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Green Courts: A Pillar of Strength of Pakistan's Environmental Governance System

Raja Zahid Hussain
(Corresponding Author)

PhD Scholar, University Gillani Law College, Bahauddin Zakariya University Multan.

Email: rohanraja09@gmail.com

Dr. Muhammad Bilal

Principal / Associate Professor, University Gillani Law College, Bahauddin Zakariya University
Multan

Email: mbilal@bzu.edu.pk

Abstract

This study explores legal development of environmental protection courts its constitutional frame work and establishment of the magisterial courts, environmental protection tribunals as well as green benches in the High courts. This study also enunciates original and appellate jurisdiction of the green courts. This research also highlights how coordination of the courts with environmental authority ensures a global perspective in protection of the environment. This study also presents impact of public interest litigation that how it enables individuals or groups of individuals to access the green court in the interest of public to play their role to eradicate environment protection violations. This study also indicates role of green courts how defaulters and polluters are punished for breaching pollution control legislations. Through comparative and analytical examination of these material, the research identifies legal principles, regulatory frameworks, and barriers affecting access to the legal profession. In Pakistan, the whole issue of Green Benches, the extent of public interest litigation and enforcement of the environmental protection law by courts is investigated. Institutional efficiency, the access of the citizens to justice, and contribution of judicial activism to the environmental accountability are also highlighted in this study.

Keywords: Constitutional Frame Work, Green Courts, Enforcement, Environmental Accountability

Introduction

The legal evolution both internationally and domestically in Pakistan was described and the current research gives the legal provisions and the institutional structure that applies to the environment adjudication in Pakistan. This paper begins by examining the constitutional foundations of environmental justice in the state with focus on how Supreme Courts, High Courts, and specialized environmental tribunals play a role in this. Access to the green court in Pakistan holds great significance as it symbolizes the right to legal representation and equal access to justice. The green court, worn by advocates, represents the legal profession's responsibility to uphold the constitution protect fundamental right and ensure rule of law. Easy and fair access to the green court enables individuals from diverse social and economic backgrounds to join the legal profession, which strengthens democratic values and promotes inclusivity within the justice system. When talented and deserving individuals can become advocates without discrimination or unnecessary barriers, the legal system becomes more representative of society and more responsive to public needs. Ultimately, wider access to green court contributes to a stranger, fairer, and more accessible justice system in Pakistan.

This article adopts the doctrinal research method to examine functionality of green courts in Pakistan. The study based on a systematic analysis of primary legal sources, including the Constitution of the

Islamic Republic of Pakistan, statutes regulating legal profession, rules framed by bar councils, and relevant judicial pronouncements of superior courts. Secondary sources such as legal textbooks, journal articles, commentaries, and reports are also consulted to support interpretation and critical evaluation. The doctrinal approach enables a clear understanding of the existing legal position and highlights gaps in law and practice, thereby providing a foundation for recommendations aimed at ensuring fair and equitable access to the green courts in Pakistan.

Constitutional Framework

In Pakistan, the laws protecting the environment are founded on the Constitution to a great degree. It also includes clauses that indirectly contribute to the preservation of the environment by making a healthy environment one of the constitutional rights (Nasir, 2021). Even though the term environmental protection is not explicitly stated in the original document of the Constitution of Pakistan (1973), some of the provisions are inherently protective of it. Article 9 safeguards the right to life and liberty right, which the courts have interpreted to include the right to a healthy environment because the degradation of the environment has a direct impact on the health and well-being of the population (Sheikh, 2018). Also, Article 14 offers the protection of dignity that implies the right to live in a pollution-free environment. These are the provisions of the constitution that were used to establish the environmental jurisprudence in Pakistan allowing the courts to implement environmental rights and penalize offenders. The need to preserve the natural resources in the country and the welfare of citizens is also expressed in the Directive Principles of State Policy of Article 37 that assumes a pledge to conserve the environment. Although the Pakistani Constitution does not include a specific, focused approach to environmental law, it offers a framework of environmental protection through the use of a more general human rights benchmark, which allows the judiciary to interpret and enforce such rights on environmental matters (Sheikh, 2018). Another significant fact to take into account with the application of environmental law is the operation of specialized courts, including the Environmental Protection Tribunals (EPTs), the green courts, and green benches. These tribunals were established and formed under the Pakistan Environmental Protection Act (PEPA, 1997) and they aim at hearing the case related to pollution, waste, and deforestation and other environmental disputes. EPTs have the mandate to levy punitive measures, injunctions and other remedial orders (Pakistan Environmental Protection Agency, 2021). Besides these tribunals, the superior courts, such as the Lahore High Court and the Islamabad High Court, have introduced Green Benches to hear cases related to industrial pollution, wildlife protection and management of resources (Sheikh, 2018). Such benches have played a key role in providing milestone rulings that entrench environmental rights in the constitution. As an illustration, see *Federation of Pakistan v. The judiciary*, Sheikh Mohammad Rashid (2000) argued that the right to a secured environment is an inseparable right to the right to life that could not be transferred. The courts also have an appeal jurisdiction where the courts or tribunals lower in environmental courts can be appealed in higher courts. This multi-layered system will provide the system through which justice is delivered in accordance with constitutional and environmental clauses, and thus judicial activism is an important element of environmental governance in Pakistan (Pakistan Environmental Protection Agency, 2021).

Supreme Court

The Supreme Court of Pakistan is the hub of the environmental law system in the country, basically because it has a constitutional role of hearing environment related cases under its original jurisdiction. Article 184(3) of the Constitution of Pakistan (1973) vests wide powers in the Supreme Court to assume the cognizance of cases concerning enforcement of basic rights including environmental rights. The power is specifically important in cases when environmental degradation has an adverse effect on the right to life and healthy environment as provided by Article 9 of the Constitution (Sheikh, 2018). To establish the right to a clean and healthy environment, the Court has been using its original jurisdiction on several occasions to adjudicate important environmental matters. The cases that set trend in this regard are the *Karachi Air Pollution Case* (2007) and *Lahore Water Pollution Case* (2016). The cases have confirmed the Court in its pro-environmental movement through the belief

that ecological degradation is a breach of fundamental rights of citizens. These judgments give us a clue of how the Court has construed the Constitution to bring environmental protection and human rights together, thus the judiciary is a significant actor in environmental policy and governance. This judicial intervention has often resulted in the establishment of laws and institutions necessary to regulate degradation and support sustainable development with the implementation of orders on official action (Nasir, 2021). Along with its initial jurisdiction is the appellate jurisdiction of the Supreme Court who can hear appeals brought by the lower courts, specialized environmental tribunals and green benches by the provincial high courts. Although the Pakistan Environmental Protection Act (1997) provided that Environmental Protection Tribunals (EPTs) should be used to adjudicate cases at the first instance, the Supreme Court is used as the last resort court to provide environmental justice in line with the constitutional standards. Such tribunals and lower courts have frequently sought the Supreme Court to interpret the environmental law on the basis of the domestic interests and international standards (Sheikh, 2018). The proceedings of Green Benches of the superior courts also underscores the judiciary in the area of environmental litigation. These benches, which are usually composed of senior judges, are established in order to solve the problems of the environment and offer immediate relief in the cases of ecological emergency. Their activities run through issues of unlawful construction in the sensitive sites to the industrial pollution and deforestation. This activism of the Supreme Court on Public Interest Litigation (PIL) and its authority to review its powers to control judicial actions has enabled it to interfere in cases supporting the environment before they become big crises. As a result, such commitment of the Court to its constitutional mandate has been a moving force of environmental law and policy in Pakistan, so that the fundamental rights are safeguarded in case of the encroachment of the environment (Nasir, 2021).

Green Benches in High Courts

The High Courts of Pakistani are very instrumental in the interpretation and application of provincial environmental law. This is in line with Article 199 of the Constitution of Pakistan (1973), the High Courts have original jurisdiction in the protection of fundamental rights, including the environmental rights when enforcing fundamental rights (Sheikh, 2018). This is a constitutional directive that allows the High Courts to assume *sui motu* jurisdiction over environmental crime, grant writs, and relief in instances of local environmental law violation. They, too, contribute to the enforcement of the national environmental legislation in the provincial context, in order to make sure that the regulatory authorities follow the due process and the environmental protection policies (Nasir, 2021).

Sindh High Court and Lahore High Court original jurisdictions have played a critical role in matters touching on the environment. The landmark cases have not only punished the offenders but also forced the provincial governments to initiate measures to conserve. Taking the case of Sheikhpura Industrial pollution (2010) as an example, the Lahore high court ordered the provincial government to shut down non compliant industries and impose the current regulations. These actions help in making sure that the environmental rights are put into practice so that citizens can pursue the justice of the ecological degradation in their respective areas (Sheikh, 2018). The introduction of Green Benches in the High Courts is a huge move towards the environmental cases being handled in a more professional and specialized means. These benches are created to make sure that a case that involves the environment is made with the required expertise and on time. They act as a way of judicial control and ensure that the government and the private sector conform to the standards of the environment. Green Benches have the mandate to make orders, directions and injunctions to check further degradation and ensure that damaged ecosystems are restored. These special benches have been the center of the litigation of the people of interest, including the Karachi Cleanliness Campaign Case (2013), where Sindh High Court Green Bench helped to resolve the issue of waste management in the city by ordering the local government to start control over the situation (Nasir, 2021). These benches are made up of judges who have a background in environmental jurisprudence where they preside over issues such as industrial pollution, encroachment of natural parks and unauthorized development of reserves. In addition to adjudicating individual cases, these benches conduct judicial

reviews on environmental policies to determine their compliance on provincial level. This involves check-in on the implementation of Pakistan Environmental Protection Act (1997) and the Punjab Environmental Protection Act (2012). With original jurisdiction, the High Courts allow an opportunity to enforce the law swiftly and effectively, through imposing fines and reinstatement orders to save the environment. Moreover, such courts usually cooperate with environmental authorities and local administrations to enforce environmental rights of the citizens (Punjab Environmental Protection Agency, 2021). As a result, decentralized environmental justice can only be a reality in Pakistan through the jurisdiction of the High Courts and the operationality of Green Benches.

Environmental Tribunals

The Pakistan Environmental Protection Act (1997) is a historic document because it formalizes a singular legal framework on environmental protection, resolution of ecological conflicts and environmental management in Pakistan. This Act gave the genesis of Environmental Protection Tribunals (EPTs) as well as Green Benches, special legal dispute resolution forums on environmental protection, environmental appeals and grievances. The Act will compel these tribunals to preside over cases that are related to air and water pollution, dumping of toxic waste, and deforestation. The establishment of these tribunals is a crucial move to formal and specialized mode of approaching environmental justice so that the protection of the environment is not ignored, in regards to judicial arena. These tribunals address the necessity of specialized courts that will be able to solve complicated pollution cases and control natural resources (Pakistan Environmental Protection Agency, 2021). These courts have powers to order the remediation of polluted ecologies, the punishment of the offenders and the government to be corrected to mend ecological damages. Section 21 of the Pakistan Environmental Protection Act (1997) provides that appeals by a decision of an environmental tribunal shall be limited to a division bench of the High Court (Sheikh, 2018). It is important to note that tribunals are places where appeals can be made against the decision of provincial environmental protection agencies and this is a very vital accountability mechanism both at the local and the national level. The Act is another way to ensure that there are Green Benches in the higher courts where the cases of the public interest are tried by the judges with special understanding of the law of the environment. Such a framework allows to make the environmental litigation sufficiently intensive and expert and approach the court procedure in a way that could reflect the urgency of the environmental requirements (Sheikh, 2018). Environmental tribunals and green benches have greatly influenced the way environmental justice is practiced in Pakistan. Being the special jurisdiction courts they are expected to be in charge of handling the environmental cases efficiently and reasonably in a timely fashion. They have jurisdiction on breach of the National Environmental Quality Standards (NEQS) and dumping of hazardous waste. This model simplifies the judicial process since the provincial agency orders could not be lost in the routine court backlog but are professionally addressed (Pakistan Environmental Protection Agency, 2021). These courts can give directives that are binding and the perpetrators of environmental degradation will be punished, and the victims of the degradation compensated. The Act has also given them the ability to issue huge fines and remedial orders as a means of implementing the already established laws. In addition, the system also offers the second line of supervisory control with the green benches of upper judiciary, especially when cases are related to constitutional interpretation or federal jurisdiction. Such benches have a right to step in to safeguard the basic right of healthy environment, which is enshrined in the Constitution of Pakistan (1973) in case the lower tribunals will not act in the best interest of the environment (Nasir, 2021). The Act offers a solid legal basis of both public health security and sustainable development in Pakistan by making the judicial institutions important participants in the process (Nasir, 2021).

Legal Standing of Citizens

Courts that handle environmental issues in Pakistan have a legal capacity of individuals which is a major factor towards promoting and ensuring environmental regulations. Within the organizational

framework of Public Interest Litigation (PIL), the people are given a legal privilege of taking cases against environmental crimes in green benches and environmental courts. This status has grown massively under the emerging jurisprudence; traditionally, to be eligible to get standing, a complainant had to demonstrate a personal and immediate interest in a case (Sheikh, 2018). Nevertheless, the right to life as contained in the Constitution of Pakistan (1973) under Articles 9 and 184(3), has been adjudged to include the right to a healthy environment by the courts.

This broader meaning allows courts to accept PILs that were related to the broader population even in cases where the petitioner is not personally impacted by the targeted pollution. As an illustration, in the ground-breaking case of *Shehla Zia v. In WAPDA* (1994), the Supreme Court of Pakistan extended Article 9 to cover the issue of environmental rights, providing an opportunity to a citizen to claim redress on issues affecting the environment in terms of human health. By using this new application of PIL the courts have created an environmental responsibility culture, whereby the institutions, both public and private are responsible to ecological degradation. The presence of green benches in High Courts and special environmental tribunals plays a significant role because it allows people to obtain redress in the case when the authorities fail to reinforce the law (Sheikh, 2018). The fact that PILs can be initiated by the citizens of Pakistan is an indication that the right to a healthy environment is becoming more accepted as a right of the human being. The judicial system provides its citizens and the civil society with the power to be the environmental guardians by giving them the opportunity to sue. This is further reinforced by the fact that Pakistan Environmental Protection Act (1997) promotes participation of the people in the process of making decisions regarding the environment. The Act has a legislative drive that is the common good of the people (Nasir, 2021). According to this Act, tribunals are created to hear the complaints of people and may take into consideration PILs. These positive terms are subject to liberal interpretation as experts believe that the intent behind enacting these terms can only be reached through the intended meaning. In turn, the standing issue of a complaint ought to be perceived by considering that all citizens are interested parties in environment wellbeing and sustainability (Nasir, 2021). Climbers can make complaints about the pollution, deforestation and industrial wastes to ensure the government agencies and companies are responsible in taking care of the environment. The courts have been instrumental in affirming this right to litigation in others, including the Karachi Cleanliness Campaign Case (2013). Here, a PIL on the unhygienic conditions in Karachi was accepted in Sindh High Court Green Bench and compelled the local authorities to solve garbage disposal problems. By giving citizens legal rights, they will be empowered to serve the future generations and enhance the environmental policies (Sheikh, 2018). Such an integrated system of ecological regulation that includes the judicial system, executive, and masses is critical in ensuring the long-term sustainability and preservation of the natural resources of Pakistan (Nasir, 2021).

Original Jurisdiction

The original jurisdiction of the environmental magistrates, tribunals, and courts is one of the most powerful factors that have led to rapid consideration of environmental matters in Pakistan. An environmental magistrate is a court of first instance which involves the ability to impose orders or directions by the Environmental Protection Agency (EPA), as well as to adjudicate breaches of environmental rules and regulations in accordance with the Pakistan Environmental Protection Act (1997) (Iqbal, 2020). These original jurisdiction powers enable these courts to hear cases that have environmental matters in them without automatically referring to a long and time consuming process of appeal. This is an important provision as it allows the courts of law to decide on urgent environmental issues at a higher rate than the superior courts, which would take an extensive time to do so. One of the initial models of this is the Environmental Protection Tribunal (EPT), introduced by Section 20 of the 1997 Act, which receives the complaints of the environmental grievances directly as it is proposed by the populace and other stakeholders, and is considered a fundamental element in the legal frameworks of environmental justice in Pakistan (Nasir, 2021). These tribunals, through their activities, create a point of first line of defense concerning the environmental law offenses and

provide the people with a ready-to-turn to when seeking justice against environmental related offenses without the seriousness of undertaking lengthy litigation. Such courts are bound to offer different solutions, such as fines and orders of action that seek to offer prompt solutions to the environmental sector. This direct justice spans an increasingly broad scope of issues, such as pollution of industries, deforestation, and water pollution. Besides tribunals, the High Courts also grant original jurisdiction to its Green Benches in some environmental cases, especially those that are related to the public interest litigation (Sheikh, 2018). Green Benches are made of environmental experts and judges who have specialized knowledge and the cases are therefore disposed with the required technical and legal knowledge. Such benches are consistent with the trend of offering Pakistan avenue judgmental redress on environmental issues. The Green Benches are used in High Courts, especially in the Sindh and Punjab provinces, to listen to the problems of industrial pollution and the threat to people (Punjab Environmental Protection Agency, 2021). This is a specialized jurisdiction, which makes it easy to dispose cases immediately without reference to the conventional appellate procedures, but provides relief to communities within an acceptable period of time. Article 9 of the Constitution of Pakistan (1973) supports this innovation and the judiciary has interpreted it to mean a right to a healthy environment. When such professional forums are directly opened to the people, the Pakistani law makes the environment matters simple to solve and the environmental laws are better applied (Sheikh, 2018).

Appellate Jurisdiction

The green court and Pakistani environmental tribunal appellate jurisdiction is a highly applicable instrument in providing a solid platform towards the execution and enforcement of environmental laws. In order to make sure that the issue of environmental litigation is administered fairly and fairly, the environmental tribal courts which are required by the Pakistan Environmental Protection Act (1997) have the pretext to appeal decisions taken by the environmental authorities or inferior courts. Such tribunals are in charge of the cases related to the environmental crimes, including the pollution, the work with hazardous waste and the spoilage of the resources (Iqbal, 2020). The decisions of the regulatory authorities, including the Environmental Protection Agency (EPA) or the Federal Board of Revenue (FBR) on environmental issues, can be appealed to these tribunals by citizens or agencies that are not satisfied with these decisions (Iqbal, 2020). According to the Pakistan Environmental Protection Act (1997), the intent of the legislature was quite clear and evident, that is to protect the environment, conserve it, rehabilitate it, and improve it. To serve this end, the appellate division makes sure that there is a higher division with the technical skill required to free the toughened environmental problems. This helps avoid unfairness due to technical mistakes or laxity by low-end authorities (Nasir, 2021). The use of the appellate jurisdiction is a good source of environmental justice since it provides a way of rectifying mistakes and introducing transparency in environmental determinations.

As an illustration, the Punjab Environmental Protection Tribunal has often been faced with appeals concerning the issue of industrial pollution, the quality of air and deforestation. This court provides a special platform on which both legal and technical aspects of a case can be strictly examined. Moreover, these tribunals oversee the arbitrariness of the environmental functionaries such that the decision made is in accordance with the national and international environmental protection standards (Nasir, 2021). This is not just correction of mistakes; it makes the whole system of governance more effective, has a better tool to make decision in the complicated environmental cases. The High Courts which also have appellate jurisdiction provide professional judicial review of environmental tribunal or authority decisions in Green Benches. These are benches, which are comprised of judges who are lawyers specializing in environmental law, to see to it that tribunal rulings are based on constitutional and legal values (Sheikh, 2018). They ensure consistency in judicial enforcement of environmental regulations and provide rigidity in compliance with the requirements of both the national policy and international law, including the UN Convention on Biological Diversity (1992). Environmental protection is a priority in the green courts and tribunals appellate jurisdiction which constitutes a part

and parcel of the law system in which access to justice is not compromised. An example is the Lahore High Court that has played an important role in overturning previous environmental rulings, which has resulted in a more responsible and transparent system of governance. This structure can not only keep the authorities accountable but it also increases the trust in the rule of law by the people. As the end result, this appellate action promotes the development of environmental jurisprudence in Pakistan as it offers a legal interpretation and precedence in future cases (Sheikh, 2018).

Constitutional Jurisdiction of High Courts

The High Courts of Pakistan have constitutional authorities, which play a key role in protecting citizens of the environmental rights especially in the light of Article 9 and Article 14 of the Constitution of Pakistan (1973). These articles grant citizens right to life and dignity respectively. Since the right to a healthy environment is currently being acknowledged as a vital aspect of the right to life, the High Courts frequently host the cases in which the breach of the environmental regulations endangers the primary safeguards. Article 9 requires that no individual is to be deprived of life or liberty unless as provided by the law, and Article 14 provides that the dignity of man will be sacred (Sheikh, 2018). These provisions have now become the epicentre of judicial activism in the issue of environment. The judiciary has broadened the interpretation of these fundamental rights with the aspect of clean and healthy environment. The case of *Shehla Zia v. WAPDA* (1994) is the landmark example. In *WAPDA* (1994) where the Supreme Court declared that the right to life as in the Article 9 also encompasses the right to life in a healthy environment. This Court ruling advised the government to engage in proactive actions to reduce pollution, which is one of the applications of constitutional jurisdiction to ensure the protection of the environment (Sheikh, 2018). Equally, the High Courts have done away with many cases involving degradation of the environment that undermined basic rights and the government and regulatory authorities were forced to initiate corrective measures. More so, the idea of sustainable development has been incorporated into the interpretation of constitutional rights; the courts have stressed the need to preserve the environment to future generations as a part of the constitutional responsibility (Nasir, 2021). The constitutional jurisdiction of the High Courts will act as a guarantee that the issues of the environment will be considered as the primary basic rights and not secondary ones. By exercising this power, these courts can award different writs, including mandamus, prohibition, and certiorari, to compel authorities to act within the constitutional environmental protection. The constitutional authority of the High Courts in Pakistan is a fundamental part of the judicial institution as the environmental issues in the country continue to become more intricate. It provides citizens with a crucial path to question the violation of their rights to the environment and seek a successful solution to the negative impact on the environment (Nasir, 2021).

Specialized Judges

Introduction of green benches in the superior judiciary of Pakistan is one of the steps that should be taken in promoting the environmental litigation. The expert benches, which are usually chaired by a judge who is well versed in environmental law allow qualified and cost effective resolution of technical and sophisticated suits. The need to be green in benches is based on the realization that the field of environmental law is rather technical and it is important not only to know the legal principles in a certain field but also to be familiar with the scientific, ecological, and policy-related matters (Sheikh, 2018). The Article 9 (right to life) and Article 14 (right to dignity) of the constitution, as well as Pakistan Environmental Protection Act (1997) highlight the importance of a qualified judicial system so that environmental offences are properly dealt with. Judges called green bench are often chosen through his or her experience in terms of environmental jurisprudence and the knowledge of scientific and social-economic impacts of the ecological degradation. This specialization helps in performing a higher level of understanding of the legal, ecological, and moral aspects of environmental problems. The judiciary is able to make informed decisions and offer greater redresses to the infringement of environmental rights by allowing judges with the capacity to interpret the law in a way that does not harm the environment and benefits the public; especially when it comes to pollution control and the regulation of the use of resources (Nasir, 2021). These benches have the

authority to write writs, orders, and judgments that set the policies governing the environment particularly in matters of individual health, protection of wildlife and management of natural resources. Moreover, these courts have judges who in most cases consult with technical experts, environmental scientists, and policymakers, which makes these benches effective in judicial deliberation. Breaking precedents, like *Shehla Zia v. WAPDA* (1994), are critical sources of an application of technical knowledge in the legal processes of the judiciary to deal with industrial pollution and environmental degradation in an orderly and legally sound manner (Sheikh, 2018). The presence of the green bench judges is also a balance to the detrimental industrial practices to ensure that government agencies and corporations adhere to the environmental laws and global conventions (Pakistan Environmental Protection Agency, 2021). These benches decrease the judicial delays by offering a specialized process to address the disputes and increase the access to justice by the citizens who are interested in ecological harm. Finally, there is a conceptualization and operation of green benches in Pakistan which reflects a judicial determination to be able to balance the economic growth with environmental sustainability (Nasir, 2021).

Environmental Tribunals' Powers

The Pakistani environmental tribunals are very vital in the implementation of environmental law and safeguarding of the human health through adjudication of disputes and environmental crime with special reference to pollution control and conservation of natural resources. According to the requirements of the Pakistan Environmental Protection Act (1997), such tribunals receive quasi-judicial powers that allow them to pass binding opinions on matters which fall under the environment law. Such courts have the powers to give directives to be followed, punish noncompliant individuals, and instruct the government to take action to stop the additional decline. The jurisdiction environmental courts is geared towards speeding up the dispute resolution process, which is otherwise tedious and time-consuming when dealing with ordinary courts. This prerogative is time-based, needed to solve some urgent problems like industrial pollution, illegal deforestation, and water pollution to avoid causing additional damage to the ecosystem and people health. The power of tribunal to affect the course of government action is especially crucial in Pakistan where in the past, environment protection has been suppressed by bureaucratic failure and absence of political will. Pakistan has established an efficient mechanism in handling the growing challenges of environmental law by giving tribunals a mandate to adjudicate environmental law, removing the need to be proactive in implementing standards (Nasir, 2021). Environmental tribunal quasi-judicial power encompasses the mandate to give out general orders, penalties and fines that will be used as a deterrent to environmental crimes. Such tribunals, therefore, have a strong mechanism of environmental justice over the conventional judicial systems (Iqbal, 2020). As an example, the Karachi Environmental Protection Tribunal has fined many companies that do not adhere to the quality of air and water, which has created a pattern of imposing fines as a method of environment protection (Sheikh, 2018). Outside the monetary fines, tribunals will be able to impose commands to stop or close down the offending industries. One such case was in Karachi textile industry where the tribunal shut down a number of units due to continued pollution. The environmental courts also hold appellate jurisdiction on the activities of the regulatory authorities, including the Environmental Protection Agency (EPA). This also gives citizens an opportunity to question regulatory inaction or action that can cause environmental degradation (Pakistan Environmental Protection Agency, 2021). This check and balance system ensures that tribunals act not only as enforcers, but also as guardians of the environmental law. Finally, the quasi-judicial power of these tribunals is an obligatory instrument of compliance especially in cases where the traditional courts are not technical savvy or able to make specialized decisions that touch on ecological issues.

Environmental Protection Orders

The importance of environmental protection order (EPO) in the implementation of environmental laws in Pakistan cannot be underestimated. Led by green courts and environmental tribal courts, the orders will make sure that individuals as well as entities that are guilty of breaking the environmental

regulations stop their destructive activities and undertake remedial actions. An EPO can be granted when the court determines that the release or emissions of any effluent, waste, air pollutant, or noise or any other act or omission are likely, or are occurring, or have occurred in the past (Nasir, 2021). The Act of Pakistan Environmental Protection (1997) provides Section 16 that governs procedures and powers with regard to an EPO. This part is largely inspired by the spirit of the precautionary principle, which gives authorities the authority to foresee ecological hazard and act quickly to avoid causing damage to nature (Sheikh, 2018). This is a critical provision of environmental protection orders because it forms a binding part of environmental management, as the parties are bound with the orders which motivates them to adhere to the set standards. Measures set by these specialized organizations usually contain the orders to stop the actions which include unlawful cutting of forests, industrial pollution, and violation of water quality. The wider legal framework of the Pakistan Environmental Protection Act (1997) and the necessity to prevent the further depletion of the natural resources, these orders are also supported and hold the parties responsible before a court of law (Pakistan Environmental Protection Agency, 2021). As an example, in case industrial pollutants do not conform to what the nation allows, green courts may issue orders to close down the facility or have a very tight schedule of correcting the situation, say by erection of effective waste treatment facilities. The prompt delivery of such orders is a preventative measure to the possible wrongdoer and supports the lawful basis of corporate and individual liability (Sheikh, 2018). Moreover, protection orders are not restricted on the private sector, but even those that are towards the government agencies to make them protect the environment. The case of Environmental Protection Tribunal v. in the landmark case. The court asked the provincial government to take urgent action to prevent the massive pollution of the Indus River by the discharge of sewage and industrial wastes (untreated) (Government of Sindh, 2014). This power enables green courts to assume an activist role in situations where the environment is faced with imminent or continued destruction. Green courts and tribunals can be useful tools of environmental justice as they directly compel wrongdoers to take corrective measures protecting the natural resources of Pakistan as well as protecting human health.

Coordination with Environmental Agencies

Green benches are now vital institutions to the application of the environmental law in the Pakistani judicial system. That augments their performance substantially due to the fact that they have been aligned with the essential environmental organizations like the Pakistan Environmental Protection Agency (Pak-EPA) and other provincial organizations. Such agencies present the technical expertise and empirical evidence on the environmental issues which hold the utmost importance to the green benches and in the process of making the judicial rulings. Such a partnership guarantees a holistic perspective of environmental protection since the courts can obtain the specialization of information to issue informed rulings on tricky ecological matters (Nasir, 2021). Green benches usually require the Pak-EPA to provide detailed reports on the level of industrial pollution and the performance of certain industries in respect to complying with the set standards of environmental impact. This technical aspect coupled with judicial review makes sure that the orders of the court are not only legally sound but also scientifically justified by environmental scientific research and the view of sustainable development. Moreover, this synergy is useful in preventing delayed processes in the legal system; the courts can count on the prompt provision of reports by environmental agencies, which will speed up the process of resolving the environmental conflict (Iqbal, 2020).

Judicial Review

Judicial review of environmental law in Pakistan is necessary as it provides the consistency of the administrative activity with appropriate rules and empowers it in regard to the overall popular interest (Nasir, 2021). The activities of the environmental agencies and the government are scrutinized by green courts and benches that have the authority to review their deeds to determine their compliance with the legality, reasonableness, and fairness principles. The first example of this was the Faisalabad Environmental Pollution Case in which the Lahore High Court took a review of the activities of one local environmental authority that had not performed its duties in implementing pollution control

laws in the industrial areas. The Court held that the power had overstepped its delegated powers and remedies, such as a total reorganization of its pollution policy. It illustrates how the judicial review may force the public agencies to be responsible and follow the environmental regulations to the letter in the best interest of the citizens (Sheikh, 2018). In addition to the enforced legality, green court judicial review is also important in promoting accountability and transparency. Green benches have also fostered environmental sustainability through questioning the administrative activities and holding agencies accountable whenever they are not effective in their application of the environmental protection provisions (Iqbal, 2020). The fact that such benches can question the decisions and policy matters of the government is especially important in Pakistan where the economic growth is valued more highly than environmental issues. Judicial review will make sure the environmental policies are not kept as theories but put into practice to protect the health of people, as well as their biodiversity and natural resources. In the Karachi Coastal pollution Case, the Karachi High Court undertook judicial review of a lax regulatory system of coastal development and its effects on the marine ecosystems. The Court argued that the concerned authorities had not taken any measures to guarantee the enforcement of environmental protection laws and then compelled a reversal of policies to reduce environmental degradation (Nasir, 2021). The case shows the significance of judicial review to close the loopholes in the environmental management and to make sure that the executive arm focuses on sustainable development in their policy making. Judicial review thus is an important tool of providing checks and balances to ensure the legality of administrative decisions and its balance with longer term environmental objectives of the nation (Sheikh, 2018).

Public Interest Litigation (PIL)

One of the most effective tools of the system of environmental justice in Pakistan is Public Interest Litigation (PIL). It has greatly contributed to enabling the green courts to adjudicate various environmental cases that would otherwise have not been represented. Under the constitutional dispensation, the PILs have access to green courts because they consider the important role played by citizens, non-governmental organizations (NGOs), and other advocacy groups in advancing the interests of the society, most especially in environmental conservation (Sheikh, 2018). This flexibility and openness of the PILs allow individuals or groups to go to court on behalf of the general population, even where they lack any direct or personal interest in the case, due to the inherent flexibility and openness. This general methodology makes sure that environmental issues at a large scale, including pollution, deforestation and climatic change get the judicial care they warrants. One of the providing cases is *Shehla Zia v. WAPDA* (1994) In which the Supreme Court of Pakistan considered PIL by an NGO on the issue of environmental degradation due to the construction of grid station without proper environmental impact assessment. It was the landmark case that identified that a clean environment was an inalienable right that was linked with the right to life under Article 9 of the Constitution of Pakistan (1973). In turn, the PILs have turned into one of the leading methods of making sure that the state and corporate organizations comply with their environmental duties (Sheikh, 2018). PIL is not a phantom component of the Pakistani Law System, it has a real effect on policy and implementation. Not only have green courts allowed such litigations, as they have construed them to the effect of holding government authorities accountable. The system of environmental governance has become more responsive by the PILs by offering NGOs and citizens direct access to the courts to remedy the environmental injuries (Nasir, 2021). In a number of cases, PILs have prompted regulative reforms, which has enabled the judiciary to perform the role of a watchdog, ensuring that the environmental protection is not pushed to the periphery by economic or political concerns (Iqbal, 2020). E.g., in such cases as *Karachi Coastal Development Authority v. Shehla Zia*, the judiciary has used PILs to make the Karachi Environmental Protection Agency and other authorities to act proactively to curb environmental degradation. These rulings strengthen the philosophy that a robust judiciary has to intervene when administrative powers fail to play their role in protecting the environment and the health of people. Finally, the role of judiciary has been changed by the PILs and it is now one of active protection and holds the judicial system accountable, as well

as allowing citizens to intervene with the judicial system successfully in order to restore and enforce environmental laws (Nasir, 2021).

Functioning of Tribunals

In Pakistan the environmental tribunals are specified tribunals which adjudicate on cases of environmental crimes; the tribunals are important tools towards law enforcement. These tribunals were created according to the Pakistan Environmental Protection Act (PEPA, 1997), and their scope of work is rather wide, encompassing industrial contamination, deforestation, and resource exhaustion (Iqbal, 2020). They are also seen to offer quick and effective answers to environmental destruction which can bypass the time wasting and procedural bottlenecks in the conventional courts. The main strength of these tribunals is that they are technically mandated to be able to deal with the interplay between environmental science, policy and law. An example is the Environmental Protection Tribunal (EPT), which has the mandate of making orders and punishing wrongdoers, including industries that have been found in the illegal dumping of toxic substances (Nasir, 2021). Other than adjudication, these tribunals serve as a means of public participation. They enable people and non-governmental organizations (NGOs) to bring up issues about the environment that may be otherwise overlooked by the administrative systems. The tribunals under the Environmental Protection Act (1997) are empowered to hear appeals, give orders, and other statutory penalties to remedy an aggrieved party. On the principle of expeditious justice, they make sure the environmental legislation is a working reality and not a formality. These tribunals act more or less as judges and therefore they can pass decisions in the form of Environmental Protection Orders (EPOs) as well as remedial action instructions. Through the adjudication of environmental crimes, they make the execution of the laws that would otherwise not be enforced in a normal civil court possible (Nasir, 2021). Also, direct interaction of these tribunals with the environmental or scientific professionals makes the judicial orders technically knowledgeable and scientifically sound. This develops a sound ecological protection strategy. As shown in *Punjab Environment Protection Department v. In Karachi*, the tribunals are the Karachi Shipyard and Engineering Works and can make certain requirements to the industries that are breaking the rules of environmental protocols (to ensure pollution is mitigated and remedial actions are taken in a timely manner) (Sheikh, 2018). The ability of those tribunals in maintaining the rule of law balances the environmental governance regime in Pakistan by offering a special arena through which the issues of dispute resolution, protection of public health, and sustainable development could be ensured efficiently (Sheikh, 2018).

Timely Resolution of Cases

The Pakistani legal system is more concerned with the resolution of environmental cases especially those that concern the direct ecological threat to the population and environmental balance. The urgent way that specialized tribunals are settling such cases is very crucial in safeguarding human health and eliminating additional destruction of the environment. This effectiveness indicates that special justice institutions are effective at responding to ecological challenges when they are time-sensitive (Nasir, 2021). Timely disposition of cases will take care of the health of the population and will not lead to the localized violation of the environment. These specialist tribunals and courts are made in particular to avoid the burden of cases and process backlog common in the general judiciary. In the higher-order courts, there are Green Benches which are the courts of judges specializing in environmental law, and which are in charge of making sure that pending environmental litigation is given the priority. The cases that are usually related in these cases include industrial contamination, land degradation and the breach of national conservation laws. Focusing on such issues, Green Benches can solve burning environmental challenges in a short period of time, thus reducing the threat of a health crisis in the society or the collapse of environmental balances (Sheikh, 2018). The same goal is achieved by the Environmental Protection Tribunals (EPT) that are created on the basis of the Pakistan Environmental Protection Act (1997). These tribunals have the mandate of forcing administrative organs to act in a corrective manner with a reasonable period of time. One of the most remarkable cases of the fast-track adjudication is the case of Pakistan Environmental Protection

Agency v. M/s Attock Cement Pakistan Ltd. where the tribunal mandated remedial actions to be undertaken immediately after a breach of pollution standards (Iqbal, 2020). The Green Benches and the Special Tribunals are not only necessary because they are a part of the mentation effort to achieve a sustainable development; it justifies the need to have a legal framework that is responsive to the need to respond to the immediacy of environmental conservation.

Environmental Law Enforcement

Courts in Pakistan are taking the frontline to enforce the environmental law whereby the statutory provisions on air quality, water pollution, waste disposal, and the protection of the wildlife are being enforced literally. The environmental laws, no matter how strong they are in theory, cannot be carried out without innovative and strict judicial implementation. Green benches and specialized environmental courts in the higher courts have the mandate to ensure that individuals and organizations are held accountable to ecological crimes committed by them. These courts act within the confines of the Pakistan Environmental Protection Act (PEPA, 1997) and other applicable laws, including the Wildlife Protection Act (1972), in order to resolve the infractions of the environmental norms (Iqbal, 2020). In Pakistan Environmental Protection Agency v. a rather significant example of enforcement took place. In Attock Cement Pakistan Ltd., the court fined a cement company heavily because of its breach of the pollution control laws. The green courts provide a fair and faster rate at which the case is disposed therefore, all sectors are bound to adhere to the environmental requirements, hence conserving the natural resources of the country to the present and the future generations. The procedural system that gives the courts the authority to impose environmental protection orders, summons, and fines acts as a preventive measure against future violations, such that the enforcement system in Pakistan is stronger (Nasir, 2021). In addition to punishing criminals, green courts are influential in inculcating a culture of environmental compliance as a result of the interpretation of law in the perspective of long term sustainability. These courts cooperate with the government agencies, such as the Pakistan Environmental Protection Agency (Pak-EPA) and the provincial ones to provide that the administrative activities comply with the national environmental policy (Sheikh, 2018). This judicial check and balance guarantees that environmental management is not as much a routine administrative process but one that is a duty that can be enforced by the law.

Environmental Jurisprudence in Pakistan

The Pakistani judicial system tries its best to listen to the cases related to the environment and render verdicts on them within the shortest time possible, especially the ones related to the pressing issues of the state and environmental equilibrium. The direct passing of such cases will verify the efficacy of expertise fora in managing time-delicate matters touching the environment (Rehman, 2017). The environment tribunal is a specialized court that is presiding over the contravention of environmental laws as well as a necessary instrument of enforcement. The problems that the tribunals of the Pakistan Environmental Protection Act (PEPA) deal with are quite extensive, with pollution and deforestation being among them (Rehman, 2017). These tribunals provide effective answers out of the conventional court system that is usually hindered by the complexity of the procedures. Their technical mandate lets them solve complex environmental science and law issues like in Punjab Environment Protection Department v. Karachi Shipyard & Engineering Works (2006), the place where the tribunal used its power to reduce and remedy the industrial toxic emissions (Khan, 2020). Such tribunals are also an avenue of popular participation whereby the NGOs and individuals can present matters of concern, which the administrative system may not have been aware of. According to the Environmental Protection Act (1997), tribunals are granted with the authority to listen to appeals, make orders and sanction penalties. They have some judicial authority to pass binding Environmental Protection Orders (EPOs), which fill the gap between the public and the private sector (Khan, 2020). In the judiciary, the judicial review is another method used to make sure that administrative actions are in line with the public interest (Ali, 2020). In the example of the Karachi Coastal Pollution Case (2015), the Sindh High Court examined the regulatory framework of coastal development and compelled the authorities to consider sustainable development as the main priority (Qureshi, 2019). In addition,

green benches together with provincial agencies such as PEPA assist in check on orders on biodiversity and deforestation (Khalid, 2019). The authority of EPOs as it is applied to prevent threats to the environment is regulated in section 16 of the Environmental Protection Act (1997) which is founded on the precautionary principle. Government of Punjab, 2017). These bodies provide a powerful hand in the issue of environmental justice through imposing fines and penalties (Iqbal, 2016). Green bench judges are usually selected by their background that includes the expertise in environmental law and social-economic sensitivity (Muhammad, 2014). This was a skill that was well exemplified in the *Shehla Zia v. The case of WAPDA* (1994) that is still regarded as the milestone in terms of the industrial pollution and the community health protection (Muhammad, 2014). Finally, the High Courts employ the constitutional jurisdiction of treating environmental issues as constitutional rights and offer a crucial path of redress to the citizens affected by the degradation of the environment (Ali, 2017).

Conclusion

Article 9, article 14 is the basic rights making reference to life, liberty and health of citizen of the Pakistan, but nothing has been said about special environmental protection courts in the constitution. *Shehla Zia* case is a pioneer case which has contributed to the entrenching of the environmental protection culture in the state. This paper explores the fact that the decisions of the courts argue in favor of the argument that environmental protection is not just an administrative question but cause of constitutional rights, but in the domain of the communal health and safety. It implies that administrative role of the environment of Pakistan by the green courts, is the key point of light of the Pakistan environment law and therefore strength of the Pakistani system of environmental governance. The special environmental courts are however, timely and hence environmental issues can be effectively and actually apprehended and resolved as well. Environmental tribunals or environmental courts also need to be increased nationwide to facilitate easy access of the afflicted persons or groups to the local the courts. Judges, lawyers and tribunal staff should be trained on environmental laws on a regular basis. Federal and Provincial Judicial Academies should have environmental law in their curriculum. There should be increased institutional coordination between environmental courts, environmental protection department, local government and law enforcement agencies and this is achieved by designating liaison officers in all the concerned institutions. Moreover, the formation of National Environmental Justice Council should be introduced to offer guidance, monitoring and advice on reforms to fight with the emerging environmental problems in the country.

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