



Effective Implementation of Environmental Laws in Pakistan

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Abstract: This research paper examines the environmental laws in Pakistan and the various impediments faced in their implementation and subsequently puts forward various solutions for proper enforcement of laws pertaining to the environment as well as towards the prosperity of the environment. Pakistan suffers from various environmental problems, and one of the major reasons for these problems is the non-implementation of the laws and legislation concerned. Despite there being proper legislation regarding environmental laws in Pakistan, the enforcement of relevant legislation is an issue. Various solutions are discussed in this study, which overcome the barriers and aid in the successful implementation of the environmental laws in Pakistan.

Key Words: Environmental Laws, Effective Implementation, Laws and Legislations, Policy Legislation

Introduction

Pakistan is the world's 6th most populated country, with a diverse range of natural assets and ecosystems spanning from the Karakoram Himalayas in the north to the southern coastal area. Resources in Pakistan's ecology are well balanced, but they face numerous challenges. In Pakistan, there are various fundamental reasons or driving forces for environmental issues. This involves a focus on volume growth in comparison to previous losses, an absence of incorporation of environmental factors into planning and judgment, reliance on relevant substances without considering their impact on the environment, institutional failure to fully consider the environment and an unawareness of the fundamental interdependence of humans, assets, the environment, and advancement (Hassan, [1996](#)).

After the 18th Amendment, the natural administration of Pakistan, which had never been this powerful earlier, was disrupted. Rapid climate change is among the most serious threats to life on Earth's lengthy viability. Environmental degradation is worsened by global climate change. An increase in greenhouse gas (GHG) releases into our outer atmosphere resulting from fossil fuel burning has resulted in an increase in the Earth's average temperature without pollutants (Jamal, [2018](#)).

Climate change has negative impacts on people's health and the economy because it disrupts Earth's climate systems, resulting in floods and landslides, mass starvation, drought, and storms. Global warming is anticipated to have a lot of consequences in Pakistan, such as reduced agricultural productivity, excessive water diversity, erosion of coastal development and saltwater intrusion, and frequent extreme weather events. Since the 1970s, environmental laws and regulatory frameworks have aided in the mitigation of these effects, but they've never been completely addressed. Under the Asian Development Bank's (ADB) local technical aid project, the Office of the General Adviser worked with Pakistani justices to create an analysis of the condition of the state's environmental regulations, judgments, and applications. Provincial environmental protection agencies in Pakistan are focusing on the government's institutional structure, principles, and processes (Resource Futures International for CIDA and the World Bank Group, [2001](#)).

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Implementation of environmental treatment plans results in a mix of successes, slow progress, and no progress. Although policy and legal development are welcome on the national scale, the natural conditions in the country haven't yet significantly improved. However, the development of clean drinking water supplies and increased use of clean energy sources, including Compressed Natural Gas (CNG), biogas, and free lead petrol, are two significant accomplishments. Alternative energy sources are getting a lot more attention these days. Natural resources are being depleted to a disturbing degree. Pakistan is one of several countries around the world where environmental concerns are growing. Pakistan's varied problems necessitate changes to its laws, organizations, and judicial systems to address a rising scenario that has become a concern and, in some cases, a serious environmental issue. Wind, rain, soil, diversity, forests, cattle, meadows, marshes, fishing grounds, and coastal and marine resources are the most affected. As a result, their production has decreased, and their subsistence level has decreased, leading to a rise in poverty and limited development capability. People living in rural areas, particularly the impoverished, rely on natural resources more than in metropolitan areas (Nadeem & Hameed [2008](#)).

Pakistan attended the Global Summit in 1992 and became a member of international conventions on diversity. The process of enacting environmental legislation in the country was signed up because of this. Pakistan was preparing for the National Conservation Strategy in the same year (NCS). The NCS has established a comprehensive structure for tackling its nation's environmental concerns. The first National Environmental Quality Standards (NEQS), which also included 32 fluids and 16 gas parameters, were developed under the Pakistan Environmental Protection Ordinance (PEPO) in 1993 to provide industry and municipal air pollution controls. To rectify legislative deficiencies, Pakistan's Environmental Protection Act, 1997 (PEPA) replaced the previous law, PEPO. The visible gains produced by PEPA were noted in the two following actions, which have been missing in PEPO. All three of these acts explicitly ban the release or release of sewage, waste, air pollutants, or other toxins over the NEQS or any other limits set by PEPA or municipal legislation. The importing of hazardous waste from their facilities is also banned by three acts. They use licenses to control the manufacture, collection, transport, processing, disposal, storage, handling, and import of hazardous substances, and they use NEQS to regulate the export of automobiles. The Pakistani government, as well as its organizations and institutions, cooperate to control emissions to stem the flow of the problem. Moreover, several laws have been enacted to strengthen government management of air pollution and to give laws and the constitution for governmental authorities & agencies to jointly and effectively execute such principles (Boer, [1998](#)).

Significance of the Study

This study would help us highlight the issues and causes of non-enforceability of the environmental laws and would provide us with the necessary steps required to overcome the said issues. It would aid us greatly as it would give us a better understanding. After the issues have been identified, a solution or method for overcoming the issue shall be put forward. Environmental issues are in no manner light issues and must be dealt with with urgency.

Review of Relevant Literature

Policymakers' emphasis is on the socioeconomic ramifications of environmental initiatives. Based on the orthodox view, environmental rules restrict the variety of production mechanisms and related technologies and performances and raise costs without performance improvement, which has a negative impact on economic or financial movement, at least in the medium to short term. Porter's hypothesis argues, nevertheless, that a well-crafted environmental policy can offer a "free lunch" by inspiring modernism and resulting in profits and efficiency, which may surpass the costs of the policy. This dissertation examines the empirical data demonstrating the relationship between more stringent environmental regulations and increased productivity, as well as the many mechanisms by which these effects may manifest (Kozłuk & Zipperer, [2013](#)).

The contradictory studies are mostly due to the fragility and perspective of much research, which limits the generalizability of the findings. Several investigations have attempted to link the development of environmental policies to the productivity decline that took place in the USA in the 1970s. However, Michael Porter asserted in the early 1990s that effective environmental rules might boost efficiency and

creativity even while providing immediate economic benefits (Porter, 1991; Porter & Linde, 1995). Leaving aside the question of long-term sustainability, companies are frequently bound to conform to environmental standards by allocating a certain portion of inputs to pollution prevention and management that is not typically regarded as additional value or to output reduction (Jaffe et al., 1995; Ambec et al., 2013)

The foundation for the United Nations Program was established at the Stockholm Conference. Twenty years later, at the Rio Earth Summit, a new UN political entity called the Commission for Environmental Sustainability (CES) was created along with the Agreement on Biological Diversity, Environmental Degradation, and Desertification, as well as the choice to locate the small and unfunded secretariats of many of these agreements in many geographically different locations, from Montréal to Bonn to Rome and everywhere in between, and it was based on the desire to host a prestigious international institution. National institutes like the World Trade Organization (WTO) and the World Bank state that environmental sustainability is their main objective. Outside of the UN, global and regional agencies have also demonstrated a similar rise in interest in sustainable development and environmental development-related concerns (Najam et al., 2006).

Using domestic and international literature, this global warming country analysis provides an in-depth review of Pakistan's climate-changing research and policy. This profile addresses historical and forecasts future patterns in global warming at the province level, anticipated climate effects on key areas, institutional and governmental framework for addressing climate change, sources of climate finance, and options for customization. Pakistan's primary climate change policy, the Climate and Energy Policy 2012, outlines the country's goal to attain climate-resilient growth by mainstreaming the issue in both the nation's economic and socially vulnerable sectors. Spending on the environment accounted for about 6% of Pakistan's national budget between 2010 and 2014, primarily in the transportation and energy sectors. Pakistan aims to decrease up to 20% of its predicted greenhouse emissions by 2030, as stated in its nationally determined contribution to the Paris Accord under the United Nations Framework Convention on Climate Change, dependent on the availability of international grant funding to cover the approximate \$40 billion in accumulated payments. The estimated range of the nation's annual adaptation needs is \$7 to \$14.00 billion (Mumtaz, 2018).

Ordinarily, orders are provided when exercising lawful power. With regards to the environmental protection orders that could be approved according to the PEPA 1997, they can cope with a broad range of important topics or a particular and limited situation. An administrative authority exercising an assigned power issues administration orders to control a specific problem (Nadeem & Hameed, 2008).

The Concurrent Legislative List contains legislation on environmental pollution and biodiversity. This implies that legislation governing natural resources may be passed by the provincial and federal governments. The order also calls for local legislation in some areas relating to forestry, meadows, freshwater habitats, pollutants, public transit, taxes, and mining work, in addition to things regarding the devolution of local government powers. Decentralized agencies are set up to manage responsibilities for taxation, agriculture, flood control, fishery, commerce, resource development, and transport (First Plan). With the exception of guzara (wasteland) woods, protected woods, and watershed management, the local government may enact rules concerning forestry to create innovative new site expansion plans and taxation (Fifth Schedule, Part I) (Saeed et al. 2012).

Methodology

For this study, the method of doctrinal research shall be used. By implementation of the Doctrinal method, we shall primarily investigate various case laws, statutes, conventions, and various other lawful sources. As the doctrinal methodology of research primarily revolves around case laws and statutes, other qualitative methods of research can also be used, such as journals, surveys, and research made on the subject. In this study, the various statutes that shall be examined include the two primary pieces of legislation regarding environmental laws in Pakistan, which are the Pakistan Environmental Protection Ordinance 1983 and the Pakistan Environmental Protection Act 1997. These two pieces of legislation provide the structure for environmental laws in Pakistan and illustrate how to deal with Pakistan's environmental issues. Major case laws regarding environmental law shall also be examined and discussed



in detail, such as the case of D.G. Khan Cement Company v. Government of Punjab. Other important case laws on environmental law that occurred in Pakistan include the cases of Sheikh Asim Farooq v. Federation of Pakistan etc. and Ali v. Federation of Pakistan (Supreme Court of Pakistan 2016). In addition to this, International Conventions on Environmental Laws shall also be examined, including the effect they had on the application of environmental laws in Pakistan. Various journals and surveys conducted shall also be discussed in detail (Patrie & Work-Fatherland, [2016](#)).

Major Findings/Results

The Ministry of Environment Framework includes a broad approach for identifying Pakistan's environmental problems, including contamination of groundwater and marine waters, air quality, poor waste disposal, deforestation, habitat destruction, desertification, natural disasters, and global warming. Moreover, it includes guidelines for dealing with issues in many sectors, including the root issue of the dilapidation of the environment and conforming to global duties. Despite these plans and efforts, Pakistan remains susceptible to climate anthropogenic climate effects. On the list of nations most susceptible to climate change, Pakistan is ranked 5th as per the Global Climate Risk Index 2020. Between 1998 and 2018, the nation was devastated by almost 150 cases of extreme weather, leading to an overall loss of USD billion dollars. The social effects of such catastrophes, such as the extreme heat in Peshawar and Karachi or the Lahore floods, are starting to have major health and economic consequences. Pakistan recognizes the power of including environmental issues as a divisive body in its long-term development strategy. Environmental damage in Pakistan is related to deprivation because of people's poor dependence on environmental assets for their livelihoods — be it farming, forestry, fishery, hunting, etc. when combined with the country's growing population and rapid urbanization. This 'inclusive environmental deprivation' needs to be tackled so that long-term solutions to environmental problems can be established. The National Environment Action Plan (NEAP) was initiated by the government in 2001 as a plan and umbrella program to address these environmental challenges comprehensively (Akhtar, [2012](#)).

The purpose of NEAP development is environmental sustainability and economic growth that alleviates poverty. Notwithstanding the NEAP Support Initiative, the UNDP has assisted in the execution of the said program (NEAP-SP). Despite continued population growth, a lack of public transportation, and a dramatic increase in the number of private cars, Pakistan's main cities have been afflicted by worsening air quality. Many people living in the city rely on their own private vehicles or the informal urban transport industry in the absence of urban transportation regulations and continuous investment in infrastructure transportation. Traffic problems have an adverse impact on the government's capability to solve urban transportation issues and fund long-term solutions. Consequently, the quality of air in Pakistan's cities is worsening. Pakistan is based on agriculture, and water from its rivers is used for a variety of reasons, including agricultural production and electricity production. Increased use of groundwater for homes and agriculture has harmed the quality of groundwater, particularly in watersheds. Watered areas with about 70% of tubes are currently pumping dangerous sodic water. The government has undertaken certain steps in the past few days to address industrial pollution levels. One of the most important steps included the adoption of the Pakistani Environment Protection Act of 1997, which requires industrial establishments to restrict their emissions and pollutants to levels set by the NEQS (Imran, [2010](#)).

The Pakistan Environmental Protection Agency launched the Green Industry Plan in 2006 as one of the NEAPSPs to promote self-monitoring and reporting, with UNDP support, to hold industry responsible for systematic reporting and monitoring of their environmental performance. Pakistan has a well-established macroeconomic development strategy. The concept will be implemented if medium-term development frameworks are legislated at the government level to serve as a foundation for all growth plans in the country. The main applicable policy currently has two major portable documents: (i) Vision 2030 and (ii) MTDF 2005–10. The MTDF 2005–10 now includes the government's public sector development plans (PSDPs), including annual provincial development plans. Strategic planning remains mostly "top-down," having government-level plans and budgets translated into province plans in the shape of programs and projects. Provided border issues and efficiency, Pakistan has the opportunities to boost economic growth through environmental assets, to make a distinction between reviewing the tasks and functions of the federal, regional, and local governments, and to determine what policy measures are needed by whom as

well as how to integrate them all. In the case that the Environmental Protection Agreement is reactivated by members of the World Trade Organization (WTO), Pakistan could think about joining to reduce trade-related prices and non-tax barriers to environmental assets, as this may send a positive signal to investors inside the industry. It may also take full part in any WTO negotiations designed to lower trade barriers in the environmental services sector. Pakistan has a great deal of potential for renewable energy development. Despite the fact that renewables are recognized as a significant source of accessibility, its share of energy mix has been quite small. One of the key objectives of the Government of Pakistan's 2002 Power Development Project Policy is to conserve the environment by ensuring the use of indigenous resources, particularly renewable energy sources, and to foster greater private sector participation in power generation. One of the planned results of the major energy industry under CPS is to assist the government in providing sufficient capacity to meet the country's requirements and improve energy supplies by using both federal and state finance. In this respect, government infrastructure spending, such as high dams and electricity systems, will be thoroughly examined in accordance with the International Dams Committee's key principles, which call on global and international funding agencies to ensure dam construction methods. The funding requirements are the result of a covenant on civil and political for selecting alternate listing methods. Given the environmental sustainability problems connected with government subsidies and experience in a specific, the Pakistan Resident Mission's internal PRM capacity for environmental assessment needs to be improved. Another motivation to strengthen environmental analysis abilities is government programs for big projects in the energy and transportation sectors that are funded by direct foreign investment flowing from the rising East Asian economy (Husnain et al., 2008).

Conclusions

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References

- Akhtar, J. M. (2012). *Environmental Law Enforcement and Judicial Power: the View from Pakistan*. Presentation. <http://103.27.22.20:8080/jspui/handle/123456789/1329?mode=full>
- Ambec, S., Cohen, M. A., Elgie, S., & Lanoie, P. (2013). The porter hypothesis at 20: Can environmental regulation enhance innovation and competitiveness? *Review of Environmental Economics and Policy*, 7(1), 2-22. <https://doi.org/10.1093/reep/reso16>
- Boer, B. (1998). The Rise of Environmental Law in the Asian Region. *University of Richmond Law Review*, 32, 1503-1553. http://scholarship.richmond.edu/lawreview/vol32/iss5/4?utm_source=scholarship.richmond.edu%2Flawreview%2Fvol32%2Fiss5%2F4&utm_medium=PDF&utm_campaign=PDFCoverPages
- Hassan, J. (1996). Environmental Law of Pakistan. *Glob. Env'tl. L. Ann.*, 15. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/gloenvla4&div=5&id=&page=>
- Hussain, M., Butt, A. R., Uzma, F., Ahmed, R., Irshad, S., Rehman, A., & Yousaf, B. (2020). A comprehensive review of climate change impacts, adaptation, and mitigation on environmental and natural calamities in Pakistan. *Environmental Monitoring and Assessment*, 192(1), 1-20. <https://doi.org/10.1007/s10661-019-7956-4>
- Imran, M. (2010). Sustainable urban transport in Pakistan: An institutional analysis. *International Planning Studies*, 15(2), 119-141. <https://doi.org/10.1080/13563475.2010.490668>
- Jamal, S. (2018). Examining the Pakistan Climate Change Act 2017 in the Context of the Contemporary International Legal Regime. *LUMS LJ*, 5, 108-116. https://sahsol.lums.edu.pk/sites/default/files/2022-09/10_examining_the_pakistan_climate_change_act_2017_in_the_context_of_the_contemporary_international_legal_regime_0.pdf
- Kozluk, T., & Zipperer, V. (2013). Environmental Policies and Productivity Growth: A Critical Review of Empirical Findings. *OECD Journal: Economic Studies*, 2014(1), 155-185. https://doi.org/10.1787/eco_studies-2014-5jz2drqml75j
- Mumtaz, M. (2018). The national climate change policy of Pakistan: An evaluation of its impact on institutional change. *Earth Systems and Environment*, 2(3), 525-535. <https://doi.org/10.1007/s41748-018-0062-x>
- Nadeem, O., & Hameed, R. (2008). Evaluation of environmental impact assessment system in Pakistan. *Environmental Impact Assessment Review*, 28(8), 562-571. <https://doi.org/10.1016/j.eiar.2008.02.003>
- Najam, A., Papa, M., & Taiyab, N. (2006). *Global environmental governance: A reform agenda*. International Institute for Sustainable Development. <https://www.iisd.org/system/files/publications/geg.pdf>
- Patrie, P. T., & Work-Fatherland, P. (2016). Revised and Updated National Implementation Plan (NIP) for the Stockholm Convention on Persistent Organic Pollutants in Cameroon.
- Saeed, R., Sattar, A., Iqbal, Z., Imran, M., & Nadeem, R. (2012). Environmental impact assessment (EIA): An overlooked instrument for sustainable development in Pakistan. *Environmental Monitoring and Assessment*, 184(4), 1909-1919. <https://doi.org/10.1007/s10661-011-2088-5>