THE PAKISTAN ENVIRONMENTAL PROTECTION ACT 1997

(XXXIV of 1997)

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SCHEDULE

[1]THE [2][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 [3][Punjab] Environmental Protection Act, 1997.

(2) It extends to the whole of [4][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 [5][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 [6][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) [7][* * * * * * * * * * *];

(xv) "factory" means any premises in which industrial activity is being under taken;

[8][(xvi) "Government" means Government of the Punjab;]

[9][(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) [10][* * * * * * * * * * *]

(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 [11][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 form abattoirs, sludge and human excreta and the like;

(xxix) [12][* * * * * * * * * * * *]

(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;

[13][(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;

[14][(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;]

[15][(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 [16][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) [17][* * * * * * * * * * * *]

(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 [18][Punjab] Environmental Protection Council.– [19][(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 nominated by the Chief Minister;	Chairperson
(ii)	Minister Incharge of the Environment Protection Department;	Vice Chairperson
(iii)	such other persons not exceeding thirty five as the 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; and	Members
(iv)	Secretary to the Government, Environment Protection Department.	Member/Secretary]

(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 [20][Government] from time to time;

(c) approve the [21][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 [22][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 [23]___[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 [24]___[Provincial] Environmental Protection Agency.– [25]___[(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 [26]___[Provincial Agency] shall be headed by a Director General, who shall be appointed by the [27]___[Government] on such terms and conditions as it may determine.

(3) The [28]___[Provincial Agency] shall have such administrative, technical and legal staff as the [29]___[Government] may specify, to be appointed in accordance with such procedure as may be prescribed.

(4) The powers and functions of the [30]___[Provincial Agency] shall b 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 [31]___[Provincial Agency] in the discharge of its functions, the [32]___[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 [33]___[Provincial Agency].– (1) The [34]___[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, [35]___[* * *] environmental policies for approval by the Council;

(c) take all necessary measures for the implementation of the [36]___[* * *] environmental policies approved by the Council;

(d) prepare and publish an annual [37]___[Punjab] Environment Report on the state of the environment;

(e) prepare or revise, and establish the [38]___[Punjab] Environmental Quality Standards with approval of the Council:

Provided that before seeking approval of the Council, the [39]___[Provincial Agency] shall publish the proposed [40]___[Punjab] Environmental Quality Standards for public opinion in accordance with the prescribed procedure;

(f) ensure enforcement of the [41]___[Punjab] Environmental Quality Standards;

[42]___[(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 [43] [Provincial Agency] may–

(a) undertake inquires 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 [44] [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 [45] [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 [46][Provincial Agency].– Subject to the provisions of this Act, the [47][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 [48][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

[49][(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. [50][* * * * * * * * * * * * *]

9. Establishment of the Provincial Sustainable Development Fund.– [51][(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 [52][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.– [53][(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 Government may appoint including Secretaries incharge of the Finance, Industries and Environment Departments;	Members
(iii)	such non-official persons not exceeding ten as the Government may appoint including representatives of the Chamber of Commerce and Industry, non-governmental organizations and major donors; and	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 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 [54][Punjab] 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 [55][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 [56][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 [57]___[Provincial Agency] approval in respect thereof.

(2) The [58]___[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 [59]___[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 [60]___[Government]; or

(iii) matters covered by legal professional privilege.

(4) The [61]___[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 [62]___[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 [63]___[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).

[64]___**[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 [65]___[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 [66][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 [67][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 [68][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.– [69][(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 [70][Provincial Agency].

(3) Where the person, to whom directions under sub-section (1) are given, does not comply therewith, the [71][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 [72][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 [73]___[Provincial Agency] shall be punishable with fine which may extend to [74]___[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 Commence 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 [75]___[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 [76]___[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 [77]___[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 [78]___[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 [79][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 clause 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 [80][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.

[81][(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 [82]___[Provincial 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 [83]___[Provincial Agency] 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 Procedure, 1908 (Act V of 1908)

(7) An Environmental Tribunal may, on application filed by any officer duly authorized on this behalf by the Director-General of the [84]___[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 [85]___[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 hard 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 [86]___[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.

[87]___**[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.]

[88]___**[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.]

[89]___**[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 [90]___[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 [91]___[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 [92]___[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 [93]___[Provincial Agency] may, by notification in the official Gazette and with the approval of the [94]___[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.

(3) [95][* * * * * * * * * * * * *]

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.

[1] This 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).

[2] Substituted for the word "Pakistan" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[3] *Ibid*.

[4] *Ibid*.

[5] Substituted for the word "Pakistan" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[6] Substituted *ibid*., for the words "Federal Agency or a Provincial Agency".

[7] Omitted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[8] Substituted *ibid*.

[9] *Ibid*.

[10] Omitted *ibid*.

[11] Substituted for the words "Federal Government or a Provincial Government" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[12] Omitted *ibid*.

[13] Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[14] *Ibid*.

[15] Inserted *ibid*.

[16] Substituted for the word "National" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[17] Omitted *ibid*.

[18] Substituted *ibid*, for the word "Pakistan".

[19] *Ibid*.

[20] Substituted, for the words "Federal Government" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[21] *Ibid*., for the word "National".

[22] Substituted for the words "National" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[23] *Ibid*., for the words "Federal Agency".

[24] *Ibid*., for the word "Pakistan".

[25] *Ibid*., for sub-section (1).

[26] *Ibid* for the words "Federal Agency".

[27] *Ibid*., for the words "Federal Government".

[28] *Ibid*., for the words "Federal Agency".

[29] *Ibid*., for the words "Federal Government".

[30] *Ibid*., for the words "Federal Agency".

[31] *Ibid*.

[32] *Ibid*., for the words "Federal Government".

[33] Substituted for the words "Federal Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[34] *Ibid*.

[35] The word "national" omitted *ibid*.

[36] *Ibid*.

[37] Substituted for the word "National".

[38] *Ibid*.

[39] *Ibid*., for the words "Federal Agency".

[40] *Ibid*., for the word "National".

[41] *Ibid*.

[42] Substituted *ibid*.

[43] Substituted for the words "Federal Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[44] Substituted for the words "Federal Government" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[45] *Ibid*.

[46] *Ibid*., for the words "Federal Agency".

[47] *Ibid*.

[48] *Ibid*., for the words "Federal Government".

[49] Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[50] Section 8"**Establishment, powers and functions of the Provincial Environmental Protection Agencies"** omitted *ibid*.

[51] Substituted *ibid*.

[52] *Ibid*., for the words "Federal Government or the Provincial Governments".

[53] Substituted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012)

[54] Substituted for the word "National" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[55] *Ibid*., for the words "Federal Government".

[56] *Ibid*., for the words "Federal Agency".

[57] *Ibid*.

[58] *Ibid*.

[59] Substituted for the words "Federal Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[60] *Ibid*., for the words "Federal Government".

[61] *Ibid*., for the words "Federal Agency".

[62] *Ibid*., for the words "Federal Government".

[63] *Ibid*., for the words "Federal Agency".

[64] Section 13 substituted *ibid*.

[65] Substituted for the words "Federal Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[66] *Ibid*., for the word "National".

[67] *Ibid*., for the words "Federal Agency".

[68] *Ibid*.

[69] Sub-section (1) substituted *ibid*.

[70] Substituted for the words "Federal Agency or Provincial Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[71] *Ibid*.

[72] *Ibid*., for the words "one million".

[73] *Ibid*., for the words "Federal Agency or Provincial Agency".

[74] *Ibid*., for the words "one hundred thousand".

[75] Substituted for the words and commas "Federal Agency or, as the case may be, Provincial Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[76] Substituted for the words "Federal Agency or of a Provincial Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[77] *Ibid*.

[78] *Ibid*., for the words and commas "Federal Agency or, as the case may be, Provincial Agency".

[79] Substituted for the words "Federal Government" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[80] *Ibid*.

[81] Substituted *ibid*.

[82] Substituted for the words "Federal Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[83] *Ibid*., for the words and comma "Federal Agency, or the Provincial Agency concerned".

[84] *Ibid*., for the words "Federal Agency or of Provincial Agency".

[85] Substituted for the words "Federal Agency or any Provincial Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[86] Substituted for the words and comma "Federal Agency, Provincial Agency", by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[87] Substituted *ibid*.

[88] *Ibid*.

[89] *Ibid*.

[90] Substituted for the words "Federal Agency or Provincial Agency" by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).

[91] *Ibid*., for the words "Federal Government".

[92] *Ibid*.

[93] *Ibid*., for the words "Federal Agency".

[94] *Ibid*., for the words "Federal Government".

[95] Omitted by the Punjab Environmental Protection (Amendment) Act 2012 (XXXV of 2012).