

**GOVERNMENT OF THE PUNJAB  
ENVIRONMENT PROTECTION DEPARTMENT**

NOTIFICATION

The 18<sup>th</sup> May, 2004

No. 182/LS/EP – In exercise of the powers conferred upon him under section 6 of the Punjab Prohibition on Manufacture, Sale, Use and Import of Polythene Bags (Black or any other Polythene Bag below fifteen micron thickness) Ordinance, 2002 (IX of 2002), the Governor of the Punjab is please to direct that the following rules shall be made:-

**1. Short title and commencement:-** (1) These rules may be called the Punjab Prohibition on Manufacture, Sale, Use and Import of Polythene Bags (Black or any other Polythene Bag below fifteen micron thickness) Rules, 2004.

(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 Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
- (b) “complaint” means a complaint under section 200 of the Code of Criminal Procedure, 1898 (V of 1898);
- (c) “court of jurisdiction” means the court of Environmental Magistrate or any other Court having jurisdiction to try cases under section 5 of the Ordinance;
- (d) “Department” means the Environment Protection Department;
- (e) “Director General” means the Director General, Environment Protection Agency, Punjab;
- (f) “District Administration” and “District Government” mean respectively the District Administration and the District Government established under the Punjab Local Government Ordinance, 2001 (XIII of 2001);
- (g) “Environmental Laboratory” means a laboratory under certification of Environmental Laboratories Rules, 2001;
- (h) “Inspector” means an inspector of Environment Protection Agency, Punjab having jurisdiction over a particular locality or area;
- (i) “Officer Incharge” means an officer of Environment Protection Agency, Punjab not below the rank of Assistant Director or District Officer Environment;
- (j) “Ordinance” means the Punjab Prohibition on Manufacture, Sale, Use and Import of Polythene Bags (Black or any other Polythene Bag below fifteen micron thickness) Ordinance, 2002 (IX of 2002); and
- (k) “Unit” means a factory or any premises where black polythene bags or any other polythene bags below fifteen micron thickness are manufactured, sold, used or imported, or where any suspected material is found which can be used in such manufacturing.

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

**3. Formal Investigation –** (1) On receipt of an application from any person, or on his own accord in presence of sufficient reasons to believe, regarding violation of section 3 of the Ordinance, the Officer Incharge shall register the application and initiate formal investigation.

(2) Investigation under sub rule (1) shall be carried out under intimation to the Director General through the Director concerned and the District Coordination Officer of the District concerned.

(3) Investigation Officer not below the rank of Inspector shall complete investigation preferably within Seven days, if not otherwise directed by the Director General.

**4. Sampling** – (1) If commission of offence is likely to be made out under rule 3 to the extent of manufacture, sale, use and import of black polythene bags or any other polythene bag below fifteen micron thickness, the Officer Incharge or inspector shall take samples, in accordance with the Environmental Sample Rules, 2001.

(2) The samples shall be examined at the spot through a calibrated instrument and shall, within two days, be got confirmed from any Environmental Laboratory.

(3) If commission of offence is established the Officer Incharge may proceed against the accused under sub rule (3) of rule 7.

**5. Power to enter and inspect** – Officer Incharge or Inspector shall have power to enter and inspect the unit or its production, stock, manufacturing, sale point, delivery, transportation and documentary record, exhibition and displays or any other concerned activity, subject to existence of reasonable grounds to believe about the commission or likely to be commissioned offence under the Ordinance.

**6. Search warrant** – If reasonable grounds exist and Officer Incharge is satisfied either about commission of offence or its likelihood in public or private premises and if Officer Incharge thinks inevitable to procure reasonable evidence through search warrant he may be filing a written application before the court of jurisdiction get the search warrants issued under the Code of Criminal Procedure, 1898 (V of 1898).

**7. Sealing** – (1) If commission of offence is made out to the extent of manufacture, sale, use and import of black polythene bags or any other polythene bag below fifteen micron thickness, the Officer Incharge shall have the power to seal such manufacturing works, sale-point, import stock, delivery, collection and transportation at once, with administrative help of the District Police Officer concerned under intimation to Director General through the Director concerned.

(2) The sealing officer shall paste a copy of sealing order at the spot and affix the sealing stamp thereon, and after recording evidence recover and material being involved in the commission of offence.

(3) The District Police Officer or, as the case may be, the District Coordination Officer may be called for administrative help in writing by the Officer Incharge under intimation to the Director General through the Director concerned for carrying the objectives of the Ordinance and these rules.

(4) The Officer Incharge shall institute a complaint before the Environmental Magistrate, against the person responsible for the offence, for proceeding under section 4 of the Ordinance.

**8. Confiscation** – (1) If commission of offence is made out to the extent of manufacture, sale, use and import of black polythene bag or any other polythene bag below fifteen-micron thickness, the Officer Incharge or, as the case may be, Inspector shall have power to take into possession any article which he has reason to believe, has been or is involved in, or which may furnish evidence of the commission of offence. Recovered material may be retained within the office building, in safe custody and in sealed condition. The Officer Incharge shall file a complaint preferable within twenty four hours, before the court of jurisdiction for proceeding under section 4 of the Ordinance, against the person responsible for the offence.

(2) The Officer Incharge or Inspector, as the case may be, shall be responsible for quality, quantity and credibility of confiscated or recovered material.

(3) In case of acquittal of accused, on an application from the acquainted person, the recovered material may be returned to the owner or its legal claimant, on written order of the Environmental Magistrate or the court of Jurisdiction.

(4) A proper receipt record, order of the court, return statement and identification documents alongwith signatures of two witnesses shall be retained by the Officer Incharge concerned.

(5) In case of conviction the convicted person shall lose his right to take back the recovered material and the material may be taken state property and dealt with the relevant laws of land.

**9. Procedure of trials** – Environmental Magistrate or the court having jurisdiction shall try offences under section 3 of the Ordinance in accordance with the provisions of the Code of Criminal Procedure, 1898 and shall decide the complaint within four months.

**10. Appeal** – Any person aggrieved by an order of the Environmental Magistrate may, within fifteen days of such order, prefer an appeal to the Court of Sessions whose decision thereon shall be final.

**11. Prosecution and legal advice** – Officer Incharge shall represent the Department before the court of Environmental Magistrate or any court of jurisdiction, as the case may be, with consultation and under the advice of the head of the Legal Wing of the Department.

**12. Power to give directions** – In discharge of their functions under the Ordinance or these rules the officers of provincial Environmental Protection Agency shall be bound by the direction given to them in writing by the provincial Government.