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## **Climate Change Litigation in Pakistan: An Emerging Trend in Environmental Jurisprudence**

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### **ABSTRACT**

The issue of climate change has become one of the hottest in the modern law system that forces the courts to address the problems that fall outside the frames of the environmental protection and constitutional laws. The climate change litigation has become a growing and a developing attribute of environmental jurisprudence in Pakistan, as the courts acknowledge climate change as a legal, constitutional, and human rights issue. This paper focuses on the formation of the climate change litigation in Pakistan and the role of the courts to understand the nature of environmental requirements, basic rights, and the liability of the states in the areas of climate vulnerability. It contends that Pakistani courts have been active in developing climate jurisprudence through broadening the environmental rights and applying climate factors in constitutional adjudication.

The paper examines the way in which climate change litigation in Pakistan has evolved beyond the traditional environmental conflict to consider more fundamental questions of intergenerational justice, sustainable development and governmental responsibility. The reasoning of the judiciary is moving toward defining climate change as a life, dignity, livelihood threat and hence environmental protection is in the context of the fundamental rights. This change in jurisprudence indicates the increasing inclination of the judiciary to intervene in cases in which the executive fails to take any action or enforce a policy that would reduce the risks of climate. The article concludes that climate change litigation in Pakistan is a relatively new development that could change the face of environmental governance, as well as pose significant questions regarding judicial activism, separation of powers and boundaries of adjudicative intervention in dealing with complex environmental problems.

### **Keywords**

Climate Change Litigation; Environmental Jurisprudence; Pakistan; Constitutional Rights; Environmental Protection; Climate Vulnerability; Judicial Activism; Sustainable Development; State Responsibility; Public Interest Litigation



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### Introduction

Climate change is no longer viewed as a scientific and policy issue, it has become the issue of central interest facing modern states and especially those that are highly susceptible to environmental deterioration and extreme weather patterns. Pakistan is one of the nations that are highly vulnerable to the negative effects of climate change, such as floods, heatwaves, droughts, melting of glaciers, and increasing the sea level. These environmental pressures are very dangerous to life, health, food security and stability of the economy which places unprecedented pressure on state institutions and legal systems. Herein, the climate change litigation has come into Pakistan as an important instrument of environmental damage, forcing governments to take responsibility and ensuring basic rights against ecological crisis.<sup>1</sup>

The history of climate change litigation in Pakistan is indicative of a larger-scale judicial acknowledgment that environmental degradation is not an issue per se of regulation but an issue of constitutional and human rights. Courts have been growing to understand that environmental protection is part of the right to life, dignity and a healthy environment and so have broadened the field of justiciable claims. This has become a shift in the traditional environmental litigation that was mainly concerned with the pollution control and adherence to the statutes. Lawsuits concerning climate change, in its turn, operate on a systemic and long-term level, confronting the policy of inaction, governance, and poor enforcement of environmental responsibilities.<sup>2</sup>

The constitutional framework of Pakistan offers a good platform in fostering the development of litigation in climate change. The broad interpretation of the right to life including a right to quality of life, health, and environmental well-being has long been accepted in fundamental right jurisprudence. The interpretive tradition has made it possible to describe the effects of climate as a constitutional right violation, despite the lack of specific climate legislation. The courts have also been accessible to the masses through the litigation of environmental harm by individual people and civil actors in the society in order to make known harmful acts to the communities that are affected. It is through this that climate change has now become a legal issue of societal concern and not one man versus another.<sup>3</sup>

The fact that the judiciary is integrated in dealing with climate change also indicates the constraints of the executive and legislative action in dealing with environmental issues. Although Pakistan has implemented policies and commitments in fighting climate change and adaptation, there have always been gaps in implementation and lack of resources that have compromised the effectiveness of these measures. These gaps have been filled by courts, which have provided directives and overseen the adherence of state obligations and stressed the need to safeguard rights of the environment. This active judicial attitude has helped spawn climate change litigation into a novel form of environmental jurisprudence with rights-based argument and structural solutions.<sup>4</sup>

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<sup>1</sup> Peel, J., & Osofsky, H. M. (2018). A rights turn in climate change litigation?. *Transnational environmental law*, 7(1), 37-67.

<sup>2</sup> Banda, M. L., & Fulton, S. (2017). Litigating climate change in national courts: recent trends and developments in global climate law. *Envtl. L. Rep. News & Analysis*, 47, 10121.

<sup>3</sup> Preston, B. J. (2018). The evolving role of environmental rights in climate change litigation. *Chinese Journal of Environmental Law*, 2(2), 131-164.

<sup>4</sup> Soomro, S. I. A., & Soomro, M. M. (2025). Climate Change Litigation and Pakistan's Perspective. *Journal of Asian Development Studies*, 14(1), 764-775.



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Simultaneously, the emergence of climate change litigation also poses some critical concerns regarding the legitimate role of the courts in environmental governance. The judicial process in the climatic issues is usually characterized by complicated policy decisions, scientific anomalies, and resource distribution judgments that have always been the domain of the executive. Opponents warn that judicial activism can obscure the separation of power, and exceed it puts a strain on institutional capability. Nevertheless, the proponents believe that judicial involvement is required when political arms do not meet their constitutional and legal duties in situations where the environment is vulnerable and there is inequality in society.

This paper discusses the climate change litigation in Pakistan as a new trend in environmental jurisprudence. It aims to examine the legal basis of climate litigation, the interpretative methods employed by courts and implications of judicial intervention to environmental governance and constitutional law. Placing the climate change litigation in the wider legal and institutional framework of Pakistan, the study is expected to evaluate the transformative nature of the litigation and the future impacts that it has on the future of environmental justice development.

### Literature Review

The rise of climate change litigation has brought with it a rising scholarly interest across the globe because of the rising interest in the role of courts in solving environmental degradation and the inactivity of governments. The literature in the field of law defines climate change litigation as a particular type of environmental litigation, which surpasses conventional pollution control or conservation litigation. According to the scholars, the need to consider climate litigation as dealing with systemic risk, long-term harm, and the role of a state in mitigation and adaptation. This literature reflects the role that courts have taken as a forum to enforce climate promises as well as regard environmental rights and influence climate governance where political processes have been found to be either inadequate or slow.<sup>5</sup>

In the context of developing countries, the idea of climate change litigation is often discussed with the help of vulnerability and justice perspective. According to scholars, some countries, including Pakistan, are disproportionately impacted by climate, yet they contribute little to global emissions, which begs the question of climate justice and equity. The importance of legal research is that climate litigation in these jurisdictions commonly appeals to constitutional rights, administrative principles of trust, and sustainable development to supplement feeble statutory schemes. This literature highlights the relevance of judicial ingenuity in filling the gaps between international climate commitments and national enforcement devices.

In Pakistan, the judicial role of judicial review in the broadening of environmental rights has been long understood in the field of environmental law research. Previous research is devoted to landmark cases on environmental matters that defined the right to a clean and healthy environment as the part of a right to life. These formative analyses form the jurisprudential basis of interpreting the modern litigation of climatic matters whereby the courts have applied parallel arguments to harms on climate. According to scholars, this

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<sup>5</sup> Shabbir, S. S., Daavi, R. A., Khan, H., & Mehmood, M. I. (2024). Legal Framework for Promoting Environmental Justice in the Context of Climate Change: Highlighting Proactive Role of the Supreme Court of Pakistan.



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continuity can be attributed to a long-standing judicial philosophy according to which environmental protection is a part of human dignity and social welfare.<sup>6</sup>

Of recent literature, in particular, climate change litigation in Pakistan is a relatively new trend and not fully developed into a body of law yet. Scholar critics examine the way in which the courts came to interact with climate policy failures, planning that adapts, and institutional responsibility. Research emphasises court readiness to question executive actions to carry out climate policies, especially in situations that expose the vulnerable communities to imminent danger. Simultaneously, researchers warn that climate litigation in Pakistan is still infantile, and has little case law and disparate doctrinal growth. This has generated the question of whether judicial interventions can result into a long-term structural transformation or be symbolic.<sup>7</sup>

Much of the scholarship focuses on constitutionalizing climate change by adjudicating it in rights terms. Legal commentators examine ways in which courts characterize the effects of climate change as a violation of basic rights, which reduce procedural obstacles and widen standing via litigation by public interest. As much as this strategy has been applauded to bring about the society closer to justice, critics have cautioned that rights-based framing can lead to oversimplification of complex scientific and policy issues. Literature therefore represents a conflict between normative ambition and institutional capacity, by asking how much the courts should intervene in the management of climate.<sup>8</sup>

Comparative literature places the climate litigation in Pakistan in context with the world trends and draws comparisons between the jurisdictions where courts have ordered climate action, or have understood state obligations to safeguard future generations. These discussions indicate that the Pakistani courts belong to a wider movement of judicial response to climate urgency, but it also highlights the contextual limitation, like the resource scarcity, enforcement issues, and political economy. According to scholars, the lessons based on comparative experiences should be customized to fit the local realities.<sup>9</sup>

In general, the literature demonstrates that the area of climate change litigation in Pakistan is a promising and fragile area in the field of environmental litigation. Researchers concede that judicial involvement has broadened the normative boundaries of environmental rights and accountability, nevertheless, they note that institutional facilitation, consistent policy structures, and long-term enforcement are required. The article contributes to the current body of literature by critically reviewing climate change litigation as a developing judicial trend, evaluating its legal basis, jurisprudential value and constraints in the context of constitutional and environmental jurisdiction in Pakistan.

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<sup>6</sup> Ohdedar, B. (2021). Climate change litigation in India and Pakistan: Analyzing opportunities and challenges. *Climate Change Litigation: Global Perspectives*, 103-123.

<sup>7</sup> Mirza, A. M. (2020). Environmental rights and case of climate justice in Pakistan. *Strategic Studies*, 40(2), 45-62.

<sup>8</sup> Hassan, P., & Azfar, A. (2003). Securing environmental rights through public interest litigation in South Asia. *Va. Env'tl. LJ*, 22, 215.

<sup>9</sup> Ibid.



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### **Methodology**

This research paper follows the qualitative approach of the doctrinal research method, which is complemented by the constitutional, environmental, and institutional analysis in order to investigate how climate change litigation has developed in Pakistan and the role it has played in shaping environmental jurisprudence. The doctrinal approach suits since climate litigation in Pakistan has largely emerged as a judicial interpretation of right-founded constitutional rights, statutory environmental requirements, and principles of the law which are grounded in the general law as opposed to a law-specific climate litigation which is based on extensive law-climate litigation. The study aims at examining the manner in which the courts have conceptualized climate change as a legal challenge, the basis of law that has been used in adjudication and the arguments that have been used to draw a connection between environmental degradation and constitutional and human rights safeguards.

The judicial decisions of the Supreme Court and High Courts that involve the claims related to climate, environmental degradation, and state liability towards environmental protection are considered primary sources of this study. Such decisions are analyzed to determine the trend in interpreting the right to life and the inclusion of environmental security, the principles of sustainable development and the utilization of the public interest litigation to tackle the climate vulnerability. Special focus will be placed on cases where the executive policies, institutional performance, and failures in the implementation process of climate adaptation and mitigation have been questioned by the courts because these cases represent the changing role of judiciary in climate governance. Along with the analysis of the doctrines, institutional viewpoint is also employed in the methodology that contextualizes climate change litigation within the overall system of environmental governance of Pakistan. This also involves scrutiny of the mandates of environmental protection bodies, climate policy organizations and administrative authority charged with the mandate of enforcing environmental and climate regulations. The paper takes into account the interaction of judicial interventions with executive power, resource limitation, and administrative capacity, and the impact of the interaction on the efficacy of climate governance by courts. Judicial decisions are put into context through the use of secondary sources that include scholarly literature and policy reports and environmental governance reports to evaluate the level of challenges during implementation.

The analytical perspective used in the study is a constitutional and rights-based one to assess how climate change litigation is reconstructing the conception of state responsibilities and individual rights. Climate change is discussed as an existential and dignity, livelihood, intergenerational equity threat, which enables the research to determine whether the judicial rationale is constitutional and aligned with the environmental justice goals. The methodology also seeks to offer a rigorous evaluation of climate change litigation as a new kind of judicial response to environmental crisis in Pakistan by combining doctrinal, institutional, and rights-based analysis.

### **Research Findings**

The analysis demonstrates that climate change litigation in Pakistan has become a unique and developing branch of environmental jurisprudence, which is now marked by judicial recognition of climate change as a constitutional, rights based and governance matter, and not a technical or regulatory matter. The most notable one is the fact that Pakistani courts have increasingly broadened the scope of environmental rights to include harms caused by climate change, which introduces climate change as the direct threat to the life,



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dignity, health, livelihood, and ecological security. This growth has permitted the courts to stop believing climate vulnerability as a future hypothetical risk, but as a current and justiciable harm that needs state response. In this way, the climate change litigation can be discussed as the extension of the traditional environmental rights jurisprudence rather than a break-even point.<sup>10</sup>

One of the core discoveries regards the conceptualization of state responsibility in the climate change context by the judiciary. The courts have been more insistent that the role of the state in protecting the environment, climate resilience is a positive imperative and not discretionary policy decision-making. The reasoning of the judges demonstrates an appreciation that climate change contributes to the already existing socio-economic vulnerabilities, especially in marginalized communities that rely on the natural resource, agricultural activities, as well as the vulnerable livelihoods. Consequently, executive inaction, inept actions towards climate policies and inability to align institutional actions have been used in courts as breaches of constitutional duties. This framing changes climate litigation, which used to be limited to this very aspect of regulatory compliance to a larger question of governance failure and accountability.

The findings also show that the role of litigation to adjudicate the issue of climate change in Pakistan has been significantly played by the public interest litigation. Through the liberalization of traditional standing rules, courts have empowered individuals, actors of the civil society, and the affected communities to bring climate-related issues even in cases where personal harm is hard to prove. This flexibility of procedure is especially important in climate cases, where the harm is usually diffuse, cumulative, and more intergenerational. Courts have been in a position to resolve systemic problems like absence of climate adaptation planning, poor disaster preparedness and insufficient protection of vulnerable ecosystems through public interest litigation. This has enabled climate change litigation to play a role of structural review and not personal disputes.<sup>11</sup>

The other significant discovery is associated with the sources of law that courts depend on when conducting climate litigation. Without a substantive climate-specific law, the courts have resorted to the use of constitutional provisions, environmental law, sustainable development principles, precautionary principles, and international environmental treaties to form a normative guideline to make decisions. The courts regularly apply global climate and international environmental principles in their decisions, taking them and modifying them to fit the context of domestic constitutions. This proves that the Pakistani courts are not left alone but are having interactions with transnational environmental norms in order to provide gaps in domestic law. Simultaneously, the results indicate that the dependence on general principles instead of specific statutory requirements may create uncertainty with references to the exact scope of the judicial intervention and the boundaries of it.<sup>12</sup>

The study also shows that litigation on climate change in Pakistan does not necessarily have a traditional adjudicatory result but a structural one. The courts have provided instructions to the government agencies to come up with policies, enhance coordination, provide monitoring initiatives, and make sure that environmental commitments are carried out. In other instances, the judicial review has gone further than declaratory in

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<sup>10</sup> Saleem, M. S., Tasgheer, A., & Fatima, T. (2023). Exploring Judicial Activism in Pakistan: A Review of Key Precedents in Advancing Environmental Sustainability. *Journal of Religious and Social Studies-JRSS*, 3(2), 1-19.

<sup>11</sup> Alogna, I., & Clifford, E. (2020). Climate Change Litigation: Comparative and International Perspectives. *British Institute of International and Comparative Law*, 9, 1-21.

<sup>12</sup> Jamal, S. (2018). Examining the Pakistan climate change act 2017 in the context of the contemporary international legal regime. *LUMS LJ*, 5, 108.



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landscape of supervision of executive conduct. These solutions are indicative of judicial appreciation that the issue of climate change is a systemic issue which needs institutional change and not one off corrective measures. The results, however, show that the success of these remedies is strongly related to the administrative capacity, political will and continuity of compliance, which is still uneven throughout the jurisdictions.<sup>13</sup>

Another discovery relates to the problem of scientific difficulty and uncertainties in the evidence of climate litigation. The courts have recognized that climate change is a complicated scientific evaluation and projections in the long run, and may put strain on the customary judicial fact-finding approaches. Nevertheless, courts have been prepared to base their decision on expert reports, policy documents and accepted climate science. Such a willingness is an indication of an adaptive judicial philosophy which is open to scientific uncertainty as a precautionary reason, as opposed to doing nothing. However, the lack of expert courts or technical know-how in the judicial system may impose a restriction on the thoroughness and uniformity of adjudication on climate issues.

Another area of tension that is emerging as per the findings is the separation of powers and judicial overreach. Although courts have rationalized intervention as mandatory by the constitution and executive malpractice, climate litigation frequently puts judges in a situation wherein they have to consider policy priorities, resource distribution, and administrative planning. Critics claim that such intervention is prone to usurping executive responsibilities whereas those who believe in judicial intervention believe that executive branches have failed to deliver on constitutional promises, therefore, judicial intervention is justified. The study indicates that the Pakistani courts have tried to work around this tension by positioning their functions as supervisory instead of managerial which focuses on coordination and compliance as opposed to direct policy formulation. However, the issue of enforcing the law and policy making is debatable.<sup>14</sup>

Lastly, the discussion shows that climate change litigation in Pakistan has helped bring a slow shift to the environmental jurisprudence through establishing climate concerns into the constitutional interpretation and populace law. Courts have brought climate change to the current stage of positioning as a marginal environmental problem to the core of governance, justice, and protection of rights. Nevertheless, the results also highlight that climate litigation is an immature and imbalanced practice. It has a transformative potential that is limited by limited case law, enforcement problems, and institutional constraints. Judicial intervention by itself will not be able to provide a full response to the scale and complexity of climate change impacts unless there are greater legislative structures, greater administrative capacity and continued political commitment.<sup>15</sup>

Overall, the research outcomes indicate that the climate change litigation in Pakistan is a significant court reaction to the environmental crisis that broadens the normative scope of the environmental rights and the responsibility of the states. Simultaneously, its working effectiveness in the long term is conditional on its combination with the overall governance changes, the strengthening of institutions, and the formation of the consistent climate policy.

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<sup>13</sup> Alogna, I., Bakker, C., & Gauci, J. P. (2021). Climate Change Litigation: Global Perspectives—An Introduction. *Climate change litigation: Global perspectives*, 111-127.

<sup>14</sup> Saleem, H. A. R., Butt, M. F., & Hashmi, M. A. I. (2024). CLIMATE CHANGE, INTERNATIONAL LAW, AND SOUTH ASIA: LEGAL RESPONSIBILITIES AND CLIMATE JUSTICE. *ASSAJ*, 2(4), 1459-1473.

<sup>15</sup> Gill, G. N., & Ramachandran, G. (2021). Sustainability transformations, environmental rule of law and the Indian judiciary: connecting the dots through climate change litigation. *Environmental Law Review*, 23(3), 228-247.



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### Discussion

The results suggest that climate change litigation in Pakistan has been described as a jurisprudential extension of environmental constitutionalism, and not a set of specific disputes, that are limited to environmental legislation. The involvement of the judiciary in climate matters is part of a wider change in the general law logic, in which the process of environmental degradation and climate as vulnerability is increasingly becoming directly perceived as a threat to constitutional rights and state legitimacy. This is important since it resettles climate change as a policy issue of future projection into a current constitutional issue that entails the obligations of the state to its citizens and especially of the vulnerable population. In such a way, the courts have helped the rise of a discourse of environmental rights, which is not marginalized to the control of pollution but that reaches to structural ecological risk and governmental responsibility.<sup>16</sup>

The most important aspect of the litigation path of climate in Pakistan is that it is based on constitutional rights as the main legal basis. Since the harms caused by climate tend to be diffuse, cumulative, and not readily defined using traditional legal frameworks of injury, the rights-based adjudication offers a way to make the courts recognize the possibilities of treating climate-related harm as legally cognizable. Through connecting the right to life, dignity, health, and livelihood with climate change, the courts have constitutionalized climate governance, making the execution of executive actions in mitigation and adaptation susceptible to judicial review. This rights-based strategy has normative force as it frames climate action as a duty and not a policy option, and permits courts to exercise seriousness by the institution when there is environmental urgency. Nevertheless, it also has jurisprudential conflict: the use of rights as the key legal foundation based on climate intervention can make judicial logic broad, and this can provoke worries about the judicial encroachment into the realm of policy judgment.<sup>17</sup>

The structural weaknesses of climate litigation in Pakistan can also be seen in the development of climate litigation. Climate policies and environmental regulations are usually constrained by implementation gaps, fragmented institutional power, insufficient resources and poor coordination. In this situation, litigation would be a remedial process using which courts would seek to force institutional action. It is not peculiar to climate law, but Pakistan has a long tradition of using public interest litigation as a means of dealing with failures in governance in areas where there is a weak administrative enforcement. Climate litigation develops this lineage in a different direction, where the amount of risk is greater and the period is more complicated. Judicial intervention therefore seems to be a reaction to environmental vulnerability as well as a reaction to deficiency in governance. However, the judiciary cannot do much to remedy executive failure: they can command compliance, insist on coordination, and define responsibilities, but they cannot create institutions, distribute resources, or, in general, replace detailed planning of policy. This weakness is important to highlight that climate litigation can put a strain on governance reform, but it cannot substitute it.<sup>18</sup>

One more critical point of discussion is the place of the public interest litigation in the formation of climate adjudication. The interest of the people in the case has also allowed climate litigation to be formed even in cases where the affected communities cannot

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<sup>16</sup> Peel, J., & Osofsky, H. M. (2020). Climate change litigation. *Annual Review of Law and Social Science*, 16(1), 21-38.

<sup>17</sup> Alogna, I., Bakker, C., & Gauci, J. P. (Eds.). (2021). *Climate change litigation: global perspectives*. Brill.

<sup>18</sup> Barritt, E., & Sediti, B. (2019). The symbolic value of *Leghari v Federation of Pakistan*: climate change adjudication in the Global South. *King's Law Journal*, 30(2), 203-210.



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afford the cost or otherwise do not have legal access to contest environmental harm. Such procedural openness helps in promoting environmental justice since it enables courts to listen to claims pertaining to climate which would otherwise be unseen. Meanwhile, the subsistence of litigation by the public can create skewed contentious growth since cases can be motivated by judicial openness and petitioner craftsmanship instead of legislative systematic creation. Litigation on climate can therefore be built in waves of judicial action and not along predictable legislative channels. The outcome is a developing jurisprudence which can be transformative yet also idiosyncratic.<sup>19</sup>

Evidentiary complexity is one of the aspects of judicial management of climate cases. Climate change encompasses scientific causality, probability of danger and prospects that are long-term and defy the conventional judicial determination of fact. The Pakistani courts have been found to be willing to draw upon expert material, policy documents and accepted scientific knowledge and tend to use precautionary reasoning, which weighs uncertainty as a reason to take preventative measures instead of delay. Such a strategy is normatively aligned with what environmental protection should be, yet it creates institutional problems. Courts are not scientific institutions and unless they possess special knowledge and support systems, it is always possible that the reasoning of the judge can be simplified to that of a science or that a judge can be reliant on cherry-picking. Climate jurisprudence thus needs not just legal ingenuity, but institutional capability to be able to address technical content in a responsible way.<sup>20</sup>

There are also long-standing debates about separation of powers that are a result of climate litigation. The judicial prescriptions that place policy action, institutional coordination or enacting climate plans can be regarded as a mandate needed to enforce the constitutional responsibilities especially where executive laxity is perceived. However, this climate governance in a sense is by nature priority-setting, budget allocation and technical planning that are traditionally executive and legislative roles. Pakistani courts have tried to find a middle way by couching their decisions as oversight and not managerial and focusing more on adhering to the prevailing commitments and not establishing new policy regimes. That line is however not so clear and legitimacy of judicial action can be doubtful where courts are seen to prescribe what the policy entails, and not impose constitutional norms. The effectiveness of such a tool of climate litigation to sustain governance is pegged on the effectiveness with which such a boundary can be maintained by the courts and yet meaningful accountability delivered.<sup>21</sup>

The other dimension that arises out of the findings is that of distributive nature of climate vulnerability. The effects of climate change are not equally distributed, since they are disproportionately experienced by the poor, the rural population, people living in the coastal areas, and those living on climate-dependent livelihoods. By assuming the climate change is a rights issue, the courts implicitly adopt an environmental justice orientation since they understand that inability to combat the climate risk leads to increased inequality. This orientation is impressive as it relates climate litigation to larger constitutional issues of dignity, equality, and social justice. Nonetheless, rights-based climate adjudication also has to face the fact that climate solutions can entail trade-offs, such as the development projects, energy policy transitions, and competing economic priorities. The judicial discourse should thus be modified to accommodate the question of

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<sup>19</sup> Colombo, E. (2017). Enforcing international climate change law in domestic courts: A new trend of cases for boosting Principle 10 of the Rio Declaration. *UCLA J. Envtl. L. & Pol'y*, 35, 98.

<sup>20</sup> Jamal, S. (2018). Examining the Pakistan climate change act 2017 in the context of the contemporary international legal regime. *LUMS LJ*, 5, 108.

<sup>21</sup> Mirza, A. M. (2020). Environmental rights and case of climate justice in Pakistan. *Strategic Studies*, 40(2), 45-62.



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how climate justice could be sought without disregarding the legitimate needs of the development such that sustainable development is seen as an incorporation of environmentalism and human interests and not as a concession to rhetorical needs.

All in all, the development of climate change litigation in Pakistan can be discussed as a significant and possibly radical shift in environmental law. It has also broadened constitutional rights arguments, increased climate responsibility and hold state institutions more accountable by ensuring they govern the environment. However, its long-term success relies on the ability of the judicial action to stimulate the long-lasting policy implementations instead of the short-term adherence, and on the legal system to create more consistent structures to deal with the scientific complexity, institutional coordination, and balancing of rights and policy. Climate litigation has provided an avenue to environmental justice, yet its transformative power will be constrained until it has robust legislative provisions, building institutional capacity, and enduring political will to effective climate resilience.

### **Recommendations**

To transform climate change litigation in Pakistan into a multi-layered and productive tool of environmental governance, Pakistan needs a multi-layered reform agenda that is cohesive. The first suggestion is that a more detailed and thorough process of legislative development should be created with the specifics of climate change. Although the courts have been able to bridge the gaps created by interpreting the constitution and environmental principles, long-term climate administration can not be based only on judicial innovativeness. Climate-specific legislations should be enacted by the parliament that determines who should be part of mitigation and adaptation, and institutional coordination measures will be created and standards of implementation should be given. This legislation would provide courts with more accurate standards to examine, minimise uncertainty, and ensure fairness of the intervention through democratic enactment of norms.

Second, the environmental and climate-related agencies have to be strengthened in terms of institutional capacity to a great extent. Judicial releases are commonly instructing executive organizations to devise plans, organize action or adopt policies, but feeble administrative strength commonly undermines execution. To implement judicial instructions into practice, the technical expertise and data collection, monitoring systems and inter-agency coordination should be invested in. Institutional accountability should still be highlighted in courts, yet the only way the long-term goal is achieved is by enabling executive institutions to execute their mandate on climate without undergoing judicial scrutiny at all times.

Third, technical assistance and capacity-building in adjudication in relation to climate would be beneficial to the judiciary itself. Cases of climate change entail elaborate scientific data, danger evaluation, and future forecasts, which oppose conventional judicial practices. The quality and consistency of climate jurisprudence can be enhanced by specialized training of judges, access to independent scientific expertise and by developing procedural mechanisms to assess technical evidence. It can also be considered to make stronger specialized environmental tribunals or benches to deal with climate related disputes more efficiently.

Fourth, solutions to climate litigation by the courts must be more structural and participatory and less coercive in nature. Enhancing the effectiveness of such interventions that are developed by courts can be achieved through promoting transparent planning processes, consultation with stakeholders, and recurring reporting systems that



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engage the civil society, affected communities, and experts. The remedies may be of such participatory type that compliance can be encouraged, public trust is built, and climate governance is seen not as imposed by judicial fiat. This will be in line with the postulates of environmental justice as it will enable citizens who are the most affected by climate change to speak up.

Fifth, the courts must come up with more succinct guidelines to strike a balance between climate protection and the development and economic interests. Infrastructure projects, energy policy, and economic growth are commonly the subjects of climate change litigation, which has the potential to create conflict between environmental protection goals and economic growth goals. The judicial reasoning must come out clearly in consideration of the sustainable development principles, which make sure that the environmental protection becomes a part of the development planning instead of being viewed as a hindrance. Open balancing models have the ability to increase predictability and legitimacy and enable courts to carry out climate commitments without ignoring the valid policy trade-offs.

Last but not least, the information availability and public awareness should be enhanced to advance climate litigation and accountability. Climate governance requires the presence of enlightened citizens who can take part in policy making and utilize the judiciary where they feel the law is not adhered to. Enhanced visibility of climate planning, environmental information, and risk analysis can enable communities and civil society to take serious roles in decision making on the environment. Although being an alternative to the public policy, courts can remain catalytic by bolstering the responsibility of the state to release information and engage the population in the process of governing climate.

### Conclusion

Litigation on climate change in Pakistan has become an important and developing aspect of environmental jurisprudence, which is manifested in the appreciation of judicial understanding of climate change as a constitutional, governance, and human rights issue. This paper has demonstrated that Pakistani courts have transcended the conventional environmental control to respond to climate vulnerability by broad interpretations of the basic rights, litigation of public interest, and sustainable development principles. The judiciary has made environmental protection not a policy issue, but a constitutional right as it puts climate change in a frame of a present and justiciable threat to life, dignity, livelihood, and ecological security.

The discussion has shown that climate litigation has been used as a remedial action to failure in governance systems, whereby state institutions are compelled to realise their environmental liabilities and take action to implement the same. Courts have been compelling the executive to enhance coordination, adopt climate policies and defend vulnerable communities thus helping to create a rights-based climate governance model. Concurrently, the paper also identifies the ineffectiveness of court intervention when it comes to combating the magnitude and nature of climate change. Courts cannot impose responsibility and cannot even define constitutional norms; however, they cannot replace in-depth legislative action, administrative capability and long-term political dedication.

The litigation on climate change also brings about long-term issues on the separation of powers, institutional competence, and how far should judicial intervention go. Though proactive judicial involvement has played a positive role in promoting environmental justice in an environment of vulnerability, it should be done sensitively with regard to the complexity of the policy, scientific uncertainty, and democratic governance. The success



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and validity of the climate jurisprudence lie on the capacity of the judiciary to strike the balance between the constitutional obligation enforcement and the institutional functions and the developmental priorities.

To sum up, climate change litigation in Pakistan is a potentially successful yet imperfect legal remedy to an existential ecological crisis. Its game-changing quality is in its capacity to bring the environmental protection to the discourse of constitutional rights and to trigger the wider governance change. Nevertheless, to attain long-term effect, climate litigation should be supported with powerful legislative frameworks, empowered institutions and inclusive policy-making. Such an approach is the only way that the environmental jurisprudence of Pakistan can be developed to confront the long term and short-term demands of climate change.

### References

- Alogna, I., & Clifford, E. (2020). Climate Change Litigation: Comparative and International Perspectives. *British Institute of International and Comparative Law*, 9, 1-21.
- Alogna, I., Bakker, C., & Gauci, J. P. (2021). Climate Change Litigation: Global Perspectives—An Introduction. *Climate change litigation: Global perspectives*, 111-127.
- Alogna, I., Bakker, C., & Gauci, J. P. (Eds.). (2021). *Climate change litigation: global perspectives*. Brill.
- Banda, M. L., & Fulton, S. (2017). Litigating climate change in national courts: recent trends and developments in global climate law. *Envtl. L. Rep. News & Analysis*, 47, 10121.
- Barritt, E., & Sediti, B. (2019). The symbolic value of *Leghari v Federation of Pakistan*: climate change adjudication in the Global South. *King's Law Journal*, 30(2), 203-210.
- Colombo, E. (2017). Enforcing international climate change law in domestic courts: A new trend of cases for boosting Principle 10 of the Rio Declaration. *UCLA J. Env'tl. L. & Pol'y*, 35, 98.
- Constitution of the Islamic Republic of Pakistan, 1973. Judgments of the Supreme Court and High Courts of Pakistan on environmental protection and climate-related issues. Environmental Protection Act and related environmental legislation of Pakistan. Academic literature on climate change litigation and environmental constitutionalism. Policy reports and studies on climate vulnerability and environmental governance in Pakistan.
- Gill, G. N., & Ramachandran, G. (2021). Sustainability transformations, environmental rule of law and the Indian judiciary: connecting the dots through climate change litigation. *Environmental Law Review*, 23(3), 228-247.
- Hassan, P., & Azfar, A. (2003). Securing environmental rights through public interest litigation in South Asia. *Va. Env'tl. LJ*, 22, 215.
- Jamal, S. (2018). Examining the Pakistan climate change act 2017 in the context of the contemporary international legal regime. *LUMS LJ*, 5, 108.
- Mirza, A. M. (2020). Environmental rights and case of climate justice in Pakistan. *Strategic Studies*, 40(2), 45-62.
- Ohdedar, B. (2021). Climate change litigation in India and Pakistan: Analyzing opportunities and challenges. *Climate Change Litigation: Global Perspectives*,



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103-123.

- Peel, J., & Osofsky, H. M. (2018). A rights turn in climate change litigation?. *Transnational environmental law*, 7(1), 37-67.
- Peel, J., & Osofsky, H. M. (2020). Climate change litigation. *Annual Review of Law and Social Science*, 16(1), 21-38.
- Preston, B. J. (2018). The evolving role of environmental rights in climate change litigation. *Chinese Journal of Environmental Law*, 2(2), 131-164.
- Saleem, H. A. R., Butt, M. F., & Hashmi, M. A. I. (2024). CLIMATE CHANGE, INTERNATIONAL LAW, AND SOUTH ASIA: LEGAL RESPONSIBILITIES AND CLIMATE JUSTICE. *ASSAJ*, 2(4), 1459-1473.
- Saleem, M. S., Tasgheer, A., & Fatima, T. (2023). Exploring Judicial Activism in Pakistan: A Review of Key Precedents in Advancing Environmental Sustainability. *Journal of Religious and Social Studies-JRSS*, 3(2), 1-19.
- Shabbir, S. S., Daavi, R. A., Khan, H., & Mehmood, M. I. (2024). Legal Framework for Promoting Environmental Justice in the Context of Climate Change: Highlighting Proactive Role of the Supreme Court of Pakistan.
- Soomro, S. I. A., & Soomro, M. M. (2025). Climate Change Litigation and Pakistan's Perspective. *Journal of Asian Development Studies*, 14(1), 764-775.