

Balochistan Environmental Protection (Administrative Penalty) Rules 2020

1. Short title and commencement.- (1) These rules may be called as the Balochistan Environmental Protection (Administrative Penalty) Rules 2020.

(2) They shall come into force at once.

2. Definitions. - (1) In these rules:

(a) "Act" means the Balochistan Environmental Protection Act, 2012;

(b) "administrative penalty" means a penalty imposed by the Director General or the Authorized Officer;

(c) "authorized Officer" means an officer of the Provincial Agency authorized by the Director General;

(d) "Department" means Environment Department, Government of the Balochistan; and

(e) "Director General" means the Director General of the Provincial Environmental Protection Agency.

(2) Words and expressions used but not defined in these rules shall have the same meanings as are respectively assigned to them in the Act.

3. Show cause notice. - (1) Subject to sub-rule (2), where the Director-General or the authorized officer is of the opinion that a person has contravened any provision of the Act, the Director General or the Authorized Officer may issue such person a notice, in Form A of Schedule-I, to show cause as to why the person should not pay to the Provincial Agency an Administrative Penalty as per amount set out in the notice in accumulative form based on the calculation made for each day against which the contravention continues.

(2) A show cause notice for payment of administrative penalty shall not be issued by the Director-General or the Authorized Officer, under sub-rule (1) relating to a contravention in respect of which a complaint has already been filed in the Environmental Tribunal or before the Environmental Magistrate.

(3) Nothing in these rules shall apply to a person who has been previously convicted of an offence under the Act or who has compounded an offence under the Act or who has paid an administrative penalty for a contravention of any provision of the Act

4. Notice for Payment of Administrative Penalty. - (1) The Director General or the Authorized Officer shall consider the written reply, if any, of the person to whom the show cause notice has been issued under rule 3 and grant such person an opportunity of personal hearing, if the person desires to be heard in person.

(2) The Director General or the authorized officer may issue a notice to the contravening person, in Form B of Schedule-I to pay, for payment of administrative penalty in an amount determined under rule 5 on or before a specified date.

(3) If the person, to whom the notice has been issued under sub-rule (2), fails to pay the administrative penalty by the specified date, the Director- General or the authorized officer shall initiate appropriate proceedings against such person in respect of the contravention in accordance with law.

5. Amount of administrative penalty. - (1) The amount of administrative penalty required to be paid under a notice issued under Rule 4 shall be determined keeping in view the extent and duration of the contravention and the attendant circumstances, but shall not:

- (a) in the case of a contravention punishable under Sub-Section (1) of Section 17 of the Act, be less than ten thousand, rupees for every day the contravention continues; and
- (b) in the case of a contravention punishable under Sub-Section (2) of Section 17 of the Act, be less than one thousand rupees for every day the contravention continues.

(2) In case of contravention of Section 15 of the Act, the amount of administrative penalty shall not be less than two hundred rupees for every day the contravention continues.

(3) The amount of administrative penalty, mentioned in the notice under Rule 4, shall not exceed the amount mentioned in the show cause notice under Rule 3.

6. Maintenance of Registers. - (1) The Director-General shall maintain a register, in the form mentioned in the Schedule II, containing relevant details of notices for payment of Administrative Penalties issued under these rules.

(2) The register mentioned in Sub-Rule (1) shall be open to inspection by the public during office hours.

SCHEDULE I

Form A
[See Rule 3(1)]

**Show Cause Notice for payment of Environmental Administrative
Penalty**

Provincial Environmental Protection Agency

To _____

1. On the basis of information received/investigation made, I am of the opinion that you have prima facie contravened the provisions of section _____ of the Punjab Environmental Protection Act 1997 on *[date]* at *[time]* at *[place]*.
2. In the circumstances, I hereby call upon you to show cause why I should not, in exercise of powers under sub-section (7) of Section 17 of the Act, require you to pay to the Punjab Environmental Protection Agency an administrative penalty in the amount of Rs. _____ for each day the contravention continues. The said contravention commenced on _____ and continued till _____. The accumulated amount of administrative penalty comes to Rs. _____. Please note that if you pay the aforesaid accumulated amount of administrative penalty, you will not be charged under the Act with an offence in respect of the contravention.
3. Your reply should reach the undersigned within seven days of receipt of this notice, failing which it shall be presumed that you do not wish to contest the matter, and I shall proceed to issue you notice to pay the aforesaid administrative penalty without further reference.

Director General / Authorized Officer

Dated: _____

Form B
[See Rule 4(1)]

Notice for payment of Environmental Administrative Penalty
Provincial Environmental Protection Agency

Date: _____

**NOTICE FOR PAYMENT OF ADMINISTRATIVE
PENALTY**

WHEREAS, on the basis of information received/investigation made I had formed the opinion that you have prima facie contravened the provisions of Section _____ of the Punjab Environmental Protection Act, 1997 on *[date]* at *[time]* at *[place]*.

AND WHEREAS, in response to show-cause notice dated _____ issued by me, you have furnished reply dated _____ to the following effect _____ or have opted not to file a reply of the said notice.

AND WHEREAS, after carefully considering your written reply dated and having granted you an opportunity of personal hearing on _____, I have come to the conclusion that your reply is liable to be rejected for the following reasons. _____

NOW THEREFORE, in exercise of powers under sub-section (7) of section 17 of the Act, I hereby issue notice requiring you to pay to the Punjab Environmental Protection Agency within _____ days of receipt hereof an administrative penalty in the amount of Rs. _____. Please note that if you pay the administrative penalty by the due date, you will not be charged under the Act for an offence in respect of the contravention. However, in case you fail to make payment, I shall initiate appropriate proceedings against you in respect of the contravention in accordance with law.

**Director General / Authorized
Person**

SCHEDULE II

[See Rule 6(1)]

Register of notices for payment of Environmental Administrative Penalty

Sr. No.	Name, Parentage and address of person to whom show cause notice issued	Date of issue of show cause notice	Section of PEPA 1997 said to have been contravened	Amount of Administrative penalty mentioned in show cause notice	Date of reply	Date of issue of notice or date of acceptance of reply	Amount of Environmental Administrative Penalty mentioned in notice	Date specified for payment of Environmental Administrative Penalty	Date Environmental Administrative Penalty paid or date of initiation of proceedings (specify nature)