**Lahore High Court-Picking up the climate mantle**

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Much of the credit of all the successful measures taken against environmental pollution in Pakistan, particularly in Punjab goes none other than to “JUDICIAL ACTIVISM”. Judicial Activism is the backbone of our administrative system which does not function properly without active role of the judiciary. The big-wigs’ bureaucratic style and red-tapism cannot resolve the issues being faced by the homeland. To remove the bureaucratic hurdles, judicial activism has to play a pivotal role in the best public interest.

Also relevant is the wisdom of Prafullachandra Natwarlal Bhagwati who was the 17th Chief Justice of India. PN Bhangwati introduced the concepts of public interest litigation and absolute liability in his country in 1980s. He once stated, “It is the duty of the court to enforce fundamental rights on every cause.”

In Pakistan, the concept of trichotomy of powers is widely followed and believed in. The High Court(s) of Pakistan, especially the Lahore High Court, worked tirelessly towards the enforcement of fundamental rights stipulated in the Constitution of Islamic Republic of Pakistan, 1973. Also remarkable is the role played by former chief Justice Saqib Nisar who, during his tenure, worked untiringly for the protection of fundamental rights in the country. However, efforts are continuously being put in by Justice Shahid Karim who is an environmental hero and should be deemed as one by the people of Pakistan. Various judges in the past have taken up the public-interest mantle. However, Justice Shahid Karim stands out for his promotion and continuation of mandamus due to which favorable results have been achieved against environmental pollution.

[Strict action demanded against violators on motorways](https://www.nation.com.pk/28-Nov-2022/strict-action-demanded-against-violators-on-motorways)

Justice Shahid has worked determinedly towards the enforcement of Articles 9, 14, 15 and 16 of the Constitution along with issues such as the water crisis, fog and other environmental degradation. Moreover, his engagement with the press and civil society, along with his career as an advocate for human rights, has made him a well-known figure beyond legal circles. He is blessed with a towering personality beyond dispute. His greatest strength as a justice is his unwavering confidence and unshakable determination in resolving public interest matters.

Meanwhile, the intensity of SMOG – which includes smoke and fog – in Pakistan, especially, in the provincial capital and its surrounding areas has alarmingly increased in the last few winters. Anew, the city has ranked as the most polluted city across the globe with the Air Quality Index (AQI) ranging between 129 and 494 in its different areas.

People breathe air containing high levels of pollutants which exceed WHO guideline limits. As a result, medical treatment providers including hospitals and clinics receive an increasing number of patients suffering from shortness of breath, congestion and throat infections, etc.

[Pakistan reports 28 coronavirus cases, no death in 24 hours](https://www.nation.com.pk/28-Nov-2022/pakistan-reports-28-coronavirus-cases-no-death-in-24-hours)

At the local level, the prominent causes of smog include regular pollution with fossil fuel burning with lack of pollution control technology in vehicles, power production units and various industries. The other sources of pollution are burning of municipal and industrial waste, brick kilns, burning of crop residue and dust from construction sites, and construction of roads and buildings.

At the federal level, the Ministry of Climate Change (MOCC) and at provincial level, the Environment Protection Department (EPD) are responsible for taking steps with regard to climate change. A Smog Action Plan was approved by the Punjab Environment Protection Council in 2017 when the smog issue was first highlighted. But later, no appropriate steps were taken to fight the menace.

Sensing the severity of this environmental issue, Justice Shahid Karim took appropriate steps on identical writ petitions filed by Judicial Activism Panel (JAP) and Haroon Farooq to control smog in Punjab province. The role of Mr. Justice Shahid Karim of LHC is praise-worthy with regard to controlling smog, making the society pollution-free and protecting the groundwater from further depletion. The judge has recently directed for apprising Chief Minister Chaudhry Parvez Elahi about the seriousness of the environmental issues, particularly, smog.

[Dense fog disrupts road traffic in parts of Punjab](https://www.nation.com.pk/28-Nov-2022/dense-fog-disrupts-road-traffic-in-parts-of-punjab)

As smog hits the provincial metropolis every year and it has become a matter of concern, Mr. Justice Karim sought concrete and speedy steps by the government functionaries to fight the environment issue. Justice Karim also directed all the deputy commissioners (DCs) in Punjab to lodge cases and impose a fine on growers for stubble burning. In October 2022, Mr. Justice Shahid Karim directed the authorities concerned to get the experts’ assistance to fight smog.

Stressing proper disposal of the remnants of the crops avoiding the incidents of stubble burning in the fields, the court fixed new fine of Rs.200,000 instead of earlier stipulated penalty of Rs.50,000 for stubble burning across the province, besides the registration of FIRs. The Court also directed the Punjab Government to impose a smog emergency. Besides, Mr. Justice Karim activated the bureaucracy for enforcement of the fundamental rights of people as the EPD was committing negligence in this respect.

He also made strenuous efforts to raise the underground water level and now this level has risen to great extent. Moreover, green areas have been restored and parks being maintained pursuant upon the Court orders. During proceedings, a report was filed by the Judicial Water Commission upon the order of Mr. Justice Shahid Karim regarding the setting up of wastewater treatment plants by various industries. As the matter is related to future generations, adequate steps were required to be taken by the government. He also ordered strict action against stubble burning and pyrolysis plants.

[Electricity consumption curbs take effect across Ukraine](https://www.nation.com.pk/28-Nov-2022/electricity-consumption-curbs-take-effect-across-ukraine)

In June, 2022, Lahore Development Authority (LDA) filed its compliance report according to which actions were taken against the commercial buildings regarding rooftop gardening or installation of solar panels. The LHC judge also ordered action against the high officials of the banks not complying with the Court order in this respect.

Mr. Justice Karim stressed upon steps to ensure eco-friendliness of projects under construction in the city making the projects environmentally friendly. He sought report regarding the steps in respect of water conservation and sewage. In this respect, a number of companies gave undertakings for the installation of wastewater treatment plants.

On the court orders, the Education Department pledged the provision of maximum number of buses for school children in order to reduce environmental pollution. He reprimanded the Parks and Horticulture Authority (PHA) for not taking sufficient steps and also sought personal appearance of the Director General, PHA to ensure clean environment.

[Death toll from Italy landslide rises to 7, several still missing](https://www.nation.com.pk/28-Nov-2022/death-toll-from-italy-landslide-rises-to-7-several-still-missing)

Justice Shahid ordered the companies to proceed with the installation of wastewater treatment plants and it would not suffice that these companies are omitting affluent beyond the prescribed standards. Only those companies exempted by the authorities concerned are not required to install such plants.

For making the city greener and controlling the increasing environmental pollution and heat, the Court ordered PHA to ensure the consistency in policies. Likewise, Rescue 1122 has been engaged to use the water from ablution tanks for irrigation of parks and plantation in parks and greenbelts.

For fighting the environmental issue, the authorities concerned need to improve the condition of industries and waste management bodies; reduce agricultural waste incineration and wood fires; and make the cities greener and urban buildings energy-efficient. Moreover, for cooking, lighting and heating, the people should be provided with clean, affordable fuels and technologies as well as safe and affordable public transport systems.