

The Sindh Environmental Protection Tribunal Rules, 2014

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GOVERNMENT OF SINDH
SINDH ENVIRONMENT PROTECTION
AGENCY

Karachi dated the 16th December, 2014.

NOTIFICATION

No.EPA/TECH/739/2014 :- In exercise of the powers conferred by section 36 read with section 26 of the Sindh Environmental Protection Act, 2014, the Sindh Environmental Protection Agency, with the approval of the Government of Sindh, is pleased to make the following rules namely: -

1. Short title and commencement:- (1) These rules may be called the Sindh Environmental Protection Tribunal Rules, 2014.

(2) They shall come into force at once.

2. Definitions:- (1) In these rules, unless there is anything repugnant in the subject or context -

(a) "Act" means the Sindh Environmental Protection Act, 2014;

(b) "Agency" means the Sindh Environmental Protection Agency constituted under the Act;

(c) "Bench" means a bench of Tribunal comprising the Chairperson and at least one other Member;

(d) "Chairperson" means Chairperson of the Tribunal;

(e) "Director General" means the Director General of the Sindh Environmental Protection Agency;

(f) "Member" means member of the Tribunal;

(g) "Registrar" means the Registrar of the Tribunal;

(h) "section" means a section of the Act;

(i) "Tribunal" means the Sindh Environment Protection Tribunal established under section 25 of the Act and includes a Bench.

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

3. Term of office of Chairperson and Members. (1) The term of office of the Chairperson and Members shall not exceed three years:

Provided that Government may extend the term of office of the Chairperson or any Member as it may deem fit.

- (2) The Chairperson or Member may resign his office by writing under his hand addressed to Government.
 - (3) The Chairperson or a Member shall not hold any other public office.
4. Qualification of Member. (1) A Technical Member of the Tribunal shall be -
- (a) an officer of the Agency having twelve years experience in BPS-17 and five years experience in BPS-18 and above or equivalent, working in the Technical Discipline;
 - (b) if he is not proceeding with the cases in the Tribunal shall work in the Agency.
- (2) The other Member of the Tribunal shall be a person who has for a period of not less than ten years held appointment or post in the service of a Province, or who for the said period has been an Advocate of the High Court.
5. Salary, allowances and privileges. (1) If a serving or retired Judge of the High Court is appointed as Chairperson, he shall be entitled to such salary, allowances and privileges as are admissible to the Judge of the High Court; provided that if the Chairperson is appointed otherwise than a sitting or retired Judge of the High Court, he shall be entitled to such salary, allowances and privileges as are admissible to a Grade-21 officer of Government.
- (2) The Member (Technical) and other Member of the Tribunal shall be entitled to such salary, allowances and privileges as admissible to an officer of Grade-20 of Government.
6. Bench of the Tribunal. The powers and functions of the Tribunal shall be exercised or performed by a Bench which may consist of the Chairperson and atleast one other Member.
7. Staff of the Tribunal. (1) The staff of the Tribunal shall be decided by the Chairperson as per requirement of functioning of the Tribunal.
- (2) The staff of the Tribunal shall consist of the Registrar and other ministerial staff.
- (3) The terms and conditions of service of the staff of the Tribunal shall be the same as of civil servants of corresponding grade under Government and they shall be governed by the Sindh Civil Servants Act,1973 (Act No.LXXI of 1973) and rules made thereunder.
- (4) Notwithstanding the provision of sub-rules (2) and (3) where a Judge of the High Court or the Presiding Officer of an existing Court or Tribunal is appointed as Chairperson in addition to his own duties, the duties and functions of the staff of

the Tribunal may be assigned to existing staff of the High Court or such other Court or Tribunal.

8. Seal of the Tribunal. (1) There shall be a seal of the Tribunal which shall indicate the name of the Tribunal and its insignia.

(2) The seal shall remain in the custody of the Registrar or such other officer as the Chairperson may direct, and shall be affixed on every order passed by the Tribunal.

(3) Every notice issued on behalf of the Tribunal shall be signed by the Registrar or other officer duly authorized in this behalf by the Chairperson and shall bear the seal of the Tribunal.

9. Dress, office hours and holidays. (1) The Chairperson and Members shall wear the same dress as prescribed for Judges of the High Court.

(2) The Tribunal shall, subject to any special order of the Chairperson, observe the same office hours, holidays and periods of recess as of the Government.

10. Language. The language of the Tribunal shall be English, but Urdu or Sindhi languages may be used, subject to permission of the Tribunal.

11. Application of Code of Criminal Procedure, 1898. The Code of Criminal Procedure, 1898 (Act V of 1898) shall apply to proceedings before the Tribunal relating to trial of offences under section 22.

12. Cause List. (1) A daily Cause List shall be prepared under the orders of the Register which shall be affixed on the notice board of the court room of the Tribunal.

(2) Except as otherwise directed by the Tribunal, cases shall be set down in the Cause List in the order of the date of admission.

13. Copies of orders and record. (1) The Tribunal shall, after passing and signing any final order in any case, send certified copies thereof to be sent under registered post acknowledgement due, to the parties concerned and to the Director General.

(2) Any party in appeal may obtain additional copies of the order on payment of such fees as the Tribunal may fix from time to time.

14. Expeditious disposal. The Tribunal shall make every effort to dispose of a complaint or an appeal or other proceedings within ninety days of its filing.

15. Appeals. (1) An appeal to the Tribunal under section 27, in a form of a memorandum, shall be prepared in triplicate, and sent to the Registrar by registered post acknowledgement due or presented to him during office hours either by the appellant personally or by his counsel.

- (2) The appeal shall be accompanied by -
- (i) a copy of the impugned order;
 - (ii) copies of all documents on which the appellant relies; and
 - (iii) fees as may be fixed by the Tribunal from time to time.

16. Proceedings open to public. All proceedings before the Tribunal shall be open to the public:

Provided that the Tribunal may restrict entry of public during hearing of cases as the Tribunal may deem appropriate.

17. Service of process. (1) Any process issued by the Tribunal against a person residing within its territorial jurisdiction shall be served through bailiff or registered post acknowledgment due or by publication in newspaper or through Station House Officer of concerned Police Station, within whose jurisdiction the person resides, carry on business or works for gain, shall be bound to effect service on the person in whose name the process is issued by the Tribunal.

(2) The Station House Officer of concerned police station shall also be responsible for executing any warrant of arrest against person within his jurisdiction.

18. Repeal and Savings. (1) The provisions of the Environmental Tribunal Rules, 1999 to the extent of the Province of Sindh are hereby repealed.

(2) All orders made, notification issued, actions taken under the repealed rules shall remain in force until amended, altered or repealed by the provisions of these Rules.

DIRECTOR GENERAL
SINDH ENVIRONMENTAL PROTECTION
AGENCY