

Report laid on  
25-08-2020

**SENATE OF PAKISTAN**



**REPORT No. 5 OF 2020**

**REPORT OF THE SENATE STANDING COMMITTEE ON  
CLIMATE CHANGE**

**ON**

**CONSIDERATION ON THE BILL "THE ENVIRONMENTAL PROTECTION  
(AMENDMENT) BILL, 2020" INTRODUCED BY SENATOR FAISAL JAVED  
IN THE SENATE DURING ITS SITTING HELD ON 8<sup>TH</sup> JUNE, 2020 AND  
REFERRED TO THE COMMITTEE FOR CONSIDERATION AND REPORT.**

**PRESENTED BY :  
SENATOR SITARA AYAZ  
CHAIRPERSON (COMMITTEE)**

## SENATE SECRETARIAT

### REPORT OF THE STANDING COMMITTEE ON CLIMATE CHANGE ON CONSIDERATION ON THE BILL "THE ENVIRONMENTAL PROTECTION (AMENDMENT) BILL, 2020" INTRODUCED BY SENATOR FAISAL JAVED IN THE SENATE DURING ITS SITTING HELD ON 8<sup>TH</sup> JUNE, 2020 AND REFERRED TO THE COMMITTEE FOR CONSIDERATION AND REPORT.

1. Senator Sitara Ayaz, Chairperson Senate Standing Committee on Climate Change have the honour to present, on behalf of the Committee, a Report on consideration on the Bill "The Environmental Protection (Amendment) Bill, 2020" introduced by Senator Faisal Javed in the Senate during its sitting held on 8<sup>th</sup> June, 2020 and referred to the Committee for consideration and report.

#### 2. The composition of the Committee is as under:-

1.	Senator Sitara Ayaz	Chairperson
2.	Senator Sherry Rehman	Member
3.	Senator Faisal Javed	Member
4.	Senator Muhammad Asad Ali Khan Junejo	Member
5.	Senator Mushahid Hussain Sayed	Member
6.	Senator Samina Saeed	Member
7.	Senator Sana Jamali	Member
8.	Senator Muhammad Ali Khan Saif	Member
9.	Senator Pervaiz Rashid	Member
10.	Senator Kamran Michael	Member
11.	Senator Keshoo Bai	Member
12.	Senator Muhammad Akram	Member
13.	Senator Musadik Masood Malik	Member
14.	Minister of State for Climate Change	Ex-Officio Member

3. The Committee took up the said Bill in its meeting dated 14-07-2020 with the following Members in the meeting:

i)	Senator Sitara Ayaz	Chairperson
ii)	Senator Faisal Javed	Member
iii)	Senator Sana Jamali	Member
iv)	Senator Muhammad Ali Khan Saif	Member
v)	Senator Muhammad Asad Ali Khan Junejo	Member
vi)	Senator Mushahid Hussain Sayed	Member
vii)	Senator Pervaiz Rashid	Member
viii)	Senator Keshoo Bai	Member
ix)	Senator Muhammad Akram	Member
x)	Minister of State for Climate Chage	Ex-Officio Member

4. After a threadbare discussion on the said Bill, the Chairperson of the Committee and the Members of the Committee unanimously passed the amendments proposed by Senator Faisal Javed in the Senate sitting dated 08-06-2020 and has referred the Bill back to the Upper House as directed by the Hon.'ble Chairman Senate..
5. The amendments proposed by Senator Faisal Javed passed by the Standing Committee of Climate Change are annexed at Annex-A.
6. A copy of the corresponding minutes of the meeting of the Standing Committee on Climate Change, dated 14<sup>th</sup> July, 2020 is annexed at Annex-B.

*Farzana Khan*

**(FARZANA KHAN)**

**D.G./Secretary,**

**Standing Committee on Climate Change**

*Sitara Ayaz*

**(SENATOR SITARA AYAZ)**

**Chairperson,**

**Senate Standing Committee  
on Climate Change.**

[AS INTRODUCED IN THE SENATE]

A

BILL

*further to amend the Pakistan Environmental Protection Act, 1997*

**WHEREAS** it is expedient further to amend the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title, extent and commencement.**- (1) This Act may be called the Pakistan Environmental Protection (Amendment) Act, 2020.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Amendment in section 2, Act XXXIV of 1997.**- In the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), hereinafter to referred to as the said Act, in section 2, after clause (xxiv), the following new clause (xxiv-a) shall be inserted, namely:-

“(xxiv-a) “Littering” means depositing, dropping, placing or throwing litter, any article or thing including wrappers, plastic bottles, the discarded ends of cigarettes, cigars and like products, and discarded chewing-gum and the discarded remains of other products designed for chewing in any public place including public transport except in a dustbin provided for the deposit of rubbish.”

**3. Insertion of new section 16A, Act XXXIV of 1997.** - In the said Act, after section 16, the following new section 16A, shall be inserted, namely:-

“**16A Prohibition of littering.**- (1) No person shall throw down, drop or otherwise deposit or leave any litter whatsoever in such circumstances as to cause, or contribute to, or tend to lead to, the defacement by litter in any place whether on land or in water:

Provided that no offence is committed under sub-section (1) where the littering is—

- (a) Authorized by law; or
- (b) Done by or with the consent of the owner, occupier or other person having control of the place where it is deposited.”

**4. Amendment of section 17, Act XXXIV of 1997.** - In the said Act, in section 17, after sub-section (8), the following new sub-section (9) shall be added, namely:-

“(9) Whoever contravenes or fails to comply with the provisions of section 16A without reasonable cause shall be punishable with fine which may extend to two thousand rupees, and in case of continuing contraventions, or failure with an additional fine which extend to five thousand rupees for every day during which such contravention continues.”

#### **STATEMENT OF OBJECTS AND REASONS**

Litter is trash when it ends up outside a bin or landfill. The pure land of Pakistan is getting impure due to litter. Litter has hazardous impacts not only on environment but also on animals and people. Plastic waste suffocates, disables and kills thousands of animals each year. Litter cause vehicle accidents and injuries, smother plants, start fires and harm or kill animals. It also attracts rats and harmful bacteria. It costs residents and local, Provincial and Federal Governments millions of rupees to pick up litter, reverse the effects of littering and prevent litter. Littering can encourage the spread of pest species and diseases. Pakistan is a country of magnificent beauty, with scenes that will leave any person awestruck. Littered places just looks gross and depreciates the aesthetic value of the surrounding environments. Similarly, it affects local tourism as it makes city areas and roadside look disgusting.

2. Thus need is felt to comprehensively deliberate and legislate upon issues related to littering and its solutions. The situation clamors to introduce the said bill.
3. The Bill has been designed to achieve the above said purpose.

**SENATOR FAISAL JAVED  
MEMBER-IN-CHARGE**



**SENATE SECRETARIAT**

**MINUTES OF THE MEETING OF SENATE STANDING COMMITTEE ON CLIMATE CHANGE.**

A meeting of the Senate Standing Committee on Climate Change was held on 14<sup>th</sup> July, 2020 at 11:00 a.m. in Committee Room No. 4, Parliament House, Islamabad with Senator Sitara Ayaz in the Chair.

2. The following Members attended the meeting:-

i	Senator Sitara Ayaz	Chairperson
ii	Senator Faisal Javed	Member
iii	Senator Sana Jamali	Member
iv	Senator Muhammad Ali Khan Saif	Member
v	Senator Muhammad Asad Ali Khan Junejo	Member
vi	Senator Mushahid Hussain Sayed	Member
vii	Senator Pervaiz Rashid	Member
viii	Senator Keshoo Bai	Member
ix	Senator Muhammad Akram	Member
x	Minister of State for Climate Change	Ex-Officio Member

3. The agenda before the Committee was as under:-

- (i) Consideration on the Bill "The Environmental Protection (Amendment) Bill, 2020", introduced by Senator Faisal Javed in the Senate during its sitting held on 8<sup>th</sup> June, 2020 and referred to the Committee for consideration and report.
- (ii) Briefing by the Ministry of Climate Change regarding situation/status of climate changes on (pollution level and migration of animals and birds etc.) of Islamabad after COVID-19.
- (iii) Any other item with permission of the Chair.

4. The meeting started with recitation from the Holy Quran. The Chairperson and Members of the Committee expressed their strong reservations at late arrival of the officers from the Ministry of Climate Change at the start of the meeting although the Minister for Climate Change had arrived in time for the meeting. The A.S. Ministry of Climate Change apologized in that regard and assured the Committee to be punctual in Committee meetings in future. The

Chairperson also strongly directed the Ministry of Climate Change to ensure compliance of standing instructions by the Committee to provide working paper atleast 48 hours before a Committee meeting.

5. Taking up Agenda Item No. (i) regarding consideration on the Environmental Protection Amendment Bill, 2020, Senator Faisal Javed who had introduced the said Bill in the Senate during its sitting on 8<sup>th</sup> June, 2020 first thanked the Chairperson Committee on taking up the Bill. He initially asked the Committee to defer the said Bill as working paper was sent very late by the Ministry of Climate Change. The Chairperson asked him to explain the amendment proposed by him in the said Bill. He stated that we need strict laws so that people abstain from littering in the country. He questioned as to why Ministry of Climate Change is excusing itself from the said task. He further stated that just like Zanieb Alert Bill was made applicable to whole of Pakistan, similarly this Bill on Environment also should be imposed throughout the country as uptil now there is no fine or penalty on littering in the country.

6. The Minister for Climate Change remarked that if Senator Faisal wants the said Bill imposed in the country on the pattern of Zanieb Alert Bill, she fully endorses his views. The Ministry of Climate Change she said should be empowered with some regulations to penalize and fine littering in the country.

7. Senator Mushahid Hussain Syed stated that the Bill has 2 aspects :- One is specific for Islamabad while the other is a long-drawn complicated process for the whole country like the Zanieb Alert Bill. The said Bill he said involves management and governance. He also questioned the rationale behind opposing the Bill by the Ministry of Climate Change.

8. The Chairperson Committee stated that the EPA has no powers and no inspectors while CDA and MCI have a working staff of 6500 people.

9. Senator Pervaiz Rashid stated that we should send out the message that we want to correct, amend and improve things. He suggested that school and college students should be encouraged to take mobile pictures of people who are littering on the streets to discourage them. He appreciated the initiative taken by Senator Faisal Javed. Senator Sana Jamali also fully endorsed the views and amendments proposed by Senator Faisal Javed.



10. Senator Mohammad Akram stated that there should be coordination among Ministry of Climate Change , MCI and CDA for the said cause. It is the garbage he said that results in pandemics.

11. Director General, EPA, Farzana Shah while responding to the Committee agreed that the said legislation is needed in the capital but stressed that prevention of littering is the responsibility of the MCI. She said that both the MCI and the CDA have ample human resources to ensure sanitation in the city but they have failed to do so. Furthermore, she said that the 2015 Islamabad local government Ordinance has many provisions, preventive measures and penalties for littering. She requested the Committee to question the MCI as to why have not they imposed any fines for littering or made an effort to curtail it as yet. She also said that the EPA is not empowered to oversee littering and does not have the resources to implement the said amendments.

12. The Chairperson Committee stated that no report has been given on Faisal Masjids' issue of garbage there and that the CDA has failed in responding to the Committee on it.

13. The A.S., Ministry stated that both the CDA and the MCI are with the Ministry of Interior. The Chairperson stated that both of them will be called in the next meeting of the Committee.

14. Senator Mushahid Hussain stated that the DG., EPA is asking for work force and is not opposing the amendments in the Bill in principle. He said the main issue here is of logistics.

15. Senator Faisal Javed stated that lack of staff should not be a reason for opposing a legislation. He said that Islamabad should be all set as a role model for rest of Pakistan. The EPA is facing an operational issue which can be solved with the help of the Committee later on after the required legislation. He recommended formation of a Safai Board comprising of MCI, CDA and EPA which will be duly supported by the Standing Committee.

16. The Minister, Climate Change stated that the Senator's spirit and the Bill are both good. Technical issues are there for which she said there should be another meeting by the Committee on the said Bill.

17. The Chairperson Committee told D.G., EPA that the Committee now knows well the issues being faced by the EPA. She said that the Committee will bring an amendment for empowering the EPA instead of directing the Mayor and CDA. She said that all Senators unanimously agree that atleast the required legislation should be done. She said that stopping legislation for operational matters would not be right. She added that the Committee will meet again after 14 days on the said issue and directed that Secretary, Climate Change should attend the Committee meeting positively. She also requested Barrister Muhammad Ali Khan Saif to look into both the Acts for Environment for the Committee and the Ministry.

18. Senator Muhammad Ali Khan Saif stated that he is available for any legal advice for the Committee and that it is a procedural step and the Committee is not passing an Act. He opined that it will be better to pass the required amendments from here.

19. The Chairperson Committee stated that the said amendments stand passed unanimously by all Members of the Committee and the said Bill will be referred back to the Senate.

20. The Committee was next briefed about status of climate changes, pollution level and migration of birds and other animals in Islamabad in the aftermath of Covid-19. The Committee was informed that main sources of pollution in Islamabad are 400 industries in the capital, combustion of fossil fuels for energy and transportation. 25,000 to 35,000 vehicles entering I.C.T. daily, burning of municipal waste and brick kilns. The Committee was further briefed that Particulate matter (PM 2.5), a major cause of pollution and health issues measured 49.65 ug/m<sup>3</sup> in November, 2019 which later fell to 22.74 ug/m<sup>3</sup> in June but the lowest figure ever was recorded in April at 17.67 ug/m<sup>3</sup>. The D.G., EPA stated that any reading below 35 ug/m<sup>3</sup> is considered good for environment. Also, readings of other pollutants such as Sulphur Dioxide and Nitrogen Dioxide are also under control and fewer pollen allergy cases were reported this year.

21. Regarding fauna in Margalla Hills National Park, the Committee was apprised that there are 38 species of mammals, 218 species of birds, 82 resident species, 32 summer visitor species, 73 winter visitor species, 31 transit migrants, 32 reptiles and 9 amphibian species. The Committee was also informed that due to closure of public trails during lockdown and lack of food there, many local species, including a leopard which is hunting wild boars and monkeys can be seen in the area and some of the animals have also left the hills and entered the capital. There have been so far 26 complaints about monkeys and wild boars heading towards residential areas in Islamabad and even in Rawalpindi.

### **RECOMMENDATIONS/DIRECTIONS OF THE COMMITTEE**

22. The Committee made the following unanimous recommendations:-

- i) The Committee directed the Ministry of Climate Change to ensure presence of its officers well in time for the Committee meetings and also ensure provision of working paper atleast 48 hours prior to a Committee meeting.
- ii) The Committee strongly directed the CDA to provide immediately the long pending report by it on Faisal Masjid's cleanliness and garbage removal to the Committee.
- iii) The Committee decided to call both the MCI and the Chairman CDA in its next meeting to be held after 14 days.
- iv) The Committee unanimously passed and approved the amendments proposed by Senator Faisal Javed in the Environment Protection (Amendment) Bill, 2020 in Senate sitting dated 8<sup>th</sup> June, 2020 and referred the Bill back to the Senate.
- v) All operational matters of the EPA including lack of staff and other required resources will be addressed by the Standing Committee after passage of the Environment Protection (Amendment) Bill, 2020 from the Senate.
- vi) The Committee also directed the Secretary, Ministry of Climate Change to attend next meeting of the Committee positively.

23. The meeting ended with a Vote of Thanks to and from the Chair.



**(FARZANA KHAN)**  
**D.G./Secretary,**  
**S.S.C. on Climate Change.**



**(SENATOR SITARA AYAZ)**  
**Chairperson,**  
**S.S.C. on Climate Change.**