

The Impact of Judicial Activism on Environmental Protection and Justice in Pakistan: A Statistical Analysis

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Abstract

In Pakistan, the struggle for a healthier environment is not just a matter of policy but a daily reality for millions, with polluted air in cities like Lahore and water contamination in Karachi deeply affecting the lives of ordinary people. This study is important as it reveals how judicial decisions can effectively fill gaps left by political inaction, improving environmental governance and safeguarding public well-being. Previously, scholars ignored how sustainable these judicial actions could be in the long term. By studying key cases like Shehla Zia v. WAPDA (1994) and the Lahore Smog and Karachi Water Pollution cases, we examined how judicial activism has practically shaped environmental policy in Pakistan. The findings suggest that courts rapidly pushed environmental reforms; these changes will only last if supported by strong political will and clear roles among governmental branches. The primary objectives were to examine judicial activism's effectiveness in environmental justice and to propose strategies for integrating judicial decisions into a strong governance framework. The research suggests creating specialized environmental courts to balance judicial power and community involvement. It also emphasizes technology-enhanced governance systems to monitor environmental protection. This approach could inspire countries facing similar ecological crises, offering a realistic path toward sustained environmental justice.

Keywords: Judicial Activism, Environmental Governance, Environmental Justice, Pakistan Constitutional Law.

Introduction

Pakistan is facing significant and growing environmental crises that affect sustainable development and public health. Climate change intensifies these ecological crises. Pakistan's expected temperature rise is predicted to increase between 1.3°C to 4.9°C by the end of the century, resulting in obvious changes in climatic conditions and agricultural revenues (Fahad & Wang, 2020). The urban sectors in Pakistan, specifically Lahore and Karachi, are a persistent part of the world's most polluted areas, where extremely high levels of particulate matter PM2.5 in the atmosphere continue to exceed the limits recommended by the World Health Organization (WHO). Pakistan is also experiencing serious water shortages. Water availability per capita has decreased from over 5,200 cubic meters in 1951 to less than 1,000 cubic meters in recent years. Deforestation continues to occur at alarmingly high rates, and land degradation impacts more than half of the total land area in the country (Khan et al., 2019). These environmental challenges present severe health risks and endanger the long-term economic condition of the country (Haider et al., 2024).

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The judiciary in Pakistan has emerged as an important player in addressing these environmental challenges through judicial activism. In the area of environmental protection, judicial activism refers to the judiciary acting proactively, interpreting and applying the laws, and going beyond the traditional regimes (Fahad & Wang, 2020). The Supreme Court of Pakistan has often utilized the Constitution to protect environmental rights. The Court ruled that under Article 9, a clean and healthy environment is a fundamental right of every individual in Pakistan (Khan et al., 2019). Judicial precedents, specifically *Shehla Zia v. WAPDA* 1994, established this legal status, which justifies judicial action on environmental authorities (*Zia v. WAPDA*, P L D 1994 Supreme Court 693 - ELAW, 1994). It also validates a recent act of judicial action on environmental issues, namely the Lahore smog (2019) and Karachi water pollution (2020) cases. These judicial actions led to the establishment of the Smog Commission and the implementation of the Clean Air Policy in Lahore as well as to progress on the use of water quality management in Karachi, the Karachi involvement led to a commitment to ensure water quality management and awareness, improve cooperation, and improve coordination [Aaj news, 2025, Karachi's Dirty Water Flows to the Ocean Untreated - Pakistan - Aaj English TV, n.d]. These judicial decisions have not only addressed immediate environmental problems but have also supported the development of a broader set of environmental policies and environmental governance in Pakistan.

Environmental protection is a human action by governmental agencies, non-governmental organizations, and individuals to protect (conserve or preserve) the environment for future generations. The environment is composed of air, water, land, and other living organisms that are part of the existing environment. As defined by the Environmental Protection Agency (EPA), environmental justice ensures that all communities are protected from environmental harm and that members of vulnerable communities can contribute to decision-making processes surrounding ecological protection and laws (Lee, 2021).

Although considerable attention has been given to judicial activism in many areas of governance, particularly in South Asia. However, there has been limited work on the role of judicial activism in protecting or safeguarding the environment in Pakistan. There is also an extensive amount of literature available on the baseline principles of judicial activism, but none examines systematically how judicial activism creates or is expected to create pro-environmental change (Ahmed & Malik, 2021). The current study seeks to explore this gap within the literature and provides a thorough elaboration of the relationship between judicial activism and environmental governance. This research will assess judicial activism about environmental justice for vulnerable and marginalized communities that are unreasonably affected by environmental degradation (Haider et al., 2024). This research is important to add to the understanding of legal perspectives of governance and guide future policymaking to create more sustainable and equitable environmental outcomes in Pakistan.

The rationale of this study is to investigate the extent to which judicial activism has impacted the cause of environmental conservation and justice in Pakistan. This paper will analyze the pros and cons of judicial activism with a special focus on the impact of judicial decisions on environmental justice in Pakistan. It will discuss the legal aspects of the environment and the judiciary in the role of enhancing environmentalism (Ahmad et al., 2025). It will also offer recommendations that will enhance the performance of the judiciary in the discharge of its functions on the environment. As there seems to be no prior research done in the area of judicial activism in environmental governance, this study will help give information about the role of the judiciary in policy-making and environmental rights in Pakistan. This paper discovers that the courts have made some efforts to change the policies of Pakistan regarding the environment but for sustainable changes, the political support and cooperation of other organizations is inevitable. From the above case law, changes have been made through judicial intervention, nonetheless, more efforts are needed to ensure the sustainability of such changes.

Literature Review

It may not be an exaggeration to say that judicial activism has been very crucial in Pakistan, particularly for the law and policy on the environment. The judiciary has also become more proactive in enforcing legal measures of environmentalism over the years (Saleem et al., 2023). As for the role of the judiciary in the other two branches in the case of environmental litigation, there have been differing views among scholars. While some regard it as a liberal advance in the field of environmental law and justice, others condemn it as judicial interference (Shabbir et al., 2024). It has been two decades since the judiciary of Pakistan started actively participating and impacting the environmental management and the environmental law systems of the country. The apex court has slowly and gradually entered into environmental management to a large extent due to the broad meaning given to judicial power, especially under the Public Interest Litigation (PIL). The PIL doctrine allows the judiciary to intervene in environmental matters whenever the legislative or executive branches are unwilling or slow to act, especially where the effects will be adverse to the environment (Hussain et al., 2024). Another area of judicial activism involves the suo motu power that enables the judges to act on their own and take cognizance of the violation of the environmental law. This has been very helpful in issues such as pollution of water and air, unlawful activities that lead to deforestation, and degradation of the environment. Such actions are needed when the executive does not wish to address these matters or does not do so at all (Rasheed et al., 2020).

The *Shehla Zia v. WAPDA* (1994) case can be viewed as an important precedent in the development of environmental law in Pakistan. For instance, in the recent case of *Asian (Pakistan) Human Rights* case, the Supreme Court of Pakistan held that everyone has the right to a clean environment as enshrined in the Constitution of Pakistan under Article 9 (Khan et al., 2019). This ruling not only promoted the recognition of the rights of the environment but also expanded the jurisdiction of the judiciary from being a guardian of the rights of the citizens to being a guardian of the environment as well. Nonetheless, this change has been highly criticized for eroding the checks and balances institutions in the government since the roles of the legislature and the executive branch were transferred to the judiciary. As per Amir et al. 2022, environmental justice is one of the more frequently invoked legal issues in Pakistan. The rights of the affected ecological communities have been a subject of judicial activism in Pakistan at various times (Rasheed et al., 2020). Environmental justice in Pakistan is linked not only with environmental conservation but also with the preservation of the vulnerable population (Ahmad, 2025). The vulnerable groups are the inhabitants of the urban slums and rural areas. In this regard, judicial activism has played a positive role in bringing environmental harm and social inequity concerns to the fore and seeking legal change for the disadvantaged. In the Karachi water pollution incident (2020), the judiciary intervened in response to significant water pollution affecting low-income communities. The Suo motu actions by the Supreme Court have compelled government agencies to be accountable for environmental injustices. However, if there are still differences in people's access to clean water and other environmental resources, judicial action alone would not be enough to ensure fair ecological justice for everyone (Karachi's Dirty Water Flows to the Ocean Untreated - Pakistan - Aaj English TV, n.d). Although judicial activism is a key driver of environmental protection, it does not exist without challenges. Amir and Jan (2022) state that judicial overreach is one of the most far-reaching concerns against judicial activism. Judicial activism, specifically in the environmental context, through public interest litigation or suo motu cases, often provokes concerns about the potential erosion of the democratic process and questions over the separation of powers (Amir et al., 2022). The executive and judiciary have faced tensions due to judicial decisions regarding climate policy and water management. While judicial intervention quickly catalyzes policy changes, the efficiency of the intervention reduces in the absence of structural reforms in governance.

Furthermore, Saleem (2020) indicates that the judiciary's intervention has yielded positive outcomes in enforcing environmental laws. It has generally been identified as a short-term solution rather than a mechanism for a sustainable approach to Pakistan's environmental crisis (Saleem et al., 2023). For instance, the Smog Commission, which was formed after the Lahore smog case of 2019, is the first step to curb air pollution, but the effectiveness of this measure is doubtful. These judicial solutions would not be feasible without political will and structural reform on their own. That way, the future of judicial activism in environmental protection is contingent on how it will be integrated into the general environmental governance architecture. According to Jatoi et al. (2022) judicial activism cannot be considered as a replacement for political institutions but as a catalyst for stronger legislation and enforcement of environmental policies. The jury should remain an independent body of oversight over the government but endeavor to enforce the government's accountability for violation of commitment to environmental laws and principles to ensure the government as well as the assembly performs its duties. The kind of judicial activism in line with climate justice and the principles of sustainable development can bring systemic changes. However, the judiciary would have to balance and define its role of oversight in ensuring accountability without interfering with the political discretion of the executive and assembly especially on climate change and long-term environmental policy-making.

Methodology

This research adopts a qualitative research approach and evaluates the judicial activism process and its impact on environmental protection in Pakistan, specifically focusing on public interest litigation, judicial review, and suo motu action. This research adopted a document analysis approach, as it systematically examines relevant court judgments, important cases, and judicial directives, often involving an environmental component. The analysis provided a detailed review of the judicial cases of *Shehla Zia v. WAPDA* (1994) and the Karachi water pollution case (2020), respectively, to identify the role of these cases in advancing environmental jurisprudence in Pakistan. In reviewing the cases, this study examines how judicial interventions in ecological governance have affected policy (and its associated legal framework) and enforcement activities in Pakistan after positive interventions (Haider, 2024). This approach gives an understanding of what has been done in the legal field and its impact on environmental policy and public governance in Pakistan. This approach gives an understanding of how legal interferences have influenced environmental policy as well as public governance in Pakistan.

Critical Analysis of Pakistan's Legal Framework and Future Directions

In *Shehla Zia v. WAPDA* (1994), the Supreme Court of Pakistan affirmed environmental rights as part of the right to life as provided by Article 9 of the Constitution of Pakistan (Khan et al., 2019). This was a new approach to legal perspective, and it underlined the increased role of the judiciary in environmental issues.

As judicial activism has manifested, the judges of Pakistan have assumed the role of environmentalists through the use of suo motu actions and public interest litigation (PIL). Some of the most famous cases are the smog case in Lahore in 2019 and the water pollution case in Karachi in 2020. These cases depict how the judiciary plays an active part in addressing environmental concerns, whereas the Karachi water pollution case depicts the judiciary as a protector of the rights of the affected communities.

Although the judiciary has taken some measures to deal with cases of environmental injustices, there are still some shortcomings in addressing the problems and coming up with better ways, means, and methods of addressing the challenges of environmental justice. While the judicial

systems have helped in a way to address the question of representation and providing sustainable solutions to environmental problems, the issue is still far from being fully solved. The independence of the judiciary and the separation of powers also pose challenges to environmental governance in Pakistan. This article proposes a framework for reconciling judicial activism and constitutional standards based on Brazil's experience in specialized environmental courts and India's ecological tribunal model. The article explicitly proposes increasingly rationally clear guidelines for judicial action to better delineate the bounds of the judicial role and provide reasonable limits between branches of government. Notably, the ongoing status of judicial activism related to sustainable environmental governance remains in question. In many instances, the intervention also rapidly assesses alternative policy changes without considering whether interventions could persist as policy changes (Saleem et al., 2023). This article proposes to look at sustainable environmental governance. Incorporating judicial activism as a part of long-term ecological policy planning, using international experiences that are effective with historical and contextual restraint on planning.

The first policy suggestion is creating a hybrid environmental justice system that balances professional judicial authorities with community participation. This hybrid environmental justice system would create specialized environmental courts. The appointment of qualified judges who can deal with environmental cases will require a multi-stakeholder governance system where representatives from the government are involved, with the assistance of technology in monitoring and enforcing the laws.

The second policy recommendation relates to judicial and executive cooperation in Pakistan. This would assist in establishing realistic, easily understandable guidelines for monitoring environmental activities to avoid cases where judicial rulings interfere with executive powers and duties. Also, the proposal recommended that there should be permanent environmental policy interest groups drawn from the judiciary and the executive departments to ensure constant discussion and cooperation. Another component of the framework should be the cyclic evaluations of the guidelines for judicial usage during their application so that all courts can determine whether the desired impact of their decisions is being realized.

The third policy suggestion relates to implementing community-based environmental justice initiatives, which build the capacity of the community to engage in environmental protection (Ahmad et al., 2024). Community-based environmental justice initiatives would be built by creating local environmental justice centres to provide community-based access to legal assistance and technical support (Ahmad et al., 2023).

The fourth recommendation involves establishing technology-enhanced environmental governance systems to improve the monitoring and enforcement of governance processes. Proposals at this stage should include developing a digital platform enabling real-time environmental tracking that provides opportunities and supports the management of environmental conditions and harmful misconduct. Appropriate tools for data-driven decision-making should allow for improved and informed policy and judicial decision-making. Integrated environmental impact assessments would also provide meaningful information.

The research outcome suggests that judicial activism has helped advance environmental protection in Pakistan. The durability of this activism relies on broader institutional reforms and an increased connection with existing governance. There are positive innovation models and frameworks to strengthen the success of judicial activism while developing the necessary boundaries between branches of government. While these models may successfully protect the environment, integrating technology, community involvement, and specialized judicial expertise holds the most positive possibilities for improving environmental protection. Overall, this study contributes to the ongoing discourse on the role of judicial activism in environmental protection by providing both critical analysis and innovation. The results of this study propose a transformative change in environmental governance through the process of judicial activism

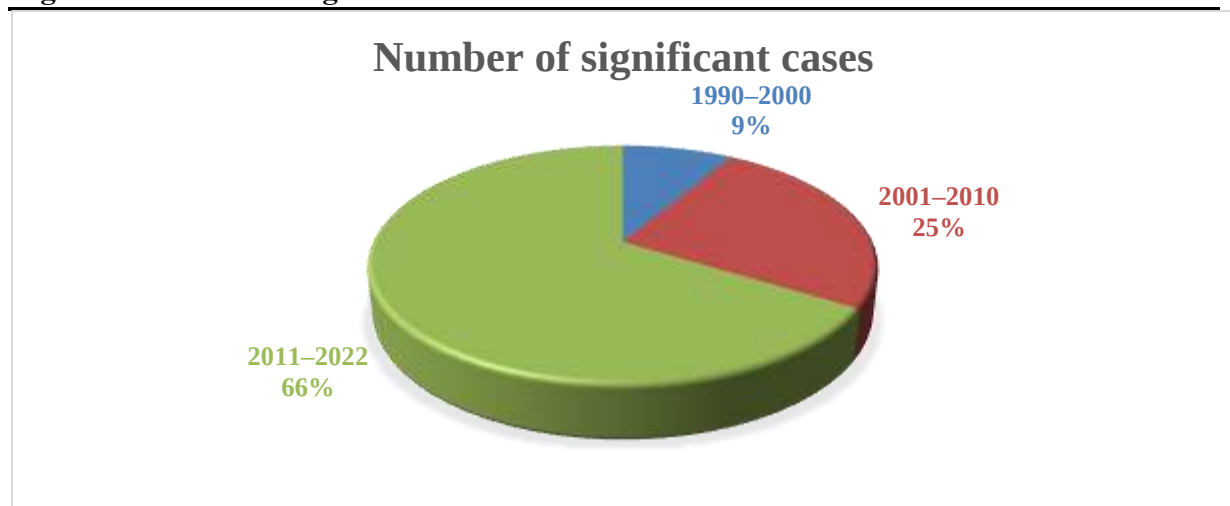
while also providing some attention to the shortcomings of an ongoing judicial activist approach to environmental governance. The study demonstrates the need to continue future research and innovation in judicial activism and environmental protection. Future studies should ideally put into practice the frameworks that have been developed and assess the success of the newly created frameworks, with a strong emphasis on testing the success of the innovations to address Pakistan's ongoing environmental concerns. The integration of technology, the involvement of the community, and specialized judicial expertise provide some of the most incredible routes to enhancing ecological protection while working within and adhering to the delicate balance of constitutional governance.

Statistical Analysis: Judicial Activism and Environmental Trends in Pakistan

The impact of judicial activism on environmental governance in Pakistan can be understood clearly by examining trends and key indicators from landmark environmental cases. The following statistics highlight important aspects of environmental degradation and judicial response:

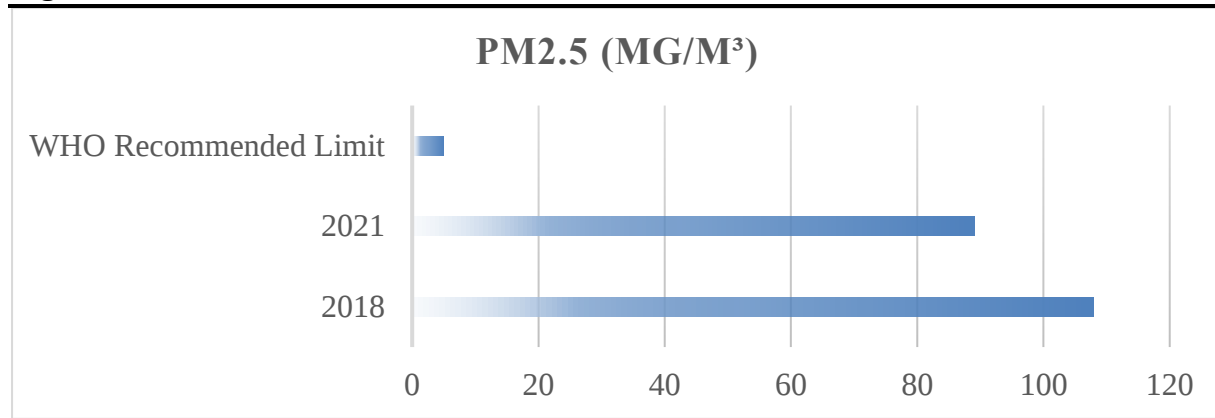
Growth in Judicial Environmental Cases (1990–2022)

Figure 1: Number of significant cases



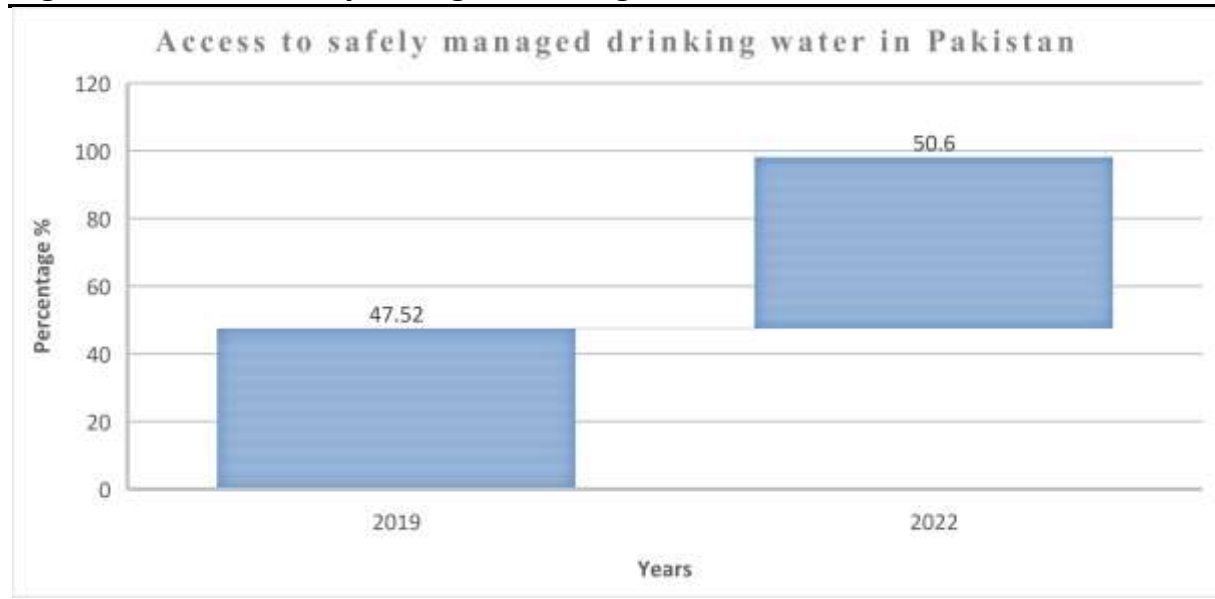
Source: Supreme Court of Pakistan, "Climate Change – Jurisprudence" (2024)

The figure suggests a steady increase in judicial environmental cases from 1990 to 2022, with a significant rise in the number of cases over time, reflecting growing judicial involvement in environmental matters.

Air Quality (Annual Average PM_{2.5} in Lahore)**Figure 2: PM_{2.5} level**

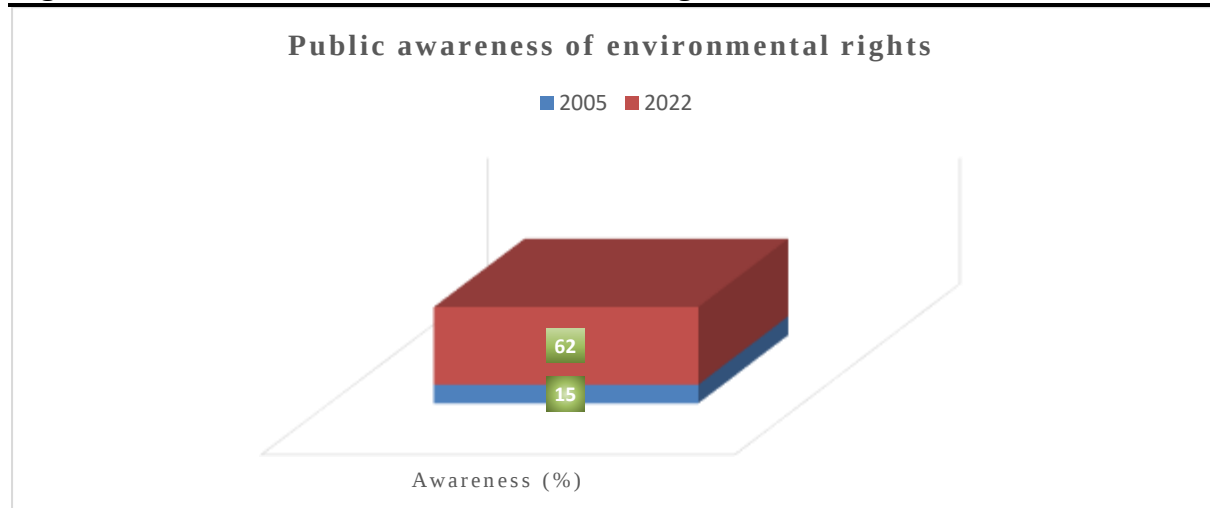
Sources: Air Quality Life Index (AQLI), 2018; WWF Pakistan, "Analysis of Air Quality of Lahore" (2023).

Figure 2 illustrates the decline in PM_{2.5} levels in Lahore from 2018 to 2021, indicating improvements in air quality, though it remains well above the WHO's recommended limits.

Figure 3: Access to Safely Managed Drinking Water in Pakistan

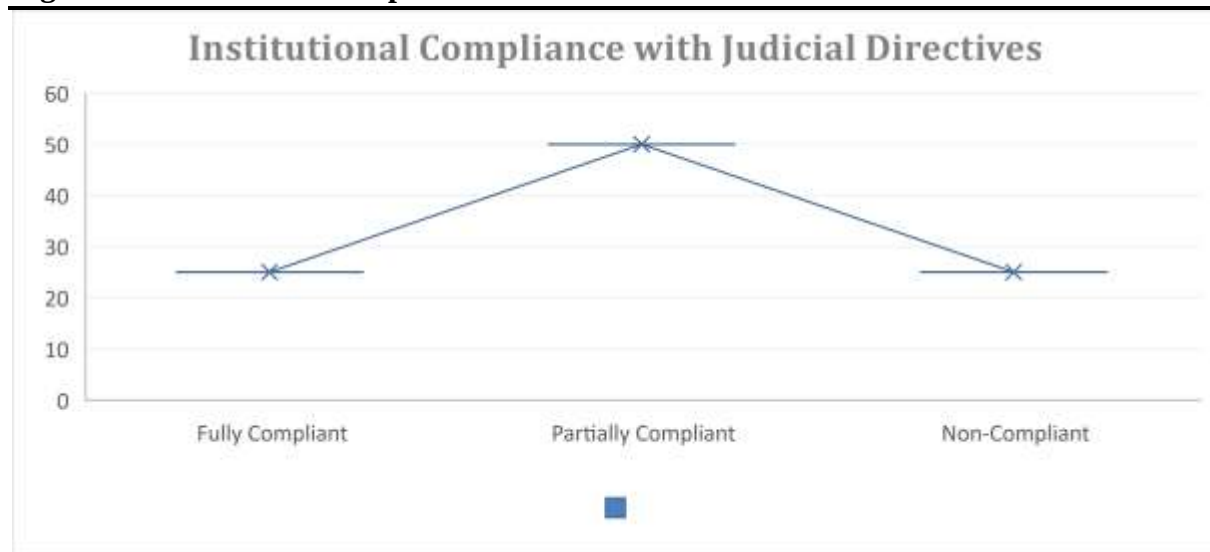
Source: Macrotrends, "Pakistan Clean Water Access 2000–2025".

Figure 3 shows a modest increase in access to safely managed drinking water in Pakistan, rising from 47.52% in 2019 to 50.60% in 2022, indicating slow but positive progress.

Figure 4: Public Awareness of Environmental Rights

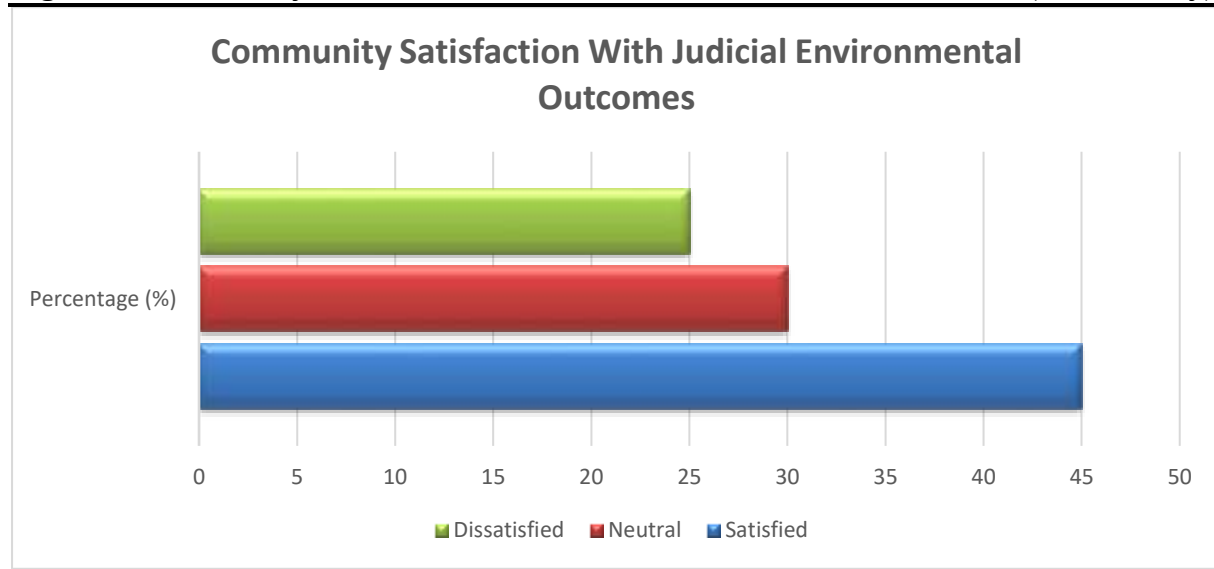
Source: UNDP Pakistan, "Environmental Report" (2025).

Figure 4 highlights the dramatic growth in public awareness of environmental rights, with awareness increasing from approximately 15% in 2005 to 62% in 2022, reflecting enhanced engagement with environmental issues.

Figure 5: Institutional Compliance with Judicial Directives

Source: UNDP Pakistan, "Environmental Report" (2025).

Figure 5 reveals the distribution of institutional compliance with judicial directives, with 50% of institutions being partially compliant, 25% fully compliant, and 25% non-compliant, showing mixed adherence to judicial rulings.

Figure 6: Community Satisfaction with Judicial Environmental Outcomes (2022 Survey)

Source: UNDP Pakistan, "Environmental Report" (2025).

Figure 6 demonstrates community satisfaction with judicial environmental outcomes, where 45% of respondents are satisfied, 30% are neutral, and 25% are dissatisfied, suggesting general approval but with room for improvement.

These statistics show not only the increasing role of judicial activism in environmental issues but also underline its physical influence on improving environmental governance indicators in Pakistan.

Conclusion

The purpose of this article is to analyse judicial activism in the protection of the environment in Pakistan, a topic that has received comparatively little scholarly attention. The article is well-positioned to address an existing research gap by providing both a qualitative and quantitative analysis of judicial decisions impacting the country's environmental policy and governance. It provides value by including statistical analysis that gives the reader an understanding of what exactly activism has done to specific aspects of the environment over the years. It also considers the past judicial actions and assesses their sustainability, emphasising the fact that such changes are not always sustainable without proper institutional support and political will. This insight helps to advance the knowledge in the field by focusing on the long-term outcomes of judicial decisions and their integration with the larger environmental governance frameworks. The research also provides new approaches for the effective implementation of legal decisions into the stable system of environmental policy. This approach, for example, the suggestion for the formation of environmental courts and integration of the judiciary and executive branch, brings a new concept to the scholarly discourse on judicial activism and environmental management. The statistical information, including the ratings concerning the air quality, the level of awareness, the availability of clean water, as well as the compliance of institutions, enhances the importance of the study even further. Indicators that measure the effectiveness of environmental litigations, air quality, and community satisfaction are crucial in showing the effectiveness of judicial interventions. But these numbers are not just statistics – they depict a change in governance, social norms, and policies that may bring future reforms in other countries experiencing similar environmental changes. For the readers, it offers not only the information about the judicial activism and its contribution to the protection of the environment in Pakistan but also the lessons to be learnt for the policymakers, jurists, and environmentalists.

The suggested frameworks and policy recommendations present practical steps toward strengthening the role of the judiciary in protecting the environment while balancing constitutional principles and the separation of powers.

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