

THE LEGAL FRAMEWORK OF ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT IN PAKISTAN

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Abstract

Pakistan's legal framework for environmental protection and sustainable development has evolved from fragmented colonial-era resource management laws to a comprehensive, rights-based regime anchored in the Constitution and supported by federal and provincial statutes. Landmark judicial activism, exemplified by *Shehla Zia v. WAPDA* (1994), interpreted the right to life under Article 9 to encompass a clean and healthy environment, establishing the precautionary principle and climate justice. The 18th Constitutional Amendment (2010) devolved environmental governance to provinces, leading to tailored provincial acts, while the 26th Amendment (2024) explicitly enshrined Article 9A, guaranteeing every citizen the right to a clean, healthy, and sustainable environment. The Pakistan Environmental Protection Act (PEPA) 1997 remains the federal cornerstone, mandating National Environmental Quality Standards (NEQS), Environmental Impact Assessments (EIA/IEE), and enforcement through Environmental Tribunals. The Pakistan Climate Change Act 2017 and alignment with the Sustainable Development Goals (SDGs) further institutionalize climate action. Despite progressive legislation and judicial innovation, challenges persist, including weak enforcement, inter-jurisdictional friction post-devolution, industrial non-compliance, and gaps in funding and technical capacity. This framework reflects Pakistan's commitment to balancing development with ecological sustainability amid heightened climate vulnerability, yet effective implementation requires stronger coordination, capacity building, and integration of rights-based approaches with practical governance mechanisms.

1. INTRODUCTION

The legal architecture governing environmental protection and sustainable development in Pakistan represents a complex and evolving tapestry of constitutional mandates, federal

statutes, and devolved provincial regulations (Tarar & Tarar, 2024). This framework has undergone a dramatic transformation over the last century, shifting from a collection of fragmented colonial-era laws primarily concerned with resource extraction and public nuisance toward a

sophisticated, rights-based regime that explicitly recognizes a healthy environment as a fundamental human right (Hameed, 2025). As one of the nation’s most vulnerable to climate change—ranking consistently among the top ten in global risk indices due to catastrophic flooding, glacial melt, and severe heatwaves—Pakistan has been forced to pioneer legal concepts such as climate justice and the rights of nature to address its existential ecological threats (Aadil, 2025).

2. Historical Evolution and the Definition of the Environment

The trajectory of environmental law in Pakistan began long before the modern era of

environmentalism (Ghourri, 2026). Initially, legal provisions related to the environment were scattered across various statutes enacted to meet the specific needs of a colonial society, such as the Canal and Drainage Act of 1873, the Forest Act of 1927, and the Factories Act of 1934 (Hayat, 2024). These early laws were not aimed directly at environmental protection but rather at managing public health, agriculture, and urban planning (Khan et al., 2019). To better understand the progressive development of environmental governance in Pakistan, the historical evolution is summarized in Figure 1.

Figure 1: Evolution of Environmental Law in Pakistan (Timeline Flowchart)



Under the current primary federal statute, the Pakistan Environmental Protection Act (PEPA) 1997, the term "environment" is defined in the broadest possible sense. It encompasses not only the physical components of air, water, and land but also all layers of the atmosphere, all organic

and inorganic matter, and living organisms (Ghaffar, 2023). Crucially, the definition extends to ecosystems and ecological relationships, as well as the social and economic conditions affecting community life (Inayatullah, 2015).

Table 1. Chronology of Environmental Legal Milestones in Pakistan

Milestone	Legal Instrument / Event	Primary Objective
1873	Canal and Drainage Act	Regulation of water resources and irrigation management (Sial, 2018).
1927	Forest Act	Consolidation of laws relating to forests and the transit of forest produce (Sial, 2018).
1983	Pakistan Environmental Protection Ordinance	First comprehensive effort to set up environmental institutions (Idrees & Murtiza, 2023).

1992	National Conservation Strategy	Framework for sustainable development and resource conservation (Sial, 2018).
1997	Pakistan Environmental Protection Act	Current federal umbrella legislation for environmental management (PEPA, 1997).
2010	18th Constitutional Amendment	Devolution of environmental powers from the center to the provinces (ScienceOpen, 2020).
2017	Pakistan Climate Change Act	Institutional framework for implementing the Paris Agreement (Jamal, 2018).
2024	26th Constitutional Amendment	Enshrinement of Article 9A regarding the Right to a clean environment (HRCP, 2025).

3. The Constitutional Paradigm: From Interpreted Rights to Explicit Guarantees

The foundation of environmental governance in Pakistan is anchored in its 1973 Constitution. For several decades, the document contained no explicit mention of environmental rights. Instead, the superior judiciary, through proactive interpretation, read these rights into the existing fundamental rights (HRCP, 2025). The primary vehicle for this was Article 9, which guarantees the right to life and liberty, and Article 14, which protects human dignity (Bashir et al., 2025).

3.1 The Shehla Zia Legacy and Judicial Activism

In the landmark case of *Shehla Zia v. WAPDA* (1994), the Supreme Court of Pakistan fundamentally altered the jurisprudential landscape. The court ruled that the "right to life" under Article 9 was not confined to mere vegetative existence but included the right to those amenities and facilities which a person in a free country is entitled to enjoy with dignity (Hassan, 1994). This interpretation brought a clean and healthy environment within the ambit of fundamental rights, allowing citizens to invoke the court's jurisdiction for environmental protection. The court also introduced the "precautionary principle," holding that the state must act to prevent environmental harm even in the absence of absolute scientific certainty (*Shehla Zia v. WAPDA*, 1994). Following *Shehla Zia*, the courts consistently expanded this doctrine. In the *Khewara Mine* case, the Supreme Court recognized the right to clean drinking water as an integral part of the right to life (*General Secretary, West Pakistan Salt Miners Labour Union v. The Director, Industries and Mineral Development,*

1994 SCMR 2061). Similarly, in *Asghar Leghari v. Federation of Pakistan* (2015), the Lahore High Court held that the state's failure to implement climate adaptation policies violated the fundamental rights of its citizens, identifying "climate justice" as a successor to "environmental justice" (*Asghar Leghari v. Federation of Pakistan*, W.P. No. 25501/2015).

3.2 The 26th Amendment and Article 9A

In October 2024, the Twenty-Sixth Constitutional Amendment explicitly inserted Article 9A into the Constitution, guaranteeing every citizen the "right to a clean, healthy, and sustainable environment". This development marks a transition from environmental constitutionalism based on judicial interpretation to one based on black-letter law (HRCP, 2025).

The inclusion of Article 9A serves critical functions:

- It solidifies the state's obligation as the guardian of the environment for both current and future generations.
- It aligns Pakistan's domestic legal framework with international norms, such as the UN General Assembly's recognition of the right to a healthy environment (Rajper et al., 2024).

4. Statutory Framework: PEPA 1997 and Regulatory Mechanisms

The Pakistan Environmental Protection Act (PEPA) 1997 remains the cornerstone of environmental regulation. Its mandate is to provide for the protection, conservation, and improvement of the environment, the prevention of pollution, and the promotion of sustainable development (PEPA, 1997).

4.1 Regulatory Tools and Enforcement

PEPA 1997 introduced critical mechanisms for environmental management. Section 11 of the Act prohibits the discharge of any waste or air pollutant in an amount that exceeds the National

Environmental Quality Standards (NEQS). Section 12 requires Environmental Impact Assessments (EIA) and Initial Environmental Examinations (IEE) for all development projects (PEPA, 1997).

Table 2. Key Regulatory Tools under PEPA 1997

Mechanism	Description	Legal Basis
NEQS	Permissible limits for pollutants in air, water, and soil (Sial, 2018).	PEPA 1997, Section 11.
IEE/EIA	Mandatory environmental screening for development projects (Idrees & Murtiza, 2023).	PEPA 1997, Section 12.
EPO	Orders issued to stop or remediate activities causing pollution (PEPA, 1997).	PEPA 1997, Section 16.
Environmental Tribunals	Specialized courts for adjudicating environmental offenses (PEPA, 1997).	PEPA 1997, Section 20.
Sustainable Development Fund	Financial mechanism for environmental protection projects (ScienceOpen, 2020).	PEPA 1997, Section 9.

5. The 18th Amendment: Devolution and Jurisdictional Friction

The 18th Constitutional Amendment of 2010 devolved the subject of "Environmental Pollution and Ecology" exclusively to provincial governments (Malik et al., 2025).

5.1 Provincial Legislative Responses

Following devolution, all four provinces enacted their own environmental protection acts. While largely mirroring PEPA 1997, they introduced unique provisions to address local ecological needs (Idrees & Murtiza, 2023).

Table 3. Provincial Legislative Innovations post-18th Amendment

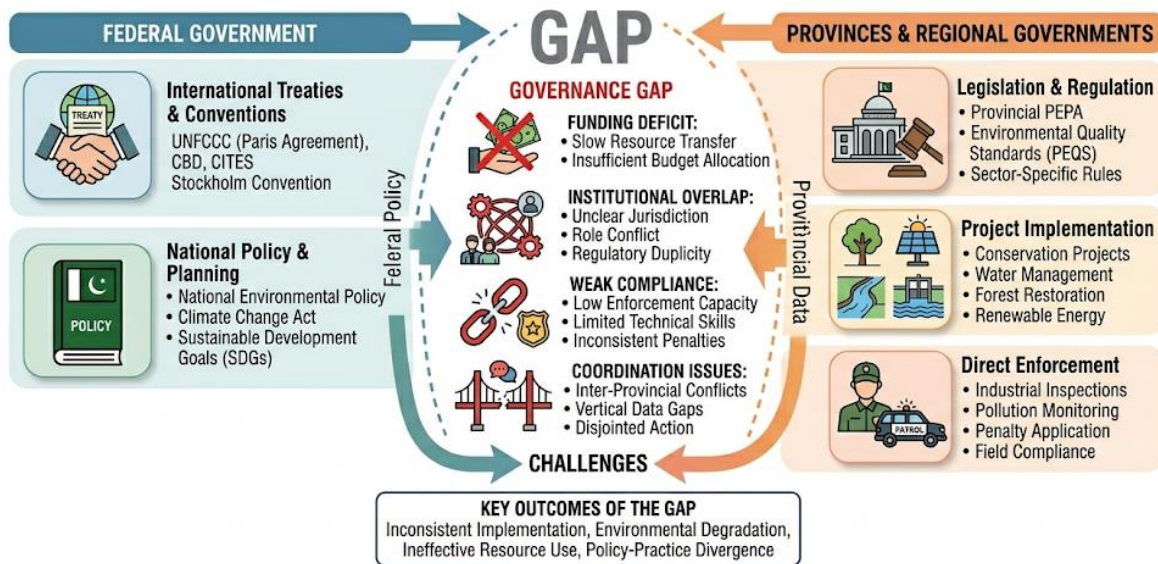
Province	Key Innovation	Focus Area
Balochistan	Coastal Zone Management	Ship-breaking at Gaddani and marine pollution (Inayatullah, n.d.).
Sindh	Environmental Audits	Monitoring industrial performance and plastic waste management (Inayatullah, n.d.).
Khyber Pakhtunkhwa	Land Zonation	Protecting forests and agriculture from urban sprawl (Inayatullah, n.d.).
Punjab	Administrative Model	Verbatim reproduction of federal text with localized administration (Idrees & Murtiza, 2023).

5.2 The Implementation Vacuum

Devolution created an implementation vacuum. The federal government retains the power to sign international environmental agreements (IEAs) but lacks the constitutional authority to compel provinces to implement the specific measures required (Yeagain, 2022). This disconnect is

evident in the National Finance Commission (NFC) Award, where climate action is not incentivized, leaving federal climate commitments unfunded at the provincial level (Olanipekun, 2024). The governance challenges created after devolution are summarized in Figure 2.

Figure 2: Post-18th Amendment Environmental Governance Gap Model



6. The Climate Change Legal Regime and Sustainable Development

Pakistan's response to the climate crisis is formalized through the Pakistan Climate Change Act 2017 (Jamal, 2018). This legislation established the Pakistan Climate Change Authority (PCCA). However, the PCCA has struggled with a lack of technical staff and funding,

often remaining subservient to the Ministry of Climate Change (Jamal, 2018).

Pakistan's commitment to sustainable development is framed by the Sustainable Development Goals (SDGs) and "Vision 2025." In 2016, Pakistan became the first country to adopt the SDGs through a National Assembly Resolution (Government of Pakistan, 2019).

Table 4. Vision 2025 Environmental and Resource Targets

Pillar	Objective	Environmental / Resource Target
Energy and Water Security	Water Storage	Increase water storage capacity to 90 days (Pakistan Planning Commission, 2014).
Infrastructure	Energy Access	Increase electricity access to 90 percent of the population (Pakistan Planning Commission, 2014).
Resource Security	Forest Cover	6 percent increase in forest cover by 2030 (Grantham Institute, 2015).

7. Judicial Governance and the 2025 Outlook

The Pakistani judiciary has emerged as a custodian of environmental rights through "Green Benches" (SCP, 2024). The 2024 Twenty-Sixth Amendment introduced shifts, including the establishment of a Federal Constitutional Court (FCC) and restrictions on the Supreme Court's suo motu powers, which may impact environmental public

interest litigation (Eurasia Review, 2024; The Energy Mix, 2025).

8. Industrial Non-Compliance and Economic Factors

The industrial sector remains a primary driver of environmental degradation. Tanneries and textile mills often discharge untreated wastewater

containing hazardous chemicals directly into water bodies (Naveed, 2025). Compliance is often viewed by industrialists as a compulsion imposed

by foreign buyers rather than a legal or moral obligation (Sial, 2018).

Table 5. Major Industrial Pollutants and Impacts

Industry	Primary Pollutant	Environmental Impact
Textile	Liquid effluents and dyes	High levels of water pollution and hazardous solid waste (Sial, 2018).
Tanneries	Chromium ions	Carcinogenic wastewater affecting human and aquatic life (Sial, 2018).
Transport	Carbon monoxide and noise	Contribution to urban smog and respiratory disease (Sial, 2018).

9. Conclusion

Pakistan’s legal framework for environmental protection and sustainable development has matured significantly, transitioning from colonial-era resource-focused laws to a robust, rights-oriented system that recognizes the inextricable link between a healthy environment and fundamental human rights. Judicial activism, particularly through the expansive interpretation of Article 9 in *Shehla Zia v. WAPDA* and subsequent cases, laid the groundwork for environmental constitutionalism, which was later codified by the insertion of Article 9A via the 26th Constitutional Amendment in 2024. The Pakistan Environmental Protection Act 1997, complemented by provincial legislation post the 18th Amendment and the Pakistan Climate Change Act 2017, provides comprehensive tools—including NEQS, EIA/IEE requirements, Environmental Tribunals, and the Sustainable Development Fund—for pollution control, impact assessment, and climate resilience. Alignment with the SDGs and Vision 2025 further embeds sustainability into national planning. However, persistent challenges such as enforcement gaps, coordination issues between federal and provincial authorities, limited technical and financial capacity, and industrial non-compliance continue to undermine effective implementation. Strengthening institutional mechanisms, enhancing judicial and administrative capacity, promoting public awareness, and ensuring adequate funding for climate adaptation and mitigation will be essential to translate this progressive legal architecture into tangible

environmental improvements. Moving forward, a balanced approach that harmonizes economic development with ecological integrity, while centering climate justice and the rights of future generations, will be critical for Pakistan to address its acute environmental vulnerabilities and achieve long-term sustainable development.

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