

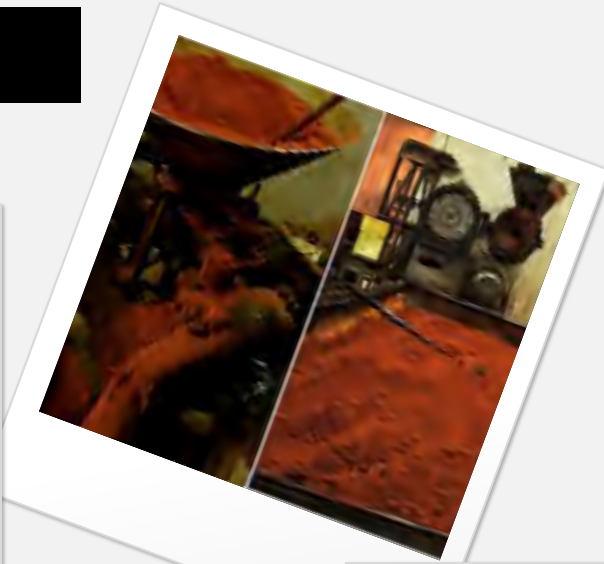


Evolution of Law and Judicial Remedies in Environmental and Climate Change Matters- Pakistan view Point

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Issues in 1970- 80s



Localized and Limited Issues

Law Pakistan Penal Code

Code of Criminal Procedure

- Public Nuisance, Act likely to spread disease and infections, Fouling water of public spring or reservoir, making atmosphere noxious to health, under Pakistan Penal Code, 1860
- The Code of Criminal Procedure, 1898

1968 PCr.LJ 385

**M. Akhtar Vs. Haji Allah
Baksh**

Working of Flour Chaki and cotton ginning plant in crowded locality, causing great nuisance to locality.

**Institution
Magistrate**

Growth in the 80s and Issues



Magnitude changed





No Law





Right to Life and Dignity of Man



SHEHLA ZIA CASE
PLD 1994 SC 693

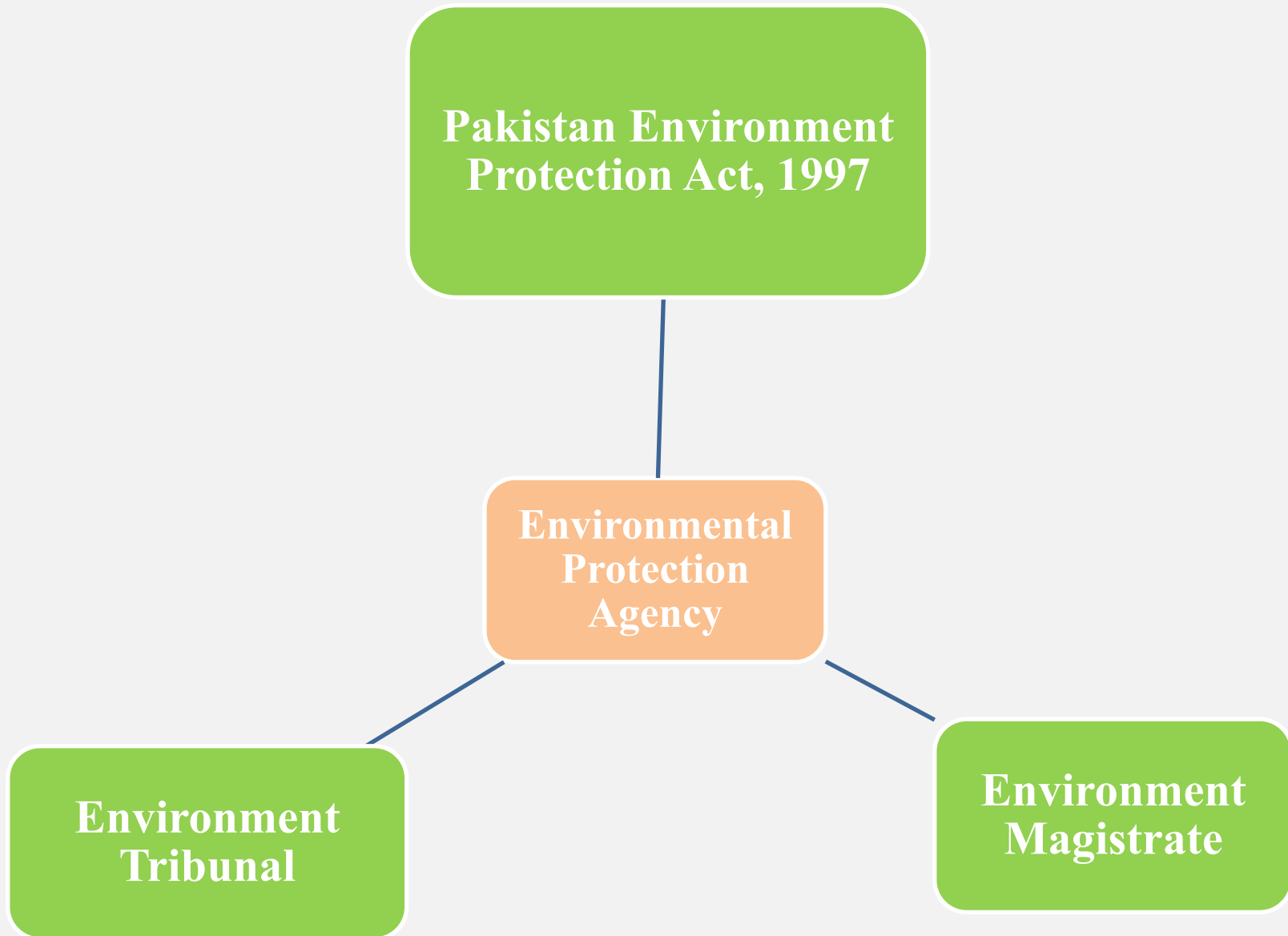


SALT MINERS' CASE
1994 SCMR 2061



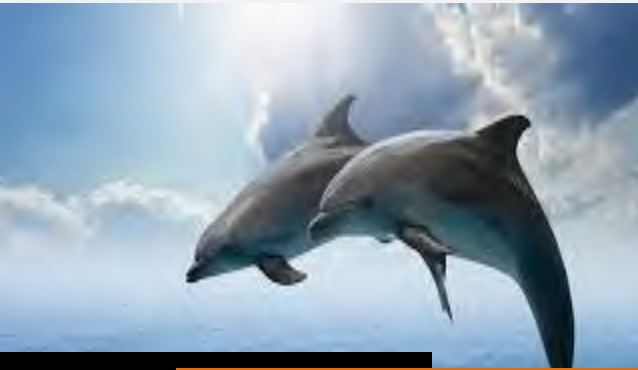
**ENVIRONMENTAL
POLLUTION IN
BALUCHISTAN**
PLD 1994 SC 102

Era of Development of Environment Law





Climate Change & Pakistan



Western
Tragopan

Indus Ri



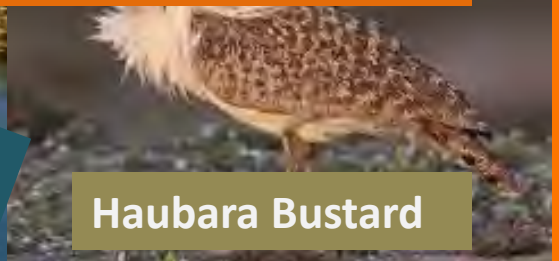
Chiltan



Snow Leopard



Siberian
Crane



Haubara Bustard

**Suddenly LIFE has a different meaning,
climate change
might be
the major threat to biodiversity.
May lead to extinction of 100s if Not
1000s of species
in the world and few in Pakistan**

In 1998-2002
droughts in
Baluchistan and
Sindh were badly
struck where 3.3
million people were
affected including
thousands of
refugees and
hundreds dead



Pakistan temp has
risen by 0.47 degree
C from 1960-2010.

Drastic rise in
temperature in the
last decade has
observed, which
made it the warmest
decade on record in
Pakistan.

Heat wave of Karachi
2015 killed over 1200
people

In 2010, floods
affected
approximately 20
million people ,
destroyed
approximately 1.6
million houses and
killed from 1,200 to
2,200 people.

Losses in the 2010
floods alone exceed
US\$ 9.6 Billion.



i. According to WHO, in
2016, there were 216
million malaria cases
that led to 440,000
deaths.

ii. 257 confirmed
dengue patients
reported in Punjab
during 2017 whereas
178 cases were reported
from Islamabad and 77
dengue patients
belonged to other
provinces and abroad.



**BACK TO THE CONSITUTION
ONCE AGAIN EXPANDING RIGHT
TO LIFE**



Asghar Lashari Case (2015)

Submissions by Petitioner:

- Petitioner, an agriculturist prayed as citizen for the enforcement of his fundamental rights.
- He submits that:
 - i. no one can deny the devastating impact of increase in frequency and intensity of climate extremes. Further, most of the experts agree that the major cause is human activities.
 - ii. international environmental principles like the doctrine of public trust, sustainable development, precautionary principle and intergenerational equity form part of the abovementioned fundamental rights also stand offended.
 - iii. The most immediate and serious threat to Pakistan is that of water, food and energy security



Goals and Objectives of The National Climate Change Policy, 2010 were focused.

In order to implement the National Climate Change Policy, Federal Government has come up with the Framework for Implementation of Climate Change Policy (2014-2030)



Findings by Court:

- The Court treated this environmental public interest petition as a rolling review or a continuing mandamus .
- Court focused that the goal of the Policy is to ensure that climate change is mainstreamed in the economically and socially vulnerable sectors of the economy and to steer Pakistan towards climate resilient development.
- To implement the Framework by the Government, and realizing that its effective and immediate implementation is necessary for the protection and safeguard of the fundamental rights of the people, **Court constituted Climate Change Commission (“CCC”)**

Findings of LHC:

- Fundamental rights, like the right to life (Article 9) which includes the right to a healthy and clean environment and right to human dignity (Article 14) read with constitutional principles of democracy, equality, social, economic and political justice include within their ambit and commitment, the international environmental principles of sustainable development, precautionary principle, environmental impact assessment, inter and intra generational equity and public trust doctrine. Environment and its protection has taken a center stage in the scheme of our constitutional rights. It appears that we have to move on. **The existing environmental jurisprudence has to be fashioned to meet the needs of something more urgent and overpowering i.e., Climate Change.**



Report by Commission:

- The report submitted by the Commission stated that **almost 66.11% of the priority items of the Framework** have been completed due to effort made by the Commission.
- It is also pointed out that during the pendency of this petition the Federal **Government has promulgated “Pakistan Climate Change Act, 2017”** , which was gazetted on April, 3, 2017.

Constitution of Standing committee:

The Court at accomplishing the assigned TORs to CCC dissolves and constitutes a Standing Committee on Climate Change, which will act as a link between the Court and the Executive and will render assistance to the above mentioned Governments and Agencies in order to ensure that the Policy and the Framework continue to be implemented.



Environmental Jurisprudence and Climate Justice:

Climate Justice links human rights and development to achieve a human-centered approach, safeguarding the rights of the most vulnerable people and sharing the burdens and benefits of climate change and its impacts equitably and fairly. Climate justice is informed by science, responds to science and acknowledges the need for equitable stewardship of the world's resources.





CLIMATE CHANGE ACT, 2017

Pakistan Climate Change Council:

- i. Formulate , comprehensive adaption and mitigate policies.
- ii. Establish institutional and policy mechanisms for implementation of Federal and provincial adoption of plans, policies, programmes, projects and measures.
- iii. Prepare suitable adaption and mitigation projects in international and local institutions for funds
- iv. Prepare the national adaption plan
- v. Advice the government for appropriate legislative , policy and implementation measurements , implementation of international conventions and treaties
- vi. Undertake education and awareness campaigns

Way Forward



WayForward