 9.

(3) The Board shall constitute committees of its members to undertake regular monitoring of projects financed from the Provincial Sustainable Development Fund and to submit progress reports to the Board which shall publish an Annual Report incorporating its annual audited accounts, and performance evaluation based on the progress reports.

11. Prohibition of certain discharges or emissions.—(1) Subject to the provisions of this Act and the rules and regulations made thereunder no person shall discharge or emit or allow the discharge or emission of any effluent or waste or air pollutant or noise in an amount, concentration or level which is in excess of the National Environmental Quality Standards or, where applicable, the standards established under sub-clause (i) of clause (g) of sub-section (1) of section 6.

(2) The Federal Government levy a pollution charge on any person who contravenes or fails to comply with the provisions of sub-section (1), to be calculated at such rate, and collected

in accordance with such procedure as may be prescribed.

(3) Any person who pays the pollution charge levied under sub-section (2) shall not be charged with an offence with respect to that contravention or failure.

(4) The provisions of sub-section (3) shall not apply to projects which commenced industrial activity on or after the thirtieth day of June, 1994.

12. Initial environmental examination and environmental impact assessment.—

(1) No proponent of a project shall commence construction or operation unless he has filed with the Federal Agency an initial environmental examination or, where the project is likely to cause an adverse environmental effect, an environmental impact assessment, and has obtained from the Federal Agency approval in respect thereof.

(2) The Federal Agency shall—

- (a) review the initial environmental examination and accord its approval, or require submission of an environmental impact assessment by the proponent; or
- (b) review the environmental impact assessment and accord its approval subject to such conditions as it may deem fit to impose, or require that the environmental impact assessment be re-submitted after such modifications as may be stipulated, or reject the project as being contrary to environmental objectives.

(3) Every review of an environmental impact assessment shall be carried out with public participation and no information will be disclosed during the course of such public participation which relates to—

- (i) trade, manufacturing or business activities, processes or techniques of a proprietary nature, or financial, commercial, scientific or technical matters which the proponent has requested should remain confidential, unless for reasons to be recorded in writing, the Director-General of the Federal Agency is of the opinion that the request for confidentiality is not well-founded or the public interest in the disclosure outweighs the possible prejudice to the competitive position of the project or its proponent; or
- (ii) international relations, national security or maintenance of law and order, except with the consent of the Federal Government; or
- (iii) matters covered by legal professional privilege.

(4) The Federal Agency shall communicate its approval or otherwise within a period of four months from the date the initial environmental examination or environmental impact

assessment is filed complete in all respects in accordance with the prescribed procedure, failing which the initial environmental examination or, as the case may be, the environmental impact assessment shall be deemed to have been approved, to the extent to which it does not contravene the provisions of this Act and the rules and regulations made thereunder.

(5) Subject to sub-section (4) the Federal Government may in a particular case extend the aforementioned period of four months if the nature of the project so warrants.

(6) The provisions of sub-sections (1), (2), (3), (4) and (5) shall apply to such categories of projects and in such manner as may be prescribed.

(7) The Federal Agency shall maintain separate Registers for initial environmental examination and environmental impact assessment projects, which shall contain brief particulars of each project and a summary of decisions taken thereon, and which shall be open to inspection by the public at all reasonable hours and the disclosure of information in such Registers shall be subject to the restrictions specified in sub-section (3).

13. Prohibition of import of hazardous waste.— No person shall import hazardous waste into Pakistan and its territorial waters, Exclusive Economic Zone and historic waters.

14. Handling of hazardous substances.—Subject to the provisions of this Act, no person shall generate, collect, consign, transport, treat, dispose of, store, handle or import any hazardous substance except—

- (a) under a licence issued by the Federal Agency and in such manner as may be prescribed; or
- (b) in accordance with the provisions of any other law for the time being in force, or of any international treaty, convention, protocol, code, standard, agreement or other instrument to which Pakistan is a party.

15. Regulation of motor vehicles.— (1) Subject to the provisions of this Act and the rules and regulations made thereunder, no person shall operate a motor vehicle from which air pollutants or noise are being emitted in an amount, concentration or level which is in excess of the National Environmental Quality Standards, or where applicable the standards established under clause (g) of sub-section (1) of section 6.

(2) For ensuring compliance with the standards mentioned in sub-section (1), the Federal Agency may direct that any motor vehicle or class of vehicles shall install such pollution control devices or other equipment or use such fuels or undergo such maintenance or testing as may be prescribed.

(3) Where a direction has been issued by the Federal Agency under sub-section (2) in

respect of any motor vehicles or class of motor vehicles, no person shall operate any such vehicle till such direction has been complied with.

16. Environmental protection order.—(1) Where the Federal Agency or a Provincial Agency is satisfied that the discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or the handling of hazardous substances, or any other act or omission is likely to occur, or is occurring or has occurred in violation of the provisions of this Act, rules or regulations or of the conditions of a licence, and is likely to cause, or is causing or has caused an adverse environmental effect, the Federal Agency or, as the case may be, the Provincial Agency may, after giving the person responsible for such discharge emission, disposal, handling, act or omission an opportunity of being heard, by order direct such person to take such measures that the Federal Agency or Provincial Agency may consider necessary within such period as may be specified in the order.

(2) In particular and without prejudice to the generality of the foregoing power, such measures may include—

- (a) immediate stoppage, preventing, lessening or controlling the discharge, emission, disposal, handling, act or omission, or to minimize or remedy the adverse environmental effect;
- (b) installation, replacement or alteration of any equipment or thing to eliminate or control or abate on a permanent or temporary basis, such discharge, emission, disposal, handling, act or omission;
- (c) action to remove or otherwise dispose of the effluent, waste, air pollutant, noise, or hazardous substances; and
- (d) action to restore the environment to the condition existing prior to such discharge, disposal, handling, act or omission, or as close to such condition as may be reasonable in the circumstances, to the satisfaction of the Federal Agency or, Provincial Agency.

(3) Where the person, to whom directions under sub-section (1) are given, does not comply therewith, the Federal Agency or Provincial Agency may, in addition to the proceeding initiated against him under this Act or the rules and regulations, itself take or cause to be taken such measures specified in the order as it may deem necessary, and may recover the costs of taking such measures from such person as arrears of land revenue.

17. Penalties.—(1) Whoever contravenes or fails to comply with the provisions of sections 11, 12, 13, or section 16 or any order issued thereunder shall be punishable with fine which may extend to one million rupees, and in the case of a continuing contravention or failure, with an additional fine which may extend to one hundred thousand rupees for everyday during which such

contravention or failure continues and where such contravention or failure continues:

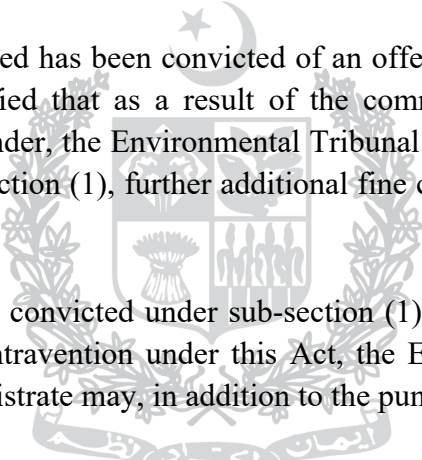
Provided that if contravention of the provisions of section 11 also constitutes contravention of the provisions of section 15, such contravention shall be punishable under sub-section (2) only.

(2) Whoever contravenes or fails to comply with the provisions of section 14 or 15 or any rule or regulation or conditions of any licence, any order or direction issued by the Council or by the Federal Agency or Provincial Agency shall be punishable with fine which may extend to one hundred thousand rupees, and in case of continuing contravention, or failure with an additional fine which extend to one thousand rupees for every day during which such contravention continues.

(3) Where an accused has been convicted of an offence under sub-section (1) and (2), the Environmental Tribunal and Environmental Magistrate shall, in passing sentence, take into account the extent and duration of the contravention or failure constituting the offence, and the attendant circumstances.

(4) Where an accused has been convicted of an offence under sub-section (1) and the Environmental Tribunal is satisfied that as a result of the commission of the offence monetary benefits have accrued to the offender, the Environmental Tribunal may order the offender to pay, in addition to the fines under sub-section (1), further additional fine commensurate with the amount of the monetary benefits.

(5) Where a person convicted under sub-section (1) or sub-section (2); and had been previously convicted for any contravention under this Act, the Environmental Tribunal or, as the case may be, Environmental Magistrate may, in addition to the punishment awarded thereunder—

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- (a) endorse a copy of the order of conviction to the concerned trade or industrial association, if any, or the concerned Provincial Chamber of Commerce and Industry or the Federation of Pakistan Chambers of Commerce and Industry;
 - (b) sentence him to imprisonment for a term which may extend up to two years;
 - (c) order the closure of the factory;
 - (d) order confiscation of the factory, machinery, and equipment, vehicle, material or substance, record or document or other object used or involved in contravention of the provisions of the Act:

Provided that for a period of three years from the date of commencement of this Act, the sentence of imprisonment shall be passed only in respect of persons who have been previously convicted for more than once for any contravention of sections 11, 13, 14 or 16 involving hazardous waste;

- (e) order such person to restore the environment at his own cost, to the conditions existing prior to such contravention or as close to such conditions as may be reasonable in the circumstances to the satisfaction of the Federal Agency or, as the case may be, Provincial Agency; and
- (f) order that such sum be paid to any person as compensation for any loss, bodily injury, damage to his health or property suffered by such contravention.

(6) The Director-General of the Federal Agency or of a Provincial Agency or an officer generally or specially authorised by him in this behalf may, on the application of the accused compound an offence under this Act with the permission of the Environmental Tribunal or Environmental Magistrate in accordance with such procedure as may be prescribed.

(7) Where the Director-General of the Federal Agency or of a Provincial Agency is of the opinion that a person had contravened any provision of this Act, he may, subject to the rules, by notice in writing to that person require him to pay to the Federal Agency or, as the case may be, Provincial Agency an administrative penalty in the amount set out in the notice for each day the contravention continues; and a person who pays an administrative penalty for a contravention shall not be charged under this Act with an offence in respect of such contravention.

(8) The provisions of sub-sections (6) and (7) shall not apply to a person who has been previously convicted of offence or who has compounded an offence under this Act or who has paid an administrative penalty for a contravention of any provision of this Act.

18. Offences by bodies corporate.—Where any contravention of this Act has been committed by a body corporate, and it is proved that such offence has been committed with the consent or connivance or, or is attributed to any negligence on the part of, any director, partner, manager, secretary or other officer of the body corporate, such director, partner, manager, secretary or other officer of the body corporate, shall be deemed guilty of such contravention along with the body corporate and shall be punished accordingly:

Provided that in the case of a company as defined under the Companies Ordinance, 1984 (XLVII of 1984), only the Chief Executive as defined in the said Ordinance shall be liable under this section.

Explanation.—For the purposes of this section, “body corporate” includes a firm, association of persons and a society registered under the Societies Registration Act, 1860 (XXI of 1860), or under the Cooperative Societies Act, 1925 (VII of 1925).

19. Offences by Government Agencies, local authorities or local councils.—Where

any contravention of this Act has been committed by any Government Agency, local authority or local council, and it is proved that such contravention has been committed with the consent or connivance of, or is attributable to any negligence on the part of the Head or any other officer of the Government Agency, local authority or local council, such Head or other officer shall also be deemed guilty of such contravention along with the Government Agency, local authority or local council and shall be liable to be proceeded against and punished accordingly.

20. Environmental Tribunals.—(1) The Federal Government may, by notification in the official Gazette, establish as many Environmental Tribunals as it considers necessary and, where it establishes more than one Environmental Tribunal, it shall specify territorial limits within which, or the class of cases in respect of which, each one of them shall exercise jurisdiction under this Act.

(2) An Environmental Tribunal shall consist of a Chairperson who is, or has been, or is qualified for appointment as, a Judge of the High Court to be appointed after consultation with the Chief Justice of the High Court and two members to be appointed by the Federal Government of which at least one shall be a technical member with suitable professional qualifications and experience in the environmental field as may be prescribed.

(3) For every sitting of the Environmental Tribunal, the presence of the Chairperson and not less than one Member shall be necessary.

(4) A decision of an Environmental Tribunal shall be expressed in terms of the opinion of the majority of its members, including the Chairperson, or if the case has been decided by the Chairperson and only one of the members and there is a difference of opinion between them, the decision of the Environmental Tribunal shall be expressed in terms of the opinion of the Chairperson.

(5) An Environmental Tribunal shall not, merely by reason of a change in its composition, or the absence of any member from any sitting, be bound to recall and rehear any witness who has given evidence and may act on the evidence already recorded by, or produced, before it.

(6) An Environmental Tribunal may hold its sittings at such places within its territorial jurisdiction as the Chairperson may decide.

(7) No act or proceeding of an Environmental Tribunal shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution of, the Environmental Tribunal.

(8) The terms and conditions of service of the Chairperson and members of the Environmental Tribunal shall be such as may be prescribed.

21. Jurisdiction and powers of Environmental Tribunals.—(1) An Environmental Tribunal shall exercise such powers and perform such functions as are, or may be, conferred upon or assigned to it by or under this Act, or the rules and regulations made thereunder.

(2) All contravention punishable under sub-section (1) of section 17 shall exclusively be triable by an Environmental Tribunal.

(3) An Environmental Tribunal shall not take cognizance of any offence triable under sub-section (2) except on a complaint in writing by—

- (a) the Federal Agency or any Government Agency or local council ; and
- (b) any aggrieved person, who has given notice of not less than thirty days to the Federal Agency or the Provincial Agency concerned of the alleged contravention and of his intention to make a complaint to the Environment Tribunal.

(4) In exercise of its criminal jurisdiction, the Environmental Tribunal shall have the same powers as are vested in the Court of Session under the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) In exercise of the appellate jurisdiction under section 22 the Environmental Tribunal shall have the same powers and shall follow the same procedure as an appellate court in the Code of Civil Procedure, 1908 (Act V of 1908).

(6) In all matters with respect to which no procedure has been provided for in this Ordinance, the Environmental Tribunal shall follow the procedure laid down in the Code of Civil Procedure, 1908 (Act V of 1908).

(7) An Environmental Tribunal may, on application filed by any officer duly authorised in this behalf by the Director-General of the Federal Agency or Provincial Agency, issue bailable warrant for the arrest of any person against whom reasonable suspicion exists of his having been involved in contravention punishable under sub-section (1) of section 17:

Provided that such warrant shall be applied for, issued and executed in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided further that if the person arrested executes a bond with sufficient sureties in accordance with the endorsement on the warrant, he shall be released from custody, failing which he shall be taken or sent without delay to the officer-in-charge of the nearest police station.

(8) All proceedings before the Environmental Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of

1860) and the Environmental Tribunal shall be deemed to be a court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(9) No Court other than an Environmental Tribunal shall have or exercise any jurisdiction with respect to any matter to which the jurisdiction of an Environmental Tribunal extends under this Act or the rules and regulations made thereunder.

(10) Where the Environmental Tribunal is satisfied that a complaint made to it under sub-section (3) is false and vexatious to the knowledge of the complainant, it may, by an order, direct the complainant to pay to the person complained against such compensatory costs which may extend to one hundred thousand rupees.

22. Appeals to the Environmental Tribunal.— (1) Any person aggrieved by any order or direction of the Federal Agency or any Provincial Agency under any provision of this Act and rules or regulations made thereunder may prefer an appeal with the Environmental Tribunal within thirty days of the date of communication of the impugned order or direction to such person.

(2) An appeal to the Environmental Tribunal shall be in such form, contain such particulars and be accompanied by such fees as may be prescribed.

23. Appeals from orders of the Environmental Tribunal.— (1) Any person aggrieved by any final order or by any sentence of the Environmental Tribunal passed under this Act may, within thirty days of communication of such order or sentence, prefer an appeal to the High Court.

(2) An appeal under sub-section (1) shall be heard by a Bench of not less than two Judges.

24. Jurisdiction of Environmental Magistrates.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or any other law for the time being in force, but subject to the provisions of this Act, all contraventions punishable under sub-section (2) of section 17 shall exclusively be triable by a judicial Magistrate of the first class as Environmental Magistrate especially empowered in this behalf by the High Court.

(2) An Environmental Magistrate shall be competent to impose any punishment specified in subsections (2) and (4) of section 17.

(3) An Environmental Magistrate shall not take cognizance of an offence triable under sub-section (1) except on a complaint in writing by—

- (a) the Federal Agency, Provincial Agency, or Government Agency or local council; and

- (b) any aggrieved person.

25. Appeals from orders of Environmental Magistrates.— Any person convicted of any contravention of this Act or the rules or regulations by an Environmental Magistrate may, within thirty days from the date of his conviction, appeal to the Court of Sessions, whose decision thereon shall be final.

¹26. Power to delegate.—(1) The Federal Government may, by notification in the official Gazette, delegate any of its or of the Federal Agency's powers and functions under this Act and the rules and regulations made thereunder to any Provincial Government, any Government Agency, local council or local authority.

(2) The Provincial Government may, by ²notification in the official Gazette, delegate any of its or of the Provincial Agency's powers or functions under this Act and the rules and regulations made thereunder to any Government Agency of such Provincial Government or any local council or local authority in the Province.

27. Power to give directions.—In the performance of their functions under this Act—

- (a) the Federal Agency and Provincial Agencies shall be bound by the directions given to them in writing by the Federal Government; and
- (b) a Provincial Agency shall be bound by the directions given to it in writing by the Provincial Government.

28. Indemnity.—No suit, prosecution or other legal proceedings shall lie against the Federal or Provincial Governments, the Council, the Federal Agency or Provincial Agencies, the Directors-General of the Federal Agency and the Provincial Agency, members, officers, employees, experts, advisors, committees or consultants of the Federal or Provincial Agencies or the Environmental Tribunal or Environmental Magistrates or any other person for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

29. Dues recoverable as arrears of land revenue.—Any dues recoverable by the Federal Agency or Provincial Agency under this Act, or the rules or regulations made thereunder shall be recoverable as arrears of land revenue.

30. Act to over-ride other laws.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

¹ For such powers delegated to Maritime Security Agency, Pl. see SRO No. 9 (KE)/05, dated 02-02-2005.

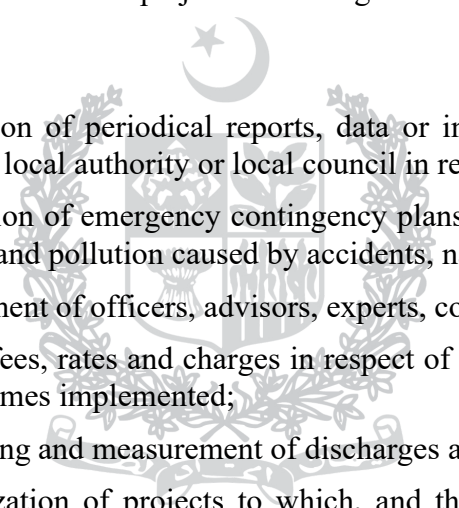
² See S.R.O. 1251 to 1254(I)/98, dt.27-10-98.

31. Power to make rules.—The Federal Government may, by Notification in the official Gazette, make rules for carrying out the purposes of this Act including rules for implementing the provisions of the international environmental agreements, specified in the Schedule to this Act.

32. Power to amend the Schedule.—The Federal Government may, by Notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

33. Power to make regulations.— (1) For carrying out the purposes of this Act, the Federal Agency may, by Notification in the official Gazette and with the approval of the Federal Government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

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- (a) submission of periodical reports, data or information by any Government Agency, local authority or local council in respect of environmental matters;
 - (b) preparation of emergency contingency plans for coping with environmental hazards and pollution caused by accidents, natural disasters and calamities;
 - (c) appointment of officers, advisors, experts, consultants and employees;
 - (d) levy of fees, rates and charges in respect of services rendered, actions taken and schemes implemented;
 - (e) monitoring and measurement of discharges and emissions;
 - (f) categorization of projects to which, and the manner in which, section 12 applies;
 - (g) laying down of guidelines for preparation of initial environmental examination and environmental impact assessment and Development of procedures for their filing, review and approval;
 - (h) providing procedures for handling hazardous substances; and
 - (i) installation of devices in, use of fuels by, and maintenance and testing of motor vehicles for control of air and noise pollution.

34. Repeal, savings and succession.—(1) The Pakistan Environmental Protection Ordinance, 1983 (XXXVII of 1983) is hereby repealed.

(2) Notwithstanding the repeal of the Pakistan Environmental Protection Ordinance, 1983 (XXXVII of 1983), any rules or regulations or appointments made, orders passed, notifications issued, powers delegated, contracts entered into, proceedings commenced, rights acquired liabilities

incurred, penalties, rates, fees or charges levied, things done or action taken under any provisions of that Ordinance shall, so far as they are not inconsistent with the provisions of this Act, be deemed to have been made, passed, issued, delegated, entered into, commenced, acquired, incurred, levied, done or taken under this Act.

(3) On the establishment of the Federal Agency and Provincial Agencies under this Act, all properties, assets and liabilities pertaining to the Federal Agency and Provincial Agencies established under that Ordinance shall vest in and be the properties, assets and liabilities, as the case may be, of the Federal Agency and Provincial Agency established under this Act.

SCHEDULE

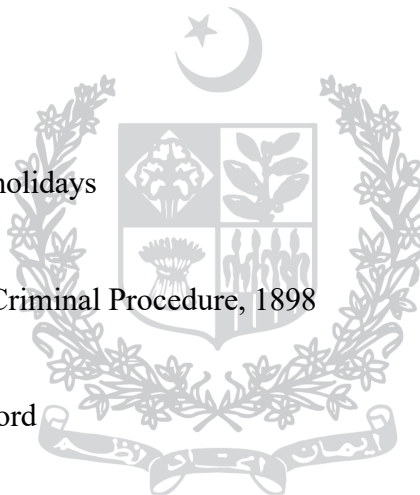
(See section 31)

1. International Plant Protection Convention, Rome, 1951.
2. Plant Protection Agreement for the South-East Asia and Pacific Region (as amended), Rome, 1956.
3. Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (as amended), Rome, 1963.
4. Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Ramsar, 1971 and its amending Protocol, Paris, 1982.
5. Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention), Paris, 1972.
6. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Washington, 1973.
7. Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979.
8. Convention on the Law of the Sea, Montego Bay, 1982.
9. Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985.
10. Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987 and amendments thereto.
11. Agreement on the Network of Aquaculture Centers in Asia and the Pacific, Bangkok, 1988.
12. Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, Basel, 1989.
13. Convention on Biological Diversity, Rio De Janiero, 1992.
14. United Nations Framework Convention on Climate Change, Rio De Janiero, 1992.

THE ENVIRONMENTAL TRIBUNAL RULES, 1999

CONTENT

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2. Definitions
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SCHEDULE 1

SCHEDULE II

SCHEDULE III

THE ENVIRONMENTAL TRIBUNAL RULES, 1999

Statutory Notification (S.R.O.)
GOVERNMENT OF PAKISTAN
MINISTRY OF ENVIRONMENT, LOCAL GOVERNMENT AND RURAL DEVELOPMENT

NOTIFICATION

Islamabad, the 10th March, 2000

S.R.O. (I)/2001.— In exercise of the powers conferred by section 33 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), read with clause (k) of sub-section (1) of section 6 thereof, the Pakistan Environmental Protection Agency, with the approval of the federal Government, is pleased to make the following regulations namely:-

1. Short title and commencement.— (1) These rules may be called the Environmental Tribunal Rules, 1999.

(2) They shall come into force at once.

2. Definitions.— (1) In these Rules, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “Bench” means a bench of tribunal comprising the Chairperson and at least one other Member;
- (c) “Chairperson” means Chairperson of the Tribunal;
- (d) “Corporation service” means employment in a corporation or other body set up, established, owned, managed or controlled by the Federal or a Provincial Government;
- (e) “Director General” means the Director-General of the Federal Agency;
- (f) “Member” means member of the Tribunal;
- (g) “Registrar” means the Registrar of the Tribunal;
- (h) “Section” means a section of the Act;
- (i) “Service of Pakistan” shall have the same meaning as defined clause (1) of Article 260 of the Constitution of the Islamic Republic of Pakistan, 1973;
- (j) “Tribunal” means Environment Tribunal established under sub- section (1) of section 20 of the Act and includes a Bench.

(2) All other words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

3. Term of office of Chairperson and Members.— (1) The term of office of the Chairperson and Members shall not exceed three years:

Provide that the Federal Government may extend the term of office of the Chairperson or any Member for such period, not exceeding three years, as it may deem fit.

Provided further that a Member, who immediately before his appointment was holding a post in the service of Pakistan, may be transferred in public interest before the expiry of his term of office.

(2) The Chairperson or Member may resign his office by writing under his hand addressed to the Federal Government.

(3) The Chairperson or a Member shall only be removed from office except in the manner applicable to like a Judge of the High Court.

(4) The Chairperson or a Member shall not hold any other office in the service of Pakistan if his remuneration is thereby increased.

4. Qualification of Member.— (1) A Technical Member of the Tribunal shall be a person who has at least—

- (a) A second-class B.Sc. Engineering degree in Chemical/Civil/Public Health/Environmental/Mechanical/Industrial Engineering; or a second-class M. Sc. Degree in Physics/ Chemistry / Biology / Chemical technology / Environmental Planning and Management/ Bio-Chemistry; and
- (b) 17 years, experience in BPS-17 and above or equivalent relating to the field of any prescribed academic qualification.

Explanation.— The experience prescribed in clause (b) shall be calculated after acquisition of the educational qualification prescribed in clause (a).

(2) The third Member of the Tribunal, if not also a Technical Member, shall be person who has, for a period of not less than 10 years held an appointment or post in the service of Pakistan, or in Corporation service, or who for the said period, has been an advocate of a High Court.

5. Salary, allowances and privileges.— (1) If a retired Judge of the High Court is appointed as Chairperson, he shall be entitled to such salary, allowances and privileges as are admissible to him as such Judge.

(2) If a retired Judge of the High Court is appointed as Chairperson, he shall be entitled to such salary, allowances and privileges as would be admissible to him had he been a Judge of the High Court from which he retired and had been transferred to a bench other than at the principal seal of that High Court.

(3) If a person who is in the service of Pakistan or in Corporation service is appointed

as Member, he shall be entitled to the same salary, allowances and privileges as are admissible to him in such service.

Provided that if such person is promoted to a higher grade after his appointment as Member, he shall be entitled, from the date of such promotion, to the salary, allowances and privileges admissible to him in the higher grade.

(4) If a person who has retired from the service of Pakistan or from Corporation service is appointed as Member, he shall draw such salary and allowances and be allowed such privileges as are admissible to him under the rules applicable to such retired person on employment.

(5) If a person who is not a serving or retired Judge of the High Court is appointed as Chairperson, or a person who is not in, or retired from the service of Pakistan or from corporation service is appointed as Member, he shall draw salary and allowances and be allowed privileges in accordance with the contract relating to the terms and conditions of his appointment:

Provided that in the case of the Chairperson, such salary, allowances and privileges shall not be less than are admissible to a Judge of the High Court:

Provided further that in case of a Member, such salary, allowances and privileges shall not be less than are admissible to an officer in Basic Scale 21.

(6) The terms and conditions of service of the Chairperson or a Member shall not be varied to the disadvantage of the Chairperson or Member during his term of office.

6. Oath of office.— Before entering upon his office, a Chairperson who is not a serving Judge of the High Court, and a Member shall make an oath, in the form prescribed in schedule I, before the Chief Justice of the High Court or a Judge nominated by the Chief Justice for the purpose.

7. Benches of the Tribunal.—The powers and functions of the Tribunal may be exercised or performed by Bench.

8. Transfer of cases.— The Chairperson may, at any stage of hearing of a case, withdraw it from the Bench before which it is pending and entrust it to another.

9. Staff of the Tribunal.—(1) Staff of the Tribunal shall be as set out in Schedule II.

(2) The terms and conditions of service of the staff of the Tribunal shall be the same as of civil servants of corresponding grade under Government, and they shall be governed by the Civil Servants Act, 1973 (LXXI of 1973), and the rules made thereunder.

(3) Notwithstanding the provisions of sub-rules (1) and (2), where a Judge of the High Court or the Presiding Officer of an existing Court or Tribunal is appointed as Chairperson in addition to his own duties, the duties and functions of the staff of the Tribunal may be assigned to existing staff of the High Court or such Court or Tribunal.

10. Seal of the Tribunal.—(1) There shall be a seal of the Tribunal which shall

indicate the name of the Tribunal and its insignia.

(2) The seal shall remain in the custody of the Registrar or such other officer as the Chairperson may direct, and shall be affixed on every order passed by the Tribunal.

(3) Every notice issued on behalf of the tribunal shall be signed by the Registrar or other officer duly authorized in this behalf by the Chairman and shall bear the seal of the Tribunal.

11. Dress, office hours and holidays.— (1) The Chairperson and Members shall wear the same dress as prescribed for Judges of the High Court.

(2) The Tribunal shall, subject to any special order of the Chairperson, observe the same office hours, holidays and periods of recess as the High Court of the Province in which it is situate.

12. Language. The language of the Tribunal shall be English, but Urdu or any of the regional languages may be used, subject to permission of the Tribunal.

13. Application of Code of Criminal Procedure, 1898.— The Code of Criminal Procedure, 1898 (Act V of 1898) shall apply to proceedings before the Tribunal relating to trial of offences under section 17.

14. Cause List.—(1) A daily Cause List shall be prepared under the orders of the Register which shall be affixed on the notice board of the court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal, cases shall be set down in the Cause List in the order of the date of admission.

15. Copies of orders and record.— (1) The Tribunal shall, after passing and signing any final order in any case, cause certified copies thereof to be sent under registered post acknowledgement due to the parties concerned and to the Director General of the Federal Agency and of the Provincial Agency concerned.

(2) Any party appeal may obtain additional copies of the order on payment of such fees as the Tribunal may fix from time to time.

16. Expeditious disposal.— The Tribunal shall make every effort to dispose of a complaint or an appeal or other proceedings within 60 days of its filing.

Provided that a decision of the Tribunal shall not be rendered invalid by reason of any delay in its delivery.

17. Appeals.— (1) An appeal to the Environmental tribunal under section 22, in a form of a memorandum, shall be prepared in triplicate, and sent to the Registrar by registered post acknowledgement due or presented to him during office hours either by the appellant personally or by his counsel.

(2) The appeal shall be accompanied by—

- (i) a copy of the impugned order;
- (ii) copies of all documents on which the appellant relies; and
- (iii) fees, as prescribed in Schedule III.

18. Proceedings open to public.— All proceedings before the Tribunal shall be open to the public:

Provided that the Tribunal may restrict entry of public during hearing of cases involving information covered by clauses (i), (ii) and (iii) of sub-section (3) of section 12.



SCHEDULE 1

(See Rule 6)

Oath of Chairperson and Members

I, _____do solemnly swear that a Chairperson/Member of an Environmental Tribunal established under the Pakistan Environmental Protection Act, 1977, I will discharge my duties and perform my functions honestly to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan, 1973 and the law, and without fear of favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

SCHEDULE II

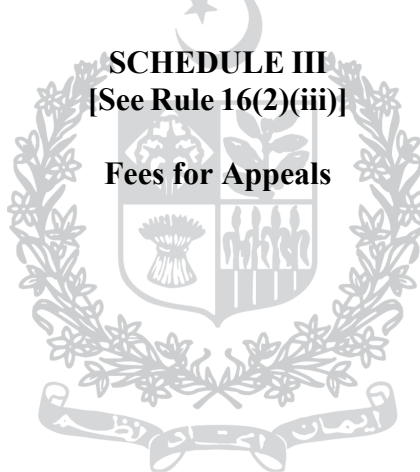
[See Rule 9(1)]

Staff of the Tribunal

SCHEDULE III

[See Rule 16(2)(iii)]

Fees for Appeals



THE ENVIRONMENTAL SAMPLES RULES, 2001

CONTENT

1. Short title and commencement
2. Definitions
3. Authorization
4. Entry and inspection
5. Search
6. Issue of Environmental protection order
7. Procedure for taking samples
8. Dispatch of samples
9. Detailed sampling procedures
10. Test and analysis of samples
11. Admissibility and evidentiary value of certificate of environmental laboratory
12. Filing of complaint
13. Expenses of prosecution
14. Second test and analysis
15. Procedure for trial
16. Right of private persons to have samples analysed



FORM A

FORM B

FORM C

FORM D

THE ENVIRONMENTAL SAMPLES RULES, 2001

Statutory Notification (S. R. O.)
GOVERNMENT OF PAKISTAN
MINISTRY OF ENVIRONMENT, LOCAL GOVERNMENT AND RURAL DEVELOPMENT

NOTIFICATION

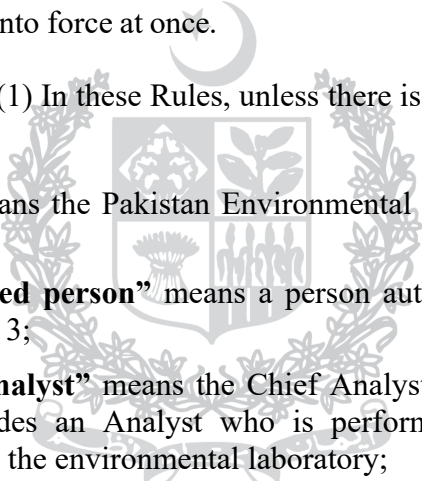
Islamabad, the March 2001.

S.R.O.527(I)/2001.— In exercise of the powers conferred by section 31 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Federal Government is pleased to make the following rules, namely: -

1. Short title and commencement. – (1) These rules may be called the Environmental Samples Rules, 2001.

(2) They shall come into force at once.

2. Definitions .— (1) In these Rules, unless there is anything repugnant in the subject or context,—

- 
- (a) **“Act”** means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
 - (b) **“authorized person”** means a person authorized by the Director- General under rule 3;
 - (c) **“Chief Analyst”** means the Chief Analyst of an environmental laboratory, and includes an Analyst who is performing the functions of the Chief Analyst in the environmental laboratory;
 - (d) **“Director-General”** means the Director-General of the Federal Agency or a Provincial Agency;
 - (e) **“environmental laboratory”** means a laboratory to which certification has been granted under the Pakistan Environmental Protection Agency (Certification of Environmental Laboratories) Regulations, 2000; and
 - (f) **“Law”** means the laws annexed to these rules.

(2) All other words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

3. Authorization.— (1) Functions and powers specified in these rules including powers under clauses (g), (h), (i) and (j) of section 7 of the Act of the Federal Agency or of a Provincial Agency if delegated to it, may be performed and exercised by any person duly authorized by the Director-General in this behalf, under sub-section (5) of section 5 of the Act.

(2) In performing such functions and exercising such powers under sub-rule (1), an authorized person may employ such assistance as he may consider necessary:

Provided that police assistance, if required, shall be obtained only under orders of the Environmental Tribunal or Environmental Magistrate having jurisdiction.

4. Entry and inspection.— (1) An authorized person shall, before entering any place, record in writing the reasonable grounds leading him to believe that an offence under the Act has been or is being committed therein.

(2) For the purpose of determining whether, and if so in what manner, an offence under the Act has been, or is being committed, in any place an authorized person may,—

- (a) enter and inspect such place, and examine any machinery or equipment while in operating condition, or any relevant document or other article found therein; and
- (b) take into possession, against a signed receipt, any article which he has reason to believe has been or is involved in, or which may furnish evidence of, the commission of an offence:

Provided that where it is not practicable to take physical possession of any such article, the authorized person may, by order in writing in the form as set out in Form A, entrust the article to the custody of the owner or the person previously holding the article in his possession or charge, and direct him not to remove or otherwise deal with the article except with the prior written permission of the authorized person:

Provided further that where the owner or person previously holding the article in his possession or charge is not known or cannot be found within reasonable time, the authorized person after publication a notice in one English and one Urdu daily newspapers calling upon such person to show cause as why the article should not be confiscated.

(3) Any power under clause (b) of sub-rule (2) shall not be exercised if production or operations in such place will be adversely affected unless prior permission in writing is obtained from the Environmental Tribunal or Environmental Magistrate having jurisdiction.

(4) The owner or person in charge of the place in which entry is sought by an authorized person shall, on being informed of his purpose and shown his authorization, allow him unimpeded access to such place and provide all reasonable facilities for his inspection:

Provided that the authorized person shall abide by all safety rules and precautions applicable to such place.

5. Search.— (1) Where an authorized person considers it necessary to search for an article of the nature specified in clause (b) of sub-rule (2) of rule 4, he may apply to the Environmental Tribunal or Environmental Magistrate having jurisdiction for a search-warrant,

specifying in his application, to the extent possible, the article for which search is to be made.

(2) The Environmental Tribunal or Environmental Magistrate may, on an application of an authorized person under sub-rule (1), for reasons to be recorded in writing, issue a search-warrant specifying the place to be searched and, to the extent possible, the article for which search is to be made, and may also lay down such other conditions as it may deem fit in the circumstances of the case.

(3) If despite stating his purpose and showing his search-warrant, an authorized person cannot obtain entry into such place, he may break or open any lock, door, gate or window of such place:

Provided that if the place into which entry is sought is in the actual occupancy of a woman who, according to custom, does not appear in public, the authorized person shall give notice to such woman to withdraw and shall afford her every reasonable opportunity of withdrawing, before breaking or opening and entering such place.

(4) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall *mutatis mutandis*, apply to searches made under this rule.

6. Issue of Environmental protection order.— Where on entry, inspection or search of any place, an authorized person is satisfied that the circumstances in such place require issue of an Environmental Protection Order in respect thereof, he shall immediately inform the Director-General in writing, for initiation of necessary action in accordance with the provisions of section 16 of the Act.

7. Procedure for taking samples.— (1) An authorized person taking samples under clause (h) of section 7 of the Act shall forthwith divide the same into three portions, in the presence of the person from whom the sample is taken:

Provided that where the sample is such that it cannot or need not be divided, additional samples should be taken, if possible.

(2) An authorized person shall take samples in clean, dry bottles or jars or other suitable containers which shall be closed sufficiently tight to prevent leakage or evaporation or entry of moisture:

Provided that where necessary the authorized person shall add preservative to the sample before sealing the container.

(3) All such bottles or jars or containers shall be labeled, placed in a cloth or other bag which shall be sewn or glued at the ends and then effectively sealed on the stitches or ends and suitably marked and signed by the authorized person and the person from whom the sample is taken.

(4) Where the person from whom the sample is taken is not available, or willfully absents himself or is unknown at the relevant time, or declines to add his seal or mark or signatures, the authorized person shall obtain on the sealed parcel the seal or mark and, if possible, signatures of one or more independent witnesses in whose presence the sample has been taken.

(5) Both the label and the sealed parcel shall contain a distinguishing number, a brief description of the sample and the preservative, if any, and the place, date and time of taking the sample.

8. Dispatch of samples.— (1) One portion of the sample duly packed, sealed and marked as provided in rule 7 shall be handed over to the person from whom the sample is taken, along with a notice in the form as set out in Form B:

Provided that, in cases covered under sub-rule (4) of rule 7, the first portion and notice in Form B shall be dispatched to the person from whom the sample is taken, if since traced, by registered post.

(2) The second portion of the sample, or the second sample, or the sample itself where taking of only one sample is possible, shall, after being duly packed, sealed, labeled and marked as provided in rule 7, be delivered within forty-eight hours to an environmental laboratory for test and analysis, along with forwarding letter in the form as set out in Form C.

(3) The third portion of the sample or the third sample, after being duly packed, sealed, labeled and marked as provided in rule 7, shall be retained by the authorized person for future test and analysis, and comparison, as may be required.

(4) Specimen impression of the seal affixed on the parcel shall be sent by the authorized person to an environmental laboratory separately by registered post or courier.

9. Detailed sampling procedures.— Subject to the provisions of rules 7 and 8, where the nature of the samples or the tests or analyses proposed to be carried out so require, the Director-General may specify further details as to the procedures for taking, packing, storage and dispatch of samples, and where such details have been specified, the authorized person shall comply therewith.

10. Test and analysis of samples.— (1) On receipt of sealed parcel containing a sample for test and analysis, the Chief Analyst shall compare the seals on the parcel with the specimen impression received, and shall note the condition of the seal thereon.

(2) Amongst other tests or analyses, the Chief Analyst shall particularly test or analyse the sample to determine whether it conforms to the National Environmental Quality Standards.

(3) After the test or analysis, the Chief Analyst, on receipt of fees payable in respect thereof, shall forthwith send to the authorized person a certificate in the form as set out in Form D, in triplicate, declaring the results of such test or analysis.

(4) The Chief Analyst shall, as far as possible, carry out the test or analysis and send the certificate in the form as set out in Form D to the authorized person within thirty days of receipt of the sample:

Provided that if for any reason the Chief Analyst is unable to carry out the test or analysis within the prescribed period, he shall inform the authorized person accordingly who may collect the

sample and send the same to another environmental laboratory for the purpose.

(5) On receipt of the certificate in the form as set out in Form D, in triplicate, the authorized person shall —

- (a) send one original to the person from whom the sample is taken;
- (b) submit the second original with the complaint, if any, filed with the Environmental Tribunal or Environmental Magistrate; and
- (c) retain the third original in his record or in the record of the Federal Agency or a Provincial Agency for future use.

11. Admissibility and evidentiary value of certificate of environmental laboratory.— (1) Upon production in any inquiry, trial or other proceedings under the Act, of the certificate in Form D issued by the Chief Analyst of an environmental laboratory in respect of a sample, the person from whom the sample is taken may, within fifteen days of receipt of the certificate, give notice to the authorized person in writing of his intention to contest the results contained in the certificate.

(2) Where on the request of the accused the Environmental Tribunal considers it necessary in the interests of justice, it may summon the Chief Analyst to give evidence in respect of the certificate issued by him:

Provided that the costs of summoning the Chief Analyst shall be deposited by the accused, and if the accused is subsequently acquitted, the same shall be refunded to him.

12. Filing of complaint.— (1) On receipt of a certificate in Form D, an authorized person may, if the said certificate indicates contravention or failure to comply with the provisions of sub-section (1) of section 11 of the Act, file a complaint against the person or persons responsible for such contravention or failure, with the Environmental Tribunal having jurisdiction.

(2) A complaint referred to in sub-rule (1) shall be accompanied by an original certificate in Form D, and attested copies of a notice in Form B, forwarding letter of sample in Form C and notice if any, received under sub-rule (1) of rule 11.

(3) The authorized person may also submit to the Environmental Tribunal any article taken into possession under clause (b) of sub-rule (2) of rule 4, if it is considered necessary and practicable to do so.

13. Expenses of prosecution.— (1) Along with the complaint, the authorized person may also file a statement indicating the expenses incurred in the prosecution, including the costs of samples and of test and analysis thereof, and may request the Environmental Tribunal that in case of conviction the aforesaid expenses may be reimbursed to the complainant, in accordance with the provisions of section 545 of the Code of Criminal Procedure, 1898 (Act V of 1898).

14. Second test and analysis.— (1) Where the Environmental Tribunal is of the opinion, on the basis of evidence produced before it by the accused against whom the complaint has been filed, that further investigation is justified and is possible notwithstanding the time elapsed, it

may, after recording the grounds for its opinion, direct that the third portion of the sample in the custody of the authorized person be sent for second test and analysis to another environmental laboratory:

Provided that the costs of the second test and analysis shall be deposited by the accused, and if the accused is subsequently acquitted, the same shall be refunded to him.

(2) The provisions of rules 10 and 11 shall apply to the second test and analysis under sub-rule (1), and the certificate in the form as set out in Form D in respect thereof shall be issued.

15. Procedure for trial.— The Environmental Tribunal shall try an offence under sub-section (1) of section 11 of the Act in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

16. Right of private persons to have samples analysed.— (1) Any person may apply in writing to the Director-General for arranging test and analysis of such sample and from such person as may be specified in the application.

(2) If the Director-General approves the application, he shall instruct an authorized person to take the sample and arrange for its test and analysis, and the provisions of rules 7 to 11 shall, *mutatis mutandis*, apply thereto.

(3) The costs of taking the sample and of the test and analysis shall be paid by the applicant:

Provided that in case the sample is found by an environmental laboratory not to conform to the National Environmental Quality Standards, the amount paid by the applicant shall be returned to him.

FORM A

[See rule 4(2)(b)]

CUSTODY ORDER

To

[Name and address of person to whom article is entrusted]

Dear Sir,

WHEREAS I have reason to believe that the following article has been/is involved/may furnish evidence of commission of an offence under the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), namely: -

(Description of article)

AND WHEREAS the said article has been taken into possession by me under rule 4(2)(b) of the Environmental Samples Rules, 2001.

NOW THEREFORE I hereby direct you, under rule 4(2)(b) of the aforesaid rules, to keep the above specified article in your safe custody and in proper storage and not to remove or otherwise deal with the article except with my prior written permission.

Place: _____

Date: _____

Time: _____

Authorized Person

Received: _____

(Signature of person to whom article is entrusted)

WITNESSES:

1. _____

2. _____

FORM B

[See rule 8(1)]

NOTICE

To

[Name and address of person from whom sample is taken]

Dear Sir,

I have this day taken from the premises of *(name)* situated at *(address)* the sample described below, for test and analysis at an environmental laboratory, under the provisions of the Pakistan Environmental Protection Act, 1997, and the Environmental Samples Rules, 2001, namely:

(Description of sample)

One portion of the sample, in sealed parcel bearing number ____, is being handed over/sent to you herewith.

Place: _____

Date: _____

Time: _____

Authorized Person

Received: _____

(Signature of person from whom sample is taken)

WITNESSES:

(Name and address)

1. _____

2. _____

FORM C
[See rule 8(2)]

TEST AND ANALYSIS OF SAMPLE

To

The Chief Analyst
[Name and address of environmental laboratory]

Dear Sir,

I hereby submit sealed parcel bearing no.____ containing the following sample for test and analysis and report under clause (i) of section 7 of the Pakistan Environmental Protection Act, 1997, read with rules 8(2) and 10(3) of the Environmental Samples Rules, 2001, namely: -

(Description of sample)

The sample was obtained from the premises of [name] situated at [address] on [date] at [time].

The parcel containing the sample has been affixed with seals and specimen impression of which is being sent to you separately.

Place: _____

Date: _____

Time: _____

Authorized Person

cc: [Name and address of person from whom sample is taken].

FORM D

[See rule 10 (3)]

CERTIFICATE OF TEST OR ANALYSIS

[to be signed in triplicate]

I hereby certify that. -

- (1) This laboratory has been granted certification as an environmental laboratory under the Pakistan Environmental Protection Agency (Certification of Environmental Laboratories) Regulations, 2000.
- (2) A parcel bearing no.____said to contain a sample of [*description*] was received in this laboratory on [*date*] at [*time*] dispatched by [*name, designation and address of person*] by post/courier/personal delivery.
- (3) The seals of the parcel were compared with the seal impression received separately and were found to match/not match.
- (4) The seals on the parcel were intact/broken.
- (5) The seals were opened in my presence and the sample was found fit/unfit for test/analysis.
- (6) I have carried out the following test/analysis: -

- (7) I declare the results of the test/analysis as follows:

Pursuant to the above results, I am of the opinion that the sample does/does not conform to the National Environmental Quality Standards; and that –

Place: _____

(Chief Analyst)

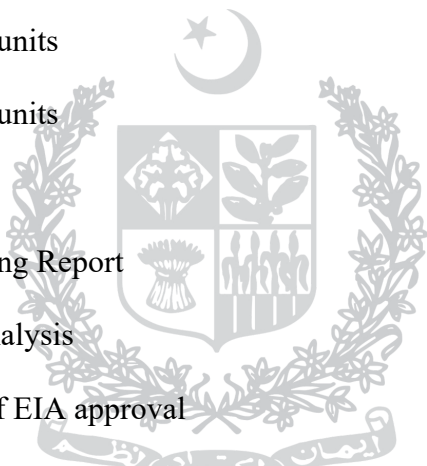
[*Name and address of environmental laboratory*]

Date: _____

THE NATIONAL ENVIRONMENTAL QUALITY STANDARDS (SELF-MONITORING AND REPORTING BY INDUSTRY) RULE, 2001

CONTENTS

1. Short title and commencement
2. Definitions
3. Responsibility for reporting
4. Classification of industrial units
5. Category “A” industrial units
6. Category “B” industrial units
7. Category “C” industrial units
8. Special Industries
9. Environmental Monitoring Report
10. Sampling, testing and analysis
11. Monitoring conditions of EIA approval
12. Compilation, analysis and management of data



Schedule I

Schedule II

Schedule III

Schedule IV

Schedule V

Schedule VI

Schedule VII

THE NATIONAL ENVIRONMENTAL QUALITY STANDARDS (SELF-MONITORING AND REPORTING BY INDUSTRY) RULE, 2001

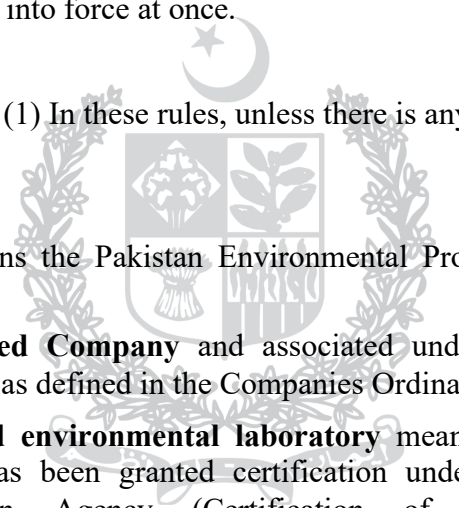
NOTIFICATION

S.R.O. 528(I)/2001.— In exercise of the powers conferred by section 31 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Federal Government is pleased to make the following rules, namely: -

1. Short title and commencement.— (1) These rules may be called the National Environmental Quality Standards (Self-Monitoring and Reporting by Industry) Rule, 2001.

(2) They shall come into force at once.

2. Definitions.— (1) In these rules, unless there is anything repugnant in the subject or context, -

- 
- (a) **Act** means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
 - (b) **Associated Company** and associated undertaking, shall have the same meaning as defined in the Companies Ordinance, 1984 (XLVII of 1984);
 - (c) **Certified environmental laboratory** means an environmental laboratory which has been granted certification under the Pakistan Environmental Protection Agency (Certification of Environmental Laboratories) Regulations, 2000;
 - (d) **Director-General** means the Director-General of the Federal Agency;
 - (e) **Environmental monitoring** report means the report submitted by an industrial unit to the Federal Agency in respect of priority parameters;
 - (f) **industrial unit** means any legal entity carrying on industrial activity;
 - (g) **pollution level** means number of units per unit of production determined under the Pollution Charge for Industry (Calculation and Collection) Rules, 2001;
 - (h) **priority parameters** means those parameters of the National Environmental Quality Standards which have been selected for purposes of submission of Environmental Monitoring Reports to the Federal Agency by an industrial unit; and
 - (i) **Schedule** means the Schedule to these rules.

(2) All other words and expressions used in these rules but not defined herein shall have the same meanings as are assigned to them in the Act.

3. Responsibility for reporting.— All industrial units shall be responsible for correct and timely submission of Environmental Monitoring Reports to the Federal Agency.

4. Classification of industrial units.— On the basis of the pollution level of an industrial unit, the Director-General shall classify the unit into category “A”, “B” or “C” for liquid effluents, and category “A” or “B” for gaseous emissions:

Provided that till such time as the pollution level of an industrial unit is determined, it shall be classified according to the type of industry to which it belongs, as shown in Schedule I for liquid effluents and in Schedule II for gaseous emissions.

5. Category “A” industrial units.— (1) An industrial unit in category “A” shall submit Environmental Monitoring Reports on monthly basis—

- (a) in respect of liquid effluents, for priority parameters listed in column 3 of Table A of Schedule III:

Provided that during start-up or upset conditions, priority parameters mentioned in column 4 of Table A of Schedule III shall be recorded on hourly basis;

- (b) in respect of gaseous emissions, for priority parameters listed in Table B of Schedule III.

(2) An industrial unit in category “A” shall maintain a record of the times during which start-up and upset conditions occur, and shall mention the total time elapsed in such conditions in its monthly Environmental Monitoring Report.

6. Category “B” industrial units.— An industrial unit in category “B” shall submit Environmental Monitoring Reports on quarterly basis—

- (a) in respect of liquid effluents, for priority parameters listed in Table A of Schedule IV;
- (b) in respect of gaseous emissions, for priority parameters listed in Table B of Schedule IV.

7. Category “C” industrial units.— An industrial unit in category “C” shall submit Environmental Monitoring Reports on biannual basis for priority parameters in respect of liquid effluents listed in Schedule V.

8. Special Industries.— (1) Without prejudice to the provisions of rule 4, the Director-General may classify a large industrial unit with very high pollution levels as “Special Industry”.

(2) In addition to complying with the requirements of rule 5, a Special Industry shall submit Environmental Monitoring Reports for such parameters and at such frequency as the Director-General may require.

9. Environmental Monitoring Report.— (1) An Environmental Monitoring Report shall comprise a Liquid Effluents Monitoring Report, a Gaseous Emissions Monitoring Report and a Cover Sheet which shall be in the form as set out in Forms A, B and C, respectfully, of Schedule VI.

(2) All measurements of priority parameters contained in the Environmental Monitoring Report submitted by an industrial unit shall be based on test reports of a certified environmental laboratory, and attested copies of such results shall be attached with the Environmental Monitoring Report:

Provided that such certified environmental laboratories shall not be part of, or an associated company or associated undertaking of, the said industrial unit.

(2) The Gaseous Emissions Report shall cover the priority parameters listed in Schedule VII, and shall include, every two years, metal analysis of all gaseous emissions from the industrial unit.

10. Sampling, testing and analysis.— Sampling testing and analysis of effluents, gaseous emissions and waste shall be carried out in accordance with the Environmental Samples Rules, 2001.

11. Monitoring conditions of EIA approval.— The provisions of these rules shall be in addition to, and not in derogation of, the monitoring conditions laid down in an EIA approval.

12. Compilation, analysis and management of data.— The Federal Agency shall compile, analyze and manage the data contained in the Environmental Monitoring Reports with the objective, *inter alia*, of enforcing the National Environmental Quality Standards and developing an environmental database.

Schedule I
(See rule 4)

Classification of Industrial Units for Liquid Effluents

1. Category “A”

- (1) Chlor-Alkali (Mercury Cell).
- (2) Chlor-Alkali (Diaphragm Cell).
- (3) Metal finishing and electroplating.
- (4) Nitrogenous fertilizer.
- (5) Phosphate fertilizer.
- (6) Pulp and paper.
- (7) Pesticides formulation.
- (8) Petroleum refining.
- (9) Steel industry.
- (10) Synthetic fiber.
- (11) Tanning and leather finishing.
- (12) Textile processing.
- (13) Pigments and dyes.
- (14) Thermal Power Plants (Oil Fired and Coal Fired).
- (15) Rubber products.
- (16) Paints, Varnishes and Lacquers.
- (17) Pesticides.
- (18) Printing.
- (19) Industrial chemicals.
- (20) Oil and Gas production.
- (21) Petrochemicals.
- (22) Combined effluent treatment.
- (23) Any other industry to be specified by Federal or Provincial Agency.

2. Category “B”

- (1) Dairy industry.
- (2) Fruit and vegetable processing.
- (3) Glass manufacturing.
- (4) Sugar.
- (5) Detergent.
- (6) Photographic.
- (7) Glue manufacture.
- (8) Oil and Gas exploration.
- (9) Thermal Power Plants (Gas Fired)
- (10) Vegetable oil and ghee mills.
- (11) Woolen mills.
- (12) Plastic materials and products.
- (13) Wood and cork products.
- (14) Any other industry to be specified by federal or Provincial Agency.

3. Category “C”

- (1) Pharmaceutical (Formulation) Industry.
- (2) Marble Crushing.
- (3) Cement.
- (4) Any other industry to be specified by Federal or Provincial Agency



Schedule II
(See rule 4)

Classification of Industrial Units for Gaseous Emissions

1. Category “A”

- (1) Cement.
- (2) Glass manufacturing
- (3) Iron and steel.
- (4) Nitrogenous fertilizer.
- (5) Phosphate fertilizer.
- (6) Oil and Gas production.
- (7) Petroleum refining.
- (8) Pulp and paper.
- (9) Thermal Power Plants (coal and oil based)
- (10) Boilers, ovens, furnaces and kilns (coal and oil fired)
- (11) Brick-Kilns (firewood and bagasse based)
- (12) Any other industry to be specified by Federal or Provincial Agency.

2. Category “B”

- (1) Sugar.
- (2) Textile.
- (3) Chloralkali plants.
- (4) Dairy industry.
- (5) Fruits and vegetables.
- (6) Metal finishing and electroplating.
- (7) Boilers, ovens, furnaces and kilns (gas-fired)
- (8) Any other industry to be specified by Federal or Provincial Agency.

Schedule III
[See rule 5(1)(a) and (b)]

Table A
Category "A"

Priority Parameters for Monitoring of Liquid Effluents

S.No.	Industry	Priority Parameters for Normal Plant Conditions to be Reported on a Monthly Basis ¹	Priority Parameters for Start-up and Upset Conditions to be Recorded on an Hourly Basis
1.	Chlor-Alkali (Mercury Cell)	Effluent flow, Temperature, pH, TSS, Chlorine, Mercury, Chlorides	Effluent Flow, Temperature, pH, TSS, Mercury, Chlorides
2.	Chlor-Alkali (Diaphragm Cell)	Effluent Flow, Temperature, pH, TSS, Chlorine, Chlorides	Effluent Flow, Temperature, pH, TSS, Chlorides
3.	Metal Finishing and Electroplating ²	Effluent Flow, Temperature, pH, TSS, Oil and Grease, Arsenic, Cadmium, Chromium (trivalent), Chromium (hexavalent), Lead, Nickel, Mercury, Silver Zinc, Fluorides, Cyanides	Effluent Flow, Temperature, pH, TSS,
4.	Nitrogenous Fertilizer	Effluent Flow Temperature, pH, TSS, Ammonia, COD	Effluent Flow, Temperature, pH, TSS,
5.	Phosphate Fertilizer	Effluent Flow, Temperature pH, TSS, Cadmium, Fluorides, COD	Effluent Flow, Temperature, pH, TSS,
6.	Pulp and paper	Effluent Flow, Temperature, pH, COD, TSS, TDS Sulfides, BOD5	Effluent Flow, Temperature, pH, TDS, TSS,
7.	Pesticides Formulation	Effluent Flow, Pesticides	Effluent Flow,
8.	Petroleum Refining	Effluent flow, Temperature, pH, COD, TSS, BOD5 Oil and Grease, phenolic compounds	Effluent Flow, Temperature, pH, TSS,
9.	Steel Industry ²	Effluent flow, Temperature, pH, COD, TSS, TDS, Chromium (trivalent), Iron, Oil and Grease, Cadmium Copper.	Effluent Flow, Temperature, pH, TSS,
10.	Synthetic Fiber	Effluent Flow, Temperature pH, COD TSS, BOD5, Oil and Grease, Sulfides	Effluent Flow, Temperature, pH, TSS,
11.	Tanning and Leather Finishing	Effluent Flow, Temperature, pH, COD, TSS, BOD5, Sulfide, Oil and Grease, Chromium (trivalent), Chromium (hexavalent), TDS, phenolic compounds	Effluent Flow, Temperature, pH, TSS,
12.	Textile Processing	Effluent Flow, Temperature, pH, COD, TSS, TDS, BOD5, Copper, Chromium	Effluent Flow Temperature, pH, TSS,

S.No.	Industry	Priority Parameters for Normal Plant Conditions to be Reported on a Monthly Basis,	Priority Parameters for Start-up and Upset Conditions to be Recorded on an Hourly Basis
13.	Pigments and Dyes	Effluent Flow, pH, Temperature, COD, lead, Copper, Zinc.	Effluent Flow, Temperature, pH,
14.	Thermal Power Plants (Oil fired and coal fired)	Effluent Flow, Temperature, pH, TSS, Oil and Grease	Effluent Flow, Temperature, pH, TSS
15.	Rubber Products	COD, Cadmium TSS	TSS
16.	Paints, Varnishes & Lacquers	PH, TSS, COD, Lead, Chromium, Cadmium, Zinc, Barium.	PH, TSS
17.	Pesticides	COD, Mercury, Pesticides	COD,
18.	Printing	COD, Lead	COD,
19.	Industrial Chemicals	PH, COD, TDS, Phenolic Compounds, Cyanide, Ammonia, Cadmium*, Chromium*, Mercury*, Nickel*, Zinc*, Arsenic*,	PH, COD, TDS,
20.	Oil and Gas Production	Effluent Flow, Temperature, pH, COD, TSS, TDS, Oil and Grease, Chloride, BOD5, Phenolic Compounds	Effluent Flow, Temperature, pH, TSS, TDS,
21.	Petrochemicals	Effluent Flow, Temperature pH, COD TSS, TDS, Oil and Grease, BOD5, Phenolic Compounds	Effluent Flow, Temperature, pH, TSS, TDS,

1. Industry using chromium in its cooling water system will also report chromium (trivalent, hexavalent) in addition to the stipulated priority parameters for each sector.

2. Steel Industry includes steel-re-rolling mills, electric furnaces, and foundries.

* Priority parameters will be limited to those occurring in chemicals and raw-materials used.

Schedule IV
[See rule 6(a) and (b)]

Table A
Category "B"
Priority Parameters for Monitoring of Liquid Effluents

S. No.	Industry	Priority Parameters for Normal Plant Conditions to be Reported on a quarterly Basis ¹
1.	Dairy Industry	Effluent Flow, Temperature, pH, BOD ₅ ., TSS, TDS, Oil and Grease
2.	Fruit and Vegetable Processing	Effluent Flow, Temperature, pH, BOD ₅ ., TSS, COD
3.	Glass Manufacturing	Effluent Flow, Temperature, pH, TSS, COD, Oil and Grease
4.	Sugar	Effluent Flow, Temperature, pH, BOD ₅ ., TSS, COD, Oil and Grease
5.	Detergent	pH, COD, Oil and Grease, An-ionic Detergent
6.	Photographic	pH, COD, Silver, Cyanide, Fluoride
7.	Glue Manufacture	BOD, COD, pH.
8.	Oil and Gas Exploration	Effluent Flow, Temperature, pH, COD, TSS, TDS, Oil and Grease, Chloride, BOD ₅ , Phenolic compounds
1.	Industry using chromium in its cooling water system will also report Chromium (trivalent, hexavalent) in addition to the stipulated priority parameters for each sector	

Table B
Category "A"
Priority Parameters for Monitoring of Gaseous Emissions

S. No.	Industry	Priority Parameters for Normal Plant Conditions to be reported on a Monthly basis	
		<u>Process Emission</u>	<u>Emission from fired Equipment</u>
1.	Cement	Particulates	CO, *SOx, NOx, Particulates
2.	Glass Manufacturing	Particulates	CO, *SOx, NOx, Particulates
3.	Iron and Steel	Particulates, Fluorides	CO, *SOx, NOx, Particulates
4.	Nitrogenous Fertilizers	CO, NOx, SOx	
5.	Phosphate Fertilizers	Ammonia, Particulates	CO, *SOx, NOx, Particulates
6.	Oil and Gas Production	Ammonia, Flouride, Particulate	
7.	Petroleum Refining	CO, *Sox, NOx, H ₂ S and Particulates.	
8.	Pulp and Paper	H ₂ S, NOx, SOx, Particulates	CO, *SOx, NOx, Particulates
9.	Thermal Power Plants (Coal and Oil based)	Chlorine, SOx	CO, *SOx, NOx, Particulates *SOx, NOx, CO, Heavy Metals and Particulates
10.	Boilers, Ovens, Furnaces and Kilns (Coal and Oil fired)		CO, NOx, *SOx, Particulates.
11.	Brick Kilns (Firewood and Bagasse)		CO, Particulates
1.	Metal analyses of all gaseous emission would be carried out once in two years.		
	*Only where fuel contains hydrogen sulphide (H ₂ S) more than 20ppm		

Table B
Category "B"
Priority Parameters for Monitoring of Gaseous Emission
Category "B"

S. No.	Industry	Priority Parameters for Normal Plant Conditions to be reported on a Quarterly Basis ¹	
		Process Emission	Emission from fired Equipment
1.	Sugar	Particulates	CO,*SO _x , NO _x , Particulates
2.	Textile		CO, *SO _x , NO _x , Particulates
3.	Chloralkali Plants	Chlorine	
4.	Dairy Industry		CO, NO _x , *SO _x , Particulates
5.	Fruits and Vegetables		CO, NO _x , *SO _x , Particulates
6.	Metal Finishing and Electroplating	Particulates	
7.	Boilers, Ovens, furnaces and Kilns (Gas-fired)		CO, NO _x

1. Metal analyses of all gaseous emission would be carried out once in two years.
 *Only where fuel contains hydrogen sulphide (H₂S) more than 20ppm

Schedule V

(See rule 7)

Category "C"

Priority Parameters for Monitoring of Liquid Effluents

S. No.	Industry	Priority Parameters for Normal Plant Conditions to be Reported on a quarterly Basis ¹
1.	Pharmaceutical (formulation industry, marble crushing, Cement, and any other industry as notified by EPAs	Effluent Flow, Temperature, pH, COD, TSS, TDS,

1. Industry using chromium in its cooling water system will also report chromium (trivalent, hexavalent) in addition to the stipulated priority parameters for each sector.

Schedule VI

FORM A

Liquid Effluents Monitoring Report

SMART Plant Database

Monitored Effluents

Normal Conditions

SMART

Sampling Information

Stream Sampling Date Sampling Time
 Location Temp. (C) Flow [m3/hr]

Reported Data

Period
 Reported Days Hrs Per Day

Laboratory

Name Address

Sample Analysis

Ammonia mg/l	Chlorine mg/l	Lead mg/l	Silver mg/l
Anionic Detergents mg/l	Chromium (Hexavalent) mg/l	Manganese mg/l	Sulfides mg/l
Arsenic mg/l	Chromium (Trivalent) mg/l	Mercury mg/l	TDS mg/l
Barium mg/l	COD mg/l	Nickel mg/l	Total Chromium mg/l
BOD5 mg/l	Copper mg/l	Oil and Grease mg/l	TSS mg/l
Boron mg/l	Cyanides mg/l	Pesticides mg/l	Zinc mg/l
Cadmium mg/l	Fluorides mg/l	pH	
Chlorides mg/l	Iron mg/l	Phenolic Compounds mg/l	

Province/Plant ID

PUNJAB 1AAV

Edit

Save

Cancel

Main

Schedule VI

FORM B

Gaseous Effluents Monitoring Report

SMART Plant Database

Monitored Emissions

Normal Conditions

SMART

Sampling Information

Process Emission Stack ☐ ☐ Sampling Date ☐ ☐ ☐ Time ☐
Location Flow [m3/hr]

Reported Data

Period
Reported Days Hrs Per Day

Laboratory

Name Address

Sample Analysis

Ammonia mg/nm3	Copper mg/nm3	NOx mg/nm3
Antimony mg/nm3	Hydrogen Fluoride mg/nm3	Particulates mg/nm3
Arsenic mg/nm3	Hydrogen Sulphide mg/nm3	Smoke Ringelman Scale
Cadmium mg/nm3	Hydrogen Chloride mg/nm3	SOx mg/nm3
Chlorine mg/nm3	Lead mg/nm3	Zinc mg/nm3
CO mg/nm3	Mercury mg/nm3	

Province/Plant ID

PUNJAB

1AAV

Edit

Save

Cancel

Main

FORM C

Environmental Monitoring Report Cover Sheet

SMART Plant Database

×

Registration Information

SMART

Company

Company Name		Chief Executive	
Address 1		Designation	
Address 2		City Code	
City		Post Code	
		E-mail	
		Phone	
		Fax	

Plant

Plant Name		Contact Person	
Address 1		Designation	
Address 2		City Code	
City		District	
		E-mail	
		Phone	
		Fax	

Type

Plant Type	
Total Number of Streams	
Total Number of Combustion Stacks	
Total Number of Process Stacks	
Plant Uses Chromium Based Chemicals for Water Treatment ? ☐ Yes ☐ No	

Province/Plant ID

PUNJAB

1AAV

Edit

Save

Cancel

Main

Schedule VII
[See rule 9(3)]
Priority Parameters for Monitoring of Gaseous Emissions

S. No.	Emission source	Priority Parameters 2 for Reporting
1.	Boiler, Ovens Furnaces and Kilns	
	Gas Fired	CO, NO _x
	Oil Fired	CO, NO _x , SOX, Particulates
	Coal	CO, NO _x , SOX, Particulates
	Bagasee and Firewood	CO, Particulates
2.	Brick Kilns	CO, NO _x , SOX, Particulates
3.	Thermal Power Plants	Sox, NO _x , Particulates
4.	Process Emission ¹	Particulates Ammonia, Chlorine, H ₂ S, flouride, SO _x , NO _x , Co, Mercury*, Lead*, Zinc*, Cadmium*, Arsenic*, Antimony*

1. Process emissions involving fuel combustion will also include parameters as for Boilers, Ovens, furnaces and Kilns.
 2. Metal analyses of all gaseous emissions would be carried out once in two years.
 * Priority parameters will be limited to those occurring in chemicals and raw-materials used.

F. No. 14 (3)/98-TO-PEPC

(SAEED ATHAR)
Section Officer

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THE PROVINCIAL SUSTAINABLE DEVELOPMENT FUND BOARD (PROCEDURE) RULES, 2001

CONTENTS

1. Short title and commencement
2. Definitions
3. Meetings of the Board
4. Agenda of the meetings
5. Decisions of the Board
6. Committees of the Board
7. Invitations to experts etc
8. Travelling and daily allowances



**THE PROVINCIAL SUSTAINABLE DEVELOPMENT FUND BOARD (PROCEDURE)
RULES, 2001**

PART II

**Statutory Notification (S. R. O.)
GOVERNMENT OF PAKISTAN
MINISTRY OF ENVIRONMENT, LOCAL GOVERNMENT AND RURAL
DEVELOPMENT**

NOTIFICATION

Islamabad, the 18th July 2001.

S.R.O. 526 (I)/2001.— In exercise of the powers conferred by section 31 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), read with sub-section (3) of section 9 thereof, the Federal Government is pleased to make the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Provincial Sustainable Development Fund Board (Procedure) Rules, 2001.

(2) They shall come into force at once.

2. Definitions.— (1) In these Rules, unless there is anything repugnant in the subject or context,—

- (a) “**Act**” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “**Board**” means the Provincial Sustainable Development Fund Board constituted under section 10 of the Act;
- (c) “**Chairperson**” means the Chairperson of the Board;
- (d) “**Committee**” means a Committee of the Board constituted under sub-section (3) of section 10 of the Act;
- (e) “**Member**” means a member of the Board; and
- (f) “**Secretary**” means the Secretary of the Board.

(2) All other words and expressions used in these rules but not defined shall have the same meaning as are assigned to them in the Act.

3. Meetings of the Board.— (1) The Board shall meet at the provincial capital, or any other place specified by the Chairperson or approved by the Board, at least once in each quarter.

(2) The date of the meeting of the Board shall be communicated in writing to the members by the Secretary at least twenty-one days before the date of the meeting.

(3) An extraordinary meeting of the Board may be called by the Chairperson on the requisition of not less than six members to consider any urgent matter:

Provided that any such urgent matter shall be clearly specified in the requisition:

Provided further that where in the opinion of the Chairperson it is not possible to convene a meeting to consider such urgent matter, it may be circulated to the members and a decision thereon taken in accordance with the views of the majority of the total membership.

(4) To constitute a quorum at a meeting of the Board, the member or members present shall be nine.

(5) Meetings of the Board shall be presided over by the Chairperson and, in the absence of the Chairperson, by a member elected for the purpose by the members present from amongst themselves.

(6) Members shall not be paid any remuneration for their services by the Board other than daily allowance and / or travelling allowance for attending meetings of the Board.

4. Agenda of the meetings.— (1) An agenda listing the matters or business to be brought before the meeting, alongwith an explanatory memorandum or working paper for each matter prepared by the proposers, shall be communicated in writing to the members by the Secretary alongwith the notice of the date and place of the meeting (mentioned in sub rule (2) of rule 3).

(2) Subject to sub-rule (3), any member may propose to the Secretary any matter for inclusion in the agenda of a meeting.

(3) Any matter referred to in sub-rule (2), shall—

- (a) fall within the scope of the functions and powers of the Board, as specified in sub-sections (2) and (3) of section 10 of the Act; and
- (b) be supported by an explanatory memorandum or working paper which clearly and precisely presents the relevant facts and the issues, proposals requiring decision and, in the case of a proposal submitted to the Board for sanction of financial assistance, shall contain such information and details in such format and be accompanied by a fee of Rs.5,000.

(4) The Chairperson may disallow inclusion of any matter in the agenda which in his opinion fails to meet the conditions specified in sub-rule (3).

(5) The Secretary shall communicate to the proposer the reasons for the decision to disallow inclusion of any matter in the agenda.

5. Decisions of the Board.— (1) The Board shall make every effort to take decisions by consensus, failing which decisions shall be taken by majority of votes.

(2) Each member of the Board shall have one vote, but in case of equality of votes, the Chairperson or the person presiding the meeting, shall have a casting vote.

(3) All decisions of the Board shall be recorded in a minute book maintained by the Secretary and shall be authenticated by the signature of the Chairperson or of such other member as may have been authorized by the Board by a resolution.

6. Committees of the Board.— (1) The Board may for facilitating the performance of its functions and ensuring efficient operation of the Fund, constitute Committees

of its members including at least one non-official member, and entrust them with such functions as it may deem fit.

(2) The Chairperson of a Committee shall be appointed by the Board at the time of constitution of the Committee.

(3) A Committee shall meet on such date and at such place as may be specified by the Chairperson of the Committee.

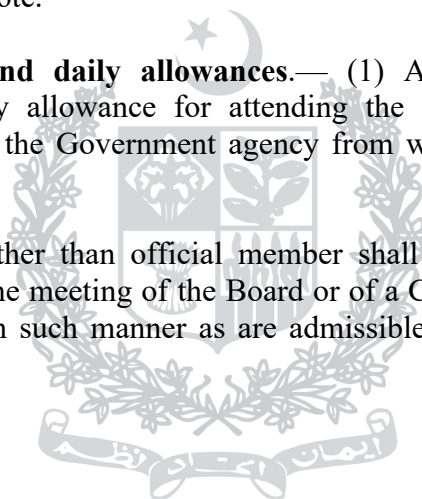
(4) One-half the total number of members of a Committee shall constitute a quorum for its meeting.

(5) The recommendations of the Committee shall be submitted to the Board for approval.

7. Invitations to experts etc.— The Board, or any of its Committees, may co-opt any technical expert or representative of any Government agency or non-governmental organization or other person possessing specialized knowledge of any subject for assistance in performance of its functions and in disposal of its business but such expert or representative or person shall not be entitled to vote.

8. Travelling and daily allowances.— (1) An official member shall draw travelling allowance and daily allowance for attending the meeting of the Board or of a Committee of the Board from the Government agency from which he draws salary and other emoluments.

(2) A member other than official member shall draw travelling allowance and daily allowance for attending the meeting of the Board or of a Committee of the Board from the Secretary, on such rates and in such manner as are admissible to an employee of the Federal Government in BPS-20.



THE POLLUTION CHARGE FOR INDUSTRY (CALCULATION AND COLLECTION) RULES, 2001

CONTENTS

1. Short title and commencement
2. Definitions
3. Determination of pollution charge
4. Responsibility for calculation, reporting and payment
5. Determination of pollution level
6. Calculation and payment
7. Re-determination of pollution level
8. Costs of determination of pollution level
9. Collection through industrial associations and Chambers of Commerce and Industry

SCHEDULE I

SCHEDULE II

SCHEDULE III

SCHEDULE IV

SCHEDULE V



**THE POLLUTION CHARGE FOR INDUSTRY (CALCULATION AND COLLECTION)
RULES, 2001**

PART II

**Statutory Notification (S. R. O.)
GOVERNMENT OF PAKISTAN
MINISTRY OF ENVIRONMENT, LOCAL GOVERNMENT AND RURAL
DEVELOPMENT**

NOTIFICATION

Islamabad, the 28th September, 2001.

S.R.O.693(I)/2001.— In exercise of the powers referred by section 31 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Federal Government is pleased to make the following Rules, namely: -

1. Short title and commencement.— (1) These rules may be called the Pollution Charge for Industry (Calculation and Collection) Rules, 2001.

(2) They shall come into force from the 1st July 2001.

2. Definitions.— (1) In these rules, unless there is anything repugnant in the subject or context,—

- (a) “**Act**” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “**Board**” means the Provincial Sustainable Development Fund Board constituted under section 10 of the Act;
- (c) “**Director-General**” means the Director-General of the Provincial Agency;
- (d) “**Guidelines**” means the “Guidelines for determination of a Pollution Charge for Industry” as contained in Schedule I;
- (e) “**industrial unit**” means any legal entity carrying on industrial activity;
- (f) “**Inspection Team**” means the Inspection Team constituted under rule;
- (g) “**pollution charge**” means the pollution charge payable under sub-section (2) of section 11 of the Act;
- (h) “**pollution level**” means the number of pollution units per unit of production, calculated in accordance with the procedure contained in Guidelines and Schedule IV;
- (i) “**pollution unit**” means the quantity of pollutant which reflects its relative toxicity vis-a-vis other parameters, as specified in the Guidelines and Schedule IV; and
- (j) “**Schedule**” means the schedule to these rules.

(2) All other words and expressions used but not defined shall have the same

meanings as are assigned to them in the Act.

3. Determination of pollution charge.— The pollution charge payable by an industrial unit shall be determined in accordance with the Guidelines.

4. Responsibility for calculation, reporting and payment.— An industrial unit liable to pay the pollution charge shall itself be responsible for ensuring the correct calculation, reporting and payment of the pollution charge.

5. Determination of pollution level.— (1) For the purposes of determining the pollution level of an industrial unit, the Director-General shall constitute an Inspection Team comprising of —

- (a) a representative of the Provincial Agency;
- (b) a representative of the industrial unit;
- (c) not more than two representatives each drawn from the list of any two authorized NGOs specified in Schedule II; and
- (d) a representative of a certified environmental laboratory or any other agency approved and designated by the Provincial Agency for the purposes of determination of the pollution level.

(2) The Inspection Team shall determine the pollution level of an industrial unit at least once a year in respect of discharges of effluents and waste, and emissions of air pollutants.

(3) The Inspection Team shall also determine the exemption allowed to an industrial unit as required under Schedule IV.

(4) All samples obtained by the Inspection Team shall be tested and analysed by a certified environmental laboratory.

(5) The pollution units per unit of production determined by the Inspection Team shall form the basis for calculation of the pollution charge of an industrial unit under rule 6.

6. Calculation and payment.— (1) The pollution charge shall be calculated by multiplying the pollution level with the actual production during the period for which the charge is to be paid, and with the applicable rate per pollution unit for the year in accordance with the rates and escalation table shown in Schedule III.

(2) The pollution charge shall be payable biannually, based on the actual production in the preceding six months.

(3) The payment of the pollution charge shall be made by deposit, against proper receipt in the Government Treasury or any branch of the National Bank of Pakistan.

(4) The industrial unit shall submit a copy of the receipt, along with details of calculation of the pollution charge in the form as set out in Schedule IV, to the Provincial Agency

7. Re-determination of pollution level.— (1) If during the year an industrial unit reduces, for at least three consecutive months, the pollution units discharged by it to eighty per cent or less of the level of at least one parameter, it shall have the right to apply to the Provincial Agency for re-determination of its pollution level.

(2) The Director-General may at any time, on application from any person or suo motu and after giving an industrial unit an opportunity of being heard, have the pollution level of the industrial unit re-determined by the Inspection Team if he has reason to believe that the actual pollution units being discharged by such industrial unit in respect of any pollution parameter are twenty per cent or more than the level determined by the Inspection Team at the time of last measurement.

(3) Re-determination of the pollution charge under sub-rules (1) and (2) shall be allowed by the Provincial Agency subject to payment of the prescribed fees by the applicant specified in Schedule V.

8. Costs of determination of pollution level.— The industrial unit shall provide all requisite assistance at the site for the visit of the Inspection Team and shall bear all costs relating to determination of the pollution level, including the prescribed fees specified in Schedule V, and costs of sampling, testing and reporting of results:

Provided that the costs of re-determination of the pollution level on an application of any person under sub-rule (2) of rule 7 shall be deposited with the Provincial Agency when such re-determination is allowed, and shall be refunded to the applicant and charged from the industrial unit, only if the actual pollution units being discharged by such unit in respect of any parameter are determined by the Inspection Team to be twenty per cent or more than the level determined at the time of last measurement.

9. Collection through industrial associations and Chambers of Commerce and Industry.—(1) Subject to rule 4, where industrial units have formed an association to look after their collective interests, such association may collect the pollution charge from its member industrial units and deposit the same against proper receipt in the Government Treasury or any branch of the National Bank of Pakistan.

(2) The Chambers of Commerce and Industry at the Federal and Provincial levels shall use their good offices to ensure that all industrial units in their respective jurisdictions pay the pollution charge in accordance with these rules.

(3) All industrial associations and Chambers of Commerce and Industry shall submit a monthly report to the Board indicating the total amount of pollution charge collected by them during the previous month along with copies of the receipts of payment.

SCHEDULE I
[See rule 2(1)(d)]

Guidelines for determination of pollution charge for Industry

Legal Basis

Section 11 of the Environmental Protection Act, 1997, contains the following sub-sections that provide a legal basis for application of pollution charge, namely:-

- (2) The Federal Government shall levy a pollution charge on any person who contravenes or fails to comply with the provisions of sub-section (1), to be calculated at such rate, and collected in accordance with such procedures as may be prescribed.
- (3) Any person who pays the pollution charge levied under sub-section (2) shall not be charged with an offence with respect to that contravention or failure.
- (4) The provisions of sub-section (3) shall not apply to projects, which commenced industrial activity on or after the thirtieth day of June 1994.

Primary Considerations

The proposed system of pollution charge has been developed to achieve a balance among the following, namely:-

1. The need for an equitable, simple and workable approach towards establishment of pollution charge.
2. The need for real progress towards making the industry environmentally friendly without jeopardizing the economic growth in the country.
3. The need of the industry to be allowed a period in which it can prepare for compliance with the National Environmental Quality Standards (NEQS).

Guideline

Basic principles discussed and agreed upon in different meetings of the Environment Standards Committee (ESC) comprising representatives of FPCCI, NGOs and the Government are summarized below:

1. The level of pollution charge shall be established through a process of negotiations.
2. The level of pollution charge should initially be such that the industry should feel the impact, but should not be excessive such that the financial health of the concern is jeopardized.
3. The system should be applied uniformly across all the industrial sectors.

SCHEDULE II
[See rule 5(1)(c)]
List of authorized NGOs

1. Interrelation Union for Conservation of Nature and Natural Resources (IUCN)
House No. 26, St. No. 87, G-6/3, Islamabad.
Phone No. 051-2270686-87
Fax No. 051-2270683
2. Sustainable Development Policy Institute (SDPI) H. No. 3, UN Boulevard, Diplomatic Enclave, G/5, Islamabad.
Phone No.051-2278134
Fax No.051-2278135
3. World Wide Fund (WWF) PAKISTAN
Address: P.O. Box 5180, Ferozepur Road, Lahore.
Phone No. 042-5862360
Fax No. 042-5862358
4. SUNGI
Address: H. No.17, St. 67, G-6/4 Islamabad.
Phone No. 2273272 – 2276579-89
Fax No. 2823559
5. PAIDAR
Address: 64-E, Moscco Plaza,
Office no 3, 1st Floor, Blue Area,
Islamabad.
Phone:2820359, Fax:2820379



SCHEDULE III

[See rule 6(1)]

Pollution Charge Rates and Escalation table

Schedule for payment of pollution charge:

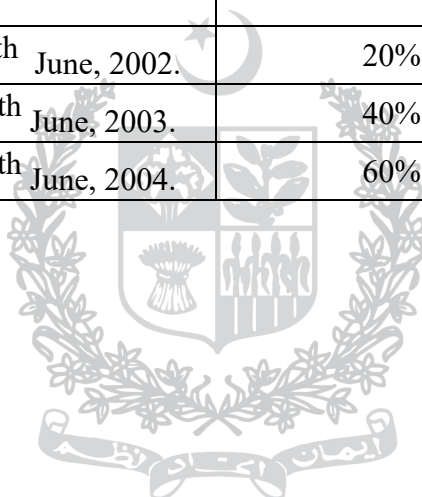
Pollution charge shall be payable on a biannual basis, calculated according to the established discharge rate per unit of production, and the actual production of the unit in the preceding six months.

Pollution Charge Escalation:

The following table gives the Schedule for a period of three years beginning from the July 1st, 2001:

Pollution charge Schedule

Period.	Annual escalation.
(1)	(2)
1 st July, 2001 to 30 th June, 2002.	20% of base rate.
1 st July, 2002 to 30 th June, 2003.	40% of base rate.
1 st July, 2003 to 30 th June, 2004.	60% of base rate.



SCHEDULE IV
[See rule 6(4)]

Details of calculation of Pollution Charge

PART 1

A. Pollution Charge for Liquid Effluents:

Parameters Applicable for Pollution Charge and Definition of Pollution Unit:

Parameters on which pollution charges are to be applied and the definitions of the pollution units for each parameter are shown in the table below.

TABLE

List of selected NEQS parameters for pollution units calculation

S.No.	Parameters.	1 Pollution Unit.
(1)	(2)	(3)
1	COD.	50 kgs
2.	TSS.	50 kgs
3.	Oil and grease	3 kgs
4.	Mercury.	20 g
5.	Chromium.	500 g
6.	Nickel.	500 g
7.	Lead.	500 g
8.	Copper.	1000 g
9.	Cadmium.	100 g
10.	Pesticides and herbicides.	100 g

The parameters for pollution units given above all arrived at in view of the following considerations, namely: -

1. To keep the system simple and cost effective, the number of parameters should be kept at a minimum.
2. The quantity of pollutant defined as one pollution unit reflects the relative toxicity of the pollutant, and consequently the extent of damage to the environment.
3. The Federal Agency may expand the above list if deemed necessary.

Exemption in Pollution Units:

Each industrial unit shall be allowed an exemption equivalent to NEQS for each parameter on which the pollution charge is applicable. The exemption is proposed in line with the spirit to the National Environmental Quality Standards.

METHOD OF DETERMINATION OF POLLUTION CHARGE

Determination of Pollution Level:

The pollution level in a unit or a production unit if so desired, shall be measured once a year. The measurement shall be carried out jointly in the presence of at least one representative each from the unit and the concerned EPA or agency approved by EPA. Interested NGOs shall be allowed to accompany EPAs on such visits to ensure transparency and neutrality in the process. The production of the unit during the determination period shall also be recorded to ensure that normal operational conditions of the unit prevail. Alternatively, pollution charge may also be figured out on the basis of self-monitoring reports submitted under NEQS (Self-Monitoring and Reporting by Industry) Rules, 2001, in mutual agreement with the concerned EPA.

Calculation Procedure:

1. The effluent flow of a unit shall be measured for a limited period, ranging from a minimum of a day to about a week, under normal operating conditions.
2. During this period, effluent samples shall be taken at regular intervals, ranging from once an hour to once in eight hours and the concentration of pollutant parameters of concern shall be established through laboratory analysis.
3. Net quantity of pollutant being discharged (in kg) shall be calculated by dividing the net quantity of pollutant being discharged by the amount defined as one pollution unit for the parameter under consideration.
4. Number of pollution units for each parameter shall be calculated by dividing the net quantity of pollutant being discharged by the amount defined as one pollution unit for the parameter under consideration.
5. The number of pollution units per unit of production shall be calculated by dividing the number of pollution units with production in the period during which tests were carried out.
6. Number of pollution units shall be calculated on the basis of production in the period for which pollution charges are to be paid.
7. The amount to be paid as pollution charge shall be calculated by multiplying the chargeable pollution units with the applicable rate for a pollution unit for the year. Sample calculation of pollution charge are given below:

NEQS Parameters.		Recorded.	Effluent levels.
(1)		(2)	(3)
COD.	150 mg/l	5200	mg/l
TSS	150 mg/l	500	mg/l
Annual Operating Day		160 Days	
Product Rate		6,000 Tons	
Effluent flow rate		5,300 m3/day or 848,000 m3/year	Chargeable

Calculation of Pollution Charge

Actual Pollution Level.	Annual Pollution Load.	Net Chargeable Units.
(1)	(2)	(3)
COD. 5,200 mg/l	4,282,400 kg	85,648
TSS. 500 mg/l	296,800 kg	5,936
	Total.	91,584

Total Units Chargeable. 91,584 Units

Base Rate per Unit. 100 Rs./Unit (For example)

Total Pollution Charge.	Year 1	Year 2	Year 3
Rs./Year	1,831,680	3,663,360	5,495,040

* Refer to Part I.

** Refer to Schedule III.

PART II

B. Pollution Charge for Gaseous Emissions:

Parameters to be charged and Definition of Pollution Unit:

Parameters on which pollution charge are to be applied and the definitions of the pollution units for each parameter are given in the table below:-

TABLE

Selected parameters for pollution Units calculation

Parameter.	Quantity of one pollution unit.
(1)	(2)
Carbon Monoxide (CO).	400 Kg
Oxides of Nitrogen (NOx).	200 Kg
Oxides of Sulfur (SOx).	200 Kg
Particulate Matter (Coal).	250 Kg
Particulate Matter (Oil).	150 Kg
Particulate Matter (Cement).	100 Kg
Particulate Matter (Other Sources).	250 Kg

The definitions of pollution units given above were arrived at in view of the following namely:-

1. The system should be simple and cost effective, and the numbers of parameters on which pollution charges are to be applied should be kept at a minimum.
2. The quantity defined as one pollution unit reflects the relative environmental impact of a specific parameter on the assimilative capacity of the surrounding air and impact on human health.

Exemption in Pollution Units:

Each industrial unit shall be allowed an exemption corresponding to NEQS for each parameter on which the pollution charge is applicable. The exemption proposed is in line with the exemption proposed for liquid effluents.

APPROACH AND METHOD FOR THE DETERMINATION OF AIR POLLUTION CHARGE

Determination of Pollution level

The pollution level in a unit or a production unit if so desired, shall be measured once a year. The measurement shall be carried out jointly in the presence of at least one representative each from the unit and the EPA, or an agency approved by EPA for this purpose. Interested NGOs shall be allowed to accompany EPAs on such visits to ensure transparency and neutrality in the process. All air emission measurements shall be taken under normal plant operating conditions. The industrial unit shall arrange for air emission measurement and shall bear the cost of air emission measurement. The production of the industrial unit during the determination period shall also be recorded to ensure that normal operating conditions of the unit prevail at the time of testing. The pollution charge could also be figured out on the basis of self-monitoring reports with mutual agreement of EPA.

Calculation Procedure

The following measurements are needed to calculate the quantity in kg of each pollutant being emitted namely:-

1. Flow rate of the gas in the stack or chimney in kg/hr or cubic meter/hour
2. Concentration of pollutant in the gas stream in ppm.

Calculation of gas flow rates requires extensive instrumentation, is time consuming and expensive. To address this issue, a simplified fuel based approach is proposed for the quantification of pollutant loads in gases discharged from fuel fired equipment such as boilers, kilns, furnaces and dryers. This approach allows direct quantification of gas flow rate using the amount of fuel consumed and excess air used per unit of fuel. Excess air is the amount of air used over and above the theoretical amount needed for complete burning of the fuel, and can be calculated on the basis of oxygen in the gaseous emissions. In exceptional cases, industrial units that have arrangements for continuous or online flow measurements of gas emitted may use actual flow measurements for the quantification of air emissions.

A stepwise procedure for the calculation of air pollution units from an industrial unit is given as under: -

1. The concentration of pollutant parameters of concern and oxygen in the stack gas shall be measured for a limited period, ranging from a minimum of a day to about a week, under normal operating conditions. The temperature of stack gases shall also be measured.
2. The quantity of fuel consumed and production shall be monitored during the same period.
3. The flow rate of gases shall be calculated using standard formulas, with quantity of fuel used, concentration of oxygen and temperature as inputs.
4. Net quantity of air pollutant being discharged (in kg) shall be calculated by subtracting the NEQS concentration from the measured concentration, and

multiplying the net concentration in excess of NEQS with the calculated flue gas flow.

5. Number of pollution units for each parameter shall be calculated by dividing the net quantity of pollutant being discharged by the amount defined as one pollution unit for the parameter under consideration.
6. Number of pollution units per unit of production shall be calculated by dividing the number of pollution units with production in the period during which the tests were carried out.
7. Number of pollution units shall be calculated on the basis of production in the period for which pollution charges are to be paid.
8. The amount to be paid as pollution charge shall be calculated by multiplying the chargeable pollution units with the applicable rate for a pollution unit for the year.

Pollution Charges for Non-Fuel Cases and Other Exceptions

For processes where fuel is not used or where it is not possible to calculate gas flow rates on the basis of fuels used, direct measurement of gas flow rates shall be required. Standard guidelines and procedures for measurement of gas flow rates shall be prescribed. The remaining calculation procedures for the number of pollution units and amount to be paid shall be the same as those for fuel related emissions.

Separate calculation procedures shall be developed for the cement industry to account for volume corrections associated with carbon dioxide produced from the calcining process.

The system of pollution charges proposed in this document shall not apply to the power industry. Standards and procedures for the power industry shall be issued separately.

Sample Calculation of Pollution For Charge Gaseous Emission:

NEQS parameters.	Recorded.	Emission level
(1)	(2)	(3)
Carbon Monoxide (CO)	800	mg/nm ³
Oxides of Nitrogen (NOx)	400	mg/nm ³
Oxides of Sulfur (SOx)	400	mg/nm ³
Particulate Matter (Coal)	500	mg/nm ³
Particulate Matter (Oil)	300	mg/nm ³
Particulate Matter (Cement)	200	mg/nm ³
Particulate Matter (other)	500	mg/nm ³

Fuel Consumed.	Excess Air %	Fuel Gas Discharged.
Kg/Year		M3/Year
Bagasse	495,000,000	30
		1,854,646,438

Pollutant.	Total Air Emissions (mg/Nm3).	Exemption (mg/Nm3).	Net Chargeable Emission (mg/Nm3).	Annual ** Chargeable Pollution Load (kg).	Chargeable Pollution Units.
CO	1,600	800	800	1,483,717	3,709
NOx	160	400	—	—	—

SOx	—	400	—	—	—
PM	6,744	500	6,244	11,580,412	46,322

Total Chargeable Pollution Units* 50,031

@ Base Rate / P.U (Rs. 100/P U)

Total Pollution Charge.	Year 1	Year 2	Year 3
Rs./Year	1,000,619	2,001,238	3,001,857

Re-Determination of Pollution Charges

If, during a running year, the unit attains a status (for a period of at least three consecutive months) which corresponds to eighty per cent or less of the value of at least one parameter, the unit or the production unit is entitled to apply for a fresh assessment of pollution charge. The EPA may impose a fee for such re-assessment.

*Refer to Schedule VI (B)

** Refer to Schedule III



SCHEDULE V
[See rule 7(3) and rule 8]

Fee for determination of pollution level

Processing fees.

Rs. 5,000

Sample analysis fees.

Rates of certified labs under Notification
No. S.R.O. 258 (I)/2000, dated 10th February, 2000,
shall be applicable.



CONTENTS

1. Short title and commencement
2. Definitions
3. Filing of project proposals
4. Appraisal of project proposals
5. Criteria for sanction of financial assistance
6. Sanction of financial assistance
7. Post-sanction formalities
8. Implementation
9. Audit and accounts
10. Annual Report

SCHEDULE I

SCHEDULE II



THE PROVINCIAL SUSTAINABLE DEVELOPMENT FUND (UTILIZATION) RULES, 2003

Statutory Notification (S. R. O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF ENVIRONMENT, LOCAL GOVERNMENT AND RURAL DEVELOPMENT

NOTIFICATION

Islamabad, the 29th May, 2003.

S.R.O. 460(I)/2003.— In exercise of the powers conferred by section 31 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Federal Government is pleased to make the following rules, namely: -

1. Short title and commencement. - (1) These rules may be called the Provincial Sustainable Development Fund (Utilization) Rules, 2003.

(2) They shall come into force at once.

(2) Definitions — (1) In these rules, unless there is anything repugnant in the subject or context,—

- (a) **“Act”** means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) **“board”** means the Provincial Sustainable Development Fund Board constituted under section 10;
- (c) **“fund”** means the Provincial Sustainable Development Fund established under section 9;
- (d) **“project proposal”** means a proposal for initial setting up, or balancing and modernization, or expansion of a project considered by the proponent to be eligible for financing under sub-section (3) of section 9;
- (e) **“Secretary”** means the Secretary of the Board who, under clause (iv) of sub-section (1) (iv) of section 10, is the Director-General of the Provincial Agency; and
- (f) **“section”** means a section of the Act.

(2) All other words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

3. Filing of project proposals.— (1) All project proposals for sanction of financial assistance from the Fund shall —

- (a) clearly state the environmental objectives sought to be achieved which establish its eligibility under sub-section (3) of section 9;

(b) be accompanied by –

- (i) a Feasibility Report of the project which covers the points contained in the Guidelines mentioned in Schedule I;
- (ii) necessary guarantees, securities or proof of availability of equity funds or of essential inputs required for implementation of the project, and for its subsequent operation and maintenance; and
- (iii) a non-refundable preliminary examination fee, at rates mentioned in Schedule II.

(2) All project proposals shall be addressed to the Board and shall be filed with the Secretary.

(3) Each project proposal shall be duly entered in a Register maintained for the purpose by the Secretary.

(4) The Secretary shall issue a receipt in respect of the project proposal to the person filing it.

(5) Depending on availability of funds, the Board shall invite project proposals at least twice a year.

4. Appraisal of project proposals.— (1) The Secretary will carry out a preliminary examination of the project proposal, and if it is found to be eligible for financial assistance under sub-section (3) of section 9, shall admit the project for detailed appraisal and require the proponent to pay project examination fee at rates mentioned in Schedule II.

(2) If the project examination fee is paid, detailed appraisal shall be carried out by an Appraisal Committee constituted by the Board, chaired by the Secretary and including the member representing the Provincial Chamber of Commerce and Industry.

(3) Detailed appraisal of the project proposal shall be carried out by the Appraisal Committee within three months after deposition of the project examination fee:

Provided that the Chairperson may in a particular case extend the appraisal period of three months if the nature of the proposal so warrants.

(4) In carrying out the detailed appraisal, the Appraisal Committee shall associate local and/or foreign consultants, banks or other financial institutions, payment of which will be made out of the project examination fee.

(5) The appraisal report prepared by the Appraisal Committee will be submitted to the Board for consideration in its next meeting.

5. Criteria for sanction of financial assistance.— (1) In sanctioning financial assistance for eligible projects, the Board shall observe the following criteria —

- (a) the project should be designed to make a significant contribution to protection of the environment, or prevention of pollution or promotion of sustainable development;

- (b) at least 60% of the cost of the project should be provided by the proponent;
- (c) financial assistance will normally be confined to procurement of foreign and/or local plant, machinery and equipment only:

Provided that such assistance will be sanctioned for procurement of local plant, machinery and equipment where this is equally cost effective;

- (d) priority shall be given to –

- (i) a project designed to mitigate an adverse environmental effect caused by more than one existing industrial unit jointly sponsored by the concerned units and recommended by the concerned industrial association or Chamber of Commerce and Industry;
- (ii) a project designed to mitigate an adverse environmental effect sponsored by a proponent who is already giving a pollution charge in respect thereof;
- (iii) projects involving a joint venture or partnership between a Government Agency and the private industrial sector or a Non-Governmental Organization (NGO), Community-Based Organization (CBO) or Village-Based Organization (VBO) in which the private sector or NGO or CBO or VBO has the lead role;
- (iv) a project designed for training staff in environmental matters including monitoring and analysis, for building public awareness of their environmental rights and obligations, and for meeting requirements for certification under international environmental standards such as the ISO 14000 series.

(2) As far as possible, the Board shall endeavour to ensure that the total financial assistance sanctioned industry-wise in a year, is proportional to the pollution charges paid by each industry:

Provided that this criterion shall not apply to project-specific assistance channelized through the Fund:

Provided further that within each industry, priority will be given to a project which is more cost-effective in terms of the mitigation it is designed to achieve as compared to the investment planned.

6. Sanction of financial assistance.— (1) The Board may sanction financial assistance for any project, subject to such terms and conditions as it may deem fit in the circumstances of each case, including conditions relating to mode and period for utilization of the assistance, and security for repayment.

(2) If the Board rejects a proposal for financial assistance, it may, in its discretion, direct that the whole or a portion of the project examination fee be refunded to the proponent.

7. Post-sanction formalities.— (1) The proponent of the project shall complete all legal formalities including security documentation mentioned in the sanction letter within one month of the receipt thereof:

Provided that the period for completion of formalities may be extended by the Chairperson in a particular case if the circumstances so warrant.

(2) Procurement of local and/or foreign equipment under the sanctioned financial assistance shall be made through a transparent tendering/bidding process under the supervision of a Procurement Committee constituted by the Board.

(3) The Procurement Committee may engage local and/or foreign consultants, banks or other financial institutions to conduct the procurement process, and all costs pertaining thereto shall be charged to the account of the proponent.

8. Implementation.— (1) All projects financed from the Fund shall be regularly monitored by an Implementation Committee constituted by the Board.

(2) The Implementation Committee shall identify the problems, if any, encountered by a project during implementation and recommend remedial measures for approval of the Board.

(3) The Implementation Committee shall submit quarterly progress reports for information of, and where necessary action by, the Board.

9. Audit and accounts.— (1) The Board will request the Finance Department to credit to the Fund every year an amount equivalent to the sum total of the pollution charges paid by all industrial units during the previous year, based on receipts submitted to it by the industrial units and the industrial associations and Chambers of Commerce and Industry.

(2) Amounts credited to the Fund shall not lapse at the end of a financial year and shall be available for utilization at any time.

(3) The accounts of the Fund shall be audited annually within six months of the close of the financial year by a Chartered Accountant within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961).

(4) The annual audit report of the Fund shall be submitted for consideration and review by the Accountant-General and the Board.

10. Annual Report.— The Board shall publish every year an Annual Report comprising, *inter-alia*, the audited accounts and a performance evaluation based on the progress reports submitted by the Implementation Committee.

SCHEDULE I

[See Rule 3(1)(b)(i)]

Guidelines for Feasibility Report

1. Name by which survey will be identified
2. Administrative authorities responsible for:
 - i) Sponsoring
 - ii) Execution
3. Central Ministry concerned with:
 - i) Sponsoring
 - ii) Execution
4. Details of Survey / Feasibility study :
 - (a) General Description
 - (b) Justification
 - (c) Month of commencement and completion (give details of phasing).
 - (d) Estimated Cost Local Foreign Total
Year
1.
2.
 - (e) i) Personnel required:
ii) Category No. Pakistan Personnel Foreign Personnel
 - (f) Mode of financing: (Give budget provision).
If foreign exchange expenditure is involved indicate
Whether a firm commitment is available.
5. Details of scheme likely to be submitted after survey: (Give information wherever possible)
 - (a) General description
 - (b) Location
 - (c) Estimated cost Local Foreign Total
Year
1.
2.
3.
 - (d) Benefits of Project (Economic financial and non-quantifiable).
 - (e) Probable mode of financing
 - (f) Number of persons likely to be employed during implementation of scheme and after completion.

Category Number Local personnel Foreign personnel
 - (g) Materials and parts required yearly after completion of project (Local costs and Foreign costs)

Signature and designation of Officer
sponsoring the Project

INSTRUCTIONS FOR FILLING UP OF SCHEDULE-I

1, 2 and 3 No comments necessary.

4.
 - (a) Provide a general description of the aims, objectives and coverage of the Survey / Feasibility Study. Details of the Terms of Reference of the Surveys / Feasibility Study must also be submitted. Indicate the present position regarding the lining up of finances and manpower for the survey and likely problems in this regard.
 - (b) Provide a detailed justification for undertaking the Survey / Feasibility Study. Indicate whether previous studies in the field have been undertaken. A copy of such a study should be enclosed.
 - (c) Indicate approximate duration of study and proposed months of commencement and completion of the study. The phasing for major items should be given in the form of a table or bar chart.
 - (d) Indicate cost estimates for the study broken down between local and foreign exchange expenditure. Indicate also date on which cost estimates were prepared and the basis of these estimates. Costs should be detailed according to requirements of manpower, both local and foreign, equipment, transport etc. Only the cost of Survey and Feasibility Study should be included and no cost pertaining to the main project which would later be prepared on PC-I form should be included in the item.
 - (e)
 - i) Indicate personnel, requirements separately for local and foreign personnel according to the following categories.
Professional and Technical: administrative, executive and managerial, clerical, sales, service, skilled, unskilled, others.
 - ii) Indicate the period of contract of both the local and foreign consultants and the terms of their appointment.
 - (f) Indicate the budget provision that exists or has been requested for undertaking the proposed Survey / Feasibility Study. If foreign commitment has been made, or probable source of financing alongwith terms of financing.
5.
 - (a) Provide, in as much detail as possible, the technical, economic and financial aspects of alternative project that are proposed to be undertaken after the Survey / Feasibility Study has been completed.
 - (b) Indicate the location or choice of locations that are being considered for the proposed project(s)
 - (c) Indicate approximate cost of the project(s) with a breakdown of costs between local and foreign currency expenditures and the years in which the expenditure will be incurred.
 - (d) Indicate probable benefits of the proposed project(s) including the anticipated rate of return, and social benefits. Item-wise non-quantifiable benefits as well.
 - (e) Indicate probable mode of financing for both the local and foreign currency requirements.
 - (f) Classify personnel needs as in 4(e) above.
 - (g) Indicate annual operating requirements of the project in terms of materials, spare parts etc.

SCHEDULE II
[See Rule 3(1)(b)(iii) and Rule 4(1)]

Rates for preliminary examination fees and project examination fees

Preliminary Examination fees: Rs. 2,000

Project Examination fee Rs.10,000

-Sd-

Section Officer (Legal)



THE HOSPITAL WASTE MANAGEMENT RULES, 2005

CONTENTS

1. Short title and commencement
2. Definitions
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4. Waste Management Team
5. Duties and responsibilities of Waste Management Team
6. Meetings of Waste Management Team
7. Duties and responsibilities of Medical Superintendent
8. Duties and responsibilities of the Heads of Departments
9. Duties and responsibilities of Infection Control Officer
10. Duties and responsibilities of Chief Pharmacist
11. Duties and responsibilities of Radiology Officer
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15. Waste Management Plan
16. Waste segregation
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THE HOSPITAL WASTE MANAGEMENT RULES, 2005

Statutory Notification (S. R. O.)
GOVERNMENT OF PAKISTAN
MINISTRY OF ENVIRONMENT

Islamabad, the 3rd August ,2005.

NOTIFICATION

S.R.O.1013(I)/2005.— In exercise of the powers conferred by section 31 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Federal Government is pleased to make the following rules, namely: -

1. Short title and commencement.— (1) These rules may be called the Hospital Waste Management Rules, 2005.

(2) They shall come into force at once.

2. Definitions.— (1) In these rules, unless there is anything repugnant in the subject or context,-

- (a) "Act" means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) "chemical waste" includes chemicals from diagnostic and experimental work, cleaning processes, housekeeping and disinfecting procedures, mercury waste such as from broken clinical equipment and spillage, and cadmium waste such as from discarded batteries;
- (c) "genotoxic waste" includes cytotoxic drugs and outdated materials, vomitus, faeces or urine from patients treated with cytotoxic drugs or chemicals, and materials such as syringes and vials contaminated from the preparation and administration of such drugs;
- (d) "Government" means the Federal Government or a Provincial Government in which the hospital is located;
- (e) "Health Officer" means the District Health Officer, Assistant District Health Officer and Medical Officer, by whatever designation called, of the local council in which the hospital is located and includes any person designated as such by the Federal Government or a Provincial Government for the purposes of the Act;
- (f) "hospital" includes a clinic, laboratory, dispensary, pharmacy, nursing home, health unit, maternity center, blood bank, autopsy centre, mortuary, research institute and veterinary institutions, including any other facility involved in health care and biomedical activities;
- (g) "hospital waste" includes both risk waste and non-risk waste;
- (h) "infectious waste" means waste contaminated by any type of pathogens such as bacteria, viruses, parasite or fungi and includes cultures from laboratory work, waste from surgeries and autopsies, waste from infected patients, discarded or disposable materials and equipment which have been in contact with such

patients and infected animals from laboratories;

- (i) "local council" means a local council in the geographical limits of which the hospital is located;
- (j) "Medical Superintendent" means the Head of the hospital by whatever designation called;
- (k) "non-risk waste" includes paper and cardboard, packaging, food waste and aerosols and the like;
- (l) "pathological waste" includes tissues, organs, body parts, fetuses, blood and body fluids;
- (m) "Pharmaceutical waste" includes expired or unused pharmaceutical products, spilled contaminated pharmaceutical products, surplus drugs, vaccines or sera, and discarded items used in handling pharmaceutical such as bottles, boxes, gloves, masks, tubes, or vials;
- (n) "radioactive waste" includes liquid, solid and gaseous waste contaminated with radionuclides generated from in-vitro analysis of body tissue and fluid, in-vivo body organ imaging and tumour localization, and investigation and therapeutic procedures;
- (o) "risk waste" means infectious waste, pathological waste, sharps, pharmaceutical waste, genotoxic waste, chemical waste, and radioactive waste;
- (p) "section:" means a section of the Act;
- (q) "sharp" includes whether infected or not, needles, syringes, scalpels, infusion sets, saws and knives, blades, broken glass and any other item that could cut or puncture; and
- (r) "waste management" includes waste segregation, waste collection, waste transportation, waste storage, waste disposal and waste minimization and reuse.

(2) The words and expressions used but not defined in these rules shall have the same meaning as are assigned to them in the Act.

3. Responsibility for waste management.— Every hospital shall be responsible for the proper management of the waste generated by it till its final disposal in accordance with the provisions of the Act and the rules 16 to 22.

4. Waste Management Team.— (1) The Medical Superintendent shall constitute a Waste Management Team comprising the following by whatever designation called namely:-

(a)	Medical Superintendent.	Chairman.
(b)	Heads of all hospital departments.	Member.
(c)	Infection Control Officer.	Member.
(d)	Chief Pharmacist.	Member.
(e)	Radiology Officer.	Member.
(f)	Senior Matron.	Member.
(g)	Head of Administration.	Member.
(h)	Hospital Engineer.	Member.
(i)	Head of the sanitation staff.	Member.
(j)	Other hospital staff members as the Medical Superintendent may designate.	Member.

- (k) A public representative of the District Administration nominated by the District Coordination Officer. Member.
- (l) A representative of a Provincial Agency concerned, or, in the case of a hospital located in the Islamabad capital territory, the Federal Agency. Member.

(2) In a hospital where the posts under sub-rule (1) do not exist, the Medical Superintendent shall designate another staff member to perform the duties and responsibilities of the holder of such posts under rules 8 to 14.

(3) The members of the Waste Management Team shall be informed in writing of their duties and responsibilities as provided under rules 8 to 14.

(4) One of the members of the Waste Management Team shall be designated by the Medical Superintendent as the Waste Management Officer, who shall act as the Secretary of the Waste Management Team.

5. Duties and responsibilities of Waste Management Team.— A Waste Management Team shall be responsible for the preparation, monitoring, periodic review, revision or updating, if necessary, and implementation of the Waste Management Plan, and for supervision of all actions taken in compliance with the provisions of these rules.

6. Meetings of Waste Management Team.—(1). The meeting of a Waste Management Team shall be held at least twice a month.

(2) One-third of the members of the Waste Management Team shall constitute the quorum for a meeting.

7. Duties and responsibilities of Medical Superintendent.— A Medical Superintendent shall,—

- (a) constitute the Waste Management Team;
- (b) designate the Waste Management Officer;
- (c) facilitate meetings of the Waste Management Team and ensure implementation of its decisions;
- (d) supervise implementation, monitoring and review of the Waste Management Plan and ensure that it is kept update;
- (e) arrange for a waste audit of the hospital by an external agency as may be designated for the purposes by the Government, involving analysis for the existing waste stream and assessment of existing waste management practices;
- (f) allocate sufficient financial and manpower resources to ensure efficient and effective implementation of the Waste Management Plan; and
- (g) ensure adequate training and refresher courses for the concerned hospital staff.

8. Duties and responsibilities of the Heads of Departments.—The Heads of Departments shall be responsible for the proper management of waste generated in their respective departments, and in particular shall,—

- (a) ensure that all doctors, nurses, clinical and staff in their respective departments, is aware of, and where required properly trained, in waste management procedures;
- (b) arrange proper supervision of the sanitary staff and sweepers to ensure that they comply with waste management procedures at all times; and
- (c) liaise with the Waste Management Officer for effective monitoring and reporting of mistakes and errors in implementation of the Waste Management Plan.

9. Duties and responsibilities of Infection Control Officer.— An Infection Control Officer shall be responsible for,—

- (a) giving advice regarding the control of infection and the standards of the waste disposal system;
- (b) identifying training requirements for each category of staff; and
- (c) organization of training and refresher courses on safe waste management procedures.

10. Duties and responsibilities of Chief Pharmacist.— A Chief Pharmacist shall be responsible for the sound management of pharmaceutical stores and in particular shall,—

- (a) give advice regarding formulation of appropriate procedures for management of pharmaceutical waste, and coordinate implementation of these procedures; and
- (b) ensure that the concerned hospital staff members receive adequate training in pharmaceutical waste management procedures.

11. Duties and responsibilities of Radiology Officer.— A Radiology Officer shall be responsible for the sound management of radioactive waste and in particular shall,—

- (a) give advice regarding formulation of appropriate procedure for management of radioactive waste and coordinate implementation of these procedures; and
- (b) ensure that the concerned hospital staff members receive adequate training in radioactive waste management procedures.

12. Duties and responsibilities of Senior Matron and Head of Administration.—A Senior Matron and Head of Administration shall be responsible for ensuring training of nursing staff, laboratory staff, medical assistants and sanitary staff and sweepers in waste management procedures and basic personal hygiene.

13. Duties and responsibilities of Hospital Engineer.— An Hospital Engineer shall be responsible for installation, maintenance and safe operation of waste storage facilities and waste handling equipment and where installed the hospital incinerator, and shall ensure that the concerned hospital staff members are properly trained for these purposes.

14. Duties and responsibilities of Waste Management Officer.— A Waste Management Officer shall, in addition to his duties and responsibilities, be responsible for the day to day implementation and monitoring of the Waste Management Plan and in particular, shall,—

- (a) for waste collection,—
- (i) ensure internal collection of waste bags and waste containers and their transport to central storage facility of the hospital on daily basis;
 - (ii) liaise with the Supplies Department to ensure that an adequate supply of waste bags, containers, protective clothing and collection trolleys are available at all time;
 - (iii) ensure that sanitary staff and sweepers immediately replace used bags and containers with the new bags and containers of the same type and where a waste bag is removed from containers, is properly cleaned before a new bag is fitted therein; and
 - (iv) directly supervise the hospital sweepers assigned to collect and transport the waste;
- (b) for waste storage,—
- (i) ensure correct use of the central storage facility and that it is kept secured from unauthorized access; and
 - (ii) prevent unsupervised dumping of waste bags and waste containers on the hospital premises, even for a short period of time;
- (c) for waste disposal,—
- (i) co-ordinate and monitor all waste disposal operations, and for this purpose meet regularly with the concerned representative of the local council;
 - (ii) ensure that the correct methods of transportation of waste are used on-site to the central storage facility or incinerator, if installed, and off-site by the local council; and
 - (iii) ensure that the waste is not stored on the hospital premises for longer than twenty-four hours, by coordinating with the incinerator operations and with the local council;
- (d) for staff training and information,—
- (i) liaise with the Heads of Departments, Head of Administration and Senior Matron to ensure that all doctors, clinical, staff, nursing staff, laboratory staff and medical assistants are fully aware of their duties and responsibilities under the Waste Management Plan; and
 - (ii) ensure that sanitary staff and sweepers are not involved in waste segregation and that they only handle waste bags and containers in the correct manner; and
- (e) for incident management and control,—
- (i) ensure that emergency procedures are available at all times and that all staff members are aware of the action to be taken by them;

- (ii) investigate, record and review all incidents reports regarding hospital waste management; and
- (iii) record the quantities of waste generated by each department on a weekly basis.

15. Waste Management Plan.— (1). A Waste Management Plan shall be prepared by a Waste Management Officer for approval by the Waste Management Team, and shall be based on internationally recognized environment management standards such as the International Organization for Standardization 14000 series.

(2) The Waste Management Plan shall include,—

- (a) a plan of the hospital showing the waste disposal points for every ward and department, indicating whether each point is for risk waste or non-risks waste, and showing the sites of the central storage facility for risk waste and the central storage facility for non-risk waste;
- (b) details of the types, numbers and estimated costs of containers, waste bags and trolley required annually;
- (c) timetables including frequency of waste collection from each wards and department;
- (d) duties and responsibilities for each of the different categories of hospital staff members who shall generate hospital waste and be involved in the management of the waste;
- (e) an estimate of the number of staff members required for waste collection;
- (f) procedures for the management of waste requiring special treatment such as autoclaving before final disposal;
- (g) contingency plans for storage or disposal of risk waste in the event of breakdowns of incinerators, or of maintenance or collection arrangements;
- (h) training courses and programmes on waste management; and
- (i) emergency procedures.

(3) A representative of a local council responsible for the collection and disposal of waste from the hospital shall be consulted in preparing and finalization of the Waste Management Plan.

(4) The Waste Management Plan shall be regularly monitored, reviewed, and revised and updated by the Waste Management Team as and when necessary.

16. Waste segregation.— (1) Risk waste shall be separated from non-risk waste at the ward bedside, operation theatre, laboratory, or any other room in the hospital where the waste is generated by a doctor, nurse, or other person generating the waste.

(2) All disposal medical equipment and supplies including syringes, needles, plastic bottles, drips and infusion bags shall be cut or broken and rendered non-reusable at the point of use by the person using the same, or in case any such used by such person.

(3) All risk waste other than sharps, large quantities of pharmaceuticals, or chemicals, waste with a high content of mercury or cadmium such as broken thermometers or used batteries, or radioactive waste shall be placed in a suitable container made of metal or tough plastic, with a pedal type or swing lid, lined with a strong yellow waste bag. The bags shall be removed when it is not more than three quarters full and sealed, preferably with self locking plastic sealing tags and not by stapling. Each bag shall be labeled, indicating date, point of production, ward and hospital, quantity and description of waste and prominently displaying the biohazard symbol. The bags removed should be immediately replaced with a new one of the same type.

(4) Sharps including the cut or broken syringes and needle shall be placed in metal or high density plastic containers resistant to penetration and leakage designed so that items can be dropped in using one hand and no item can be removed. The containers shall be coloured yellow and marked "DANGER! CONTAMINATED SHARPS". The sharp container shall be closed when three- quarters full. If the sharp container is to be incinerated, it shall be placed in the yellow waste bag with the other risk waste.

(5) Large quantities of pharmaceutical waste shall be returned to the suppliers. Small quantities shall be placed in yellow waste bag preferably after being crushed, where this can be done safely.

(6) Large quantities of chemical waste, and waste with a high content of mercury or cadmium shall not be incinerated, but shall be placed in chemical resistant containers and sent to specialized treatment facilities.

(7) Radioactive waste which has to be stored to allow decay to background level, shall be placed in a waste bag, in a large yellow container or drum. The container or drum shall be labeled, showing the radionuclide's activity on a given date, and the period of storage required, and marked "RADIOACTIVE WASTE", with the radiation symbol. Non-infectious radioactive waste which has decayed to background level, shall be placed in white waste bags. Infectious radioactive waste which has decayed to background level, shall be placed in yellow waste bags. High level and relatively long half-life radionuclides shall be packaged and stored in accordance with instructions of the original supplier under supervision of the Radiology Officer and sent back to the supplier for disposal.

(8) Non-risk waste shall be placed in a suitable container lined with a white waste bag. Adequate numbers of non-risk waste containers shall be placed in all areas of the hospital and notices affixed to encourage visitors to use them.

17. Waste collection.—(1) Waste shall be collected in accordance with the schedules specified in the Waste Management Plan.

(2) Sanitary staff and sweepers shall, when handling waste, wear protective clothing at all times including face masks, industrial aprons, leg protectors, industrial boots and disposable or heavy duty gloves, as required.

(3) Sanitary staff and sweepers shall ensure that,—

(a) waste is collected at least once daily;

(b) all waste bags are labeled before removal, indicating the point of production, ward, hospital and contents;

- (c) the removed waste bags and containers are immediately replaced with new ones of the same type; and
- (d) where a waste bag is removed from a container, the container is properly cleaned before a new bag is fitted therein.

18. Waste transportation.—(1) For on-site transportation, a waste collection trolley shall be free of sharp edges, easy to load, unload and to clean, and preferably a stable three or four- wheeled design with high sides. The trolley shall be cleaned regularly.

(2) The sealed waste bags shall be carefully loaded by hand onto the trolley to minimize the risks of punctures or tears.

(3) Yellow-bagged risk waste and white-bagged non-risk waste shall be collected on separate trolleys which shall be painted or marked in the corresponding colours.

(4) The collection route shall be the most direct one from the final collection point to the central storage facility designated in the Waste Management Plan. The collected waste shall not be left even temporarily anywhere other than at the designated central storage facility.

(5) Transportation off-site shall, unless otherwise agreed, be the responsibility of the local council which shall ensure that,—

- (a) all yellow-bagged waste is collected at least once daily;
- (b) all staff members handling yellow-bagged waste wear protective clothing;
- (c) yellow-bagged waste is transported separately from all other waste;
- (d) vehicles or skips are only used for the carriage of yellow-bagged waste and are free of sharp edges, easy to load and unload by hand, easy to clean and disinfect, and fully enclosed, preferably with hinged and lockable shutters or lids, to prevent any spillage in the hospital premises or on the highway during transportation;
- (e) all concerned staff members are properly trained in the handling, loading, unloading, transportation and disposal of yellow-bagged waste, and are fully aware of emergency procedures for dealing with accidents and spillages;
- (f) all vehicles carry adequate supply of empty waste bags, protective clothing, cleaning tools and disinfectants to clean and disinfect any spillage;
- (g) the transportation of waste is properly documented and all vehicles carry a consignment note from the point of collection to the incinerator or land-fill or other final disposal facility; and
- (h) all vehicles are cleaned and disinfected after use.

19. Waste storage.— (1) A separate central storage facility shall be provided for yellow-bagged waste with a sign prominently displaying the biohazard symbol and clearly mentioning the facility stores risk waste.

(2) The designated central storage facility shall,—

- (i) be located within the hospital premises close to the incinerator, if installed, but away from food storage or food preparation areas;
- (ii) be large enough to contain all the risk waste produced by the hospital with spare capacity to cater for collection or incinerator breakdowns;
- (iii) be easy to clean and disinfect with an impermeable hardstanding base, plentiful water supply and good drainage, lighting and ventilation;
- (iv) have adequate cleaning equipment, protective clothing, waste bags and containers located nearby; and
- (v) be easily accessible to collection vehicles and authorized staff, but totally enclosed and secure from unauthorized access including inaccessible to animals, insects and birds.

(3) No materials other than yellow-bagged waste shall be stored in the central storage facility.

(4) No waste shall be stored at the central storage facility for more than twenty-four hours:

Provided that in case of emergency where infectious waste is required to be stored for more than twenty-four hours, it shall be refrigerated at a temperature of 3⁰ C to 8⁰ C.

(5) Containers with radioactive waste shall be stored in a specifically marked area in a lead- shielded storage room.

(6) Containers with chemical waste which are to be specialized treatment facilities shall also be stored in a separate room.

(7) The central storage facility shall be thoroughly cleaned in accordance with procedures stipulated in the Waste Management Plan.

20. Waste disposal.—(1) Depending upon the type and nature of the waste material and the organisms in the waste, risk waste shall be inactivated or rendered safe before final disposal by a suitable thermal, chemical, irradiation incineration, filtration or other treatment method, or by a combination of such methods involving proper validation and monitoring procedures. Effluent from the waste treatment methods shall also be periodically tested to verify that it conforms to the National Environmental Quality Standards before it is discharged into the sewerage system.

(2) Yellow-bagged waste shall be disposed off by burning in an incinerator, by burial in a landfill or by any other method of disposal approved by the Federal Agency or a Provincial Agency concerned.

(3) Sharps containers which have not been placed in yellow waste bags for incinerator, shall be disposed of by encapsulation or other method of disposal approved by the Federal Agency or a Provincial Agency concerned.

(4) The method of disposal, whether by burning in an incinerator or by burial in a landfill or otherwise, shall be operated by a hospital only after approval of its Environmental Impact Assessment in accordance with the provisions of section 12:

Provided that hospitals, local councils or other persons already using an incinerator or landfill on the date of commencement of these rules shall submit an Initial Environmental Examination in respect thereof to the Federal Agency or a Provincial Agency concerned within two months from the said date, and may continue to use the incinerator or landfill pending decision on the EIA.

(5) All risk waste delivered to an incinerator shall be burned within twenty-four hours.

(6) Ash and residues from incineration and other methods shall be placed in robust, non-combustible containers and sent to the local council's designated risk waste landfill site.

(7) Landfills shall be located at sites with minimal risk of pollution of groundwater and rivers. Access to the site shall be restricted to authorized personnel only. Risk waste shall be buried in a separate area of the landfill under a layer of earth or non-risk waste of at least one meter depth which shall then be compacted. The landfill shall be regularly monitored by the local council to check groundwater contamination and air pollution. The local council shall also ensure that the landfill operators are properly trained, especially in safe disposal procedures, use of protective equipment and hygiene and emergency response procedures.

(8) Daily collection of risk waste from hospitals shall be taken by the vehicles of the local council immediately to the designated landfill site or incinerator by the most direct route in accordance with prior scheduling of collection times and journey times.

(9) Radioactive waste which has decayed to background level shall either be buried in the landfill site or incinerated.

Explanation.—An incineration facility for radioactive waste shall require, in addition to approval of its EIA by the Federal agency or a Provincial agency concerned, registration with and issue of license by PNRA, and reconciled with the requirements of the Pakistan Nuclear Regulatory Authority Ordinance 2001 (III of 2001) and the guidelines made thereunder in connection with management and disposal of radioactive waste.

(10) All liquid infectious waste shall be discharged into the sewerage system only after being properly treated and disinfected.

Explanation I.— Liquid radioactive waste shall be discharged into the sewerage system only after it has decayed to background level and after it has been ensured that the radioactive materials are soluble and dispersible in water, failing which it shall be filtered.

Explanation II.— Radioactive waste containing Tritium and Carbon-14 isotopes shall be stored separately and shipped to the disposal site of the Pakistan Atomic Energy Commission, Karachi Nuclear Power Plant (KANUPP), Karachi or Pakistan Institute of Science & Technology (PINSTECH), Islamabad.

(12) In the case of gaseous radioactive waste, portable filter assemblies shall be used to extract iodine and xenon. The used filters shall be treated as solid radioactive waste.

21. Accidents and spillages.— (1) In case of accidents or spillages, the following action shall be taken, namely:-

- (a) the emergency procedures mentioned in the Waste Management Plan shall be implemented immediately;
- (b) the contaminated area shall be immediately evacuated, if required;
- (c) the contaminated area shall be cleared and, if necessary, disinfected;
- (d) exposure of staff members shall be limited to the extent possible during the clean-up operation, and appropriate immunization may be carried out, as required; and
- (e) any emergency equipment used shall be immediately replaced in the same location from which it was taken.

(2) All hospital staff members shall be properly trained and prepared for emergency response including procedures for treatment of injuries, clean-up of the contaminated area and prompt reporting of all incidents of accidents, spillages and near-misses.

(3) A Waste Management Officer shall immediately investigate, record and review all such incidents to establish causes and shall submit his report to a Waste Management Team.

(4) The Waste Management Team shall review the report, and where necessary shall amend the Waste Management Plan to prevent recurrence of such incidents, and take such further action as may be required.

22. Waste minimization and reuse.— (1) To minimize hospital waste, each hospital shall introduce,—

- (a) purchasing and stock control, involving careful management of the ordering process to avoid overstocking, particularly with regard to date-limited pharmaceutical and other products, and to accord preference to products involving low amounts of packaging;
- (b) waste recycling programmes, involving return of unused or waste chemicals in quantity to the supplier for reprocessing, return of pressurized gas cylinders to suppliers for refilling and reuse, sale of materials such as mercury, cadmium, nickel and lead-acid to specialized recyclers, and transportation of high level radioactive waste to the original supplier; and
- (c) waste reduction practices in all hospital departments.

(2) To encourage reuse, each hospital shall separately collect and sterilize, either thermally or chemically in accordance with approved procedures, surgical equipment and other items which are designed for reuse and are resistant to the sterilization process.

23. Inspection.— (1) An Health Officer may inspect any hospital, incinerator or landfill located within the area of his jurisdiction to check that the provisions of these rules are being complied with.

(2) The Government shall constitute a Hospital Complaint Scrutiny Committee for each district and for the Islamabad Capital Territory, comprising two Medical Superintendents of hospitals owned by the Government, one of which shall be the Chairman of the Committee, and one Chief Executive of a private sector hospital:

Provided that the Hospital Complaint Scrutiny Committee for a district or for the Islamabad Capital Territory shall comprise of Medical Superintendents of hospitals located outside the said district or the Islamabad Capital Territory, as the case may be.

(3) If an Health Officer discovers any contravention of any provision of these rules, he shall report the same to the concerned Hospital Complaint Scrutiny Committee.

(4) The Hospital Complaint Scrutiny Committee shall review details of the contravention reported by the Health Officer and after giving an opportunity of being heard to the duly authorized representative of the hospital or incinerator or landfill, recommend,—

- (a) that no further action be taken in the circumstances of the case;
- (b) that another inspection be carried out within a specified period not exceeding one month, if the hospital or incinerator or landfill has taken steps to comply with the rules contravened;
- (c) that action be initiated against the person responsible through the District Health Officer or a local council or the Federal agency or the Provincial agency concerned as the case may be.

24. Hospital Waste Management Advisory Committee.— (1) The Federal Government shall by notification in the official Gazette, constitute a Hospital Waste Management Advisory Committee for the Islamabad Capital Territory comprising,—

(a)	Secretary, Ministry of Health.	Chairman
(b)	Joint Secretary, Ministry of Local Govt. & Rural Dev.	Member
(c)	Director General, Environment Cell, CDA.	Member
(d)	President, Pakistan Medical Association or his representative.	Member
(e)	Director, Health Services Academy.	Member
(f)	Executive Director, Pakistan Institute of Medial Sciences.	Member
(g)	Medical Superintendent, Federal Government Services Hospital.	Member
(h)	Chief Executive of two hospitals in the private sector.	Members
(i)	Representative of two non-government organizations.	Members
(j)	Director-General, Pakistan Environmental Protection Agency.	Member
(k)	Director (Lab/NEQS), Pak-EPA.	Member/ Secretary

(2) Each Provincial Government shall, by notification in the official Gazette, constitute a Hospital Waste Management Advisory Committee for the Province comprising,—

(a)	Secretary, Provincial Health Department.	Chairman
(b)	Representative of Ministry of Health.	Member
(c)	Representative, Provincial Environment Department.	Member
(d)	Representative, Provincial Local Government Department.	Member
(e)	President, Pakistan Medical Association or his representative.	Member
(f)	Vice Chancellor of a Medical University in the Province.	Member
(g)	Medical Superintendent of hospitals in the public sector and Chief Executives of two hospitals in the private sector.	Member
(h)	Representative of two non-governmental organizations.	Member
(i)	DG, Provincial Environmental Protection Agency.	Member/Secretary

(3) The Hospital Waste Management Advisory Committee shall,—

- (a) periodically review the implementation of the rules and recommend amendment there to; and
- (b) recommend adoption of such policy measures, plans and projects as it may

consider necessary for the effective management of hospital waste in the Islamabad Capital Territory and Provinces, as the case may be.

25. Phased implementation.— The Federal Government may, by notification in the official Gazette, exempt any class of hospitals from all or any of the provisions of these rules.

26. Applicability of section 14.— Each hospital generating risk waste shall apply to the Federal Agency for issuance of licence for handling hazardous substances and the provision of section 14 shall apply for the purpose of granting such licence.



THE PAKISTAN BIOSAFETY RULES, 2005

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THE PAKISTAN BIOSAFETY RULES, 2005

Statutory Notification (S. R. O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF ENVIRONMENT

S.R.O. 336(I)/2005.— In exercise of the powers conferred by section 31 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Federal Government is pleased to make the following rules, namely: -

1. Short title and commencement.— (1) These rules may be called the Pakistan Biosafety Rules, 2005.

(2) They shall come into force at once.

2. Application.— These rules shall be applicable to —

- (a) manufacture, import and storage of micro-organism and gene technological products for research whether conducted in laboratories of teaching and research, research and development institutes or private companies involved in the uses and applications of genetically modified organisms and products thereof.
- (b) all work involved in the field trial of genetically manipulated plants, animals (including poultry and marine life), micro-organisms and cells; and
- (c) import, export, sale and purchase of living modified organism, substances or cells and products thereof for commercial purposes.

3. Definitions.—(I) In these rules, unless there is anything repugnant in the subject or context,—

- (a) “**Act**” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “**applicant**” means any person including an artificial judicial person, seeking licence for activities related with application of these rules;
- (c) “**Biosafety**” means the mechanism developed through policy and procedures to ensure the environmentally safe application of biotechnology;
- (d) “**biosafety guidelines**” means the Pakistan Biosafety Guidelines notified by the Ministry of Environment;
- (e) “**commercial release**” means any intentional introduction of living modified organisms into the environment through sale or purchase;
- (f) “**contained use**” means any operation or activity, undertaken within a facility, installation or other physical structure, which involves living modified organisms, substances or cells and products thereof and controlled in a manner

that limit their contact with, and their impact on, the external environment and the general population;

- (g) **“deliberate release”** means any intentional transfer of living modified organisms to the environment or nature, irrespective of the way in which it is done;
- (h) **“experimental release”** means any intentional introduction into the environment of living modified organisms, with containment measures and which is not used for commercialization;
- (i) **“export”** means the intentional transboundary movement from Pakistan to another country;
- (j) **“Import”** means the international transboundary movement into Pakistan from another country;
- (k) **“Institutional Biosafety Committee”** means the committee constituted under rule 8;
- (l) **“Intentional introduction into the environment”** means any deliberate release of living modified organisms subject to these rules that is not “contained use”, including release for experimental purposes but does not include living modified organisms imported for direct use for food or feed or for processing;
- (m) **“licence”** means the licence granted by the Federal Agency under section 14 of the Act;
- (n) **“living modified organism or genetically modified organisms”** means living cells or organisms, substances, cells and products thereof whose genetic material has been altered or modified by any variety of techniques of modern biotechnology to make them capable of producing new substances or perform new functions;
- (o) **“living organisms”** means any biological entity capable of transferring or replicating genetic material, including sterile organisms, viruses and viroids;
- (p) **“modern biotechnology”** means the application of-
 - (i) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles; or
 - (ii) fusion of cells beyond the taxonomic family,to overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding and selection;
- (q) **“National Biosafety Committee”** means the committee constituted under rule 4; and

- (r) “**Technical Advisory Committee**” means the committee constituted under rule 6.

4. Establishment of National Bio-safety Committee.—(1) The Federal Government shall, by notification in the official Gazette, establish a National Biosafety Committee consisting of the following members namely:-

(a) Secretary, Ministry of Environment	Chairperson
(b) Member (Bio-sciences), Pakistan Atomic Energy Commission	Member
(c) Chairpersons of concerned Institutional Biosafety Committees	Member
(d) Representatives of Provincial Governments	Member
(e) Representatives of Government of AJK	Member
(f) Chairman, PARC	Member
(g) Representative Ministry of Food & Agriculture	Member
(h) Representative Ministry of Health	Member
(i) Representative Ministry of Science and Technology	Member
(j) Representative Ministry of Education	Member
(k) Director-General, Department of Plant Protection	Member
(l) Director-General, Pakistan EPA	Member

(2) The Director-General, Pakistan EPA, shall act as Secretary of the National Biosafety Committee

(3) The Committee may co-opt any other member as deemed necessary for its functioning.

(4) The members of the Committee, other than ex-officio members, shall hold office for a term of three years extendable to another term of three years with the approval of the Chairperson.

(5) The Committee shall frame its own rules and procedures.

(6) The Committee shall hold meetings as and when deemed necessary, provided that not less than four meetings shall be held in a year.

5. Functions of National Biosafety Committee.— (1) The National Biosafety Committee shall perform the following functions namely:-

- (a) to establish standards and procedures for risk assessment and labeling of living modified organisms, substances or cells and products thereof;
- (b) to consider application(s) for import, export or commercial release of living modified organisms, and on the recommendations of Technical Advisory Committee allow release or reject applications after reviewing the risk assessment carried out in accordance with the biosafety guidelines, the procedures established under clause (a) and any other reliable information;
- (c) to ban or restrict import, export, sale, purchase or trading of any living modified organism causing or likely to cause risk to public health, safety or environment;
- (d) to develop linkages with foreign biosafety committees and relevant agencies to ensure that genetic manipulation practices in Pakistan address international biosafety concerns and observe universal codes of conduct;
- (e) to cooperate with other relevant federal or provincial authorities overseeing the import and release of living organisms and formulate guidelines for the identification, inspection and regulation of transgenic species exotic organisms and others;
- (f) to restrain on the advice of Technical Advisory Committee any person, authority or institute involved with genetic manipulation experiments of potential hazards;
- (g) to facilitate exchange of technical expertise to various research institutions and regulatory agencies in setting up appropriate experimental conditions;
- (h) to facilitate all levels of supervision of genetic manipulation work by assisting other regulatory bodies including Institutional Biosafety Committees, in establishing pertinent codes disciplines and guidelines for the appraisal of biohazards and the management of bio- safeguards;
- (i) to coordinate efforts of Institutional Biosafety Committees and inform and educate the public on biosafety issues and on proposed national policies.
- (j) to ensure that laboratory, field work and commercial release of genetically modified organisms and their products conforms to the national biosafety guidelines;
- (k) to prepare and provide to Institutional Biosafety Committees the various notifications and assessment forms, biosafety guidelines, related documents and assorted signs for facilities.
- (l) to inform the various institutions engaged in genetic manipulation work about new developments in biosafety so as to avoid exposure of laboratory personnel, the community or the environment to undue risks;
- (m) to coordinate efforts between pertinent government agencies and private organizations to maintain safety levels in biotechnological work and to prepare them for biological emergencies;

- (n) to certify high-level laboratories, plant glass houses and animal houses intended for use in high-risk work. Upon request by the institution, and at the earliest convenience, the National Biosafety Committee may inspect a facility and either issue certification, or recommend additional precautions, if elements of the facility are determined to be inadequate to support the types of risk/hazard accompanying work requiring such physical containment;
- (o) to inspect high-level laboratories and containment facilities on a regular basis. The National Biosafety Committee may inspect laboratories and facilities of containment level C2. PH 2. C2A, as specified in the biosafety guidelines, equivalent or higher at any time subsequent to certification without prior notice.
- (p) to inspect systems equipment and instruments governing ambient biosafety levels in genetic manipulation laboratories;
- (q) to keep information of commercial significance confidential from public domain if so requested in writing by applicant, person or institution or organization;
- (r) to monitor the safety related aspects of ongoing research projects and achievements involving genetically engineered organisms/hazardous substances or cells and products thereof.

6. Technical Advisory Committee.— (1) The Federal Government shall, by notification in the official Gazette, establish a Technical Advisory Committee consisting of the following members, namely:--

(i) Director-General, Pakistan EPA	Chairperson
(ii) Director, National Institute for Bio-Technology and Genetic Engineering, Faisalabad.	Vice Chairperson
(iii) Executive Director, Pakistan Medical Research Council(PMRC)	Member
(iv) Director, Pakistan Council of Industrial and Scientific Research (PCSIR)	Member
(v) Director, Health Services Academy (HAS)	Member
(vi) Executive Director, National Institute of Health	Member
(vii) Representative, Pakistan Atomic Energy Commission, Islamabad	Member
(viii) Representative, Centre for Molecular Genetics, University of Karachi	Member
(ix) Representative, Centre for Applied and Molecular Biology, Lahore.	Member
(x) Representative, National Commission on Biotechnology.	Member
(xi) Relevant technical representative Animal, Sciences PARC	Member

(xii) Relevant technical representative Plant Sciences, PARC	Member
(xiii) Director, Pakistan Environmental Protection Agency, Islamabad	Member
(xiv) Two experts from private sector/civil society	Members

(2) The Director, Pakistan Environmental Protection Agency shall act as Secretary of the Technical Advisory Committee.

- (3) The Committee may co-opt any technical representative from any province.

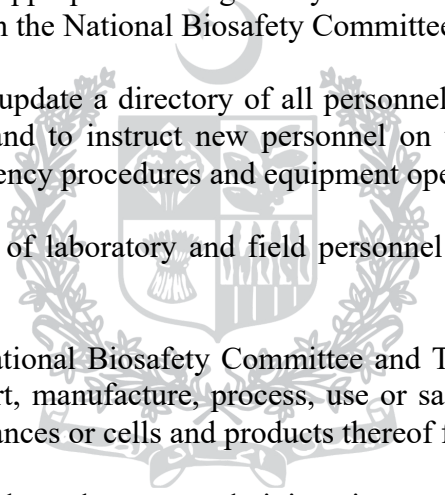
7. Functions of Technical Advisory Committee.—The following are the functions of the Technical Advisory Committee, namely:-

- (a) to examine applications and recommend to National Biosafety Committee on permitting or otherwise laboratory work, field work or release of living modified organism, substances, cells, and products thereof;
- (b) to review and control of safety measures adopted while handling large scale use of genetically engineered organisms/classified organisms in research, developmental and industrial production activities;
- (c) to review research methodologies in genetic engineering and recombinant DNA work at the international level and assess the associated risks to guide relevant institutions;
- (d) to monitor release of engineered organisms or products into environment and to oversee field applications and experimental field trials;
- (e) to provide information or data inputs to National Biosafety Committee upon surveillance of approved projects under industrial production, and in case of environmental releases with respect to safety risks and accidents; and
- (f) to supervise directly or through any person authorized in this behalf the implementation of the terms and conditions laid down in connection with the approvals accorded by the National Biosafety Committee.

8. Institutional Biosafety Committees.— (1) The head of the institution or organization related to biotechnology shall notify Institutional Biosafety Committee with the following minimum composition:

(a) Head of the institution	Chairperson
(b) Subject expert (s)	Members
(c) Social Scientist/economist (for social impact)	Member
(d) Representative of civil society	Member

9. Functions of Institutional Biosafety Committee.— (1) The Committee shall perform the following functions, namely,--

- 
- (a) to assist in the activities of National Biosafety Committee and Technical Advisory Committee;
 - (b) to assist researchers in undertaking risk assessment, organizing training programmes and harmonizing experimental conditions with biosafety guidelines;
 - (c) to determine additional safeguards and draft supplementary operating instructions for work at the institution, in line with and addressing the specific risks and concerns uncovered;
 - (d) to evaluate the qualifications of researchers involved in biotechnological projects and assess whether each retains a thorough understanding of good microbiological practices necessary for the supervision of students, assistants and junior personnel;
 - (e) to monitor all regulated work under progress within the institution and counsel the proponents on issues of biosafety and on compliance with biosafety guidelines on a regular basis, or as requested;
 - (f) to serve, where appropriate as a gateway for the flow of information, ideas and opinions between the National Biosafety Committee and the research teams;
 - (g) to maintain and update a directory of all personnel engaged in activities at every biosafety level and to instruct new personnel on the correct laboratory or field practices, emergency procedures and equipment operation at the relevant level;
 - (h) to ensure health of laboratory and field personnel as may deem necessary from medical records;
 - (i) to liaise with National Biosafety Committee and Technical Advisory Committee on import, export, manufacture, process, use or sale of any genetically modified organisms/substances or cells and products thereof for the purpose of research;
 - (j) to withhold funds and or use administrative authority to immediately refrain programmes if biosafety guidelines are violated;
 - (k) to prepare and implement the institutional emergency and response plan according to the details provided in the manuals and guidelines prepared by National Biosafety Committee;
 - (l) to assess all projects referred to it, and on the basis of the information provided and the risks forecast determine under which category of work the proposals fall and whether to endorse the work proposed;
 - (m) to maintain records of approved project proposals for laboratory genetic manipulation work (including notification for project exemption) and the assessments;
 - (n) to forward summaries of all project proposals submitted for IBC notification, and the assessments to the Technical Advisory Committee for records and information or for review and recommendation in the case of proposals for Risk Category 2 and 3 work;

- (o) to undertake risk assessment, in cooperation with the research teams as necessary, to determine the appropriate containment and biosafety conditions, operating procedures and emergency safeguards for Risk Category 2 and 3 genetic manipulation work, and for the housing, storage or movement of regulated material and also the waste;
- (p) to prepare, in conjunction with the research teams, specific contingency plans after undertaking risk assessments and reviewing project proposals;
- (q) to enforce, with particular emphasis on Risk Category 3 work, all recommendations, and ensure that the conditions of National Biosafety Committee have been acknowledged and promptly addressed;
- (r) to inspect and certify, before use in genetic manipulation work, CI level laboratories, conventional animal houses, PH I plant glass houses, and quarantine and medical facilities for infected animals; and
- (s) to monitor and access the containment features of and the working conditions within all laboratories, plant glass houses and animal houses supporting the institution's work, to ensure that the various facilities are maintained at the standards and requirements delineated in Appendices 4 through 11 of biosafety guidelines.

10. The Bio-Safety Officer (BSO).— (1) Institutions and organizations engaged in biotechnology or genetic manipulation work shall appoint or designate a Bio-Safety Officer (s) well conversant with bio-safety issues and emergency counter-measures to perform the following functions; namely,—

- (a) to assist and liaison with Institutional Biosafety Committee;
- (b) to review in conjunction with the Institutional Biosafety Committee and on a regular basis operating procedures and biosafety records, and to assay the integrity of containment facilities and safety equipment or utilities; and
- (c) to advise on all matters pertaining to risk and biosafety, health of personnel, contingencies at work and infractions of biosafety guidelines.

11. Prohibition and Licence requirements.— (1) No person shall import, export, sell, purchase or trade living modified organisms, substances or cells and products thereof for any purposes, without the prior obtaining of licence from the Federal Agency.

(2) Applicants seeking licence for activities shall submit an application prepared in conformity with the requirements of the Biosafety Guidelines to the Federal Agency accompanied with a prescribed fee.

(3) Any person to whom a licence has been granted shall notify the Federal Agency and the National Biosafety Committee of any change in or addition to the information already submitted.

12. Confidential Information.— Information designated as confidential by the applicant shall be protected from disclosure in conformity with Article 21 of the Cartagena Protocol as set forth in the biosafety guidelines.

13. Risk Assessments and Risk Management.— (1)The National Biosafety Committee shall ensure that risk assessment is carried out in accordance with the biosafety guidelines for all activities that require licence.

(2) Risk assessment, including the auditing of risk assessments and evaluation of proposed risk management measures, and field trials shall be carried out on a case by case basis in a scientifically sound manner, in accordance with Article 15 and Annex III of the Cartagena Protocol as set forth in the biosafety guidelines.

14. Decision making and Communication of Decision.—(1) A final decision shall be made and communicated to the applicant within--

- (a) sixty days for Risk Category 2 and 3 contained use activities (as specified in the biosafety guidelines);
- (b) ninety days for experimental releases;
- (c) one hundred and twenty days for intentional introduction into the environment; and
- (d) one hundred and twenty days for import intended for direct use as food or for processing.

(2) Decision for contained use, experimental release and commercialization for intentional introduction in to the environment for any purpose other than for food or feed or for processing shall be based on information set-forth in the application, scientific risk assessment and prior field experience with the living modified organisms in Pakistan:

Provided that this rule shall take effect for a period of three years form the date of commencement of Notification S.R.O. No.45(I)/2024 dated 18th January, 2024.

(2A) Decision for import for direct use, for food or feed or for processing shall be based on information set forth in the application and scientifically sound risk assessment and prior field experience with the living modified organisms or genetically modified organisms carried out in country of development:

Provided that this rule shall take effect for a period of three years form the date of commencement of Notification S.R.O. No.45(I)/2024 dated 18th January, 2024

(3) Final decisions shall be recorded in a decision document as described in the biosafety guidelines. No person shall vary the purpose of the licence activity as set forth in the decision document unless he obtains a licence.

(4) The licence granted by the Federal Agency under rule 11 shall not take effect until the applicant executes an undertaking in which the applicant assumes the legal duty to comply with applicable provisions of the biosafety guidelines in existence as of the date of the licence.

15. Grant of Licence.—(1) All grants of licence under rules 11 shall be subjected to terms and conditions as to the labeling, control to be exercised by the applicant, supervision, restriction on use, the layout of the enterprise and as to the submission of information or any other condition deemed appropriate by the Federal Agency.

(2) All approvals of the Federal Agency shall be for a specified period not exceeding four years at the first instance renewable for two years at a time. The Federal Agency shall have powers to revoke such approval in the following situations; namely,—

- (a) if there is any new information as to the harmful effects of the genetically engineered organisms or cells;
- (b) if the genetically engineered organisms or cells cause such damage to the environment, nature or health as could not be envisaged when the approval was given; or
- (c) non compliance of any condition stipulated by the Federal Agency.

16. Application for re-examination.— (1) Any applicant may file application with the National Biosafety Committee for re-examination after a minimum time of six months if the applicant considers that—

- (a) a change in circumstances has occurred that may have a material effect on the outcome of the risk assessment upon which the decision was based; or
- (b) additional scientific or technical information has become available that may have a material effect on the decision including any conditions, limitations or requirements imposed under an authorization.

17. Special Requirements for Import and Export of Living Modified Organisms.—(1) Living modified organisms, substances or cells and products thereof imported for contained use, for intentional introduction into the environment, or for direct use as food or feed or for processing shall be identified in accordance with the requirements of Article 18 of the Cartagena Protocol as set forth in the biosafety guidelines and such import, where required, shall be in accordance with these rules and the National Plant Quarantine Regulations aligned with International Plant Protection Convention. All such imports will also be governed by the provision of Import Trade and Procedures Order (IT&PO) and Export Policy and Procedures Order (EPPO).

(2) Any person proposing to export living modified organisms, substances or cells and products thereof shall provide all information including risk assessment and field trials to the exporting country and such export, where required, shall be in accordance with these rules and the National Plant Quarantine Regulations aligned with International Plant Protection Convention. All such exports will also be governed by the provision of IT&PO and EPPO.

18. Transition and Reviews.— Activities that were ongoing pursuant to the pre-existing regulatory system at the date of the entry into force of these rules shall be subject to the review procedure set forth in rule 11 but may continue until such time as a final decision is provided to the applicant. Any application pending at the date of the entry into force of these rules shall be subject to the provision of these rules.

19. Production.— Production in which living modified engineered organisms, substances or cells or products thereof or micro-organism are generated or used shall not be commenced except with the consent of National Biosafety Committee. This shall also apply to production taking place in connection with development, testing and experiments.

20. Deliberate or unintentional release.—(1) Deliberate or unintentional release in accordance with these rules of living modified organisms or hazardous micro-organisms, substances or cells and products thereof including deliberate release for the purpose of experiment is not allowed.

(2) National Biosafety Committee on the recommendations of the Technical Advisory Committee may in special cases give approval of deliberate release.

21. Permission and approval for certain substances.— Substances and products, which contain genetically engineered organisms or cells or micro-organisms shall not be produced, sold, imported or used except with the approval of National Biosafety Committee and in accordance with sub-rule (2) of rule 20.

22. Permission and approval for food stuffs.— Food stuffs, ingredients in food stuffs and additives including processing aids containing or consisting of living modified organisms, substances or cells and products thereof shall not be produced, sold, imported or used except with the approval of the National Biosafety Committee and in accordance with sub-rule (2) of rule 20.

23. Responsibility to notify interruptions or accidents.—(1) Any person, institution or organization whether has obtained licence under rule 11 or not shall immediately notify the Technical Advisory Committee of any interruption of operations or accidents that may lead to discharges of genetically engineered organisms or cells which may be harmful to the environment, nature or health or involve any danger thereto.

(2) Any notice given under sub-rule (1) above shall not lessen the duty of the person who is responsible to try effectively to minimize or prevent the effects of interruptions of operations of accidents.

24. Preparation of off-site emergency plan by the Technical Advisory Committee.— (1) Technical Advisory Committee may prepare an off-site emergency plan for emergencies relating to a possible major accident and prepare a plan of action in consultation with all concerned.

(2) For the purpose of enabling the Technical Advisory Committee to prepare the emergency plan required under sub-rule(1), the person, institute or organization shall provide the Technical Advisory Committee with such information relating to the handling of hazardous micro- organisms/genetically engineered organisms under his control as the Technical Advisory Committee may require including the nature, extent and likely off-site effects of a possible major accident and the Technical Advisory Committee shall provide the person, institute or organization with any information related to off-side emergency plan.

25. Information and Inspections.— (1) Any person seeking licence or who has obtained licence under rules 11 shall at the direction of Technical Advisory Committee submit all such information deemed necessary for its functioning.

(2) The National Biosafety Committee or its Authorized Officer may at any reasonable time inspect or verify compliance of any condition laid down in the licence issued under rule 11.

26. Fee.—(1) The Technical Advisory Committee may fix a fee with the approval of National Biosafety Committee, to cover, in whole or in part, the expenses incurred by the authorities in connection with approvals, examinations, supervision and control.

27. Powers to give directions.—(1) The Federal Government may give any written direction which shall be binding on the National Biosafety Committee or the Technical Advisory Committee or the Institutional Biosafety Committees to comply with.



**PAKISTAN ENVIRONMENTAL PROTECTION AGENCY (REVIEW OF IEE AND
EIA) REGULATIONS, 2000**

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SCHEDULE I

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SCHEDULE VIII

PAKISTAN ENVIRONMENTAL PROTECTION AGENCY (REVIEW OF IEE AND EIA) REGULATIONS, 2000

S.R.O. 339 (I)/2001.— In exercise of the powers referred by section 33 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), Pakistan Environmental Protection Agency, with the approval of the Federal Government is pleased to make the following regulations, namely: -

1. Short title and commencement.— (1) These regulations may be called the Pakistan Environmental Protection Agency Review of Initial Environmental Examination and Environmental Impact Assessment Regulations, 2000.

(2) They shall come into force at once.

2. Definitions.—(1) In these regulations, unless there is anything repugnant in the subject or context,—

- (a) “**Act**” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “**Director-General**” means the Director-General of the Federal Agency;
- (c) “**EIA**” means an environmental impact assessment as defined in clause (xi) section 2 of the Act, 1997;
- (d) “**IEE**” means an initial environmental examination as defined in (xxiv) section 2 of the Act, 1997;
- (e) “**Schedule**” means schedule to these regulations; and
- (f) “**Section**” means a section of the Act, 1997.

(2) All other words and expressions used in these regulations but not defined shall have the same meanings as are assigned to them in the Act.

3. Projects requiring an IEE.— A proponent of a project falling in any category listed in Schedule I shall file an IEE with the Federal Agency, and the provisions of section 12 shall apply to such project.

4. Projects requiring an EIA.— A proponent of a project falling in any category listed in Schedule II shall file an EIA with the Federal Agency, and the provisions of section 12 shall apply to such project.

5. Other Projects requiring an IEE or EIA.—(1) In addition to any category specified in Schedules I and II, a proponent of any of the following projects shall file,—

- (a) an EIA, if the project is likely to cause an adverse environmental effect; or
- (b) for projects not listed in Schedules I and II in respect of which the Federal Agency has issued guidelines for construction and operation, an application for approval accompanied by an undertaking and an affidavit that the aforesaid guidelines shall be fully complied with.

(2) Subject to regulation 3, the Federal Agency may direct the proponent of a

project, whether or not listed in Schedule I or II, to file an IEE or EIA, for reasons to be recorded in such direction.

(3) No direction under sub-regulation (2) shall be issued without the recommendation, in writing, of the Environmental Assessment Advisory Committee constituted under regulation 23.

(4) The provisions of section 12 shall apply to a project in respect of which an IEE or EIA is filed under sub-regulation (1) or (2).

6. Preparation of IEE and EIA—(1) The Federal Agency may issue guidelines for preparation of an IEE or an EIA, including guidelines of general applicability, and sectoral guidelines indicating specific assessment requirements for planning, construction and operation of projects relating to particular sector.

(2) Where guidelines have been issued under sub-regulation (1), an IEE or EIA shall be prepared, to the extent practicable, in accordance therewith and the proponent shall justify in the IEE or EIA any departure there from.

7. Review Fees.— The proponent shall pay, at the time of submission of an IEE or EIA, a non-refundable Review Fee to the Federal Agency, as per rates shown in Schedule III.

8. Filing of IEE and EIA.— (1) Ten paper copies and two electronic copies of an IEE or EIA shall be filed with the Federal Agency.

(2) Every IEE and EIA shall be accompanied by —

- (a) An application, in the form set out in Schedule IV; and
- (b) Copy of receipt showing payment of the Review Fee.

9. Preliminary scrutiny.— (1) Within ten working days of filing of the IEE or EIA, the Federal Agency shall —

- (a) confirm that the IEE or EIA is complete for purposes of initiation of the review process;
- (b) require the proponent to submit such additional information as may be specified; or
- (c) return the IEE or EIA to the proponent for revision, clearly listing the points requiring further study and discussion.

(2) Notwithstanding anything contained in sub-regulation (1) the Federal Agency may require the proponent to submit additional information at any stage during the review process.

10. Public participation.— (1) In the case of an EIA, the Federal Agency shall, simultaneously with issue of confirmation of completeness under clause (a) of sub-regulation (1) of Regulation 9, cause to be published in any English or Urdu national newspaper, a public notice mentioning therein the type of project, its exact location, the name and address of the proponent and the places at which the EIA of the project can, subject to the restrictions specified

in sub-section (3) of section 12 be accessed.

(2) The notice issued under sub-regulation (1) shall fix a date, time and place for public hearing of any comments on the project or its EIA.

(3) The date fixed under sub-regulation (2) shall not be earlier than 30 days from the date of publication of the notice.

(4) The Federal Agency shall also ensure the circulation of the EIA to the concerned Government Agencies and solicit their comments thereon.

(5) All comments received by the Federal Agency from the public or any Government Agency shall be collated, tabulated and duly considered by it before decision on the EIA.

(6) The Federal Agency may issue guidelines indicating the basic techniques and measures to be adopted to ensure effective public consultation, involvement and participation in EIA assessment.

11. Review.— (1) The Federal Agency shall make every effort to carry out its review of the IEE within 45 days, and of the EIA within ninety days, of issue of confirmation of completeness under regulation 9.

(2) In reviewing the IEE or EIA, the Federal Agency shall consult such Committee of Experts as may be constituted for the purpose by the Director-General, and may also solicit views of the sectoral Advisory Committee, if any, constituted by the Federal Government under sub-section (6) of section 5.

(3) The Director-General may, where he considers it necessary, constitute a committee to inspect the site of the project and submit its report on such matters as may be specified by him.

(4) The review of the IEE or EIA by the Federal Agency shall be based on quantitative and qualitative assessment of the documents and data furnished by the proponent, comments from the public and Government Agencies received under regulation 10, and views of the committees mentioned in sub-regulations (2) and (3).

12. Decision.—On completion of the review, the decision of the Federal Agency shall be communicated to the proponent in the form set out in Schedule V in the case of an IEE, and in the form set out in Schedule VI in the case of an EIA.

13. Conditions of approval.— (1) Every approval of an IEE or EIA shall, in addition to such conditions as may be imposed by the Federal Agency, be subject to the condition that the project shall be designed and constructed, and mitigatory and other measures adopted, strictly in accordance with the IEE or as the case may be, EIA,, unless any variation thereto have been specified in the approval by the Federal Agency.

(2) Where the Federal Agency accords its approval subject to certain conditions, the proponent shall, —

(a) before commencing construction of the project, acknowledge acceptance of the stipulated conditions by executing an undertaking in the form set out in

Schedule VII; and

- (b) before commencing operation of the project, obtain from the Federal Agency written confirmation that the conditions of approval, and the requirements given in the IEE or EIA relating to design and construction, adoption of mitigatory and other measures and other relevant matters, have been duly complied with.

14. Confirmation of compliance.—(1) The request for confirmation of compliance under clause (b) of sub-regulation (2) of Regulation 13 shall be accompanied by an Environmental Management Plan indicating the measures and procedures proposed to be taken to manage or mitigate the environmental impacts for the life of the project, including provisions for monitoring, reporting and auditing.

(2) Where a request for confirmation of compliance is received from a proponent, the Federal Agency may carry out such inspection of the site and plant and machinery and seek such additional information from the proponent as it may deem fit.

(3) The Federal Agency shall issue the written confirmation of compliance or otherwise within fifteen days of receipt of the request and such additional information, from the proponent as may be required under sub-regulation (2).

(4) The Federal Agency may, while issuing the requisite confirmation of compliance, impose such other conditions as the Environmental Management Plan, and the operation, maintenance and monitoring of the project as it may deem fit, and such conditions shall be deemed to be included in the conditions to which approval of the project is subject.

15. Extension in review period.—Where the Federal Government in any particular case extends the period of four months for communication of its approval under sub-section (5) of section 12, it shall, in consultation with the Federal Agency, indicate the various steps of the review process to be taken during the extended period, and the estimated time required for each step.

16. Validity period of approval.—(1) The approval accorded by a Federal Agency under section 12 read with regulation 12 shall be valid, for commencement of construction, for a period of three years from the date of issue.

(2) If construction is commenced during the initial three year validity period, the validity of the approval shall stand extended for a further period of three years from the expiry of period specified in sub-regulation (1).

(3) After issue of confirmation of compliance, the approval shall be valid for a period of three years from the date thereof.

(4) Subject to sub-regulation (5), the proponent may apply to the Federal Agency for extension in the validity periods mentioned in sub-regulations (1), (2) and (3), which may be granted by the Federal Agency in its discretion for such period not exceeding three years at a time, if the conditions of the approval do not require significant change.

(5) For the purposes of sub-regulation (4), the Federal Agency may require the proponent to submit a fresh IEE or, as the case may be, EIA, if in its opinion changes in location, design, construction and operation of the project so warrant.

17. Entry and inspection.— (1) For purposes of verification of any matter relating to the review or to the conditions of approval of an IEE or EIA prior to, during or after commencement of construction or operation of a project, duly authorized staff of the Federal Agency shall be entitled to enter and inspect the project site, factory building and plant and equipment installed therein.

(2) The proponent shall ensure full cooperation of the project staff at site to facilitate the inspection, and shall provide such information as may be required by the Federal Agency for this purpose and pursuant thereto.

18. Monitoring.—(1) After issue of approval, the proponent shall submit a report to the Federal Agency on completion of construction of the project.

(2) After issue of confirmation of compliance, the proponent shall submit an annual report summarizing operational performance of the project, with reference to the conditions of approval and maintenance and mitigatory measures adopted for the project.

19. Cancellation of approval.— (1) In case, at any time, on the basis of information or report received or inspection carried out, the Federal Agency is of the opinion that the conditions of an approval have not been complied with, or that the information supplied by a proponent in the approved IEE or EIA is incorrect, it shall issue notice to the proponent to show cause, within two weeks of receipt thereof as to why the approval should not be cancelled.

(2) In case no reply is received, or the reply is considered unsatisfactory, the Federal Agency may, after giving the proponent an opportunity of being heard,—

- (a) require the proponent to take such measures and to comply with such conditions within such period as it may specify, failing which the approval shall stand cancelled; or
- (b) cancel the approval.

(3) On cancellation of the approval, the proponent shall cease construction or operation of the project forthwith.

(4) Any action taken under this regulation shall be without prejudice to any other action that may be taken against the proponent under the Act or rules or regulations or any other law for the time being in force.

20. Registers for IEE and EIA projects.— Separate Registers to be maintained by the Federal Agency for IEE and EIA projects under sub-section (7) of section 12 shall be in the form prescribed in Schedule VIII.

21. Environmentally sensitive areas.— (1) The Federal Agency may, by notification in the official Gazette, designate an area to be an environmentally sensitive area.

(2) Notwithstanding anything contained in regulations 3 and 4, the proponent of a project situated in an environmentally sensitive area shall be required to file an EIA with the Federal Agency.

(3) The Federal Agency may from time to time issue guidelines to assist proponents and other persons involved in the environmental assessment process to plan and

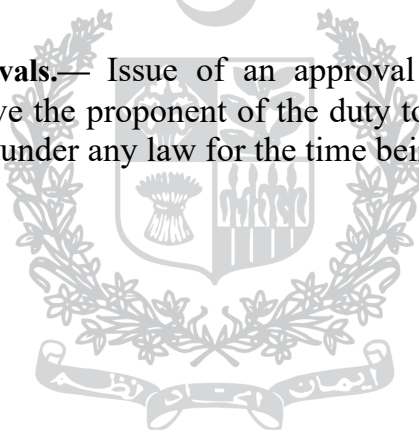
prepare projects located in environmentally sensitive areas.

(4) Where guidelines have been issued under sub-regulation (3), the projects shall be planned and prepared, to the extent practicable, in accordance therewith and any departure there from justified in the EIA pertaining to the project.

22. Environmental Assessment Advisory Committee.— For the purposes of rendering advice on all aspects of environmental assessment including guidelines, procedures and categorization of projects, the Director-General shall constitute an Environmental Assessment Advisory Committee comprising of the following person, namely: —

(a) Director EIA, Federal Agency	Chairman
(b) One representative each of the Provincial Agencies...	Members
(c) One representative each of the Federal Planning Commission and the Provincial Planning and Development Departments	Members
(d) Four representatives one each of industry, non-Governmental organizations, and legal and other experts	Members

23. Other approvals.— Issue of an approval under section 12 read with regulation 12 shall not absolve the proponent of the duty to obtain any other approval or consent that may be required under any law for the time being in force.



SCHEDULE I
(See regulation 3)

LIST OF PROJECTS REQUIRING AN IEE

A. Agriculture, Livestock and Fisheries

1. Poultry, livestock, stud and fish farms with total cost more than ten million rupees.
2. Projects involving repacking, formulation or warehousing of agricultural products.

B. Energy

1. Hydroelectric power generation less than 50 MW.
2. Thermal power generation less than 200 KW.
3. Transmission lines less than 11KV, and large distribution projects.
4. Oil and gas transmission systems.
5. Oil and gas extraction projects including exploration, production, gathering systems, separation and storage.
6. Waste-to-energy generation projects.

C. Manufacturing and processing.

1. Ceramics and glass units with total cost more than fifty million rupees.
2. Food processing industries including sugar mills, beverages, milk and dairy products, with total cost less than one hundred million rupees.
3. Man-made fibers and resin projects with total cost less than one hundred million rupees.
4. Manufacturing of apparel, including dyeing and printing, with total cost more than twenty-five million rupees.
5. Wood products with total cost more than Twenty-five million rupees.

D. Mining and mineral processing.

1. Commercial extraction of sand, gravel, limestone, clay, sulphur and other minerals not included in Schedule II with total cost less than one hundred million rupees.
2. Crushing, grinding and separation processes.
3. Smelting plants with total cost less than fifty million rupees.

E. Transport

1. Federal or Provincial highways (except maintenance, re-building or re-construction of existing metalled roads) with total cost less than fifty million rupees.

2. Ports and harbor development for ships less than five hundred gross tons.

F. Water management, dams, irrigation and flood protection.

1. Dams and reservoirs with storage volume less than fifty million cubic meters of surface area less than eight square kilometers.
2. Irrigation and drainage projects serving less than fifteen thousand hectares.
3. Small scale irrigation systems with total cost less than fifty million rupees.

G. Water supply and treatment.

Water supply schemes and treatment plants with total cost less than Rs.25 million.

H. Waste disposal.

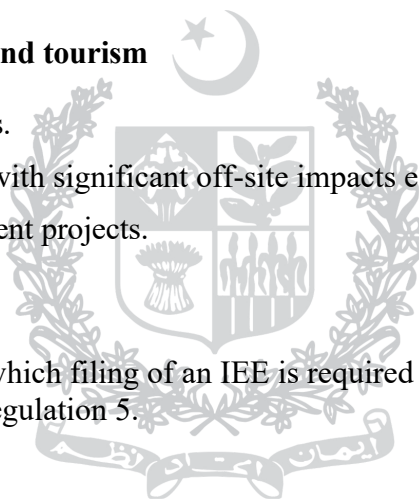
Waste disposal facility for domestic or industrial wastes, with annual capacity less than ten thousand cubic meters.

I. Urban development and tourism

1. Housing schemes.
2. Public facilities with significant off-site impacts e.g. hospital wastes).
3. Urban development projects.

J. Other projects.

Any other project for which filing of an IEE is required by the Federal Agency under sub-regulation (2) of regulation 5.



SCHEDULE II
(See regulation 4)

LIST OF PROJECTS REQUIRING AN EIA

A. Energy

1. Hydroelectric power generation over fifty mega watts.
2. Thermal power generation over two hundred megawatts
3. Transmission lines (eleven kilovolts and above) and gridstations.
4. Nuclear power plans.
5. Petroleum refineries.

B. Manufacturing and processing.

1. Cement plants.
2. Chemicals projects.
3. Fertilizer plants.
4. Food processing industries including sugar mills, beverages, milk and dairy products, with total cost of one hundred million rupees and above.
5. Industrial estates (including export processing zones).
6. Man-made fibers and resin projects with total cost of one hundred million rupees and above.
7. Pesticides (manufacture or formulation).
8. Petrochemicals complex.
9. Synthetic resins, plastics and man-made fibers, paper and paperboard, paper pulping, plastic products, textiles (except apparel), printing and publishing, paints and dyes, oils and fats and vegetable ghee projects, with total cost more than ten million rupees.
10. Tanning and leather finishing projects

C. Mining and mineral processing.

1. Mining and processing of coal, gold, copper, sulphur and precious stones.
2. Mining and processing of major non-ferrous metals, iron and steel rolling.
3. Smelting plants with total cost of fifty million rupees and above.

D. Transport

1. Airports.
2. Federal or Provincial highways or major roads (except maintenance, rebuilding or reconstruction of existing roads) with total cost of fifty million rupees and above.
3. Ports and harbor development for ships of five hundred gross tons and above.
4. Railway works.

E. Water management, dams, irrigation and flood protection.

1. Dams and reservoirs with storage volume of fifty million cubic meters and above or surface area of eight square kilometers and above.
2. Irrigation and drainage projects serving fifteen thousand hectares and above.

F. Water supply and treatment.

Water supply schemes and treatment plants with total cost of Rs.25 million and above.

G. Waste Disposal

1. Waste disposal and/or storage of hazardous or toxic wastes (including landfill sites, incineration of hospital toxic waste).
2. Waste disposal facilities for domestic or industrial wastes, with annual capacity more than ten thousand cubic meters.

H. Urban development and tourism

1. Land use studies and urban plans (large cities).
2. Large-scale tourism development projects with total cost more than fifty million rupees.

I. Environmentally Sensitive Areas

All projects situated in environmentally sensitive areas.

J. Other projects.

1. Any other project for which filing of an EIA is required by the Federal Agency under sub-regulation (2) of regulation 5.
2. Any other project likely to cause an adverse environmental effect.

SCHEDULE III
(See regulation 7)
IEE/EIA REVIEW FEES

Total Project Cost	IEE	EIA
1	2	3
Up to Rs. 5,000,000	NIL	NIL
From Rs. 5,000,001 to 10,000,000	Rs. 10,000	Rs. 15,000
Greater than Rs. 10,000,000	Rs. 15,000	Rs. 30,000



SCHEDULE IV

[See regulation 8(2)(a)]

APPLICATION FORM

1. Name and address of proponent
Phone:
Fax:
Telex:
2. Description of project
3. Location of project
4. Objectives of project
5. IEE/EIA attached? IEE/EIA : Yes/No
6. Have alternative sites been considered and reported in IEE/EIA? Yes/No
7. Existing land use Land requirement:
8. Is basic site data available, or has it been measured? (only tick yes if the data is reported in the IEE/EIA)

	<u>Available</u>	<u>Measured</u>
Meteorology (including rainfall):	Yes/No	Yes/No
Ambient air quality:	Yes/No	Yes/No
Ambient water quality:	Yes/No	Yes/No
Ground water quality	Yes/No	Yes/No
9. Have estimates of the following been reported?

	<u>Estimated</u>	<u>Reported</u>
Water balance.	Yes/No	Yes/No
Solid waste disposal.	Yes/No	Yes/No
Liquid waste treatment	Yes/No	Yes/No
10. Source of power: Power requirement
11. Labour force: (number) Construction: Operation:

Verification.— I do solemnly affirm and declare that the information given above and contained in the attached IEE/EIA is true and correct to the best of my knowledge and belief.

Date _____

Signature: _____

Name & Designation of proponent: _____

Official stamp/seal: _____



SCHEDULE V
(See Regulation 12)

DECISION ON IEE

1. Name and address of proponent: _____

2. Description of project: _____
3. Location of project: _____
4. Date of filing of IEE: _____

5. After careful review of the IEE, the Federation Agency has decided —

(a) To accord its approval, subject to the following conditions:

; Or

(b) that the proponent should submit an EIA of the project, for the following reasons —

[Delete (a) or (b), whichever is inapplicable]

Dated _____

Tracking no. _____

Director-General
Federal Agency
(Official stamp/seal)

SCHEDULE VI
[See Regulation 12]
DECISION ON EIA

1. Name and address of proponent: _____

2. Description of project: _____
3. Location of project: _____
4. Date of filing of EIA: _____

5. After careful review of the IEE, the Federation Agency has decided —

(a) To accord its approval, subject to the following conditions:

_____ ; Or

(b) that the proponent should submit an EIA of the project, for the following reasons —

(c) to reject the project, being contrary to environmental objectives, for the following reasons:

[Delete (a), (b),(c) whichever is inapplicable]

Dated _____

Tracking no. _____

Director-General
Federal Agency
(Official stamp/seal)

SCHEDULE VII

[See Regulation 13(2)]

Undertaking

I, ...(full name and address) as proponent for (name, description and location of project) do hereby solemnly affirm and declare that I fully understand and accept the conditions contained in the approval accorded by the Federal Agency bearing tracking no. dated, and undertake to design, construct and operate the project strictly in accordance with the said conditions and the IEE/EIA.



Date _____

Signature: _____

Name & Designation of proponent: _____

Official stamp/seal: _____

Witnesses:

(full names and addresses)

(1) _____

(2) _____

SCHEDULE VIII
(See Regulation 20)
Form of Registers for IEE and EIA projects

S. No.	Description	Relevant Provisions
1.	Tracking number	
2.	Category type (as per, Schedules I and II)	
3.	Name of proponent	
4.	Name and designation of contact person	
5.	Name of consultant	
6.	Description of project	
7.	Location of project	
8.	Project capital cost	
9.	Date of receipt of IEE/EIA	
10.	Date of confirmation of completeness	
11.	Approval granted (Yes/No)	
12.	Date of approval granted or refused	
13.	Conditions of approval/reasons for refusal	
14.	Date of Undertaking	
15.	Date of extension of approval validity	
16.	Period of extension	
17.	Date of commencement of construction	
18.	Date of issue of confirmation of compliance	
19.	Date of commencement of operations	
20.	Dates of filing of monitoring reports	
21.	Date of cancellation, if applicable	

THE NATIONAL ENVIRONMENTAL QUALITY STANDARDS (CERTIFICATION OF ENVIRONMENTAL LABORATORIES) REGULATIONS, 2000

CONTENTS

1. Short title and commencement
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3. Functions of an environmental laboratory
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THE NATIONAL ENVIRONMENTAL QUALITY STANDARDS (CERTIFICATION OF ENVIRONMENTAL LABORATORIES) REGULATIONS, 2000

[10th February, 2000]

NOTIFICATION

S.R.O. 258(I)/2000.— In exercise of the powers conferred by section 33 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), read with clause (k) of sub-section (1) of section 6 thereof, the Pakistan Environmental Protection Agency with the approval of the Federal Government, is pleased to make the following regulations, namely.:-

1. Short title and commencement.— (1) These regulations may be called the National Environmental Quality Standards (Certification of Environmental Laboratories) Regulations, 2000.

(2) They shall come into force at once.

2. Definitions.— (1) In these regulations, unless there is anything repugnant in the subject or context,—

- (a) “**Act**” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “**certification**” means certification of a laboratory as an environmental laboratory under these regulations;
- (c) “**certificate**” means certificate issued under regulation 7;
- (d) “**Committee**” means the Advisory Committee on Laboratory Certification established by the Federal Government under sub-section (6) of section 5 of the Act;
- (e) “**Director General**” means the Director General of the Pakistan Environmental Protection Agency;
- (f) “**environmental laboratory**” means a laboratory to whom certification as an environmental laboratory has been granted under these regulations;
- (g) “**laboratory**” means any premises equipped to conduct scientific and technical experiments, tests, analyses, studies, investigations; and
- (h) “**Schedule**” means schedule appended to these regulations.

(2) All other words and expressions used in these regulations but not defined

herein shall have the same meanings as are assigned to them in the Act.

3. Functions of an environmental laboratory.— The functions of an environmental laboratory shall be:-

- (a) to test and analyze samples of air, water, soil, effluents or wastes sent to it by any factory or any person authorized by the Federal Agency or a Provincial Agency to determine whether such samples comply with the National Environmental Quality Standards;
- (b) to measure noise being emitted at any place by any industrial or other activity or motor vehicle;
- (c) to issue test reports containing the results of tests and analyses carried out under clauses (a) and (b);
- (d) to carry out such experiments, studies and investigations as may be required by the Federal Agency to monitor and enforce and where necessary to propose revision of the National Environmental Quality Standards;
- (e) to send an annual report of its activities to the Federal Agency, including a list of all test reports issued by it; and
- (f) to carry out such other functions as may be entrusted to it by the Federal Agency from time to time.

4. Application for certification.— (1) Any laboratory which fulfils the criteria laid down in regulation 5 may make an application in the form set out in Schedule I to the Federal Agency for certification as an environmental laboratory.

(2) Every such application for certification shall be accompanied by a non-refundable scrutiny fee at the rate specified in Schedule II.

5. Criteria for certification.— (1) Subject to clause (2), a laboratory shall not be certified as an environmental laboratory unless it fulfils the following criteria, namely:

- (a) the laboratory is located in a clean area and not adjacent to an open sewerage drain of factory from which emissions of air pollutants or discharge of effluents or wastes may interfere with, contaminate or otherwise adversely effect the reliability of its tests and analyses;
- (b) the building in which the laboratory is housed is suitable in size, design and quality of construction, for use as an environmental laboratory;
- (c) the laboratory has qualified and experienced scientific and technical staff and appropriate analytical equipment and apparatus as specified in Schedule IV;
- (d) the laboratory has deposited with the Federal Agency the scrutiny fee and certification fee at the rates specified in Schedule II;
- (e) the laboratory has installed a comprehensive scientific system of reporting test results, supported by data handling facilities; and

- (f) the laboratory has proper waste disposal arrangements.

(2) A laboratory may be certified as an environmental laboratory for testing of water, liquid effluents, wastes, soil, gaseous emissions or noise or a combination of these for specific National Environmental Quality Standards parameters, in which case the requirements of analytical equipment and apparatus specified in Schedule IV, scientific and technical staff specified in Schedule III will be adjusted accordingly.

6. Scrutiny of application.— (1) Every application for certification shall be scrutinized by the Committee.

(2) The Committee shall carry out such inquiry as it may deem necessary to verify and evaluate the data mentioned in the application which shall include sending of trial sample; and obtaining sample test reports and a visit to the laboratory by the Committee itself, or its subcommittee, or a panel of experts appointed by the Committee for the purpose, for an on site assessment of its capability and capacity as to whether or not it fulfils the criteria laid down in regulation 5.

(3) Subject to clause (4), the Committee shall submit its recommendations, in writing, to the Federal Agency, who may, after such further inquiry as it may consider necessary, accept or reject the said recommendations.

(4) In case the Federal Agency decides to reject the recommendations referred to in clause 3, it shall record reasons for decision.

7. Decision on application.— (1) Subject to clause 2, an application for certification may be rejected, accepted in full, or accepted partially for certain purposes or parameters only.

(2) Before the Federal Agency decides to reject an application or accept it partially or conditionally, shall give the applicant an opportunity of being heard.

(3) Where the Federal Agency rejects an application, the applicant shall be informed of the reasons for such rejection.

(4) Subject to clause (5), rejection of an application for certification shall not debar a laboratory from submitting a fresh application for certification.

(5) A fresh application shall not be entertained until the lapse of at least three months from the date of rejection of an application.

8. Issue of Certificate.— (1) Where the Federal Agency approves an application for certification in full or partially or conditionally, the applicant shall be informed accordingly and asked to deposit with the Federal Agency within fifteen days, the certification fee at the rate specified in Schedule II.

(2) On receipt of the certification fee, the Federal Agency shall issue a certificate

to the laboratory in the form set out in Schedule V and notify the laboratory to be an environmental laboratory in the official Gazette.

(3) If a certificate is defaced, damaged or lost, duplicate thereof may be issued on payment of such fee as is specified in Schedule II.

9. Conditions of certification.— (1) An environmental laboratory shall—

- (a) Comply with all relevant provisions of the Act and rules and regulations;
- (b) carry out all tests and analyses, measurements, experimental studies and investigations with due diligence and in accordance with such guidelines, procedures and methods as may be stipulated by the Federal Agency;
- (c) carry out and maintain record of calibration of its equipment and apparatus;
- (d) follow the quality control and quality assurance procedures established by the Federal Agency and participate in performance, system audits, quality control and quality assurance programs organized by the Federal Agency or a Provincial Agency;
- (e) keep its premises neat and clean at all times;
- (f) allow any member of the Committee or any officer of the Federal Agency, duly authorized in this behalf, to enter and inspect equipment and apparatus used in conducting tests and analyses and the reports and records in respect thereof;
- (g) retain records of all tests and analyses and measurements conducted by it for a period of three years from the date thereof;
- (h) take adequate safety measures and precautions against fire hazards and accidents including provision of first-aid facilities;
- (i) ensure availability in its store of adequate stocks of chemicals, back-up equipment and apparatus, and spare parts;
- (j) ensure that it fulfils the criteria laid down in regulation 5 at all times, and that if at any stage any equipment, apparatus or staff is required to be replaced, the replacement equipment, apparatus or replacement staff is of equivalent, or better, specifications, or qualifications and experience, respectively;
- (k) display the certificate issued to it under regulation 8 and a list of its fees for various tests and analyses and measurements, at a prominent place in its premises; and
- (l) submit to the Federal Agency an annual report including a list of all tests and analyses conducted by it relating to the environment.

(2) An environmental laboratory shall not, without the prior permission, in writing, of the Federal Agency—

- (a) shift its location or remove any equipment or apparatus from its premises but the equipment or apparatus requiring repair or maintenance outside the premises may be removed for this purpose for a specific period under intimation to the Federal Agency;
- (b) charge more than the rates as may be fixed from time to time by the Federal

- Agency for specified tests and analysis; or
- (c) sub-contract any work to any other laboratory.

(3) Certification of an environmental laboratory shall not be transferable to any other laboratory.

10. Validity of Certification.— (1) Subject to clause (2), a certificate issued under regulation 8 shall, unless earlier suspended or revoked, be valid for a period of three years from the date of issue.

(2) If an application for renewal of certification is made under regulation 13, the certificate shall continue to remain valid till the application for renewal is decided.

11. Bar to function without Certification.— No laboratory shall function as an environmental laboratory unless it is granted certification under these regulations.

12. Test Reports.— An environmental laboratory shall issue test reports in the form set out in Schedule VI containing the results of tests and analysis carried out in discharge of its functions as provided under clauses (a) and (b) of regulation 3.

13. Renewal of certification.— (1) An application for renewal of certification shall be made in the form set out in Schedule IV, to the Federal Agency at least forty- five days prior to the date of expiry of the certificate issued under regulation 8.

(2) An application for renewal shall be accompanied by a copy of the annual report of the activities of the environmental laboratory.

(3) An application for renewal shall be dealt with, scrutinized and decided exactly in the same manner as an application for certification and the provisions of these regulations relating to an application for certification shall, *mutatis mutandis*, apply to an application for renewal of certification.

(4) The fee for renewal of certification shall be payable at the rate specified in Schedule II, and the certificate issued on receipt thereof shall also be in the form set out in Schedule-V.

14. Revocation or suspension of certification.— (1) Without prejudice to any other action that may be taken against an environmental laboratory under the Act, Rules or regulations or any other law for the time being in force, the Federal Agency may, by an order in writing stating the reasons therefore, revoke a certification, or suspend it for such period as the Federal Agency deems fit, if the environmental laboratory—

- (a) fails to comply with any of the conditions of certification listed in regulation 9;
- (b) violates aids or abets in the violation of, any of the provisions of the Act, rules or regulations;
- (c) issues any report which is false, or which is designed to misrepresent or conceal or suppress any material fact;
- (d) has obtained certification through fraud or misrepresentation;

- (e) fails or ceases to perform or is rendered incapable of performing any of the functions of an environmental laboratory listed in regulation 3; or
- (f) no longer fulfils the criteria for certification as an environmental laboratory as laid down in regulation 5.

(2) The Federal Agency shall, before revoking or suspending a certification, provide the environmental laboratory an opportunity of being heard.

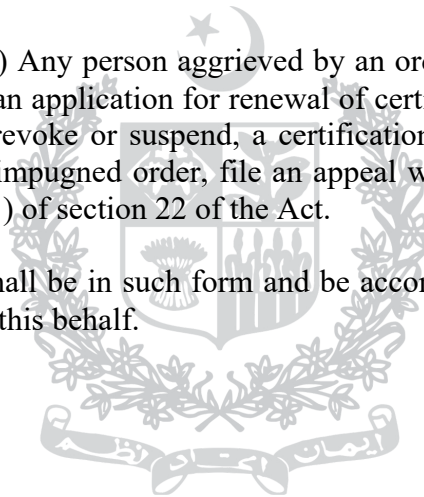
(3) Where any order of revocation or suspension has been passed, the laboratory shall forthwith surrender its certificate to the Federal Agency who shall make an entry of the revocation or suspension thereon.

(4) Certificate shall be returned to the laboratory on expiry of the suspension period or on restoration of the certification in appeal, after the Federal Agency has made necessary entry thereon.

(5) Where certification of an environmental laboratory has been revoked, it shall not be eligible to apply again for certification until lapse of at least one year from the date of such revocation.

15. Appeal.— (1) Any person aggrieved by an order of the Federal Agency on an application for certification or an application for renewal of certification or by an order revoking or suspending, or refusing to revoke or suspend, a certification may, within thirty days of the date of communication of the impugned order, file an appeal with the Environmental Tribunal, as provided under subsection (1) of section 22 of the Act.

(2) The appeal shall be in such form and be accompanied by such fees as may be prescribed in the rules made in this behalf.



SCHEDULE I

(See regulations 4 and 13)

APPLICATION FOR GRANT/RENEWAL OF CERTIFICATION AS AN ENVIRONMENTAL LABORATORY

Part A. GENERAL INFORMATION:

1. Name of laboratory.

Address.

Tel.

Fax. Email.
2. Type of laboratory (please tick appropriate box): ☐ Government ☐ Public sector ☐ Semi- autonomous body ☐ Autonomous body ☐ Private sector ☐ other (please specify)
3. Mandate or purpose of laboratory (please tick appropriate box and specify nature and field of operation): ☐ Research and development. ☐ Quality assurance. ☐ Quality control. ☐ Other (please specify).
4. Year of establishment:
5. Area of laboratory:(sq.ft) (please attach copy of approved building plan and equipment layout plan).
6. Has the laboratory been certified by any other authority? ☐ Yes ☐ No If yes, please specify. _____

Part B. STAFF:

7. List of total scientific and technical staff: (please attach list in the following form along with a copy of bio-data of Chief Executive).

S. No.

Name.

Designation.

Qualifications Experience in analytical (with specification).

laboratory work (No. of years). (1) (2) (3) (4) (5)

Part C. EQUIPMENT:

8. List of significant analytical equipment and apparatus: (Please attach list in the following form of functional equipment only).

S. No Name of equipment/ Year of manufacture.

apparatus (with make). (1) (2) (3)

9. Which of the National Environmental Quality Standards parameters can be measured (other than those mentioned at entry No. 8 above) using wet analysis methods?

10. Back-up equipment and apparatus in the laboratory instrumental and any services agreement for repair and maintenance of workshop for equipment/apparatus. [] Yes []

No. If yes, please specify: _____

Part D. CHEMICALS:

11. (a) Whether analytical grade chemicals are available in store for 6 months [] 12 months [] 2 years [].

(b) What is source for supply of chemicals. [] Local purchase [] Direct import.

Part E. REPORTING SYSTEM:

12. Does the laboratory has computerized data handling facilities? [] Yes [] No.
13. Are there other facilities available in the laboratory? [] Yes [] No. If yes, please specify: _____ .
14. Whether adequate facilities for collection and storage of samples are available: [] Yes [] No.
15. Whether waste handling procedures and facilities for waste disposals are available: [] Yes [] No.

Part F. EXPERIENCE:

16. When did the following activities started?

(a) analytical work : _____ (b) environment related work : _____

17. List some significant environment-related analytical work and research studies carried out, indicating the sponsors and beneficiaries (in case of application for renewal, attach copy of annual report of activities) _____
18. Does the laboratory provide training in environment related laboratory techniques?
[] Yes [] No. If yes, please specify _____
19. Total current annual budget: Rs. _____
20. List revenue generated from environment-related analytical work during the last five years. _____



SCHEDULE II

[See regulations 4 (2) , 5 (1)(d), 8(3) and 13(4)]

RATES OF FEES IN RESPECT OF AN APPLICATION FOR GRANT OR RENEWAL OF CERTIFICATION

S.No. Name of fee. Rate (Rs). (1) (2) (3)

1. Scrutiny fee. 5,000/= 2. Certification fee. 3,000/=

S.No. Name of fee. Rate (Rs). (1) (2) (3)

3. Issue of duplicate certificate. 2,000/=

4. Renewal of certification 3,000/=



SCHEDULE III

[See regulations 5(1) (c) and 5(2)]

SCIENTIFIC AND TECHNICAL STAFF OF AN ENVIRONMENTAL LABORATORY

Title or equivalent.

Qualification.

Experience (minimum) Number required (minimum) (1) (2) (3) (4) (5)

1. **Chief Analyst.** Ph. D., M.Phil or M. Sc. For Ph.D. 3 years for M.Phil. 5 years and for M.Sc. One. (Analytical Chemistry preferably Physical/ Organic/ Inorganic 7 years in analytical laboratory work testing of air/ water pollutants, noise, effluents or wastes preferably with regard to the National Chemistry). Environmental Quality Standards parameters.
2. **Analyst.** M.Sc. or M.Phil. (Analytical Chemistry preferably Physical/ Organic/Inorganic For M.Phil. 1 year and for M.Sc. 3 years in analytical laboratory work preferably in analysis of effluents or wastes. Two. Chemistry).
3. **Deputy Analyst** B.Sc (with chemistry as one 5 years and 3 years for Deputy Analyst and Assistant Three. and/ or Assistant Analyst. of the major subject). Analyst, respectively, in analytical laboratory work preferably with regard to the National Environmental Quality Standards parameters testing.
4. **Laboratory support staff.** F. Sc (with chemistry as one of the major subject). 1 year in analytical laboratory work. Three. Note. The number of analysts, Deputy/ Assistant Analysts and laboratory support staff may be reduced if the laboratory is to be certified for testing only some pollutants or National Environmental Quality Standards parameters [see regulation 5(2)].

SCHEDULE IV

[See regulations 5(1) (c) and 5(2)]

ANALYTICAL EQUIPMENT AND APPARATUS OF AN ENVIRONMENTAL LABORATORY

S.No Description. Requirements. (1) (2) (3)

1. Analytical Instruments.

A. For Liquid Effluents/Wastes: At least one of - · Spectrophotometer; Atomic Absorption Spectrophotometer; · High Performance Liquid Chromatograph; or · Gas Chromatograph; and the following laboratory apparatus and wet analysis facilities—

Conductivity Meter;

pH meter;

Analytical Balances;

Biology Oxygen Demand determination facilities;

Liquid Effluent Samplers;

Thermometer/temperature measuring devices;

Incubator (minimum range 15-400 C); ·

Furnaces; ·

Ovens; ·

Refrigerators; and

A-grade volumetric glass apparatus.

B. For Gaseous Emissions:

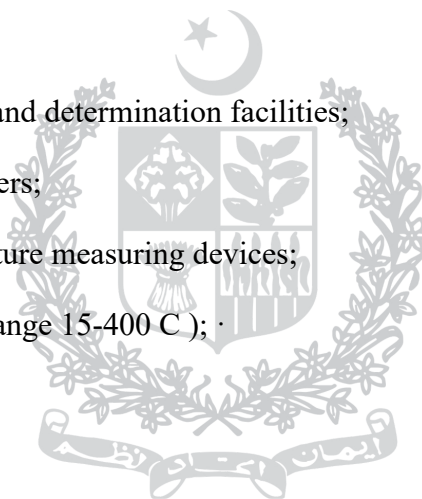
At least one of Air/Dust Sampler;

Analyzer (continuous monitoring and portable) for measuring oxides of sulfur, oxides of nitrogen, carbon monoxide, hydrogen fluoride and hydrogen sulfides;

Smoke Analyzer or Ringelmann Scale; or

Emission Analyzer.

C. For Noise: · Sound Level Meter with equivalent noise level measuring facilities; and · Noise Frequency Analyzer.



2. Back-up equipment and apparatus. Adequate stocks in store.

3. Calibration.

Arrangements for regular calibration and checks for proper maintenance of record pertaining thereto.

4. Chemicals.

Adequate stocks and store and assured regular source of supply. 5. Test Reporting

System. Comprehensive and scientific system of reporting test results supported by data handling facilities.



SCHEDULE V

[See regulations 8(2) and 13(4)]

PAKISTAN ENVIRONMENTAL PROTECTION AGENCY CERTIFICATE REGARDING CERTIFICATION AS AN ENVIRONMENTAL LABORATORY.— In exercise of power conferred by clause (k) of sub section (1) of section 6 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Federal Agency is pleased to certify the laboratory mentioned below as an Environmental Laboratory.

Name. _____

Address. _____

Certificate No. _____

1. This certification is valid for (delete items not applicable):

(a) Liquid effluents/wastes.

(b) Gaseous emissions.

(c) Noise.

(d) Only the following National Environmental Quality Standards parameters:

2. This certification is subject to the conditions laid down in regulation 9 of the National Environmental Quality Standards (Certification of Environmental Laboratories) Regulations, 1999.

3. This certificate is valid until _____ unless earlier suspended or revoked.

Dated. _____

Director General Federal Agency, Islamabad.

SCHEDULE VI

(See regulation 12)

(NAME OF THE ENVIRONMENTAL LABORATORY THAT CARRIED OUT THE ANALYSIS) CHEMICAL ANALYSIS TEST REPORT

Report reference No: _____ Date: _____ Name of industry: _____

Address: _____ Telephone No. _____

_____ Nature of

sample: _____ Date of sample received: _____

_____ (Grab/Composite). _____ Date of sample

collection: _____ Sample collected/sent

by: _____ Date of completion of

analysis: _____ S.No. Parameters . NEQS Limits.

Concentration. Method used. Remarks. A. Field Analysis B. Lab. Analysis National

Environmental Quality Standards. 1. Sample analyzed by: _____

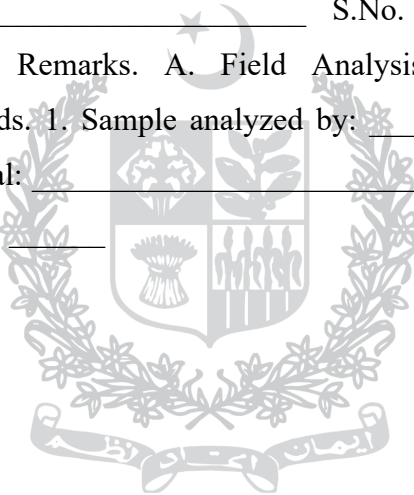
Name of Chief Analyst with seal: _____ 2. Signature of incharge

of the environmental laboratory: _____

Name:

Designation

Date



THE PROHIBITION OF NON-DEGRADABLE PLASTIC PRODUCTS (MANUFACTURING, SALE AND USAGE) REGULATIONS, 2013

CONTENTS

1. Short title, application and commencement
2. Definitions
3. Prohibition of manufacture, sale and use of non-degradable scheduled plastic products
4. Authorization
5. Identification
6. Enforcement
7. Penalty
8. Appeal

THE SCHEDULE



**THE PROHIBITION OF NON-DEGRADABLE PLASTIC PRODUCTS
(MANUFACTURING, SALE AND USAGE) REGULATIONS, 2013**

Statutory Notifications (S.R.O)

**Government of Pakistan
Pakistan Environmental Protection Agency
(Ministry of Climate Change)**

Islamabad, the 23rd January, 2013.

NOTIFICATION

S.R.O. (I)/2013.- In exercise of the powers conferred by section 33 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), read with clause (xxxiii) of section 2 thereof, the Federal Agency, with approval of the Federal Government is pleased to make the following regulations, namely:-

1. Short title, application and commencement.— (1) These Regulations may be called the Prohibition of Non-degradable Plastic Products (manufacturing, sale and usage) Regulations, 2013.

(2) These Regulations apply to the Islamabad Capital Territory.

(3) They shall come into force on 1st April 2013.

2. Definitions.— In these Regulations, unless the context otherwise requires,—

- (a) “Act” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “authorized officer” means a person authorized in writing for the purposes of these regulations by the Director General;
- (c) “Director General” means the Director General of the Pakistan Environmental Protection Agency and any person authorized by him in writing to act on his behalf;
- (d) “distribute” means to make any plastic product directly or indirectly available to users or intermediaries, with or without charge;
- (e) “non-degradable plastic product” means a plastic product that is not a product defined in clause (f).
- (f) “oxo-biodegradable plastic product” means a product made of polymer containing a pro-degradant additive supplied by an additive supplier registered with the Agency;

- (g) “oxo-biodegradation” means degradation resulting from oxidative and cell mediated phenomena, either simultaneously or successively;
- (h) “pro-degradant additive” means a chemical formulation containing a transition metal salt, except cobalt, which will cause the polymer to degrade by a process of oxo-biodegradation;
- (i) “person” includes a company or institution;
- (j) “scheduled plastic product” means all disposable plastic products, including those listed in the Schedule and made wholly or substantially of polyethylene or polypropylene or polystyrene;
- (k) “stockpile” means to store for the purpose of trade or distribution.

3. Prohibition of manufacture, sale and use of non-degradable scheduled plastic products.— (1) No person shall import, manufacture, stockpile, trade, supply, distribute, sell or use any scheduled plastic product which is non-degradable.

(2) Any license or permission for the manufacture, sale, importation or distribution of non-degradable plastic products issued under any law before the commencement of these regulations shall cease to be effective and no holder of any such license or permission shall commence or carry on business of manufacturing, selling, importing or distributing nondegradable scheduled plastic products.

4. Authorization.— (1) No pro-degradant additive shall be sold, distributed or imported by any company or manufacturer of scheduled plastic product without registration with the Agency. In order to obtain the registration of pro-degradant additive from the Agency, the applicant shall submit the following documents as a minimum, namely:-

- (a) test certificates for additive from independent third party laboratory that is accredited in accordance with ISO 17025. Tests must be carried out in accordance with the test methods prescribed by Pakistan Standards and Quality Control Authority (PSQCA) / ASTM D-6954 – 04 standard and the reports must clearly state the percentage of pro-degradant additive which must be consistent for all the tests namely degradation, bio-degradation and eco-toxicity;
- (b) certificate of membership of Oxo-biodegradable Plastics Association, and
- (c) certificate of ISO 9001 and ISO 14001 accreditation.

(2) Oxo biodegradable carry bags and containers made of virgin plastic shall be in a natural shade or white and containers used for purposes other than storing and packaging foodstuffs shall be manufactured using pigments and colorants as per ISO 787/1-1982. Entitled “General Methods of Test for Pigments and Extenders”. No scheduled plastic product shall be made in black color except for garbage sacks.

(3) Recycled scheduled plastic products shall be marked “Recycled plastic, unsafe for contact with food”.

5. Identification.— All scheduled plastic products made with oxobiodegradable plastic and all packaging in which such products are offered for sale, shall be prominently marked “Oxo-biodegradable” and shall bear the identifying mark or logo of the supplier of the pro-degradant additive.

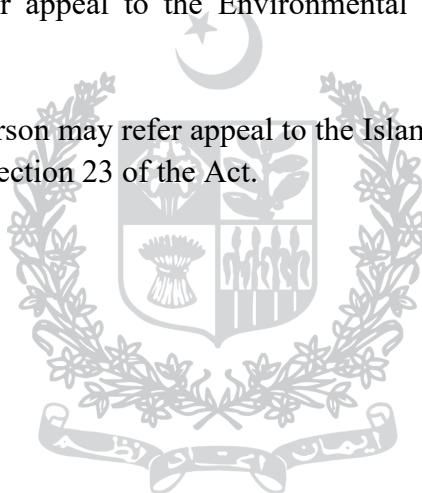
6. Enforcement.— (1) An authorized officer may, by notice in writing, require a person to supply him within fifteen days with such samples, certificates, records and information as he may reasonably require for the purpose of ascertaining whether that person is complying with the provisions of these regulations.

(2) Where an authorized officer has reasonable grounds to believe that a person has contravened any regulation, he may proceed against the offender in accordance with section 16 of the Act.

7. Penalty.— Whosoever contravenes provisions of regulations 3 and 5 shall be punishable under section 17 of the Act.

8. Appeal.— (1) Any person, aggrieved by any action taken under regulation 6, may, within thirty days, prefer appeal to the Environmental Protection Tribunal constituted under section 20 of the Act

(2) Aggrieved person may refer appeal to the Islamabad High Court against orders of the Tribunal as provided in section 23 of the Act.

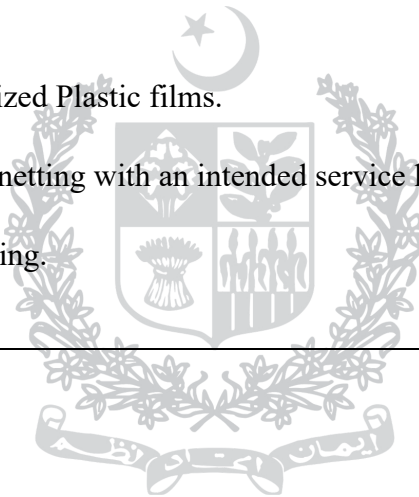


THE SCHEDULE
[See regulation 2 (j)]

Polyethylene, Polypropylene or Polystyrene products

1. Carrier bags or shopper-bags which consumers use to take away their purchases from a retail outlet.
2. Bread bags and food packaging, including frozen food packaging.
3. Garbage bags.
4. Shrink-wrap, pallet-wrap, bubble-wrap
5. Agricultural mulching films.
6. Woven plastic bags.
7. BOPP, CPP and Metalized Plastic films.
8. Agricultural films and netting with an intended service life of less than three years
9. Milk and water packaging.

F.No.1 (1-A)/96-L/E



(M. Fahim Riaz Khan)
Director (Legal/Enf.)

THE SINGLE-USE PLASTICS (PROHIBITION) REGULATIONS, 2023

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THE SINGLE-USE PLASTICS (PROHIBITION) REGULATIONS, 2023

Statutory Notifications (S.R.O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF CLIMATE CHANGE & ENVIRONMENTAL COORDINATION [Pakistan Environmental Protection Agency]

NOTIFICATION

Islamabad, the 4th June, 2023

S. R. O. 935(I)/2023.—In exercise of the powers conferred by section 33 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Pakistan Environmental Protection Agency, with the approval of the Federal Government, is pleased to make the following regulations, namely:—

1. Short title, application and commencement.—(1) These regulations shall be called the Single-use Plastics (Prohibition) Regulations, 2023.

(2) These regulations shall extend to the Islamabad Capital Territory (ICT).

(3) These regulations shall come into force at once, except sub-regulations (1) and (2) of regulation 3 which shall come into force as per timelines mentioned therein.

2. Definitions.— (1) In these regulations, —

- (a) “**Act**” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “**authorised officer**” means the person authorised by the Federal Agency for enforcement of these regulations;
- (c) “**authorised purpose**” means the purpose of determining whether any violation or offence under these regulations has been or is being committed;
- (d) “**beverage**” includes drinking water including carbonated and noncarbonated, fruit drinks including carbonated and noncarbonated, coffee and tea drinks, milk including flavoured and unflavoured, energy and sport drinks;
- (e) “**beverage container**” means any container in which a beverage is sold, excluding items mentioned in **Schedule – I**;
- (f) “**beverage manufacturer**” means any person or entity who bottles or otherwise fills beverage containers, or imports filled beverage containers for sale to distributors, suppliers or consumers;
- (g) “**carrier bags**” means bags constructed with handles, with or without gussets;
- (h) “**distributor**” means the person who comes in between a manufacturer or importer and seller or retailer;
- (i) “**extended producers' responsibility**” means the responsibility of a producer for environmentally sound management of the product until the end of its life;

- (j) **“flat bags”** means polythene bags constructed without handles, with or without gussets;
- (k) **“Government”** means the Federal Government;
- (l) **“ICT”** means the Islamabad Capital Territory;
- (m) **“import”** means the import of single-use plastic in the territorial jurisdiction of ICT through any means including, but not limited to, air, roads and railways;
- (n) **“importer”** means any person or entity engaged in import of any item or commodity under these regulations, in to the territorial jurisdiction of ICT through any means including, but not limited to, air, roads and railways;
- (o) **“medical purposes”** means for the purpose of medical care, patient care and treatment;
- (p) **“plastic”** means a material consisting of polymer such as polyethylene, polypropylene, polystyrene, polyethylene terephthalate and other polymers of petrochemicals, with the exception of natural polymers that have not been chemically modified;
- (q) **“producer”** means any person or entity engaged in manufacture or import of any item or commodity under these regulations;
- (r) **“polythene bag”** means polybag, polythene carrier or flat bag or pouch;
- (s) **“industrial packaging”** means packaging by a manufacturing unit of product or raw material, edible or otherwise, in which the product or raw material may or may not be in direct contact with the packaging material;
- (t) **“schedule”** means the schedules to these regulations;
- (u) **“scientific purpose”** includes diagnostic, educational, research purposes;
- (v) **“seller or retailer”** means the person who might or might not buy directly from the producer or importer but sells directly to the end consumer or any other person who sells to end consumers;
- (w) **“single-use plastic”** means a plastic item designed or intended to be used only once for the same purpose for which it was conceived before being disposed of or recycled;
- (x) **“supply”** means supply, whether by way of sale or not; and
- (y) **“virgin plastic”** means plastic material which has not been used before and has not been blended with scrap or waste.

(2) All other words and expressions used in these regulations but not defined herein shall have the same meanings as are assigned thereto in the Act.

3. Prohibition on single-use plastics.—(1) The manufacture, import, distribution, sale, supply, stocking, purchase, trade or use of single-use plastic items listed in **Schedule - I** shall be prohibited in ICT as per time-lines mentioned therein.

(2) The manufacture, import and use of single-use plastic beverage containers made entirely from virgin plastic shall be prohibited in ICT in accordance with **Schedule - II** by beverage manufacturers and producers of beverage containers.

(3) After the given timelines in Schedules - I and II, no person shall distribute, import, manufacture, purchase, sell, store, supply, trade or use singleuse plastics mentioned in

sub-regulations (1) and (2) and any authorisation or permission for distribution, import, manufacturing, purchase, sale, storage, supply, trade or use of single-use plastics mentioned in sub-regulations (1) and (2) issued before commencement of these regulations shall cease to be in force.

4. Exemption.—(1) Subject to an application for exemption under regulation 5, the prohibition under sub-regulation (1) of regulation 3 shall not apply to manufacture, import, use or supply of single-use plastic for the following purposes, namely:—

- (a) industrial packaging;
- (b) medical purposes;
- (c) scientific purposes;
- (d) polythene bags for hospital waste;
- (e) polythene bags for municipal waste; and
- (f) polythene bags for hazardous waste.

5. Application for exemption.—(1) An application for exemption referred to in regulation 4 shall be made before the Federal Agency in accordance with **Schedule - III**.

(2) The application under sub-regulation (1) shall be accompanied by fee prescribed under **Schedule - IV**.

(3) An application under sub-regulation (1) to manufacture or import shall include a recycling plan.

(4) The fee collected under this regulation shall be deposited in the Clean Environment Fund by the applicant.

(5) The Federal Agency shall make its decision on the application within sixty days and thereafter communicate it to the applicant in writing.

(6) The Federal Agency may, after being satisfied with the application, grant an exemption on such terms and conditions as may be appropriate and necessary to facilitate sustainable development and sound environmental management.

(7) The exemption issued under these regulations shall be valid for a period of three years.

(8) The Federal Agency may revoke any exemption granted under these regulations in case of any breach of its terms and conditions.

(9) The Federal Agency may revoke any exemption granted under these regulations upon becoming aware of detrimental effects of exempted single use plastic on the environment or human health.

(10) The Federal Agency may require an applicant, at its own expense, to submit any additional information for purpose of assessment of the application.

(11) The Federal Agency shall not revoke the exemption unless an opportunity of being heard is provided to the person likely to be affected thereby.

6. Review of application.—(1) The Federal Agency may on application by any applicant or on its own accord, review its decision under regulation 5.

(2) The Federal Agency while reviewing an application shall not pass an order without giving the applicant an opportunity of hearing.

(3) The Federal Agency shall decide the application for review within a period of thirty days.

7. Recycling plan.—(1) Every producer and importer shall with concurrence of the Federal Agency develop a recycling plan, individually or jointly with other producers or importers, in accordance with **Schedule - V** for supporting collection and recycling of single-use plastic.

(2) Upon approval of the recycling plan by the Federal Agency, the producer or importer shall, individually or jointly with other producers or importers, implement the approved recycling plan.

(3) The Federal Agency may require the producer or importer to submit a compliance report of the approved recycling plan.

8. Record keeping and submission of report.—(1) Every producer or importer of single-use plastics shall keep a record of quantities of materials manufactured, imported or exported and submit a report to the Federal Agency in accordance with **Schedule - VI**.

(2) Every producer of single-use plastic beverage container shall maintain record of amount of plastic raw material procured, amount of virgin and recycled plastic used in manufacturing process and, shall submit a report, along with all relevant documentation, to the Federal Agency every six months in accordance with **Schedule - VII**.

(3) Beverage manufacturers, for beverages sold in single-use plastic beverage containers, shall maintain record of total number of beverages sold in single-use plastic beverage containers, number of single-use plastic beverage containers made from virgin plastic and recycled plastic respectively and shall submit a report, along with all relevant documentation, to the Federal Agency every six months in accordance with **Schedule - VIII**.

9. Responsibility of producer, importer and beverage manufacturer.—(1) Producers, importers and beverage manufacturers shall formulate a plan for single-use plastic waste collection system based on extended producers responsibility which shall be submitted to the Federal Agency for approval not later than three months from the commencement of these regulations.

(2) Not later than six months from the commencement of these regulations, primary responsibility for collection of single-use plastic waste shall be of the producer, importer and beverage manufacturer who introduced singleuse plastic items in the market in accordance with the plan approved by the Federal Agency.

10. Enforcement.—(1) Subject to provisions of the Act, any authorised officer for enforcement of these regulations may exercise the following powers, namely:—

- (a) to enter at any reasonable time any premises which the authorised officer has reason to believe it is necessary to enter for an authorised purpose;
- (b) to make such examination, investigation and inspection as may be necessary;

- (c) to search any land, building, premises, vehicle, vessel or other place where or in which, there are reasonable grounds to believe that an offence under the Act and these regulations has been or is being committed;
- (d) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any document which it is necessary for the authorised officer to see for the purpose of any such examination or investigation and to inspect and to take copies of the document;
- (e) to take any samples, or cause samples to be taken, of any articles or substances found in or on any premises which an authorised officer has power to enter under clause (a), and cause any such articles or substances to be analysed or tested; and
- (f) confiscate any article or item, possession of which constitutes a violation or an offence under the Act and these regulations.

(2) The Federal Agency may request any person or entity to furnish any information or documents it deems necessary for enforcement of these regulations.

(3) Subject to section 16 of the Act, the Federal Agency may, where satisfied that an act or omission is likely to occur or is occurring or has occurred in violation of these regulations and is likely to cause or is causing or has caused an adverse environmental affect, pass an order for immediate stoppage or any other action which it deems necessary to prevent continuing violation of these regulations.

11. Penalty.—(1) Subject to Section 17 of the Act the minimum penalty shall be at prescribed in **Schedule IX**.

(2) The procedure for penalty under these Regulations will be in the manner as prescribed in Compounding of Offences and Payment of Administrative Penalty Rules, 2015.

12. Awareness raising measures.—(1) The Federal Agency may direct producers, importers, distributors, supplier or beverage manufacturers to take measures to incentivize responsible consumer behaviour in order to reduce litter from products/items covered by these regulations and inform consumers of the following:—

- (a) the availability of re-usable alternatives and waste management options for single-use plastics; and
- (b) the impact of littering and other inappropriate waste disposal of single-use plastics.

13. Repeal.— The Pakistan Environmental Protection Agency Ban on (Manufacturing, Import, Sale, Purchase, Storage and Use) Polythene Bags Regulations, 2019 are hereby repealed.

SCHEDULE-I
[See regulation 3(1)]

Prohibited Single-Use Plastic Items as per Timelines Mentioned Herein

- (a) Single-use polythene bags including but not limited to carrier bags and flat bags upon commencement of these regulations;
- (b) Single-use plastic drinking straw within two years of commencement of these regulations;
- (c) Single-use plastic crockery including plates, bowls, cups, glasses from 1st August 2023;
- (d) Single-use plastic cutlery designed for eating or serving food including forks, knives, spoons, chopsticks from 1st August 2023;
- (e) Single-use plastic foodservice ware designed or used for serving or transporting food or beverage ready to be consumed including lidded container, box, cup, plate, bowl from 1st August 2023;
- (f) Single-use plastic stirrers including any plastic item designed to stir or mix beverages or to prevent a beverage from spilling from the lid of its containers from 1st August 2023.

SCHEDULE-II
[See regulation 3(2)]

Phasing out of Single-Use Plastic Beverage Containers made from virgin plastic as per the following time-lines

From 1st July 2028 single-use plastic beverage containers shall contain at least 50% recycled plastic in a manner which shall have no adverse effects on the environment and human health.

Schedule - III
[See regulation 5]

Form I

Application for Exemption for Manufacturing Single-use Plastic Items

From:

.....

.....(Name and full address of the occupier)

To

The Director General,
Pakistan Environmental Protection Agency

.....

.....

Sir/Madam,

1. I/We hereby apply for exemption under Regulation 5 of Single-use Plastics Prohibition Regulations, 2023

Part – A General		
1.(a)	Name and location of the unit	
(b)	Address of the unit	
(c)	Exemption required for manufacturing of which single-use plastic item	
(d)	Purpose for which exemption sought	
(e)	Manufacturing capacity	
(f)	In case of renewal, previous exemption number and date of grant of exemption, if any.	
2.(a)	Registration status of manufacturing plant	
(b)	Total capital cost invested on the project	
(b)	Year of commencement of production	
(c)	List and quantum of raw materials used	

Name and Signature:
Designation:

Form II

Application for Exemption for Importing Single-use Plastic Items

From:

.....

.....(Name and full address of the occupier)

To

The Director General,

..... Pakistan Environmental Protection Agency

.....

.....

Sir/Madam,

1. I/We hereby apply for exemption under Regulation 5 of Single-use Plastics Prohibition Regulations, 2023

Part – A General		
1.(a)	Name of business	
(b)	Address of the registered office	
(c)	Exemption required for import of which single-use plastic item	
(d)	Purpose for which exemption sought	
(e)	Import quantity	
(f)	In case of renewal, previous exemption number and date of grant of exemption, if any.	
2.(a)	Registration status of import business	
(b)	Total capital cost invested on the project	
(c)	Year of commencement of import business	

Name and Signature:
Designation:

Form III

Application for Exemption for Use/Supply of Single-use Plastic Items

From:

.....

.....(Name and full address of the occupier)

To

The Director General,

..... Pakistan Environmental Protection Agency

.....

Sir/Madam,

1. I/We hereby apply for exemption under Regulation 5 of Single-Use Plastics Prohibition Regulations, 2023

Part – A General		
1.(a)	Name of business	
(b)	Principal line of business	
(b)	Address of the registered office	

(c)	Exemption required for usage of which single-use plastic item	
(d)	Purpose for which exemption sought	
(e)	Quantity of exempted single-use items	
(f)	In case of renewal, previous exemption number and date of grant of exemption, if any.	
2.(a)	Registration status of business	
(b)	Total capital cost invested on the business	
(b)	Year of commencement of business	

Name and Signature:
Designation

Schedule - IV
[See regulation 5 (2)]

Exemption Fee

Serial No.	Person applying for registration	Fee in Rupees
1	Producer	50,000
2	Importer	25,000
3	User or supplier	10,000

Schedule - V
[See regulation 7]

Recycling Plan

1. Each producer or importer shall develop a plan and thereafter maintain a plan for supporting the collection and recycling of Single Use Plastics and submit the copy of this plan to Federal Agency for posting on the Federal Agency's website.
2. Producer or importers may develop and implement the plan under sub-regulation (1) individually or jointly with other producers or importers.

3. The plan under this regulation shall describe the recycling program to be implemented throughout ICT, including collection locations events, or both, and shall. –
- (a) include a detailed description as to how the plan will be implemented;
 - (b) describe the performance measures that will be used to document collection efforts for single-use plastic items;
 - (c) include the public education plan on the reuse and recycling of single-use plastic items;
 - (d) include the mailing address email address and contact details of the producers, exporter, importer for the submission of comments regarding the plan; and
 - (e) describe such other matters as the Federal Agency may require.

Schedule – VI
[See Regulation 8 (1)]
Record Keeping by Federal Agency

<u>S. No.</u>	<u>Description</u>	<u>Relevant information</u>
1.	Category type (as per Schedules IV)	_____
2.	Name of owner / Unit	_____
3.	Name and designation to be contacted	_____
4.	Description of project	_____
5.	Location of project	_____
6.	Project capital cost	_____
7.	Date of receipt of application for registration	_____
8.	Date of receipt of application for exemption	_____
9.	Approval granted (Yes/No)	_____
10.	Date of approval granted or rejected	_____
11.	Conditions of approval (if any)	_____
12.	Reasons for rejection (if any)	_____
13.	Date of commencement of operations / production	_____
14.	Quantities of materials/items manufactured/imported/exported	_____
15.	Date of approval of others civic authorities like CDA,etc	_____

Signature of authorised officer

SCHEDULE- VII
[See regulation 8(2)]

**Report by Producer of Single-use plastic beverage container to be submitted
before the Federal Agency**

A. DETAILS OF THE INFORMATION OR DATA PROVIDER

Name (individual/Firm/Company Etc.)

.....
.....

Tick the Relevant

(a) Producer (b) Importer (c) Supplier/User

Nature of product (specify the

details).....
.....

Business Registration No. (if any)

Sale Tax No. /NTN.....

Address.....
.....
.....

Location of the Recycling Facility.....

Telephone No. Cell No.

.....

E-mail.

B. RECYCLING INFORMATION OR DATA DETAILS

1. Information or Data: (tick the relevant)

(a) First Quarter (b) Second Quarter (C) Third Quarter (d) Fourth
Quarter

2. Weight in KGs or Tons of Recycled Beverage Containers

(In figures).....

(In words).....

3. Weight in KGs or Tons Recycled plastic used in manufacturing Beverage Containers
(In figures)
(In words)

4. Type and weight in KGs or Tons of procured plastic raw material

I, hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

Name.....
.....
Designation/Position.....
.....

CNIC.....Signature.....
.....

Date.....
.....

Company or Entity Name and Seal and Stamp.....

C. FOR OFFICIAL USE

View/Comments.....
.....
.....
.....

Officer Name.....Signature.....
Date.....Stamp

SCHEDULE- VIII
[See Regulation 8(3)]

Report by Beverage Manufacturer of Single-use plastic beverage container to be submitted before the Federal Agency

A. DETAILS OF THE INFORMATION OR DATA PROVIDER

Name (individual/Firm/Company Etc.)

.....
.....

Tick the Relevant

(b) Producer (b) Importer (c) Supplier/User

Nature of product (specify the details)

Business Registration No. (if any)

Sale Tax No./NTN.....

Address.....

.....
.....

Location of the Recycling

Facility.....

.....

Telephone No. Cell No.

.....

E-mail.

.....
.....

B. RECYCLING INFORMATION OR DATA DETAILS

5. Information or Data: (tick the relevant)

(b) First Quarter (b) Second Quarter (C) Third Quarter (d) Fourth
Quarter

6. Total number of beverages sold in single-use plastic beverage containers

7. Weight in KGs or Tons of Recycled Beverage Containers
(In figures)
(In words)
8. Weight in KGs or Tons Recycled plastic used in manufacturing Beverage Containers
(In figures)
(In words)

I, hereby certify that the particulars given above are correct and true to the best of my knowledge and belief.

Name.....
.....

Designation/Position.....
.....

CNIC.....Signature.....
.....

Date.....

Company or Entity Name and Seal and Stamp.....

C. FOR OFFICIAL USE

View/Comments.....
.....
.....
.....

Officer Name.....Signature.....

Date.....

Stamp.....

Schedule - IX
[See Regulation 10]

Penalty

S. No	Person violating the Regulation	Penalty amount
1	Producer & Importer	PKR Up to 1,000,000/-
2	Shop keeper/ hawker/ stall-holder/supplier	PKR Up to 10,000/-
3	Individual consumer of Single-Use plastics	PKR Up to 1000/-

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THE PAKISTAN TRADE CONTROL OF WILD *FAUNA AND FLORA* ACT, 2012

ACT NO. XIV OF 2012

An Act to give effect to the United Nations Convention on International Trade in Endangered Species of Wild/Fauna and flora

WHEREAS, Pakistan is a party to the United Nations Convention on International Trade in Endangered Species of Wild *Fauna and flora*.

AND WHEREAS, it is expedient to enable the Federal Government to give effect to the provisions of the Convention on International Trade in Endangered Species of Wild *Fauna and flora*.

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Pakistan Trade Control of Wild *Fauna and flora* Act, 2012.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Federal Government may by notification in the official Gazette, appoint.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Convention” means the United Nations Convention on International Trade in Endangered Species of Wild *Fauna and flora* 1973 including such amendments made therein, which are accepted by Pakistan;
- (b) “designated authority” means a management authority designated by the Government of a State, other than Pakistan, for the purposes of the Convention;
- (c) “exotic” means a wild animal or plant species introduced to an area outside of its natural occurrence;
- (d) “export” means taking out of Pakistan by land, sea or air;
- (e) “indigenous” means a wild animal or plant species native to a specified area, a country or a region, but not introduced from an area of its natural Occurrence;
- (f) “Management Authority” means the authority constituted under Section 15;
- (g) “person” includes legal or natural person, a company, association, a body of individuals whether incorporated or not; and
- (h) “Scientific Authority” means the Authority designated under Section 16.
- (i) Then expressions used but not defined herein shall have the same meanings as are assigned to them in the Convention.

3. Prohibition of export, re-export and import and punishment for contravention.— (1) No person shall export or re-export out of or import into Pakistan any specimen included in any Appendix of the Convention, except as provided under Section 5, 6, 7 and 9. Such export, re-export or import shall be through a customs port of exit or entry, and

subject to any other law relating to control on export, re-export and import for the time being in force.

(2) Any person who attempts or abets to do anything which is prohibited under this Act rules made hereunder shall be liable to the same punishment as that of the offence under this Act.

(2) A person who presents, possesses or uses a false license or certificate shall be guilty of the offence specified in sub-section (2) and be liable for the same punishment as provided in sub- section (5).

(3) Where an offence under this Act has been committed by a body corporate, and it is proved that such offence has been committed with the consent or connivance of or, to be attributable to any neglect on part of a director, manager, secretary or other officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Any person who,—

- (a) contravenes or resists or interferes with the enforcement of the provisions of this Act or any rule or order made there under; or
- (b) in an application or in any proceedings under this Act furnishes or abets the furnishing of any information which he knows or has reason to believe to be false, or fraudulently conceals or misrepresents facts, or abets such concealment or misrepresentation.

Shall be punished with imprisonment for a term which shall not be less than one year or more than two years or with fine which shall not be less than 0.500 million rupees or more than 1.000 million rupees.

4. Cognizance of Offence.—No Court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by a duly authorized officer of department or an officer designated by the Federal Government.

5. Export from Pakistan.—The export from Pakistan of any specimen included in any Appendix shall require valid export permit issued by the Management Authority. An export permit shall be granted on fulfill of the following conditions namely:-

- (a) the Scientific Authority has advised that such export shall not be detrimental to the survival of that species and to other species of *fauna and flora*;
- (b) the Management Authority is satisfied that the specimen was not obtained in contravention of the laws of Pakistan for the protection of *fauna and flora*;
- (c) the Management Authority is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
- (d) the Management Authority is satisfied that an import permit or no objection certificate has been granted for the specimen by the designated

authority.

6. Import into Pakistan.— (1) The import into Pakistan of any specimen included in any Appendix shall require the following, namely:—

- (a) the export permit on a re-export certificate issued by a designated authority; and
- (b) an import permit or no objection certificated issued by the Management Authority.

(2) An import permit shall be granted on fulfillment of the following conditions, namely:—

- (a) the Scientific Authority has advised that the import shall be for purposes which are not detrimental to the survival of the species involved and to other indigenous species of *fauna and flora*;
- (b) the Scientific Authority is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- (c) the Management Authority is satisfied that the specimen is not to be used primarily for commercial purposes.

7. Re-export from Pakistan.—The re-export from Pakistan of any specimen included in any Appendix shall require a valid re-export certificate issued by the Management Authority and a re-export certificate shall be granted on fulfillment of the following conditions, namely:—

- (a) the Management Authority is satisfied that the specimen was imported in accordance with the provisions of this Act;
- (b) the Management Authority is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment;
- (c) the Scientific Authority is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- (d) the Management Authority is satisfied that an import permit has been granted for such specimen by the designated authority.

8. Introduction from the sea.—The introduction from the sea of any specimen of a species included in any Appendix shall require the prior grant of a certificate by the Management Authority. A certificate shall be granted on fulfillment of the following conditions, namely:—

- (a) the Scientific Authority has advised that the introduction will be for purposes which are not detrimental to the survival of the species involved and to other indigenous species of *fauna and flora*;
- (b) the Scientific Authority is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it;
- (c) the Management Authority is satisfied that any living specimen will be so

handled as to minimize the risk of injury, damage to health or cruel treatment; and

- (d) the Management Authority is satisfied that the specimen is not to be used primarily for commercial purposes.

9. Export or re-export to or import from a state not a party to the convention.— Where export or re-export from Pakistan to or import into Pakistan is from a State not a Party to the Convention, comparable documentation issued by the competent authorities in that State, which substantially conforms with the requirements of the Convention for permits and certificates, may be accepted by the Management Authority in place of the required documents.

10. Transit or trans-shipment of specimens.— The provisions of Sections 3 to 9 shall not apply to the transit or trans-shipment of specimens through or in Pakistan while the specimens remain in Customs control.

11. Specimens that are personal or household effects.—The provisions of sections 3 to 9 shall not apply to specimens that are personal or household effects but this exemption shall not apply where,—

- (a) in the case of specimens included in Appendix-I, they were acquired by the owner outside Pakistan, and are being imported into Pakistan; or
- (b) in the case specimens included in Appendix-II, if—
 - (i) they were acquired by the owner outside Pakistan and in a State where removal from the wild occurred;
 - (ii) they are being imported into Pakistan; and
 - (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens unless the Management Authority is satisfied that the specimens were acquired before the coming into force of the Convention and this Act.

12. Export and import of specimens bred in captivity or artificially propagated.—Where the Management Authority or the designated authority or competent authority is satisfied for the purposes of export from or import into Pakistan that a specimen of an animal or plant species was bred in captivity or was artificially propagated, or is a part of such an animal or plant or was derived therefrom the Management Authority shall,—

- (a) issue a certificate to this effect; and
- (b) accept similar certificate issued by a designated authority or a competent authority in lieu of any of the permits and certificates required under Sections 3 to 9 of this Act.

13. Non commercial loan, exchange etc.—The provisions of Sections 3 to 9 shall not apply to the non-commercial loan, donation or exchange, between scientists or scientific institutions registered by the Management Authority or a designated authority or a competent authority, of specimens which carry a label issued or approved by the Management Authority or the designated authority.

14. Waiver of requirements.—The Management Authority may waive the requirements of Sections 3 to 9 and allow the movement, subject to conditions as it may deem appropriate without permits or certificates, of such specimens which form part of a traveling zoo, circus, menagerie, plant exhibition or other traveling exhibition provided that,—

- (a) the exporter or importer registers full details of such specimens with the Management Authority;
- (b) the specimens are in either of the categories specified in Sections 11, 12 and 13 of this Act; and
- (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

15. Management Authority.—For purposes of this Act, the Federal Government shall, by notification in the official Gazette, designate one or more Management Authorities, with which at least one representative each from all the Provincial Government and Government of Gilgit Baltistan, shall be associated.

16. Scientific authorities.—The Federal Government, on the recommendation of the Management Authority, shall designate one or more scientific authorities, as deemed appropriate from time to time or on case to case basis, to render advice on plants and animals. The final decision on all matters related to the Convention shall rest with the Management Authority.

17. Entry and release of wild exotic fauna and flora.—The Federal Government may, by notification in the official Gazette, make rules to regulate entry into and release of exotic *fauna and flora* in Pakistan.

18. Confiscation or return of specimens unlawfully traded.—The specimens included in the Appendices traded in violation of the laws of the State of export and this Act shall be liable to confiscation by the Federal Government and thereafter, if so desired, return to the State of export.

19. Confiscation of specimens possessed unlawfully.—Any specimen included in the Appendices found in possession of a person without legal permit or certificate shall be confiscated and the person shall be punished as provided under section 3.

20. Animals and plants etc., to be Government property.—(1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of this Act, the specimens, the trade and possession of which has been prohibited under this Act or rules made there under shall, upon confiscation, be the property of the Federal or the Provincial Government, as the case may be.

(2) Any person who obtains, by any means, the possession of the Government property as mention in sub-section (1) shall, within forty-eight hours from obtaining such possession, handover such property to such officer as designated by the Federal Government.

(3) No person shall, without the previous permission in writing of the Management Authority or the designated department or officer,—

- (a) acquire or keep in his possession, custody or control; or
- (b) transfer to any person, whether by way of gift, sale or otherwise; or
- (c) destroy or damage the property of the Government.

21. Arrangements for feeding and safe keeping.—The Management Authority shall make suitable arrangements for feeding and safe keeping of the specimens confiscated under this Act so that the living specimens are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

22. Maintenance of records.—The Management Authority shall maintain the following records of trade in specimens included in Appendices, namely:-

- (a) the names and addresses of traders including the exporters and importers;
- (b) the number and type of permits and certificates granted;
- (c) the State with which such trade occurred;
- (d) the numbers or quantities and types of specimens;
- (e) names of species as included in Appendices; and
- (f) where applicable, the size and sex of the specimen in question.

23. Officers to be public servants.—The officers or persons authorized under any provisions of this Act to do certain thing or act in certain manner shall be deemed to be public servant within the meaning Section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

24. Power to delegate.—The Federal Government may by notification in the official Gazette delegate, subject to such conditions as may be specified in the notification, any of its or of a Federal agency's powers and functions under this Act and the rules made there under to any Provincial Government.

25. Bar of jurisdiction.— No Court shall grant any injunction or make any order, nor shall any Court entertain any proceeding, in relation to anything done under this Act, except the Court or tribunal designated by the Federal Government. Such Court or tribunal shall have the authority to exercise powers and functions as provided under the relevant laws, necessary for the implementation of the provisions of this Act.

26. Indemnity.— No suit, prosecution or other legal proceeding shall lie against Federal Government or any person for anything which is in good faith done or intended to be done under this Act.

27. Act to override other laws.— The provisions of this Act or rule made there under shall have effect notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

28. Power to make rules.— The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

29. Removal of difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Federal Government may, not inconsistent with the provisions of this Act, give such directions as it may consider necessary for the removal of such difficulties.



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Annex-I



THE PAKISTAN TRADE CONTROL OF WILD FAUNA AND FLORA RULES, 2018

Government of Pakistan Ministry of Climate Change

Islamabad, the 7th January, 2018,

NOTIFICATION

SRO. (1)/2018.—In exercise of the Powers conferred by section 28 of the Pakistan Trade Control of Wild Fauna and Flora Act, 2012 (XIV of 2012), the Federal Government is pleased to make the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Pakistan Trade Control of Wild Fauna and Flora Rules, 2018.

2. These rules shall come into force at once.

2. Definitions.— (1) In these rules, unless there is anything repugnant in the subject or context—

- (a) “Act” means the Pakistan Trade Control of Wild Fauna and Flora Act 2012 (XIV of 2012);
- (b) “Certificate” or “permit” or “Licence” means the official document used to authorize import, export, re-export, of introduction from the land, sea or air of specimens of species or their parts and derivatives listed in Appendices I, II or III of the Convention and covered by any other law;
- (c) “Enforcement authority” means provincial wildlife departments or any other department duly authorized by the Federal Government for application of the Act and these rules;
- (d) “Readily recognizable part or derivative” means any specimen which appears from an accompanying document, packaging, mark, label, deoxyribonucleic acid (DNA) or from any other circumstances, to be a part or derivative of a wild animal or plant;
- (e) “Rescue or rehabilitation centre” means a center designated by the Federal or a Provincial Government as the case may be, to look after the welfare of living specimen, particularly those that have been confiscated;
- (f) “Specimen” any animal or plant, whether whole or a part, alive or dead and any readily recognizable part or derivative thereof specified in any Appendix of the Convention in relation to the species; and
- (g) “Trade” means export, re-export, import and introduction from the sea.

(2) All other terms and expressions used but not defined in these rules shall have the same meanings as are assigned to them in Act, and the United Nation Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973.

3. Management Authority.— (1) For the purposes of the Act the Management Authority shall be as follows, namely:

S.No. (1)	Organization (2)	Designation (3)
1	Federal Minister of the Division concerned.	
2	Secretary, of the Division concerned.	Chairman
3	Inspector General Forests.	Vice-Chairman
4	Secretary, Forest, Wildlife and Fisheries Department, Government of Punjab.	Member
5	Secretary, Forest and Wildlife Department, Government of Sindh.	Member
6	Secretary, Environment Department, Government of Khyber-Pakhtunkhwa.	Member
7	Secretary, Forest, Wildlife and Department, Government of Balochistan.	Member
8	Secretary, Forest, Wildlife and Fisheries Department, Government of Azad Jammu and Kashmir.	Member
9	Secretary, Forest, Wildlife and Environment Department, Government of Gilgit-Baltistan.	Member
10	Chairman, Capital Development Authority.	Member
11	A representative not below the rank of regional head from International Union for Conservation of Nature and Natural Resources-Pakistan (IUCN)-Pakistan).	Member
12	A representative not below the rank of Director of World Wide Fund for Nature (WWF-Pakistan).	Member
13	A prominent Non-Official member of civil society from each province or territory nominated by the Division concerned no the recommendation of the province or territory concerned.	Member

(2) The Management Authority shall meet at least once a year unless earlier required.

(3) The Division concerned on the recommendation of Management Authority shall designate an office to provide secretariat support including inter agency coordination.

(4) The Management Authority shall perform all the requisite duties under the Act and which includes the following namely:-

- (a) to consider issuing of license or permit or certificate throughout Pakistan relating to in port, export, re-export and certificate of origin of any species listed in any Appendix of the Convention and the local legislation or policy, and to attach any condition to any permit or certificate that it may deem necessary;
- (b) to seek and act on the advice of Scientific Authority to exercise its functions relating to implementation of the Act and the rules made thereunder;
- (c) to communicate with the CITES Secretariat and the Management and Enforcement Authorities of other parties to the Convention on scientific, administrative, enforcement and other issues related to implementation of the Convention;
- (d) to maintain records of international trade in specimens, as per the provisions of section 22 of the Act, and prepare an annual report concerning trade, and timely submit this report to the Convention Secretariat.
- (e) to prepare a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention, and timely submit this report to the CITES Secretariat;

- (f) to coordinate national implementation and enforcement of the Convention and these rules and to cooperate with relevant Federal and Provincial authorities and other stakeholders in this regard;
- (g) to consult with the Scientific Authority on the issuance and acceptance of Convention documents, the nature and level of trade in species listed in the Convention, the setting and management of quotas, the registration of traders and production operation, the establishment of Rescue or Rehabilitation Centers and the preparation of proposal to amend the Convention Appendices;
- (h) to represent Pakistan at national and international meetings related to Convention and any related matters;
- (i) to develop and provide awareness-raising, capacity-building, training, education material and information related to the Convention;
- (j) to advise on designation of one or more rescue or rehabilitation centre for seized and confiscated living specimens;
- (k) to provide capacity building opportunities and any other facility or resources to any confiscating authorities including return of the confiscated consignment from other country, and safe-keeping and release into wild of the live specimen;
- (l) in consultation with Scientific Authority and Convention secretariat, provide necessary advice or instructions including resources for safe disposal of confiscated consignment of dead specimen or derivatives;
- (m) to provide technical advice to the court of law and to the enforcement authority in any matter under the Act and these rules;
- (n) to coordinate requirements and allocation of annual export quota allotted to provinces and other territories; and
- (o) to perform any other function which the Federal Government may authorize to carry out the objectives of the Act.

4. Scientific Authority.—(1) A Scientific Authority may be constituted in each Province and region of Pakistan with Provincial Forest and Wildlife Department as its focal point. The Scientific Authority may include the following on the basis of requisite scientific information, namely:-

- (i) Department of Zoology of relevant universities in the Province or region,
- (ii) Department of Botany of relevant universities in the Province or region;
- (iii) Fisheries departments, Inland and Marine;
- (iv) Independent Wildlife and Forestry experts or researchers; and
- (v) any other relevant agency or individual.

(2) The Scientific Authority shall render advice after consultation with relevant scientific experts or agencies to the Management Authority as required by the Convention.

5. Export.—(1) The export of any specimen of species included in any Appendix of Convention and non-listed species shall require the prior grant and presentation of a valid export permit or certificate of origin issued by the Management Authority in accordance with the provisions of section 5 of the Act, after obtaining a no objection certificate (NOC) issued by the respective Provincial Wildlife Department.

(2) Any person desirous of trading in a=specimens shall present permit, certificate for clearance only at the designated Customs ports of entry and exit, as specified in Annexure-1 through which Convention listed and non-listed species can be imported, exported or re-exported only.

6. Import.—(1) The import into Pakistan of any specimen of species included in any Appendix of Convention shall require the prior presentation of an import permit or NOC issued by the Management Authority and either export permit or re-export permit or certificate of origin issued by the country of export.

(2) The import permit for import into Pakistan of any specimen of species included in Appendix-I of the Convention and NOC for Appendix-II or III of the Convention, into Pakistan, shall be granted in accordance with the Provisions of section 6 of the Act. To mitigate spread of any contagious disease, the Management Authority may take such actions as deemed appropriate, subject to the advice of Scientific Authority.

7. Re-export.—The re-export from Pakistan, of any specimen of species included in any Appendix of the Convention, shall require the prior grant and presentation of a valid re-export permit issued by the Management Authority in accordance with the provisions of section 7 of the Act.

8. Introduction from the Sea.—The introduction from the sea of any specimen of species included in any Appendix of Convention shall require prior permission and presentation of a permit or certificate issued in accordance with the provision of section 8 of the Act.

9. Permit, no abjection certificate and certificate.—(1) The permit, certificate and NOC granted under the Act and these Rules shall be issued by CTES Management Authority with the deposit of prescribed fees.

10. Registration.—(1) Any firm or person who wishes to trade specimens of any species listed in Appendices of Convention and non-listed species internationally shall have prior registration with the Management Authority on recommendation of provincial or relevant authorities and with the deposit of prescribed fees.

11. Enforcement.—(1) The Management Authority shall monitor the enforcement by an enforcement authority authorized under the Act.

(2) For registration of a case at least two officials of the concerned Provincial Wildlife Department in the case of fauna, and at least one official from concerned Provincial Forestry Department in case of flora shall be nominated to act as the authorized persons to register a case under the Act.

(3) The Federal and Provincial Governments may make provisions in their annual non-development budget to facilitate implementation of the Act, and prosecution of the case registered under the Act.

[see rule 6]

List of Land Ports, Airports and Harbors designated for Import, Export and Re-Export.

1. Land Ports

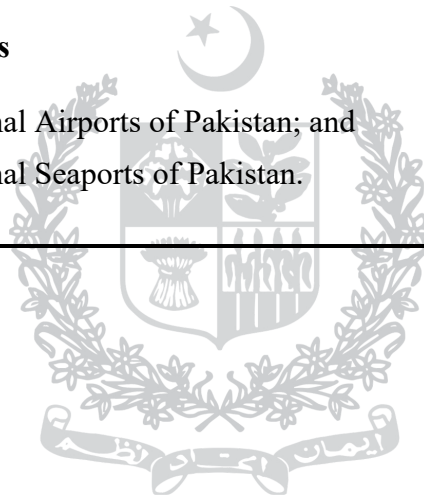
- (a) ALL International Land or dry ports of Pakistan.
- (b) Pak-China Border Post, Khunjerab Pass;
- (c) Pak-Afghan Border Post, Khunjerab Pass;
- (d) Pak-Afghan Border post, Chaman;
- (e) Pak-India Border post, Wagah Post;
- (f) Pak-India Border post, Khokhrapar post;
- (g) Pak-Iran Border post, Taftan Post; and
- (h) Pak-Iran Border post, Mand post.

2. Airports and Harbors

- (a) all International Airports of Pakistan; and
- (b) all International Seaports of Pakistan.

(File No. 18-3/96-CC)

(Muhammad Din Chakrani)
Deputy Secretary (Admin-I)



THE GLOBAL CLIMATE-CHANGE IMPACT STUDIES CENTRE ACT, 2013

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THE ¹[GLOBAL CLIMATE-CHANGE] IMPACT STUDIES CENTRE ACT, 2013

ACT NO. XVII OF 2013

[22 March, 2013]

An Act to provide for establishment of ¹[Global Climate-Change] Impact Studies Centre

WHEREAS significant climate change is taking place due to human interference with nature which is resulting in global warming and occurrence of extreme events such as floods, droughts, tornadoes, etc. with far-reaching consequences for human life;

AND WHEREAS, it is expedient to provide for the establishment of ¹[Global Climate-Change] Impact Studies Centre (GCISC) to undertake scientific investigations of the phenomenon of climate change at regional and sub-regional levels and study its impact on various sectors of socio-economic development in order to prepare the country to meet threats to its water resources, agriculture, ecology, energy, health, bio-diversity etc., and for matters connected therewith or ancillary thereto;

It is hereby enacted as under:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the ¹[Global Climate-Change] Impact Studies Centre Act, 2013.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “Board” means the Board of Governors established under section 5;
- (b) “Centre” means the ¹[Global Climate-Change] Impact Studies Centre (GCISC) established under section 3;
- (c) “Chairman” means the Chairman of the Board;
- (d) “employees” means persons employed by the Centre;
- (e) “Executive Director” means the Executive Director of the Centre appointed under section 9;
- (f) “Fund” means the ¹[Global Climate-Change] Impact Studies Centre Fund established under section 10;
- (g) “prescribed” means prescribed by rules; and
- (h) “research studies” means theoretical or experimental research work, including modeling and simulation techniques undertaken to acquire knowledge of fundamental principles of the climate change phenomenon

¹ Subs. by the Global Change Impact Studies Centre (Amdt.) Act No VI of 2023, s.2.

and its impacts.

CHAPTER II

²[Global Climate-Change] IMPACT STUDIES CENTRE

3. Establishment of the ¹[Global Climate-Change] Impact Studies Centre.—

(1) There shall be established a ¹[Global Climate-Change] Impact Studies Centre (GCISC), to carry out the purposes and objectives of this Act.

(2) The Centre shall be a body corporate, having perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and sue and be sued in its own name.

(3) The headquarters of the Centre shall be at Islamabad and it may establish its regional offices at such places as it may consider appropriate.

(4) The Centre shall keep close liaison with the corresponding Province level Centres as and when they are established. The Centre shall also help in the capacity building of such Provincial institutions.

4. Functions of the Centre.—(1) The Centre shall take all measures to accelerate research work necessary for the study of climate change and its impacts on various sectors of socio-economic development such as water resources, agriculture, ecology, energy, health, bio-diversity, etc.

(2) The Centre shall, in order to carry out its functions,—

- (a) prepare and submit for approval of the Board schemes or projects, including joint projects with national, foreign or international entities;
- (b) proceed to give effect to proposals, schemes or projects as approved by the Board;
- (c) enter into collaboration and joint ventures with domestic and foreign entities for research studies related to the climate change phenomenon;
- (d) hold seminars, conferences, workshops, training courses, etc., and publish research papers, etc;
- (e) advise and recommend to government agencies sectoral guidelines for adaptation and mitigation efforts in relation to climate change;
- (f) generate public awareness of the phenomenon of climate change and its likely impacts; and
- (g) perform such other acts as may be necessary for achievement of the purposes of this Act.

CHAPTER III

MANAGEMENT AND ADMINISTRATION OF THE CENTRE

5. Board of Governors.—(1) The general direction and administration of the Centre and its affairs shall vest in the Board of Governors which shall determine and execute policies of the Centre and may exercise all powers and do all acts, which may be required to be

² Subs. by the Global Change Impact Studies Centre (Amdt.) Act No VI of 2023, s.2.

exercised or done by the Centre, relating to its functions, in accordance with this Act.

(2) For furthering the functions of the Centre, the Federal Government may, as and when it considers necessary, issue directives to the Centre on matters of policy. If a question arises as to whether any matter is a matter of policy or not, the decision of the Federal Government thereon shall be final.

(3) The Board shall consist of the Chairman who shall be the Federal Minister-in-charge of the concerned Ministry dealing with the subject of climate change, *ex-officio* members and the following members to be appointed by the ³[Prime Minister],—

(a)	Secretary, Ministry dealing with the subject of climate change	Vice-Chairman
(b)	Secretary, Ministry of Finance	Member
(c)	³ [Secretary of the Division to which business of science and technology stands allocated]	Member]
(d)	³ [Secretaries of the Division to which business of water resources and energy stands allocated]	Member]
(e)	Secretary, Ministry dealing with the subject of national food security and research	Member
(f)	³ [Secretary of the Division to which business of industries and production stands allocated]	Member]
(g)	Director General, Pakistan Meteorological Department	Member
(h)	Chairman, Space and Upper Atmosphere Research Commission.	Member
³ [(ha)	Chairman, National Disaster Management Authority	Member
(hb)	Chairman, Higher Education Commission	Member
(hc)	Secretary, Foreign Affairs Division	Member]
(i)	Secretary, Environment or of the relevant Department and one Technical Expert ³ [or scientist] nominated by respective Provincial Governments, Azad Government of the Jammu and Kashmir and Gilgit-Baltistan	Members
(j)	three eminent scientists	Members
(k)	two eminent representatives from private Sector ⁴ [and two form civil society]	Members
(l)	Executive Director of the Centre	Member

(4) In absence of the Chairman, the Vice-Chairman shall exercise powers of the Chairman.

³ Subs., Ins. & Added by the Global Change Impact Studies Centre (Amdt.) Act No VI of 2023, s.3.

⁴ Subs., Omitted, Inst and Added by the Global Change Impact Studies Centre (Amdt.) Act No VI of 2023, s.3 & 4.

(5) The Executive Director shall act as the Secretary of the Board.

(6) The ⁴[Prime Minister] may vary constitution of the Board as and when ⁴[he] may deem appropriate.

6. Functions and powers of the Board. —The Board shall—

- (i) have administrative and financial powers for operation and maintenance of the Centre and to perform all functions vested in the Centre; and
- (j) oversee administrative and financial operation and maintenance of the Centre and for that purposes perform the following functions, namely:-
 - (i) delegate administrative and financial powers to various functionaries of the Centre in the manner prescribed;
 - (ii) prescribe service rules, recruitment rules, selection criteria, terms and conditions in all cadres for regular appointment or short term contract engagements for junior, middle and senior level professionals, consultants, experts and advisers in the fields relevant to the programmes and other employees of the Centre;
 - (iii) approve the budget estimates as per provision in the budget of the Centre and utilization of funds on annual basis and exercise the powers in accordance with the rules, procedures and instructions specified by the Federal Government;
 - (iv) approve creation of posts in the Centre;
 - (v) prescribe ⁴[*****] terms and conditions for training of employees of the Centre; ⁴[*]
 - (vi) monitor and approve progress reports prior to their submission to the
⁴ [Prime Minister] ⁴[;]
 - ⁴ [(vii) where necessary to establish committees and sub-committees;
 - (viii) as it may deem fit, to confer prizes, honors or awards for meritorious behavior;
 - (ix) where necessary and under guidance of the administrative Division, to cooperate with international entities; and
 - (x) to undertake any other actions needed to achieve objectives of this Act.]

7. Terms of office of members.— (1) The members, other than *ex-officio* members, shall be appointed for a period of three years by the ⁵[Prime Minister] and shall be eligible for re- appointment for one more term of three years.

(2) The members, other than *ex-officio* members, may at any time resign their offices by a letter addressed to the ⁵[Prime Minister], through the Chairman of the Board, provided that no resignation shall take effect until accepted by the ¹[Prime Minister].

⁵ Subs. by the Global Change Impact Studies Centre (Amdt.) Act No VI of 2023, s.5.

(3) An *ex-officio* member of the Board shall cease to be a member when he ceases to hold that office or post by virtue of which he was an *ex-officio* member.

(4) The ⁵[Prime Minister] may at any time terminate the appointment of any nominated member without assigning any reason.

8. Meetings of the Board.—(1) The Board shall regulate procedure for its meetings.

(2) The meeting of the Board shall be convened and chaired by the Chairman and, in his absence, by the Vice-Chairman, on such date, time and place as may be specified by him, provided that—

- (a) meeting shall be held on quarterly basis; and
- (b) at least two weeks prior notice shall be given to the members specifying date, time and place of the meeting.

(3) The annual report and the accounts of the Centre for each financial year shall be submitted at a meeting of the Board to be held within six months of the close of that year for approval, adoption and record.

(4) The quorum of the meeting of the Board shall be fifty per cent of the total membership.

(5) All decisions at a meeting of the Board shall be by a majority vote of the members present and voting, and in case of a tie, Chairman shall exercise a casting vote.

(6) Any emergent business may be transacted by the Board by circulation among its members and any proposal so circulated and approved by a majority of the members shall be deemed to have been approved by the Board in its regular meeting.

(7) All orders, resolutions, determinations and decisions of the Board shall be properly recorded in writing by the Secretary of the Board for the approval of Chairman and circulation to the members.

9. Executive Director.—(1) There shall be an Executive Director of the Centre who shall be its chief executive officer. He shall be a person with extensive relevant education, technical and administrative experience and shall be appointed on contract basis in such manner and on such terms and conditions as may be prescribed.

(2) The Executive Director shall—

- (a) exercise administrative and financial powers as delegated by the Board for the operation and maintenance of the Centre. He shall also have the powers as given by the Board to supervise preparation and disbursement of budget of the Centre;
- (b) submit annual accounts and budget proposals for approval of the Board;
- (c) organize international and national conferences, training courses and seminars;
- (d) prepare annual reports and such other reports as may be required for consideration by the Board;

- (e) ensure implementation of the decisions of the Board;⁶[*]
- (f) exercise such other financial and administrative powers as may be delegated to him by the Board ⁶[; and]
- ⁶[(g) oversee and guide the research agenda.]

CHAPTER IV FINANCIAL PROVISIONS

10. ⁷[Global Climate-Change] Impact Studies Centre Fund.—(1) There shall be a Fund to be known as the ⁷[Global Climate-Change] Impact Studies Centre Fund. The Fund shall vest in the Centre and shall be used by the Centre to meet its expenses.

(2) The Fund shall comprise,—

- (a) such sums as the Federal Government may allocate to the Centre in the annual budget;
- (b) grants or loans from the Federal Government and the Provincial Governments, or other such institutions or states with approval of the Federal Government;
- (c) income from investments, royalties and receipts from other sources and donations, etc;
- (d) donations, gifts, bequests, etc; and
- (e) all other sums which may by any manner become payable to or vest in the Centre in respect of any matter.

(3) The Centre shall exercise highest standards of prudence as far as expenditures are concerned.

11. Budget.—The Centre, with approval of the Board, shall, by such date in each year as may be prescribed, submit to the Federal Government for approval, a budget in the prescribed form for each financial year showing estimated expenditure and the sums which are likely to be required from the Federal Government during that financial year.

12. Pay scales.—The employees of the Centre shall be given Special Pay Scales (SPS) and shall also be entitled for any time to time increases, allowances or revisions in salary as are allowed to the employees of other organizations drawing SPS.

13. Maintenance of accounts.—The Centre shall ensure proper maintenance of accounts and shall after the end of each financial year prepare a statement of accounts which shall include a balance sheet and an account of government funds receipt and expenditure.

14. Audit.—The accounts of the Centre shall be audited each year by the Auditor-General of Pakistan, in accordance with relevant rules of the Centre and other applicable laws.

CHAPTER V MISCELLANEOUS PROVISIONS

15. Annual report.—Within ninety days from the end of each financial year, the

⁶ Omitted, Subs. and Added by the Global Change Impact Studies Centre (Amdt.) Act No VI of 2023, s.6.

⁷ Subs. by the Global Change Impact Studies Centre (Amdt.) Act No VI of 2023, s.2.

Centre shall cause a report to be prepared on its activities including research studies conducted by the Centre during that financial year. The report shall be presented to the Board in its next meeting for approval. After approval by the Board, the report shall be released to public and presented to the President of Pakistan.

16. Recruitment of officers and staff.—(1) With approval of the Board, all existing employees of the GCISC, hereinafter referred to as the Project, shall, notwithstanding anything contained in any law or in any agreement, deed, document or other instrument, stand absorbed and transferred with the existing SPS to the Centre, after obtaining prior consent from such employees of the Project and shall be deemed to have been appointed or engaged by the Centre in accordance with the terms and conditions which shall not be less favourable than those in the Project and no employee whose services are so absorbed and transferred shall be entitled to any compensation because of such absorption or transfer.

(2) The Centre, with approval of the Board, may prescribe the procedure, terms and conditions of service for appointment of its officers and staff. The regional or provincial quota for initial appointment shall be observed in accordance with the instructions issued by the Federal Government. The appointments to the posts of advisers, consultants, visiting scientists or experts shall be made in the Centre as per delegation of powers given by the Board.

(3) The disciplinary and misconduct cases of the employees of the Centre shall be governed in accordance with rules of the Federal Government.

(4) The employees of the Centre shall be entitled to such pension and gratuity or provident fund scheme as in force for Federal Government employees, from such date as the Board may notify.

17. Appointment by deputation.—The Centre may appoint on deputation officers or staff of other Divisions or Departments or bodies or corporations, on equivalent or higher posts.

18. Delegation of powers.—The Board may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions as may be prescribed, be exercisable also by the Executive Director or by any other member or officer of the Centre.

19. Cooperation with international organizations, etc.—The Centre may, subject to approval of the Federal Government, cooperate with foreign or international organizations concerned with climate change-related research and studies. It shall act as facilitator for promoting cooperation between the climate change national institutions or organizations and relevant foreign and international organizations.

20. Discoveries and inventions.—All rights including international property rights related to discoveries and inventions made by any officer or employee of the Centre in the course of his employment shall vest in the Centre.

21. Validity of proceedings.—No act or proceeding of the Centre or the Board shall be invalid by reason only of the existence of a vacancy in, or defect in constitution of, the Centre or the Board, as the case may be.

22. Indemnity.—No suit, prosecution or other legal proceedings shall lie against the Centre, the Board, the Chairman or any member, officer, staff, adviser or consultant of the

Centre in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder.

23. Common seal.—(1) The Centre shall have a common seal and such seal be kept by the Executive Director or such other person as may be authorized by the Executive Director.

(2) The seal shall be authenticated in the manner as may be prescribed and any document purported to be sealed with the seal so authenticated shall be receivable as evidence of the particulars as stated in the document.

24. Winding up.—The Centre shall not be wound up except by an order of the Federal Government in such manner as the Federal Government may prescribe.

25. Powers to make rules.—The Board may, with the approval of the Federal Government and by notification in the Official Gazette, make rules for carrying out the purposes of this Act.



THE PAKISTAN CLIMATE CHANGE ACT, 2017

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SCHEDULE

THE PAKISTAN CLIMATE CHANGE ACT, 2017

ACT NO. X OF 2017

[29th March, 2017]

An Act to meet Pakistan's obligations under international conventions relating to climate change and address the effects of climate change.

WHEREAS it is expedient to meet Pakistan's obligations under international conventions relating to climate change and to provide for adoption of comprehensive adaptation and mitigation policies, plans, programmes, projects and other measure required to address the effects of climate change and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:—

CHAPTER I PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Pakistan Climate Change Act, 2017.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(a) "adaptation" means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits beneficial opportunities;

(b) "Authority" means the Pakistan Climate Change Authority established under section 5;

(c) "Council" means the Pakistan Climate Change Council established under section 3;

(d) "climate change" means a change in the climate system which is caused by significant changes in the concentration of greenhouse gases as a direct or indirect consequence of human activities and which is in addition to natural climate change that has been observed during a considerable period;

(e) "emissions", in relation to a greenhouse gas, means emissions of that gas into the atmosphere caused by human activity;

(f) "Fund" means the Pakistan Climate Change Fund established under section 12;

(g) "Government" means the Federal Government;

(h) "greenhouse gas" means any gas that contributes to the greenhouse effect by absorbing infrared radiation produced by solar warming of the earth's surface and includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride, nitrogen trifluoride and any other direct or indirect greenhouse gas as recognized by UNFCCC and IPCC from time to time;

- (i) "mitigation" means efforts that seek to prevent or slow down the increase of atmospheric greenhouse gas concentrations by reducing current or future emissions and enhancing potential sinks for greenhouse gases;
- (j) "prescribed" means prescribed by rules or regulations made under this Act;
- (k) "regulations" means regulations made under this Act;
- (l) "rules" means rules made under this Act;
- (m) "Schedule" means a schedule to this Act; and
- (n) "Tribunal" means the Environmental Tribunal set up under the Pakistan Environmental Protection Act, 1997 (Act No. X)(XIV of 1997) or the provincial environmental protection laws.

(2) The expressions and words used but not defined in this Act shall have the same meaning as in the Pakistan Environmental Protection Act, 1997 (Act No. XXXIV of 1997).

CHAPTER II

PAKISTAN CLIMATE CHANGE COUNCIL

3. Establishment of the Pakistan Climate Change Council.—(1) The Prime Minister shall, by notification in the official Gazette, establish a Council to be known as the Pakistan Climate Change Council consisting of a Chairperson who shall be the Prime Minister or such other person as the Prime Minister may nominate in this behalf and the following members, namely:—

- (a) Federal Ministers of the Divisions allocated with the subjects of climate change, finance, agriculture, food security and research, planning, development and reform, petroleum and natural resources, science ' and technology, water and power and foreign affair;
- (b) Chief Ministers of the Provinces;
- (c) Ministers-in-charge of the department allocated with subject of environment in the Provinces;
- (d) such other person not exceeding thirty as the Prime Minister may appoint, of which at least twenty shall be non-officials, including representatives of the Chambers of Commerce and Industry, non-governmental organizations concerned with climate change, the environment and development and scientists, researchers, technical experts and educationists;
- (e) Chairman, National Disaster Management Authority established under the National Disaster Management Act, 2010 (XXIV of 2010);
- (f) Chairman, Pakistan Climate Change Authority; and
- (g) Secretary of the Division allocated with the subject of climate change, who shall also be the Secretary of the Council.

(2) The Council may invite the Prime Minister, Azad Jammu and Kashmir and Chief Minister, Gilgit-Baltistan to participate in the meetings of the Council as and when required.

(3) The Division allocated with the subject of climate change shall act as Secretariat of the Council.

(4) Members of the Council, other than ex-officio members, shall be appointed in accordance with the prescribed procedure and shall hold office for a term of three years.

(5) The Council shall hold meetings as and when necessary, but not less than two meetings shall be held in a year.

(6) The Council May constitute committees of its members and entrust them with such functions as it may deem fit and the recommendations of the committees shall be submitted to the Council for approval.

(7) The Council or any of its committees may, for assistance in performance of its functions, invite any technical expert or representative of any Government Agency or non-governmental organization or other person possessing specialized knowledge of any subject.

4. Functions and powers of the Council.—(1) The Council shall—

- (a) co-ordinate and supervise enforcement of the provisions of this Act;
- (b) monitor implementation of international agreements relating to climate change specified in the Schedule;
- (c) coordinate, supervise and guide mainstreaming of climate change concerns into decision- making by Federal and Provincial Government's ministries, divisions, departments and agencies so as to create enabling conditions for integrated climate-compatible and climate-resilient development processes in various sectors of the economy;
- (d) approve and monitor implementation of comprehensive adaptation and mitigation policies, strategies, plans, programmes, projects and other measures formulated by the Authority to meet Pakistan's obligations under international conventions and agreements relating to climate change including in particular the Sustainable Development Goals (SDGs);
- (e) monitor implementation of the National Adaptation Plan and its constituent provincial and local adaptation action plans, the National Appropriate Mitigation Action Framework and National Communication submitted to the concerned Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC);
- (f) approve guidelines for the protection and conservation of renewable and non-renewable resources, species, habitats; and biodiversity in general adversely affected or threatened by climate change; and
- (g) consider the National Climate Change Report and give appropriate directions thereon.

(2) The Council may, either itself or on the request of any person or organization, direct the Authority or any Government Agency to prepare, submit, promote or implement projects for adaptation or mitigation of the adverse effects of climate change, to promote climate-compatible, climate-resilient and sustainable development or to undertake research in any aspect of climate change.

CHAPTER III PAKISTAN CLIMATE CHANGE AUTHORITY

5. Establishment of the Pakistan Climate Change Authority.—(1) The Minister-in-charge of the Federal Government shall, by notification in the official Gazette, establish the Pakistan Climate Change Authority, hereinafter referred to as the Authority, to exercise the powers and perform the functions assigned to it under this Act and the rules and regulations made thereunder.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in the said name, be capable of—

- (a) suing and being sued;
- (b) acquiring or disposing of moveable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all other things or acts necessary for the proper discharge of its functions under this Act.

(3) The headquarters of the Authority shall be in Islamabad and the Authority may establish offices at other places as and when required.

6. Composition of the Authority.—(1) The Authority shall comprise the Chairperson, Member (Adaptation), Member (Mitigation), Member (Climate Finance), Member (Coordination) and one Member from each province to be nominated by the respective Provincial Ministers-in-charge.

(2) The members including Chairperson of the Authority shall be appointed by the Prime Minister on such terms and conditions as he may deem fit, keeping in view their qualifications and experience.

(3) The Chairperson and members shall be scientists, academicians, professionals, serving or retired government servants, industrialists, agriculturists or other technocrats with at least fifteen year's experience in fields related to climate change and the environment, with a distinguished service record.

(4) If the office of the Chairperson falls vacant for any reason, the senior-most member shall act as Chairperson till such time as his successor is appointed.

(5) The Authority shall be properly constituted notwithstanding a vacancy in the office of the Chairperson or any member.

(6) The Authority may, for assistance in performance of its functions, invite a representative of any Government Agency or non-governmental organization or technical expert or other person possessing specialized knowledge of any subject.

7. Officers and staff of the Authority.—(1) All professional, technical and administrative officers and staff of the Authority shall be appointed by the Authority, or obtained from other Federal or Provincial Government agencies on deputation basis, and shall be entitled

to such salaries, allowances and other terms and conditions of service as may be prescribed by regulations.

(2) The Authority shall ensure that all appointments are made in a transparent manner and adequate and equal treatment is given to women, minorities and disabled persons.

(3) The officers and staff of the Authority shall have such powers and shall perform such functions as may be assigned to them by the Chairperson.

(4) The officers and staff of the Authority, shall act in accordance with the mandate assigned and the directives given by the Chairperson.

8. Functions of the Authority.—(1) Functions of the Authority shall be to—

- (a) formulate, comprehensive adaptation and mitigation policies, plans, programmes, projects and measures designed to address the effects of climate change and meet Pakistan's obligations under international conventions and agreements relating to climate change and within the framework of a national climate change policy as may be approved by the Federal Government from time to time;
- (b) establish institutional and policy mechanisms for implementation of Federal and provincial adaptation and mitigation policies, plans, programmes, projects and measures, including plans for renewable energy and clean technology measures for energy efficiency and energy conservation and awareness-raising and capacity-building programmes;
- (c) prepare suitable, adaptation and mitigation projects for submission to international and local institutions for funding, including the Clean Development Mechanism, Global Environmental Facility, Green Climate Fund and Adaptation Fund;
- (d) prepare the National Adaptation Plan and its constituent provincial and local adaptation action plans, the Nationally Appropriate Mitigation Action Framework and the Intended Nationally Determined Contributions, Nationally Determined Contributions and National Communication to be submitted to the concerned Secretariat of the United Nations Framework Convention on Climate Change and monitor implementation thereof;
- (e) carry out Technology Needs Assessment and prepare Climate Change Technology Action Plan in accordance with international best practices for seeking technical and financial support, amongst others, through the Technology Mechanism;
- (f) prepare projects for funding under the Reducing Emissions from Deforestation and Forest Degradation (REDD+) Mechanism;
- (g) prepare the National Climate Change Report for consideration of the Council;
- (h) formulate, and after approval of the Council, coordinate implementation of low carbon and green growth strategies;

- (i) formulate guidelines for the protection and conservation of renewable and non-renewable resources, species, habitats, and biodiversity in general which are adversely affected or threatened by climate change;
- (j) advise the Government regarding appropriate legislative, policy and implementation measures and actions relating to disaster preparedness, capacity building, institutional strengthening and awareness raising in relevant sectors affected by climate change;
- (k) advise the Government regarding implementation of international conventions, treaties and agreements on climate change and the environment to which Pakistan is a party and fulfill reporting requirements thereunder;
- (l) design, establish and maintain a national registry and database on greenhouse gas emissions in accordance with internationally adopted emissions quantification methodologies, standards and protocols;
- (m) coordinate and monitor implementation of goals and objectives and fulfill reporting and verification obligations under international conventions, treaties and agreements;
- (n) prepare policy papers and concept notes and provide technical input for formulating national policy positions for international conferences or negotiations;
- (o) coordinate conduct of research on current and emerging issues of climate change, particularly assessment of Pakistan's vulnerability to climate change, identification of climate change opportunities and technology transfer, in association with specialized research institutions and disseminate research findings and outputs to stakeholders;
- (p) undertake education and awareness campaigns and programs to enhance understanding and awareness of different aspects of climate change and promote their integration in educational curricula;
- (q) work in collaboration with relevant Government Agencies and non-governmental organizations and after the conduct of relevant research and studies, set targets and coordinate actions for the reduction of greenhouse gas emissions and development of carbon markets;
- (r) design programmes providing for incentives relating to matters of climate change, including incentives for reduced emissions from deforestation and degradation;
- (s) mobilize resources for the purposes of achieving the objects and purposes of this Act;
- (t) regularly publish, update and disseminate, through electronic and other means, climate change strategies, policies, plans, programmes and other information; and
- (u) perform such functions as may be assigned to it by the Council or by the Government for purposes of this Act.

(2) To assist the Authority in the discharge of its functions, the Minister-in-Charge of the Federal Government may establish Advisory Committees for various sectors and appoint as members thereof eminent representatives of the relevant sector from educational institutions, research institutes and non-government organizations.

(3) In the discharge of its functions the Authority shall be guided by, amongst other,—

(a) the latest scientific knowledge and research relating to climate change in general and renewable energy and clean technology in particular, environmental considerations, including likely impacts on ecosystems, biodiversity and forestry and socio-economic development objectives, including gender aspects; and

(b) policy advice of the Division allocated with the subject of climate change.

9. Annual report.—(1) At the end of each financial year, the Authority shall prepare an annual report, which shall include—

(a) a description of its activities;

(b) progress of implementation of major climate change actions and difficulties relating thereto;

(c) its plans for the next financial year;

(d) audited accounts of the Authority; and

(e) any other relevant information relating to functions of the Authority.

(2) The report prepared under sub-section (1) shall be laid by the Minister-in-Charge of the Government before the Majlis-e-Shoora (Parliament).

10. Powers of the Authority.—(1) The Authority shall have all the powers necessary to execute its functions under this Act.

(2) Without prejudice to the generality of sub-section (1), the Authority shall have power to—

(a) manage, control and administer assets of the Authority in such manner so as to best serve its functions and the purposes of this Act;

(b) enter into contracts or establish partnerships or associate with entities and organizations as it may consider appropriate to support its functions, provided that agreement with foreign governments and organizations shall be entered into only with approval of the Government;

(c) where necessary or on request, provide services or give guidance to public and private entities in relation to climate change matters; and

(d) solicit, gather, obtain and verify any relevant information and data from any Federal or Provincial Ministry, Division or Department, or any public or private entity in connection with the performance of the functions of the Authority.

11. Functions and powers of the Chairperson.—(1) The Chairperson shall be the chief executive of the Authority and shall, with the assistance of the members,—

- (o) perform the functions and exercise the powers of the Authority; and
- (p) discharge such duties and perform such function as are assigned to him by the Council or by the Government.

(2) Until the Council is duly constituted, the Chairperson shall, subject to such directions as the Government may give from time to time, perform the functions and exercise the powers of the Council.

(3) The Chairperson may, by general or special order, delegate any of his functions or powers to officers or staff appointed under section 7.

CHAPTER IV PAKISTAN CLIMATE CHANGE FUND

12. Pakistan Climate Change Fund.—(1) A fund to be known as the Pakistan Climate Change Fund, hereinafter referred to as the Fund, shall be established.

- (2) There shall be paid into the Fund
 - (a) such monies as may be received by the Fund in the form of donations, endowments, grants and gifts from whatever source and specifically designated for the Fund;
 - (b) such sums of money as may be raised by the Authority for the execution of the programmes and projects of the Authority; and
 - (c) such monies as may, by or under any law, be payable to the Fund.

(3) The Fund shall be utilized, in accordance with such procedure as may be prescribed, for—

- (a) expenditure incurred by the Authority in the exercise, discharge and performance of its functions;
- (b) operational and administration expenses of the Fund; .
- (c) financial assistance to suitable adaptation and mitigation projects and measures designed to combat the adverse effects of climate change, the sustainable development of resources and for research in any aspect of climate change; and
- (d) any other purpose which in the opinion of the Council shall help achieve the purposes of this Act.

14. Management of the Fund.—(1) The Fund shall be managed by the Authority.

(2) In accordance with such procedure and such criteria as may be prescribed, the Authority shall have the power to—

- (a) sanction financial assistance for eligible projects in accordance with guidelines framed by the Council;
 - (b) invest moneys held in the Fund in such profit-bearing Government bonds, savings schemes and securities as it may deem suitable; and
 - (c) take such measures and exercise such powers as may be necessary for utilization of the Fund for the purposes specified in sub-section (3) of section.12.
- (3) The Authority may Constitute committees of its members to undertake regular monitoring of projects financed from the Fund and submit progress reports to the Authority.
- (4) The Authority shall prepare an annual report incorporating its annual audited accounts and performance evaluation based on the progress reports mentioned in sub-section (3).

CHAPTER V MISCELLANEOUS

14. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Federal and Provincial Governments, the Council, the Authority, the Chairperson, members, officers, employees, experts, advisers, committees and consultants. of the Federal Government or the Environmental Tribunal or Environmental Magistrates or any other person for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

15. Dues recoverable as arrears of land revenue.— Any dues recoverable by the Authority under this Act or the rules or regulations shall be recoverable as arrears of land revenue.

16. Act to override other laws.— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

17. Power to make rules.— The Minister-in-Charge of the Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act, including rules for implementing the provisions of the International Agreements relating to climate change, specified in the Schedule.

18. Power to amend the Schedule.— The Minister-in-Charge of the Federal Government may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

19. Power to make regulations.— (1) For carrying out the purposes of this Act, the Authority may, by notification in the official Gazette and with the approval of the Minister-in-Charge of the Federal Government, make regulations not inconsistent with the provisions of this Act and the rules made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

- (a) submission of periodical reports, data or information by any Government

agency, local authority or local council in respect of matters relating to climate change;

- (b) preparation of of emergency contingency plans for coping with extreme climatic events, natural disasters and calamities; and
- (c) appointment of officers, advisers, experts, consultants and employees.

SCHEDULE
(See sections 2, 4, 17 and 18)

1. United Nations Framework Convention on Climate Change (UNFCCC), Rio De Janeiro, 1992;
2. Kyoto Protocol to the UNFCCC, 1997;
3. The Paris Agreement, 2015; and
4. Any other agreement relating to climate change to which Pakistan is a signatory.



**THE ISLAMABAD NATURE CONSERVATION AND WILDLIFE MANAGEMENT
ACT, 2024**

(XVI of 2024)

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The Islamabad Nature Conservation and Wildlife Management Act, 2024

Act No.XVI of 2024

An Act to provide for the protection, preservation, conservation, and management of Nature in the Islamabad Capital Territory

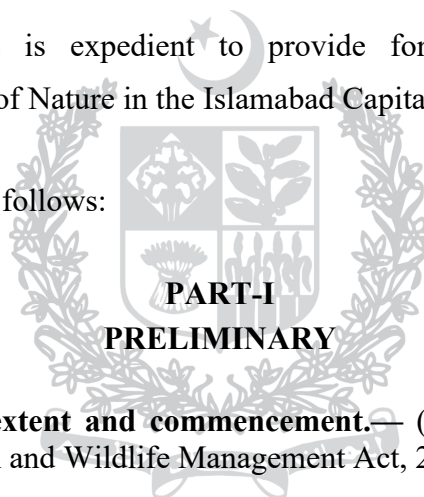
WHEREAS humanity exists within nature and all life depends on the integrity of the bio-sphere and the interdependence of ecological systems and there is therefore a close relationship between human rights and nature conservation and protection, and there is a fundamental importance of ecological integrity;

AND WHEREAS the Federal Government recognises the contribution of nature conservation law principles to conservation and sustainability, and supports the evolution of such principles;

AND WHEREAS the Federal Government recognises the existing gaps and shortcomings that prevent nature conservation and wildlife management law from achieving adequate nature conservation and protection;

AND WHEREAS it is expedient to provide for the protection, preservation, conservation and management of Nature in the Islamabad Capital Territory;

It is hereby enacted as follows:



1. Short title, extent and commencement.— (1) This Act shall be called the Islamabad Nature Conservation and Wildlife Management Act, 2024.

(2) It shall extend to the whole of Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(a) **"Animals"** means mammals, birds, reptiles, amphibians, fish, insects, or arachnids, their young and also in the cases of amphibians, reptiles and birds, their eggs excluding livestock and poultry;

(b) **"Authorised officer"** means any officer authorised by the Board to carry out functions under this Act;

(c) **"Board"** means the Nature Conservation and Wildlife Management Board constituted under section 3;

(d) **"Board Member"** means a Member of the Board appointed under section 3;

(e) **"Capture"** means the taking alive of any wild animal;

- (f) **"Court"** means Court established under section 34;
- (g) **"Exotic Species"** means species, both flora and fauna, which does not occur in an area naturally and it is introduced or intended to be introduced from outside of its natural occurrence;
- (h) **"Fund"** means the Conservation of Nature Fund constituted under section 11;
- (i) **"Habitat"** means natural environment, including biotic and a biotic factors essential for free survival of an animal, plants or any other living organism;
- (j) **"Hunting"** means any Act directed to the killing or capturing of a Wild animal, and includes but is not limited to fishing, angling, netting, the taking of nests or eggs of such animals and their parts, products or derivatives thereof;
- (k) **"Humus"** means the layer of dead organic matter below the fallen leaves, where the phenomenon of degradation by the soil bio-diversity takes place;
- (l) **"Indigenous"** means an animal species native to a specified area, a country or a region;
- (m) **"Invasive species"** means invasive alien species introduced, in a habitat where they outgrow the native species and may reach a level where they could become a weed or a pest;
- (n) **"ICT"** means the Islamabad Capital Territory;
- (o) **"National Park"** means an area declared as such under section 12;
- (p) **"Nature"** means the phenomena of the physical world collectively, including plants, animals, the landscape, and other features and products of the earth, as opposed to humans or human creations;
- (q) **"Plant"** means a living organism of the kind exemplified by trees, shrubs, herbs, grasses, ferns and mosses, typically growing in a permanent site, absorbing water and in-organic substances through its roots, and synthesising nutrients in its leaves by photosynthesis using the green pigment chlorophyll;
- (r) **"Protected Animal"** means a wild animal included in Schedule-I whose hunting, killing, trapping, captudng, possession or trade is not allowed;
- (s) **"Protected Area"** means an area declared as under Part-V of this Act;
- (t) **"Trophy"** means the dead body of a wild animal or any horn, antler, tooth, tusk, hoof, skin, hair, feather, egg, shell or other durable bone claw part of any wild animal, whether or not hcluded in a manufactured or processed article;
- (u) **"Wild Animal"** means an animal which is usually found in a natural wild environment and is not predisposed to be domesticated or tamed. Such animals shall also include any animal which has been declared a protected animal in Schedule-I or notified by Ministry of Climate Change and Environmental Coordination as protected or wild animal; and
- (v) **"Wildlife"** means the natuml flora and fauna and their habitat including organic soil with humus and natural water bodies.

PART II

THE BOARD

3. Constitution of the Board.— (1) The Federal Government may constitute a Board for Nature Conservation and Wildlife Management consisting of nine Board Members of which five shall be *ex-officio* and four non *ex-officio* Members, including a chairperson, as it may appoint.

(2) Five *ex-officio* Board Members shall be:

- (a) An officer not below the rank of BS - 20 of the Administrative Division, as nominated by the Secretary of the said Division;
- (b) Joint Secretary of the Ministry of Climate Change and Environmental Coordination;
- (c) Member Environment of the Capital Development Authority;
- (d) An officer not below the rank of BS-20 appointed by Mayor of Islamabad/Head of Municipal Corporation of ICT;
- (e) Deputy Commissioner of ICT.

(3) Four non *ex-officio* members shall be appointed by the Federal Government, each of whom shall be well known for his integrity having expertise and experience in the sphere of bio-diversity or wildlife management or any other ancillary field.

(4) The Federal Government shall ensure the appointment of non *ex-officio* members of the Board within one hundred and twenty days from the date a vacancy arises on the Board.

(5) The Federal Government may alter the composition of the Board as provided in this section on need basis.

(6) The Chair of the Board shall be appointed by the Federal Government from amongst the Board Members.

(7) Non *ex-officio* Board Members shall hold office for a term of three years and may be eligible for re-appointment for one further three year term subject to Federal Government's approval, on such terms and conditions; including remuneration and allowances, as may be prescribed by rules made under this Act:

Provided further that no person shall be appointed or remain a non *ex-officio* Board Member:

- (a) if he is convicted of a criminal offence involving fraud, dishonesty, corruption or violence;^[1]_[SEP]
- (b) is or becomes bankrupt or suspends payment or compounds with his creditors;^[1]_[SEP] or^[1]_[SEP]
- (c) is absent from three consecutive meetings without leave of the Board.

4. Procedure of the Board.— (1) Subject to the provisions of this Act the procedure and conduct of business of the Board shall be regulated by regulations made by the

Board.

(2) The Board shall meet as often as may be necessary for the performance of its functions not less than once in a quarter year.

(3) The quorum for a meeting of the Board shall be four Board Members, including the Chair.

(4) If the chair is un-able to attend a meeting of the Board, the Board Members may elect one of the Members present to chair meeting of the Board.

(5) The Board may invite any person not a member of the Board to attend its meetings or deliberations including meetings or deliberations of its Committees in an exclusively advisory capacity.

5. Committees of the Board.— (1) The Board may constitute such number of its committees as it considers necessary or expedient to advise it in the performance of its functions under this Act.

(2) A committee constituted under this section shall act in accordance with the regulations made by the Board.

(3) The meetings of a committee shall be held at such times and places as the chair of the committee may determine.

(4) The Board Members and any other person invited to attend any meeting of the Board or a committee shall be entitled to such compensation and re-imbursement of expenses as the Board may from time to time determine by regulations.

6. Powers and Functions of the Board.— (1) Subject to other provisions of this Act, rules and regulations made hereunder, the Board may take such measures and exercise such powers as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of powers conferred by sub-section (1), the Board may perform the following functions:

- (a) administer and implement the provisions of this Act, rules, regulations, policies, guidelines and directives issued thereunder; ^[1]_{SEP}
- (b) make policies, draw plans, including management plans and programmes for protection, promotion, preservation, conservation and management of nature in Protected Areas; ^[1]_{SEP}
- (c) implement policies, plans, including management plans and programmes for protection, promotion, preservation, conservation and management of nature in Protected Areas; ^[1]_{SEP}
- (d) prepare, submit, promote, implement or execute projects for the protection, conservation, rehabilitation and improvement of wildlife in Protected Areas;
- (e) implement all directions with respect to development and maintenance of areas designated by the Federal Government as protected areas;
- (f) every three years prepare and publish a report on the state of nature in Protected Areas; ^[1]_{SEP}

- (g) propose to the Administrative Division suitable projects for submission to international and local institutions for funding;
- (h) prepare policy papers and concept notes and provide technical input for formulating national policy positions for international conferences or negotiations;
- (i) work in collaboration with relevant Government Agencies, non-governmental organisations and other stakeholders, and after conducting relevant research and studies set targets and coordinate actions with respect to the objectives of this Act;
- (j) request Auditor General of Pakistan to audit the accounts of the Board; and
- (k) to make regulations, subject to approval of the Federal Government, for carrying out the purposes of this Act.

PART III

CONFLICT OF INTEREST, DIS-QUALIFICATION, REMOVAL, RESIGNATION AND VACANCIES

7. Application of this Part.— This part shall have application to Board Members other than *ex-officio* Board Members.

8. Disclosure of Conflict of Interest by non *ex-officio* Board Member.— (1) For the purpose of this section, a person shall be deemed to have conflict of interest in a matter if he has any interest, pecuniary or otherwise, in such matter which could reasonably be regarded as giving rise to a conflict between his duty to honestly perform his functions under this Act and such interest, so that his ability to consider and decide any question impartially or to give any advice without bias, may reasonably be regarded as impaired.

(2) A Board Member having conflict of interest in any matter to be discussed or decided by the Board or a committee shall upon becoming aware of the conflict of interest disclose his interest and the nature thereof in writing to the Board or committee, as the case may be.

(3) Upon disclosure of conflict of interest, the Board Member shall:

- (a) not take part nor be present in any deliberation or decision of the Board or a committee on any matter in which he has a conflict of interest; and
- (b) be disregarded for the purpose of constitution of a quorum of the Board or a committee in any meeting on any matter in which he has a conflict of interest.

(4) Non-disclosure of conflict of interest as required under this section may be a ground for removal from the Board if it is established that such non-disclosure was willful and deliberate.

(5) A person who has any conflict of interest in any matter shall not take part, or continue to take part, in any matter with respect to which the conflict of interest has arisen.

9. Removal and Resignation.— (1) The Chairperson or a Board Member may by

writing under his hand resign from office.

(2) The Chairperson or a Board Member may be removed by the Federal Government, from office if on inquiry he is found incapable of performing functions of his office by reason of mental incapacity or has been found guilty of misconduct or fails to disclose conflict of interest as provided for under this Act.

(3) The inquiry under sub-section (2) shall be conducted in accordance with the Efficiency and Discipline Rules as applicable to Civil Servants by a committee constituted by the Minister-in-Charge to which the subject of the Board is assigned.

(4) The accused shall be given a reasonable opportunity to be heard by the inquiry committee and shall only be found guilty if majority members of the inquiry committee come to that conclusion.

PART-IV FINANCE

10. Conservation of Nature Fund.— (1) The Administrative Division may, by notification in the official Gazette, constitute a fund to be called the Conservation of Nature and Management of Wildlife Fund which shall vest in the Board and shall be utilised by the Board for conservation of nature, management of wildlife and expenses of the Board for performance of functions under this Act.

(2) The Fund shall comprise of:

- (a) grants made by the Federal Government; ^[L]_[SEP]
- (b) loans obtained from the Federal Government; ^[L]_[SEP]
- (c) grants made by local bodies; ^[L]_[SEP]
- (d) donations and funds raised from national and international organisations;
- (e) donations from philanthropists, conservationists and civil society;
- (f) receipts from visitors including but not limited to fee for entry of a person or a vehicle into a national park or a wildlife sanctuary, and/or parking fees;
- (g) fees for certificates and licenses issued by the Board under this Act, rules and regulations made thereunder; and
- (h) any other sources notified by the Federal Government.

(3) In addition to the provisions of sub-section (1) above, the Fund shall be utilized for:

- (a) conservation, restoration and rehabilitation of nature and protected areas, located in the ICT and other various facilities and areas managed by the Board under this Act; ^[L]_[SEP]
- (b) conservation education and awareness about Nature;
- (c) research in the field of wildlife;
- (d) meeting of exigencies like forest fires, calamities, depredation losses etc; ^[L]_[SEP]

- (e) capacity building of the Board and communities in management of wildlife and bio-diversity; ^[1]_[SEP]
- (f) payment of salaries and other remuneration to the officers, staff, experts and consultants of the Board;
- (g) incentives or rewards for the staff of the Board and communities for outstanding contribution to conservation of Nature; ^[1]_[SEP]
- (h) running any project or activity for the promotion of Bio-diversity including flora and fauna in the areas managed by the Board under this Act; ^[1]_[SEP]
- (i) any other activity as may be approved by the Federal Government. ^[1]_[SEP]

11. Management of the Fund.— The Board shall manage the Fund in accordance with rules prescribing the procedure and criteria for management of the Fund.

PART-V PROTECTED AREAS

12. Nationat Park.— (1) With a view to conserving, protecting, and preserving nature, the Federal Government may by notification in the Official Gazette declare any area to be a national park and may demarcate it in such a manner as may be ptescribed by rules.

(2) The national parks mentioned in sub-section (1) above shall be accessible to the public for recreation, education, and research subject to such restrictions and conditions as the Board may specify through regulations.

(3) Provision for access to roads, construction of rest houses, hotels and other buildings in the national park along-with amenities for the public may be so made, the forest therein shall be so managed, and forest produce so obtained, subject to approval of the Board upon satisfaction that such activities will not adversely impact the conservation, protection and preservation of nature in the National Park.

(4) Except as otherwise provided by this Act, rules and regulations made hereunder, the following acts shall be prohibited in a national park, namely:

- (a) hunting, shooting, trapping, killing, or capturing of any wild animal within a radius of two kilometers of its boundaries; ^[1]_[SEP]
- (b) felling, tapping, damaging or destroying of, or taking, collecting or removing therefrom, any plant, or causing any damage by negligence in felling any tree or cutting or dragging any timber, stripping off the bark or leaves from, or otherwise damaging the same; ^[1]_[SEP]
- (c) introducing any exotic, alien or invasive species of wildlife;
- (d) firing any firearm or doing any other Act which may disturb any wild animal or interfere with its breeding place; ^[1]_[SEP]
- (e) clearing or breaking up of any land for cultivation, mining, residential, commercial or any other purpose; ^[1]_[SEP]
- (f) constructing any walls, structures, or buildings for residential, commercial, or any other purpose or residing in any such wall, structure or building;

- (g) polluting water flowing in or through it;
- (h) polluting or contaminating soil and ground-water in it;
- (i) littering and dumping of waste;
- (j) trespassing or pasturing cattle, or permitting cattle to trespass;
- (k) writing, inscribing, carving, disfiguring, defacing, painting, chalking or advertising;
- (l) use of vehicular transport, except on recognized roads and routes;
- (m) blowing of pressure horns within half kilometre of the park boundary;
- (n) play back music using mobile phones, audio players or any other audio-video equipment or making noise;
- (o) bringing in pets;
- (p) carrying any firearms;
- (q) carrying any incendiary material that can be used to light a fire;
- (r) kindling any fire or leaving any fire burning, in such manner as to endanger nature;
- (s) feeding any wild animals;
- (t) removal of dead leaves, humus and soil; and
- (u) quarrying stone or collecting any forest produce.

13. wildlife Sanctuary.— (1) With a view to securing un-disturbed breeding of wildlife, the Federal Government may, by notification in the official Gazette, declare any area in ICT to be a wildlife sanctuary.

(2) Subject to rules, the wildlife sanctuary shall be closed to the public, and no person shall enter the wildlife sanctuary except for reducing fire hazards, epidemic or insect attacks or other natural calamities.

(3) No person shall reside, cultivate any land, damage, or destroy any vegetation construct any structures or building for any purpose, introduce species of any animal or plant, introduce any domestic animal or allow it to stray, cause any fire, or pollute water, in a wildlife sanctuary, or hunt, kill or capture any wild animal or fire any gun or other firearm within two kilometers of the boundaries thereof.

(4) The Board shall ensure the installation of sufficient sign-boards or fences or any other visible feature which clearly identifies the boundaries of the wildlife sanctuary and gives warning to the general public about the consequences of entering a wildlife sanctuary without legal justification.

14. Buffer Zones Around Protected Areas.— (1) An area falling within 100 meters outside the boundary of a national park or a wildlife sanctuary will be considered a protected area buffer zone provided it is a state land or acquired for this purpose.

(2) The developments in the buffer zones including structures, roads and buildings or any other infrastructure or facility will be designed and operated in such a manner that the disturbance to wildlife in the national park is minimised.

(3) No development shall take place in a buffer zone unless a No Objection Certificate is taken from the Board prior to the start of development.

15. Alteration of Boundaries of Protected Areas.— The Federal Government may, by notification in the official Gazette, declare any alteration in the boundaries of a protected area.

PART VI PROTECTION OF WILDLIFE

16. Prohibitions.— (1) Save as otherwise provided in this Act or the rules or regulations made hereunder, no person shall:

- (a) injure, hunt, kill or capture wild animals;
- (b) keep wild animals in captivity;^[L]_[SEP]
- (c) use hawks for hawking or dogs for coursing wild animals.

(2) The Board may for public safety or protection of nature, by notification in the official Gazette, permit the killing and capturing of any wild animal by such person, at such place, and by such means as may be specified in the notification.

(3) A person who, on the coming into force of this Act, is in possession of a wild animal with or without permission shall surrender the same to the Board within three months of commencement of this Act, thereafter the Board shall forcefully seize the same.

17. Licenses.— (1) No person shall undertake the following activities without obtaining a license from the Board in the form and manner specified by regulations, namely;

- (a) the establishment and operation of a public sector facility for breeding of wild animals, including exotic animals;
- (b) the establishment of a public sector animal rescue and rehabilitation facility for rescue and rehabilitation of wild animals;
- (c) use of certain species for research and development by licensed facilities;
- (d) engage in any trade or business, or otherwise deal in, any trophy or meat or, in the course of such trade or business carried on by him on his own on behalf of any other person, shall sell, purchase, barter, cut, carve, polish, preserve, clean or mount any wild animal, trophy or meat, or manufacture any article thereof.

(2) Provided no breeding facility or a rescue and rehabilitation facility for wild animals shall be established in the private sector.

(3) A license may be issued by the Board on such terms and conditions and payment of such fees as may be prescribed by regulations.

(4) The Board shall specify guide lines for the manner in which a licensed activity is undertaken by the holder of a license issued under sub-section (1).

(5) Every operator of an existing facility or permission referred to in sub-section (1), shall obtain a license under this Act within three months of coming into force of this Act,

and till such time that their application for license has been decided upon by the Board, the facility or permission will be deemed to be validly existing.

18. Certificate of lawful Possession.— (1) No person shall be in possession of any trophy or meat except under a certificate of lawful possession in respect thereof issued by the Board on such terms conditions upon payment of such fees as may be prescribed by the regulations.

(2) The form and manner of obtaining a certificate of lawful possession shall be specified by the regulations:

Provided that a person who, on the coming into force of this Act, is in possession of, or at any time thereafter, imports or acquires, any such trophy or meat shall, within three months of the coming into effect of this Act, apply to the Board for a certificate of lawful possession.

(3) The Board shall mark the trophy or meat in respect of which a certificate of lawful possession is issued and make entries in respect thereof in the prescribed register.

(4) The holder of a certificate of lawful possession shall produce the certificate to the Board when asked by him to do so.

(5) No person shall counterfeits, change, or in any way interfere with, any mark put on a trophy or meat under sub-section (3) or alter or in any way change a certificate of lawful possession.

19. Restriction on Transfer of Trophy or Meat.— (1) No person who is not in possession of a certificate of lawful possession in respect of a trophy or meat shall transfer such trophy or meat to any other person by way of gift, sale or otherwise.

(2) No person shall receive by gift, purchase or otherwise any trophy or meat unless he is at the same time given the certificate lawful possession clearly mentioning thereon the nature of the transfer and the name of the person to whom the trophy or meat is transferred.

(3) The person to whom a trophy or meat is transferred shall submit the certificate of lawful possession given to him by the transferor to the Board who shall endorse it in favour of the transferee and make necessary amendments in the prescribed register.

20. Restriction on import of wild animals, trophies etc.— (1) No person shall import, or attempt to import, into ICT any live wild animal or exotic species or alien species thereof or any trophy or meat, or derivatives thereof except through a customs-port of entry, and any person, importing such animal or exotic species or alien species, trophy or meat, or derivatives thereof, shall produce to the officer of customs:

- (a) proof to his satisfaction that it has been lawfully exported from the country or region of export; ^{[[L]]}_{SEP}
- (b) in addition to all other requisite permissions under any other applicable laws, an import permit issued by the Board on such terms and conditions as deemed appropriate by the Board. ^{[[L]]}_{SEP}

(2) The officer of customs may detain any live wild animal or exotic species or alien species, trophy or meat, which has been imported until such time as the proof of its lawful export from the country or region of export is given and the import permit is surrendered to him,

and if the proof is not given or the import permit is not surrendered within a reasonable time, the wild animal or exotic species or the alien species, trophy or meat, or derivatives thereof shall be handed over to the Board to be dealt with in accordance with law.

21. Restriction on export of wild animals, trophies, etc.— No person shall export, or attempt to export, any wild animal, trophy, or meat except without first obtaining an export permit from the Board on such terms and conditions as deemed appropriate by the Board.

22. Animals, trophies, etc., in transit.— Nothing in this Part shall apply to live wild the animal, exotic species or alien species, thereof or any trophy or meat in transit through ICT or trophy or if the animal, exotic species or alien species or trophy or meat:

- (a) is accompanied by transit documents;
- (b) enters through a customs port of entry; and
- (c) is not un-loaded from the slip or vehicle on which it is being carried or, in case of rail or air transport, does not leave the precinct of the railway station or the airport at which it is landed or transhipped or does not remain at such precincts, except in a customs warehouse, for more than 48 hours.

23. Animals found Dead, etc. to be Property of the Federal Government.—(1) Any wild animal found dead or dying or which has been killed or caught otherwise than in accordance with the provisions of this Act, rules or regulations and any trophy or meat thereof, shall be the property of the Federal Government and be held by the Board for the Federal Government.

(2) When in any proceeding under this Act a question arises as to whether a wild animal, trophy or meat is the property of the Federal Government such wild animal, trophy, or meat shall be presumed to be the property of the Federal Government until the contrary is proven.

PART-VII
PROTECTION OF FLORA AND FAUNA

24. Protection of Flora and Fauna.— The Board shall make regulations for protection of flora and fauna on matters including but not limited to control, entry and release of alien, invasive, exotic and diseased species in ICT.

PART VIII^[L]_[SEP]
OFFENCES, PENALTIES AND ENFORCEMENT

25. Penalties.— (1) Any person who contravenes or attempts to contravene or abets in the contravention of section 12,13,14, shall be punishable with fine in accordance with Schedule II.

(2) Any person who, in violation of section 16, kills, hunts or captures, or abets in the killing, hunting or capturing of a wild animal otherwise than in accordance with the provisions of this Act, rules and regulations shall be punishable with imprisonment for a term which may extend up to one year, or with fine in accordance with Schedule II, or both.

(3) Any person who, in violation of section 16, through wilful, negligent, or reckless behaviour injures, or attempts to injure, or abets in the injury of a wild animal otherwise

than in accordance with the provisions of this Act, rules and regulations shall be punishable with imprisonment for a term which may extend up to one year, or with fine in accordance with Schedule II, or both.

(4) Any person who, in violation of section 16, keeps, attempts to keep or abets in keeping a wild animal in captivity otherwise than in accordance with the provisions of this Act, rules and regulations shall be punishable with imprisonment for a term which may extend up to one year, or with fine in accordance with Schedule II, or both.

(5) Any person who, in violation of section 16, uses, attempts to use or abets in using hawks for hawking or dogs for coursing wild animals shall be punishable with imprisonment for a term which may extend up to six months, or with fine in accordance with Schedule II, or both.

(6) Any person who contravenes or attempts to contravene or abets in the contravention of section 17, 18, 19, 20, 21 shall be punishable with imprisonment for a term which may extend up to one year, or with fine in accordance with Schedule II, or both.

(7) Where no specific penalty is provided under this Act for contravention of any of the provisions of this Act, rules and regulations such contravention shall be punishable with a fine which may extend up to one hundred thousand rupees.

26. Suspension and Revocation.— (1) Notwithstanding anything contained in section 27, the Board may, in public interest, or where there is a consistent contravention of this Act, the rules, regulations or conditions of a license or certificate of lawful possession issued under this Act suspend or revoke such license or certificate of lawful possession:

Provided that before taking action under this section, the Board shall issue a notice to show cause and may provide an opportunity to rectify the contravention on such conditions as the Board may specify.

(2) Where the Board revokes or suspends a license or certificate of lawful possession, it may undertake all or any of the following actions for continuance of the facilities, namely:

- (a) permit the holder of the license or certificate of lawful possession to continue operations on such terms and conditions as the Board may impose; and
- (b) in case of a license:
 - (i) contract with another person to immediately take over the operation of the facilities being operated under license; or
 - (ii) appoint an administrator to take over the operation of such facilities.

(3) The actions specified in clause (b) of sub-section (2) may continue until a successor takes over charge of the facilities on such terms and conditions as the Board may determine, including payment of compensation for the equipment and materials being used at such facility.

27. Power of Seizure.— (1) The Board may seize any wild animal which is in the possession of a person who is not authorized to possess it under this Act or any rules or regulations made hereunder, together with any firearm, net, trap, snare, bow, arrow, vehicle, boat or anything whatsoever used or suspected to have been used in contravention of any provision of

this Act or the rules and regulations made hereunder.

(2) The property seized under sub-section (1) shall be dealt with in accordance with the orders of the Court:

Provided that, if the property is subject to natural decay, it may at any time be sold with the permission of the Court and the proceeds shall be dealt with in accordance with the orders of the Court.

28. Killing or capturing in self Defence.— Notwithstanding anything contained in this Act, it shall not be an offence for any person to kill or capture any wild animal by any means in the defence of his own life, or property or the life and property of any other person. Such killing or capturing of any wild animal shall, as soon as may be, be reported to the Board. The trophy or meat of any wild animal so killed shall be the property of the Board and shall be disposed of in such manner as the Board may direct.

29. Power to Search without warrant.— Any authorized officer, if he has reason to believe that any person has in his possession or control any wild animal or exotic species or trophy or meat in an un-authorized manner or has committed an offence under this Act or rules and regulations, may search any person place, vessel, vehicle, animal, package, receptacle or covering without warrant.

30. Power to Prevent Commission of Offences.— Every officer of the Board and any authorized officer in this behalf shall be competent to take all lawful means to prevent the commission of any offence under this Act, and may, in this regard seek assistance of any law enforcement agency whose jurisdiction extends to ICT, including the police or the Federal Investigation Agency, and such law enforcement agency shall have a duty to provide the assistance requested under this section.

31. Prosecution for Offence under any other Law.— Nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under any other law to any higher punishment or penalty than that provided by this Act.

PART-IX COURT

32. Appointment of Magistrates etc.— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), Area Magistrate of the First Class within the meaning of the said Code shall try offences under this Act.

(2) No Court other than a Magistrate authorized under sub-section (1) shall try any offence under this Act.

(3) A Magistrate of the first class competent to try offences under this Act, may, if he thinks fit, try in a summary way all or any of the offences.

33. Appeals from Orders of the Magistrate.— Any person aggrieved by any final order or by any sentence of the Magistrate passed under this Act may, within thirty days of communication of such order or sentence, prefer an appeal to the Court of Session.

PART-X

GENERAL

34. Wildlife Check post.— (1) The Board, may notify the establishment of a wildlife check post and erection of a barrier at any place as deemed appropriate so as to determine whether or not an offence under this Act has been committed.

(2) Every person crossing a wildlife check post, whether on foot or in a vehicle or by any other means of transport, shall be liable to stop by the check post and offer himself and his belongings for checking by the check post staff to their satisfaction.

35. Indemnity and Bar of Jurisdiction.— (1) No suit, prosecution or other legal proceeding shall lie against the Federal Government, the Board or any other person for anything done or intended to be done in good faith under this Act, the rules, or the regulations.

(2) No court shall call in question, or permit to be called in question, anything done or any action taken under this Act.

36. Act to Override Other Laws.— The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

37. Power to Make Rules.— The Federal Government may, by notification in the official Gazette make rules for matters required to be prescribed under this Act or for any other matter required to give effect to the provisions of this Act.

38. Power to Make Regulations.— The Board may make regulations with approval of the Federal Government for the purposes of this Act.

39. Power to Issue Directives, Circulars, Guidelines, etc.— The Board shall have the power to issue such directives, codes, guidelines, circulars or notifications as are necessary to carry out the purposes of this Act or the rules and regulations made hereunder, not inconsistent with the provisions of this Act or the rules and regulations made hereunder.

40. Sums payable to the Board to be recoverable as land revenue.— All sums payable to the Board in accordance with the provisions of this Act and the rules, including penalties imposed by the Board, shall be recoverable as arrears of land revenue.

41. Repeal & Savings.— (1) The Islamabad wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (LXX of 1979), is hereby repealed.

(2) Notwithstanding the repeal of the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance (LXX of 1979), or anything contrary contained herein, all rules, regulations, regulatory requirements, procedures, notifications issued, or made, decisions, disciplinary action taken by the Board, or any other Committee of the Islamabad Wildlife Board shall be deemed to have been validly made under the provisions of this Act until altered, repealed or modified by the new Board constituted under this Act shall continue in force until repealed or altered by rules or regulations made under this Act.

SCHEDULE-I
Under Section 2u

The following wildlife species are declared as protected until otherwise as per provisions of this Act; shall not be hunted, killed, trapped, captured or traded.

- (i) All game animals when immature.
- (ii) All females of game animals when:
 - (a) pregnant;
 - (b) suckling or feeding young ones; and
 - (c) accompanied with immature offspring.
- (iii) All species, including native & exotic, listed on Appendix-I of the Convention on International Trade in Endangered species of wild Fauna and Flora (CITES), except if specified otherwise.
- (iv) All species, including native & exotic, listed on Appendix-I of the convention on the Conservation of Migratory Species of Wild Animals (CMS), except if specified otherwise.
- (v) Ungulate mammals;

1	Ibex	All Species	Sindhi Jungli Bakra/Ter Pashin, Pachin, Sarah
2	Urrial	All Species	Urrial/Hurian, Shah Kohi, Koch
3	Markhor	All Species	Markhor
4	Blue Sheep or Bharal	Pseudois nayaur	
5	Cray goral	Naemorhedus goral	Goral
6	Indian Gazella or Chinkara	Gazella gazelle	Hiraq Chinkara
7	Goitred of Parsian Gazella	Gazella subgutterosa	Phaml Ghazal
8	Hog Deer	Axis porcinus.	Para
9	Barking deer	Mantiacus muntjak	Muatjak, Kakar, Maya
10	Wild ASS	Equus hemionus khur	Gor khar, Jangli gadha
11	Blue Bull	Boselaphus tragocamelus	Nil Gai
12	Black Buck	Antelope cervicapara	Kala hiran
13	Kashmir Stag	Cemus elaphus	Barasingha, Hangal, Honglu

(vi) Carnivore mammals;

1	All big cats including native and exotic species.		
2			
3	Grey Wolf	<i>Canis lupus</i>	Bharria, Baghar
4	Lynx	<i>Felis Lynx</i>	Patsalan, Phiauku
5	Cracal	<i>Felis caracal</i>	Siah-gosh, Ech, Harwullo
6	Leopard Cat	<i>Felis Bangalensis</i>	Chite Billi, Ban Bilar
7	Sand Cat	<i>Felis margarita</i>	
8	Desert Cat	<i>Felis silvestris/Fellis libyca</i>	Sahrai billi, Ranna billo
9	Fishin Cat	<i>Prionailurus vverrinus</i>	Machhli khore billi, Fehai billo
10	Jungle Cat	<i>Felis Chaus</i>	Jungli billi, Jhangrar billo
13	Civet	<i>All species</i>	Phawwi Khastoor billo
14	Marten	<i>All Species</i>	
15	Striped Hyena	<i>Hyaena hyaena</i>	Lagar Bagar, Charakh
16	Honey Badger / Ratel	<i>Nekuvira capensis</i>	Bijoo, Gorpat
17	Scaly-anteater, Indian Pangolin	<i>Mais crassicanudata</i>	Salla
18	Hedgehos	<i>All species</i>	Jaho chuha, Jaho
19	Fox	<i>All species</i>	Lal Loamri, Lomer, Lokar
20	Common Otter or Ludher	<i>Lutra lutra</i>	Ludher, Ud-bilaw, Pani Kutta, Sagi Ab
21	Otters	<i>All species</i>	Ludher, Ludra Udni, Ludhrhoo
25	Mongoose	<i>Allspecies</i>	Neaola, Nore

(vii) Primate mamals

1	Rhesus monkey	<i>Maca mulatta</i>	Bandar
2	Gray Langur	<i>Semnopithecus entellus</i>	Bandar, Langur
3	Brown bear	<i>Ursus arctos</i>	Safed Bhalu, bhoora reech,
4	Black Bear	<i>Ursu thibetanus</i>	Kala Reech, Bhalu

(viii) All aquatic mammals such as Dolphins, Whales, and Dugong weather found in fresh waters or marine water.

(ix) Rodents mammals;

1	Squirrel	<i>Allspecies</i>

(x) Ducks;

1	Marbled Teal	<i>Marmaronetta angustirostris</i>
2	Ferruginous Duck	<i>Aythya nyroca</i>
3	Spot-bill Duck	<i>Anas poecilorhyncha</i>
4	Cotton Teal	<i>Nettapus coromandelicus</i>
5	Bear's pochard	<i>Aythya baeri</i>
6	Comb Duck	<i>Sarkidiornis mealanotos</i>
7	White-winged Wood Duck	<i>Cairine scutulata</i>
8	White headed Duck	<i>Oxyura leucocephala</i>

(xi) All individuals of water bird species such as Herons, Egrets, Flamingos, Pelicans, Ibis, Storks, Grebes, Plovuq Lapwings, Geese, Swans and Sandpipers;

(xii) All individuals of Raptor species such as Hawks, Buzzards, Eagles, Owls, Harriers, Ospreys, Vultures, Kites, Falcons and Kestrels;

(xiii) All individuals of following other bird species:

1	Woodpeckers
2	Starlings
3	Plum-headed parakeet (<i>Psittacula cyanocephala</i>)
4	Slaty-headed parakeet (<i>Psittacula himalayana</i>)
5	Rose-ringed parakeet (<i>Psittacula Kameri</i>)
6	Alexandrine Parakeet (<i>Psittacula eupatria</i>)

(xiv) The Pheasants, Chukar and Partoidge of family PIIASIAMDAE including the following:

1	Common Peafowl	<i>Pavo cristatus</i>
2	Black Francolin/Partridge	<i>Francolinus francolinus</i>
3	Chukor Partridge	<i>Dlectoris gracea</i>
4	Western Horned Tragopan	<i>Tragopan melanocephalus</i>
5	Kalij pheasant	<i>Lophura leucomelanos</i>
6	Himalayanmonal	<i>Lophophorus impejanus</i>
7	Koklass pheasant	<i>Pucrasia macrolopha</i>
8	Cheer pheasant	<i>Catreus wallichii</i>
9	Red junglefowl	<i>Gallus gallus</i>

(xv) All cranes, Bustards andPigeons

(xvi) All member of Reptile group that includes:

- (a) Crocodiles
- (b) Gharial
- (c) All Snake species
- (d) All Lizards species
- (e) All Skinks / Lacertas, and Geckos species
- (f) All Marine Turtle species
- (g) All Freshwater Turtle species
- (h) All Tortoise species

(xvii) All Corals found in the coastal belt or marine water of Pakistan.



Schedule II
Under section 25

Sr.No.	Section	Penalty
1.	12(4)(a)	Rs.1,000,000
2.	12(4)(b)	Rs.100,00
3.	12(4)(c)	Rs.100,000
4.	12(4)(d)	Rs.100,000
5.	12(4)(e)	Rs.100,000
6.	12(4)(f)	Rs.100,000
7.	12(4)(g)	Rs.100,000
8.	12(4)(h)	Rs.100,000
9.	12(4)(i)	Rs.10,000
10.	12(4)(j)	Rs.10,000
11.	12(4)(k)	Rs.10,000
12.	12(4)(l)	Rs.50,000
13.	12(4)(m)	Rs.10,000
14.	12(4)(n)	Rs.5000
15.	12(4)(o)	Rs.5,000
16.	12(4)(p)	Rs.100,00
17.	12(4)(q)	Rs.10,000
18.	12(4)(r)	Rs.1,000,000
19.	12(4)(s)	Rs.10,000
20.	12(4)(t)	Rs.10,000
21.	12(4)(u)	Rs.1,000,000

THE ISLAMABAD WILDLIFE (PROTECTION, PRESERVATION, CONSERVATION AND MANAGEMENT) RULES, 1983

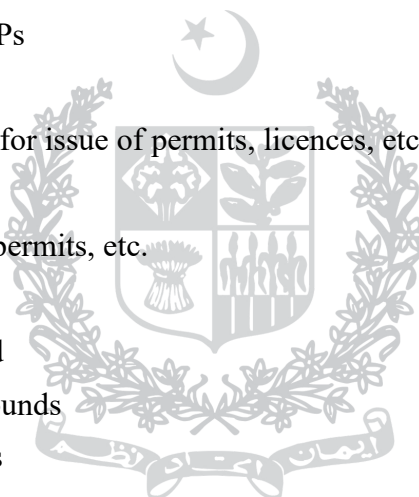
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FORM 'A'

FORM 'B'

FORM 'C'



THE ISLAMABAD WILDLIFE (PROTECTION, PRESERVATION, CONSERVATION AND MANAGEMENT) RULES, 1983

Governemnt of Pakistan
Ministry of Interior

NOTIFICATION

Islamabad, the 14th May, 1983

No. 6/21/80-CDA. III/ICT-II.- In exercise of the powers conferred by section 41 o f the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1979 (LXX of 1979), the Federal Government is pleased to make the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Rules, 1983.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless there is anything repugnant in the subject or context—

- (a) “Authority” means the Capital Development Authority, Islamabad;
- (aa) “Board” means the Board o f Wildlife Management constituted under section 4
- (b) “Chairman” means the Chairman o f the Board;
- (c) “Form” means a form appended to these rules;
- (d) “member” means a member o f the Board;
- (e) “Ordinance” means the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance,
- (f) 1979 (LXX of 1979); “section” means a section o f the Ordinance; and
- (g) “year” means a calendar year commencing on the 1st January and ending on the 31st December.

2A. (a) The Board shall consist of Minister-in-Charge of the Cabinet Division, Mayor of Islamabad Capital Territory Metropolitan Corporation, Chairman, Capital Development Authority, Inspector General of Forest and Wildlife, Ministry of Climate Change, Member (Enviroment) Capital Development Authority, Secretary, Wildlife Department of Government of Punjab abd Secretary, Environment (Wildlife) Department, Government of Khyber Pakhutunkhwa who shall be *ex-officio* Members and the remaining Members to be appointed by the Federal Government shall be non-official Members.

(b) In connection with the discharge of their responsibilities as Members of Board, they shall be paid such facilities, allowances and honoraria as the Federal Government may fix.

3. Functions of the Board.- The functions of the Board shall be to:-

- (i) take all policy decisions, draw plans, programmes and execute them with regard to protection, preservation, conservation and management of wildlife, including the zoos in the Islamabad Capital Territory.]
- (ii) scrutinize and approve all development schemes pertaining to the wildlife and zoos and their management;
- (iii) supervise and watch the progress of the development activities in the field of wildlife protection, preservation, conservation and management;
- (iv) scrutinize the annual progress reports submitted to it by the functionaries serving under it;
- (v) undertake such other functions as the Federal Government may direct.

4. Powers of the Board.— The Board shall have powers to:-

- (i) approve, raise funds and control its annual budget;
- (ii) control and regulate the trade in wild animals, meat and trophies including their import and export within the Federal Capital Territory;
- (iii) give rewards to the outstanding workers and persons assisting in detection and control of offences in the field of wildlife conservation and management;
- (iv) call for any report from the officials and other functionaries working under it;
- (v) appoint honorary game wardens in the Federal Capital Territory; and
- (vi) appoint such employees, consultants and experts, as it may consider necessary, for the performance of its functions on such terms and conditions as it may deem fit:

Provided that nothing in this rule, or the preceding rule 3, shall empower the Board to dispose of any land or change its use in disregard of the regulations of the Authority.

5. Meetings of the Board.— The meetings of the Board shall be held at such times and at such places as the Chairman may decide.

(2) The Chairman shall preside at all meetings of the Board and, in the absence, a member nominated by him shall preside at the meeting.

(3) The number of members whose presence shall be necessary to constitute a quorum of the meeting of the Board shall be one third of the total number of members.

(4) Notice of the meeting of the Board shall be issued by the Director, Horticulture, at least fourteen days before the date fixed for the meeting.

(5) The meeting of the Board shall be held at least once in a year.

(6) Special meetings may be held as and when considered necessary by the Chairman.

6. Funds of the Board.— (1) The funds of the Board shall consist of:—

- (a) grants made by the Federal Government;
- (b) compensation and fees realized through issuance of licences, permits and certificates; and
- (c) any other source.

7. Audit and accounts.— (1) The accounts of the Board shall be maintained in such form and manner as the Auditor-General may determine.

(2) The accounts of the Board shall be audited every year by the Auditor-General of Pakistan or any other officer or agency authorised by him in this behalf.

(3) The audit reports of the accounts shall be submitted to the Federal Government along with the comments of the Board.

8. Grant of licence to VIPs.— The Chairman may grant licences and permits free of charge for hunting or shooting of the wild animals and birds to the heads of states, members of diplomatic corps and other VIPs.

9. Restriction on hunting.— No one shall go out for the purpose of hunting any wild animals unless he is in possession of the requisite licence or permit issued under these rules and,—

- (a) hunting party shall not consist of more than three licensees and more than ten beaters;
- (b) no female or young ones shall be hunted;
- (c) falcon for hunting of any variety of ducks shall not be used; and
- (d) use of artificial light will be allowed only for hunting of wild boar.

10. Terms and conditions for issue of permits, licences, etc.— (1) A shooting permit or special permit shall be granted in Form 'A' to such persons who are entitled to carry

guns and rifles under the Pakistan Arms Ordinance, 1965, or exempted from the operation of that Ordinance:

Provided that a retainer shall not be issued any shooting licence or permit.

(2) A special permit for big game shall be issued only to the holder of a valid rifle licence which would be of a calibre not-smaller than 240.

(3) Every permit, licence or certificate shall, unless otherwise specified, be valid up to the 31st December of the year in which it is issued.

(4) Every permit, special licence or certificate issued under these rules shall have pasted thereon a recent passport-size photograph of the holder.

11. Issue of licences, etc.— (1) Subject to any other condition specified in the Ordinance or the rules, permits, special permits, licences and special licences specified in the table below shall respectively be issued in accordance with the provisions thereof.

(2) If a licence, permit or certificate is accidentally lost or destroyed, the authority issuing such licence, permit or certificate may, after satisfying itself, issue duplicate copy thereof to the applicant.

S.No.	Name of the permit or licence	Provision of the Ordinance under which issued	Issuing authority	Duration and extent	Fees
1	2	3	4	5	6
1.	Permit for hunting of game animals as specified in Schedule I of the Ordinance	Section 6	1. Director, Horticulture 2. Additional Director, Horticulture. 3. All Deputy Directors, Horticulture, for the areas within their respective jurisdiction	--	--
	(a) By Shooting		Do.	up to 31 st December of the year in which it is issued	Rs.150
	(b) By other methods permissible under law.		Do.		Rs.250
2.	Special licence to use any prohibited method or to do any act prohibited under sections 20 and 21 of the Ordinance.	Section 6 Section 20 Section 21	Board	as specified in special licence.	Rs.2,000
3.	(a) Special Licensee for hunting with grey hounds or hawks	Section 7	1. Director, Horticulture 2. Additional Director, Horticulture.	up to 31 st December of the year in which it is issued	Rs.1,000
	(b) Licence for hunting with:				
	(i) Baz/Jurra.				Rs.500.
	(ii) Basha.				Rs.300. Rs.200.

	(iii) Shikra. (iv) Falcon (v) Grey hound					Rs.500. Rs.50.
4.	Certificate of lawful possession of wild animals, alive or trophies.	Section 9	1. Director, Horticulture 2. Additional Director, Horticulture. 3. All Deputy Directors, Horticulture, for their respective jurisdiction	Up to the 31 st December of the year in which it is issued		Rs.50 for any ordinary bird and Rs.10 for its trophy. Rs.100 for a pheasant and Rs.200 for its trophy. Rs.200 per small animal and Rs.20 for its trophy. Rs.500 for a big animal and Rs.50 for its trophy. Rs.2000 for an eagle or falcon and Rs.100 for its trophy. Rs.200 for a hawk and Rs.20 for its trophy
5.	Permit to import within Islamabad Capital Territory and wild animal of exotic or endemic species or a trophy or meat	Section 11	1. Director, Horticulture 2. Additional Director, Horticulture. 3. All Deputy Directors, Horticulture.	As may be decided by the Board.		As may be decided by the Board.
	(a) For Scientific and commercial purposes		Do.	Do.		Do.
	(b) Pets		Do.	Do.		Do.
6.	Permit to export out of the Islamabad Capital Territory any wild animal of exotic or endemic species or a trophy or meat					
	(a) For scientific and commercial purposes.		Board	Do.		Do.
	(b) Pets		Director, Horticulture	Do.		Do.
7.	A dealer's licence to deal in wild animals, trophies or meat and to manufacture goods or articles from such trophies or meat	Section 14	Board	Up to the 31 st December of the year in which it is issued		(i) Rs.1000 for trade in meat. (ii) Rs.2000 for dealing in live birds except hawks and falcons

8.	Special permit for shooting and hunting in a game reserve	Section 22	Board	7 days from the date of issue	Small game shooting Rs.50 per gun per day
9.	Special permit for shooting, hunting or capturing of big game from areas other than those declared as game reserve wildlife sanctuary or National Park	Section 6	Board	Do.	Big game animals Rs.2000 per gun per animal

12. Renewal of licences, permits, etc.— (1) The renewal of each licence and permit shall be made in the month of January each year.

(2) Grace period for the renewal of every licence, permit or certificate shall be one month.

(3) If the holder of a licence, permit or certificate desires to get his licence, permit or certificate renewed after the expiry of the grace period, the authorised officer may, subject to the payment of renewal fee for such licence, permit or certificate together with an equal amount of fine, renew the licence, permit or certificate, as the case may be:

Provided that the payment of renewal fee and fine shall not absolve the holder of such licence, permit or certificate from any action which may be taken against him under any law or rules for the time being in force for the use of expired licence, permit or certificate, as the case may be.

(4) The fee for the renewal of any licence issued under these rules shall be that which is prescribed in these rules for the issue of the licence.

13. Dealer's licence.— (1) Every dealer's licence shall be issued in Form 'B'.

(2) Every holder of a dealer's licence shall maintain a register with full record of the purchase and sale of wild animals and birds.

(3) A holder of a dealer's licence shall buy wild animals, meat or trophy only from a person possessing a certificate of lawful possession of such animals, meat or trophy.

14. Maintenance of record.— The authority issuing or renewing licences, permits and certificates shall maintain a register in Form 'C' and all licences, permits and certificates issued or renewed by it shall be entered therein.

15. Coursing with grey hounds.— (1) For coursing competition organised by sports clubs registered by the Director, Horticulture, hares may be captured under a special permit to be obtained from the Director, Horticulture.

(2) The fee to register the sports clubs will be five hundred rupees.

(3) A special permit granted under sub-rule(1) shall be valid for a period of seven days from the date it is issued.

(4) The number of hares that may be captured under any permit shall not exceed fifty.

(5) While coursing with grey hounds, not more than two grey hounds shall be slipped from lash after a hare.

16. Trapping of wild birds.— The holder of netting licence for quails will not employ more than one gear and two persons to assist him in his job and,—

- (a) he shall not keep alive any injured quail; and
- (b) he shall not be allowed to keep more than thirty alive decoys.

17. Trapping and capturing of wild birds and animals.— (1) The person, local authority, statutory organization or Government department desiring a permit for the capture of wild birds or animals shall submit an application in writing to the Director, Horticulture, stating therein,—

- (a) the number and kinds of birds or animals to be captured;
- (b) the purpose for which they are needed;
- (c) the nature of capturing operations; and
- (d) the days when those operations will be carried out and the place where the capturing operations will be carried out with reasons for choice of that place.

(2) Applications received under sub-rule (1) will be sent to the Board with recommendation and the Director, Horticulture, may issue special permit in that behalf.

(3) Every such permit holder shall, as soon as possible, report to the Deputy Director, Additional Director or Director, Horticulture, simultaneously the number and kinds of birds or animals so captured.

18. Persons who may lodge complaints, etc.— The following persons are authorised to require the production of a certificate and to lodge complaints:-

- (a) all Magistrates.
- (b) all authorised officers of the Horticulture Directorate of the Authority.
- (c) all police officers not below the rank of Inspectors.

19. Serving of wild animals, birds and meats in hotels, etc.— No person shall possess, cook or serve in any public place, hotel, cafe, restaurant, hostel, boarding house or any other catering place any bird or animal specified in the first Schedule to the Ordinance during the period other than specified in respect of that bird or animal in column 3 of that Schedule and save when the bird or animal has been lawfully obtained.

20. Officers competent to demand certificate.— The Director, Additional Director, Deputy Director and Assistant Directors of the Horticulture Directorate of the Authority may demand a certificate of lawful possession for the purpose of section 9 of the Ordinance.

21. Rewards.— The Director, Horticulture Directorate of the Authority may, from the sum realized as compensation, give reward to a person rendering assistance in the detection of an offence under the Ordinance or under these rules, but in no case the reward shall exceed three-fourth of the amount so realized.

22. Officers competent to make search without warrant.— The Director, Additional Director and all Deputy Directors of the Horticulture Directorate of the Authority shall be the authorised officers for the purpose of section 15.



CAPITAL DEVELOPMENT AUTHORITY

FORM 'A'

(See rule 10)

LICENCE / HUNTING PERMIT / SPECIAL HUNTING PERMIT

1. Mr. _____ S/o _____ resident
of _____ Tehsil _____ District _____
whose photograph is pasted below is hereby permitted to

Description of game and the method. Area or locality for which licence, permit or certificate is valid

2. A sum of Rs. _____ has been received on account of prescribed fee.

3. This licence/ permit/ certificate is valid upto _____

Note: No other game shall be hunted, short or captured.



Signature and seal of the issuing Authority

Photograph

CAPITAL DEVELOPMENT AUTHORITY

FORM 'B'

(See rule 13(1))

DEALER'S LICENCE

Sereial No. _____

Date of Issue _____

In connection of the sum of Rs. _____ Received from Mr. _____
whose photograph duly attested by the undersigned is pasted hereon, this licence, vailed up to the
31st December, 19 _____, is issued to him. The licence holder shall be entitled to buy, sell or
otherwise deal with _____.



Signature and designation of the issuing authority

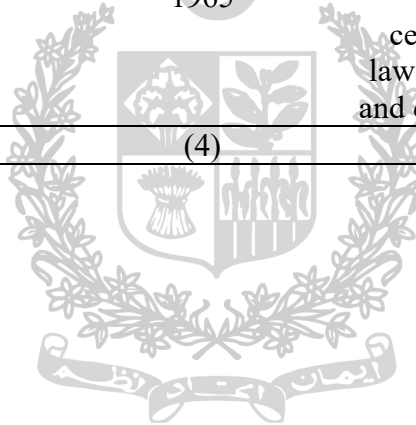
CAPITAL DEVELOPMENT AUTHORITY

FORM 'C'

(See rule 14)

Register of licences, hunting permits, special hunting permits, certificates for lawful possession and dealer's permit.

Date of Issue or renewal	Name of the applicant and his/her father's/ husband's name	Address in full	No. and date of the licence issued under the Pakistan Arms Ordinance, 1965	Number and nature of licences, hunting permits, special hunting permits, certificates for lawful possession and dealer's permit	Particular of game permitted	Fee realized
(1)	(2)	(3)	(4)	(5)	(6)	(7)



Signature and seal of the issuing authority



PUNJAB LAWS

**THE PUNJAB WILDLIFE (PROTECTION, PRESERVATION, CONSERVATION AND
MANAGEMENT) ACT, 1974**

(Act II of 1974)

C O N T E N T S

SECTION	HEADING
1.	Short title, extent and commencement.
2.	Definitions.
3.	Appointment of officers.
4.	Powers of an honorary officer.
5.	Constitution of the Board.
6.	Functioning of the Board.
7.	Fund.
8.	Returns and statements.
9.	Restriction of hunting.
10.	Prohibition to employ hawks and dogs without special licence.
11.	Animals found dead or killed or caught unlawfully.
12.	Certificate of lawful possession.
13.	Restriction on transfer of animals, trophies or meat.
14.	Restriction on import and export of animals, trophies or meat.
15.	Restriction on dealings in animals, trophies or meat.
16.	<i>[Repealed]</i>
16-A.	Wildlife breeding farm.
17.	<i>[Repealed]</i>
18.	<i>[Repealed]</i>
18-A.	Wildlife park, zoological garden or zoo and safari park.
19.	<i>[Repealed]</i>
20.	Private game reserve, wildlife park and safari park.
21.	Penalties.
22.	Abetment of an offence.
23.	Killing or capturing in self-defence.
24.	Onus of proof.
25.	Power to search without warrant.
26.	Power to seizure.
27.	Procedure as to perishable property seized under section 26.
28.	Duty to produce permit on demand made by any officer or person authorised in this behalf.
29.	Duty of coupe purchaser, chowkidar, village watchman, etc.
30.	Procedure when offender not known or cannot be found.
31.	Power to arrest.
32.	Power to release on bond a person arrested.
33.	Power to prevent commission of offence.
34.	Persons who may lodge complaints.
35.	Court which is competent to take cognizance of offences.
36.	Power to try offences summarily.
37.	Prosecution of offences under any other law.
38.	Power to compound offence.
39.	Government may invest officer with certain powers.
40.	Officers, etc. to be public servants.

41. Protection of action taken under this Act.
42. Duty of police officer.
43. Delegation of powers.
44. Power to grant exemption.
- 44-A. Power of sale or exchange.
45. Power to add to or exclude from Schedules.
46. Power to make rules.
47. Dissolution of the Board.
48. Repeal and validation.
49. Repeal of Punjab Ordinance No. XX of 1973.

SCHEDULES



**THE PUNJAB WILDLIFE (PROTECTION, PRESERVATION, CONSERVATION AND
MANAGEMENT) ACT, 1974**

(Act II of 1974)

[1 February 1974]

*An Act to provide for the protection, preservation, conservation and management of wildlife in
the Province of the Punjab.*

Preamble.— WHEREAS it is expedient to provide for the protection, preservation, conservation and management of wildlife in the Province of the Punjab, in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. Short title, extent and commencement.— (1) This Act may be called the Punjab Wildlife (Protection, Preservation, Conservation and Management) Act, 1974.

(2) It extends to the whole of the Province of the Punjab.

(3) It shall come into force at once and shall be deemed to have taken effect on and from the day the Punjab Ordinances Temporary Enactment Act, 1973 (Punjab Act No. VI of 1973), in so far as it enacted the provisions of the Punjab Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1972 (Ordinance No. XXI of 1972), expired.

(4) Nothing hereinafter provided shall be deemed to authorise any person to hunt in the reserved or protected forests as constituted and declared under the provisions of the Forest Act, 1927 (Act XVI of 1927).

2. Definitions.— In this Act, unless the context otherwise requires, the following words and expressions shall have the meanings hereby respectively assigned to them, that is to say—

(a) “**Board**” means the Punjab Wildlife Management Board constituted under section 5;

(b) “**certificate**”, “**licence**”, “**special licence**”, “**permit**” or “**special permit**” means respectively a certificate, a licence, a special licence, a permit or a special permit granted or issued under this Act;

¹²[(bb) “**circus**” means a collection of wild animal declared as such under section 20;]

(c) “**dealer**”, when used in relation to wild animals, trophies or meat, shall mean any person who, in the course of trade or business carried on by him whether on his own behalf or on behalf of any other person,—

(i) sells, purchases or barter any wild animal, its meat or trophy;

(ii) cuts, carves, polishes, preserves, cleans, mounts or otherwise prepares any such animal, trophy or meat, or manufactures any article therefrom;

¹³[(cc) “**endemic**” means wildlife species native to Pakistan;]

¹⁴[(ccc) “**exotic**” means wildlife species not native to Pakistan;]

¹⁵[(d) “**game animal**” means a wild animal specified in the First or the Fourth

Schedule;]

- (e) **“game reserve”** means any area declared as such under section 18;
- (f) **“Government”** means the Government of the Punjab;
- (g) **“hunt”** means any act directed immediately to the killing or capturing of a wild animal and shall include taking the nest or egg of a wild animal;
- (h) **“meat”** means the fat, blood, flesh or any eatable part of wild animal, whether fresh or preserved;
- (i) **“national park”** means an area declared as such under section 17;
- (j) **“offence”** means an offence punishable under this Act or any rule made thereunder;
- ¹⁶¹[(k) **“officer”** means the Chief Wildlife Warden, Director General Wildlife and Parks, Director Wildlife and Parks, Deputy Director Wildlife, Assistant Director Wildlife, District Wildlife Officer, Wildlife Supervisor, Wildlife Inspector, Head Wildlife Watcher and Wildlife Watcher or any other officer appointed to perform any function under this Act;]
- (l) **“prescribed”** means prescribed by rules;
- (m) **“private game reserve”** means an area declared as such under section 20;
- ¹⁷¹[(mm) **“private wildlife breeding farm”** means an area declared as such under section 20;]
- ¹⁸¹ [(mmm) **“private wildlife park”** means an area declared as such under section 20;]
- (n) **“Protected animal”** means a wild animal specified in the Third Schedule;
- (o) **“rules”** means rules made under this Act;
- (p) **“Schedule”** means Schedule appended to this Act;
- (q) **“section”** means a section of this Act;
- (r) **“trophy”** means a dead body or any horn, antler, tooth, tusk, bone, claw, hoof, skin, hair, feather, egg-shell or other durable part of game animal or protected animal whether or not included in a manufactured or processed articles;
- ¹⁹¹[(s) **“wild animal”** means a wild bird or animal specified in the First, Second, Third and Fourth Schedules;]
- (t) **“wildlife”** includes organic resources, animals, birds, reptiles, vegetation, soil and water;
- ¹¹⁰¹[(tt) **“wildlife breeding farm”** means an area declared as such under section 16-A;]
- ¹¹¹¹[(ttt) **“wildlife park”** means an area declared as such under section 18-A;]
- ¹¹²¹[(tttt) **“safari park”** means an area declared as such under section 18-A;]
- (u) **“wildlife sanctuary”** means the area declared as such under section 16; ¹¹³¹[* * *]
- (v) **“unprotected animals”** means a wild bird or wild animal specified in the Fourth Schedule ¹¹⁴¹[; and]
- ¹¹⁵¹[(w) **“zoological garden or zoo”** means an area declared as such under section 18-A.]

3. Appointment of officers.— Government may determine the number and class of officers including ¹¹⁶¹honorary officers to be appointed under this Act; provided that an honorary

officer shall hold office for such period as may be specified unless the appointment is revoked earlier by Government.

4. Powers of an honorary officer.— An honorary officer appointed under section 3 shall have such powers of an officer as may be prescribed.

5. Constitution of the Board.— (1) Government shall establish a Board to be called the Punjab Wildlife Management Board.

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property and shall by the said name sue and be sued.

(3) The Board shall consist of—

- (a) a Chairman;
- (b) a Vice-Chairman; and
- (c) such number of members as may be appointed by Government.

(4) Chief Minister of the Punjab shall be the chief¹¹⁷[wildlife] warden and *ex-officio* Chairman of the Board.

¹¹⁸[(5) Minister-in-Charge of the ¹¹⁹[Punjab Wildlife] Department shall be the *ex-officio* Vice Chairman of the Board.]

(6) A member shall, unless he sooner resigns or is removed by Government, hold office for such term as may be prescribed.

¹²⁰[(7) Secretary to Government, Forestry, Wildlife, Fisheries and Tourism Department shall be the *ex-officio* Secretary of the Board.]

(8) The meetings of the Board shall be held in accordance with such procedure as may be prescribed.

¹²¹[**6. Functioning of the Board.**— The Board shall act in an advisory capacity and its functions shall be—

- (a) to advise about the formulation of policy regarding conservation and development of wildlife and game management in the Province;
- (b) to supervise the progress of the development activities in the field of wildlife protection, preservation, conservation, and management and to scrutinize the annual progress report submitted in this behalf; and
- (c) to undertake such other functions as may be prescribed.]

7. Fund.— (1) There shall be a fund to be known as “Board Fund” vested in the Board. The Fund shall be raised and administered in such manner as may be prescribed.

(2) All moneys at the credit of the Board shall be kept in such custody as may be prescribed.

(3) The Board shall maintain complete and accurate books of accounts in such

form as may be prescribed.

(4) The accounts of the Board shall be audited in such manner as may be prescribed.

(5) Copies of the audit report shall be sent to the Board.

(6) The Board shall take necessary steps for rectification of an audit objection.

8. Returns and statements.— Government may require the Board to furnish Government with any document, return, statement, estimate, information or report regarding any matter under the control of the Board and the Secretary of the Board shall comply with every such requisition.

9. Restriction of hunting.— No person shall:-

¹²²[(i) hunt any wild animal by means of a set gun, drop spear, deadfall, gun trap, explosive, projectile, bomb, grenade, baited hook, net, snare or any other trap, an automatic or a service weapon or ammunition used by Armed Forces of Pakistan, Police Force or any other force, or by means of ¹²³[PCP air guns, CO2 air guns or silenced air guns,] any drug or chemical substance, likely to anesthetize, paralyze, stupefy or render incapable any wild animal whether partly or totally through a projectile or otherwise;]

(ii) hunt any protected animal;

(iii) hunt any game animal except under a permit and in accordance with the provisions of this Act or the rules:

Provided that no person shall hunt any game animal other than bird or hare with a shot gun or with non-magnum rifle of 22 calibre or less;

(iv) use or have in his possession any net, snare, *bhagwa*, poison or like injurious substance for the purpose of hunting a game animal;

(v) use vehicle of any type to pursue any game animal or to drive or stampede game animal for any purpose whatsoever;

(vi) shoot any game animal except wild boar and vermin from any conveyance or from within two hundred yards of the conveyance;

(vii) hunt with the help of live decoys or call birds except quail;

(viii) construct or use, for the purpose of hunting any wild animal, any pitfall, game pit, trench or similar excavation, any fence or enclosure, or use *bhagwa* or any other similar contrivance except duck blinds:

Provided that it shall not be an offence to use—

(a) a motor vehicle or aircraft to drive any wild animal away from an aerodrome or airstrip when such action is necessary to ensure the safety of aircraft using that aerodrome;

(b) any one or more of the aforesaid prohibited methods if the officer authorised in this behalf grants a licence with permission to employ such method; or

(c) to hunt any unprotected animal;

(ix) hunt except ducks, wild boars and vermin after sunset and before sunrise; and

(x) hunt by hiding within two hundred yards of a water hole or salt licks.

10. Prohibition to employ hawks and dogs without special licence.— No person shall use hawks for hawking or dogs for coursing the game animals under a licence issued for the purpose under the Act.

11. Animals found dead or killed or caught unlawfully.— Any ^[24][wild] animal which is found dead or dying or which has been killed or caught otherwise than in accordance with the provisions of this Act and any meat or trophy thereof shall be the property of ^[25][Government].

12. Certificate of lawful possession.— (1) No person shall be in possession of any wild animal unless he be in possession of a certificate of lawful possession granted in respect thereof by the officer authorised in this behalf:

Provided that any person importing any wild animal, trophy or meat of a wild animal of a kind specified in the Second Schedule in accordance with the provisions of this Act or acquiring such animal, trophy or meat in accordance with the terms of a permit issued under this Act shall apply to the authorised officer for such certificate within thirty days from the date of importing or acquiring the animal, trophy or meat.

(2) The officer authorised in this behalf may mark or register the animal trophy or meat in respect of which a certificate of lawful possession is issued, in the prescribed manner, or he may seize, pending the taking of legal action under this Act, any such animal, trophy or meat which in his opinion has not been legally imported or acquired.

(3) No person shall counterfeit, change or in any way interfere with any mark or registration of animal, trophy or meat for which a certificate of lawful possession has been issued or alter or in any way change a certificate of lawful possession.

13. Restriction on transfer of animals, trophies or meat.— No person shall receive by gift, purchase or otherwise any animal of a kind specified in the Second Schedule unless he receives at the same time a valid certificate of lawful possession in respect thereof.

14. Restriction on import and export of animals, trophies or meat.— (1) No person shall import or attempt to import into the Punjab any wild animal of endemic or exotic species, or any trophy or meat of a kind specified in Second Schedule except under an import permit granted under this Act and if such import be from outside Pakistan except through a customs post of entry and subject to any law relating to control on imports for the time being in force.

(2) No person shall export or attempt to export out of the Punjab any ^[26][wild] animal, trophy or meat specified in Second Schedule except under an export permit granted under this Act and if such export be to any country outside Pakistan except through a customs post of exit and subject to any law relating to control on export for the time being in force.

(3) Nothing in this section shall apply to any ^[27][wild] animal, trophy or meat in transit through the Punjab if such animal, trophy or meat—

- (i) is accompanied by necessary transit customs documents;
- (ii) is entered through a customs post of entry or is scheduled to a customs post of exit; or
- (iii) in case of road transport, is either not unloaded from the conveyance on which it is

being carried or does not remain unloaded from such conveyance for more than ninety-six hours, or in case of rail or air transport, it does not leave the precincts of the railway station or airport at which it is landed or trans-shipped.

15. Restriction on dealings in animals, trophies or meat.— (1) No person shall as a profession, trade or business, buy, sell or otherwise deal in wild animals, trophies or meat thereof or process or manufacture goods or articles from such trophies or meat, unless he is in possession of a valid licence, hereinafter called a dealer's licence, to do so, issued by an officer authorised in this behalf.

(2) The officer authorised in this behalf may, on payment of such fees as may be prescribed, grant a dealer's licence to be valid for one year to any person which shall entitle the licensee to deal in any wild animal, trophy or meat thereof, or any class of wild animals, trophies or meat specified in such licence. Such licence shall be renewable in such manner as may be prescribed.

(3) For the purpose of assessment of fees, dealers may be divided into different classes and a different fees may be prescribed for each class.

(4) The holder of the dealer's licence shall maintain such register or record of his dealings in such manner as may be prescribed, and shall produce them for inspection at any reasonable time when called upon to do so.

^[28][16. * * * * *]

^[29][16-A. **Wildlife breeding farm.**— (1) The Government may, by notification in the official Gazette, declare any area, which is the property of the Government or over which the Government has the proprietary rights, to be a wildlife breeding farm.

(2) The following acts shall be prohibited in the wildlife breeding farm:-

- (a) hunting, shooting, trapping, killing or capturing of a wild animal;
- (b) firing or doing any other act which may disturb a wild animal or interfere with the breeding places;
- (c) felling, tapping, burning or in any manner damaging, destroying, taking, collecting, removing or taking away a plant or tree or leave, fruit or seed therefrom;
- (d) polluting water flowing in or through the wildlife park;
- (e) any act of feeding or teasing a wild animal;
- (f) damaging of any structure;
- (g) any act of teasing or harassing visitors or otherwise, creating any pandemonium; and
- (h) any act in violation of any restrictions imposed by the Government:

Provided that the Government may, for such purposes as it may deem expedient, authorize the doing of the aforementioned prohibited acts except at paras (d), (e), (g), and (h).]

^[30][17. * * * * *]

^[31][18. * * * * *]

^{132]}**18-A. Wildlife park, zoological garden or zoo and safari park.**—(1) The Government may, by notification in the official gazette, declare an area which is the property of the Government or over which the Government has proprietary rights, to be a wildlife park to maintain wild animal in captivity and in a state as close to nature as possible, for the purpose of breeding, re-introduction, recreation and public education.

(2) The Government may, by notification in the official gazette, declare an area which is the property of the Government or over which the Government has proprietary rights, to be a zoological garden or zoo to maintain, breed locally extinct, endangered or threatened species of wild animal for re-introduction, recreation and public education.

(3) The Government may, by notification in the official gazette, declare an enclosed area which is the property of the Government or over which the Government has proprietary rights, to be a safari park in which wild animal shall be kept in the open space for viewing by public from a vehicle driven through.

(4) Wildlife park, safari park or zoological garden or zoo shall be accessible to public for recreation, education and research purposes, subject to such restrictions as the Government may impose.

(5) Provision for access roads to and construction of cafeteria, motel, laboratory, research centre and any other building in the wildlife park, safari park or zoological garden or zoo alongwith amenities for public may be made for the facilitation of achievement of, and the forest vegetation therein shall be so managed and forest produce so obtained as not to impair the objectives of the establishment of such parks or zoological garden or zoo.

(6) The following acts shall be prohibited in the wildlife park, safari park or zoological garden or zoo:-

- (a) hunting, shooting, trapping, killing or capturing of a wild animal;
- (b) firing or doing any other act which may disturb a wild animal or interfere with the breeding place of a wild animal;
- (c) felling, tapping, burning or in any manner damaging, destroying, taking, collecting, removing or taking away any plant or tree or leave, fruit or seed therefrom;
- (d) polluting water flowing in or through the wildlife park, zoological garden or zoo or safari park;
- (e) any act of feeding or teasing a wild animal;
- (f) damaging of any structure;
- (g) any act of teasing or harassing visitor or otherwise, creating any pandemonium; and
- (h) any act in violation of any restriction imposed by the Government:

Provided that the Government may for such purposes as it may deem expedient authorize the doing of any of the aforementioned prohibited act except at para (d), (e), (g) and (h).]

^{133]}**19. * * * * ***

^[34]**20. Private game reserve, wildlife park and safari park.**— (1) Where the Government is satisfied that—

- (a) an area of land has been dedicated by its owner or owners, for the purposes similar to a game reserve, it may, on the application of the owner or the owners, as the case may be, by notification in the official gazette, declare such area to be a private game reserve;
- (b) an area of land has been dedicated by its owner or owners, for the purposes similar to a safari park, it may, on the application of the owner or the owners, as the case may be, by notification in the official Gazette, declare such area to be a private safari park;
- (c) a collection of wild animal has been kept over an area of land dedicated by its owner or owners, for the purpose of breeding, sale, exchange, recreation, education and research, it may, on the application of the owner or the owners, as the case may be, by notification in the official gazette, declare such area to be a private wildlife park;
- (d) a collection of wild animal has been kept over an area of land dedicated by its owner or owners, for the purpose of breeding, sale and exchange, it may, on the application of the owner or the owners, as the case may be, by notification in the official gazette, declare such area to be a private wildlife breeding farm; and
- (e) a collection of wild animal has been dedicated by its owner or owners, for the purpose of exhibition, display and performance at public places, it may, on the application of the owner or the owners, as the case may be, by notification in the official gazette, declare such collection to be a circus.

(2) Hunting and shooting of a wild animal by a person other than the owner shall not be allowed in a private game reserve except with the permission of the owner and in the prescribed manner.

(3) Hunting and shooting of wild animal shall not be allowed in a private wildlife park, private safari park, circus and private wildlife breeding farm.]

^[35]**21. Penalties.**— Whoever contravenes or attempts to contravene:-

- (i) any provision of sections 9,10,11,12,13,14,15,20 and 28 shall be punished with imprisonment for a term, which may extend to two years or with fine which shall not be less than ten thousand rupees nor more than fifteen thousand rupees or with both, alongwith confiscation of the weapon and suspension of license or permit for a period of five years;
- (ii) any provision of sections 16, 16-A, 17, 18 and 18-A shall be punished with imprisonment for a term which shall not be less than one year nor more than five years or with fine which shall not be less than twenty thousand rupees nor more than thirty thousand rupees or with both, alongwith confiscation of the weapon, vehicle or any other article used in such contravention; and
- (iii) any provision of this Act or any rule for the contravention of which no specific penalty is provided shall be punished with imprisonment for a term which may extend to ten months or with fine which may extend to ten thousand rupees or with both.]

22. Abetment of an offence.— An abetment of any offence under this Act or the

rules made thereunder shall be punishable as the offence.

23. Killing or capturing in self-defence.— (1) Notwithstanding any other provision of this Act, it shall not be an offence, if—

- (a) any person kills any wild animal by any means in the immediate defence of his own life or that of any other person;
- (b) the owner of livestock or his employee kills any wild animal that is doing damage to the livestock by any means within a reasonable distance or where that livestock is grazing or where it is enclosed for the night:

Provided that clause (b) shall not apply to any unlawful cultivation in a national park, wildlife sanctuary and a reserved or protected forest or any livestock unlawfully grazing or herded therein.

(2) The killing under sub-section (1) of wild animals specified in the First and Third Schedules shall be reported to the nearest office established for the purposes of this Act.

(3) The meat or trophy of any wild animal killed in self-defence shall be the property of Government and shall be disposed of as directed by the officer authorised in this behalf.

24. Onus of proof.— When in any proceedings taken under this Act or in consequence of anything done under this Act, a question arises as to whether any wild animal, trophy or meat is the property of ^[36][Government], such wild animal, trophy or meat shall be presumed to be the property of ^[37][Government] until the contrary is proved.

25. Power to search without warrant.— Any officer authorised by Government in this behalf, may search any person, premises, vessel, vehicle, animal, package, receptacle or covering so as to satisfy himself whether or not an offence under this Act has been committed:

Provided that no premises shall be searched under this section except under the authority of a warrant issued by the magistrate having jurisdiction in the area.

26. Power to seizure.— Any officer authorised by Government in this behalf, may seize any wild animal, dead or alive, together with any firearm, net, trap, snare, bow, arrow or any vehicle or vessel or anything whatsoever used or suspected to have been used in the commission of an offence under this Act.

27. Procedure as to perishable property seized under section 26.— Notwithstanding any other provision of this Act, the officer authorised in this behalf may sell any property seized under section 26 which is subject to speedy and natural decay and may, subject to the determination of the rights thereto, deal with the proceeds in such manner as may be prescribed.

28. Duty to produce permit on demand made by any officer or person authorised in this behalf.— Every person in possession of any wild animal specified in the First and Third Schedule shall produce his certificate of lawful possession on demand made by any officer authorised by Government in this behalf.

29. Duty of coupe purchaser, chowkidar, village watchman, etc.— Every coupe purchaser of forest produce, lambardar, canal patwari, Public Works Department, daroga,

chowkidar, dafadar, village watchman, abdar, zilladar, revenue patwari, qanungo and tehsildar shall be bound, in the absence of reasonable excuse to give to any officer authorised in this behalf by Government, information in respect of any snaring, trapping, netting, unauthorised killing, or any other offence under this Act committed within the limits of his jurisdiction, as soon as the commission of such offence comes to his knowledge.

30. Procedure when offender not known or cannot be found.— When the offender is not known or cannot be found any officer authorised in this behalf may, if he finds that an offence has been committed, confiscate the property used in the commission of the offence.

31. Power to arrest.— (1) Any officer authorised in this behalf may, without orders from a magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any offence under this Act.

(2) Every officer making an arrest under this section shall, without delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the magistrate having jurisdiction in the case or before the officer-in-charge of the nearest police station.

32. Power to release on bond a person arrested.— Any officer not below the rank of the Game Inspector or of an equivalent rank who has arrested any person under section 31 may release such person on his executing a bond to appear, if and when so required, before the magistrate having jurisdiction in the case or before the officer-in-charge of the nearest police station.

33. Power to prevent commission of offence.— Every officer or any other person authorised by Government in this behalf shall be competent to prevent by all lawful means the commission of any offence under this Act.

34. Persons who may lodge complaints.— Cognizance of any offence under this Act shall not be taken by any court except on the complaint of the officer or any person authorised by Government in this behalf.

35. Court which is competent to take cognizance of offences.— No court inferior to that of a Magistrate of the First Class shall take cognizance of and try an offence under this Act.

^[38]**36. Power to try offences summarily.**— Any Magistrate of the First Class, specially empowered in this behalf by the Government, may try any offence punishable under this Act in a summary manner, as provided in sections 262 to 265 of the Code of Criminal Procedure, 1898:

Provided that sub section (2) of section 262 of the Code of Criminal Procedure, 1898 shall not apply.]

37. Prosecution of offences under any other law.— Nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act of commission which constitutes an offence under this Act or from being liable under any other law to any higher punishment or penalty than that provided by this Act.

38. Power to compound offence.— (1) Government may, by notification in the official Gazette, empower an officer—

- (a) to accept from any person against whom reasonable suspicion exists that he has committed any offence under this Act, a sum of money by way of compensation for such offence;
- (b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof, as ¹³⁹[may be prescribed].

(2) On the payment of compensation, such sum of money, or such value of property under sub-section (1) or both, as the case may be, the suspected person if in custody, shall be discharged and the property, if any, seized shall be released and no further proceedings shall be taken against such person or property.

¹⁴⁰[(3) The sum of money accepted as compensation under clause (a) of sub section (1) shall, in no case exceed the sum of ten thousand rupees in first instance and be not less than ten thousand in second instance.]

(4) No officer shall have power to compound a ¹⁴¹[third] and subsequent offence under this Act.

39. Government may invest officer with certain powers.— Government may invest any officer or any other person authorised in this behalf with all or any of the following powers, that is to say—

- (a) the powers of a civil court to compel the attendance of witnesses and the production of documents and material objects;
- (b) the power to hold an inquiry into offences under this Act and in the course of such inquiry to receive and record evidence; and
- (c) the power to prosecute a case before a magistrate.

40. Officers, etc. to be public servants.— The officers or persons authorised under any provisions of this Act to do a certain thing or act in certain manner shall be deemed to be public servants within the meaning of the Pakistan Penal Code (Act XLV of 1860).

41. Protection of action taken under this Act.— No suit, prosecution or other legal proceedings shall lie against any officer for anything in good faith done or intended to be done in pursuance of any provision of this Act or the rules made thereunder.

42. Duty of police officer.— Every police officer shall, upon request made by any officer or person authorised under this Act, assist him in the due discharge of his duties under this Act.

43. Delegation of powers.— Government may, by notification in the official Gazette, delegate all or any of the powers conferred upon it under the provisions of this Act to any officer subordinate to it.

44. Power to grant exemption.— Notwithstanding anything contained in this Act, Government may, in the interest of any scientific or public purpose, allow, by notification in the official Gazette, hunting and capturing of such wild animals in any specified place by any specific means.

¹⁴²[**44-A. Power of sale or exchange.**— Notwithstanding anything contained in this Act, the Government may, for scientific management, allow sale or exchange of wild animal, from any wildlife breeding farm, wildlife park, safari park, zoological garden or zoo.]

45. Power to add to or exclude from Schedules.— Government may, by notification in the official Gazette, in respect, to any specified area—

- (i) add to or exclude from the Schedules any wild animals, subject to such conditions as it may impose in each case; and
- (ii) alter the period during which any wild animal specified in the First Schedule may be hunt.

46. Power to make rules.— (1) Government may make rules for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

- (a) the functions and powers of the Board;
- (b) the powers and duties of the officers and other persons specially authorised to perform functions under this Act;
- (c) the form in which and the terms and conditions, on which a licence, special licence, a permit or a special permit may be granted;
- (d) the fees to be charged for any licence or permit or special licence or special permit;
- (e) in the case of any species of wild animals the number and the sex that may be killed under special permit;
- (f) reward to persons who render help in detection of offences under this Act;
- (g) the authorities by whom, the conditions on which, and the manner in which licences may be issued;
- (h) the management of wildlife sanctuaries, national parks and game reserves;
- (i) tenure of office, resignation and terms and conditions of members of the Board;
- (j) the recruitment, tenure of office, terms and conditions of service of the officers and servants of the Board, and other persons;
- (k) the delegation of administrative and financial powers to members, Secretary, officers and servants of the Board, and other persons; and
- (l) any other matter required under any of the provisions of this Act to be prescribed.

47. Dissolution of the Board.— Government may, by notification in the official Gazette, declare that the Board shall be dissolved on such date and with such consequences as may be specified in the notification.

48. Repeal and validation.— (1) The following enactments in their application to the Province of the Punjab shall be deemed to have been repealed from the date the Punjab Ordinances Temporary Enactment Act, 1973, in so far as it enacted the provisions of the Punjab Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1972 expired:-

- (a) The Elephant Preservation Act, 1879 (Act No. VI of 1879);
- (b) The Wild Bird and Animal Protection Act, 1912 (Act VIII of 1912); and

- (c) The West Pakistan Wildlife Protection Ordinance, 1959 (West Pakistan Ordinance LVI of 1959).

(2) Everything done, action taken or order made under the Punjab Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1972 and its provisions as enacted by the Punjab Ordinances Temporary Enactment Act, 1973 on or after 25th October, 1972 and before the commencement of this Act shall be deemed to have been validly done, taken or made.

49. Repeal of Punjab Ordinance No. XX of 1973.— The Punjab Wildlife (Protection, Preservation, Conservation and Management) Ordinance, 1973 (Punjab Ordinance No. XX of 1973), is hereby repealed.



FIRST SCHEDULE

[SEE SECTION 2 (D)]

PART I

WILD BIRDS AND ANIMALS WHICH MAY BE HUNTED ON AN ORDINARY SHOOTING LICENSE

A-BIRDS

Name of species	Bag limit or number allowed per gun	Time and season when hunting permitted
<i>Category one—</i>		
1. All the ducks within the family anatidae, including the tree ducks, diving ducks, surface feeding and sheld ducks, except those ducks listed under the Third Schedule as protected or listed hereunder in the First Schedule.	Not more than ten ducks of all species per day.	1 st October to 31 st March.
2. Ruddy Sheld-duck or Brahminy duck, <i>Tadorna Ferruginea</i> .	Not more than two of each of these three species per day.	Ditto
3. Redcrested pochard, <i>Netta rufina</i>		
4. Cotton Teal, <i>Nettapus coromandelianus</i> .		
<i>Category two—</i>		
5. Bar headed Geese <i>Anser Indicus</i>	Three only per day	1 st October to 1 st March.
6. Lesser white fronted geese <i>Anser ibifors</i> .	Ditto	Ditto.
<i>Category three—</i>		
<i>Snipe, Plovers, Waders and Allied Waterfowl.</i>		
7. Fantail Snipe, <i>Capella gallinago</i> .	Eight only per day	1 st Oct. to 1 st March.
8. Jack Snipe, <i>Capella minima</i>	Ditto.	Ditto.
9. Purple Moor hen <i>Porphyrio porphyrio</i> .	Two only per day	Ditto.
10. Moorhen, <i>Galinula, chloropus</i>	Four only per day	Ditto.
11. Coot, <i>Fulica, atra</i>	Twelve only per day	1 st Oct. to 1 st March.
12. White Tailed Lapwing, <i>Vanellus leucurus</i> .	Two only per day	Ditto.
13. Red Wattled Lapwing, <i>Vanellus indicus</i> .	Ditto	Ditto.
14. Gray plover or Black Bellied Plover <i>pluvialis, squata rola</i> .	Ditto	Ditto.

Name of species	Bag limit or number allowed per gun	Time and season when hunting permitted
15. Curlew <i>Numenius, arguata</i>	Ditto	Ditto.
16. Black Tailed godwit, <i>Limosa Limosa.</i>	Six only per day of all species of waders listed below.	Ditto.
17. Common Redshank, <i>Tringa totanus.</i>	Ditto	Ditto.
18. Marsh Sandpiper, <i>Tringa Stagnatulist.</i>	Ditto	Ditto.
19. Green Shank, <i>Tringa nebularia</i>	Ditto	Ditto.
20. Wood Sandpiper, <i>Tringa glareola</i>	Ditto	Ditto.
21. Dunlin <i>Calidris alpinus</i>	Ditto	Ditto.
22. Curlew Sandpiper <i>Calidris testaceus</i>	Ditto	Ditto.
Category Four— 23. All cranes of family Gruidae including Demoiselle and common cranes except Artic crane.	Three birds per day	15 th August to 15 th April.
Category Five— Gallinaceus Birds— 24. Himalayan Snow cock or Ram Chukor <i>Tetraogallus himaal-yansis.</i>	Not more than one per day.	1 st October to 1 st March.
25. Chukor Partridge, <i>Alectoris, graeca</i>	Not more than five per day	1 st November to 1 st March.
26. See See, <i>Ammoperdix griseo-gularis</i>	Ditto	1 st November to 1 st March.
27. Black Partridge, <i>Francolinus</i>	Not more than six per day	15 th November to 15 th January on Sundays only.
28. Grey Partridge, <i>Francolinus Pondicerianus.</i>	Not more than six per day	15 th November to 15 th January on Sundays only.
29. Common Quail, <i>coturnix cotrunix</i>	No limit	15 th August to 15 th April.
30. Black Breasted or Rain Quail	Not more than six per day	1 st August to 30 th September.

Name of species	Bag limit or number allowed per gun	Time and season when hunting permitted
<i>Category six—</i>		
Pigeons and Doves—		
31. Green Pigeon or Fruit Pigeon <i>Columba aenea</i> .	Six only per day	1 st October to 1 st March.
32. Blue Rock Pigeon, <i>Columba livia</i>	No limit	Ditto.
33. Wood Pigeon <i>Columba Palumbus</i>	Two only per day	Ditto.
34. Rufous Turtle Dove <i>Strepto-pelia orientalis</i> .	Six only per day	Ditto.
35. Common Ring Dove <i>Strepro-pelia decaocto</i> .	No limit	Ditto.
36. Little Brown Dove or Senegal Dove <i>Streptopelia senega-lensis</i> .	Six only per day	Ditto.
37. Long Tail persian Dove	Ditto	Ditto.
38. Turtle Dove <i>Turtur auritus</i>	Two only per day	Ditto.
<i>Category seven—</i>		
Sandgrouse, Bustards and Stone Curlews—		
39 Spotted Sandgrouse <i>Pterocles senegallus</i> .	Eight only per day	1st October to 1st March.
40. Imperial Sandgrouse, <i>Petrocles orientalis</i> .	Ditto	Ditto.
41. Coronetted Sandgrouse <i>Petrocles coronatus</i> .	Ditto	Ditto.
42. Houbara Bustard or Mcqueens Bustard <i>chlamydotis undulata</i> .	Three only per day	1st November to 1st March.
43. Stone Curlew <i>Burhinus Oedinnemus</i> .	Ditto	Ditto.
44. Indian Courser <i>Cursorius Coromandelicus</i> .	Two only per day	Ditto.
45. Jorrden Courser	Ditto	Ditto.
<i>Category eight—</i>		
Birds of Prey—		
46. Hawks	Three birds per day	1st November to 1st March.
47. Buzzards	Ditto	Ditto.
48. Harrier	Ditto	Ditto.
49. Falcons	Ditto	Ditto.

Name of species	Bag limit or number allowed per gun	Time and season when hunting permitted
B-MAMMALS		
50. Desert Hare <i>Lepus nigri collisdayanus</i> .	Three per day	1 st September to 1 st March.
51. Cape Hare <i>Lepus capensis</i>	Ditto	Ditto.
52. Fishing cat, <i>Felis viverrina</i>	Unlimited	All year round.
53. Jungle cat <i>Felis chous</i>	Ditto	Ditto.

PART II
WILD ANIMALS FOR THE HUNTING OF WHICH A SPECIAL PERMIT IS
REQUIRED

[SEE CLAUSE (III) OF SECTION 9]

Serial No.	Name of species	Season when hunting is permitted.	Localities where hunting is permitted.
1.	Nill gaio Blue bull <i>Boselaphus Tragocamelus</i>	1 st December to 31 st May	In specified area except National parks and Game sanctuaries.
2.	Urial Ovis orientalis	Ditto	Ditto.

SECOND SCHEDULE

[SEE SECTION 12 (2)]

Animals, trophies or meat for the possession, transfer or export of which certificate of lawful possession is required.

- (1) Any live game animal.
- (2) Any trophy or meat derived from a game animal.
- (3) Trophy of any animal in the Third Schedule and of any animal protected by any other Province of Pakistan.

THIRD SCHEDULE

[SEE SECTION 2 (N) AND 9 (II)]

Wild birds and animals protected throughout the year.

A–BIRDS

Category one–

The following ducks:

1. Lesser Whistling Teal, *Dendrocygna Javanica*.
2. Greater Whistling Teal, *Dendrocygna bicolor*.
3. Common Shelduck, *Tadorna tadorna*.
4. Marbled Teal, *Anas angustirostra*.
5. Baikal Teal, *Anas formosa*.
6. Falcated Teal, *Anas falcata*.
7. Golden Eyed Duck, *Bucephala clangula*.
8. Long Tailed Duck, *Clangula hyemalis*.
9. Smew, *Mergue albellus*.
10. Nukhta or Comb Duck, *Sarkindiornis melanotos*.
11. Goosander, *Mergus merganser*.
12. Red Breasted Merganser, *Mergus serrator*.
13. Spotbilled Duck, *Anas pocilorhyncha*.
14. White Headed or Stiff tailed Duck, *Oxyura leucocephala*.

Category two–

15. All Swans of the genus cygnus including Mute Swans, whooper and Bewicks swans.

Category three–

16. Grey Leg Geese, *Anser anser*

Category four–

17. Artic crane.

Category five–

18. All Pelicans of the genus *pelecanus* including rosy, Dalmation and Spotted billed pelicans.

Category six–

19. All Egrets, Herons, Night Herons and Bitterns of the family of Ardeidae including purple and Grey herons, Little Chestnut and Common Bitterns, Cattle Egrets, Large Egrets.

Category seven–

20. All Storks of the family Ciconidae including painted, Black Necked, White and Black and White Necked Storks.

Category eight–

21. All Ibises and Spoonbills including the Glossy Ibis, White Ibis and Spoonbill.

Cetegory nine–

22. All Flamingoes of the genus *phoenicopterus*.

Category ten–

23. All Hill Pheasants including the Kalij, Kekiass-Cheer, Impeyan and Western Horned Tragopan.
24. Button Quail, *Trunix tanki*.
25. Little Bustard Quail, *Turning sylvatica*.

Category eleven–

The following species of Plovers, Stone-Curlews Waders, Water Birds and Gallinules:

26. Water Rail, *Rallus aquatious*.
27. White Breasted Waterhen, *Amaurornis phoenicurus*.
28. Water Cock, *Gallicrex cinerea*.
29. Pheasant Tailed Jacana, *Hydrophasianus chirurgus*.

30. Sociable Lapwing, *Vanellus gregariues*
31. Green plover or Peewit, *Vanellus vanellus*.
32. Yellow-wattled Lapwing, *Vanellus malabaricus*.
33. Solitary Snipe, *Capella solitaria*.
34. Painted Snipe, *Rostratula benghalensis*.
35. Wood Cock, *Scolopox rusticola*.
36. Avocet, *Recurvirostra, avosetta*.
37. Great Stone Plover, *Esacus magnirostris*.
38. Cream coloured courser, *Cursorius cursor*.

Category twelve–

The following Sandgrouse, Bustards and Doves:-

39. Large pintail Sandgrouses, *Pterocles alchata*.
40. Great Indian Bustard, *Choriotis nigriceps*.
41. Little Bustard, *Otis tetrax*.
42. Indian Sangrouse, *Pterocles exustus*.
43. Close Barred or painted, Sandgrouse *Pterocle indicus*.
44. Red turtle Dove, *Streptopelia tranquebarica*.
45. Spotted Dove, *Streptopelia chinensis*.
46. Wedge Tailed Green pigeon, *Trerion sphenura*,
47. Ruff, Reaf, Jukkari (wood cock) *Scolopax Rusticola*.

Category thirteen–

Following birds of prey:-

48. Eagles, Vultures, Kites.

Category fourteen–

49. Common Starling and Rosy Starling.

B–MAMMALS

Category one–

50. The Black Bear–*Selenarctos thibetanus*.
51. Leopard or panther–*Pantherx pardus*.
52. Leopard Cat–*Folis benghalsnsis*.
53. Desert Cat–*Felis libyca*.

54. Caracal–*Felis caracal*.
55. Himalayan Palm Civet–*Paguma larvata*.
56. Small Indian Civet–*Viverricula Indica*.
57. Yellow-Throated Marten–*Martes Flavigula*.
58. Ratel or Honey Badger–*Mellivora capensis*.
59. Smooth Coated Otter–*Lutra prespicillata*.
60. Striped Hyaena–*Hyaena hyaena*.
61. Rhesus Monkey–*Macaca mulatta*.
62. Hill Fox–*Vulpes Vulpes griffithi*.

Category two–

63. Barking Deer–*Muntiacus muntjac*.
64. Hog Deer–*Axisporcinus*.
65. Chittal or Spotted Deer–*Axis Axis*.
66. Chinkara Gazelle–*Gazella Gazella*.
67. Black Buck–*Antelope cervicapra*.
68. Goral–*Naemorhedus goral*.
69. Indus Dolphin–*Platanista indi*.

Category three–

70. All monitor Lizards of the Genus Varanus and Spiny tailed lizards of the Genus Uromastyx.
71. All Snakes of the family colubridac containing non-poisonous and beneficial rat Snakes and the Genus Python.
72. All Crocodiles including Mugger, *Crocodilus palustris* and the fish Eating Crocodile, *Gavialis gangeticus*.

FOURTH SCHEDULE

SCHEDULE OF WILD BIRDS AND ANIMALS WHICH ARE NOT PROTECTED

[SEE SECTION 2 (V)]

Serial No.	Scientific Name	English Name	Vernacular Name
1.	Corvus Levailanti	The Himalayan Jungle Crow.	Kowa, Kowwa, Kan, Pahari kowa.
2.	Corvus splendens	The House Crow	Kan, kowa, desi kan.
3.	Psittaoula eupatria	The Large Indian Paraquet	Tota, Raitota.
4.	Psittacula krameri	The Rospingen Paraquer	
5.	Caprimulgus europasus unwivi	Himalaya	Chippak, Chappa, Dab Chiri, Dabhak, Andha Chirya.
6.	Caprimulgus Macrurus albtatus.	Idight Jar.	Chupka.
7.	Caprimulgus Indivius	Indian Jungle Night Jar	Kapoo.
8.	Lynocornis carniciceps	Great cared Night Jar	Sandhya muznaki.
9.	Viduiac	Munias	Lalmunias.
10.	Ploecinae	Weaver Birds	Baya, Bijra, etc.
11.	Herpestes auropunatatus	The Small Indian Mongoose.	Neol, Nyul, Naola, Dhor.
12.	Herpestes Mungo	The Common Indian Mongoose.	
13.	Herpestes smithi	The Ruddy Mongoose	
14.	Canis pallipes	The Indian Wolf	Gurg, Bhariya.
15.	Canis Lupus	The Wolf	Bhagya.
16.	Canis aureus	The Jackal	Giddaryal, phival.
17.	Preropus medius	The Indian Fruit Bat	Badur, arbagual, chugmidd, dultakao.
18.	Hystrix bucura	The Indian	Syal, Sa Kundewalli.

Serial No.	Scientific Name	English Name	Vernacular Name
		Porcupine	
19.	Mus (whole family)	Rats and mice	Chuha, Chuhi.
20.	Scurius indicus	The Squirrel	Galarhi.
21.	Sus scrofa	The Wild bear	Suhar, barla janwar.

^[11]This Act was passed by the Punjab Assembly on 28th January, 1974; assented to by the Governor of the Punjab on 1st February, 1974; and, published in the Punjab Gazette (Extraordinary), dated 1st February, 1974, pages 117-K to 117-GG.

^[12]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[13]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[14]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[15]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[16]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[17]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[18]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[19]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[10]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[11]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[12]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[13]The word "and" omitted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[14]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007)., for the full-stop.

^[15]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[16]Section 3, to the extent of honorary officers, was repealed the Punjab Protected Areas Act 2020 (XXIII of 2020).

^[17]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007), for the word "game".

^[18]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Ordinance, 2002 (XVII of 2002). Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

^[19]Substituted for the words "Forestry, Wildlife, Fisheries and Tourism", by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[20]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Ordinance, 2002 (XVII of 2002). Under Article 5A of the Provisional Constitution Order 1999 (I of 1999), as amended, read with Article 270AA of the Constitution of the Islamic Republic of Pakistan, 1973, it shall not be subject to any limitation as to duration prescribed in the Constitution.

^[21]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Ordinance, 1983 (V of 1983).

^[22]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[23]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2023 (X of 2023).

^[24]Substituted for the words “protected animal or game”, by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[25]Substituted for the word “Board”, by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[26]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[27]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[28] The following Section was repealed by the Punjab Protected Areas Act 2020 (XXIII of 2020):

“**16. Wildlife Sanctuary.**— (1) Government may, by notification in the official Gazette, declare any area which is the property of Government or over which Government has proprietary rights to be wildlife sanctuary and may demarcate in such manner as may be prescribed.

(2) The wildlife sanctuary shall be set aside as undisturbed breeding ground for the protection of wildlife and access thereto for public shall, except in accordance with the rules, be prohibited and no exploitation of forest therein shall be allowed except for reducing fire hazards, epidemic or insect attacks or other natural calamities.

(3) No person shall—

- (i) enter or reside,
- (ii) cultivate any land,
- (iii) damage or destroy any vegetation,
- (iv) hunt, kill or capture any wild animal or fire any gun or other firearm within one mile of the boundaries,
- (v) introduce any exotic species of animal or plant,
- (vi) introduce any domestic animal or allow it to stray,
- (vii) cause any fire, or
- (viii) pollute water, in a wildlife sanctuary:

Provided that Government may for specific purposes, as are deemed expedient, authorise the doing of the aforementioned acts other than those mentioned in clause (iv)”

^[29]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[30] The following Section was repealed by the Punjab Protected Areas Act 2020 (XXIII of 2020):

“**17. National park.**— (1) With a view to the protection and preservation of flora and fauna in the natural state, Government may, by notification in the official Gazette, declare any area which is the property of Government or over which Government has proprietary rights to be a national park and may demarcate it in such manner as may be prescribed.

(2) A national park shall be accessible to public for recreation, education and research subject to such restrictions as Government may impose.

(3) Provision for access roads to and construction of rest houses, hostels and other buildings in the national park along with amenities for public may be so made and the forest therein shall be so managed and forest produce so obtained as not to impair the object of the establishment of the national park.

(4) The following acts shall be prohibited in a national park,—

- (i) hunting, shooting, trapping, killing or capturing of any wild animal in a national park or within one and a half mile radius of its boundary;
- (ii) firing any firearm or doing any other act which may disturb any animal or bird or doing any act which interferes with the breeding places;
- (iii) felling, tapping, burning or in any way damaging or destroying, taking, collecting or removing any plant or tree therefrom;
- (iv) clearing or breaking up any land for cultivation, mining or for any other purpose; and
- (v) polluting water flowing in and through the national park:

Provided that Government may, for specific purposes, as are deemed expedient, authorise the doing of the aforementioned prohibited acts.”

^[31] The following Section was repealed by the Punjab Protected Areas Act 2020 (XXIII of 2020):

“**18. Game reserve.**— (1) The Government may declare any area to be a game reserve.

(2) No hunting and shooting of a wild animal shall be allowed in the game reserve, except under a special permit, which may specify the maximum number of game animal that may be killed or captured, the area and duration for which such permit shall be valid:

Provided that the number of occasions on which hunting and shooting may be allowed shall not exceed two in a year.”

^[32]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[33] The following Section was repealed by the Punjab Protected Areas Act 2020 (XXIII of 2020):

“**19. Alteration of boundaries of wildlife sanctuary, national park and game reserve.**— Government may, from time to time, by notification in the official Gazette, declare any alteration in the boundaries of wildlife sanctuary, national park, and game reserve established under this Act.”

^[34]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[35]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[36]Substituted for the word “Board” by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[37]Substituted for the word “Board” by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[38]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[39]Substituted for the words “estimated by such officer” by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[40]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).

^[41]Substituted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007), for the word “second”.

^[42]Inserted by the Punjab Wildlife (Protection, Preservation, Conservation and Management) (Amendment) Act 2007 (XII of 2007).



THE PUNJAB ENVIRONMENTAL PROTECTION ACT, 1997 (XXXIV of 1997)

C O N T E N T S

SECTION	HEADING
1.	Short title, extent and commencement
2.	Definitions.
3.	Establishment of the Punjab Environmental Protection Council.
4.	Functions and powers of the Council.
5.	Establishment of the Provincial Environmental Protection Agency.
6.	Functions of the Provincial Agency.
7.	Powers of the Provincial Agency.
8.	[<i>Omitted</i>].
9.	Establishment of the Provincial Sustainable Development Fund.
10.	Management of the Provincial Sustainable Development Fund.
11.	Prohibition of certain discharges or emissions.
12.	Initial environmental examination and environmental impact assessment.
13.	Prohibition of import of hazardous waste.
14.	Handling of hazardous substances.
15.	Regulation of motor vehicles.
16.	Environmental protection order.
17.	Penalties.
18.	Offences by bodies corporate.
19.	Offences by Government Agencies, local authorities or local councils.
20.	Environmental Tribunals.
21.	Jurisdiction and powers of Environmental Tribunals.
22.	Appeals to the Environmental Tribunal.
23.	Appeals from orders of the Environmental Tribunal.
24.	Jurisdiction of Environmental Magistrates.
25.	Appeals from orders of Environmental Magistrates.
26.	Power to delegate.
27.	Power to give directions.
28.	Indemnity.
29.	Dues recoverable as arrears of land revenue.
30.	Act to override other laws.
31.	Power to make rules.

32. Power to amend the Schedule.
33. Power to make regulations.
34. Repeal, savings and succession.

SCHEDULE



¹¹THE PUNJAB ENVIRONMENTAL PROTECTION ACT, 1997

(XXXIV of 1997)

[6 December 1997]

An Act to provide for the protection, conservation, rehabilitation and improvement of the environment, for the prevention and control of pollution, and promotion of sustainable development.

WHEREAS, it is expedient to provide for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution, promotion of sustainable development, and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:-

1. Short title, extent and commencement.— (1) This Act shall be called the ¹²[Punjab] Environmental Protection Act, 1997.

(2) It extends to the whole of ¹³[the Punjab].

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

- (i) **“adverse environmental effect”** means impairment of, or damage to, the environment and includes —
 - (a) impairment of, or damage to, human health and safety or to biodiversity or property;
 - (b) pollution; and
 - (c) any adverse environmental effect as may be specified in the regulations;
- (ii) **“agriculture waste”** means waste from farm and agricultural activities including poultry, cattle farming, animal husbandry, residues from the use of fertilizers, pesticides and other farm chemicals;
- (iii) **“air pollutant”** means any substance that causes pollution of air and includes soot, smoke, dust particles, odor, light, electro-magnetic, radiation, heat, fumes, combustion exhaust, exhaust gases, noxious gases, hazardous substance and radioactive substances;
- (iv) **“biodiversity”** or “biological diversity” means the variability among living organisms from all sources, including *inter alia* terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (v) **“Council”** means the ¹⁴[Punjab] Environmental Protection Council established under section 3;
- (vi) **“discharge”** means spilling, leaking, pumping, depositing, seeping, releasing, flowing out, pouring, emitting, emptying or dumping;
- (vii) **“ecosystem”** means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

- (viii) “**effluent**” means any material in solid, liquid or gaseous form or combination thereof being discharged from industrial activity or any other source and includes a slurry, suspension or vapour;
- (ix) “**emission standards**” means the permissible standards established by the ¹⁵[Provincial Agency] for emission of air pollutants and noise and for discharge of effluent and waste;
- (x) “**environment**” means—
 - (a) air, water and land;
 - (b) all layers of the atmosphere;
 - (c) all organic and inorganic matter and living organisms;
 - (d) the ecosystem and ecological relationships;
 - (e) buildings, structures, roads, facilities and works;
 - (f) all social and economic conditions affecting community life; and
 - (g) the inter-relationships between any of the factors in sub-clauses (a) to (f);
- (xi) “**environmental impact assessment**” means an environmental study comprising collection of data, prediction of qualitative and quantitative impacts, comparison of alternatives, evaluation of preventive, mitigatory and compensatory measures, formulation of environmental management and training plans and monitoring arrangements, and framing of recommendations and such other components as may be prescribed;
- (xii) “**Environmental Magistrate**” means the Magistrate of the First Class appointed under section 24;
- (xiii) “**Environmental Tribunal**” means the Environmental Tribunal constituted under section 20;
- (xiv) ¹⁶[* * * * *];
- (xv) “**factory**” means any premises in which industrial activity is being under taken;
- ¹⁷[(xvi) “**Government**” means Government of the Punjab;]
- ¹⁸[(xvii) “**Government Agency**” includes—
 - (a) a department, an attached department or any other office of the Government; and
 - (b) a development authority, local authority, company or a body corporate established or controlled by the Government;]
- (xviii) “**hazardous substance**” means—
 - (a) a substance or mixture of substances, other than a pesticide as defined in the Agricultural Pesticides Ordinance, 1971 (II of 1971), which, by reason of its chemical activity or toxic, explosive, flammable, corrosive, radioactive or other characteristics causes, or is likely to cause, directly or in combination with other matters, an adverse environmental effect; and
 - (b) any substance which may be prescribed as a hazardous substance;

- (xix) “**hazardous waste**” means waste which is or which contains a hazardous substance or which may be prescribed as hazardous substance or which may be prescribed as hazardous waste, and includes hospital waste and nuclear waste;
- (xx) 19[* * * * *]
- (xxi) “**hospital waste**” includes waste medical supplies and materials of all kinds, and waste blood, tissue, organs and other parts of the human and animal bodies, from hospitals, clinics and laboratories;
- (xxii) “**industrial activity**” means any operation or process for manufacturing, making, formulating, synthesising, altering, repairing, ornamenting, finishing, packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or for mining, for oil and gas exploration and development, or for pumping water or sewage, or for generating, transforming or transmitting power or for any other industrial or commercial purposes;
- (xxiii) “**industrial waste**” means waste resulting from an industrial activity;
- (xxiv) “**initial environmental examination**” means a preliminary environmental review of the reasonably foreseeable qualitative and quantitative impacts on the environment of a proposed project to determine whether it is likely to cause an adverse environmental effect for requiring preparation of an environmental impact assessment;
- (xxv) “**local authority**” means any agency set up or designated by the 100[Government] by notification in the official Gazette to be a local authority for the purposes of this Act;
- (xxvi) “**local council**” means a local council constituted or established under a law relating to local government;
- (xxvii) “**motor vehicle**” means any mechanically propelled vehicle adapted for use upon land whether its power of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, and a trailer, but does not include a vehicle running upon fixed rails;
- (xxviii) “**municipal waste**” includes sewage, refuse, garbage, waste from abattoirs, sludge and human excreta and the like;
- (xxix) 111[* * * * *]
- (xxx) “**noise**” means the intensity, duration and character of sounds from all sources, and includes vibration;
- (xxxi) “**nuclear waste**” means waste from any nuclear reactor or nuclear plant or other nuclear energy system, whether or not such waste is radioactive;
- (xxxii) “**person**” means any natural person or legal entity and includes an individual, firm, association, partnership, society, group, company, corporation, co-operative society, Government Agency, non-governmental organization, community-based organization, village organization, local council or local authority and, in the case of a vessel, the master or other person having for the time being the charge or control of the vessel;
- (xxxiii) “**pollution**” means the contamination of air, land or water by the discharge or emission of effluents or wastes or air pollutants or noise or other matter which

either directly or indirectly or in combination with other discharges or substances alters unfavourably the chemical, physical, biological, radiational, thermal or radiological or aesthetic properties of the air, land or water or which may, or is likely to make the air, land or water unclean, noxious or impure or injurious, disagreeable or detrimental to the health, safety, welfare or property of persons or harmful to biodiversity;

¹¹²[(xxxiv) “**prescribed**” means prescribed by the rules or regulations;]

(xxxv) “**project**” means any activity, plan, scheme, proposal or undertaking involving any change in the environment and includes–

- (a) construction by use of buildings or other works;
- (b) construction or use of roads or other transport systems;
- (c) construction or operation of factories or other installations;
- (d) mineral prospecting, mining, quarrying, stone-crushing, drilling and the like;
- (e) any change of land use or water use; and
- (f) alteration, expansion, repair, decommissioning or abandonment of existing buildings or other works, roads or other transport systems, factories or other installations;

(xxxvi) “**proponent**” means the person who proposes or intends to undertake a project;

¹¹³[(xxxvii) “**Provincial Agency**” means the Provincial Environmental Protection Agency established under the Act, or any Government Agency, local council or local authority exercising the powers and functions of the Provincial Agency;]

¹¹⁴[(xxxvii-a) “**Punjab Environmental Quality Standards**” mean the standards prepared by the Provincial Agency and approved by the Council;]

(xxxviii) “**regulations**” means regulations made under the Act;

(xxxix) “**rules**” means rules made under this Act;

(xl) “**sewage**” means liquid or semi-solid wastes and sludge from sanitary conveniences, kitchens, laundries, washing and similar activities and from any sewerage system or sewage disposal works;

(xli) “**standards**” means qualitative and quantitative standards for discharge of effluents and wastes and for emission of air pollutants and noise either for general applicability or for a particular area, or from a particular production process, or for a particular product, and includes the ¹¹⁵[Punjab] Environmental Quality Standards, emission standards and other standards established under this Act and the rules and regulations made there under;

(xlii) “**sustainable development**” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;

(xliii) ¹¹⁶[* * * * *]

(xliv) “**vessel**” includes anything made for the conveyance by water of human beings or of goods; and

(xix) “**waste**” means any substance or object which has been, is being or is intended to be, discarded or disposed of, and includes liquid waste, solid waste, waste

gases, suspended waste, industrial waste, agricultural waste, nuclear waste, municipal waste, hospital waste, used polyethylene bags and residues from the incineration of all types of waste.

3. Establishment of the ¹¹⁷[Punjab] Environmental Protection Council.—

¹¹⁸[(1) The Government shall, by notification in the official Gazette, establish a Council to be known as the Punjab Environmental Protection Council consisting of—

- (i) Chief Minister of the Punjab; or such other person as **Chairperson** nominated by the Chief Minister;
- (ii) Minister In-charge of the Environment Protection **Vice Chairperson** Department;
- (iii) such other persons not exceeding thirty five as the **Members** Government may appoint, of which at least twenty five shall be non-official including at least three Members of the Provincial Assembly of the Punjab, five representatives of the Chambers of Commerce and Industry and one or more representatives of the Chambers of Agriculture, Medical and legal profession, trade unions and non- governmental organizations concerned with the environment and sustainable development, and scientists, technical experts and educationalists ¹¹⁹[:]

¹²⁰[Provided that at least one female member of the Assembly and at least four women shall be appointed as non-official members; and]

- (iv) Secretary to the Government, Environment Protection **Member/Secretary** Department.

(2) The Members of the Council, other than *ex-officio* members, shall be appointed in accordance with the prescribed procedure and shall hold office for a term of three years.

(3) The Council shall frame its own rules of procedure.

(4) The Council shall hold meetings as and when necessary, but not less than two meetings shall be held in a year.

(5) The Council may constitute committees of its members and entrust them with such functions as it may deem fit, and the recommendations of the committees shall be submitted to the Council for approval.

(6) The Council or any of its committees may invite any technical expert or representative of any Government Agency or non-governmental organization or other person possessing specialized knowledge of any subject for assistance in performance of its functions.

4. Functions and powers of the Council.— (1) The Council shall —

- (a) co-ordinate and supervise enforcement of the provisions of this Act;
- (b) approve comprehensive national environmental policies and ensure their implementation within the framework of a national conservation strategy as may be approved by the ¹²¹[Government] from time to time;

- (c) approve the ¹²²[Punjab] Environmental Quality Standards;
- (d) provide guidelines for the protection and conservation of species, habitats, and biodiversity in general, and for the conservation of renewable and non-renewable resources;
- (e) coordinate integration of the principles and concerns of sustainable development into national development plans and policies; and
- (f) consider the ¹²³[Punjab] Environment Report and give appropriate directions thereon.

(2) The Council may, either itself or on the request of any person or organisation, direct the ¹²⁴[Provincial Agency] or any Government Agency to prepare, submit, promote or implement projects for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, and the sustainable development of resources, or to undertake research in any specified aspect of environment.

5. Establishment of the ¹²⁵[Provincial] Environmental Protection Agency.—

¹²⁶[(1) The Government shall, by notification in the official Gazette, establish the Provincial Environmental Protection Agency to exercise the powers and perform the functions assigned to it under this Act, the rules and the regulations.]

(2) The ¹²⁷[Provincial Agency] shall be headed by a Director General, who shall be appointed by the ¹²⁸[Government] on such terms and conditions as it may determine.

(3) The ¹²⁹[Provincial Agency] shall have such administrative, technical and legal staff as the ¹³⁰[Government] may specify, to be appointed in accordance with such procedure as may be prescribed.

(4) The powers and functions of the ¹³¹[Provincial Agency] shall be exercised and performed by the Director-General.

¹³²[(5) The Director General may, by general or special order, delegate any of the functions of the Provincial Agency exercised by him under subsection (4) to any other officer appointed under subsection (3).]

(6) For assisting the ¹³³[Provincial Agency] in the discharge of its functions, the ¹³⁴[Government] shall establish Advisory Committees for various sectors, and appoint as members thereof eminent representatives of the relevant sector, educational institutions, research institutes and non-governmental organizations.

6. Functions of the ¹³⁵[Provincial Agency].— (1) The ¹³⁶[Provincial Agency] shall —

- (a) administer and implement the provisions of this Act and the rules and regulations made thereunder;
- (b) prepare, in coordination with the appropriate Government Agency and in consultation with the concerned sectoral Advisory Committees, ¹³⁷[* * *] environmental policies for approval by the Council;
- (c) take all necessary measures for the implementation of the ¹³⁸[* * *] environmental policies approved by the Council;
- (d) prepare and publish an annual ¹³⁹[Punjab] Environment Report on the state of the environment;

- (e) prepare or revise, and establish the ¹⁴⁰[Punjab] Environmental Quality Standards with approval of the Council:

Provided that before seeking approval of the Council, the ¹⁴¹[Provincial Agency] shall publish the proposed ¹⁴²[Punjab] Environmental Quality Standards for public opinion in accordance with the prescribed procedure;

- (f) ensure enforcement of the ¹⁴³[Punjab] Environmental Quality Standards;
- ¹⁴⁴[(g) establish standards for the quality of the ambient air, water and land, by notification in the official Gazette;]
- (h) co-ordinate environmental policies and programmes nationally and internationally;
- (i) establish systems and procedures for surveys, surveillance, monitoring, measurement, examination, investigation, research, inspection and audit to prevent and control pollution, and to estimate the costs of cleaning up pollution and rehabilitating the environment in various sectors;
- (j) take measures to promote research and the development of science and technology which may contribute to the prevention of pollution, protection of the environment, and sustainable development;
- (k) certify one or more laboratories as approved laboratories for conducting tests and analysis and one or more research institutes as environmental research institutes for conducting research and investigation, for the purposes of this Act;
- (l) identify the needs for, and initiate legislation in various sectors of the environment;
- (m) render advice and assistance in environmental matters, including such information and data available with it as may be required for carrying out the purposes of this Act:

Provided that the disclosure of such information shall be subject to the restrictions contained in the proviso to sub-section (3) of section 12;

- (n) assist the local councils, local authorities, Government Agencies and other persons to implement schemes for the proper disposal of wastes so as to ensure compliance with the standards established by it;
- (o) provide information and guidance to the public environmental matters;
- (p) recommend environmental courses, topics, literature and books for incorporation in the curricula and syllabi of educational institutions;
- (q) promote public education and awareness of environmental issues through mass media and other means, including seminars and workshops;
- (r) specify safeguards for the prevention of accidents and disasters which may cause pollution, collaborate with the concerned person in the preparation of contingency plans for control of such accidents and disasters, and co-ordinate implementation of such plans;
- (s) encourage the formation and working of non-governmental organizations, community organizations and village organizations to prevent and control pollution and promote sustainable development;
- (t) take or cause to be taken all necessary measure for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution and promotion of sustainable development; and

- (u) perform any function which the Council may assign to it.
- (2) The ¹⁴⁵[Provincial Agency] may—
 - (a) undertake inquiries or investigation into environmental issues, either of its own accord or upon complaint from any person or organisation;
 - (b) request any person to furnish any information or data relevant to its functions;
 - (c) initiate with the approval of the ¹⁴⁶[Government], requests for foreign assistance in support of the purposes of this Act and enter into arrangements with foreign agencies or organizations for the exchange of material or information and participate in international seminars or meetings;
 - (d) recommend to the ¹⁴⁷[Government] the adoption of financial and fiscal programmes, schemes or measures for achieving environmental objectives and goals and the purposes of this Act, including—
 - (i) incentives, prizes awards, subsidies, tax exemptions, rebates and depreciation allowances; and
 - (ii) taxes, duties, cesses and other levies;
 - (e) establish and maintain laboratories to help in the performance of its functions under this Act and to conduct research in various aspects of the environment and provide or arrange necessary assistance for establishment of similar laboratories in the private sector; and
 - (f) provide or arrange, in accordance with such procedure as may be prescribed, financial assistance for projects designed to facilitate the discharge of its functions.

7. Powers of the ¹⁴⁸[Provincial Agency].— Subject to the provisions of this Act, the ¹⁴⁹[Provincial Agency] may—

- (a) lease, purchase, acquire, own, hold, improve, use or otherwise deal in and with any property both movable and immovable;
- (b) sell, convey, mortgage, pledge, exchange or otherwise dispose of its property and assets;
- (c) fix and realize fees, rates and charges for rendering any service or providing any facility information or data under this Act or the rules and regulations made thereunder;
- (d) enter into the contracts, execute instruments, incur liabilities and do all acts or things necessary for proper management and conduct of its business;
- (e) appoint with the approval of the ¹⁵⁰[Government] and in accordance with such procedures as may be prescribed, such advisers, experts and consultants as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit;
- (f) summon and enforce the attendance of any person and require him to supply any information or document needed for the conduct of any enquiry or investigation into any environmental issue;
- (g) enter and inspect and under the authority of a search warrant issued by the Environmental Tribunal or Environmental Magistrate, search at any reasonable time, any land, building, premises, vehicle or vessel or other place where or in

which, there are reasonable grounds to believe that an offence under this Act has been or is being committed;

- (h) take samples of any materials, products, articles or substances or of the effluents, wastes or air pollutants being discharged or emitted or of air, water or land in the vicinity of the discharge or emission;
- (i) arrange for test and analysis of the samples at a certified laboratory;
- (j) confiscate any article used in the commission of the offence where the offender is not known or cannot be found within a reasonable time:

Provided that the power under clauses (f), (h), (i) and (j) shall be exercised in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), or the rules made under this Act and under the direction of the Environmental Tribunal or Environmental Magistrate; and

¹⁵¹[(k) establish the Punjab Environmental Coordination Committee comprising the Director General as its convener and such other members as the Government may appoint to exercise such powers and perform such functions as may be delegated or assigned to it by the Government for carrying out the purposes of this Act.]

8. ¹⁵²[* * * * *]

9. Establishment of the Provincial Sustainable Development Fund.—¹⁵³[(1) There shall be established a Provincial Sustainable Development Fund.]

(2) The Provincial Sustainable Development Fund shall be derived from the following sources, namely:—

- (a) grants made or loans advanced by the ¹⁵⁴[Government or the Federal Government];
- (b) aid and assistance, grants, advances, donations and other non-obligatory funds received from foreign governments, national or international agencies, and non-governmental organizations; and
- (c) contributions from private organizations, and other persons.

(3) The Provincial Sustainable Development Fund shall be utilized in accordance with such procedure as may be prescribed for—

- (a) providing financial assistance to the projects designed for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, the sustainable development of resources and for research in any specified aspect of environment; and
- (b) any other purpose which in the opinion of the Board will help achieve environmental objectives and the purposes of this Act.

10. Management of the Provincial Sustainable Development Fund.—¹⁵⁵[(1) The Provincial Sustainable Development Fund shall be managed by a Board known as the Provincial Sustainable Development Fund Board consisting of—

- (i) Chairman, Planning and Development Board; **Chairperson**

- (ii) Such officers of the Government, not exceeding six, as the **Members** Government may appoint including Secretaries incharge of the Finance, Industries and Environment Departments;
- (iii) such non-official persons not exceeding ten as the **Members** Government may appoint including representatives of the Chamber of Commerce and Industry, non-governmental organizations and major donors; and
- (iv) Director General of the Provincial Agency. **Member/Secretary**

(2) In accordance with such procedure and such criteria as may be prescribed, the Board shall have the power to—

- (a) sanction financial assistance for eligible projects;
- (b) invest moneys held in the Provincial Sustainable Development Fund in such profit-bearing government bonds, savings schemes and securities as it may deem suitable; and
- (c) take such measures and exercise such powers as may be necessary for utilization of the Provincial Sustainable Development fund for the purposes specified in sub-section (3) of section 9.

(3) The Board shall constitute committees of its members to undertake regular monitoring of projects financed from the Provincial Sustainable Development Fund and to submit progress reports to the Board which shall publish an Annual Report incorporating its annual audited accounts, and performance evaluation based on the progress reports.

11. Prohibition of certain discharges or emissions.—(1) Subject to the provisions of this Act and the rules and regulations made there under no person shall discharge or emit or allow the discharge or emission of any effluent or waste or air pollutant or noise in an amount, concentration or level which is in excess of the ¹⁵⁶[Punjab] Environmental Quality Standards or, where applicable, the standards established under ¹⁵⁷[***] clause (g) of sub-section (1) of section 6.

(2) The ¹⁵⁸[Government] may levy a pollution charge on any person who contravenes or fails to comply with the provisions of sub-section (1), to be calculated at such rate, and collected in accordance with such procedure as may be prescribed.

(3) Any person who pays the pollution charge levied under sub-section (2) shall not be charged with an offence with respect to that contravention or failure.

(4) The provision of sub-section (3) shall not apply to projects, which commenced industrial activity on or after the thirtieth day of June, 1994.

12. Initial environmental examination and environmental impact assessment.—(1) No proponent of a project shall commence construction or operation unless he has filed with the ¹⁵⁹[Provincial Agency] an initial environmental examination or where the project is likely to cause an adverse environmental effect, an environmental impact assessment, and has obtained from the ¹⁶⁰[Provincial Agency] approval in respect thereof.

(2) The ¹⁶¹[Provincial Agency] shall—

- (a) review the initial environmental examination and accord its approval, or

require submission of an environmental impact assessment by the proponent;
or

- (b) review the environmental impact assessment and accord its approval subject to such conditions as it may deem fit to impose, or require that the environmental impact assessment be re-submitted after such modifications as may be stipulated, or reject the project as being contrary to environmental objectives.

(3) Every review of an environmental impact assessment shall be carried out with public participation and no information will be disclosed during the course of such public participation which relates to—

- (i) trade, manufacturing or business activities, processes or techniques of a proprietary nature, or financial, commercial, scientific or technical matters which the proponent has requested should remain confidential, unless for reasons to be recorded in writing, the Director - General of the ¹⁶²[Provincial Agency] is of the opinion that the request for confidentiality is not well-founded or the public interest in the disclosure outweighs the possible prejudice to the competitive position of the project or its proponent; or
- (ii) International relations, national security or maintenance of law and order, except with the consent of the ¹⁶³[Government]; or
- (iii) matters covered by legal professional privilege.

(4) The ¹⁶⁴[Provincial Agency] shall communicate its approval or otherwise within a period of four months from the date the initial environmental examination or environmental impact assessment is filed complete in all respects in accordance with the prescribed procedure, failing which the initial environmental examination or, as the case may be, the environmental impact assessment shall be deemed to have been approved, to the extent to which it does not contravene the provisions of this Act and the rules and regulations made thereunder.

(5) Subject to sub-section (4) the ¹⁶⁵[Government] may in a particular case extend the aforementioned period of four months if the nature of the project so warrants.

(6) The provisions of sub-sections (1), (2), (3), (4) and (5) shall apply to such categories of projects and in such manner as may be prescribed.

(7) The ¹⁶⁶[Provincial Agency] shall maintain separate Registers for initial environmental examination and environmental impact assessment project, which shall contain brief particulars of each project and a summary of decisions taken thereon, and which shall be open to inspection by the public at all reasonable hours and the disclosure of information in such Registers shall be subject to the restrictions specified in sub-section (3).

¹⁶⁷[**13. Prohibition of import of hazardous waste.**— No person shall import hazardous waste into the Punjab.]

14. Handling of hazardous substances.— Subject to the provisions of this Act, no person shall generate, collect, consign, transport, treat, dispose of, store, handle or import any hazardous substance except—

- (a) under a licence issued by the ¹⁶⁸[Provincial Agency] and in such manner as may be prescribed; or
- (b) in accordance with the provisions of any other law for the time being in force, or

of any international treaty, convention, protocol, code, standard, agreement or other instrument to which Pakistan is a party.

15. Regulation of motor vehicles.— (1) Subject to the provisions of this Act and the rules and regulations made thereunder, no person shall operate a motor vehicle from which air pollutants or noise are being emitted in an amount, concentration or level which is in excess of the ¹⁶⁹[Punjab] Environmental Quality Standards, or where applicable the standards established under clause (g) of sub-section (1) of section 6.

(2) For ensuring compliance with the standards mentioned in sub-section (1), the ¹⁷⁰[Provincial Agency] may direct that any motor vehicle or class of vehicles shall install such pollution control devices or other equipment or use such fuels or undergo such maintenance or testing as may be prescribed.

(3) Where a direction has been issued by the ¹⁷¹[Provincial Agency] under sub-section (2) in respect of any motor vehicles or class of motor vehicles, no person shall operate any such vehicle till such direction has been complied with.

16. Environmental protection order.— ¹⁷²[(1) Where the Provincial Agency is satisfied that the discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or handling of hazardous substance, or any other act or omission is likely to occur, or is occurring, or has occurred, in violation of any provision of this Act, rules or regulations or of the conditions of a license, or is likely to cause, or is causing, or has caused an adverse environmental effect, the Provincial Agency may, after giving the person responsible for such discharge, emission, disposal, handling, act or omission an opportunity of being heard, by order, direct such person to take such measures as the Provincial Agency may consider necessary within such period as may be specified in the order.]

(2) In particular and without prejudice to the generality of the foregoing power, such measures may include—

- (a) immediate stoppage, preventing, lessening or controlling the discharge, emission, disposal, handling, act or omission, or to minimize or remedy the adverse environmental effect;
- (b) installation, replacement or alteration of any equipment or thing to eliminate or control or abate on a permanent or temporary basis, such discharge, emission, disposal, handling, act or omission;
- (c) action to remove or otherwise dispose of the effluent, waste, air pollutant, noise, or hazardous substances; and
- (d) action to restore the environment to the condition existing prior to such discharge, disposal, handling, act or omission, or as close to such condition as may be reasonable in the circumstances, to the satisfaction of the ¹⁷³[Provincial Agency].

(3) Where the person, to whom directions under sub-section (1) are given, does not comply therewith, the ¹⁷⁴[Provincial Agency] may, in addition to the proceeding initiated against him under this Act or the rules and regulations, itself take or cause to be taken such measures specified in the order as it may deem necessary, and may recover the costs of taking such measures from such person as arrears of land revenue.

17. Penalties.— (1) Whoever contravenes or fails to comply with the provisions of sections 11, 12, 13, or section 16 or any order issued thereunder shall be punishable with fine which may extend to ^[75][five million] rupees, and in the case of a continuing contravention or failure, with an additional fine which may extend to one hundred thousand rupees for every day during which such contravention or failure continues and where such contravention or failure continues:

Provided that if contravention of the provision of section 11 also constitutes contravention of the provisions of section 15, such contravention shall be punishable under sub-section (2) only.

(2) Whoever contravenes or fails to comply with the provisions of section 14 or 15 or any rule or regulation or conditions of any licence, any order or direction issued by the Council or by the ^[76][Provincial Agency] shall be punishable with fine which may extend to ^[77][five hundred thousand] rupees, and in case of continuing contravention, or failure with an additional fine which may extend to one thousand rupees for every day during which such contravention continues.

(3) Where an accused has been convicted of an offence under sub-section (1) and (2), the Environmental Tribunal and Environmental Magistrate shall, in passing sentence, take into account the extent and duration of the contravention or failure constituting the offence, and the attendant circumstances.

(4) Where an accused has been convicted of an offence under sub-section (1) and the Environmental Tribunal is satisfied that as a result of the commission of the offence monetary benefits have accrued to the offender, the Environmental Tribunal may order the offender to pay, in addition to the fines under sub-section (1), further additional fine commensurate with the amount of the monetary benefits.

(5) Where a person convicted under sub-sections (1) or sub-section (2); and had been previously convicted for any contravention under this act, the Environmental Tribunal or, as the case may be, Environmental Magistrate may, in addition to the punishment awarded thereunder—

- (a) endorse a copy of the order of conviction to the concerned trade or industrial association, if any, or the concerned Provincial Chamber of Commerce and Industry or the Federation of Pakistan Chambers of Commerce and Industry;
- (b) sentence him to imprisonment for a term which may extend up to two years;
- (c) order the closure of the factory;
- (d) order confiscation of the factory, machinery, and equipment, vehicle, material or substance, record or document or other object used or involved in contravention of the provisions of the Act:

Provided that for a period of three years from the date of commencement of this Act, the sentence of imprisonment shall be passed only in respect of persons who have been previous convicted for more than once for any contravention of section 11, 13, 14 or 16 involving hazardous waste;

- (e) order such person to restore the environment at his own cost, to the conditions existing prior to such contravention or as close to such conditions as may be reasonable in the circumstances to the satisfaction of the ^[78][Provincial Agency]; and
- (f) order that such sum be paid to any person as compensation for any loss,

bodily injury, damage to his health or property suffered by such contravention.

(6) The Director-General of the ¹⁷⁹[Provincial Agency] or an officer generally or specially authorized by him in this behalf may, on the application of the accused compound an offence under this Act with the permission of Environmental Tribunal or Environmental Magistrate in accordance with such procedure as may be prescribed.

(7) Where the Director-General of the ¹⁸⁰[Provincial Agency] is of the opinion that a person has contravened any provision of this Act, he may, subject to the rules, by notice in writing to that person require him to pay to the ¹⁸¹[Provincial Agency] an administrative penalty in the amount set out in the notice for each day the contravention continues; and a person who pays an administrative penalty for a contravention shall not be charged under this Act with an offence in respect of such contravention.

(8) The provisions of sub-sections (6) and (7) shall not apply to a person who has been previously convicted of offence or who has compounded an offence under this Act or who has paid an administrative penalty for a contravention of any provision of this Act.

18. Offences by bodies corporate.— Where any contravention of this Act has been committed by a body corporate, and it is proved that such offence has been committed with the consent or connivance of, or is attributed to any negligence on the part of, any director, partner, manager, secretary or other officer of the body corporate, such director, partner, manager, secretary or other officer of the body corporate, shall be deemed guilty of such contravention along with the body corporate and shall be punished accordingly:

Provided that in the case of a company as defined under the Companies Ordinance, 1984 (XLVII of 1984), only the Chief Executive as defined in the said Ordinance shall be liable under this section.

Explanation.— For the purposes of this section, “body corporate” includes a firm, association of persons and a society registered under the Societies Registration Act, 1860 (XXI of 1860), or under the Co-operative Societies Act, 1925 (VII of 1925).

19. Offences by Government Agencies, local authorities or local councils.— Where any contravention of this Act has been committed by any Government Agency, local authority or local council, and it is proved that such contravention has been committed with the consent or connivance of, or is attributable to any negligence on the part of the Head or any other officer of the Government Agency, local authority or local council, such Head or other officer shall also be deemed guilty of such contravention along with the Government Agency, local authority or local council and shall be liable to be proceeded against and punished accordingly.

20. Environmental Tribunals.— (1) The ¹⁸²[Government] may, by notification in the official Gazette, establish as many Environmental Tribunals as it considers necessary and, where it establishes more than one Environmental Tribunal, it shall specify territorial limits within which, or the class of cases in respect of which, each one of them shall exercise jurisdiction under this Act.

(2) An Environmental Tribunal shall consist of a Chairperson who is, or has been, or is qualified for appointment as, a Judge of the High Court to be appointed after consultation with the Chief Justice of the High Court and two members to be appointed by the ¹⁸³[Government] of which at least one shall be a technical member with suitable professional qualifications and

experience in the environmental field as may be prescribed.

(3) For every sitting of the Environmental Tribunal, the presence of the Chairperson and not less than one Member shall be necessary.

¹⁸⁴[(4) A decision of an Environmental Tribunal shall be expressed in terms of the opinion of the majority, or if the case has been decided by the Chairperson and only one of the members and there is a difference of opinion between them, the decision of the Environmental Tribunal shall be expressed in terms of the opinion of the Chairperson.]

(5) An Environmental Tribunal shall not, merely by reason of a change in its composition, or the absence of any member from any sitting, be bound to recall and rehear any witness who was given evidence, and may act on the evidence already recorded by, or produced, before it.

(6) An Environmental Tribunal may hold its sittings at such places within its territorial jurisdiction as the Chairperson may decide.

(7) No act or proceeding of an Environmental Tribunal shall be invalid by reason only of the existence of vacancy in, or defect in the constitution of, the Environmental Tribunal.

(8) The terms and conditions of service of the Chairperson and members of the Environmental Tribunal shall be such as may be prescribed.

21. Jurisdiction and powers of Environmental Tribunals.— (1) An Environmental Tribunal shall exercise such powers and perform such functions as are, or may be, conferred upon or assigned to it by or under this Act, or the rules and regulations made thereunder.

(2) All contravention punishable under sub-section (1) of section 17 shall exclusively be triable by an Environmental Tribunal.

(3) An Environmental Tribunal shall not take cognizance of any offence triable under sub-section (2) except on a complaint in writing by—

- (a) the ¹⁸⁵[Provincial Agency] ¹⁸⁶[or an officer authorized by it] or any Government Agency or local council; and
- (b) any aggrieved person, who has given notice of not less than thirty days to the ¹⁸⁷[Provincial Agency] ¹⁸⁸[or an officer authorized by it] of the alleged contravention and of his intention to make a complaint to the Environmental Tribunal.

(4) In exercise of its criminal jurisdiction, the Environmental Tribunal shall have the same powers as are vested in the Court of Session under the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) In exercise of the appellate jurisdiction under section 22, the Environmental Tribunal shall have the same powers and shall follow the same procedure as an appellate court in the Code of Civil Procedure, 1908 (Act V of 1908).

(6) In all matters with respect to which no procedure has been provided for in this Act, the Environmental Tribunal shall follow the procedure laid down in the Code of Civil

(7) An Environmental Tribunal may, on application filed by any officer duly authorized on this behalf by the Director-General of the ^{189l}[Provincial Agency], issue bailable warrant for the arrest of any person against whom reasonable suspicion exists, of his having been involved in contravention punishable under sub-section (1) of section 17:

Provided that such warrant shall be applied for, issued, and executed in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided further that if the person arrested executes a bond with sufficient sureties in accordance with the endorsement on the warrant, he shall be released from custody, failing which he shall be taken or sent without delay to the officer-in-charge of the nearest police station.

(8) All proceedings before the Environmental Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code, 1860 (Act XLV of 1860), and the Environmental Tribunal shall be deemed to be a court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(9) No court other than an Environmental Tribunal shall have or exercise any jurisdiction with respect to any matter to which the jurisdiction of an Environmental Tribunal extends under this Act or the rules and regulations made thereunder.

(10) Where the Environmental Tribunal is satisfied that a complaint made to it under sub-section (3) is false and vexatious to the knowledge of the complainant, it may, by an order, direct the complainant to pay to the person complained against such compensatory costs which may extend to one hundred thousand rupees.

22. Appeals to the Environmental Tribunal.— (1) Any person aggrieved by any order or direction of the ^{190l}[Provincial Agency] under any provision of this Act and rules or regulations made thereunder may prefer an appeal with the Environmental Tribunal within thirty days of the date of communication of the impugned order or direction to such person.

(2) An appeal to the Environmental Tribunal shall be in such form, contain such particulars and be accompanied by such fees as may be prescribed.

23. Appeals from orders of the Environmental Tribunal.— (1) Any person aggrieved by any final order or by any sentence of the Environmental Tribunal passed under this Act may, within thirty days of communication of such order or sentence, prefer an appeal to the High Court.

(2) An appeal under sub-section (1) shall be heard by a Bench of not less than two Judges.

24. Jurisdiction of Environmental Magistrates.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or any other law for the time being in force, but subject to the provisions of this Act, all contraventions punishable under sub-section (2) of section 17 shall exclusively be triable by a judicial Magistrate of the first class as Environmental Magistrate especially empowered in this behalf by the High Court.

(2) An Environmental Magistrate shall be competent to impose any punishment specified in sub-sections (2) and (4) of section 17.

(3) An Environmental Magistrate shall not take cognizance of an offence triable under sub-section (1) except on a complaint in writing by—

- (a) the ¹⁹¹[Provincial Agency], or Government Agency or local council; and
- (b) any aggrieved person.

25. Appeals from orders of Environmental Magistrates.— Any person convicted of any contravention of this Act or the rules or regulations by an Environmental Magistrate may, within thirty days from the date of his conviction, appeal to the Court of Sessions, whose decision thereon shall be final.

¹⁹²**26. Power to delegate.**— The Government may, by notification in the official Gazette, delegate any of its or of the Provincial Agency's powers or functions under this Act, the rules or the regulations to any Government Agency, local council or local authority.]

¹⁹³**27. Power to give directions.**— In the performance of its functions, the Provincial Agency shall be bound by the directions given to it in writing by the Government.]

¹⁹⁴**28. Indemnity.**— No suit, prosecution or other legal proceedings shall lie against the Government, the Council, the Provincial Agency, the Director General of the Provincial Agency, members, officers, employees, experts, advisors, or consultants of the Provincial Agency or the Environmental Tribunal, an Environmental Magistrate or any other person for anything which is in good faith done or intended to be done under this Act or the rules or the regulations.]

29. Dues recoverable as arrears of land revenue.— Any dues recoverable by the ¹⁹⁵[Provincial Agency] under this Act, or the rules or regulations made thereunder shall be recoverable as arrears of land revenue.

30. Act to override other laws.— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

31. Power to make rules.— The ¹⁹⁶[Government] may, by notification in the official Gazette, make rules for carrying out the purposes of this Act including rules for implementing the provisions of the international environmental agreements, specified in the Schedule to this Act.

32. Power to amend the Schedule.— The ¹⁹⁷[Government] may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

33. Power to make regulations.— (1) For carrying out the purposes of this Act, the ¹⁹⁸[Provincial Agency] may, by notification in the official Gazette and with the approval of the ¹⁹⁹[Government], make regulations not inconsistent with the provisions of this Act or the rules made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

- (a) submission of periodical reports, data or information by any Government

- Agency, local authority or local council in respect of environmental matters;
- (b) preparation of emergency contingency plans for coping with environmental hazards and pollution caused by accidents, natural disasters and calamities;
 - (c) appointment of officers, advisors, experts, consultants and employees;
 - (d) levy of fees, rates and charges in respect of services rendered, actions taken and schemes implemented;
 - (e) monitoring and measurement of discharges and emissions;
 - (f) categorization of projects to which, and the manner in which, section 12 applies;
 - (g) laying down of guidelines for preparation of initial environmental examination and environmental impact assessment and development of procedures for their filling, review and approval;
 - (h) providing procedures for handling hazardous substances; and
 - (i) installation of devices in, use of fuels by, and maintenance and testing of motor vehicles for control of air and noise pollution.

34. Repeal, savings and succession.— (1) The Pakistan Environmental Protection Ordinance, 1983 (XXXVII of 1983) is hereby repealed.

(2) Notwithstanding the repeal of the Pakistan Environmental Protection Ordinance, 1983 (XXXVII of 1983), any rules or regulations or appointments made, orders passed, notifications issued, powers delegated, contracts entry into, proceedings commenced, rights acquired liabilities incurred, penalties, rates, fees or charges levied, things done or action taken under any provisions of that Ordinance shall, so far as they are not inconsistent with the provisions of this Act, be deemed to have been made, passed, issued, delegated, entered into, commenced, acquired, incurred, levied, done or taken under this Act.

¹¹⁰⁰[(3) Notwithstanding the omission of section 8 of the Act by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012), any rules, regulations or appointments made, orders passed, notifications issued, powers delegated, contracts entered into, proceedings taken, rights acquired, liabilities incurred, penalties imposed, rates, fees or charges levied or other things done or actions taken under the provisions of said section, shall continue to have effect unless recalled withdrawn or cancelled.]

SCHEDULE

(See section 31)

1. International Plant Protection Convention, Rome, 1951.
2. Plant Protection Agreement for the South-East Asia and Pacific Region (as amended), Rome, 1956.
3. Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (as amended), Rome, 1963.
4. Convention on Wetlands of International importance Especially as Waterfowl Habitat, Ramsar, 1971 and its amending Protocol, Paris, 1982.
5. Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention), Paris, 1972.
6. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Washington, 1973.
7. Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979.
8. Convention on the Law of the Sea, Monte go Bay, 1982.
9. Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985.
10. Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987 and amendments thereto.
11. Agreement on the Network of Aquaculture Centres in Asia and the Pacific, Bangkok, 1988.
12. Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, Basel, 1989.
13. Convention on Biological Diversity, Rio De Janeiro, 1992.
14. United Nations Framework Convention on Climate Change, Rio De Janeiro, 1992.

¹¹This Act of Parliament received the assent of the President on 3 December 1997, and was published in the Gazette of Pakistan, Extraordinary, dated 6 December 1997.

This Act was originally in the Federal ambit, however, the subject on which this law was enacted devolved to the provinces by virtue of 18th Amendment in the Constitution, hence it was adapted, with amendments, for the province of the Punjab by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

¹²Substituted for the word "Pakistan" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

¹³Substituted for the word "Pakistan" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

¹⁴Substituted for the word "Pakistan" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

¹⁵Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012), for the words "Federal Agency or a Provincial Agency".

¹⁶Omitted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

¹⁷Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

¹⁸Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

¹⁹Omitted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

²⁰Substituted for the words "Federal Government or a Provincial Government" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

²¹Omitted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

²²Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

²³Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

²⁴Inserted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

²⁵Substituted for the word "National" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

²⁶Omitted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

²⁷Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012), for the word "Pakistan".

²⁸Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012), for the word "Pakistan".

²⁹Substituted for "; and" by the Punjab Fair Representation of Women Act 2014 (IV of 2014).

³⁰Added by the Punjab Fair Representation of Women Act 2014 (IV of 2014).

³¹Substituted, for the words "Federal Government" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

³²Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012), for the word "National".

³³Substituted for the word "National" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

³⁴Substituted for the words "Federal Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

- [illegible]

THE POLLUTION CHARGE FOR INDUSTRY (CALCULATION AND COLLECTION) RULES, 2001

CONTENTS

1. Short title and commencement
2. Definitions
3. Determination of pollution charge
4. Responsibility for calculation, reporting and payment
5. Determination of pollution level
6. Calculation and payment
7. Re-determination of pollution level
8. Costs of determination of pollution level
9. Collection through industrial associations and Chambers of Commerce and Industry



THE POLLUTION CHARGE FOR INDUSTRY (CALCULATION AND COLLECTION) RULES, 2001

[1st July, 2001]

NOTIFICATION

S.R.O. (1)/2001.- In exercise of the powers conferred by section 31 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Federal Government is pleased to make the following Rules, namely: -

1. Short title and commencement.— (1) These rules may be called the Pollution Charge for Industry (Calculation and Collection) Rules, 2001.

(2) They shall come into force from the 1st July 2001.

2. Definitions.— (1) In these rules, unless there is anything repugnant in the subject or context,—

- (a) “**Act**” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “**Board**” means the Provincial Sustainable Development Fund Board constituted under section 10 of the Act;
- (c) “**Director-General**” means the Director-General of the Provincial Agency;
- (d) “**Guidelines**” means the “Guidelines for determination of a Pollution Charge for Industry” as contained in Schedule I;
- (e) “**industrial unit**” means any legal entity carrying on industrial activity;
- (f) “**Inspection Team**” means the Inspection Team constituted under rule 5;
- (g) “**pollution charge**” means the pollution charge payable under sub- section (2) of section 11 of the Act;
- (h) “**pollution level**” means the number of pollution units per unit of production, calculated in accordance with the procedure contained in Guidelines and Schedule IV;
- (i) “**pollution unit**” means the quantity of pollutant which reflects its relative toxicity vis-a-vis other parameters, as specified in the Guidelines and Schedule IV; and
- (j) “**Schedule**” means the schedule to these rules;

(2) All other words and expressions used but not defined shall have the same meanings as are assigned to them in the Act.

3. Determination of pollution charge.— The pollution charge payable by an industrial unit shall be determined in accordance with the Guidelines.

4. Responsibility for calculation, reporting and payment.— An industrial unit liable to pay the pollution charge shall itself be responsible for ensuring the correct calculation, reporting and payment of the pollution charge.

5. Determination of pollution level.— (1) For the purposes of determining the pollution level of an industrial unit, the Director-General shall constitute an Inspection Team comprising of —

- (a) a representative of the Provincial Agency;
- (b) a representative of the industrial unit;
- (c) not more than two representatives each drawn from the list of any two authorized NGOs specified in Schedule II; and
- (d) a representative of a certified environmental laboratory or any other agency approved and designated by the Provincial Agency for the purposes of determination of the pollution level.

(2) The Inspection Team shall determine the pollution level of an industrial unit at least once a year in respect of discharges of effluents and waste, and emissions of air pollutants.

(3) The Inspection Team shall also determine the exemption allowed to an industrial unit as required under Schedule IV.

(4) All samples obtained by the Inspection Team shall be tested and analysed by a certified environmental laboratory.

(5) The pollution units per unit of production determined by the Inspection Team shall form the basis for calculation of the pollution charge of an industrial unit under rule 6.

6. Calculation and payment.—(1) The pollution charge shall be calculated by multiplying the pollution level with the actual production during the period for which the charge is to be paid, and with the applicable rate per pollution unit for the year in accordance with the rates and escalation table shown in Schedule III.

(2) The pollution charge shall be payable biannually, based on the actual production in the preceding six months.

(3) The payment of the pollution charge shall be made by deposit, against proper receipt in the Government Treasury or any branch of the National Bank of Pakistan.

(4) The industrial unit shall submit a copy of the receipt, along with details of calculation of the pollution charge in the form as set out in Schedule IV, to the Provincial Agency

7. Re-determination of pollution level.— (1) If during the year an industrial unit reduces, for at least three consecutive months, the pollution units discharged by it to eighty per cent or less of the level of at least one parameter, it shall have the right to apply to the Provincial Agency for re-determination of its pollution level.

(2) The Director-General may at any time, on application from any person or suo motu and after giving an industrial unit an opportunity of being heard, have the pollution level of

the industrial unit re-determined by the Inspection Team if he has reason to believe that the actual pollution units being discharged by such industrial unit in respect of any pollution parameter are twenty per cent or more than the level determined by the Inspection Team at the time of last measurement.

(3) Re-determination of the pollution charge under sub-rules (1) and (2) shall be allowed by the Provincial Agency subject to payment of the prescribed fees by the applicant specified in Schedule V.

8. Costs of determination of pollution level.— The industrial unit shall provide all requisite assistance at the site for the visit of the Inspection Team and shall bear all costs relating to determination of the pollution level, including the prescribed fees specified in Schedule V, and costs of sampling, testing and reporting of results:

Provided that the costs of re-determination of the pollution level on an application of any person under sub-rule (2) of rule 7 shall be deposited with the Provincial Agency when such re-determination is allowed, and shall be refunded to the applicant and charged from the industrial unit, only if the actual pollution units being discharged by such unit in respect of any parameter are determined by the Inspection Team to be twenty per cent or more than the level determined at the time of last measurement.

9. Collection through industrial associations and Chambers of Commerce and Industry.— (1) Subject to rule 4, where industrial units have formed an association to look after their collective interests, such association may collect the pollution charge from its member industrial units and deposit the same against proper receipt in the Government Treasury or any branch of the National Bank of Pakistan.

(2) The Chambers of Commerce and Industry at the Federal and Provincial levels shall use their good offices to ensure that all industrial units in their respective jurisdictions pay the pollution charge in accordance with these rules.

(3) All industrial associations and Chambers of Commerce and Industry shall submit a monthly report to the Board indicating the total amount of pollution charge collected by them during the previous month along with copies of the receipts of payment.

SCHEDULE I

[See rule 2(1)(d)]

Guidelines for determination of pollution charge for Industry

Legal Basis

Section 11 of the Environmental Protection Act, 1997, contains the following subsections that provide a legal basis for application of pollution charge, namely:-

- (2) The Federal Government shall levy a pollution charge on any person who contravenes or fails to comply with the provisions of subsection (1), to be calculated at such rate, and collected in accordance with such procedures as may be prescribed.
- (3) Any person who pays the pollution charge levied under sub-section (2) shall not be charged with an offence with respect to that contravention or failure.
- (4) The provisions of sub-section (3) shall not apply to projects, which commenced industrial activity on or after the thirtieth day of June 1994.

Primary Considerations

The proposed system of pollution charge has been developed to achieve a balance among the following, namely: -

1. The need for an equitable, simple and workable approach towards establishment of pollution charge.
2. The need for real progress towards making the industry environmentally friendly without jeopardizing the economic growth in the country.
3. The need of the industry to be allowed a period in which it can prepare for compliance with the National Environmental Quality Standards (NEQS).

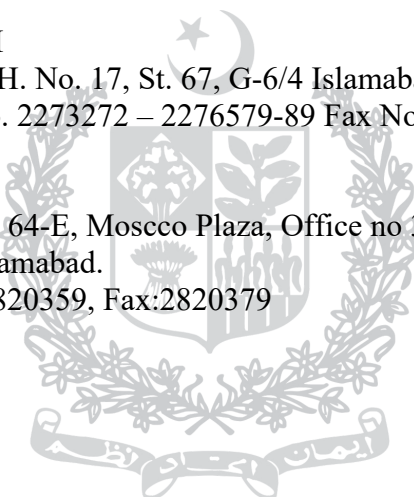
Guideline

Basic principles discussed and agreed upon in different meetings of the Environment Standards Committee (ESC) comprising representatives of FPCCI, NGOs and the Government are summarized below:

1. The level of pollution charge shall be established through a process of negotiations.
2. The level of pollution charge should initially be such that the industry should feel the impact, but should not be excessive such that the financial health of the concern is jeopardized.
3. The system should be applied uniformly across all the industrial sectors.

SCHEDULE II
[See rule 5(1)(c)]
List of authorized NGOs

1. International Union for Conservation of Nature and Natural Resources (IUCN)
House No. 26, St. No. 87, G-6/3, Islamabad.
Phone No. 051-2270686-87
Fax No. 051-2270683
2. Sustainable Development Policy Institute (SDPI)
H. No. 3, UN Boulevard, Diplomatic Enclave, G/5, Islamabad.
Phone No.051-2278134
Fax No.051-2278135
3. World Wide Fund (WWF) PAKISTAN
Address: P.O. Box 5180, Ferozepur Road, Lahore. Phone No. 042-5862360
Fax No. 042-5862358
4. S U N G I
Address: H. No. 17, St. 67, G-6/4 Islamabad.
Phone No. 2273272 – 2276579-89 Fax No. 2823559
5. PAIDAR
Address: 64-E, Moscco Plaza, Office no 3, 1st Floor, Blue Area, Islamabad.
Phone:2820359, Fax:2820379



SCHEDULE III
[See rule 6(1)]
Pollution Charge rates and escalation table

Schedule for payment of pollution charge:

Pollution charge shall be payable on a biannual basis, calculated according to the established discharge rate per unit of production, and the actual production of the unit in the preceding six months.

Pollution Charge Escalation:

The following table gives the Schedule for a period of three years beginning from the July 1 st, 2001:

POLLUTION CHARGE SCHEDULE

Period.	Annual escalation.
(1)	(2)
1 st July, 2001 to 30 th June, 2002.	20% of base rate.
1 st July, 2002 to 30 th June, 2003.	40% of base rate.
1 st July, 2003 to 30 th June, 2004.	60% of base rate.

SCHEDULE IV

[See rule 6(4)]

Details of calculation of Pollution Charge

PART I

A. POLLUTION CHARGE FOR LIQUID EFFLUENTS:

Parameters Applicable for Pollution Charge and Definition of Pollution Unit:

Parameters on which pollution charges are to be applied and the definitions of the pollution units for each parameter are shown in the table below.

TABLE

List of selected NEQS parameters for pollution units calculation

S/No.	Parameters.	1 Pollution Unit.
(1)	(2)	(3)
1	COD.	50 kgs
2.	TSS.	50 kgs
3.	Oil and grease	3 kgs
4.	Mercury.	20 g
5.	Chromium.	500 g
6.	Nickel.	500 g
7.	Lead.	500 g
8.	Copper.	1000 g
9.	Cadmium.	100 g
10.	Pesticides and herbicides.	100 g

The parameters for pollution units given above all arrived at in view of the following considerations, namely: -

1. To keep the system simple and cost effective, the number of parameters should be kept at a minimum.
2. The quantity of pollutant defined as one pollution unit reflects the relative toxicity of the pollutant, and consequently the extent of damage to the environment.
3. The Federal Agency may expand the above list if deemed necessary.

Exemption in Pollution Units:

Each industrial unit shall be allowed an exemption equivalent to NEQS for each parameter on which the pollution charge is applicable. The exemption is proposed in line with the spirit to the National Environmental Quality Standards.

METHOD OF DETERMINATION OF POLLUTION CHARGE:

Determination of Pollution Level:

The pollution level in a unit or a production unit if so desired, shall be measured once a year. The measurement shall be carried out jointly in the presence of at least one representative each from the unit and the concerned EPA or agency approved by EPA. Interested NGOs shall be allowed to accompany EPAs on such visits to ensure transparency and neutrality in the process. The production of the unit during the determination period shall also be recorded to ensure that normal operational conditions of the unit prevail. Alternatively, pollution charge may also be figured out on the basis of self-monitoring reports submitted under NEQS (Self-Monitoring and Reporting by Industry) Rules, 2001, in mutual agreement with the concerned EPA.

Calculation Procedure:

1. The effluent flow of a unit shall be measured for a limited period, ranging from a minimum of a day to about a week, under normal operating conditions.
2. During this period, effluent samples shall be taken at regular intervals, ranging from once an hour to once in eight hours and the concentration of pollutant parameters of concern shall be established through laboratory analysis.
3. Net quantity of pollutant being discharged (in kg) shall be calculated by dividing the net quantity of pollutant being discharged by the amount defined as one pollution unit for the parameter under consideration.
4. Number of pollution units for each parameter shall be calculated by dividing the net quantity of pollutant being discharged by the amount defined as one pollution unit for the parameter under consideration.
5. The number of pollution units per unit of production shall be calculated by dividing the number of pollution units with production in the period during which tests were carried out.
6. Number of pollution units shall be calculated on the basis of production in the period for which pollution charges are to be paid.
7. The amount to be paid as pollution charge shall be calculated by multiplying the chargeable pollution units with the applicable rate for a pollution unit for the year. Sample calculation of pollution charge are given below:

NEQS Parameters.		Recorded.	Effluent levels.
(1)		(2)	(3)
COD.	150	5200	mg/l
TSS	mg/l 150 mg/l	500	mg/l

Annual Operating Day.	160 Days.		
Product Rate	6,000 Tons		
Effluent flow rate	5,300 m3/day	or	848,000 m3/year Chargeable

Calculation of Pollution Charge:

Actual Pollution Level.		Annual Pollution Load.		Net Chargeable Units.
(1)		(2)		(3)
COD.	5,200 mg/l	4,282,400 kg		85,648
TSS.	500 mg/l	296,800 kg		5,936
		Total.		91,584
Total Units Chargeable	91,584 Units			
.Base Rate per Unit.	100 Rs./Unit (For example)			
Total Pollution Charge.	Year	Year 2	Year 3	
Rs./Year	1,831,1 68	3,663,360	5,495,040	

* Refer to Part I.

* * Refer to Schedule III.



PART II

B. POLLUTION CHARGE FOR GASEOUS EMISSIONS:

Parameters to be charged and Definition of Pollution Unit:

Parameters on which pollution charge are to be applied and the definitions of the pollution units for each parameter are given in the table below:-

TABLE

Selected parameters for pollution units calculation

Parameter.	Quantity of one pollution unit.
(1)	(2)
Carbon Monoxide (CO).	400 Kg
Oxides of Nitrogen (NO _x).	200 Kg
Oxides of Sulfur (SO _x).	200 Kg
Particulate Matter (Coal).	250 Kg
Particulate Matter (Oil).	150 Kg
Particulate Matter (Cement).	100 Kg
Particulate Matter (Other Sources).	250 Kg

The definitions of pollution units given above were arrived at in view of the following namely:

1. The system should be simple and cost effective, and the numbers of parameters on which pollution charges are to be applied should be kept at a minimum.
2. The quantity defined as one pollution unit reflects the relative environmental impact of a specific parameter on the assimilative capacity of the surrounding air and impact on human health.

Exemption in Pollution Units:

Each industrial unit shall be allowed an exemption corresponding to NEQS for each parameter on which the pollution charge is applicable. The exemption proposed is in line with the exemption proposed for liquid effluents.

C. APPROACH AND METHOD FOR THE DETERMINATION OF AIR POLLUTION CHARGE:

Determination of Pollution level:

The pollution level in a unit or a production unit if so desired, shall be measured once a year. The measurement shall be carried out jointly in the presence of at least one representative each from the unit and the EPA, or an agency approved by EPA for this purpose. Interested NGOs shall be allowed to accompany EPAs on such visits to ensure transparency and neutrality in the process. All air emission measurements shall be taken under normal plant operating conditions. The industrial unit shall arrange for air emission measurement and shall bear the cost of air emission measurement. The production of the industrial unit during the determination period shall also be recorded to ensure that normal operating conditions of the unit prevail at the time of testing. The pollution charge could also be figured out on the basis of self-monitoring reports with mutual agreement of EPA.

Calculation Procedure:

The following measurements are needed to calculate the quantity in kg of each pollutant being emitted namely: -

1. Flow rate of the gas in the stack or chimney in kg/hr or cubic meter/hour
2. Concentration of pollutant in the gas stream in ppm.

Calculation of gas flow rates requires extensive instrumentation, is time consuming and expensive. To address this issue, a simplified fuel based approach is proposed for the quantification of pollutant loads in gases discharged from fuel fired equipment such as boilers, kilns, furnaces and dryers. This approach allows direct quantification of gas flow rate using the amount of fuel consumed and excess air used per unit of fuel. Excess air is the amount of air used over and above the theoretical amount needed for complete burning of the fuel, and can be calculated on the basis of oxygen in the gaseous emissions. In exceptional cases, industrial units that have arrangements for continuous or online flow measurements of gas emitted may use actual flow measurements for the quantification of air emissions.

A stepwise procedure for the calculation of air pollution units from an industrial unit is given as under: -

1. The concentration of pollutant parameters of concern and oxygen in the stack gas shall be measured for a limited period, ranging from a minimum of a day to about a week, under normal operating conditions. The temperature of stack gases shall also be measured.
2. The quantity of fuel consumed and production shall be monitored during the same period.
3. The flow rate of gases shall be calculated using standard formulas, with quantity of fuel used, concentration of oxygen and temperature as inputs.
4. Net quantity of air pollutant being discharged (in kg) shall be calculated by subtracting the NEQS concentration from the measured concentration, and multiplying the net concentration in excess of NEQS with the calculated flue gas flow.
5. Number of pollution units for each parameter shall be calculated by dividing the net quantity of pollutant being discharged by the amount defined as one pollution unit for the parameter under consideration.
6. Number of pollution units per unit of production shall be calculated by dividing the number of pollution units with production in the period during which the tests were carried out.
7. Number of pollution units shall be calculated on the basis of production in the period for which pollution charges are to be paid.
8. The amount to be paid as pollution charge shall be calculated by multiplying the chargeable pollution units with the applicable rate for a pollution unit for the year.

Pollution Charges for Non-Fuel Cases and Other Exceptions:

For processes where fuel is not used or where it is not possible to calculate gas flow rates on the basis of fuels used, direct measurement of gas flow rates shall be required.

Standard guidelines and procedures for measurement of gas flow rates shall be prescribed. The remaining calculation procedures for the number of pollution units and amount to be paid shall be the same as those for fuel related emissions.

Separate calculation procedures shall be developed for the cement industry to account for volume corrections associated with carbon dioxide produced from the calcining process.

The system of pollution charges proposed in this document shall not apply to the power industry. Standards and procedures for the power industry shall be issued separately.

Sample Calculation of Pollution For Charge Gaseous Emission:

NEQS parameters.		Recorded.		Emission.	
1		2		3	
Carbon Monoxide (CO)		800		mg/nm ₃	
Oxides of Nitrogen (NOx)		400		mg/nm ₃	
Oxides of Sulfur (SOx)		400		mg/nm ₃	
Particulate Matter (Coal)		500		mg/nm ₃	
Particulate Matter (Oil)		300		mg/nm ₃	
Particulate Matter (Cement)		200		mg/nm ₃	
Particulate Matter (other)		500		mg/nm ₃	
	Fuel Consumed. Kg/Year	Excess Air %		Fuel Gas Discharged. M3/Year	
Bagasse		495,000,000		30	
				1,854,646,438	
Pollutant.	Total Air Emission s (mg/Nm3)	Exemption (mg/Nm3).	Net Chargeable Emission (mg/Nm3).	Annual ** Chargeable Pollution Load (kg).	Chargeable Pollution Units.
CO	1,600	800	800	1,483,717	3,709
NOx	160	400	-	-	-
SOx	-	400	-	-	-
PM	6,744	500	6,244	11,580,412	46,322

Total Chargeable Pollution Units*

50,031 @ Base Rate / P.U (Rs.

100/P U)

Total Pollution Charge.	Year 1	Year 2	Year 3
Rs./Year	1,000,619	2,001,238	3,001,857

* Refer to Schedule VI (B) ** Refer to
Schedule III

Re-Determination of Pollution Charges:

If, during a running year, the unit attains a status (for a period of at least three consecutive months) which corresponds to eighty per cent or less of the value of at least one parameter, the unit or the production unit is entitled to apply for a fresh assessment of pollution charge. The EPA may impose a fee for such re-assessment.

SCHEDULE V
[See rule 7(3) and rule 8]
FEEES FOR DETERMINATION OF POLLUTION LEVEL

Processing fees.

Rs. 5,000/-

Sample analysis fees.

Rates of certified labs under
Notification No. S.R.O. 258 (1)/2000,
dated 10th February, 2000, shall be
applicable.

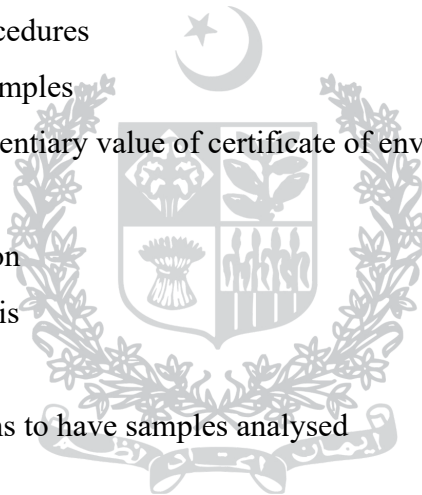
[File No.1 (5)/2001 -L/E]



ENVIRONMENTAL SAMPLES RULES, 2001

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[March, 2001]

GOVERNMENT OF PAKISTAN
MINISTRY OF ENVIRONMENT, LOCAL GOVERNMENT AND RURAL DEVELOPMENT

NOTIFICATION

S.R.O.527(1)/2001.— In exercise of the powers conferred by section 31 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Federal Government is pleased to make the following rules, namely: -

1. Short title and commencement.- (1) These rules may be called the Environmental Samples Rules, 2001.

(2) They shall come into force at once.

2. Definitions.— (1) In these Rules, unless there is anything repugnant in the subject or context. –

(a) “**Act**” means the Pakistan Environmental Protection Act, 1997(XXXIV of 1997);

(b) “**Authorized Person**” means a person authorized by the Director-General under rule 3;

(c) “**Chief Analyst**” means the Chief Analyst of an environmental laboratory, and includes an Analyst who is performing the functions of the Chief Analyst in the environmental laboratory;

(d) “**Director-General**” means the Director-General of the Federal Agency or a Provincial Agency;

(e) “**Environmental Laboratory**” means a laboratory to which certification has been granted under the Pakistan Environmental Protection Agency (Certification of Environmental Laboratories) Regulations, 2000; and (f) “**Form**” means the form annexed to these rules.

(2) All other words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

3. Authorization.— (1) Functions and powers specified in these rules including powers under clauses (g), (h), (i) and (j) of section 7 of the Act of the Federal Agency or of a Provincial Agency if delegated to it, may be performed and exercised by any person duly authorized by the Director-General in this behalf, under sub-section (5) of section 5 of the Act.

(2) In performing such functions and exercising such powers under sub-rule (1), an authorized person may employ such assistance as he may consider necessary:

Provided that police assistance, if required, shall be obtained only under orders of the Environmental Tribunal or Environmental Magistrate having jurisdiction.

4. Entry and inspection.— (1) An authorized person shall, before entering any place, record in writing the reasonable grounds leading him to believe that an offence under the Act has been or is being committed therein.

(2) For the purpose of determining whether, and if so in what manner, an offence under the Act has been, or is being committed, in any place an authorized person may, –

- (a) enter and inspect such place, and examine any machinery or equipment while in operating condition, or any relevant document or other article found therein; and
- (b) take into possession, against a signed receipt, any article which he has reason to believe has been or is involved in, or which may furnish evidence of, the commission of an offence:

Provided that where it is not practicable to take physical possession of any such article, the authorized person may, by order in writing in the form as set out in Form A, entrust the article to the custody of the owner or the person previously holding the article in his possession or charge, and direct him not to remove or otherwise deal with the article except with the prior written permission of the authorized person:

Provided further that where the owner or person previously holding the article in his possession or charge is not known or cannot be found within reasonable time, the authorized person may in one English and one Urdu daily newspapers calling upon such person after publication notice to show cause as why the article should not be confiscated.

(3) Any power under clause (b) of sub-rule (2) shall not be exercised if production or operations in such place will be adversely affected unless prior permission in writing is obtained from the Environmental Tribunal or Environmental Magistrate having jurisdiction.

(4) The owner or person in charge of the place in which entry is sought by an authorized person shall, on being informed of his purpose and shown his authorization, allow him unimpeded access to such place and provide all reasonable facilities for his inspection:

Provided that the authorized person shall abide by all safety rules and precautions applicable to such place.

5. Search.— (1) Where an authorized person considers it necessary to search for an article of the nature specified in clause (b) of sub-rule (2) of rule 4, he may apply to the Environmental Tribunal or Environmental Magistrate having jurisdiction for a search-warrant, specifying in his application, to the extent possible, the article for which search is to be made.

(2) The Environmental Tribunal or Environmental Magistrate may, on an application of an authorized person under sub-rule (1), for reasons to be recorded in writing, issue a search-warrant specifying the place to be searched and, to the extent possible, the article for which search is to be made, and may also lay down such other conditions as it may deem fit in the circumstances of the case.

(3) If despite stating his purpose and showing his search-warrant, an authorized person cannot obtain entry into such place, he may break or open any lock, door, gate or window of such place:

Provided that if the place into which entry is sought is in the actual occupancy of a woman who, according to custom, does not appear in public, the authorized person shall give notice to such woman to withdraw and shall afford her every reasonable opportunity of withdrawing, before breaking or opening and entering such place.

(4) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall *mutatis mutandis*, apply to searches made under this rule.

6. Issue of Environmental protection order.— Where on entry, inspection or search of any place, an authorized person is satisfied that the circumstances in such place require issue of an Environmental Protection Order in respect thereof, he shall immediately inform the Director General in writing, for initiation of necessary action in accordance with the provisions of section 16 of the Act.

7. Procedure for taking samples.— (1) An authorized person taking samples under clause (h) of section 7 of the Act shall forthwith divide the same into three portions, in the presence of the person from whom the sample is taken:

Provided that where the sample is such that it cannot or need not be divided, additional samples should be taken, if possible.

(2) An authorized person shall take samples in clean, dry bottles or jars or other suitable containers which shall be closed sufficiently tight to prevent leakage or evaporation or entry of moisture:

Provided that where necessary the authorized person shall add preservative to the sample before sealing the container.

(3) All such bottles or jars or containers shall be labeled, placed in a cloth or other bag which shall be sewn or glued at the ends and then effectively sealed on the stitches or ends and suitably marked and signed by the authorized person and the person from whom the sample is taken.

(4) Where the person from whom the sample is taken is not available, or willfully absents himself or is unknown at the relevant time, or declines to add his seal or mark or signatures, the authorized person shall obtain on the sealed parcel the seal or mark and, if possible, signatures of one or more independent witnesses in whose presence the sample has been taken.

(5) Both the label and the sealed parcel shall contain a distinguishing number, a brief description of the sample and the preservative, if any, and the place, date and time of taking the sample.

8. Dispatch of samples.— (1) One portion of the sample duly packed, sealed and marked as provided in rule 7 shall be handed over to the person from whom the sample is taken, along with a notice in the form as set out in Form B:

Provided that, in cases covered under sub-rule (4) of rule 7, the first portion and notice in Form B shall be dispatched to the person from whom the sample is taken, if since traced, by registered post.

(2) The second portion of the sample, or the second sample, or the sample itself where taking of only one sample is possible, shall, after being duly packed, sealed, labeled and marked as provided in rule 7, be delivered within forty-eight hours to an environmental laboratory for test and analysis, along with forwarding letter in the form as set out in Form C.

(3) The third portion of the sample or the third sample, after being duly packed, sealed, labeled and marked as provided in rule 7, shall be retained by the authorized person for future test and analysis, and comparison, as may be required.

(4) Specimen impression of the seal affixed on the parcel shall be sent by the authorized person to an environmental laboratory separately by registered post or courier.

9. Detailed sampling procedures.— Subject to the provisions of rules 7 and 8, where the nature of the samples or the tests or analyses proposed to be carried out so require, the Director-General may specify further details as to the procedures for taking, packing, storage and dispatch of samples, and where such details have been specified, the authorized person shall comply therewith.

10. Test and analysis of samples.— (1) On receipt of sealed parcel containing a sample for test and analysis, the Chief Analyst shall compare the seals on the parcel with the specimen impression received, and shall note the condition of the seal thereon.

(2) Amongst other tests or analyses, the Chief Analyst shall particularly test or analyse the sample to determine whether it conforms to the National Environmental Quality Standards.

(3) After the test or analysis, the Chief Analyst, on receipt of fees payable in respect thereof, shall forthwith send to the authorized person a certificate in the form as set out in Form D, in triplicate, declaring the results of such test or analysis.

(4) The Chief Analyst shall, as far as possible, carry out the test or analysis and send the certificate in the form as set out in Form D to the authorized person within thirty days of receipt of the sample:

Provided that if for any reason the Chief Analyst is unable to carry out the test or analysis within the prescribed period, he shall inform the authorized person accordingly who may collect the sample and send the same to another environmental laboratory for the purpose.

(5) On receipt of the certificate in the form as set out in Form D, in triplicate, the authorized person shall –

- (a) send one original to the person from whom the sample is taken;
- (b) submit the second original with the complaint, if any, filed with the Environmental Tribunal or Environmental Magistrate; and
- (c) retain the third original in his record or in the record of the Federal Agency or a Provincial Agency for future use.

11. Admissibility and evidentiary value of certificate of environmental laboratory.—(1) Upon production in any inquiry, trial or other proceedings under the Act, of the certificate in Form D issued by the Chief Analyst of an environmental laboratory in respect of a sample, the person from whom the sample is taken may, within fifteen days of receipt of the certificate, give notice to the authorized person in writing of his intention to contest the results contained in the certificate.

(2) Where on the request of the accused the Environmental Tribunal considers it necessary in the interests of justice, it may summon the Chief Analyst to give evidence in respect of the certificate issued by him:

Provided that the costs of summoning the Chief Analyst shall be deposited by the accused, and if the accused is subsequently acquitted, the same shall be refunded to him.

12. Filing of complaint.— (1) On receipt of a certificate in Form D, an authorized person may, if the said certificate indicates contravention or failure to comply with the provisions of subsection (1) of section 11 of the Act, file a complaint against the person or persons responsible for such contravention or failure, with the Environmental Tribunal having jurisdiction.

(2) A complaint referred to in sub-rule (1) shall be accompanied by an original certificate in Form D, and attested copies of a notice in Form B, forwarding letter of sample in Form C and notice if any, received under sub-rule (1) of rule 11.

(3) The authorized person may also submit to the Environmental Tribunal any article taken into possession under clause (b) of sub-rule (2) of rule 4, if it is considered necessary and practicable to do so.

13. Expenses of prosecution.— Along with the complaint, the authorized person may also file a statement indicating the expenses incurred in the prosecution, including the costs of samples and of test and analysis thereof, and may request the Environmental Tribunal that in case of conviction the aforesaid expenses may be reimbursed to the complainant, in accordance with the provisions of section 545 of the Code of Criminal Procedure, 1898 (Act V of 1898).

14. Second test and analysis. – (1) Where the Environmental Tribunal is of the opinion, on the basis of evidence produced before it by the accused against whom the complaint has been filed, that further investigation is justified and is possible notwithstanding the time elapsed, it may, after recording the grounds for its opinion, direct that the third portion of the sample in the custody of the authorized person be sent for second test and analysis to another environmental laboratory:

Provided that the costs of the second test and analysis shall be deposited by the accused, and if the accused is subsequently acquitted, the same shall be refunded to him.

(2) The provisions of rules 10 and 11 shall apply to the second test and analysis under sub-rule (1), and the certificate in the form as set out in Form D in respect thereof shall be issued.

15. Procedure for trial.— The Environmental Tribunal shall try an offence under sub-section (1) of section 11 of the Act in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

16. Right of private persons to have samples analysed.— (1) Any person may apply in writing to the Director-General for arranging test and analysis of such sample and from such person as may be specified in the application.

(2) If the Director-General approves the application, he shall instruct an authorized person to take the sample and arrange for its test and analysis, and the provisions of rules 7 to 11 shall, *mutatis mutandis*, apply thereto.

(3) The costs of taking the sample and of the test and analysis shall be paid by the applicant:

Provided that in case the sample is found by an environmental laboratory not to conform to the National Environmental Quality Standards, the amount paid by the applicant shall be returned to him.



FORM A
[See rule 4(2)(b)]
CUSTODY ORDER

To

[Name and address of person to whom article is entrusted]

Dear Sir,

WHEREAS I have reason to believe that the following article has been/is involved/may furnish evidence of commission of an offence under the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), namely: -

(Description of article)

AND WHEREAS the said article has been taken into possession by me under rule 4(2)(b) of the Environmental Samples Rules, 2001.

NOW THEREFORE I hereby direct you, under rule 4(2)(b) of the aforesaid rules, to keep the above specified article in your safe custody and in proper storage and not to remove or otherwise deal with the article except with my prior written permission.

Place: _____

Date: _____

Time: _____

Authorized Person

Received: _____

(Signature of person to whom article is entrusted)

WITNESSES:

1. _____

2. _____

FORM B
[See rule 8(1)]

NOTICE

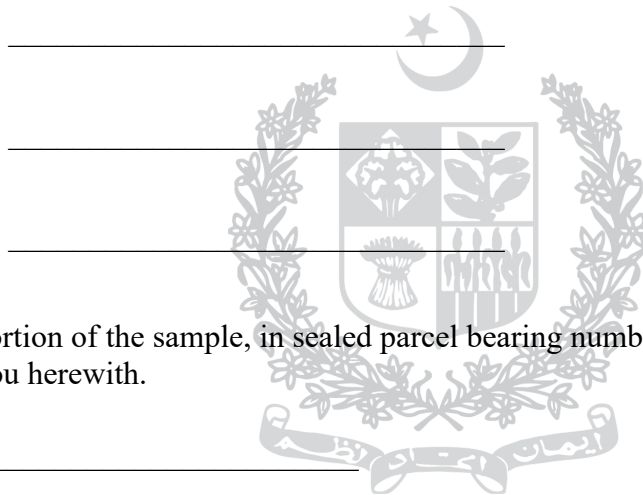
To

*[Name and address of person from whom sample
is taken]*

Dear Sir,

I have this day taken from the premises of *(name)* situated at *(address)* the sample described below, for test and analysis at an environmental laboratory, under the provisions of the Pakistan Environmental Protection Act, 1997, and the Environmental Samples Rules, 2001, namely: -

(Description of sample)



One portion of the sample, in sealed parcel bearing number _____, is being handed over/sent to you herewith.

Place: _____

Date: _____

Time: _____

Authorized Person

Received: _____

(Signature of person from whom sample is taken)

WITNESSES: *(Name and address)*

1. _____

2. _____

FORM C

[See rule 8(2)]

TEST AND ANALYSIS OF SAMPLE

To

The Chief Analyst

[Name and address of environmental laboratory]

Dear Sir,

I hereby submit sealed parcel bearing no. _____ containing the following sample for test and analysis and report under clause (i) of section 7 of the Pakistan Environmental Protection Act, 1997, read with rules 8(2) and 10(3) of the Environmental Samples Rules, 2001, namely: -

(Description of sample)

The sample was obtained from the premises of [name] situated at [address] on [date] at [time].

The parcel containing the sample has been affixed with seals and specimen impression of which is being sent to you separately.

Place: _____

Date: _____

Time: _____

Authorized Person

cc:[Name and address of person from whom sample is taken].

FORM D

[See rule 10 (3)]

CERTIFICATE OF TEST OR ANALYSIS

[to be signed in triplicate]

I hereby certify that. –

- (1) This laboratory has been granted certification as an environmental laboratory under the Pakistan Environmental Protection Agency (Certification of Environmental Laboratories) Regulations, 2000.
- (2) A parcel bearing no.____ said to contain a sample of [*description*] was received in this laboratory on [*date*] at [*time*] dispatched by [*name, designation and address of person*] by post/courier/personal delivery.
- (3) The seals of the parcel were compared with the seal impression received separately and were found to match/not match.
- (4) The seals on the parcel were intact/broken.
- (5) The seals were opened in my presence and the sample was found fit/unfit for test/analysis.
- (6) I have carried out the following test/analysis: -

- (7) I declare the results of the test/analysis as follows:

Pursuant to the above results, I am of the opinion that the sample does/does not conform to the National Environmental Quality Standards; and that –

Place: _____

(Chief Analyst)

Date _____

[*Name and address of environmental laboratory*]

THE PUNJAB ENVIRONMENTAL TRIBUNAL RULES, 2012

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1. Short title and commencement
2. Definitions
3. Term of office of the Chairperson and members
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THE PUNJAB ENVIRONMENTAL TRIBUNAL RULES, 2012

GOVERNMENT OF THE PUNJAB ENVIRONMENT PROTECTION DEPARTMENT

Dated Lahore, the 30th April 2012

NOTIFICATION

No.Legis-5-51/2012.- In exercise of the powers conferred under section 31 of the Punjab Environmental Protection Act, 1997 (XXXIV of 1997), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.— (1) These rules may be cited as the Punjab Environmental Tribunal Rules, 2012.

(2) They shall come into force at once.

2. Definitions.— (1) In these Rules:

- (a) “Act” means the Punjab Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “Bench” means a Bench of Tribunal consisting of the Chairperson and at least one member;
- (c) “Chairperson” means the Chairperson of the Tribunal;
- (d) “corporation service” means employment in a corporation or other body set up established, owned, managed or controlled by the Government;
- (e) “Director General” means Director-General of the Provincial Agency;
- (f) “member” means a member of the Tribunal;
- (g) “Registrar” means Registrar of the Tribunal;
- (h) “service of Pakistan” shall mean the same as in Article 260 of the Constitution of the Islamic Republic of Pakistan; and
- (i) “Tribunal” means an Environmental Tribunal established under section 20 of the Act.

(2) All other words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

3. Term of office of the Chairperson and members.— (1) Subject to sub-rules (2) and (3), the term of office of the Chairperson or a member shall not exceed three years.

(2) The Government may extend the term of office of the Chairperson or any member for such period, not exceeding three years, as it may deem fit.

(3) A member, who immediately before his appointment was holding a post in the service of Pakistan, may be transferred in public interest before the expiry of the term under this rule.

(4) The Chairperson or a member may resign by submitting resignation in writing to the Government.

(5) The Chairperson or a member shall not simultaneously hold any other office in the service of Pakistan.

4. Qualifications.— (1) A technical member of the Tribunal shall be a person who has at least:

- (a) B.Sc. Engineering degree (second division) in [Chemical, Civil, Public Health, Environmental, Mechanical, Industrial Engineering; or M.Sc. Degree (second division) in Chemistry, Biology, Chemical Technology, Environment, Environmental Planning and Management or BioChemistry]¹; and
- (b) seventeen years post academic qualification experience in BS-17 and above or equivalent relating to the field of any of the prescribed academic qualification.

(2) The third member of the Tribunal, if not a technical member, shall be a person who has, for a period of not less than seventeen years held a post in the service of Pakistan, or in corporation service, or who has, for a period of ten years, been an advocate of a High Court.

5. Salary, allowances and privileges.— (1) If a retired Judge of the High Court is appointed as Chairperson, he shall be entitled to such salary, allowances and privileges as were admissible to him as such Judge.

(2) If a person who is in the service of Pakistan or in the corporation service is appointed as a member, he shall be entitled to the same salary, allowances and privileges as are admissible to him in such service but if such person is promoted to a higher grade after his appointment as a member, he shall be entitled, from the date of such promotion, to the salary, allowances and privileges admissible to him in the higher grade.

(3) If a person who has retired from the service of Pakistan or from corporation service is appointed as a member, he shall draw such salary and allowances and shall be entitled to such privileges as are admissible to him under the rules applicable to such retired person on re-employment.

(4) Subject to sub-rule (5), if a person who is not a serving or retired Judge of the High Court is appointed as the Chairperson, or a person who is not in, or has retired from the service of Pakistan or who is not in, or has retired from the corporation service, is appointed as the Chairperson or a member, such person shall draw salary and allowances and other privileges as may be determined by the Government and mentioned in the service contract.

(5) The terms and conditions of service of the Chairperson or a member shall not be varied to their disadvantage during the term of office.

¹ Printed in the Notification as "chemical, civil, public health, environmental, mechanical, industrial engineering; or M.Sc. degree (second division) in chemistry, biology, chemical technology, environment, environmental planning and management or biochemistry"

6. Benches of the Tribunal.— The powers and functions of the Tribunal may be exercised or performed by a Bench.

7. Transfer of cases.— The Chairperson may, at any stage of hearing of a case, withdraw it from a Bench before which it is pending and entrust it to another Bench.

8. Staff of the Tribunal.— (1) The Government may appoint such staff of the Tribunal as may be necessary.

(2) The terms and conditions of service of the staff of the Tribunal shall be governed under the Punjab Civil Servants Act, 1974 (*VIII of 1974*) and the rules made thereunder.

9. Seal of the Tribunal.— (1) There shall be a seal of the Tribunal which shall indicate the name of the Tribunal and its insignia.

(2) The seal shall remain in the custody of the Registrar or such other officer as the Chairperson may direct, and shall be affixed on every order passed by the Tribunal.

(3) Every notice issued on behalf of the Tribunal shall be signed by the Registrar or other officer of the Tribunal duly authorized by the Chairperson in this behalf.

10. Dress, office hours and holidays.— (1) The Chairperson and members shall wear such dress as the Government may, from time to time, determine.

(2) The Tribunal shall, subject to any special order of the Chairperson, observe the same office hours and holidays as are observed by Lahore High Court.

11. Cause list.— (1) A daily cause list shall be prepared under orders of the Registrar and such list shall be affixed on the notice board of the place of sitting of the Tribunal.

(2) Except as otherwise directed by the Tribunal, the cases shall be set down in the cause list in the order of the date of admission.

12. Copies of orders and record.— (1) The Tribunal shall, after passing and signing any final order in any case, cause certified copies thereof to be sent under registered post acknowledgement due to the parties concerned and to the Director General of the Provincial Agency.

(2) Any appellant may obtain additional copies of the order on payment of such fee as the Tribunal may fix.

13. Expeditious disposal.— The Tribunal shall make every effort to dispose of a complaint or an appeal or other proceedings within sixty days from the date of filing of the complaint, appeal or other proceedings but any decision of the Tribunal shall not be rendered invalid by reason of any delay in the disposal of complaint, appeal or other proceedings.

14. Appeals.— (1) An appeal to the Environmental Tribunal under section 22 of the Act shall be in a form of a memorandum, shall be prepared in triplicate, and sent to the Registrar by registered post acknowledgement due or through courier or presented to him during office hours either by the appellant personally or by his counsel.

- (2) The appeal shall be accompanied by:
- (i) a copy of the impugned order;
 - (ii) copies of all documents on which the appellant relies; and
 - (iii) the fee, as prescribed in the Court Fees² Act, 1870 (VII of 1870).

15. Proceedings to be open to public.— (1) Subject to sub-rule (2), all proceedings before the Tribunal shall be open to the public.

(2) The Tribunal may restrict entry of public during hearing of cases involving information covered by clauses (i), (ii) and (iii) of sub-section (3) of section 12 of the Act.

16. Repeal.—The Environmental Tribunal Rules, 1999 and the Environmental Tribunals (Procedure and Functions) Rules, 2008 are hereby repealed.

**SECRETARY
GOVERNMENT OF THE PUNJAB
ENVIRONMENT PROTECTION
DEPARTMENT**



² Printed in the gazette notification as “fees”

THE PUNJAB ENVIRONMENTAL PROTECTION (MOTOR VEHICLES) RULES 2013

CONTENTS

1. Short title and commencement
2. Definitions
3. Prohibition
4. Enforcement Procedure
5. Impounding of motor vehicles
6. Completion of trial
7. Deposit of fine

Schedule-I

Schedule-II



THE PUNJAB ENVIRONMENTAL PROTECTION (MOTOR VEHICLES) RULES 2013

GOVERNMENT OF THE PUNJAB ENVIRONMENT PROTECTION DEPARTMENT

24th December, 2013

NOTIFICATION

No.SOG/EPD/5-45/2013.— In exercise of the powers conferred under Section 31 of the Punjab Environmental Protection Act, 1997 (XXXIV of 1997), Governor of the Punjab is pleased to make the following Rules:

1. Short title and commencement.— (1) These Rules may be cited as the Punjab Environmental Protection (Motor Vehicles) Rules 2013.

(2) They shall come into force at once.

2. Definitions. - (1) In¹ these Rules:

- (a) “Act” means the Punjab Environmental Protection Act-1997(XXXIV of 1997);
- (b) “administrative penalty” means a penalty provided under subsection (7) of section 17 of the Act;
- (c) “authorized officer” means an officer of the Provincial Agency authorized by the Director General for taking actions under sections 15, 17, 24 and 25 of the Act to regulate motor vehicles;
- (d) “complaint” means a statement of allegations made orally or in writing to the Environmental Magistrate for purposes of action under these rules;
- (e) “direction” means a direction issued in writing by the authorized officer to the owner of a motor vehicle for installing such pollution control devices or other equipment or use such fuels or undergo such maintenance or testing as may be mentioned in the direction slip specified in Schedule-I;
- (f) “offence” means an act of omission constituting contravention of section 15 of the Act or noncompliance of any order or direction passed or issued under these rules by the Provincial Agency or an authorized officer; and
- (g) “owner” includes a driver, contractor, operator or occupant of a motor vehicle.

(2) All other words and expressions used in these rules, but not defined herein shall have the same meanings as are assigned to them in the Act.

3. Prohibition.— A person shall not operate a motor vehicle from which air pollutants or noise are being emitted in an amount, concentration or level which is in excess of the Environmental quality standards or where applicable the standards established under clause (g) of subsection (1) of section 6 of the Act.

¹ Printed in the Gazette Notification as “in”

4. Enforcement Procedure.— (1) The authorized officer may inspect, examine or check any motor vehicle or class of motor vehicles at any time in his area of jurisdiction.

(2) The authorized officer shall examine a motor vehicle through calibrated instrument for compliance of environmental quality standards notified for vehicular emissions, exhaust, noise, vibration and smoke, in the presence of owner of the motor vehicle at the spot to determine air pollutants.

(3) If a motor vehicle does not confirm to environmental standards, the officer shall issue directions in terms of sub-section (2) of section 15 of the Act to the owner of the motor vehicle.

(4) The authorized officer shall mention a date, not more than seven days, and the site, for re-inspection of the motor vehicle in order to verify the compliance of the direction.

(5) The authorized officer may retain in custody the registration book, driving licence² or computerized national identity card of the owner of the motor vehicle in his safe custody and shall enter the particulars of the retained documents on the direction slip.

(6) The authorized officer shall be responsible for the quality and quantity and safe custody of the retained documents and shall produce them in the court, as and when required.

(7) The authorized officer shall wear uniform notified by the Government and in the performance of functions under these rules he may use revolving green lights on the duty vehicle and may seek help of local or traffic police, transport authorities or district administration.

(8) The authorized officer shall maintain daily diary register containing the details of the motor vehicles inspected, particulars of owners along with instruments used in determining air pollutants, violations or noise, for inspection and collecting evidence.

(9) The authorized officer shall verify the compliance of the directions given to the owner of a motor vehicle and if the direction is:

- (a) complied, he shall make an inventory of the compliance of the direction and shall return the retained document to the owner of the motor vehicle or any other person legally entitled to the document; or
- (b) not complied, he shall make inventory of all the retained documents as specified in Schedule-II and may impose administrative penalty on the owner of the motor vehicle under the Administrative Penalty Rules or may file a complaint against the owner of the motor vehicle before the Environmental Magistrate.

(10) The authorized officer shall treat the issuance of direction slip as fulfillment of the condition of show cause notice under these rules.

5. Impounding of motor vehicles.— (1) The authorized officer may impound, with the help of local Police, the motor vehicle which is being operated in contravention of these rules after the days mentioned on the direction slip or even after the imposition of administrative penalty.

² Printed in the Notification as "license"

(2) The impounded motor vehicles shall cease to operate till compliance of the direction under subsection (2) of section 15 of the Act and the authorized officer shall hand over the vehicle to the local Police Station through officer in-charge of the Police Station against an inventory of articles and an application by the authorized officer, which shall be reflected in rapt register of the Police Station.

(3) The Environmental Magistrate may, subject to conditions as the Magistrate deems appropriate, direct that the motor vehicle may be delivered to the owner.

6. Completion of trial.— The Environmental Magistrate shall conclude the proceedings initiated under these rules within thirty days and copies of the final order shall be sent to the Director General and the authorized officer who had submitted the complaint.

7. Deposit of fine.— (1) The owner shall deposit the fine imposed by the Environmental Magistrate or as an administrative penalty in a designated head of accounts notified by the Government.

(2) The authorized officer shall maintain the record of fine and shall submit a consolidated report thereof to the Director General on weekly basis.



chedule-I
(See Rule-2(E))
(Directions Slip)

(Action under Section 15 of the Punjab Environmental Protection Act-1997 (as amended in 2012))

1. Book No. _____ Issue No. _____
 2. Concerned Police Station _____ Tehsil _____
District _____
 3. Date/time & site of inspection _____
 5. Name with complete address of Owner, Driver, and Operator, Contractor or proprietor of the motor vehicle; _____
 6. Category of Motor Vehicle _____
 7. Standards notified by the Government to regulate motor vehicles U/S 15(1)

 8. Nature of offense made out during inspection

 9. Directions U/S 15 (2) _____
 10. Date/time & place of re-inspection to verify compliance of the direction U/S 15(2)

- List of documents taken into custody by the inspecting officer _____
- Note:**
11. In case of noncompliance of the direction given U/S 15(2) the accused motor vehicle shall proceed against U/S 17 of the Act.
 12. Signature of Driver/Owner _____
NIC NO. _____

Name, designation of Authorized officer Stamp/Date

Schedule-II
(See Rule-9 (B))

(List of documents or inventory required for legal proceedings)

- Detail of Instruments used in inspection of Motor Vehicle.
- Detail description of procedure used for testing emissions or air pollutants or noise or vibration.
- Clear cut report about compliance or non-compliance of the Standards.
- Detail of Direction given U/S 15(2).
- Details of possessed documents.
- Findings of Re-inspections and status of compliance of the Directions
- Status of earlier violations by the motor vehicle, earlier penalty or fine imposed or action taken against.
- List of witnesses at site in whose presence inspection & testing was done.
- Name & signature of inspector with official stamp.

**Verification & endorsement of Authorized Officer name & signature/official
stamp/ date**



THE PUNJAB BIO-SAFETY RULES, 2014

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THE PUNJAB BIO-SAFETY RULES, 2014¹

GOVERNMENT OF THE PUNJAB ENVIRONMENT PROTECTION DEPARTMENT

21st March, 2014

NOTIFICATION

No.SO(T)/EPD/1-34/2013. In exercise of the powers conferred under section 31 of the Punjab Environmental Protection Act, 1997 (XXXIV of 1997), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.— (1) These rules may be cited as the Punjab Bio-safety Rules, 2014.

(2) They shall come into force at once.

2. Application.— These rules shall be applicable to:

- (a) manufacture, import and storage of micro-organism and gene technological products for research whether conducted in laboratories of teaching and research, research and development institutes or private companies involved in the use and application of genetically modified organisms and the products thereof;
- (b) all works involved in the field trial of genetically manipulated plants, animals (including poultry and marine life), micro-organisms and cells; and
- (c) import, export, sale and purchase of living modified organisms, substances or cells and products thereof for commercial purposes.

3. Definitions.— (1) In these rules:

- (a) “Act” means the Punjab Environmental Protection Act 1997 (XXXIV of 1997);
- (b) “applicant” means any person including an artificial juridical person, seeking authorization for activities relating to the application of these rules;
- (c) “bio-safety” means the mechanism developed through policy and procedures to ensure the environmentally safe application of biotechnology;
- (d) “Bio-safety Committee” means the committee constituted under rule 4;
- (e) “bio-safety guidelines” means the bio-safety guidelines notified by the Government;
- (f) “commercial release” means any intentional introduction of living modified organisms into the environment through sale or purchase;

¹ These rules were notified vide Notification No.SO(T)/EPD/1-34/2013, dated 21.3.2013; and published in the Punjab Weekly Gazette, Part I, dated 26.3.2014, pages 1052-1061.

- (g) “contained use” means any operation or activity, undertaken within a facility, installation or other physical structure, which involves living modified organisms, substances or cells and products thereof and controlled in a manner that limit their contact with, and their impact on, the external environment and the general population;
- (h) “deliberate release” means any intentional transfer of living modified organisms to the environment or nature, irrespective of the manner or way it is done;
- (i) “experimental release” means any intentional introduction into the environment of living modified organisms, with containment measures and which are not used for commercialization;
- (j) “export” means the intentional trans-boundary movement from the area of the jurisdiction of the Punjab to any other area;
- (k) “import” means the trans-boundary movement into the area of the jurisdiction of the Punjab from any other area;
- (l) “Institutional Bio-safety Committee” means the committee constituted under rule 8;
- (m) “intentional introduction into the environment” means any deliberate release of living modified organisms subject to these rules that is not “contained use”, including release for experimental purposes but does not include living modified organisms imported for direct use for food or feed or for processing;
- (n) “license” means the license granted by the Provincial Agency under section 13 of the Act;
- (o) “living organism” means any biological entity capable of transferring or replicating genetic material, including sterile organisms, viruses and viroids;
- (p) “modern biotechnology” means the application of:
 - (i) in-vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles; or
 - (i) fusion of cells beyond the taxonomic family, to overcome natural physiological reproductive or recombination barriers and which are not a technique used in traditional breeding and selection; and
- (q) “Technical Advisory Committee” means the Committee under rule 6.

(2) The words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act.

4. Establishment of Bio-safety Committee.— (1) The Government shall, by notification in the official Gazette, establish a Bio-safety Committee consisting of the Secretary to Government, Environment Protection Department as Chairperson and the following members:

- (a) representative of Agriculture Department;
- (b) representative of Food Department;
- (c) representative of Health Department;
- (d) representative of Education Department;
- (e) representative of Livestock & Dairy Development Department;
- (f) representative of Industries Department;

- (g) representative of Forest, Fisheries and Wildlife Department; and
- (h) Director General.
- (2) The Director General shall act as Secretary of the Bio-safety Committee.

(3) The Committee may co-opt any other member as deemed necessary for its functioning.

(4) The Committee shall hold meetings as and when deemed necessary, provided that not less than four meetings shall be held in a year.

5. Functions of Bio-safety Committee.— (1) The Bio-safety Committee shall perform the following functions:

- (a) to establish standards and procedures for risk assessment and labeling of living modified organisms, substances or cells and the products thereof;
- (b) to consider any application for export, import or commercial release of living modified organisms, and on the recommendations of Technical Advisory Committee, allow release or reject applications after reviewing the risk assessment carried out in accordance with the bio-safety guidelines, the procedures established under clause (a) and any other reliable information;
- (c) to ban or restrict import, export, sale, purchase or trading of any living modified organism causing or likely to cause risk to public health, safety or environment;
- (d) to develop linkages with foreign Bio-safety Committees and relevant agencies to ensure that genetic manipulation practices in the Punjab address international bio-safety concerns and observe universal codes of conduct;
- (e) to cooperate with other relevant national or provincial authorities overseeing the import and release of living organisms and formulate guidelines for the identification, inspection and regulation of transgenic species, exotic organisms and others;
- (f) to restrain on the advice of Technical Advisory Committee, any person, authority or institute involved in genetic manipulation experiments of potential hazards;
- (g) to facilitate exchange of technical expertise to various research institutions and regulatory agencies in setting up appropriate experimental conditions;
- (h) to facilitate all levels of supervision of genetic manipulation work by assisting other regulatory bodies including Institutional Bio-safety Committees, in establishing pertinent codes, disciplines and guidelines for the appraisal of biohazards and the management of bio- safeguards;
- (i) to coordinate efforts of Institutional Bio-safety Committees and inform and educate the public on bio-safety issues and on proposed Provincial policies;
- (j) to ensure that laboratory, field work and commercial release of genetically modified organisms and their products conforms to the bio-safety guidelines;
- (k) to prepare and provide to Institutional Bio-safety Committees the various notifications and assessment forms, bio-safety guidelines, related documents and assorted signs for facilities;
- (l) to inform the various institutions engaged in genetic manipulation work about new developments in bio-safety so as to avoid exposure of laboratory personnel, the community or the environment to undue risks;

- (m) to coordinate efforts between pertinent Government agencies and private organizations to maintain safety levels in biotechnological work and to prepare them for biological emergencies;
- (n) to certify high-level laboratories, plant glass houses and animal houses intended for use in high-risk work; and, on request by the institution, and at the earliest convenience, the Bio-safety Committee may inspect a facility and either issue certification, or recommend additional precautions, if elements of the facility are determined to be inadequate to support the types of risk or hazard accompanying work requiring such physical containment;
- (o) to inspect high-level laboratories and containment facilities on a regular basis;
- (p) to inspect systems equipment and instruments governing ambient bio-safety levels in genetic manipulation laboratories;
- (q) to keep information of commercial significance confidential from public domain if so requested in writing by applicant, person or institution or organization; and
- (r) to monitor the safety related aspects of ongoing research projects and achievements involving genetically engineered organisms or hazardous substances or cells and products thereof.

(2) The Bio-safety Committee may inspect laboratories and facilities of containment level C2, PH2 or C2A, as specified in the bio-safety guidelines, equivalent or higher at any time subsequent to certification without prior notice.

6. Technical Advisory Committee.— (1) The Government shall, by notification in the official Gazette, establish a Technical Advisory Committee consisting of the Director General as its Chairman and the following members:

- (a) Vice Chancellor;
University of Agricultural, Faisalabad;
- (b) Vice Chancellor, University of Veterinary and Animal Sciences, Lahore;
- (c) Vice Chancellor, University of Health Sciences, Lahore;
- (d) Vice Chancellor, University of the Punjab, Lahore;
- (e) Director General Agriculture (Research), AARI,
Faisalabad;
- (f) Director General Health;
- (g) Director General;
Livestock & Dairy Development Department;
- (h) Director, National Institute for Bio-Technology & Genetic
Engineering;
- (i) Director, Center for Molecular Biology, Lahore;
- (j) Director Food;
- (k) Director Industries;
- (l) Chief Conservator Forest;
- (m) two experts from private sector; and
- (n) Director, Provincial Agency.

(2) The Director Provincial Agency shall act as Secretary of the Technical Advisory Committee.

(3) The Committee may co-opt such other member as deemed necessary for its functioning.

7. Functions of Technical Advisory Committee.— The following are the functions of the Technical Advisory Committee:

- (a) to examine applications and recommend to the Bio-safety Committee for permitting or otherwise laboratory work, field work or release of living modified organism, substances, cells, and products thereof;
- (b) to review and control safety measures adopted while handling large scale use of genetically engineered organisms or classified organisms in research, developmental and industrial production activities;
- (c) to review research methodologies in genetic engineering and recombinant deoxyribonucleic acid (DNA) work at the international level and assess the associated risks to guide relevant institutions;
- (d) to monitoring release of engineered organisms or products into environment and oversee field applications and experimental field trials;
- (e) to provide information or data input to the Bio-safety Committee upon surveillance of approved projects under industrial production and environmental releases with respect to safety risks and accidents; and
- (f) to supervise directly or through any person authorized in this behalf the implementation of the decisions of the Bio-safety Committee.

8. Institutional Bio-safety Committee.— The head of the institution related to biotechnology shall notify Institutional Bio-safety Committee with the following minimum composition:

(a)	Head of the institution;	Chairperson
(b)	Subject expert or experts;	Members
(c)	Social Scientists or Economists (for social impact); and	Members
(d)	Representatives of civil society.	Members

9. Functions of Institutional Bio-safety Committee.— The Committee shall perform the following functions:

- (a) to assist in the activities of Bio-safety Committee and Technical Advisory Committee;
- (b) to assist researchers in undertaking risk assessment, organizing training programs and harmonizing experimental conditions with biosafety guidelines;
- (c) to determine additional safeguards and draft supplementary operating instructions for work at the institution, in line with and addressing the specific risks and concerns uncovered;
- (d) to evaluate the qualifications of researchers involved in biotechnological projects and assess whether each has a thorough understanding of good microbiological practices necessary for the supervision of students, assistants and junior personnel;
- (e) to monitor all regulated work under progress within the institution and advise the proponents on issues of bio-safety and on compliance with bio-safety guidelines on a regular basis or as requested;
- (f) to serve, where appropriate as a gateway for the flow of information, ideas and opinions between the Bio-safety Committee and the research teams;

- (g) to maintain and update a directory of all personnel engaged in activities at every bio-safety level, and instruct new personnel on the correct laboratory or field practices, emergency procedures and equipment operation at the relevant level;
- (h) to ensure health of laboratory and field personnel as may deem necessary from medical records;
- (i) to liaise with Bio-safety Committee and Technical Advisory Committee on import, export, manufacture, process, use or sale of any genetically modified organisms or substances or cells and products thereof for the purpose of research;
- (j) to withhold funds or use administrative authority for immediate stoppage of programs if bio-safety guidelines are being violated;
- (k) to prepare and implement the institutional emergency and response plan according to the details provided in the manuals or guidelines prepared by Bio-safety Committee;
- (l) to assess all projects referred to it, and on the basis of the information provided and the risks forecast, determine under which category of work the proposals fall and whether to endorse the work proposed;
- (m) to maintain records of approved project proposals for laboratory genetic manipulation work (including notification for project exemption) and the assessments;
- (n) to forward summaries of all project proposals submitted for IBC notification, and the assessments to the Technical Advisory Committee for records and information or for review and recommendation in the case of proposals for risk category 2 and 3 work;
- (o) to undertake risk assessment, in cooperation with the research teams as necessary, to determine the appropriate containment and bio-safety conditions, operating procedures and emergency safeguards for risk category 2 and 3 genetic manipulation work, and for the housing, storage or movement of regulated material and also the waste;
- (p) to prepare, in conjunction with the research teams, specific contingency plans after undertaking risk assessments and reviewing project proposals;
- (q) particular emphasis on Risk Category 3 work, to enforce all recommendations, and ensure that the conditions of Bio-safety Committee have been acknowledged and promptly addressed;
- (r) to inspect and certify, before use in genetic manipulation work, C1 level laboratories, conventional animal houses, PH 1 plant glass houses, and quarantine and medical facilities for infected animals; and
- (s) ² to monitor and assay the containment features of and the working conditions in all laboratories, plant glass houses and animal houses supporting the institution's work, to ensure that various facilities are maintained at the standards and requirements mentioned in Appendices 4 to 11 of bio-safety guidelines.

² Printed in the Notification as "t"

10. Bio-safety officer.— Institutions and organizations involved in biotechnology³ or genetic manipulation work shall appoint or designate a bio- safety officer well conversant with bio-safety issues and emergency counter- measures to perform the following functions:

- (a) to assist and liaison with Institutional Bio-safety Committee;
- (b) to review, in conjunction with the Institutional Bio-safety Committee and on a regular basis, operating procedures and bio-safety records, and to assay the integrity of containment facilities and safety equipment or utilities; and
- (c) to advise on all matters pertaining to risk and bio-safety, health of personnel, contingencies at work and infractions of bio-safety guidelines.

11. Prohibition and authorization requirements.— (1) No person shall import, export, sell, purchase or trade living modified organisms, substances or cells and products thereof for any purposes, without obtaining license from the Provincial Agency.

(2) An applicant seeking license for activities shall submit an application prepared in conformity with the requirements of the Bio-safety guidelines to the Provincial Agency accompanied by a copy of the receipt of the deposit of the prescribed fee.

(3) Any person to whom a license has been granted shall notify the Provincial Agency and the Bio-safety Committee of any change in or addition to the information already submitted.

12. Confidential information.— Commercially significant information designated as confidential by the applicant shall be protected from disclosure in conformity with Article 21 of the Cartagena Protocol as set forth in the bio-safety guidelines.

13. Risk assessments and risk management.— (1) The Bio-safety Committee shall ensure that risk assessment is carried out in accordance with the bio-safety guidelines for all activities that require license.

(2) Risk assessment, including the auditing of risk assessments and evaluation of proposed risk management measures, and field trials shall be carried out on a case-by-case basis in a scientifically sound manner, in accordance with Article 15 and Annex III of the Cartagena Protocol as set forth in the bio-safety guidelines.

14. Decision-making and communication of decision.— (1) A final decision shall be made and communicated to the applicant within:

- (a) sixty days for risk category 2 and 3 contained use activities (as specified in the Bio-safety guidelines);
- (b) ninety days, for experimental releases; and
- (c) one hundred and twenty days, for commercialization.

(2) Decisions shall be based on information set forth in the application, scientific risk assessment and prior field experience with the living modified organisms in the Punjab.

³ Printed in the Notification as “biotechnology”

(3) Final decisions shall be recorded in a decision document as mentioned in the bio-safety guidelines.

(4) No person shall vary the purpose of the licensed activity as set forth in the decision document unless he obtains a new license.

(5) The license granted by the Bio-safety Committee pursuant to rule 12 shall not take effect until the applicant executes an undertaking by which the applicant assumes the legal duty to comply with the applicable provisions of the bio-safety guidelines issued.

15. Grant of license.— (1) A license issued under rule 11 shall be subject to terms and conditions as to the labeling, control to be exercised by the applicant, supervision, restriction on use, the layout of the enterprise and as to the submission of information or any other condition deemed appropriate by the Agency.

(2) All approvals of the Agency shall be for a specified period not exceeding four years in the first instance and renewable for two years at a time.

(3) The Agency shall have powers to revoke such approval in the following situations:

- (a) if there is any new information as to the harmful effects of the genetically engineered organisms or cells;
- (b) if the genetically engineered organisms or cells cause such damage to the environment, nature or health as could not be envisaged when the approval was given; or
- (c) non-compliance of any condition stipulated by the Bio-safety Committee.

16. Import of living modified organisms.— (1) Living modified organisms, substances or cells and products thereof imported for contained use, for intentional introduction into the environment, or for direct use as food or feed or for processing shall be identified in accordance with the requirements of Article 18 of the Cartagena Protocol as set forth in the bio-safety guidelines and such import, where required, shall be in accordance with the National Plant Quarantine Regulations aligned with International Plant Protection Convention.

(2) All such imports shall also be governed by the provision of import trade and procedures order and export policy and procedures order.

(3) Any person proposing to export living modified organisms, substances or cells and products thereof shall provide all information including risk assessment and field trials to the exporting country.

(4) All such export, where required, shall be in accordance with the National Plant Quarantine Regulations aligned with International Plant Protection Convention and all such exports shall also be governed by the provision of import trade and procedures order and export policy and procedures order.

17. Transition and reviews.— (1) Activities that were ongoing pursuant to the pre-existing regulatory system at the commencement of these rules shall be subject to the review procedure set forth in rule 11 but may continue until such time as a final decision is provided to the applicant.

(2) Any application pending commencement of these rules shall be subject to the provision of these rules.

18. Production.— Production in which living modified engineered organisms, substances or cells or products thereof or microorganism are generated or used shall not be commenced except with the consent of Bio-safety Committee and this shall also apply to production taking place in connection with development, testing and experiments.

19. Deliberate or unintentional release.— (1) Subject to sub-rule (2), the deliberate or unintentional release of living modified organisms or hazardous microorganisms, substances or cells and products thereof, including deliberate release for the purpose of experiment is prohibited.

(2) The Bio-safety Committee may, in a special case and on the recommendations of the Technical Advisory Committee, give approval of deliberate release.

20. Permission and approval for certain substances.— Substances and products, which contain genetically engineered organisms or cells or microorganisms shall not be produced, sold, imported or used except with the approval of the Bio-safety Committee and in accordance with sub-rule (2) of rule 19.

21. Permission and approval for food stuffs.— Food stuffs, ingredients in food stuffs and additives including processing aids containing or consisting of living modified organisms, substances or cells and products thereof shall not be produced, sold, imported or used except with the approval of the Bio-safety Committee and in accordance with sub-rule (2) of rule 19.

22. Responsibility to notify interruptions or accidents.— (1) Any person, institution or organization whether having license under rule 11 or not, shall immediately notify the Technical Advisory Committee of any interruption of operations or accidents that may lead to discharges of genetically engineered organisms or cells which may be harmful to the environment, nature or health or involve any danger thereto.

(2) Any notice given under sub-rule (1) shall not lessen the duty of the person who is responsible to try effectively to minimize or prevent the effects of interruptions of operations of accidents.

23. Off-site emergency plan.— (1) Technical Advisory Committee may prepare an off-site emergency plan for emergencies relating to a possible major accident and prepare a plan of action in consultation with all concerned.

(2) For purpose of enabling the Technical Advisory Committee to prepare the emergency plan required under sub-rule (1), the person, institute or organization shall provide the Technical Advisory Committee with such information relating to the handling of hazardous micro-organisms or genetically engineered organisms under his control as the Technical Advisory Committee may require, including the nature, extent and likely off-site effects of a possible major accident.

(3) The Technical Advisory Committee shall provide the person, institute or organization with any information pertaining to off-side emergency plan.

24. Information and inspections.— (1) Any person seeking license or who has obtained license under rule⁴ 11 shall, at the direction of Technical Advisory Committee, submit all such information as is deemed necessary for its functioning.

(2) The Bio-safety Committee or its authorized officer may at any reasonable time, inspect or verify compliance of any condition laid down in the license issued under rule 11.

25. Fees.— The Technical Advisory Committee may, with the approval of the Bio-safety Committee, fix a fee to cover, in whole or in part, the expenses incurred by the authorities in connection with approvals, examinations, supervision and control.

26. Powers to give directions.— (1) The Government may give any written direction to the Bio-safety Committee, Technical Advisory Committee or an Institutional Bio-safety Committee.

(2) The Bio-safety Committee, Technical Advisory Committee or the Institutional Bio-safety Committee shall comply with the directions given under subrule (1).

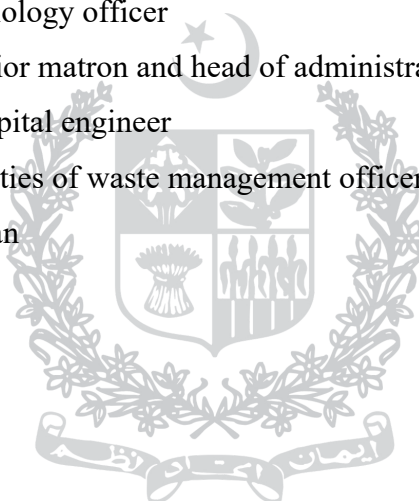


⁴ Printed in the Notification as “rules”

THE PUNJAB HOSPITAL WASTE MANAGEMENT RULES, 2014

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THE PUNJAB HOSPITAL WASTE MANAGEMENT RULES, 2014

GOVERNMENT OF THE PUNJAB ENVIRONMENT PROTECTION DEPARTMENT 03rd July 2014

NOTIFICATION

SoG/EPD/5-31/2013.— In exercise of the powers conferred under section 31 of the Punjab Environmental Protection Act, 1997 (XXXIV of 1997), Governor of the Punjab is pleased to make the following rules.

1. Short title ad commencement.— (1) These rules may be cited as the Punjab Hospital Waste Management Rules, 2014.

(2) They shall come into force at once.

2. Definition.— (1) In these rules:

- (i) “Act” means the Punjab Environmental Protection Act 1997 (XXXIV of 1997);
- (ii) “Agency” means Environmental Protection Agency, Punjab;
- (iii) “authorized officer” means any officer of the Agency, Punjab authorized as such by the Director General for carrying out purposes of the rules.
- (iv) “chemical waste” means waste includes chemical from diagnostic ad experimental work, cleaning processes housekeeping ad disinfection procedures, mercury waste such as from broken clinical equipment and spillage, and cadmium waste such as from discarded batteries;
- (v) “enquiry or inspection” means enquiry or inspection as provided under clause (a) of sub-section (2) of section 6 of the Act;
- (vi) “genotoxic waste” means waste includes cytotoxic drugs and out dated materials, vomitus, faces or urine from patients treated with cytotoxic drugs or chemicals, and materials such as syringes and vials contaminated from preparation and administration of such drugs;
- (vii) “Government” means the Government of the Punjab;
- (viii) “hospital” means a clinic, laboratory, dispensary, pharmacy, nursing home, health unit, maternity center, blood bank, autopsy center, mortuary, research and veterinary institutions, veterinary hospital or clinic ad any other facility involved in health care ad biomedical activities;
- (ix) “hospital waste” means both risk waste ad non-risk waste;
- (x) “hospital waste management” means the management of risk and non-risk hospital waste through documentation, segregation, collection, transportation, storage, disposal, minimization and reuse;
- (xi) “hospital waste management supervisory committees” means committees, established at provincial, divisional, district, tehsil ad Rural Health Center (RHC) levels for monitoring, supporting, facilitating, guiding and directing the public or private hospitals for implementation of the rules;

- (xii) “hospital waste management team” means committee notified as such by the Medical Superintendent, Chief Executive, proprietor or owner of public or private hospital or clinic, or veterinary hospital, clinic or institution for management of hospital waste with distribution of responsibilities entrusted with different office bearers in the hospital;
- (xiii) “infectious waste” means waste contaminated by any type of pathogens such as bacteria, viruses, parasite or fungi and includes cultures from laboratory work, waste from surgeries and autopsies, waste from infected patients, discarded or disposable materials and equipment which have been in contact with such patient’s and infected animals from laboratories;
- (xiv) “local council” means a local council in the geographical limits of which any hospital is located;
- (xv) “Medical Superintendent” means the head of the hospital by whatever designation called;
- (xvi) “non-risk waste” means paper and cardboard, packaging, food waste, aerosols and others;
- (xvii) “pathological waste” means tissues, organs, body parts, fetuses, blood and body fluids;
- (xviii) “pharmaceutical waste” includes expired or unused pharmaceutical products, spilled contaminated pharmaceutical products, surplus drugs, vaccines or sera, and discarded items used in handling pharmaceutical such as bottles, boxes, gloves, masks, tubes, or vials;
- (xix) “private hospital” means a hospital other than public hospital;
- (xx) “public hospital” means a hospital being run or administered by the federal, provincial or local Government;
- (xxi) “radioactive waste” means liquid, solid and gaseous waste contaminated with radionuclides generated from in-vitro analysis of body tissue and fluid, in-vivo body organ imaging and tumor localization, and investigation and therapeutic procedures;
- (xxii) “risk waste” means infectious waste, pathological waste, sharps, pharmaceutical waste, genotoxic waste, chemical waste, and radioactive waste; and
- (xxiii) “sharp” means, whether infected or not, needles, syringes, scalpels, infusion sets, saws and knives, blades, broken glass and any other item that could cut or puncture.

(2) The words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Act.

3. Responsibility for waste management.— Every hospital, public or private, shall be responsible for the proper management of the waste generated by it till its final disposal in accordance with the provisions of the Act and the rules.

4. Hospital waste management team.— (1) The Medical Superintendent, in case of a public hospital, shall constitute a hospital waste management team comprising of the following:

(a)	Medical Superintendent	Chairman

(b)	Heads of all departments of the hospital	Members
(c)	Infection control officer	Member
(d)	Chief Pharmacist	Member
(e)	Radiology officer	Member
(f)	Senior matron	Member
(g)	Head of administration	Member
(h)	Hospital engineer	Member
(i)	Head of the sanitation staff	Member
(j)	Other hospital staff members as the Medical Superintendent may designate	Member
(k)	A public representative of the District Administration nominated by the D.C.O.	Member
(l)	A representative of the Agency	Member

(2) The Chief Executive, proprietor or, owner or contractor, in case of private hospital, shall be responsible for constituting hospital waste management team by designating doctors, medical and paramedical staff comprising of three to five members, under intimation to the Agency.

(3) The officer incharge of hospital or clinic, in case of veterinary hospital or clinic, shall be responsible for constituting hospital waste management team by designating veterinary doctors or veterinary assistants comprising of three to five members, under intimation to the Agency.

(4) The Medical Superintendent shall designate any other staff member, in a hospital where the posts under sub-rule (1) do not exist, to perform the duties and responsibilities of the holders of such posts under rules 8 to 14.

(5) The members of the hospital waste management team shall be informed in writing of their duties and responsibilities as provided under rules 8 to 14.

(6) One of the members of the hospital waste management team shall be designated by the Medical Superintendent as the waste management team shall be designated by the Medical Superintendent as the waste management officer, who shall act as the Secretary of the hospital waste management team.

5. Responsibilities of hospital waste management team.— A hospital waste management team shall be responsible for the preparation, monitoring, periodic review, revision or updating if necessary, and implementation of the waste management plan, and for supervision of all actions taken in compliance with the provisions of these rules.

6. Meeting of hospital waste management team.— (1) Every hospital waste management team shall hold review meeting at least once in a month.

(2) One-third of the members of the hospital waste management team shall constitute the quorum for a meeting.

7. Responsibilities of Medical Superintendent.— A Medical Superintendent

shall:

- (a) constitute the hospital waste management team;
- (b) designate the waste management officer;
- (c) facilitate meetings of the hospital waste management team and ensure implementation of its decisions;
- (d) supervise implementation, monitoring and review of the waste management plan and ensure that it is kept up to date.
- (e) arrange for a waste audit of the hospital by an external agency as may be designated for the purposes, involving analyses for the existing waste stream and assessment of existing waste management practices in consultation with the District Coordination Officer or any other officer duty authorized by him.
- (f) allocate sufficient financial and manpower resources to ensure efficient and effective implementation of the waste management plan; and
- (g) ensure adequate training and refresher courses for the concerned hospital staff.

8. Responsibilities of the heads of the departments.— The heads of departments of the hospital shall be responsible for the proper management of waste generated in their respective departments, and in particular shall:

- (a) ensure that all doctors, nurses, clinical staff in their respective departments, is aware of, and where required properly trained in waste management procedures.
- (b) arrange proper supervision of the sanitary staff to ensure that they comply with waste management procedures at all times and
- (c) liaise with the waste management officer for effective monitoring and reporting of omissions and errors in implementation of the waste management plan.

9. Responsibilities of infection control officer.— An infection control officer shall be responsible for:

- (a) giving advice regarding the control of infection and the standards of the waste disposal system.
- (b) identifying training requirements for each category of staff.
- (c) organizing training and refresher courses on safe waste management procedures;
- (d) documentation of the waste generated on daily and monthly basis.

10. Responsibilities of Chief Pharmacist.— The Chief Pharmacist shall be responsible for the sound management of pharmaceutical stores and in particular shall:

- (a) give advice regarding formulation of appropriate procedures for management of pharmaceutical waste and coordinate implementation of these procedures, and
- (b) ensure that the concerned hospital staff members receive adequate training in pharmaceutical waste management procedures.

11. Responsibilities of radiology officer.— A radiology officers shall be responsible for the sound management of radioactive waste and in particular shall:

- (a) give advice regarding formulation of appropriate procedure for implementation of these procedures;
- (b) ensure that the concerned hospital staff members receive adequate training in radioactive waste management procedures and
- (c) maintain the record of hospital waste generated and transferred for final disposal.

12. Responsibilities of senior matron and head of administration.— A senior matron and head of administration shall be responsible for:

- (a) ensuring training of nursing staff, laboratory staff, medical assistants and sanitary staff and sweepers in waste management procedures and basis personal hygiene; and
- (b) segregation of waste in wards and operation theaters.

13. Responsibilities of hospital engineer.— A hospital engineer shall be responsible for:

- (a) installation, maintenance and safe operation of waste storage facilities, waste handling equipment and where installed the hospital incinerator; and
- (b) ensuring that the concerned hospital staff members are properly trained for these purposes.

14. Duties and responsibilities of waste management officers.— A waste management officer shall, in addition to his duties and responsibilities be responsible for the day to day implementation and monitoring of the waste management plan and in particular, shall:

- (a) for waste collection:
 - (i) ensure internal collection of waste bags and waste containers, and their transportation to central storage facility of the hospital on daily basis.
 - (ii) liaise with the supplies department of the hospital to ensure that an adequate supply of waste bags, containers, protective clothing and collection trolleys are available all the time.
 - (iii) ensure that sanitary staff and sanitary workers immediately replace used bags and containers with the new ones of the same type and where a waste bag is removed from containers, it is properly cleaned before a new-bag is fitted therein; and
 - (iv) directly supervise the hospital sanitation staff assigned the duties to collect and transport the waste.
- (b) for waste storage:
 - (i) ensure correct use of the central storage facility and that it is kept

- secured from unauthorized access and the waste from central storage facility shall be transferred to disposal site within twenty-four hours.
- (ii) prevent unsupervised dumping of waste bags and waste containers on the hospital premises even for a short period of time; and
 - (iii) maintain the record of waste brought to the central storage facility, type of waste entered, weight of waste, date and time of entrance of waste as well as when it was transferred from central storage facility to disposal site.
- (c) for waste disposal:
- (i) co-ordinate and monitor all waste disposal operation and for this purpose meet regularly with the concerned representative of the local council.
 - (ii) ensure that the correct methods of transportation of waste are used on site to the central storage facility or incinerator, if installed, and off site by the local council.
 - (iii) ensure that the waste is not stored on the hospital premises for longer than twenty-four hours by coordinating with the incinerator operators and with the local council; and
 - (iv) ensure proper labelling of waste collection bags, the type of waste stored in them, weight of the waste and date of collection.
- (d) for staff training and information:
- (i) liaise with the head of the departments of the hospital, head of administration and senior matron to ensure that all doctors, clinical staff, nursing staff, laboratory staff and medical assistants are fully aware of their duties and responsibilities under the waste management plan; and
 - (ii) ensure that sanitary staff and sanitary workers are not involved in waste segregation and they only handle waste bags and containers in the correct manner; and
- (e) for incident management and control:
- (i) ensure that emergency procedures are available at all times and that all staff members are aware of the action to be taken by them;
 - (ii) investigate, record and review all incidents reports regarding hospital waste management; and
 - (iii) record the quantities of waste generated by each department of the hospital on weekly basis.

15. Waste management plan.— (1) Waste management plan shall be prepared by the waste management officer for approval by the hospital waste management team and shall be based on internationally recognized environment management standards such as the international organization for standardization series.

(2) The waste management plan shall include:

- (a) a plan of the hospital showing the waste disposal points for every ward and department, indicating whether each point is for risk waste or non-risk waste and showing the sites of the central storage facility for risk waste and the central storage facility for non-risk waste;
- (b) details of the types, numbers and estimated cost of containers, waste bags and trolleys required annually;
- (c) time tables indicating frequency of waste collection from each ward and department;
- (d) duties and responsibilities for each of the different categories of hospital staff members, generating hospital waste and be involved in the management of waste;
- (e) an estimate of the number of staff members required for waste collection;
- (f) procedures for the management of waste requiring special treatment such as autoclaving before final disposal;
- (g) contingency plans for storage or disposal of risk waste in the event of breakdowns of incinerators or of maintenance or collection arrangements;
- (h) training courses and programmes on waste management; and
- (i) emergency procedures.

(3) A representative of a local council responsible for the collection and disposal of waste from the hospital shall be consulted in preparing and finalization of the waste management plan.

(4) The waste management plan shall be regularly monitored, reviewed, revised and updated by the hospital waste management team as and when necessary.

16. Waste segregation.— (1) Risk waste shall be separated from non-risk waste at the ward bedside, operation theater, laboratory or any other room in the hospital where the waste is generated by a doctor, nurse, or other person.

(2) The disposal of medical equipment and supplies including syringes, needles, plastic bottles, drips, and infusion bags shall be cut or broken and rendered non-reusable at the point of use by the person using the same.

(3) All risk waste other than sharps, large quantities of pharmaceuticals, or chemicals, waste with a high content of mercury or waste shall be placed in suitable container made of metal or tough plastic with a pedal type or swing lid lined with a strong yellow waste bag.

(4) The yellow waste bags shall be removed when these are not more than three quarters full and sealed, preferably with self-locking plastic sealing tags and not be stapling.

(5) Each yellow waste bag shall be labeled, indicating date, point of production, ward and hospital, quantity and description of waste, prominently displaying the biohazard symbol. The bags removed should immediately be replaced with the new ones of the same type.

(6) Sharp including the cut or broken syringes and needles shall be placed in metal or high-density plastic containers resistant to penetration and leakage, designed as such that items can be dropped by using one hand and no item can be removed there from.

(7) The containers shall be colored yellow and marked "DANGER! CONTAMINATED SHARPS". The sharp container shall be closed when three quarters full. If the sharp container is to be incinerated, it shall be placed in the yellow waste bag with the other risk waste.

(8) Large quantities of pharmaceutical waste shall be returned to the suppliers. Small quantities shall be placed in yellow waste bag preferably after being crushed, where this can be done safely.

(9) Large quantities of chemical waste, and waste with a high content of mercury or cadmium shall not be incinerated, but shall be placed in chemical resistant containers and sent to specialized treatment facilitations.

(10) Radioactive waste which has to be stored to allow decay to background level shall be placed in a waste bag, in a large yellow container or drum. The container or drum shall be labeled showing the radionuclide's activity on a given date, and the period of storage required, and marked "RADIOACTIVE WASTE" with the radiation symbol.

(11) Non-infectious radioactive waste which has decayed to background level shall be placed in white waste bags, infectious radioactive waste which has decayed to back ground level, shall be placed in yellow waste bags. High level and relatively long half-life radionuclides shall be packaged and stored in accordance with the instructions of the original supplier under the supervision of the radiology officer and sent back to the supplier for disposal.

(12) Non-risk waste shall be placed in a suitable container lined with a white waste bag. Adequate number of non-risk waste containers shall be placed in all areas of the hospital and notices affixed to encourage visitors to use them.

17. Waste collection.— (1) The waste shall be collected in accordance with the schedules specified in the waste management plan.

(2) Sanitary staff and sanitary workers, when handling waste, shall wear protective clothing at all times including face masks, industrial aprons, leg protectors industrial boots and disposable or heavy-duty gloves, as required.

(3) Sanitary staff and sweepers shall ensure that:

- (a) waste is collected at least once daily;
- (b) all waste bags are labeled before removal, indicting their point of production, ward, hospital and contents;
- (c) the removed waste bags ad containers are immediately replaced with new ones of the same type; and
- (d) where a waste bag is removed from a container, the container is properly cleaned before a new bag is fitted therein.

18. Waste transportation.—(1) A waste collection trolley shall, on-site transportation, be free of sharp edges, easy to load and unload, clean and preferably a stable three

or four wheeled designed with high sides and be cleaned regularly.

(2) The sealed waste bags shall be carefully loaded by hand onto the trolley to minimize the risk of punctures or tears.

(3) The yellow bagged risk waste and white bagged non-risk waste shall be collected on separate trolleys and painted or marked in the corresponding colors.

(4) The collection route shall be direct one, from the final collection point to the central storage facility, designated in the waste management plan. The collected waste shall not be left even temporarily anywhere other than at the designated central storage facility.

(5) The transportation of site shall, unless otherwise agreed, be the responsibility of the local council which shall ensure that:

- (a) all yellow bagged waste is collected at least once daily;
- (b) all staff members handling yellow bagged waste wear protective clothing;
- (c) yellow bagged waste is transported separately from all other waste;
- (d) vehicles or skips are only used for the carriage of yellow bagged waste and:
 - (i) free of sharp edges;
 - (ii) easy to load and unload by hand;
 - (iii) easy to clean and disinfect;
 - (iv) fully enclosed, preferably with hinged and lockable
 - (v) to prevent any spillage in the hospital premises or on the highway during transportation;
- (e) all concerned staff members are properly trained in the handling, loading, unloading, transportation and disposal of yellow bagged waste, and fully aware of emergency procedures for dealing with accidents and spillages;
- (f) all vehicles carry adequate supply of empty waste bags, protective clothing, cleaning tools and disinfectants to clean and disinfect any spillage;
- (g) the transportation of waste is properly documented and all vehicles carry a consignment note from the point of collection to the incinerator or land-fill or other final disposal facility; and
- (h) all vehicles are cleaned and disinfected after use.

19. Waste storage.— (1) A separate central storage facility shall be provided for yellow bagged waste with a sign prominently displaying the biohazard symbol and clearly mentioning the facility stores risk waste.

(2) The designated central storage facility shall:

- (a) be located within the hospital premises close to the incinerator, if installed, but away from food storage or food preparation areas;

- (b) be large enough to contain all the risk waste produced by the hospital with spare capacity to cater for collection or incinerator breakdowns;
- (c) be easy to clean and disinfect with an impermeable hard standing base, plentiful water supply and good drainage lighting and ventilation;
- (d) have adequate cleaning equipment, protective clothing, waste bags and containers located nearby; and
- (e) be easily accessible to collection vehicles and authorized staff but totally enclosed and secure from unauthorized access including inaccessible to animals, insects and birds.

(3) Material other than yellow bagged waste shall not be stored in the central storage facility.

(4) The waste shall not be stored at the central storage facility for more than twenty-four hours:

Provided that in case of emergency where infectious waste is required to be stored for more than twenty-four hours it shall be refrigerated at a temperature of 3°C to 8°C.

(5) Container with radioactive waste shall be stored in specifically marked area in lead shielded storage room.

(6) Container with chemical waste which are to be specialized treatment facilities shall also be stored in a separated room.

(7) The central storage facility shall be thoroughly cleaned in accordance with procedures stipulated in the waste management plan.

20. Waste disposal.— (1) Depending upon the types and nature of the waste material and the organisms in the waste, risk waste shall be inactivated or rendered safe before final disposal by a suitable thermal, chemical, irradiation incineration, filtration or other treatment method, or by a combination of such methods involving proper validation and monitoring procedures.

(2) Effluents, from the waste treatment method, shall also be periodically tested to verify that it conforms to the Environmental Quality Standards before it is discharged into the sewerage system.

(3) The yellow-bagged waste shall be disposed of by burning in an incinerator, by burial in a landfill or by any other method of disposal approved by the Agency.

(4) Sharps containers shall, which have not been placed in yellow waste bags for incinerator, be disposed of by encapsulation or other method of disposal approved by the Agency.

(5) The method of disposal, whether by burning in an incinerator or by burial in a landfill or otherwise, shall be operated by a hospital only after approval of its environmental impact assessment, in accordance with the provisions of section 12 of the Act:

Provided that hospitals, local council or the person already using an incinerator or landfill on the date of commencement of the rules shall submit an environmental audit report, in

respect thereof to the Agency, within two months from the said date and may continue to use the incinerator or landfill up till the decision there on.

(6) All risk waste delivered to an incinerator shall be burned within twenty-four hours.

(7) Ash and residues, from incineration and other methods, shall be placed in robust, noncombustible containers and sent to the local council's designated risk waste landfill site.

(8) The landfills shall be located at sites with minimal risk of pollution of groundwater and rivers. Access to the site shall be restricted to authorized personnel only. Risk waste shall be buried in a separate area of the landfill under a layer of earth or non-risk waste of at least one meter depth which shall then be compacted.

(9) The landfill shall be regularly monitored by the local council to check groundwater contamination and air pollution. The local council shall also ensure that the landfill operators are properly trained, especially I safe disposal procedures, use of protective equipment, hygiene and emergency response procedures.

(10) Daily collection of risk waste from hospitals shall be taken by the vehicles of the local council immediately to the designated landfill site or incinerator by the most direct route in accordance with prior scheduling of collection times and journey times.

(11) Radioactive waste which has decayed to background level shall either be buried in the landfill site or incinerated.

Explanation: An incineration facility for radioactive waste shall require, in addition to approval of its EIA by the Agency, registration with ad issue of license by PNRA, and reconciled with the requirements of the Pakistan Nuclear Regulatory Nuclear Regulatory Authority Ordinance 2001 (III of 2001) and the guidelines made thereunder in connection with the management and disposal of radioactive waste.

(12) All liquid infectious waste shall be discharged into the sewerage system only after being properly treated and disinfected.

Explanation I: Liquid radioactive waste shall be discharged into the sewerage system only after it had decayed to background level and after it has been ensured that the radioactive materials are soluble and dispersible in water falling which, it shall be filtered.

Explanation II: Radioactive waste containing Tritium and Carbon-14 isotopes shall be stored separately and shipped to the disposal site of the Pakistan Atomic Energy Commission, Karachi Nuclear Power Plan (KANUPP), Karachi or Pakistan Institute of Science and Technology (PINSTECH) Islamabad.

(13) Portable filter assemblies, in case of gaseous radioactive waste, shall be used to extract iodine and xenon. The used filters shall be treated as solid radioactive waste.

21. Accidents and spillages.— (1) In case of accidents or spillages, the following actions shall be taken:

(a) the emergency procedures mention in the waste management plan shall be implemented immediately;

- (b) the contaminated area shall immediately be evacuated, if required;
- (c) the contaminated areas shall be cleared and, if necessary, disinfected;
- (d) exposure of staff members shall be limited to the possible extent during the cleanup operation, and appropriate immunization may be carried out, as required; and
- (e) any emergency equipment used shall immediately be replaced in the same location from which it was taken.

(2) All hospital staff members shall be properly trained and prepared for emergency response including procedures for treatment of injuries, clean-up of the contaminated areas and prompt reporting of all incidents of accidents, spillages and near misses.

(3) The waste management officer shall immediately investigate and record and review all such incidents to establish causes and shall submit his report to the hospital waste management team.

(4) The hospital waste management team shall review the report and where necessary, shall amend the waste management plan to prevent recurrence of such incidents and take such further action as may be required.

22. Waste minimization and reuse.— (1) Each hospital, for minimizing hospital waste, shall introduce:

- (a) purchasing and stock control involving careful management of the ordering process to avoid over stocking particularly with regard to date limited pharmaceutical and other products involving low amount of packaging;
- (b) waste recycling program involving return of unused or waste chemicals in quantity to the supplier for reprocessing, return of pressurized gas cylinders to suppliers for refilling and reuse, sale of material such as mercury, cadmium, nickel and lead acid to specialized recyclers and transportation of high level radioactive waste to the original supplier; and
- (c) waste reduction practices in all hospital department

(2) Each hospital, to encourage reuse, shall separately collect and sterilize, either thermally or chemically in accordance with approved procedures, surgical equipment and other items which are designed for reuse and are resistant to the sterilization process.

23. Inspection and legal proceedings.— (1) The authorized officer may inspect any hospital, incinerator or landfill located within the area of his jurisdiction to check that the provisions of the rules are being complied with.

(2) Any contravention of any provision of the rules, if discovered by the authorized officer, shall report the same to the Agency with intimation to the DCO concerned.

(3) The Agency, after becoming satisfied about the contravention of the rules, on the basis of evidence, may initiate legal action against the offender, under section 16 of the Act.

24. Provincial committee.— (1) The Government shall, by notification in the official gazette, constitute Provincial Hospital Waste Advisory Committee, for the province and it shall comprising of:

(a)	Secretary Environment	Chairperson
(b)	Secretary, Health Department	Member
(c)	Nominee of the Local Government Department	Member
(d)	Representative of Pakistan Medical Association	Member
(e)	Representative of one medical university in the province	Member
(f)	Representative of the two NGOs working in health sector	Member
(g)	Representative of private hospitals association	Member
(h)	DG, Environmental Protection Agency	Member/Secretary.

(2) The Provincial Hospital Waste Advisory Committee shall:

(a)	devise strategies in collaborating with concerned line departments of the hospital to give effect to the rules;
(b)	periodically review the implementation of the rules and recommend improvements in the rules; and
(c)	recommend adoption of such policy measures, plans and projects as it may consider necessary for the effective management of hospital waste in the province.

25. Divisional committee.— (1) The Government shall notify the following Divisional Hospital Waste Supervisory Committees for each Division:

(a)	Divisional Commissioner	Chairperson
(b)	DCOs of the all concerned districts of the Division	Member
(c)	EDOs (Health) of all the concerned Districts of the Division	Member
(d)	Divisional district local government of the division concerned	Member
(e)	Representative of Pakistan Medical Association	Member
(f)	Medical Superintendent of district headquarters hospital	Member
(g)	Rep. of Private Hospitals Association	Member
(h)	Chief Executives of two leading hospitals working in private sector in the division concerned	Member
(i)	Representative of two Non-Governmental Organizations (NGOs) working in health sector in the division concerned.	Member
(j)	District Officer (Environment) at Divisional H/Qs	Member/Secretary

- (2) The Divisional Hospital Waste Supervisory Committee shall:
 - (a) periodically review the implementation of the rules in all the district of the division;
 - (b) recommend adoption of such policy measures, plans and projects as it may consider necessary for the effective management of hospital waste;
 - (c) prepare reports regarding enforcement of the HWM, Rules and measures taken by the Divisional Committees for effective management of hospital waste in all hospitals; and
 - (e) create public awareness about harmful impacts of hospital risk waste.

26. District Committee.— The Government shall notify the following District Hospital Waste Supervisory Committee for each District:

(a)	District Coordination Officer of the concerned district	Chairperson
(b)	MPA the constituency concerned where the hospital under review is located,	Member
(c)	Executive District Officer (health) of the concerned district	Member
(d)	MS concerned Chief Executive, owner proprietor or contractor of the hospital under review,	Member.
(e)	District Officer (Livestock) of the district concerned,	Member
(f)	representative of private hospitals association of the district concerned	Member.
(g)	District Officer (Environment) of the district concerned,	Member/Secretary.

(2) The District Hospital Waste Supervisory Committee shall hold its meetings on monthly basis, and:

- (i) review the implementation status of the rules,
- (ii) pursue and direct the Medical Superintendent or Chief Executive, Owner, Proprietor, or Contract of the hospital or incinerator or landfill to make arrangements for proper medical waste management.

27. Phased Implementation.— The Government may, by notification in the official Gazette, exempt any class of hospitals from all or any of the provisions of the rules.

28. Authorization by the Agency.— The management of each hospital generating risk waste shall apply to the Agency for issuance of authorization in favor of any qualified body or firm or company for handling and managing hospital waste.

29. Repeal.— The Hospital Waste Management Rules, 2005 are hereby repealed.

**SECRETARY
GOVERNMENT OF THE PUNJAB
ENVIRONMENT PROTECTION DEPARTMENT**



THE PUNJAB ENVIRONMENTAL PROTECTION COUNCIL (PROCEDURE) RULES, 2016

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**THE PUNJAB ENVIRONMENTAL PROTECTION COUNCIL (PROCEDURE)
RULES, 2016**

**Government of the Punjab
Environment Protection Department**

NOTIFICATION

No. SO(G)/EPD/7-26/2013: In exercise of the powers conferred by sub-section 3 of section 3 of the Punjab Environmental Protection Act, 1997, the Punjab Environmental Protection Council (Procedure) Rules, 2016 duly approved by the Council are hereby notified.

1. Short title and commencement.— (i) These Rules may be called the Punjab Environmental Protection Council (Procedure) Rules, 2016.

(ii) These Rules shall come into force at once.

2. Definition: (i) In these Rules unless there is anything repugnant in the subject or context,—

- (a) “Chairperson” means Chairperson of the Council;
- (b) “Vice Chairperson” means Vice Chairperson of the Council;
- (c) “member” means a member of the Council;
- (d) “Act” means the Punjab Environmental Protection Act 1997;
- (e) “Secretariat” means the Environmental Protection Department; and
- (f) “Secretary” means the Secretary of the council.

(ii) All other words and expressions, used in these Rules but not defined, shall have the same meanings as are assigned to them in the Act.

3. Meetings of the Council: (i) A meeting of the Council shall be called with the approval of the Chairperson, on such date and at such time and place as may be specified by him;

(ii) The date of each meeting of the Council shall be communicated to the members by the Secretary at least fourteen days before the date of the meeting;

(iii) The agenda of a meeting of the Council, after having been approved by the Vice-Chairperson, will be communicated to the members at least seven days before the date of meeting;

(iv) Any member may propose any matter supported by an explanation memorandum to the Secretary for inclusion in the agenda of a meeting and the Secretary may, with the approval of the Vice Chairperson, include such matter in the agenda of the next meeting;

(v) Meeting of the Council shall be presided over by the Chairperson and in his absence, by the Vice Chairperson;

(vi) One-third of the members of the Council shall constitute the quorum for its meeting;

(vii) All decisions of the Council shall be taken by the consensus failing which by majority of members present;

(viii) Meeting of the Council shall be held before the close of the first and the third quarters of each financial year and at such other times as may be required; and

(ix) Subject to sub-rule (viii), where in the opinion of the Vice-Chairperson, any matter needs to be brought urgently before the Council, and it is not possible to convene a meeting for the purpose, it may be circulated to the member and a decision thereon taken in accordance with the views of the majority of the total membership.

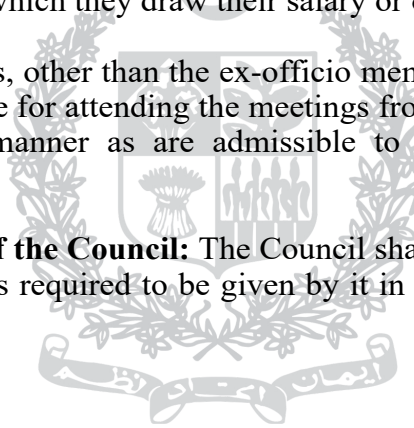
4. Business at the meeting: The business at a meeting of the Council shall be transacted according to the agenda of the meeting; Provided the Chairperson may permit discussion and consideration of any matter not included in the agenda.

5. Invitation of experts. etc.: The Secretary may, with the approval of the Vice-Chairperson, invite experts and representatives of other organization to assist the Council in disposal of its business.

6. Traveling and daily allowance: (i) The ex-officio members shall draw their travelling and daily allowance for attending the meetings of the Council from the Department or Agency from which they draw their salary or other emolument; and

(ii) The members, other than the ex-officio members shall draw their travelling allowance and daily allowance for attending the meetings from the secretariat of the Council at such rates and in such manner as are admissible to an employs of the provincial Government in BPS-20.

7. Directions of the Council: The Council shall, by notification in the official Gazette, publish the directions required to be given by it in pursuance of sub-section (2) of section 4 of the Act.



(IQBAL MOHAMMED CHAUHAN)
Secretary, Government of the Punjab
Environment protection Detriment

THE PUNJAB ENVIRONMENTAL PROTECTION (DELEGATION OF POWERS FOR ENVIRONMENTAL APPROVALS) RULES, 2017

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THE PUNJAB ENVIRONMENTAL PROTECTION (DELEGATION OF POWERS FOR ENVIRONMENTAL APPROVALS) RULES, 2017

**GOVERNMENT OF PUNJAB
ENVIRONMENT PROTECTION DEPARTMENT**

15th June, 2017

NOTIFICATION

No. SO (Tech)/EPD/01-26/2024: In exercise of the powers conferred under section 31 read with section 26 of the Punjab environmental protection Act, 1997 (XXXIV of 1997), Governor of the Punjab is pleased to make the following rules.

1. Short title and commencement.— (1) These rules may be cited as the Punjab Environmental Protection (Delegation of Powers for Environmental Approvals) Rules, 2017.

(2) They shall come into force at once.

2. Definitions.— (1) In these rules:

- (a) “Act” means the Punjab Environmental Protection Act, 1997 (XXXIV of 1997).
- (b) “Agency” means the Provincial Environmental Protection Agency established under section 5 of the Act.
- (c) “Commissioner” means the Commissioner appointed under the Punjab Civil Administration Act, 2017 (III of 2017).
- (d) “Committee” means the Committee established under the rules;
- (e) “Davison” means a Division constituted under the Punjab Land Revenue Act, 1967);
- (f) “Notified officer” means an officer of the agency notified for a district under the rule;
- (g) “Government” means Government of the Punjab;
- (h) “rules” means the Punjab Environmental Protection (Delegation of Powers for Environmental Approvals) Rules 2017; and
- (i) “Secretary” means Secretary to the Government, Environment Protection Department.

(2) An expression used but not defined in the rules shall have the same meanings as is assigned to it in the Act.

3. Application for environmental approval.— A proponent may submit the environmental assessment of a project, mentioned in schedule-I to the notified officer of the district along with the receipt of payment of the prescribed fee.

4. Preliminary scrutiny.— The notified officer shall, within ten working days of the receipt of the environmental assessment and with the approval of the Commissioner:-

- (a) confirm that the environmental assessment is complete for review; or
- (b) require such additional information as may be specified; or
- (c) return with reasons the environmental assessment to the proponent for revision.

5. Review.— (1) The notified officer shall, within fifteen days of the confirmation under rules 4, review the environmental assessment.

(2) The notified officer may consult an expert or a committee of experts as may be specified or constituted for the purpose by the agency.

(3) The notified officer, if necessary, may inspect the site of the proposed project.

6. Environmental approval committee.— (1) For each Davison, there shall be a committee consisting of:

- (a) the Commissioner who shall be the chairperson of the committee;
- (b) the notified officer who shall be the convener of the committee;
- (c) an expert relevant to the environment protection appointed by the Secretary from panel recommended by the concerned Commissioner.

(2) The committee shall consider the environmental assessment in the light of the findings of the review carried out under rule 5 and, in appropriate cases, the committee may grant environmental approval.

(3) The chairperson may invite any person to attend a meeting, if necessary, for purposes of any information or advice but such person shall not have a right to vote.

(4) The committee shall ordinarily meet once in a month but the Secretary or the Chairperson may, at any time, convene a meeting.

(5) All decisions of the Committee shall be expressed in terms of the majority opinion.

7. Conditions of approval.— (1) Every approval shall, in addition to the conditions specified by the committee, be subject to the condition that the project shall be designed, and constructed and mitigating and other measures shall be adopted in accordance with law.

(2) The proponent shall, before commencing the construction of the project, acknowledge acceptance of the stipulated conditions by executing an undertaking in the form set out in Schedule-II.

(3) The proponent shall, before operation of the project, obtain approval for the operational phase and, for the purpose, certify that all the conditions of approval and requirements relating to design and construction have been met and all the mitigating and other measures have been taken.

8. Monitoring.— (1) The Commissioner himself or through the notified officer shall regularly monitor the compliance of the conditions of approval and operation of the projects and compliance of the Act.

(2) For purposes of sub-rule (1) the Commissioner, or with the permission of the Commissioner, the notified officer may require the proponent, if necessary, to submit any relevant information at such intervals as he may consider appropriate.

9. Cancellation of approval.— (1) If, at any time, the Committee is of the opinion that the conditions of an approval have not been complied with, or that the information supplied by a proponent in the approved environment assessment was incorrect, the Committee shall issue a show cause notice to the proponent requiring him to explain as to why the approval may not be annulled.

(2) The proponent shall, within fifteen days of the receipt of the show cause notice, submit the reply but if no reply is received within the stipulated time or, if the reply received is found unsatisfactory, the committee, after giving the proponent an opportunity hearing, may:

- (a) require the proponent to take such measures and to comply with such conditions within such period as it may be specified; or
- (b) annul the approval.

(3) On annulment of the approval, the proponent shall forthwith stop the construction or operation of the project.

(4) Any action taken under this rules shall be without prejudice to any other action that may be taken against the proponent in accordance with law.

10. Register of Projects.— (1) The notified officer shall, in the Form given in Schedule-III, maintain a register of projects in respect of which environment assessments are received.

11. Other approvals.— In addition to the approval under the rules, the proponent shall also obtain any other approval or consent if required under any law.

12. Powers of the Agency to grant environmental approvals.— (1) Notwithstanding anything contained in the rules, the agency may grant environmental approval in respect of a project listed at schedule-I and, after recording reasons and affording an opportunity of hearing to the proponent:-

- (a) impose conditions in addition to the conditions of approval.
- (b) annul the approval granted under the rules.

(2) the Agency may monitor the projects approved by it.

(3) The Secretary and the Agency may, from time to time, call for and inspect the record pertaining to the grant of approvals.

13. Decisions.— All decisions made under the rules shall forthwith be communicated in writing to the proponent, the Secretary and the Agency.

14. Appeal.— Any person aggrieved by an order or direction of the committee under rules 6, 7 or 9 or of the Agency under rule 12 may prefer an appeal before the Environmental Tribunal within thirty days of the date of the receipt of the impugned order for direction.

(SAIF ANJUM)
SECRETARY
GOVERNMENT OF PUNJAB
ENVIRONMENT PROTECTION DEPARTMENT



SCHEDULE I
[See Rule 3 and 13]

List of project for which environmental assessment may be submitted to notified officer under these rules:

- a. Auto-repair workshops
- b. Basic Health Units, Rural Health Centers, Hospitals up to 50 beds
- c. Base Transceiver Station (BTS) Towers
- d. Canal cleaning and de-siltation
- e. Cold Storage and Warehouses
- f. Commercial buildings including Apartments, Shopping Malls, Office Complexes, etc. costing more than Rs. 50,000 million but up to Rs.1,000,000 million (including cost of land)
- g. Construction and lining of water courses
- h. Construction of road falling within the jurisdiction of a district, excepting highways, expressways and motorways
- i. Controlled Environment Poultry and Layer Farms
- j. Educational institutions
- k. Establishment and operation of Brick Kiln Units
- l. Establishment and operation of Petro and CNG Stations
- m. Fish Farms
- n. Petrol and CNG Stations
- o. SOLID Waste Management, excepting and fills
- p. Water supply schemes/Water Purification Plants costing up to Rs.20,000 million.
- q. Wood product manufacturing costing up to Rs.50,000 million (including cost of land)
- r. Any other project with no major adverse environmental impact as notified by Secretary.

SCHEDULE II
[See Rule 7(2)]

Undertaking

I, (full name and address) as proponent for (name, description and location of project) do hereby solemnly affirm and declare that I fully understand and accept the conditions contained in the approval accorded by the Local Environmental Approval Committee bearing tracking No. _____ dated _____ and undertake to design, construct and operate the project strictly in accordance with the said conditions and the environmental assessment.

Date _____



Signature, _____
Name and designation of proponent
(with official stamp/seal)

Witness
(full name and addresses)

(1) _____

(2) _____

(3) _____

SCHEDULE III
[See Rule 11]

Register

1. Tracking number
2. Category type (as per Schedule I and II)
3. Name of Proponent
4. Name and designation of contact person
5. Name of consultant
6. Description of project
7. Location of project
8. Project capital cost
9. Date of receipt of environmental assessment
10. Date of confirmation of completeness
11. Approval granted (Yes/No)
12. Date of Approval granted or refused
13. Conditions of approval/reasons for refusal
14. Date of undertaking
15. Date of extension of approval validity
16. Period of extension
17. Date of commencement of construction
18. Date of issue of confirmation of compliance
19. Date of commencement of operation
20. Dates of filling of monitoring reports
21. Date of cancellation, if applicable

THE PUNJAB ENVIRONMENTAL PROTECTION (SMOG PREVENTION AND CONTROL) RULES, 2023

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1. Short title and commencement
2. Definitions
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SCHEDULE

**THE PUNJAB ENVIRONMENTAL PROTECTION (SMOG PREVENTION AND
CONTROL) RULES, 2023**

**GOVERNMENT OF THE PUNJAB
ENVIRONMENT PROTECTION DEPARTMENT**

Dated the Lahore 06th June, 2023

NOTIFICATION

No. SO (T)/EPD/1-215/2023.— In exercise of the powers conferred under section 31 of the Punjab Environmental Protection Act, 1997 (XXXIV of 1997), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.— (1) These rules may be cited as the Punjab Environmental protection (Smog prevention and Control) Rules, 2023.

(2) They shall come into force at once.

2. Definitions.— (1) In the rules, unless the context or subject otherwise requires:

- (a) “Act” means the Punjab Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “Administrative penalty” means the penalty as mentioned in sub-section (7) of section 17 of the Act;
- (c) “Agency” means the Environmental Protection Agency, Punjab;
- (d) “authorized officer” means an officer of the Agency or Government Agency, not below the rank of BS-17, authorized as such by the Director General or Government Agency;
- (e) “brick kiln” means a kiln in which bricks are baked or burnt underneath the fuel, including kneading, molding, piling, baking, releasing, stacking and any other work ancillary to or connected with the manufacturing processes, irrespective of the workplace connection;
- (f) “Director General” means the Director General of the Agency;
- (g) “Inspection team” means the inspection team constituted by the Director General or Government Agency constituting of two or more officers of the Agency or Government Agency, not below the rank of BS-17;
- (h) “motor vehicle” means any mechanically propelled vehicle adapted for use upon roads whether the powers of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, a tractor and a trailer, a combined harvester, a rig, a fork lifter, a road roller, construction and earth moving machinery such as a wheel loader, a crane, an excavator, a grader, a dozer and a pipe layer, a road making and a road/sewerage cleaning plant;
- (I) “resource recovery unit” means a unit where recovery of material or energy is made from solid waste by way of collecting, separating, recycling and recovering of solid wastes including disposal of non-recoverable waste residue;

- (j) “rules” means the Punjab Environmental protection (Smog prevention and Control) Rules, 2023;
 - (k) “Schedule” means the Schedule appended to the rules;
 - (l) “Smog” means an intense air pollution which composed of nitrogen oxides, sulfur oxides, ozone, smoke and other particulates and derived from coal combustion emissions, vehicular emissions, industrial emissions, forest and agricultural fires and photochemical reactions of these emissions;
 - (m) “stubble burning” means the setting fire to the straw stubble that remains after grains, such as rice and wheat, have been harvested; and
 - (n) “substandard fuel” means hard coke, tyres, plastic, rubber, latex, lather, rexene, tyre carbon, pyro-oil, rags, plastic waste lumps, hospital waste, hazardous waste or any other such fuels as specified by the Agency.
- (2) A word or expression used but not defined in the rules shall have the same meaning as assigned to it in the Act.

3. Standard operating requirements for brick kiln.— The proprietor shall operate the brick kiln by ensuring the following requirements:

- (a) compliance of Environmental Quality Standards;
- (b) brick kilns with zigzag firing technology;
- (c) prohibition on use of substandard fuels;
- (d) induced draught zigzag kiln having zigzag brick stacking, induced fan or suction blower and crushed coal as fuel; and
- (e) display of signboard having name of the brick specifying the word zigzag brick kiln, where applicable, address and ownership at its prominent place or at entry point;

4. Standard operating requirements for industrial unit.—The industrial unit or activity shall ensure compliance of the following operating requirements:

- (a) air pollution control system or device complying with the Punjab Environmental Quality Standards;
- (b) prohibition on use of substandard fuels;
- (c) maintaining inventory of environmental management including compliance reports with Punjab Environmental Quality Standards, brief of system or device for air pollution control measures, capacity of mill and approvals or no objection certificate by the agency and line Departments; and
- (d) installation of online access through CCTV Cameras for emission control monitoring system in air pollution causing industrial units for live monitoring of the industrial unit.

5. Standard operating requirements for resource recovery unit.—The resource recovery units shall ensure compliance of following operating requirements;

- (a) obtaining mandatory Environmental approvals from the Agency;

- (b) no open burning of wastes for resource recovery;
- (c) use of substandard fuels is not allowed;
- (d) installation of effective pollution control system or device complying with the environmental emission standards; and
- (e) maintaining inventory of environmental management including compliance reports with Punjab Environmental Quality Standards, brief of system or device for air pollution control measures, capacity of mill and approvals or no objection certificated by the Agency and line Departments.

6. Standard operating requirements for tyre pyrolysis plants.— (1) No person shall be allowed to operate tyre pyrolysis plants in the province.

(2) In case of violation of sub-rule (1), the administrative penalty as mentioned in the Schedule shall be imposed upon the owner or occupier of the plants.

7. Stubble burning.— (1) No person shall be allowed to burn the stubble in the province.

(2) In case of violation of sub-rules (1), the administrative penalty as mentioned in the schedule shall be imposed upon the owner or occupier of the agriculture land where stubble burning was made.

8. Solid waste.—(1) No person shall be allowed to burn the solid waste in the province.

(2) In case of violation of sub-rule (1), the administrative penalty as mentioned in the Schedule shall be imposed upon such person.

9. Motor vehicles emission.— No motor vehicle shall exhaust emissions beyond Punjab Environmental Quality Standards or the standards established by the Government Agency.

(2) In case of violation of sub-rules (1), the owner of the motor vehicle shall be imposed such administrative penalty as mentioned in the Schedule.

10. Powers and functions.—The Director General, authorized officer or inspection team, as the case may be, shall:

- (a) make regular visits of brick kiln, industrial units and resource recovery units and any agriculture land to check compliance report with the Punjab Environmental Quality Standards;
- (b) initiation of punitive action against the pollution causing industries and stoppage of pollution generating sources;
- (c) take steps for promotion of reliance on environment friendly fuel, green projects and renewable energy;
- (d) promote and oversee tree plantation campaign;
- (e) ensure improvement in public transportation sector to reduce private vehicle load on roads;

- (f) engage stakeholders (industrial units, chamber of commerce, public and private sector) through consultative sessions;
- (g) ensure frequent public awareness campaigns regarding smog; and
- (h) make inspection of the motor vehicles on spot for the exhaust emissions.

11. Administrative penalty.— In case of violation of standards as mentioned under the rules or any serious threat to the public health, safety or welfare or danger to life and property, the Director General, authorized officer or inspection team, as the case may be, may, subject to notice of seven days, impose such administrative penalty as provided in the Schedule.

12. Preventive measures.— (1) In addition to the penalty provided under rule 11, the Director General, authorized officer or inspection team, as the case may be, may, subject to notice of seven days, order for any of the following preventive measures:

- (a) Immediate stoppage of pollution causing activity;
- (b) suspending any work;
- (c) seize the goods;
- (d) seal the premises involved in commission of volition;
- (e) demolish or remove work;
- (f) impounding or taking into custody of goods;
- (g) registration of criminal case against violator;
- (h) impound the motor vehicles, in case the exhaust emissions are found beyond Punjab Environmental Quality Standards for motor vehicle exhaust, in collaboration with Transport Department or traffic police shall impound the motor vehicles; and
- (i) issue other directions for taking corrective measures,

(4) Any person, against whom action under rule 11 and sub-rule (1) have been taken by the Director General, an authorized officer or inspection team, as the case may be, may file application along with affidavit for compliance of standards through installation of pollution control measures or file undertaking to refrain from such polluting activities before the Director General or an authorized officer or inspection team.

(5) The Director General, an authorized officer or inspection team, as the case may be, may allow reasonable time to the applicant for required compliance of direction regarding pollution control measures and in case of failure, the action taken under rule 11 and sub-rule (1) shall be final.

(6) Any person who has been subjected to administrative plenty more than one shall be subjected to penalty as specified at serial No. 1, 2 and 6 in the Schedule.

(7) The Director General, an authorized officer or inspection team, as the case may be, may initiate the proceedings under rule 11 and sub-rule (1) on their own knowledge during visit or upon complaint in writing by any person, or upon information from any source.

13. Police assistance.— The Director General, authorized officer or inspection team, as the case may be, may require police assistance as provided under Article 34 of the Police Order, 2002 (22 of 2002) for implementation of functions provided under the rules.

14. Appeal.— (1) An appeal against, the order issued under the rules shall be preferred before the Environmental Tribunal within thirty days of the impugned order.

(2) The Environmental Tribunal shall, decide an appeal preferred under sub-rule (1) in a summary manner within fifteen days from filing of such appeal:

Provided that the tribunal shall hear the appeal on day to day basis and no adjournment shall be granted for hearing and decision of appeal.

SCHEDULE

Sr. No.	Nature of violations		Amount of administrative penalty (in Rupees)		
			1 st Occurrence	On each subsequent occurrence of violation	
1	Operating brick kiln on technology other than zigzag		Rs. 100,000/- to Rs. 500,000/-	Demolition of the brick kiln	
2	Non-Conversion of brick, kiln to zigzag technology		Rs. 100,000/- to Rs. 500,000/-	Demolition of the brick kiln	
3	Operating smoke emitting vehicles on road		Rs. 2000/-	Rs.4000/-	
4	Burning solid, litter or other waste material in open space		Rs. 5000/-	Rs. 10,000/-	
5	Operating excessive smoke emitting factory, unit, project, business concerns, which makes the air unclean or impure or smoggy or health hazard		Rs. 100,000/- to Rs. 500,000/-	Rs. 600,000/- to Rs. 1,000,000/-	
6	Emitting toxic & poisonous gases in atmosphere.		Rs. 200,000/- to Rs. 500,000/-	Demolition of the object emitting toxic & poisonous gases	
7	Causing damage to human health, safety, biodiversity & to natural environment		Rs. 200,000/- to Rs. 500,000/-	Rs. 600,000/- to Rs. 1,000,000/-	
8	Operating tyre pyrolysis plant		Rs. 100,000/- to Rs. 500,000/-	Rs. 600,000/- to Rs. 1,00,000/-	
9	Stubble Burning or toxic agricultural waste burning.		Per acre rate of penalty from 10-20 acres would be Rs. 20,000/- as follows	double of the penalty	
	0-1 acre 1-2 acres 2-3 acres 3-4 acres 4-5 acres 5-6 acres 6-7 acres 7-8 acres 8-9 acres 9-10 acres	Rs.15,000/- Rs.30,000/- Rs.45,000/- Rs.60,000/- Rs.75,000/- Rs.90,000/- Rs.105,000/- Rs.120,000/- Rs.135,000/- Rs.150,000/-	10-11 acres 11-12 acres 12-13 acres 13-14 acres 14-15 acres 15-16 acres 16-17 acres 17-18 acres 18-19 acres 19-20 acres 20-25 acres	Rs.170,000/- Rs.190,000/- Rs.205,000/- Rs.225,000/- Rs.245,000/- Rs.260,000/- Rs.280,000/- Rs.300,000/- Rs.320,000/- Rs.340,000/- Rs.400,000/-	Above 25 acres Rs.500,000/- base penalty plus Rs.30,000/- per each additional acre above 25 acres.

CERTIFICATION OF ENVIRONMENTAL LABORATORIES REGULATIONS, 2000

CONTENTS

1. Short title and commencement
2. Definitions
3. Functions of an environmental laboratory
4. Application for certification
5. Criteria for certification
6. Scrutiny of application
7. Decision on application
8. Issue of certificate
9. Conditions of certification
10. Validity of certification
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12. Test reports
13. Renewal of certification
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SCHEDULE I

SCHEDULE II

SCHEDULE III

SCHEDULE IV

SCHEDULE V

SCHEDULE VI

THE NATIONAL ENVIRONMENTAL QUALITY STANDARDS (CERTIFICATION OF ENVIRONMENTAL LABORATORIES) REGULATIONS, 2000. (PUNJAB)

[10th February, 2000]

NOTIFICATION

S.R.O. 258-(1)/2000.— In exercise of the powers conferred by section 33 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), read with clause (k) of sub-section (1) of section 6 thereof, the Pakistan Environmental Protection Agency with the approval of the Federal Government, is pleased to make the following regulations, namely:-

1. Short title and commencement.— (1) These regulations may be called the National Environmental Quality Standards (Certification of Environmental Laboratories) Regulations, 2000.

(2) They shall come into force at once.

2. Definitions.— (1) In these regulations, unless there is anything repugnant in the subject or context,—

- (a) “**Act**” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “**certification**” means certification of a laboratory as an environmental laboratory under these regulations;
- (c) “**certificate**” means certificate issued under regulation 7;
- (d) “**Committee**” means the Advisory Committee on Laboratory Certification established by the Federal Government under sub-section (6) of section 5 of the Act;
- (e) “**Director General**” means the Director General of the Pakistan Environmental Protection Agency;
- (f) “**environmental laboratory**” means a laboratory to whom certification as an environmental laboratory has been granted under these regulations;
- (g) “**laboratory**” means any premises equipped to conduct scientific and technical experiments, tests, analyses, studies, investigations; and
- (i) “**Schedule**” means schedule appended to these regulations.

(2) All other words and expressions used in these regulations but not defined herein shall have the same meanings as are assigned to them in the Act.

3. Functions of an environmental laboratory.— The functions of an environmental laboratory shall be:-

- (a) to test and analyze samples of air, water, soil, effluents or wastes sent to it by any factory or any person authorized by the Federal Agency or a Provincial Agency to determine whether such samples comply with the National Environmental Quality Standards;
- (b) to measure noise being emitted at any place by any industrial or other activity or motor vehicle;

- (c) to issue test reports containing the results of tests and analyses carried out under clauses (a) and (b);
- (d) to carry out such experiments, studies and investigations as may be required by the Federal Agency to monitor and enforce and where necessary to propose revision of the National Environmental Quality Standards;
- (e) to send an annual report of its activities to the Federal Agency, including a list of all test reports issued by it; and
- (f) to carry out such other functions as may be entrusted to it by the Federal Agency from time to time.

4. Application for certification.— (1) Any laboratory which fulfils the criteria laid down in regulation 5 may make an application in the form set out in Schedule I to the Federal Agency for certification as an environmental laboratory.

(2) Every such application for certification shall be accompanied by a non-refundable scrutiny fee at the rate specified in Schedule II.

5. Criteria for certification.— (1) Subject to clause (2), a laboratory shall not be certified as an environmental laboratory unless it fulfils the following criteria, namely:-

- (a) the laboratory is located in a clean area and not adjacent to an open sewerage drain of factory from which emissions of air pollutants or discharge of effluents or wastes may interfere with, contaminate or otherwise adversely effect the reliability of its tests and analyses;
- (b) the building in which the laboratory is housed is suitable in size, design and quality of construction, for use as an environmental laboratory;
- (c) the laboratory has qualified and experienced scientific and technical staff and appropriate analytical equipment and apparatus as specified in Schedule IV
- (d) the laboratory has deposited with the Federal Agency the scrutiny fee and certification fee at the rates specified in Schedule II;
- (e) the laboratory has installed a comprehensive scientific system of reporting test results, supported by data handling facilities; and
- (f) the laboratory has proper waste disposal arrangements.

(2) A laboratory may be certified as an environmental laboratory for testing of water, liquid effluents, wastes, soil, gaseous emissions or noise or a combination of these for specific National Environmental Quality Standards parameters, in which case the requirements of analytical equipment and apparatus specified in Schedule IV, scientific and technical staff specified in Schedule III will be adjusted accordingly.

6. Scrutiny of application.— (1) Every application for certification shall be scrutinized by the Committee.

(2) The Committee shall carry out such inquiry as it may deem necessary to verify and evaluate the data mentioned in the application which shall include sending of trial sample; and obtaining sample test reports and a visit to the laboratory by the Committee itself, or its subcommittee, or a panel of experts appointed by the Committee for the purpose, for an on site assessment of its capability and capacity as to whether or not it fulfils the criteria laid down in regulation 5.

(3) Subject to clause (4), the Committee shall submit its recommendations, in writing, to the Federal Agency, who may, after such further inquiry as it may consider necessary, accept or reject the said recommendations.

(4) In case the Federal Agency decides to reject the recommendations referred to in clause 3, it shall record reasons for decision.

7. Decision on application.— (1) Subject to clause 2, an application for certification may be rejected, accepted in full, or accepted partially for certain purposes or parameters only.

(2) Before the Federal Agency decides to reject an application or accept it partially or conditionally, shall give the applicant an opportunity of being heard.

(3) Where the Federal Agency rejects an application, the applicant shall be informed of the reasons for such rejection.

(4) Subject to clause (5), rejection of an application for certification shall not debar a laboratory from submitting a fresh application for certification.

(5) A fresh application shall not be entertained until the lapse of at least three months from the date of rejection of an application.

8. Issue of certificate.— (1) Where the Federal Agency approves an application for certification in full or partially or conditionally, the applicant shall be informed accordingly and asked to deposit with the Federal Agency within fifteen days, the certification fee at the rate specified in Schedule II.

(2) On receipt of the certification fee, the Federal Agency shall issue a certificate to the laboratory in the form set out in Schedule V and notify the laboratory to be an environmental laboratory in the official Gazette.

(3) If a certificate is defaced, damaged or lost, duplicate thereof may be issued on payment of such fee as is specified in Schedule II.

9. Conditions of certification.— (1) An environmental laboratory shall—

- (a) Comply with all relevant provisions of the Act and rules and regulations;
- (b) carry out all tests and analyses, measurements, experimental studies and investigations with due diligence and in accordance with such guidelines, procedures and methods as may be stipulated by the Federal Agency;
- (c) carry out and maintain record of calibration of its equipment and apparatus;
- (d) follow the quality control and quality assurance procedures established by the Federal Agency and participate in performance, system audits, quality control and quality assurance programs organized by the Federal Agency or a Provincial Agency;
- (e) keep its premises neat and clean at all times;
- (f) allow any member of the Committee or any officer of the Federal Agency, duly authorized in this behalf, to enter and inspect equipment and apparatus

used in conducting tests and analyses and the reports and records in respect thereof;

- (g) retain records of all tests and analyses and measurements conducted by it for a period of three years from the date thereof;
- (h) take adequate safety measures and precautions against fire hazards and accidents including provision of first-aid facilities;
- (i) ensure availability in its store of adequate stocks of chemicals, back-up equipment and apparatus, and spare parts;
- (j) ensure that it fulfils the criteria laid down in regulation 5 at all times, and that if at any stage any equipment, apparatus or staff is required to be replaced, the replacement equipment, apparatus or replacement staff is of equivalent, or better, specifications, or qualifications and experience, respectively;
- (k) display the certificate issued to it under regulation 8 and a list of its fees for various tests and analyses and measurements, at a prominent place in its premises; and
- (l) submit to the Federal Agency an annual report including a list of all tests and analyses conducted by it relating to the environment.

(2) An environmental laboratory shall not, without the prior permission, in writing, of the Federal Agency—

- (a) shift its location or remove any equipment or apparatus from its premises but the equipment or apparatus requiring repair or maintenance outside the premises may be removed for this purpose for a specific period under intimation to the Federal Agency;
- (b) charge more than the rates as may be fixed from time to time by the Federal Agency for specified tests and analysis; or
- (c) sub-contract any work to any other laboratory.

(3) Certification of an environmental laboratory shall not be transferable to any other laboratory.

10. Validity of certification.— (1) Subject to clause (2), a certificate issued under regulation 8 shall, unless earlier suspended or revoked, be valid for a period of three years from the date of issue.

(2) If an application for renewal of certification is made under regulation 13, the certificate shall continue to remain valid till the application for renewal is decided.

11. Bar to function without certification.— No laboratory shall function as an environmental laboratory unless it is granted certification under these regulations.

12. Test reports.— An environmental laboratory shall issue test reports in the form set out in Schedule VI containing the results of tests and analysis carried out in discharge of its functions as provided under clauses (a) and (b) of regulation 3.

13. Renewal of certification.— (1) An application for renewal of certification shall be made in the form set out in Schedule IV, to the Federal Agency at least forty-five days prior to the date of expiry of the certificate issued under regulation 8.

(2) An application for renewal shall be accompanied by a copy of the annual report of the activities of the environmental laboratory.

(3) An application for renewal shall be dealt with, scrutinized and decided exactly in the same manner as an application for certification and the provisions of these regulations relating to an application for certification shall, *mutatis mutandis*, apply to an application for renewal of certification.

(4) The fee for renewal of certification shall be payable at the rate specified in Schedule II, and the certificate issued on receipt thereof shall also be in the form set out in Schedule V.

14. Revocation or suspension of certification.— (1) Without prejudice to any other action that may be taken against an environmental laboratory under the Act, Rules or regulations or any other law for the time being in force, the Federal Agency may, by an order in writing stating the reasons therefore, revoke a certification, or suspend it for such period as the Federal Agency deems fit, if the environmental laboratory—

- (a) fails to comply with any of the conditions of certification listed in regulation 9;
- (b) violates aids or abets in the violation of, any of the provisions of the Act, rules or regulations;
- (c) issues any report which is false, or which is designed to misrepresent or conceal or suppress any material fact;
- (d) has obtained certification through fraud or misrepresentation;
- (e) fails or ceases to perform or is rendered incapable of performing any of the functions of an environmental laboratory listed in regulation 3; or
- (f) no longer fulfils the criteria for certification as an environmental laboratory as laid down in regulation 5.

(2) The Federal Agency shall, before revoking or suspending a certification, provide the environmental laboratory an opportunity of being heard.

(3) Where any order of revocation or suspension has been passed, the laboratory shall forthwith surrender its certificate to the Federal Agency who shall make an entry of the revocation or suspension thereon.

(4) Certificate shall be returned to the laboratory on expiry of the suspension period or on restoration of the certification in appeal, after the Federal Agency has made necessary entry thereon.

(5) Where certification of an environmental laboratory has been revoked, it shall not be eligible to apply again for certification until lapse of at least one year from the date of such revocation.

15. Appeal.— (1) Any person aggrieved by an order of the Federal Agency on an application for certification or an application for renewal of certification or by an order revoking or suspending, or refusing to revoke or suspend, a certification may, within thirty days of the date of communication of the impugned order, file an appeal with the Environmental Tribunal, as provided under subsection (1) of section 22 of the Act.

(2) The appeal shall be in such form and be accompanied by such fees as may be prescribed in the rules made in this behalf.



SCHEDULE I

(See regulations 4 and 13)

APPLICATION FOR GRANT/RENEWAL OF CERTIFICATION AS AN ENVIRONMENTAL LABORATORY

Part A. GENERAL INFORMATION:

1. Name of laboratory.
Address.
Tel.
Fax.
Email.
2. Type of laboratory (please tick appropriate box):
☐ Government ☐ Public sector ☐ Semi- autonomous body
☐ Autonomous body ☐ Private sector ☐ other (please specify)
3. Mandate or purpose of laboratory (please tick appropriate box and specify nature and field of operation):
☐ Research and development.
☐ Quality assurance.
☐ Quality control.
☐ Other (please specify).
4. Year of establishment:
5. Area of laboratory:(sq.ft) (please attach copy of approved building plan and equipment layout plan).
6. Has the laboratory been certified by any other authority? ☐ Yes ☐ No If yes, please specify. _____

Part B. STAFF:

7. List of total scientific and technical staff:
(please attach list in the following form along with a copy of bio-data of Chief Executive).

S. No.	Name.	Designation. Qualifications (with specification).	Experience in analytical laboratory work (No. of years).
(1)	(2)	(3)	(4)
(5)			

Part C. EQUIPMENT:

8. List of significant analytical equipment and apparatus:

(Please attach list in the following form of functional equipment only).

S. No	Name of equipment/ apparatus (with make).	Year of manufacture.
(1)	(2)	(3)

9. Which of the National Environmental Quality Standards parameters can be measured (other than those mentioned at entry No. 8 above) using wet analysis methods?
10. Back-up equipment and apparatus in the laboratory instrumental and any services agreement for repair and maintenance of workshop for equipment/apparatus. ☐ Yes ☐ No. If yes, please specify: _____

Part D. CHEMICALS:

11. (a) Whether analytical grade chemicals are available in store for 6 months ☐ 12 months ☐ 2 years ☐.
- (b) What is source for supply of chemicals. ☐ Local purchase ☐ Direct import.

Part E. REPORTING SYSTEM:

12. Does the laboratory has computerized data handling facilities?
☐ Yes ☐ No.
13. Are there other facilities available in the laboratory?
☐ Yes ☐ No. If yes, please specify: _____
14. Whether adequate facilities for collection and storage of samples are available:
☐ Yes ☐ No.
15. Whether waste handling procedures and facilities for waste disposals are available:
☐ Yes ☐ No.

Part F. EXPERIENCE:

16. When did the following activities started? (a) analytical work : _____
(b) environment related work : _____
17. List some significant environment-related analytical work and research studies carried out, indicating the sponsors and beneficiaries (in case of application for renewal, attach copy of annual report of activities) _____
18. Does the laboratory provide training in environment related laboratory techniques?
☐ Yes ☐ No. If yes, please specify _____
19. Total current annual budget: Rs. _____
20. List revenue generated from environment-related analytical work during the _____

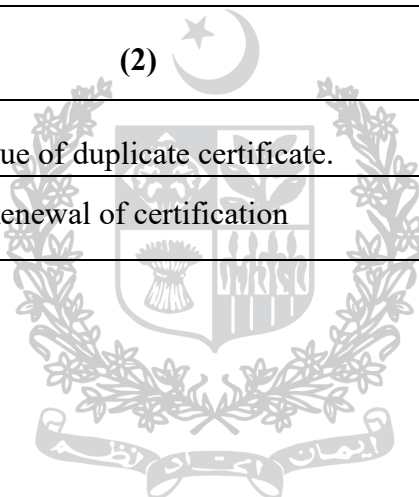
last five years.

SCHEDULE II

[See regulations 4 (2) , 5 (1)(d), 8(3) and 13(4)]

RATES OF FEES IN RESPECT OF AN APPLICATION FOR GRANT OR RENEWAL OF CERTIFICATION

S.No.	Name of fee.	Rate (Rs).
(1)	(2)	(3)
1.	Scrutiny fee.	5,000/=
2.	Certification fee.	3,000/=
S.No.	Name of fee.	Rate (Rs).
(1)	(2)	(3)
3.	Issue of duplicate certificate.	2,000/=
4.	Renewal of certification	3,000/=



SCHEDULE III

[See regulations 5(1) (c) and 5(2)]

SCIENTIFIC AND TECHNICAL STAFF OF AN ENVIRONMENTAL LABORATORY

S. No	Title or equivalent.	Qualification.	Experience (minimum)	Number required (minimum)
(1)	(2)	(3)	(4)	(5)
1.	Chief Analyst.	Ph. D., M.Phil or M. Sc. (Analytical Chemistry preferably Physical/ Organic/ Inorganic Chemistry).	For Ph.D. 3 years for M.Phil. 5 years and for M.Sc. 7 years in analytical laboratory work testing of air/ water pollutants, noise, effluents or wastes preferably with regard to the National Environmental Quality Standards parameters.	One.
	Analyst.	M.Sc. or M.Phil. (Analytical Chemistry preferably Physical/ Organic/Inorganic Chemistry).	For Ph.D. 3 years for M.Phil. 5 years and for M.Sc. 7 years in analytical laboratory work testing of air/ water pollutants, noise, effluents or wastes preferably with regard to the National Environmental Quality Standards parameters.	One.
	Deputy Analyst and/ or Assistant Analyst.	B.Sc (with chemistry as one of the major subject).	5 years and 3 years for Deputy Analyst and Assistant Analyst, respectively, in analytical laboratory work preferably with regard to the National Environmental Quality Standards parameters testing.	Three.
	Laboratory support staff.	F. Sc (with chemistry as one of the major subject).	1 year in analytical laboratory work	Three.

Note. The number of analysts, Deputy/ Assistant Analysts and laboratory support staff may be reduced if the laboratory is to be certified for testing only some pollutants or National Environmental Quality Standards parameters [see regulation 5(2)].

SCHEDULE IV

[See regulations 5(1) (c) and 5(2)]

ANALYTICAL EQUIPMENT AND APPARATUS OF AN ENVIRONMENTAL LABORATORY

S.No (1)	Description. (2)	Requirements. (3)
1.	<u>Analytical Instruments.</u>	<u>A. For Liquid Effluents/Wastes:</u> At least one of - · Spectrophotometer; · Atomic Absorption Spectrophotometer; · High Performance Liquid Chromatograph; or · Gas Chromatograph; and the following laboratory apparatus and wet analysis facilities- · Conductivity Meter; · pH meter; · Analytical Balances; · Biology Oxygen Demand determination facilities; · Liquid Effluent Samplers; · Thermometer/temperature measuring devices; · Incubator (minimum range 15-40⁰ C); · Furnaces; · Ovens; · Refrigerators; and · A-grade volumetric glass apparatus. <u>B. For Gaseous Emissions:</u> · At least one of Air/Dust Sampler; · Analyzer (continuous monitoring and portable) for measuring oxides of sulfur, oxides of nitrogen, carbon monoxide, hydrogen fluoride and hydrogen sulfides; · Smoke Analyzer or Ringelmann Scale; or · Emission Analyzer. <u>C. For Noise:</u> · Sound Level Meter with equivalent noise level measuring facilities; and · Noise Frequency Analyzer.
2.	Back-up equipment and apparatus.	Adequate stocks in store.
3.	Calibration.	Arrangements for regular calibration and checks for proper maintenance of record pertaining
4.	Chemicals.	Adequate stocks and store and assured regular source of supply.
5.	Test Reporting System.	Comprehensive and scientific system of reporting test results supported by data handling facilities.

SCHEDULE V

[See regulations 8(2) and 13(4)]

PAKISTAN ENVIRONMENTAL PROTECTION AGENCY CERTIFICATE REGARDING CERTIFICATION AS AN ENVIRONMENTAL LABORATORY

In exercise of power conferred by clause (k) of sub section (1) of section 6 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Federal Agency is pleased to certify the laboratory mentioned below as an Environmental Laboratory.

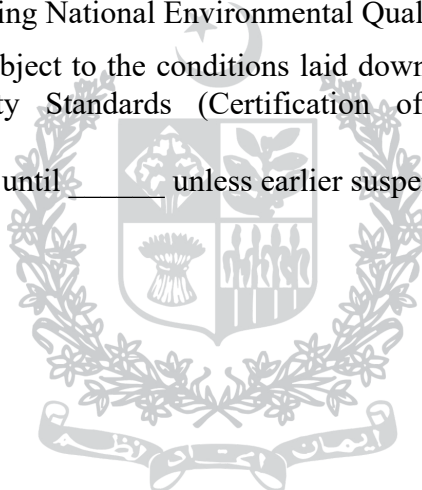
Name. _____

Address. _____

Certificate No. _____

1. This certification is valid for (delete items not applicable):
 - (a) Liquid effluents/wastes.
 - (b) Gaseous emissions.
 - (c) Noise.
 - (d) Only the following National Environmental Quality Standards parameters:
2. This certification is subject to the conditions laid down in regulation 9 of the National Environmental Quality Standards (Certification of Environmental Laboratories) Regulations, 1999.
3. This certificate is valid until _____ unless earlier suspended or revoked.

Dated. _____



Director General
Federal Agency,
Islamabad.

SCHEDULE VI

(See regulation 12)

(NAME OF THE ENVIRONMENTAL LABORATORY THAT CARRIED OUT
THE ANALYSIS)

CHEMICAL ANALYSIS TEST REPORT

Report reference No: _____ Date: _____

Name of industry: _____

Address: _____

Telephone No. _____

Nature of sample: _____

Date of sample received: _____ (Grab/Composite). _____

Date of sample collection: _____

Sample collected/sent by: _____

Date of completion of analysis: _____

S.No.	Parameters	NEQS Limits.	Concentration.	Method used.	Remarks.
A. <u>Field Analysis</u>					
B. <u>Lab. Analysis</u>					

National Environmental Quality Standards.

1. Sample analyzed by: _____

Name of Chief Analyst with seal: _____

2. Signature of incharge of the environmental laboratory: _____

Name:

Designation:

Date:

**THE PUNJAB ENVIRONMENTAL PROTECTION (REGISTRATION OF
ENVIRONMENTAL CONSULTANTS) REGULATIONS, 2017**

CONTENTS

1. Short title and commencement
2. Definitions
3. All environmental assessments to be prepared by registered consultants only
4. Application for registration etc.
5. Consultant Registration Advisory Committee
6. Consideration of applications by Committee
7. Registration of consultants by Director General
8. Undertaking a technical review
9. Performance evaluation of the consultants
10. Annual reports by consultants
11. Code of conduct for consultants
12. Suspension or revocation of registration
13. All orders to be in writing
14. Guidelines

SCHEDULE I

SCHEDULE II

SCHEDULE III



**THE PUNJAB ENVIRONMENTAL PROTECTION (REGISTRATION OF
ENVIRONMENTAL CONSULTANTS) REGULATIONS, 2017**

**GOVERNMENT OF THE PUNJAB
ENVIRONMENT PROTECTION DEPARTMENT**

Dated Lahore, the 9th August, 2017

NOTIFICATION

No.SO(T)/EPD/1-26/2014.— In exercise of the powers conferred under section 33 of the Punjab Environmental Protection Act, 1997, Governor of the Punjab has been pleased to make the following regulations:

1. Short title and commencement.— (1) These regulations shall be cited as the Punjab Environmental Protection (Registration of Environmental Consultants) Regulations, 2017.

(2) They shall come into force at once.

2. Definitions.— (1) In these regulations, unless the context otherwise requires:

- (a) “Act” means the Punjab Environmental Protection Act, 1997;
- (b) “Agency” means the Environmental Protection Agency, Punjab;
- (c) “Committee” means the Consultant Registration Advisory Committee established under regulation 5;
- (d) “Convener” means the Convener of the Committee;
- (e) “Director” means a Director of the Agency;
- (f) “Director General” means the Director General of the Agency;
- (g) “Consultant” means an individual consultant, a consulting firm, a consortium, joint venture or team of consulting firms engaged in environmental assessments or technical review;
- (h) “Government” means Government of the Punjab;
- (i) “Guidelines” means the guidelines prescribed under regulation 14;
- (j) “Environmental assessment” means Initial Environmental Examination or Environmental Impact Assessment within the meanings of the Act;
- (k) “Firm” means a firm incorporated under applicable law;
- (l) “Minister” means the Minister in-charge of Environmental Protection Department;
- (m) “Regulations” means the Punjab Environmental Regulations, 2017;
- (n) “Secretary” means Secretary to the Government of the Punjab, Environmental Protection Department;
- (o) “Technical Review” means the review of an environmental assessment submitted to the agency under section 12 of the Act to ensure that it is technically, sound and has been competently performed, covers all aspects of the project to which it relates, is

properly documented and meets the recognized requirements of the quality.

(2) All other words and expressions used in these regulations, but not defined herein, shall have the same meanings as are assigned to them in the Act.

3. All environmental assessments to be prepared by registered consultants only.— From such date, as may be notified by the Government in official gazette, which shall not be later than one calendar year from the date of commencement of the regulations, the Agency shall not accept an environmental assessment, under Section 12 of the Act, unless it is prepared by a consultant validly registered with the Agency under regulation 7.

4. Application for registration etc.— (1) All applications to register as a consultant or to renew such registration shall be made to the Director General in such from and manner as may be given in the guidelines.

(2) All applications shall be accompanied by requisite fee as specified in the regulations.

(3) The Director General shall cause all application to be entered in a register and, without any undue delay, submit such applications which are complete in all respects to the Convener for consideration of the Committee.

5. Consultant Registration Advisory Committee.— (1) There shall be a Committee comprising a Director nominated by the Director General, who shall also be the Convener of the Committee, a Deputy Secretary nominated by the Secretary, one representative each from Finance and Planning and Development Departments, two recognized experts and one civil society activist dealing with environment protection to make recommendations to the Director General on registration of consultant and other matters under these regulations.

(2) The two expert members and civil society activist shall be appointed by the Secretary with the approval of Minister.

(3) The Convener may co-opt any person who is otherwise not a member of the Committee to attend any meeting of the Committee for the purpose of advising it on a matter under discussion, but such person so shall have no right to vote.

(4) The Committee shall meet biannually and also as and when required by the Director General.

(5) Subject to the regulations and the guidelines, the Committee shall determine its own procedure.

(6) Presence of five members shall constitute the quorum of the meeting of the Committee.

(7) All decisions of the Committee shall be through majority vote of the members present and voting.

6. Consideration of applications by Committee.— (1) All applications submitted to it under regulation 4, shall be considered by the Committee in a meeting.

(2) The Convener shall enter all recommendations of the Committee in a register

and without any undue delay, submit them to the Director General for decisions.

7. Registration of consultants by Director General.— (1) The Director General shall, after satisfying himself that the recommendations of the Committee are in accordance with the regulations and guidelines, register a consultant for preparation of environmental assessments or carrying out technical review and issue a certificate of practice in the for set out at Schedule I.

Explanation: For the purpose of this regulations, a consultant may either obtain registration for preparation of environmental assessments or carrying out technical review and not both at the same time.

(2) The registration shall be subject to such conditions as the Committee or the Director General may deem fit to impose.

(3) The Director General shall maintain a register of all registered consultants in the form as set out at Schedule II.

8. Undertaking a technical review.—(1) The Secretary shall, with the approval of Minister, through a notification in the official gazette, prescribed categories of projects involving serious adverse environmental impacts whose environmental assessments shall be technically reviewed by a consultant.

(2) The Director General shall refer environmental assessments pertaining to such projects to a consultant registered for technical review at the expense of their proponents.

(3) The cost of technical review for various categories of projects shall be fixed by the Secretary from time to time, with the approval of the Minister, through a general or specific order published in the official gazette.

(4) The Director General shall not refer an environmental assessment to a consultant who is or has been involved in any manner in the preparation of the environmental assessment or otherwise had or has an interest in the project to which the environmental assessment relates.

(5) The consultant to whom an environmental assessment is referred shall furnish Conflict of Interest Disclosure Certification on the form given at Schedule III.

9. Performance evaluation of the consultants.— (1) The Committee shall evaluate the performance of each consultant against following basic parameters and such other parameters as may be prescribed by the Secretary at least once every calendar year or as and when so required by the Director General:

- (a) the number and quality of environmental assessments prepared and technical reviews carried out;
- (b) adherence to any timelines for preparation and submission of environmental assessments or technical reviews; and
- (c) degree of adherence to the conditions of registration.

(2) The Convener shall, without undue delay, submit all evaluation reports to the Director General.

10. Annual reports by consultants.— Every registered consultant shall submit to the Director General a report on all environmental assessments and technical reviews undertaken during the calendar year no later than thirty first day of January of the succeeding year in such form and manner as the Director General may from time to time direct.

11. Code of conduct for consultants.— (1) The Secretary shall, with the approval of the Minister, issue a code of conduct for consultants for the purposes of the regulations.

(2) Any violation of the code of conduct shall constitute a misconduct by the consultant for the purpose of regulations 12.

12. Suspension or revocation of registration.—(1) The Director General may, on the recommendation of the Committee, suspend registration of a consultant if that consultant;

- (a) fails to apply for renewal of registration after lapse of six months from the date of expiry; or
- (b) fails to submit annual report as required under regulation 10;
- (c) fails the perform satisfactorily as per evaluation carried out under regulation 9; and
- (d) fails to abide by any condition of registration.

(2) The Director General may, on the recommendation of the Committee, revoke registration of a consultant if that consultant:

- (a) fails to apply for registration despite two notices to such effect given at reasonable intervals after lapse of six months from the date of expiry of registration;
- (b) fails to improve performance despite two notices to such effect given at reasonable intervals;
- (c) knowingly submits a false, incorrect or incomplete technical review or environmental assessment, or conceals any important information relevant to the technical review or environmental assessment;
- (d) knowingly submits false, incorrect or incomplete information, or conceals any important information, for the purpose of registration;
- (d) despite two notice given at reasonable intervals, fails to submit annual report as required under regulation 10;
- (e) despite notice, fails to abide by the conditions of registration;
- (f) involves in a conflict of interest situation within the meanings of regulation 9; or
- (g) involves in a grave misconduct within the meanings of regulation 11.

(3) The Director General shall not revoke or suspend registration without first providing a reasonable opportunity of hearing to the consultant clearly stating the reasons for such an action.

(4) The consultant whose registration has been revoked under regulation (2) above shall not be eligible to apply for registration until lapse of at least one year from the date of such

revocation.

13. All orders to be in writing.— All orders shall be made in writing and where applicable communicated to the consultant without any unnecessary delay.

14. Guidelines.— The Secretary shall with the approval of the Minister, through a notification in the official gazette, prescribe guidelines to define detailed procedure for registration of consultants applicable fee for registration, renewal of registration and certificate of practice, accreditation of individual consultant and professionals engaged by consulting firms, their work under the regulations and ancillary matters.

(SAIF ANJUM)
SECRETARY
GOVERNMENT OF THE PUNJAB
ENVIRONMENT PROTECTION
DEPARTMENT



SCHEDULE 1
(See Regulation 7)

CERTIFICATE OF PRACTICE AS REGISTERED ENVIRONMENTAL CONSULTANT

Registration No:

It is hereby certified that _____ is a registered Environmental Consultant in
Category _____ with the Provincial Environmental Protection Agency,
Government of the Punjab.

Date of Issue: _____

Date of Expiry: _____



Director General
Environmental Protection Agency, Punjab.

SCHEDULE II
(See Regulation 7)

CONTENTS OF CONSULTANTS REGISTRTION REGISTER

1. Application tracking number
2. Name of consultant
3. Category in which registered (as per Regulations)
4. Name and designation of contact person
5. Office address and contact details
6. Date of initial registration
7. Date of issue of Certificate of Practice
8. Fee payment history
9. Registration renewal history
10. Performance evaluation history
11. Cancelation or suspension history.



SCHEDULE III
[See Regulation 8(5)]

CONFLICT OF INTEREST DISCLOSURE CERTIFICATION

Except as otherwise fully disclosed below (attach additional pages as needed), the Environmental Consultant affirms, to the best of its knowledge, information and belief, that he, or in case of consulting firm or joint venture of firms, any person with any association with the firm(s) has any interest, direct or indirect, in the preparation of the environmental assessment of the project name of the projects, or has received or will receive any benefit, directly or indirectly, in connection with the environmental assessment or the project.

Name of the Consultant

Signature of Authorized
Person / Date

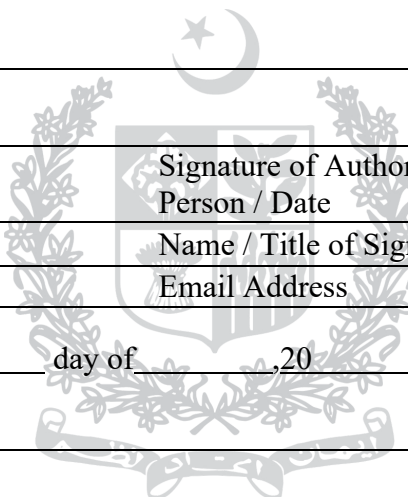
Consultant's Address

Name / Title of Signer

City / Postal Code

Email Address

Sworn to before me this _____ day of _____, 20____ Notary Public



Director General

Environmental Protection Agency

Signed this _____ day of _____ 20 ____

Important notes and explanation.

- a) For the purpose of this certification, "associated" persons include: a spouse, child, parent or sibling of an employee of environmental consultant.
- b) Environmental consultants are encouraged to disclose any other connection that could create an appearance of a conflict of interest, regardless of whether it meets the listed definitions.
- c) A materially false statement willfully or fraudulently made in connection with this certifications, and / or the failure to conduct appropriate due diligence in verifying the information that is the subject matter of this certification, may result in rendering the environmental consultant non-responsible for the purpose of contract award, and a materially false statement willfully or fraudulently made in connection with this certification may subject the person making the false statement to criminal charges.

THE PUNJAB ENVIRONMENTAL PROTECTION (PRODUCTION AND CONSUMPTION OF SINGLE-USE PLASTIC PRODUCT) REGULATIONS, 2023

CONTENTS

1. Short title and commencement
2. Definitions
3. Prohibitions
4. Registration
5. Extended producer's responsibility
6. Responsibilities of the producer
7. Responsibilities of the consumer
8. Responsibilities of the collector
9. Responsibilities of the recycler
10. Powers of the authorized officer
11. Marking or labelling
12. Annual reports
13. Penalties
14. Incentives



SCHEDULE –I

SCHEDULE –II

SCHEDULE –III

SCHEDULE –IV

SCHEDULE –V

SCHEDULE –VI

**THE PUNJAB ENVIRONMENTAL PROTECTION (PRODUCTION AND
CONSUMPTION OF SINGLE-USE PLASTIC PRODUCT) REGULATIONS, 2023**

**GOVERNMENT OF THE PUNJAB
ENVIRONMENTAL PROTECTION AGENCY
PUNJAB
(95 of 2023)**

Dated the Lahore, 06th June 2023

NOTIFICATION

No. 7-31-/ES-III/EPA/2023.— In exercise of the powers conferred under section 33 of the Punjab Environmental Protection Act, 1997 (XXXIV) of 1997), the Environmental Protection Agency, Punjab, with the approval of the Government, is pleased to make the following regulations:

1. Short title and commencement.— (1) These regulations may be cited as the Punjab Environmental Protection (Production and Consumption of Single-Use Plastic Product) Regulations, 2023.

(2) The shall come into force at once.

2. Definitions.— (1) In the regulations, unless the context or subject otherwise requires:

- (a) “Act” means the Punjab Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “Agency” means the Environmental Protection Agency, Punjab;
- (c) “banned single-use plastic” means any single-use plastic products specified in the Schedule-I;
- (d) "collector" means a person, voluntarily engaged or authorized for picking up and temporary storing of recyclable plastic waste excluding rag pickers;
- (e) "consumer" means a person either commercially or in bulk, consumes single-use plastic product excluding the single-household users and hospitals;
- (f) "Department" means the Environment Protection Department, Government of the Punjab;
- (g) "Director General" means the Director General of the Agency;
- (h) "plastic" means material containing essential ingredient of high polymer such as polyethylene terephthalate, high density polyethylene, poly vinyl chloride, low density polyethylene, polypropylene, polystyrene resins and multi-materials including acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate

and polybutylene terephthalate etc.;

- (i) "Plastic waste" means and includes non-recyclable or non-consumable plastic material, once discarded, cause adverse environmental effects;
- (j) "plastic packaging" means all types of flexible or non-flexible plastic packaging including but not limited to shopping bags, garbage bags, snacks packs, water and milk packaging, shrink wraps, bubble pellet wraps, films, liners, woven or non-woven bags, mulch films, sachets excluding disposable plastic packaging, whether used for food or non-food items;
- (k) "producer" means a person engaged in manufacture, transformation or import of single-use plastic product;
- (l) "recycler" means a person engaged in the process of recycling of plastic waste;
- (m) "recycling" means the process of transformation or segregation of plastic waste into a new product or raw material for production of new products but does not include hospital plastic waste other than non-risk plastic waste;
- (n) "regulations" means the Punjab Environmental Protection (Production and Consumption of Single-Use Plastic Product) Regulations 2023;
- (o) "Schedule" means the Schedule appended to the regulations; and
- (p) "single-use plastic product" means any plastic item or product, or packaging intended to be used once before being disposed of or recycled as specified in the Schedule-II.

(2) A word or expression used but not defined in the regulations shall have the same meaning as assigned to it in the Act and the rules made thereunder.

3. Prohibitions.— (1) No person shall engage in the production, consumption, distribution and storage, etc., of the banned single-use plastic.

(2) Subject to rule 4, a person may produce, consume, distribute, store and recycle the single-use plastic product under a licence issued by the Agency.

4. Registration.— (1) The existing producer, consumer, collector and recycler of single-use plastic product, shall get himself registered with the Agency within a period of twelve months from the commencement of the regulations.

(2) Every new producer, consumer, collector and recycler of single-use plastic product, shall get himself registered with the Agency within a period of one month.

(3) An application for registration shall be made to the Agency at the notified offices or registration centers in the districts in the form as set out in the Schedule-III.

(4) The person filing the application shall pay such fee as specified in the Schedule-IV.

(5) The Agency shall establish and maintain an online registration web-portal for the registration process linked with a digital database.

(6) The Agency shall, within ten working days of filing of application, shall:

- (a) confirm that the application is complete in accordance with the Schedule-III; or
- (b) require to submit such additional information or documents as may be specified; or
- (c) return the application to the applicant, clearly requiring the shortcomings.

(7) In case the applicant fails to submit the required information or documents after three notices served to him by the Agency, with a gap of not less than seven days, his application shall deem to be withdrawn and he shall be required to submit a fresh application for registration:

Provided that the fee shall remain valid for a period of six months from the date of withdrawal of application.

(8) The Agency shall; after evaluation, accept the application and issue an online registration licence for a period of three years from the date of issuance on such terms and conditions as it deems appropriate.

(9) The Agency shall complete the registration process within a period of forty-five days from the date of receipt of complete application.

(10) An application for renewal of registration licence shall be made within a period of thirty days prior to expiry of its registration.

(11) The information regarding registered producer, consumer, collector and recycler shall be displayed on the website of the Department.

5. Extended producer's responsibility.— (1) The producer, within a period of six months from the commencement of the regulations, shall establish a system for collection of the plastic waste generated due to his products based on extended producer's responsibility including his financial and physical liability.

(2) The producer, consumer, collector and recycler shall implement plastic waste collection and disposal system.

(3) The producer, consumer, collector and recycler shall, for purposes of efficient plastic circularity, ensure that the waste single- use plastic product be recycled in the production and consumption cycle expeditiously by following the best international practices.

(4) The producer and consumer shall submit the copy of their extended producer's responsibility plan to the Agency for displaying it on the website of the Department.

(5) The Agency may issue extended producer's responsibility guidelines, to formulate a comprehensive and effective management plain of plastic waste collection system.

6. Responsibilities of the producer.— The producer shall:

- (a) establish a system for collection of the plastic waste generated due to his products within a period of six months from the commencement of the regulations;

- (b) ensure that the minimum requirement of twenty percent mixing of recycled material shall be met in production of single-use plastic product along with virgin material;
- (c) carry out awareness campaigns regarding proper disposal of single-use plastic product which may include, but not limited to, displaying educative slogans, or messages, etc.; and
- (d) perform other function as notified by the Agency for implementation of the regulations.

7. Responsibilities of the consumer.— The consumer shall:

- (a) take steps to minimize the use of single-use plastic product and reduce plastic waste;
- (b) undertake the segregation process at source as per the guidelines issued by the Agency;
- (c) follow a direct segregated collection method by placing separate waste disposal containers, buckets, cans, etc., at conspicuous and convenient areas throughout his respective buildings or stores or premises, as the case may be;
- (d) ensure, either himself or through collectors, that the recyclable plastic waste is channelized to a registered plastic waste recycler;
- (e) educate the public at large for proper disposal of single-use plastic product including, but not limited to, displaying educative slogans, or messages, etc.;
- (f) segregate and manage the recyclable plastic waste generated during such events as per the respective applicable extended producer's responsibility;
- (g) provide customers with free plastic shopping bags or allowing customers to buy only reusable or recyclable bags; and
- (h) perform other function as notified by the Agency for implementation of the regulations.

8. Responsibilities of the collector.— The collector shall:

- (a) collect the plastic in a timely manner as per the prepared schedule for pick-up of plastic waste;
- (b) transport the segregated plastics in a segregated manner to a registered recycler; and
- (c) perform other function as notified by the Agency for implementation of the regulations.

9. Responsibilities of the recycler.— (1) There cycler shall:

- (a) ensure proper segregation of non-risk and risk plastic waste where after the later shall be appropriately disposed of or incinerated as per the notified Punjab Environmental Quality Standards of the Agency;

- (b) avoid any hazardous contamination during the recycling process of single-use plastic product meant for packaging that directly come in contact with food items;
- (c) take adequate measures for enhancing efficiency of collection, segregation and recycling of plastic waste;
- (d) upgrade the recycling mechanism in terms of evolving scientific approach; and
- (e) perform other function as notified by the Agency for implementation of the regulations.

(2) No recycler shall recycle the risk waste, including but not limited to medical plastic wastes and containers used for packaging of toxic contents, such as pesticides, insecticides, harmful chemicals, etc., except as per the environmental approval by the Agency.

10. Powers of the authorized officer.— (1) The Director General shall notify authorized officers within a designated area.

(2) The authorized officer may:

- (a) enter and inspect any premises as provided under the Act;
- (b) take samples or carryout out test of single-use plastic product in accordance with the Environmental Samples Rules, 2001 at the spot through a calibrated instrument, and
- (c) inspect any documents for ascertaining any contravention of the regulations.

(3) On receipt of an application or on his own knowledge regarding any violation as specified in the Schedule-V, the authorized officer shall initiate an investigation:

Provided that the investigation shall be completed within seven days of receipt of the application or information of violation, as the case may be.

(4) The authorized officers, if satisfied that a violation of any of the provisions of the regulations has occurred, may take or cause to be taken all necessary measures for the protection of the environment and control of pollution.

11. Parking or labelling.— (1) The name, registered mark or registration number of the producer and thickness in case of carry bag and plastic packaging shall be printed, both in English and Urdu, on, every single-use plastic product or plastic packaging.

(2) The condition mentioned in sub-rule (1) shall not be applicable to:

- (a) plastic packaging used in imported goods;
- (b) cases where it is technically not feasible to print the requisite information as per assessment of the authorized officer; and
- (c) multilayered packaging excluding multi-layered packaging used for imported goods till the date of prohibition.

(3) Each recycled single-use plastic product shall bear an identical or similar label,

or a mark" recycled" as specified in the Schedule-VI.

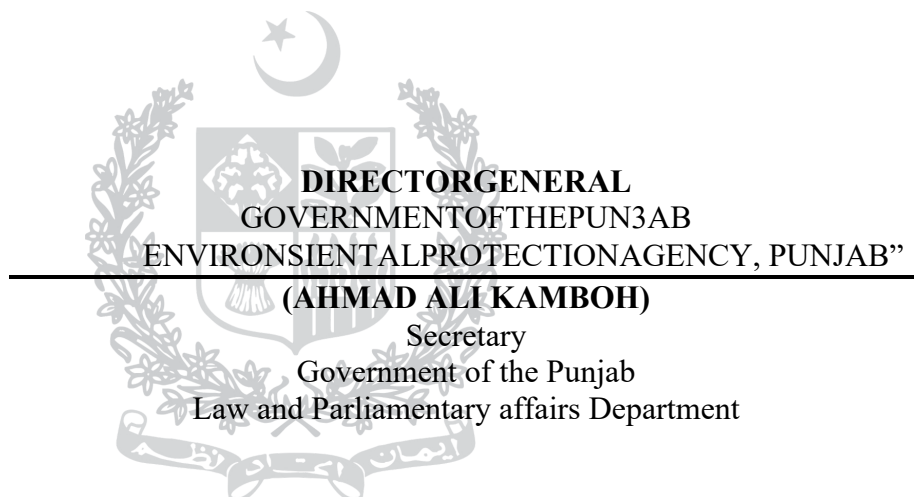
12. Annual reports.— (1) The producer, consumer, collector and recycler shall be required to prepare and submit an annual report to the Agency, not later than one month from the 31st day of December of each ending year, in the mode and manner as specified by the Agency in the official Gazette.

(2) The Agency shall prepare a consolidated annual environment report on the use and management of single-use plastic product and forward it to the Council along with its recommendations before the 30th day of the month of May of every year.

13. Penalties.— Whoever contravenes or fails to comply with the provisions of the regulations shall be punished in accordance with sub-section(2) of section 17 of the Act.

14. Incentives.— (1)The Government, on recommendations of the Agency, may approve incentives for producer, consumer, collector and recycler in form of various schemes, policies and rewards etc., on provision of proof of adequate compliance of the regulations.

(2) The Agency may issue guidelines for the approval of incentives as mentioned under sub-rule (1).



SCHEDULE –I
(BANNED SINGLE-USE PLASTIC)

Sr. No. Description

- 1 Ear buds with Plastic Sticks
2. Plastic sticks for balloons
3. Plastic Flags
4. Candy Sticks
5. Ice-cream sticks
6. Plates
7. Disposable Cups & Glasses made either from Polystyrene or any other Plastics including paper cups with internal plastic lining.
8. Cutlery such as Forks, Spoons, Knives, Straw, Trays, Stirrers, etc.
9. Wrapping or packing films around sweet boxes.
10. Invitation Cards.
11. Disposal To-Go Food Boxes.
12. Cigarette Packets.
13. Plastic or PVC banners less than 80 microns.
14. Multi-Layered Packaging.
15. Any other Product or Packaging as amended by the Government from time-to-time in the official gazette.

SCHEDULE-II
(SINGLE-USE PLASTIC PRODUCT)

Sr.No.	Name of Item	Description
1.	Plastic Carry/Shopping Bags	(i) Being not less than [Seventy-Five] 75 microns in thickness with effect from the date of commencement of these regulations; (ii) Shall contain a minimum of twenty (20) percent recycled Plastic material mixed along with virgin plastic; (iii) The Government may if needed, alter the thickness in accordance with its policy/strategy.
2.	Other single-use plastic product and packaging	(i) Being not less than [Seventy-five] 75 microns in thickness with affect from the date of commencement of these regulations; (ii) ★ Shall contain a minimum of twenty (20) percent recycled plastic material mixed along with virgin plastic; (iii) being in natural shade which is without any added pigments; (iv) The Government may, if needed, alter the thickness in accordance with its policy/strategy.
3.	Hospital Products and Waste Disposal Bags (Non-Risk)	(i) Being not less than 15 Microns thickness; (ii) The Government may, if needed, alter the thickness in accordance with its policy /strategy.

Any other product or packaging as amended by the Government from time-to time in the official gazette.

SCHEDULE –III
(REGISTRATION FORM)

Application for registration of
Producers/Importer/Consumer/Recycler/Collector

From:.....
.....
.....(Name and full address of the applicant)

To
The
.....Punjab Environmental protection Agency
.....
.....

Sir/Madam,

I/we hereby apply for registration under regulation 4 of the Punjab Environmental Protection (Production and Consumption of Single-use plastic) Regulations, 2023.

PRODUCER
Part –A (General)

1. (a) Name, Address & Location (Latitude/Longitude) of the unit.
(b) Registration required for manufacturing of:
(i) Carry bags; (ii) Single-use plastics (____ Name of item____) and
(iii) plastic packaging.
(c) Total capacity of manufacturing.
(d) In case of renewal, number and date of registration
2. (a) Year of setting-up of unit and commencement of production.
3. (a) List of products and by-products
(b) List and quantity of raw materials imported/bought
(c) If raw material bought, then name of seller/importer.
(d) If self-import, also fill in the form as importer attached below.
(e) Quantity of raw material utilized
4. Furnish a flow diagram of manufacturing process showing input and output in terms of products and waste generated including for captive power generation and water.
5. Status of compliance with these rules-Thickness –Seventy five micron (Yes/No)

Part-B (Pertaining to valid permission of unit)

6. Does the unit have a valid consent/permit under the building and construction by-laws-if yes, attach a copy.

Part-C (Pertaining to waste)

7. (a) Total quantity of waste generated
- (b) capacity to store within the plant (Yes/No)
- (c) Provision for efficient disposal of wastes (Yes/No)

Part –D (General)

8. (a) Attach or provide list of personnel or consumers to whom the products will be supplied.
- (b) Action plan in line with the guidelines specified in Section 6.

Name and Signature:

Designation

Date:

CONSUMER

Application form for Registration of Consumers excluding Individual Household Units.

1. Name and address and Contact Information of the Business/Entity/Corporation.
2. Type of Business/Entity/Corporation
3. List of primary single-use plastics consumed
 - 1.
 - 2.
 - 3.
4. Annual Procurement (weight)
5. Average annual Consumption (weight)
- 6(a) Whether Provision of Segregated Waste Disposal Bins? (Yes/No)
- (b) If 'Yes' to the above, how many?
- (c) If 'No' whether there is availability of Segregation at Source
7. Whether the Segregated Plastic are being handed over to registered Re-cyclers or Collectors.

Name and Signature

Designation

Date:

COLLECTOR

Application form for Registration of Collector

- 1 Name and address and Contact.
- 2 Whether it is a Company, Proprietorship or Partnership
- 3 Name (s) of Source of Collection
 - 1.
 - 2.
 - 3.
- 4 Source of Disposal whether registered recycler (with name) or Landfill site or Incinerators
- 5 Average Annual Collection (weight-All)
- 6 Number of Vehicles/Persons for collection

Name and Signature

Designation

Date:

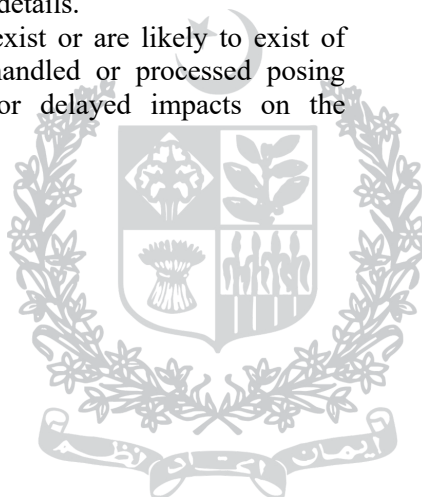
RECYCLER

Application form for Registration of Units Engaged in Processing or Recycling of Plastic Waste

- 1 Name and address and Contact.
- 2 Date since Commencement of Business.

- 3 No. of workers (including contract labour)
- 4 Whether registered with Labor Dept.? If yes,
provide details.
- 5 Product and installed capacity of production Products Installed Capacity
(MTA)
- 6 Waste generation in processing plastic-waste
(please list types and quantities)
- 7 Waste Collection and transportation (attach
details)
- 8 Waste Disposal details
- | Sr,
No. | Type | Category | Qty |
|------------|------------------------|----------|-----|
| (i) | | | |
| (ii) | | | |
| (a) | Name | | |
| (b) | Quantity required/year | | |
- 9 Details of plastic waste acquired through sale,
auction, contract or import (as the case may be) for
use as raw material
- 10 Occupational safety and health aspects (please
provide details of facilities)
Whether the unit has adequate pollution control
systems or equipment to meet the standards or
emission or effluent.
If yes, please furnish details.
Whether conditions exist or are likely to exist of
the material being handled or processed posing
adverse immediate or delayed impacts on the
environment. Yes/No

Name and Signature:
Designation
Date”



SCHEDULE – IV
(REGISTRATION FEE)

Sr. No	Category	Company/ corporation/ partnership	Individual/ Proprietorship
1	Producer	Rs. 300,000	Rs. 200,000
2	Consumer	Rs. 200,000	Rs. 100,000
3	Recycler	Rs. 50,000	Rs. 25,000
4	Collector	Rs. 1,000	Rs. 1,000

RENEWAL FEE

Sr. No	Category	Company/ corporation/ partnership	Individual/ Proprietorship
1	Producer	Rs. 300,000	Rs. 200,000
2	Consumer	Rs. 200,000	Rs. 100,000
3	Recycler	Rs. 50,000	Rs. 25,000
4	Collector	Rs. 1,000	Rs. 1,000



SCHEDULE –V (OFFENCES)

1. Producing or consuming the banned single-use plastics products;
2. Producing or consuming the single-use plastics products in violation of schedule-II;
3. Not registered with the Agency;
4. Contravention of provisions of Extended Producer's Responsibility;
5. Non-compliance of the responsibility of the producer, collector, consumer and recycler;
6. Failure to fulfill packaging and labeling requirements of single-use plastic products; and
7. Violation of any other provision of the regulations.

SCHEDULE – VI (MARKING OR LABELING)

Each recycled single-use plastic product shall bear the following mark:



**THE PUNJAB PROHIBITION ON MANUFACTURE, SALE, USE AND IMPORT OF
POLYTHENE BAGS (BLACK OR ANY OTHER POLYTHENE BAG BELOW FIFTEEN
MICRON THICKNESS) ORDINANCE, 2002**

(IX of 2002)

CONTENTS

1. Short title, extent and commencement.
2. Definitions.
3. Restriction.
4. Penalty.
5. Offence to be punishable and triable.
6. Power to make rules.
7. Power to make regulations.
8. Ordinance to override other laws, etc.



**⁵THE PUNJAB PROHIBITION ON MANUFACTURE, SALE, USE AND IMPORT OF
POLYTHENE BAGS (BLACK OR ANY OTHER POLYTHENE BAG BELOW FIFTEEN
MICRON THICKNESS) ORDINANCE, 2002**

(IX of 2002)

[18th Feb, 2002]

An

Ordinance

***An Ordinance to prohibit manufacture, sale, use and import of black polythene bags or any
other polythene bag below fifteen micron thickness***

Whereas it is expedient in the public interest to prohibit manufacture, sale, use and import of black polythene bags or any other polythene bag below fifteen micron thickness in the Province of Punjab, in the manner hereinafter appearing;

And whereas the Provincial Assembly of the Punjab is dissolved and the Governor is satisfied that circumstances exist which render it necessary to take immediate action;

And whereas under Article 4 of the Provisional Constitution (Amendment) Order No. 9 of 1999, as amended by the Chief Executive Order No. 11 of 2000, the Governor of a Province may issue and promulgate an Ordinance;

Now, therefore, in exercise of the aforesaid powers and all other powers enabling him in that behalf, the Governor of the Punjab is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement.— (1) This Ordinance may be called the Punjab Prohibition on Manufacture, Sale, Use and Import of Polythene Bags (black or any other Polythene Bag below fifteen micron thickness) Ordinance, 2002.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Ordinance, unless the subject or context otherwise requires the following expressions shall have the meanings hereby respectively assigned to them—

(a) “Factory” means any premises where polythene bags are manufactured and produced;

(b) “Person” includes shopkeeper, factory owner, hawker and others;

(c) “Polythene Bag” means a leading product of plastic prepared from polyethylene granules; and

(d) “Government” means the Government of the Punjab.

⁵ Promulgated by the Governor of the Punjab on 18 February 2002; and, published in the Punjab Gazette (Extraordinary), dated 18 February 2002, pp. 905 to 906. Under Article 4 of the Provisional Constitution (Amendment) Order 1999 (9 of 1999), it will remain in force notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

3. Restriction.— No person shall manufacture, sell, use or import black polythene bags or any polythene bag below fifteen micron thickness or offer any kind of eatable and non-eatable goods in any black polythene bag or any polythene bag below fifteen micron thickness.

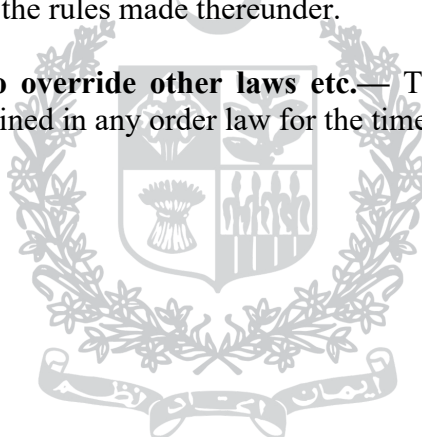
4. Penalty.— Any person who contravenes the provisions of section 3, shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to Rs.50,000/- or with both.

5. Offence to be punishable and triable.— Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Ordinance shall be triable under the provisions of the said Code, by Environmental Magistrate notified under section 24 of the Pakistan Environmental Protection Act, 1997, or any Judicial Magistrate specially empowered in this behalf.

6. Power to make rules.— The Government may, by notification, make rules for carrying out the purpose of this Ordinance.

7. Power to make regulations.— For carrying out the purposes of this Ordinance, the Environmental Agency Punjab may, by notification in the official Gazette and with the approval of the Provincial Government, make regulations not inconsistent with the provisions of this Ordinance or the rules made thereunder.

8. Ordinance to override other laws etc.— This Ordinance shall have effect notwithstanding anything contained in any order law for the time being in force.



**PUNJAB PROHIBITION ON MANUFACTURE, SALE, USE AND IMPORT OF
POLYTHENE BAGS (BLACK OR ANY OTHER POLYTHENE BAG BELOW
FIFTEEN MICRON THICKNESS) RULES, 2004**

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1. Short title and commencement
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3. Formal Investigation
4. Sampling
5. Power to enter and inspect
6. Search warrant
7. Sealing
8. Confiscation
9. Procedure of trials
10. Appeal
11. Prosecution and legal advice
12. Power to give directions



**PUNJAB PROHIBITION ON MANUFACTURE, SALE, USE AND IMPORT OF
POLYTHENE BAGS (BLACK OR ANY OTHER POLYTHENE BAG BELOW
FIFTEEN MICRON THICKNESS) RULES, 2004**

[18th May, 2004]

Government of the Punjab
Environment Protection Department

NOTIFICATION

No. 182/LS/EPD.— In exercise of the powers conferred upon him under section 6 of the Punjab Prohibition on Manufacture, Sale, Use and Import of Polythene Bags (Black or any other Polythene Bag below fifteen micron thickness) Ordinance, 2002 (IX of 2002), the Governor of the Punjab is please to direct that the following rules shall be made:-

1. Short title and commencement.— (1) These rules may be called the Punjab Prohibition on Manufacture, Sale, Use and Import of Polythene Bags (Black or any other Polythene Bag below fifteen micron thickness) Rules, 2004.

(2) They shall come into force at once.

2. Definitions.— (1) In these rules, unless there is anything repugnant in the subject or context,—

- (a) “**Act**” means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “**Complaint**” means a complaint under section 200 of the Code of Criminal Procedure, 1898 (V of 1898);
- (c) “**Court of jurisdiction**” means the court of Environmental Magistrate or any other Court having jurisdiction to try cases under section 5 of the Ordinance;
- (d) “**Department**” means the Environment Protection Department;
- (e) “**Director General**” means the Director General, Environment Protection Agency, Punjab;
- (f) “**District Administration**” and “**District Government**” mean respectively the District Administration and the District Government established under the Punjab Local Government Ordinance, 2001 (XIII of 2001);
- (g) “**Environmental Laboratory**” means a laboratory under certification of Environmental Laboratories Rules, 2001;
- (h) “**Inspector**” means an inspector of Environment Protection Agency, Punjab having jurisdiction over a particular locality or area;
- (i) “**Officer Incharge**” means an officer of Environment Protection Agency, Punjab not below the rank of Assistant Director or District Officer Environment;
- (j) “**Ordinance**” means the Punjab Prohibition on Manufacture, Sale, Use and Import of Polythene Bags (Black or any other Polythene Bag below fifteen micron thickness) Ordinance, 2002 (IX of 2002); and
- (k) “**Unit**” means a factory or any premises where black polythene bags or any other polythene bags below fifteen micron thickness are manufactured, sold, used or

imported, or where any suspected material is found which can be used in such manufacturing.

(2) All words and expressions used in these rules but not herein defined shall have the same meanings as are assigned to them in the Ordinance.

3. Formal Investigation.— (1) On receipt of an application from any person, or on his own accord in presence of sufficient reasons to believe, regarding violation of section 3 of the Ordinance, the Officer Incharge shall register the application and initiate formal investigation.

(2) Investigation under sub rule (1) shall be cried out under intimation to the Director General through the Director concerned and the District Coordination Officer of the District concerned.

(3) Investigation Officer not below the rank of Inspector shall complete investigation preferably within Seven days, if not otherwise directed by the Director General.

4. Sampling.— (1) If commission of offence is likely to be made out under rule 3 to the extent of manufacture, sale, use and import of black polythene bags or any other polythene bag below fifteen micron thickness, the Officer Incharge or inspector shall take samples, in accordance with the Environmental Sample Rules, 2001.

(2) The samples shall be examined at the spot through a calibrated instrument and shall, within two days, be got confirmed from any Environmental Laboratory.

(3) If commission of offence is established the Officer Incharge may proceed against the accused under sub rule (3) of rule 7.

5. Power to enter and inspect.— Officer Incharge or Inspector shall have power to enter and inspect the unit or its production, stock, manufacturing, sale point, delivery, transportation and documentary record, exhibition and displays or any other concerned activity, subject to existence of reasonable grounds to believe about the commission or likely to be commissioned offence under the Ordinance.

6. Search warrant.— If reasonable grounds exist and Officer Incharge is satisfied either about commission of offence or its likelihood in public or private premises and if Officer Incharge thinks inevitable to procure reasonable evidence through search warrant he may be filing a written application before the court of jurisdiction get the search warrants issued under the Code of Criminal Procedure, 1898 (V of 1898).

7. Sealing.— (1) If commission of offence is made out to the extent of manufacture, sale, use and import of black polythene bags or any other polythene bag below fifteen micron thickens, the Officer Incharge shall have the power to seal such manufacturing works, sale-point, import stock, delivery, collection and transportation at once, with administrative help of the District Police Officer concerned under intimation to Director General through the Director concerned.

(2) The sealing officer shall paste a copy of sealing order at the spot and affix the sealing stamp thereon, and after recording evidence recover any material being involved in the commission of offence.

(3) The District Police Officer or, as the case may be, the District Coordination Officer may be called for administrative help in writing by the Officer Incharge under intimation to the Director General through the Director concerned for carrying the objectives of the Ordinance and these rules.

(4) The Officer Incharge shall institute a complaint before the Environmental Magistrate, against the person responsible for the offence, for proceeding under section 4 of the Ordinance.

8. Confiscation.— (1) If commission of offence is made out to the extent of manufacture, sale, use and import of black polythene bag or any other polythene bag below fifteen-micron thickness, the Officer Incharge or, as the case may be, Inspector shall have power to take into possession any article which he has reason to believe, has been or is involved in, or which may furnish evidence of the commission of offence. Recovered material may be retained within the office building, in safe custody and in sealed condition. The Officer Incharge shall file a complaint preferable within twenty four hours, before the court of jurisdiction for proceeding under section 4 of the Ordinance, against the person responsible for the offence.

(2) The Officer Incharge or Inspector, as the case may be, shall be responsible for quality, quantity and credibility of confiscated or recovered material.

(3) In case of acquittal of accused, on an application from the acquainted person, the recovered material may be returned to the owner or its legal claimant, on written order of the Environmental Magistrate or the court of Jurisdiction.

(4) A proper receipt record, order of the court, return statement and identification documents alongwith signatures of two witnesses shall be retained by the Officer Incharge concerned.

(5) In case of conviction the convicted person shall lose his right to take back the recovered material and the material may be taken state property and dealt with the relevant laws of land.

9. Procedure of trials.— Environmental Magistrate or the court having jurisdiction shall try offences under section 3 of the Ordinance in accordance with the provisions of the Code of Criminal Procedure, 1898 and shall decide the complaint within four months.

10. Appeal.— Any person aggrieved by an order of the Environmental Magistrate may, within fifteen days of such order, prefer an appeal to the Court of Sessions whose decision thereon shall be final.

11. Prosecution and legal advice.— Officer Incharge shall represent the Department before the court of Environmental Magistrate or any court of jurisdiction, as the case may be, with consultation and under the advice of the head of the Legal Wing of the Department.

12. Power to give directions.— In discharge of their functions under the Ordinance or these rules the officers of provincial Environmental Protection Agency shall be bound by the directions given to them in writing by the provincial Government.

SINDH LAWS



THE SINDH ENVIRONMENTAL PROTECTION ACT, 2014

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THE SINDH ENVIRONMENTAL PROTECTION ACT, 2014
SINDH ACT NO. VIII OF 2014

Karachi, Thursday March 20, 2014

NOTIFICATION

NO. PAS/Legis-B-06/2014- The Sindh Environmental Protection Bill, 2014 having been passed by the Provincial Assembly of Sindh on 24th February, 2014 and assented to by the Governor of Sindh on 19th March, 2014 is hereby published as an Act of the Legislature of Sindh.

An Act to provide for the protection, conservation, rehabilitation and improvement of the environment, for the prevention and control of pollution, and promotion of sustainable development.

Preamble.- WHEREAS it is expedient to provide for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution, promotion of sustainable development, and for matters connected therewith and incidental thereto:

PART – I

It is hereby enacted as follows:-

1. Short title and commencement.— (1) This Act may be called the Sindh Environmental Protection Act, 2014.

(2) It extends to the whole of the Province of Sindh.

(3) It shall come into force at once.

(2) Definitions.— In this Act, unless there is anything repugnant in the subject or context-

(i) “adverse environmental effect” means impairment of, or damage to, the environment and includes—

(a) impairment of, or damage to, human health and safety or to biodiversity or property;

(b) pollution; and

(c) any adverse environmental effect as may be specified in the rules or regulations made under this Act.

(ii) “Agency” means the Sindh Environmental Protection Agency established under section 5 of this Act;

(iii) “agricultural waste” means waste from farm and agricultural activities including poultry, cattle farming, animal husbandry residues from the use of fertilizers, pesticides and other farm chemicals and agricultural runoff;

(iv) “air pollutant” means any substance that causes pollution of air and includes soot smoke, dust particles, odour, light, electro-magnetic radiation, heat, fumes, combustion exhaust, exhaust gases, noxious gases, hazardous substances and radioactive substances;

(v) “biodiversity” or “biological diversity” means the variability among living

organisms from all sources, including inter-alia terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

- (vi) “biosafety” means the mechanism developing through policy and procedure to ensure human health and the environmentally safe application of biotechnology;
- (vii) “Council” means the Sindh Environmental Protection Council established under section 3 of this Act;
- (viii) “discharge” means spilling, leaking, pumping, depositing, seeping, releasing, flowing-out, pouring, emitting, emptying or dumping into the land, water or atmosphere;
- (ix) “ecosystem” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;
- (x) “effluent” means any material in solid, liquid or gaseous form or combination thereof being discharged from industrial activity or any other source and includes a slurry, suspension or vapour;
- (xi) “emission standards” means the permissible standards established by the Agency for emission of air pollutants and noise and for discharge of effluent and waste;
- (xii) “environment” means-
 - (a) air, water, land and natural resources;
 - (b) all layers of the atmosphere;
 - (c) all organic and inorganic matters and living organisms;
 - (d) ecosystems and ecological relationships;
 - (e) buildings, structures, roads, facilities and works;
 - (f) all social and economic conditions affecting community life; and
 - (g) the inter-relationship between any of the factors in sub-clause (a) to (f) made under this Act.
- (xiii) “environmental aspect” means an organization's activities or services that can interact with the environment;
- (xiv) “environment audit” means a systematic scrutiny of environmental performance of an organization, factory, company or manufacturing and production unit regarding to its operations;
- (xv) “environmental impact assessment” means an environmental study comprising collection of data, prediction of qualitative and quantitative impacts comparison of alternatives, evaluation of preventive, mitigation and compensatory measures, formulation of environmental management and training plans and monitoring arrangements, *and* framing of recommendations and such other components as may be prescribed;
- (xvi) “Environmental Management Plan” means a site specific plan developed to ensure that all necessary measures are identified and implemented in order to protect the environment and comply with the environmental legislation;
- (xvii) “Environmental Protection Order” means an order passed under Section 21 made under this Act;

- (xviii) “Environmental Protection Tribunal” means the Environmental Protection Tribunal constituted under section 25 of this Act;
- (xxix) “Environmental Review” means a quantitative and qualitative assessment of documents submitted by proponent, comments from public and Government agencies or organizations;
- (xx) “factory” means any premises in which industrial activity is being undertaken;
- (xxi) “genetically modified organism” means any organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology and which does not occur naturally through mating and or recombination and includes both living and non-living modified organisms;
- (xxii) “Government” means the Government of Sindh;
- (xxiii) “Government Agency” includes:-
- (a) A department, attached department or any other office of Government; and
 - (b) A development authority, local authority, company, body, corporate established or control by Government;
- (xxiv) “Court” means the court of the Judicial Magistrate First Class;
- (xxv) “hazardous substance” means:-
- (a) a substance or mixture of substances, other than a pesticide as defined in the Agricultural Pesticides Ordinance, 1971 (II of 1971), 'which, by reason of its chemical activity or toxic, explosive, flammable, corrosive, radioactive or other characteristics, causes, or is likely to cause, directly or in combination with other matters an adverse environmental effect; and
 - (b) any substance which may be prescribed as a hazardous substance;
- (xxvi) “hazardous waste” means waste which is or which contains a hazardous substance or which may be prescribed as hazardous waste, hospital waste, nuclear waste, obsolete pesticides and persistent organic pollutants;
- (xxvii) “hospital waste” means waste medical supplies and materials of all kinds, and waste blood, tissue, organs and other parts of the human and animal bodies, from hospitals, clinics, laboratories and veterinary facilities;
- (xxviii) “industrial activity” means any operation or process for manufacturing, making, formulating, synthesising, altering, repairing, ornamenting, finishing, packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or for mining, for oil and gas exploration and development, or for pumping water or sewage, or for generating, transforming or transmitting power or for any other industrial or commercial purposes;
- (xxix) “industrial waste” waste means waste resulting from an industrial activity;
- (xxx) “initial environmental examination” means a preliminary environmental review of the reasonably foreseeable qualitative and quantitative impacts on the environment of a proposed project to determine whether it is likely to cause an adverse environmental effect for requiring preparation of an environmental impact assessment;
- (xxxi) “local authority” means any agency set up or designated by Government, by notification in the official Gazette to be a local authority for the purposes of this

Act;

- (xxxii) “local council” means a local council constituted or established under a law relating to local government;
- (xxxiii) “motor vehicle” means any mechanically propelled vehicle adapted for use upon land whether its power of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, and a trailer, but does not include a vehicle running upon fixed rails;
- (xxxiv) “municipal waste” includes sewage, refuse, garbage, waste from abattoirs, sludge and human excreta and the like;
- (xxxv) “noise” means the intensity, duration and character of sounds from all sources, and includes vibration;
- (xxvi) “non degradable plastic products” means a plastic product which are made from the non-biodegradable substances;
- (xxxvii) “nuclear waste” means waste from any nuclear reactor or nuclear plant or other nuclear energy system, whether or not such waste is radioactive;
- (xxxviii) “Oxo-biodegradable Plastic Products” means a plastic product made of a polymer by adding a pro-degrading additive containing a transition metal salt, except cobalt, which cause the plastic to degrade and bio-grade from oxidative and cell mediated phenomena either simultaneously or successfully;
- (xxxix) “person” means any natural person or legal entity and includes an individual, firm, association, partnership, society, group, company, corporation, co- operative society, Government Agency, non-governmental organization, community- based organization, village organization, local council or local authority and, in the case of a vessel, the master or other person having for the time being the charge or control of the vessel;
- (xl) “pollution” means the contamination of air, land or water by the discharge or emission of effluent or wastes or air pollutants or noise or other matter which either directly or indirectly or in combination with other discharges or substances alters unfavourably the chemical, physical, biological, radiational, thermal or radiological or aesthetic properties of the air, land or water or which may, or is likely to make the air, land or water unclean, noxious or impure or injurious, disagreeable or detrimental to the health, safety, welfare, or property of persons or harmful to biodiversity;
- (xli) “prescribed” means prescribed by rules made under this Act;
- (xlii) “project” means any activity, plan, scheme, proposal or undertaking involving any change in the environment and includes—
 - (a) construction or use of buildings or other works;
 - (b) construction or use of roads or other transport systems;
 - (c) construction or operation of factories or other installations;
 - (d) mineral prospecting, mining, quarrying, stone-crushing, drilling and the like;
 - (e) any change of land use or water use; and
 - (f) alteration, expansion, repair, decommissioning or abandonment of existing buildings or other works, roads or other transport systems, factories or other installations;

- (xlili) “proponent” means the person who proposes or intends to undertake a project;
- (xliv) “regulations” means regulations made under this Act;
- (xlv) “rules” means rules made under this Act;
- (xlvi) “sewage” means liquid or semi-solid wastes and sludge from sanitary conveniences, kitchens, laundries, washing and similar activities and from any sewerage system or sewage disposal works;
- (xlvii) “Schedule Plastic Products” means all types of flexible plastic packaging and disposable plastic products made of Polythene, Polypropylene, Polystyrene and Poly-ethylene Terephthalate (PET), used for food and non-food items, like shopping bags, garbage bags, snacks packs, water and milk packaging, shrink wraps, bubble pellet wraps, films, liners, woven or non-woven bags, mulch films;
- (xlviii) “Sindh Environmental Quantity Standards” means standards established by the Agency under clause (e) of sub-section (1) of section 6 and approved by the Council under clause (C) of sub-section (1) of section 4 made under this Act;
- (xlix) “standards” means qualitative and quantitative standards for discharge of effluent and wastes and for emission of air pollutants and noise either for general applicability or for a particular area, or from a particular production process, or for a particular product, and includes the Sindh Environmental Quality Standards, emission standards and other standards established under this Act and the rules and regulations;
- (l) “strategic environmental assessment” mean an analysis of a proposed policy, legislation, plan or programme to determine whether the principles of sustainable development have been integrated therein and to identify its likely environmental effects and such components as require an initial environmental examination or environmental impact assessment;
- (li) “sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;
- (lii) “trans-boundary environmental impacts” means environmental impact arising from beyond the boundaries or limits of Sindh province and causing any adverse environmental impact or pollution in the air, land, water and coaster water of Sindh province;
- (liii) “waste” means any substance or object which has been, is being or is intended to be, discarded or disposed-of, and includes liquid waste, solid waste, waste gases, suspended waste, industrial waste, agricultural waste, nuclear waste, municipal waste, hospital waste, used polyethylene bags and residues from the incineration of all types of waste;
- (Iiv) “waters (coastal waters, internal waters, territorial waters and historical waters)” means such limits of the waters adjacent to the land territory as may be specified in the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976).

PART – II
THE SINDH ENVIRONMENTAL PROTECTION COUNCIL

3. Establishment of the Sindh Environmental Protection Council.— (1) The Government of Sindh shall, by notification in the official Gazette, establish a Council to be known as the Sindh Environmental Protection Council consisting of—

(i)	Chief Minister or such other person as the Chief Minister may nominate in this behalf.	Chairperson
(ii)	Minister-in-charge of the Environment Protection Department.	Vice chairperson
(iii)	Additional Chief Secretary, Planning and Development Department, Government of Sindh.	Ex-officio Member
(iv)	Secretaries of the Environment, Finance, Public Health Engineering, Irrigation, Health, Agriculture, Local Government, Industries, Live Stock and Fisheries, Forest and Wildlife, Energy, Education, Departments of Government of Sindh and the divisional commissioners of Sindh.	Ex-officio Members
(v)	Such other persons not exceeding twenty- five as Government may appoint from representatives of the Chambers of Commerce and Industry and industrial associations, representatives of the Chambers of Agriculture, the medical and legal professions, trade unions, non-governmental organizations concerned with the environment and sustainable development, and scientists, technical experts and educationists.	Non-official Members
(vi)	Director General, Sindh Environment Protection Agency.	Member / Secretary
(vii)	Two Members of the Provincial Assembly of Sindh amongst the eleven Members of the Standing Committee on Environment nominated by the Speaker.	Members

(2) The Members of the Council, other than ex-officio members, shall be appointed in accordance with the prescribed procedure.

(3) A non-official member, unless he sooner resigns or is removed, shall hold office for a term of three years and shall be eligible for re-appointment but shall not hold office for more than two terms.

(4) The Council shall frame its own Rules of Procedure.

(5) The Council shall hold meetings, as and when necessary, but not less than two meetings, shall be held in a year.

(6) The Council may constitute committees of its members and entrust them with such functions as it may deem fit, and the recommendations of the committees shall be submitted to the Council for approval.

(7) The Council, or any of its committees, may invite any technical expert or representative of any Government Agency or non-governmental organization or other person possessing specialized knowledge of any subject for assistance in performance of its functions.

4. Functions and Powers of the Council.— (1) The Council shall—

- (a) co-ordinate and supervise the enforcement of the provisions of this Act and other laws relating to the environment in the Province;
- (b) approve comprehensive provincial environmental and sustainable development policies and ensure their implementation within the framework of a conservation strategy and sustainable development plan as may be approved by Government from time to time;
- (c) approve the Sindh Environmental Quality Standards;
- (d) provide guidelines for the protection and conservation of species, habitats, and biodiversity in general, and for the conservation of renewable and non-renewable resources.
- (e) coordinate integration of the principles and concerns of sustainable development into socio-economic and development policies, plans and programmes at the provincial, district and local levels;
- (f) consider the annual Sindh Environment report and give appropriate directions thereon and cause it to be laid before the Provincial Assembly;
- (g) deal with inter-provincial and federal-provincial issues, and liaise and coordinate with other Provinces through appropriate inter-provincial forums regarding formulation and implementation of standards and policies relating to environmental matters with an inter-provincial impact;
- (h) provide guidelines for biosafety and for the use of genetically modified organisms; and
- (i) assist the Federal Government or Federal Agency in implementation and or administration of various provision of United Nation Convention on Laws on Seas, 1980 (UNCLOS) in coastal waters of the province;

(2) The Council may, either itself or on the request of any person or organization, direct the Agency or any Government Agency to prepare, submit, promote or implement projects for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, and the sustainable development of resources or to undertake research in any specified aspect of environment.

PART – III
THE SINDH ENVIRONMENTAL PROTECTION AGENCY

5. Establishment of the Sindh Environmental Protection Agency.— (1) Government shall, by notification in the Official Gazette, establish the Sindh Environmental Protection Agency, to exercise the powers and perform the functions assigned to it under the provisions of this Act and the rules and regulations made thereunder.

(2) The Agency shall be headed by a Director General who shall be appointed by Government on such terms and conditions as it may determine.

(3) The Agency shall have such administrative, technical and legal staff as

Government may specify, to be appointed in accordance with such procedure as may be prescribed.

(4) The powers and functions of the Agency shall be exercised and performed by the Director General.

(5) The Director General may, by general or special order, delegate any of these powers and functions to staff appointed under sub-section (3).

(6) For assisting the Agency in the discharge of its functions Government shall establish Advisory Committees for various sectors and appoint as members thereof eminent representatives of the relevant sector, educational institutions, research institutes and non-governmental organizations.

6. Functions of the Agency.—(1) The Agency shall—

- (a) administer and implement the provisions of this Act and the rules and regulations;
- (b) prepare, in co-ordination with the appropriate Government Agency or local council and, in consultation with the concerned Advisory Committees where established, environmental policies for the approval of the Council;
- (c) take all necessary measures for the implementation of the environmental policies approved by the Council;
- (d) prepare and publish an annual Sindh Environment Report on the state of the environment in the province;
- (e) prepare or revise and establish the Sindh Environmental Quality Standards with approval of the Council:

Provided that before seeking approval of the Council, the Agency shall publish the proposed Sindh Environmental Quality Standards for public opinion in accordance with the prescribed procedure;

- (f) ensure enforcement of the Sindh Environmental Quality Standards;
- (g) where the quality of ambient air, water, land or noise so requires, the Agency may, by notification in the Official Gazette establish different standards for discharge or emission from different sources and for different areas and conditions as may be necessary:

Provided that where these standards are less stringent than the Sindh Environmental Quality Standards; prior approval of the Council shall be obtained;

- (h) establish systems and procedures for surveys, surveillance, monitoring, measurement, examination, investigation, research, inspection and audit to prevent and control pollution, and to estimate the costs of cleaning up pollution and rehabilitating the environment in various sectors;
- (i) take measures to promote research and the development of science and technology which may contribute to the prevention of pollution, protection of the environment, and sustainable development;
- (j) issue licences, approval for the consignment, handling, transport, treatment, disposal of, storage, handling or otherwise dealing with hazardous substances;

- (k) certify laboratories as approved laboratories for conducting tests and analysis and one or more research institutes as environmental research institutes for conducting research and investigation for the purposes of this Act;
- (l) identify the needs for and initiate legislation in various sectors of the environment;
- (m) Provide assistance to relevant Federal and Provincial Government Agencies in the management of environment accidents and natural and environmental disasters, including conduct of inquiry thereto;
- (n) render advice and assistance in environmental matters including such information and data available with it as may be required for carrying out the purposes of this Act:

Provided that the disclosure of such information shall be subject to the restrictions specified in Part XI (Access to Information);

- (o) assist Government Agencies, local councils, local authorities and other persons to implement schemes for the proper disposal of wastes so as to ensure compliance with the Sindh Environmental Quality Standards;
- (p) provide information and guidance to the public on environmental matters;
- (q) recommend environmental courses, topics, literature and books for incorporation in the curricula and syllabi of educational institutions;
- (r) promote public education and awareness of environmental issues through mass media and other means including seminars and workshops;
- (s) establish and maintain mechanisms, including its own website, to disseminate information, subject to the provisions of this Act, regarding policies, plans and decisions of the Government, the Council and the Agency, relating to the environment;
- (t) specify safeguards for the prevention of accidents and disasters which may cause pollution, collaborate with the concerned persons in the preparation of contingency plans for control of such accidents and disasters, and co-ordinate implementation of such plans;
- (u) review and approve mitigation plans and give guidance and directions, where necessary, relating to clean up operations ordered under this Act;
- (v) encourage the formation and working of nongovernmental organizations, community organizations and village organizations to prevent and control pollution and promote sustainable development;
- (w) take or cause to be taken all necessary measures for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution and promotion of sustainable development; and
- (x) perform any function that the Council may assign to it.

(2) The Agency may—

- (a) undertake inquiries or investigation into environmental issues, either of its own accord or upon complaint from any person or organization;
- (b) request any person to furnish any information or data relevant to its functions;
- (c) initiate, with the approval of Government, requests for foreign assistance in

support of the purposes of this Act and enter into arrangements with foreign agencies or organizations for the exchange of material or information and participate in international seminars or meetings;

- (d) recommend to Government and the Council the adoption of financial and fiscal programmes, schemes or measures for achieving environmental objectives and goals and the purposes of this Act, including –
 - (i) taxes, duties, cesses and other levies; and
 - (ii) incentives, prizes, awards, rewards, subsidies, tax exemptions, rebates and depreciation allowances;
- (e) establish and maintain laboratories to help in the performance of its functions under this Act and to conduct research in various aspects of the environment and provide or arrange necessary assistance for the establishment of similar laboratories in the private sector;
- (f) arrange, in accordance with such procedure as may be prescribed, financial assistance for projects designed to facilitate in discharge of its functions; and
- (g) acquire assistance of concerned authorities of district administration and other relevant agencies, departments and police assistance for enforcement of this Act.

7. Powers of the Agency.— Subject to the provisions of this Act, the Agency may—

- (a) lease, purchase, acquire, own, hold, improve, use or otherwise deal in and with any property both moveable and immovable;
- (b) sell, convey, mortgage, pledge, exchange or otherwise dispose of its property and assets;
- (c) fix and realize fees, rates and charges for rendering any service or providing any facility, information or data under this Act or its rules and regulations;
- (d) enter into contracts, execute instruments, incur liabilities and do all acts or things necessary for proper management and conduct of its business;
- (e) appoint, with the approval of Government and in accordance with such procedures as may be prescribed, such advisers, experts and consultants as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit;
- (f) summon and enforce the attendance of any person and require him to supply any information or document needed for the conduct of any enquiry or investigation into any environmental issue;
- (g) Director General may authorize any officer or official to enter and inspect or under a search warrant issued by Environmental Protection Tribunal or a Court, search at any time, any land, building, premises, vehicle or vessel or other place where or in which there are reasonable grounds to believe that an offence under this Act has been, or is being, or likely to be committed;
- (h) take samples of any materials, products, articles or substances or of the effluent, wastes or air pollutants being discharged or emitted or of air, water or land in the vicinity of the discharge or emission;
- (i) arrange for the testing and analysis of samples at a certified laboratory;
- (j) confiscate any article used in the commission of the offence where the offender

is not known or cannot be found within a reasonable time:

Provided that the powers under clauses (f), (g), (h) (i), and (j) shall be exercised in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) or the rules and regulations and under the direction of the Environmental Protection Tribunal or a Court; and

- (k) establish the Sindh Environmental Co-ordination Committee comprising the Director-General as its Chairman and such other persons as Government shall appoint as its members to exercise such powers and perform such functions as shall be delegated or assigned to it by Government for carrying out the purposes of this Act and for ensuring coordination among Government Agencies in implementation of environmental policies.

PART – IV **SINDH SUSTAINABLE DEVELOPMENT FUND**

8. Establishment of the Sindh Sustainable Development Fund.— (1) There shall be established a Sindh Sustainable Development Fund.

(2) The Sindh Sustainable Development Fund shall be derived from the following sources, namely:-

- (a) allocations and grants made or loans advanced by the Government of Sindh or by the Federal Government;
- (b) aid and assistance, grants, advances, donations and other non- obligatory funds received from foreign governments, national or international agencies, and nongovernmental organizations; and
- (c) voluntary contributions from private, corporate, multinational organizations and other persons.
- (d) any fees generated under the provision of this act including the fines imposed against contraventions including penalties.

(3) The Sindh Sustainable Development Fund shall be utilized, in accordance with such procedures as may be prescribed for —

- (a) providing financial assistance to projects designed for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, the sustainable development of resources and for research in any specified aspect of the environment; and
- (b) any other purposes which, in the opinion of the Board, will help achieve environment objectives and the purposes of this Act.

9. Management of the Sindh Sustainable Development Fund.— (1) The Sindh Sustainable Development Fund shall be managed by a Board known as the Provincial Sustainable Development Fund Board consisting of—

(i)	Additional Chief Secretary, Planning and Development Department, Government of Sindh	Chairperson

(ii)	Such officers of Government, not exceeding five (05), as Government may appoint including Secretaries of the Environment, Finance, Industries and Local Government Departments, Government of Sindh.	Ex-officio Members
(iii)	Such non-official persons, not exceeding five (05), as Government may appoint, including representatives of the Chambers of Commerce and Industry, non-governmental organizations and major donors.	Non-official Members
(iv)	Director General, Sindh, Environmental Protection Agency.	Secretary / Member

(2) The members of the Board, other than ex-officio members, shall be appointed in accordance with the prescribed procedure.

(3) A non-official member of the Board, unless he sooner resigns or is removed, shall hold office for a term of three years and shall be eligible for re-nomination, but shall not hold office for more than two terms.

(4) The Board shall frame its own rules of procedure with the approval of Government.

(5) In accordance with such procedures and such criteria as may be prescribed, the Board shall have the power to —

- (a) sanction financial assistance for eligible projects;
- (b) invest moneys held in the Sindh Sustainable Development Fund in such profit-bearing Government bonds, saving schemes and securities as it may deem suitable; and
- (c) take such measures and exercise such powers as may be necessary for utilization of the Sindh Sustainable Development Fund for the purposes specified in sub-section (3) of section 8.

(6) The Board shall constitute committees of its members to undertake regular monitoring of projects financed from the Sindh Sustainable Development Fund and to submit progress reports to the Board which shall publish an Annual Report incorporating its annual audited accounts and performance evaluation based on the progress reports.

— **10. Accounts** (1) The Agency shall maintain proper accounts of the Sindh Sustainable Development Fund and other relevant records and prepare annual statement of accounts in such form as may be prescribed.

(2) The accounts of the Sindh Sustainable Development Fund shall be audited annually by the Auditor General of Pakistan.

PART – V
PROHIBITIONS AND ENFORCEMENT

11. Prohibition of certain discharges or emissions and compliance with standards.— (1) Subject to the provisions of this Act and the rules and regulations, no person shall discharge or emit or allow the discharge or emission of any effluent, waste, pollutant, noise or any other matter that may cause or likely to cause pollution or adverse environmental effects, as defined in section 2 of this Act, in an amount, concentration or level which is in excess to that specified in Sindh Environmental Quality Standards; or, where applicable, the standards established under Section 6(1)(g)(i); or direction issued under Section 17, 19, 20 and 21 of this Act; or any other direction issued, in general or particular, by the Agency.

(2) All persons, in industrial or commercial or other operations, shall ensure compliance with the Environmental Quality Standards for ambient air, drinking water, noise or any other Standards established under section 6(1)(g)(i); shall maintain monitoring records for such compliances; shall make available these records to the authorized person for inspection; and shall report or communicate the record to the Agency as required under any directions issued, notified or required under any rules and regulations.

(3) Monitoring and analysis under sub-section (1) and (2), shall be acceptable only when carried out by the Environmental Laboratory certified by the Agency as prescribed in the rules.

12. Prohibition of import of hazardous waste.— No person shall import hazardous waste into Sindh province or its coastal, internal, territorial or historical waters, except acquiring prior approval of the Agency.

13. Handling of hazardous substances.— Subject to the provisions of this Act, no person shall import, generate, collect, consign, transport, treat, dispose of, store, handle or otherwise use or deal with any hazardous substance except—

- (a) under a licence issued by the Agency; or
- (b) in accordance with the provisions of any other law, rule, regulation or notification for the time being in force, or of any international treaty, convention, protocol, code, standard, agreement or other instrument to which Government is a party.

14. Prohibition of action adversely affecting Environment.— (1) Subject to the provisions of this Act and the rules and regulations, no person shall cause any act, deed or any activity, including—

- (a) recycling or reuse of hospital waste and infectious waste;
- (b) disposal of solid and hazardous wastes at unauthorized places as prescribed;
- (c) dumping of wastes or hazardous substances into coastal waters and inland water bodies;
- (d) release of emissions or discharges from industrial or commercial operations as prescribed;
- (e) recycling or reuse or recovery of hazardous wastes or industrial by- products in an unauthorized or non-prescribed manner or procedure; and
- (f) any activity which may cause adverse environmental affect due to trans

boundary projects of Province of Sindh.

which lead to pollution or impairment of or damage to biodiversity, ecosystem, aesthetics or any damage to environment and natural resources as defined in section 2 (xxxvi) of this Act.

(2) No person shall generate, handle, transport, dispose of or handle the hospital waste and infections waste except in accordance with the Hospital Waste Management Rules and in such manner as may be prescribed.

(3) No person shall import, manufacture, stockpile, trade, supply, distribute or sell any scheduled plastic product which is non-degradable. The scheduled plastic products must be oxo-biodegradable and the pro-degradant used must be approved by the Agency or any other department or agency and in such manner as prescribed.

15. Regulation of motor vehicles.— (1) Subject to the provisions of this Act, no person shall operate or manufacture a motor vehicle or class of vehicles from which air pollutants or noise are being emitted in an amount, concentration or level which is in excess of the Sindh Environmental Quality Standards or, where applicable, the standards established under sub-clause (i) of clause (g) of sub-section (1) of section 6.

(2) For ensuring compliance with the standards mentioned in sub-section (1), the Agency may direct that any motor vehicle or class of vehicles shall install such pollution control devices or other equipment or use such fuels or undergo such maintenance or testing as prescribed.

(3) For ensuring compliance with the standards mentioned in sub-section (1), the Agency may direct that any manufacturer of motor vehicle or class of vehicles shall use such manufacturing standard or design or pollution control devices or other equipment or undergo such testing as may be prescribed.

(4) Where a direction has been issued by the Agency under sub-section (2) and (3) in respect of any motor vehicles or class of motor vehicles, no person shall operate or manufacture any such vehicle till such direction has been complied with.

16. Certified Environmental Laboratory.— (1) The monitoring, testing and analysis carried out in compliance or for the enforcement of any provisions of this Act.

(2) The laboratory or organization having any facility for environmental monitoring, testing and analysis and intend to perform under sub-section (1) shall register with the Agency in accordance with the Environmental Laboratory Certification Rules as prescribed.

PART – VI

ENVIRONMENTAL EXAMINATIONS AND ASSESSMENTS

17. Initial environmental examination and environmental impact assessment.— (1) No proponent of a project shall commence construction or operation unless he has filed with the Agency an initial environmental examination or environmental impact assessment, and has obtained from the Agency approval in respect thereof.

(2) The Agency shall —

- (a) review the initial environmental examination and accord its approval, subject to such terms and conditions as it may prescribe, or require submission of an environmental impact assessment by the proponent; or
- (b) review the environmental impact assessment and accord its approval subject to such terms and conditions as it may deem fit to impose or require that the environmental impact assessment be re-submitted after such modifications as may be stipulated or decline approval of the environmental impact assessment as being contrary to environmental objectives.

(3) Every review of an environment impact assessment shall be carried out with public participation and, subject to the provisions of this Act, after full disclosure of the particulars of the project.

(4) The Agency shall communicate its approval or otherwise within a period of two months from the date that the initial environmental examination is filed, and within a period of four months from the date that the environmental impact assessment is filed complete in all respects in accordance with the regulations, failing which the initial environmental examination or, as the case may be, the environmental impact assessment shall be deemed to have been approved, to the extent to which it does not contravene the provisions of this Act and the rules and regulations.

(5) The provisions of sub-sections (1), (2), (3) and (4) shall apply to such categories of projects and in such manner as prescribed.

(6) The Agency shall maintain separate registers for initial environmental examination and environmental impact assessment projects, which shall contain brief particulars of each project and a summary of decisions taken thereon, and which shall be open for inspection to the public during office hours.

18. Strategic environmental assessment.— (1) All provincial government agencies, departments, authorities, local councils and local authorities responsible for formulating policies, legislation, plans and programmes to be implemented in Sindh province which may cause any environmental impact in the jurisdiction of the province shall, before submitting the same to the competent authority for approval, forward to the Sindh Environmental Protection Agency a strategic environment assessment containing —

- (a) description of the objectives and features of the proposed policy, legislation, plan or programme that are in consonance with the principles of sustainable development;
- (b) assessment of the adverse environmental effects, if any, likely to be caused during implementation of the policy, legislation, plan or programme alongwith proposed preventive, mitigation and compensatory measures;
- (c) analysis of possible alternatives; and
- (d) Identification of those components of the policy, legislation, plan or programme, if any, in respect of which specific environmental impact assessment need to be carried out in due course.

(2) The Agency shall, in consultation with the concerned Government Agencies and Advisory Committees where established, review the strategic environment assessment, within sixty (60) days of its filing, and prepare a report containing its comments and

recommendations in respect thereof which shall be forwarded to the initiating Government Agency, authority, local council or local authority and duly considered by it and the competent authority before approval or otherwise of the proposed policy, legislation, plan or programme.

(3) The provisions of sub-sections (1), and (2) shall apply to such categories of policies, plans and programmes and in such manner as may be prescribed.

19. Environmental monitoring.— (1) The Agency shall carry out or arrange environmental monitoring of all projects in respect of which it has approved an initial environmental examination or environmental impact assessment to determine whether the actual environmental impact exceeds the level predicted in the assessment and whether the conditions of the approval are being complied with.

(2) For purposes of sub-section (1), the Agency may require the person in charge of a project to furnish such information as it may specify pertaining to the environmental impact of the project, including quantitative and qualitative analysis of —

- (a) discharge of effluents, wastes, emissions of air pollutants, noise and any other matter or action that may be found offensive under section 14 from the project on daily, weekly, monthly or annual basis;
- (b) ambient quality of the air, water, noise and soil before, during and after construction and during operation of the project.

(3) On review of the data collected by it and information provided, the Agency may issue such directions to the person in charge as it may consider necessary to ensure compliance with the conditions of the approval.

20. Environmental Audit and Review.— (1) The Agency shall from time to time require the person in charge of a project to furnish, within such period as may be specified, an environmental audit or environmental review report or environmental management plan containing a comprehensive appraisal of the environmental aspects of the project.

(2) The report of a project prepared under sub-section (1) shall include —

- (a) analysis of the predicted qualitative and quantitative impact of the project as compared to the actual impact;
- (b) evaluation of the efficacy of the preventive, mitigation and compensatory measures taken with respect to the project; and
- (c) recommendations for further minimizing or mitigating the adverse environmental impact of the project.

(3) Based on its review of the environmental audit report, the Agency may, after giving the person in charge of the project an opportunity of being heard, direct that specified mitigation and compensatory measures be adopted within a specified time period and may also, where necessary, modify the approval granted by it under section 17.

PART – VII

ENVIRONMENTAL PROTECTION ORDER

21. Environmental Protection Order.— (1) Where the Agency is satisfied that

the discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or the handling of hazardous substances, or any other act or omission is likely to occur, or is occurring, or has occurred, in violation of any provision of this Act, the rules or regulations or of the conditions of a licence, or is likely to cause, or is causing or has caused an adverse environmental effect, the Agency may, after giving the person responsible for such discharge, emission, disposal, handling, act or omission an opportunity of being heard, by order direct such person to take such measures as the Agency may consider necessary within such period as may be specified in the order.

(2) In particular and without prejudice to the generality of the foregoing power, such measures may include —

- (a) immediate stoppage, preventing, lessening or controlling the discharge, emission, disposal, handling, act or omission, or to minimize or remedy the adverse environmental effect;
- (b) installation, replacement or alteration of any equipment or thing to eliminate, control or abate on a permanent or temporary basis, such discharge, emission, disposal, handling, act or omission;
- (c) action to remove or otherwise dispose of the effluent, waste, air pollutant, noise, or hazardous substances;
- (d) action to restore the environment to the condition existing prior to such discharge, disposal, handling, act or omission, or as close to such condition as may be reasonable in the circumstances, to the satisfaction of the Agency; and
- (e) impose a penalty as prescribed.

(3) Notwithstanding the provisions of sub-section (1), in an emergency situation where, for reasons to be recorded, the Agency is satisfied that the discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or the handling of hazardous substances, or any other act or omission is likely to occur, or is occurring, or has occurred, in violation of the provisions of this Act and that circumstances of the case warrant immediate action in the public interest, it may pass an ad-interim order of the nature described in sub-sections (1) and (2) by providing reasonable opportunity of hearing.

PART – VIII

OFFENCES AND PENALTIES

22. Penalties.— (1) Whoever contravenes or fails to comply with the provisions of sections 11, 17, 18 and 21 or any order issued there under shall be punishable with a fine which may extend to five million rupees, to the damage caused to environment and in the case of a continuing contravention or failure, with an additional fine which may extend to one hundred thousand rupees for every day during which such contravention or failure continues:

Provided that if the contravention of the provisions of section 11 also constitutes a contravention of the provisions of section 15, such contravention shall be punishable under sub-section (2).

(2) Whoever contravenes or fails to comply with the provisions of sections 13, 14, 15 and 16 or any rule or regulation or conditions of any license, any order or direction, issued by the Agency, shall be punished with a fine, and in case of continuing contravention or failure with

an additional fine which may extend to ten thousand rupees for every day during which such contravention continues.

(3) Where an accused has been convicted of an offence under sub-sections (1) and (2), the Environmental Protection Tribunal and Court shall, as the case may be, in passing sentence, take into account the extent and duration of the contravention or failure constituting the offence and the attendant circumstances.

(4) Where an accused has been convicted of an offence under sub-sections (1) or (2), the Environmental Protection Tribunal or Court, as the case may be, shall endorse a copy of the order of conviction to the concerned trade or industrial association, if any, or the concerned Provincial Chamber of Commerce and Industry or the Federation of Pakistan Chambers of Commerce and Industry.

(5) Where a person convicted under sub-sections (1) and (2) had been previously convicted for any contravention of this Act and its rules or regulations, the Environmental Protection Tribunal, as the case may be, may, in addition to the punishment awarded thereunder—

- (a) sentence him to imprisonment for a term that may extend up to three years;
- (b) order the closure of the factory;
- (c) order confiscation of the facility, machinery and equipment, vehicle or substance, record, document or other object used or involved in contravention of the provisions of this Act;
- (d) order such person to restore the environment at his own cost, to conditions existing prior to the contravention or as close to such conditions as may be reasonable in the circumstances to the satisfaction of the Agency; and
- (e) order that compensation be paid to any person or persons for any loss, or damage to their health or property suffered by such contravention.

(6) The Director General or an officer generally or specially authorised by him in this behalf may, on the application of the accused, compound an offence under this Act with the permission of the Environmental Protection Tribunal or Court in accordance with such procedure as prescribed.

(7) Where the Director General is of the opinion that a person had contravened any provision of this Act, he may, subject to the rules, by notice in writing to that person require him to pay to the Agency a penalty in the amount set out in the notice for each day the contravention continues.

23. Offences by body corporate.— Where any contravention of this Act has been committed by a body corporate, and it is proved that such offence has been committed with the consent or connivance of, or is attributed to any negligence on the part of, any director, partner, manager, secretary or other officer of the body corporate, such director, partner, manager, secretary or other officer of the body corporate, shall be deemed guilty of such contravention along with the body corporate and shall be punished accordingly:

Provided that in the case of a company as defined under the Companies Ordinance, 1984 (XLVII of 1984), only the Chief Executive as defined in the said Ordinance shall be liable under this section.

Explanation.— For the purposes of this Section, —body corporate¹ includes a firm, association of persons and a society registered under the Societies Registration Act, 1860 (XXI of 1860), or under the Co-operative Societies Act, 1925 (VII of 1925).

24. Offences by Government Agencies, local authorities or local councils.— Where any contravention of this Act has been committed by any Government Agency, local authority or local council, and it is proved that such contravention has been committed with the consent or connivance of, or is attributable to any negligence on the part of, the Head or any other officer of Government Agency, local authority or local council, such Head or other officer shall also be deemed guilty of such contravention along with the Government Agency, local authority or local council and shall be liable to be proceeded against and punished accordingly.

PART – IX

ENVIRONMENTAL PROTECTION TRIBUNALS AND COURTS

25. Environmental Protection Tribunals.— (1) Government may, by Notification in the Official Gazette, establish as many Environmental Protection Tribunals as it considers necessary and, where it establishes more than one Environmental Protection Tribunal, it shall specify territorial limits within which, or the class of cases in respect of which, each one of them shall exercise jurisdiction under this Act.

(2) An Environmental Protection Tribunal shall consist of a Chairperson who is, or has been, or is qualified for appointment as a Judge of the High Court to be appointed after consultation with the Chief Justice of the High Court and two members to be appointed by Government, of which at least one shall be a technical member nominated from amongst the officers of the Agency with suitable professional qualifications and experience in the environmental field.

(3) For every sitting of the Environmental Protection Tribunal, the presence of the Chairperson and not less than one Member shall be necessary.

(4) A decision of an Environmental Protection Tribunal shall be expressed in terms of the opinion of the majority of its members, including the Chairperson, or if the case has been decided by the Chairperson and only one of the members and there is a difference of opinion between them, the decision of the Environmental Protection Tribunal shall be expressed in terms of the opinion of the Chairperson.

(5) An Environmental Protection Tribunal shall not, merely by reason of a change in its composition, or the absence of any member from any sitting, be bound to recall and rehear any witness who has given evidence, and may act on the evidence already recorded by, or produced, before it.

(6) An Environmental Protection Tribunal may hold its sittings at such places within its territorial jurisdiction as the Chairperson may decide.

(7) No act or proceeding of an Environmental Protection Tribunal shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution, of, the Environmental Protection Tribunal.

(8) The terms and conditions of service of the Chairperson and members of the Environmental Protection Tribunal shall be such as may be prescribed.

26. Jurisdiction and powers of Environmental Protection Tribunals.— (1) An Environmental Protection Tribunal shall exercise such powers and perform such functions as are, or may be, conferred upon or assigned to it by or under this Act or the rules and regulations.

(2) All contraventions punishable under sub-section (1) of section 22 shall exclusively be triable by an Environmental Protection Tribunal.

(3) An Environmental Protection Tribunal shall not take cognizance of any offence triable under sub-section (2) except on a complaint in writing by—

- (a) the Agency or any Government Agency or Local Council; and
- (b) any aggrieved person, who has given notice of not less than thirty days to the Agency, of the alleged contravention and of his intention to make a complaint to the Environment Protection Tribunal.

(4) In exercise of its criminal jurisdiction, the Environmental Protection Tribunal shall have the same powers as are vested under the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) In exercise of the appellate jurisdiction under section 27 the Environmental Protection Tribunal shall have the same powers and shall follow the same procedure as an appellate court in the Code of Civil Procedure, 1908 (Act V of 1908).

(6) In all matters with respect to which no procedure has been provided for in this Act, the Environmental Protection Tribunal shall follow the procedure laid down in the Code of Civil Procedure, 1908 (Act V of 1908).

(7) An Environmental Protection Tribunal may, on application filed by any officer duly authorised in this behalf by the Director General, issue bailable warrant for the arrest of any person against whom reasonable suspicion exists, of his having been involved in contravention punishable under sub-section (1) of section 22:

Provided that such warrant shall be applied for, issued and executed in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided further that if the person arrested executes a bond with sufficient sureties in accordance with the endorsement on the warrant he shall be released from custody, failing which he shall be taken or sent without delay to the officer in-charge of the nearest jurisdiction police station.

(8) All proceedings before the Environmental Protection Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860), and the Environmental Protection Tribunal shall be deemed to be a court for the purpose of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(9) No court other than an Environmental Protection Tribunal shall have or exercise any jurisdiction with respect to any matter to which the jurisdiction of an Environmental Protection Tribunal extends under this Act and the rules and regulations.

(10) Where the Environmental Protection Tribunal is satisfied that a complaint made to it under sub-section (3) is false and vexatious to the knowledge of the complainant, it may, by an order, direct the complainant to pay to the person complained against such compensatory costs

which may extend to one hundred thousand rupees.

27. Appeals to the Environmental Protection Tribunal.— (1) Any person aggrieved by any order or direction of the Agency under any provision of this Act or the rules or regulations may prefer an appeal with the Environmental Protection Tribunal within thirty days of the date of communication of the impugned order or direction to such person.

(2) An appeal to the Environmental Protection Tribunal shall be in such form, contain such particulars and be accompanied by such fees as prescribed.

28. Appeals from orders of the Environmental Protection Tribunal.— (1) Any person aggrieved by any final order or by any sentence of the Environmental Protection Tribunal passed under this Act may, within thirty days of communication of such order or sentence, prefer an appeal to the High Court.

(2) An appeal under sub-section (1) shall lie before the High Court of Sindh.

29. Jurisdiction of Judicial Magistrate.— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or any other law for the time being in force, but subject to the provisions of this Act, all contraventions punishable under sub-section (2) of section 22 shall exclusively be triable by the Court of Judicial Magistrate of First Class having jurisdiction.

(2) A Judicial Magistrate shall be competent to impose any punishment specified in sub-sections (2) and (4) of section 22.

(3) A Judicial Magistrate shall not take cognizance of an offence triable under sub-section (1) except on a complaint in writing by—

- (a) the agency; and
- (b) any aggrieved person

30. Appeals from orders of the Judicial Magistrate.— Any person aggrieved by any final order or sentence passed by a Judicial Magistrate under section 28 may, within thirty days from the date of the communication of such order or sentence, appeal to the Court of the District and Sessions Judge defined as Green Court under this Act, whose decision thereon shall be final.

PART – X PUBLIC PARTICIPATION

31. Public participation.— (1) The Agency shall cause relevant details of any proposed project regarding which an Environmental Impact Assessment has been received to be published, alongwith an invitation to the public to furnish their comments thereon within a specified period.

(2) In accordance with such procedure as may be prescribed, the Agency shall hold public hearings to receive additional comments and hear oral submissions.

(3) All comments received under sub-sections (1) and (2) shall be duly considered by the Agency while reviewing the environmental impact assessment or strategic impact assessment, and decision or action taken thereon shall be communicated to the persons who have

furnished the said comments.

PART – XI GENERAL

32. Power to make and amend schedule.— The Agency may, by notification in the official Gazette, make and amend the schedule.

33. Indemnity.— No suit, prosecution or other legal proceedings shall lie against Government, the Council, the Agency, the Director General of the Agency, members, officers, employees, experts, advisors, committees or consultants of the Agency or Environmental Protection Tribunal or Court or any other person for anything which is done or intended to be done in good faith under this Act or rules or regulations.

34. Dues recoverable as arrears of land revenue.— Any dues recoverable by the Agency under this Act and rules or regulations shall be recoverable as arrears of land revenue.

35. Act to override other laws.— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

36. Power to make rules.— The Sindh Environment Protection Agency may, by notification in the Official Gazette, make rules for carrying out the purposes not in consistence of this Act with the approval of Government.

37. Power to make regulations.— (1) For carrying out the purposes of this Act, the Agency may, by Notification in the Official Gazette and with the approval of Government, make regulations not inconsistent with the provisions of this Act or the rules.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

- (a) submission of periodical reports, data or information by any Government Agency, local authority or local council in respect of environmental matters;
- (b) preparation of emergency contingency plans for coping with environmental hazards and pollution caused by accidents, natural disasters and calamities;
- (c) appointment of officers, advisors, experts, consultants and employees as per prescribed rules;
- (d) levy of fees, rates and charges in respect of services rendered, actions taken and schemes implemented;
- (e) monitoring and measurement of discharges and emissions;
- (f) categorization of projects to which, and the manner in which sections 17, 18 and 20 applies;
- (g) laying down of guidelines for preparation of initial environmental examination, environmental impact assessment and strategic environmental assessment, and development of procedures of their filing, reviews and approval.
- (h) laying down standard operating procedures for environmental sampling, examination of water, waste water, gaseous emissions, solid waste and noise;
- (i) providing procedures for handling hazardous substances; and
- (j) installation of devices in, use of fuels by, and maintenance and testing of motor

vehicles for control of air and noise pollution.



THE HAZARDOUS SUBSTANCES RULES, 2014

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THE HAZARDOUS SUBSTANCES RULES, 2014

Part-1 Government of Sindh Sindh environmental Protection Agency

Karachi dated the 16th December, 2014

NOTIFICATION

NO.E PA /TECH/739/2014.— In exercise of the powers conferred by section 36 of the Sindh Environmental Protection Act, 2014, the Sindh Environmental Protection Agency, with the approval of the Government is pleased to make the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Hazardous Substances Rules, 2014.

(2) They shall come into force at once.

2. Definition.— (1) In these rules, unless there is anything repugnant in the subject or context,—

- (i) “**Act**” means the Sindh Environmental Protection Act, 2014;
- (ii) “**Director-General**” means the Director-General of the Agency;
- (iii) “**environmental impact assessment**” means an environmental impact assessment as defined in clause (xv) of section 2;
- (iv) “**major accident**” means an occurrence resulting from uncontrolled developments during industrial activity or from natural events which is likely to cause an adverse environmental effect, involving substantial loss of life and property;
- (v) “**section**” means a section of the Act;
- (vi) “**Schedule**” means Schedule to these rules; and
- (vii) “**worker**” shall have the same meaning as defined in clause (h) of section 2 of the Factories Act, 1934 (XXV of 1934).

(2) All other words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

3. Substances prescribed as hazardous substances.— As provided in sub-clause (b) of clause (xxv) of section 2, substances listed in Schedule-I are hereby prescribed as hazardous substances.

4. Application for license.— An application for grant of license under section 13 shall be filed with the Agency in Form-A of Schedule-II:

Provided that an applicant for grant of licence to import or transport a hazardous substance shall, in addition to information in Form-A, also provide details mentioned in sub-rule (1) of rules 20 and 21 respectively.

5. EIA of project or industrial activity.— (1) An application for grant of licence filed under rule 4 shall be accompanied by an environmental impact assessment of the project or industrial activity involving generation, collection, consignment, transport, treatment, disposal, storage, handling or import of a hazardous substance in respect of which the license is sought.

(2) The environmental impact assessment submitted by the applicant shall include—

- (a) a safety plan, containing information specified in sub-rule (1) of rule 17
- (b) a waste management plan, if hazardous waste shall be generated by the project or industrial activity, containing information specified in sub-rule (1) of rule 19.

6. Applicability of Sindh Environmental Protection Agency (Review of Initial Environmental Examination and Environmental Impact Assessment) Regulations 2014.— The environmental impact assessment accompanying an application for grant of license shall be prepared, scrutinized, reviewed and decided in accordance with the provisions of the Sindh Environmental Protection Agency (Review Initial Environmental Examination and Environmental Impact Assessment) Regulations, 2014.

7. Issue of License.— (1) Where the Director General approves an application for grant of license, the applicant shall be informed accordingly and directed to deposit with the Agency, a license fee at the rate specified in Schedule-III.

(2) On receipt of the license fee, the Agency shall issue a license in Form-B of Schedule-II.

(3) If a license is defaced, damaged or lost, duplicate thereof shall be issued on payment of such fee as specified in Schedule-III.

8. Conditions of license.— (1) A license granted under section 13 shall be subject to the conditions of approval of the environmental impact assessment accompanying the application for license.

(2) Without prejudice to the provisions of sub-rule (1), a license granted under section 13 shall also be subject to the following conditions:-

- (a) the licensee shall employ qualified technical personnel having necessary knowledge and experience regarding the use, storage and handling of the hazardous substance, and safety precautions relating thereto;
- (b) the hazardous substance shall be packed and labeled in accordance with rule 9;
- (c) the premises of the licensee shall comply with the conditions laid down in rule 10;
- (d) the licensee shall ensure compliance with the provisions of rules 11 and 12 regarding safety precautions;
- (e) the licensee shall provide necessary information, and where required training, to the persons to whom the hazardous substances are sold or

delivered, regarding the use, storage and handling of the hazardous substances, and safety precautions relating thereto;

- (f) the licensee shall maintain a detailed record of the quantity, type, quality and origin of the hazardous substance and the names and addresses of the persons to whom the hazardous substances are sold or delivered; and
- (g) the licensee shall not extend his operation beyond the scope of the project or industrial activity in respect of which the environmental impact assessment has been submitted and approval granted.

(2) The Agency may, in the light of its review of the environmental impact assessment, require that the licensee maintain adequate insurance cover for any aspect of his operation.

(3) The licensee shall provide copy of approval from importing country under the international convention and protocol.

9. Packing and labeling.— (1) A container of a hazardous substance shall be of such size, material and design as to ensure that –

- (a) it can be stored, transported and used without leakage and safely;
- (b) the hazardous substance therein does not deteriorate in a manner as to render it more likely to cause, directly or in combination with other substances, an adverse environmental effect.

(2) The following information shall be printed conspicuously, legibly and indelibly on every container of a hazardous substance:-

- (a) Name of the hazardous substance;
- (b) Name, address and licence number of the licensee;
- (c) Net contents (volume or weight);
- (d) Date of manufacture and date of expiry, if any;
- (e) A warning statement comprising –
 - (i) The word “DANGER!” in red on a contrasting background;
 - (ii) a picture of a skull and cross-bones;
 - (iii) Pertinent instructions for use, storage and handling and safety precautions relating thereto.
- (f) Instructions regarding return or disposal of the empty container:

Provided that if the hazardous substance has an inner container as well as an outer container, the information shall be printed on both containers:

Provided further that if it is impracticable to print the aforesaid information on the container itself due to its size, material or design, the same shall be printed on a label or tag which shall be conspicuously affixed or attached to the container in such manner as to render it difficult to remove. The empty chemical containers or

drums may not be used for other purposes:

- (g) basic instructions mentioning immediate steps to be taken in case of any accident or emergency, preferably in local language.

10. Conditions for premises.— (1) The premises in which a hazardous substance is generated, collected, consigned, treated, disposed of, stored or handled shall —

- (a) comply with the conditions specified in Schedule-IV;
- (b) be fitted with a notice on the outer door or gate bearing the following information:-
 - (i) The words “DANGER ! HAZARDOUS SUBSTANCE!” in red, on a contrasting background; and
 - (ii) a prominent picture of a skull and cross-bones.

(2) In case of import of hazardous substances, proponent shall provide approval from Climate Change Division (International Convention Wing) Government of Pakistan.

11. General safety precautions.— (1) A licensee shall ensure that the following safety precautions are conveyed to persons to whom the hazardous substances are sold or delivered:-

- (a) carefully read and follow the instructions and safety precautions printed on the container; (Urdu or local language translation of the same may be preferably given to the local buyers);
- (b) when opening the container, wear protective clothing and equipment including helmet or cloth cap, safety spectacles or goggles, respirator or mask, rubber or plastic gloves, and work boots, as may be required;
- (c) avoid contact of the hazardous substance with exposed skin or eyes, and if such contact occurs, wash the exposed area immediately and consult a doctor;
- (d) avoid contaminating clothing, gloves and footwear with the hazardous substance, and if such contamination occurs, remove the clothing, gloves and footwear immediately and wash the same thoroughly before reuse;
- (e) do not eat, drink or smoke in the vicinity of hazardous substances.

(2) The general safety precautions mentioned in sub-rule (1) shall be in addition to such other specific precautions or measures that may be required to be conveyed by the licensee for a particular hazardous substance. The licensee will be bound to inform the Agency, the details of his subsequent consignments as the licence will be issued for a period of one year under section 13.

12. Safety precautions for workers.— A licensee shall ensure that the following safety precautions are taken in respect of workers employed by him for handling hazardous substances:-

- (a) No worker aged below eighteen years or over sixty years shall be employed for any job involving physical handling of hazardous substances.

- (b) All workers shall be thoroughly trained in safety precautions for handling hazardous substances and shall be supervised by qualified supervisors.
- (c) Protective clothing and equipment comprising helmet or cloth cap, safety spectacles or goggles, respirators or masks, rubber or plastic gloves and work-boots shall be available for all workers who may be exposed to any hazardous substance, and no worker shall be permitted on job unless and until he is wearing such protective clothing and equipment.
- (d) Adequate supply of water shall be made available to the workers for personal washing as well as for washing their protective clothing and equipment.
- (e) Protective clothing and equipment of the workers shall be washed and cleaned as often as may be required to ensure their efficacy.
- (f) No worker shall be permitted to eat, drink or smoke till he has removed his protective clothing and equipment, washed his hands and face, and left the place of work.
- (g) All fire-fighting, emergency and safety equipment shall be frequently checked and properly maintained.
- (h) First-aid medical facility equipped with required antidotes shall be available in the premises, supervised by trained staff.
- (i) Medical check-up of all workers shall be carried out at the time of employment and at least once a year thereafter.
- (j) A record of every worker shall be maintained containing, amongst other details, his name and address, his medical check-up history, and the hazardous substances handled by him.

13. Validity of licence.— A licence issued under rule 7 shall be valid for a period of one year from the date of issue:

Provided that if an application for renewal is made under rule 14, the licence shall continue to remain valid till the application for renewal is decided.

14. Renewal of licence.— An application for renewal of licence shall also be made to the Federal Agency in Form-A of Schedule II, at least 30 days before the date of its expiry.

- (i) An application for renewal shall be accompanied by a brief update of the original environmental impact assessment, unless changes in circumstances require submission of a fresh environmental impact assessment.
- (ii) The fee for renewal of licence shall be as provided in Schedule-III, and the licence issued on receipt thereof shall also be in Form-B of Schedule II.
- (iii) the fee for duplicate copy of licence shall be as provided in Schedule-III and the licence issue on the receipt thereof shall also be in Form-B of Schedule-II.

15. Cancellation of the licence.— (1) Notwithstanding anything contained in these rules, if at any time on the basis of information or report received or inspection carried out, the Agency is of the opinion that the conditions of the licence have not been complied with, or that the information supplied by the licensee in his application or approved environmental impact assessment is incorrect, it shall issue notice to the licensee to show cause, within two weeks of receipt thereof, why the licence should not be cancelled.

(2) If no reply is received or if the reply is considered unsatisfactory, the Agency may, after giving the licensee an opportunity of being heard —

- (i) require the licensee to take such measures and to comply with such conditions within such period as it may specify, failing which the licence shall stand cancelled; or
- (ii) Cancel the licence.

(3) On cancellation of the licence under sub-rule (2), the licensee shall cease his operations forthwith.

(4) The action taken under this rule shall be without prejudice to any other action that may be taken against the licensee under the Act or rules or regulations or any other law for the time being in force.

16. Entry, inspection and monitoring.— (1) For the purposes of verification of any matter relating to the conditions of the licence, duly authorized staff of the Agency shall be entitled to enter and inspect the premises in which the hazardous substance is being generated, collected, consigned, treated, disposed of, stored or handled:

Provided that the Agency shall inspect the premises at least once a year.

(2) The licensee shall ensure cooperation of his staff at the premises to facilitate the inspection mentioned in sub-rule (1).

(3) The licensee shall provide such information as may be required by the Agency for effective monitoring of compliance by the licensee with the conditions of the licence.

17. Safety plan.— (1) The safety plan to be submitted by an applicant under clause (a) of sub-rule (2) of Rule 5 shall include —

- (a) an analysis of major accident hazards relating to the hazardous substance involved;
- (b) an assessment of the nature and scope of the adverse environmental effects likely to be caused by major accidents;
- (c) a description of the safety equipment and systems installed and safety precautions taken; and
- (d) a description of the emergency measures proposed to be taken on and off the premises of the applicant to control a major accident, and to mitigate its adverse environmental effect.

(2) Before issue of the licence, the Agency shall, in consultation with other

relevant Government Agencies and Departments including the licensee, review the safety plan to ensure that it covers all anticipated contingencies and all emergencies likely to result from a major accident involving the hazardous substance involved, and that the concerned Government Agencies, Departments and the licensee are aware of their specific responsibilities there under.

(3) After issue of the licence, the licensee shall ensure that all persons liable to be affected by the approved safety plan are informed of the relevant provisions thereof.

18. Notification of major accident.— (1) Where a major accident occurs on the premises of a licensee, the licensee shall immediately notify the Agency concerned and shall submit within twenty four hours and weekly thereafter, a report in Schedule-V.

(2) On receipt of the report under sub-rule (1), the Agency shall require the licensee to carry out a detailed environmental audit of the major accident and initiate necessary action, in accordance with the approved safety plan or otherwise, to control the major accident, mitigate its adverse environmental effect and prevent it from recurring.

19. Waste management plan.— (1) The waste management plan, if required to be submitted by an applicant under clause (b) of sub-rule (2) of rule 5, shall —

- (a) provide for the generation, collection, transport and disposal of the hazardous waste in a manner which shall protect against an adverse environmental effect;
- (b) ensure that the hazardous waste is not mixed with non- hazardous waste, unless the applicant can prove that such mixing will better protect against an adverse environmental effect.

(2) The waste management plan shall be reviewed every year by the licensee to take into consideration the development of new technologies and management practices which can better protect against an adverse environmental effect, and if required revised waste management plan and fresh environmental impact assessment shall be submitted with the application for renewal of licence.

(3) If the waste management plan provides for export of the hazardous waste, such export shall only be allowed if it is in accordance with a bilateral, multilateral or regional agreement or arrangement that conforms to the requirements of Article 11 of the Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, Basel, 1989.

(4) The licensee shall inform the Agency on a yearly basis about —

- (a) the quantity and characteristics of hazardous waste generated in the previous year; and
- (b) progress regarding implementation of the waste management plan.

20. Import of hazardous substances.— (1) The applicant shall, for grant of licence to import a hazardous substance in addition to the information contained in Form-A of Schedule II, also provide the following details:-

- (i) Port of entry into Province of Sindh;
- (ii) Particulars of transport from exporting country to Pakistan;
- (iii) Quantity of hazardous substance being imported;

- (iv) Complete information pertaining to safety precautions to be adopted; and
- (v) The purpose for which the hazardous substance is to be utilized, alongwith environmental impact assessment in respect thereof, if required under rule 5.
- (vi) Licensee shall provide copy of approval from Climate Change Division (International Convention Wing) Government of Pakistan under the provisions of International Convention and Protocol.

(2) If the licence applied for is granted, the concerned Federal Agency or Ministry and the Agency and port authority concerned, shall ensure that proper steps are taken for safe off-loading, handling and storage of the hazardous substance on arrival at the port.

21. Transport of hazardous substances.— (1) The applicant shall, for grant of licence for transport of a hazardous substance in addition to the information contained in Form-A of Schedule II, also provide the following details :-

- (i) name and address of the person from whom the hazardous substance is to be collected;
- (ii) name and address of the person to whom the hazardous substance is to be delivered;
- (iii) quantity of hazardous substance to be transported;
- (iv) Mode of transport, including full particulars and specifications of the motor vehicles or other conveyance;
- (v) route to be adopted between the origin and destination;
- (vi) date and time of proposed transportation;
- (vii) nature of waste which may be liquid or solid and its toxicity along with Material and Safety Data Sheet (MSDS); and
- (viii) contingency or emergency response plan.

(2) If the licence applied for is granted, the Agency shall ensure that the Government Departments or Agencies concerned are informed of the relevant particulars of the transportation, for taking necessary safety precautions and other measures.

22. Other approvals.— The issuance of a licence under section 13 read with rule 7 shall not absolve the licensee to obtain any other approval or consent that may be required under any law for the time being in force.

**DIRECTOR GENERAL
SINDH ENVIRONMENTAL PROTECTION AGENCY**

SCHEDULE-I
(see Rule 3)

List of Prescribed Hazardous Substances or Any Other Synthetically Chemical

S. NO.	NAME OF CHEMICALS	CAS. NO
1.	Acetaldehyde	75-07-0
2.	Acetic acid	64-19-7
3.	Acetic anhydride	108-24-7
4.	Acetone	67-64-1
5.	Acetone cyanohydrins	75-86-5
6.	Acetone Thiosemicarbazide	
7.	Acetylene	74-86-2
8.	Acetyl chloride	75-36-5
9.	Acrolein	107-02-8
10.	Acrylamide	79-06-1
11.	Acrylonitrile	107-13-1
12.	Adiponitrile	111-69-3
13.	Aldicarb	116-06-3
14.	Aldrin	309-00-2
15.	Allyl alcohol	107-18-6
16.	Allyl amine	107-11-9
17.	Allyl chloride	107-05-1
18.	Amino biphenyl	92-67-1
19.	3-Amino-1, 2,4 triazole	61-82-5
20.	Aminopterin	
21.	Amiton	78-83-5
22.	Amiton dialate	
23.	Ammonia	7664-41-7
24.	Ammonium chloride	12125-02-9
25.	Ammonium sulphamate	7773-06-0
26.	Aniline	62-53-3
27.	Aniline 2,4,6-Trimethyl	
28.	Anthraquinone	84-65-1
29.	Antimony & Compounds	7440-36-0
30.	Arsenic & Compounds	7440-38-2
31.	Arsine	7784-42-1
32.	Asbestos	1332-21-4



33.	Azinpho-ethyl	
34.	Azinphos methyl	86-50-0
35.	Bacitracin	
36.	Barium and Compounds	513-77-9
37.	Benzal chloride	98-87-3
38.	Benzenamine 3-Trifluoromethyl	
39.	Benzene	71-43-2
40.	Benzene sulfonyl chloride	98-09-9
41.	Benzene 1- (chloromethyl) –4 Nitro	
42.	Benzene arsenic acid	
43.	Benzidine and Salt	92-87-5
44.	Benzimidazole, 4,5-dichloro-2 (Trifluoromethyl)	
45.	Benzyl chloride	100-44-7
46.	Beryllium and Compounds	7440-41-7
47.	Bis (2-chloroethyl) Sulphide	?
48.	Bis (chloroethyl) ketone	?
49.	Bis (Tert-butyl peroxy) cyclohexane	?
50.	Bis (Tert-butyl peroxy) butane	?
51.	Bis (2,4,6-Trinitrophenylamine)	?
52.	Bromo chloro methane	74-97-5
53.	Bromoform	75-25-2
54.	Butyl amine tert	75-64-9
55.	Butyl-n-mercaptan	109-79-5
56.	Cadmium and Compounds	7440-43-9
57.	Calcium arsenate	7440-43-9
58.	Calcium Cyanamide	156-62-7
59.	Camphenchlor Toxaphene)	8001-35-2
60.	Cantharidin	?
61.	Captan	133-06-2
62.	Carbachol chloride	?
63.	Carbaryl	63-25-2
64.	Carbofuran	1563-66-2
65.	Carbon tetrachloride	56-23-5
66.	Carbon disulphide	75-15-0
67.	Carbon monoxide	630-08-0
68.	Cellulose nitrate	9004-70-0
69.	Chlordane	12789-03-6

70.	Chlorinated benzene	108-90-7
71.	Chlorine	7782-50-5
72.	Chlorine oxide	10049-04-4
73.	Chlorine trifluoride	7790-9102
74.	Chloroacetaldehyde	107-20-0
75.	Chlorobenzene	108-90-7
76.	Chloroform	67-66-3
77.	Chloromethyl methylether	107-30-2
78.	Chloronitrobenzene	88-73-3
79.	Chloroethyle Vinyl ether	110-75-8
80.	Chromium and Compounds	7440-47-3
81.	Cobalt and Compounds	7440-48-4
82.	Copper and compounds	7440-50-8
83.	Crotonaldehyde	123-73-9
84.	Cumene	98-82-8
85.	Cyanides and Compounds	151-50-8
86.	Cyclohexane	110-82-7
87.	DDT	50-29-3
88.	Demeton	298-03-3
89.	Dichlorobenzene	95-50-1
90.	Dichloroethyl ether	111-44-4
91.	Dichlorophenol-2.6	87-65-0
92.	Dichlorophenol-2.4	120-83-2
93.	Dichloropropene-1,3	142-28-9
94.	Dichloropropionic acid	127-20-8
95.	Dichlorvos	62-73-7
96.	Dieldrin	60-57-1
97.	Dimethyl hydrazine	57-14-7
98.	Dimethyl phenol 2,4	105-67-9
99.	Dimethylamine	109-89-7
100.	Dime thy laniline Dime thy laniline	121-69-7
101.	Dinitrophenol 2-4	51-28-5
102.	Dinitrotoluenes	121-14-2
103.	Dinoseb	88-85-7
104.	Dinitrobenzene	528-29-0
105.	Dioxane-p	123-91-1
106.	Dioxathion	78-34-2
107.	Diquat	85-00-7

108.	Endosulfan	115-29-7
109.	Endrin	72-20-8
110.	Epichlorohydrine	106-89-8
111.	Ethion	563-12-2
112.	Ethyl acetate	141-78-6
113.	Ethyl benzene	100-41-4
114.	Ethyl amine	75-04-7
115.	Ethyl ether	60-29-7
116.	Ethyl methacrylate	97-63-2
117.	Ethylene dichloride	107-06-2
118.	Ethylene dibromide	106-93-4
119.	Ethylene diamine	107-15-3
120.	Ethylene oxide	75-21-8
121.	Ethylenimine	151-56-4
122.	Fluorine	7782-41-4
123.	Formaldehyde	50-00-0
124.	Formic acid	64-18-6
125.	Furfural	98-01-1
126.	Heptachlor	76-44-8
127.	Hexachlorobenzene	118-74-1
128.	Hexachlorocyclohexan (Lindane)	608-73-1
129.	Hexachlorocyclopentadiene	77-47-4
130.	Hydrochloric acid	7647-01-0
131.	Hydrogen sulphide	7783-06-4
132.	Hydrogen cyanide	74-90-8
133.	Hydrogen fluoride	7664-39-3
134.	Iridium tetrachloride	?
135.	Isobutyl alcohol	?
136.	Lead (Inorganic)	7439-92-1
137.	Lead arsenate	7784-40-9
138.	Lindane	58-89-9
139.	Magnesium powder or ribbon	7439-95-4
140.	Malathion	121-75-5
141.	Maleic anhydride	108-31-6
142.	Malononitrile	109-77-3
143.	Mercury and Compounds	502-39-6
144.	Methoxy chloride	
145.	Methyl alcohol	67-56-1

146.	Methyl amine	74-89-5
147.	Methyl bromide (Bromomethane)	74-83-9
148.	Methyl chloride	74-87-3
149.	Methyl chloroform (1,1,1-Trichloroethane)	137-5-3
150.	Methyl ethyl ketone peroxide	1338-23-4
151.	Methyl isocyanate	624-83-9
152.	Methyl methacrylate monomer	80-62-6
153.	Methyl Parathion	298-00-0
154.	Mevinphos	7786-34-7
155.	Molybdenum and Compounds	7439-98-7
156.	Monocrotophos	6973-22-4
157.	Butyl acetate	123-86-4
158.	Butyl alcohol	71-36-3
159.	Naled	300-76-5
160.	Naphthalene	91-20-3
161.	Naphthyl amine	91-51-8
162.	Nickel salts	7440-02-0
163.	Nicotine	54-11-5
164.	Nitric acid	7697-37-2
165.	Nitric oxide	10102-43-9
166.	Nitro benzene	98-95-3
167.	Nitrochlorobenzene	100-00-5
168.	Nitrocyclohexane	
169.	Nitrogen dioxide	10102-44-0
170.	Nitrogen trifluoride	7783-54-2
171.	Nitrophenols	88-75-5
172.	Nitropropane-2	79-46-9
173.	Nitroso dimethyl amine	62-75-9
174.	Cresol	1319-77-3
175.	Nitroaniline	100-01-6
176.	Osmium tetroxide	20816-12-0
177.	Oxygen (Liquid)	7727-37-9
178.	Oxygen difluoride	7783-41-7
179.	Ozone	10028-15-6
180.	Paraoxon (diethyl-4 nitrophenylphosphate)	
181.	Parathion	56-38-2
182.	Pentaborane	19624-22-7
183.	Pentachlorobenzene	608-93-5



184.	Pentachlorophenol	87-86-5
185.	Pentabromophenol	
186.	Phenol	108-95-2
187.	Phenol,2,2-thiobis (4,6-dichloro)	
188.	Phenol,2,2-thiobis (4 chioro 6 methyl phenol)	
189.	Phenol, 3- (1- methyl-ethyl)- methylcarbamate	
190.	Phorate	298-02-2
191.	Phosgene	75-44-5
192.	Phosphoric acid	7664-38-2
193.	Phosphorus	7723-14-0
194.	Phosphorus oxychloride	10025-87-3
195.	Phosphorus pentasulphide	1314-80-3
196.	Phosphorus trichloride	7719-12-2
197.	Phthalic anhydride	85-44-9
198.	Picric acid (2,4,6-trinitrophenol)	88-89-1
199.	Polychlorinated biphenyls (PCBs)	1336-36-3
200.	Propionic acid	79-09-4
201.	Propargyl alcohol	107-19-7
202.	Propylene oxide	75-56-9
203.	Pyrethrins	8003-34-71
204.	Pyridine	110-86-1
205.	Quinone	106-51-4
206.	Sodium azide	26628-22-8
207.	Sodium fluoro-acetate	62-74-8
208.	Sodium hydroxide	1310-73-2
209.	Strychnine	57-24-9
210.	Styrene	100-42-5
211.	Sulfuric acid	7664-93-9
212.	Tert- Butyl peroxyacetate	
213.	Tetra ethyl pyrophosphate	107-49-3
214.	Tetra nitromethane (Rocket Industry)	509-14-8
215.	Tetra-chlorodibenzo-p-dioxin, 1,2,3,7,8 (TCDD)	1746-01-6
216.	Tetraethyl lead	78-00-2
217.	Thallic oxide	
218.	Titanium powder	7440-32-6
219.	Toluene	108-88-3
220.	Toluene 2,4-diisocyanate	584-84-9

221.	Toxaphene	8001-35-2
222.	Trans-1,4-dichloro-butene	
223.	Trichloroethylene	79-01-6
224.	Trichlorophenols	95-95-4
225.	Trichlorophenoxy acetic acid 2,4,5 triethylamine	93-76-5
226.	Trichlorophenol 2,3,6	933-75-5
227.	Trichlorophenol 2,4,5	95-95-4
228.	Triethylamine	121-44-8
229.	Triethylene melamine	
230.	Trinitrobenzene	99-35-4
231.	Trinitrotoluene (TNT)	118-96-7
232.	Turpentine	8006-64-2
233.	Uranium and compounds	7440-61-1
234.	Vanadium and compounds	7440-62-2
235.	Vinyl acetate	108-05-4
236.	Vinyl chloride	75-01-4
237.	Vinylidene chloride	75-35-4
238.	Warfarin	81-81-2
239.	Xylene	1330-20-7
240.	Xylidine	1300-73-8
241.	Zinc chloride	7646-85-7
242.	Zirconium and compounds	7440-67-7
243.	Any other substance declared hazardous by Sindh EPA	



SCHEDULE-II

FORM A (see Rule 4)

Application for grant/renewal of licence for hazardous substance

I/we [name(s) _____] of [address _____] hereby apply for grant/ renewal of licence to generate/collect/consign/transport/treat/dispose of/ store/ handle/ import (delete words inapplicable) the following hazardous substance _____
_____ at my/our premises situated at [address _____]
_____].

I/we have read, and hereby undertake to comply with, all applicable provisions of the Sindh Environmental Protection Act, 2014 and rules and regulations made thereunder, including and in particular the Hazardous Substances Rules, 2014.

I/we submit herewith the following documents:-

- (i) Environmental Impact Assessment (EIA) of the project/industrial activity involving the above-mentioned hazardous substance, including safety plan. Waste management plan is/is not included. *[delete word(s) inapplicable]*.
- (ii) Approved building plan of the premises mentioned above.
- (iii) List of machinery and equipment installed/proposed to be installed.
- (iv) List of qualified personnel and number of workers employed/proposed to be employed.

Date: _____

Applicant

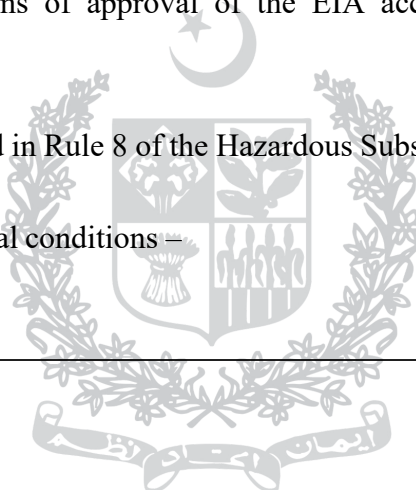
SCHEDULE-II FORM B
(See Rule 7)

Licence for hazardous substance

M/s [*name* _____] of [*address* _____] is hereby granted licence to generate / collect / consign / transport / treat / dispose of/ store /handle /import (*delete words inapplicable*) the following hazardous substance –

at its premises situated at [*address* _____] subject to the conditions specified below –

- 1) the following conditions of approval of the EIA accompanying the application for licence—
 - 2) the conditions specified in Rule 8 of the Hazardous Substances Rules, 2014.
 - 3) The following additional conditions –
- _____



This licence shall be valid for a period of one year from the date given below.

Date: _____

Director-General
Sindh Environmental
Protection Agency

SCHEDULE III
(see Rule 7)

Licence fees

Description	Fee
Licence Fee	Rs.50,000
Renewal Fee	Rs.25,000
Duplicate Fee	Rs. 10,000



SCHEDULE IV

(see rule 10)

Conditions for premises

1. Location

The premises shall not be located —

- (a) in a congested, residential, commercial or office area;
- (b) in small lanes or bye-lanes;
- (c) close to drinking water sources; or
- (d) in an area liable to flooding.

2. Building

The building shall —

- (a) be soundly constructed with good ventilation and protection against direct sunlight;
- (b) have well-maintained electrical installations;
- (c) have walls protected by non-flammable or slow-burning material;
- (d) have fire-resistant doors fitted with self-closing system;
- (e) have smooth, crack-free floors impermeable to liquids;
- (f) have drains, if absolutely necessary, which do not connect directly with the sewerage system;
- (g) have signs indicating location of emergency exits, escape routes, and fire-fighting equipment, prohibition of smoking, and safety precautions; and
- (h) have proper washing facilities with adequate supply of water.

SCHEDULE V
(see rule 18)

Notification of major accident

Report no. _____

1. Name and address of licensee _____
2. Licence no. and date _____
Nature of industrial activity mentioning Hazardous substance involved.

3. Description of major accident -
 - (a) Date and time _____
 - (b) Exact location _____
 - (c) Process/operation during which accident took place _____
 - (d) Type and circumstances of accident and estimated quantity of hazardous substance involved.

4. Known causes of the major accident.

5. Nature and extent of damage –
 - (a) In the premises; _____
 - (b) Outside the premises. _____
6. Description of emergency measures already taken.

7. Description of further measures proposed to be taken to —
 - (a) mitigate adverse effects _____
 - (b) prevent recurrence _____
8. Any other relevant information. _____

Date: _____

Time: _____

Licensee _____

THE SINDH HOSPITAL WASTE MANAGEMENT RULES, 2014

CONTENTS

1. Short title and Commencement.
2. Definitions.
3. Responsibility for waste management.
4. Hospital Waste Management Plan.
5. Waste Segregation.
6. Waste collection.
7. Waste Storage.
8. Waste treatment.
9. Waste Disposal.
10. Accidents and spillages.
11. Maintenance of Record.
12. Immunizations.
13. Inspection.
14. Applicability of section 13 and 14.



Schedule-I (Categories of hospital Waste)

Schedule-II (Label for Bi-Medical waste containers/Bags).

THE SINDH HOSPITAL WASTE MANAGEMENT RULES, 2014

GOVERNMENT OF SINDH SINDH ENVIRONMENT PROTECTION AGENCY

Karachi dated the 16th December, 2014.

NOTIFICATION

NO.EPA/TECH/739/2014 :- In exercise of the powers conferred by section 36 of the Sindh Environmental Protection Act, 2014 (VIII of 2014), the Environmental Protection Agency with the approval of the Government of Sindh, is pleased to make the following rules, namely: -

1. Short title and commencement.— (1) These rules may be called the Sindh Hospital Waste Management Rules, 2014.

(2) They shall come into force at once.

2. Definitions.— (1) In these rules, unless there is anything repugnant in the subject or context,—

- (a) "Act" means the Sindh Environmental Protection Act, 2014 (VIII of 2014);
- (b) "Authorised Officer" means any Officer designated by the Director General of the Agency for the purpose of these rules;
- (c) "chemical waste" includes chemicals from diagnostic and experimental work, cleaning processes, housekeeping and disinfecting procedures, mercury waste such as from broken clinical equipment and spillage, and cadmium waste such as from discarded batteries;
- (d) "genotoxic waste" includes cytotoxic drugs and outdated materials, vomitus, faeces or urine from patients treated with cytotoxic drugs or chemicals, and materials such as syringes and vials contaminated from the preparation and administration of such drugs;
- (e) "Hospital" includes a clinic, laboratory, dispensary, pharmacy, nursing home, health unit, maternity center, blood bank, autopsy centre, mortuary, research institute and veterinary institutions, hospital waste facility, including any other facility involved in health care and biomedical activities;
- (f) "Hospital waste" includes any waste which is generated during the diagnosis, treatment or immunization of human beings or animals or in research activities or in the cleaning of medical equipments, supplies and accessories pertaining thereto or in the production or testing of biological, and including categories mentioned in Schedule I;
- (g) "Hospital Waste Facility" means a suitable thermal, chemical, irradiation, incineration, filtration, autoclaving, destruction, shredding, microwaving, encapsulation or other treatment method, or by a combination of such methods involving proper validation and monitoring procedures;
- (h) "Infectious waste" means waste contaminated by any type of pathogens such as bacteria, viruses, parasite or fungi and includes cultures from laboratory work, waste from surgeries and autopsies, waste from infected patients, discarded or

disposable materials and equipment which have been in contact with such patients and infected animals from laboratories;

- (i) "Liquid waste" means liquid chemical waste, liquid infectious waste, liquid radioactive waste generated from laboratory, which is likely to cause adverse impact on human health and natural resources;
- (j) "Non-risk waste" includes paper and cardboard, packaging, food waste and the like;
- (k) "Occupier" means a person who controls and administers the Hospital and its premises;
- (l) "Operator" means a person who owns or controls or operates a facility for the collection, transportation, treatment, disposal or any other form of handling of hospital waste;
- (m) "Pathological waste" includes tissues, organs, body parts, fetuses, blood and body fluids;
- (n) "Pharmaceutical waste" includes expired or unused pharmaceutical products, spilled contaminated pharmaceutical products, surplus drugs, vaccines or sera, and discarded items used in handling pharmaceutical such as bottles, boxes, gloves, masks, tubes, or vials;
- (o) "Radioactive waste" means wastes that contain radioactive material;
- (p) "Risk waste" means infectious waste, pathological waste, sharps, pharmaceutical waste, genotoxic waste, chemical waste, and radioactive waste and liquid waste;
- (q) "Schedule" means schedule appended to these rules;
- (r) "section" means a section of the Act;
- (s) "sharp" includes whether infected or not, needles, syringes, scalpels, infusion sets, saws and knives, blades, broken glass and any other item that could cut or puncture; and
- (t) "waste management" includes waste segregation, waste collection, waste transportation, waste storage, waste treatment, waste disposal and waste minimization.

(2) The words and expressions used but not defined in these rules shall have the same meaning as are assigned to them in the Act.

3. Responsibility for waste management.— Every hospital owner, occupier, operator shall be responsible for the management of the hospital waste generated by it till its final disposal in accordance with the provision of the Act and these rules.

4. Hospital Waste Management Plan.— (1) A Hospital Waste Management Plan shall be based on internationally or nationally recognized environmental management practices, standards, which shall efficiently and effectively address the hospital waste.

- (2) The Hospital Waste Management Plan shall include —
 - (a) waste management points for every ward and department, indicating each point, location on the basis of risk assessment;
 - (b) the categories of waste being generated in accordance with Schedule-I

- (c) quantity of each waste category;
- (d) details of the types, numbers of containers, waste bags and trolley required annually;
- (e) schedule and frequency of waste collection from each ward and department;
- (f) effective arrangements for onsite and off-site transportation of waste as provided in Schedule-I and II;
- (g) contingency plans for storage or disposal of risk waste in the event of breakdowns of hospital waste facility, or of maintenance or collection arrangements;
- (h) training courses and programmes on waste management;

(3) The Waste Management Plan shall be regularly monitored, reviewed, revised and updated and submitted to the Agency on annual basis.

5. Waste segregation.— Risk waste shall be separated from non-risk waste at the point where the waste is generated by a doctor, nurse, or other person as per Hospital Waste Management Plan and Schedule-I.

6. Waste collection.— Waste shall be collected in accordance with the Schedule-I and II.

7. Waste storage.— (1) A separate central storage facility shall be established within the Hospital with the details provided in Hospital Waste Management Plan.

8. Waste Treatment.— (1) On recognition of the type and nature of the waste material and the organisms in the waste, risk waste shall be inactivated or rendered safe before final disposal by a suitable thermal, chemical, irradiation incineration, filtration or other treatment method, or by a combination of such prescribed and effective methods guided by validated and monitoring procedures.

9. Waste disposal.— (1) Risk waste shall be disposed of in accordance to the procedure provided in Schedule-I.

(2) The operator, occupier, owner of the Hospital waste disposal and treatment facility shall obtain approval from the Agency under the section 17.

10. Accidents and spillages.— (1) In case of accidents or spillages the emergency procedures mentioned in the Hospital Waste Management Plan shall be implemented immediately and same shall be reported to the Agency.

11. Maintenance of Record.— (1) Every Hospital shall maintain records related to the management of hospital waste in accordance with these rules.

(2) All records shall be subject to inspection and verification by the Agency at any time.

12. Immunization.— A course of Hepatitis B vaccine should be offered to all employees responsible for managing of hospital waste who are at risk of exposure to human blood, blood products, or body secretions and the employees may also be intimated from time to time for tetanus, diphtheria, and polio. In facilities where employees are in contact with animals

and their wastes, employees shall be offered rabies vaccine.

13. Inspection.— (1) An Authorized Officer may inspect any Hospital, located within the area of his jurisdiction to check that the provisions of these rules are complied with by the Hospital.

(2) If an Authorized Officer found any contravention of any provision of these rules, he shall take legal action as per the sub-section (2) of section 22.

14. Applicability of section 13 and 14.— Each Hospital generating risk waste shall apply to the Agency for issuance of license for handling hazardous substances and the provision of section 13 and 14 shall apply for the purpose of granting such license.

**DIRECTOR GENERAL
SINDH ENVIRONMENTAL PROTECTION
AGENCY**



SCHEDULE I

(see rule 2(f))

CATEGORIES OF Hospital WASTE

Category Number	Type of Waste Category	Color Coding	Container Type	Treatment	Disposal
1.	pathological waste (tissues, organs, body parts, fetuses, blood and body fluids)	Yellow	Metal or tough Plastic bag	-	Cremation/ Incineration/ deep burial
2.	infectious waste (waste contaminated by any type of pathogens such as bacteria, viruses, parasite or fungi and includes cultures from laboratory work, waste from surgeries and autopsies, waste from infected patients, discarded or disposable materials and equipment which have been in contact with such patients and infected animals from laboratories)	Red	Disinfected container High density plastic container resistant to penetration and leakage	Autoclaving / micro-waving.	Incineration/ Landfill
3.	Sharp (whether infected or not, needles, syringes, scalpels, infusion sets, saws and knives, blades, broken glass and any other item that could cut or puncture)	Red	Disinfected container High density plastic container resistant to penetration and leakage	All shall be cut or broken and rendered non- reusable at the point of use; disinfection by chemical treatment autoclaving/ microwaving and mutilation/ shredding	Landfill
4.	Pharmaceutical waste (expired or unused)	Yellow	Metal or tough Plastic bag	destruction	incineration/ landfill

	pharmaceutical products, spilled contaminated pharmaceutical products, surplus drugs, vaccines or sera, and discarded items used in handling pharmaceutical such as bottles, boxes, gloves, masks, tubes, or vials)				
5.	genotoxic waste (cytotoxic drugs and outdated materials, vomitus, faeces or urine from patients treated with cytotoxic drugs or chemicals, and materials such as syringes and vials contaminated from the preparation and administration of such drugs)	Yellow		Return to supplier for treatment	Incineration (>1300°C) Landfill
6.	chemical waste (Chemicals from diagnostic and experimental work, cleaning processes, housekeeping and disinfecting procedures, mercury waste such as from broken clinical equipment and spillage, and cadmium waste such as from discarded batteries)	Yellow	Metal or tough Plastic bag	Photo-chemicals should be de-silvered and vaporized.	Landfill
	radioactive waste (liquid, solid and gaseous waste contaminated with radio nuclides)				

7.	generated from in-vitro analysis of body tissue and fluid, in-vivo body organ imaging and tumour localization, and investigation and therapeutic procedures.	Yellow	Metal or tough Plastic bag	Treated in facility with lead walls	
8.	non-risk waste (paper and cardboard, packaging, food waste and the like)	Black / White	Any Suitable	Recycling plant	Landfill
9.	Incineration Ash (ash from incineration of any bio-medical waste)	Yellow	Metal or tough Plastic bag	-	Landfill
10.	Liquid Waste (waste generated from laboratory and washing, cleaning, house-keeping and disinfecting activities)	-	-	disinfection by chemical treatment	Discharge into drains/ sewage system.

Explanation:

- Chemicals treatment using at least 1% hypochlorite solution or any other equivalent chemical reagent. It must be ensured that chemical treatment ensures disinfection.
- Multitilation/shredding must be such so as to prevent unauthorised reuse.
- There will be no chemical pretreatment before incineration. Chlorinated plastics shall not be incinerated.
- Colour coding of waste categories with multiple treatment options as defined in Schedule I, shall be selected depending on treatment option chosen, which shall be as specified in Schedule I.
- Waste collection bags for waste types needing incineration shall not be made of chlorinated plastics.
- Category 9 (liquid) do not require containers/bags.
- **Labelling :** date, point of production, ward and hospital, quantity and description of waste and prominently displaying the biohazard symbol

SCHEDULE II

(see rule 4(2)(f))

LABEL FOR BIO-MEDICAL WASTE CONTAINERS/BAGS

BIOHAZARD SYMBOL



CYTOTOXIC HAZARD SYMBOL



BIOHAZARD

CYTOTOXIC

HANDLE WITH CARE

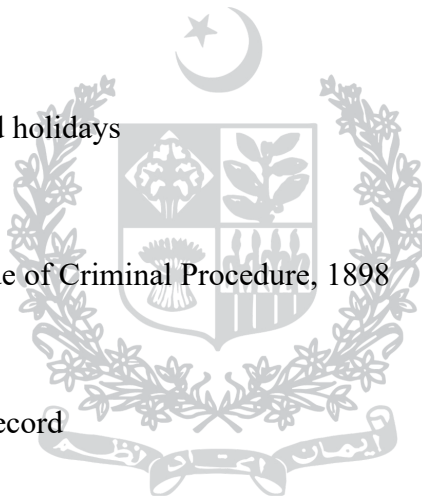
Note : Label shall be non-washable and prominently visible.



THE SINDH ENVIRONMENTAL PROTECTION TRIBUNALS RULES, 2014

CONTENTS

1. Short title and commencement
2. Definitions
3. Terms of office of Chairperson and Members
4. Qualification of Member
5. Salary, allowances and privileges
6. Bench of the Tribunal
7. Staff of the Tribunal
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9. Dress, office hours and holidays
10. Language
11. Application of the Code of Criminal Procedure, 1898
12. Cause List
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16. Proceedings open to public
17. Service of process
18. Repeal and Savings



THE SINDH ENVIRONMENTAL PROTECTION TRIBUNALS RULES, 2014

GOVERNMENT OF SINDH SINDH ENVIRONMENT PROTECTION AGENCY

Karachi dated the 16th December, 2014.

NOTIFICATION

No . EPA / TECH / 739 / 2014: - In exercise of the powers conferred by section 36 of the Sindh Environmental Protection Act, 2014, the Sindh Environmental Protection Agency, with the approval of the Government of Sindh, is pleased to make the following rules, namely:-

1. Short title and commencement.— (1) These rules may be called the Sindh Environmental Protection Tribunal Rules, 2014.

(2) They shall come into force at once.

2. Definitions.— In these rules, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the Sindh Environmental Protection Act, 2014;
- (b) “Agency” means the Sindh Environmental Protection Agency constituted under the Act;
- (c) “Bench” means a bench of Tribunal comprising the Chairperson and at least one other Member;
- (d) “Chairperson” means Chairperson of the Tribunal;
- (e) “Director General” means the Director General of the Sindh Environmental Protection Agency;
- (f) “Member” means member of the Tribunal;
- (g) “Registrar” means the Registrar of the Tribunal;
- (h) “section” means a section of the Act;
- (i) “Tribunal” means the Sindh Environmental Protection Tribunal established under section 25 of the Act and includes a Bench.

(2) All other words and expression used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Terms of office of Chairperson and Members.— (1) The terms of office of the Chairperson and Members shall not exceed three years:

Provided that Government, may extend the terms of office of the Chairperson or any Member as it may deem fit.

(2) The Chairperson or Member may resign his office by writing under his hand addressed to Government.

(3) The Chairperson or a Member shall not hold any other public office.

4. Qualification of Member.— (1) A Technical Member of the Tribunal shall be—

(a) an officer of the Agency having twelve years experience in BPS-17 and five years experience in BPS-18 and above or equivalent, working in the Technical Discipline;

(b) If he, is not proceeding with the cases in the Tribunal shall work in the Agency.

(2) The other Member of the Tribunal shall be a person who has for a period of not less than ten years held appointment or post in the service of a Province, or who for the said period has been an Advocate of the High Court.

5. Salary, allowances and privileges.— (1) If a serving or retired Judge of the High Court is appointed as Chairperson, he shall be entitled to such salary, allowances and privileges as are admissible to the Judge of the High Court: provided that if the Chairperson is appointed otherwise than a sitting or retired Judge of the High Court, he shall be entitled to such salary, allowances and privileges as are admissible to a Grade-21 officer of Government.

(2) The Member (Technical) and other Member of the Tribunal shall be entitled to such salary, allowances and privileges as admissible to an officer of Grade-20 of Government.

6. Bench of the Tribunal.— The powers and functions of the Tribunal shall be exercised or performed by a Bench which may consist of the Chairperson and at least one other Member.

7. Staff of the Tribunal.— (1) The staff of the Tribunal shall be decided by the Chairperson as per requirement of functioning of the Tribunal.

(2) The staff of the Tribunal shall consist of the Registrar and other ministerial staff.

(3) The terms and conditions of service of the staff of the Tribunal shall be the same as of civil servants of corresponding grade under Government and they shall be governed by the Sindh Civil Servant Act, 1973 (Act No.LXXI of 1973) and rules made thereunder.

(4) Notwithstanding the provision of sub-rules (2) and (3) where a Judge of the High Court or the Presiding Officer of an existing Court or Tribunal is appointed as Chairperson in addition to his own duties, the duties and functions of the staff of the Tribunal may be assigned to existing staff of the High Court or such Court or Tribunal.

8. Seal of the Tribunal.— (1) There shall be a seal of the Tribunal which shall indicate the name of the Tribunal and its insignia.

(2) The seal shall remain in the custody of the Registrar or such other officer as the Chairperson may direct, and shall be affixed on every order passed by the Tribunal.

(3) Every notice issued on behalf of the Tribunal shall be signed by the Registrar or other officer duly authorized in this behalf by the Chairperson and shall bear the seal of the Tribunal.

9. Dress, office hours and holidays.— (1) The Chairperson and Members shall wear the same dress as prescribed for Judges of the High Court.

(2) The Tribunal shall, subject to any special order of the Chairperson, observe the same office hours, holidays and periods of recess as of the Government.

10. Language.— The language of the Tribunal shall be English, but Urdu or Sindhi languages may be used, subject to permission of the Tribunal.

11. Application of the Code of Criminal Procedure, 1898.— The Code of Criminal Procedure, 1898 (Act V of 1898) shall apply to proceedings before the Tribunal relating to trial of offences under section 22.

12. Cause List.— (1) A daily Cause List shall be prepared under the orders of the Register which shall be affixed on the notice board of the court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal, cases shall be set down in the Cause List in the order of the date of admission.

13. Copies of orders and record.— (1) The Tribunal shall, after passing and signing any final order in any case, send certified thereof to be sent under registered post acknowledgement due, to the parties concerned and to the Director General.

(2) Any Party in appeal may obtain additional copies of the order on payment of such fees as the Tribunal may fix from time to time.

14. Expeditious disposal.— The Tribunal shall make every effort to dispose of a complaint or an appeal or other proceedings within ninety days of its filing.

15. Appeal.— (1) An appeal to the Tribunal under section 27, in a form of a memorandum, shall be prepared in triplicate, and sent to the Registrar by registered post acknowledgement due or presented to him during office hours either by the appellant personally or by his counsel.

(2) The appeal shall be accompanied by—

- (i) a copy of the impugned order;
- (ii) copies of all documents on which the appellant relies; and
- (iii) fees as may be fixed by the Tribunal from time to time.

16. Proceedings open to public.— All proceedings before the Tribunal shall be open to the public:

Provided that the Tribunal may restrict entry of public during hearing of cases as the Tribunal may deem appropriate.

17. Service of process.— (1) Any process issued by the Tribunal against a person residing within its territorial jurisdiction shall be served through bailiff or registered post acknowledgement due or by publication in newspaper or through Station House Officer of concerned Police Station, within whose jurisdiction the person resides, carry on business or

works for gain, shall be bound to effect service on the person in whose name the process is issued by the Tribunal.

(2) The Station House Officer of conerened police station shall also be responsible for execuring any warrant of arrest against person within his jurisdiction.

18. Repeal and Savings.— (1) The provisions of the Environmental Tribunal Rules, 1999 to the extent of the Province of Sindh are hereby replead.

(2) All orders made, notification issued, actions taken under the repealed rules shall remain in force until amended, altered or repealed by the provisions of these Rules.

**DIRECTOR GENERAL
SINDH ENVIRONMENTAL PROTECTION
AGENCY**

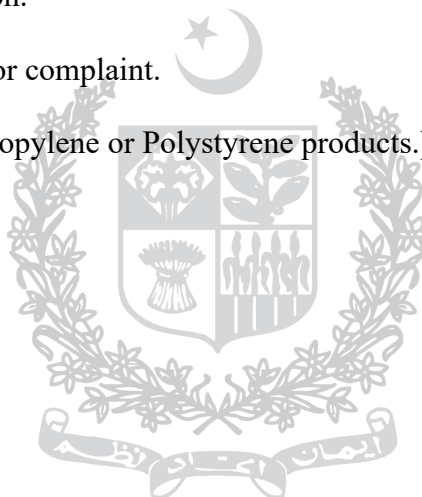


**THE SINDH PROHIBITION OF NON-DEGRADABLE PLASTIC PRODUCTS
(MANUFACTURING, SALE AND USAGE) RULES 2014**

CONTENTS

1. Short title, application and Commencement.
2. Definitions.
3. Registration of manufacturers, wholesalers and retailers of oxo-biodegradation plastic products and pro-degradant additives with agency.
4. Identification.
5. Functions and powers of the Authorized Officer.
6. Disclosure of certain information.
7. Action for contravention.
8. Investigation or filing or complaint.

Schedule (Polyethylene, Polypropylene or Polystyrene products.).



**THE SINDH PROHIBITION OF NON-DEGRADABLE PLASTIC PRODUCTS
(MANUFACTURING, SALE AND USAGE) RULES 2014**

**GOVERNMENT OF SINDH
SINDH ENVIRONMENT PROTECTION
AGENCY**

Karachi dated the 16th December, 2014.

NOTIFICATION

No . EPA / TECH / 739 / 2014: - In exercise of the powers conferred by section 36 of the Sindh Environmental Protection Act, 2014, the Sindh Environmental Protection Agency, with the approval of the Government of Sindh, is pleased to make the following rules, namely:-

1. Short title, application and commencement.— (1) These rules may be called the Sindh Prohibition of Non-degradable Plastic Products (Manufacturing, Sale and Usage) Rules, 2014.

(2) These rules come in to force at once.

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Sindh Environmental Protection Act, 2014;
- (b) “Authorized Officer” means a person authorized in writing by the Director General for the purposes of these rules;
- (c) “Director General” means the Director General of the Agency;
- (d) “manufacturer, in relation to the non-degradable plastic product” means all actions involved in the production of the non-degradable plastic product with a view to store, sell and distribute the polythene bags;
- (e) “non-degradable plastic product” means a plastic product that is not a product defined in clause (f);
- (f) “oxo-biodegradable plastic product” means a product made of polymer containing a pro-degradant additive supplied by an additive supplier registered with the Agency;
- (g) “oxo-biodegradation” means degradation resulting from oxidative and cell mediated phenomena, either simultaneously or successively;
- (h) “pro-degradant additive” means a chemical formulation containing a transition metal salt, except cobalt which causes the polymer to degrade by a process of oxo-biodegradation;
- (i) “person” shall have the same meaning as assigned to it under the Act;
- (j) “scheduled plastic product” means all disposable plastic products listed in the Schedule made wholly or substantially of polyethylene or polypropylene or polystyrene.

(2) All other words and expressions used but not defined in these rules shall have the same meanings as are assigned to them in the Act.

3. Registration of manufacturers, wholesalers and retailers of oxo-biodegradation plastic products and pro-degradant additive with Agency.— (1) All manufacturers, wholesalers and retailers of oxo-biodegradation plastic products and pro-degradant additive shall get themselves registered with the Agency within a period of three months from the date of commencement of these rules in such manner or on such terms and conditions as may be specified by the Director General.

(2) The registration may be called if the terms and conditions are contravened by the manufacturers, wholesalers and retailers.

(3) The application for registration of pro-degradant shall contain the following documents, namely:-

- (i) test certificate for additive from independent third party laboratory that is accredited in accordance with ISO 17025;
- (ii) test must be carried out in accordance with the test methods prescribed by Pakistan Standard and Quality Control Authority (PSQCA) / ASTM D-6954 – 04 standard and the report thereof must clearly state the percentage of pro-degradant additive consistent with all tests namely degradation, bio-degradation and eco-toxicity;
- (iii) certificate of membership of Oxo-biodegradable Plastics Association; and
- (iv) certificate of ISO 9001 and ISO 14001 accreditation.

(4) The Oxo-biodegradable bags made of virgin plastic and be in a natural shade or white, and used for the purpose other than storing and packaging foodstuffs, shall be manufactured using pigments and colorants as per ISO 787/1-1982 entitled “General Methods of Test for Pigments and Extenders”.

(5) No scheduled plastic product shall be made in black color except for garbage sacks and the recycled scheduled plastic products shall be marked as “recycled plastic, unsafe for contact with food”.

5. Identification.— All scheduled plastic products made with oxo-biodegradable plastic and all packaging in which such products offered for sale, shall be prominently marked “Oxo-biodegradable” and shall bear the identifying mark or logo of the supplier of the pro-degradant additive.

6. Functions and powers of the Authorized Officer.— (1) The Director General shall authorize any officer or official for any area who may —

- (a) inspect any premises wherein non-degradable plastic product are manufactured including the plant, and all relevant records and registers maintained in this behalf;
- (b) inspect any premises wherein non-degradable plastic products are being sold or stocked or distributed, or used, including relevant records;
- (c) enter and search, with such assistance, if any, as he considers necessary, any building or place, in which he has reason to believe that an offence under the Act has been or is being committed or may continue to be committed;
- (d) require any person to be present as witness in the course of search or seizure or

for any other legal requirement;

- (e) require any person to appear before him at any reasonable time and place to give statement, assistance or information relating to or in connection with the investigation of an offence;
- (f) exercise such other powers as may be delegated to him by the Director General for enforcement of the provisions of the Act.

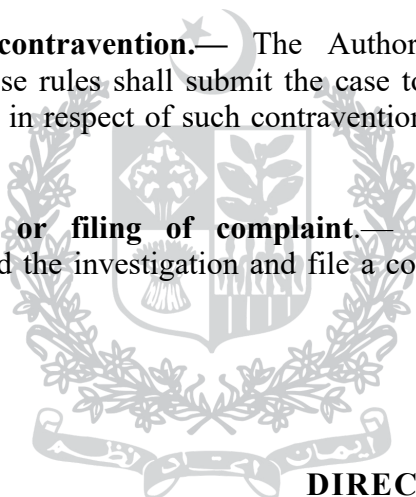
(2) The Director General of the Agency shall be ex-officio Inspector for the implementation of these rules.

7. Disclosure of certain information.— (1) Every person for the time being Incharge of any premises wherein non-degradable plastic product are manufactured or kept for distribution or sale shall, on being required by an Authorized Officer to do so, disclose the place wherein non-degradable plastic product are manufactured or kept for sale or used as the case may be.

(2) Where an Authorized Officer seizes any non-degradable plastic products or any other article, he shall tender a receipt therefor.

8. Action for contravention.— The Authorized Officer on finding any contravention of the Act or these rules shall submit the case to the Director General and seek orders as the action to be taken in respect of such contravention and the non-degradable plastic products or articles seized.

9. Investigation or filing of complaint.— The Director General or the Authorized officer shall proceed the investigation and file a complaint as per the provisions of the Act.



**DIRECTOR GENERAL SINDH
ENVIRONMENT PROTECTION
AGENCY**

THE SCHEDULE

(See rule 2 (j))

Polyethylene, Polypropylene or Polystyrene products

1. Carrier bags or shopper-bags which consumers use to take away their purchases from a retail outlet.
2. Bread bags and food packaging, including frozen food packaging.
3. Garbage bags.
4. Shrink-wrap, pallet-wrap, bubble-wrap
5. Agricultural mulching films.
6. Woven plastic bags.
7. BOPP, CPP and Metalized Plastic films.
8. Agricultural films and netting with an intended service life of less than three years
9. Milk and water packaging.



THE ENVIRONMENTAL SAMPLES RULES, 2014

CONTENTS

1. Short title and Commencement.
2. Definitions.
3. Authorization.
4. Entry and inspection.
5. Search
6. Issue of Environmental Protection order.
7. Procedure for taking samples.
8. Dispatch of samples.
9. Test and analysis of samples.
10. Invoking action against contravention.
11. Filing of complaint.
12. Expenses of prosecution.
13. Second test and analysis.
14. Repeal and Savings.



Form-A (Custody Order)

Form-B (Notice)

Form C (Test and Analysis of sample)

Form D(Certificate of test or analysis)

THE ENVIRONMENTAL SAMPLES RULES, 2014

GOVERNMENT OF SINDH SINDH ENVIRONMENT PROTECTION AGENCY

Karachi dated the 16th December, 2014.

NOTIFICATION

NO. N o . EPA / TEC /739/ 2014:- In exercise of the powers conferred by section 36 of the Sindh Environmental Protection Act, 2014, the Sindh Environment Protection Agency with the approval of the Government, is pleased to make the following rules, namely: -

1. Short title and commencement.— (1) These rules may be called the Environmental Samples Rules, 2014.

(2) They shall come into force at once.

2. Definitions.— (1) In these Rules, unless there is anything repugnant in the subject or context,—

- (a) “**Act**” means the Sindh Environmental Protection Act, 2014;
- (b) “**Agency**” means the Sindh Environmental Protection Agency established under the Act;
- (c) “**authorized person**” means a person authorized by the Director General under rule 3;
- (d) “**Chief Analyst**” means the Chief Analyst of an environmental laboratory, and includes an Analyst who is performing the functions of the Chief Analyst in the environmental laboratory;
- (e) “**Director-General**” means the Director General of the Agency;
- (f) “**Environmental Laboratory**” means a laboratory to which certification has been granted under the Sindh Environmental Protection Agency (Certification of Environmental Laboratories) Regulations, 2014; and
- (g) “**section**” means a section of the Act;

(2) All other words and expressions used but not defined in these rules shall have the same meanings as assigned to them in the Act.

3. Authorization.— (1) Functions and powers specified in these rules including powers under clauses (g), (h), (i) and (j) of section 7, may be performed and exercised by any person duly authorized by the Director-General in this behalf, under sub-section (5) of section 5 of the Act.

(2) In performing such functions and exercising such powers under sub-rule (1), an authorized person may apply to Director General for acquiring of police assistance of the respective jurisdiction.

4. Entry and inspection.— (1) An authorized person shall, before entering any

place, record in writing the reasonable grounds leading him to believe that an offence under the Act has been or is being committed therein.

(2) For the purpose of determining whether, and if so in what manner, an offence under the Act has been, or is being committed, in any place an authorized person may —

- (a) enter and inspect such place, and examine any machinery or equipment while in operating condition, or any relevant document or other article found therein; and
- (b) take into possession, against a signed receipt, any article which he has reason to believe has been or is involved in, or which may furnish evidence of, the commission of an offence:

Provided that where it is not practicable to take physical possession of any such article, the authorized person may, by order in writing in the form as set out in Form A, entrust the article to the custody of the owner or the person previously holding the article in his possession or charge, and direct him not to remove or otherwise deal with the article except with the prior written permission of the authorized person:

Provided further that where the owner or person previously holding the article in his possession or charge is not known or cannot be found within reasonable time, the authorized person after publication a notice in one English and one Urdu daily newspapers calling upon such person to show cause as why the article should not be confiscated.

(3) The owner or person in charge of the place in which entry is sought by an authorized person shall, on being informed of his purpose and shown his authorization, allow him unimpeded access to such place and provide all reasonable facilities for his inspection.

5. Search.— (1) Where an authorized person is denied or refused to provide access to perform the functions as provided in the sub-rule (2) of rule 4, he may apply to the Environmental Protection Tribunal or Court having jurisdiction for a search-warrant, specifying in his application, to the extent possible, the article for which search is to be made.

(2) The Environmental Protection Tribunal or Court may, on an application of an authorized person under sub-rule (1), for reasons to be recorded in writing, issue a search warrant specifying the place to be searched in performing its function.

(3) If despite stating his purpose and showing his search warrant, an authorized person cannot obtain entry into such place, he may break or open any lock, door, gate or window of such place:

Provided that if the place into which entry is sought is in the actual occupancy of a woman who, according to custom, does not appear in public, the authorized person shall give notice to such woman to withdraw and shall afford her every reasonable opportunity of withdrawing, before breaking or opening and entering such place.

(4) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (Act V of 1898), shall *mutatis mutandis*, apply to searches made under this rule.

6. Issue of Environmental protection order.— Where on entry, inspection or search of any place, an authorized person is satisfied that the circumstances in such place require issue of an Environmental Protection Order in respect thereof, he shall immediately inform the Director General in writing, for initiation of necessary action in accordance with the provisions of section 21.

7. Procedure for taking samples.— (1) An authorized person shall take samples as per functions provided under clause (h) of section 7 of the Act, in the presence of the person from whom the sample is taken.

(2) All such samples shall be labeled, and then effectively sealed and suitably marked and signed by the authorized person and the person from whom the sample is taken.

(3) Where the person from whom the sample is taken is not available, or willfully absents himself or is unknown at the relevant time, or declines to add his seal or mark or signatures, the authorized person shall obtain, if possible, signatures on the Performa of one or more independent witnesses in whose presence the sample has been taken.

(4) The label and the sealed sample shall contain a distinguishing number, a brief description of the sample, and the place, date and time of taking the sample.

8. Dispatch of samples.— The sample duly sealed and marked as provided in rule 7 shall be handed over to the person from whom the sample is taken, along with a notice in the form as set out in Form B, directing the person from whom the sample is taken to ensure its delivery within 48 hours and analysis from a Certified Laboratory as per direction of authorized person along with forwarding letter in the form as set out in Form C.

9. Test and analysis of samples.— (1) On receipt of sealed sample for test and analysis, the Chief Analyst shall inform in writing to authorized person within three days of receipt of the sample, and shall note the condition of the sample seal thereon.

(2) Amongst other tests or analyses, the Chief Analyst shall particularly test or analyze the sample to determine whether it confirms to the Sindh Environmental Quality Standards (SEQS).

(3) After the test or analysis, the Chief Analyst, on receipt of fees payable in respect thereof, from the person to whom the sample is collected shall send to the authorized person a certificate in the form as set out in Form D, in triplicate, declaring the results within fifteen days of such test or analysis along with specific remarks indicating compliance status of SEQS parameters:

Provided that if for any reason the Chief Analyst is unable to carry out the test or analysis within the prescribed period, he shall inform the authorized person accordingly and send the same to another Environmental Laboratory for the purpose.

(4) On receipt of the certificate in the form as set out in Form D, in triplicate, the authorized person shall —

- (a) send one original to the person from whom the sample is taken;
- (b) submit the second original with the complaint, if any, filed with the Environmental Protection Tribunal or Court; and
- (c) retain the third original in his record or in the record of the Agency for future use.

10. Invoking action against contravention.— On receipt of the certification on form D issued by Environmental Laboratory on indicating any contravention of SEQS parameters, the authorized person shall initiate proceedings under section 11, section 21 against

the person, contravener, responsible for violations of the provisions of the Act.

12. Filing of complaint.— (1) On failure to comply with any directions provided under the proceedings of rule 10, an authorized person shall file a complaint against the person or persons responsible for such contravention or failure, with the Environmental Protection Tribunal or Court having jurisdiction.

(2) A complaint referred to in sub-rule (1) shall be accompanied by an original certificate in Form D, and attested copies of a notice in Form B, forwarding letter of sample in Form C and notice, if any, and record available under the proceedings of under rule 11.

12. Expenses of prosecution.— (1) Along with the complaint, the authorized person may also file a statement indicating the expenses incurred in the prosecution, and may request the Environmental Protection Tribunal or Court having jurisdiction that in case of conviction the aforesaid expenses may be reimbursed to the complainant, in accordance with the provisions of section 545 of the Code of Criminal Procedure, 1898 (Act V of 1898).

13. Second test and analysis.— (1) Where the Environmental Protection Tribunal or Court having jurisdiction is of the opinion, on the basis of evidence produced before it by the accused against whom the complaint has been filed, that further investigation is justified, it may, after recording the grounds for its opinion, direct that the second attempt for sampling by the authorized person for test and analysis to another environmental laboratory:

Provided that the costs of the second test and analysis shall be deposited by the accused, and if the accused is subsequently acquitted, the same shall be refunded to him.

(2) The provisions of rules 10 and 11 shall apply to the second test and analysis under sub-rule (1) and the certificate in the form as set out in Form D in respect thereof shall be issued.

14. Repeal and Savings.— (1) The provisions of the Environmental Samples Rules, 2001, to the extent of the Province of Sindh are hereby repealed.

(2) All orders made, notification issued, actions taken under the repealed Rules shall remain in force until amended, altered or repealed by the provisions of these Rules.

**DIRECTOR GENERAL
SINDH ENVIRONMENTAL
PROTECTION AGENCY**

FORM A

**See rule 4(2)(b)
CUSTODY ORDER**

To

[Name and address of person to whom article is entrusted]

Dear Sir,

WHEREAS I have reason to believe that the following article has been/is involved/may furnish evidence of commission of an offence under the Sindh Environmental Protection Act, 2014, namely: -

(Description of article)

AND WHEREAS the said article has been taken into possession by me under rule 4(2)(b) of the Environmental Samples Rules, 2014,

NOW THEREFORE I hereby direct you, under rule 4(2)(b) of the aforesaid rules, to keep the above specified article in your safe custody and in proper storage and not to remove or otherwise deal with the article except with my prior written permission.

Place: _____

Date: _____

Time: _____

Authorized Person

Received: _____

(Signature of person to whom article is entrusted)

WITNESSES:

1. _____

2. _____

FORM B
See rule 8(1)

NOTICE

To

[Name and address of person from whom sample is taken]

Dear Sir,

I have this day taken from the premises of *(name)* situated at *(address)* the sample described below, for test and analysis at an environmental laboratory, under the provisions of the Sindh Environmental Protection Act, 2014, and the Environmental Samples Rules, 2014, namely:-

(Description of sample)

The sample, in sealed bearing number handed over/sent to you _____, is being herewith along with Form C.

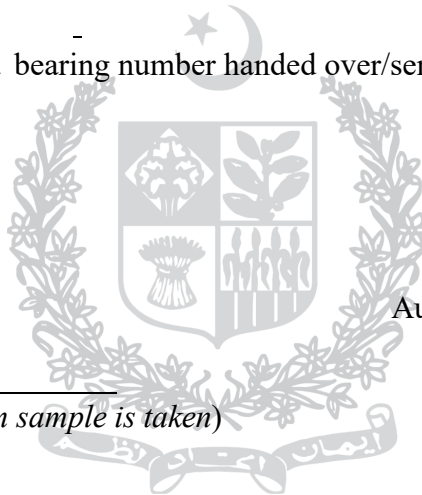
Place: _____

Date: _____

Time: _____

Received: _____

(Signature of person from whom sample is taken)



Authorized Person

WITNESSES:

(Name and address)

1. _____

2. _____

FORM C
See rule 8(2)
TEST AND ANALYSIS OF SAMPLE

To

The Chief Analyst
[Name and address of Environmental laboratory]

Dear Sir,

I hereby submit sealed sample bearing no. _____ containing the following detail for test and analysis and report under clause (i) of section 7 of the Sindh Environmental Protection Act, 2014, read with rules 8(2) and 10 (3) of the Sindh Environmental Samples Rules, 2014, namely: -

(Description of sample)

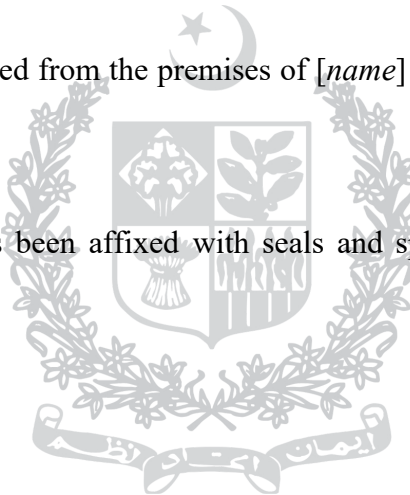
The sample was obtained from the premises of [name] situated at [address] on [date] at [time].

The sealed sample has been affixed with seals and specimen impression of which is being sent to you separately.

Place: _____

Date: _____

Time: _____



Authorized Person

cc: [Name and address of person from whom sample is taken].

NOTE:- The person from whom the sample is taken, directed to ensure the delivery of this sample with in forty eight hours placing with ice in ice container to Certified Environmental Laboratory.

FORM D
See rule 9 (3) CERTIFICATE OF TEST OR ANALYSIS

(to be signed in triplicate)

I hereby certify that. -

- (1) This laboratory has been granted certification as an environmental laboratory under the Sindh Environmental Protection Agency (Certification of Environmental Laboratories) Regulations, 2014.
- (2) A sample bearing no. _____ said to containing a [*description*] was received in this laboratory on [*date*] at [*time*] dispatched by [*name, and address of person*] by courier/personal delivery.
- (3) The seals of the sample were compared with the seal impression received separately and were found to match/not match. (1) The seals on the parcel were intact/broken.
- (2) The seals were opened in my presence and the sample was found fit/unfit for test/analysis.
- (3) I have carried out the following test/analysis: -

- (4) I declare the results of the test/analysis as follows:

Pursuant to the above results, I am of the opinion that the sample does/does not conform to the Sindh Environmental Quality Standards; and that –

Place: _____

Date: _____

(Chief Analyst)

[*Name and address of environmental laboratory*]

**THE SINDH ENVIRONMENTAL PROTECTION AGENCY (REVIEW OF INITIAL
ENVIRONMENTAL EXAMINATION AND ENVIRONMENTAL IMPACT
ASSESSMENT) REGULATIONS, 2014**

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**THE SINDH ENVIRONMENTAL PROTECTION AGENCY (REVIEW OF INITIAL
ENVIRONMENTAL EXAMINATION AND ENVIRONMENTAL IMPACT
ASSESSMENT) REGULATIONS, 2014**

**GOVERNMENT OF SINDH
SINDH ENVIRONMENT PROTECTION
AGENCY**

Karachi dated the 16th December, 2014.

NOTIFICATION

NO. EPA/TECH/739/2014:- In exercise of the powers conferred by section 37 of the Sindh Environmental Protection Act, 2014, the Sindh Environmental Protection Agency, with the approval of Government, is pleased to make the following regulations, namely:-

1. Short title and commencement.—(1) These regulations may be called the Sindh Environmental Protection Agency (Review of Initial Environmental Examination and Environmental Impact Assessment) Regulations, 2014.

(2) They shall come into force at once.

2. Definitions.—(1) In these regulations, unless there is anything repugnant in the subject or context,—

- (a) “**Act**” means the Sindh Environmental Protection Act, 2014 (VIII of 2014);
- (b) “**Agency**” means the Sindh Environmental Protection Agency as defined under section 2(ii);
- (c) “**Committee**” means the Environmental Assessment Advisory Committee constituted under regulation 24;
- (d) “**Director General**” means the Director General of the Agency;
- (e) “**EIA**” means an environmental impact assessment as defined in section 2(xv);
- (f) “**IEE**” means an initial environmental examination as defined in section 2(xxx);
- (g) “**section**” means a section of the Act.
- (h) “**Firm**” means the Environmental Consulting Firm certified by the Agency;
- (i) “**Environmental Sensitive areas**” means the area which falls under sensitive sites like protected areas, or the sites which may have crucial and growing importance;
- (j) “**protected area**” means any area which safeguards the earth's precious biodiversity protect outstanding areas of natural beauty and conservation of cultural significance;
- (k) “**Schedule**” means the Schedule to these regulations;
- (l) “**urban area**” means an area within the limits of a town, municipality or city and includes any area declared as such by Government by notification in the official gazette.

(2) All other words and expressions used but not defined in these regulations shall have the same meaning as are assigned to them in the Act.

3. Projects requiring an IEE.— A proponent of a project falling in any category listed in Schedule-I shall file an IEE with the Agency, and the provisions of section 17 shall apply to such projects.

4. Projects requiring an EIA.— A proponent of a project falling in any category listed in Schedule-II shall file an EIA with the Agency, and the provisions of section 17 shall apply to such projects.

5. Projects requiring checklist.—A proponent of a project falling in any category listed in Schedule-III shall file environmental checklist with the Agency and the provisions of section 17 shall apply to such projects.

6. Projects not requiring an IEE or EIA.—(1)A proponent of a project not falling in any category listed in Schedules-I, II and III shall not be required to file an IEE or EIA:

Provided that the proponent shall file —

- (a) an EIA, if the project is likely to cause an adverse environmental effects;
- (b) an application for projects not listed in Schedules-I, II and III in respect of which the Agency has issued guidelines for construction and operation for approval accompanied by an undertaking and an affidavit that the aforesaid guidelines shall be fully complied with.

(2) Notwithstanding anything contained in sub-regulation (1), the Agency may direct the proponent of a project, whether or not listed in Schedule I or II or III, to file an IEE or EIA or environmental check list, for reasons to be recorded in such direction:

Provided that no such direction shall be issued without the recommendations in writing of the Committee.

(3) The provisions of section 17 shall apply to a project in respect of which an IEE or EIA or environmental checklist is filed under sub-regulation (1) or (2).

7. Preparation of IEE/EIA and environmental checklist.—(1) The Agency may issue guidelines for preparation of an IEE or an EIA or an environmental checklist, including guidelines of general applicability, and sectoral guidelines indicating specific assessment requirements for planning, construction and operation of projects relating to particular sector.

(2) Where guidelines have been issued under sub-regulation (1), an IEE or EIA or environmental checklist shall be prepared, to the extent practicable, in accordance therewith and the proponent shall justify in the IEE or EIA or in environmental checklist any departure therefrom.

8. Review Fees.— The proponent shall pay, at the time of submission of an IEE or EIA or environmental checklist, a non-refundable review fee to the Agency as per

rates shown in Schedule-IV.

9. Filing of IEE, EIA and environmental check list.—(1) Ten hard copies and two electronic copies for an IEE and EIA reports shall be filed with the Agency prepared by Firm.

- (2) Every IEE and EIA shall be accompanied by —
 - (a) an application, in the form prescribed in Schedule-V;
 - (b) copy of receipt showing payment of the Review Fee.
 - (c) no objection certificates from the relevant departments in case of EIA shall be the part of reports;
 - (d) the environmental check list as per its guidelines.

10. Preliminary scrutiny.—Within fifteen working days of filing of the IEE or EIA or environmental check list, the Agency shall —

- (a) confirm that the IEE or EIA or environmental check list is complete for purposes of initiation of the review process; or
- (b) require the proponent to submit such additional information as may be specified; or
- (c) return the IEE or EIA or environmental checklist to the proponent for revision, clearly listing the points requiring further study and discussion.

(2) Notwithstanding anything contained in sub-regulation (1), the Agency may require the proponent to submit an additional information at any stage during the review process.

11. Public participation.—(1) In the case of an EIA, the Agency shall simultaneously with issue of confirmation of completeness under clause (a) of sub-regulation (1) of regulation 9, cause to be published in any English or Urdu national newspaper and in a local newspaper of general circulation in the area affected by the project, a public notice mentioning the type of project, its exact location, the name and address of the proponent and the places at which the EIA of the project can, subject to the restrictions in sub-section (3) of section 17, be accessed.

(2) The notice issued under sub-regulation (1) shall fix a date, time and place of public hearing for any comments on the project or its EIA.

(3) The date fixed under sub-regulation (2) shall not be earlier than fifteen days from the date of publication of the notice.

(4) The Agency shall also ensure the circulation of the EIA to the concerned Government Agencies and solicit their comments thereon.

(5) All comments received by the Agency from the public or any Government Agency shall be collated, tabulated and duly considered by it before decision on the EIA.

(6) The Agency may issue guidelines indicating the basic techniques and measures to be adopted to ensure effective public consultation, involvement and participation in EIA

assessment.

12. Review.— (1) The Agency shall make every effort to carry out its review of the environmental checklist within thirty days, IEE within sixty days, and of the EIA within four months of issue of confirmation of completeness under regulation 9.

(2) In reviewing the EIA, the Agency shall consult such Committee of Experts be constituted for the purpose by the Director General, and may also solicit views of concerned Advisory Committee, if any, constituted by the Agency.

(3) The Director-General may, where he considers it necessary, constitute a committee to inspect the site of the project and submit its report on such matters as may be specified.

(4) In reviewing the IEE, the Director General may constitute a committee of the officers from within the Agency on case to case basis in view of the jurisdiction and location of the project for the purpose to extend final recommendation about the approval or rejection of the IEE.

(5) In reviewing of the IEE, the Director General may direct the proponent and Firm to present the report before the committee as given under sub- regulation (4) and the Director General may also invite environmental experts from outside the Agency for the purpose of assistance.

(6) The review of the IEE or EIA by the Agency shall be based on quantitative and qualitative assessment of the documents and data furnished by the proponent, comments from the public and Government Agencies received under regulation 10, and views of the committees mentioned in sub-regulations (2) and (3) above.

(7) The environmental check list shall be reviewed as per guidelines issued by the Agency.

13. Decision.— (1) Subject to sub-regulation (2), the documentary evidence in the form of videos (softcopies) of public hearing shall be submitted by the proponent at the time of environmental approval or at any stage of review process, to the Agency.

(2) On completion of the review, the decision of the Agency shall be communicated to the proponent in the form prescribed in Schedule-VI in the case of an IEE and environmental check list, and in the form prescribed in Schedule-VII in the case of an EIA and for environmental checklist.

14. Conditions of approval.— (1) Every approval of an IEE or EIA or check list shall, in addition to such conditions as may be imposed by the Agency, be subject to the condition that the project shall be designed and constructed, and mitigatory and other measures adopted, strictly in accordance with the IEE or EIA or environmental check list, unless any variations thereto have been specified in the approval by the Agency.

(2) Where the Agency accords its approval subject to certain conditions, the proponent shall —

- (a) before commencing construction of the project, acknowledge acceptance of the stipulated conditions by executing an undertaking in the form prescribed in Schedule-VIII;

- (b) before commencing operation of the project, obtain from the Agency written confirmation that the conditions of approval, and the requirements in the IEE or EIA or environmental check list relating to design and construction, adoption of mitigatory and other measures and other relevant matters, have been duly complied with.

15. Confirmation of compliance.— (1) The request for confirmation of compliance under clause (b) of sub-regulation (2) of Regulation 13 shall be accompanied by an Environmental Management Plan indicating the measures and procedures proposed to be taken to manage or mitigate the environmental impacts for the life of the project, including provisions for monitoring, reporting and auditing.

(2) Where a request for confirmation of compliance is received from a proponent, the Agency may carry out such inspection of the site and plant and machinery and seek such additional information from the proponent as it may deem fit:

Provided that every effort shall be made by the Agency to provide the requisite confirmation or otherwise within twenty days of receipt of the request, with complete information, from the proponent.

(3) The Agency may, while issuing the requisite confirmation of compliance, impose such other conditions as the Environmental Management Plan, and the operation, maintenance and monitoring of the project as it may deem fit, and such conditions shall be deemed to be included in the conditions to which approval of the project is subject.

16. Deemed approval.— The period for communication of decision stipulated in sub-section (4) of section 17 shall commence from the date of filing of an IEE or EIA or environmental check list in respect of which confirmation of completeness is issued by the Agency under clause (a) of sub-regulation (1) of regulation 9.

17. Extension in review period.— Where the Agency in a particular case extends the period of four months under the provisions of sub-section (4) of section 17, it may extend the further period as it may deem fit, for the reasons to be recorded in writing thereof.

18. Validity period of approval.— (1) The approval accorded by the Agency under section 17 read with regulation 12 shall be valid, for commencement of construction, for a period of three years from the date of issue.

(2) If construction is commenced during the initial three years validity period, the validity of the approval shall stand extended for a further period of three years from the date of issue.

(3) After issue of confirmation of compliance, the approval shall be valid for a period of three years from the date thereof.

(4) The proponent may apply to the Agency for extension in the validity periods mentioned in sub-regulations (1), (2) and (3), which may be granted by the Agency in its discretion for such period not exceeding three years at a time, if the conditions of the approval do not require significant change:

Provided that the Agency may require the proponent to submit a fresh IEE or EIA, if in its opinion changes in location, design, construction and operation of the project so warrant.

19. Entry and inspection.— (1) For the purpose of verification of any matter relating to the review or to the conditions of approval of an IEE or EIA or environmental check list prior to, before or during and after commencement of construction or operation of a project, duly authorized staff of the Agency shall be entitled to enter and inspect the project site, factory building and plant and equipment installed therein.

(2) The proponent shall ensure full cooperation of the project staff at site to facilitate the inspection, and shall provide such information as may be required by the Agency for this purpose and pursuant thereto.

20. Monitoring.— (1) After issue of approval, the proponent shall submit a report to the Agency on completion of construction of the project.

(2) After issue of confirmation of compliance, the proponent shall submit an annual report summarizing operational performance of the project, with reference to the conditions of approval and maintenance and mitigatory measures adopted by the project.

(3) The proponent shall, in order to enable the Agency to effectively monitor compliance with the conditions of approval, furnish such additional information as the Agency may require.

21. Cancellation of approval.— (1) Notwithstanding anything contained in these regulations, if, at any time, on the basis of information or report received or inspection carried out, the Agency is of the opinion that the conditions of an approval have not been complied with, or that the information supplied by a proponent in the approved IEE or EIA or environmental check list is incorrect, it shall issue notice to the proponent for show cause within two weeks of receipt thereof as to why the approval should not be cancelled.

(2) In case no reply is received or if the reply is considered unsatisfactory, the Agency may, after giving the proponent an opportunity of being heard -

- (i) require the proponent to take such measures and to comply with such conditions within such period as it may specify, failing which the approval shall stand cancelled; or
- (ii) cancel the approval.

(3) On cancellation of the approval, the proponent shall cease construction or operation of the project forthwith.

(4) Any action taken under this regulation shall be without prejudice to any other action that may be taken against the proponent under the Act or rules or regulations or any other law for the time being in force.

22. Registers of IEE, EIA and Check list projects.— Separate Registers to be maintained by the Agency for IEE, EIA and environmental check list projects under sub-section (6) of section 17 shall be in the form prescribed in Schedule-IX.

23. Environmentally sensitive areas.— (1) The Agency may, by notification in the official Gazette, designate an area to be an environmentally sensitive area.

(2) Notwithstanding anything contained in regulations 3, 4 and 5, the proponent of a project situated in an environmentally sensitive area shall be required to file an EIA with the Agency.

(3) The Agency may from time to time issue guidelines to assist proponents and other persons involved in the environmental assessment process to plan and prepare projects located in environmentally sensitive areas.

(4) Where guidelines have been issued under sub-regulation (3), the projects shall be planned and prepared, to the extent practicable, in accordance therewith and any departure therefrom justified in the EIA pertaining to the project.

24. Environmental Assessment Advisory Committee.— For the purpose of rendering advice on all aspects of the environmental assessment including guidelines procedure and categorization of projects, the following Advisory Committee shall be constituted:-

(i)	Director Technical, Sindh Environmental Protection Agency(EIA/IEE)	Chairman
(ii)	Chief Environment, Planning and Development Department	Member
(iii)	Four representative on each of industry, non-Governmental organization, legal and other experts	Member

25. Repeal and Savings. (1) The provisions of the Pakistan Environmental Protection Agency Review of Initial Environmental Examination and Environmental Assessment Impact Regulations, 2000, to the extent of the Province of Sindh are hereby repealed.

(2) All orders made, notification issued, actions taken under the repealed Regulations shall remain in force until amended, altered or repealed by the provisions of these Rules.

**DIRECTOR GENERAL
SINDH ENVIRONMENTAL
PROTECTION AGENCY**

SCHEDULE I
(See Regulation 3)

A. Agriculture, Livestock and Fisheries

1. Poultry, livestock, stud and fish farms
2. Projects involving packaging, formulation, cold storage and warehouse of agricultural products.

B. Energy

1. Hydroelectric power generation less than 50 MW
2. Thermal power generation less than 100MW
3. Coal fired power plants with capacity less than 50 MW
4. Transmission lines less than 11 KV, and grid station
5. Waste-to-energy generation projects including bio-mass less than 25 MW
6. Solar project
7. Wind project

C. Oil and Gas projects:

1. Oil and gas 2D/3D Seismic survey and drilling activities
2. Oil and gas extraction projects including exploration and production located outside the environmentally sensitive areas
3. Construction of LPG storage facilities
4. Construction of LPG, CNG filling station and petrol pumps

D. Manufacturing and processing

1. Ceramics and glass units less than 500 million
2. Food processing industries with total cost less than Rs. 200 millions
3. Pharmaceutical units.
4. Marble units
5. Carpet manufacturing units
6. Rice mills, ghee/oil mills
7. Brick kilns

8. Stone crushing units
9. Man-made fibers and resin projects with total cost less than Rs. 200 millions
10. Manufacturing of apparel, textile garments unit, including dyeing, bleaching and printing, with total cost less than Rs.50 million
11. Wood products with total cost more than Rs.100 million
12. Steel re-rolling mills
13. Recycling plants

E. Mining and mineral processing

Commercial extraction of sand, gravel, limestone, clay, sulphur and other minerals not included in Schedule II with total cost less than Rs.100 million

1. Crushing, grinding and separation processes
2. Smelting plants with total cost less than Rs100 millions

F. Transport

1. Flyovers, underpasses and bridges having total length less than 500 meters

G. Water management, dams, irrigation and flood protection

2. Dams and reservoirs with storage volume less than 25 million cubic meters of surface area less than 4 square kilometers
3. Small-scale irrigation systems and drainage system with total cost less than Rs. 100 million

H. Water supply and filtration

Water supply schemes and **filtration** plants with total cost less than 100 million (Including projects of maintenance, up gradation, reconstruction of existing projects.)

I. Waste disposal and treatment

1. Solid and non-hazardous waste with annual capacity less than 10,000 tons
2. Waste water treatment for sewage treatment facility with total cost less than 200M
3. Industry specific Waste water treatment facility for Industrial effluent (small scale plant)

J. Urban development

1. Housing schemes less than 10 acres

2. Mutli-story buildings having residential and commercial setup on the total plotsize is less than 2000 sq.yards
3. Hospitals with capacity of 50 beds, health care unit/laboratories with 500 OPD/day.
4. Construction of Educational, Academic institutions on land less than 10 acres.

K. Other projects

Any other project for which filing of an IEE is required by the Agency under sub-regulation (2) of Regulation 6.



SCHEDULE II

(See Regulation 4)

List of projects requiring an EIA

A. Energy

1. Hydroelectric power generation over 50 MW
2. Thermal power generation over 100MW
3. Coal power projects above 50 MW
4. Transmission lines (11 KV and above) and distribution projects.
5. Nuclear power plants
6. Wind energy projects if falls under any sensitive, protected area.

B. Oil and Gas projects

1. Petroleum refineries.
2. LPG and LNG Projects (including LNG Terminals, re-gasification units) except LPG filling stations
3. Oil and gas transmission systems
4. Oil and gas gathering system, separation and storage.

C. Manufacturing and processing

1. Cement plants
2. Chemical manufacturing industries
3. Fertilizer plants
4. Steel Mills
5. Sugar Mills and Distilleries
6. Food processing industries including beverages, dairy milk and products, slaughterhouses and related activities with total cost more than Rs. 200 Million
7. Industrial estates (including export processing zones)
8. Man-made fibers and resin projects with total cost of Rs 200M and above
9. Pesticides (manufacture or formulation)
10. Petrochemicals complex
11. Synthetic resins, plastics and man-made fibers, paper and paperboard, paper pulping, plastic products, textiles (except apparel), printing and publishing, paints and dyes, oils and fats and vegetable ghee projects, with total cost more than Rs.10 million

12. Tanning and leather finishing projects
13. Battery manufacturing plant

D. Mining and mineral processing

1. Mining and processing of coal, gold, copper, sulphur and precious stones
2. Mining and processing of major non-ferrous metals, iron and steel rolling
3. Smelting plants with total cost of Rs. 100 million and above

E. Transport

1. Airports
2. Federal or Provincial highways or major roads (including rehabilitation or rebuilding or reconstruction of existing roads)
3. Ports and harbor development
4. Railway works
5. Flyovers, underpasses and bridges having total length of more than 500m

F. Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume of 25 million cubic meters and above having surface area of 4 square kilometers and above
2. Irrigation and drainage projects serving 15,000 hectares and above
3. Flood Protection

G. Water supply and filtration

Large Water supply schemes and **filtration** plants.

H. Waste Disposal and treatment

1. Handling, storage or disposal of hazardous or toxic wastes or radioactive waste(including landfill sites, incineration of hospital toxic waste)
2. Waste disposal facilities for municipal or industrial wastes, with total annual capacity of 10,000 tons and above.
3. Waste water treatment facility for industrial or municipal effluents.

I. Urban development and tourism

1. Housing schemes above 10 acres

2. Residential/commercial high rise buildings/apartments from 15 stories and above.
3. Land use studies and urban plans (large cities)
4. Large scale public facilities.
5. Large-scale tourism development projects

J. Environmentally Sensitive Areas

All projects situated in environmentally sensitive areas

K. Other projects

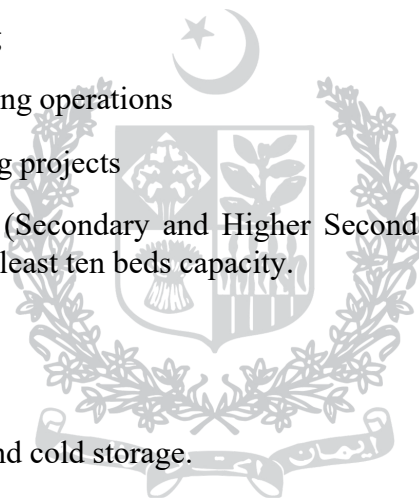
1. Any other project for which filing of an EIA is required by the Agency undersub-regulation (2) of Regulation 5.
2. Any other project likely to cause an adverse environmental effect



SCHEDULE-III

List of projects requiring environmental screening (through check list)

- a. Construction of, offices and small commercial buildings (1-6 story), home industrial units, ware houses, marriage / banquet facilities, large scale motor vehicles workshops, restaurants / food outlets, large baking unit subject to the compliance with existing zoning laws.
- b. Reconstruction / rehabilitation of roads (small roads in urban area and farm to market roads more than 2 km.
- c. On-farm dams and fish farms.
- d. Pulses mills.
- e. Flour Mills
- f. Projects promoting energy efficiency (small scale).
- g. Lining of existing minor canals and /or water courses.
- h. Canal cleaning
- i. Forest harvesting operations
- j. Rain harvesting projects
- k. Rural schools (Secondary and Higher Secondary) and rural and basic health units having atleast ten beds capacity.
- l. BTS Towers
- m. Lime Kilns
- n. Ice factories and cold storage.
- o. Cotton oil mill
- p. Warehouses for pesticides and pharmaceuticals



Schedule-IV
(See Regulation 7)

Description	IEE	EIA	Environmental Check list
Projects	Rs.100,000	Rs.200,000	Rs.30,000 except BTS Towers which is Rs.15,000



SCHEDULE V
[See Regulation 8(2)(a)]
Application Form

1.	Name and address of Proponent		Phone: Fax: Telex:
2.	CNIC No. of proponent		
3.	Description of project		
4.	Location of project		
6.	Objectives of project		
7.	IEE/EIA attached?	IEE/EIA : Yes/No	
8.	Have alternative sites been considered and reported in IEE/EIA?	Yes/No	
9.	No Objection Certificate of relevant stakeholders	Name(s)	
10.	Existing land use	Land requirement	
11.	Is basic site data available, or has it been measured?	(only tick yes if the data is reported in the IEE/EIA)	
		Meterology (including rainfall)	Available Measured
		Ambient air quality	Yes/No Yes/No
		Ambient water quality	Yes/No Yes/No
		Ground water quality	Yes/No Yes/No
12.	Have estimates of the following been reported, especially Quantitative Analysis?	Water balance Solid waste disposal Liquid waste treatment	Estimated Reported
			Yes/No Yes/No Yes/No
13.	Source of power		Power requirement
14.	Labour force(number)	Construction: Operation:	
15.	Environmental Consulting Firm		

Verification. I do solemnly affirm and declare that the information given above and contained in the attached IEE/EIA is true and correct to the best of my knowledge and belief.

Date

Signature, name and _____
designation of proponent(with official stamp/seal)

SCHEDULE VI
[See Regulation 12]

Decision on IEE/Environmental Check List

1. Name and address of proponent _____
2. Description of project _____
3. Location of project _____
4. Date of filing of IEE _____
5. After careful review of the IEE, the Agency has decided –
 - (a) to accord its approval, subject to the following conditions:

- or (b) that the proponent should submit an EIA of the project, for the following reasons –

[Delete (a) or (b), whichever is inapplicable]

Dated _____

Tracking no. _____

Director-General
Sindh Environmental Protection Agency
(with official stamp/seal)

SCHEDULE VII

[See Regulation 12]

Decision on EIA

1. Name and address of proponent _____
2. Description of project _____
3. Location of project _____
4. Date of filing of EIA _____
5. After careful review of the EIA, and all comments thereon, the Federation Agency has decided –
 - (a) to accord its approval, subject to the following conditions:

 - or (b) that the proponent should submit an EIA with the following modifications-

 - or (c) to reject the project, being contrary to environmental objectives, for the following reasons:

[Delete (a)/(b)/(c), whichever is inapplicable]

Dated

Tracking no. _____

Director-General
Sindh Environmental Protection Agency
(with official stamp/seal)

SCHEDULE VIII
[See Regulation 13(2)]

Undertaking

I, (full name and address) as proponent for (name, description and location of project) do hereby solemnly affirm and declare that I fully understand and accept the conditions dated _____, and undertake to design, construct and operate the project strictly in accordance with the said conditions and the IEE/EIA/Environmental Check List.

Signature, name and
designation of proponent
(with official stamp/seal)

Witnesses
(full names and addresses)



SCHEDULE IX
(See Regulation 21)

Form of Registers for IEE and EIA and Environmental Check List projects

<u>S. No.</u> 1	Description 2	Relevant Provisions 3
1.	Tracking number	
2.	Category type (as per Schedules I, II & III)	
3.	Name of proponent	
4.	Name and designation of contact person	
5.	Name of consultant	
6.	Description of project	
7.	Location of project	
8.	Project capital cost	
9.	Date of receipt of IEE/EIA/Environmental Check List	
10.	Date of confirmation of completeness	
11.	Approval granted (Yes/No)	
12.	Date of approval granted or refused	
13.	Conditions of approval/reasons for refusal	
14.	Date of Undertaking	
15.	Date of extension of approval validity	
16.	Period of extension	
17.	Date of commencement of construction	
18.	Date of issue of confirmation of compliance	
19.	Date of commencement of operations	
20.	Dates of filing of monitoring reports	
21.	Date of cancellation, if applicable	

**THE SINDH ENVIRONMENTAL PROTECTION AGENCY (ENVIRONMENTAL
ASSESSMENT) REGULATIONS, 2021**

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THE SINDH ENVIRONMENTAL PROTECTION AGENCY (ENVIRONMENTAL ASSESSMENT) REGULATIONS, 2021

GOVERNMENT OF SINDH ENVIRONMENTAL PROTECTION AGENCY

Karachi dated the 03rd September, 2021

NOTIFICATION

NO.EPA/TECH/739/2021.— In exercise of the powers conferred by section 37 of the Sindh Environmental Protection Act, 2014, the Sindh Environmental Protection Agency, with the approval of Government, is pleased to make the following regulations, namely:-

1. Short title and commencement.—(1) These regulations may be called the Sindh Environmental Protection Agency (Environmental Assessment) Regulations, 2021.

(2) They shall come into force at once.

2. Definitions.— (1) In these regulations, unless there is anything repugnant in the subject or context:

- (a) “Act” means the Sindh Environmental Protection Act, 2014 (VIII of 2014);
- (b) “Agency” means the Sindh Environmental Protection Agency as defined under section 2(ii);
- (c) “Director General” means the Director General of the Agency;
- (d) “Environmental Checklist” means rapid environmental assessment or environmental screening through a prescribed checklist in respect of projects having least/minimal impacts on the environment.
- (e) “Firm” means the Environmental Consulting Firm registered by the Agency.
- (f) “Environmentally sensitive area” means a location, large or small, that has significant environmental values that contribute to maintaining biological diversity and integrity, have intrinsic or attributed scientific, historical or cultural heritage value, or are important in providing amenity, harmony or sense of community, ecosystem as declared by Agency.
- (g) “Protected area” means any area which safeguards the earths precious bio-diversity, protected areas of natural beauty and conservation of cultural significance as declared by relevant authority;
- (h) “Schedule” means the Schedules provided in these regulations;
- (i) “Urban area” means an area within the limits of a town, municipality or city as determined by the Agency on the basis of population and environmental issues.

(2) All other words and expressions used but not defined in these regulations shall have the same meaning as are assigned to them in the Act.

3. Projects requiring Environmental Checklist (EC).— A proponent of a project falling in any category listed in Schedule-I shall file environmental checklist with the Agency and the provisions of section 17 shall apply to such projects.

4. Projects requiring an Initial Environmental Examination (IEE).—A proponent of

a project falling in any category listed in Schedule-II shall file an IEE with the Agency, and the provisions of section 17 shall apply to such projects.

5. Projects requiring an Environmental Impact Assessment (EIA).— A proponent of a project falling in any category listed in Schedule-III shall file an EIA with the Agency, and the provisions of section 17 shall apply to such projects.

6. Projects not requiring an Environmental Assessment .—(1) A project not falling in any category listed in Schedules-I, II and III shall not be required to file an EC, IEE or EIA.

(2) Notwithstanding anything contained in sub-regulation (1), the Agency may direct the proponent of a project, whether or not listed in Schedule I or II or III, to file an EC or IEE or EIA, for reasons to be recorded in such direction:

Provided that no such direction shall be issued without the recommendations in writing of the Advisory Committee constituted under regulations 21.

7. Preparation of environmental assessment report.— (1) The Agency may issue guidelines for preparation of an EC or IEE or EIA reports including guidelines of general applicability, and sectoral guidelines indicating specific assessment requirements for planning, construction and operation of projects relating to particular sector.

(2) The Agency may issue guidelines for preparation scope of an Environmental Management Plan (EMP) or Environmental Audit (EA).

(3) Where guidelines have been issued under sub-regulation (1) & (2), an EC, IEE or EIA or EMP or EA shall be prepared, to the extent practicable, in accordance therewith and the proponent shall justify any departure therefrom.

8. Review Fees.— The proponent shall pay, at the time of submission of an EC, IEE or EIA or EMP or BTS tower a non-refundable review fee to the Agency as prescribe in Schedule-IV.

9. Filing of report.—(1) Two hard copies and two electronic copies for an EC or IEE or EIA report shall be filed with the Agency by the proponent. The Agency may require the proponent to submit additional copies, as and when required during the review process.

(2) Every EC, IEE and EIA shall be accompanied by –

(a) an application, in the form prescribed in Schedule-V;

(b) Copy of receipt showing payment of review fee as prescribed in Schedule-IV.

10. Preliminary Scrutiny.— (1) Any report filed by the proponent or applicant shall be returned, if found incomplete in terms of Regulation 9.

(2) Notwithstanding anything contained in sub-regulation (1) of regulation 12, the Agency may require the proponent to submit an additional information at any stage during the review process.

11. Public participation.—(1) In the case in an EIA, the Agency shall issue a public notice to be published in widely circulated English or Urdu or Sindhi national newspaper and in a local newspaper of general circulation in the area affected by the project, mentioning the type of project, its exact location, the name and address of the proponent and the date, time and place of public hearing for inviting comments from primary stakeholders.

(2) The date fixed under sub-regulation (1) shall not be earlier than ten days from the date of publication of the notice.

(3) The Agency shall also ensure the circulation of the EIA, where necessary, to the concerned Government Agencies and solicit their comments thereon.

(4) All comments received by the Agency from the public or any Government Agency shall be duly considered before issuance of decision.

(5) The Agency may issue guidelines indicating the basic techniques and measures to be adopted to ensure effective public consultation, involvement and participation in EIA assessment.

12. Review process.— (1) Notwithstanding anything contained in sub-section (4) of Section 17, the Agency shall make every effort to conclude its review process of the EA, EMP or environmental checklist within fifteen days, of the IEE within thirty days, and of the EIA within sixty days after receiving of complete case.

(2) In reviewing an EIA, the Agency shall consult such Committee of Experts be constituted for the purpose by the Director General, and may also solicit views of concerned Advisory Committee, if any, constituted by the Agency.

(3) The Director General may, where considers it necessary, constitute a committee to inspect the site of the project and submit its report on such matters as may be specified.

(4) In reviewing the IEE, the Director General may constitute a committee of the officers from within the Agency, on case to case basis, in view of the jurisdiction and location of the project for the purpose to extend final recommendation about the approval or rejection of the IEE.

(5) The review of the IEE or EIA by the Agency shall be based on quantitative and qualitative assessment of the documents and data furnished by the proponent, comments from the public and Government Agencies received under regulation 12, and views of the committees mentioned in sub-regulations (2) and (3) above.

(6) EMP, EA, EC shall be reviewed as per guidelines issued by SEPA.

13. Decision.— (1) The documentary evidence in the form of videos (soft copies) of public hearing shall be submitted by the proponent within three days after conclusion of public hearing to the Agency.

(2) On completion of the review process, the decision of the Agency shall be communicated to the proponent in the form prescribed in Schedule-VI or in case of an IEE or EMP or environmental checklist or environmental audit in the form prescribed in Schedule-VII in case of an EIA.

14. Conditions of approval.—(1) Every approval of an EC or IEE or EIA or EMP or EA shall, in addition to such conditions as may be imposed by the Agency, be subject to the condition that the project shall be designed, constructed or operated and mitigatory and other measures adopted, strictly in accordance with the EC or IEE or EIA or EMP or EA, unless any variations thereto have been specified in the approval by the Agency.

(2) Where the Agency accords its approval subject to certain conditions, the proponent shall submit an undertaking to the Agency, before commencing operation of the project, in the form prescribed in Schedule-VIII that the conditions of approval, and the requirements in the IEE or EIA relating to design and construction, adoption of mitigation and other measures have been duly complied with.

15. Validity period of Approval.— (1) The approval accorded by the Agency under section 17 read with sub-regulation (2) of regulation 15 shall be valid, for commencement of construction, for a period of three years from the date of issue.

(2) If construction is commenced during the initial three years validity period, the validity of the approval shall stand extended for a further period of three year.

(3) The proponent may apply to the Agency for extension in the validity periods mentioned in sub-regulations (1), (2), which may be granted by the Agency in its discretion for such period not exceeding three years at a time, if the conditions of the approval do not require significant change:

Provided that the Agency may require the proponent to submit a fresh IEE or EIA, if in its opinion changes in location, design, construction and operation of the project so warrant.

16. Entry and inspection.—(1) For the purpose of verification of any matter relating to the review or to the conditions of approval of an EC or IEE or EIA or EMP or EA list prior to, before or during and after commencement of construction or operation of a project, duly authorized staff of the Agency shall be entitled to enter and inspect the project site, factory building and plant and equipment installed therein.

(2) The proponent shall ensure full cooperation of the project staff at site to facilitate the inspection, and shall provide such information as may be required by the Agency for this purpose and pursuant thereto.

17. Cancellation of approval.—(1) Notwithstanding anything contained in these regulations, if, at any time, on the basis of information or report received or inspection carried out, the Agency is of the opinion that the conditions of an approval have not been complied with, or that the information supplied by a proponent in the approved EC or IEE or EIA or EMP or EA list is incorrect, it shall issue notice to the proponent for show cause within two weeks of receipt thereof as to why the approval should not be cancelled.

(2) In case no reply is received or if the reply is considered unsatisfactory, the Agency may, after giving the proponent an opportunity of being heard —

- (i) require the proponent to take such measures and to comply with such conditions within such period as it may specify, failing which the approval shall stand cancelled; or
- (ii) cancel the approval.

(3) On cancellation of the approval, the proponent shall cease construction or operation of the project forthwith.

(4) Any action taken under this regulation shall be without prejudice to any other action that may be taken against the proponent under the Act or rules or regulations or any other law for the time being in force.

18. Registers of EC or IEE and EIA projects.— Separate Registers to be maintained by the Agency for EC or IEE and EIA projects shall be in the form prescribed in Schedule-IX.

19. Environmentally sensitive areas.— (1) The Agency may designate an area to be an environmentally sensitive area.

(2) Notwithstanding anything contained in regulations 3 and 5, the proponent of a project situated in an environmentally sensitive area shall be required to file an EIA with the Agency.

20. Environmental assessment guidelines.—(1) The Agency may from time to time issue guidelines to assist proponents and other persons involved in the preparation of environmental assessment.

(2) Where guidelines have been issued under sub-regulation (1), the projects shall be

planned and prepared, to the extent practicable, in accordance therewith and any departure therefrom justified in the IEE/EIA pertaining to the project.

21. Environmental Assessment Advisory Committee.— The agency may constitute one or more Committees for the purpose of rendering advice on implementation and enforcement of Section 17, which may include experts of relevant field, civil society, academia, environmental experts, representative of Administrative Department, legal expert and experts from natural resources.

22. Repeal and Savings.— (1) The Sindh Environmental Protection Agency (Review of Initial Environmental Examination and Environmental Impact Assessment) Regulations 2014, shall, on commencement of these regulations, stand repealed.

(2) All orders made, notification issued, actions taken under the repealed Regulations shall remain in force until amended, altered or repealed by the provisions of these regulations.

DIRECTOR GENERAL
SINDH ENVIRONMENTAL PROTECTION
AGENCY



SCHEDULE-I

(See Regulation 3)

List of projects requiring Environmental Screening (through check list)

- a. Subject to the compliance with concerned zoning laws:
 - i. Construction of residential and commercial buildings having total covered area from 60,000 sq. feet to 100,000 sq. feet
 - ii. Housing Schemes covering an area from 05 acres to 15 acres.
 - iii. Ware Houses for Non-Hazardous substances having total area from 1000 sq. yards to 5,000 sq. yards
 - iv. Warehouse for Fertilizers
 - v. Marriage Halls/Banquet/Restaurants/Baking facilities having total area more than 500 sq. yards
 - vi. Motor vehicle workshops/Service Stations having total area of more than 500 sq. yards.
- b. Construction/Reconstruction/Rehabilitation of roads in urban area from 500 meters to 01 kilometres and in rural area from 500 meters to 05 kilometres.
- c. Construction of Flyover, underpasses and bridges of length from 100 meters to 500 meters
- d. On-farm dams and fish farms
- e. Pulses mills
- f. Flour Mills
- g. Lining of existing minor canals and /or water courses.
- h. Canal cleaning
- i. Forest harvesting operations
- j. Rain harvesting projects
- k. Health care units of less than 50 beds
- l. BTS Tower
- m. Lime Kilns
- n. Ice factories and cold storage.
- o. Cotton oil mill
- p. Construction of LPG, CNG, LNG filling station and petrol pumps
- q. Carpet manufacturing units
- r. Rain harvesting projects
- s. Industrial Effluent Treatment Plant
- t. Sanitary Landfill site up to 500 tons/day

Schedule-II
(See Regulation 4)

List of projects requiring an Initial Environmental Examination

A. Agriculture, Livestock and Fisheries

1. Poultry, livestock and fish farms
2. Warehousing for pesticides and pharmaceuticals
3. Projects involving packaging, formulation, cold storage and warehouse of agricultural, livestock and fish products.
4. Construction & Operation of Slaughter houses

B. Energy

1. Hydroelectric power generation up to 25 MW
2. Thermal power generation up to 100 MW
3. Coal fired power plants with capacity up to 50 MW
4. Transmission lines up to 132 KV, and grid stations
5. Waste-to-energy generation projects including bio-mass up to 25 MW
6. Construction of Coal Handling and storage facilities
7. Handling, Transportation & Storage of Biofuel Facility
8. Handling and storage of edible grains and seeds
9. All Renewable energy Projects (excluding Protected/Sensitive area under any law)

C. Oil and Gas projects:

1. Oil and gas 2D/3D Seismic survey and drilling activities (on and off shore)
2. Oil and gas extraction projects including exploration and production located outside the environmentally sensitive/protected areas
3. Oil & Gas transmission gathering, storage, separation & transportation system
4. Construction of CNG, LPG Petroleum and LNG bulk storage facility
5. Oil blending and recycling units

D. Manufacturing and processing

1. Ceramics and glass units
2. Food processing units
3. Pharmaceutical units.
4. Rice mills, ghee/oil mills, Cotton ginning
5. Man-made fibers and resin projects
6. Tanning and leather finishing projects
7. Manufacturing of apparel, textile garments units, including weaving, spinning, dyeing, bleaching and printing

8. Woodwork units manufacturing products
9. Steel re-rolling mills
10. Waste recycling plants
11. Battery manufacturing plant
12. Brick Kilns
13. Marble processing units
14. Stone Crushing units

E. Mining and mineral processing

1. Commercial extraction of sand, gravel, limestone, clay, Sulphur and other minerals not included in Schedule I.
2. Crushing, grinding and separation processes
3. Metal Smelting plant production capacity up to 20 tons/day

F. Transport

1. Construction of flyovers, underpasses and bridges having length more than 500 meters to 1000 meters in urban areas and more than 5km in rural area
2. Bus terminals/ railway station/ metro stops and construction & operation of transport related terminals
3. Rehabilitation or rebuilding or reconstruction of existing roads more than one kilometers in urban areas and more than 5 km from rural areas

G. Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume of less than 25 million cubic meters of surface area less than 4 square kilometers
2. Irrigation systems and drainage system with the area of less than 15,000 hectares
3. Flood protection bunds

H. Water supply and filtration

Water supply schemes and filtration plants

I. Waste disposal and wastewater treatment

1. Solid and Non-hazardous waste with annual capacity up to 10,000 tonnes (excluding municipal landfill sites and commercial facilities) including Garbage Transfer station/composting plant.
2. Wastewater treatment for sewerage treatment facility less than 100 mgd
3. Hospital waste disposal facilities including incineration units owned by Hospitals for own use excluding commercial facility.

J. Urban development

1. Housing schemes more than 15 acres to 50 acres

2. Residential, Commercial multistory High rise construction projects having covered area more than 100,000 sq. feet to 500,000 sq. feet.
3. Laboratories
4. Hospitals, health care unit of more than 50 beds
5. Construction of Educational and Academic institutions.

K. Other projects

Any other project for which filing of an IEE is required by the Agency under sub-regulation (2) of Regulation 6.



SCHEDULE III
(See Regulation 5)

List of projects requiring an EIA

A. Energy

1. Hydroelectric power generation more than 50 MW
2. Thermal power generation more than 100 MW
3. Coal power projects more than 50 MW
4. Transmission lines above 132 KVA and distribution projects.
5. Nuclear power plants
6. Wind, Solar or renewable energy projects if falls under any environmental sensitive and protected area.

B. Oil and Gas projects

1. Oil Petroleum refineries
2. LPG and LNG Terminals Projects
3. Coal Handling Terminals Projects

C. Manufacturing and processing

1. Cement plants
2. Chemical manufacturing industries
3. Fertilizer plants
4. Steel Mills
5. Sugar Mills and Distilleries
6. Establishment of Industrial estates & Export processing zones
7. Petrochemicals complex
8. Synthetic resins, plastics and man-made fibers, paper and paperboard, paper pulping, plastic products, printing and publishing, paints and dyes.

D. Mining and mineral processing

1. Mining and processing of coal, gold, copper, sulphur and precious stones
2. Mining and processing of major non-ferrous metals, iron and steel rolling
3. Metal Smelting plant production capacity more than 20 tons/day

E. Transport

1. Airports
2. Construction of highway, motor ways, major roads (Intercity roads) more than one km and above.
3. Ports and harbor development
4. Mass transit projects 5. Railway works

6. Construction of Flyover, underpass and bridges having total length more than one km.

F. Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume of 25 million cubic meters and above having surface area of 4 square kilometers and above
2. Irrigation and drainage projects serving more than 15,000 hectares and above

G. Water supply and filtration

Public water supply schemes and filtration plants.

H. Waste Disposal and treatment

1. Facilities for handling, storage or disposal of hazardous or toxic wastes or radioactive waste (including landfill sites, incineration units, etc.)
2. Solid waste municipal landfill sites.
3. Combine Effluent Treatment Plant
4. Domestic wastewater treatment plant more than 100mgd

I. Urban development and tourism

1. Housing schemes above 50 acres
2. Residential, Commercial High rise buildings subject to compliance of building bylaws of relevant organizations more than 500,000 sq.foot
3. All Projects located in High Density Zones notified by Government and relevant land controlling organization, irrespective of their size.
4. Commercialization of major corridors/roads in urban centers
5. Large Scale public facilities
6. Large-scale tourism development projects

J. Environmentally Sensitive Areas

All projects situated in environmentally sensitive areas being identified by the Agency.

K. Other projects

1. Any other project for which filing of an EIA is required by the Agency under sub-regulation (2) of Regulation 5.
2. Any other project likely to cause an adverse environmental effect.

Schedule-IV
(See Regulation 8)

Project Cost (in million)	Review Fee
Up to 20	Rs.50,000
Above 20 up to 100	Rs. 100,000
Above 100 up to 200	Rs. 200,000
Above 200 up to 500	Rs. 400,000
Above 500	Rs. 600,000
Review fee for Environmental Checklist or EMP shall be Rs. 40,000/-	
Review fee for BTS Tower shall be 20,000/-	

Note:

The fee shall be payable into the “Sindh Sustainable Development Fund” account Details are as under:

A/C Title: Sindh Sustainable Development Fund

Account Number: 03084572626100

Bank: Sindh Bank

Branch Code: 0308-Korangi Industrial Area



SCHEDULE V
[See Regulation 9(2)(a)]
Application Form

1	Name and address of Proponent	Phone Email:
2	CNIC No. of proponent	
3	Brief description of projec	
4	Location of project	
5	Cost of the Projec	
6	Objectives of project	
7	IEE/EIA attached?	IEE/EIA: Yes/No
8	Have alternative sites/options been considered/ reported in IEE/EIA?	Yes/No
9	Title document of the project	
10	Existing land use	Land requirement
11	Is basic site data available, or has it been measured?	Available Measured
	(only tick yes if the data is reported in the IEE/EIA)	Yes/No Yes/No
	Meterology (including rainfall)	Yes/No Yes/No
	Ambient air quality	Yes/No Yes/No
12	Have estimates of the following been reported, especially Quantitative Analysis?	Water balance Solid waste disposal liquid waste
		Estimated Reported
		Yes/No Yes/No
		Yes/No Yes/No
13	Source of power	Power requirement
14	Labour force (number)	
	Construction:	
	Operation:	
15	Environmental Consulting Firm	

Verification. I do solemnly affirm and declare that the information given above and contained in the attached EC/IEE/EIA is true and correct to the best of my knowledge and belief.

Date

Signature, name _____
of proponent (with official stamp/seal)

SCHEDULE VI
[See Regulation 13(2)]

Decision on IEE/Environmental Check List

1. Name and address of proponent _____
2. Description of project _____
3. Location of project _____
4. Date of filing of IEE _____
5. After careful review of the IEE, the Agency has decided –
(a) to accord its approval, subject to the following conditions:

or (b) that the proponent should submit an EIA of the project, for the following reasons –

Dated _____

Tracking no. _____



Director-General
Sindh Environmental Protection Agency
(with official stamp/seal)

SCHEDULE VII
[See Regulation 13(2)]

Decision on EIA

1. Name and address of proponent _____
2. Description of project _____
3. Location of project _____
4. Date of filing of EIA _____
5. After careful review of the EIA, and all comments thereon, the Federation Agency has decided
—

(a) to accord its approval, subject to the following conditions:

or (b) that the proponent should submit an EIA with the following modifications

Dated _____

Tracking no. _____



Director-General
Sindh Environmental Protection Agency
(with official stamp/seal)

SCHEDULE VIII
[See Regulation 14(2)]

Undertaking

I, (full name and address) as proponent for (name, description and location of project) do hereby solemnly affirm and declare that the conditions of approval and the requirements in the IEE or EIA relating to design and construction, adoption of mitigation and other measures and other relevant matters have been duly complied with in the design and construction of the project.

Signature, name and
designation of proponent
(with official stamp/seal)

Witnesses (full names and addresses)



SCHEDULE IX
(See Regulation 18)

Form of Registers for EC, IEE and EIA projects

S. No.	Description	Relevant Provisions
1	2	3
1.	Tracking number	
2.	Category type (as per Schedules I or II)	
3.	Name of proponent	
4.	Name and designation of contact person	
5.	Name of consultant	
6.	Description of project	
7.	Location of project	
8.	Date of submission of IEE/EIA	
9.	Date of public hearing / technical presentation	
10.	Date of committee of experts for schedule-II projects	
11.	Approval granted (Yes/No)	
12.	Date of approval granted or refused	



KHYBER PAKHTUNKHWA LAWS



THE KHYBER PAKHTUNKHWA ENVIRONMENTAL PROTECTION ACT, 2014

(KHYBER PAKHTUNKHWA ACT NO. XXXVIII OF 2014)

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1. Short title, extent and commencement.
2. Definitions.
3. Establishment of the Khyber Pakhtunkhwa Environmental Protection Council.
4. Functions and powers of the Council.
5. Establishment of the Khyber Pakhtunkhwa Environmental Protection Agency.
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- ¹[7A Deleted]
- ²[7B. Ban on plastic products.]
8. Establishment of the Khyber Pakhtunkhwa Environmental Improvement Fund.
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14. Prohibition of import of hazardous waste.
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21. Establishment of Khyber Pakhtunkhwa Environmental Protection Tribunals.
22. Jurisdiction and powers of the Tribunals.

¹ Deleted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

² Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

23. Appeals.
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25. Jurisdiction of Environmental Magistrates.
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THE KHYBER PAKHTUNKHWA ENVIRONMENTAL PROTECTION ACT, 2014.

(KHYBER PAKHTUNKHWA ACT NO. XXXVIII OF 2014)

[First published after having received the assent of the Governor of the Khyber Pakhtunkhwa in the Gazette of Khyber Pakhtunkhwa (Extraordinary), dated the 11th December, 2014].

An Act to provide for the protection, conservation, rehabilitation and improvement of the environment, for the prevention and control of pollution, and promotion of sustainable development in the Province of the Khyber Pakhtunkhwa

Preamble.—WHEREAS it is expedient to provide for the protection, conservation, rehabilitation and improvement of the environment, monitoring, prevention and control of pollution, and promotion of sustainable development in the Province of the Khyber Pakhtunkhwa, and for matters connected therewith and incidental thereto;

It is hereby enacted as follows:

1. Short title, extent and commencement.— (1) This Act may be called the Khyber Pakhtunkhwa Environmental Protection Act, 2014.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(a) “administrative penalty” means a penalty imposed for violation of the provisions of this Act;

(b) “adverse environmental effect” means pollution or impairment of, or damage to, the environment, and includes,—

(i) impairment of, or damage to, human health and safety or to property or biodiversity;

(ii) pollution to physical, biological, social, economic environment or to geological, hydrological resources or various land forms;

(iii) damage to public comfort, aesthetic conditions, ecological balance and meteorological conditions;

(iv) damage to aquifers, vegetal canopy, cultural heritage or archeological sites; and

(v) any other adverse environmental effect as may be specified in the rules;

(c) “Agency” means the Khyber Pakhtunkhwa Environmental Protection Agency established under section 5;

- (d) “aggrieved person” means a person whose legal right is violated by any act or omission or is directly and adversely affected by an order of any authority;
- (e) “agricultural waste” means waste from farm and agricultural activities including poultry, cattle farming, animal husbandry, residues from the use of fertilizers, of pesticides and other farm chemicals;
- (f) “air pollutant” means any substance that causes pollution of, air and includes soot, smoke, dust particles, odour, light, electro-magnetic radiation, heat, fumes, combustion exhaust, exhaust gases, noxious gases, hazardous substances and radioactive substances;
- ³[(f-i) “banned plastic products” mean the plastic products, which are specified and banned under sub-section (1) of section 7B of this Act;]
- (g) “biodiversity” or “biological diversity” means the variability among living organisms from all sources, including inter-alia terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, includes diversity within species, between species and of eco-systems;
- (h) “bio-safety” means the mechanisms developed through policy and procedure to ensure human health and environmentally safe application of biotechnology;
- (i) “Board” means the Khyber Pakhtunkhwa Environmental Improvement Fund Board established under section 9;
- (j) “Complaint” means a complaint under section 200 of the Code of Criminal Procedure, 1898 (Act No. V of 1898) as defined in section 4 of the said Code;
- (k) “Council” means the Khyber Pakhtunkhwa Environmental Protection Council established under section 3;
- (l) “climate change” means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods;
- ⁴[(l-i) “Department” means the Forestry, Environment and Wildlife Department of Government;]
- (m) “discharge” means and includes spilling, leaking, pumping, depositing, seeping, releasing, flowing out, pouring, emitting, emptying or dumping;
- (n) “ecosystem” means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

³ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

⁴ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

- (o) “effluent” means any material in solid, liquid or gaseous form or combination thereof being discharged from industrial activity or any other source and includes a slurry, suspension or vapour;
- (p) “electronic waste” means the waste generated due to the dismantling, repair, damage of electronic equipments;
- (q) “emission” means the extent of pollutant’s discharges per unit time or the extent of pollutant per unit volume of gas, liquid or vapour emitted;
- (r) “environment” means,---
- (i) air, water and land;
 - (ii) all layers of the atmosphere;
 - (iii) all organic and inorganic matter and living organisms;
 - (iv) the ecosystem or flora and fauna, and ecological relationships;
 - (v) buildings, structure’s, roads, facilities, installations and works;
 - (vi) all social or cultural and economic conditions and activities affecting community life; and
 - (vii) the inter-relationships between any of the factors specified in sub-clauses (i) to (vi);
- (s) “environmental impact assessment” means an environmental study comprising collection of data, prediction of qualitative and quantitative impacts of a proposed developmental activity, comparison of alternatives, evaluation of preventive, mitigatory and compensatory measures, formulation of environmental management and training plans and monitoring arrangements, and framing of recommendations, measures and such other components as may be prescribed;
- (t) “Environmental Magistrate” means the Magistrate of the First Class specified in section 25;
- (u) “Environmental Protection Order” means an order issued under section 17;
- (v) “factory” means any premises in which industrial activity is being undertaken;
- (w) “Fund” means the environmental improvement Fund established under section 8 of this Act;
- (x) “genetically modified organism” means any organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology and which does not occur naturally through mating and/or recombination and includes both living and non-living modified organisms;

- (y) “Government” means the Government of the Khyber Pakhtunkhwa;
- (z) “Government Agency” includes, ---
- (i) Department, Attached Department or any other office of Government; and
 - (ii) a developmental authority, local authority, company or body corporate established or controlled by Government;
- (aa) “hazardous substance” means,—
- (i) a substance or mixture of substances, except the pesticide as defined in the Agricultural Pesticides Ordinance, 1971(II of 1971), which, by reason of its physical, chemical or biological properties or toxic, explosive, flammable, corrosive, infectious, radioactive, persistent or having any other characteristics as may be prescribed, or is likely to cause, directly or in combination with other substances, an adverse environmental effect; and
 - (ii) any substance which may be prescribed as a hazardous substance;
- (bb) “hazardous waste” means the waste which contains hazardous substances or as may be prescribed and includes healthcare risk wastes and radioactive waste;
- (cc) “hospital waste” includes waste from medical supplies, hospital, clinics, laboratories and veterinary facilities and materials of all kinds including waste blood, tissue, organs and other parts of human and animal bodies;
- (dd) “industrial activity” means any operation or process for manufacturing, making, formulating, synthesizing, altering, repairing, crushing, grinding, cleaning ornamenting, finishing, packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or for mining, for oil and gas exploration and development, or for pumping water or sewage, or for generating, transforming or transmitting power or for any other industrial or commercial purposes;
- (ee) “industrial waste” means waste resulting from an industrial activity;
- (ff) “initial environmental examination” means a preliminary environmental review of the reasonably, foreseeable qualitative and quantitative impacts on the environment of a proposed project to determine whether it is likely to cause an adverse environmental effect;
- (gg) “Khyber Pakhtunkhwa Environmental Quality Standards” means standards established by the Agency under clause (v) of sub-section (1) of section 6 and approved, by the Council under clause (iii) of sub-section (1) of section 4;
- (hh) “local authority” means any agency set up or designated by

- Government, through notification in the official Gazette, to be a local authority for the purposes of this Act;
- (ii) “local council” means a body constituted or established under a law regulating local government;
- (jj) “locomotive” a wheeled vehicle consisting of a self propelled engine that is used to draw trains along railway tracks;
- (kk) “motor vehicle” means any mechanically propelled vehicle adapted for use upon land whether its power of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, and a trailer;
- (ll) “municipal waste” includes sewage, refuse, garbage, waste from abattoirs, sludge and human excreta and the like;
- (mm) “noise” means the intensity, duration and character of sound from all sources, and includes vibration;
- (nn) “nuclear waste” means waste from any nuclear reactor or nuclear plant or other nuclear energy system, whether or not such waste is radioactive;
- (oo) “person” means any natural person or legal entity and includes an individual, firm, association, partnership, society, group, company, corporation, co-operative society, Government Agency, non-governmental organization, community-based organization, village organization, local council or local authority and, in the case of a vessel, the master or other person having for the time being the charge or control of the vessel;
- ⁵[(oo-i)“plastic” means polymer of polyethylene, polypropylene, polystyrene, polyethylene terephthalate;]
- (pp) “pollution” means the contamination of air, land or water by the discharge of emission of effluent or wastes or air pollutants or noise or other matter which either directly or indirectly or in combination with other discharges or substances alters unfavorably the chemical, physical, biological, radiational, thermal or radiological or aesthetic properties of the air, land or water or which may, or is likely to make the air, land or water unclean, noxious or impure or injurious, disagreeable or detrimental to the health, safety, welfare or property of persons or harmful to biodiversity;
- (qq) “pollution charge” means a fine imposed on any person in proportion to his load of pollution;
- (rr) “prescribed” means prescribed by rules made under this Act;
- (ss) “project” means any activity, plan, scheme, proposal or undertaking involving any change in the environment and includes,---
- (i) construction by use of buildings or urban development and other

⁵ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

works;

- (ii) construction or use of roads or other transport systems;
 - (iii) construction or operation of factories or industrial estates, wastes treatment, disposal facilities and other installations;
 - (iv) mineral prospecting, surveying, exploration of oil and gas, mining, quarrying, stone-crushing, drilling and the like;
 - (v) any change of land use or water use;
 - (vi) energy production or refineries or transmission lines; and
 - (vii) alteration, expansion, repair, decommissioning or abandonment of existing buildings or other works, roads or other transport systems, factories or other installations;
- (tt) “proponent” means the person who proposes or intends to undertake a project;
- (uu) “Province” means the Province of the Khyber Pakhtunkhwa;
- (vv) “public complaint” means a statement of allegations leveled against any person regarding creating pollution and affecting the environment adversely;
- (ww) “rules” mean rules made under this Act;
- (xx) “radiation” means energy that is radiated or transmitted in the form of rays or waves;
- (yy) “respondent” means the accused person against whom the Agency proceeds or institute complaint or miscellaneous applications before the Environmental Protection Tribunal for adjudicating upon it according to provisions of this Act;
- (zz) “reward” means a recompense or premium offered or bestowed by the Government or the Agency upon its members in a prescribed manner in return for special or extra ordinary service performed for special achievements to realize the objectives of this Act;
- (aaa) “SCHEDULE” means SCHEDULE appended to this Act;
- (bbb) “sewage” means liquid or semi-solid wastes and sludge from sanitary conveniences, kitchens, laundries, washing and similar activities and from any sewerage system or sewage disposal works;
- (ccc) “SOPs” means Standard Operating Procedures notified by the Agency;
- (ddd) “standards” means qualitative and quantitative standards for air, water, soil and discharge of effluent and wastes and for emission of air pollutants and noise either for general applicability or for a particular area, or from a particular production process, or for a particular product, and includes the Khyber Pakhtunkhwa Environmental Quality

Standards, emission standards and other standards established under this Act and the rules made there under;

- (eee) “strategic environmental assessment” means an analysis or series of analyses that are systematic, overall and participatory to ensure that the principle of sustainable development is the basis for and is integrated into the development of a policy, plan or programme;
- (fff) “sustainable development” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;
- (ggg) “Tribunal” means the Khyber Pakhtunkhwa Environmental Protection Tribunal constituted under section 21;
- (hhh) “vessel” includes anything made for the conveyance by water of human beings or of goods; and
- (iii) “waste” means any substance or object or material which has been, is being or is intended to be, discarded or disposed of, and includes liquid waste, solid waste, waste gases, suspended waste, industrial waste, agricultural waste, radioactive and nuclear waste, mist, animal waste, electronic waste, municipal waste, hospital waste, pharmaceutical waste, plastic and polythene waste and residues from the incineration of all types of waste.

3. Establishment of the Khyber Pakhtunkhwa Environmental Protection Council.— (1) Government shall, by notification in the official Gazette, establish a Council to be known as the Khyber Pakhtunkhwa Environmental Protection Council consisting of—

(i) Chief Minister or any other person nominated by the Chief Minister;	Chairperson
(ii) Minister for Environment Department;	Vice Chairperson
(iii) Chief Secretary of the Province;	Member
(iv) Additional Chief Secretary Planning and Development Department;	Member
(v) Secretaries to Government, Environment, Finance, Law, Irrigation, Communication and Works, Transport, Health, Energy and Power, Local Government, Industries, Tourism and Public Health Engineering Departments;	Members
(vi) such other persons not exceeding ten as Government may nominate, including representatives of the Chambers of Commerce and Industry and industrial associations, engineering associations and representatives of the medical, legal professions, trade unions, and Non- Governmental Organizations concerned with the environment and development, and	Members

scientists, technical experts and educationists,
Chairman text book board and one vice
chancellor as representative of all universities in
the Province; and

(vii) Director General, Environmental Protection Agency. Member/
Secretary

⁶[(1A) The meeting of the Council shall be presided over by the Chairperson and in case of his absence, the Vice Chairperson shall preside over the meeting of the Council.]

(2) The members of the Council, other than ex-officio members shall be nominated in accordance with procedure as may be prescribed and shall hold office for a term of three years and shall be eligible for re-nomination, but shall not hold office for more than two consecutive terms.

(3) The Council shall frame its own rules of procedure.

(4) The Council shall hold meetings, as and when necessary, but at least one meeting shall be held in a year.

(5) The Council may constitute committees of its members and entrust them with such functions as it may deem fit, and the recommendations of the committees shall be submitted to the Council for approval.

(6) The Council, or any of its committees, may invite any technical expert or representative of any Government Agency or non-governmental organization or other person possessing specialized knowledge of any subject for assistance in performance of its functions.

4. Functions and powers of the Council.— (1) The Council shall,—

- (i) co-ordinate, supervise and support enforcement of the provisions of this Act and the rules made thereunder;
- (ii) approve comprehensive environmental policies, action plans and ensure their implementation;
- (iii) approve the Khyber Pakhtunkhwa Environmental Quality Standards;
- (iv) liaise and co-ordinate with other Provinces and Federal Government, through appropriate inter-provincial forums, or Government Agency regarding formulation and implementation of standards and policies relating to environmental matters with an inter-provincial impact;
- (v) relax or make stringent the application of existing Khyber Pakhtunkhwa Environmental Quality Standards for one time or for a particular period for a specific activity or area or source under particular circumstances notwithstanding the provisions of this Act;
- (vi) provide guidelines for the protection and conservation of species, habitats and biodiversity in general, and for the conservation of,

⁶ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

renewable and non-renewable resources, solid waste management and water sanitation;

- (vii) provide guidelines for bio-safety and for the use of genetically modified organisms;
- (viii) co-ordinate integration of the principles and concerns of sustainable development into development plans and policies at the provincial, district and local levels by formulating/prepared district and provincial strategies;
- (ix) consider the Provincial Environment Report and give appropriate directions, thereon; and
- (x) formulate a mechanism for implementation of Multilateral Environmental Agreements (MEAs) signed by the Government of Pakistan.

(2) The Council may, either itself or on the request of any person or organization, direct the Agency or Government Agency to prepare, submit, promote or implement projects for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, and the sustainable development of resources, or to undertake research in any specified aspect of the environment.

(3) ⁷[Deleted]

5. Establishment of the Khyber Pakhtunkhwa Environmental Protection Agency.— (1) The Khyber Pakhtunkhwa Environmental Protection Agency, already established under the Pakistan Environmental Protection Act, 1997 shall be deemed to have been established under this Act to exercise the powers and perform the functions assigned to it under the provisions of this Act and the rules made there under.

(2) The Agency shall be headed by a Director-General who shall be appointed by Government in the manner as it may determine.

(3) The Agency shall have such administrative, technical, legal and enforcement staff, as Government may appoint.

(4) The powers and functions of the Agency shall be exercised and performed by the Director-General.

(5) The Director General may, by general or special order, delegate any of the powers and functions to staff appointed under sub-section (3).

(6) For assisting the Agency in the discharge of its functions, Government may establish Advisory Committees for various sectors and appoint their members from amongst eminent position of the relevant sector, educational institutions, research institutes and non-governmental organizations.

6. Functions of the Agency.— (1) The Agency shall—

- (i) administer and implement the provisions of this Act and the rules made

⁷ Deleted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

thereunder;

- (ii) prepare, in co-ordination with the appropriate Government Agency or local council and in consultation with the concerned sectoral Advisory Committees where established, environmental policies for the approval of the Council;
- (iii) take all necessary measures for the implementation of the environmental policies approved by the Council;
- (iv) prepare and publish an annual Environmental Report on the state of the environment in the Province;
- (v) prepare, revise and establish the Khyber Pakhtunkhwa Environmental Quality Standards with the approval of the Council:

Provided that before seeking approval of the Council, the Agency shall publish the proposed Khyber Pakhtunkhwa Environmental Quality Standards for public opinion in accordance with the prescribed procedure;

- (vi) ensure enforcement of the Khyber Pakhtunkhwa Environmental Quality Standards;
- (vii) establish standards for the quality of the ambient air, water and land, by notification;
- (viii) establish different standards for discharge or emission from different sources and for different areas and conditions as may be necessary:

Provided that—

- (a) where these standards are less stringent than the Khyber Pakhtunkhwa Environmental Quality Standards prior approval of the Council shall be obtained; and
 - (b) list of areas, with the approval of the Council, in which any class of activities or projects shall not be carried out or shall only be carried out subject to certain specified safeguards;
- (ix) co-ordinate with other Provinces, Federal Government, National and International Organizations for the implementation of environmental policies, issues concerns and programmes as may be prescribed;
 - (x) co-ordinate and facilitate the Government departments, agencies, organizations and institutions in the Khyber Pakhtunkhwa in adaptation to address the impacts of climate change;
 - (xi) establish systems and procedures for surveys, surveillance, monitoring, measurement, examination, investigation, research, inspection and audit to prevent and control pollution, and to estimate the costs of cleaning up pollution and rehabilitating the environment in various sectors;

- (xii) carry out and conduct environmental monitoring and implementation of environmental approvals provided in this Act;
- (xiii) carry out and conduct environmental audits of old industrial units in accordance with rules;

Explanation.— Old industrial units means those established before the commencement of this Act;

- (xiv) take measures to promote research and the development of science and technology which may contribute to the prevention of pollution, protection of the environment, and sustainable development;
- (xv) issue licences for the consignment, handling, transport, treatment, disposal, storage, handling or otherwise dealing with hazardous substances;
- (xvi) certify laboratories as approved laboratories for conducting tests and analysis and one or more research institutes as environmental research institutes for conducting research and investigation for the purposes of this Act;
- (xvii) identify the needs for and initiate legislation in various sectors of the environment;
- (xviii) provide guidance and technical assistance to the relevant Federal and Provincial Government Agencies in the management of natural and environmental incidents and disasters;
- (xix) render advice and assistance in environmental matters including such information and data available with it as may be required for carrying out the purposes of this Act:

Provided that the disclosure of such information shall be subject to the restrictions contained in the proviso to sub-section (3) of section 13;

- (xx) assist Government Agencies, local councils, local authorities and other persons to implement schemes for the proper disposal of wastes so as to ensure compliance with the Khyber Pakhtunkhwa Environmental Quality Standards;
- (xxi) provide information and guidance to the public on environmental matters;
- (xxii) recommend environmental courses, topics, literature and books for incorporation in the curricula and syllabi of educational institutions;
- (xxiii) promote public education and awareness of environmental issues through mass media and other means including seminars and workshops;
- (xxiv) establish and maintain mechanisms, including its own website, to

disseminate information, subject to the provisions of this Act, regarding policies, plans and decisions of Government, the Council and the Agency relating to the environment;

- (xxv) specify safeguards for the prevention of accidents and disasters which may cause pollution, collaborate with the concerned persons in the preparation of contingency plans for control of such accidents and disasters, and co-ordinate implementation of such plans;
- (xxvi) review and approve mitigation plans and give guidance and directions, where necessary, for clean up operations ordered under this Act;
- (xxvii) encourage the formation and working of non-governmental organizations, community organizations and village organizations to prevent and control pollution and promote sustainable development;
- (xxviii) take or cause to be taken all necessary measures for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution and promotion of sustainable development; and
- (xxix) perform any function which the Council may assign to it.

(2) The Agency may—

- (i) undertake inquiries or investigation into environmental issues, either of its own accord or upon complaint from any person or organization;
- (ii) direct any person to furnish any information or data relevant to its functions;
- (iii) initiate with the prior approval of Government, requests for foreign assistance in support of the purposes of this Act and enter into arrangements with foreign agencies or organizations for the exchange of material or information and participate in international seminars or meetings;
- (iv) recommend to Government and the Council the adoption of financial and fiscal programmes, schemes or measures for achieving environmental objectives and goals and the purposes of this Act, including —
 - (a) incentives, prizes, awards, rewards, subsidies, tax exemptions, and depreciation allowances; and
 - (b) taxes, duties and other levies;
- (v) establish and maintain laboratories to help in the performance of its functions under this Act and to conduct research in various aspects of the environment and provide or arrange necessary assistance for the establishment of similar laboratories in the private sector; and
- (vi) provide or arrange, in accordance with such procedure as may be

prescribed, financial assistance for projects designed to facilitate the discharge of its functions.

7. **Powers of the Agency.**— Subject to the provisions of this Act, the Agency may,—

- (i) investigate any environmental or pollution issue;
- (ii) enter into any premises with proper identification on the basis of reliable information to access the site where pollution offence is being committed or may likely to be committed or has been committed;
- (iii) collect all sort of evidence regarding pollution offences from any premises, area, site, office, building, factory, display, exhibition etc;
- (iv) call any information from any person required in inquiry or investigation of pollution offences;
- (v) conduct surprise inspections or visits of any public or private premises for the purposes of this Act;
- (vi) recover fines or charges levied upon any person by the Agency as arrears of Land Revenue;
- (vii) seal or seize the attachments, holding, property, machinery, equipment or material involved in commission of pollution offences or take it into possession in a prescribed manner;
- (viii) cause registration of criminal cases against any person causing hindrances, obstructions in discharge of official functions of the Agency;
- (ix) exercise special or emergency powers to enter and inspect, direct, suspend, remove, seize, seal any activity or work or installation of machinery or premises creating pollution offence at high risk or intensity or disastrous situation;
- (x) local police shall advance every sort of help and support to the members of the Agency in discharge of their official functions by making entries in daily reports register;
- (xi) call the concerned officer or official of line departments / agencies for emergency help during disastrous or accidental situations declared by Government;
- (xii) impose ban through an official notification, on commencement or operation of any activity or work or mobility or transport in a particular area or premises, by declaring it as environmentally sensitive or protected or prohibited, for a particular time period as and when required to safeguard the natural environment, prevent and control pollution with prior approval of the Government;
- (xiii) fix and release fees, rates and charges for rendering any service or providing any facility, information or data under this Act or the rules

made thereunder;

- (xiv) enter into contracts, execute instruments, incur liabilities and do all acts or things necessary for proper management and conduct of its business;
- (xv) appoint with the approval of the Government and in accordance with such procedures as may be prescribed, such advisers, experts and consultants as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit;
- (xvi) summon and enforce the attendance of any person and require him to supply any information or document needed for the conduct of any enquiry or investigation into any environmental issue;
- (xvii) seek information from or the assistance of any Ministry, Division or agency of the Federal Government, any Department or Agency of a Government, Local Authority, Political Agent, District Administration or law enforcement agency, including the police and it shall be the duty of such Ministry, Division, Department, Agency, Local Authority, Political Agent, District Administration or law enforcement agency, to furnish such information or render such assistance as may reasonably be required for implementation of this Act;
- (xviii) enter and inspect, under the authority of a search warrant issued by the Environmental Protection Tribunal or Environmental Magistrate, search at any reasonable time, any land, building, premises, vehicle or vessel or other place where or in which there are reasonable grounds to believe that an offence under this Act has been, or is being, committed;
- (xix) take samples of any materials, products, articles or substances or of the effluents, wastes or air pollutants, solid waste being discharged or emitted or of air, water, soil land or agricultural crops in the vicinity of the discharge emission in a prescribed manner;
- (xx) conduct test and analysis of samples at the agency's laboratory or at any laboratory certified by the agency in a prescribed manner;
- (xxi) confiscate any article used in the commission of the offence where the offender is not known or cannot be found within a reasonable time:

Provided that the power under clauses (xvi), (xix), (xx) and (xxi) shall be exercised in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) or the rules made thereunder or under the direction of the Tribunal or Environmental Magistrate; and

- ⁸[(xxii) issue guidelines, with the approval of the Council, for the purposes of

⁸ Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

this Act.]

7A. ⁹[Deleted]

¹⁰ [7B. **Ban on plastic products.**— (1) On commencement of the Khyber Pakhtunkhwa Environmental Protection (Amendment) Act, 2022, there shall be a complete ban on the manufacture, import, sale, purchase, storage, distribution, supply, transportation and usage of plastic bags, flat plastic bags, with or without handles or gussets and such other plastic products as the Department may notify from time to time:

Provided that the existing stock of banned plastic products shall be disposed of by the manufacturer, wholesale dealer and retailer, within a period of six month after the commencement of Khyber Pakhtunkhwa Environmental Protection (Amendment) Act, 2022.

(2) Any license or permit, issued to any person for the manufacture, sale, transportation, import etc. under any law, for the time being in force, shall cease to be effective and the holder of any such license or permit shall not commence or carry on business of the banned plastic products.

(3) After the expiration of six month period as mentioned in sub-section (1), the Agency in its own or an officer of Government or Government Agency authorized by Government in this behalf, may seize all banned plastic products, after giving the person a notice, in writing, responsible for the violation of the provisions of this section.

(4) Whoever manufactures, import, sales, purchases, stores, distributes, supplies, transports and use banned plastic bags under this section, shall be punishable with fine which may extend to rupees five lac.

(5) Notwithstanding anything contained in this Act, any contravention punishable under this section, shall exclusively be triable by Special Magistrate, appointed under section 14A of the Code of Criminal Procedure, 1898 (Act V of 1898), on a complaint, in writing, made by the Agency, or an officer, or an Government Agency duly authorized in this behalf by the Government:

Provided that in case of repetition of the violation of sub-section (4), the person who violates shall be liable to imprisonment which may extend to one month, in addition to the fine imposed upon him, and shall be triable by Environmental Magistrate empowered under this Act.]

8. Establishment of the Khyber Pakhtunkhwa Environmental Improvement Fund.—(1) There shall be established the Khyber Pakhtunkhwa Environmental Improvement Fund.

(2) The Provincial Sustainable Development Fund established under the Pakistan Environmental Protection Act, 1997 shall be deemed to be a part of this Fund.

(3) Other sources of the Fund shall be —

- (i) grants made or loans advanced by Federal and Provincial Governments;
- (ii) aid and assistance, grants, advances, donations and other non- obligatory funds received from foreign governments, national or international agencies, and non-governmental organizations;

⁹ Deleted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

¹⁰ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

- (iii) contributions from private organizations, and other persons;
- (iv) fee collected through review of Initial Environmental Examination (IEE) or Environmental Impact Assessment (EIA) and other Environmental Approvals;
- (v) administrative fines or charges imposed and recovered by the Agency; and
- (vi) fee or charges collected through test carried out in Laboratories and other alike services by the Agency.

(4) The Fund shall be utilized in accordance with such procedures as may be prescribed for—

- (i) providing financial assistance to the projects in public and private sectors and activities/operations of the agency designed for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, the sustainable development of resources and for research in any specified aspect of environment;
- (ii) creating a welfare pool for the members of the Agency to provide financial assistance and encouragement for discharging extraordinary duties or functions;
- (iii) meet expenses of review of Initial Environmental Examination and Environmental Impact Assessment submitted to the Agency for approval, expenses incurring on uniforms and on other accessories required to equip the enforcement staff notified as such for the purpose of this Act;
- (iv) pay professional fee to technical and legal experts for taking their services for a particular task in prescribed manner; and
- (v) regular trainings for job oriented professional enhancement and capacity building including educational improvement of members of the Agency.

(5) The Fund shall be deposited in a designated account, to be maintained in the Scheduled Banks, on the title of Environmental Improvement Fund. The Chairperson and Secretary of the Environmental Improvement Fund Board shall be authorized to operate the designated account jointly with due approval of the Board.

9. Constitution of the Khyber Pakhtunkhwa Environmental Improvement Fund Board.— The Fund shall be managed by a Board known as the Khyber Pakhtunkhwa Environmental Improvement Fund Board, consisting of —

(i)	Secretary to Government of the Environment Department ;	Chairperson
(ii)	representatives of the Finance, Planning and Development, Local Government, Rural Development, Industries and Social Welfare Departments;	Members

(iii)	such other persons not exceeding three as Government may nominate including representatives of Chambers of Commerce and Industries, Non-Governmental Organizations and major development partners; and	Members
(iv)	Director-General of the Agency.	Member/ Secretary

10. Powers of the Board.— (1) The Board shall have the power to —

- (i) sanction financial assistance for eligible projects and other ¹¹activities mentioned in sub-section¹[(4)] of section 8;
- (ii) invest the Fund in such profit-bearing government bonds, savings schemes and securities as it may deem suitable;
- (iii) take such measures and exercise such powers as may be necessary for utilization of the Fund for the purposes specified in sub-section ¹²[(4)] of section 8; and
- (iv) to invest the Fund in any other profitable activity which in the opinion of the Board, helps to achieve the objectives specified in this Act.

(2) The Board shall constitute committees of its members to undertake regular monitoring of projects financed from the Fund and to submit progress reports to the Board which shall publish an Annual Report incorporating its annual audited accounts and performance evaluation, based on the progress reports.

(3) The Board shall establish its finance section in the Khyber Pakhtunkhwa Environmental Protection Agency, with a minimum staff, not exceeding five (5) in numbers on contract basis, for maintaining the accounts and other operational records of the Environmental Improvement Fund Board. The salaries and other operational expenditures of the staff shall be paid from the Environmental Improvement Fund.

11. Prohibition of certain discharges or emissions.— (1) Subject to the provisions of this Act, rules, notifications and guidelines made thereunder—

- (i) no person shall discharge or emit or allow the discharge or emission of any effluent or wastes or air pollutant or noise, load, concentration or level which is in excess of the Khyber Pakhtunkhwa Environmental Quality Standards or, where applicable, the standards established under sub clause (vii) and (viii) of sub-section (1) of section 6; and
- (ii) no person shall discharge effluents, emissions or wastes in excess of load permitted in the conditions of environment permit or environmental approval or license.

(2) The Agency, with the approval of Government, may levy a pollution charge on any person who contravenes or fails to comply with the provisions of sub-section (1), to be calculated at such rate, and collected in accordance with such procedure as may be prescribed.

¹¹ Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

¹² Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

(3) Any person who pays the pollution charge levied under sub-section (2), shall not be charged with an offence with respect to that contravention or failure.

12. Strategic environmental assessment.— (1) Government may ask to carry out strategic environmental assessment, of all or any of the plan or policy given below:

- (i) socio-economic development, industrial and agricultural development, urban and rural development;
- (ii) land use and water use management;
- (iii) the exploitation of natural resources;
- (iv) economic zones or industrial parks and estates;
- (v) transport and infrastructure;
- (vi) solid, municipal and industrial waste;
- (vii) tourism;
- (viii) any other plan or policy likely to have an adverse impact on environment;
- (ix) prevention of water pollution through improper sanitation and control flow of sanitation water into the rivers; and
- (x) separate zones shall be specified for poultry and cattle farming and slaughtering houses.

(2) All Government Agencies, Local Councils and Local Authorities and Departments may be asked to conduct and formulate the strategic environmental assessment statement and shall submit it to the Agency which may contain—

- (i) objectives, scale and environmental characteristics;
- (ii) description of the natural, socio-economic and environmental conditions; and
- (iii) assessment of possible environmental impact likely to be caused during implementation.

(3) The Agency shall, within 120 days of the filing of a strategic environmental assessment screening statement, complete in all respects—

- (i) circulate the strategic environmental assessment report and conduct a public hearing of the strategic environmental assessment report;
- (ii) review any comments received from the circulation and public hearing carried out under clause (i); and
- (iii) advise the Government Agency, Local Council or Local Authority concerned to include such measures and take such steps, as it deems necessary, to modify the policy or plan according to environmental objectives and thereafter the policy or plan shall stand so modified.

(4) The provisions of sub-sections (1), (2) and (3) shall apply to such categories of plans and policies and in such manner as may be prescribed.

(5) The Agency shall maintain separate registers for strategic environmental assessment reports, which shall contain brief particulars of each policy and plan and a summary of decisions taken thereon and which shall be open to inspection for the public at all reasonable hours and the disclosure of information in such registers shall be subject to the provisions of this Act.

13. Initial environmental examination and environmental impact assessment.—(1) No proponent of a project shall commence construction and operation unless he has filed with the Agency an initial environmental examination or where the project is likely to cause an adverse environmental effect, an environmental impact assessment, and has obtained from the Agency, environmental approval in respect thereof.

(2) The Agency shall—

- (a) review the initial environmental examination and accord its approval or require submission of an environmental impact assessment by the proponent; or
- (b) review the environmental impact assessment and accord its approval subject to such conditions as it may deem fit to impose, require that the environmental impact assessment be re-submitted after such modifications as may be stipulated, or reject the project as being contrary to environmental objectives.

(3) Every review of an environmental impact assessment shall be carried out with public participation and no information will be disclosed during the course of such public participation which relates to---

- (a) trade, manufacturing or business activities, processes or techniques of a proprietary nature, or financial, commercial, scientific or technical matters which the proponent has requested should remain confidential, unless for reasons to be recorded in writing, the Director-General of the Agency is of the opinion that the request for confidentiality is not well-founded or the public interest in the disclosure outweighs the possible prejudice to the competitive position of the project or its proponent; or
- (b) International relations, national security or maintenance of law and order, except with the consent of Government; or
- (c) matters covered by legal professional privilege.

(4) The Agency shall communicate its approval or otherwise within a period of four months from the date of the initial environmental examination or environmental impact assessment is filed complete in all respects in accordance with the prescribed procedure, failing which the initial environmental examination or, as the case may be, the environmental impact assessment shall be deemed to have been approved, to the extent to which it does not contravene the provisions of this Act and the rules, provided that delay is not on part of the proponent for the provision of additional information asked for during the review process or conductance of public hearing of the project.

(5) Subject to sub-section (4), Government may in a particular case extend the aforementioned period of four months if the nature of the project so warrants.

(3) The provisions of sub-sections (1), (2), (3), (4) and (5) shall apply to such categories of projects and in such manner as may be prescribed.

¹³ [(7) The projects or any activity of a proponent, not covered under subsection (6), shall obtain General Environmental Approval, in the manner prescribed by rules.]

(8) The Agency shall maintain separate Registers for initial environmental examination and environmental impact assessment projects, which shall contain brief particulars of each project and a summary of decisions taken thereon, and which shall be open to inspection by the public at all reasonable hours and the disclosure of information in such Registers shall be subject to the restrictions specified in sub-section (3).

14. Prohibition of import of hazardous waste.— No person shall carry, import, bring, transport or deliver hazardous waste or cause to carry, import, bring, transport or delivery of hazardous waste into the territorial jurisdiction of the Province of the Khyber Pakhtunkhwa.

15. Handling of hazardous substances.— Subject to the provisions of this Act, no person shall generate, collect, consign, transport, treat, dispose of, store, handle, deal in and use or import any hazardous substance except —

- (a) under a licence issued by the Agency and in such manner as may be prescribed; or
- (b) in accordance with the provisions of any other law for the time being in force, or of any International Treaty, Convention, Protocol, Code, Standard, Agreement or other instrument to which Pakistan or the Province of the Khyber Pakhtunkhwa is a party.

16. Regulation of motor vehicles.— (1) Subject to the provisions of this Act, and the rules, notification and guidelines made thereunder, no person shall operate a motor vehicle from which air pollutants or noise are being emitted in an amount, concentration or level which is in excess of the Khyber Pakhtunkhwa Environmental Quality Standards or where applicable the standards established under clauses (vii) and (viii) of sub-section (1) of section 6.

(2) For ensuring compliance with the standards mentioned in sub-section (1), the Agency may direct that any motor vehicle or class of vehicles or locomotive shall install such pollution control devices or other equipment or use such fuels or undergo such maintenance or testing as may be prescribed.

(3) Where a direction has been issued by the Agency under sub-section (2) in respect of any motor vehicles or class of motor vehicles, or locomotives, no person shall operate any such vehicle till such direction has been complied with.

17. Environmental Protection Order.— (1) Where the Agency is satisfied that the discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or the handling of hazardous substances, or any other act or omission is likely to occur, or is occurring, or has occurred, in violation of the provisions of this Act, rules, notifications and

¹³ Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

guidelines or of the conditions of a licence or permit or environmental approval, and is likely to cause, or is causing or has caused an adverse environmental effect and violation of Khyber Pakhtunkhwa Environmental Quality Standards, the Agency may, after giving the person responsible for such discharge, emission, disposal, handling, act or omission, an opportunity of being heard, by order direct such person to take such measures that the Agency may consider necessary within such period as may be specified in the order.

(2) In particular and without prejudice to the generality of the foregoing power, such measures may include —

- (i) immediate stoppage, preventing, lessening or controlling the discharge, emission, disposal, handling, act or omission, or to minimize or remedy the adverse environmental effect;
- (ii) installation, replacement or alteration of any equipment or thing to eliminate or control or abate on a permanent or temporary basis, such discharge, emission, disposal, handling, act or omission;
- (iii) action to remove or otherwise dispose of the effluent, waste, air pollutant, noise, or hazardous substances; and
- (iv) action to restore the environment to the condition existing prior to such discharge, disposal, handling, act or omission, or as close to such condition as may be reasonable in the circumstances, to the satisfaction of the Agency.

(3) Where the person, to whom directions or orders, under sub-section (1) are given, does not comply therewith, the Agency may —

- (v) ask the district administration and police to enforce or execute such orders or directions;
- (vi) institute complaint before Environmental Tribunal or Environmental Magistrate to prosecute the violator, polluter, offender or defaulter; and
- (vii) impose and recover administrative penalty or pollution charges as may be applicable.

(4) Notwithstanding the provisions of sub-section (1), where, for reasons to be recorded, the Agency is satisfied that prima facie evidence exists of the discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or the handling of hazardous substances, or any other act or omission is likely to occur, or is occurring, or has occurred, in violation of the provisions of this Act and that the provisions of this Act will be otherwise violated, it may pass an ad-interim order without hearing requiring such person to take such measures that it may consider necessary provided that an ad-interim order must be followed by a hearing of the person affected at the earliest possible time but not exceeding thirty days.

18. Penalties.— (1) Whoever contravenes or fails to comply with the provisions of sections 11, 12, 13, 14, and 17 or any order passed issued thereunder, shall be punishable with a minimum fine of fifty thousand rupees which may extend to ¹⁴[seventy million] rupees, and

¹⁴ Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

in the case of a continuing contravention ¹⁵[or] failure, with a compulsory additional fine which may extend to one hundred thousand rupees for every day during which such contravention or failure continues:

Provided that if contravention of the provisions of sections 11 also constitutes contravention of the provisions of section 16, such contravention shall be punishable under sub-section (2) only.

(2) Whoever contravenes or fails to comply with the provisions of section 15 or 16 or any rule or conditions of any license, any order or direction, issued by the Council or the Agency, shall be punishable with a minimum fine of two thousands rupees which may extend to one hundred thousand rupees, and in case of continuing contravention or failure with an additional fine which may extend to one thousand rupees for every day during which such contravention continues.

(3) Where an accused has been convicted of an offence under sub-sections (1) and (2), the Tribunal and Environmental Magistrate, as the case may be, shall, in passing sentence, take into account the extent and duration of the contravention or failure constituting the offence and the attendant circumstances.

(4) Where an accused has been convicted of an offence under sub-section (1) and the Tribunal is satisfied that as a result of the commission of the offence monetary benefits have accrued to the offender, the Tribunal may order the offender to pay, in addition to the fines under sub-section (1), further additional fine commensurate with the amount of the monetary benefits.

(5) Where a person convicted under sub-section (1) or sub-section (2) had been previously convicted for any contravention under this Act or the rules made thereunder, the Tribunal or as the case may be Environmental Magistrate may, in addition to the punishment awarded thereunder--

- (i) endorse a copy of the order of conviction to the concerned trade or industrial association, if any, or the concerned Provincial Chamber of Commerce and Industry or the Federation of Pakistan Chambers of Commerce and Industry;
- (ii) sentence him to imprisonment for a term which may extend to two years;
- (iii) order the closure of the factory;
- (iv) order confiscation of the factory, machinery and equipment, vehicle material or substance, record or document or other object used or involved in contravention of the provisions of this Act;
- (v) order such person to restore the environment at his own cost, to conditions existing prior to such contravention or as close to such conditions as may be reasonable in the circumstances to the satisfaction of the Agency; and
- (vi) order that compensation to be paid to any person or persons for any loss, or damage to their health or property suffered by such contravention.

(6) Where the Director-General of the Agency is of the opinion that a person has contravened any provision of this Act he may, subject to the rules, by notice in writing to that

¹⁵ Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

person require him to pay to the Agency a fine in the amount set out in the notice for each day the contravention continues, and a person who pays a fine for a contravention shall not be charged under this Act with an offence in respect of such contravention.

(7) The provisions of sub-section (6) shall not apply to a person who has been previously convicted of offence under this Act or who has paid a fine for a contravention of any provision of this Act.

19. Offences by bodies corporate.—Where any contravention of this Act has been committed by a body corporate, and it is proved that such offence has been committed with the consent or connivance of, or is attributed to any negligence on the part of, any director, partner, manager, secretary or other officer of the body corporate, such director, partner, manager, secretary or other officer of the body corporate, shall be deemed guilty of such contravention along with the body corporate and shall be punished accordingly:

Provided that in the case of a company as defined under the Companies Ordinance, 1984 (Act No. XLVII of 1984), only the Chief Executive as defined in the said Ordinance shall be liable under this section.

Explanation.— For the purposes of this section, “body corporate” includes a firm, association of persons and a society registered under the Societies Registration Act, 1860 (Act No. XXI of 1860), or under the Co-operative Societies Act, 1925 (Act No. VII of 1925).

20. Offences by Government Agencies, local authorities or local councils.—Where any contravention of this Act has been committed by any Government Agency or local council, and it is proved that such contravention has been committed with the consent or connivance of, or is attributable to any negligence on the part of, the Head or any other officer of the Government Agency or local council, such Head or other officer shall also be deemed guilty of such contravention along with the Government Agency or local council and shall be liable to be proceeded against and punished accordingly.

21. Establishment of Khyber Pakhtunkhwa Environmental Protection Tribunals.—(1) Government shall, by notification in the official Gazette, establish one or more Environmental Protection Tribunals as it considers necessary and, where it establishes more than one Environmental Protection Tribunals, it shall specify territorial limits within which, or the class of cases in respect of which, each one of them shall exercise jurisdiction under this Act.

(2) The Tribunal shall consist of a Chairperson who is, or has been, or is qualified for appointment as, a Judge of the High Court and two members of which at least one shall be a technical member with suitable professional qualifications and experience in the environmental field as may be prescribed.

¹⁶[(3) The Chairperson and the members shall be appointed by Government:

Provided that in case of appointment of Chairperson consultation shall be made with the Chief Justice of Peshawar High Court.

(4) For the purposes of this Act, the Chairperson or any single member may constitute the Tribunal.]

(5) A decision of the Tribunal shall be expressed, in terms of the opinion of the

¹⁶ Substituted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

majority of its members, including, the Chairperson or if the case has been decided by the Chairperson and only one of the members and there is a difference of opinion between them, the decision of the Tribunal shall be expressed in terms of the opinion of the Chairperson.

(6) The Tribunal shall not, merely by reason of a change in its composition, or the absence of any member from any sitting, be bound to recall and rehear any witness who has given evidence, and may act on the evidence already recorded by or produced before it.

(7) The Tribunal may hold its sittings at such places within its territorial jurisdiction as the Chairperson may decide.

(8) No act or proceeding of the Tribunal shall be invalid by reason, only of the existence of a vacancy or defect in the constitution of, the Tribunal.

(9) The terms and conditions of services of the Chairperson and members of the Tribunal shall be such as may be prescribed.

22. Jurisdiction and powers of the Tribunals.— (1) The Tribunal shall exercise such powers and perform such functions as are, or may be conferred upon or assigned to it by or under this Act or the rules made thereunder.

(2) All contravention punishable under sub-section (1) of section 18 shall exclusively be triable by the Tribunal.

(3) The Tribunal shall not take cognizance of any offence triable under sub-section (2) except on a complaint in writing by—

- (i) the Agency or any Government Agency or local council; and
- (ii) any aggrieved person, who has given a notice of not less than thirty days to the Agency in case of complaint against private person or organization or to the officer responsible, in case of a complaints against government departments, local council and local authority of the alleged contravention and of his intention to make a complaint to the Tribunal.

(4) In exercise of its civil jurisdiction, the Tribunal shall have the same powers vested in a Civil Court under the Code of Civil Procedure, 1908 (Act No. V of 1908).

(5) In exercise of its criminal jurisdiction, the Tribunal shall have the same powers as are vested in the Court of Sessions under Code of Criminal Procedure, 1898 (V of 1898).

(6) In exercise of the appellate jurisdiction under section 23 the Tribunal shall have the same powers and shall follow the same procedure as an appellate Court in the Code of Civil Procedure, 1908 (Act V of 1908).

(7) The Tribunal shall in all matters with respect to which the procedure has not been provided for in this Act, follow the procedure laid down in the Civil Procedure Code, 1908 and the Code of Criminal Procedure, 1898.

(8) The Tribunal may, on application filed by any officer duly authorized in this behalf by the Director-General of the Agency, issue a bailable warrant for the arrest of any person against whom reasonable suspicion exists, of his having been involved in contravention

punishable under sub-section (1) of section 18:

Provided that such warrant shall be applied for, issued and executed in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act No. V of 1898):

Provided further that if the person arrested executes a bond with sufficient sureties in accordance with the endorsement on the warrant he shall be released from custody, failing which he shall be taken or sent without delay to the officer in-charge of the nearest police station.

(9) All proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of Pakistan Penal Code, 1860 (Act No. XLV of 1860), and the Tribunal shall be deemed to be a court for the purpose of section 480 and 482 of Code of Criminal Procedure, 1898 (Act No. V of 1898).

(10) No court other than the Tribunal shall have or exercise any jurisdiction with respect to any matter to which the jurisdiction of the Tribunal extends under this Act and the rules made thereunder.

(11) All proceedings pending in the Tribunal established under the Pakistan Environmental Protection Act, 1997 (Act No. XXXIV of 1997), in respect of the Province of the Khyber Pakhtunkhwa, shall stand transferred to the Tribunals established and having jurisdiction under this Act. On transfer of proceedings under this sub-section, the parties shall appear before the Tribunal concerned on the date previously fixed.

(12) In respect of proceedings transferred under sub-section (11), the Tribunal shall proceed from the stage to which the proceedings had reached immediately prior to the transfer and shall not be bound to recall and re-hear any witness and may act on the evidence already recorded or produced before the Court from which the proceedings were transferred.

23. Appeals.— (1) Any person aggrieved by any order or direction of the Agency under any provision of this Act, and rules made thereunder may prefer an appeal to Tribunal of competent jurisdiction within thirty days of the date of communication of the impugned order or direction to such person.

(2) An appeal to the Tribunal shall be in such form, contain such particulars and be accompanied by such fees as may be prescribed.

24. Appeals from orders of the Environmental Protection Tribunal.— (1) Any person aggrieved by any final order or by any sentence of the Environmental Protection Tribunal passed under this Act may, within thirty days of communication of such order or sentence, prefer an appeal to the High Court.

¹⁷[(1A) Any order, passed by the Environmental Protection Tribunal, against the Agency, the Agency may, within thirty days of communication of such order, prefer an appeal to the High Court.]

(2) An appeal under sub-section (1) shall be heard by a Bench, duly constituted by the High Court.

25. Jurisdiction of Environmental Magistrates.— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or any other law for the

¹⁷ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

time being in force, but subject to the provisions of this Act, all contravention punishable under sub-section (2) of section 18 shall exclusively be triable by a Judicial Magistrate of the First Class acting as Environmental Magistrate especially empowered in this behalf by the High Court.

(2) An Environmental Magistrate shall be competent to impose any punishment specified in sub-sections (2) and (4) of section 18 through a summary trial.

(3) An Environmental Magistrate shall not take cognizance of an offence triable under sub-section (1) except on a complaint in writing by---

- (i) the Agency, or any government organization or a local council; and
- (ii) any aggrieved person.

26. Appeals from orders of Environmental Magistrates.—Any person convicted of any contravention of this Act or the rules by an Environmental Magistrate may, within thirty days from the date of his conviction, appeal to the Court of Sessions whose decision thereon shall be final.

27. Power to give directions.—Government shall give directions to the Agency in connection with the performance of its functions under this Act which shall be binding thereon.

28. Indemnity.—No suit, prosecution or other legal proceedings shall lie against Government, the Council, the Agency, the Director-General of the Agency, members, officers, employees, experts, advisors, committees or consultants of the Agency or the Tribunal or Environmental Magistrate or any other person for anything which is in good faith done or intended to be done under this Act or its rules, notifications and guidelines made thereunder.

29. Dues recoverable as arrears of land revenue.—Any dues recoverable by the Agency under this Act, or under the rules made thereunder shall be recoverable as arrears of land revenue.

30. Act to override other laws.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

31. Power to make rules.—Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act including rules for implementing the provisions of the International Environmental Agreements, specified in the SCHEDULE to this Act.

32. Power to amend the SCHEDULE.—Government may, by notification in the official Gazette, amend the SCHEDULE so as to add any entry thereto or modify or omit any entry therein.

33. Removal of Difficulties.—If any difficulty arises in giving effect to any provision of this Act, or rules and notifications made thereunder, Government may by notification, make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing such difficulty.

34. Dress or uniform for the members of Agency.—Government may by

notification approve specification of dress or uniform along with accessories for the enforcement staff of the Agency in a prescribed manner.

35. Certain members of the Agency deemed to be Public Prosecutors.— Certain members of the Agency, dealing with legal and enforcement affairs of the Agency, may be deemed to be public prosecutors and shall be competent to institute and conduct any proceedings in case sent up by the Agency for trial in the Tribunal ¹⁸[or proceeding pending before any other court of law under this Act.]

36. Adaption of laws, rules.— Government may adopt any law, rules, notifications and guidelines *mutatis mutandis* to realize the objective of this Act.

37. Preventive actions.—The members of the Agency entrusted with enforcement duties for prevention and control of pollution shall have the powers to take preventive actions in term of sections 149, 150 and 152 Code of Criminal Procedure, 1898 (Act No. V of 1898), in the prescribed manner.

38. Cognizable offences.— The offences specified in sub-section (1) of section 18, of this Act shall be cognizable to the extent of registration of case, arrest of the polluters / violators, taking action at site warranted to suspend or stop any illegal activity under the Act, rules made thereunder on a written report by any member of the Agency sent to the In- charge of Police Station concerned. The In-charge of the concerned local police station or post shall be duty bound to accompany, provide safety and security to the members of the Agency.

39. Heads of accounts.— Administrative penalties or pollution charges or fine or fees or sums amount, except those specified in section 8, recoverable under this Act, rules made thereunder shall be separately managed to be deposited in public accounts of the Government.

40. Repeal and saving.— (1) The Pakistan Environmental Protection Act, 1997 (Act No. XXXIV of 1997), is hereby repealed to the extent of its application to the Province of the Khyber Pakhtunkhwa.

(2) Notwithstanding the repeal of the aforesaid Act, any rules or appointments made, orders passed, notifications issued, powers delegated, contracts entered into, proceedings commenced, rights acquired, liabilities incurred, penalties, rates, fees or charges levied, things done or action taken under any provisions of that Act shall, so far as they are not inconsistent with the provisions of this Act be deemed to have been made, passed, issued, delegated, entered into, commenced, acquired, incurred, levied, done or taken under this Act.

(3) All properties, assets and liabilities pertaining to the Khyber Pakhtunkhwa Environmental Protection Agency, established under the Act so repealed shall be the properties, assets and liabilities, of the Agency established under this Act.

¹⁸ Inserted vide Khyber Pakhtunkhwa Act No. XXX of 2022.

SCHEDULE
(see section 32)

1. International Plant Protection Convention, Rome, 1951.
2. Plant Protection Agreement for the South-East Asia and Pacific Region (as amended), Rome, 1956.
3. Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (as amended), Rome, 1963.
4. Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 1971 and its amending Protocol, Paris, 1982.
5. Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention), 1972.
6. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Washington, 1973.
7. Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979.
8. Convention on the Law of the Sea, Montego Bay, 1982.
9. Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985.
10. Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987 and amendments thereto.
11. Agreement on the Network of Agriculture Centers in Asia and the Pacific, Bangkok, 1988.
12. Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, Basel, 1989.
13. Convention on Biological Diversity, Rio de Janeiro, 1992.
14. United Nations Framework Convention on Climate Change, Rio De Janeiro, 1992.
15. United Nation Convention to Combat Desertification (UNCCD), Paris, 1994.
16. Kyoto Protocol to UNFCCC, Kyoto, 1997.
17. Rotterdam Convention on Prior Informed Consent (PIC) for certain Hazardous Chemical and Pesticides in International Trade, Rotterdam, 1999.
18. Stockholm Convention on Persistent Organic Pollutants (POPs), Stockholm, 2001.
19. Cartagena Protocol on Bio-Safety to the CBD, Cartagena, 2001.

**KHYBER PAKHTUNKHWA PROHIBITION OF NON-BIODEGRADABLE PLASTIC
PRODUCTS AND REGULATION OF OXO-BIODEGRADABLE PLASTIC PRODUCTS
RULES, 2017**

CONTENTS

1. Short title and commencement
2. Definitions
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**KHYBER PAKHTUNKHWA PROHIBITION OF NON-BIODEGRADABLE PLASTIC
PRODUCTS AND REGULATION OF OXO-BIODEGRADABLE PLASTIC PRODUCTS
RULES, 2017**

GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT

NOTIFICATION

Dated Peshawar, the 16th June, 2017

No. **SO(Env't) FE&WD/2-4/2015/Plastic Bags:-** In exercise of the powers conferred by section 31 of the Khyber Pakhtunkhwa Environmental Protection Act, 2014 (Act No. XXXVIII of 2014), read with clause (xii) of section 7 thereof, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. Short title and commencement.— (1) these rules may be called the Khyber Pakhtunkhwa Prohibition of Non-biodegradable Plastic Products and Regulation of Oxo-biodegradable Plastic Products Rules, 2017.

(2) These rules shall come into force at once.

2. Definitions.— In these rules, unless the context otherwise requires,—

- (a) “Act” means the Khyber Pakhtunkhwa Environmental Protection Act, 2014 (Act No. XXXVIII of 2014).
- (b) “non-biodegradable Plastic product” means the product that is not oxo-biodegradable;
- (c) “oxo-biodegradable plastic product” means the product, made of polymer containing a pro-degradant additive, supplied by an additive supplier, registered with the Agency;
- (d) “oxo-biodegradable” means biodegradation resulting from oxidative and cell mediated phenomena, either simultaneously or successively; and
- (e) “pro-degradant additive” means a chemical formulation, containing a transition metal salt, except cobalt, which cause of may cause the polymer to degrade by a process of oxo-biodegradation.

(2) Words and expression, used but not defined in these rules, shall have the same meanings as are assigned to them under the Act.

3. Probation of manufacture, sale and use of non-biodegradable plastic products.— (1) Soon after the commencement of these rules there shall be a complete ban on the manufacturing of non-biodegradable plastic products and no person shall import, manufacturing, stockpile, trade, supply, distribute, sell or use any non-biodegradable plastic products: provided that the existing stocks of non-biodegradable plastic products shall be disposed of by the wholesale dealers and retailers within a period of three months, after the commencements of these rules.

(2) Any license or permit, issued to any person for the manufacture, sale, distribution or import, as the case may be, of non-biodegradable plastic products, under any law,

for the time being in force, before the commencement of these rules, shall cease to be effective and the holder of any such license of permit shall not commence or carry a business of the manufacturing, selling, distribution or import, as the case may be, of non-biodegradable plastic products.

4. Condition for registration of pro-degrading additive.— A company or manufacture shall not sell, distribute or import, any pro-degrading additive without registration with the agency. The following are the conditions of the registration:-

- (a) Test certificates for pro-degrading additive from independent third party laboratory that is accredited in accordance with ISO 17025. Tests shall be carried out in accordance with the test methods as specified by the Authority, ASTM D-6954-04, standard or any other well reputed international standard and quality authority, duly recognized by Government of Pakistan and the reports must clearly state the percentage of pro-degrading additive which must be consistent for all the tests namely degradation, bio-degradation and eco-toxicity;
- (b) Certificate of membership of national or International Oxo-biodegradable plastic Association; and
- (c) Certificate of ISO 9001 and ISO 14001 accreditation.

5. Manufacturing of oxo-biodegradable plastic products.— (1) The oxo-biodegradable plastic products shall be transparent or a natural shade or white, whereas items, use for purposes other than storing and packaging foodstuffs, shall be manufactured, using pigments and colorants as per ISD 787/1-1 982. (entitled General Methods of test for Pigments and Extenders).

(2) No oxo-biodegradable plastic product, except for garbage sacks shall be made in black colour.

(3) No oxo-biodegradable plastic products, be of less than fifty (50) micron thickness.

(4) The oxo-biodegradable plastic products as recycled shall be marked as “Recycled Plastic Unsafe for Contact with Food”

6. Identification.— All oxo-biodegradable plastic products, and all packaging in which such products are offered for sale, shall be prominently marked “Oxo-biodegradable” and shall bear the identification mark or logo of the supplier of the pro-degrading additive.

7. Penalty.— Whosoever contravenes, infringes or violates the provisions of rules 3, 4 and 5 of these rules, the Director General may proceed against such violator as per provisions of section 17 of the Act.

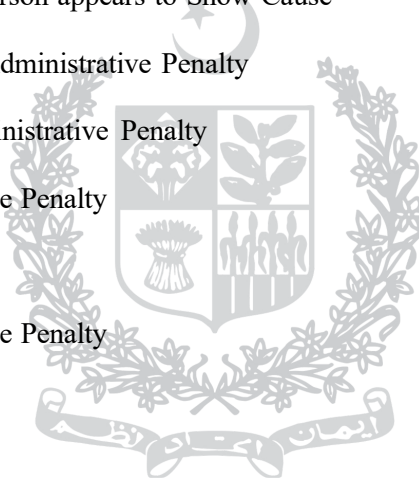
8. General.—The Director General may, from time to time, by notice in writing, require a person to submit certificate, records, information or any other documents for his inspection for carrying out the purposes of the Act and these Rules.

Secretary to Government of Khyber Pakhtunkhwa

**THE KHYBER PAKHTUNKHWA ENVIRONMENTAL PROTECTION (ADMINISTRATIVE
PENALTY) RULES, 2017**

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11. Amount of Administrative Penalty
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FORM A

FORM B

**THE KHYBER PAKHTUNKHWA ENVIRONMENTAL PROTECTION (ADMINISTRATIVE
PENALTY) RULES, 2017**

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT**

NOTIFICATION

Peshawar Dated, the 21st September, 2017.

No. SO(Envt)FE&WD/1-19/APR/2016:- In exercise of the powers conferred by section 31 of the Khyber Pakhtunkhwa Environmental Protection Act, 2014 (Khyber Pakhtunkhwa Act No. XXXVIII of 2014), read with clause (iii) of sub-section (3) of section 17 thereof, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:-

1. Short title and commencement.—(1) These rules may be called the Khyber Pakhtunkhwa Environmental Protection (Administrative Penalty) Rules 2017.

(2) These shall come into force at once.

2. Definitions.—(1) In these rules, unless the context otherwise provides,—

(a) “**Act**” means the Khyber Pakhtunkhwa Environmental Protection Act, 2014 (KP Act No. XXXVIII of 2014);

(b) “**authorized officer**” means an officer of the Agency, duly authorized by the Director General, for the purpose to exercise such functions as are assigned to him;

(c) “**Director General**” means the Director General of the Agency;

(d) “**revenue officer**” means a revenue officer of the Government, empowered under the West Pakistan Land Revenue Act 1967 (Act No. XVII of 1967), to collect arrears of land revenue; and

(e) “**violation**” means contravention or failure to comply with the provisions of sections 11, 12, 13, 14, 15, 16 and 17 of the Act.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are respectively assigned to them in the Act.

3. Consideration of Administrative Penalty.— Where there is evidence or reasonable grounds which give the Director General or an authorized officer, as the case may be, reason to believe that a violation has been committed, or likely to commit, the Director General or the authorized officer, as the case may be, for the purpose of deciding whether an administrative penalty is appropriate or not, shall assess facts of the case against the following criteria, namely:-

(a) severity of the contravention or failure to comply;

(b) gravity of penalty;

- (c) severity of the environmental impact; and
- (d) previous infringement history.

4. Show Cause Notice.—(1) Where the Director-General or the authorized officer, as the case may be, is of the opinion that a violation has been committed or is likely to commit, he may serve to such person a show cause notice, as specified in **Form-A**, as to why the person should not pay to the Agency an administrative penalty, as per amount set out in the show cause notice in accumulative form, based on the calculation, made for each day against which the contravention continues or as a single time penalty, as the case may be:

Provided that no show cause notice under this rule shall be issued by the Director-General or the authorized officer, as the case may be, relating to a contravention in respect of which a complaint has already been filed in the Tribunal or before the Environmental Magistrate, as the case may be.

(2) The Director-General or the authorize officer, as the case may be, may withdraw a show cause notice before or after the payment of the administrative penalty, if it is served in error, contains technical errors or is served to the wrong person.

(3) Where a show cause notice is withdrawn and any amount paid by the person, to whom a show cause notice has been served, shall be repaid, in full, to such person, but in appropriate circumstances a new show cause notice may be served.

5. Opportunity of being heard.—The Director General or the authorized officer, as the case may be, shall consider the written reply, if any, of the person to whom the show cause notice has been served, under rule 4, such person shall be given an opportunity of hearing, if the person desires to be heard in person or through his counsel, as the case may be.

6. Procedure where such person appears to Show Cause.—(1) If the person, to whom the show cause notice has been served, under rule 4, appears before the Director-General or the authorize officer, as the case may be, the Director General or the other officer, as the case may be, may make such inquiry as he may be deem proper.

(2) If the Director General or the authorized officer, as the case may be, is satisfied that the show cause notice, served under rule 4, is reasonable and proper, he shall proceed further in the matter under these rules:

Provided that in case the Director-General or the authorize officer, as the case may be, is satisfied that the show-cause notice is not reasonable and proper he may suspend further proceedings in the case.

7. Notice for Payment of Administrative Penalty.— Once the Director General or the authorize officer, as the case may be, has finally decided that an administrative penalty should be imposed, it shall serve a notice of penalty, as specified in **Form-B**, to the person for violation such person is liable to pay the administrative penalty within the time specified in the notice of penalty.

8. Failure to pay the Administrative Penalty.—(1) If the person, to whom the notice of penalty has been served under rule 7, fails to pay the administrative penalty by the date as so specified in the said notice, the Director-General or the authorized officer, as the case may be, may initiate proceedings against such person under the West Pakistan Land

Revenue Act, 1967 (Act No. XVII of 1967).

(2) The Director General, or the authorize officer, as the case may be, after the date so specified in the notice of penalty, is of the opinion that the person, who is required to pay the administrative penalty under these rules, fails to pay, shall refer the matter through a complaint to the revenue officer to collect such administrative penalty from such person as arrears of land revenue in the manner, as specified in the West Pakistan Land Revenue Act, 1967 (Act No. XVII of 1967).

(3) The revenue officer, upon receiving the complaint, shall proceed further in the matter, under the West Pakistan Land Revenue Act, 1967 (Act No. XVII of 1967) and shall recover the administrative penalty from such person as arrears of land revenue.

(4) Where such person appears before the revenue officer and produces proof of deposit of administrative penalty, or unconditionally admitting his failure, deposits the administrative penalty forthwith, further proceedings, against such person, shall be abated.

(5) The administrative penalty, so collected by the revenue officer shall, on collection, be deposited in the head account of fund of the Agency and the Agency shall be intimated by the revenue officer in this regards.

9. Amount of Administrative Penalty.— (1) The administrative penalty, required to be paid under a show notice, served under rule 4, shall be determined, by keeping in view the extent and duration of the contravention and the attending circumstances of the case, but shall not, in any case, be less and more than the limit as specified in section 18 of the Act.

(2) The administrative penalty, specified in the notice of penalty, under rule 7, shall not exceed the amount, as specified in the show cause notice, served under rule 4.

(3) Notwithstanding anything contained in these rules, the Agency may, instead of determining the amount of administrative penalty, under sub-rule (1), impose a single time penalty for a contravention for the violation where the circumstances are as such that shall demand imposition of a single time penalty.

10. Maintenance of register.—(1) The Director-General shall maintain a register, containing relevant details of notices for payment of administrative penalties, served under these rules.

(2) The register, mentioned in sub-rule (1), shall be open to inspection by the public during office hours.

11. Amount of Administrative Penalty.— (1) The administrative penalty, required to be paid under a show notice, served under rule 4, shall be determined, by keeping in view the extent and duration of the contravention and the attending circumstances of the case, but shall not, in any case, be less and more than the limit as specified in section 18 of the Act.

(2) The administrative penalty, specified in the notice of penalty, under rule 7, shall not exceed the amount, as specified in the show cause notice, served under rule 4.

(3) Notwithstanding anything contained in these rules, the Agency may, instead of determining the amount of administrative penalty, under sub-rule (1), impose a single time penalty for a contravention for the violation where the circumstances are as such that shall demand imposition of a single time penalty.

12. Maintenance of register.—(1) The Director-General shall maintain a register, containing relevant details of notices for payment of administrative penalties, served under these rules.

(2) The register, mentioned in sub-rule (1), shall be open to inspection by the public during office hours.

-Sd-

SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT



Form A

[see rule 4(1)]

**Show Cause Notice for payment of Administrative Penalty
by the Environmental Protection Agency**

To _____

1. On the basis of information received/investigation made, I am of the opinion that you have prima facie contravened the provisions of the Khyber Pakhtunkhwa Environmental Protection Act 2014 (Khyber Pakhtunkhwa No. XXXVIII of 2014), or these rules on _____ such _____ and _____.

2. In the circumstances, I hereby call upon you to show cause why I should not, in exercise of powers under sub-section (3) of Section 17 of the Act, require you to pay to the Khyber Pakhtunkhwa Environmental Protection Agency an administrative penalty in the amount of Rs. _____ as single time penalty/ penalty for each day as the contravention continues. The said contravention commenced on _____ and continued till _____.

The accumulated amount of administrative penalty comes to Rs. _____. Please note that if you pay the aforesaid accumulated amount of administrative penalty, you shall not be charged under the Act with an offence in respect of the contravention.

3. Your reply should reach the undersigned within seven days of receipt of this notice, failing which it shall be presumed that you do not wish to contest the matter, and I shall proceed to serve you notice to pay the aforesaid administrative penalty without further reference.

Director General / Authorized Officer

Dated: _____

Form B
[See rule 7]

**Notice for payment of Administrative Penalty by the
Environmental Protection Agency**

To: _____

WHEREAS, on the basis of information received/investigation made I had formed the opinion that you have prima facie contravened the provisions of Section the Khyber Pakhtunkhwa Environmental Protection Act 2014 (Khyber Pakhtunkhwa No. XXXVIII of 2014), these or rules on _____ at _____ and _____.

AND WHEREAS, in response to show-cause notice dated _____ served by me, you have furnished reply dated _____ to the following effect _____ or have opted not to file a reply of the said notice.

AND WHEREAS, after carefully considering your written reply dated and having granted you an opportunity of personal hearing on _____,

I have come to the conclusion that your reply is liable to be rejected for the following reasons. _____

NOW THEREFORE, in exercise of powers under section (3) section 17 of the Act, I hereby served notice requiring you to pay to the Khyber Pakhtunkhwa Environmental Protection Agency within _____ days of receipt hereof an administrative penalty in the amount of Rs. _____. Please note that if you pay the administrative penalty by the due date, you shall not be charged under the Act for an offence in respect of the contravention. However, in case you fail to make payment, I shall initiate appropriate proceedings against you in respect of the contravention in accordance with law.

Date: _____

Director General / Authorized Person

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THE KHYBER PAKHTUNKHWA ENVIRONMENTAL ASSESSMENT RULES, 2021

GOVERNMENT OF THE KHYBER PAKHTUNKHWA FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT

NOTIFICATION

Dated Peshawar the, 02nd September, 2021

1. Short title and commencement.—(1) These rules shall be called the Khyber Pakhtunkhwa Environmental Assessment Rules, 2021.

(2) They shall come into force at once.

2. Definitions.— (1) In these rules, unless there is anything repugnant in the subject or context;

(a) “**Act**” means the Khyber Pakhtunkhwa Environmental Protection Act, 2014 (Khyber Pakhtunkhwa Act No. XXXVIII of 2014);

(b) “**Director-General**” means the Director-General of the Khyber Pakhtunkhwa Environmental Protection Agency;

(c) “**Environmental Assessment Advisory Committee**” means the Committee constituted under rule 23 of these rules;

(d) “**EIA**” means an Environmental Impact Assessment as defined in clause (s) of section 2 of the Act;

(e) “**GEA**” means as General Environmental Approval to be submitted with the Agency by proponent, which are not covered by Environmental Impact Assessment or Initial Environmental Examination;

(f) “**GIS**” means Geographic Information System;

(g) “**GPS**” means Global Positioning System;

(h) “**IEE**” means an Initial Environmental Examination as defined in clause (ff) of section 2 of the Act; and

(i) “**Schedule**” means a Schedule appended to these rules.

(2) Words and expressions used in these rules but not defined shall have the same meanings as are assigned to them in the Act.

3. Application for screening and scoping of project.— The proponent shall file an application with the Agency, having project description or activities on attached proforma as specified in **Schedule-I** to get clear directives for screening and scoping of the project, as per rule 4.

4. Projects requiring an EIA or IEE or GEA.—Where the project falls with the categories mentioned in **Schedules-II, III and IV**, the proponent shall file EIA or IEE or GEA respectively, with the Agency.

5. Directions for a specific project.— Where the project does not fall within the categories as mentioned in **Schedule-II, III and IV** and the Agency is of the opinion that said project may create an environmental hazard, the Agency shall direct the proponent to file an EIA, IEE or GEA, as the case may be, for reasons to be recorded in such directions:

Provided that such directions shall not be issued without the recommendations in writing of the Environmental Assessment Advisory Committee.

6. Preparation of guidelines for EIA, IEE and GEA.— Guidelines for preparation of EIA or IEE or GEA of general and sectoral applicability may be specified by the Agency; provided that such guidelines may indicate specific assessment requirements for planning, construction and operation of a project relating to a particular sector.

7. Review Fees.—The proponent shall pay, at the time of submission of an EIA or IEE or GEA, a non-refundable review fee to the specified account of the Agency, as per rates given in **Schedule-V**.

8. Filing of EIA, IEE and GEA.— (1) The proponent shall file ten paper copies and two electronic copies of an EIA or IEE with the Agency.

(2) Every EIA or IEE shall be accompanied by —

- (a) an application, in the form set out in **Schedule-VI**; and
- (b) original receipt of the review fee slip.

(3) The process for filing the GEA shall be the same as mentioned in sub-rule (1) and (2) except one hard and electronic copy of the report shall be submitted with the Agency.

9. Preliminary scrutiny.— (1) Within ten (10) working days of filing of the EIA, IEE or GEA, the Agency shall,—

- (a) confirm that the EIA, IEE or GEA is complete for purposes of initiation of the review process and issue confirmation letter to the proponent; or
- (b) require the proponent to submit such additional information as may be specified at any stage during the review process; or
- (c) return the EIA, IEE or GEA to the proponent for revision, clearly listing the points requiring further study and discussion.

(2) Nothing in sub-rule (1) shall prohibit the Agency from requiring the proponent to submit additional information at any stage the review process.

10. Review.— (1) The Agency shall carry out review of the GEA within thirty (30) days, IEE within forty-five (45) days, and of the EIA within ninety (90) days, of issuance of confirmation of completeness under rule 9.

(2) In order to review the EIA or IEE, the Director General shall constitute a review committee consists of such members as determined by the Director General on the recommendations of the concerned Directorate authorized by the Director General in his behalf.

(3) In reviewing the EIA or IEE, the Agency shall consult review committee and may also solicit views of the Environmental Assessment Advisory Committee.

(4) The Director General may, where considers necessary, constitute a committee or team, to inspect the site of the project and submit its report on such matters as may be specified.

(5) The review of the EIA or IEE by the Agency shall be based on quantitative and of qualitative assessment of the documents and data furnished by the proponent, comments received from the public and Government Agencies where applicable, and views of the committees mentioned in sub-rules (2) and (4) above.

(6) The review of GEA shall be based on the guidelines issued by the Agency.

(7) The Agency may call the proponent for discussion or presentation.

11. Public participation.— (1) In the case of an EIA, the Agency shall, with the previous information to district administration or local police, simultaneously with the issuance of confirmation of completeness, cause to be published in any (English or Urdu) national newspaper and in a local newspaper of general circulation in the area affected by the project, a public notice mentioning the type of project, its exact location, the name and address of the proponent and the place at which the EIA of the project can, subject to the restrictions, be accessed. The expenditure of the advertisement and arrangements for the public hearing shall be borne by the proponent.

(2) The notice, issued under sub-rule (1), shall fix a date, time and place for public hearing of any comments on the project or its EIA.

(3) The date fixed under sub-rule (2), shall not be earlier than fifteen (15) days from the date of publication of the notice.

(4) The Agency shall also ensure the circulation of one hundred and fifty (150) copies of executive summary in Urdu to the concerned Government Agencies or stakeholders to solicit their comments thereon.

(5) All comments received by the Agency from the public or any Government Agency or stakeholders shall be collated, tabulated and duly considered by it before decision on the EIA.

(6) The Agency may issue guidelines indicating the basic techniques and measures to be adopted to ensure effective public consultation, involvement and participation in EIA.

(7) Public hearing of Environmental Assessment, if reported upon by the District Administration or local police that it may cause law and order situation, the same may be postponed or delayed to alternate site or to be held in the premises of District Administration with the reasons be recorded by the Agency.

(8) The proponent shall record a video of the public hearing and shall submit two (02) copies of the recordings to the Agency.

12. Site selection.— Notwithstanding anything contained in any other law or rules for the time being in force, no site shall be utilized for the project unless the environmental approval, as required under sub-section (1) of section 13 of the Act, is obtained by the proponent from the Agency.

13. Decision.— (1) On completion of the review, the decision of the Agency shall be communicated to the proponent in the form specified in **Schedule-VII**, in the case of an EIA or in the form specified in **Schedule-VIII** in the case of an IEE or in case of GEA in the form specified in **Schedule-IX**. The conditions in the decisions as communicated by the Agency shall be binding upon the proponent.

(2) On the basis of sufficient grounds to be recorded, the Agency while communicating the forms as specified in sub-rule (1), where consider necessary shall also ask the proponent to submit IEE for a project which was reviewed under GEA category and an EIA for a project which was reviewed under IEE category.

14. Conditions of Approval.— (1) Every approval of an EIA or IEE or GEA shall, in addition to such conditions as may be imposed by the Agency, be subject to the conditions that the project shall be designed and constructed, and mitigation and other measures adopted, strictly in accordance with the EIA or IEE or GEA unless any variations thereto have been specified in the approval by the Agency.

(2) Where the Agency accords its approval subject to certain conditions, the proponent shall, before commencing construction of the project, acknowledge acceptance of the stipulated conditions by executing an undertaking in the form specified in **Schedule-X** on stamp paper.

15. Confirmation of compliance.— (1) The proponent shall, before commencing operation of the project, obtain from the Agency written confirmation that the conditions of approval, and the requirements in the EIA or IEE or GEA relating to design and construction, adoption of mitigation and other relevant measures, have been duly complied with.

(2) Where a request for confirmation of compliance is received from a proponent, the Agency shall carry out such inspection of the site and plant and machinery and seek such additional information from the proponent as it may deem fit; provided that every effort shall be made by the Agency to provide the requisite confirmation or otherwise within thirty (30) days of receipt of the request, with complete information, from the proponent.

(3) The Agency shall, while issuing the requisite confirmation of compliance, impose such other conditions as additional mitigating measure, and the operation, maintenance and monitoring of the project as it may deem fit, and such conditions shall be deemed to be included in the conditions to which approval of the project is subject.

(4) The proponent shall apply for renewal of the operational approval after every three (03) years.

16. Deemed Approval.— For the purpose of sub-section (4) of section 13 of the Act, the four-month period for communication of decision shall commence from the date of confirmation of completeness issued by the Agency under clause (a) of sub-rule (1) of rule 9 if the

review period was not extended under rule 17:

Provided that nothing in this rule shall be applicable to cases, where the delay in granting approval has been occasioned by the proponent or any person acting on his behalf.

17. Extension in Review Period.— Where the review period is extended under sub-section (5) of section 13 of the Act, Government shall, in consultation with the Agency, indicate the various steps of the review process to be taken during the extended period and the estimated time required for each step.

18. Validity Period of Approval.— (1) The approval accorded by the Agency under section 13 of the Act, shall be valid, for commencement of construction for a period of two years from the date of issuance.

(2) If construction is commenced during the initial two years validity period, the validity of the approval shall stand extended for a further period of two years from the date of issue.

(3) After issuance of approval, if construction is not started within the stipulated time as stipulated by sub-rule (2), the proponent shall apply to the Agency in writing for extension in the validity period with reasons for such extension.

(4) If the proponent applies to the Agency for extension in the validity periods mentioned in sub-rule (1) and (2), the Director General may grant extension with reasons to be recorded for such period not exceeding two years at a time, if the conditions of the approval do not require significant changes:

Provided that the Agency may requires the proponent to submit afresh EIA or IEE or GEA, if in its opinion changes in location, design, construction and operation of the project so warrant.

19. Entry and Inspection.— (1) For purposes of verification of any matter relating to the review or to the conditions of approval of an EIA or IEE or GEA prior to, during or after commencement of construction or operation of a project, duly authorized staff of the Agency shall be allowed without any hindrance to enter and inspect the project site, factory building and plant and equipment installed therein.

(2) The proponent shall ensure full cooperation of the project staff at site to facilitate the inspection, and shall provide such information as may be required by the Agency for this purpose and pursuant thereto.

20. Monitoring.— (1) After issuance of approval by the Agency, the proponent shall submit a report to the Agency on the completion of construction of the project.

(2) After issuance of confirmation of compliance, the proponent shall submit six months report summarizing operational performance of the project, with reference to the conditions of approval and maintenance and mitigatory measures adopted by the project to be verified by the Agency.

(3) To enable the Agency to effectively monitor compliance with the conditions of approval, the proponent shall furnish such additional information as the Agency may require.

21. Cancellation of approval.— (1) Notwithstanding anything contained in

these rules, if, at any time, on the basis of information or report received or inspection carried out, the Agency is of the opinion that the conditions of an approval have not been complied with, or that the information supplied by a proponent in the approved EIA or IEE or GEA is incorrect, it shall issue notice to the proponent to show cause, within two weeks of receipt thereof, why the approval should not be cancelled.

(2) If no reply is received or if the reply is considered unsatisfactory, the Agency may, after giving the proponent an opportunity of being heard:

- (i) require the proponent to take such measures and to comply with such conditions within such period as it may specify, failing which the approval shall stand cancelled; or
- (ii) cancel the approval.

(3) On cancellation of the approval, the proponent shall cease construction or operation of the project forthwith.

(4) Action taken under this rule, shall be in addition to any other action that may be taken against the proponent under the Act or rules or any other law for the time being in force.

22. Registers of IEE, EIA and GEA Projects.— Separate Registers to be maintained by the Agency for EIA or IEE or GEA projects, shall be in the form specified in **Schedule-XI**.

23. Environmental Assessment Advisory Committee.— (1) The Environmental Assessment Advisory Committee, to be established under sub- section (6) of section 5 of the Act, shall comprise of —

(a) Director General of the Agency;	Chairman
(b) Director of the concerned Region of the Agency;	Member
(c) a representative of the Forestry, Environment and Wildlife Department, not below the rank of BPS-18; and	Member
(d) a representative of the Environmental Sciences, University of Peshawar having relevant expertise; and	Member
(e) a representative of the International Non-Governmental Organization in the field of environment.	Member

(2) The Environmental Assessment Advisory Committee may co-opt any technical expert or representative of Government Agency or Non- Governmental Organization, possessing specialized knowledge in the relevant field.

(3) The Deputy Director EIA shall be the Secretary of each Environmental Assessment Advisory Committee.

(4) The Environmental Assessment Advisory Committee shall render advice to the Agency on all aspects of environmental assessment, including guidelines, procedures and categorization of projects.

24. Environmentally sensitive areas.— (1) The Agency may, after approval of the Government under clause (xii) of section 7 of the Act, designate an area to be environmental sensitive area.

(2) Notwithstanding anything contained in rule 4, it shall be mandatory upon the proponent to file an EIA with the Agency where the project is in sensitive area as notified under sub-rule (1).

(3) The Agency may, from time to time, issue guidelines to assist proponents and other persons involved in the environmental assessment process to plan and prepare projects located in environmentally sensitive areas.

25. Repeal.— The Pakistan Environmental Protection Agency Review of Initial Environmental Examination and Environmental Impact Assessment Regulations, 2000, are hereby repealed to the extent of the Province of the Khyber Pakhtunkhwa.



SCHEDULE-I
(see rule 3)

Proforma for Screening and Scoping of Project

S.No.	Particulars	Reply submitted
1	Name of the Scheme / project	
2	Proponent name, address and contact number	
3	Distance of Industrial estate, if available, from the proposed scheme / project	
4	Brief of production process involved	
5	Production capacity	
6	Total Project area and covered area	
7	GPS Coordinates of the boundaries of the scheme / project	
8	Existing status of the land (Agriculture, barren, forest etc.)	
9	Existing status of the scheme / project (proposed, construction phase, operations phase)	
10	Total cost of the scheme / project	
11	Pollution control system (Air, Water, Noise etc.) to be installed	
12	Status of surroundings within 500m radius (houses, schools, mosques, agricultural land etc.)	
13	Expected completion duration	
14	Expected positive impacts	
15	Expected negative impacts	
16	Any other documents related to environment deemed necessary by the Review	

CONCLUSION AND SCREENING DECISION

SCHEDULE-II

(see rule 4)

Categories of projects requiring Environmental Impact Assessment (EIA)

A. Energy

1. Over 50 MW (hydropower and coal).
2. Over 200 MW thermal power projects (other than coal).
3. Transmission lines 11 KV and above.
4. Nuclear power plants.
5. Petroleum refineries.
6. Oil and Gas Pipe lines (06 inch and above diameter) with length above 50 KM.
7. Oil and Gas production, drilling activity extraction, gathering and separation projects.
8. Bio remediation plants.

B. Manufacturing and Processing

1. Cement Plants.
2. Chemical projects;
 - (a) Calcium Carbonate 5000 tons per annum and above;
 - (b) Sodium Silicate 2000 tons per annum and above;
 - (c) Color coated film 1000 tons per annum and above;
 - (d) Poly vinyl acetate 1000 tons per annum and above;
 - (e) Phenolic resins above 2000 tons per annum; and
 - (f) Sulfuric and other acids.
3. Fertilizer plants having capacity 30,000 tons annually.
4. Sugar mills and distillery.
5. Vegetable ghee and oil mills.
6. Soft drinks/beverages with annual production above 50million liters.
7. Industrial Estates (including export processing zones).
8. Pesticides manufacturing and formulation with total production of 500 tons per annum and above.
9. Petrochemical Complex.
10. Pyrolysis Units.
11. Paper Mills.
12. Glass Manufacturing Units.
13. Chip Boards Units/Medium Density Fiber Units.
14. Tanning and Leather Finishing Projects.
15. Steel mills and Furnaces.

16. Match Factory.
17. Cigarettes Manufacturing Factory.
18. Poultry Protein Production Units.
19. Plastic bags Manufacturing Units except secondary carrier bags.
20. Battery Manufacturing Plant.

C. Mining and mineral processing

1. Mining and Processing of coal, gold, copper and sulfur.
2. Mining, Processing major non-ferrous metals, iron and steel.
3. Commercial extraction/Mining of limestone other mineral having blasting activity.
4. Smelting plants.
5. Asphalt Plants (on permanent basis).

D. Transport

1. Airport.
2. Federal or Provincial Highways (Except maintenance, re-building or re- construction of existing metalled road).
3. Railway tracks.

E. Water Management, Dams and Irrigation

Dams and reservoirs with storage volume over 50 million cubic meters or surface area of 08 square kilometers and above.

F. Waste Disposal

1. Handling storage or disposal of hazardous or toxic wastes or radioactive waste including landfill sites, and combine incineration plant.
2. Waste disposal facilities for domestic or industrial wastes, with annual capacity of 10,000 tones and above.
3. Waste water treatment plant for domestic or industrial effluents with annual capacity of 10,000 cubic meters and above.

G. Urban Development and Tourism

1. Land use studies and urban plans (large cities).
2. Large-scale tourism development projects with total cost more than Rs.300 million.
3. Housing schemes with above 500 Kanal for plain area and above 200 Kanal for hilly areas.
4. Residential / commercial high rise buildings / apartments from 15 storeys and above.

H. Environmentally Sensitive Areas

All projects situated in environmentally sensitive areas.

I. Other projects

1. Any other project for which filing of an EIA is required by the Agency under rule 5 of these rules.
2. Any other project likely to cause an adverse environmental effect.



SCHEDULE-III
(see rule 4)

Categories of projects requiring Initial Environmental Examination (IEE)

A. Energy

1. Power generation 01-50 MW (hydropower and coal).
2. Thermal power generation 01-200 MW (other than coal).
3. Solar Projects having capacity more than 01 MW.
4. Transmission lines Less than 11 KV.
5. Oil and Gas pipe lines (6 inches and above dia) with length of 10-50 KM.
6. Seismic 2D/3D/Survey for Oil and Gas.
7. LPG and LNG storage.
8. Bulk Oil and Gas depot.
9. Waste to energy projects for commercial and industrial use.
10. Grid Stations.

B. Agriculture, Livestock and Fisheries

1. Poultry Farms/control sheds having 15,000 sq.ft. and above covered area.
2. Fish Farms 01 Acre and above.

C. Manufacturing and processing

1. Chemicals Projects
 - (a) Calcium Carbonate below 5000 tons per annum.
 - (b) Sodium Silicate below 2000 tons per annum.
 - (c) Thinner 10,000 gallons per annum and above.
 - (d) Color coated film below 1000 tons per annum.
 - (e) Poly vinyl acetate below 1000 tons per annum.
 - (f) Phenolic resins 1000-2000 tons per annum.
 - (g) Chrome sulfate 10,000 tons per annum and above.
 - (h) Dyes manufacturing and processing.
 - (i) Sulfur black manufacturing and processing.
2. Ceramics Manufacturing Units.
3. Polyester/Viscose/polyfilament yarn.
4. Soft drinks/beverages with annual production 01-50millionliters.

5. Milk and milk based products having capacity 10,000 liters daily and above.
6. Pharmaceuticals.
7. Textile mills/ power looms/ weavings/ apparels/ acrylic/ yarn/ fiber weaving.
 - (a) Above 50 power looms;
 - (b) 15000 & above spindles; and
 - (c) Acrylic 1500 tons annually.
8. Rubber and plastic products manufacturing.
9. Paints/ varnishes factory Oil, Lubricants, Oil Reclamation, Grease and Allied Products.
10. Fruit and Vegetable Processing Units.
11. Tea packing / blending Units.
12. Steel re-rolling Mills.
13. Pesticides Manufacturing and Formulation.
14. Fertilizer Units.

D. Mining and mineral processing

1. Commercial extraction/river bed mining of clay, gravel, sand, limestone and other minerals.
2. Power Crushers/ Stone Crushers/ Crush plants/ Crush Machines.
3. Asphalt Plants (on temporary basis).

E. Transport

1. Roads/rails tunnel.
2. Dry port.

F. Water Management, Dams and Irrigation

Dams and reservoirs with storage volume 21- 50 million cubic meter or surface area less than 08 square kilometers.

G. Water supply

Water supply schemes (From river water to community's consumption).

H. Waste disposal

1. Waste disposal facility for domestic or industrial wastes, with annual capacity less than 10,000 tones.
2. Waste water treatment plant for domestic or industrial effluents with annual capacity less than 10,000 cubic meters.

I. Urban Development

- (a) Housing schemes with area 50-500 Kanal in plain area and 50-200 Kanal for hilly area.
- (b) New hospitals above 100 beds.
- (c) 07 to 14 Multi-storey buildings having residential and commercial setup on the total plot size more than 2000 square yards.

J. Other Projects

Any other project for which filing of an IEE is required by the Agency under rule5 of these rules.



SCHEDULE-IV
(see rule 4)

Categories of Projects requiring General Environmental Approval (GEA)

A. Energy

1. Hydro/Coal Power less than 01 MW.
2. Thermal Power less than 01 MW (other than coal power).
3. Solar power plants from 500 KW up to 01 MW.
4. CNG, LPG, LNG (filling and re-fuelling stations) and Petrol pumps.
5. Oil and Gas pipeline (06 inches and above dia) below 10 Km.

B. Agriculture and Livestock

1. Agricultural projects involving repacking, mixing, formulation of Agricultural products.
2. Fertilizer grinding Unit, rock phosphate or other grinding of rock material.
3. Poultry Farms/control sheds having 1500-15,000 sq.ft. covered area.
4. Dairy Farm with 40 and above buffalos/cows.
5. Cattle Farm with 100 and above goats/sheeps.

C. Manufacturing and Processing

1. Fat Burning Units.
2. Cosmetic Industry.
3. Preservation and storage of animal skin.
4. Glue manufacturing.
5. Thinner below 10,000 gallons per annum.
6. Phenolic resins below 1000 tons per annum.
7. Poly Propylene mates/bags.
8. Soap and detergent Units.
9. Biscuits Factories.
10. Ice Factories.
11. Mineral water Units.
12. Cotton/Wool processing/cotton waste processing.
13. Paper boards.
14. Tobacco Kilns.
15. Block Factories.
16. Recycling Units (Paper, Plastic, Glass, Scrap, etc.).
17. Flour/Pulses/Rice Mills/Guar Gum Processing Mills.

D. Mining and Mineral Processing

Crushing, grinding of stone and separation processes/soapstone/ marble/chips/gypsum Units/limekilns/ brick kilns/coal grinding.

E. Water Management and Irrigation

1. New Irrigation canals/ channels with length of 10 Km and above (or) serving 15,000 hectares and above.
2. Dams/reservoir with storage volume 10-20 million cubic meters.

F. Waste Disposal

Hospital incinerators.

G. Telecommunication

BTS Towers.

H. Miscellaneous

1. Slaughter Houses.
2. Vehicle Service Stations.

I. Other Projects

Any other project for which filing of GEA is required by the Agency under rule 5 of these rules.



SCHEDULE-V
(see rule 7)

Review Fees

(A) Project Requiring EIA Review Fee Rs. 500,000/-
(B) Project Requiring IEE Review Fee Rs. 250,000/-
(C) Project Requiring GEA Review Fee Rs. 50,000/-



SCHEDULE-VI
[See Regulation 8(2)(a)]
Application Form

1.	Name and address of Proponent		Phone: Fax: Telex:
2.	CNIC No. of proponent		
3.	Description of project		
4.	Location of project		
6.	Objectives of project		
7.	IEE/EIA attached?	IEE/EIA : Yes/No	
8.	Have alternative sites been considered and reported in IEE/EIA?	Yes/No	
9.	No Objection Certificate of relevant stakeholders	Name(s)	
10.	Existing land use	Land requirement	
11.	Is basic site data available, or has it been measured?	(only tick yes if the data is reported in the IEE/EIA)	
		Meterology (including rainfall)	Available Measured
		Ambient air quality	Yes/No Yes/No
		Ambient water quality	Yes/No Yes/No
		Ground water quality	Yes/No Yes/No
12.	Have estimates of the following been reported, especially Quantitative Analysis?	Water balance Solid waste disposal Liquid waste treatment	Estimated Reported Yes/No Yes/No Yes/No Yes/No Yes/No Yes/No
13.	Source of power		Power requirement
14.	Labour force(number)	Construction: Operation:	
15.	Environmental Consulting Firm		

Verification. I do solemnly affirm and declare that the information given above and contained in the attached IEE/EIA is true and correct to the best of my knowledge and belief.

Date

Signature, name and _____
designation of proponent(with official stamp/seal)

SCHEDULE-VII
(see rule 13)
Decision on EIA

1. Name and address of proponent_____

2. Description of project_____

3. Location of Project and GPS Coordinates/GIS map._____

4. Date of filing of EIA_____

5. After careful review of the EIA, and all comments thereon, the Agency has decided

(a) to accord its approval, subject to the following conditions:_____



or

(b) that the proponent should submit an EIA with the following modifications-

or

(c) to reject the EIA report of the project, being contrary to environmental objectives, for the following reasons:

[Delete (a)/(b)/(c), whichever is inapplicable]

Dated_____Tracking No._____

Director-General Agency (with official stamp/seal)

SCHEDULE-VIII
(see rule 13)

Decision on IEE

1. Name and address of proponent _____
2. Description of project _____
3. Location of project and GPS Coordinates/GIS map. _____
4. Date of filing of IEE _____
5. After careful review of the IEE, and all comments thereon, the Agency has decided

(a) to accord its approval, subject to the following conditions:

or

(b) that the proponent should submit an IEE with the following modifications-

or

(c) that the proponent should submit an EIA of the project, for the following reasons:-

or

(d) to reject the IEE report of the project, being contrary to environmental objectives, for the following reasons:

[Delete (a)/(b)/(c)/(d), whichever is inapplicable]

Dated _____ Tracking No. _____

Director-General Agency (with official stamp/seal)

SCHEDULE-IX
(see rule 13)

Decision on GEA

1. Name and address of proponent _____
2. Description of project _____
3. Location of project and GPS Coordinates/GIS map. _____
4. Date of filing of GEA _____
5. After careful review of the GEA, and all comments thereon, the Agency has decided

(a) to accord its approval, subject to the following conditions:

or

(b) that the proponent should submit a GEA with the following modifications-

or

(c) that the proponent should submit an IEE of the project, for the following reasons:-

or

(d) to reject the GEA report of the project, being contrary to environmental objectives, for the following reasons:

[Delete (a)/(b)/(c)/(d), whichever is inapplicable]

Dated _____ Tracking no. _____

Director-General Agency (with official stamp/seal)

SCHEDULE-X
(see rule 14 (2))
UNDERTAKING

I _____ as proponent for
_____do hereby solemnly
affirm and declare that I fully understand and accept the conditions contained in the
approval accorded by Khyber Pakhtunkhwa Environmental Protection Agency,
Peshawar bearing tracking No. _____ dated _____
and undertake to design construction and operate the project strictly in accordance
with the said condition and the IEE or EIA or GEA.

Signature _____

Proprietor _____

Witnesses:

(1) _____

(2)



SCHEDULE-XI

(see rule 22)

Form of registers for EIA or IEE or GEA projects

S. No.	Description	Relevant Provisions
1	2	3
1.	Tracking number	
2.	Category type (as per Schedules II, III and IV)	
3.	Name of proponent	
4.	Name and designation of contact person	
5.	Name of consultant	
6.	Description of project	
7.	Location of project and GPS Coordinates/GIS map	
8.	Project capital cost	
9.	Date of receipt of IEE/EIA/GEA	
10.	Date of confirmation of completeness	
11.	Approval granted (Yes/No)	
12.	Date of approval granted or refused	
13.	Conditions of approval/reasons for refusal	
14.	Date of Undertaking	
15.	Date of extension of approval validity	
16.	Period of extension	
17.	Date of commencement of construction	
18.	Date of issue of confirmation of compliance	
19.	Date of commencement of operations	
20.	Dates of filing of monitoring reports	
21.	Date of cancellation, if applicable	

--Sd--

**Secretary to Government of
Khyber Pakhtunkhwa
Forestry, Environment & Wildlife Department.**

BALUCHISTAN LAWS



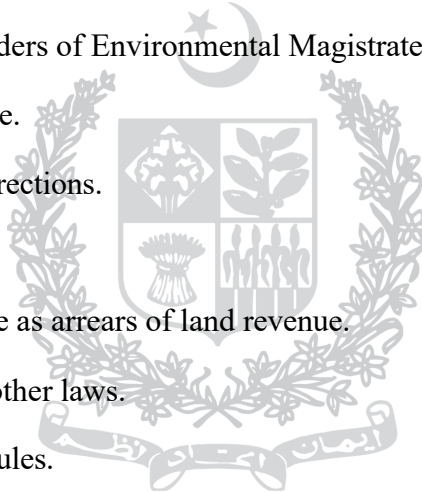
THE BALOCHISTAN ENVIRONMENT PROTECTION ACT, 2012

(Act No. VIII of 2012)

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¹THE BALOCHISTAN ENVIRONMENT PROTECTION ACT, 2012

(Balochistan Act No. VIII of 2012)

An Act to provide for the protection, conservation, rehabilitation and improvement of the environment, for the prevention and control of pollution, and promotion of sustainable development.

WHEREAS, it is expedient to provide for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution, promotion of sustainable development, and for matters connected therewith and incidental thereto;

It is enacted as follows:—

1. Short title, extent and commencement.— (1) This Act shall be called the Balochistan Environmental Protection Act, 2012.

(2) It extends to the whole Province of Balochistan except Tribal Areas.

(3) It shall come into force at once.

2. Definitions.— (1) In this Act unless there is anything repugnant in the subject or context,—

(a) “adverse environmental effect” means impairment of, or damage to, the environment and includes—

(i) human health and property or biodiversity, coast, beaches and ecosystem;

(ii) pollution; *and*

(iii) any adverse environmental effect on Land, Air and Water;

(b) “Agricultural waste” means waste from farm and agricultural Activities including poultry, cattle farming, animal husbandry residues from the use of fertilizers, pesticides and other farm chemicals;

(c) “Air pollutant” means any substance that causes pollution of air and includes soot, smoke, dust particles, odour, light, electro-magnetic, radiation, heat, fumes, combustion exhaust, exhaust gases, noxious gases, hazardous substances and radioactive substances;

(d) “Alien species” means a species that does not occur naturally in Balochistan.

(e) “Balochistan coastline or coastal zone” means the territorial jurisdiction of the coastline of the Province of Balochistan.

(f) “Best practicable environmental option” means the best method for preventing or minimizing adverse effects on the environment, having regard to, among other things:

(i) the nature of the discharge and the sensitivity of the receiving

¹ This Act was passed by the Provincial Assembly of Balochistan on 24th December, 2012; assented to by the Governor Balochistan on 9th January, 2013; and published in the Balochistan Gazette (Extraordinary) No. 7, dated 18th January, 2013.

- environment to adverse effects;
- (ii) the financial implications, and the effect on the environment, of that option when compared with other options; *and*
 - (iii) the current state of technical knowledge and the likelihood that the option can be successfully applied.
- (g) "Biodiversity" or "biological diversity" means the variability among living organisms from all sources, inter alia terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, including diversity within species, between species and of ecosystems;
 - (h) "Clinical waste" means any waste produced by hospitals, clinics, nursing homes, doctors offices, medical laboratories, medical research facilities and veterinarians which is infectious or potentially infectious.
 - (i) "Council" means the Balochistan Environmental Protection Council established under section 3;
 - (j) "Discharge" includes spilling, leaking, pumping, depositing, seeping, releasing, flowing out, pouring, emitting, emptying or dumping;
 - (k) "Ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non- living environment interacting as a functional unit;
 - (l) "Effluent" means any material in solid, liquid or gaseous form or combination thereof being discharged from industrial Activity or any other source and includes a slurry, suspension or vapor;
 - (m) "Electronic waste" means discarded computers, office electronic equipment, entertainment device electronics, mobile phones, television sets, Cathode ray tubes (CRT) and refrigerator, VCRs, stereos, copiers, and fax machines. It also includes used electronics which are destined for reuse, resale, salvage, recycling, or disposal and electronic products nearing the end of their "useful life";
 - (n) "Emission standards" means the permissible standards established by the Provincial Agency for emission of air pollutants and noise and for discharge of effluent and waste;
 - (o) "Endemic and indigenous species" means a species which occurs naturally in the wild only in Balochistan, or a species which only breeds in the wild in Balochistan.
 - (p) "Environment" means—
 - (i) air, water and land;
 - (ii) all layers of the atmosphere;
 - (iii) all organic and inorganic matter and living organisms;
 - (iv) the ecosystem and ecological relationships;
 - (v) buildings, structures, roads, facilities and works;
 - (vi) all social and economic conditions affecting community life; *and*
 - (vii) the inter-relationships between any of the factors specified in sub-clauses (i) to (vi);
 - (q) "Environmental Impact Assessment" means an environmental study comprising collection of data, prediction of qualitative and quantitative

impacts, comparison of alternatives, evaluation of preventive, mitigation and compensatory measures, formulation of environmental management and training plans and monitoring arrangements, and framing of recommendations and such other components as may be prescribed;

- (r) "Environmental Magistrate" means the Magistrate of the First Class appointed under Section 32;
- (s) "Environmental Tribunal" means the Balochistan Environmental Protection Tribunal constituted under section 28;
- (t) "Exclusive Economic Zone" shall have the same meaning as in the Territorial Waters and Maritime Zones Act, 1976² (LXXXII of 1976);
- (u) "Factory" means any premises in which industrial Activity is being undertaken;
- (v) "Genetic Resource" means any material of plant, animal, microbial or other origin containing functional units of heredity of actual or potential value.
- (w) "Government" means the Government of Balochistan;
- (x) "Government Agency" includes—
 - (i) a department, attached department, bureau, section, commission, board, office or unit of the Provincial Government;
 - (ii) a developmental or a local authority, company or corporation established or controlled by the Provincial Government;
 - (iii) the Balochistan Environmental Protection Agency; *and*
 - (iv) any other body defined and listed in the Rules of Business³ of the Provincial Government.
- (y) "Handling", in relation to any substance, means the manufacture, processing, treatment, package, storage, transportation, collection, destruction, conversion, offering for sale, transfer or the like of such substance;
- (z) "Hazardous substance" means—
 - (i) a substance or mixture of substances, other than a pesticide as defined in the Agricultural Pesticides Ordinance, 1971⁴ (II of 1971), which, by reason of its chemical activity or toxic, explosive, flammable, corrosive, radioactive or other characteristics, causes, or is likely to cause, directly or in combination with other matters an adverse environmental effect; *and*
 - (ii) any substance which may be prescribed as a hazardous substance;
- (aa) "Hazardous waste" means waste which is or which contains a hazardous substance or which may be prescribed as hazardous waste and includes hospital waste and nuclear waste;
- (bb) "Historic waters" means such limits of the waters adjacent to the land territory

² This Act was passed by the Parliament of Pakistan; assented by President on 31st December, 1976 and published in the Gazette of Pakistan (Extraordinary), Part I, dated 4th January, 1977.

³ The Balochistan Government Rules of Business, 2012 issued by Services and General Administration Department vide its Notification No. S.O. (R-I)3(2)/2012-S&GAD/3096-3245 dated 14th December, 2012; published in the Balochistan Gazette (Extraordinary) No. 115, dated 14th December, 2012. Which repealed the earlier Balochistan Government Rules of Business, 1976, rule 49.

⁴ This Ordinance was made by President of Pakistan on 22nd January, 1971; published in the Gazette of Pakistan (Extraordinary) dated 25th January, 1971; and validated under Article 269 of the Constitution of the Islamic Republic of Pakistan, 1973.

of Pakistan as may be specified by notification under section 7 of the Territorial Waters and Maritime Zones Act, 1976⁵ (LXXXII of 1976);

- (cc) "Hospital waste" includes waste medical supplies and materials of all kinds, and waste blood, tissue, organs and other parts of the human and animal bodies, from hospitals, clinics and laboratories;
- (dd) "Industrial activity" means any operation or process for manufacturing, making, formulating, synthesizing, altering, repairing, ornamenting, finishing, packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or for mining, for oil and gas exploration and development, or for pumping water or sewage, or for generating, transforming or transmitting power or for any other industrial or commercial purpose;
- (ee) "Industrial waste" means waste resulting from an industrial activity;
- (ff) "Initial Environmental Examination" means a preliminary environmental review of the reasonably foreseeable qualitative and quantitative impacts on the environment of a proposed project to determine whether it is likely to cause an adverse environmental effect for requiring preparation of an environmental impact assessment;
- (gg) "Integrated pollution control" means the holistic system aimed at pollution prevention and minimization at source, managing the impact of pollution and waste on the receiving environment and remediation of damaged and polluted environments.
- (hh) "Living modified organism" means any living organism that possesses a novel combination of genetic material obtained through the use of modern technology.
- (ii) "local authority" means regional or district set up of EPA or any Agency designated by the Provincial Government, by notification in the official Gazette, to be a local authority for the purposes of this Act;
- (jj) "Local council" means a local council constituted or established under a law relating to local Government;
- (kk) "Motor vehicle" means any mechanically propelled vehicle adapted for use upon land whether its power of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached, and a trailer, but does not include a vehicle running upon fixed rails;
- (ll) "Municipal waste" includes sewage, refuse, garbage, waste from abattoirs, sludge and human excreta and the like;
- (mm) "Environmental Quality Standards" means standards established by the Federal/Provincial Agencies under clause (e) of sub-section (1) of section 6 and approved by the Council under clause (c) of sub-section (1) of section 4;
- (nn) "Noise" means the intensity, duration and character of sounds from all sources, and includes vibration;
- (oo) "Nuclear waste" means waste from any nuclear reactor or nuclear plant or other nuclear energy system, whether or not such waste is radioactive;

⁵ This Act was passed by the Parliament of Pakistan; assented by President on 31st December, 1976 and published in the Gazette of Pakistan (Extraordinary), Part I, dated 4th January, 1977.

- (pp) "Person" means any natural person or legal entity and includes an individual, firm, association, partnership, society, group, company, corporation, co-operative society, Government Agency, non-governmental organization, community-based organization, village organization, local council or local authority and, in the case of a vessel, the master or other person having for the time being the charge or control of the vessel;
- (qq) "Pollution" means the contamination of air, land or water by the discharge or emission of effluent or wastes or air pollutants or noise or other matter which either directly or indirectly or in combination with other discharges or substances alters unfavorably the chemical, physical, biological, radiation, thermal or radiological or aesthetic properties of the air, land or water or which may, or is likely to make the air, land or water unclean, noxious or impure or injurious, disagreeable or detrimental to the health, safety, welfare or property of persons or harmful to biodiversity;
- (rr) "Prescribed" means prescribed by rules made under this Act;
- (ss) "Project" means any activity, plan, scheme, proposal or undertaking involving any change in the environment and includes—
- (i) construction or use of buildings or other works;
 - (ii) construction or use of roads or other transport systems;
 - (ii) construction or operation of factories or other installations;
 - (iv) mineral prospecting, mining, quarrying, stone-crushing, drilling and the like;
 - (v) any change of land use or water use; *and*
 - (vi) alteration, expansion, repair, decommissioning or abandonment of existing buildings or other works, roads or other transport systems, factories or other installations;
- (tt) "Protection of environment" means the qualitative and quantitative improvement of the different components of the environment and prevention of the deterioration of qualitative and quantitative standards;
- (uu) "Proponent" means the person who proposes or intends to undertake a project;
- (vv) "Provincial Agency" means the Balochistan Environmental Protection Agency established under section 5, or any Government Agency, local council or local authority exercising the powers and functions of the Provincial Agency;
- (ww) "Rules & Regulations" means rules and regulation made under this Act;
- (xx) "Sewage" means liquid or semi-solid wastes and sludge from sanitary conveniences, kitchens, laundries, washing and similar activities and from any sewerage system or sewage disposal works;
- (yy) "Ship breaking" means breaking up of various types of ship for recycling.
- (zz) "Standards" means qualitative and quantitative standards for discharge of effluent and wastes and for emission of air pollutants and noise either for general applicability or for a particular area, or from a particular production process, or for a particular product, and includes the Environmental Quality Standards, emission standards and other standards established under this Act and the rules and regulations;

- (aaa) "Strategic Environmental Assessment" Strategic environmental assessment (SEA) is a system of incorporating environmental considerations into policies, plans, programmes and strategies. It is sometimes referred to as strategic environmental impact assessment.
- (bbb) "Sustainable Development" means development that meets the needs of the present generation, without compromising the ability of future generations to meet their needs;
- (ccc) "Sustainable Management" means management of the use of natural resources to provide for the health, safety and social, cultural and economic well being of people and communities taking into account the following:
- (i) safeguarding the life supporting capacity of natural resources and ecosystems;
 - (ii) ensuring the maintenance of the life supporting capacity and quality of natural resources and ecosystems to meet the reasonably foreseeable needs of future generations;
 - (iii) avoiding the creation of adverse effects and, where adverse effects cannot be avoided, mitigates and remedies adverse effects.
- (ddd) "Territorial waters" shall have the same meaning as in the Territorial Waters and Maritime Zones Act, 1976⁶ (LXXXII of 1976);
- (eee) "Vessel" includes anything made for the conveyance by water of human beings or of goods; *and*
- (fff) "Waste" means any substance or object which has been, is being or is intended to be, discarded or disposed of, and includes liquid waste, solid waste, waste gases, suspended waste, industrial waste, agricultural waste, nuclear waste, municipal waste, hospital waste, used polyethylene bags and residues from the incineration of all types of waste.
- (ggg) "Water resource" includes surface water, an aquifer or ground water, a river or spring, a natural channel in which water flows regularly or intermittently, and a wetland, lake or dam into which, or from which, water flows.

3. Establishment of the Balochistan Environmental Protection Council.— (1)

The Provincial Government shall, by notification in the official Gazette, establish a Council to be known as the Balochistan Environmental Protection Council consisting of—

(a)	Chief Minister or such other person as the Chief Minister may nominate in this behalf.	Chairperson
(b)	Minister for Environment	Vice chairperson
(c)	Chief Secretary Balochistan	Member
(d)	Secretary Environment	Member/Secretary
(e)	Secretary Finance	Member
(f)	Secretary Industries	Member
(g)	Secretary Agriculture	Member

⁶ This Act was passed by the Parliament of Pakistan; assented by President on 31st December, 1976 and published in the Gazette of Pakistan (Extraordinary), Part I, dated 4th January, 1977.

(h)	Secretary Forest	Member
(i)	Secretary P&D	Member
(j)	Secretary S&GAD	Member
(k)	Director General EPA	Member
(l)	Such other persons not exceeding six (6)	Member

as the Provincial Government may appoint,
with the following representation:

One from the Balochistan
Chamber of Commerce & Industries
and one from the Balochistan Chamber
of Agriculture, Two Environment
experts/ Scientist, One Educationist
and One from Non Governmental
Organization.

(2) The Members of the Council, other than ex-officio members, shall be appointed in accordance with the prescribed procedure and shall hold office for a term of two years.

(3) The Council may constitute committees of its members and entrust them with such functions as it may deem fit, and the recommendations of the committees shall be submitted to the Council for approval. The council or any of such committee may seek assistance from any Government Department or expert in the relevant environmental field in performance of its functions.

4. Functions and powers of the Council.— (1) The Council shall:—

- (a) co-ordinate and supervise enforcement of the provisions of this Act;
- (b) approve comprehensive environmental policies and ensure their implementation within the framework of a National / Balochistan conservation strategy as may be approved by the Federal/ Provincial Government from time to time;
- (c) approve the Environmental Quality Standards;
- (d) provide guidelines for the protection and conservation of species, habitats, and biodiversity in general, and for the conservation of renewable and non- renewable resources.
- (e) co-ordinate integration of the principles and concerns of sustainable development into development plans and policies;
- (f) the Council shall frame its own rules of procedure.
- (g) the Council shall hold meetings, as and when necessary, but not less than two meetings, shall be held in a year.

(2) The Council may direct the Provincial Agency or any Government Agency to prepare, submit or implement projects for the protection, conservation, rehabilitation and improvement of the environment and the sustainable development of resources or to undertake research in any aspect of environment.

5. Establishment of the Balochistan Environmental Protection Agency.— (1)

The Government of Balochistan shall by a notification in the official Gazette establish Balochistan Environmental Protection Agency to exercise the powers and perform the functions assigned to it under this Act and the rules and regulations made there under.

(2) The Balochistan Environmental Protection Agency shall be headed by a Director-General who shall be appointed by the Government of Balochistan on such terms and conditions as it may determine.

(3) The Balochistan Environmental Protection Agency shall have such administrative, technical and legal staff, as the Government of Balochistan may specify, to be appointed in accordance with Balochistan Civil Servant Act 1974¹.

(4) The powers and functions of the Balochistan Environmental Protection Agency shall be exercised and performed by the Director-General.

(5) The Director-General may, by general or special order, delegate any of the powers and functions to staff appointed under sub-section (3).

(6) For assisting the Balochistan Environmental Protection Agency in the discharge of its functions the Government of Balochistan shall establish Advisory Committees for various sectors and appoint as members thereof representatives of the relevant sector, educational institutions and non-governmental organizations.

6. Functions of the Balochistan Environmental Protection Agency.— (1) The Balochistan Environmental Protection Agency shall—

- (a) administer and implement this Act and the rules and regulations made thereunder;
- (b) prepare, in co-ordination with the relevant Government Agency and in consultation with the concerned sectors Advisory Committees, environmental policies for approval by the Council;
- (c) take all necessary measures for the implementation of the national environmental policies approved by the Council;
- (d) prepare and publish an Annual Environment Report on the state of the environment;
- (e) establish standards for the quality of the ambient air, water and land, by notification in the official Gazette in consultation with the other relevant Government Departments/ Agencies.
- (f) Revise the Environmental Quality Standards with approval of the Council:

Provided that—

- (i) before seeking approval of the Council, the Balochistan Environmental Protection Agency shall publish the proposed Environmental Quality Standards for public opinion in accordance with the prescribed procedure;
- (ii) different standards for discharge or emission from different sources and for different areas and conditions may be specified; where standards are less stringent than the Environmental Quality Standards prior approval of

the Council shall be obtained;

(iii) certain areas, with the approval of the Council, may exclude from carrying out specific activities, projects from the application of such standards;

- (g) co-ordinate environmental policies and programmes;
- (h) establish systems and procedures for surveys, monitoring, measurement, examination, investigation, research, inspection and audit to prevent and control pollution, and to estimate the costs of cleaning up pollution and rehabilitating the environment in various sectors;
- (i) take measures to promote research and the development of science and technology which may contribute to the protection of the environment, and sustainable development;
- (j) certify one or more laboratories as approved laboratories for conducting tests and analysis and one or more research institutes as environmental research institutes for conducting research and investigation for the purposes of this Act;
- (k) initiate legislation in various sectors of the environment;
- (l) render advice and assistance in environmental matters including such information and data available with it as may be required for carrying out the purposes of this Act:

Provided that the disclosure of such information shall be subject to the restrictions contained in the proviso to sub- section (3) of section 15;

- (m) assist the local councils, local authorities, Government Agencies and other persons to implement schemes for the proper disposal of wastes so as to ensure compliance with the standards established by it;
 - (n) provide information and guidance to the public on environmental matters;
 - (o) recommend environmental courses, topics, literature and books for incorporation in the curricula and syllabi of educational institutions;
 - (p) promote public education and awareness of environmental issues through mass media and other means including seminars and workshops;
 - (q) specify safeguards for the prevention of accidents and disasters which may cause pollution, collaborate with the concerned person in the preparation of contingency plans for control of such accidents and disasters, and co-ordinate implementation of such plans;
 - (r) encourage the formation and working of non- governmental organizations, community organizations and village organizations to prevent and control pollution and promote sustainable development;
 - (s) perform any function which the Council may assign to it.
- (2) The Balochistan Environmental Protection Agency may —
- (a) undertake inquiries or investigation into environmental issues, either of its own accord or upon complaint from any person or organization;
 - (b) request any person to furnish any information or data relevant to its functions;
 - (c) initiate with the approval of the Provincial/ Federal Government, requests for

- foreign assistance in support of the purposes of this Act and enter into arrangements with foreign agencies or organizations for the exchange of material or information and participate in international seminars or meetings;
- (d) recommend to the Government of Balochistan the adoption of financial and fiscal programmes, schemes or measures for achieving environmental objectives and goals and the purposes of this Act, including—
 - (i) incentives, prizes awards, subsidies, tax exemptions, rebates and depreciation allowances; *and*
 - (ii) taxes, duties and other levies;
 - (e) establish and maintain laboratories to help in the performance of its functions under this Act and to conduct research in various aspects of the environment and provide or arrange necessary assistance for establishment of similar laboratories in the private sector;
 - (f) provide or arrange, in accordance with such procedure as may be prescribed, financial assistance for projects designed to facilitate the discharge of its functions.

7. Powers of the Balochistan Environmental Protection Agency.— Subject to the provisions of this Act, the Balochistan Environmental Protection Agency may—

- (a) lease, purchase, acquire property both moveable and immovable;
- (b) fix and realize fees, rates and charges for rendering any service or providing any facility, information or data under this Act or the rules and regulations;
- (c) enter into contracts, execute instruments subject to approval of the Provincial Government, necessary for proper management and conduct of its business made thereunder;
- (d) subject to approval of the Provincial Government appoint in accordance with prescribed procedures such experts and consultants as it considers necessary for the efficient performance of its functions on appropriate terms and conditions;
- (e) summon and enforce the attendance of any person and require him to supply any information or document needed for the conduct of any enquiry or investigation into any environmental issue;
- (f) The Director General Balochistan EPA or any other Regional officer specifically authorized in this behalf by the Director General shall have the power to impose fine/administrative penalty up to rupees one hundred thousand from case to case basis.
 - (i) the fine/administrative penalty shall be recovered as per land revenue Act⁷.
 - (ii) the fine/administrative penalty initially or for an interim period shall be placed with the Balochistan EPA till the decision of the Environmental Tribunal or Magistrate; *and*
 - (iii) the fine/administrative penalty after the final decision shall be deposited

⁷ That is W.P. Act XVII of 1967, published in the W.P. Gazette (Extraordinary), dated 7th December, 1967, pages 3603-3656; adopted by Balochistan Laws (Adaptation) Order, 1975, with substitution of the word “Balochistan” for the words “West Pakistan”.

in the public exchequer.

- (g) enter and inspect and under the authority of a search warrant issued by the Environmental Court or Environmental Magistrate, search at any reasonable time, any land, building, premises, vehicle or vessel or other place where or in which, there are reasonable grounds to believe that an offence under this Act has been, or is being, committed;
 - (i) Subject to the provisions of this Act, any person generally or specifically authorized in this behalf by the Director General shall be entitled to enter, at all reasonable times, with such assistance as he considers necessary, any building or place for the following purposes, namely:—
 - a) to perform duties conferred on him under this Act or rules;
 - b) to inspect any activity in such building or place in accordance with this Act, the rules or any notice, order or direction issued thereunder;
 - c) to examine or test any equipment, industrial plant, record, register or any other important matter relating thereto;
 - d) to conduct a search of any building or place which the said person has reason to believe to have been the place of occurrence of any offence in contravention of any notice, order or direction issued under this Act or the rules;
 - e) to seize/close any equipment, industrial plant, record, register, document or other matter which may serve as evidence of the commission of any offence punishable under this Act or the rules.
 - (ii) The provisions of the Code of Criminal Procedure⁸ shall be applicable in respect of any search or seizure under this Act.
 - (a) take samples of any materials, products, articles or substances or of the effluent, wastes or air pollutants being discharged or emitted or of air, water or land in the vicinity of the discharge or emission;
 - (b) arrange for test and analysis of the samples at a certified laboratory;
 - (i) Every person authorized in this behalf by the Director General may, in such manner as may be prescribed by rules, collect from any factory, premises or place samples of air, water, soil or of any other substance for the purpose of analysis.
 - (ii) The results of the analysis of samples collected under clause (i) shall not be admissible in evidence in any legal proceeding unless the provisions of the clauses (iii) and (iv) have been complied with.
 - (iii) Subject to the provisions of sub-section (4), the officer collecting a sample under clause (i) shall—
 - (a) serve notice on the owner or proponent or agent of the said place, in such manner as may be prescribed by rules, of his intention to collect such sample;

⁸ That is Act V of 1898.

- (b) collect the sample in the presence of the said occupier or agent;
 - (c) put the sample into a container and affix on it a seal bearing the signatures of himself and of the occupier or agent;
 - (d) prepare a report of the sample collected and sign it himself and take the signature of the occupier or agent;
 - (e) send without any delay, the said container to the laboratory specified by the Director General EPA.
- (iv) Where a sample is collected under clause (i) and a notice is served by the collecting officer under sub clause a) of clause (iii), the collecting officer shall, if the occupier or agent willfully absents himself at the time of the collection of the sample or, though being present, refuses to sign the sample or report, in the presence of two witnesses, give his signature and attest and seal it and shall send it without any delay to the laboratory specified by the Director General, mentioning that the occupier or agent had not been present or, as the case may be, refused to give his signature.
- (i) confiscate any article used in the commission of the offence where the offender is not known or cannot be found within a reasonable time:
- Provided that the power under clauses (f), (h), (I) and (j) shall be exercised in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), or the rules made under this Act and under the direction of the Environmental Tribunal or Environmental Magistrate; *and*
- (j) establish an Environmental Co-ordination Committee comprising the Director-General as its chairman and the heads of relevant Government Agencies and such other persons as the Government of Balochistan may appoint as its members to exercise such powers and perform such functions as may be delegated or assigned to it by the Government of Balochistan for carrying out the purposes of this Act and for ensuring inter departmental co-ordination in environmental policies.

8. Establishment, powers and functions of the Regional or District Environmental Protection Agencies.— (1) Government of Balochistan shall, by notification in the official Gazette, establish the Regional or District Environmental Protection Agency, to exercise such powers and perform such functions as may be delegated to it by the Government of Balochistan under sub-section (2) of section 34.

(2) The Regional or District Environmental Protection Agency shall be headed by an officer at least of the rank of regional Director or Deputy Director who shall be appointed by the Provincial Government on such terms and conditions as prescribed in the Balochistan Civil Servant Act 1974⁹.

(3) The Regional or District Environmental Protection Agency shall have such administrative, technical and legal staff as the Government of Balochistan may specify, to be appointed in accordance with the Balochistan Civil Servants Appointment, Promotion and Transfers Rules 2009¹⁰ such procedure as may be prescribed.

⁹ Balochistan Act IX of 1974; passed by the Balochistan Assembly on 19th June, 1974; assented to by the Governor of Balochistan; and published in the Balochistan Gazette (Extraordinary) No. 41 dated 20th July, 1974.

¹⁰ Rules issued by the Services and General Administration Department, Government of Balochistan; and published in the Balochistan Gazette (Extraordinary) No. 165, dated 27th October, 2009.

(4) The powers and functions of the Regional or District Environmental Protection Agency shall be exercised and performed by an Officer of the rank of regional Director or Deputy Director appointed as head.

(5) The Director General may, by general or special order, delegate any of the powers and functions to staff appointed under sub-section (3).

9. Establishment of the Balochistan Sustainable Development Funds.— (1) There shall be established in the Province a Balochistan Sustainable Development Fund.

(2) The Balochistan Sustainable Development Fund shall be derived from the following sources, namely:—

- (a) grants made or loans advanced by the Federal Government or the Provincial Government;
- (b) aid and assistance, grants, advances, donations and other non-obligatory funds received from foreign governments, national or international agencies, and non- governmental organizations; *and*
- (c) contributions from private organizations and other persons.

(3) The Balochistan Sustainable Development Fund shall be utilized in accordance with such procedure as may be prescribed for—

- (a) providing financial assistance to the projects in the public/private sector designed for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, the sustainable development of resources and for research in any aspect of environment; *and*
- (b) any other purpose which in the opinion of the Board shall help to achieve environmental objectives and the purposes of this Act.

10. Management of the Balochistan Sustainable Development Fund.— (1) The Balochistan Sustainable Development Fund shall be managed by a Board known as the Sustainable Development Fund Board consisting of:—

(i)	Secretary Environment Department	Chairperson
(ii)	Secretary Industries Department	Member
(iii)	Secretary Social Welfare Department	Member
(iv)	Secretary Finance Department	Member
(v)	Secretary Forest Department	Member
(vi)	Secretary Agriculture Department	Member
(vii)	such non-official persons not exceeding six (6) as the Government of Balochistan may appoint including two (2) representatives of the Balochistan Chamber of Commerce and Industry, two (2) representatives of the Balochistan Chamber of Agriculture and two (2) representative of leading non-governmental organizations/ donors.	Members

(viii) Director General, Balochistan Environmental Protection Agency Member/Secretary

(2) The Board shall have the power to—

- (a) sanction financial assistance for eligible projects; as specified in section 9(3) of this Act;
- (b) invest moneys held in the Balochistan Sustainable Development Fund in such profit- bearing Government bonds, savings schemes and securities as it may deem suitable; *and*

(3) The Board shall constitute committees of its members to undertake regular monitoring of projects financed from the Balochistan Sustainable Development Fund and to submit progress reports to the Board which shall publish an Annual Report incorporating its annual audited accounts and performance evaluation based on the progress reports.

(4) Audit of the fund shall be conducted on annual basis.

11. Inter-Provincial Environmental issues.— (1) The project falling within the geographical jurisdiction of two or more Provinces, the IEE or EIA may be submitted by the proponent to each Provincial Environmental Agencies for review and approval.

(2) In case of any dispute or concerns the matter shall be settled through mutual consultation of the Provinces to avoid any inconveniences or future litigation.

(3) The concerned Provinces may constitute a joint technical or review committee including a representative of the concerned Federal Ministry dealing with Environment and coordination.

12. Multilateral Environmental Agreements.— (1) The obligation of the International Conventions, Treaties and Protocols shall be observed as before devolution of the subject of Environment to the Province on Environment or climate change. In case of any international/ bilateral cooperation, the matter shall be proceeded with consultation with the concerned Federal Ministries.

(2) The Government of Balochistan/ Environmental Protection Agency shall extend support to those obligation of the International Conventions, Treaties and Protocols where adequate assistance provided by the Federal Government.

13. Strategic Environment Assessment (SEA).— (1) This section regulates the conditions, methods and procedure according to which the assessment of impact of certain plans and programmes on the environment (hereinafter referred to as: strategic assessment) shall be carried out in order to provide for the environmental protection and improvement of sustainable development through integration of basic principles of environmental protection into the procedure of preparation and adoption of plans and programmes.

(2) The Government at all levels of administration and in every sector shall incorporate environmental considerations into policies, plans, programmes and strategies.

14. Prohibition of certain discharges or emissions and potential harmful items or materials.— (1) Subject to the provisions of this Act and the rules and regulations no person shall discharge or emit or allow the discharge or emission of any effluent or waste or air

pollutant or noise in an amount, concentration or level or is likely to cause, a significant adverse effect on the environment or human health which is in excess of the Environmental Quality Standards or, where applicable, the standards established under sub-clause (ii) of clause (f) of section 6.

(2) The Government of Balochistan shall not allow any imported or locally made commodities or items or materials or equipment or instruments or automobile or pesticides etc, into its provincial jurisdiction which may have any potential of causing Environmental problems.

(3) No person or company related to public and private sector shall introduce any of the imported or locally made items or materials or equipment or instruments or automobile or pesticides etc as per sub-section (2) for any purpose unless it has filed an application to the Balochistan Environmental Protection Agency, as the case may be, and has obtained approval from the Government Agency in respect thereof.

(4) The Government of Balochistan may levy a pollution charge on any person who contravenes or fails to comply with the provisions of sub-section (1), to be calculated at such rate, and collected in accordance with such procedure as may be prescribed.

(5) Any person who pays the pollution charge levied under sub-section (2) shall not be charged with an offence with respect to that contravention or failure.

(6) The approved license in terms of section 15 of this Act does not affect the applicant's duty to obtain any other authorization required in order to undertake the Activity or implement the project concerned, whether in terms of this Act or any other legislation.

(7) A person/ firm causing discharge of pollutants shall take all reasonable measures to ensure that the best practicable environmental option is adopted in relation to the discharge of emission and conservation of the environment.

15. Initial Environmental Examination and Environmental Impact Assessment.—

(1) No proponent of a project of public and private sector shall commence construction or operation unless he has filed an Initial Environmental Examination with the Government Agency designated by Balochistan Environmental Protection Agency, as the case may be, or, where the project is likely to cause an adverse environmental effects an environmental impact assessment, and has obtained from the Government Agency approval in respect thereof.

(2) The Government Agency shall subject to standards fixed by the Balochistan Environmental Protection Agency—

- (a) review the initial environmental examination and accord its approval, or require submission of an environmental impact assessment by the proponent; or
- (b) review the environmental impact assessment or accord its approval subject to such conditions as it may deem fit to impose, require that the environmental impact assessment be re-submitted after such modification as may be stipulated or reject the project as being contra to environmental objectives.

(3) Every review of an environmental impact assessment shall be carried out with public participation and no information will be disclosed during the course of such public participation which relates to—

- (i) trade, manufacturing or business Activities, processes or techniques of a

proprietary nature, or financial, commercial, scientific or technical matters which the proponent has requested should remain confidential, unless for reasons to be recorded in writing, the Director General of the Balochistan Environmental Protection Agency is of the opinion that the request for confidentiality is not well-founded or the public interest in the disclosure outweighs the possible prejudice to the competitive position of the project or its proponent; *or*

- (ii) international relations, national security or maintenance of law and order, except with the consent of the Government of Balochistan; *or*
- (iii) matters covered by legal professional privilege.

(4) The Government Agency shall communicate its approval or otherwise within a period of four months from the date the initial environmental examination or environmental impact assessment is filed complete in all respects in accordance with the prescribed procedure, failing which the initial environmental examination or, as the case may be, the environmental impact assessment shall be deemed to have been approved, to the extent to which it does not contravene the provisions of this Act and the rules and regulations.

(5) Subject to sub-section (4) the appropriate Government may in a particular case extend the aforementioned period of four months if the nature of the project so warrants.

(6) The provisions of sub-sections (1), (2), (3), (4) and (5) shall apply to such categories of projects and in such manner as may be prescribed.

(7) The Government Agency shall maintain separate registers for initial environmental examination and environmental impact assessment projects, which shall contain brief particulars of each project and a summary of decisions taken thereon, and which shall be open to inspection by the public at all reasonable hours and the disclosure of information in such registers shall be subject to the restrictions specified in sub-section (3).

(8) No concession areas for any developmental activities shall be awarded to any International/National groups or firms without consultation and concurrence of the Government of Balochistan/ Environmental Protection Agency.

(9) The prospect licenses for mining, quarrying, crushing etc. shall only be awarded/ granted in compliance with the sub section (1), (2), (3), (4) and (5).

(10) The cellular companies shall obtain environmental approval from the Balochistan EPA before installing Base Transceivers Station (BTS).

(11) BTS Stations should be required to undergo routine evaluation for Compliance. Whenever an application is submitted to the Balochistan EPA for construction or modification of a transmitting facility. EPA shall have the authority to take action if a cellular base station antenna does not comply with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Guidelines and recommendations of the report titled 'Environmental and Health Related Effects of the Cellular Base Station Antennas' carried out by IT and Telecom Division, Ministry of Information Technology.

(12) No person or company related to public and private sector shall commence construction or operation unless the concerned building authority accord approval under the provisions of the in vogue Building Code.

(13) After fulfilling the sub section (12) an action plan shall be submitted to the concerned municipal/town/union council to carry out the activities for a specific time period as to provide the general public or road users an alternative corridor.

(14) The waste generated during the construction or maintenance or repair of any building shall be appropriately disposed of or transported or collected to a designated place allocated for the purpose like any land fill site to avoid public nuisance.

(15) The construction or repair activities especially in the main city area shall be carried out in a manner to minimize the road congestion or blockage.

(16) The proponent of the project shall remit fifty thousand rupees as review fee of an Initial Environmental Examination (IEE) and one hundred thousand as review fee for Environmental Impact Assessment (EIA).

(17) The person or company in public or private sector intend to commence any scheme or project do not falling under schedule I and II of regulation to this Act shall remit twenty five thousand rupees as an Environmental approval fee to the Balochistan Environmental Protection Agency.

16. Prohibition of import of hazardous waste.— No person shall import hazardous waste into Balochistan and its jurisdiction limits.

17. Handling of hazardous substances and License.— (1) Subject to the provisions of this Act, no person shall generate, collect, consign, transport, treat, dispose of, store, handle or import any hazardous substance except—

- (a) under a license issued by the Government of Balochistan and in such manner as may be prescribed; *or*
- (b) in accordance with the provisions of any other law for the time being in force, or of any international treaty, convention, protocol, code, standard, agreement or other instrument to which Pakistan is a party.

(2) Every owner or proponent of any land or premises on which hazardous waste is kept, treated or disposed of shall make a written application to the Balochistan Environmental Protection Agency for a hazardous waste management license, which shall at least include details of:

- (a) the chemical composition, nature and volume of the waste which is being, or will be, produced;
- (b) the industrial process, trade or activity giving rise to the waste;
- (c) the way in which the applicant proposes to keep, treat or dispose of the hazardous waste, including storage and handling procedures;
- (d) the precautions which will be taken to avoid any adverse effects on the environment being caused by the hazardous waste.

(3) The Balochistan Environmental Protection Agency shall evaluate each application for a license under this Article in the following manner:

- (a) grant a hazardous waste management license, with or without conditions, if satisfied that the proposed method of keeping, treating and disposing of the hazardous waste will not cause any adverse effects; *or*

(b) refuse to grant a license giving reasons for the refusal in writing to the applicant.

(4) The Balochistan Environmental Protection Agency would take a decision in regard to sub-section (2) within thirty (30) days of the date of lodging of the application for a license.

(5) The license shall be granted for a reasonable period not exceeding five years. On expiry of the license for renewal same procedure shall be followed.

18. Electronic Wastes. Every producer, distributor, collection centre, refurbisher, dismantler or recyclers shall store the electronic waste for a period not exceeding six months and shall maintain a record of collection, sale, transfer, storage and segregation of wastes and make these records available for inspection:

Provided that the Balochistan Environmental Protection Agency may extend the said period in following cases, namely:

- (a) Dismantlers and Recyclers up to six months of their annual storage capacity of the owner; *or*
- (b) Collection centers who do not have access to any registered dismantling or recycling facility; *or*
- (c) the waste which needs to be specifically stored for development of a process for its recycling, reuse.

(2) Every producer, distributor, collection centre, refurbisher, dismantler or recyclers shall make arrangements for the environmentally sound management and disposal of electronic waste

(3) The 'environmentally sound management of electronic waste' as "taking all steps required to ensure that electronic waste are managed in a manner which shall protect health and environment against any adverse effects, which may result from hazardous substance contained in such wastes".

(4) The provisions of this section shall apply to every producer, consumer and bulk consumer involved in manufacture, sale, purchase and processing of electronic equipment or components.

(5) Information dissemination on electronic waste and the environmentally sound management of electronic waste is also mandated from producers.

(6) To regulate the provisions of this section all the relevant international conventions, protocols and treaties collectively called as multilateral environmental agreements (MEAs) shall be applicable where Pakistan is signatory or ratified the MEAs.

(7) Any person or company or unit who contravenes or fails to comply with the provisions of the above sub-sections shall be imposed penalty under section 25 of this Act.

19. General Prohibition in relation to Solid and Hospital Waste management and Waste Management License.— (1) No person may collect, transport, sort, recover, store, dispose of or otherwise manage waste in a manner that results in a significant adverse effect.

(2) Every person who imports, produces, collects, recovers, transports, keeps, treats or disposes of waste shall take all reasonable measures to prevent a significant adverse effect on the environment from occurring.

(3) The owner or proponent of every premises upon which solid and hazardous hospital waste is produced shall ensure that all hazardous waste whether solid or hospital waste is separated from other waste, and is stored in separate containers pending disposal, in accordance with the requirements of the Balochistan Environmental Protection Agency as set out in regulations, published guidelines or license conditions.

(4) A person shall not dispose of solid and hazardous hospital waste in such a manner that it becomes litter or is likely to become litter.

(5) Unless in possession of a valid waste management license issued by the Balochistan Environmental Protection Agency, no person may construct, own or operate a landfill site, incinerator or other facility at which waste is permanently disposed of or is stored indefinitely.

(6) The Balochistan Environmental Protection Agency shall evaluate each application for a license and shall do the following:

- a) grant a license if the Balochistan Environmental Protection Agency is satisfied that the applicant has sufficient expertise to undertake the activity in question in accordance with the law and in a manner that will not have significant adverse effects; *or*
- b) refuse to grant a license giving reasons for the refusal in writing to the applicant.

(7) The Balochistan Environmental Protection Agency shall reach a decision in regard to sub-section (2) within thirty (30) days of the date of lodging of the application for a license with the Balochistan Environmental Protection Agency.

(8) If there are reasonable grounds to grant license, and those grounds are communicated to the license holder in writing, the Balochistan Environmental Protection Agency may amend, revoke or impose new conditions in an existing waste management license.

(9) The license granted under sub-section (6) shall be subject to review if condition of license granted are not fulfilled.

20. Management of Water Resources.— All persons, for the purpose of protection, conservation, development, use, control and management of water resources, would take into account the following measures:

- a) protecting aquatic and associated ecosystems and their biological diversity;
- b) reducing and preventing pollution and degradation of water resources.

(2) When preparing water resource management plans, Departments and other relevant institutions shall at least take the following into account:

- (a) provisions for integrated watershed management;
- (b) regulation of sustainable abstraction of groundwater;
- (c) regulation of the use of ground or surface water for agricultural, industrial, mining, and urban purposes;
- (d) measures to protect human health and ecosystems;
- (e) measures to protect wetlands and their associated ecosystems;
- (f) any other provision necessary for the sustainable use and management of water resources.

(3) An owner of land or a person who uses the land on which any activity or process is performed or undertaken which causes or is likely to cause significant pollution of a water resource must take measures to prevent any such pollution.

21. Regulation of motor vehicles.—(1) Subject to the provisions of this Act, and the rules and regulations, no person shall operate a motor vehicle from which air pollutants or noise are being emitted in an amount, concentration or level which is in excess of the Environmental Quality Standards, or where applicable the standards established under clause (e) of section 6 (1).

(2) For ensuring compliance with the standards mentioned in sub-section (1), the Balochistan Environmental Protection Agency may direct that any motor vehicle or class of vehicles shall install such pollution control devices or other equipment or use such fuels or undergo such maintenance or testing as may be prescribed.

(3) Where a direction has been issued by the Government Agency under sub-section (2) in respect of any motor vehicles or class of motor vehicles, no person shall operate any such vehicle till such direction has been complied with.

(4) To regulate the provision of this Act a green squad comprising of representative of Traffic Police, Motor Vehicle Examiner, Excise & Taxation and EPA Balochistan shall be in place to monitor and inspect the automobiles running on the road as per the Environment Quality Standard.

(5) The inspection or monitoring shall be carried out at least once in a month wherein a mechanism be chalked out for issuance of warning tickets (red: Highly polluted, Blue: less polluted) on a prominent on the vehicle, as the case may be for specific period of time not exceeding 30 days to maintain the vehicle in order.

(6) Whoever contravenes or fails to comply with the provision of sub-section (5) such vehicle should be made off road or punishable with fine at least twenty thousand rupees which may be extended to one hundred thousand rupees. In the case of continuing contravention or failure the vehicle shall be impounded.

22. Alien Species and Living Modified Organisms.— (1) The import into Balochistan of alien species and of living modified organisms is prohibited without a permit issued by the relevant authority under any law enforce in Balochistan. The Balochistan Environmental Protection Agency in consultation with the Departments of Agriculture, Livestock and Animal Husbandry and Food shall monitor the matter.

(2) No permit for the introduction of an alien species or of a living modified

organism shall be issued unless the environmental impact indicates that there is a reasonable certainty that no harm to indigenous natural resources or human health will result from the proposed introduction.

(3) Sub-section 1 and 2 of this Section shall apply equally to introductions of alien species and living modified organisms into the Province of Balochistan and to introductions from one ecosystem to another within the province.

(4) The introduction of alien species and living modified organisms into protected areas shall not be allowed.

23. Costal Zone.—(1) Subject to the provisions of this Act the activities or concentration or level of discharges of the following units established on onshore and offshore shall be monitored strictly to prevent the pollution and environmental degradation caused by the following multi-magnitude and multi disciplinary units:

- (a) Ports and shipping
- (b) Fisheries
- (c) Ship dismantling
- (d) Shipping Traffic (Oil Tankers & Vessels) & dredging.
- (e) Oil and gas mineral exploration.
- (f) Coastal power plants and Energy sector.
- (g) Oil refineries and Industries

(2) The ship breaking at Gaddani or anywhere else in the coastal belt/zone of this province shall be subject to fulfilling all the relevant obligations under the Basel Convention “on the Control of Trans-boundary Movements of Hazardous Waste and their Disposal”, Rotterdam Convention “on the prior Informed Consent (PIC) Procedure for certain Hazardous Chemicals and Pesticides in International Trade” and other relevant Treaties/Protocols and provisions of this Act.

(3) During the process of ship breaking/ dismantling the waste, hazardous waste or sludge or Polychlorinated biphenyls or asbestos etc., shall be disposed of in a manner to ensure Protection of Terrestrial and Marine environment.

(4) The activities of ship breaking/ dismantling activities on shore or offshore within territorial limit of Balochistan shall be monitored at least biannually to ensure environmental protection and prevent degradation and pollution.

(5) The disposal of untreated sewage and domestic wastes and untreated disposal of industrial effluents into the sea is an offence any person or company or unit who contravenes or fails to comply with the provisions of this Act shall face to penalty under section 25.

24. Environmental protection order.— (1) Where the Balochistan Environmental Protection Agency is satisfied that the discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or the handling of hazardous substances, or any other act or omission is likely to occur, or is occurring, or has occurred, in violation of the provisions of this Act, rules or regulations or of the conditions of a license, and is likely to cause, or is causing or has caused an adverse environmental effect, the Balochistan Environmental Protection Agency may, after giving the person responsible for such discharge, emission, disposal, handling, Act or

omission an opportunity of being heard, by order direct such person to take such measures that the Balochistan Environmental Protection Agency may consider necessary within such period as may be specified in the order.

(2) In particular and without prejudice to the generality of the foregoing power, such measures may include —

- (a) immediate stoppage, preventing, lessening or controlling the discharge, emission, disposal, handling, act or omission, or to minimize or remedy the adverse environmental effect;
- (b) installation, replacement or alteration of any equipment or thing to eliminate, control or abate on a permanent or temporary basis, such discharge, emission, disposal, handling, act or omission;
- (c) action to remove or otherwise dispose of the effluent, waste, air pollutant, noise, or hazardous substances; *and*
- (d) action to restore the environment to the condition existing prior to such discharge, disposal, handling, act or omission, or as close to such condition as may be reasonable in the circumstances, to the satisfaction of the Balochistan Environmental Protection Agency.

(3) Where the person, to whom directions under sub- section (1) are given, does not comply therewith, the Balochistan Environmental Protection Agency may, in addition to the proceedings initiated against him under this Act, the rules and regulations, itself take or cause to be taken such measures specified in the order as it may deem necessary and may recover the reasonable costs of taking such measures from such person as arrears of land revenue.

25. Penalties.— (1) Whoever contravenes or fails to comply with the provisions of sections 14, 15, 16, 18 or section 24 or any order issued there-under shall be punishable with fine which may extend to one million rupees, and in the case of a continuing contravention or failure, with an additional fine which may extend to one hundred thousand rupees for every day during which such contravention or failure continues:

Provided that if contravention of the provisions of section 14 also constitutes contravention of the provisions of section 21, such contravention shall be punishable under sub-section (2) only.

(2) Whoever contravenes or fails to comply with the provisions of section 17, 19, 21, 22 or 23 or any rule or regulation or conditions of any license, any order or direction, issued by the Council or the Balochistan Environmental Protection Agency, shall be punishable with fine which may extend to one hundred thousand rupees, and in case of continuing contravention or failure with an additional fine which extend to one thousand rupees for every day during which such contravention continues.

(3) Where an accused has been convicted of an offence under subsections (1) and (2), the Environmental Court and Environmental Magistrate, as the case may be, shall, in passing sentence, take into account the extent and duration of the contravention or failure constituting the offence and the attendant circumstances.

(4) Where an accused has been convicted of an offence under sub-section (1) and the Environmental Court is satisfied that as a result of the commission of the offence monetary benefits have accrued to the offender, the Environmental Court may order the offender to pay, in addition to the fines under sub-section (1), further additional fine commensurate with the

amount of the monetary benefits.

(5) Where a person convicted under sub-sections (1) or sub-section (2) had been previously convicted for any contravention under this Act, the Environmental Court or, as the case may be, Environmental Magistrate may, in addition to the punishment awarded thereunder—

- (a) endorse a copy of the order of conviction to the concerned trade or industrial association, if any, or the concerned Provincial Chamber of Commerce and Industry or the Federation of Pakistan Chambers of Commerce and Industry;
- (b) sentence him to imprisonment for a term which may extend to two years;
- (c) order the closure of the factory;
- (d) order confiscation of the factory, machinery, and equipment, vehicle, material or substance, record or document or other object used or involved in contravention of the provisions of the Act:

Provided that for a period of three years from the date of commencement of this Act the sentence of imprisonment shall be passed only in respect of persons who have been previously convicted for more than once for any contravention of sections 14, 16, 17, 18, 19 or 24 involving hazardous waste;

- (e) order such person to restore the environment at his own cost, to the conditions existing prior to such contravention or as close to such conditions as may be reasonable in the circumstances to the satisfaction of the Balochistan Environmental Protection Agency; *and*
- (f) order that such sum be paid to any person as compensation for any loss, bodily injury, damage to his health or property suffered by such contravention.

(6) The Director-General of the Balochistan Environmental Protection Agency or an officer generally or specially authorized by him in this behalf may, on the application of the accused compound an offence under this Act with the permission of the Environmental Tribunals or Environmental Magistrate in accordance with such procedure as may be prescribed.

(7) Where the Director-General of the Balochistan Environmental Protection Agency is of the opinion that a person has contravened any provision of Act he may, subject to the rules, by notice in writing to that person require him to pay to the Balochistan Environmental Protection Agency an administrative penalty in the amount set out in the notice for each day the contravention continues; and a person who pays an administrative penalty for a contravention shall not be charged under this Act with an offence in respect of such contravention.

(8) The provisions of sub-sections (6) and (7) shall not apply to a person who has been previously convicted of offence or who has compounded an offence under this Act who has paid an administrative penalty for a contravention of any provision of this Act.

26. Offences by bodies corporate. Where any contravention of this Act has been committed by a body corporate, and it is proved that such offence has been committed with the consent or connivance of, or is attributed to any negligence on the part of, any director, partner, manager, secretary or other Officer of the body corporate, such director, partner, manager, secretary or other officer of the body corporate, shall be deemed guilty of such contravention along with the body corporate and shall be punished accordingly:

Provided that in the case of a company as defined under the Companies Ordinance, 1984¹¹ (XLVII of 1984), only the Chief Executive as defined in the said Ordinance shall be liable under this section.

Explanation.— For the purposes of this section, "body corporate" includes a firm, association of persons and a society registered under the Societies Registration Act, 1860 (XXI of 1860), or under the Co-operative Societies Act, 1925 (VII of 1925).

27. Offences by Government Agencies, local authorities or local councils.—

Where any contravention of this Act has been committed by any Government Agency, local authority or local council, and it is proved that such contravention has been committed with the consent or connivance of, or is attributable to any negligence on the part of, the Head or any other officer of the Government Agency, local authority or local council, such Head or other officer shall also be deemed guilty of such contravention along with the Government Agency, local authority or local council and shall be liable to be proceeded against and punished accordingly.

28. Balochistan Environmental Tribunals.— (1) The Government of Balochistan may, by notification in the official gazette establish Balochistan Environmental Protection Tribunals which shall exercise jurisdiction under this Act.

(2) The Balochistan Environmental Protection Tribunal shall consist of a Chairperson who is, or has been, or is qualified for appointment as, a judge of the High Court to be appointed after consultation with the Chief Justice of the High Court and two members to be appointed by the Government of Balochistan which at least one shall be a technical member with suitable professional qualifications and experience; in the environmental field as may be prescribed. For every sitting of the Balochistan Environmental Protection Tribunal the presence of the Chairperson and not less than one Member shall be necessary.

(3) A decision of Balochistan Environmental Protection Tribunal shall be expressed in terms of the opinion of the majority or if the case has been decided by the Chairperson and only one of the members and there is a difference of opinion between them, the decision of the Balochistan Environmental Protection Tribunal shall be expressed in terms of the opinion of the Chairperson.

(4) Balochistan Environmental Protection Tribunal shall not, merely by reason of a change in its composition, or the absence of any member from any sitting, be bound to recall and rehear any witness who has given evidence, and may act on the evidence already; recorded by, or produced, before it.

(5) Balochistan Environmental Protection Tribunal may hold its sittings at such places within its territorial jurisdiction as the Chairperson may decide.

(6) No act or proceeding of Balochistan Environmental Protection Tribunal shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution, of, the Balochistan Environmental Protection Tribunal.

(7) The terms and conditions of service of the Chairperson and members of the

¹¹ An Ordinance made by the President of Pakistan and published in the Gazette of Pakistan (Extraordinary), Part I, dated 8th October, 1984; saved and protected under Article 270A of the Constitution of Islamic Republic of Pakistan, 1973. Which repealed the earlier Act VII of 1913, S. 508, 7th Schedule.

Balochistan Environmental Protection Tribunal shall be such as may be prescribed.

29. Jurisdiction and powers of Balochistan Environmental Tribunals.— (1) Balochistan Environmental Protection Tribunal shall exercise such powers and perform such functions as are, or may be, conferred upon or assigned to it by or under this Act or the rules and regulations made there under.

(2) All contravention punishable under sub-section (1) of section 25 shall exclusively be triable by Balochistan Environmental Protection Tribunal.

(3) Balochistan Environmental Protection Tribunal shall not take cognizance of any offence triable under sub-section (2) except on a complaint in writing by—

- (a) the Government Agency or local council; *and*
- (b) any aggrieved person, who has given notice of not less than thirty days to the Provincial Agency concerned, of the alleged contravention and of his intention to make a complaint to the Environment Tribunal.

(4) In exercise of its criminal jurisdiction, the Balochistan Environmental Protection Tribunal shall have the same powers as are vested in Court of Session under the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) In exercise of the appellate jurisdiction under section 22 the Balochistan Environmental Protection Tribunal shall have the same powers and shall follow the same procedure as an appellate court in the Code of Civil Procedure, 1908 (Act V of 1908).

(6) In all matters with respect to which no procedure has been provided for in this Act, the Balochistan Environmental Protection Tribunal shall follow the procedure laid down in the Code of Civil Procedure, 1908 (Act V of 1908).

(7) Balochistan Environmental Protection Tribunal may, on application filed by any officer duly authorized in this behalf by the Director-General of the Balochistan Environmental Protection Agency, issue bail able warrant for the arrest of any person against whom reasonable suspicion exist, of his having been involved in contravention punishable under sub-section (1) of Section 25:

Provided that such warrant shall be applied for, issued, and executed in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided further that if the person arrested executes a bond with sufficient sureties in accordance with the endorsement on the warrant he shall be released from custody, failing which he shall be taken or sent without delay to the officer in-charge of the nearest police station.

(8) All proceedings before the Balochistan Environmental Protection Tribunal shall be deemed to be judicial proceedings within the meaning of section 193 and 228 of the Pakistan Penal Code (Act XLV of 1860), and the Balochistan Environmental Protection Tribunal shall be deemed to be a court for the purpose of section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(9) No court other than Balochistan Environmental Protection Tribunal shall have or exercise any jurisdiction with respect to any matter to which the jurisdiction of Balochistan Environmental Protection Tribunal extends under this Act, the rules and regulations made thereunder.

(10) Where the Balochistan Environmental Protection Tribunal is satisfied that a complaint made to it under sub-section (3) is false and vexatious to the knowledge of the complainant, it may, by an order, direct the complainant to pay to the person complained against such compensatory costs which may extend to five hundred thousand rupees.

30. Appeals to the Environmental Tribunal.— (1) Any person aggrieved by any order or direction of the Balochistan Environmental Protection Agency under any provision of this Act, and rules or regulations may prefer an appeal with the Balochistan Environmental Protection Tribunal within thirty days of the date of communication of the impugned order or direction to such person.

(2) An appeal to the Balochistan Environmental Protection Tribunal shall be in such form, contain such particulars and be accompanied by such fees as may be prescribed.

31. Appeals from orders of the Environmental Tribunal.— (1) Any person aggrieved by any final order or by any sentence of the Balochistan Environmental Protection Tribunal passed under this Act may, within thirty days of communication of such order or sentence, prefer an appeal to the High Court.

(2) An appeal under sub-section (1) shall be heard by a Bench of not less than two Judges

32. Jurisdiction of Environmental Magistrates.— (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or any other law for the time being in force, but subject to the provisions of this Act, all contravention punishable under sub-section (2) of section 25 shall exclusively be trial-able by Environmental Magistrate especially empowered in this behalf under section 14 of the Code of Criminal Procedure, 1898 (Act No. V of 1898).

(2) An Environmental Magistrate shall be competent to impose any punishment specified in sub-sections (2) and (4) of section 25.

(3) An Environmental Magistrate shall not take cognizance of an offence trial able under sub-section (1) except on a complaint in writing by—

- (a) the Balochistan Environmental Protection Agency, or Government Agency or a local council; *and*
- (b) any aggrieved person.

33. Appeals from orders of Environmental Magistrates.— Any person convicted of any contravention of this Act or the rules or regulations by an Environmental Magistrate may, within thirty days from the date of his conviction, appeal to the Court of Sessions whose decision thereon shall be final.

34. Power to delegate.— (1) The Government of Balochistan may, by notification in the official Gazette, delegate any of its or of the Balochistan Environmental Protection Agency powers and functions under this Act and the rules and regulations to any Government Agency, local council or local authority.

(2) The Balochistan Environmental Protection Agency may also by notification in the official Gazette, delegate any of its powers or functions under this Act and the rules and

regulations to EPA Regional or sub-offices. In case of nonexistence of its Regional/Sub-offices may delegate its powers or functions to any local council or local authority in the Province.

35. Power to give directions.— In the performance of its functions the Provincial Agency shall be bound by the direction given to it in writing by the Government.

36. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Government, the Council, the Balochistan Environmental Protection Agency, the Director-Generals of the Balochistan Environmental Protection Agency, members, officers, employees, experts, advisers, committees or consultants of the Balochistan Environmental Protection Agency or the Environmental Tribunal or Environmental Magistrates or any other person for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

37. Dues recoverable as arrears of land revenue.— Any dues recoverable by the Balochistan Environmental Protection Agency under this Act, or the rules or regulations shall be recoverable as arrears of land revenue.

38. Act to override other laws.— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

39. Power to make rules.— The Government of Balochistan may, by notification in the official Gazette, make rules for carrying out the purposes of this Act including rules for implementing the provisions of the international environmental Agreements, specified in the Schedule of this Act.

40. Power to amend the Schedule.— The Government of Balochistan may, by notification in the official Gazette, amend the Schedule so as to add any entry thereto or modify or omit any entry therein.

41. Power to make regulations.— (1) For carrying out the purposes of this Act, the Balochistan Environmental Protection Agency may, by notification in the official Gazette and with the approval of the Government of Balochistan, make regulations not inconsistent with the provisions of this Act or the rules made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

- (a) submission of periodical reports, data or information by any Government agency, local authority or local council in respect of environmental matters;
- (b) preparation of emergency contingency plans for coping with environmental hazards and pollution caused by accidents, natural disasters and calamities;
- (c) appointment of officers, advisers, experts, consultants and employees;
- (d) levy of fees, rates and charges in respect of services rendered, actions taken and schemes implemented;
- (e) monitoring and measurement of discharges and emissions;
- (f) categorization of projects to which, and the manner in which, section 15 applies;
- (g) laying down of guidelines for preparation of initial environmental examination

and environmental impact assessment and Development of procedures for their filing, review and approval;

- (h) providing procedures for handling hazardous substances; *and*
- (i) installation of devices in, use of fuels by, and maintenance and testing of motor vehicles for control of air and noise pollution.

42. Repeal, savings and succession.— (1) The provision of Pakistan Environmental Protection Act 1997¹² (Act No. XXXIV of 1997) applicable to the Province of Balochistan are hereby repealed.

(2) Notwithstanding the repeal of the Pakistan Environmental Protection Act 1997 hereinafter called the repealed Act, any rules or regulations or appointments made, orders passed, notifications issued, powers delegated, contracts entered into, proceedings commenced, rights acquired liabilities incurred, penalties, rates, fees or charges levied, things done or action taken under any provisions of the repealed Act shall, so far as they are not inconsistent with the provisions of this Act be deemed to have been made, passed, issued, delegated, entered into, commenced, acquired, incurred, levied, done or taken under this Act, until they are repealed, rescind, withdrawn, repealed, replaced or modified in accordance with the provisions of this Act.

(3) On the establishment of the Balochistan Environmental Protection Agency under this Act, all properties, assets and liabilities pertaining to the Balochistan Environmental Protection Agency established under repealed Act shall vest in and be the properties, assets and liabilities, as the case may be, of the Balochistan Environmental Protection Agency established under this Act.

(4) The Balochistan Environmental Protection Agency constituted under the repealed Act and existing immediately before the commencement of this Act shall be deemed to have been constituted under section 5 and the Director General and other officers and employees appointed in the said Agency shall be deemed to be Director General, officers and employees appointed under the Balochistan Civil Servant Act 1974¹³.

(5) Notwithstanding the repeal of the Pakistan Environmental Protection Act 1997¹⁴ (Act No. XXXIV of 1997), all proceeding pending immediately before commencement of this Act, against any person under the repealed Act and rules, regulation or order made there under, or any other Law or rules shall continue under that Law and rules, in the manner proceeded thereunder.

¹² Act XXXIV of 1997; passed by Majlis-e-Shoora (Parliament) of Pakistan; assented to by the President on 3rd December, 1997; and published in the Gazette of Pakistan, Part-I, dated 6th December, 1997, pages 1681-1705; repealed to the extent of Balochistan by Balochistan Act VIII of 2012, S. 42.

¹³ Balochistan Act IX of 1974; passed by the Balochistan Assembly on 19th June, 1974; assented to by the Governor of Balochistan; and published in the Balochistan Gazette (Extraordinary) No. 41 dated 20th July, 1974.

¹⁴ See footnote under section 42 (1).

SCHEDULE
(See section 39)

1. International Plant Protection Convention, Rome, 1951.
2. Plant Protection Agreement for the South-East Asia and Pacific Region (as amended), Rome, 1956.
3. Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (as amended), Rome, 1963.
4. Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Ramsar, 1971 and its amending Protocol, Paris, 1982.
5. London Convention on Ocean Dumping 1972.
6. Convention Concerning the Protection of World Cultural and Natural Heritage (World Heritage Convention), 1972.
7. MARPOL Convention on Prevention of Pollution from Ship, 1973/78.
8. Convention on International Trade in Endangered Species of Wild Funa and Flora (CITES), Washington, 1973.
9. Convention on the Conservation of Migratory Species of Wild Animals, Bonn, 1979.
10. Convention on the Law of the Sea, Montego Bay, 1982.
11. Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985.
12. Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 1987 and amendments thereto.
13. Agreement on the Network of Agriculture Centres in Asia and the Pacific, Bangkok, 1988.
14. Convention on the Control of Transboundary Movements of Hazardous Waste and Their Disposal, Basel, 1989.
15. Convention on Biological Diversity, Rio de Janeiro, 1992.
16. United Nations Framework Convention on Climate Change, Rio De Janeiro, 1992.
17. Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 17 March 1992.
18. The Rio Declaration on Environment and Development, 13 June 1992.
19. London Amendment to Montreal Protocol on Substances that deplete the ozone layer, 10 Aug 1992.
20. United Nations Convention on the Law of the Sea, 16 Nov 1994
21. Washington Declaration on Land Based Marine Pollution 1995.
22. UN Convention on Non-Navigational Uses of International Watercourses, 1995.
23. Ban Amendment to the Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and their Disposal, 22 Sept 1995.

24. The Kyoto Protocol, 11 Dec 1997.
25. The Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 11 Sept 1998.
26. The Beijing Amendment to the Montreal Protocol on Substances that deplete the ozone layer, 1 Jan 2000.
27. The Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 29 Jan 2000.
28. Stockholm Convention on Persistent Organic Pollutants (POPs), 23 May 2001.
29. International Treaty on Plant Genetic Resources for Food and Agriculture, 3 Nov 2001.
30. Hong Kong International Convention for The Safe And Environmentally Sound Recycling Of Ships, 2009.

