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Environmental Protection Challenges in Pakistan: Evaluating Legal Frameworks, Institutions, and Enforcement Mechanisms.

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ABSTRACT

Environmental degradation has emerged as one of the most pressing challenges facing Pakistan, threatening public health, biodiversity and sustainable development. Despite the existence of a comprehensive legal and policy framework for environmental protection, the country continues to experience severe environmental problems, including air and water pollution, deforestation, climate vulnerability, and ineffective waste management. This study critically evaluates the current environmental protection challenges in Pakistan by examining the adequacy of legal frameworks, the capacity and performance of relevant institutions and the effectiveness of enforcement mechanisms. Adopting a doctrinal research methodology, the study analyses constitutional provisions, environmental statutes, judicial precedents and regulatory instruments governing environmental protection in Pakistan. The research further explores institutional weaknesses, governance deficits, lack of coordination among agencies and enforcement gaps that undermine the implementation of environmental laws. The findings reveal that although environmental legislation in Pakistan is largely aligned with international environmental principles, its practical enforcement remains weak due to limited institutional capacity, political and economic constraints and inadequate public awareness.



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Introduction:

In this paper, the impediments to effective enforcement of environmental legislation in the national levels are critically discussed in a multi-faced manner. It begins with the domestic hindrances which are the lack of binding character of international treaties, the problems of sovereignty, and the lack of integration in national interests and the lack of financial budgets and ineffective enforcement mechanisms. It also identifies the systemic problems such as corruption, inequities in the region, and insufficient monitoring. The study subsequently continues to examine some more issues that afflict the countries such as Pakistan especially such as economic growth versus environmental conservation, industry opposition, legal difficulties, and bureaucratic wastefulness. It also interacts with low institutional capacity, governance constraint, political momentum, and social opposition which build up to lessen environmental law enforcement. Through this analysis, this paper will seek to reveal the structural and functional shortcomings that do not allow the achievement of environmental goals. Pakistan is one of the countries that have been hit hardest by the effects of climate change with frequent floods, drought, heatwaves, and melting of glaciers, which have threatened the food security, infrastructure, and livelihood in this country. It is essential to address these environmental challenges as it will support the realization of constitutional rights connected with the right to life and clean environment as well as the realization of the national development objectives, obligations of the state to the international environmental initiatives, and sustainability in the long perspective. The research paper uses a qualitative doctrinal research approach to review the existing environmental protection issues in Pakistan. This methodological style would allow achieving a coherent and systematic insight into the legal and institutional response to environmental protection issues in Pakistan, as well as indicate spheres that should be reformed and provided more effective enforcement strategies.

Weak Institutional Capacity in Pakistan

The main obstacle to the effective implementation of environmental protection laws is poor institutional capacity of the environmental institutions in Pakistan. The scarcity of resources, skills, and organization among institutions is one of the limitations towards full implementation of the laws. Although there are regulatory laws, including the Pakistan Environmental Protection Act of (1997) and the existence of Pakistan Environmental Protection Agency (Pak-EPA), the institutions frequently have difficulty in the discharge of their mandated duties because of inadequate funds, insufficient human resource, and technical capacity (Pakistan Environmental Protection Agency, 2021). Among the factors that lead to failure of the institutions to be effective are interference at the political sphere, lack of effective long-term

strategic thinking and lack of qualified professionals in the sphere of environmental law and policy. Such shortages have led to weak surveillance and enforcement systems, which effectively undermine legal provisions to a substantial degree. Secondly, the environmental organizations in Pakistan find it hard to integrate the modern technological tools of environmental management due to financial constraints. This is combined with the fact that even though there are legislative structures, the effectiveness of environmental protection legislations is either dormant or loosely exercised exposing the country to a number of environmental calamities like pollution, deforestation, and water shortage (Khan, 2020). This is made worse by the fact that the legislations that protect the environment have been decentralized in the country. There are many federal and provincial governmental systems in the country with mandate to protect the environment, thus, creating coordination and fragmentation problems. The Environmental Protection Agencies (EPAs) at the provincial level are also usually incomplete, with such issues as the lack of administrative training, the inefficient system of data collection, and the unworthy legal system to enforce environmental criteria (Riaz, 2019). With the presence of law enforcement, there is often a shortage of proper political will and information of the people to secure the long-term sustainability of the environment. Another institution that contributes to the problem is the courts who fail to provide solutions in the cases of environmental infringements in time. As an example, in the *Pollution Control Board v. Karachi*. According to the court reported by the Government of Sindh (2010), the application of environmental regulations is also of poor quality because of weak institutional capacities and that there is a need to increase the monitoring and enforcement systems of the environmental agencies. Moreover, economic issues especially in heavily polluting sectors usually dominate over environmental conservation issues. This may be seen in *Environmental Protection Tribunal v. An example where the government failed to contain the pollution of industries due to financial pressures is Lahore Development Authority* (2013). This will eventually compromise the effectiveness of the environmental law, because the weak institutions are not able to create and implement credible deterrents in case of offending leading to failure to deliver the goals of the environmental protection law in Pakistan (*Environmental Protection Tribunal v. Lahore Development Authority*, 2013).

Corruption in Governance

The Pakistani government institutions are highly corrupt and this fact obstructs the proper enforcement and implementation of the environmental protection laws. Although they have Pakistan Environmental Protection Act (1997) and organizations such as the Pakistan Environmental Protection Agency (Pak-EPA), corruption is a significant challenge to sustainable environment (*Environmental Protection Tribunal v. Lahore Development Authority*, 2013). This corruption takes different forms such as bribery,

abuse of power and misuse of discretion when awarding the contract of environmental projects. The government officials responsible at the local and national level to enforce environmental laws will compromise their roles at the expense of money and leave the lawbreakers to escape (Khan, 2019). This kind of irresponsibility on the environmental administration destroys trust of institutions among the people and creates a cycle of failure to enforce the law. As a result, such criminal activities as illicit logging, industrial pollution, and poor disposal of wastes remains unpunished, aggravating the crisis in the environment of the country. Moreover, institutional corruption results in the ineffective monitoring process because the officials can be bribed to overlook the breaches or produce fraudulent compliance reports (Khan, 2019). The fact that the government officials collude with the corporate emitters also weakens the deterrence effect of the environmental laws. As, in the case of *Environmental Protection Agency v. Pakistan. Political interference Kohat Cement Company (2015)*, leniency was shown to polluting industries. Ineffective accountability and lack of public participation in decision making is what worsens this problem because the civil society is unable to hold those in power to account. *Kohat Cement Company, 2015*). As an example, the development plans in environmentally sensitive regions like Murree Hills were passed even though it was clear that there was a loss of environmental quality under the influence of the corrupt political forces who wanted to make a fortune by developing the land. LAH h. Development Authority. The Lahore High Court, *Environmental Protection Tribunal (2014)* determined that bureaucratic corruption that made proper monitoring impossible was one of the main reasons why environmental laws were not enforced. Corruption is also a cause of inefficiency in investigations of environmental abuse because the investigating agencies might be reluctant to take a stand in the investigation fearing political reprisals or personal gain (Ahmed, 2020). This does not only violate the rights of citizens to a healthy environment, it also undermines the international obligations of Pakistan through international agreements as the Paris Agreement. As such, corruption in the management of the environment is an issue that must be dealt with in Pakistan to institute a transparent and accountable system that can stop the degradation (Ahmed, 2020).

Political Will and Commitment

The environmental protection law has also been facing significant obstacles due to limited political will and prioritization of the issue, which has not been treated with seriousness in Pakistan. Although there has been a regulatory framework to conserve the environment like enacting laws like the Pakistan Environmental Protection Act (1997) and the creation of the Pakistan Environmental Protection Agency (Pak-EPA), lack of political commitment has continued to sabotage such efforts. Problems of global warming, pollution and loss of biodiversity, which are core in health issues at national and global level do

not get enough political attention on how they should be addressed. Policymakers and leaders fill time and time again opt to pursue economic growth in the short term and political gains at the expense of the environment in the long term. This tendency is observed in the 2018 Pakistan Economic Survey, which pointed out that the serious environmental issues are still persistent in the country despite the policies that have been implemented (Environment Protection Tribunal v. Lahore Development Authority, 2013). The legislative initiatives which are meant to address the problems of the environment typically suffer political problems as the governmental bodies and the legislators tend to be unwilling to enact the laws that contradict the interests of the powerful industrial and economic actors. This political apathy is also reflected in the failure to do Environmental Impact Assessments (EIAs) of large-scale infrastructure projects. As an example, in Environment Protection Tribunal v. Citing the court, Lahore Development Authority (2013) said that the government failed to make sure that the environment was compliant because of the lack of political will. Also, political environment has a propensity to create a delay between the formulation and enforcement of new policies whereby politicians are not always willing to make unpopular moves that may anger the established lobbies. Such failure to focus on protection is complicated by the absence of coordination and consistency among government agencies. The ministry of climate change along with provincial environment protection departments and municipalities are prone to operating in silos without a clear plan on how they will collaborate with each other. This strategy is readily apparent in the context of transboundary environmental issues, including air and water pollution which demand a cooperative solution between the federal and provincial governments (Environment Protection Tribunal v.). Lahore Development Authority, 2013. Political level lack of leadership is also shortage that further undermines the enforcement of the environment laws. Leadership is often not accompanied by action even in cases when it is taken seriously. To illustrate, the National Climate Change Policy (2012) despite being a much-needed move, has not been followed to the letter, and its goals have consistently been pushed aside by the priorities of other policies. Courts trying to bring attention to government laxity have been met with little success as well. Karbachi- Water and sewerage Board vs. The judiciary, Sindh Environmental Protection Agency (2016) condemned the government on its lack of seriousness towards its water and sanitation reforms. Also, the influence of powerful industrial lobbies, namely, in construction, mining, and agricultural industries, still remains to be a barrier on the way of improving environmental regulations (Karachi Water and Sewerage Board v.). Sindh Environment Protection Agency, 2016. Such sectors that play a crucial role in the Pakistani economy create enormous political influence to prevent the strict laws, and thus weaken the government authority to act upon the acute environmental issues (Iqbal, 2019).

Economic Constraints

Economic strains, and more precisely the decisive role of powerful industries, can be viewed as a huge challenge to ensuring the successful enforcement of environmental protection laws in Pakistan. The country has a wide economic growth which is linked to the industries that are likely to affect the environment negatively including manufacturing, agricultural and energy industries. These are the sectors that are important sources of the national GDP and have a strong political and economic impact that is employed to resist the implementation of stringent environmental laws. Much of the economic demands are likely to lead to a situation whereby the laws of the environmental sector are either poorly implemented or watered down to accommodate the industry requirements though they are enacted. The implementation of the Pakistan Environmental Protection Act (1997) to control pollution and promote sustainability has typically been foiled by these financial pressures, as an example (Iqbal, 2019). Although the law mandates that such acts by industries and waste disposal undergo strict measures, it has been observed that most of the industries either ignore these requirements or use loopholes in the laws to carry on with their activities that are harmful to the environment. The success of the air pollution, particularly in cities like Karachi and Lahore, depicts how economic interest overcame the law. Pakistan Environmental Protection Agency vs. The Supreme Court (Karachi Gas Company, 2015) admitted that the law was not executed properly because of the economic interests of the industrial players, who tried to prevent the intensive regulation of the industrial discharges. This is further complicated by the fact that Pakistan relies on foreign aid and borrowings which in most cases are governed by economic terms of short term expansion at the long term conservation advantage. This limits the capacity of the government to allocate requisite resources on environmental programs (Pakistan Environmental Protection Agency v.). Karachi Gas Company, 2015). In addition, financial hardship creates resistance to environmental policies in society because most of the citizens view stringent policies as a challenge to the economy and employment opportunities within a country where poverty and unemployment are one of the main issues. The agricultural sector has been the most affected in which resistance has been a prevalent occurrence especially in the use of harmful pesticides, the extraction of water in excess, and intensive agricultural practices. Even though these practices are environmentally harmful, they are considered as the key to farm production and food security. To illustrate the point, the proposals of the Green Punjab Initiative (2017), which were aimed at providing more sustainable agriculture, received a massive backlash of the farming community because of the perceived cost of maintaining a green process (Government of Punjab, 2017). This resistance of the agrarian and industrial sectors is often accompanied by soft-heartedness. The low budgetary allocations towards environmental monitoring can be seen to be a result of monetary stress. Pakistan environmental protection agency (Pak-EPA) has continuously struggled with funding shortage which has led to under-

staffing of the departments and poor enforcement. According to a report by the World Bank (2019), even with the presence of law on protection, the government has lacked the financial resources and economic strains, which have robbed it of the institutional ability to effectively monitor industrial pollution. Similarly, the political power of industrialists stimulates the discriminatory application of the law, which gives the opportunity to influential parties to act beyond the scope of the law and brings about a spiral of self-destruction. Finally, economic interests divide the implementation of the environmental regulations, which do not allow Pakistan to save its natural resources to have a sustainable future (World Bank, 2019).

Lack of Public Awareness

The general ignorance of the common people in terms of environmental laws, and their significance is a major challenge to the enforcement of environmental protection laws in Pakistan. Although the nation has established an elaborate legal framework e.g. Pakistan Environmental Protection Act (1997) its effectiveness is totally dependent on the masses support and involvement. Nonetheless, a significant portion of the population is not aware of these laws and their consequences and the possible enforcement tools. This lack of knowledge stands out especially in the rural and semi-urban areas where the degradation of the environment is commonly understood as an invisible or natural development effect. At grassroots level, communities are often ignorant of their rights in environmental laws or a process that would see polluting industries answerable and assert environmental justice (World Bank, 2019). This gap has been significantly contributed to by the absence of extensive environmental education because environmental concerns are usually relegated in the school syllabus and in the public debate. Lack of understanding water pollution, air quality, deforestation, and disposal of toxic wastes that are under the jurisdiction of the law also renders the citizens ineffective in terms of enforcing these laws. The study by World Bank (2019) validated that the fact that environmental governance in Pakistan is characterized by low participation by the people is because it lacks broad-based education and community outreach programs. Even on those occasions when people do become aware of environmental issues, they do not have the technical expertise to use the legal resources to find redressal. This failure to maneuver through legal system undermines the effectiveness of the environmental laws as it limits societal engagement in reporting the offences (World Bank, 2019). Moreover, media can be used in getting attention to the environmental issues but cannot be able to report the importance of the legal frameworks underlying them. Although such aspects as air pollution, water deficit, and illegal logging are widely highlighted, there is a lack of literature on the legal framework that is aimed at fighting them. The media has also been known to concentrate on short-term impacts of environmental destruction and not the legal remedies and enforcing instruments that may help in averting any kind of destruction in the future. This can be partially attributed to lack of specialized

reporting on the environmental policy and law which makes the populace ignorant of the role of the law in conservation. Cement Factory, 2018). In *Pak-EPA v. The Supreme Court* emphasized the role of the populace in ensuring that environmental laws are complied with, Cement Factory (2018) reasoned that, without an educated population, agencies such as the Pakistan Environmental Protection Agency (Pak-EPA) will find it hard to control the emissions produced by industries. Moreover, even the aspect of the public interest litigation is provided in the Pakistan Environmental Protection Act (1997), this is under-utilized on account of low legal literacy. Even though this gap can be countered through public awareness campaigns and community based monitoring, these programs are very few and are currently under-resourced by the government. In a country where the environment is under threat and one of the most urgent needs is an appropriate policy to inform the population about their rights and duties, this gap between the regulatory intent and the general knowledge requires a thorough policy on the national level to educate the population on their responsibilities and rights, which ultimately will create more environmentally sustainable country (*Pak-EPA v.*). Cement Factory, 2018).

Ineffective Legal Framework

Ineffective legal background of environmental protection in Pakistan is a crucial hitch to the implementation of environmental laws, principally due to the fact that they are out-dated, patchy and lack the necessary legislation to address the contemporary environmental issues. Even though there are legal mechanisms on the environment like the Pakistan Environmental Protection Act (1997), these laws have failed to follow the pace of increased industrialization, urbanization, and increase in population which has accelerated environmental degradation. As an example, though the Act was an innovative law, it has not been adequately amended to capture emerging issues such as climate change, the disappearance of biodiversity, and new forms of pollution linked to the modern-day industry and transportation (Nasir, 2021). This inefficient legal framework, in addition to the haphazard nature of the environmental law, does not promote the adoption of uniform environmental protection across areas of the country. The environmental laws in Pakistan tend to be quite scattered with various statutes, regulations and policies that do not co-exist with each other, resulting in absence of coordination between the concerned authorities. As one example, the lack of coordination between federal and provincial legislation results in overlaps and contradictions, so in some jurisdictions, it appears that certain areas are not regulated at all, whereas in others, it seems that certain areas are over-regulated as well, which cripples the consistency of enforcement (Nasir, 2021). The uncertainty of the law takes away the discouraging effect of environmental laws, too, since in most cases, businesses and individuals use loopholes to engage in criminal activities with impunity. *Pakistan Environmental Protection Agency v.* These legal ambiguities

made the Supreme Court realize the implementation loopholes (Cement Factory (2018)) and recommended reforms to make the environmental laws more effective. Lack of a contemporary and holistic environmental legislation puts Pakistan at a risk of the effects of environmental degradation since current regulations are inadequate to cope with the magnitude and complexity of contemporary issues. The absence of effective enforcement systems is another problem that makes environmental law ineffective in Pakistan in addition to structural problems. The presence of a poor institutional system, negligible punishment, and no specific means of monitoring and compliance make all existing legislations weak including the National Environmental Quality Standards (NEQS) (Iqbal, 2019). Although there are provisions on pollution control in the Pakistan Environmental Protection Act (1997), due to the absence of a powerful and equipped environmental agency, it is hard without a solid agency to effectively enforce the provisions of the clean environment act. Pakistan Environmental Protection Agency (Pak- EPA) is not properly financed, staffed, and tasked, which makes it unable to handle the new environmental concerns (Pakistan Environmental Protection Agency, 2021). In addition, there is no specific legal framework in place to hold polluters to book by using criminal penalties or civil liability, a factor that has fostered a gunfiding culture. Reform in the legislation is needed to hasten the process of enforcement, rationalization, and an increase in penalties on default. *EPA v. Mitsubishi Motor Co.*, 1993. The Lahore High Court wrote in *Lahore Development Authority* (2016) that there were no working mechanisms to enforce the law, which means that the businesses and building managers kept their destructive actions unregulated by the law.

Besides, the fact that a comprehensive framework that includes policies related to climate change adaptation and mitigation is not in place further confirms the insufficiency of current legislation (Nasir, 2021). According to experts, modern problems like depletion of resources, lack of water and climate change have to be included in the environmental laws in Pakistan. There is a need to have a more uniform and updated body of law that is capable of tackling the size and scale of these environmental concerns. The reforms must aim at the development of an integrated and holistic legal regime, which will balance fragmented statutes, enhance enforcement mechanisms and give clear legal means to solve arising problems. Only with such a concise system, Pakistan will be able to fight its environmental problems effectively and value environmental protection as an important part of its governance on the national level (Nasir, 2021).

Weak Judicial Oversight

Poor judicial monitoring in the implementation of environmental law is among the major challenges in ensuring proper protection of the environment. Even though the judiciary is the core of safeguarding the

constitutional rights, it does not have the technical skills needed to deal with the dynamics of environmental matters. The environmental law encompasses intricate scientific, economic and policy based principles which would be difficult to most judges who are not experts in this area. This absence of specialization results in high levels of delays and the inability to tackle environmental issues with the urgency that is needed. The introduction of slow legal process and the inability to effectively interpret the environmental law causes repeated adjournment and increased length of litigation processes, as the critical environmental issues are not addressed in years. In *Pakistan Environmental Protection Agency v. Judiciary Cement Factory* (2018), the judiciary has been accused of not possessing the necessary expertise to determine technical issues in pollution management, which makes it unable to deliver an efficient and timely decision (Khan, 2020). The lack of environmental law professionals in the judicial system renders judicial system less effective in addressing issues of high industrialization, global warming and biodiversity loss. Although judges prefer to use specialist witnesses or outside opinions, the absence of a well-developed institutional structure to offer regular scientific guidance to courts compromises the quality of the court decision. Moreover, lack of special environmental departments in the courts denies the judges the opportunity of special training, which, again, does not support the issue of giving informed decisions. Such ineffectiveness drives the culture of slow justice, which reduces the deterrence effect of environmental regulations and unintentionally contributes to the efforts by industrial players to pollute (Khan, 2020). On top of professional competency, the judicial system experiences high levels of structural inefficiencies. An overloaded system can end up having a huge number of cases in backlog where the environment issues are given second priority. This increases the duration of time taken to settle disputes hence derailing the preventive and punitive character of the environmental legislation. *Commonwealth of Australia v. Environmental Protection Agency* (1975). The Lahore High Court (2016) recognized that the number of pending cases related to the environment is huge and that the adoption of a specific strategy to solve these issues is extremely necessary. At present, environmental justice in Pakistan does not have an organizational structure as the cases are often delayed or postponed because of the time-consuming nature of procedures or insufficient time of the judicial system (Environmental Protection Agency, 2016). This is also worsened by the absence of a formal environmental justice system to discourage citizens to seek court redress, which is a critical measure to take law offenders to justice. The use of public interest litigation that has been effective in advancing the rights of the environment in other countries is not yet fully utilized in Pakistan because of the lack of predictability and time that such litigations take. Such negligence in terms of timely intervention does not help in enforcing the environmental laws and creates an atmosphere of impunity where the industries do not hesitate to ignore the rules. To address this the court system needs to be restructured to incorporate environmental law specialization and create special

environmental courts that will be able to deliver quick judgments. In the absence of such reforms, the judicial system will continue to form a weak link in the process of environmental protection of Pakistan, the consequences of which can be disastrous to the sustainability of the country (Iqbal, 2020).

Inadequate Environmental Data

The greatest hindrance to the implementation of environmental protection laws in Pakistan is the absence of proper environmental monitoring and data collection mechanisms. Strong surveillance networks are imperative in establishing infractions, evaluating environmental effects, and compliance. As it is, the Pakistani environmental agencies do not have easy access to up-to-date, stable information regarding the most important environmental pointers, including air quality, water quality, deforestation rates, and loss of biodiversity. Such lack of concrete information does not give the government a chance to react promptly to perpetrators and develops evidence-based policy. This is because environmental legislation, including the Pakistan Environmental Protection Act (1997), which aims at ensuring sustainable development, is undermined by a deficient data source to quantify the level of industrial pollution a consequence of outdated instruments, inadequately trained staff, and lack of funds to sustain large scale monitoring tools (Pakistan Environmental Protection Agency, 2021). An example is that the Environmental Protection Agency (EPA) is usually in a crunch to quantify the level of environmental pollution because of outdated equipment and insufficient funds. In the absence of appropriate data, the regulatory bodies are not able to establish the level of environmental damages or monitor trends in the long run, thus, compromising on execution of regulations. Lack of such information in collection and analysis undermines the trust of the people on the regulatory regime and de-motivates the involvement of the community in the management of the environment. Moreover, industries exploit such information gap by persisting with objectionable practices without much fear of prosecution as was reported in Karachi and Lahore about unregulated industrial effluents in cities (Nasir, 2021). The problem is also worsened by the absence of coordination between the federal and provincial governments since various provinces have dissimilar data collection procedures. The environmental policy can also be further curtailed by the fact that there is no common approach of management of environmental information in Pakistan. The distribution of information among government departments, such as the EPA, forestry departments and water boards, is still a patchwork approach. Even though data is collected by each entity, there is no coordination to enable us to have a clear picture of the environment, thus, limiting the good policymaking. Besides, the lack of open reporting systems prevents the capability of civil society as well as the researchers and the general population to monitor environmental health and provide culprits. Whereas the Pakistan Climate Change Act (2017) highlights the need to have data utilized in the process of climate adaptation, the lack of proper

infrastructure to conduct a systematic dissemination is a setback. Uneven compliance monitoring is one of the reasons why the implementation of the National Environmental Quality Standards (NEQS) of air and water pollutants is inefficient. Moreover, the current environmental assessment framework does not have modern data analysis strategies that would increase risk identification.

As a result, the application of older law, including the Factory Act (1948) or the Industrial Relations Ordinance (1969), is often hampered by the unavailability of credible data (Nasir, 2021). The emphasis should be put on the creation of full-scale environmental databases and better coordination of the government and non-governmental institutions. Implementation of new technologies, including satellite imagery, Geographic Information Systems (GIS), and remote sensing, would greatly enhance the ability of Pakistan to observe the environmental situation and effectively enforce the laws (Pakistan Environmental Protection Agency, 2021).

Conflict with Development Projects and Lack of Financial Investment

In Pakistan, the counteraction of environmental protection regulations with the development projects is a major setback to the proper enforcement of the environmental legislation. Political motivations and economic pressures tend to place environmental sustainability on a second place after development plans especially infrastructure and industrialization. The reason behind this struggle is that megaprojects are normally associated with land reclamation, deforestation, developing dams, and planting of plants, which can lead to drastic destruction of the environment. The avoidance of environmental protection is however easily supported by political influence, corruption or lack of authority in the hands of the regulatory authorities to enforce the rules. As an example, mega-projects like the Islamabad-Rawalpindi Metro and the Karachi Steel Mill were designed taking little consideration of the long-term ecological effects such as air and water pollution and biodiversity destruction. This disregard of environmental laws because of their prioritization to fast economic growth results in the relaxation of environmental laws or simply disregard of the laws by some stakeholders who abuse the loopholes in the law or even disregard the law altogether (Ministry of Climate Change, 2019). Moreover, the lack of coordination between the different governmental departments working on development and conservation, namely the Ministry of Climate Change and the Ministry of Planning aggravates the situation by virtue of the fact that there are no developed conflict-resolution mechanisms to address the conflicts (Ministry of Climate Change, 2019). Development projects that are being propagated as being required to create jobs and national economies at the cost of the environment make enforcement all the harder. Therefore, a permanent conflict of interests between development priorities and legislation protecting the environment undermines the effectiveness

of the protection of the environment, leading to a harmful effect of the ecological environment and irreversible damage to the environment (Nasir, 2021). In addition, the federal and provincial Environmental Protection Agencies (EPAs) do not obtain funding in a proper way which considerably prevents their ability to implement laws, to monitor adherence, and to respond to the infractions. Financial constraints severely affect the environmental management system in Pakistan; according to the World Bank (2019), the Ministry of Climate Change does not get enough funds to implement standards using more comprehensive policies, and especially in the high-pollution centers such as Karachi and Lahore. There is no proper investment in the essential infrastructure of waste disposal, water treatment and pollution control facilities, and this implies that environmental laws do not have the functional support that they need in order to be functional. The expenditure of the government is usually redirected to national security, alleviation of poverty, and industrial technology, which mostly take precedence over environmental issues. Also, a lack of emphasis in sustainability efforts by the low level of investment in the private sector based on profit-oriented business models is still a critical challenge (World Bank, 2019). A majority of the companies working in Pakistan do not want to go green or invest in green infrastructure because of the high start-up cost and the lack of incentives in the form of bonuses and punitive measures in the case of non-observance. Because of this, the issue of environmental protection becomes peripheral and the ecological system is gradually worsening. Lack of financial resources also acts as a hindrance to put a powerful monitoring system in place. The absence of proper investment means that agencies will not be able to adequately track the level of pollution, estimate degradation, as well as guarantee compliance with regulations. Moreover, the lack of capacity building and training of the enforcement officers, as well as technological equipment to trace the environmental crimes, makes the enforcement system inefficient (Jabeen, 2020). One such case is the Houbara Bustard hunting scandal when the apparent violation of the protection of the wild animal's laws led to the weak response and inadequate punishment because of the absence of the money to provide it. Lastly, the inability of both the population and the corporate community to adhere to regulations is put off by the absence of state awareness campaigns. This forms a vicious circle in which a lack of resources results in inadequate enforcement, further environmental degradation, and further financial disillusionment (Jabeen, 2020).

Social and Cultural Resistance

Pakistan has witnessed a great challenge in the implementation of environmental laws because of the high level of social and cultural resistance by both the locals and the industrial community. In most regions of the country, the lack of knowledge of the long-term consequences of environmental destruction coupled with customary habits and traditional ways of living is the main hindrance to environmental restrictions

acceptance. Their farming methods, high consumption of pesticides, over-exploitation to produce irrigation, deforestation to supply energy, and their community lifestyle are entrenched. Though they are harmful to the environment, the activities are deemed essential to survival and economic productivity (Ali, 2019). It is in some cases where religious and cultural opinions thwart the execution of environmental policies, especially those that are seen to roll against the traditions that are deeply held. This disposition to resist the traditional practices in favor of the sustainable ones usually results in the mass disobedience to the legislature. The report by the United Nations Environment Programme (UNEP, 2016) shows how populations are likely to challenge environmental laws whereby regulations are seen as impositions that threaten their livelihoods in the short term. This opposition is also enhanced by not being educated or even being unaware; most rural and urban groups have no idea on the long term economic and health impacts of environmental protection (UNEP, 2016). This has led to large scale problems in the enforcement of laws by the regulatory bodies especially those that have hostility of the communities that consider the legislation as limiting or unnecessary. There is also a high level of opposition against environmental requirement in the industrial sectors. Pollution control and cleaner production technologies and sustainable infrastructure are perceived to be a huge financial cost, especially on small and medium scale business. An example of this is the textile industry, which is among the worst pollutants of the environment in Pakistan, because the cost to modernize infrastructure is extremely high (Shah, 2018). Further, the absence of political goodwill to implement the laws that govern the environment also helps to promote the deviation of industries. Lack of proper penalties and inefficient monitoring systems mean that the industries can go against the environmental laws with impunity. Probably in others, industries resort to a practice called greenwashing, which presupposes misleading the population into thinking that a company acts in an environmentally friendly way when it still behaves in environmentally pernicious way (Shah, 2018).

Weak Enforcement Mechanisms

The law on environmental protection in Pakistan is marred by weak implementation processes and this has given rise to a culture of violation of the law. The main problem is that there can be no serious penalty on the crimes of environmental violation, which kills the deterrent quality of the act. Pakistan Environmental Protection Agency (Pak-EPA) and provincial agencies do not have capability and resources to implement effective enforcement. This is complicated by the fact that the assistance offered by these agencies is not sufficient to cover the necessary funding and human resources, and these agencies are not able to execute their mandates (Iqbal, 2020). Moreover, the legal system can be very divided and inconsistent, and it undermines the vigor of the environmental protection activities. At the grassroots level,

the officers in the local government are most of the times ignorant or careless with the environmental laws, thus failing on the enforcement part. The absence of an effective and synchronized system to monitor contraventions and deliver fines means industries can use gaps in the law to persist in polluting the environment with little chances of being convicted (Iqbal, 2020). It is not just that failure to enforce these laws is contributing to destruction of the environment, but a culture of impunity is also created. Most of the environmental issues are then pushed at the second front after more pressing economic and political matters. Lack of political goodwill to accept environmental legislation is also particularly apparent because of the appeal exerted by strong economic forces, including textiles, cement, and construction. Such industries are usually in a position to lobby the politicians and the government officials such that they are not punished by the full force of the law in relation to environmental crimes. Such a lapse of infrastructure and development projects as opposed to conservation is especially observed in land-use decisions. Further, the judicial system has also been accused of the slowness of the proceedings, with environmental cases taking years to be heard. The fact that there are no specific environmental courts and that the judgment is not legally decisive does not create an adequate penalty to violators (Iqbal, 2020). To address these problems, there is a long overdue legal reform. These reforms would have to involve more harsh sanctions, effective implementation, and comprehensive representation that would involve government and civil society. As it stands, local agencies do not have the cash, legal powers, nor have the expertise to enforce strict rules and regulations so enforcement mechanisms are leaky at the grassroots. This is also reinforced by the fact that there is no centralized system of data that would allow tracking environmental violations, and agencies cannot respond to issues in time (Nasir, 2021). Efficiencies are also due to institutional fragmentation which is a presence of overlapping agency roles and absence of accountability. The different agencies are operating independently and since no particular agency is held accountable in cases of violations, then the police still operate in disarray. Using the case of industrial pollution or illegal logging, it is usually not clear which agency has the ultimate jurisdiction, and this results into delays or no action at all. Even though the remedies and penalties are established by the Pakistan Environmental Protection Act (1997), the framework is applied by decentralized organizations with limited jurisdictions, which makes the law unable to cope with the contemporary complexities related to the environment (Nasir, 2021).

Rural-Urban Disparities

The implementation of environmental laws in Pakistan has also become one of the most pressing concerns of environmental administration in the country due to rural-urban imbalances. As a result, the environmental degradation in the rural areas, such as pollution of water, air, and deforestation are not

slowed down. The disparity in the enforcement capacity between the rural and urban areas is a result of the political concentration of power and resources in towns and cities, which is reflected in the governmental bias of resources and attention to urban centers. Moreover, the rural population of Pakistan is likely to choose to oppose the implementation of the environmental law because of ignorance, the small abilities of the local authorities, and cultural reasons that focus on the immediate wants of the economy instead of the environment protection. The control over activities such as ecologically unsustainable water use, overgrazing, or burning crops is often in conflict with the economic interests of people in rural areas. The local governments of such areas are inclined to focus on immediate financial benefits, including the increase in agricultural harvests over the ecological sustainability in the long-term perspective (Iqbal, 2020). In addition, bureaucratic inefficiency in the rural administrations and the lack of coordination between federal and provincial environmental authorities also decrease the efficiency of regulation. Although the environment protection laws to which the rural sectors apply, the non-compliance continues to be a reality because of the lack of proper implementation strategies. This is because the rural sectors do not have any financial incentive to meet the environmental requirement and due to poor enforcement, there is a continued extraction of natural resources without taking into account the implication of the same in the long run (Iqbal, 2020). To solve such inequalities, special actions are needed to empower the local governments, enhance the administrative ability of the rural governments and sensitise the population. These are required to make sure that environmental protection is not considered as a city problem only but a national one, which also involves rural areas (Nasir, 2021).

Cross-Border Environmental Issues

The cross-border environmental issues are a major challenge that faces Pakistan in implementing its environmental protection laws because pollution and degradation by the neighbors make the practice difficult in the country. Pakistan is a country that borders with India, Afghanistan, and China; these three countries are directly or indirectly contributing to environmental issues in Pakistan. The problems of air pollution, water pollution, and deforestation often transcend the borders of the countries, making the process of the environment deterioration even worse. As an illustration, India has been heavily contributing to the dangerous smog in such cities as Lahore due to its industrial production and agricultural operations, which are also the biggest contributors to the hazardous air pollution (Nasir, 2021). On the same note, the predominant riparian states of the Indus River system namely India, control the water resources of the river system which has been the source of a continuous conflict in sharing the water. The development of dams and water diversion projects in India directly affects the water supply in Pakistan, which leads to a major imbalance in the ecological situation in the region (Iqbal, 2020). This type of

transboundary issue remains because of the absence of effective regional collaboration and mutual agreements between concerned nations, making the situation when Pakistan has difficulties in enforcing its own environmental requirements. The effectiveness of domestic legislation is also questioned where foreign pollutants get into the Pakistani borders because the government does not have a strong legal system that can cause to other countries to be held liable when it comes to environmental pollution.

International environmental treaties like the Convention on Long-range Transboundary Air Pollution (1979) are either not used or rather they are neglected in South Asian region. In addition to that, the apparatus of environmental enforcement in Pakistan does not have the mechanisms that are more specific towards addressing the international law in the country, especially where there is a conflict in terms of regulating the cross-border pollution. As much as Pakistan keeps improving its internal legal arrangement, it still experiences significant hindrances due to external environmental influences, which it does not have direct control over. In order to overcome these obstacles, Pakistan needs a multi-dimensional approach that implies reinforced global politics, the establishment of regional environmental agreements, as well as the internalization of a legal system specifically to solve the problems of transboundary character (Nasir, 2021).

Conclusion:

The discussion of the existing environmental protection issues in Pakistan shows that the deterioration of the environment is not caused by one factor, but as the sum of the lack of various, interdependent structural, legislative, political, and social failures. Low institutional capacity plays a major role in hampering success of environmental policies and corruption in the governance contributes to lack of transparency, accountability and trust of the populace in the regulatory bodies. Lack of political goodwill and long-term commitment has led to measured policies and sporadic application in most cases due to transitions of governments and short term economic priorities. The issues of environmental protection in Pakistan require a multifaceted and comprehensive approach that supports the empowerment of institutions, embraces transparency, political commitment, legal and judicial system reforms, public awareness, and information systems. Environmental degradation on a national, regional and community basis will continue to pose a threat to sustainable development, the health of people and intergenerational equity in Pakistan unless there is coordinated action. Finally, the lack of the application of environmental law can be explained by the fact that the combination of foreign and domestic barriers can only be addressed on a multi-level basis. The absence of global authority that can be solved by the law, political incongruity, and economic rivalry weaken the effectiveness of the environment contracts and cooperation at the global scale. In the third world countries like Pakistan, the institutions weaknesses, dearth of funds, law fragmentation, and the resistance of the people are reported to compromise adherence of the

environmental laws in the country. One can overcome these barriers by mere virtue of being stronger institutions and reform the laws besides being more ready to change things politically by joining and working with the international community to get over such challenges. These difficulties must be conquered so as to ensure that the environmental laws are used to fulfill their purpose of bringing about sustainability and preservation of the planet to the future generations.

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