

**THE PUNJAB ENVIRONMENTAL PROTECTION
(AMENDMENT) ACT 2012
(XXXV OF 2012)**

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TEXT

THE PUNJAB ENVIRONMENTAL PROTECTION (AMENDMENT) ACT 2012 (XXXV OF 2012)

[18th April, 2012]

An
Act

to amend the Pakistan Environmental Protection Act, 1997.

Preamble.— Whereas it is expedient to amend the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997) for purposes hereinafter appearing;

It is enacted as follows:-

1. Short title and commencement.— (1) This Act may be cited as the Punjab Environmental Protection (Amendment) Act 2012.

(2) It shall come into force at once.

2. Amendments in Act XXXIV of 1997.— In the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), hereinafter referred to as the said Act—

- (a) for the words “Federal Government”, wherever occur, the word “Government” shall be substituted;
- (b) for the words “Federal Agency”, wherever occur, the words “Provincial Agency” shall be substituted; and
- (c) for the word “National”, wherever occurs, the word “Punjab” shall be substituted.

3. Amendments in section 1 of Act XXXIV of 1997.— In the said Act, in section 1—

- (a) in sub-section (1), for the word “Pakistan”, the word “Punjab” shall be substituted; and
- (b) in sub-section (2), for the word “Pakistan”, the words “the Punjab” shall be substituted.

4. Amendments in section 2 of Act XXXIV of 1997.— In the said Act, in section 2—

- (a) in clause (v), for the word “Pakistan”, the word “Punjab” shall be substituted;
- (b) in clause (ix), for the words “Federal Agency or a Provincial Agency”, the words “Provincial Agency” shall be substituted;
- (c) clause (xiv) shall be omitted;
- (d) for clause (xvi), the following shall be substituted:-
“(xvi) “Government” means Government of the Punjab;”
- (e) for clause (xvii), the following shall be substituted:-
“(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;”
- (f) clause (xx) shall be omitted;
- (g) in clause (xxv), for the words “Federal Government or a Provincial Government”, the word “Government” shall be substituted;
- (h) clause (xxix) shall be omitted;
- (i) for clause (xxxiv), the following shall be substituted:-
“(xxxiv) “prescribed” means prescribed by the rules or regulations;”
- (j) for clause (xxxvii), the following shall be substituted:-
“(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;”
- (k) after clause (xxxvii), the following clause (xxxvii-a) shall be inserted:-
“(xxxvii-a) “Punjab Environmental Quality Standards” mean the standards prepared by the Provincial Agency and approved by the Council;” and
- (l) clause (xlili) shall be omitted.

5. Amendments in section 3 of Act XXXIV of 1997.— In the said Act, in section 3—

- (a) in the marginal heading, for the word “Pakistan”, the word “Punjab” shall be substituted; and
- (b) for sub-section (1), the following shall be substituted:-
“(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 Member/Secretary”

Protection Department.

- 6. Amendments in section 5 of Act XXXIV of 1997.**— In the said Act, in section 5—
- (a) in the marginal heading, for the word “Pakistan”, the word “Provincial” shall be substituted; and
 - (b) for sub-section (1), the following shall be substituted:-

“(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.”
- 7. Amendment in section 6 of Act XXXIV of 1997.**— In the said Act, in section 6, in sub-section (1)—
- (a) in clauses (b) and (c), the word “national” shall be omitted; and
 - (b) clause (g) be substituted as under—

“(g) establish standards for the quality of the ambient air, water and land, by notification in the official Gazette;”
- 8. Amendment in section 7 of Act XXXIV of 1997.**— In the said Act, in section 7, for clause (k), the following shall be substituted:-
- “(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.”
- 9. Omission of section 8 of Act XXXIV of 1997.**— In the said Act, section 8 shall be omitted.
- 10. Amendments in section 9 of Act XXXIV of 1997.**— In the said Act, in section 9—
- (a) for sub-section (1), the following shall be substituted:-

“(1) There shall be established a Provincial Sustainable Development Fund.”; and
 - (b) in sub-section (2), in clause (a), for the words “Federal Government or the Provincial Governments”, the words “Government or the Federal Government” shall be substituted.
- 11. Amendment in section 10 of Act XXXIV of 1997.**— In the said Act, in section 10, for sub-section (1), the following shall be substituted:-
- “(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"

12. Substitution of section 13 of Act XXXIV of 1997.— In the said Act, for section 13, the following shall be substituted:-

“13. Prohibition of import of hazardous waste.— No person shall import hazardous waste into the Punjab.”

13. Amendments in section 16 of Act XXXIV of 1997.— In the said Act, in section 16—

(a) for sub-section (1), the following shall be substituted:-

“(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.”;

(b) in sub-section (2), in clause (d), for the words and comma “Federal Agency or, Provincial Agency”, the words “Provincial Agency” shall be substituted; and

(c) in sub-section (3), for the words “Federal Agency or Provincial Agency”, the words “Provincial Agency” shall be substituted.

14. Amendments in section 17 of Act XXXIV of 1997.— In the said Act, in section 17—

(a) in sub-section (1), for the words “one million”, the words “five million” shall be substituted;

(b) in sub-section (2)—

(i) for the words “Federal Agency or Provincial Agency”, the words “Provincial Agency” shall be substituted; and

(ii) for the words “one hundred thousand”, the words “five hundred thousand” shall be substituted;

- (c) in sub-section (5), in clause (e), for the words and commas “Federal Agency or, as the case may be, Provincial Agency”, the words “Provincial Agency” shall be substituted;
- (d) in sub-section (6), for the words “Federal Agency or of a Provincial Agency”, the words “Provincial Agency” shall be substituted; and
- (e) in sub-section (7)–
 - (i) for the words “Federal Agency or of a Provincial Agency”, the words “Provincial Agency” shall be substituted; and
 - (ii) for the words and commas “Federal Agency or, as the case may be, Provincial Agency”, the words “Provincial Agency” shall be substituted.

15. Amendment in section 20 of Act XXXIV of 1997.– In the said Act, in section 20, for sub-section (4), the following shall be substituted:-

“(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.”

16. Amendments in section 21 of Act XXXIV of 1997.– In the said Act, in section 21–

- (a) in sub-section (3), in clause (b), for the words and comma “Federal Agency, or the Provincial Agency concerned”, the words “Provincial Agency” shall be substituted; and
- (b) in sub-section (7), for the words “Federal Agency or of Provincial Agency”, the words “Provincial Agency” shall be substituted.

17. Amendment in section 22 of Act XXXIV of 1997.– In the said Act, in section 22, in sub-section (1), for the words “Federal Agency or any Provincial Agency”, the words “Provincial Agency” shall be substituted.

18. Amendment in section 24 of Act XXXIV of 1997.– In the said Act, in section 24, in sub-section (3), in clause (a), for the words and comma “Federal Agency, Provincial Agency”, the words “Provincial Agency” shall be substituted.

19. Substitution of section 26 of Act XXXIV of 1997.– In the said Act, for section 26, the following shall be substituted:-

“**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.”

20. Substitution of section 27 of Act XXXIV of 1997.– In the said Act, for section 27, the following shall be substituted:-

“**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.”

21. Substitution of section 28 of Act XXXIV of 1997.– In the said Act, for section 28, the following shall be substituted:-

“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.”

22. Amendment in section 29 of Act XXXIV of 1997.– In the said Act, in section 29, for the words “Federal Agency or Provincial Agency”, the words “Provincial Agency” shall be substituted.

23. Amendment in section 34 of Act XXXIV of 1997.– In the said Act, in section 34, sub-section (3) shall be omitted.