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## Historical Analysis of Balochistan Environmental Law: An Attempt to Revamp Climate Change Enactment after 18th Amendment

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### Abstract

*Environmental enactment mainly addresses the well-being of the ecosystem. Pakistan is more vulnerable to the worsening environment and climate change. In this regard, to address environmental concerns the first comprehensive environment protection ordinance was passed in 1983. This ordinance was intended to set up environmental conservation institutions. The Pakistan Environmental Protection Act, 1997, borrows its institutional framework from the PEPO, 1983. Similarly, the post-18th amendment era has the same framework, with some important revisions in order to adapt the provincial environment conservation policies. As a result, the four provinces enacted separate environmental laws to address their respective terrestrial and ecological issues. This study mainly focuses on the critical analysis of Balochistan Environmental Protection Act, 2012 as compared to Pakistan's Environment Protection Act, 1997 along with Climate Change Act, 2017 after 18th Amendment. This paper recounts the historical background of the environmental laws that served as the foundation for Pakistan's environmental legislation. This report also identifies several flaws in provincial environmental regulations as well as the 18th amendment's environmental and ecological provisions. Finally, this study envisages some pragmatic measures to improve the country's legislative and institutional structure to address the expanding environmental challenges.*

**Keywords:** Environmental enactment, Institutional framework, Environmental Protection Council, and Environmental Protection Agency.

### Introduction

Pakistan is one of several countries around the world striving to curb the growing environmental concerns. As a result, the country's legislative, institutional, and judicial frameworks have had to adapt with these grave environmental crisis. Keeping in view the severity of environmental crisis, 18th amendment to Pakistan's constitution transferred federal legislative jurisdiction over the matter of 'environmental degradation and ecology' to the provinces (Pastakia, 2012). As a result of this decentralisation, each federating unit devised its own environment protection enactment. Regardless of the fact that basic anti-pollution legislation was already stipulated. Unfortunately, framework to implement the multilateral environmental agreements was still inadequate to comply with international convents. So, this inadequacy has severe repercussions due to its lacking holistic approach. However, environmental conservation approach of Pakistan is founded on a participatory statistics in order to achieve goals set up for sustainable growth. As a result, legitimate administration and technically sound institutions can ensure that policies

are implemented effectively. In 1975, the Ministry for environmental conservation of Pakistan was recognized by federal government. The department is acknowledged with the declaration of Pakistan's Environmental Protection Ordinance in 1983. Furthermore, the document was regarded as comprehensive leading environmental preservation enactment in the country. The primary goal of the regulation was to introduce administrative institutions, in case, the institution of a national organisation, namely; the Pakistan Environmental Protection Council (Pak. EPC), besides provincial environmental agencies. Furthermore, in 1992, Pakistan developed the National Conservation Strategy (NCS). This strategy afforded an extensive structure to deal with conservation matters inside the motherland. Furthermore, National Environmental Quality Standards (herein after N.E.Q.S.) were established to gauge the industrialized waste and sewage. All of the aforementioned codifications were focused on categorization of pollutants in the ecosystem rather than endorsing methods to address the challenges. Conversely, the Intergovernmental Panel on Climate Change (IPCC) in 2014 concluded that the process of reduction and modification to reduce adversity has an impact on other social goals, including biodiversity, food security, and human health, if not adequately executed (IPCC, 2014). Increased greenhouse gas emissions and noise concentrations are likely to harm the overall ecosystem. As a result, institutions have ample strong reasons to create a framework to protect Pakistan's environment. It is important to note that the rationale behind this research paper is to conduct a critical examination of the aforementioned environmental enactments in consequence to 18th amendment besides the federal legislations restoring the deteriorated environment.

Further, globally it can be witnessed that advanced nations envisioned the larger impact of escalating environmental concerns. International flag bearer of environmental challenges convened the stakeholders at the issue of global warming. Pakistan also participated in the 1972 International Stockholm conference, which was organised by the United Nations. The aforementioned summit set the way for global environmental governance. This meeting was particularly important in case of Pakistan, as it persuaded the legislation to enact Pakistan's Ordinance of 1983 to protect environment (PEPO, 1983). Thereafter, it was ascended to the Pakistan's Environmental Act to protect in 1997. There are numerous environmental laws and guiding principles in place to ensure that the goals of sustainable advancement are met. Unfortunately, there are still some aspects that are stumbling block in achieving the essence of these legislations. One of them is as mentioned above that there is a gap of implementation and discrepancies upon the matter of jurisdiction on the subject of multilateral environmental agreements (MEAs). This study seems to address the past account of Pakistan's environmental laws in order to provide information about the legislature's prior efforts to address environmental issues. Furthermore, it describes how diverse aspects are brought under the umbrella of environmental regulations, as well as incorporation of various institutions. This study also includes a detailed comparison of the Balochistan Environmental Protection Law, 2012, to the PEPA, 1997, and the Punjab Environmental Protection Act, 2012. Another important aspect of this study is to highlight the sanctity of Federal legislation namely; Climate Change Act, 2017 in the presence of decentralized environmental enactment after 18<sup>th</sup> amendment. This study address the question that what is the pattern of Balochistan Environmental Protection Laws enacted in post 18<sup>th</sup> amendment era as compared to Punjab? Further the aim of the study is to assess the Climate Change Act, 2017. It can be claimed that this study is about failure of provincial government in implementing environmental laws that persuaded the federal government to restructure the climate change regime even after 18<sup>th</sup> amendment. The legislation of Climate Change Act, 2017 is matter in issue, that what are the dynamic behind re-devising the Climate Change Act, 2017 during decentralization? Hence, provincial environmental enactment must be critically analysed in order to assure implementation by proposing improved mechanisms to preserve natural resources and prevent problems brought by climate change to the nation's well-being and stability. In fact, inclusive investigation and assessment of various terrestrial ecological regulations are outside the scope

of this literary work. In addition to the conclusion, the final section makes some recommendations about the gaps in legislative and institutional policies. It is an interdisciplinary secondary study. In which primary sources such as books and statutes are used to obtain qualitative data, whereas secondary sources include articles, J store, journal articles, newspapers, reports, and websites. So, it's a library-based research.

### **Historical Evolution of Environmental Provisions in Pakistan**

Various enactments have addressed a wide range of environmental challenges. The goal of these enactments was to safeguard and develop the ecosystem. It is revealed that prior to these consolidated legislations there were provisions for the regulation of environmental concerns in the Pakistan's punitive law of 1860, Sindh's act of 1879 for irrigation, and act of 1934 for factories. However, with the emergence of the industrial revolution, there was an urgent need for integrated environmental rules. In this regard, consolidated laws and acts of parliament enacted solely to combat contamination caused by industrial sewage or other human conducts. Pakistan incorporated the issue of 'environmental pollution and ecology' in its governmental instrument of 1973. Owing to holistic impacts of the environmental concerns, it is laid under the head of concurrent legislative list. During 1974, the administration recognized a Department for Environment and Urban Affairs under the Ministry of Housing and Work in federation (Naureen, 2009). Additionally, in 1975, the department established an isolated office of Environmental Ministry under the Federation's Business Rules. Likewise, in the same year it also recognized an organization to control environmental pollution (E.P.C.O.) inside the Punjab Government's Public Health Engineering Department. However, EPCO highlighted specific environmental issues. So it has limited scope instead of dealing at broader scale. The subject of ecological contamination and environmental science is recognized in the constitution's concurrent legislative list, vesting the Central Government with both administrative and legislative powers over it. As a result, the President of Pakistan issued the first unified ordinance for environmental protection (PEPO) in 1983. The dissemination of the PEPO in 1983 was a significant step forward in the conservation of green human rights. The PEPO was designed to manage toxic waste in whichever shape. Furthermore, the law was meant to maintain the living surroundings, as well as other factors that serve as the foundation for sustainable development. To execute the PEPO, the Pakistan Environmental Protection Council (hence referred to as the Pak. EPC) was established as the ultimate ruling authority for environmental regulation.

However, among other responsibilities, the council was also tasked for categorizing ecological excellence principles nationwide. The above-mentioned requirements were to be enforced by the Pakistan's Agency to preserve ecology (hence referred to as the Pak. E.P.A.). Furthermore, the bureau was assigned with harmonizing and consolidating pollution-control rules at the division and national levels (Naureen, 2009). The appointment of the Director of the agency was delayed by nine years. As a result of the delay, the statutory body Pak. EPC was rendered ineffective because the rules and regulations governing pollution control infrastructure got neglected. As a result, the rulers were embarrassed by their ineffective enforcement system (Banuri, 1993). It was deemed imperative that authorities resort practical manners to address ecological degradation through appropriate channels. Though, P.E.P.O. 1983 didn't include any frameworks or designs for provincial agencies to preserve ecology. Despite the framework was envisioned and developed in 1984, but it was notified between 1987 and 1995 to improve organizations and address ecological issues at the provincial level. As a result, provinces gained administrative and legislative authority over 'environmental degradation and ecology'. Prior to 18th amendment, the aforementioned issue was part of concurrent legislative list of Pakistan's 1973 constitution.

In fact, PEPO did not recognise province-level environmental protection bodies. There was no stratagem for any Provincial Government in relation to any agency, division, government department, or headquarters. Therefore, after the proclamation of PEPO, on December 31, 1983,

a proviso was made to establish provincial agencies for environment protection. Later on in 1985 government of Punjab submitted to the federal establishment to remind them to entrust the functions of the Pakistan EPA to its Housing Physical and Environmental Planning Department. So, the foundation of provincial environmental conservation agencies was intended to carry out and enforce environmental preservation enactment across the motherland. This periodic advancement in the realm of environmental conservation motivated Pakistan to join in the UN conference on sustainable development and sign it in Brazil in 1992. It was an act of solidarity that Pakistan has maintained the first position among South Asian countries.

P.E.P.O. was the first central statute to consolidate and monitor national excellence principles for ecological conservation. It enforced punishments as well, against whom failing to follow any of the rules or regulations set by the Pakistan's agency for environmental preservation. In 1992, the environmental preservation strategy vowed to review current regulations in order to ensure rigorous compliance with environmental rules. It afforded the legislature to enshrine the canons to combat the mounting perils of Pakistan's ecology. Similarly, during 1993 Pak. EPC carved National Environmental Quality Standards (hereinafter NEQS) to gauge vehicle exhaust, gaseous and liquid sewage from industries, along with Noise.

For instance, the P.E.P.A. 1997 is founded on the essence of P.E.P.O. 1983. The advantage of this codification was that it afforded relative institutional framework to prevent natural hazards along with environmental pollution. As a result, the following part discusses the characteristics and mechanisms of the Environmental Protection Act. This enactment enshrined the matters of air quality, disposal of agriculture waste, industrial effluent, and preservation of water, besides all layers of atmosphere, and biodiversity in it. Further in its broader scope it added ecological relations and ecosystem, along with mining, projects. In addition it also envisaged all financial and social affairs affecting the public at large. However, fundamental principles of Rio Declaration are also surrounded along with the subjects and mechanism of PEPO. This assimilated approach envisioned the sustainable development.

### **Institutional Structure under Pakistan's Act for Environment Protection, 1997**

The Pakistan's Act for Environment Protection of 1997 replaced and replicated PEPO of 1983. So, rather than creating a new format for P.E.P.A., Majlis-e-Shure kept the structure and institutional framework of its parent source. P.E.P.A. established a council for environment protection (Pak. E.P.C.) in 1997 as a directive authority. Council was tasked with coordinating with significant divisions, such as cultivation, commerce, manufacturing, and trade unions. To make it more versatile it included NGOs, scientists, and technical experts, apprehensive with the development and environment. Furthermore, the council commanded that environmental regulations and policies be implemented in their genuine essence. The implementation also had to be in line with the national conservation strategy.

The Pak. E.P.A. was designated as the implementing authority. Further, it delegated its powers to the provinces to carry out its responsibilities. Similarly, the federal government announced the formation of federal advisory committees for several sectors, such as education and non-governmental research, to oversee the implementation of national environmental policy. The agency is also in charge of preparing the yearly report on the status of the environment. Furthermore, the Federal Environmental Protection Agency is responsible for publishing NEQS that have been approved by the councils. Section 6 of the PEPA of 1997 requires that the public be notified about the issued NEQS in order to promote awareness and general response of masses on the particular issues. The federal agency is also responsible for coordinating national and international environmental programs and policy. Pakistan is already a signatory to numerous Multilateral Environmental Agreements.

Toxins exceeding the limits of NEQS, import of hazardous waste, discharge of air toxins, effluent, and noise, all are forbidden in PEPA, 1997. In this regard agency was tasked to execute conservation strategies.

Provincial Boards for Sustainable Development Fund were established to oversee the funds allocated for sustainability. Besides, the foregoing sectors, environmental magistrates along with green tribunals are recognized to carry out the clauses of the relevant legislation.

Similarly, an initial examination of environment (I.E.E.) or an impact assessment of environment (E.I.A.), were additional approaches to curb the adverse impacts led by development project, on environment. So, submitting IEE or an EIA report in federal agency was a prerequisite to commence any project. Besides the assessment approaches, the statute proposed some punitive measures. Any violation of clauses 11, 12, 13, or 16 will be punished in accordance with the stipulated manner and penalties. Furthermore, the appendix to the act contains 14 MEAs that promote international collaboration.

### **Balochistan Environmental Protection Law-post 18<sup>th</sup> Amendment: An Analytical Study**

Following the amendment XVIII, the provinces gained lawmaking and administrative autonomy. As a result, in addition to ecological contamination and environmental science, a series of themes included in the Concurrent Legislative List, which are currently under special lawmaking power of the province governments. However, Article 144 of the republican constitution empowers Parliament to enact the matters that are not in the federal government's legislative list. As if a resolution was approved by the provincial legislature that the subject would be legislated by the Majlis-e-shoora, then the matter would be referred to parliament. This article is quoted as because Climate change is relatively a premature and new aspect of law (Urwin & Jordan, 2008) which necessitates more proficiency and understanding of vulnerabilities to ecology. It was being asserted that the environment should be international priority. While assessing the potential impact of amendment xviii, the 'International Union of Conservation of Nature' (IUCN) emphasised the importance of ensuring uniform environmental protection measures throughout the country. Furthermore, provincial autonomy in environmental legal regimes may result in procedural challenges and inter-provincial tensions. In addition, the IUCN emphasised that international treaties and environmental agreements are the responsibility of the federal government (Pastakia, 2012). However, this procedural flaw may result in implementation and operational dispute among the centre and provinces.

After 18<sup>th</sup> amendment, the Act of 97 is still functioning and federal conservational bureau sustained its operations, and quite narrowed to the Capital Territory. In this regard, legal framework for the provincial enactments is presented by the federal legislation of 1997. To strengthen the environmental rule of law there ought to be some consolidated enactments.

This Provincial environmental enactment is intended to preserve and advance the environment. Furthermore, it aims to conserve natural resources in addition to lives from the apprehended risks. Additionally, consistency to the international principles of sustainable development can also be witnessed. Provinces are particularly cautious regarding their granted authorities, as evidenced by the substantial part of the Balochistan Environmental Protection Act. This law made the most substantial additions, expanding some of PEPA, 1997 defining sections and adding many new ones. Furthermore, the legislation aims to conserve and repair the environment in a variety of ways, as detailed below. The statute has evolved in a specific manner. It means that the statute is good enough to deal with its geographical difficulties, as indicated by its definition clause.

The Balochistan Environmental Protection Act, 2012 (herein after referred as B.E.P.A., 2012) broadened the definition of “adverse environmental impact” by including wreck or harm to seashore, coasts, and ecosystems. Furthermore, B.E.P.A. (2012) interpreted “ship breaking”,

“territorial water”, and “water resources”. The term “bio safety” is added in the enactment. This insertion is intended to protect individual’s wellbeing and the ecosystem from biohazards. Furthermore, policies as well as procedures must be followed to protect humans against the release of harmful and contagious substances from laboratories. It is fundamental to uphold technology in the course of correct policy while conserving lives in the laboratory.

Furthermore, the term 'Climate Change' is introduced in a peculiar manner, in which comparison of climate variability is to be observed throughout the time. In this regard it was alleged that variations in atmospheric composition are the result of direct or indirect gradual human activity.

'Strategic environmental assessment' is an unprecedented concept established by B.E.P.A. in 2012. However, the study noted that KPEPA, 2014 construed this phrase more comprehensively than B.E.P.A., 2012. The term "strategic environmental assessment" refers to a comprehensive and systematic evaluation meant to ensure that the undertaking is based on doctrine of sustainable growth. "Sustainable development" refers to growth that satisfies current needs without endangering the capacity of future generations to satiate their own. Furthermore, the objectives of sustainable growth are incorporated into the design of the program or strategy.

### **Setting Up Council for Environment Protection**

3rd Provision of the Act outlined the qualifications for members of their Environment Protection Councils. B.E.P.A. 2012, in addition to the aforementioned ex-officio associates, added six members from the Balochistan Chamber of crop growing, Chamber of trade and Industries. Further members were from Environment experts/scientists, educational institutions, and non-governmental organisations to strengthen its environmental conservation efforts. In this regard, it is worth noting that the Balochistan Act similarly reduced non-official term limits to two years. While other provinces appointed non-officials for three-year term, the same candidate may take office for a second term.

The goal of reviewing the scheme of provincial EPC led by the Chief Minister is to evaluate the adaptability of the EPCs. So, it can be argued that the members' scheme is varied in character, providing complete action plans and environmental policies while assuring their implementation to frustrate adverse environmental impact.

As previously mentioned Environmental Protection Agencies were founded and began operations subsequent to the notification between 1987 and 1995. In this context, authorities were to work on a variety of issues, including pollution management, resource conservation, and wildlife rehabilitation. The provincial conservation agencies were to have competence in the above-mentioned environmental issues. As a result, the plan or arrangement of each provincial agency remained unchanged, as outlined in the conservation Act of 1997. The agency would be led by a D.G. selected through the relevant provincial administration. In this connection, Section 5 of the aforementioned legislation too proposes formation of “Advisory Council” to help ex-officio folks employed for prestigious positions in the appropriate sectors in carrying out the functions of the agency. Furthermore, B.E.P.A., 2012, stated unequivocally that the employees of the Balochistan Agency will be appointed by the government in accordance with the Balochistan Civil Servant Act, 1974.

A critical review of the contents of the enactment revealed that agency has various powers entrusted by the respective government. Therefore, Balochistan EPA is not autonomous in its surveillance and investigation of any environmental crime committed inside its jurisdiction. As a result, the agency is required to obtain a court ruling before advancing with the investigation process if they receive information regarding violation of enactment.

B.E.P.A. 2012 is not only concerned about protecting the environment. It also seeks to establish committees and organisations. The formation of committees is up to provincial agencies. In this

regard Environment Coordination Committee which consists upon Director-General as its chairman. Other individuals appointed as committee members in accordance with established procedures. Furthermore, the Environmental Co-ordination Committees will execute the delegated authorities to carry out the conditions of this Act, as well as guarantee that responsible ministries coordinate their environmental policies.

In this context, B.E.P.A., 2012, incorporated Regional or District Environmental Agencies under Section 8. The Provincial Environmental Council is also in charge of forming district-level environmental councils in collaboration with local governments. Thus, this provision has been advanced in the paramount interests of overall environmental conservation in province by engaging local administration.

The enactment proceeded with the establishment of Sustainable Development Funds. The goal of establishing Funds for Sustainable Growth is to reinforce monetary aid to the undertaken ventures of agency. So, the authorities attempt to conserve, improve, and repair the environment in a variety of ways, including scrutinising pollution-causing projects. As a result, the entrusted assessment will be used to conserve resources and conduct research to ensure long-term development. On the other hand, the aforementioned Acts recognised the institutions of the Sustainable Development Fund while glorifying provincial names.

It might be argued that B.E.P.A., 2012 is an amended description of the Pak. E.P.A., 1997. Anyways, it followed a methodical approach. Therefore, it should be noted that B.E.P.A., 2012, is the pioneer to mandate the preservation of isolated accounts, comprising the fundamental description of each development and abstract of verdicts made there on the basis of IEE and EIA of the projects. Furthermore, such accounts must be publicly open to examine at all working hours, much like other public records. Additionally, sharing of information from EIA and IEE review reports must adhere to the constraints outlined in B.E.P.A., 2012 Section 15(3). Claiming that the B.E.P.A., 2012 is a well-elaborated code is not a meaningless remark; rather, this comparative analysis revealed how issues regarding environment are intricate.

### **Inter-Provincial Environmental Issues**

Section 11 of the B.E.P.A., 2012 states that if a project is undertaken within two provincial jurisdictions, the I.E.A. and E.I.A. must be instituted to each particular bureau. As a result, the involved provinces can form a mutual scientific and technological review commission. In addition to former practical requirements, this enactment included unambiguous provisions that forbid the import of harmful waste. Management of hazardous substance and motor vehicle control without modifying the provisions of the P.E.P.A. of 1997 are included to uphold the sustainability. On the contrary, P.E.P.A. 1997 and B.E.P.A. 2012 did not explicitly authorise the preliminary tentative orders to protect public interest. Further, it is mandated that only persons who are habitual offender under environmental legislation may face imprisonment. Furthermore, to make the exemption more explicit, it listed the exact provisions under which the defendant was condemned, namely sections 11, 13, 14, or 16. Nonetheless, the clause will be applicable for 3 years after its initiation. For the duration of these three years, merely preceding habitual criminals will be kept behind the bars. Whereas following the 3 years from the beginning date, the repeated wrongdoers or violators of the laws, stated in subsection (1) or (2) of the enactment, shall be captivated for supplementary 2 years for any misconduct. Furthermore, it is added that the continuation of the violation shall result in an extra one hundred thousand rupees each day.

A qualified judge for high court shall be the head of environmental tribunal to dispose the environmental dispute. In addition the jurisdiction and powers of the Environmental Protection Tribunals are stated as: besides the formal jurisdiction it is empowered to impose monetary

sentence to compensate the afflictions. If the court determines that the supplication is based on bogus and vexing arguments, the petitioner would face a fine of one hundred thousand rupees.

Likewise, B.E.P.A. 2012 also inserted the provision regarding rules and regulation in it environmental enactment. As it empowered EP Agency to make regulations but the provisions may not be conflicting with the main enactment. On the other hand, it might be argued that environmental issues are diverse and cannot be adequately addressed by the aforementioned environmental enactment. To control and enforce the provisions of the law to preserve ecosystem, Balochistan government issued some recommendations, notifications, rules, and regulations, i.e. in 2014. Companies were required to report and self-monitor their liquid or gaseous effluent in accordance with regulation 4. Further, there hospital waste started haunting the environmental health. Therefore, Rules for Hospital Waste Management, 2020 regulated to dispose of waste through incineration. Further Balochistan administration also stipulated the regulations for Bio Safety, Review of I.E.E. and E.I.A., Hazardous Substances, Environmental Sample Rules and Environmental Tribunal Rules were substantiated in 2020.

### **Schedule**

The schedule is equally authoritative as the text of the Act. B.E.P.A. 2012, envisions its territory and spatial location and includes agreements to restore or conserve the shoreline and sea life. It should be noted, however, that the government of the particular province has the authority to edit, modify, or remove any provision in the act's schedule. So concerned government made Convention of 1972 by London on Ocean Dumping, 1973/78 MARPOL instrument on deterrence of contamination from Ship, Amended document to Montreal Protection on Substances that deplete the Ozone layer, 10 Aug 1992, United Nation Convention on the Law of Sea, 16 Nov. 1994 and Declaration of Washington on Land Based Marine Pollution, 1995 along with minutes of UN conference on uses of international watercourses, 1995. B.E.P.A. 2012 chains its supplementary entries in the Schedule by incorporating the consequent clauses regarding electronic waste, solid hospital waste management, management of water resources that are being adulterated by mining, and industrial installation. In addition description of terms living modified Organism and Alien species and Coastal Zone are also provided. In this enactment some statutory activities means unorganised Coastal Power Projects, fish husbandries, and failure to dispose of ship debris. Along with failure to comply with the Basel Convention on controlling trans-boundary actions and disposal of perilous ravage. It was also acknowledged in this preservation law that the prior consent is mandatory in international trade of pesticides and other perilous chemicals for porting and shipping as per Rotterdam Convention.

As a result, the insertion of aforementioned documents as schedule is a constructive step forward in addressing emerging environmental concerns. However, it might be argued that the items in the schedule are of multiparty environmental accords, which may lead to execution conflicts because M.E.As are subject to the central administration and due to readily available no clear clauses for implementation by the province. However, despite gaps in M.E.A. and treaty implementation process, provincial governments must continue to incorporate internationally acknowledged concerns into their provincial enactments. As the implementation of M.E.As concern there another drawback is that there are no rules in P.E.P.A. 1997. Now the point is how to overcome this gap, as Pakistan operates on a dualist theory to implement intercontinental law at regional level. Agreements, conferences, and global accords to which Pakistan is signatory cannot mechanically become part of national law. Rather, laws must be enacted to ensure the true implementation of international agreement. In this regard, parliament made an attempt to revamp this gap by enacting Climate Change Act, in 2017. Despite the fact that the issue of climate change and ecology is not in the Federal Legislative List still national assembly attempted to overcome implementation gap. The purpose of this enactment is to complement Pakistan's commitments as per intercontinental conventions on the issue of climate change and

redress the implications of climatic changes. The Paris Agreement ratified by Pakistan in November 2016, identified implementation gaps in the country's legislation. It clearly emphasises the necessity for domestic legislation to support the international climate regime. As such, this Act can be interpreted as an instrument to implement the international Covenants. The Pakistan Climate Change Council, established by C.C.A. 2017, monitors the execution of global climate change accords listed in its Schedule. In addition Pakistan Climate Change Fund is established under the supervision of Climate Change Authority in order to prepare and submit acceptable adaptation and mitigation initiatives to international and local agencies, such as the Clean Development Mechanism, Global Environmental Facility, Green Climate Fund, and Adaptation Fund. The Schedule includes the Kyoto Protocol, the Paris Agreement, along with all other agreements recounting climate change to which Pakistan is signatory.

### **Recommendation**

It is being recommended on the basis of above analysis.

### **Legislative Policies:**

1. To deal with the hazard, public knowledge is a crucial adaptation approach. However, it is argued that quality information is required for climate change adaptation and mitigation actions. Thus, an organisation should be established to routinely enlighten the general public or vulnerable communities through audio-visual media, curricula, films, awareness sessions, promotional material, and phone call warnings.
2. Legislative cracks are because of the policymakers are unable to predict all of the occurrences to which they intend to enact the legislation. To address increasing climate concerns, after enacting a well-known legislation, its proper execution must be ensured in order to fulfil environmental aims. In general, experts involved in the execution are more likely to be familiar with the calculated facts needed to safeguard changing situations. Thus, 'creative implementation' is an essential way for ensuring that legislation adapts organically to new difficulties in practice and reality. However, establishing laws to manage the environment is an example of 'creative implementation'.
3. There is also a need to form district or local environmental protection councils.
4. The government should build small dams, reservoirs, and water ponds to store water.
5. Another issue that must be addressed is the jurisdictional conflict around pollution in the marine zone and wreckage management subsequent to maritime accidents. As maritime navigation and shipping are on the federal legislative agenda. In this regard, there is a list of topics that fall under the category of 'environmental pollution and ecology', such as radioactive substance control and nuclear waste disposal that should be devolved to the provinces through auxiliary enactments. Thus, to ensure proper execution of legislation on these subjects.
6. Some argue that using nitrogen fertilisers undermines efforts to keep temperatures below 2°C. The assessment results suggest that over the previous four decades, the utility of N<sub>2</sub>O has increased by 30%. A team of scientists from Australia's Research Centre of Climate admitted that the global food chain is prone to leaking N<sub>2</sub>O. Unfortunately, there are no alternatives to nitrogen fertilisers. As a last resort, the government should reduce emissions to accomplish the aim of lowering temperatures below 2°C of present levels. Alternative food production methods should be explored to reduce N<sub>2</sub>O emissions.
7. Furthermore, authorities must agree on the conservation of natural resources. As an adaptation measure, planting trees necessitates certain measures, which are unfortunately overlooked by the bureaucracy. Environmental specialists believe that the project was undertaken without forethought. The forest requires a canopy and a canopy underneath for the herbs to thrive. Meanwhile, other experts said it was a move in the right direction. Experts believe that employing adaption techniques is a useful strategy for controlling deforestation. Unfortunately, deforestation is severely affecting the overall ecosystem.

## Conclusion

In a nutshell, the 18th amendment to Pakistan's constitution served as the foundation for provincial environmental enactment. As environmental issues became eminent, they became domestic concerns rather than just national ones. As a result, in order to take prompt and effective action, the federal government delegated environmental regulatory authority to the provinces. P.E.P.A. 1997 is also now limited to Islamabad Capital Territory. Therefore the C.C.A. 2017 is enacted to fill the implementation gap at federal level. Furthermore, in addition to establishing institutions and expanding the government apparatus, policy execution must now be prioritised. There is still more to be done in terms of implementing the C.C.A. 2017. First, it must be verified that the institutions created have regulatory tenacity. Most significantly, it should be stated that the C.C.A. is not merely to provide external values in the shape of worldwide interpretation rather political resolve is built for supporting the domestic climate change regime and maintaining collective pressure to ensure the priority of climatic policy.

Based on the above explanation, it is concluded that the primary goal of this dissertation is to design a critical analysis of Balochistan's environmental law. Furthermore, the study gave a historical depiction of environmental regulations attempting to reduce pollution. It can be concluded that provincial environmental legislation enacted after the 18th amendment rely mostly on the form of the PEPA, 1997. So, some reforms are suggested to solve the issues raised. As the province is highly careful regarding devolved power, it made major changes based on its geographical and climate situations. So, in the following part, several measures are proposed to address the apparent loopholes.

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