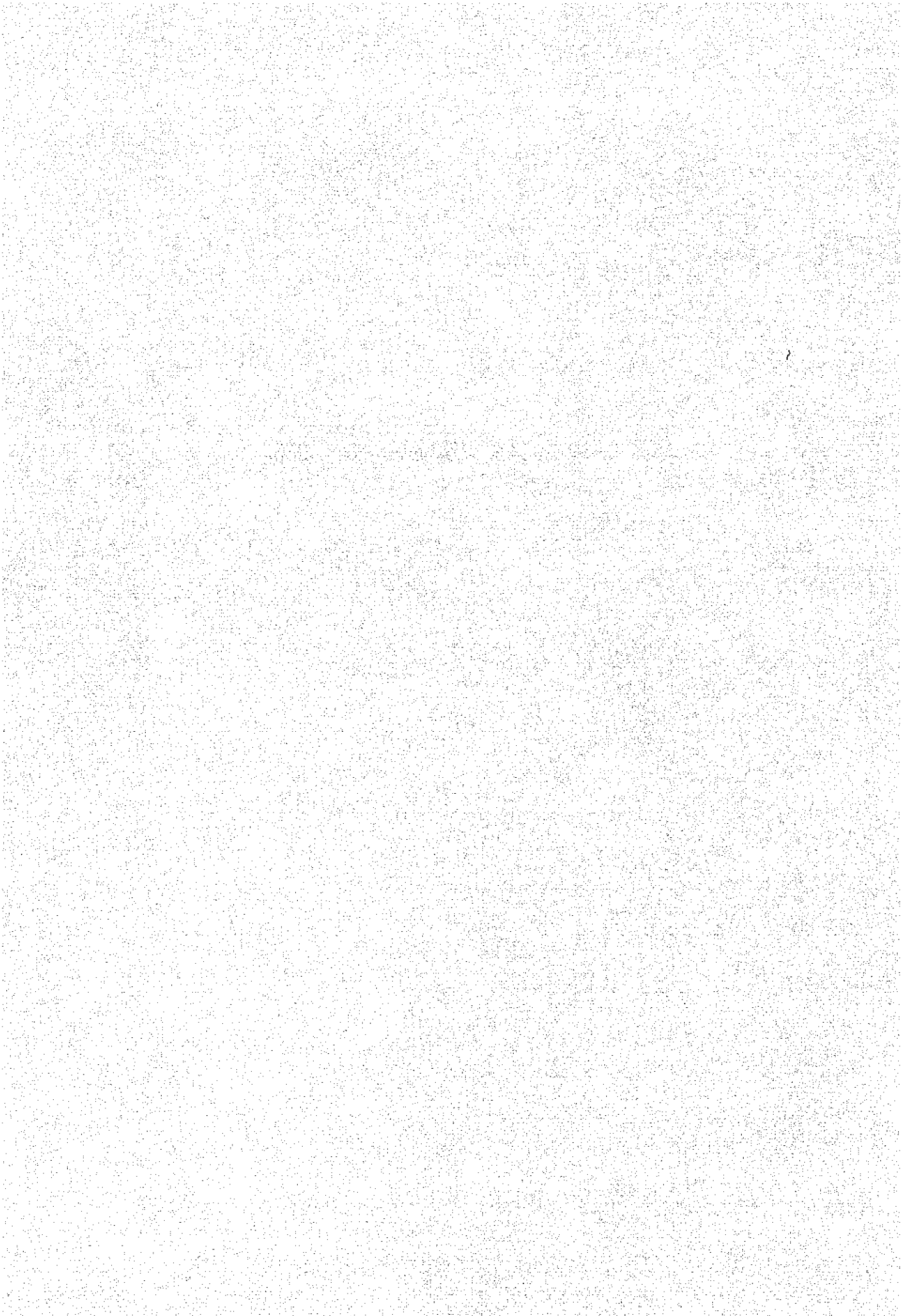


8. パキスタン環境保全法、1983



PART I

Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS
(Law Division)

Islamabad, the 31st December, 1983.

No. F. 17 (1)/83-Pub.—The following Ordinance made by the President is hereby published for general information:—

ORDINANCE No. XXXVII OF 1983

AN

ORDINANCE

*to provide for the control of pollution and preservation of living
environment*

WHEREAS it is expedient to provide for the control of pollution and preservation of living environment and for matters connected therewith or ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Pakistan Environmental Protection Ordinance, 1983.

(2) It extends to the whole of Pakistan and its territorial waters, Exclusive Economic Zone and historic waters.

(3) It shall come into force on such day as the Federal Government may, by notification in the official Gazette, specify in this behalf.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “Agency” means the Pakistan Environmental Protection Agency (‘PEPA) established under section 5;
- (b) “Air pollutant” means any substance that causes alteration in chemical, physical, biological or radiological integrity of air and includes soot, smoke particulates, combustion exhaust gases, obnoxious gases and radioactive substances;
- (c) “Council” means the Pakistan Environmental Protection Council established under section 3;
- (d) “discharge” means spilling, leaking, pumping, pouring emitting, emptying or dumping;
- (e) “effluent” includes any material in solid, slurry, suspension, liquid, vapour, fumes or gaseous form coming out as or from any industrial activity or any other source;
- (f) “effluent standards” means the permissible limits prescribed by the Agency regarding the quality and quantity of effluents and wastes;
- (g) “emission standards” means the permissible standards for emission of air pollutants prescribed by the Agency;
- (h) “Exclusive Economic Zone” shall have the same meaning as in the Territorial Waters and Maritime Zones Act, 1976 (LXXII of 1976);
- (i) “Government agency” includes a division, department, bureau, section, commission, board, office or unit of the Federal Government or a Provincial Government;
- (j) “historic waters” means such limits of the water adjacent to the land territory of Pakistan as are for the time being specified by notification under section 7 of the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976);
- (k) “industrial activity” means any process for manufacturing, making, 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 pumping oil, water or sewage or for generating, transforming or transmitting power;
- (l) “industrial waste” means waste resulting from an industrial activity;
- (m) “local authority” includes any agency set up or designated by the Federal Government or a Provincial Government to be a local authority for the purposes of this Ordinance;

- (n) "local council" means a local council constituted or established under a law relating to local government ;
- (o) "municipal waste" includes sewage, refuse sludge and human excreta and the like ;
- (p) "pollution" means any matter which, on being discharged into the air, soil or public waters, alters unfavourably the chemical, physical, biological or radiological integrity of the air, soil or public waters or, by itself or in combination with other discharges, is likely to make the air, soil or public waters unclean, noxious or impure or injurious or disagreeable or detrimental to the health, safety, welfare or property of persons or harmful to aquatic life, animals, birds, fish, plants or other forms of life ;
- (q) "prescribed" means prescribed by rules or regulations ;
- (r) "public waters" means water areas in public use and includes streams, nullahs, canals, seepage drains, natural or artificial water courses, rivers, wells, ponds, ditches, lakes reservoirs, underground or artesian water, territorial waters, the Exclusive Economic Zone and historic waters ;
- (s) "regulations" means regulations made under this Ordinance ;
- (t) "rules" means rules made under this Ordinance ;
- (u) "sewage" means liquid wastes from sanitary conveniences, kitchens, laundries, washing and the like ;
- (v) "standards" means effluent standards and emission standards ;
- (w) "territorial waters" shall have the same meaning as in the Territorial Waters and Maritime Zones Act, 1976 (LXXXI of 1976) ;
- (x) "treatment works" means the various processes and devices used in the treatment of wastes ; and
- (y) "wastes" includes liquid wastes, solids wastes, industrial wastes, municipal wastes, wastes from mining processes and wastes from farm and agricultural activities such as poultry, cattle, animal husbandry, abattoirs and the use of fertilizers and pesticides.

3. Establishment of the Council.—(1) The Federal Government shall, by notification in the official Gazette, establish a Council to be known as the Pakistan Environment Protection Council and consisting of :

- (i) the President of Pakistan Chairman.
- (ii) the Minister incharge of the subject of Environment Vice-Chairman.

- | | | |
|--|----|------------|
| (iii) Ministers incharge of the subject of Environment in the Provinces | .. | Members. |
| (iv) such other persons as the Federal Government may appoint. | .. | Members. |
| (v) the Secretary to the Government of Pakistan dealing with the subject | .. | Secretary. |

(2) The members of the Council, other than ex-officio members, shall hold office for a term of three years.

(3) The Council shall frame its own rules of procedure.

(4) The Council shall hold meetings as and when necessary :

Provided that not less than two meetings shall be held in a year.

(5) The Council may, by general or special order and subject to such conditions as it may consider fit, delegate any of its functions under this Ordinance to a Committee or any member of the Council.

4. Functions of the Council.—(1) The functions of the Council shall be to—

- (a) ensure enforcement of this Ordinance ;
- (b) establish comprehensive national environmental policy ;
- (c) give appropriate direction to conserve the renewable and expendable resources ;
- (d) ensure that environmental considerations are interweaved into National Development Plans and Policies ;
- (e) ensure enforcement of the National Environment Quality Standards ; and
- (f) give directions to any Government agency, a body or a person requiring it or him to take measures to control pollution being caused by such agency, body or person or to refrain from carrying out any particular activity prejudicial to public interest or the purposes of this Ordinance.

(2) The Council may, or if so required by the Government or any Government agency shall, direct the Agency to prepare, submit and promote projects for the prevention of environmental pollution or to undertake research in any specified aspect of environment.

5. Establishment of the Agency.—(1) The Federal Government shall, by notification in the official Gazette, establish an Agency to be called the Pakistan Environmental Protection Agency to exercise the powers and perform the functions assigned to it under the provisions of this Ordinance or the rules and regulations.

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

(3) The powers and functions of the Agency shall be exercised and performed by the Director-General.

(4) The Agency shall have such administrative, technical and legal staff as the Federal Government may appoint.

(5) To assist him in the discharge of his functions, the Director-General may establish such Advisory Committees as he may deem fit and appoint as members thereof eminent representatives of universities, research institutes, the business community and other professions and fields of knowledge.

6. Functions of the Agency.—(1) The Agency shall—

- (a) administer this Ordinance and the rules and regulations;
- (b) prepare national environmental policy for approval of the Council;
- (c) publish an annual report on the state of environment;
- (d) establish National Environmental Quality Standards with the approval of the Council;
- (e) revise the National Environment Quality Standards as and when deemed necessary;
- (f) coordinate environmental policies and programmes nationally and internationally;
- (g) establish systems for surveys, surveillance, monitoring, measurement, examination and inspection to combat environmental pollution;
- (h) take measures to promote the development of science and technology which will contribute to the prevention of environmental pollution, such as the consolidation of survey and research system, the promotion of research and development, the dissemination of the results of such research work

and development work, and the education and training of research experts and other governmental functionaries;

- (i) provide information and education to the public on environmental matters and to recommend to the Council the introduction of environmental information in the syllabi of educational institutions; and
- (j) coordinate and consolidate implementation of measures to control pollution with Provincial Governments and other Government agencies.

(2) The Agency may--

- (a) request any Government agency to furnish any information or data relevant to the functions of the Agency;
- (b) with the approval of the Federal Government, initiate requests for foreign assistance in support of the objectives of this Ordinance and enter into arrangements with foreign agencies or organisations for the exchange of material or information and participate in international seminars or meetings;
- (c) establish and maintain laboratories to conduct research in various aspects of environment and provide grants to institutions for specific projects;
- (d) delegate any of its powers under this Ordinance and the regulations to any Government agency;
- (e) identify the needs for legislation in the environmental field;
- (f) at the request of the Federal Government or a Provincial Government or any Government agency, provide advice and assistance in environmental matters; and
- (g) perform any other function which the Council may assign to it.

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

- (a) lease, purchase, acquire, own, hold, improve, use or otherwise deal in and with any property, both movable and immovable;
- (b) sell, convey, mortgage, pledge, exchange or otherwise dispose of its property and assets;
- (c) execute instruments, incur liabilities and do all acts or things necessary for proper management and conduct of its business; and

- (d) appoint such advisers and consultants as it considers necessary for efficient performance of its functions on such terms and conditions as may be prescribed by regulations.

8. Environmental impact statement, etc., to be submitted to the Agency.—(1) The provisions of this section shall apply to such—

- (a) persons or class of persons, or
- (b) industrial activity or class of industrial activity, or
- (c) category, type or volume of discharges of air pollutants or wastes, or
- (d) area or class of areas, or
- (e) classes of public waters.

as may be prescribed by regulations.

(2) Every proponent of a project the construction or completion of which is likely to adversely affect the environment shall file with the Agency, at the time of planning the project, a detailed environmental impact statement including information on:

- (a) the impact on the environment of the proposed industrial activity;
- (b) the treatment works of the proposed project;
- (c) the unavoidable adverse environmental effects of the proposed project; and
- (d) the steps proposed to be taken by the project proponent to minimise adverse environmental effects.

(3) The Agency may prescribe guidelines for the preparation of environmental impact statements and, where such guidelines have been prescribed, the proponents of projects shall prepare environmental impact statements according to the said guidelines.

(4) The Agency may itself or through the appropriate Government agency review the environmental impact statement and, where it deems appropriate, it may also involve public participation in the assessment of the environmental impact statement.

(5) After the review under sub-section (4), the Agency may either approve the environmental impact assessment or recommend to the Federal Government that the project be modified or rejected in the interest of environmental objectives.

9. **Agency to assist local councils, etc., in disposal of wastes.**—The Agency shall assist the local councils, local authorities or other Government agencies and persons to implement schemes for the proper disposal of wastes in line with the standards and procedures prescribed by the Agency.

10. **Funds of the Agency.**—The funds of the Agency shall be derived from the following sources, namely :—

- (a) grants made and loans advanced by the Federal Government or the Provincial Government ;
- (b) grants, loans, advances and other moneys received from local or international agencies ;
- (c) fees, rates and charges received by the Agency under the provisions of this Ordinance ; and
- (d) all other sums received by the Agency.

11. **Audit and accounts.**—(1) The Agency shall submit its annual budget estimates for approval of the Federal Government through the Council.

(2) The Agency shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed by rules.

(3) The accounts of the Agency shall be audited in such manner as may be directed by the Federal Government.

12. **Penalty.**—(1) Whoever contravenes or fails to comply with any provision of this Ordinance or of any rule or regulation or any direction issued by the Agency thereunder, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to one hundred thousand rupees, or with both, and in the case of a continuing contravention or failure, with an additional fine which may extend to ten thousand rupees for every day after the first during which such contravention or failure continues.

(2) The Director General or an officer generally or specially authorised by him in this behalf may compound any offence under this Ordinance.

13. **Indemnity.**—No suit, prosecution or other legal proceeding shall lie against the Council, the Agency, the Director General, or the members,

officers, employees, experts or consultants of the Agency for anything in good faith done or intended to be done under this Ordinance or any rule or regulation.

14. **Bar of jurisdiction.**—No Court shall take cognizance of any offence punishable under this Ordinance except on a complaint in writing made by the Agency.

15. **Dues of Agency recoverable as an arrear of land revenue.**—Any dues recoverable by the Agency under the provisions of this Ordinance or any rules or regulations shall be recoverable as an arrear of land revenue.

16. **Power to make rules.**—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

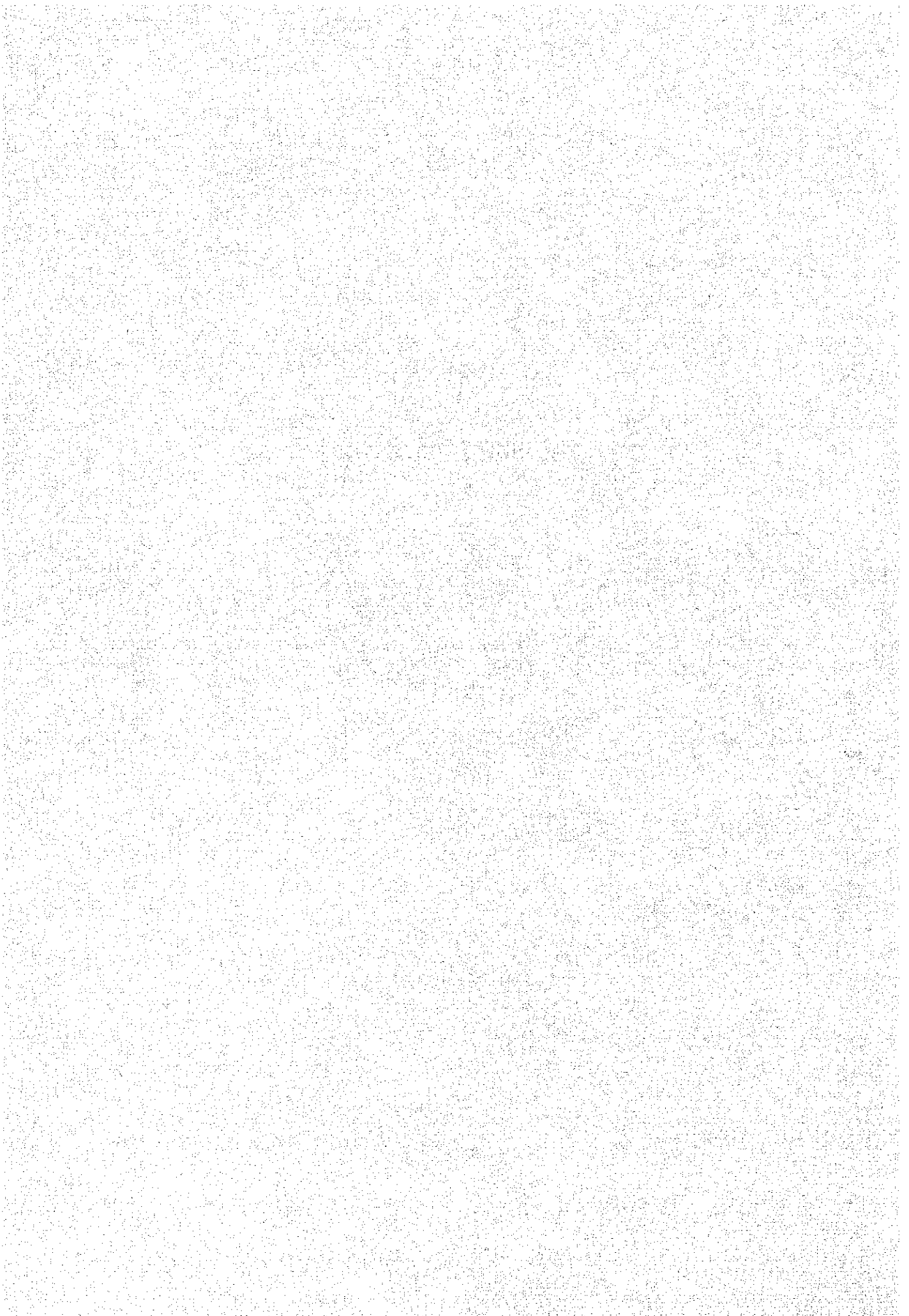
17. **Power to make regulations.**—(1) The Agency may, by notification in the official Gazette, with the approval of the Federal Government, make regulations, not inconsistent with the provisions of this Ordinance or the rules, for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for the levy of fees, rates and charges in respect of services rendered, actions taken and schemes implemented by the Agency.

GENERAL,
M. ZIA-UL-HAQ,
President.

C. A. RAHMAN,
Secretary.

9. 現地資料収集リスト



10 現地資料収集リスト

I 経済開発

1. 名称 : Economic Survey 1991-92

著者 : Government of Pakistan, Finance Division

内容 : 経済統計

形態 : オリジナル A4 278頁

2. 名称 : Seventh Five Year Plan 1988-93

& Perspective Plan 1988-2003

著者 : Planning Commission, Government of Pakistan

内容 : 第7次5ヶ年計画書及び2003年迄の長期計画

形態 : オリジナル A4 463頁

3. 名称 : Mid-Plan Review of the Seventh Five Year Plan (1988-93), May 1991

著者 : Planning Commission, Government of Pakistan

内容 : 第7次5ヶ年計画の1988/89, 1989/90 2年間の進捗実績評価

形態 : オリジナル A4 251頁

形態：オリジナル A4 67頁

6. 名称：Traffic Factors for Pakistan- II

(Average Annual Daily Traffic), NTRC-138, Dec. 1990

著者：Masoud Bakht, Assistant Chief

形態：オリジナル A4 103頁

7. 名称：Traffic Factors for Pakistan- III, NTRC-151, Apr. 1992

著者：Masoud Bakht, Assistant Chief

形態：オリジナル A4 133頁

8. 名称：Review And Update of National Transport Plan Study PC-II (Revised),
NTRC-147, June 1991

著者：M. Sadig Swati, Senior Chief

内容：第3回全国総合交通計画の要請書

形態：オリジナル A4 13頁

9. 名称：Road Traffic Origine Destination Survey (1990), NTRC-155, March 1992

著者：Abdul Majeed, Chief

形態：オリジナル A4 74頁

10. 名称 : Road Traffic Origine Destinaion Survey 1990 Vol-II , Traffic Volume
and Origine Destination at individual Survey Locations

著者 : Abdul Majeed, Chief

形態 : オリジナル A4 232頁

11. 名称 : Transport Bulletin - Road, NTRC- , July 1992

著者 : Sajjad Hussan Hundal, Reputy Chief

形態 : オリジナル A4 30頁

Ⅲ 環境

1. 名称 : Environmental Profile of Pakistan, 1986

著者 : Government of Pakistan, Environment & Urban Affairs Division/USAID

形態 : コピー B5 248頁

2. 名称 : A Country Profile of Marine Environment Pakistan, 1986

著者 : Government of Pakistan, Environment & Urban Affairs Division/USAID

形態 : コピー B5 78頁

3. 名称 : Pakistan Environmental Issues;

Government Policy and Foreign Assistance, April 1992

著者 : JICA Pakistan Office

形態 : オリジナル A4 83頁

4. 名称 : The Pakistan National Conservation Strategy

著者 : Environment & Urban Affairs Division, The World Conservation Union/
Suppoted by CIDA & UNDP

形態 : オリジナル A4 378頁

JICA