

IN THE SUPREME COURT OF PAKISTAN

(Original Jurisdiction)

Bench-I:

Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Naeem Akhtar Afghan
Mr. Justice Shahid Bilal Hassan

C.P.42/2022 and C.P.25/2024

Public Interest Law Association of Pakistan (In CP 42/2022)

Meherbano Ahsanuddin, etc. (In CP 25/2024)

..... ***Petitioner(s)***

Versus

Federation of Pakistan, etc. (In both cases)

....***Respondent(s)***

In attendance:

Mr. Mansoor Usman Awan, AGP
Mr. M. Asif Raki, AG (B)
Mr. Tahir Iqbal Khattak, Addl. AG, (B)
Mr. Saheed Qadir Khan, Chief Secretary (B)
Mr. Nadeem-ur-Rehman, Secretary (E), (B)
Mr. Asghar Lagari, A. AG, (S)
Mr. Zahid Akhtar Zaman, Chief Secretary (S)
Mr. Inam Haider Malik, Chairman, NDMA
Mr. Umar Chatta, Member Operation, NDMA
Mr. Saleem Shahzad Malik, E.D, SPU
M. Farhan, Director Legal, NDMA
Mian Sami-ud-Din, ASC
Mr. Riaz Hussain Azam, AOR
Malik Javed Iqbal Wains, Addl. AGP
Ms. Roomina Khursheed Alam, Coordinator
Mr. Eazaz A. Dar, Secretary Climate Change
Mr. Khalid Ishaq, AG, Punjab
Mr. Baleegh-uz-Zaman, Additional AG, Pb.
Mr. Hassan Akbar, AG, Sindh
M. Asif, AG, Balochistan
Mr. M. Ayaz Khan Swati, Addl. AG, (B)
Mr. Shah Faisal, AG, KP
Syed Kausar Ali Shah, Addl. AG, KP
Mr. Shah Faisal Ilyas, Addl. AG, KP
Haji M. Nazir, AG (GB)
Mr. Yasir Gul Khan, A.C. (MOPDS)
Mr. Mutahir Ahmad, D.S. (F) (GB)
Jahangir Anwar, Secretary (Environment)
Imran Hamid, DG, (E), Lahore
M. Nawaz Manik, Addl. DG., (E)
Ms. Amina, AD, Legal (E)
Asmatulalh, AD Legal (E)
Kashif Sajjan, Asstt. Legal (E)
Nadeem Aslam Ch., CS, KP
M. Masood (Spl. Secretary, Forest)
Sami Ullah, DG, Environment
M. Bashir Naveed, Addl. AG
Dr. Habib ur Rehman Solangi, DD, Law
Hassan Akber, AG, Sindh
Asif Hyder Shah, CS., Sindh
Syed Mohsin Hussain Shah, AAG
and Focal Person to Chief Secretary
Nabeela Umer, Secretary (E), Sindh
Dr. Abid Qaiym Suleri
(Amicus Curiae)

Date of hearing: 30.07.2024

ORDER

**APPOINTMENT OF THE AUTHORITY UNDER THE
PAKISTAN CLIMATE CHANGE ACT, 2017**

Vide order dated 01.07.2024 (last order) it was directed that the Authority under the Pakistan Climate Change Act, 2017 ("**Act**") be constituted within a fortnight from the said date without fail and the Notification of a duly constituted Authority be placed on the record before the next date of hearing, however, today the Secretary Climate Change has pointed out that interviews have not yet been completed and the Authority has not yet been constituted and they require another month to do the needful. It is noticed with concern that the Act was promulgated seven years ago, but the Authority has not yet been established under Section 5 of the Act. The last order was passed on 01.7.2024 giving a fortnight to constitute the Authority. Today it is 30.7.2024 – almost a month has passed and yet there is no progress in the matter. The Ministry seems to take the issue of climate change rather casually. The urgency expressed in the matter by the Court is because of the upcoming monsoon rains. The Authority needs to be in place to deal with all climate related challenges but the Ministry does not appear to understand or appreciate the urgency. As a last opportunity, we direct the concerned Ministry to ensure that the Authority stands constituted and the notification thereof is placed on the record not later than 15.08.2024. In case this is not done the Secretary, Ministry of Climate Change will appear in person to answer why contempt proceedings should not be initiated against him.

2. The Chairman, National Disaster Management Authority ("**NDMA**") gave a detailed presentation to the Court, a copy of which has been placed on the record as "*Mark-A*" clearly showing the disaster management and disaster prevention preparation especially in the context of floods.

3. The Secretary, Climate Change was asked to place on the record the Climate Change Policy of the Federal Government, as well as, the steps taken thereunder. He referred to the Climate Change Policy 2012 (updated in 2022), as well as, the Project of "Living Indus", but could not point out the substantial challenges faced by the country regarding climate change and the concrete steps taken on the ground to address those issues. With no concrete input from the Secretary, learned Attorney General was asked to look into the matter himself and assist the Court tomorrow in this regard.

4. The Chief Secretary, Punjab submitted that there is no notified Climate Change Policy in Punjab; however, the same is under preparation. He points out that the Provincial Government has engaged

Dr. Kausar Abdullah, as well as, Mr. Asghar Leghari, Advocate to assist them in the preparation of the said Provincial Climate Change Policy, which will be presented before the Court within a month from today. Let the needful be done.

5. The Chief Secretary, Sindh while referring to his report filed through CMA No.7375 of 2024 highlighted several areas where the Government of Sindh has made meaningful interventions regarding climate change. He referred to the scheme of *“Afforestation and De-carbonization”*; he pointed out that Sindh is the only Province which successfully availed carbon credits and traded them in the International Market, earning US \$ 22 million; that the mangrove forest cover has been expanded against the 2022 baseline to 1,500,000 acres; the forests have been restored on vacated lands through regeneration and planting and tree cover is to be enhanced by at least 300,000 acres; EV buses and Bio CNG Buses have been introduced by the transport department in collaboration with the Asian Development Bank; efforts have been made to move to alternative energy resources and a capital investment of \$ 4.225 billion has been made as renewable energy; construction of 1.137 million flood/climate resilient houses for flood affectees of 2022 have been undertaken; there has been a concrete lining of irrigation channels; spanning over 3675 miles; 180 small storage/recharge/retention dams have been constructed; sewerage treatment plant (TP-IV) and West Karachi Recycling Project has been introduced; development of climate-friendly crop production techniques have been adopted which include alternate wetting and drying (AWD) method; aerobic rice cultivation technology; rice drilling in dry prepared land; biological control of harmful insects; bio pesticides; zero-tillage method; Sindh Climate Change Policy 2022 has also been attached with the said report. It appears that the Government of Sindh has been actively working to address the issues of climate change faced by the Province.

6. The court time is over. Let this case now come up on 31.07.2024 for submissions of the Attorney General, as well as, Chief Secretary, Balochistan and Khyber Pakhtunkhwa.

Judge

Islamabad,
30th July, 2024.
Not approved for reporting
Iqbal

Judge

Judge