

C O N F I D E N T I A L

Not to be released for publication in the press before presentation to the Assembly

PROVINCIAL ASSEMBLY OF THE PUNJAB
REPORT OF THE STANDING COMMITTEE ON ENVIRONMENT
PROTECTION REGARDING THE PUNJAB ENVIRONMENT
PROTECTION (AMENDMENT) BILL 2017 (BILL NO.27 OF 2017)

The Punjab Environment Protection (Amendment) Bill 2017 (Bill No.27 of 2017) was referred to the Standing Committee on Environment Protection on 13 September 2017. The Committee considered the Bill in its meeting held on 4 October 2017.

2. The following were present:-

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| 1. | Mr Asif Mehmood, MPA (PP-9) | Chairman |
| 2. | Mr Akmal Saif Chattha, MPA (PP-103)/ Parliamentary Secretary for Environment Protection | <i>ex-officio</i> Member |
| 3. | Ch Ashraf Ali Ansari, MPA (PP-93) | Member |
| 4. | Mrs Farhana Afzal, MPA (W-315) | Member |
| 5. | Mr Shaukat Hayyat Khan Bosan, MPA (PP-200) | Member |
| 6. | Mr Muhammad Ejaz Shafi, MPA (PP-290) | Member |
| 7. | Mr Muhammad Waheed Gull, MPA (PP-145) | Member |
| 8. | Mr Ali Salman, MPA (PP-168) | Member |

3. Mr Saif Anjum, Secretary to Government of the Punjab, Environment Protection Department and Mr Abid Raza, Deputy Secretary (Legislation), Law and Parliamentary Affairs Department represented their Departments. Mr Faiz-ul-Basit, Additional Secretary (Committees), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Mr Saif Anjum, Secretary to Government of the Punjab Environment Protection Department apprised the Committee about the aims and objects of the proposed Bill. He stated that it was necessary to amend the Punjab Environmental Protection Act, 1997 (XXXIV of 1997) to rationalize the provisions about the delegation of powers of the Director General, filing of complaints and incidental matters. These amendments were being introduced in the wake of various observations of the Environmental Tribunal and superior courts. The amendments would help ensure inter alia the smooth functioning of the Punjab Environment Protection Agency. He requested the Committee that the Bill, as introduced, may be recommended to be passed by the Assembly.

5. The Committee after hearing the Members, having view point of the Administrative Department as well as Law and Parliamentary Affairs Department and discussing various points, unanimously decided to recommend that the Bill may be passed by the Assembly subject to the following amendments:-

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AMENDMENTS IN THE BILL

(1) PREAMBLE

after the word "necessary" occurring in line 1, the word "further" be added.

(2) GENERAL AMENDMENT

the word "Environment" wherever occurring in the Bill be substituted by the word "Environmental".

6. A copy of the Bill as introduced in the Assembly is at Annexure-A and a copy of the Bill as recommended by the Committee is at Annexure-B.

Lahore
4 October 2017

(ASIF MEHMOOD)
Chairman
Standing Committee on Environment Protection

Lahore
4 October 2017


(RAI MUMTAZ HUSSAIN BABAR)
Secretary 9/12/2017

ANNEXURE – A

(BILL AS INTRODUCED IN THE ASSEMBLY)
PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 27 of 2017

**THE PUNJAB ENVIRONMENT PROTECTION (AMENDMENT) BILL
2017**

A
BILL

further to amend the Punjab Environment Protection Act, 1997.

It is necessary to amend the Punjab Environment Protection Act, 1997 (XXXIV of 1997) to rationalize the provisions about the delegation of powers of the Director General, filing of complaints and incidental matters.

Be it enacted by the Provincial Assembly of the Punjab:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Environment Protection (Amendment) Act 2017.

(2) It shall come into force at once.

2. Amendment in section 5 of Act XXXIV of 1997.— In the Punjab Environment Protection Act, 1997 (XXXIV of 1997), for brevity cited as the Act, in section 5, for subsection (5), the following shall be substituted:

“(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).”

3. Amendment in section 11 of Act XXXIV of 1997.— In the Act, in section 11, in subsection (1), after the words “standards established under”, the words “sub-clause (i) of” shall be omitted.

4. Amendment in section 21 of Act XXXIV of 1997.— In the Act, in section 21, in subsection (3), after the words “Provincial Agency”, wherever occur, the words “or an officer authorized by it” shall be inserted.

5. Amendment in section 34 of Act XXXIV of 1997.— In the Act, in section 34, after subsection (2), the following subsection (3) shall be added and shall be deemed to have been so added on and from 18 April 2012 when the Punjab Environment Protection (Amendment) Act 2012 came into force:

“(3) Notwithstanding the omission of section 8 of the Act by the Punjab Environment 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.”

STATEMENT OF OBJECTS AND REASONS

Certain amendments are required to be brought about in the Punjab Environment Protection Act, 1997 (XXXIV of 1997) to rationalize the provisions about the delegation of powers of the Director General and filing of complaints. These

amendments are being introduced in the wake of various observations of the Environmental Tribunal and superior courts. The amendments will help ensure *inter alia* the smooth functioning of the Punjab Environment Protection Agency. Hence this Bill

MINISTER INCHARGE

Lahore:
13 September 2017

RAI MUMTAZ HUSSAIN BABAR
Secretary

ANNEXURE-B

(BILL AS RECOMMENDED BY THE STANDING COMMITTEE ON ENVIRONMENT PROTECTION)

A BILL

further to amend the Punjab Environmental Protection Act, 1997.

It is necessary further to amend the Punjab Environmental Protection Act, 1997 (XXXIV of 1997) to rationalize the provisions about the delegation of powers of the Director General, filing of complaints and incidental matters.

Be it enacted by the Provincial Assembly of the Punjab:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Environmental Protection (Amendment) Act 2017.

(2) It shall come into force at once.

2. Amendment in section 5 of Act XXXIV of 1997.— In the Punjab Environmental Protection Act, 1997 (XXXIV of 1997), for brevity cited as the Act, in section 5, for subsection (5), the following shall be substituted:

“(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).”.

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