

Balochistan Environmental Protection (Motor Vehicles) Rules 2020

- 1. Short title and commencement.** - (1) These Rules may be cited as the Balochistan Environmental Protection (Motor Vehicles) Rules 2020.
(2) They shall come into force at once.

2. Definitions. - (I)in these Rules:

- (a) "Act" means the Balochistan Environmental Protection Act 2012;
- (b) "administrative penalty" means a penalty provided under subsection (7) of section 25 of the Act;
- (c) "authorized officer" means an officer of the Provincial Agency authorized by the Director General for taking actions under sub section 6 of Section 25, subsection 7 of Section 29, subsection (f) and (i) of section 7 of the Act to regulate motor vehicles;
- (d) "complaint" means a statement of allegations made orally or in writing to the Environmental Magistrate for purposes of action under these rules;
- (e) "direction" means a direction issued in writing by the authorized officer to the owner of a motor vehicle for installing such pollution control devices or other equipment or use such fuels or undergo such maintenance or testing as may be mentioned in the direction slip specified in Schedule-I;
- (f) "offence" means an act of omission constituting contravention of section 21 of the Act or noncompliance of any order or direction passed or issued under these rules by the Provincial Agency or an authorized officer; and
- (g) "owner" includes a driver, contractor, operator or occupant of a motor vehicle.

(2) All other words and expressions used in these rules, but not defined herein shall have the same meanings as are assigned to them in the Act.

3.Prohibition. - A person shall not operate a motor vehicle from which air pollutants or noise are being emitted in an amount, concentration or level which is in excess of the Environmental quality standards or where applicable the standards established under the Act.

4. Enforcement Procedure. - (I)The authorized officer may inspect, examine or check any motor vehicle or class of motor vehicles at any time in his area of jurisdiction.

(2) The authorized officer shall examine a motor vehicle through calibrated instrument for compliance of environmental quality standards notified for vehicular emissions, exhaust, noise, vibration and smoke, in the presence of owner of the motor vehicle at the spot to determine air pollutants.

(3) If a motor vehicle does not confirm to environmental standards, the officer shall issue directions in terms of subsection (2) of section 21 of the Act to the owner of the motor vehicle.

(4) The authorized officer shall mention a date, not more than seven days, and the site, for re-inspection of the motor vehicle in order to verify the compliance of the direction.

(5) The authorized officer may retain in custody the registration book, driving license or computerized national identity card of the owner of the motor

vehicle in his safe custody and shall enter the particulars of the retained documents on the direction slip.

(6) The authorized officer shall be responsible for the quality and quantity and safe custody of the retained documents and shall produce them in the court, as and when required.

(7) The authorized officer shall wear uniform notified by the Government and in the performance of functions under these rules he may use revolving green lights on the duty vehicle may seek help of local or traffic police, transport authorities or district administration.

(8) The authorized officer shall maintain daily diary register containing the details of the motor vehicles inspected, particulars of owners along with instruments used in determining air pollutants, violations or noise, for inspection and collecting evidence.

(9) The authorized officer shall verify the compliance of the directions given to the owner of a motor vehicle and if the direction is:

- (a) complied, he shall make an inventory of the compliance of the direction and shall return the retained document to the owner of the motor vehicle or any other person legally entitled to the document; or
- (b) not complied, he shall make inventory of all the retained documents as specified in Schedule-II and may impose administrative penalty on the owner of the motor vehicle under the Administrative Penalty Rules or may file a complaint against the owner of the motor vehicle before the Director General EPA.

(10) The authorized officer shall treat the issuance of direction slip as fulfillment of the condition of show cause notice under these rules.

5. Impounding of motor vehicles. (1)The authorized officer may impound, with the help of local Police, the motor vehicle which is being operated in contravention of these rules after the days mentioned on the direction slip or even after the imposition of administrative penalty.

(2) The impounded motor vehicles shall cease to operate till compliance of the direction under subsection (2) of section 21 of the Act and the authorized officer shall hand over the vehicle to the local police station through officer in-charge of the police station against an inventory of articles and an application by the authorized officer, which shall be reflected in rapt register of the Police Station.

(3) The Director General may, subject to conditions as the Magistrate deems appropriate, direct that the motor vehicle may be delivered to the owner.

6. Completion of trial. - The Director General shall conclude the proceedings initiated under these rules within thirty days and copies of the final order shall be sent to the authorized officer who had submitted the complaint.

7. Deposit of fine. -(1) The owner shall deposit the fine imposed by the Director General or as an administrative penalty in a designated head of accounts notified by the Government.

(2) The authorized officer shall maintain the record of fine and shall submit a consolidated report thereof to the Director General on weekly basis.