

Present: Syed Mansoor Ali Shah, Muhammad Ali Mazhar and Shahid Bilal Hassan, JJ
PUBLIC INTEREST LAW ASSOCIATION OF PAKISTAN MEHERBANO AHSANUDDIN and
others---Petitioners

Versus

FEDERATION OF PAKISTAN and others---Respondents

C. Ps. Nos. 42 of 2022 and 25 of 2024, decided on 1st July, 2023.

Pakistan Climate Change Act (X of 2017)---

---Ss. 5 & 8---National Disaster Management Act (XXIV of 2010), Ss. 9 & 16---Constitution of Pakistan, Art. 184(3)---Climate change---Lack of a clear policy/strategy and action plan to deal with climate change---Special budget for climate change---Observations and directions recorded by the Supreme Court regarding importance of implementing a climate change policy and allocating a special budget for climate change stated.

Climate change was a serious existential threat to the people of Pakistan and directly affected the fundamental rights, still the recent provincial budgets had not allocated any Climate Fund for climate change or come up with any effective strategies. This became doubly worrying as Monsoon rains were round the corner and the country had still not recovered from the devastating floods of the year 2022.

Nothing concrete was placed before the Supreme Court to show if the Ministry of Climate Change had any climate change policy in place and if any effective steps had been taken in order to address the challenges of climate change. It was mentioned that National Disaster Management Authority (NDMA) and Provincial Disaster Management Authority (PDMA) were looking into the matter, however NDMA and PDMA were disaster management institutions, while the Ministry of Climate Change had to come up with preventive policies addressing the challenges of climate change head-on. It appeared that no such policy was in place and no action on the ground had been taken. Supreme Court provided opportunity to the Secretary Climate Change to place the relevant policy on the record and apprise the Supreme Court on the next date as to what were the key challenges of climate change and what strategies and plans had been put in place by the Ministry and what action had so far been taken.

Submissions made by the Chief Secretaries of Punjab, Sindh, KPK and Balochistan were not satisfactory. No material steps had been taken by the said Provinces to deal with the challenges of climate change as there was no clear strategy(ies), action plans or any adequate steps taken on the ground. The Chief Secretaries undertook that they would submit relevant strategy/action plans to deal with the issue of climate change in their respective Provinces before the next date. Supreme Court directed that the said strategies shall clearly identify the threats/challenges of climate change in their respective Provinces and steps taken to address the said challenges.

All the Chief Secretaries were asked whether a special budget had been allocated for climate change in the recent provincial budgets, their reply to said question was in the negative, however, as far as, Punjab was concerned, it had been pointed out that a loan of \$ 50 million through Asian Development Bank had been obtained and parked as Climate Change Fund, however, no document in this regard had been placed on the record.

Supreme Court directed that all the Chief Secretaries, as well as Coordinator to the Prime Minister on Climate Change, Ministry of Climate Change and Secretary Climate Change, and, all the concerned officers shall appear before the Court on the next date of hearing and apprise the Court of their strategies and steps taken.

In attendance:

Mian Sami-ud-Din, Advocate Supreme Court, Riaz Hussain Azam, Advocate-on-Record, Malik Javed Iqbal Wains, Addl. AGP, Ms. Roomina Khursheed Alam, Coordinator, Eazaz A. Dar, Secretary Climate Change, Khalid Ishaq, Adv. Genl. Punjab, Baleegh-uz-Zaman, Addl. A.G. Pb. Zahid Akhtar Zaman, Chief Secy. Pb., Hassan Akbar, A.G. Sindh, Muhammad Asif, A.G. Balochistan, M. Ayaz Khan Swati, Addl. A.G.,

Balochistan, Shah Faisal, A.G. Khyber Pakhtunkhwa, Syed Kausar Ali Shah, Addl. A.G. KPK, Haji Muhammad Nazir, A.G. (G.B.), Yasir Gul Khan, A.C. (MOPDS), Mutahir Ahmad, D.S. (F) (G.B.), Nadeem-ur-Rehman, Secretary Env. Bal., Jahangir Anwar, Sect. Env. Lahore, Imran Hamid, D.G. Env. Lahore, M. Nawaz Manik, Addl. D.G. Env. Lahore, Ms Amina, A.D. Legal Env. Lahore, Asmatullah A.D. Legal Env. Lahore, Kashif Sajjan, Asstt. Legal. Env. Lahore, Nadeem Aslam Ch. C.S. Khyber Pakhtunkhwa, M. Masood (Spl. Sec. Forest), Sami Ullah (D.G. Env.), M. Bashir Naveed, Addl. A.G., Dr. Habib ur Rehman Solangi, D.D. Law, Hassan Akber A.G. Sindh, Asif Hyder Shah, C.S. Sindh, Syed Mohsin Hussain Shah, A.A.G. and Focal person to Chief Secretary and Nabeela Umer, Sec. Env. Sindh.

Date of hearing: 1st July, 2024.

ORDER

Ms. Roomina Khursheed Alam, Coordinator to the Prime Minister on Climate Change, Ministry of Climate Change and Secretary Climate Change have tendered appearance along with Additional Attorney General and submit that five posts for Members of the Authority established under Section 5 of the Pakistan Climate Change Act, 2017 ("Act") have been advertised and as a result 752 applications have been received, which are under process and soon the said five posts will be filled. Let the said exercise be completed within a fortnight from today without fail. The Notification of a duly constituted Authority be placed on the record on or before the next date of hearing.

2. When inquired, if the Ministry of Climate Change has any climate change policy in place and the effective steps taken in order to address the challenges of climate change, nothing concrete was placed before us. It was mentioned that NDMA and PDMA are looking into the matter. Our understanding is that NDMA and PDMA are disaster management institutions, while the Ministry of Climate Change has to come up with preventive policies addressing the challenges of climate change head-on. It appears that no such policy is in place and no action on the ground has been taken. Still we provide opportunity to the Secretary Climate Change to place the relevant policy on the record and apprise the Court on the next date as to what are the key challenges of climate change and what strategies and plans have been put in place by the Ministry and what action has so far been taken.

3. We have also heard the Chief Secretaries of Punjab, Sindh, KPK and Balochistan. We are not satisfied with their submissions and notice with concern that no material steps have been taken by the said Provinces to deal with the challenges of climate change as there is no clear strategy(ies), action plans or any adequate steps taken on the ground. The Chief Secretaries undertake that they will submit relevant strategy/action plans to deal with the issue of climate change in their respective Provinces before the next date. Let the said strategies clearly identifying the threats/ challenges of climate change in their respective Provinces and steps taken to address the said challenges.

4. All the Chief Secretaries were asked whether the special budget has been allocated for the climate change in the recent provincial budgets, their reply to this question was in the negative, however, as far as, Punjab is concerned, it has been pointed out that a loan of \$ 50 million through Asian Development Bank has been obtained and parked as Climate Change Fund, however, no document in this regard has been placed on the record.

5. It is observed that climate change is a serious existential threat to the people of Pakistan and directly affects the fundamental rights, still the recent provincial budgets have not allocated any Climate Fund for climate change or come up with any effective strategies. This becomes doubly worrying as Monsoon rains are round the corner and the country has still not recovered from the devastating floods of the year 2022.

6. All the Chief Secretaries, as well as, Ms. Roomina Khursheed Alam, Coordinator to the Prime Minister on Climate Change, Ministry of Climate Change and Secretary Climate Change, and, all the concerned officers will appear before the Court on the next date of hearing and apprise the Court of their strategies and steps taken. To come up on 15.07.2024. Ms Ayesha Khan, Regional Managing Director Acumen, 609, 6th Floor, ISE Tower, F-7/1 Blue Area, Islamabad is also appointed as amicus curiae to assist the Court on the aforesaid date. Office will inform amici curiae to be present on the next date of hearing.

7. Considering the critical importance of the issue, let a copy of this order be dispatched to the Prime Minister Secretariat so that the same be placed before the Prime Minister for his perusal.

MWA/P-14/SC

Order accordingly.