

FROM CONSTITUTIONAL RECOGNITION TO CORPORATE ACCOUNTABILITY: ENVIRONMENTAL REGULATORY ENFORCEMENT IN PAKISTAN

***Muhammad Farooq Sadiq¹, Khushbakht Kaiser²**

¹ School of Law and Policy, University of Management and Technology, Lahore, Punjab, Pakistan.

² Associate Professor School of Law and Policy, University of Management and Technology, Lahore, Punjab, Pakistan.



HEC
Category



ARTICLE INFO

Article History:

Received: May 12, 2026

Revised: June 02, 2026

Accepted: June 06, 2026

Available Online: June 10, 2026

Keywords:

Environmental Regulatory Enforcement

Corporate Accountability

Environmental Justice

PEPA 1997

Environmental Tribunals

Funding:

This research journal (PIIJSS) doesn't receive any specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

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ABSTRACT

Despite a comprehensive legal and policy environment to protect the environment, environmental regulatory enforcement is still a critical challenge in Pakistan. This article examines the implementation of corporate accountability and environmental justice in Pakistan through the lens of the state's environmental laws, policies, judicial rulings and institutional framework. It uses a qualitative approach with doctrinal legal research techniques and socio-legal interpretation with qualitative content analysis. Gaps in the enforcement of primary laws such as Pakistan Environmental Protection Act, 1997 (PEPA 1997), Provincial Environmental laws, Environmental quality standards, provisions of environmental tribunals, policy documents and landmark judicial decisions were analyzed and gaps in the law to address accountability and enforcement were identified. The findings show that in Pakistan, while a comprehensive environmental legal structure exists, there is still a lack of practical implementation of these laws because of institutional fragmentation, limited monitoring capacity, procedural delays, weak penalties, and a lack of coordination between the federal, provincial and regulatory bodies. Corporate responsibility is legally recognized, for example, in terms of pollution control obligations, environmental impact assessment requirements, and liability provisions, but that these are not backed up by adequate compliance monitoring, transparency of reporting and effective sanctions. The courts have thus taken a progressive step in the promotion of environmental and climate justice but cannot replace the regular enforcement of the regulations. The article highlights the disconnect between environmental law and corporate accountability. It calls for stronger enforcement agencies and tribunals, strengthening corporate due diligence, raising penalties, providing for public participation, and linking environmental policies with enforceable implementation mechanisms.

***Corresponding Author's Email: farooq355@gmail.com**

INTRODUCTION

Industrial pollution, hazardous waste, air pollution, water degradation, climate change vulnerabilities and lack of regulatory compliance have created a serious threat to the environment in Pakistan and environmental protection is now one of the most pressing legal, constitutional and governance issues. Though Pakistan has enacted several environmental protection laws, such as Pakistan Environmental Protection Act, 1997 (PEPA 1997), provincial environmental protection laws, environmental quality standards, environmental tribunals, and policy instruments, the functioning of this framework is largely dependent on the capacity of enforcement and mechanisms of compliance by companies (Government of Pakistan, 1997; Khan & Xu, 2021; Sial et al., 2018). PEPA 1997 was passed to ensure protection, conservation, rehabilitation and improvement of the environment, prevention and control of pollution and promotion of sustainable development (Government of Pakistan, 1997). But the enactment of environmental laws is not enough to guarantee environmental justice unless there is institutional capacity, legal clarity, and administrative independence among the regulatory authority to enforce laws, ensure compliance, and hold accountable the corporate actors who breach the laws (Haider et al., 2024; Lau, 2018; Shaikh et al., 2025).

Corporate entities play a pivotal role in environmental governance, as their operations may generate pollution, waste, emissions, and ecological risks. Corporate accountability is defined as the responsibility that companies have to abide by the environmental legislation, preventing environmental damage, conducting environmental impact assessments, complying with the pollution-control standards, and being held liable in the event that they breach these regulations (Ahsan & Khawaja, 2013; Khan & Xu, 2021; Sial et al., 2018). The environmental laws in Pakistan have various formal institutional mechanisms for corporate governance, such as environmental protection orders, environmental impact assessment procedures, penalties, environmental tribunals, and inspection powers (Government of Pakistan, 1997; Lau, 2018). However, available literature reveals the limited corporate accountability as the enforcement of these laws is inconsistent, reactive, politically biased, and varies between provinces and industrial sectors (Asghar et al., 2024; Haider et al., 2024; Shaikh et al., 2025). There are also judicial interpretations and constitutional reforms that have contributed to the development of the constitutional basis of environmental protection in Pakistan. The Supreme Court of Pakistan in *Shehla Zia v. WAPDA*, interpreted the right to life, as guaranteed by Article 9 and the dignity of person under Article 14, as including a right to a clean and healthy environment (*Shehla Zia vs. WAPDA*, 1994). The case was an important judgment as it not only broadened the definition of fundamental rights but also added environmental protection to the constitutional jurisprudence (Mirza, 2020; Shabbir et al., 2024). Later, in *Asghar Leghari v. Federation of Pakistan*, the Lahore High Court deemed climate change inaction as a violation of fundamental rights and ordered the state institutions to take action on commitments made in the climate change policy (*Asghar Leghari v. Federation of Pakistan*, 2015; Mirza, 2020). More recently, the right to a clean, healthy and sustainable environment has been enshrined in the Constitution of Pakistan by the Twenty-Sixth Constitutional Amendment (Government of Pakistan, 2024; Human Rights Commission of Pakistan [HRC], 2025). This constitutional change has also paved the way to further enhance the legal basis of environmental justice and boost the duty of the state institutions and regulators to ensure that citizens are not exposed to environmental harm.

The central problem is the continuing mismatch between law on the books and enforcement in practice.

Despite the presence of formal standards and institutional mechanisms in environmental laws, enforcement against the business sector remains ineffective, because of limited monitoring, lack of institutional capacity, the division of jurisdiction of authority among provinces, lengthy legal procedures, insufficient deterrence, and the low level of awareness of the business sector (Asghar et al., 2024; Haider et al., 2024; Lau, 2018). This has a practical impact on the enforcement of environmental law and makes compliance optional for many corporate actors rather than legally required to do so (Khan & Xu, 2021; Shaikh et al., 2025).

The weaknesses are not solely administrative; they are also legal and textual. While environmental degradation, climate justice, judicial activism, environmental policy and the challenges of enforcement have all been discussed in existing studies in Pakistan, little attention has been paid to how legal, judicial, institutional and policy documents themselves shape corporate accountability and environmental justice (Mirza, 2020; Munir & Ghouri, 2025; Shabbir et al., 2024). These documents must be analyzed to inform whether they are unambiguous in terms of corporate responsibilities, enforcement powers, penalties, rights of the public to participate, access to remedy, regulatory discretion and responsibilities of institutions. When legal and policy language is ambiguous, disjointed, or contradictory, it may also stem from enforcement gaps, not just from poor implementation.

This study addresses that gap through qualitative content analysis of the selected environmental laws, regulations, judicial decisions, policy documents and institutional guidelines in Pakistan. It examines how corporate accountability is implemented, whether there are gaps in enforcement as signaled in legal and policy literature and what changes can enhance the enforcement of environmental regulation systems. This inquiry matters because corporate accountability hinges on several key components—legal responsibilities, standards that are legally enforceable, coordinating institutions, access to remedies and predictable penalties for failure to comply (Ahsan & Khawaja, 2013; Haider et al., 2024; Shaikh et al., 2025).

LEGAL AND CONCEPTUAL CONTEXT

PEPA 1997 became the main legislations for environment protection in Pakistan, as it offered a more comprehensive legal framework for environmental protection, pollution control, sustainable development

and environmental impact assessment. The Act created institutional structures like environmental protection agencies, environmental tribunals, environmental protection orders, penalties, and initial environmental examination and environmental impact assessment (environmental impact assessment (EIA)) (Government of Pakistan, 1997; Lau, 2018). The Act also provided regulatory authorities with the authority to control emissions, and to regulate industrial discharges and take measures in the event of an environmental violation. But it has been pointed out that the implementation of the Act has been poor as legal mechanisms are not always backed by effective monitoring, technical capacity, and administrative autonomy (Khan & Xu, 2021; Sial et al., 2018).

Also, the evolution of the constitutional development of environmental law has been important. The Supreme Court of Pakistan has interpreted the right to life (Article 9) and human dignity (Article 14) as encompassing the right to a clean and healthy environment (Shehla Zia v. WAPDA, 1994). This judgment was a landmark for the establishment of environmental constitutionalism in Pakistan as it acknowledged environmental protection as a fundamental right. Subsequently, the Lahore High Court, in Asghar Leghari v. Federation of Pakistan, connected the failure to act on climate change with rights and mandated state institutions to take steps to fulfill the climate policy promises (Asghar Leghari v. Federation of Pakistan, 2015; Mirza, 2020). Article 9A of the constitution was added in the constitution through the twenty-sixth constitution amendment, and it explicitly states that everyone has a right to a clean, healthy and sustainable environment (Government of Pakistan, 2024). The constitutional evolution enhances the legal foundations of environmental justice and puts pressure on state and corporate parties to respect their environmental commitments.

Corporate accountability under environmental law includes the legal obligation of corporations to avoid environmental damage, to follow environmental standards, to expose environmental hazards, to conduct environmental impact assessments, and to comply with penalties or remedial actions in event of violations. In Pakistan, the corporate accountability is linked to statutory obligations that are part of Pakistan Environmental Protection Act, 1997 (PEPA 1997); provincial environmental laws; environmental quality standards; hazardous waste rules and judicial directives (Government of Pakistan, 1997; Khan & Xu, 2021). Such laws involve formal modalities for regulating corporate behavior through environmental

impact assessment processes, environmental protection orders, penalties and tribunal processes (Lau, 2018; Sial et al., 2018).

Penalties lose their deterrent effect when they are too low to discourage companies from non-conformance. Where monitoring and penalties are weak, corporations can view environmental fines as a line item in their expenses, rather than a significant legal penalty (Braithwaite, 2011; Gunningham, 2017). This is further exacerbated by the lack of enforcement follow-up, weak inspection mechanisms, and slow proceedings in Pakistan (Asghar et al., 2024; Haider et al., 2024). It is thus evident that for the corporate environmental responsibility one cannot rely simply on the general legal provisions. It needs to have clearly stated responsibilities, robust oversight, transparent reporting, effective penalties, and accessible remedies (Shaikh et al., 2025; Sial et al., 2018).

The concept of environmental justice is an important part of the present-day environmental law, as it highlights the need for environmental protection to be fair, inclusive, and rights-based. It foregrounds the differential exposure of vulnerable communities to environmental harms, such as pollution, hazardous waste, unsafe industrial processes, and climate hazards (Bullard, 2005; Schlosberg, 2007). Environmental justice isn't just about nature, it's about people who are affected by environmental degradation, the social and health impacts. This is particularly pertinent to the situation in Pakistan, where poor and marginalized populations lack access to legal avenues, political power, and environmental information (Mirza, 2020; Munir & Ghouri, 2025).

A constitutional interpretation has also contributed to the strengthening of environmental justice. In Shehla Zia v. WAPDA Supreme Court of Pakistan ruled that a right to clean and healthy environment is a part of the right to life (Shehla Zia v. WAPDA, 1994). This interpretation provided constitutional backing to environmental claims in its absence even prior to the insertion of Article 9A. In light of the recent recognition of Article 9A, the protection of the environment has become more explicit, making it clear that everyone has the right to a clean and healthy environment that is sustainable (Government of Pakistan, 2024). This has given a better constitutional basis for environmental justice and corporate accountability as environmental damage can now be put in the context of a constitutional rights question.

Regulatory enforcement is the process through which environmental legislation is enforced on individuals, the corporate sector and institutions. It involves

monitoring, inspection, licensing, reporting, investigation, prosecution, penalties, compliance and remedial action (Baldwin et al., 2012; Gunningham, 2017). Enforcement in environmental law has a particular significance as pollution and ecological damage are often irremediable when they have happened. So enforcement has to be preventive and corrective. The enforcement of environmental laws needs institutional independence, trained staff, scientific expertise, and sufficient funding, as well as coordination between institutions (Baldwin et al., 2012; Braithwaite, 2011).

Poor enforcement is one of the biggest issues in the governance of the environment in Pakistan. Research has demonstrated that environmental protection agencies are limited in resources and technical capacity and also do not have administrative autonomy to effectively monitor corporate compliance (Asghar et al., 2024; Haider et al., 2024). The regulatory bodies may issue notices or directions, with little or no follow-up action. Environmental inspections can be infrequent and enforcement is not always robust and is subject to political or economic pressures (Akbar, 2023; Sial et al., 2018). These weaknesses also diminish the deterrent effect of environmental legislation and enable non-compliant companies to keep on damaging the environment.

Another key vulnerability is institutional fragmentation. Decentralisation has resulted in increased powers for the provinces in environmental governance, yet there is limited inter-provincial coordination (Akbar, 2023). Environmental problems like air pollution, water pollution, hazardous waste and climate change are frequently trans-border problems and enforcement is split between various institutions. Akbar (2023) suggests that Pakistan's post-decentralisation environmental governance is not improved significantly, as there is a need for better coordination and functionality of relevant institutions and statutory bodies. This fragmentation has an impact on corporate accountability because companies could find opportunities to take advantage of the lapse between several regulatory authorities, or obtain "cheap" enforcement.

The judiciary has contributed significantly to the development of environmental governance in Pakistan. Courts have interpreted fundamental rights, issued instructions on public authorities to put in place laws for the environment, and the significance of environmental protection in the constitutional governance (Mirza, 2020; Shabbir et al., 2024). The *Shehla Zia v. WAPDA* case is a landmark case as the

Supreme Court interpreted Article 9 of the Constitution in a broad manner and held that the right to life includes the right to a clean and healthy environment (*Shehla Zia v. WAPDA*, 1994). This case marked a shift in environmental law in Pakistan from a utilitarian to a rights-oriented approach and set the precedent for subsequent environmental lawsuits.

Courts nevertheless face institutional limits. While judiciary activism can bring attention to environment issues, interpret rights and give directions, it cannot be an alternative to routine regulatory action of environmental protection agencies and administrative bodies (Lau, 2018; Shabbir et al., 2024). Courts typically react when a case comes before them and environmental governance involves an ongoing process of monitoring, inspecting, collecting data and enforcing compliance. Thus, the role of the judiciary must be recognized as a remedial rather than the main enforcement mechanism (Baldwin et al., 2012; Lau, 2018). Administrative agencies can still be weak, leading to recurring court action; long-term environmental governance will still not be stable, however.

This study is guided by Regulatory Theory and the Environmental Justice Approach. Together, these perspectives address the implementation of environmental laws and regulations as well as the justice aspects of corporate environmental behavior. How legal rules, institutions, monitoring systems, sanctions, and compliance mechanisms affect corporate behaviors is explained by Regulatory Theory (Baldwin et al., 2012; Braithwaite, 2011). The Environmental Justice Approach can be used to understand why environmental enforcement should include protection for affected communities, fairness and remedy for environmental harm (Bullard, 2005; Schlosberg, 2007).

Regulatory Theory is relevant because environmental law relies on the capacity of the State to regulate corporate actors. Regulation extends far beyond law-making and involves processes of monitoring, detecting non-compliance, imposing sanctions and providing incentives and rewards for responsible actions (Baldwin et al., 2012; Gunningham, 2017). According to Ayres and Braithwaite (1992), the use of a responsive strategy in regulation, in which regulators resort to persuasion, warnings, and penalties and even tougher sanctions depending on the regulated group's conduct, often proves to be the most effective. This concept has relevance in Pakistan because, corporate environmental accountability is not only possible with legal provisions but also needs enforcement agencies

that are capable of handling various degrees of corporate compliance and non-compliance.

The Environmental Justice Approach is significant because environmental regulation must not only limit the pollution, but also ensure that those affected are not subjected to disproportionate environmental risks. Bullard (2005) posits that environmental justice is about unequal distribution of environmental risks and protection of vulnerable communities. Schlosberg (2007) also elaborates on the elements of environmental justice: distribution, recognition, participation, and capabilities. The relevance of this approach lies in the frequent impacts of industrial pollution, hazardous waste, inadequate law enforcement, and climate vulnerability on communities that lack legal and political influence in Pakistan (Mirza, 2020; Munir & Ghouri, 2025).

Regulatory Theory and the Environmental Justice Approach provide complementary foundations for the analysis. Regulatory Theory can be used to describe the institutional and enforcement aspects of corporate accountability, and environmental justice can be used to describe the rights and community aspects of environmental governance. The study will thus analyse the environmental laws and the available enforcement mechanisms in Pakistan and their effectiveness in providing justice for the communities that suffer from corporate environmental abuses.

METHODOLOGY

The study adopted a qualitative doctrinal legal research design assisted by socio-legal interpretation and qualitative content analysis methods. The qualitative research design is appropriate for the study because it examines the meaning, structure and interpretation of legal and policy documents, which are not measured statistically. Qualitative research is especially valuable when the researcher is interested in understanding in-depth the phenomenon of laws, institutions and governance (Creswell & Poth, 2018; Flick, 2018; Merriam & Tisdell, 2016). The enforcement of environmental regulation is a multifaceted phenomenon as it is a combination of legislation, regulatory bodies, courts and tribunals, corporations, environmental rights and policy implementation. Thus, a qualitative design enables the researcher to understand these interconnections dimensions in their legal and institutional setting.

It is doctrinal because it examines law, statutes, regulations, case law, constitutional provisions, and policy documents. In legal scholarship, doctrinal legal

research is a recognized method of legal research that involves identifying, interpreting, synthesizing and evaluating law and legal authorities (Hutchinson & Duncan, 2012; McConville & Chui, 2017; Vranken, 2010). It can assist the researcher in understanding the current law, the evolution of the law, the interpretation of the law by courts, and identify weaknesses or inconsistencies in the law. Doctrinal research in this study will help in the study and analysis of Pakistan Environmental Protection Act, 1997 (PEPA 1997), provincial environmental laws, environmental rules, provisions in the tribunals, constitutional environmental rights and some excellent judicial decisions.

The approach is appropriate because the study is not based on primary data collection such as survey or interview, which involve human subjects. Rather, it relies on documentary and legal sources as its primary data sources. Documentary analysis is suitable when the research problem involves written records, institutional reports, government documents, legal documents and policy texts (Bowen, 2009; Prior, 2003). Hence the work is an interpretative, documentary and law-based study.

Documentary data was used in the study, both primary and secondary. Documentary data is appropriate for this research as it is about the meanings of the law, the structures of regulation, institutional responsibilities, and directions of policy. Documents are important in qualitative research because they offer stable, accessible and contextually rich evidence of institutional practices and official meanings (Bowen, 2009; Prior, 2003; Rapley, 2018). Documents are particularly significant in legal research as statutes, judgments, policies and regulations are important sources of legal and institutional knowledge (Hutchinson & Duncan, 2012; Salter & Mason, 2007). The main sources are statutes, acts, rules and regulations, constitutional provisions, judicial decisions, materials relating to the environmental tribunals, government notifications, policy documents and official reports. These sources are primary in nature as they are direct representation of Pakistan's environmental legal and institutional framework. These include PEPA 1997, provincial environmental protection acts, regulations for environmental impact assessment, the National Hazardous Waste Management Policy 2022, constitutional provisions pertaining to environmental rights and much of the judicial rulings (Government of Pakistan, 1997, 2022; Mirza, 2020). Primary legal sources are integral in doctrinal research as they are the basis of interpretation and analysis (Majeed et al., 2023; Vranken, 2010).

No survey questionnaires, interviews or statistical data was used in the study. It can rely on public documents, however, such as government reports, court and tribunal documents, policy documents, institutional reports, and published legal commentary. When carefully and systematically selected and analysed, these documents can be used as empirical documentary material (Bowen, 2009; Prior, 2003).

The legal provisions, judicial principles and regulatory mechanisms regarding environmental enforcement and corporate accountability were interpreted by doctrinal legal analysis. Doctrinal legal analysis includes the identification of relevant legal rules, interpretation of statutory language, analysis of judicial reasoning, analysis of legal doctrines and assessing the coherence of legal structures (Hutchinson & Duncan, 2012; Majeed et al., 2023; Vranken, 2010). This is due to the focus of the study on the determination of the duties, powers and penalties of the corporations, institutional responsibilities and environmental justice in Pakistan's environmental legal framework.

The analysis also analyzed judicial rulings to gauge how courts have defined environmental rights and regulatory obligations. *Shehla Zia v. WAPDA* is relevant in the context of the constitutionalizing of environmental protection through Article 9 and Article 14, and *Asghar Leghari v. Federation of Pakistan* is relevant because of the link between climate change governance and fundamental rights and state responsibility (Mirza, 2020; Shabbir et al., 2024). The study will assess the development of environmental justice through judicial interpretation and the development of clearer accountability principles for all state actors and corporate actors.

FINDINGS AND DISCUSSION

The doctrinal analysis showed that Pakistan has a formal environmental legal regime that however, has got implementation gaps, institutional coordination and also in corporate accountability. The main legal document for controlling the environment in Pakistan is PEPA 1997. It gives the legal framework for environmental protection, pollution control, environmental impact assessment, environmental protection orders, offences, penalties and environmental tribunals (Government of Pakistan, 1997). The Act gives the state its duties to safeguard the environment and to control activities that could produce environmental damage. But the study shows that the Act contains very wide enforcement powers but not always effective implementation mechanisms.

One important finding is that PEPA 1997 gives the government a legal basis to tackle industrial pollution and corporate environmental damage, but the system of enforcement is virtually reliant on the willingness and ability of the environmental protection agencies. The Act bans some discharges and emissions, mandates environmental assessment for projects likely to impact the environment and empowers the authorities to issue environmental protection orders. These provisions establish a corporate and industrial actors' formal responsibilities. But without the use of inspection, monitoring, prosecution and penalty mechanisms, the legal framework cannot ensure compliance (Ahsan & Khawaja, 2013; Sial et al., 2018). Thus, an analysis of the doctrines indicates that the real problem is not the total lack of law, but the gap between the law and its effective application.

The analysis also found evidence of legal development and fragmentation in the provincial environmental legislation. Decentralization leads to increased responsibilities of the provinces in environmental governance, with provincial environmental protection acts and bodies. This has led to provinces being able to respond to local environmental issues, while simultaneously introducing inconsistencies in enforcement capacity, administrative practices, and regulatory priorities (Akbar, 2023; Haider et al., 2024). Corporate actors can thus potentially be subjected to different degrees of inspection, monitoring, or regulatory pressure in different provinces. This undermines the uniformity of corporate responsibility as environmental damage can be transboundary, whereas enforcement is restricted on an administrative basis.

The review of environmental standards showed that Pakistan has officially accepted the standards pertaining to industrial emissions, discharges, air quality, drinking water, noise and industry self-monitoring. These are vital standards as it gives actionable compliance requirements for general environmental principles. The results indicate, however, that the standards are not very effective without proper monitoring, data reporting, laboratory testing and follow-up action by the enforcement agencies. It is essential that the regulatory system be able to verify the report, and be able to enforce penalties for false or incomplete reporting, where this is necessary for industries to self-monitor and report their emissions (Khan & Xu, 2021; Sial et al., 2018). Self-monitoring, if not verified, can lead to a 'tick-box' exercise and not be used as an accountability mechanism.

Specialized environmental adjudication is also formally recognized in environmental tribunal provisions. Environmental tribunals are designed to offer legal venues for addressing environmental crimes and enforcement issues. But accessibility, technical expertise, timely adjudication and implementation of tribunal orders are central to the effectiveness of the tribunals. The literature suggests that capacity, procedural delays, and institutional support have been issue of constrains in effectiveness of environmental tribunals as a tool of environmental justice in Pakistan (Lau, 2018). The doctrinal findings, however, indicate that tribunals are lawfully in existence, but their role in the accountability of the corporate entity is not significant in practice without strengthening their institutional capacity.

Corporate accountability is present in the legal framework but is often limited to compliance. Businesses are supposed to prevent illegal emissions and discharges, meet environmental quality standards, conduct environmental impact assessments and obey orders to improve. The law, however, does not fully build a comprehensive corporate environmental responsibility framework of which due diligence, transparent environmental reporting, community consultation, access to remedy, and ongoing accountability for environmental harm are all a part (Khan & Xu, 2021; Shaikh et al., 2025). This results in a doctrine split between simple regulatory conformance and corporate responsibility.

The liability system for environmental offences also seems to be inadequate given the magnitude of environmental damage. Penalties and enforcement action could be in force, but corporate actors may not perceive environmental duties as being serious legal obligations if penalties are not consistently applied or if the costs of non-compliance are lower than the costs of compliance. According to regulatory theory, penalties need to be credible, proportionate and consistently imposed on the company in order to have an impact on company behavior (Ayres & Braithwaite, 1992; Baldwin et al., 2012). The results of doctrinal findings indicate that there is a need for improvement in the environmental liability mechanisms, corporate responsibilities and the predictability of enforcement in the environmental framework in Pakistan.

Findings Related to Policy and Institutional Dimensions

The policy and institutional review identified that several policy instruments have been developed for the environment in Pakistan and implementation is a

concern. The National Hazardous Waste Management Policy 2022, climate policies, environmental quality standards and in-house control regulations reflect the state's awareness of the need for environmental governance, hazardous waste management and corporate compliance. The findings indicate, however, that there is an imbalance between policy making and policy implementation. This gap is an indication of the overall weakness among the institutions, mainly due to weak technical capacity, coordination, funding, and enforcement practices (Government of Pakistan, 2022; Haider et al., 2024).

A key institutional finding concerns the limited enforcement capacity of regulatory agencies. The monitoring, inspection, environmental approvals, environmental protection orders, enforcement notices and prosecution are a responsibility of the environmental protection agencies. But these agencies are also often limited in staffing, technical skills, laboratory capacity, political pressure and lack of field-level monitoring. Therefore, oversight is likely to be reactive, rather than proactive. Ideally the implementation of environmental enforcement should prevent environmental damage, however in the absence of strong institutional capacity, environmental damage has already occurred before enforcement action takes place (Asghar et al., 2024; Haider et al., 2024).

Another major weakness is lack of institutional coordination. Environmental governance is a multiplayer process with various actors and institutions in Pakistan such as the federal ministries, provincial environmental protection agencies, local government, industrial departments, courts, tribunals and sometimes special authorities. The results indicate, however, that there is still a lack of a coordinated system between these institutions. Fragmentation leads to confusion over who monitors, enforces, prosecutes, reports and follows up. This is because of the presence of regulatory gaps and weak coordination which allows corporate actors to exploit these gaps and diminishes the deterrent effect of environmental law (Akbar, 2023; Sial et al., 2018).

The role of courts is important but not enough for routine enforcement. Significant judicial developments in the domain of environmental rights in the Pakistan have been contributed by the courts, for example, the *Shehla Zia v. WAPDA* and *Asghar Leghari v. Federation of Pakistan* cases. These cases bolstered the constitutional framework of environmental justice and also connected environment protection with fundamental rights (Mirza, 2020; Shabbir et al., 2024). However, the judicial input is

typically one of a case-by-case and reactive nature. Courts can instruct institutions to act but they cannot substitute for the constant, ongoing inspection, monitoring and regulatory enforcement of environmental agencies. Thus, the conclusions indicate that judicial activism matters however cannot replace institutional enforcement.

Also, environmental tribunals play an important role in environmental governance, which is limited by procedural and institutional constraints. Special tribunals exist, suggesting that "environmental issues" call for legal and technical know-how. But, the impact of tribunals can be diminished due to delays, accessibility, public awareness, and weak implementation of tribunal proceedings (Lau, 2018). Tribunals need to be credible forums for enforcement, with violations being resolved in a timely manner and penalties being effective in order to increase corporate accountability.

Enforcement is also hindered by political and procedural obstacles. There may be pressure on the environmental regulatory bodies if the enforcement action is against powerful industrial actors, politically favored businesses, or projects that are deemed to be economically important. Enforcement is further hampered by procedural obstacles, including delays in environmental approvals, poor follow-up after notices, inadequate inspections, and poor transparency of reporting. This indicates that the institutional culture and political economy (Khan & Xu, 2021; Shaikh et al., 2025) in addition to legal lacunae influence environmental governance in Pakistan.

The results show that the main issue of environmental regulation in Pakistan is not only weakness in the legislation but weakness in the enforcement. Legal framework for the protection of environment is provided by PEPA 1997, however, monitoring, inspection, prosecution and penalties provided by environmental protection agencies determine the effectiveness of this act. As per regulatory theory, the law is only effective when backed by credible enforcement, frequent monitoring, proportionate sanctions, and institutional capacity (Ayres & Braithwaite, 1992; Baldwin et al., 2012). In Pakistan there is a considerable disconnect between the legal provision and the capacity to enforce the legislation affecting the deterrent effect of environmental law.

The corporate-accountability findings indicate that the law in Pakistan should be more than conformist. The general idea of corporate environmental responsibility is not well developed: although corporations today have to abide by environmental standards and they are subject to environmental impact assessment, these are

only a few aspects of company environmental responsibility. Corporate accountability mechanisms should not just prevent violations but also prevent environmental damage, reveal risks, engage affected communities, and ensure environmental management systems, and offer remediation in the event of damage (Khan & Xu, 2021; Shaikh et al., 2025). These obligations would turn compliance with the environment into a formal obligation not a real obligation.

The environmental-justice findings highlight the gap between constitutional recognition of environmental justice and access to environmental justice. Environmental rights have been given a big boost in Pakistani courts. Environmental protection is clearly recognized in Article 9 and Article 14 and later in the development of the constitution through Article 9A, giving a strong rights-based foundation to environmental governance. But environmental justice, as such, needs more than just constitutional words. It must involve accessible institutions, public participation, timely remedies, transparent information, and protection of vulnerable communities (Bullard, 2005; Schlosberg, 2007). Environmental justice is incomplete without readily available tribunals or regulatory agencies for affected communities.

The institutional findings reveal opportunities and challenges arising from the process of decentralisation. By giving provinces some autonomy to deal with their own environmental issues, provincial environmental governance can be seen to also result in differential enforcement. According to Akbar (2023), the decentralization in Pakistan has had an impact on the uniformity of environmental governance. This implies that the same corporate activity can be dealt with differently in one province compared to another, depending on the institutional capacity, political will and regulatory culture. This is because the lack of uniformity undermines corporate responsibility and introduces uncertainty for regulators and businesses.

The findings on tribunals indicate that specialized environmental adjudication is of course essential but not sufficient, when tribunals lack capacities. According to Lau (2018), in Pakistan, environmental tribunals have several institutional and procedural issues that hamper their effectiveness. This study is confirmation of this in that it demonstrates that tribunals require technical expertise, efficiency in procedure, enhanced enforcement powers, and accessibility. A delay in the tribunal process or an ineffective implementation of tribunal rulings could result in no real consequences for corporate offenders. The policy findings also indicate that environmental governance in Pakistan has been policy-rich rather

than enforcement-driven. The state acknowledges the environmental issues through the National Hazardous Waste Management Policy 2022 and other environmental policy documents. But there must be legal, budgetary, institutional and monitoring measures to support policy instruments. In the absence of these elements, policies can be symbolic and ineffective in altering the corporate behavior and regulatory practice (Government of Pakistan, 2022; Haider et al., 2024).

REFORM PRIORITIES

First, Pakistan's environmental laws need to be amended while incorporating more definite environmental responsibilities of the companies. Legislation needs to go further than general duties to prevent pollution and specify requirements for environmental due diligence, environmental risk disclosure, public consultation, environmental compliance within the company, and ongoing liability for environmental harm. The reforms would give better accountability to the companies and clarity to enforcement.

Second, the punishment for environmental infractions should be more stringent, commensurate, and rigorously applied. Low penalties or infrequent enforcement can make environmental violations an acceptable business expense for companies. According to regulatory theory, sanctions have to be credible and uniformly enforced in order to affect compliance behaviour (Ayres & Braithwaite, 1992; Baldwin et al., 2012). So, fines should be commensurate with the size of the company, the severity of the damage, the frequency of offences, and the restoration expenses.

Third, the laws and procedures related to EIAs need to be strengthened. EIAs are not only formal 'approval documents'. These should involve significant public involvement, independent scrutiny, full disclosure, monitoring after approval and penalties for giving inaccurate or incomplete information. This is needed as many environmental damages take place either due to lack of proper scrutiny of projects or due to lack of monitoring of compliance after approval.

Fourth, there should be clear legal stipulations on who is responsible, directors, managers and corporate officers, when environmental infractions result from negligence, concealment or from a conscious failure to comply with regulation. The accountability of the company is enhanced if responsibility is not only to the company as an abstract legal entity but also to responsible decision makers.

INSTITUTIONAL RECOMMENDATIONS

First, Environmental protection agencies must be enhanced in their funding, technical training, laboratory capacity, field inspection resources and digital monitoring systems. Without science equipment, trained inspectors, and reliable data systems, enforcement agencies can make no effective effort to regulate corporate pollution (Haider et al., 2024; Sial et al., 2018).

Second, ties between the federal and the provincial bodies should be strengthened. A national coordination mechanism can be established to coordinate environmental standards, reporting systems, enforcement priorities and corporate compliance expectations. This coordination is required because environmental issues can be transprovincial in nature.

Third, environmental tribunals should be improved in terms of accessibility, efficiency and their technical capacity. Special training should be provided for the members of the Tribunal on environmental law, scientific evidence, industrial pollution, climate governance and corporate accountability. Delays should be minimized and compliance should be followed up with the outcomes of the tribunals.

Fourth, regulatory agencies should have open inspection and reporting systems. Inspection reports, environmental compliance status, enforcement actions and penalties can be published on digital platforms. Transparency can improve public confidence and minimize the opportunity for selective enforcement.

POLICY RECOMMENDATIONS

First, environmental policies must be connected to implementation plans which are enforceable. Responsible institutions, timelines, monitoring indicators, reporting requirements and consequences for failures should be clearly stated in each policy. However, meaningfully reforming environmental governance without implementation mechanisms in policy documents is unlikely.

Second, Pakistan needs to improve hazardous waste governance by fully implementing the National Hazardous Waste Management Policy 2022. This involves clear guidelines on waste generation, waste storage, waste transport, waste treatment, waste disposal, corporate reporting and third-party verification. Hazardous waste management has a direct link to corporate accountability, as there are industries that produce hazardous waste which can

have a detrimental impact on public health and the ecological systems

Third, there is a need to make public participation a key component of environmental governance. Industrial pollution impacted communities have access to environmental information, environmental impact assessment (EIA) documents and tribunal procedures and complaint mechanisms. Environmental justice also means that the citizens who are affected by a decision should not be left out from participation in the decision that directly impacts their health and livelihood (Bullard, 2005; Schlosberg, 2007). Fourth, environmental policy must be made an element of economic and industrial policy. Environmental protection should be incorporated from the start of development projects, industrial expansion and investment policies. Environmental regulation should not be seen as a barrier to development, but as a precondition to sustainable and responsible development.

CONCLUSION

This study reveals that Pakistan has achieved a significant environmental legal and policy regime, though the effectiveness of this regime is constricted due to the lack of enforcement, institutional fragmentation, procedural delay, limited capacity of tribunals and lack of corporate accountability mechanisms. Environment is formally governed by PEPA 1997, provincial laws, environmental quality standards, environmental tribunals and judicial decisions. But the difficulty comes in turning this into real practice of regulation.

The study further finds that through the judicial interpretation and constitutional development, environmental justice in Pakistan is strong but it is incomplete without administrative action and accessible remedies. Although the courts have contributed importantly in the expansion of environmental rights, the regular implementation of such rights should be done by regulatory agencies and tribunals. Judicial activism is not a replacement for a continuous monitoring, inspection, prosecution and compliance verification.

While there is corporate accountability in the environmental framework in Pakistan, there is a need to increase the responsibilities, penalties, reporting systems, public involvement, and ongoing liability for environmental damage. The environmental compliance shall not be given the character of symbolism or an optional mandate for corporations. Rather, it should be an integrated part of corporate

governance, industrial regulation and sustainable development.

Overall, the central conclusion is that there is a large disconnect between legislation and implementation in Pakistan's environmental governance. For this, Pakistan needs legal, institutional, tribunal, policy, public participation and corporate accountability mechanisms in the sectors. Strengthening the implementation of environmental laws and regulations is necessary not only of environmental protection but also of sustainable development, social justice, public health and constitutional rights in Pakistan.

These reforms would align constitutional environmental guarantees with routine, credible, and transparent corporate regulation.

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