

***SINDH
ENVIRONMENTAL
PROTECTION ACT,
2014***



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Compiled by: Muhammad Ibrahim (Librarian)

Proof Read by: Muhammad Faiq (Research Assistant)

**Composed, Graphics & Designing
and Printed by:** Kamran Ali (Assistant Librarian)

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SINDH ACT NO. VIII OF 2014

Extra ordinary, Published by Authority

Karachi, Thursday March 20, 2014

PART-IV

PROVINCIAL ASSEMBLY OF SINDH

NOTIFICATION

NO. PAS/Legis-B-06/2014- The Sindh Environmental Protection Bill, 2014 having been passed by the Provincial Assembly of Sindh on 24th February, 2014 and assented to by the Governor of Sindh on 19th March, 2014 is hereby published as an Act of the Legislature of Sindh.

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.

Preamble.- 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:

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PART – I

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Sindh Environmental Protection Act.

(2) It extends to the whole of the Province of Sindh.

(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 rules or regulations made under this Act.

(ii) "Agency" means the Sindh Environmental Protection Agency established under section 5 of this Act;

(iii) "agricultural 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 and agricultural runoff;

(iv) "air pollutant" means any substance that causes pollution of air and includes soot smoke, dust particles, odour, light, electro-magnetic radiation, heat, fumes, combustion exhaust, exhaust gases, noxious gases, hazardous substances and radioactive substances;

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(v) "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;

(vi) "biosafety" means the mechanism developing through policy and procedure to ensure human health and the environmentally safe application of biotechnology;

(vii) "Council" means the Sindh Environmental Protection Council established under section 3 of this Act;

(viii) "discharge" means spilling, leaking, pumping, depositing, seeping, releasing, flowing-out, pouring, emitting, emptying or dumping into the land, water or atmosphere;

(ix) "ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

(x) "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;

(xi) "emission standards" means the permissible standards established by the Agency for emission of air pollutants and noise and for discharge of effluent and waste;

(xii) "environment" means-

- (a) air, water, land and natural resources;
- (b) all layers of the atmosphere;
- (c) all organic and inorganic matters and living organisms;
- (d) ecosystems and ecological relationships;
- (e) buildings, structures, roads, facilities and works;
- (f) all social and economic conditions affecting community life; and

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(g) the inter-relationship between any of the factors in sub-clause (a) to (f) made under this Act.

(xiii) "environmental aspect" means an organization's activities or services that can interact with the environment;

(xiv) "environment audit" means a systematic scrutiny of environmental performance of an organization, factory, company or manufacturing and production unit regarding to its operations;

(xv) "environmental impact assessment" means an environmental study comprising collection of data, prediction of qualitative and quantitative impacts comparison of alternatives, evaluation of preventive, mitigation 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;

(xvi) "Environmental Management Plan" means a site specific plan developed to ensure that all necessary measures are identified and implemented in order to protect the environment and comply with the environmental legislation;

(xvii) "Environmental Protection Order" means an order passed under Section 21 made under this Act;

(xviii) "Environmental Protection Tribunal" means the Environmental Protection Tribunal constituted under section 25 of this Act;

(xxix) "Environmental Review" means a quantitative and qualitative assessment of documents submitted by proponent, comments from public and Government agencies or organizations;

(xx) "factory" means any premises in which industrial activity is being undertaken;

(xxi) "genetically modified organism" means any organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology and which does not occur naturally through mating and or recombination and includes both living and non-living modified organisms;

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(xxii) "Government" means the Government of Sindh;

(xxiii) "Government Agency" includes:-

(a) A department, attached department or any other office of Government; and

(b) A development authority, local authority, company, body, corporate established or control by Government;

(xxiv) "Court" means the court of the Judicial Magistrate First Class;

(xxv) "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;

(xxvi) "hazardous waste" means waste which is or which contains a hazardous substance or which may be prescribed as hazardous waste, hospital waste, nuclear waste, obsolete pesticides and persistent organic pollutants;

(xxvii) "hospital waste" means 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, laboratories and veterinary facilities;

(xxviii) "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;

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(xxix) "industrial waste" waste means waste resulting from an industrial activity;

(xxx) "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;

(xxxi) "local authority" means any agency set up or designated by Government, by notification in the official Gazette to be a local authority for the purposes of this Act;

(xxxii) "local council" means a local council constituted or established under a law relating to local government;

(xxxiii) "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;

(xxxiv) "municipal waste" includes sewage, refuse, garbage, waste from abattoirs, sludge and human excreta and the like;

(xxxv) "noise" means the intensity, duration and character of sounds from all sources, and includes vibration;

(xxvi) "non degradable plastic products" means a plastic product which are made from the non-biodegradable substances;

(xxxvii) "nuclear waste" means waste from any nuclear reactor or nuclear plant or other nuclear energy system, whether or not such waste is radioactive;

(xxxviii) "Oxo-biodegradable Plastic Products" means a plastic product made of a polymer by adding a pro-degrading additive containing a transition metal salt, except cobalt, which cause the plastic to degrade and bio-grade from oxidative and cell mediated phenomena either simultaneously or successfully;

(xxxix) "person" means any natural person or legal entity and includes an individual, firm, association, partnership, society, group, company, corporation,. co-

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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;

(xl) "pollution" means the contamination of air, land or water by the discharge or emission of effluent 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;

(xli) "prescribed" means prescribed by rules made under this Act;

(xlii) "project" means any activity, plan, scheme, proposal or undertaking involving any change in the environment and includes-

(a) construction or 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;

(xliii) "proponent" means the person who proposes or intends to undertake a project;

(xliv) "regulations" means regulations made under this Act;

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(xiv) "rules" means rules made under this Act;

(xlv) "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;

(xlvii) "Schedule Plastic Products" means all types of flexible plastic packaging and disposable plastic products made of Polythene, Polypropylene, Polystyrene and Poly-ethylene Terephthalate (PET), used for food and non-food items, like shopping bags, garbage bags, snacks packs, water and milk packaging, shrink wraps, bubble pellet wraps, films, liners, woven or non-woven bags, mulch films;

(xlviii) "Sindh Environmental Quality Standards" means standards established by the Agency under clause (e) of sub-section (1) of section 6 and approved by the Council under clause (C) of sub-section (1) of section 4 made under this Act;

(xlix) "standards" means qualitative and quantitative standards for discharge of effluent 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 Sindh Environmental Quality Standards, emission standards and other standards established under this Act and the rules and regulations;

(l) "strategic environmental assessment" mean an analysis of a proposed policy, legislation, plan or programme to determine whether the principles of sustainable development have been integrated therein and to identify its likely environmental effects and such components as require an initial environmental examination or environmental impact assessment;

(li) "sustainable development" means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;

(lii) "trans-boundary environmental impacts" means environmental impact arising from beyond the boundaries or limits of Sindh province and causing any adverse environmental impact or pollution in the air, land, water and coaster water of Sindh province;

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(liii) "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;

(liv) "waters (coastal waters, internal waters, territorial waters and historical waters)" means such limits of the waters adjacent to the land territory as may be specified in the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976).

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PART – II THE SINDH ENVIRONMENTAL PROTECTION COUNCIL

3. Establishment of the Sindh Environmental Protection Council.- (1) The Government of Sindh shall, by notification in the official Gazette, establish a Council to be known as the Sindh Environmental Protection Council consisting of-

(i)	Chief Minister or such other person as the Chief Minister may nominate in this behalf.	Chairperson
(ii)	Minister-in-charge of the Environment Protection Department.	Vice chairperson
(iii)	Additional Chief Secretary, Planning and Development Department, Government of Sindh.	Ex-officio Member
(iv)	Secretaries of the Environment, Finance, Public Health Engineering, Irrigation, Health, Agriculture, Local Government, Industries, Live Stock and Fisheries, Forest and Wildlife, Energy, Education, Departments of Government of Sindh and the divisional commissioners of Sindh.	Ex-officio Members
(v)	Such other persons not exceeding twenty- five as Government may appoint from representatives of the Chambers of Commerce and Industry and industrial associations, representatives of the Chambers of Agriculture, the medical and legal professions, trade unions, non-governmental organizations concerned with the environment and sustainable development, and scientists, technical experts and educationists.	Non-official Members
(vi)	Director General, Sindh Environment Protection Agency.	Member / Secretary

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(vii)	Two Members of the Provincial Assembly of Sindh amongst the eleven Members of the Standing Committee on Environment nominated by the Speaker.	Members
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(2) The Members of the Council, other than ex-officio members, shall be appointed in accordance with the prescribed procedure.

(3) A non-official member, unless he sooner resigns or is removed, shall hold office for a term of three years and shall be eligible for re-appointment but shall not hold office for more than two terms.

(4) The Council shall frame its own Rules of Procedure.

(5) The Council shall hold meetings, as and when necessary, but not less than two meetings, shall be held in a year.

(6) 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.

(7) 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 the enforcement of the provisions of this Act and other laws relating to the environment in the Province;

(b) approve comprehensive provincial environmental and sustainable development policies and ensure their implementation within the framework of a conservation strategy and sustainable development plan as may be approved by Government from time to time;

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(c) approve the Sindh 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 socio-economic and development policies, plans and programmes at the provincial, district and local levels;

(f) consider the annual Sindh Environment report and give appropriate directions thereon and cause it to be laid before the Provincial Assembly;

(g) deal with inter-provincial and federal-provincial issues, and liaise and coordinate with other Provinces through appropriate inter-provincial forums regarding formulation and implementation of standards and policies relating to environmental matters with an inter-provincial impact;

(h) provide guidelines for biosafety and for the use of genetically modified organisms; and

(i) assist the Federal Government or Federal Agency in implementation and or administration of various provision of United Nation Convention on Laws on Seas, 1980 (UNCLOS) in coastal waters of the province;

(2) The Council may, either itself or on the request of any person or organization, direct the 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.

PART – III THE SINDH ENVIRONMENTAL PROTECTION AGENCY

5. Establishment of the Sindh Environmental Protection Agency.- (1) Government shall, by notification in the Official Gazette, establish the Sindh Environmental Protection Agency, to exercise the powers and perform the functions assigned to it under the provisions of this Act and the rules and regulations made thereunder.

(2) The Agency shall be headed by a Director General who shall be appointed by Government on such terms and conditions as it may determine.

(3) The Agency shall have such administrative, technical and legal staff as Government may specify, to be appointed in accordance with such procedure as may be prescribed.

(4) The powers and functions of the Agency shall be 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 Agency in the discharge of its functions 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 Agency.- (1) The Agency shall–

(a) administer and implement the provisions of this Act and the rules and regulations;

(b) prepare, in co-ordination with the appropriate Government Agency or local council and, in consultation with the concerned Advisory Committees where established, environmental policies for the approval of the Council;

(c) take all necessary measures for the implementation of the environmental policies approved by the Council;

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(d) prepare and publish an annual Sindh Environment Report on the state of the environment in the province;

(e) prepare or revise and establish the Sindh Environmental Quality Standards with approval of the Council:

Provided that before seeking approval of the Council, the Agency shall publish the proposed Sindh Environmental Quality Standards for public opinion in accordance with the prescribed procedure;

(f) ensure enforcement of the Sindh Environmental Quality Standards;

(g) where the quality of ambient air, water, land or noise so requires, the Agency may, by notification in the Official Gazette establish different standards for discharge or emission from different sources and for different areas and conditions as may be necessary:

Provided that where these standards are less stringent than the Sindh Environmental Quality Standards; prior approval of the Council shall be obtained;

(h) 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;

(i) 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;

(j) issue licences, approval for the consignment, handling, transport, treatment, disposal of, storage, handling or otherwise dealing with hazardous substances;

(k) certify 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;

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(m) Provide assistance to relevant Federal and Provincial Government Agencies in the management of environment accidents and natural and environmental disasters, including conduct of inquiry thereto;

(n) 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 specified in Part XI (Access to Information);

(o) assist Government Agencies, local councils, local authorities and other persons to implement schemes for the proper disposal of wastes so as to ensure compliance with the Sindh Environmental Quality Standards:

(p) Provide information and guidance to the public on environmental matters;

(q) recommend environmental courses, topics, literature and books for incorporation in the curricula and syllabi of educational institutions;

(r) promote public education and awareness of environmental issues through mass media and other means including seminars and workshops;

(s) establish and maintain mechanisms, including its own website, to disseminate information, subject to the provisions of this Act, regarding policies, plans and decisions of the Government, the Council and the Agency, relating to the environment;

(t) specify safeguards for the prevention of accidents and disasters which may cause pollution, collaborate with the concerned persons in the preparation of contingency plans for control of such accidents and disasters, and co-ordinate implementation of such plans;

(u) review and approve mitigation plans and give guidance and directions, where necessary, relating to clean up operations ordered under this Act;

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(v) encourage the formation and working of nongovernmental organizations, community organizations and village organizations to prevent and control pollution and promote sustainable development;

(w) take or cause to be taken all necessary measures for the protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution and promotion of sustainable development; and

(x) Perform any function that the Council may assign to it.

(2) The Agency may-

(a) undertake inquiries or investigation into environmental issues, either of its own accord or upon complaint from any person or organization;

(b) request any person to furnish any information or data relevant to its functions;

(c) initiate, with the approval of 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 Government and the Council the adoption of financial and fiscal programmes, schemes or measures for achieving environmental objectives and goals and the purposes of this Act, including –

(i) taxes, duties, cesses and other levies; and

(ii) incentives, prizes, awards, rewards, subsidies, tax exemptions, rebates and depreciation allowances;

(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 the establishment of similar laboratories in the private sector;

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(f) arrange, in accordance with such procedure as may be prescribed, financial assistance for projects designed to facilitate in discharge of its functions; and

(g) acquire assistance of concerned authorities of district administration and other relevant agencies, departments and police assistance for enforcement of this Act.

7. Powers of the Agency.- Subject to the provisions of this Act, the Agency may-

(a) lease, purchase, acquire, own, hold, improve, use or otherwise deal in and with any property both moveable 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 its rules and regulations;

(d) enter into 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 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) Director General may authorize any officer or official to enter and inspect or under a search warrant issued by Environmental Protection Tribunal or a Court, search at any 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, or likely to be committed;

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(h) take samples of any materials, products, articles or substances or of the effluent, 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 the testing and analysis of 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 powers under clauses (f), (g), (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 and regulations and under the direction of the Environmental Protection Tribunal or a Court; and

(k) establish the Sindh Environmental Co-ordination Committee comprising the Director-General as its Chairman and such other persons as Government shall appoint as its members to exercise such powers and perform such functions as shall be delegated or assigned to it by Government for carrying out the purposes of this Act and for ensuring coordination among Government Agencies in implementation of environmental policies.

PART – IV SINDH SUSTAINABLE DEVELOPMENT FUND

8. Establishment of the Sindh Sustainable Development Fund.- (1) There shall be established a Sindh Sustainable Development Fund.

(2) The Sindh Sustainable Development Fund shall be derived from the following sources, namely—

(a) allocations and grants made or loans advanced by the Government of Sindh or by the Federal Government;

(b) aid and assistance, grants, advances, donations and other non-obligatory funds received from foreign governments, national or international agencies, and nongovernmental organizations; and

(c) Voluntary contributions from private, corporate, multinational organizations and other persons.

(d) Any fees generated under the provision of this act including the fines imposed against contraventions including penalties.

(3)The Sindh Sustainable Development Fund shall be utilized, in accordance with such procedures as may be prescribed for –

(a) providing financial assistance to 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 the environment; and

(b) any other purposes which, in the opinion of the Board, will help achieve environment objectives and the purposes of this Act.

9. Management of the Sindh Sustainable Development Fund.- (1)The Sindh Sustainable Development Fund shall be managed by a Board known as the Provincial Sustainable Development Fund Board consisting of—

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(i)	Additional Chief Secretary, Planning and Development Department, Government of Sindh	Chairperson
(ii)	Such officers of Government, not exceeding five (05), as Government may appoint including Secretaries of the Environment, Finance, Industries and Local Government Departments, Government of Sindh.	Ex-officio Members
(iii)	Such non-official persons, not exceeding five (05), as Government may appoint, including representatives of the Chambers of Commerce and Industry, non-governmental organizations and major donors.	Non-official Members
(iv)	Director General, Sindh, Environmental Protection Agency.	Secretary / Member

(2) The members of the Board, other than ex-officio members, shall be appointed in accordance with the prescribed procedure.

(3) A non-official member of the Board, unless he sooner resigns or is removed, shall hold office for a term of three years and shall be eligible for re-nomination, but shall not hold office for more than two terms.

(4) The Board shall frame its own rules of procedure with the approval of Government.

(5) In accordance with such procedures 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 Sindh Sustainable Development Fund in such profit-bearing Government bonds, saving schemes and securities as it may deem suitable; and

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(c) take such measures and exercise such powers as may be necessary for utilization of the Sindh Sustainable Development Fund for the purposes specified in subsection (3) of section 8.

(6) The Board shall constitute committees of its members to undertake regular monitoring of projects financed from the Sindh 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.

10. Accounts.- (1) The Agency shall maintain proper accounts of the Sindh Sustainable Development Fund and other relevant records and prepare annual statement of accounts in such form as may be prescribed.

(2) The accounts of the Sindh Sustainable Development Fund shall be audited annually by the Auditor General of Pakistan.

PART – V PROHIBITIONS AND ENFORCEMENT

11. Prohibition of certain discharges or emissions and compliance with standards.- (1) Subject to the provisions of this Act and the rules and regulations, no person shall discharge or emit or allow the discharge or emission of any effluent, waste, pollutant, noise or any other matter that may cause or likely to cause pollution or adverse environmental effects, as defined in section 2 of this Act, in an amount, concentration or level which is in excess to that specified in Sindh Environmental Quality Standards; or, where applicable, the standards established under Section 6(1)(g)(i); or direction issued under Section 17, 19, 20 and 21 of this Act; or any other direction issued, in general or particular, by the Agency.

(2) All persons, in industrial or commercial or other operations, shall ensure compliance with the Environmental Quality Standards for ambient air, drinking water, noise or any other Standards established under section 6(1)(g)(i); shall maintain monitoring records for such compliances; shall make available these records to the authorized person for inspection; and shall report or communicate the record to the Agency as required under any directions issued, notified or required under any rules and regulations.

(3) Monitoring and analysis under sub-section (1) and (2), shall be acceptable only when carried out by the Environmental Laboratory certified by the Agency as prescribed in the rules.

12. Prohibition of import of hazardous waste.- No person shall import hazardous waste into Sindh province or its coastal, internal, territorial or historical waters, except acquiring prior approval of the Agency.

13. Handling of hazardous substances.- Subject to the provisions of this Act, no person shall import, generate, collect, consign, transport, treat, dispose of, store, handle or otherwise use or deal with any hazardous substance except-

(a) under a licence issued by the Agency; or

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(b) in accordance with the provisions of any other law, rule, regulation or notification for the time being in force, or of any international treaty, convention, protocol, code, standard, agreement or other instrument to which Government is a party.

14. Prohibition of action adversely affecting Environment.- (1) Subject to the provisions of this Act and the rules and regulations, no person shall cause any act, deed or any activity, including-

- (a) recycling or reuse of hospital waste and infectious waste;
- (b) disposal of solid and hazardous wastes at unauthorized places as prescribed;
- (c) dumping of wastes or hazardous substances into coastal waters and inland water bodies;
- (d) release of emissions or discharges from industrial or commercial operations as prescribed;
- (e) recycling or reuse or recovery of hazardous wastes or industrial by-products in an unauthorized or non-prescribed manner or procedure; and
- (f) any activity which may cause adverse environmental affect due to trans boundary projects of Province of Sindh.

which lead to pollution or impairment of or damage to biodiversity, ecosystem, aesthetics or any damage to environment and natural resources as defined in section 2 (xxxvi) of this Act.

(2) No person shall generate, handle, transport, dispose of or handle the hospital waste and infections waste except in accordance with the Hospital Waste Management Rules and in such manner as may be prescribed.

(3) No person shall import, manufacture, stockpile, trade, supply, distribute or sell any scheduled plastic product which is non-degradable. The scheduled plastic products

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must be oxo-biodegradable and the pro-degradant used must be approved by the Agency or any other department or agency and in such manner as prescribed.

15. Regulation of motor vehicles.- (1) Subject to the provisions of this Act, no person shall operate or manufacture a motor vehicle or class of vehicles from which air pollutants or noise are being emitted in an amount, concentration or level which is in excess of the Sindh Environmental Quality Standards or, where applicable, the standards established under sub-clause (i) of clause (g) of sub-section (1) of section 6.

(2) For ensuring compliance with the standards mentioned in sub-section (1), the 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 prescribed.

(3) For ensuring compliance with the standards mentioned in sub-section (1), the Agency may direct that any manufacturer of motor vehicle or class of vehicles shall use such manufacturing standard or design or pollution control devices or other equipment or undergo such testing as may be prescribed.

(4) Where a direction has been issued by the Agency under sub-section (2) and (3) in respect of any motor vehicles or class of motor vehicles, no person shall operate or manufacture any such vehicle till such direction has been complied with.

16. Certified Environmental Laboratory.- (1) The monitoring, testing and analysis carried out in compliance or for the enforcement of any provisions of this Act.

(2) The laboratory or organization having any facility for environmental monitoring, testing and analysis and intend to perform under sub-section (1) shall register with the Agency in accordance with the Environmental Laboratory Certification Rules as prescribed.

PART – VI ENVIRONMENTAL EXAMINATIONS AND ASSESSMENTS

17. Initial environmental examination and environmental impact assessment.- (1) No proponent of a project shall commence construction or operation unless he has filed with the Agency an initial environmental examination or environmental impact assessment, and has obtained from the Agency approval in respect thereof.

(2) The Agency shall –

(a) review the initial environmental examination and accord its approval, subject to such terms and conditions as it may prescribe, 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 terms and 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 decline approval of the environmental impact assessment as being contrary to environmental objectives.

(3) Every review of an environment impact assessment shall be carried out with public participation and, subject to the provisions of this Act, after full disclosure of the particulars of the project.

(4) The Agency shall communicate its approval or otherwise within a period of two months from the date that the initial environmental examination is filed, and within a period of four months from the date that the environmental impact assessment is filed complete in all respects in accordance with the regulations, 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.

(5) The provisions of sub-sections (1), (2), (3) and (4) shall apply to such categories of projects and in such manner as prescribed.

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(6) The Agency shall maintain separate registers for initial environmental examination and environmental impact assessment projects, which shall contain brief particulars of each project and a summary of decisions taken thereon, and which shall be open for inspection to the public during office hours.

18. Strategic environmental assessment.- (1) All provincial government agencies, departments, authorities, local councils and local authorities responsible for formulating policies, legislation, plans and programmes to be implemented in Sindh province which may cause any environmental impact in the jurisdiction of the province shall, before submitting the same to the competent authority for approval, forward to the Sindh Environmental Protection Agency a strategic environment assessment containing —

(a) description of the objectives and features of the proposed policy, legislation, plan or programme that are in consonance with the principles of sustainable development;

(b) assessment of the adverse environmental effects, if any, likely to be caused during implementation of the policy, legislation, plan or programme alongwith proposed preventive, mitigation and compensatory measures;

(c) analysis of possible alternatives; and

(d) Identification of those components of the policy, legislation, plan or programme, if any, in respect of which specific environmental impact assessment need to be carried out in due course.

(2) The Agency shall, in consultation with the concerned Government Agencies and Advisory Committees where established, review the strategic environment assessment, within sixty (60) days of its filing, and prepare a report containing its comments and recommendations in respect thereof which shall be forwarded to the initiating Government Agency, authority, local council or local authority and duly considered by it and the competent authority before approval or otherwise of the proposed policy, legislation, plan or programme.

(3) The provisions of sub-sections (1), and (2) shall apply to such categories of policies, plans and programmes and in such manner as may be prescribed.

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19. Environmental monitoring.- (1) The Agency shall carry out or arrange environmental monitoring of all projects in respect of which it has approved an initial environmental examination or environmental impact assessment to determine whether the actual environmental impact exceeds the level predicted in the assessment and whether the conditions of the approval are being complied with.

(2) For purposes of sub-section (1), the Agency may require the person in charge of a project to furnish such information as it may specify pertaining to the environmental impact of the project, including quantitative and qualitative analysis of –

(a) discharge of effluents, wastes, emissions of air pollutants, noise and any other matter or action that may be found offensive under section 14 from the project on daily, weekly, monthly or annual basis;

(b) ambient quality of the air, water, noise and soil before, during and after construction and during operation of the project.

(3) On review of the data collected by it and information provided, the Agency may issue such directions to the person in charge as it may consider necessary to ensure compliance with the conditions of the approval.

20. Environmental Audit and Review.- (1) The Agency shall from time to time require the person in charge of a project to furnish, within such period as may be specified, an environmental audit or environmental review report or environmental management plan containing a comprehensive appraisal of the environmental aspects of the project.

(2) The report of a project prepared under sub-section (1) shall include –

(a) analysis of the predicted qualitative and quantitative impact of the project as compared to the actual impact;

(b) evaluation of the efficacy of the preventive, mitigation and compensatory measures taken with respect to the project; and

(c) recommendations for further minimizing or mitigating the adverse environmental impact of the project.

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(3) Based on its review of the environmental audit report, the Agency may, after giving the person in charge of the project an opportunity of being heard, direct that specified mitigation and compensatory measures be adopted within a specified time period and may also, where necessary, modify the approval granted by it under section 17.

PART – VII ENVIRONMENTAL PROTECTION ORDER

21. Environmental Protection Order.- (1) Where the Agency is satisfied that the discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or the handling of hazardous substances, or any other act or omission is likely to occur, or is occurring, or has occurred, in violation of any provision of this Act, the rules or regulations or of the conditions of a licence, or is likely to cause, or is causing or has caused an adverse environmental effect, the 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 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, 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;

(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 Agency; and

(e) impose a penalty as prescribed.

(3) Notwithstanding the provisions of sub-section (1), in an emergency situation where, for reasons to be recorded, the Agency is satisfied that the discharge or emission of any effluent, waste, air pollutant or noise, or the disposal of waste, or the handling of

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hazardous substances, or any other act or omission is likely to occur, or is occurring, or has occurred, in violation of the provisions of this Act and that circumstances of the case warrant immediate action in the public interest, it may pass an ad-interim order of the nature described in sub-sections (1) and (2) by providing reasonable opportunity of hearing.

PART – VIII OFFENCES AND PENALTIES

22. Penalties.- (1) Whoever contravenes or fails to comply with the provisions of sections 11, 17, 18 and 21 or any order issued there under shall be punishable with a fine which may extend to five million rupees, to the damage caused to environment 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:

Provided that if the contravention of the provisions of section 11 also constitutes a contravention of the provisions of section 15, such contravention shall be punishable under sub-section (2).

(2) Whoever contravenes or fails to comply with the provisions of sections 13, 14, 15 and 16 or any rule or regulation or conditions of any license, any order or direction, issued by the Agency, shall be punished with a fine, and in case of continuing contravention or failure with an additional fine which may extend to ten thousand rupees for every day during which such contravention continues.

(3) Where an accused has been convicted of an offence under sub-sections (1) and (2), the Environmental Protection Tribunal and Court shall, as the case may be, 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-sections (1) or (2), the Environmental Protection Tribunal or Court, as the case may be, shall endorse a copy of the order of conviction to the concerned trade or industrial association, if any, or the concerned Provincial Chamber of Commerce and Industry or the Federation of Pakistan Chambers of Commerce and Industry.

(5) Where a person convicted under sub-sections (1) and (2) had been previously convicted for any contravention of this Act and its rules or regulations, the Environmental Protection Tribunal, as the case may be, may, in addition to the punishment awarded thereunder-

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(a) sentence him to imprisonment for a term that may extend up to three years;

(b) order the closure of the factory;

(c) order confiscation of the facility, machinery and equipment, vehicle or substance, record, document or other object used or involved in contravention of the provisions of this Act;

(d) order such person to restore the environment at his own cost, to conditions existing prior to the contravention or as close to such conditions as may be reasonable in the circumstances to the satisfaction of the Agency; and

(e) order that compensation be paid to any person or persons for any loss, or damage to their health or property suffered by such contravention.

(6) The Director General or an officer generally or specially authorised by him in this behalf may, on the application of the accused, compound an offence under this Act with the permission of the Environmental Protection Tribunal or Court in accordance with such procedure as prescribed.

(7) Where the Director General is of the opinion that a person had 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 Agency a penalty in the amount set out in the notice for each day the contravention continues.

23. Offences by body 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:

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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).

24. 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 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.

PART – IX ENVIRONMENTAL PROTECTION TRIBUNALS AND COURTS

25. Environmental Protection Tribunals.- (1) Government may, by Notification in the Official Gazette, establish as many Environmental Protection Tribunals as it considers necessary and, where it establishes more than one Environmental Protection Tribunal, it shall specify territorial limits within which, or the class of cases in respect of which, each one of them shall exercise jurisdiction under this Act.

(2) An Environmental Protection 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 Government, of which at least one shall be a technical member nominated from amongst the officers of the Agency with suitable professional qualifications and experience in the environmental field.

(3) For every sitting of the Environmental Protection Tribunal, the presence of the Chairperson and not less than one Member shall be necessary.

(4) A decision of an Environmental Protection Tribunal shall be expressed in terms of the opinion of the majority of its members, including the Chairperson, 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 Protection Tribunal shall be expressed in terms of the opinion of the Chairperson.

(5) An Environmental Protection 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 has given evidence, and may act on the evidence already recorded by, or produced, before it.

(6) An Environmental Protection 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 Protection Tribunal shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution, of, the Environmental Protection Tribunal.

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(8) The terms and conditions of service of the Chairperson and members of the Environmental Protection Tribunal shall be such as may be prescribed.

26. Jurisdiction and powers of Environmental Protection Tribunals.- (1) An Environmental Protection 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.

(2) All contraventions punishable under sub-section (1) of section 22 shall exclusively be triable by an Environmental Protection Tribunal.

(3) An Environmental Protection Tribunal shall not take cognizance of any offence triable under sub-section (2) except on a complaint in writing by—

(a) the 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 Agency, of the alleged contravention and of his intention to make a complaint to the Environment Protection Tribunal.

(4) In exercise of its criminal jurisdiction, the Environmental Protection Tribunal shall have the same powers as are vested under the Code of Criminal Procedure, 1898 (Act V of 1898).

(5) In exercise of the appellate jurisdiction under section 27 the Environmental Protection 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 Protection Tribunal shall follow the procedure laid down in the Code of Civil Procedure, 1908 (Act V of 1908).

(7) An Environmental Protection Tribunal may, on application filed by any officer duly authorised in this behalf by the Director General, 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 22:

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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 jurisdiction police station.

(8) All proceedings before the Environmental Protection Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (Act XLV of 1860), and the Environmental Protection Tribunal shall be deemed to be a court for the purpose of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(9) No court other than an Environmental Protection Tribunal shall have or exercise any jurisdiction with respect to any matter to which the jurisdiction of an Environmental Protection Tribunal extends under this Act and the rules and regulations.

(10) Where the Environmental Protection 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.

27. Appeals to the Environmental Protection Tribunal.- (1) Any person aggrieved by any order or direction of the Agency under any provision of this Act or the rules or regulations may prefer an appeal with the Environmental Protection Tribunal within thirty days of the date of communication of the impugned order or direction to such person.

(2) An appeal to the Environmental Protection Tribunal shall be in such form, contain such particulars and be accompanied by such fees as prescribed.

28. Appeals from orders of the Environmental Protection Tribunal.- (1) Any person aggrieved by any final order or by any sentence of the Environmental Protection Tribunal passed under this Act may, within thirty days of communication of such order or sentence, prefer an appeal to the High Court.

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(2) An appeal under sub-section (1) shall lie before the High Court of Sindh.

29. Jurisdiction of Judicial Magistrate.- (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 22 shall exclusively be triable by the Court of Judicial Magistrate of First Class having jurisdiction.

(2) A Judicial Magistrate shall be competent to impose any punishment specified in sub-sections (2) and (4) of section 22.

(3) A Judicial Magistrate shall not take cognizance of an offence triable under sub-section (1) except on a complaint in writing by-

(a) the agency; and

(b) any aggrieved person

30. Appeals from orders of the Judicial Magistrate.- Any person aggrieved by any final order or sentence passed by a Judicial Magistrate under section 28 may, within thirty days from the date of the communication of such order or sentence, appeal to the Court of the District and Sessions Judge defined as Green Court under this Act, whose decision thereon shall be final.

PART – X PUBLIC PARTICIPATION

31. Public participation.- (1)The Agency shall cause relevant details of any proposed project regarding which an Environmental Impact Assessment has been received to be published, alongwith an invitation to the public to furnish their comments thereon within a specified period.

(2) In accordance with such procedure as may be prescribed, the Agency shall hold public hearings to receive additional comments and hear oral submissions.

(3) All comments received under sub-sections (1) and (2) shall be duly considered by the Agency while reviewing the environmental impact assessment or strategic impact assessment, and decision or action taken thereon shall be communicated to the persons who have furnished the said comments.

PART – XI GENERAL

32. Power to make and amend schedule.- The Agency may, by notification in the official Gazette, make and amend the schedule.

33. Indemnity.- No suit, prosecution or other legal proceedings shall lie against Government, the Council, the Agency, the Director General of the Agency, members, officers, employees, experts, advisors, committees or consultants of the Agency or Environmental Protection Tribunal or Court or any other person for anything which is done or intended to be done in good faith under this Act or rules or regulations.

34. Dues recoverable as arrears of land revenue.- Any dues recoverable by the Agency under this Act and rules or regulations shall be recoverable as arrears of land revenue.

35. 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.

36. Power to make rules.- The Sindh Environment Protection Agency may, by notification in the Official Gazette, make rules for carrying out the purposes not in consistence of this Act with the approval of Government.

37. Power to make regulations.- (1) For carrying out the purposes of this Act, the Agency may, by Notification in the Official Gazette and with the approval of Government, make regulations not inconsistent with the provisions of this Act or the rules.

(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;

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(c) appointment of officers, advisors, experts, consultants and employees as per prescribed rules;

(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 sections 17, 18 and 20 applies;

(g) laying down of guidelines for preparation of initial environmental examination, environmental impact assessment and strategic environmental assessment, and development of procedures of their filing, reviews and approval.

(h) laying down standard operating procedures for environmental sampling, examination of water, waste water, gaseous emissions, solid waste and noise;

(i) providing procedures for handling hazardous substances; and

(j) installation of devices in, use of fuels by, and maintenance and testing of motor vehicles for control of air and noise pollution.

BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH
G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH

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