

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

NOTIFICATION

Dated 21/11/2016

No. SO/ENVT/1-4/2015/EPT: In exercise of the powers conferred by Section 21 of Khyber Pakhtunkhwa Environmental Protection Act, 2014 (Khyber Pakhtunkhwa Act No. XXXVIII of 2014), the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA ENVIRONMENTAL PROTECTION
TRIBUNAL RULES, 2016**

1. Short title and commencement... (1) These rules may be called the Khyber Pakhtunkhwa Environmental Protection Tribunal Rules, 2016.

(2) These rules 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 Khyber Pakhtunkhwa Environmental Protection Act, 2014 (Khyber Pakhtunkhwa Act No. XXXVIII of 2014);
- (b) "Chairperson" means the Chairperson of the Tribunal;
- (c) "Director General" means the Director-General of the Environmental Protection Agency;
- (d) "High Court" means the Peshawar High Court, Peshawar;
- (e) "Member" means Member Technical or Member Legal of the Tribunal, as the case may be;
- (f) "Registrar" means the Registrar of the Tribunal; and
- (g) "Schedule" means Schedule appended to these rules.

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

3. Qualification of Chairperson and Members... (1) The Chairperson shall be appointed, as per sub-section (2) of section 21 of the Act.

(2) The Technical Member shall be a serving or a retired person who shall have at least second class Bachelor's Degree in the field of Chemical, Public Health, Environmental, Industrial Engineering or related discipline or a second class Master's Degree in Chemistry, Biology, Bio technology, Environmental Sciences or related discipline, with at least twenty (20) years experience in the environmental field including at least 3 years experience in Grade 20 post.

(3) The Member Legal shall be a person, who shall,____

- (a) have at least ten (10) years experience as advocate of the High Court or the Supreme Court; or
- (b) be a serving or retired Additional District and Sessions Judge.

(4) The Chairperson and Member, as the case may be, shall be, a domicile holder and bonafide resident of the Province, Tribal area of the Province of FATA.

(5) The upper age limit for Chairperson and Members shall be sixty five (65) years.

4. Term of office of Chairperson and Members...The term of office of the Chairperson and Members shall be three years:

Provide that the Provincial Government may, after consultation with the Chief Justice of the High Court, extend the term of office of the Chairperson or Members for such period, not exceeding **two** years, as it may deem fit.

5. Salary, allowances and privileges...The Chairperson and Member Technical, shall be entitled to such salary, allowances and privileges as are admissible to a civil servant in BPS-21 while the Member Legal, shall be entitled to such salary, allowances and privileges as are admissible to the civil servants in BPS-20.

6. Oath of office. Before entering upon his office, a Chairperson who is not a serving Judge of the High Court, and a Member Legal or Member Technical, as the case may be, shall take an oath, as specified in the Schedule before the Chief Justice of the High Court or a Judge nominated by the Chief Justice for that purpose.

7. Removal and Resignation of Chairperson and Members from Service of the Tribunal...(1) Government may remove the Chairperson or Members from the office on account of allegation of gross misconduct, inefficiency, corruption moral turpitude and physical or mental incapacity.

(2) The Chairperson or Member, as the case may be, may resign from his office on one month notice to Government or in lieu of one month salary.

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 be remained 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 any 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 prevailing in the High Court.

10. Language. The language of the Tribunal shall be English or Urdu and presentation of a case may be in English or Urdu or any of the regional languages, subject to permission of the Chairperson.³

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

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

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

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

13. Expeditious disposal. The Tribunal shall dispose of a complaint or an appeal or other proceedings within sixty (60) days of its filing. In case of delay, the Bench shall record its reason in writing accordingly:

Provided that a decision of the Tribunal shall not be rendered invalid by reason of any delay in disposal of a complaint or the appeal.

14. Appeals...(1) An appeal to the Tribunal under section 23 of the Act 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 prescribed in the Court Fees Act, 1870 (Act No. VII of 1870).

15. Proceedings open to the 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 involving information covered by clauses (a), (b) and (c) of sub-section (3) of section 13 of the Act.

SCHEDULE

(See Rule 6)

Oath of Chairperson and Members

I, _____ do solemnly swear that a Chairperson/Member of an Environmental Protection Tribunal established under the Khyber Pakhtunkhwa Environmental Protection Act, 2014, I will discharge my duties and perform my functions honestly to the best of my ability, faithfully in accordance with the Constitution of the Islamic Republic of Pakistan, 1973 and the law, and without fear of favour, affection or ill-will, and that I will not allow my personal interest to influence my official conduct or my official decisions.

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Secretary Government of Khyber Pakhtunkhwa
Forestry, Environment & Wildlife Department

No. SO(Envf)ED/1-4/2015/EPT**Dated: 21-11-2016**