

Brief on Pakistan Environmental Protection Act, 1997

Pakistan's Environmental Policy is based on participatory approach to achieving objectives of sustainable development through legally, administratively and technically sound institutions. The Federal Environment Ministry was established in Pakistan in 1975 as follow up a Stockholm declaration of 1972. The Ministry was responsible for promulgation of the environmental Protection Ordinance of Pakistan in 1983. It was the first comprehensive legislation prepared in the country. The main objective of Ordinance 1983 was to establish institutions i-e to establish Federal and Provincial Environmental Protection Agencies and Pakistan Environmental Protection Council (PEPC). In 1992 Pakistan attended the Earth Summit in state of Brazil (Rio-De Janeiro) and thereafter became party to various international conventions and protocols. This political commitment augmented the environmental process in the country. Same year, Pakistan prepared National Conservation Strategy (NCS), provides a broad framework for addressing environmental concerns in the country. In 1993 Environmental Quality Standards (NEQS) were designed.

The Pakistan Environmental Protection Act was enacted on 6th December 1997, repealing the Pakistan Environmental Protection Ordinance, 1983. The PEPA' 1997 provides the framework for implementation of NCS, establishment of Provincial Sustainable development Funds, Protection and conservation of species, conservation of renewable resources, establishment of Environmental Tribunals and appointment of Environmental Magistrates, Initial Environmental Examination (IEE), and Environmental Impact Assessment (EIA).

Pakistan Environmental Protection Council

The apex body was first constituted in 1984 under section 3 of the Pakistan Environmental Protection Ordinance (PEPO), 1983, with President of Pakistan as its Chairman. In 1994, an amendment was made in the Ordinance to provide for the Prime Minister or his nominee to be the head of the Council. The Council was reconstituted after enactment of the new law i.e. Pakistan Environmental Protection Act, 1997. It is headed by the Prime Minister (Chief Executive) of Pakistan. The council is represented

by trade and industry, leading NGOs, educational intuitions, expert's journalists and concerned ministries.

Establishment of Pakistan Environmental Protection Agency under section 5

In 1993, the Pakistan Environmental Protection Agency (Pak-EPA) was established under Section 6 (d) of the Pakistan Environmental Protection Ordinance, 1983. The Agency started with meager staff and resources. However, number of action were taken which included notification of NEQS in 1993 for municipal and liquid industrial effluents and industrial gaseous emissions, motor vehicle exhaust, and noise. The functions and responsibilities of the Agency enhanced and it was strengthened technically and logistically to met the environmental challenges. Pak-EPA also provides technical support to the Ministry of Environment.

Salient feature of various Sections of PEPA' 1997:

Functions of Pak-EPA under Section 6 (2)

The Federal Agency may

- a) Undertake inquiries of investigation into environmental issues, either of its own accord or upon complaint of any person or organization.

Powers of Federal Agency under Section 7

The Federal Agency may

- g) Summon & enforce the attendance of any person and require him to supply any information or document need for the conduct of any enquiry or investigation into any environmental issue;
- h) enter and inspect and under the authority of a search warrant issued by the environmental magistrate, search at any reasonable time, any land, building, premises, vehicle, vessel, or other place where or in which, there are reasonable ground to believe that an offence under this act has been or being committed;

Provincial Environmental Protection Agencies

In all four provinces, Environmental Protection Agencies were created under the provision of Pakistan Environmental Protection Act, 1997. Federal Government has delegated its powers to the provincial governments and they have further delegated powers to the provincial Environmental Protection Agencies.

Initial Environmental Examination and Environmental Impact Assessment under Section 12

Environmental Assessment (EA) is a process to examine the environmental risks and benefits associated with the developmental projects. IEE and EIA process has begun in the country in an organized manner. Section 12 explains that 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 projects is likely to cause an adverse environmental effect, an Environmental Impact assessment, and has obtain from Federal Agency Approval. An IEE/EIA Regulations, 2000 has been notified under this section.

Prohibition of Import of Hazardous Waste under Section 13

The Pakistan Environmental Protection Act, 1997 requires that no person may import hazardous substances of which chemical activity is toxic, explosive, flammable, corrosive, radioactive, cause directly or in combination with other matters, an adverse environmental effect.

Regulation of Motor Vehicle under section 15

Operation of a motor vehicle from which gaseous emission or noise exceeds the NEQS, or other standards established by Pak-EPA where ambient conditions so require, have been prohibited. To ensure compliance with the NEQS, the Pak-EPA has been empowered to direct that pollution control devices be installed in motor vehicles or fuels specified by Pak-EPA be used in them or specified maintenance or testing be carried out on them.

Establishment of Environmental Tribunals under section 20

The Government is empowered to constitute Environmental Tribunals to hear cases relating to Pakistan Environmental Protection Act, 1997. The Federal Government has established four Environmental Tribunal one in each province.

Designation of Environmental Magistrates under section 24

The Federal and Provincial governments have designated senior civil judges as Environmental Magistrates to take all contraventions punishable in respect of handling of hazardous substances and pollution caused by motor vehicles.

Penalties of Environmental Magistrate

The Environmental Magistrate has been authorized to award compensation for losses or damage under Section 17(5).

- Endorse a copy of the order of conviction to concerned trade or industrial association;
- Sentence him to imprisonment for a term which may extend up to two years;
- Order the closure of the factory;
- 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 provision of the Act;

Delegation of Powers to Provincial Governments under section 26

Ministry of Environment, Local Government and Rural Development had delegated functions and powers of it and the Federal Environmental Protection Agency under section 26 of the Act to the Provincial governments. The Provincial Governments have further delegated these powers and functions to Environmental Protection Agencies and also planning to sub-delegate selected powers to the local government.