

CASE COMMENT:**D.G. KHAN CEMENT COMPANY LTD. V. GOVERNMENT OF PUNJAB: THE NEXT STEP IN PAKISTAN'S CLIMATE JUSTICE JOURNEY**

SEMRA ISLAM*

Climate change is an acute and pressing issue, with disproportionately adverse consequences for Pakistan, amongst other countries. It is evident that if Pakistan does not act in a timely manner to combat climate change, it will face extreme weather catastrophes in the near future. According to the Global Climate Risk Index 2021, Pakistan is 8th out of the 10 countries most affected by extreme weather events from 2000 to 2019, with a Climate Risk Index (“CRI”) of 29.00.³⁵⁰ The CRI indicates the level of a country’s exposure and vulnerability to extreme weather events.³⁵¹ Countries with a high CRI, such as Pakistan, are the most impacted by extreme weather events.³⁵² It is recommended that countries should consider CRI as a warning sign that they are at the risk of being impacted by frequent, or rare but extreme weather

* Semra Islam is working as an Associate at Haidermota & Co. She completed her BA-LL.B. (Hons) with a High Distinction from Lahore University of Management Sciences (LUMS). During her undergraduate program, she worked as a Research Assistant at LUMS, where she was involved in research on varied aspects of constitutional and administrative law in Pakistan. She was also the Student Editor of the LUMS Law Journal from 2020 to 2021

³⁵⁰ David Eckstein, Vera Künzel and Laura Schäfer, ‘Global Climate Risk Index 2021’ (Germanwatch e.V., January 2021) 13
https://reliefweb.int/sites/reliefweb.int/files/resources/Global%20Climate%20Risk%20Index%202021_1_0.pdf accessed 03 September 2021.

³⁵¹ Ibid, 3.

³⁵² Ibid, 7.

catastrophes.³⁵³ Pakistan has faced 502.45 fatalities during this period, and suffered a loss of 0.52% per unit of Gross Domestic Product (“GDP”).³⁵⁴

1. BUILDING CLIMATE RESILIENCE

Against this backdrop, it remains the responsibility of the three organs of the state to ensure that Pakistan develops climate resilience through policy, legislative and judicial developments. Climate resilience can be built if governments, communities, business sector, academia, civil society and international organizations have the capacity to anticipate climate risks, absorb shocks and stresses, and respond to the same by reshaping development plans and businesses.³⁵⁵

1.1. Role of the Judiciary in Pakistan

The judiciary in Pakistan has contributed to positive developments in the country with respect to environmental justice and climate justice.

1.1.1. *Shehla Zia* case³⁵⁶

The oft-cited *Shehla Zia* case was a landmark judgment in which the Supreme Court held that the right to life under Article 9 of the Constitution of Pakistan, 1973 assures a person the right to be protected from exposure to hazards from electromagnetic fields, grid stations, factories, power stations, or other such installation.³⁵⁷ The Court also relied on the precautionary

³⁵³ Ibid.

³⁵⁴ Ibid, 13.

³⁵⁵ United Nations Climate Change (Marrakech Partnership), ‘Climate Action Pathway – Climate Resilience: Action Table (2020) https://unfccc.int/sites/default/files/resource/Action_table%20_Resilience.pdf accessed 05 September 2021.

³⁵⁶ PLD 1994 SC 693.

³⁵⁷ Ibid [12].

principle contained in Principle 15 of the Rio Declaration on Environment and Development, 1992 which recommends that where there is a threat of serious or irreversible damage, a state should not use lack of full scientific certainty as a reason for postponing cost effective measures to prevent environmental degradation.³⁵⁸ As the case pertained to the dangers of electromagnetic fields on human life, the Court held that it would be prudent to take precautionary and preventive measures on an immediate basis, rather than maintaining the status quo on account of non-conclusive scientific findings on the subject.³⁵⁹

1.1.2. Subsequent Cases

Post *Shehla Zia*, in a number of cases, the judiciary set green precedents, and highlighted, *inter alia*, the precautionary principle, *in dubio pro natura* (when in doubt, in favour of nature) principle³⁶⁰, the right to clean and unpolluted water, the right to a clean environment, concepts of intergenerational equity, water justice, sustainable development, etc.³⁶¹

1.1.3. *Asgbar Leghari v. Federation of Pakistan*³⁶² case

The Lahore High Court gave another landmark ruling on climate justice, water justice and the right to a clean and healthy environment in the *Asgbar Leghari* case, wherein, the Court constituted a Climate Change Commission, which was later dissolved as it was deemed to have performed its function

³⁵⁸ Ibid [9].

³⁵⁹ Ibid.

³⁶⁰ This principle is explained in greater detail in section 2.3.

³⁶¹ See 1994 SCMR 2061; 2013 SCMR 591; 2010 SCMR 361; PLD 2007 Lahore 403; 2017 CLD 772; Suo Motu case No.13 of 2005 (Supreme Court of Pakistan); 2006 SCMR 1202; Lahore High Court W.P. No.74381 of 2017; Lahore High Court W.P. No. 115949/2017.

³⁶² 2018 CLD 424.

efficaciously by the High Court.³⁶³ Subsequently, the Court constituted a Standing Committee on Climate Change which may approach the Court for the enforcement of fundamental rights of people in the context of climate change, as and when required.³⁶⁴ The Lahore High Court highlighted the shift from environmental justice to climate justice³⁶⁵ and emphasized on “adaptation” as a way of mitigating the adverse effects of climate change.³⁶⁶ The judgment also delved into the concept of water justice, and declared that climate justice and water justice are rooted in Articles 9 and 14 of the Constitution, which provide the right to life and dignity respectively, and also encapsulate the preambular constitutional values of social and economic justice.³⁶⁷

2. JUDGMENT OF THE SUPREME COURT IN THE *D.G. KHAN CEMENT COMPANY LTD. V. GOVERNMENT OF PUNJAB*³⁶⁸ CASE

2.1. Facts of the Case

In the *D.G. Khan Cement Company Ltd. v. Government of Punjab* case, the Supreme Court upheld a Notification issued by the Government of Punjab under the Punjab Industries (Control on Establishment and Enlargement) Ordinance 1963, prohibiting the establishment, enlargement and expansion of cement plants in the “Negative Area” falling within the Districts Chakwal and Khushab. In addition to adjudicating upon questions of law pertaining to administrative and municipal law, the Court commented on the necessity of the impugned Notification in light of concerns regarding climate change,

³⁶³ Ibid [24].

³⁶⁴ Ibid [27].

³⁶⁵ Ibid [20].

³⁶⁶ Ibid [21].

³⁶⁷ Ibid [23].

³⁶⁸ 2021 SCMR 834.

water scarcity and environmental degradation. The Court also declared that the legislative policy of organized and planned growth under the Ordinance is well in line with the preambular constitutional values, fundamental rights, and the principles of policy, particularly, the right to life and dignity, promotion of social and economic wellbeing of the people and safeguarding the legitimate interest of backward and depressed classes.³⁶⁹

2.2. Important Concepts discussed in the Judgment

The judgment focused on the concepts of climate justice, water justice, climate democracy and intergenerational justice. It is useful to define these terms, before detailing the relevant parts of the judgment and analysing the same.

2.2.1. Climate Justice

Climate Justice is a term that encapsulates the disproportionate impact of climate change around the globe and pushes for equitable revamping of development policies.³⁷⁰ Climate Justice requires the reduction of disparities in development, and the need to make changes which are trans-national in nature and focus on the equitable well-being of the world as a whole.³⁷¹

2.2.2. Water Justice

³⁶⁹ Ibid [5]. The Supreme Court is relying on Articles 9, 14, 37(a) and 38 of the Constitution of Pakistan, 1973.

³⁷⁰ Barbara Adams and Gretchen Luchsinger, 'Climate Justice for a Changing Planet: A Primer for Policy Makers and NGOs' (United Nations Conference on Trade and Development, 2009) xii https://unctad.org/system/files/official-document/ngls20092_en.pdf accessed 06 September 2021.

³⁷¹ Ibid.

The notion of “water justice” is based on the recognition that water problems are inherently ecological, political and social issues, and underpins the principles of fairness, equity, participation and justice.³⁷² Water justice movements highlight the broader issues linked to water, including local crises and global connections, and advocate for a right to water and sanitation against dispossession, exclusion and inequity.³⁷³

2.2.3. Climate Democracy

The term “climate democracy” refers to the way democratic principles can lead countries to deal with climate change in a different manner, that is, increasing participation of the citizens which lends legitimacy to any initiatives taken by the government and strengthens democratic institutions in the long term.³⁷⁴

2.2.4. Intergenerational Justice

UNICEF presents the concept of “intergenerational justice” as present generations having certain obligations towards future generations with respect to availability of natural resources and the sustainable functioning of the planet's ecosystems.³⁷⁵ Intergenerational justice also deals with the

³⁷² Farhana Sultana, ‘Water justice: why it matters and how to achieve it’ (2018) 43 (4) *Water International* 483, 487 DOI: 10.1080/02508060.2018.1458272 accessed 08 September 2021.

³⁷³ *Ibid.*

³⁷⁴ ‘Democratic Climate Glossary’ (Democratic Society) <https://www.demsoc.org/glossary> accessed 06 September 2021.

³⁷⁵ Fabian Schuppert, ‘Climate Change and Intergenerational Justice’ (*UNICEF*, 25 October 2012) <https://www.unicef-irc.org/article/920-climate-change-and-intergenerational-justice.html> accessed 06 September 2021.

question of how the rights of those present today can be balanced against the rights of the future generations.³⁷⁶

2.2.5. Overview of the Judgment – Environmental Law and Climate Justice

The Supreme Court held that the enlargement of an existing cement plant in a negative area attracts the aforementioned *Precautionary Principle*, as provided in the Rio Declaration, 1992.³⁷⁷ The Court also placed reliance on the *in dubio pro natura* principle under the IUCN World Declaration, which mandates that in cases of doubt, all matters before adjudicating bodies should be resolved in favour of protection and conservation of the environment.³⁷⁸ Further, that actions should not be undertaken when their potential adverse impacts on the environment are disproportionate or excessive in comparison to the benefits derived from them.³⁷⁹ The Supreme Court stated that it was imperative for the government to adopt a precautionary approach and act in accordance with the *in dubio pro natura* principle until a detailed hydrological study assessing the potential of groundwater resources for industrial purposes of the project area had been carried out.³⁸⁰

The Court further held that the government’s approach also protected the fundamental rights to life, sustainability, and dignity of persons.³⁸¹ Strikingly, the Court stated that the environment needs to be protected in its own right as well, and that “there is more to protecting nature than a human centred

³⁷⁶ Ibid.

³⁷⁷ *D.G. Khan Cement Company Ltd. v. Government of Punjab* 2021 SCMR 834 [16]

³⁷⁸ Ibid. See IUCN World Declaration on the Environmental Rule of Law 2016, Principle 5.

³⁷⁹ Ibid.

³⁸⁰ Ibid.

³⁸¹ Ibid.

regime.”³⁸² The Court referred to varied legislative instruments and judicial rulings wherein “personhood” has been ascribed to nature.³⁸³ Environmental personhood is a legal concept that ascribes the status of a legal person to environmental entities. A noteworthy example of this is New Zealand declaring Te Urewera National Park an environmental legal entity in 2014.³⁸⁴

The judgment also commented on the need for water justice, as water resources are at risk due to climate change, this would put Pakistan in peril on account of it being an agrarian economy, dependent on hydrological cycles.³⁸⁵ The Court endorsed the Declaration presented at the 9th World Water Forum which provides that a state should exercise stewardship over all water resources, and protect them in conjunction with their ecological functions, for the benefit of present and future generations, and the Earth community of life.³⁸⁶ The Court further emphasized that the precautionary approach and *in dubio pro natura* principle should be applied in water-related disputes to protect and conserve water resources and associated ecosystems, as water has an inseparable connection with environment and land uses.³⁸⁷

The judgment highlighted the move from “environmental justice” to “climate justice” where unlike the past, when the courts adjudicated upon local geographical issues such as air or noise pollution, deforestation, water

³⁸² Ibid.

³⁸³ Ibid. Reference is made to Legislatures in Ecuador, New Zealand, Australia and Uganda; Courts in Colombia (Constitutional Court, Sentencia T-622/16), India (*Mobd. Salim v Uttarakhand* 2017 (2) RCR (Civil) 636) and Bangladesh (*Human Rights and Peace for Bangladesh v Bangladesh* (2019) W.P. No. 13989 of 2016 (HCD)); and local governing bodies in the US which have granted legal personhood to nature or natural objects.

³⁸⁴ Te Urewera Act 2014.

³⁸⁵ *D.G. Khan Cement Company Ltd. v. Government of Punjab* 2021 SCMR 834 [17].

³⁸⁶ Principle 1 – Water as a Public Interest Good.

³⁸⁷ Principle 6 – In Dubio Pro Aqua; Principle 9 – Water Justice and Environmental Integration.

scarcity, etc., any environmental issues now are to be contextualized against the larger backdrop of climate change.³⁸⁸ The judgment emphasized the need to implement “adaptation” measures in response to climate change to ensure water, food and energy security for the country.³⁸⁹ The Supreme Court further highlighted the significance of the National Climate Change Policy, and held that the impugned Notification was a climate resilient measure, in line with the National Climate Change Policy and the Constitution.³⁹⁰

Towards the end of the judgment, the Court also discussed the need for intergenerational justice and climate democracy.³⁹¹ The Court emphasized that future generations should be “decolonized” from the adverse impacts of climate change, through climate justice.³⁹² The Court stated that robust democracies need to be climate democracies, which recognize climate change and are climate resilient, in order to protect the present and future generations from the catastrophes caused by climate change.³⁹³ Interestingly, the Court held that the “preamble constitutional value of democracy” under the Constitution of Pakistan is climate democracy.³⁹⁴ The Court further stated that sustainable development is the ideal practice for the future, and it is also in line with constitutional values of social and economic justice.³⁹⁵

2.3. Analysis of the Judgment

³⁸⁸ *D.G. Khan Cement Company Ltd. v. Government of Punjab* 2021 SCMR 834 [18].

³⁸⁹ *Ibid.*

³⁹⁰ *Ibid.*

³⁹¹ *Ibid* [19].

³⁹² *Ibid.*

³⁹³ *Ibid.*

³⁹⁴ *Ibid.*

³⁹⁵ *Ibid.*

The Supreme Court, through this judgment, has set another remarkable precedent in environmental jurisprudence from the global South. The Court is cognizant of the adverse effects of climate change and emerging principles in the international sphere which aim to combat the same. However, the judgment runs into the risk of merely referring to these key concepts in passing, without delving into a deeper discussion over the implications of entrenching them in Pakistan's jurisprudence.

2.3.1. Reliance on the Precautionary Principle

In line with the green judgments before, the court relies on the precautionary principle of environmental law. The judgment applies this principle after a brief analysis of the facts of the case and the respective expert reports relied on by the government and the petitioners. This is done without considering the vast but discordant literature³⁹⁶ on the merits of applicability of this principle.

It is also interesting to note that the Indian judiciary has highlighted the issue that the precautionary principle does not specify the standard of proof to which scientific evidence should be subjected.³⁹⁷ The Supreme Court, while relying on US jurisprudence³⁹⁸, holds that it is not the Court's job to referee battles among experts, and that the government has the discretion to rely on opinions of its own qualified experts in case of a conflict of specialist

³⁹⁶ Gitanjali Nain Gill, 'The Precautionary principle, its interpretation and application by the Indian judiciary: 'When I use a word it means just what I choose it to mean-neither more nor less' Humpty Dumpty' (2019) 21 (4) environmental Law Review 292, 294 accessed 25 September 2021.

³⁹⁷ *Ibid*, 303.

³⁹⁸ *Mississippi v EPA* 744 F.3d 1334, 1348; *Marsh v Oregon Natural Resources Council* 490 U.S. 360, 378.

opinions.³⁹⁹ The Court emphasized the importance of judicial restraint in dealing with scientific work, while also clarifying that scientific complexity does not excuse a lack of judicial scrutiny as it needs to be ensured that the government does not transgress its mandate nor mangle scientific results to produce certain outcomes.⁴⁰⁰ Even though the Court defers to the government's discretion in the present case, it is important to develop an objective criteria to assess the viability of scientific proof submitted in cases where the precautionary principle is at play. In this regard, the framework provided by Charles Weiss can be useful, which corresponds levels of scientific certainty with legal standards of proof in the context of the precautionary principle and the danger of serious or irreversible harm.⁴⁰¹ An objective framework can lend greater legitimacy to judicial decisions in cases involving the precautionary principle.

2.3.2. Climate Justice and Human Rights

Environmental jurisprudence in Pakistan is well beyond its nascent stages with the advent into climate justice. Climate justice is especially imperative for Pakistan because of the disproportionate impact of climate change faced by it. Pakistan is recurrently affected by catastrophic events,⁴⁰² such as floods

³⁹⁹ *D.G. Khan Cement Company Ltd. v. Government of Punjab* 2021 SCMR 834 [14].

⁴⁰⁰ *Ibid.*

⁴⁰¹ Charles Weiss, 'Expressing Scientific Uncertainty' (2003) 2 *Law, Probability and Risk* 25–46 <http://lpr.oxfordjournals.org> accessed 12 September 2021; Charles Weiss, 'Scientific Uncertainty and Science-Based Precaution' (2003) 3 *International Environmental Agreements: Politics, Law and Economics* 137–166 <https://link.springer.com/article/10.1023/A:1024847807590> accessed 12 September 2021; Charles Weiss, 'Can there be Science-Based Precaution?' (2006) 1 *Environment. Research Letter* 014003 <DOI: 10.1088/1748-9326/1/1/014003> accessed 12 September 2021.

⁴⁰² David Eckstein, Vera Künzel and Laura Schäfer, 'Global Climate Risk Index 2021' (Germanwatch e.V., January 2021) 13 https://reliefweb.int/sites/reliefweb.int/files/resources/Global%20Climate%20Risk%20Index%202021_1_0.pdf accessed 03 September 2021.

and droughts, which raises concerns regarding water and food security.⁴⁰³ Pakistan has reportedly experienced 173 extreme climate events from 2000-2019.⁴⁰⁴ These events affect the general population by not only lowering the quality of their life, but also adversely affecting their means of livelihood, as was also the case in *Asgbar Leghari* case.⁴⁰⁵ Therefore, constitutionally guaranteed fundamental rights have become the focal point of litigation on climate and environmental issues in the country.

The Court's reliance on fundamental rights to life and dignity in this case is quite pertinent as the link between climate change and human rights has also been acknowledged in international law. The Office of the United Nations High Commissioner for Human Rights (OHCHR) reported in 2009 that climate change has dire implications for the fulfilment of human rights.⁴⁰⁶ It is significant to note that the United Nations Human Rights Council (UNHRC) has highlighted that the effects of climate change are going to be felt most intensely by the weaker segments of the population, such as women, children, indigenous communities, etc.⁴⁰⁷ This places human rights discourse at the forefront of any legislation or policy on climate change. Under the United Nations Framework Convention on Climate Change, the Cancun Agreements also note Resolution 10/4 of the UNHRC on human rights and

⁴⁰³ *Asgbar Leghari v. Federation of Pakistan* 2018 CLD 424.

⁴⁰⁴ David Eckstein, Vera Künzel and Laura Schäfer, 'Global Climate Risk Index 2021' (Germanwatch e.V., January 2021) 13
https://reliefweb.int/sites/reliefweb.int/files/resources/Global%20Climate%20Risk%20Index%202021_1_0.pdf accessed 03 September 2021.

⁴⁰⁵ In the *Asgbar Leghari* case, the petitioner was an agriculturalist whose family-owned sugarcane suffered from water scarcity and temperature changes due to climate change.

⁴⁰⁶ OHCHR, 'Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship between Climate Change and Human Rights' (15 January 2009) UN Doc. A/HRC/10/61 <http://www.ohchr.org/Documents/Press/AnalyticalStudy.pdf> accessed 15 September 2021.

⁴⁰⁷ UN HRC Res. 29, 'Human Rights and Climate Change' (30 June 2015) UN Doc. A/HRC/29/L.21 [1]

climate change, which recognizes that the adverse effects of climate change will have a range of direct and indirect implications for the effective enjoyment of human rights.⁴⁰⁸ This makes it imperative to consider climate change issues from a human rights lens, which the judiciary in Pakistan has been successfully doing. However, it is also equally necessary for the courts to consider the plight of those segments of the population which are already in a weaker position and thus suffering more because of climate change. This aspect should be explicitly weaved in all such judgments on climate change which rely on fundamental rights.

2.3.3. Adaptation Measures against Loss and Damage

It is significant here to draw a relation between the “adaptation” measures as recommended by the Supreme Court and the human rights discourse within the climate change regime. Adaptation, within the context of climate change, is defined as the “the negative effects of climate variability and climate change that people have not been able to cope with or adapt to.”⁴⁰⁹ Loss and damage is one of the impacts of climate change, which cannot be completely addressed by adaptation.⁴¹⁰ Kristin Dow and Frans Berkhout, discuss three categories of risks emanating from climate change and highlight that risks

⁴⁰⁸ UNFCCC Secretariat, Decision 1/CP.16, ‘The Cancún Agreements: Outcome of the Work of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention,’ (2011) UN Doc. FCCC/CP/2010/7/Add.1 Preamble accessed 23 September, 2021.

⁴⁰⁹ Koko Warner, Kees van der Geest, Sönke Kreft, Saleemul Huq, Sven Harmeling, Koen Kusters and Alex de Sherbinin, ‘Loss and Damage in Vulnerable Countries Initiative: Evidence from the frontlines of climate change: Loss and damage to communities despite coping and adaptation (Bonn: United Nations University Institute for Environment and Human Security 2012) Policy Report, Report No. 9, 20.

⁴¹⁰ Erin Roberts, Kees van der Geest, Koko Warner and Stephanie Andreib, ‘Loss and Damage: When adaptation is not enough’ (*United Nations Environment Programme*, April 2014) https://na.unep.net/geas/getUNEPPageWithArticleIDScript.php?article_id=111 accessed 27 September 2021.

become ‘intolerable’ when existing adaptation strategies are no longer achieving a tolerable level of security and a major change in behaviour, such as migration, becomes inevitable.⁴¹¹ An individual may relinquish those aspects of their lives that keep them in harm’s way, such as choosing to give up farming or living along the coast, however, if an individual has no options or is unwilling to give up the same, they may face increasing losses and damages.⁴¹² The aspect of ‘loss and damage’ should be given due consideration in the climate discourse in Pakistan as this particular impact cannot be thwarted through adaptation measures alone. The country needs to establish mechanisms to protect the vulnerable segments of the population against the inevitable negative impacts of climate change. In this regard, it is significant to keep apprised of the international developments on ‘loss and damage’ to gain insights into the international best practices.

2.3.4. Personifying the Environment

It is encouraging that the Supreme Court emphasizes developing international approach of personifying the environment. Earlier on, environmental jurisprudence in Pakistan was solely focused on rights-based litigation. The recent literature on the subject states that the right to a clean and healthy environment is an “upside way of affirming the environment’s right to exist in good health.”⁴¹³ It is also suggested that court decisions can strengthen recognition of both the human right to a healthy environment and the

⁴¹¹ Kirstin Dow and Frans Berkhout, ‘Climate Change, Limits to Adaptation and the ‘Loss and Damage’ Debate’ (*E-International Relations*, 13 March 2014) <https://www.e-ir.info/2014/03/13/climate-change-limits-to-adaptation-and-the-loss-and-damage-debate/> accessed 26 September 2021.

⁴¹² *Ibid.*

⁴¹³ Prayank Jain, ‘Environmental Personhood Towards a Rights Based Approach for Nature and Humanity’ in Regina M. Paulose (ed), *Green Crimes and International Criminal Law* (Vernon Press 2021) 56.

environment's right to be healthy, and the linkages between the two.⁴¹⁴ The judgment does not delve into what environment personhood would entail in the context of Pakistan, however, this recognition by the Supreme Court is significant, and may inform future legislation or policies in the area.

2.3.5. Climate Democracy as a Preambular Value

Lastly, in another example of judicial innovation, the Supreme Court held that the preambular value of democracy under the Constitution is climate democracy. The Court does not go into any detail regarding the reasoning behind this proclamation. It would be an interesting jurisprudential read if the Supreme Court elaborates on this notion in the future and develops a linkage between preambular democracy in Pakistan and climate democracy through case-law or any theoretical framework.

3. CONCLUSION

The judgment in the *D.G. Khan Cement Company Ltd. v. Government of Punjab* case gives due significance to the protection of environmental law while relying on important concepts in the subject area, such as the precautionary principle. While this judgment has great symbolic value, especially since it originates from the global South, it fails to analyse some of the ideas presented by it, in adequate detail. One example of the foregoing concern is that the Court does not provide any information on how it visualizes intergenerational justice in the context of Pakistan. Climate change is a pressing and unforgiving issue which requires timely action. The judiciary can play a leading role in guiding the state into the era of climate justice, as highlighted in this note. Therefore, it is necessary that the higher courts

⁴¹⁴ Ibid, 58.

develop comprehensive jurisprudence on the matter, including effective tests, which can also guide the lower courts, thus creating a coherent approach towards climate justice.