

GOVERNMENT OF THE PUNJAB
ENVIRONMENT PROTECTION
DEPARTMENT

Dated Lahore, 30th April 2012

NOTIFICATION

No. *Legis-5-57/2012* - 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 bio-chemistry; 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.

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-fees 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.

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. **Repeal.**—The Environmental Tribunal Rules, 1999 and the Environmental Tribunals (Procedure and Functions) Rules, 2008 are hereby repealed.

SECRETARY
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