

## Unjustified Exclusion of Environmental Rights From Human Rights: An Alarming Situation A Case Study of Islamic Republic of Pakistan

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#### Abstract

*The Environmental Rights are defined as an expansion of the basic and fundamental human rights which requires and deserves by the mankind. The prevailing pollution issues are widely leading to the contamination of the water supplies all over the world. The duty of state is grounded on the mandate of "justice" it is widely recognized or accepted that the state has duty and obligation to provide environmental justice which is easily accessible through proper adjudication and effective environmental tribunals, which are a significant part of the customary international law. The word access to environmental justice exonerate that legal rights of environment has become a customary norm and substantial part that has been reaffirmed under several international conventions one of the most prominent one is the Rio Declaration on Environmental and Development. The concept of environmental justice in Pakistan was first introduced in Ali Steel Industry Vs. Government of Khyber Pakhtunkhwa (2016 CLD 569), in which it was settled that "the protection of environment is an alienable right. Under the article 9 of the constitution of Pakistan the Right to Life Right to encompasses a right to a cleaner and healthier environment."*

**Keywords:** *Environmental Justice, Exclusion of Rights, Fundamental Rights, Human Rights, Judicial Setup.*

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#### Introduction

The rights given to individuals purely depend on the environment which is given to them and in which they survive. A healthy, sustainable, safe and clean environment is crucial to the satisfaction of Human Rights which covers wide sphere of those rights which are essentials to live in clean environment such as right to clean water, food, life, sanitation, sewerage and so on. This paper will attempt to highlight the and emphasis upon the protection of those rights, which helps to protect the environment. Countries and their political and judicial systems are unable to provide a beneficial environment with the standards of human dignity at minimum level. However, a duty of ensuring safe environment is upon the state, as per a Human Rights Study, whereby the protection and promotion of rights are directly interlinked with the right of safe, clean and healthy environment.

The question here arises that in the milieu of Human Rights, are the rights are given to entities or they cover all aspects of Human existence? Well human rights are generally defined as those rights which are universal in nature and they must be equally applied with any discrimination. Moreover, that the human rights entitlements cannot be taken away as they are inalienable, interdependent, indivisible, and interrelated. The right to safe environment plays a justifiable and useful part in protecting interests of human in a safest environment. Often the term safe environment is considered as ambitious and imprecise, additionally this may refer to freedom from crimes threats or freedom from the threats of pollution. In this context, the right to safe environment is merely concerned with threats to human life and safety from industrial and technological processes and the disposal of wastes and sewage.

The right to safe environment also generates duties because to possess right is not only a claim to freedom but also a claim against concerned parties to act to make the freedom available. Some of the duties are on part of persons, corporations, and organizations to abstain from all such activities that can and have danger to generate high level of environmental risks. Moreover, the duty is of the government to refrain from such actions that may have higher chances to damage human health and life. Lat but not the least the obligation of international organizations and agencies to refrain from generating higher level of ecological consequences. In addition, they must promote and protect right to safe environment through regulation, declaration, and enforcement measures.

### **Interconnectivity of Various Facets of Human Rights and Environment**

Human rights are based on International agreements which states have freely ratified and signed which confers duty on them to promote, respect and fulfill the rights provided by the treaties elated to Human Rights. The perspective of human rights addresses the environmental impacts on health, life and it is an obligation of state to ensure the standards of environmental quality at higher and attainable level and takes such effective measures for the control of Environmental pollution which directly affects private life and health. Right to Life and Human Dignity is inseparably linked to the quality of environment. The damage caused by environmental pollution has undeviating, unstoppable, and long-lasting effects on the satisfaction or pleasure of services of human rights which are interconnected with basic rights such as right to life, health, standard of living, to education, to sufficient food, to work, to non-discrimination, to dignity, to development, to peace and so on. For study of connection between protection of Environment and Human Rights there are some perspectives on it firstly, for the enjoyment or pleasure of Human Rights, environmental protection is a tool for ensuring the necessary level of protection which is needed to allow for the full exercise of rights protected. Secondly, apart from the fundamental basic rights some rights, such as right to legal remedies, right to information and participation in governance is necessary for environmental decision making. Lastly, as an independent human right, right to health, safe and ecological balanced environment is necessary. International instruments and organizations have always been a staunch supporter when it comes to creating awareness and assimilating with different social set ups. First in this respect is the Stockholm declaration in 1972, which vividly expressed that, “Every man has fundamental right to equality, freedom and adequate condition of life, in an environment of quality that permits a life of dignity and well-being”.

The other environmental law instruments which ensure environmental protection are “Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural rights and the Convention on Rights of Children (CRC) 1989”, discusses the environmental issue as the right of children to have higher standard of living and to take into consideration the risk and damage which caused by the Environmental pollution.

### **Applicability of International Legal Regimes in Pakistan**

The environmental protection has gained momentous quite recently in Pakistan. Several instances have proved that this entity cannot be ignored further, and the judicature must keep a check on different mechanism and policies which accelerate the process of providing the people of Pakistan with their

fundamental rights. The judiciary as the custodian of the rights of people of Pakistan has on several occasions proved that environmental justice system is linked with human rights. The international legal regimes carry great importance and judiciary in Pakistan has played a crucial role to protect and safeguard environment under the sphere of Public Interest Litigation. The previous Constitution of 1956 and 1962 of Islamic Republic of Pakistan were silent on the issue of environmental problems and the 1973 Constitution of Pakistan neither provides right to have clean and safe environment specifically nor has provided in the chapter of fundamental rights. However, following the Stockholm Conference and the prevailing concern of international preservation of environmental and sustainability, the first framework of legislation was issued as Pakistan Environmental Protection Ordinance 1983. but later, the ordinance was replaced through a very precise Act by the Name of Pakistan Environmental Protection Act 1997.

Unfortunately, our constitution unlike some country's constitutions, is silent about the term called 'Environment'. However, when this concept became crucial, our constitutional courts started considering it significant also. In the landmark judgment of *Shahla Zia Vs. Wapda* case, the honorable Supreme court of Pakistan, in a unique decision held that the right to life, enshrined under article 9 of constitution of Pakistan 1973 and right to dignity under article 14 relate to the vary spirit of clean environment where a citizen of Pakistan can practice the Right to life and having the demanded access to "clean and unpolluted environment" is an intrinsic right. The worthy court also decided that article 9 includes, all such facilities and amenities which a person is entitled to enjoy right after his birth constitutionally.

#### **Unwarranted Segregation of Human Rights from Fundamental Rights**

Environmental rights are often considered as part of the third-generation rights that are elaborated in (ICESCR) the International Covenant on Economic, Social and Cultural Rights. the covenant specifies environmental concerns by calling the state party to take the measures for the improvement of industrial and environmental hygiene. In addition, Pakistan has a few MEA's (Multilateral Environmental Agreements), but they do not specify or address the environmental rights or entitlements. Since 1990, several countries have started included express provisions of environmental rights i.e., German basic law and constitution of South African recognizes a right to living in a protected environment for the benefit of the present and future generations. This is something which cannot not be found in any constitutional document in Pakistan, however there are instances which give a hint towards a road map, but their enforceability seems an uphill task.

Although the Constitution of Pakistan is silent on environmental rights but the Fundamental rights under the same, ensures the Environmental Protection as a basic right, this concept has developed three decades ago however it still needs a lot of infrastructural development as an observed principle all over Pakistan. In addition, the interpretation of Article 9 of Constitution in PLC 1994 SC held that, "citizen could expect protection under article 9, because it is a larger concept which includes the right to enjoyment of life and right to life also includes quality of life". The background philosophy about the principle of quality of life comes from the landmark judgment of the *Shehla Zia* case, which enumerated and explained the concept of environmental protection in a vivid manner , firstly, a derivative constituted right to have an unpolluted environment was established by giving a wider meaning to Article 9 of Constitution. Secondly, the principle of precautionary principle and its application was established if there is any hazard to such rights. Lastly, this case provided a persuasive value of Pakistan's obligation under the customary International law with reference to the Rio Declaration of 1992 was accepted.

#### **The Current Trend of Public Interest Litigation and Its Outcome**

There has been an emergence of an entity called as Public Interest litigation in Pakistan's judicial setup, whose advocates work diligently to provide redressal to issues in a varied manner. Such litigation can be effective only if it is subject oriented and as per the current trend, majority of cases are dealing with matters related to environmental issues under the ambit of right of life. In general practice the Public interest litigation, safeguards the rights of individuals from being contravened and once a direction comes it helps

to align the concepts of human rights and fundamental rights. This mechanism has grown tremendously over the past years and making its presence felt in the sphere of environmental protection in Pakistan.

In 1990, a petition was filled, which brought a new entity on surface, a type of litigation which was called as Public Interest Litigation (PIL). In the Case titled, Roh-e Daad Khan vs. Federation of Pakistan, the findings of the honorable court were that any activity which is hazardous to the human health of the people living here should be stopped, and the court appreciated the endeavors of that time government, which initiated the remedial action to this extent.

### **Human Rights Based Approach and Its Substantive and Procedural Technicalities**

As discussed above Human rights are often termed as the third generations rights, moreover quite recently a new term has generated i-e the green rights which cover economic, social, or cultural rights through substantive standards of human rights. Additionally, green rights contain provisions of right to health, right to have natural resources and right to have decent working conditions. In strict approach, right to health may requires state to take measures to protect citizens from the environment which is hostile to health and to provide environmental needs which are good to mental and physical well-being.

The already existing human rights which do not touch upon the environmental rights directly can be reinterpreted by legislature or judiciary to cover the environmental concern. For example, right to life is a fundamental right which may be infringed when state fails to provide unpolluted, non-toxic, or contaminated drinking water. By applying this approach, the monitoring and enforcement of right to life has been discussed in Shehla Zia case, in which courts by examined the environmental matters in the enforcement of right to life, the judges have stated that “right life includes right to live in a pollution free and healthy environment, and environment in which dignity of citizen is protected.” Apart from right to life, right to equality may also fall under the ambit of environmental protection as everyone has right to equal access and enjoyment of environmental resources.

The procedural rights which are relatable to the protection of environment are the rights which includes right to have an information or right to get informed of any environmental risks in future, the right to have legal remedies and right to have effective and adequate remedy and assistance in case of any environmental damage. The Human Rights based approach puts emphasis on participatory development and Rio Declaration also reaffirms the right to participate and participatory approach to sustainable development. Procedural rights may be codified in form of law and regulation or through common law. Procedural rights depend on the nature of the activity and as per legal instruments right to freedom from discrimination is important for the application of procedural rights. And as mentioned in ILO (International Labor Organization) convention on tribal and indigenous people provide special measures for protecting of environmental rights of such people.

### **Access to Environmental Justice in Pakistan**

The establishment of green benches, other name of environmental courts, along with tribunals established under the Pakistan Environmental Protection Act 1997, paved the way for the acknowledgment that a state has an obligation and foremost responsibility to provide access to environmental justice for the purpose decision making and information regarding environmental matters. The duty of state is grounded on the mandate of “justice” it is widely recognized or accepted that state has an obligation to provide accessible justice through adjudication of matters pertaining to environment.

Principle 10 of the Rio Declaration on Environment and the Development” made the term of access to justice, a customary norm. In the European Union, states are under legal obligation to provide Access to Justice ensured by the International treaties and conventions whereas in other regions, the custom of guaranteeing the access to courts or tribunals for the adjudication of environmental issues is guaranteed by superior courts and precedents to develop the environmental agencies or bodies, and to adopt such

procedures or measures to guarantee easy access of justice by the citizens for the environmental claims. The concept of environmental justice implicitly taken into view in context that it is a mechanism of the accountability for the fortification of environmental rights and the punishment and preclusion of the wrongs which are linked or connected to the disproportionate impacts of growth on the vulnerable and the poor society from increasing degradation of ecosystem and rising pollution, and the inequitable Access to Justice.

The Constitution of Islamic Republic of Pakistan 1973 authorizes constitutional courts to directly deal with the enforcement and protection of individual rights with respect to environmental matters. The Fundamental rights which are guaranteed under the law shall be fully protected, provided under the constitution, rights such as right to movement, non-discrimination, to life, to dignity and right to information. Pakistan has been signatory to International agreements and conventions through which the international environmental principles with the constitutional values and fundamental rights generated jurisprudence that will safeguard and protect the nature.

There has been number of superior courts judgment which highlights the importance and the need of access to environmental justice. The Maple Leaf Case Of 2018 clearly established that the international environmental principles and the environmental rights, being a pivotal part of the constitutional values, along with the principles of policy and fundamental rights, can be enforced by the constitutional courts as the environmental rights. The increasing growth of the environmental jurisprudence in Pakistan is because of the recognition and constitutionality of the environmental rights. The concept of environmental justice in Pakistan was first introduced in *Ali Steel Industry Versus Government of KPK (2016 CLD 569)*, In which it was settled that “the protection of environment is an alienable right. The current edifice of environmental laws has a unusual purpose of protecting the nature and life. Supported by the environmental justice, this entity has been an amalgamation of the constitutional principles such as democracy, impartiality, economic, socio-political justice , additionally the inclusion of the International environmental principles of sustainable development, environmental impact assessment, precautionary principle, public trust doctrine and the inter and intra-generational equity have brought a massive change in judicial structure.

Thus, the environmental justice in Pakistan and environmental jurisprudence remain adhered to the fundamental rights and stood anchored within the statutory framework of the environmental protection law. According to the recent constitutional amendments in Pakistan, after the 18<sup>th</sup> Amendment the environment has now become a subject over which the provinces had jurisdiction instead of the Federal government. The “Pakistan Environmental Protection Act 1997” at the federal level needed to be replaced with the provincial laws for each province with aim to adopt the same uniform environmental law code in each province that starts with the laws in PEPA but it also aims to introduce new provisions to fill the gaps.

Punjab adopted the exact uniform code of the PEPA and Sindh and KPK has also adopted their respective law for the protection of environment. The PEPA continued until the new provincial laws included all the provisions of the PEPA but it is still unclear whether the new adopted provincial laws are included all the provisions of the PEPA which are related to the maintaining of the existing tribunals. The Environmental courts and tribunals have been established in the provinces of Pakistan to decide the environmental cases and the verdict passed by the environmental magistrate will be final who has jurisdiction to hear and decide the environmental and criminal offences emerging out of environmental matters at District level.

Pakistan has an obligation specified therein, being a signatory of the Rio Declaration on environmental development, to act in a manner is enumerated under Principle 11 of the Rio Declaration which mandates that, “State shall enact the effective environmental legislations”. In addition to the environmental courts in Pakistan, the judiciary has constituted the “green benches” at the level of Supreme Court and within all provincial high courts. The green benches in Pakistan are constituted to expedite the environmental cases after the “Bhuban Declaration of 2012” at the Conference of South Asia on Environmental Justice. However, the enforceability of regulations and the success of the roadmap has still to be seen its effect in the avenues of justice.

### **Public Trust, A New Doctrine in The Mainstream.**

For some countries, the phenomenon of Public Trust is not a due course of business or part of legislation, however this doctrine has developed over years to establish as the core principle of judiciary to support the legality of actions of government by enforcing the restriction on the use of Natural Resources by the public unnecessarily. Historically the doctrine of Public Trust is based on a principle that the public hold some inalienable or inviolable land in certain resources or lands, and that irrespective of ownership title of lands and that state shall preserve definite rights in such resources and land in trust for the public. Therefore, the object of the doctrine is that it considers the environmental rights as fundamental right and in addition it guarantees right to a safe, healthy, and clean environment which has not been expressly provided and protected in the Constitution of Pakistan. It further requires that the state has a depository duty to protect the natural resources such as river, wildlife, lakes, water, air and forests for the purpose of benefit of the future generations and general public.

In doctrine of public trust, the institutions of government act as a trustee to safeguard the natural resources and the public. The natural resources are inherently public and inalienable right therefore, the doctrine provides a cause of action to the public against any person who directly or indirectly interferes with the enjoyment of resources of public as well as an action against the state which fails to protect them. The aim of the PTD is to compel the legislators and administrators for recognizing of the public's right to a safe or healthy environment and allow judiciary to take proactive measures in terms of protection of environment. The doctrine of Public Trust imposes certain restrictions on the governmental authorities. Firstly, obligatory for the state to provide access and usage of the available Natural Resources to public without any unlawful interference. Secondly, the government shall not sell the property or the natural resources to the private individuals. Thirdly and the last is that the resources or the property must be utilized for some special purpose. In addition to the restrictions of the PTD, it also serves two important aspects which are that it authorizes the public to hold the relevant government officials accountable before the court of law and this doctrine forces the officials of government to manage the resources in a productive and conservative way.

However, other than the implementation of Public Trust Doctrine in Pakistan, the doctrine is also applicable in Indian Jurisprudence. The Supreme Court of India, in the landmark judgment of *M.C Mehta Versus Kamal Nath* held that, "the state is a trustee of all-natural resources which are by nature meant for public use of enjoyment". In the historic judgment of *Shehla Zia versus WAPDA* now the judiciary of Pakistan sets out a conceptual framework for dealing with the environmental matters. The *Shehla Zia* case first introduced the concept of precautionary principle which is somehow related to the PTD. The first case in Pakistan on which Public Trust Doctrine directly applied was "*The Sindh Institute of Urology And Transplantation And Other Versus Nestle Milk Pak Limited*" in which there were certain principles settled down which includes that the certain natural resources such as water, forests and clean air is the public trust and state officials are bound to make natural resources available to everyone irrespective of the economic inequalities. And lastly, it was held that natural resources must be protected as an obligation by the state for generations to come. It is also observed by the honorable court that the conversion of the natural resources onto the private use would encumber the fundamental rights of citizens.

Another important case of PTD in the jurisprudence of Pakistan is "*Tariq Abbasi Versus Defense Housing Authority*" in which Supreme Court of Pakistan invoked Article 9 of the Constitution and held that the "doctrine of Public Trust has long been recognized all over the world, which actually quest the state to protect and preserve public trust in lakeshores, beaches etc. The case of *Muhammad Tariq Abbasi* expanded the sphere of PTD to comprise the right to have access to the public places. Article 9 of Constitution has been interpreted in many environmental cases over the time by the constitutional courts to include the PTD and the environmental rights and duties. But there is no obvious environmental right which has been guaranteed under the Constitution as the Constitution of South Africa under its Article 24 includes the environmental preservation and protection. The application of PTD is very wide as the doctrine is directly applicable to cases including the matters of green belts, right of water, recreational usage of the public property and the parks.

Hence, the scope of Doctrine of Public Trust is that it obliges the superior and the lower courts and environmental tribunals to observe the judicial restraint in the policy matters. The Public Trust Doctrine can only interfere in the matters where the authorities of government have violated law or any other constitutional provision or when it relates to enforcement of central rights enriched in the Constitution of Pakistan which also includes the environmental human rights.

### **Environmental Principles and the Role of Judiciary**

The role of judiciary and the Courts in Pakistan are there to facilitate Access to Environmental Justice and most of the environmental cases are brought up before the court under Article 199 of Constitution of 1973 where the environmental tribunals or courts have extended and interpreted the scope of Article 9 i.e. right to life to include the right to have vigorous environment. While deciding the environmental cases green benches applied internationally recognized environmental concepts such as principle of Intergenerational Equity, The Precautionary Principle and to establish Sustainable Development.

The international environmental principles which are embedded in environmental declarations and treaties adopted by the courts in different jurisdictions and incorporated into the public policy across the world. The international environmental law promotes the environmental justice through the environment rule of law. Among various international environmental principles there is the precautionary principle which has been numerously used in Pakistan dealing with the environmental problems. The Precautionary Principle is enumerated in the Principle 15 of the Rio Declaration and in Roman law this principle is termed as “IN DUBIO PRO NATURA” which enumerates that in order to protect the environment, the precautionary approach shall be widely applied by the state according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing the cost-effective measures to prevent the environmental degradation.

In the jurisdiction of Pakistan, the principle of precautionary policy was initially enforced in the Shehla Zia case and in most recent case of Walid Iqbal Versus Federation Of Pakistan, by relying on the precautionary principle the Lahore High Court introduced the smog control policy and order the preventive steps to be taken mandatorily by state, in order to protect the health and life of citizens from the increasing smog which is hazardous to health and court is bound to enforce Article 9 of the constitution read with international environmental principle such as precautionary principle. Similarly, there are number of cases in Pakistan which laid down the importance and recognition of the International principle as in the famous case of climate justice Imran Tirwana Versus the Province Of Punjab recognized the principle of as an effective tool for establishing the Sustainable Development in the country.

There is another recognized principle which is Polluter Pays Principle which states that the emitter or the one who pollutes shall bear the burden of cost of pollution caused by the mistake of him. In order to enforce this principle, there are three implementation instruments which are recognized by states such as norms stated in policy statements and documents, taxes and the sanctions. The Principle of Polluter Pays has been enunciated in “Principle 16 of the Rio Declaration” and it states that the National authorities should endeavor to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, compensate the damage done as the cost of the pollution, with due regard to the interest of public and without distorting the International investment and trade.

The recognition of the principle in Pakistan is rarely expounded but it was applied in the case of “M. Ayaz Vs. The Government of Punjab” as the principle was considered as an essential tool for the development of sustainable development. The Polluter Pays Principle further gets cleared in Indian in the case of “Indian Council For Enviro-Legal Action Vs. Union Of India” that, the rule is premised upon the very nature of the activity which is carried on, in other sense the principle enunciates that liability to make good the loss accrues when , the loss which any other person has suffered due to the activity, irrespective of the fact that precautionary measures were taken.

### **Access to Environmental Justice**

The word Environmental Justice means the people when get effected by the decisions of environment they have a right to participate in those decisions as well as their concerns and views shall effectively be considered; that the environmental regulations and laws be fairly and properly implemented and enforced. The sphere of environmental justice demonstrates its many aspects such as the participation by the representatives and the citizens of the larger community in the decision making of environment, precautions to safeguard the minimization of the environmental risks and compensation and redress for those parties who suffer the effect of the environmental problems.

Access to Environmental Justice is so important that it implicates the importance of clean and beneficial environment and it is essential to the well-being and health of all the communities and individuals. Access to Natural Resources such as clean water, fresh air, green trees and pollution free environment is also critical to welfare of human and for benefit of society. The important socio-economic rights, including right to water and to health at highest standards are recognized as being constitutional linked to the right to have clean and healthy environment.

Another elaboration related to the access to environmental justice is discussed under the Aarhus Convention. Which is an international agreement under the aegis of the United Nations Economic Commission for Europe (UNECC), adopted in 1998 and was ratified by the European Union in 2005. The importance of Aarhus convention is so wide that it establishes several rights for associations and individuals with regard to the environmental matters. It is penitent to explore that the convention consists of three pillars which aims to provide three different rights. Under the convention the rights which guaranteed are:

- Right to receive information's regarding environmental matters which are being held by the civic authorities.
- A right of participation in decision-making process of environmental matters.
- The right to challenge the public decisions that fails to comply with the legal requirements in environmental law, it is perhaps the most important right which is also referred as Access to Justice.

All this can be found under the Article 9 of the Aarhus Convention which intended to afford an accessible Justice in the context to review the procedures with respect to breach of environmental law related information requests, challenges and review the measures with respect to the environmental decisions which subject to the requirement of public participation. Conventions like these often make crucial contribution to the development and recognizing the Procedural Human Rights which helps to cater environmental issues and to challenge environmental unfairness. In addition, it also empowered the citizens of state to defy the non-compliance of governmental authorities with the environmental enactments. Similarly, in respect to Environmental Justice the Aarhus Convention the Rio Declaration goes hand in hand because it is viewed as an International legal instrument which enunciates the policies, guidelines and prescriptions concentrating at the accomplishment of the sustainable development goals set out internationally for the promotion of environmental rights.

It is relevant to mention here that the implementation and enforcement of principle of public participation was witnessed in the "Shehla Zia" case; in the context of Pakistan, where the Honorable Supreme Court explained the importance of it and in addition to adopt the precautionary principle it was directed by the court that the public notice shall be given which in results that the objections and complaint of public shall be entertained and invited prior to the constructing, installation and transmission line or grid station.

Further, the importance of principle was stated in a reported judgment of "Dadex Eternit Limited Vs Syed Haroon Ahmed", it was held that, "For the purpose of pollution control regime the functioning and active

participation and the involvement of public is necessary as well as the letter and spirit of PEPA 1997. Law cannot be enforced or implemented without the engagement and active participation of the people in the implementation of environmental programs as the same is must for the success of pollution control.

## **Conclusion and Recommendations**

Under the International law, it is responsibility imposed upon states for protection of rights guaranteed under the Constitution. Where there is right there is duty, and every citizen shall have duty to preserve and promote the healthy environment. The ineffective implementation of law and minimal penalty upon the polluters allowed them to escape. There should be strict monitoring and implementation of environmental legislature to draw the picture of green and clean state. Notwithstanding right to beneficial and clean environment is protected implicitly under the Bill of Rights. (international) The expedition from Rio Declaration to Stockholm conference is potentially from implicit to explicit recognition of right to healthy and clean environment ensuring environmental principles. Therefore, right to health and to have access to clean and safe environment are proportional which is being protected in the form of third generation of Human Rights. For protection and preservation of environmental rights Supreme Court of Pakistan has rightly interpreted the scope of Article 9 of Constitution of Pakistan while holding that when the Supreme law of land guaranteed the protection of the Fundamental Rights it is duty of judiciary to preserve, protect and fulfill those rights. The Constitution of Pakistan has not specifically provided the protection of environment, but some rights are of such nature that their importance cannot be ignored.

To control and prevent the pollution of water chemical and biological methods to treat the water and wastewater pollutants should be developed. Preservation and storing of water are essential because it is a natural resource and an essential element in the maintenance of all forms of life. For the establishment of a stable and safe community it is crucial to have reliable and safe source of water and requires conservation and vigilant control and supervision of Natural Resources. The pollution of water is not only an issue; Pakistan has reached the lower level in wasting water. According to the assessment if effective steps would not be taken to safe drinkable water there would be extreme scarcity and there would be no water by 2025 in country, which is indeed an alarming situation. The principle of environmental justice is essential to ensure safe and healthy environment regardless of color, sex, or race. Access to environmental justice also ensures that everyone has equal degree of Access to Decision Making process in environmental matters and the same distribution of risks and benefits linked with the involvement in the process of decision making in environmental issues. By the meaning of word "justice" there should be separate environmental tribunals, more effective bodies, and legislations to decide the cases of environmental matters on daily basis.

- For safe environment education on environmental rights or obligations is necessary to preserve and conserve the sustainable environment. To spread the environmental awareness, it is crucial to introduce concrete efforts to highlight the importance of safe and clean environment for the growth of different sectors of the country.
- The issue of environment should be placed at the center of national planning and despite of working of environmental courts and tribunals there should be environmental ombudsman established in each province to hear the grievances regarding the environment for easily accessible justice and enforcement of environmental rights and speedy remedy.
- To introduce and ensure the effective enforcement of National Environment Quality Standards and allocate clear policy water preservation guidelines by controlling environmental corruption and simplify the human resources across the Environmental tribunals.
- To recognize and secure a right that every citizen has a right to live and enjoy in an environment that is acceptable for the well-being and mental or physical health of the citizens and to recognize the essential adequate provision for protection of environment as it is constitutional promise that each person shall have undeniable or alienable right which cannot be superseded.

- To ensure Sustainable Development, it is essential to consider the right and impose obligation on state that every citizen shall have access to information and Justice in Environmental problems and issues which includes the participation in decision making and public awareness in environmental concerns shall be appreciated.

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