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JUDICIAL ACTIVISM AND CLIMATE GOVERNANCE IN PAKISTAN

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Abstract

This study critically analyzes the changing role of judicial activism in climate governance in Pakistan within the context of national constitutional law and international climate litigation. Pakistan, one of the most vulnerable nations to climate change, faces floods, glacial melting, high heat, and smog issues that threaten human and economic safety (Kreft et al., 2016; Mustafa, 2023). Despite laws like the Pakistan Environmental Protection Act (1997) and the Climate Change Act (2017), institutional fragmentation, financial constraints, and political instability hinder governance (Rafay, 2021). Judicial activism is a remedy. Shehla Zia v. WAPDA (1994) and Asghar Leghari v. Federation (2015, 2018) established environmental rights under Articles 9 and 14, incorporating global principles like sustainable development, the precautionary principle, intergenerational equity, and the public trust doctrine. Public interest litigation and Suo motu jurisdiction have allowed higher courts to order executive compliance, create policy commissions, and promote environmental justice. According to empirical evidence, judicial bodies like the Smog Commission and Climate Change Commission have identified technical deficiencies. Enforcement, financial, and tribunal



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capacity issues threaten long-term sustainability (Cheema & Gilani, 2015).

Comparative lessons from India, the Netherlands, South Africa, and the US illustrate that judicial activism has revolutionary potential and pitfalls. Singapore's governance approach allows for institutional accountability and integrated planning change (Peel & Osofsky, 2020; Kotzé, 2022; Tan, 2020). The study found that judicial activism has stimulated reform but cannot replace systemic governance. To ensure resilience, justice, and sustainability for current and future generations, Pakistan must move from judicial declarations to administrative compliance and integrate climate justice within strong institutional frameworks (Hunter, 2021; Boyd, 2024).

Keywords: Judicial Activism, Climate Governance in Pakistan, Environmental Constitutionalism, Public Interest Litigation (PIL), Comparative Climate Jurisprudence, Intergenerational Equity, Institutional Reform, and Compliance

Chapter 1:

Introduction

1.1 Judiciary and Democratic Oversight

The judiciary is often acknowledged as a fundamental element of democratic governance, responsible for protecting essential rights and civil liberties (Shapiro, 2002). In constitutional democracies, the role of courts is to serve as unbiased protectors of the law, guaranteeing that justice is both administered and perceived as such. In Pakistan, this role has gained notable importance as a result of ongoing political instability, limited institutional capacity, and delicate democratic frameworks (Khan, 2014). The higher judiciary has traditionally intervened in governance voids, acting as a guardian of constitutional principles and a remedial force against executive stagnation or legislative procrastination (Cheema & Gilani, 2015).



1.2 Judicial Activism in Pakistan's Constitutional Framework

Judicial activism in Pakistan has broadened the scope of constitutional rights, especially Article 9 (Right to Life) and Article 14 (Right to Dignity), to include the protection of the environment. The significant case of *Shehla Zia v. WAPDA* (PLD 1994 SC 693) initiated a pivotal shift in legal interpretation, recognizing the right to life as encompassing the necessity of a clean and healthy environment (Nasir, 2016). Later decisions, including *Asghar Leghari v. Federation of Pakistan* (2015, 2018), further solidified this direction by urging the government to enact climate policies and create a climate change commission to oversee adherence (Mustafa, 2019). Superior courts have eased conventional standing rules through public interest litigation and *suo motu* jurisdiction, allowing citizens and civil society to directly seek environmental protection. This legal advancement has expanded the availability of justice and integrated global principles—sustainable development, precautionary measures, equity for future generations, and the doctrine of public trust—into the constitutional law of Pakistan (Patel, 2021).

1.3 Global Context of Climate Litigation

Pakistan's judicial activism mirrors a wider international movement in which courts have progressively acknowledged environmental protection as a right that can be enforced through legal means. In the *Urgenda* case (Netherlands, 2019), the Supreme Court mandated the government to lower carbon emissions, basing its ruling on obligations related to human rights (Peel & Osofsky, 2020). In a similar vein, the ruling in the *Community of La Oroya v. Peru* (2024) underscored the obligation of states to avert environmental damage that threatens human health (Boyd, 2024). Meanwhile, South Africa's *Groundwork Trust v. Minister of Environmental Affairs* (2022) highlighted the importance of environmental justice for marginalized communities



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(Kotzé, 2022). These instances demonstrate the judiciary's ability to convert environmental issues into binding legal responsibilities. Pakistan's legal framework, characterized by its unique approach to constitutional interpretation and public interest litigation, aligns with the international trend that is reshaping the understanding of environmental rights and the obligations of the state (Hunter, 2021).

1.4 Research Focus

This study aims to assess the changing role of Pakistan's judiciary in tackling climate change. It explores the advantages and disadvantages of judicial activism, places Pakistan's legal framework in the context of international climate litigation, and outlines potential reforms to enhance institutional capacity. Through an examination of significant legal decisions and their effects on governance, this study seeks to clarify the ways in which judicial activism has influenced climate policy, promoted environmental justice, and transformed constitutional rights in Pakistan.

1.5 Research Gap

While the discourse surrounding judicial activism in Pakistan has been extensively explored within constitutional and political studies, a significant void persists in the thorough examination of its influence on climate governance. Current research tends to concentrate on broad environmental legislation or specific significant cases like *Shehla Zia v. WAPDA* (1994) and *Asghar Leghari v. Federation* (2015, 2018) (Nasir, 2016; Mustafa, 2019). However, there is a lack of thorough analysis regarding the impact of judicial interventions on the development of enduring institutional capacity, the consistency of policies, and adherence to administrative protocols. Moreover, the existing body of comparative literature regarding global climate litigation—including notable cases like *Urgenda* in the Netherlands,



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Groundwork Trust in South Africa, and Juliana v. United States—has yet to be thoroughly incorporated into the context of Pakistan. This creates an opportunity to explore the relationship between Pakistan's judicial activism and global patterns, as well as the insights that may be gleaned for potential reform. Ultimately, although certain normative principles have gained judicial recognition, there remains a scarcity of research regarding their practical application. The lack of empirical assessment regarding judicial commissions, enforcement mechanisms, and the efficacy of tribunals highlights the necessity for a study that connects theoretical examination with practical governance results. This study tackles existing deficiencies through a structured, comparative, and policy-focused examination of judicial activism in Pakistan's climate governance, placing it in the context of international legal frameworks and suggesting practical avenues for reform.

1.6 Research Objectives

This study pursues the following objectives:

- 1. To assess the impact of judicial activism on climate governance in Pakistan, focusing on the constitutional interpretation of environmental rights.*
- 2. To examine the efficacy of judicial commissions and public interest litigation (PIL) in addressing governance deficiencies and ensuring adherence by the executive branch.*
- 3. To recognize ongoing difficulties in policy execution, such as inadequate enforcement, financial limitations, and the disintegration of institutions.*
- 4. To contextualize Pakistan's legal framework in relation to international climate litigation trends, while extracting comparative insights from India, the Netherlands, South Africa, and the United States.*



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5. To suggest practical reform strategies that shift Pakistan's climate governance from dependence on judicial intervention to strong administrative adherence.

1.7 Conclusion

In conclusion, the introduction has delineated the constitutional and international framework of judicial activism in climate governance, pinpointed the existing research gap, and articulated the aims of this study. Pakistan's judiciary has been instrumental in integrating environmental rights into constitutional law; however, the enduring effectiveness of these efforts is questionable, hindered by inadequate institutional capacity, disjointed governance, and financial limitations. The research gap underscores the lack of a structured, comparative, and policy-focused examination of Pakistan's climate jurisprudence, especially concerning global litigation trends and the implementation of normative principles like the public trust doctrine, precautionary principle, and intergenerational equity. The objectives presented delineate a structured approach to tackle these shortcomings through the assessment of judicial contributions, examination of commissions, recognition of governance issues, contextualizing Pakistan within comparative analyses, and suggesting feasible avenues for reform. This chapter establishes the groundwork for the study by outlining the issue, emphasizing its importance, and delineating its boundaries. The forthcoming literature review (Chapter 2) will expand. This chapter establishes the groundwork for the study by outlining the issue, emphasizing its importance, and delineating its boundaries. The forthcoming literature review (Chapter 2) will build on this groundwork by thoughtfully examining current scholarship, emphasizing theoretical discussions, and contextualizing Pakistan's experience within wider global patterns in climate litigation and environmental constitutionalism.



Chapter 2: Literature Review

2.1 Pakistan's Climate Vulnerability and Governance Deficits

Pakistan is frequently identified as one of the nations most susceptible to climate impacts, enduring Persistent floods, glacial melting, heatwaves, and smog emergencies, which jeopardize human safety and economic resilience (Kreft et al., 2016). The devastating floods of 2022 resulted in the displacement of millions, highlighting the vulnerabilities within disaster preparedness systems (Mustafa, 2023). Notwithstanding the existence of legislative structures like the Pakistan Environmental Protection Act (1997) and the Climate Change Act (2017), the effectiveness of governance is undermined by issues such as institutional fragmentation, financial limitations, and political instability (Rafay, 2021). Scholars contend that these inherent deficiencies erode constitutional protections of life and dignity, rendering citizens susceptible to environmental deterioration. The absence of effective governance has led to an increased dependence on judicial activism as a means of compensation (Ahmed, 2020).

2.2 Judicial Activism as a Compensatory Mechanism

Judicial activism has surfaced as a pivotal influence in the realm of climate governance in Pakistan. The significant case of *Shehla Zia v. WAPDA* (1994) expanded the interpretation of the right to life to encompass a clean environment, integrating the precautionary principle into constitutional law (Patel). Subsequently, the cases of *Asghar Leghari v. Federation* (2015, 2018) necessitated government action on climate policies and led to the formation of a Climate Change Commission, thereby formalizing judicial oversight (Mustafa, 2019). Superior courts have, through public interest litigation and *Suo motu* jurisdiction, eased the rules of standing, allowing citizens



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and NGOs to directly petition for the protection of the environment. (Ahmed, 2020). This legal advancement has expanded the availability of justice and integrated global principles like sustainable development and intergenerational equity into national legislation (Hunter, 2021).

2.3 Risks of Over-Judicialization

Although judicial activism has propelled environmental justice forward, scholars warn against excessive reliance on the judiciary. Courts may inadvertently take on executive roles, leading to a disruption in institutional balance and a lack of coherence in policy (Cheema & Gilani, 2015). Excessive dependence on PIL could entrap the executive in an endless cycle of litigation, compelling it to function. This reliance on PIL may lead the executive to respond defensively rather than take proactive steps (Khan, 2014). Comparative analyses reveal analogous conflicts. In India, the expansion of environmental rights through PIL has placed a strain on executive capacity, resulting in fragmented enforcement (Rosencranz & Divan, 2001). In the Netherlands, the Urgenda case (2019) prompted governmental measures regarding emissions, yet it also sparked debates concerning the legitimacy of democratic processes (Peel & Osofsky, 2020). These instances highlight a worldwide challenge: judicial systems play a crucial role in climate governance. However, we must consider the need for institutional sustainability when evaluating their actions.

2.4 Global Trends in Climate Litigation

Climate litigation has emerged as a significant global trend, with more than 2,500 cases anticipated worldwide by 2025 (Setzer & Byrnes, 2020). Litigation strategies encompass a spectrum of approaches, including the enforcement of emission reductions, the pursuit of adaptation measures, and the pursuit of compensation for loss and damage. Judicial bodies have progressively acknowledged the enforcement of environmental protection as a legitimate right,



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converting policy ideals into obligatory mandates. The judiciary of Pakistan aligns with this worldwide trend, yet it is characterized by its emphasis on constitutional interpretation and public interest litigation. Its legal principles illustrate this dual nature of judicial activism within the framework of a nation in development (Hunter, 2021).

2.5 Comparative Insights and Emerging Directions

Comparative case law provides valuable lessons: India: PIL expanded environmental rights but strained executive capacity (Rosencranz & Divan, 2001). Netherlands (Urgenda): Courts grounded climate obligations in human rights law (Peel & Osofsky, 2020). South Africa (Groundwork Trust, 2022): Jurisprudence emphasized environmental justice for marginalized communities (Kotzé, 2022). United States (Juliana v. United States, 2015): Litigation highlighted intergenerational equity and corporate accountability (Burger & Gunderson, 2021). Recent research indicates that corporate responsibility, compensation for losses and damages, and strengthening local governance. These trends reflect the challenges that Pakistan faces, where its vulnerable populations feel the impacts of climate change most acutely.

2.6 Critical Evaluation

The existing body of work presents a contradiction. Judicial activism has sparked significant change. integrating environmental rights into constitutional law and ensuring adherence by the executive branch. However, inherent flaws in governance and institutional capability hinder the long-term viability of judicial actions (Rafay, 2021). Critics contend that excessive dependence on the judiciary may jeopardize democratic legitimacy and disrupt the equilibrium of institutions. Sustainable climate governance necessitates the



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integration of judicial innovations into strong administrative structures, guaranteeing that courts enhance rather than replace executive bodies (Cheema & Gilani, 2015).

2.7 Conclusion

The literature review illustrates that Pakistan's judiciary has significantly influenced the evolution of climate governance, formalizing environmental rights within the constitution and integrating international principles into national legislation. However, ongoing shortcomings in governance and excessive dependence on judicial intervention underscore the necessity for comprehensive reform. Excessive dependence on judicial intervention underscores the necessity for comprehensive reform. Insights drawn from India, the Netherlands, South Africa, and the United States offer significant lessons, while new research avenues highlight the importance of corporate responsibility, equity across generations, and the role of local governance. This synthesis highlights the core issue: judicial activism has driven reform, but cannot replace institutional capacity. Sustainable climate governance in Pakistan necessitates a shift from judicial pronouncements to effective administrative adherence. integrating climate justice into the overarching framework of governance.

Chapter 3: Research Methodology

3.1 Research Design

The research employs a hybrid design, integrating doctrinal research with a qualitative deep-dive into case studies. The doctrinal research explores constitutional provisions, statutory instruments, and judicial precedents relevant to climate governance (Cane & Kritzer, 2010). The qualitative research entails content analysis of selected case law to appraise judicial reasoning, with an emphasis on standing,



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remedies, and interpretive coherence (Bryman, 2016). This hybrid methodology allows for both depth of understanding and practical relevance. It positions Pakistan's legal framework within global comparative trends while underscoring the specific challenges faced by a developing country (Hunter, 2021).

3.2 Data Sources

Primary Sources: Constitution of Pakistan (1973), Pakistan Environmental Protection Act (1997), National Climate Change Policy (2012, revised 2021), Climate Change Act (2017), National Adaptation Plan (2023), Superior courts in Pakistan and selected comparative jurisdictions (India, Netherlands, South Africa, and the United States) (judicial decisions)

Secondary Sources: Peer-reviewed law journals and doctrinal articles on climate litigation and environmental constitutionalism (Peel & Osofsky, 2020). Government reports and policy documents (Rafay, 2021), Scholarly monographs on environmental governance and comparative law (Kotzé, 2022), research databases containing thousands of cases, statutes, and regulations (Setzer & Byrnes, 2020).

Inclusion Criteria: Cases explicitly addressing climate change disputes, categorized under adaptation, mitigation, or loss and damage (Burger & Gunderson, 2021).

Exclusion Criteria: Cases where "climate change" appeared incidentally or in unrelated contexts (e.g., divorce filings, supplemental footnotes). *Filtering Process:* Text-analysis tools were applied to remove redundant or irrelevant filings, ensuring methodological consistency and accuracy (Bryman, 2016). This selection process guarantees that the dataset reflects substantive climate litigation rather than peripheral references.

3.4 Analytical Framework

The analytical framework is structured in three stages: Doctrinal



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Analysis: Identifying constitutional and statutory anchors for climate governance. Judicial Interpretation of Articles 9, 14, and 38 in the Context of Environmental Rights (Nasir, 2016).

Comparative Case Review: Judicial reasoning in Pakistan and selected jurisdictions (India, the Netherlands, South Africa, and the United States). To place Pakistan in the international climate jurisprudence by underscoring the doctrinal convergences and divergences (Peel & Osofsky, 2020). Thematic coding cases were grouped according to dispute type (adaptation, mitigation, loss, and damage). Judicial trends in standing, remedies, and interpretive approaches (Ahmed, 2020). This framework ensures consistency, avoids divergent readings, and situates Pakistani legal principles in the wider context of international climate litigation discourse.

3.5 Ethical Considerations

All sources are public legal documents and academic publications. No human subjects are involved. Data management follows the ethics of academia, giving proper credit and clearly stating methodologies (Shapiro, 2002). The research acknowledges limitations in data collection. Legal search engines uncovered numerous cases, but many were either duplicates or incomplete. Many PDFs did not have full case descriptions, and others mentioned “climate change” in irrelevant contexts. To address these issues, stop word dictionaries were used to filter out irrelevant materials, leaving only meaningful cases for analysis (Setzer & Byrnes, 2020).

3.6 Conclusion

The methodology adopted in this study is a careful and systematic approach to studying judicial activism in the context of climate governance. The combination of doctrinal analysis, comparative case review, and thematic coding ensures a comprehensive and nuanced



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understanding. Ethical safeguards and transparent selection criteria enhance credibility, while the inclusion of global jurisprudence situates Pakistan's experience within broader discourses on environmental constitutionalism and climate justice.

Chapter 4: Findings and Discussion

4.1 Introduction

This chapter examines the empirical results of the case study review within the framework of the theoretical principles of judicial activism, environmental constitutionalism, and climate governance. It highlights the role of the highest courts of Pakistan in the development of climate-oriented legal principles, reviews the performance of judicial commissions, pinpoints ongoing gaps in policy implementation, and draws comparative lessons from international practices.

4.2 Role of Judiciary in Climate

Governance As seen in the case study, Pakistan's judiciary has played a key role in shaping climate governance. Important judicial decisions have recognized the right to a clean environment as a constitutional guarantee under Article 9, thus incorporating the precautionary principle into national legislation (*Shehla Zia v. WAPDA* 1994) (Nasir, 2016). Similarly, the case of *Asghar Leghari v. Federation* (2015, 2018) compelled the government to take action to implement the National Climate Change Policy, leading to the establishment of a Climate Change Commission to monitor compliance (Mustafa, 2019). Empirical evidence has shown that judicial activism has been a catalyst for major policy reform. Judicial directives have compelled executive agencies to implement climate strategies, thus remedying governance failures. This is in line with the conceptual framework of the judicialization of environmental rights, whereby judicial bodies transform aspirational policy ideals into obligatory constitutional



duties (Hunter, 2021).

4.3 Effectiveness of Judicial Commissions

Judicial commissions have surfaced as novel solutions to tackle the intricate challenges present in environmental disputes. Case studies reveal various results: In 2019, the Smog Commission formulated strategies aimed at addressing air pollution, which resulted in the implementation of Lahore's Clean Air Policy (Ahmed, 2020). In 2020, the Water Pollution Commission suggested essential structural reforms in the municipal governance of Karachi aimed at enhancing water quality (Rafay, 2021). Climate Change Commission (2015–2018): Monitored compliance with national climate policies for accountability and transparency (Mustafa, 2019). These commissions illustrate the judiciary's capacity to transcend technical limitations by appointing specialists and promoting dialogue among diverse stakeholders. However, their effectiveness relies on sustained leadership commitment and appropriate resources. In the absence of ongoing institutional commitment, commissions may threaten to become mere symbols rather than drivers of meaningful change (Cheema & Gilani, 2015).

4.4 Policy Implementation Gaps

Analysis of the case study in view of recent judicial advancements reveals persistent gaps in implementation. Limited enforcement: Regulatory authorities are unable to effectively monitor compliance and enforce penalties (Rafay, 2021). Overlapping mandates of federal and provincial agencies cause institutional fragmentation and lead to inefficiencies (Khan, 2014). Financial constraints: Low financial resources pose challenges to the formulation of climate policies (Mustafa, 2023). The exclusion of specialized forums intended to resolve technical disputes results from the underutilization of environmental tribunals (Ahmed, 2020). These findings highlight the



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limitations of judicial activism as an alternative to comprehensive governance. Although courts have the power to force compliance, the achievement of durable climate governance demands institutional reform, increased administrative effectiveness, and a dedicated financial allocation.

4.5 Comparative Lessons

The comparative case study review situates Pakistan's experience within global trends: India's Public Interest Litigation has expanded environmental rights but has also challenged the capacity of the executive branch, demonstrating the potential dangers of excessive judicial involvement (Rosencranz & Divan, 2001). The Netherlands (2019): A landmark case in 2019 saw courts ordering government action on emissions, grounded in human rights obligations. South Africa (Groundwork Trust, 2022): The legal framework emphasized the significance of environmental justice, linking the health of ecosystems to socio-economic rights (Kotzé, 2022). United States (Juliana v. United States, 2015): The case pointed out the importance of intergenerational equity and corporate accountability (Burger & Gunderson, 2021). These comparative perspectives emphasize the necessity for Pakistan to balance judicial activism with institutional capacity. While courts play a crucial role in safeguarding constitutional rights, effective governance requires integrating judicial progress with robust administrative frameworks.

4.6 Theoretical Integration

The results echo the conceptual architecture of the judicialization of environmental rights. Courts have translated policy principles into enforceable constitutional rights, thus altering the boundaries of governance (Hunter, 2021). This legal undertaking is an expression of a quest for fairness in environmental matters, providing a remedy for



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marginalized communities when the conduct of state institutions is inadequate (Boyd, 2024). Constitutional interpretation has embraced normative anchors, such as the public trust doctrine, precautionary principle, and intergenerational equity, thus augmenting the judicial role as custodian of ecological integrity (Patel, 2021).

4.7 Discussion

The debate raises an intriguing paradox: judicial activism has been a catalyst for change, but it cannot substitute for systemic governance. Courts have constituted commissions to oversee the implementation of policies, compelled executive compliance, and constitutionalized environmental rights. However, continuing governance shortcomings curtail the effectiveness of these measures. The comparative study reveals the necessity of institutional responsibility, novel regulations, and efficient administration to buttress judicial activism. The governance model of Singapore offers a pathway for reform by showing how strong institutions, integrated planning, and regulatory enforcement can support judicial oversight (Tan, 2020).

4.8 Conclusion

The results support the role of Pakistan's judiciary in pushing forward climate governance, anchoring environmental rights in constitutional law, and launching legislative reform. Judicial commissions have filled technical gaps, but implementation issues remain. Comparative analysis shows the need to balance institutional capacity with judicial activism so courts complement and do not replace executive authority. The discussion emphasizes the core argument of the study: for sustainable climate governance in Pakistan, judicial activism should be replaced by administrative compliance, and climate justice should be embedded within the wider governance system.

CHAPTER 5:



Conclusion and Recommendations

5.1 Introduction

This thesis investigates the evolving role of judicial activism in the arena of climate governance in Pakistan, situating it within the scope of national constitutional law and the progression of international climate litigation. The results affirm the crucial role played by the judiciary in the inclusion of environmental rights in constitutional interpretation, but effective climate governance requires an overhaul of institutional arrangements (Hunter, 2021).

5.2 Synthesis of Contributions

*The research demonstrates how Pakistan's superior courts have expanded the ambit of Articles 9, 14, and 38 to incorporate environmental rights into the constitutional framework. Landmark judicial decisions such as *Shehla Zia v. WAPDA* (1994) and *Asghar Leghari v. Federation* (2015, 2018) showcase the judiciary's proactive stance in embedding global principles—sustainable development, precautionary measures, intergenerational equity, and the doctrine of public trust—into national laws (Nasir, 2016; Mustafa, 2019). Comparative Contribution. By situating Pakistan's legal framework within the international developments, the research identifies both convergences and divergences. Comparative case law from India, the Netherlands, South Africa, and the United States underscores the growing prevalence of judicial activism in climate governance while also warning against the dangers of over-judicialization and institutional imbalance (Peel & Osofsky, 2020; Kotzé, 2022; Burger & Gunderson, 2021). The research pinpoints persistent challenges in the implementation of Pakistan's legislative and policy frameworks, including weak enforcement, fragmented institutions, financial constraints, and the marginalization of tribunals. It suggests paths for reform based on comparative insights,*



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particularly from Singapore's governance model, which emphasizes institutional accountability, integrated urban planning, and innovative regulation (Tan, 2020).

5.3 Major Findings

The research shows different ways in which the superior courts of Pakistan have broadened the domain of Articles 9, 14, and 38 for the purpose of recognizing environmental rights under the constitution. Two landmark judicial decisions, *Shehla Zia v. WAPDA* (1994) and *Asghar Leghari v. Federation* (2015, 2018), are examples of the judiciary playing an active role in the process of incorporating global principles into domestic law (Nasir, 2016; Mustafa, 2019). These include sustainable development, precautionary measures, intergenerational equity, and the doctrine of public trust. *Comparative Contribution.* The research contextualizes Pakistan's legal system in the global context, showing similarities and differences between the two international systems. The comparative case law from India, the Netherlands, South Africa, and the United States underscores the growing trend of judicial activism in climate governance. At the same time, it provides a warning about the potential dangers that may arise from over-judicialization and institutional imbalance (Peel & Osofsky, 2020; Kotzé, 2022; Burger & Gunderson, 2021). The research sheds light on the persistent challenges faced in the implementation of Pakistan's legislative and policy frameworks. These challenges include weak enforcement, fragmented institutions, financial constraints, and the marginalization of adjudicative bodies. Specifically, it draws from Singapore's governance structure, highlighting the importance of institutional accountability, integrated urban planning, and innovative regulation (Tan, 2020). It provides potential avenues for reform based on comparative findings.



5.4 Recommendations

Strengthening environmental institutions is the first recommendation. The ability of environmental protection agencies and tribunals should be improved by increasing budgets, providing technical training, and delegating more authority to the institutions themselves (Rafay, 2021). Provide tribunals with the authority to evaluate and decide on complicated disputes, hence eliminating the need for superior courts to handle technical concerns (Ahmed, 2020). Improving the policy implementation is the second recommendation. Effective monitoring methods must be established to ensure the implementation of the National Climate Change Policy (2012, amended 2021) and the National Adaptation Plan (2023) (Mustafa, 2023). This can be achieved by incorporating climate-related considerations into the planning process for development, ensuring that all ministries and agencies are in agreement (Hunter, 2021). The third recommendation is to improve the financial commitment, which is to allocate funds from the budget for programs that seek to adapt to and reduce the impact of climate change. To accelerate environment-friendly projects, the development of financial instruments such as climate funds and green bonds should be promoted (Boyd, 2024). Fourth Recommendation: Strengthen Local Governments. Empower local governments to implement adaptation methods and deconcentrate climate change governance. Municipalities should be provided with technical and financial assistance to improve their urban resilience, water management, and disaster preparedness (Kotzé, 2022). As the Fifth Recommendation, Add Comparative Instructions. It is recommended that Singapore's governance model be used to improve institutional accountability, integrated planning, and regulatory innovation (Tan, 2020). Learnings from India, the Netherlands, South Africa, and the United States should be



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incorporated to strike a balance between judicial activism, executive capacity, and corporate accountability (Peel & Osofsky, 2020; Burger & Gunderson, 2021). As recommendation number six says, stop judicial activism and start following the rules set by the government. Courts should continue to safeguard constitutional rights but should also focus on policy enforcement rather than policy creation, Cheema and Gilani (2015) opine. Executive institutions should shoulder the major burden for climate governance, and this responsibility should extend beyond judicial orders to ensure sustainability (Khan, 2014).

5.5 Conclusion

Judicial activism has played an important role in the development of climate governance in Pakistan, the integration of environmental rights into constitutional jurisprudence, and the acceleration of policy reform. However, courts alone cannot ensure the long-term viability of climate governance. The future of climate governance lies in the consolidation of institutions, the strengthening of fiscal commitments, empowering local governments, and integrating judicial innovations within strong administrative frameworks. judicial innovations within strong administrative frameworks. This reform pathway ensures resilience, justice, and sustainability for current and future generations and positions Pakistan to become a proactive partner in global climate governance. Pakistan can bridge the gap between constitutional rights and practical enforcement if it moves from judicial activism to administrative compliance.

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