Center for Management Science Research
ISSN: 3006-5291 3006-5283 Volume 4, Issue 3, 2026

MANAGEMENT OF CLIMATE CONSTITUTIONALISM: EMBEDDING ENVIRONMENTAL RIGHTS IN THE JUDICIAL SYSTEM OF PAKISTAN

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DOI: https://doi.org/10.5281/zenodo.22053044

Keywords
Climate constitutionalism; Environmental rights; Article 9A; Pakistan; Environmental jurisprudence; Judicial review; Climate litigation; Fundamental rights; Sustainable development; Environmental justice

Article History
Received: 01 January 2026
Accepted: 07 March 2026
Published: 30 March 2026

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Abstract
Ecological conservation has been affirmed as a constitutional obligation and individual liberty, especially in countries like Pakistan facing heightened vulnerability to global warming. The present paper will explore how the concept of climate constitutionalism came into being in Pakistan and how environmental rights have been integrated into the judicial system. It follows the conceptual change of the traditional approach to environmental regulation to a rights-based constitutional protection of the environment and reviews the constitutional, legislative, and judicial landscape in Pakistan. Great emphasis is laid on the judicial interpretation of Article 9 and Article 14, environmental PIL, and prominent cases such as Shehla Zia vs. WAPDA and Asghar Leghari vs. Federation of Pakistan. The analysis also takes into account the constitutional importance of the Twenty-Sixth Constitutional Amendment (2024), which explicitly guarantees the right of all citizens to a clean, healthy, and sustainable environment. The paper highlights persistent problems such as federal-provincial fragmentation, limitations on institutional capacities, inadequate enforcement, technical difficulties, access to justice issues, and judicial vs separation of powers concerns. It suggests that the judiciary can enhance climate constitutionalism in Pakistan through the creation of a coherent jurisprudence of Article 9A, growth of environmental rights-related litigation, integration of the precautionary and inter-generational principles, improving judicial capacities, and introducing robust monitoring mechanisms for governmental compliance. The study concludes that constitutional recognition needs to be supported and coordinated by institutions, scientific capabilities and enforceable judicial remedies, to bring environmental rights from the formal constitutional guarantee to real protection for current and future generations.

INTRODUCTION

Global warming has emerged as a leading statutory, political, ecological, and social concern throughout the current era. It has impacts on more than just the temperature and weather patterns, with implications for human health, livelihoods, food and water security, housing, economic stability, biodiversity, and overall quality of life("Shehla Zia and Others v. WAPDA, PLD 1994 Supreme Court 693," 1994). Environmental

degradation is having increasingly negative impacts in countries where they are especially vulnerable to climate-related hazards, which are now raising issues around the obligations of the state and protection of fundamental rights. This is especially the case in Pakistan. The country is beset by recurrent flooding, droughts, high temperatures, water deficit, glacial melt, variability in precipitation, and other climate-related stresses and shocks which directly impact vulnerable communities. The need to protect the environment has become an important constitutional and judicial matter rather than a regulatory matter("Pakistan Environmental Protection Act, 1997," 1997).

This gradual change in the manner in which climate protection, constitutionalism and human rights are linked has led to the growth of the concept of climate constitutionalism. Traditionally, constitutions focused on civil liberties, political institutions, the distribution of state power, and governance. Most issues related to environmental protection were dealt with by regular laws and by administrative regulation. A more recent recognition of environmental degradation as a direct threat to basic rights, though, has led to a judicial and constitutional interpretation of existing rights in the light of their environmental aspects("Asghar Leghari v. Federation of Pakistan, PLD 2018 Lahore 364," 2018). Climate constitutionalism is thus a more general concept that embeds constitutional concepts, fundamental rights, state duties, and judicial review when it comes to climate risks and environmental damage. It offers a blueprint for the future of understanding the role of constitutional law to meet long-term environmental challenges, and how courts can make sure that the environment is a part of the governmental decision-making process("United Nations General Assembly Resolution 76/300: The Human Right to a Clean, Healthy and Sustainable Environment," 2022).

The right to life guaranteed by Article 9 has undergone a gradual shift in meaning to become more expansive, with dimensions of human wellbeing not limited to physical life. Likewise, Article 14 of the Constitution safeguards the dignity and welfare of the individual and is a good yardstick to consider the conditions of the environment that can affect the dignity and welfare of individuals. There are other principles of policy as well, based on more general notions of social and economic welfare. Taken together with environmental laws and judicial review mechanisms provided for in the Constitution, they offer a structure for incorporating ecological concerns into the safeguarding of basic liberties ("Constitution of the Islamic Republic of Pakistan (as amended through 2024)," 2024).

The judiciary has, therefore, acquired a greater significance in the process of evolution of environmental jurisprudence in Pakistan. Pakistani courts have taken up environmental issues on the basis of constitutional petitions, PIL, judicial review, and sustainable development matters, which include environmental degradation, pollution, urban development, water resources, environmental impact assessment, and sustainable development. Environmental harm is not necessarily an administrative or regulatory problem when it is endangering constitutionally protected interests, and judicial resolution has helped to develop this principle("Constitution (Twenty-Sixth Amendment) Act, 2024," 2024). The courts have, in various contexts, associated environmental quality with fundamental rights and demanded that public authorities fulfill environmental laws and regulations. The jurisprudence exhibits the ability of constitutional interpretation to adapt to new environmental issues without a specific constitutional environmental right, which was not even included in the Constitution's text.

In the wake of climate change, judicial protection is more important than ever, as climate harms frequently include multiple causal chains, have long-term impacts, and are highly unequal between those who are responsible for environmental harm and those who receive it. Vulnerable groups might not have enough means to buffer themselves against the effects of floods, heatwaves, water shortages, food insecurity and other climate hazards(Auz, 2022). Meanwhile, environmental decisions are often conflicted, balancing economic development, infrastructure

growth, industry, energy generation and environmental protection. The balancing act between development goals and constitutional rights and environmental obligations is thus becoming an increasingly challenging task for courts. However, adding environmental rights to the system of courts is a complex endeavor. Without a specific constitutional right to the environment, there may be questions about the degree of judicial protection and the boundaries (Bashir et al., 2025).

Governance of the environment also occurs at the federal and provincial levels and is dependent on administrative agencies and regulatory systems. Despite progressive environmental rulings by courts, the implementation of their decisions can be challenging due to institutional constraints, low capacity of environmental regulation, poor environmental monitoring systems, and a lack of political and economic urgency. Too much judicial involvement can also raise issues of separation of powers and the right institutional scope and division between judges, legislatures, and executive powers. Thus, to implement climate constitutionalism, the judiciary must be able to be active but also have a clear grasp of the principles of constitutional interpretation, institutional responsibility, and the scope of judicial power (Bhullar, 2022; Munir, 2019). In Pakistan, the concept of climate constitutionalism is therefore not confined to recognition of the environmental interests in specific instances. This marks another shift in constitutional knowledge and state duties in a world of fast-paced environmental shifts. An enhanced relationship can permit the judiciary constitutionally to become an effective force for implementation of environmental protection as a part of constitutional governance, within respect of institutional boundaries. With the formation of a coherent environmental rights jurisprudence, therefore, Pakistan could have a more robust law-based platform to fight climate change and advance the interests of current and future generations(Burger & Tigre, 2023).

Conceptual Foundations of Climate Constitutionalism

Meaning, Evolution, and Core Principles of Climate Constitutionalism

Climate constitutionalism is the emerging constitutional climate framework of climate law, environmental protection, and fundamental rights. It broadens the conventional concept of constitutionalism by acknowledging the need to take environmental circumstances into account for the proper exercise of constitutionally guaranteed rights. Conventional environmental law has traditionally been based on laws, administrative rules, and executive action, whereas climate constitutionalism sees the protection of the environment as part of a more fundamental constitutional law regime that includes constitutional rights, duties, principles, and judicial review. In this context, climate constitutionalism is not only about the regulation of pollution and natural resources, but it is also about constitutional institutions' reaction to the climate threat to life, health, dignity, equality, property, livelihood, and future generations' interests. This is a trend of constitutional change that is taking place worldwide. In fact, environmental clauses have become commonplace in most national constitutions. There are some 147 national constitutions, of which some 76 have explicit provisions on environmental rights, that have been identified through comparative constitutional research(Carvalho & Rosa, 2024).

Of these, about 140 have environmental directive principles, and environmental protection is thus increasingly becoming a constitutional concern. There are other comparative studies that find a reference to the environment in up to 153 of the constitutions of the 193 member states of the United Nations, showing the remarkable global growth of environmental constitutionalism. The concept of climate constitutionalism thus depends on the idea that climate change may be a constitutional wrongdoing. Polluted atmosphere, polluted water supply, destruction of ecosystems, extreme heat, flooding, drought, and other climate-related hazards may directly impact the enjoyment of basic rights by people(Doherty, 2025). Access to a pure, healthful, and viable

environment is internationally affirmed, thereby cementing this relationship. The world body's plenary session recognized this right in mid-2022, with 161 member states supporting the proposal, and not a single country rejecting it. The development shows that the environmental protection issue is no longer one that is seen as a policy preference, but rather as a precondition for people to enjoy their rights. There are also some well-established principles in the field of the environment that have also been included in climate constitutionalism. Prevention is warranted by the precautionary principle when environmental damage is likely to be significant even though there is uncertainty about the scientific evidence(Fatima et al., 2026).

Sustainable development is about balancing economic development with environmental protection, and intergenerational equity is about taking care of future generations by taking into account their interests. The public trust doctrine was developed as a concept of the natural resources that governments hold for the purposes of the public, and not as free and easy government property. Together, these principles offer a framework for constitutional and judicial interpretation of state actions concerning natural resources, infrastructure, energy, and climate change and adaptation. This is important especially in view of the temporal aspect that matters in the context of climate change, which is what many constitutional conflicts do not have. Actions made now on energy systems, use of land and forests, water, urbanization and emissions have impacts that span decades. Climate constitutionalism, therefore, must go beyond short-term governmental interests and incorporate constitutional interpretation to consider long-term environmental impacts (Ferguson, 2024).

Climate Constitutionalism, Fundamental Rights, and the Pakistani Context

The importance of climate constitutionalism to Pakistan is even more evident as the country is highly vulnerable to climate change while contributing relatively low GHGs to global warming. Pakistan's GHG emissions are less than 1 percent of the global emissions, but the disaster effects related to them have been devastating for human and economic well-being. It is a lesson that is well illustrated by the 2022 floods. Over 33 million people were impacted, over 1700 people lost their lives, and over 8 million people were displaced. The total damages amounted to US$14.9 billion, and the economic losses and reconstruction needs are estimated at US$15.2 billion and US$16.3 billion, respectively. These statistics clearly indicate that the climate change issue in Pakistan is not only an environmental policy problem, but it also involves constitutional rights and duties of the state. The judiciary has, however, created Environmental aspects to the existing constitutional rights, in particular, Article 9 and Article 14. The Supreme Court has held that the meaning of the fundamental right to life in Article 9 has been evolving to cover a clean and healthy environment and that environmental protection has also been linked with a right to dignity in Article 14, which is inviolable(Ghaleigh et al., 2022).

The method developed here is representative of an important aspect of constitutional interpretation in the field of climate constitutionalism, which is that environmental rights can be based on the constitution without it being explicitly formulated as such. Pakistan offers a clear illustration of judicial intervention's vital part in translating national charter aspirations into ecological reality. During proceedings involving Asghar Leghari against the state, the Lahore High Court examined official shortcomings in carrying out environmental initiatives as a breach of the applicant's fundamental claims to survival and human worth. The links that the case drew between inaction on climate change and threats to water, food and energy security were significant, as were the links it drew between environmental and social justice. The case was an important development for climate jurisprudence in Pakistan. Environmental jurisprudence in Pakistan has become more and more oriented towards sustainable development, precaution, environmental impact assessment and environmental governance with respect to the constitutional reasoning more broadly(Government of, 2021).

Constitutional and Legal Framework for Environmental Rights in Pakistan

Constitutional Recognition of Environmental Rights

Pakistan's supreme law has experienced considerable evolution concerning natural world preservation. The original 1973 charter did not feature a specific fundamental claim to an unpolluted or sound atmosphere. Instead, environmental considerations were indirectly tied to existing constitutional securities, such as the entitlement to existence (Article 9) and the safeguarding of individual honor (Article 14). Over time, Pakistan's senior judicial bodies have infused environmental elements into these articles. Through Shehla Zia's case against the national power authority (1994), the Supreme Court established an essential jurisprudential basis by treating environmental dangers as falling within the scope of existence rights. Following judgments have expanded the nexus between "environmental standards," "existence," and "personal integrity." The apex court has candidly affirmed that the claim to a pure and sound environment derives from Articles 9 and 14, while also presenting emerging principles such as sustainable growth, preventive action, and ecological consequence assessment (Government of & Ministry of Climate, 2021).

The Constitution (Twenty-Sixth Amendment) Act, 2024 completely altered the constitutional position. The amendment added a new Article 9A which states that “every person shall have a right to a clean, healthy and sustainable environment.” This development shifted the nature of the protection of the environment from a constitutional principle, mainly developed by the judges, into a constitutional entitlement. Environmental quality is of special importance as it is incorporated into Article 9A in addition to the basic rights of protection in Part II of the Constitution, Chapter I. Thus, damage to the environment is no longer just a violation of statutory environmental protection requirements, but possibly even a breach of a constitutionally protected right. This constitutional recognition will reinforce the legal foundations of environmental litigation, and give courts a clearer textual basis to consider governmental and private activities that pose a threat to environmental health(Government of et al., 2023).

Legislative and Institutional Framework for Environmental Protection

The statutory framework complements constitutional rights relating to the environment. The PEPA 1997 was once the major federal environmental law, and it provided a comprehensive system of environmental protection, pollution control, environmental standards and regulatory enforcement. Its important mechanisms include an environmental assessment process prior to projects likely to result in adverse environmental effects. An IEE or EIA must be prepared and approved for the purposes of Section 12 as appropriate for the nature and scale of the proposed activity. This institutional set-up was significantly changed by the Eighteenth Constitutional Amendment of 2010. Prior to the amendment, the term “environmental pollution and ecology” was one of two entries in the Concurrent Legislative List: the federal and the provincial. In the wake of the Eighteenth Amendment, the Concern for the environment and ecology no longer has a place in the Concurrent Legislative List, thus giving a greater role to the provinces in environmental matters(Hellner & Epstein, 2023).

Subsequently, all four provinces made amendments to their environmental protection laws: Punjab amended its Environmental Protection Act in 2012, Sindh enacted its Environmental Protection Act in 2014, Khyber Pakhtunkhwa enacted its Environmental Protection Act in 2014, and finally, Balochistan enacted its environmental protection law for the province. This devolution resulted in multi-level governance of the environment. The provincial Environmental Protection Agencies became key players in the licensing, monitoring, enforcement, environmental assessment, pollution control and more, with the federal institutions still playing key roles in climate change, international environmental commitments and in matters within federal legislative competence. The current

definition of national climate-policy framework is given in the National Climate Change Policy 2021, the National Adaptation Plan 2023, the updated Nationally Determined Contributions, the National Clean Air Policy 2023 and other policies. This complex and comprehensive environmental governance system is the result of the interaction of constitutional rights, federal climate policy, provincial environmental legislation, regulatory agencies, and specialized tribunals(Imran et al., 2026).

Judicial Enforcement and Constitutional Remedies

Judicial structures are necessary for making the promise of environmental rights a reality. The Constitution of Pakistan offers significant avenues for such an intervention by the highest tribunal via Article 184(3) and regional courts operating under Article 199 of the supreme law. Historically, such provisions have allowed for public interest litigation on issues of environmental degradation, pollution, projects, regulatory lapses, and threats to fundamental rights. Judicial review has thus become an important means of enforcing governmental action in accordance with constitutional and statutory provisions on the environment. The judicial system has also helped in introducing internationally accepted environmental values to the interpretation of the domestic constitution. During proceedings between Leghari and the Federation, the Lahore Provincial Bench linked governmental omissions concerning atmospheric changes to charter protections contained within Sections 9 and 14, while acknowledging concepts including sustained progress, preventive measures, ecological effects analysis, generational fairness, intra-generational justice, and the public ownership principle. The nation's environmental legal precedents have thereafter been fortified through governance standards and basic rights precepts promulgated by the Supreme Judicial Council (Iyengar, 2023).

With the addition of Article 9A, this judicial function is now strengthened. There is no longer any need to refer to an overly broad definition of the 'environment' to determine its constitutional significance in terms of environmental damage. Article 9 does not require a broad interpretation to determine the constitutional significance of environmental damage. Rather, it explicitly provides a guarantee in the text that may assist in the constitutional petition, judicial review and remedial orders. Meanwhile, the implementation of this will necessitate courts to establish the scope and content of a "clean, healthy and sustainable environment", the obligations of public authorities and what role private actors can play in environmental responsibility. Thus, the constitutional system affords a chance and a duty to the judiciary to build a cohesive jurisprudence on climate and environment; and to strike some balance between the powers of the judiciary, the legislature and the executive(Jelić & Fritz, 2024).

Judicial Interpretation and Development of Environmental Rights in Pakistan

Environmental rights progress across Pakistan has run in tandem with the liberal reading of basic constitutional protections undertaken by the nation's superior benches. In the face of omitted constitutional acknowledgment regarding ecological safeguards, Pakistani courts turned largely to Sections 9 and 14 to specify that environmental conditions constitute a core aspect of life, physical health, individual dignity, and public wellbeing. The overall development of the judicial order is an important case of the change of the face of the constitution, as the courts gradually moved environmental protection from an essentially statutory/administrative issue to a fundamental rights one. Pakistan's highest judicial body later accepted that the country's appellate courts had widened Article 9's coverage and established a foundational claim to a clear and healthful environment, widely called the environmental right. The pioneering case was Shehla Zia against the National Power Authority (PLD 1994 SC 693), where residents of the capital challenged a proposal to place a power station in a neighborhood, objecting to electromagnetic fields. The Supreme Court gave a generous construction to Article 9, declaring that "living" ought not be confined to a narrow sense. The bench ruled that human existence necessitates circumstances essential to life, including bodily well-being,

dwelling, and a clean and unpolluted habitat (Kenny, 2024).

It also put Article 9 in relationship with Article 14, an important one between environmental quality and human dignity. The Court also noted that public interest litigation is relevant to Article 184(3) of the Constitution, especially in the context of environmental issues, which can impact many people who may not be able to go to court on their own without adequate resources, knowledge, or access to the legal system. Shehla Zia's importance goes beyond the specific issue over a grid station. It set the guidelines for the later environmental jurisprudence of Pakistan. The Court's acceptance of environmental injury as a relevant concern to the right to life opened the constitutional floodgates to pollution, hazardous development, land use, natural resources, and other ecological issues and risks, leading to litigation. The ruling also reinforced the precautionary approach to environmental adjudication. Judicial reasoning was not limited to intervening when environmental damage had become apparent and irreversible, but allowed for action to be taken when there was a real risk to the environment that would impact fundamental rights. The judgment has since been cited in various environmental cases, and has served as a key landmark in Pakistan's environmental constitutional law(Luporini & Savaresi, 2023).

The second step was the addition of SD and other environmental concepts to constitutional adjudication. The next crucial step was the integration of SD and other environmental concepts into constitutional adjudication. In considering development, the Court's attitude took into account the fact that the substantial environmental consequences of a project could not be evaluated solely through economic benefits. The role of EIA, precaution, public participation, and sustainable development hence gained importance in judicial review. In the past, the Supreme Court has defined the Pakistani environmental jurisprudence by defining concepts like sustainable development, precautionary principle, environmental impact assessment, and the international environmental norms through the interpretation of the constitutional rights(Mahmood et al., 2026).

The most momentous shift in Pakistan's environmental law legacy, however, was Asghar Leghari v. Federal Govt PLD 2018 Lahore 364, which framed climate change within environmental legal discourse. The complainant's arguments were primarily that the respondents (federal government) had not effectively implemented the National Climate Change Strategy and the National Implementation Blueprint. The court declared that the delay and inactivity were violative of fundamental safeguards which the government was required to provide under Articles 9 and 14 of the Constitution. The key innovation in the case was that it presented global warming as directly violating a constitutional right of a livable environment while emphasizing that the persons vulnerable to the worst impacts of climate change are least able to cope with its impacts. The Leghari litigation is one of the most significant litigations in terms of institutions. The government had identified 734 action points in the climate implementation framework, of which 232 were priority actions. The court saw the lack of satisfactory evidence of adequate implementation in governmental submissions(Mayer, 2023).

It then needed 20 ministries, departments and authorities to nominate the climate change focal persons and involve them in an institutional mechanism of monitoring implementation. Also, a Climate Change Commission was set up comprising representatives from the government, civil society, and technical experts. This highlighted the shift in traditional court systems, which are traditionally used to enforce the rights of individuals, to a more supervisory role by which courts can enforce environmental and climate obligations of the government. Case law on forests, water resources, infrastructure, pollution, environmental impact assessment, and sustainable development was the focus of judicial development. The public interest was increasingly seen as a goal of the courts in the area of natural resources, but not as a means of untrammeled government or private control. This came into relevance with the public trust doctrine, which

holds that some environmental resources are subject to public trust and future generations. This principle was reinforced by judicial interpretation, which led to a strengthening of the notion of fiduciary-like responsibilities of governmental authorities in the exercise of powers over forests, water, land and other ecological assets(Minnerop, 2022).

Shehla Zia, Asghar Leghari, and D.G. Khan Cement Co. v. Government of Punjab (2021 SCMR 834) are among the landmark cases that illustrate the evolving trend of a proactive stance by the judiciary on environmental issues in Pakistan. The constitutional landscape truly turned a corner with the Twenty-Sixth Constitutional Amendment of 2024, which added to Article 9A and explicitly acknowledged that "every person shall be entitled to a clean, healthy and sustainable environment." This was a major shift in the "judicial framework" of environmental rights. The insertion of Article 9A brought environmental protection an explicit constitutional textual base, instead of the courts having built it up through the widest possible interpretation of Articles 9 and 14. The Supreme Court has given recognition to this larger historical evolution, in which before the amendment in the Constitution, Pakistani courts had already interpreted Article 9 to include a clean and healthy environment(Moreira et al., 2024).

Challenges to Climate Constitutionalism and Judicial Environmental Protection

Constitutional and Legal Ambiguities

Pakistan has made significant strides towards the constitutionalization of environmental protection, but there is still a number of legal uncertainties. The incorporation of Section 9A through the Twenty-Sixth Charter Revision in 2024, which has expressly established the entitlement to a "pure, healthful, and enduring habitat," represents a notable constitutional progression. However, this provision fails to delineate the precise character of the right's content, the environmental minimum standards to be provided by the state, nor the duties of public and private actors. It follows that courts must decide on what is considered an environmentally unacceptable level of degradation and how the conflicting rights and public interests will be balanced. This uncertainty could be especially relevant in situations of industrial pollution, infrastructure projects, mining, energy projects, urban development, and climate adaptation (Munir et al., 2024). Pakistan also has a weak legal framework as a result of the Eighteenth Amendment of 2010 that delegated significant powers of law-making in the field of the environment to the provinces. The federal-provincial split can lead to duplications of functions, different regulatory regimes and unclear institutional jurisdictions. Recent evaluations also reveal the lack of adequate governance, coordination and implementation at the administrative level, and the disconnect between constitutional recognition and administrative action as significant challenges to the realization of climate rights(Naik & Kumar, 2025).

Institutional Capacity and Enforcement Deficiencies

The next big challenge relates to the "paper to practice" divide in environmental law. Pakistan has a huge body of environmental laws and regulatory bodies, but their effectiveness is hampered by a lack of financial resources, technical knowledge, monitoring and enforcement. Environmental Protection Agencies have critical roles to play in environmental assessment, pollution control, monitoring and compliance with regulation, which can differ widely from one jurisdiction to another. The gaps in environmental adjudication in Pakistan, as revealed by the literature, are the lack of resources, delays, technical issues in giving evidence, lack of expertise, and weaknesses in the institutional framework (Yasin, Munir, Shehzadi, & Saleem, 2026). These are structural deficiencies which cannot be solved by judicial action alone (Parker et al., 2022).

Governmental authorities may be directed to put in place environmental laws by courts, but the order is only effective if there are administrative institutions to keep an eye on compliance. Climate-related disputes are particularly problematic as they rely on scientific information,

emissions inventories, vulnerability assessments, hydrological information, ecological monitoring and long-term forecasting for climate governance. The judiciary can thus be thrown into cases where the legal issue is indistinguishable from the very technical scientific evidence. The Asian Development Bank (ADB) has earlier found issues with the implementation of environmental laws and suggested that environmental-law education and judicial training should be improved. The importance of institutional capacity, technical skills, data systems, and enforcement is also raised in more recent conversations, as crucial prerequisites to make Article 9A a reality in terms of climate protection(Peel & Lin, 2019).

Climate Vulnerability, Federal-Provincial Fragmentation, and Implementation Gaps

All these difficulties are magnified in Pakistan due to its unique climatic conditions. These countries generate less than 1% of world GHGs and are highly vulnerable to floods, heatwaves, water stress, drought, etc. The nations account for less than 1% of global GHGs, but are highly exposed to climate hazards like floods, heatwaves, water stress and drought. During 2022, the overwhelming deluges affected roughly 33 million residents, caused upwards of 1,700 deaths, and produced US$14.9 billion worth of destruction, together with approximately US$15.2 billion in financial setbacks. The numbers illustrate just how tremendous the impact of constitutional protection of the environment has to be. However, the responsibility for dealing with these risks is shared between the federal, provincial, and local institutions(Preston, 2021). After the Eighteenth Amendment, the jurisdiction for environmental regulation shifted to the provinces, and the federal level is still strongly linked to climate policy, international agreements, and, to a great extent, financial mechanisms (Peel & Osofsky, 2020).

Strengthening Environmental Rights through Pakistan's Judicial System

Strengthening Constitutional Interpretation, Judicial Capacity, and Environmental Litigation

Section 9A of Pakistan's founding charter now expressly affords citizens an entitlement to an unpolluted, healthful, and enduring habitat, whilst furnishing the judicial branch with a transparent foundation for expanding ecological protections. The provision was inserted in the Constitution (Twenty-Sixth Amendment) Act, 2024, which has shifted the legal landscape from one where environmental rights had been acquired to the extent that they were recognized by court interpretation, to one where environmental quality is a fundamental entitlement. Supreme Court decisions in recent years have already accorded Article 9A the status of a constitutional right, and linked environmental protection with the protection of life and public health. It is thus of the utmost importance that a clear judicial understanding of Article 9A is developed(Preston, 2024). The courts ought to make it clear that the constitutional right applies not only to freedom from immediate environmental harms, but also to rational measures taken by the State on all matters relevant to air pollution, water pollution, environmental degradation, adaptation to climate change, waste management and other threats that can affect human health and well-being. This would enable environmental rights to be granted as a more preventative mechanism, instead of one that comes after harm.

Such steps would permit courts to maintain legal jurisdiction without trying to engage in scientific functions. The potential of public interest litigation should be tapped as an effective tool for environmental justice. Communities lacking financial and institutional resources are especially vulnerable to the impacts of climate change. The Leghari proceedings clearly highlighted the protection of weaker and vulnerable sections of society, which might not be able to approach courts. Courts can enhance this role by enabling representative environmental claims, engaging the public, facilitating public and scientific input, and accepting credible evidence, while ensuring that the procedures do not prevent genuine environmental claims from being heard unnecessarily(Savaresi, 2023).

Strengthening Judicial Enforcement, Institutional Coordination, and Climate Accountability

The second should be moving from environmental judgments made to ones that are ongoing. The Leghari case offers a very useful institutional model, as the Lahore High Court examined the case on a continuing basis and instigated mechanisms for ensuring adherence to the ruling. The Legal Justice Commission of the nation has interpreted the verdict as forging a transparent architecture for enforcing the Federal Climate Change Policy, alongside a reorientation from ecological rights toward planetary justice. These can also be used when government bodies have failed to comply with their statutory environmental obligations or if they have adopted a climate policy. There must be a clear institutional framework, however, in which judicial enforcement is carried out. The courts should set out measurable requirements for compliance, with the majority of the work conducted by competent governmental bodies for technical policy formulation. In a climate adaptation scenario, for instance, where a ministry has set a target, judicial review may address the acceptability of the target, in the sense that the target is lawful, evidence-based, transparent and implemented, without judges having to create their own technical program. This would maintain separation of powers and ensure that constitutional rights are not made unenforceable(Savaresi & Setzer, 2022).

The National Adaptation Plan (NAP) 2023 is an important policy base for such judicial accountability. The Federal Cabinet approved Pakistan's first NAP in July 2023, which aimed to integrate climate adaptation into decision-making processes, build resilience, pursue NbS, and mobilize climate finance. Courts are thus able to determine if relevant authorities are being reasonable in implementing existing adaptation commitments, especially when failure to act involves foreseeable risk to constitutionally protected rights. Coordinating between the federal level and provinces is also crucial(Sultan & Afzal, 2025). After the Eighteenth Amendment, environmental governance has taken on a more decentralized approach, which places responsibilities on Federal and Provincial institutions. Judicial protection will be more effective if courts facilitate clarity on institutional responsibilities, uniform environmental standards, transparency, reporting, and coordination of implementation. In the context of this article, Article 9A should be understood as creating a positive obligation on public authorities to set in place effective environmental governance, and not only ensuring that they do not directly cause environmental harm(Setzer & Benjamin, 2020).

Finally, there should be clearly communicated monitoring and reporting systems to support environmental judgments. Measurable information on air and water quality, environmental approval, pollution control, climate adaptation and judicial orders could be required to be published by relevant authorities or by Courts. This reporting would provide a basis to verify Government performance and allow for review by the judiciary if desired. The case of Leghari, where the Court has directed the various governmental institutions to appoint focal persons for the issue of climate change, shows that judicial supervision can generate institutional accountability which is beyond the individual litigants(Setzer & Higham, 2024). The ultimate goal should not be to transform the judiciary into the main climate policy institution in Pakistan. Instead, the judiciary must be a device of accountability for the legislative and executive institutions of government to ensure that they respect Article 9A and other fundamental rights. Judicial institutions have a unique chance in the context of high climate vulnerability in Pakistan and in the light of the constitutionality of the environmental rights to create a body of principles that balance rights protection, science, preventive regulation, institutional accountability and intergenerational justice. In this model, Article 9A is not just a constitutional statement but a constitutional basis for environmental governance, and courts create the institutional protection required to bring environmental rights into reality for current and future generations(Smith-Carrier & Manion, 2022).

Conclusion

Climate constitutionalism offers Pakistan an increasingly important legal framework for constitutionally responding to the legal consequences of ecological deterioration and atmospheric shifts. This study illustrates that environmental protection has changed from a largely statutory and policy-driven responsibility to a constitutional recognition of environmental protection in Pakistan. In the litigation of *Shehla Zia against the state utility* and *Asghar Leghari versus the central government*, the correlation between habitat integrity, life, and fundamental rights was laid down by the judicial interpretation of Articles 9 and 14. Article 9A was added to the Constitution through the Twenty-Sixth Constitutional Amendment in 2024, and it mandates that everyone has the right to a clean, healthy and sustainable environment. But the recognition of the Constitution does not necessarily mean that environmental protection will be effective. Climate vulnerability, weak federal-provincial governance, institutional constraints, poor implementation, a lack of technical expertise and the inability to ensure continued action all continue to be significant barriers to Pakistan. Courts accordingly hold a primary role in explaining the real substance of Clause 9A, in promoting public interest environmental actions, in implementing the precautionary and sustainable-development principles and in securing government compliance with constitutional and statutory environmental requirements. Future climate constitutionalism should, however, continue to strike the right balance between the accountability of judges and the separation of powers among institutions. While legislatures, environmental agencies and technical institutions work out specific climate policies, courts should set and enforce enforceable constitutional standards and supervise compliance. Increasing the capacity of the judiciary, environmental benches, mechanisms involving science, institutional coordination, and environmental compliance monitoring processes would greatly enhance the protection of environmental rights. Finally, the new constitutional climate in Pakistan ought to be more than reactive environmental litigation based on a preventive, rights-based and intergenerational approach. Article 9A will serve as constitutional grounds, which need to be interpreted and enforced effectively by judges and institutions to make it a meaningful shield from environmental and climate damage.

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