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## Critical Analysis on the Working of Environmental Institutions in Pakistan

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### Abstract

*Healthy and dirt-free environment is very important for all living and non living creatures in this universe. To control the environmental degradation every country has legislated several laws. Special arrangements have been made by all the countries for the effective implementation of these laws. For this purpose many environment institutions were created for the regulation of purified environment in Pakistan. In this century several developments have been made regarding legal frame work of environmental law in Pakistan. Healthy environment is a basic necessity of every human being but it is badly being polluted in multi factors. Hence we desperately need to have advance organisations to conquer all natural issues. All environmental institutions in Pakistan which can play the significant role have been classified into two categories governmental and nongovernmental. The role of these institutions can never be denied for the preservation of clean and healthy environment but there are many flaws in their working like corruption, lack of resource and technical staff, non implementation of laws etc. The aim and goal of this research paper is to analyse the working of environmental institutions under the existing legal frame work for the healthy environment in Pakistan. The efforts will also be made to examine critically the lacunas and performance of institutions responsible for the protection of clean and healthy environment in Pakistan. This paper will also provide the recommendations and suggestions for the effective working of the environmental institutions in Pakistan.*

Keywords: *Healthy environment, Institutions, Basic rights, Legal Framework*

### Introduction

Environment is our surroundings and it includes all living and non living things. It is our beginning and ends that effect our life on this earth. According to Oxford Dictionary “The

surroundings or conditions in which all living and non living creature lives or works survives in a frequent environment, the setting or conditions in which a specific movement is carried on: a great taking nature. The environment is the natural world, in general or in a specific geological zone, Especially as influenced by human movement: the effect of pesticides on the earth" (Haq, 1995).

Environmental pollution is a great issue for the protection of clean and healthy environment which attracts the attention of the world. All cases of environmental degradation requires special focus of the environmental institutions for effective working on climate change. The responsibility lies on all the states, pollution creators, international organisations and NGOs working for the protection of clean environment.

For this purpose, particular and specific legal framework has been established on national and international level. International law addresses the environmental issues with the help of various environmental treaties. International bodies, tribunal and courts although has been established to resolve the environmental degradation and to allocate state responsibilities. At national level, various laws have been legislated for the protection of environment. Pakistan Environmental Protection Act 1997 is a comprehensive law in Pakistan under which various environmental institutions have been established.

### **Discussion**

The institutions in Pakistan which are working for environmental protection are classified into two modules governmental and nongovernmental. Governmental institutions in Pakistan are Environmental Protection Council (EPC), Pakistan Environmental Protection Agency (PEPA), Environmental Courts and Tribunals, National Conservative Strategy, National Environmental Quality Standards, etc. (Colimbus, 2003).

It is the duty of every human being, institution and government at all forums on this earth to protect the environment for all coming generations as this is essential for the life of all living and non living organism. In Pakistan, population is increasing rapidly which should be serious concern of the government. The biophysical environment is being polluted, and this happens on regular basis. This can be considered the main reason that government has started to put chains on all actions which are the main reason of environmental debasement (Smillie, 1992).

Nongovernmental organisations play an effective role in environmental protection. NGOs are distinctive organisations with effective skills and resources to combat the environmental degradation. The inclusion of NGOs in environmental protection institutions is not erratic. Environmental NGOs are very powerful domestic actor's in advance industrial countries.

There are four types of countries regarding environmental commitments as per the latest research at Harvard. First type ignores its international liabilities and duties by avoiding signing international treaties. Other type even though agrees to sign all international treaties but failed to comply according to them. Third type remains vigilant regarding its responsibilities and made improvements in this field and fourth type making much progress than required. The first two states are called the backward states while other types of states are called the successful states. (Kate, 1990).

Like many commonwealth countries, Pakistan has also adopted English legal system which is based on the decision of judges. Many laws of British India have been adopted. Protection of natural assets and pollution free environment are the main agenda that has been included in several domestic legislation. There is no direct provision for clean environment or the protection of environment in the supreme law of Pakistan (Hassan, 2006).

To protect the healthy environment, there is enormous need of institutions. For the proper working of these institutions appropriate administrative structure, qualified staff, monitoring and enforcement capacity of government regulatory authority is needed. Observance and effective enforcement of environmental laws must be checked. All environmental institutions are required to set priorities and objectives, provide technical information on environment friendly technologies, create mass awareness of environmental concern and establish environmental policies (Hughes,1992).

Like many other states, environmental law implementing authorities in Pakistan are not generally combined and joined. The main reason behind this is the lack of proper environmental infrastructure. The proper working of EIA in Pakistan depends upon a number of unevenness and collaboration. The key issue in the improper working of EIA is weak coordination around applicable establishment. Different tasks of the Pak-EPA have been designated to the provincial governments after the devolution of powers due to the constitutional amendments. This devolution has made several lacunas for the effective working of environmental institutions (Ayaz, 2013).

Main reason behind environmental humiliation is the development of urban settlements, rapid increase in industries and vehicles. In Pakistan we have a structure of environmental assurance enactment which is not upheld. We have agencies for the protection of environment both at federal and provincial level but many imperfections in their working have been examined. The main reason of their improper working is finance. We also have Pakistan Environmental Protection Council but its meetings are not arranged regularly (Hassan, 2006).

In order to improve the quality, Environmental Impact Assessment (EIA) reports are very helpful. This segment of the EIA methodology gets to be more vital in circumstance where public participation is frail and there is absence of ability from the skilful power. In Pakistan, EIA become compulsory for each undertaking which is likely to cause unfriendly natural effect from July 1994. Since 1997, the authorities dealing with environment are planning for the examination and surveys of all reports of EIA but it is yet to be decided whether EIA is a helping hand in the protection and safety of environment?. Its ineffectiveness can be judged by various reports relating to the procedure of EIA. Meetings of EIA experts, project proponent and concerned public bodies are additionally been directed to strengthen the underlying drivers of low worth of EIA reports. The examination uncovers a many deficiencies particularly with identification ( Naeem & Rizwan,2006).

Although the EIA's procedure has many positive aspects but there are also significant weaknesses. It has a sound legislation but frail managerial set-up. The legislative guidelines and provisions for EIA in the country are reasonably comprehensive. Nonetheless, an absence of actualizing compulsory prerequisites for EIA including no powers of imposing fines or any

punishments under the Pakistan Environment Protection Act (PEPA) 1997 is bringing about the advancement and operation of numerous undertakings, which are likely to cause natural and socio-financial effects, without experiencing an EIA. The coordination among EIA proponents/consultants, EPAs, local monetary establishments and the line sections is additionally by and large shabby. Other shortcomings include of EIA are : few EIAs, deficient screening and checking, restricted extent of EIA report survey, low quality of EIA reports, powerless public cooperation, and lacking usage of alleviation measures (khan, 2012).

To improve the working of institutions in Pakistan there is need to incorporating universal finance, improvement in offices, and all intergovernmental organisations and discussions. (Aslam, 2006). It is the duty of every human being, institutions at all levels and governments to save the environment from debasement as environmental protection is a hot matter of today. The protection of the environment is not only concerned with the eradication of pollution but also includes preservation of all natural assets, ecosystem and sustainable development of a country. In the present age the protection of environment is more challenging than before. Provisions are included regarding the environmental protection in the supreme laws of many countries but it is often violated. The main reason behind is the non implementation of many rules and regulations (Anjali,2008).

For the thorough detailing of incorporated environmental arrangements, methodologies, enduring plans and coordination around the common EPDs, there is a need of a focal environmental services. Institutional reinforcing focused on exploration at schools and R&D organisations, nature's domain identified mass mindfulness are a couple of out of the numerous steps need to be taken pronto. Fortunately many environmental enactments have been carried out throughout the years and now various laws and strategies exist; just a thorough usage and consistence is required direly. For the earth is who we are and what we live in; just a sound environment is the protection of our survival and that of our prospective era (Daily Times, 2013).

Environmental Tribunals have been established under Pakistan Environmental Protection Act 1997 around the world to provide redress in environmental related matters. The administration, s deadliness to ensure nature's grass, is extremely clear from the way that none of environmental protection tribunal is fittingly working around the nation. The Tribunals got the powers to give course, act to overrule different laws, and make policy to specify some. It especially managed the violation of segments/sections 11 and 12 of PEPA. These incorporated devolvment exercises in all areas if industry, private business, civil organisation, utility administration suppliers, correspondence, energy and so forth. Unfortunately the environmental tribunals are not properly functioning either due to the lack of timely appointments of judges or non implementation of its decisions. Huge number of cases relating to the environment are pending before the tribunals and agencies ( Dawn, 2012 ).

The recovery system is also very weak because very low ratio of fines which are imposed by the environmental tribunals are recovered.

Healthy environment is a hot issue of the day and many international meetings, seminars and workshops have been held for this purpose. It is very unfortunate that Pakistan Environmental

Protection Council which is chaired by the executive head of the government or any person who nominated in this behalf but it is still not functioning properly and even its meetings are not properly arranged.

The working of the institutions is very miserable and facing lot of complications before its performance. In all matters of human-concern specially relating to healthy environment, courts should be vigilant about the implementation of its decisions. The Environmental Tribunals and Green benches of high court are still far from the effective implementation of environmental laws due to the lack of interest by the environmental institutions and its directing officers. In reality, this is a sad situation of issues related to the working of the environmental penal or green courts in the country regarding the environmental laws. (Daily Times, 2013).

In Asia, all countries are required to create a balance between luxuriousness and emanation. This is the obligation of all countries to protect environment. They are required to clean the surroundings in their regions. A report on the development of countries shows that they must change the way for dealing with waste. The report provides the developing country like Pakistan is still helpless to address the environmental problem of the country and major hurdle is the financial constraint. The report has demanded from the governments of Pakistan to work for ecological improvement at all levels and identify the breeding spots of pollution along with its eradication. (Sanchez et al, 2013).

The existing environmental laws, principles, and regulations have not been enforced completely. In 1993 National Environmental Quality Standards (NEQS), had been affirmed by PEPC, are yet to be actualized completely. Therefore, civil and streamlined effluents are initiating harm to nature and open health. There is a urgent require for meeting of PEPC to talk about and take suitable measures for usage of NEQS and other environmental issues. (Hukkinen, 1998 ).

The formation of Green benches in the high courts and district courts is positive step taken by the former chief justice of supreme court in the Bhubon Declaration. He committed that a green penal will hear different types of cases regarding environmental debasement. This type of courts will take its seat in all provinces of Pakistan, Islamabad, and Kashmir. He considers safe environment a part of right to life and there must be considerable legislation related to this. All organisations must fight collectively against all forms of pollution. He requires that there must be amendment in the supreme law of Pakistan to indulge clean environment in it. All South Asian countries might be able to establish green courts in their district courts where cases related to environment must be heard on primary basis.

It has been observed that there are following hurdles before the working of environmental institutions in Pakistan:

- non implementation of proper legal framework
- unbalanced examination of policies
- lack of proper resources
- Lack of regularity of environmental tribunals
- lack of proper awareness in the people

- Proper training of layman regarding the protection of the environment as it is very essential for a healthy life
- lack of financial resources
- Lack of coordination between the institutions
- poor complaint system in cases of violation

Under section 6 of Pakistan Environmental Protection Act which requires the preparation of a national report on the condition or situation of environment in Pakistan from Pakistan Environmental Protection Agency. This is the duty of agency to make and publish this report. Pakistan environmental protection Act 1997 has declared Pakistan Environmental Protection Council as a policy making body of national level. This is the obligation of this council to make a review of report on the condition of environment prepared by PEPA but unfortunately due to financial manacles it has only prepared one report in 2005. Under the UNDP-finance National Environmental Action Plan had been prepared in 2005. The report gives information about the state of environment, effects of overpopulation and management of resources. All areas of environment including water, forests, land, biodiversity, quality of air, marine resources, waste management, etc has been discussed in this report. The report published in 2005, on the state of environment, points out the quality and availability of clean air and water as a major issue of concern. Water pollution is a major issue of concern in Pakistan. The sector managing water is more concerned regarding its use in the economic progress not with the quality of water in Pakistan. Pakistan is making progress in making the air quality better but it faces with an ineffective air quality control system. Lack of capacity between various sectors is a main hurdle (Sanchez et al, 2013).

In order to make the environmental institutions more effective, following recommendations are hereby suggested:

1. Parliament should improve the legal framework in Pakistan
2. Coordination between the environmental institutions should be enhanced effectively.
3. The available resources should be used properly.
4. Policies regarding the protection should be redesigned
5. Effective mechanism should be introduced for the implementation of environmental policies and regulations
6. Mobile courts should be introduced in order to eradicate the environmental pollution.
7. Environmental rights should be strictly regarded
8. Awareness programmes should be started like conferences ,seminars, workshops etc
9. Educational institutions should be involved in the awareness of environmental human rights of the people.
10. There should be speedy disposal of cases regarding the degradation of environment.

11. The reports of environmental institutional should be published on monthly basis.
12. Media should be involved to raise the environmental issues.

In Pakistan Environmental organizations are not in the position to address the exclusive requirements of worldwide and neighbourhood groups without getting included in sympathetic practice at the vital level. These organisations need to incorporate local level realities (Gupta, 2008).

### **Conclusion**

As the environment degradation is an immense issue of the day and for this purpose special and effective mechanism need to be established. The environmental institutions can play vital role in the protection of environment in Pakistan. The enforcement of legislation and environmental policies is complicated issue for the protection of healthy and clean environment in Pakistan which should be improved by the federal and provincial governments. Government should take stringent administrative actions against the bad performance of the environmental institutions in order to make their effective working.

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