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**Environmental Protection Clinic**

1001-C Farid Chambers Abdullah Haroon Road Saddar  
Karachi-74400 (Sindh) Pakistan



**DEFEND  
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# IN THE SUPREME COURT OF PAKISTAN

ISLAMABAD

(Original Constitutional Jurisdiction)

Constitution Petition No. / 1 of 2016

**Rabab Ali** ..... **Petitioner**  
**V e r s u s**  
**Federation of Pakistan & Another** ..... **Respondents**

## Concise Statement

This pro-bono Petition belonging to the millions of citizens who are being adversely impacted by a destabilized Climate system and catastrophic **Climate Changes in Pakistan** that are caused by the continual increase of **greenhouse gas (“GHG”) emissions**, particularly **Carbon Dioxide (“CO<sub>2</sub>”) pollution**, from the mining and burning of Coal and the continuing allowance of toxic vehicles and industrial activity, all negatively impacting the enjoyment of fundamental human rights. The Respondents’ development of the Thar Coalfield will drastically increase Pakistan’s **CO<sub>2</sub> emissions**, thus contributing to a destabilized Climate system, while ignoring the renewable technology of solar and wind energy.

The Earth is a legacy left to this youth Petitioner, other children and future generations who will have to endure the inherited Environment degraded as a result of the choices made today by her government and current generations.

The youth Petitioner along with other Pakistani children are severely and adversely affected by the increasing level of **CO<sub>2</sub> pollution** in the atmosphere, which not only harms and continuously threatens their mental and physical health, quality of life and wellbeing, but also infringes upon their constitutionally guaranteed **“Right to Life”** and the inalienable **“Fundamental Rights”** of youth Petitioner and the future generations of Pakistan, and in violation of the **“Doctrine of Public Trust.”**

### **Issues involved:**

- Violation of Fundamental Rights
- Violation of the Doctrine of Public Trust
- Degradation of Environment
- Conserving the Climate system
- Protection of atmosphere from the irreversible effects of Climate Change

- Adverse impact of Climate Changes
- Continual increase of greenhouse gas (GHG) emissions, in particular Carbon Dioxide (CO<sub>2</sub>)
- Pollution from the mining and burning of Coal
- Carbon Dioxide (CO<sub>2</sub>) emitting vehicles and industrial activity
- Renewable technology of solar and wind energy

**Documents relied upon:**

- Task Force on Climate Change Report, 2010
- National Climate Change Policy, 2012
- Framework for Implementation of Climate Change Policy, 2013
- The Environment and Climate Change Outlook of Pakistan, 2013
- Vision 2025 of Pakistan, 2014
- Pakistan's Intended Nationally Determined Contribution (INDC), 2015
- Dr. James Hansen, et al.'s analysis: "Assessing 'Dangerous Climate Change': Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature" (PLOS ONE 8:12, e81628 (2013))
- China-Pakistan Economic Corridor, List of Agreements/MoUs, 2015
- Thar Coalfield analysis: "Composition, Trace Element Contents and Major Ash Constituents of Thar Coal, Pakistan" (American Journal of Scientific Research, Issue 11 (2010), pp.92-102)
- Thardeep Rural Development Program, "Coal Mining in Tharparker: Potential, Concerns, and Remedies, Social-Economic and Environmental Aspects of Coal Mining in the Tharparkar District"
- Pakistan Sustainable Land Management Programme to Combat Desertification in Pakistan, 2014
- Dr. Mark Z. Jacobson, et al.'s draft expert report: "100% Clean and Renewable Wind, Water, and Sunlight (WWS) All-Sector Energy Roadmaps for 139 Countries of the World" (2015)
- Pakistan Renewable Energy Report, 2013

**Law involved:**

The Constitution of Pakistan, 1973:

Fundamental Rights:

- Article 9– Security of person ... Right to life
- Article 4(2)(a) – Right of individuals
- Article 5(2) – Obedience to the constitution and law
- Article 14(1)– Inviolability of dignity of man
- Article 19A– Right to information
- Article 23– Right to property
- Article 24(1) – Protection of property rights

- Article 25(1) – Equality of citizens
- Article 184(3) – Original jurisdiction of Supreme Court

Environmental Laws:

- Doctrine of Public Trust
- Principle of sustainable development
- Precautionary principle
- Environmental impact assessment
- Principle of inter-generational equity
- Sindh Forests Act, 1927
- Sindh Wildlife Protection Ordinance, 1972
- Pakistan Environmental Protection Act, 1997
- Sindh Environmental Protection Act, 2014
- Ramsar Convention, 1971
- Convention on Protection of World Cultural and Natural Heritage, 1972
- Convention on the Conservation of Migratory Species of Wild Animals, 1979
- Convention on the Protection of the Ozone Layer, 1985
- United Nations Convention on Biological Diversity, 1992
- United Nations Framework Convention on Climate Change, 1992
- World Charter of Nature of the Rio Declaration, 1992
- Kyoto Protocol, 1997
- Paris Agreement, 2015

This is to certify that the Concise Statement has been prepared from the facts, which are drawn from the record of the case.

Islamabad.  
Dated April \_\_\_\_, 2016

( **Qazi Ali Athar** )  
ENVIRONMENTAL LAW ATTORNEY  
for and on behalf of youth **Petitioner-In-Person**



In-Person proffers this Constitution Petition to properly assist the apex Court through her representative/father, regarding the substantial questions of law of great public importance for determination by this Hon'ble Court, as under:

**THE QUESTIONS OF LAW**

- i. Whether our Climate system and atmosphere are resources that need to be protected for our future?
- ii. Whether the burning of fossil fuels and all other acts which increase Carbon Dioxide (“CO<sub>2</sub>”) and Greenhouse Gas (“GHG”) pollution in the atmosphere have led to an energy imbalance on mother Earth and consequent dangerous disruption of the Climate system, upon which human beings, all creatures, and all life depends?
- iii. Whether the cumulative effects of CO<sub>2</sub> emissions from the continued burning of fossil fuels will make life inhospitable and unsafe, for young people alive today and for future generations, through increased threats to food and water security, increased climate-related illnesses and deaths, and increased severity and frequency of weather-related disasters, all of which have already had devastating effects on the people of Pakistan?
- iv. Whether the Earth’s Climate system and atmosphere are crucial natural resources on which the Pakistani people depend for their wellbeing and survival, critical to human life and the functioning of the Earth’s ecosystems, and therefore fall under protection of the Doctrine of Public Trust?
- v. Whether a stable Climate system with an atmosphere void of dangerous levels of CO<sub>2</sub> is an essential component of life and critical to the Fundamental Rights of the Pakistani people?
- vi. Whether the best available scientific knowledge from Climate Scientist Dr. James Hansen dictates that to restore a stable Climate system, the dangerous levels of CO<sub>2</sub> currently in our atmosphere must be reduced to below the maximum safe level, which is 350ppm atmospheric CO<sub>2</sub> by the year 2100?
- vii. Whether the Fundamental Rights to Life, Liberty, Property, Human Dignity, Information and Equal Protection of the Law, guaranteed by the Constitution, read with the Constitutional principles of democracy, equality,

and social, economic and political justice found in the Preamble of the Constitution, include within their ambit and commitment the Doctrine of Public Trust and international Environmental principles of sustainable development, precautionary principle, Environmental impact assessment, and inter and intra-generational equity?

- viii. Whether the Constitutional Right to Life includes the right to an unpolluted atmosphere, void of dangerous levels of CO<sub>2</sub>?
- ix. Whether the people of Pakistan have an inalienable right to safe levels of CO<sub>2</sub> in the atmosphere under the Constitution and the Doctrine of Public Trust?
- x. Whether the Respondents have a non-discretionary, fiduciary duty under the Doctrine of Public Trust to reduce Pakistan's contribution to atmospheric CO<sub>2</sub> levels in order to conserve and protect the atmosphere, restore the stability of the Climate system, and restore the energy balance of mother Earth at large, for the benefit of current and future generations?
- xi. Whether Respondents' fiduciary Public Trust duty to reduce atmospheric CO<sub>2</sub> levels can be achieved through mitigation efforts such as curtailing the activities that emit CO<sub>2</sub> into the air (such as the mining and burning of fossil fuels and deforestation), encouraging activities that remove CO<sub>2</sub> from the atmosphere (such as reforestation), and converting energy systems to sustainable and Carbon-free energy sources?
- xii. Whether the Respondents' current efforts to mitigate against Climate Change are wholly ineffective and instead promote the development and use of the most Carbon-intensive fossil fuel—Coal, leading to further destabilization of the Climate system and more catastrophic consequences for the people of Pakistan?
- xiii. Whether the Respondents are obligated to follow the Precautionary Principle, in an effort to protect future generations from the irreversible harm threatened by Climate Change?
- xiv. Whether the millions of people in Pakistan rely on a fairly stable and reliable Climate system that humans have relied on since the beginning of time as we have known it?



- xv. Whether a destabilized Climate system has brought death and destruction to Pakistanis?
- xvi. Whether increased GHG emissions and a further destabilized Climate system will violate the people of Pakistan's Right to Life through an increase in hunger and malnutrition and related disorders impacting child growth and development, cardio-respiratory morbidity and mortality related to ground-level ozone, and through an increase in severity and frequency of weather-related disasters, which already have devastating effects on the people of Pakistan?
- xvii. Whether the adverse impacts of Climate Change pose serious threats to Pakistan's food and water security negatively affecting the ability of Pakistanis to meet their most basic human needs?
- xviii. Whether it is the Constitutional and Public Trust obligation of the Respondents to ensure the creation and the sustaining of conditions congenial to food and water security in Pakistan, which are dependent on a stable Climate system, as these are indispensable to the very physical existence of the community and the building of the society?
- xix. Whether the Respondents' deliberate indifference and irresponsible attitude towards the health and safety of all Pakistani citizens and the Climate system on which they depend requires immediate steps for the protection of Fundamental Rights and enforcement of the Doctrine of Public Trust?
- xx. Whether Climate Change should be given national emergency status, as there is nothing more urgent, all prevailing and devastating?
- xxi. Whether the Respondents or any state functionary or citizens are allowed by law to degrade the pristine Environment of mother Earth by destabilizing our Climate system, particularly by discharging excessive levels of CO<sub>2</sub> emissions?
- xxii. Whether the Respondents have a legal duty to reduce Pakistan's contribution to atmospheric CO<sub>2</sub> levels and do Pakistan's share as a responsible member of the global community to achieve global Climate stabilization, so that every child of this country shall be provided equal rights and saved from the merciless actions of our elders burning fossil

fuels and engaging in other acts that increase CO<sub>2</sub> and GHG pollution in the atmosphere, which threaten to destroy our functioning Climate, healthy air to breathe, regular seasons and living oceans, by disrupting the natural functions of mother Earth and the ability of the Earth's ecosystems to sustain future generations?

- xxiii. Whether the Respondents are criminally negligent and are breaching their Constitutional and Public Trust obligations by not acting to implement CO<sub>2</sub> reducing strategies to mitigate Pakistan's contributions to Climate destabilization and the increasing severity of and frequency of Climate impacts the Pakistani people are already suffering from?
- xxiv. Whether the actions taken by Respondents to increase GHG, particularly CO<sub>2</sub>, pollution in support of vested interests while ignoring the devastating impacts to the people of Pakistan, infringe upon the constitutionally guaranteed Fundamental Rights of youth Petitioner and the people of Pakistan, in violation of 'Article 4 (2)(a)', 'Article 9', 'Article 5(2)', 'Article 14(1)', 'Article 19A', 'Article 23', 'Article 24(1)' and 'Article 25(1)' of the "Constitution of Pakistan, 1973"?
- xxv. Whether the Respondents are criminally negligent and are breaching their Constitutional and Public Trust obligations through their promotion and development of the most Carbon intensive fossil fuel—Coal?
- xxvi. Whether the Respondents' exploitation of Pakistan's vast untapped Coal reserves and plans to drastically increase domestic Coal production from 4.5 to 60 million tonnes per year, which will irreversibly increase Pakistan's contributions to atmospheric CO<sub>2</sub> levels, leading to further destabilization of the Climate system and more catastrophic consequences for the people of Pakistan, violates the Doctrine of Public Trust and the Fundamental Rights of the citizens of Pakistan?
- xxvii. Whether, under the control and command of the Respondents, the continued and future proposed mining and burning of Coal in Pakistan, including the exploitation of the Thar Coalfield, will irreversibly increase Pakistan's contributions to the already high levels of atmospheric CO<sub>2</sub>, putting the Pakistani people at even greater risk of harm from the impacts of Climate Change in violation of the people of Pakistan's Right to Life and the Fundamental and Inalienable Rights guaranteed by the Constitution and Doctrine of Public Trust?

- xxviii. Whether the Respondents' exploitation of the Thar Coal Reserve and the resulting adverse impacts faced by the inhabitants of the Thar Desert, including forced displacement, loss of communal land, increased erosion (exacerbated by extreme floods and droughts due to Climate Change), reduced soil productivity, and contaminated water, are in violation of Thari people's Fundamental Rights to Life, Liberty, Property, Human Dignity, Information and Equal Protection of the Law, guaranteed by the Constitution?
- xxix. Whether by choosing to develop Coal as an energy source instead of renewable, non-fossil fuel resources, the Respondents are ignoring the long-term adverse consequences they are bringing upon both current and future generations of Pakistanis, in violation of their Fundamental Rights and the principle of inter-generational equity?
- xxx. Whether the Respondents' promotion and development of Coal will increase the occurrence and severity of toxic fog from the burning of Coal experienced by the Pakistani people in violation of their Fundamental Rights?
- xxxi. Whether the Respondents' failure to address or improve air quality and their actions allowing and encouraging air pollution in Pakistan to steadily increase from vehicle emissions, industrial pollution, the burning of solid/municipal/hospital waste and energy production, thereby increasing Pakistan's GHG emissions and respective contribution to the destabilization of the global Climate system, as well as threatening life and human health are in violation of the Fundamental Rights of the people of Pakistan, including the Right to Life guaranteed by the Constitution?
- xxxii. Whether in Pakistan's INDC, the explicit refusal to reduce Pakistan's GHG emissions until after the country's emissions levels have peaked at some undetermined time in the future violates the Doctrine of Public Trust and the people of Pakistan's Fundamental Rights?
- xxxiii. Whether the Respondents' failure to develop quantifiable, state wide targets or a "Carbon budget" for Pakistan to meet its international commitments as a Party to the UNFCCC and do its share as a responsible member of the global community in reducing atmospheric CO<sub>2</sub> and achieving global Climate stabilization, and their failure to develop and

implement significant mitigation actions tiered to achieving such a goal as part of the NCCP, Framework and INDC and all official federal and provincial government decisions related to fossil fuels and Climate Change violates the Doctrine of Public Trust and the Fundamental Rights to Life, Liberty, Property, Human Dignity, Information and Equal Protection of the Law, guaranteed by the Constitution, of millions of Pakistanis who have and will be adversely impacted by Climate Change, and future generations who will undoubtedly suffer from an extremely destabilized and dangerous Climate system unless an immediate paradigm shift is made?

- xxxiv. Whether the Respondents must prioritize governmental monies and actions towards mitigating Climate Change?
- xxxv. Whether increased energy efficiency and a conversion to truly sustainable and Carbon-free energy sources is the answer to Pakistan's growing energy demand?
- xxxvi. Whether composting should be incorporated into Pakistan's Climate Change policy to both adapt to Climate impacts (especially those adversely affecting water and food security) and mitigate Climate Change through the removal of CO<sub>2</sub> from the atmosphere?
- xxxvii. Whether mangrove forests are an essential part of Climate Change adaptation and mitigation, providing a barrier against sea level rise and severe cyclones frequenting Pakistan's coast and serving as an important Carbon sink?
- xxxviii. Whether the Respondents' failure to sufficiently fund Climate Change education and failure to translate the NCCP and Framework into regional languages are violations of the Pakistani people's Right to Information, as guaranteed by the Constitution?
- xxxix. Whether the acts and omissions of the Respondents, which are threatening serious and irreversible damage to the atmosphere, Climate system, and the people of Pakistan at large, are a clear violation of the Doctrine of Public Trust and the Fundamental Rights of the people?
- xl. Whether this Hon'ble apex Court has jurisdiction to issue an order declaring that the Respondents have violated the Doctrine of Public Trust

and the Fundamental Rights to Life, Liberty, Property, Human Dignity, Information and Equal Protection of the Law, guaranteed by the Constitution, of youth Petitioner and the people of Pakistan, which include in their ambit the inalienable right to a stable Climate system—that according to the best available scientific knowledge, requires the reduction of dangerous levels of CO<sub>2</sub> currently in our atmosphere to below the maximum safe level of 350ppm atmospheric CO<sub>2</sub>—and declaring that Respondents committed these violations by promoting to increase Pakistan’s CO<sub>2</sub> emissions through the mining and burning of Coal; failing to develop quantifiable, statewide targets for Pakistan to do its share in reducing atmospheric CO<sub>2</sub> and achieving global Climate stabilization; and failing to develop and implement mitigation actions tiered to achieving such a goal as part of the NCCP, Framework and Pakistan’s INDC?

- xli. Whether this Hon’ble apex Court has jurisdiction to direct the Respondents to refrain from further such violations of the Doctrine of Public Trust and Fundamental Rights of the people, as guaranteed by the Constitution?
- xlii. Whether this Hon’ble apex Court has jurisdiction to direct the Respondents, in cooperation with all relevant government institutions, to prepare an accounting and inventory of each and every substantial source of GHG emissions within Pakistan and to prepare quantifiable, statewide targets or a “Carbon budget” for the total amount of CO<sub>2</sub> emissions that can be released until 2050 ensuring Pakistan does its share as a responsible member of the global community to achieve global Climate stabilization and reduce atmospheric CO<sub>2</sub> to the maximum safe limit of 350ppm of CO<sub>2</sub> by 2100?
- xliii. Whether this Hon’ble apex Court has jurisdiction to direct the Respondent No. 1, in cooperation with all relevant government institutions, to re-write the NCCP, Framework and INDC to include a comprehensive national Climate recovery plan with interim CO<sub>2</sub> reduction targets and mitigation actions tiered to achieving Pakistan’s Carbon budget, with priority actions aimed at reducing GHG emissions, transitioning away from the development and use of fossil fuels, and engaging in massive reforestation and other methods of Carbon sequestration; and direct the Respondents to implement elements of the updated NCCP, Framework and INDC?

- xliv. Whether this Hon'ble apex Court has jurisdiction to direct the Respondents to keep untapped Coal reserves in the ground and to immediately refrain from any further Coal exploration or power generation?
  
- xlv. Whether this Hon'ble apex Court has jurisdiction to direct the Respondents to immediately appropriate all available funds towards the Alternative Energy Board and other institutions committed to the design and production of alternative and renewable energy, as the government and Court see fit?
  
- xlvi. Whether this Hon'ble apex Court has jurisdiction to direct the Respondents to take immediate steps to transition power generation in Pakistan to non-CO<sub>2</sub> emitting energy sources such as wind and solar?
  
- xlvii. Whether this Hon'ble apex Court has jurisdiction to direct the Respondents to immediately begin systematic repair of all electric lines/boxes/wiring which have above average transmission and distribution losses of energy?
  
- xlviii. Whether this Hon'ble apex Court has jurisdiction to direct the Respondents to immediately seek all possible means of financial, technological, and capacity-building support to enhance the implementation of Pakistan's mitigation efforts to do its share in reducing atmospheric CO<sub>2</sub> and achieving global Climate stabilization, including but not limited to imposing a Carbon fee on all fossil fuels and other GHGs and participating in relevant UNFCCC processes to request such support?
  
- xlix. Whether this Hon'ble apex Court has jurisdiction to direct the Respondents to immediately train all federal and provincial officials and experts on the pressing issue of Climate Change and to translate relevant documents into the local languages?
  
- I. Whether this Hon'ble apex Court has jurisdiction to retain jurisdiction over this action to monitor and enforce the Respondents' compliance with all associated orders of this apex Court?
  
- li. Whether this Hon'ble apex Court has jurisdiction to grant any other just or equitable relief(s) held appropriate as being fit and proper by this apex Court?

## **BRIEF FACTS**

1. That, seven-year-old youth Petitioner being a resident of Karachi metropolis and a citizen of Pakistan who is deeply concerned for the millions of citizens who are presently being adversely impacted by a destabilized Climate system and catastrophic **Climate Changes in Pakistan** that are caused by the continual increase of **greenhouse gas (“GHG”) emissions**, particularly **Carbon Dioxide (“CO<sub>2</sub>”)** pollution from the burning of fossil fuels, and for the future generations who will have to endure the inherited Environment degraded by the choices made by current generations.
2. That, youth Petitioner is luckily born from the soil of Indus; the valley of Civilizations and dynamic culture, the land of sophistic peace and socio-religious harmony on the planet through centuries and the Wheel of progress that reduces the distances of the land and of the air. But presently this land, the people of this land and their culture are facing multiple threats caused by the excessive pollution from the mining and burning of fossil fuels. Youth Petitioner is residing at one of the highly polluted areas of the Karachi metropolis. Fossil fuel pollution harms and continuously threatens youth Petitioner’s mental and physical health, quality of life and wellbeing. The increasing level of **CO<sub>2</sub>** pollution in the atmosphere also infringes upon her constitutionally guaranteed Right to Life as she is unable to move outside her home and breath in fresh air and freely walk and play with flowers, butterflies, dragons and to follow the lightning-bug in her blooming age even at her nearby park (JAHANGIR PARK); she has never seen dew on leaves instead of Carbon and Suspended Particulate Matters (PM<sub>10</sub>) and never heard the melody of the (birds) musician of nature instead of shrill sounds of two-stroke auto Rickshaw/Motorbikes and pressure horns of buses; she never found a clean and blue sky like her dreams and the atmosphere around her is smoky and foggy due to perpetual burning of garbage and municipal/solid waste and smoke emitted from the outdated transport system; and she has been unable to find any footpaths for pedestrians that lead to her School/Convent particularly in her area (Saddar) and her heritage building of ‘Empress Market’, which was once a hub of business activities. Actions taken by Respondents to increase GHG and CO<sub>2</sub> pollution in support of vested interests, regardless of the impacts to the people and their socio-cultural or ethnic values, seriously infringe upon the constitutionally

guaranteed Fundamental Rights of youth Petitioner and the people of Pakistan.

3. That, as factum, the youth Petitioner on April 23, 2015 to commemorate “World Earth Day” she pledged allegiance to the Earth and to the flora, fauna and human life that it supports, one planet indivisible, with safe air, water and soil, economic justice, equal rights and peace for all. The Earth is her legacy, hence she further pledged on her behalf and on behalf of the hundreds of millions of children of her country to save mother Earth, as their future is threatened due to rapidly increasing GHG emissions in their atmosphere. Because of the irresponsible attitude of the Respondents towards nature and natural resources, the youth Petitioner pledged to raise her small voice for a big cause before the apex Courts for the recognition and protection of her Fundamental Rights and an order compelling the Respondents to reduce CO<sub>2</sub> emissions and do Pakistan’s share as a responsible member of the global community to achieve global Climate stabilization, so that every child of this country shall be provided equal rights and saved from the merciless actions of our elders burning fossil fuels and engaging in other acts that increase CO<sub>2</sub> and GHG pollution in the atmosphere, which threaten to destroy our functioning Climate, healthy air to breathe, regular seasons and living oceans, by disrupting the natural functions of mother Earth and the ability of the planet’s ecosystems to sustain future generations.

And this Hon’ble apex Court must consider the small voice of youth Petitioner and the children of Pakistan as if they were their own children, that OUR CLIMATE SYSTEM AND ATMOSPHERE are resources that need to be protected for OUR FUTURE.

4. That, Climate Change and ocean acidification are the most pressing and dangerous issues of our time, the destructive impacts of which are already being felt in Pakistan. As recognized by the Respondent No. 1 the **Federation of Pakistan** through the **Ministry of Climate Change** (formerly Climate Change Division) in Pakistan’s **Framework for Implementation of Climate Change Policy, 2013** (“Framework”), Climate Change is a direct result of human activity, primarily due to excessive CO<sub>2</sub> emissions from the burning of fossil fuels and deforestation. The **Framework** is filed and annexed as **Annexure-‘A’**.



5. That, human beings have benefited from living on a planet that has been remarkably hospitable to human existence and provided conditions just right for human life to expand and flourish. Human civilization and the water sources, crops, foods, wildlife, marine life and coastlines on which it depends have developed within a very narrow set of Climatic conditions.
6. That, continuing to burn fossil fuels will further destabilize the Climate system on which present and future generations depend for their wellbeing and survival. The best available scientific knowledge from the preeminent Climate Scientist Dr. James Hansen dictates that in order to restore Earth's energy balance and stabilize the Climate system, the dangerous levels of CO<sub>2</sub> currently in our atmosphere must be reduced to below the maximum safe level, which is 350 parts per million ("ppm") atmospheric CO<sub>2</sub> by the year 2100. Currently the CO<sub>2</sub> concentration in our atmosphere exceeds 400ppm, over 40 percent more than the pre-industrial concentration of 280ppm.

The scientific article titled "Assessing 'Dangerous Climate Change': Required Reduction of Carbon Emissions to Protect Young People, Future Generations and Nature" by Dr. James Hansen, et al. published in 2013 is filed and annexed as **Annexure-'B'**.

7. That, humans continue to add CO<sub>2</sub> into the atmosphere at a rate that outpaces removal through natural processes, with the current and projected CO<sub>2</sub> increase about one hundred times faster than any increase that has occurred over the past 800,000 years. The current concentrations of CO<sub>2</sub> in the atmosphere are the result of both historic and current emissions, as a substantial portion of every tonne of CO<sub>2</sub> emitted by humans persists in the atmosphere for as long as a millennium or more. This means that the impacts associated with the emissions of CO<sub>2</sub> today will be mostly borne by our children and future generations.
8. That, unlike with past Climate Change events, humans can mitigate and even halt Climate Change before it causes the most catastrophic and irreversible effects. The Pakistan **Framework** defines "Mitigation to Climate Change" as a "policy response that aims to reduce [GHG] emissions or enhance the removal of these gases from the atmosphere" Stopping or curtailing the activities that emit CO<sub>2</sub> into the air (such as the burning of fossil fuels and deforestation), encouraging activities that remove CO<sub>2</sub> from the atmosphere (such as reforestation), and converting

energy systems to non-fossil fuel energy sources are all mitigation efforts that can greatly reduce and even halt Climate Change and its consequences within the lifetimes of today's children.

9. That, a key observable impact from increased GHG emissions is the rapid increase in recorded global surface temperatures. Pakistan's average annual temperature is increasing more than 0.2°C each decade, slightly higher than the global estimate of 0.15 to 0.2°C per decade. Widespread changes in extreme temperatures are being recorded throughout Pakistan. Cold days, cold nights and frosts have become less frequent, while hot days, hot nights and heat waves have become more frequent. An increase in extreme temperatures, causing a higher rate of snow and glacial melt, and an 86 percent increase in monsoon precipitation has been experienced in the Greater Himalayan Region. The frequency and severity of extreme weather events, including droughts and floods, are increasing.
10. That, the **Intergovernmental Panel on Climate Change ("IPCC")** has confirmed that the present rate of global heating is occurring as a result of human activities that release heat-trapping GHGs and intensify the Earth's natural greenhouse effect at an accelerated rate, thereby changing Earth's climate. Climate Change is damaging both natural and human systems, and if unrestrained, will alter the planet's habitability. The Government of Pakistan has recently acknowledged in the **Paris Agreement, 2015** that "Climate Change is a common concern of humankind", "recognizing the need for an effective and progressive response to the urgent threat of Climate Change on the basis of the best available scientific knowledge."
11. That, the countries that have contributed least to GHG emissions will be the first and hardest hit by Climate Change. The Respondents have known of Pakistan's vulnerability to the effects of Climate Change since at least 2003 and the Respondent No. 1 has acknowledged that for Pakistanis, "Climate Change is no longer a distant threat-we are already feeling and experiencing its impacts across the country and region." Yet, even with this knowledge, the Respondent No. 1 is failing to meet its federal mandated duty to mitigate Climate Change and its adverse impacts on the people of Pakistan through the Respondent No. 2 the **Province of Sindh** and other government ministries and departments. **Climate Change should be given national emergency status, as there is nothing more urgent, all prevailing and devastating.**

12. That, Pakistan is extremely vulnerable to the adverse impacts of Climate Change due to the increasing frequency and severity of extreme events, including heat waves, droughts, flooding and cyclones, and due to sea level rise in low elevation areas. In the **National Climate Change Policy, 2012 (“NCCP”)**, Respondent No. 1 describes the “Climate Change disasters striking Pakistan with unthinkable ferocity and unimaginable frequency.” The sea level along the coast of Pakistan is rising at an average of 1.2mm per year, resulting in seawater intrusion extending 80km up the Indus Delta basin. Pakistan’s **National Institute of Oceanography** recently told the **Senate Committee on Science and Technology** that most parts of the Karachi metropolis will be submerged in sea by 2060 if immediate steps are not taken to mitigate and adapt to Climate Change.
  
13. That, in **The Environment and Climate Change Outlook of Pakistan, 2013 (“ECCO”)**, the Secretary of Pakistan’s Climate Change Division wrote: “the country faces the worst Environmental challenge in the form of Climate Change . . . it has become an unavoidable reality in the wake of increasing symptoms exhibited through cataclysmic floods and droughts.” Pakistanis have suffered and will continue to suffer tremendously from Climate-related extreme weather events. The Respondents are criminally negligent and are breaching their Constitutional and Public Trust obligations by not mitigating Pakistan’s contributions to Climate destabilization and the increasing severity of these deadly events and their impacts on the Pakistani people. In the past 15 years, cyclones, monsoon related floods, heat waves and drought have claimed the lives of thousands of people and destroyed the livelihood of millions more through Climate related destruction of millions of homes and crops.
  
14. That, in 2013, the **United Nations Environment Programme** Regional Director and Representative of the Regional Office for Asia and the Pacific stated in **ECCO**: “food, freshwater, and the livelihoods of the Pakistani people are under threat due to Climate Change and Environmental degradation. . . . inadequate capacity, unsustainable production and consumption, poverty and inequity are primary factors that undermine progress towards Environmental sustainability in Pakistan.” **ECCO** should have been a wakeup call to the Respondents to prioritize governmental monies and actions towards mitigating Climate Change, however little progress has been made.

15. That, the adverse impacts of Climate Change pose serious threats to Pakistan's food and water security negatively affecting the ability of Pakistanis to meet their most basic human needs. Over half of Pakistan's population is facing food insecurity, and nearly half of Pakistan's women and children are malnourished. Increasing temperatures are shortening the length of the growing period, increasing crop evapotranspiration, increasing incidences of pests and diseases, and expanding desertification. Decrease in glacier volume and snow cover due to Climate Change is reducing the amount of water available for agriculture, which consumes 93 percent of Pakistan's existing water supply. Water scarcity and water contamination from floods and storms, along with other Climate impacts, have serious implications for human health.
16. That, Climate Change is the biggest health threat of the 21<sup>st</sup> century, and it will reverse health and development gains of the last 50 years. Climate Change is a growing health emergency that amplifies existing health risks as identified by **The Lancet**: heat-related illnesses and death; extreme weather-related injuries and mortality; aggravated chronic illnesses; infectious vector -, zoonotic-, water- and food- borne diseases; asthma, respiratory allergies and chronic respiratory disorders; malnutrition and child development complications; stress-related and mental health disorders; population displacement and migration; instability and conflict. In June 2015, a severe heat wave in Sindh Province caused the deaths of about 2,000 people.

The subsidies to the fossil fuel industry (\$5.3 trillion, 6.5% of global GDP) are greater than the health spending of all the world's governments. More than half of these subsidies are externalities from health care costs for treating victims of air pollution and lost income from ill health and premature deaths. And the **World Health Organization** reveals that the air pollution deaths are greater than the combined mortality of HIV/AIDS, Malaria and TB. The annual global deaths (in millions) are 4.3 from indoor air pollution, 3.7 from outdoor air pollution, 1.5 from HIV/AIDS, 1.5 from TB-Tuberculosis and 0.6 from Malaria.

17. That, the Respondent No. 1 recognizes, in the **NCCP** and **Framework**, Pakistan's "role as a responsible member of the global community in combating Climate Change . . . giving due importance to mitigation efforts," while admitting that "Potential for mitigation exists in all sectors of [Pakistan's] economy" and making the commitment that "Pakistan will

promote and support low-Carbon, Climate resilient development” in Pakistan’s **Intended Nationally Determined Contribution (“INDC”)**, recently submitted by the *Prime Minister of Pakistan* at the 21<sup>st</sup> Session of the Conference of Parties of the United Nations Framework Convention on Climate Change (“UNFCCC”) in December, 2015 at Paris, France, in compliance to the decision (1/CO.20) taken at the 20<sup>th</sup> Session of the Conference of Parties of the UNFCCC held in Lima, Peru. Pakistan’s **INDC** is filed and annexed as **Annexure-‘C’**.

18. That, **INDC** reflects a country’s intended contribution to the global effort of reducing GHG emissions and achieving the objective of the **UNFCCC** as set out in its Article 2: “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the Climate system. Such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to Climate Change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.” Yet Pakistan’s one-page **INDC** submission is completely void of any substantive or quantifiable information regarding Pakistan’s intended contribution to reducing GHG concentrations in the atmosphere. Instead, the Respondent No. 1 stresses the need for “affordable sources of power generation” (not sustainable or low-Carbon), explicitly refuses to reduce Pakistan’s GHG emissions until after the country’s emissions levels have peaked at some undetermined time in the future, and roots its **INDC** in the “**Vision 2025 of Pakistan, 2014**”, which states the Respondents’ plans to exploit Pakistan’s enormous untapped Coal reserves and increase domestic Coal production from 4.5 to 60 million tonnes per year.
19. That, neither of the Respondents has implemented, delegated nor enforced the vast majority of the priority prescribed actions contained in the **NCCP** and **Framework**. More importantly, the actions in the **NCCP**, **Framework** and **INDC** purporting to mitigate Climate Change are wholly insufficient and in violation of the people’s Fundamental Rights. While these documents put forth broad, undefined objectives and strategies to mitigate Climate Change, they do not include quantifiable, statewide emission reduction goals or targets for Pakistan to meet its international commitments and do its share as a responsible member of the global community in reducing atmospheric CO<sub>2</sub> and achieving global Climate stabilization, nor do these documents include any mitigation action tiered to achieving such goals or targets.

20. That, not only does the Respondent No.1 fail to include specific actions in the **NCCP** and **Framework** for mitigating Climate Change causing GHG emissions, it does the exact opposite by promoting a significant increase in Pakistan's CO<sub>2</sub> emissions through the development of Coal as Pakistan's only option to meet current and future generations' energy needs after explaining that Pakistan's relatively low CO<sub>2</sub> emissions (and thus its low contribution to Climate Change as an international body) are due to its minimal reliance on Coal, which has the highest Carbon intensity for energy production.
21. That, in 2011, Pakistan ranked 33<sup>rd</sup> among the world's countries in terms of CO<sub>2</sub> emissions with 44,574 thousand metric tonnes of Carbon, a 134 percent increase of CO<sub>2</sub> emissions since 1990. The Respondents refuse to curb this skyrocketing increase and instead plan to exploit Pakistan's 186 billion tonnes of untapped Coal reserves and increase domestic Coal production from 4.5 to 60 million tonnes per year. If Coal is used, Pakistan's contributions to global CO<sub>2</sub> levels and Climate destabilization will raise substantially, and the Pakistani people will likely experience more severe impacts from Climate Change. The Respondents are promoting this planned increase in emissions as sustainable in direct conflict with the true meaning of sustainability and in violation of their duty to mitigate Climate Change and its adverse impacts on the citizens of Pakistan.
22. That, Pakistan sits atop one of the world's largest Coal reserves. The Thar Coalfield, located in the southern part of the Sindh Province, is 9,000 km<sup>2</sup>, comprising nearly 25 percent of the Pakistani Thar desert region and containing approximately 175 billion tonnes of Coal resource potential. Pakistan's population, the sixth largest in the world, is growing, along with its energy needs. The current population of over 191 million citizens is projected to increase to 227 million by 2025, while the current number of energy consumers is approximately 128 million. The Respondent No. 1, the government body charged with the duty to reduce Climate Change inducing actions in Pakistan, is promoting the Thar Coal Reserve as the answer to Pakistan's growing energy demand.
23. That, the Thar Desert is the world's seventh largest desert and the most densely populated, home to 91,000 inhabitants within Pakistan's borders, one quarter of whom live within the proposed Coal development areas.

The Thar Desert includes some of the world's oldest civilizations, the Mohen-jo-Daro and Harappa peoples, designated World Heritage sites, and several threatened, endangered and endemic species, including the endangered Indian Grey Wolf (*Canis lupis*), endemic Sindh Krait (*Burgarus sindanus*) and Chalostan Desert Lacerta (*Eremias cholistanica*), and critically endangered White-rumped Vulture (*Gyps bengalensis*), Long-billed Vulture (*Gyps indicus*) and King Vulture (*Sarcogyps calvus*). Through Coal mining and the building of pipelines and evaporation ponds, the Respondents are destroying the homes of these inhabitants, who are already suffering from the impacts of Climate Change, in direct violation of the people's Fundamental Rights.

24. That, the Climate Change impacts of more severe and prolonged droughts and heavier monsoon rains, along with pressures from overgrazing, are degrading and destroying the fragile desert ecosystem and negatively affecting the Thari people, most of whom live below the poverty line. In the severe drought of 2014, 153,000 men, women and children were medically treated. In response to heavy monsoon rains in the Tharparker district ranges in 2011, disaster relief was provided to 168,000 to 900,000 people of the 1.5 million people living in the area. The Thari people are already suffering from the devastating impacts of Climate Change without the added burden of Environmental degradation due to Coal.
25. That, many of the residents of the Thar Coal Reserve are Dalits, people know as 'untouchables' who are subjected to caste-based and religious discrimination and forced and bonded labor. Officially referred to as 'scheduled castes', these individuals have limited access to resources, services, and development and thus have a higher risk of being adversely impacted by Climate Change.
26. That, Coal mining exacerbates these issues faced by the inhabitants of the Thar Desert. Mining has already forced displacement, increased erosion (exacerbated by extreme floods and droughts due to Climate Change), reduced soil productivity and contaminated water. The result has been ecological devastation and loss of viable sources of income from natural resources for the Thari people, in violation of their Fundamental Rights.
27. That, in the "**Sustainable Land Use Management Programme, 2014**", the goals for the Thar Desert include restoring degraded ecosystems and

increasing resilience to Climate Change. The Coal mining in the Thar Desert, authorized and promoted by the Respondents, does the exact opposite. Already, ground water in many parts of the Thar region is being depleted at about two meters per year as a result of Climate Change. Mining increases erosion and consumes and contaminates great amounts of water with toxic and life harming chemicals like benzene, toluene, poly aromatic hydrocarbons and phenolic compounds, thus decimating the already scarce water supply, in violation of the Fundamental Rights of the Thari people.

28. That, the Geological Survey has divided the Thar Coalfield into four distinct blocks. The Respondent No. 2 approved Thar Block-II and IV excavation and mining proposals and some work has already begun. Nine villages, comprising of 9,000 people, currently inhabit the Thar Mining Block-II, and twelve villages, comprising of 8,800 people, currently inhabit the Thar Mining Block-IV. The construction of the 37km effluent pipeline will affect 19,000 people from 13 villages. The effluent water will flood approximately 4,800 inhabitant's homes and lands forcing relocation. These effluent percolation and evaporation ponds will be within Rann of Kutch, declared a Pakistan **Wildlife Sanctuary** in 1980 and a designated a **Wetland of International Importance (Ramsar Convention)** site, which supports over 40,000 migrating water birds, including one of the world's largest breeding colonies of the greater and lesser flamingos, as well as many locally and globally threatened birds and mammals.
29. That, in the "**Task Force on Climate Change Report, 2010**", the Respondent No. 1 found that under business as usual scenarios, GHG emissions in Pakistan's energy sector were projected to increase to 358 million tonnes of CO<sub>2</sub> equivalent by 2020 and a staggering 2,685 million tonnes CO<sub>2</sub> equivalent by 2050 from 157 million tonnes in 2008. The exploitation of the entirety of the Thar Coalfields in Sindh Province would result in the release of approximately 327 billion tonnes of CO<sub>2</sub>. (excluding CO<sub>2</sub> emissions resulting from the mining and transportation of the Coal), which is **more than 1,000 times** Pakistan's estimated annual GHG emissions of 310 million tonnes of CO<sub>2</sub> equivalent. By increasing Pakistan's contributions to the destabilization of the global Climate system, the Respondents are violating the Fundamental Rights of youth Petitioner and the Pakistani people, wrongly leading them down a path of continued and increasing catastrophic Climate events.



The scientific article titled “Composition, Trace Element Contents and Major Ash Constituents of Thar Coal, Pakistan” by M. Afzal Farooq Choudry, et al., published in 2010 is filed and annexed as “Thar Coalfield Analysis” as **Annexure-‘D’**. The Expert Opinion relying on said analysis and calculating the emissions that would result from the exploitation of the Thar Coalfields is filed and annexed as **Annexure-‘E’**.

30. That, the Environmental costs of Coal are high. The Respondent No. 1 admitted in 2007 that “Coal mining and Coal combustion for power generation can have severe local, regional and global Environmental impacts.” While the Respondents may now promise that burning Coal is clean, there is no such thing as clean Coal. Additionally, gasification, also being promoted by the Respondents, has up to an 82 percent higher GHG output than traditional coal plants, and Carbon capture and storage is still not technologically and financially feasible.
31. That, the Respondent No. 1 states in the **NCCP** and **Framework** that “Pakistan has no alternative but to seek meeting an increasingly large fraction of its future energy needs through the use of its practically unutilized vast Coal resources,” but this is a fallacy being used by the Government of Pakistan to promote the interests of a few, while the majority of Pakistanis will suffer because of the drastic increase in CO<sub>2</sub> emissions and air pollution that the mining and burning of Coal will produce, the loss and contamination of water resources, and the degradation to the Environment that the Respondents acknowledge but refuse to address. For example, the Respondent No. 1 ignores its own acknowledgement that the “integration of Climate Change and energy policy objectives is particularly important as today’s investment will ‘lock in’ the infrastructure, fuel and technologies to be used for decades to come.” By choosing to develop Coal as an energy source instead of renewable, non-fossil fuel resources, the Respondents are ignoring the long-term adverse consequences they are bringing upon both current and future generations of Pakistanis, in violation of their Fundamental Rights.
32. That, changing weather patterns due to Climate Change combined with the continental scale pollution caused by the extensive Coal burned in China and India have created a toxic fog named Atmospheric Brown Cloud around Lahore and a major part of Punjab during winter months. Studies have documented high sulfates, toxic metals and black Carbon in the fog around Lahore. The Respondents’ promotion and development of

Coal will increase the occurrence and severity of these impacts experienced by the Pakistani people in violation of their Fundamental Rights.

33. That, the governments of Pakistan and China have signed a framework agreement for energy and infrastructure projects in Pakistan **worth \$46 billion**, linking their economies and peoples in Asia and beyond under the “**China-Pakistan Economic Corridor**” (“**CPEC**”).

The state council of the People's Republic of China granted approval for an investment of \$1.2 billion in the surface mining of Thar Coal and the establishment of 660MW power projects under the ‘Energy Project Cooperation MoU’, and the following Coal-fired power projects are among 49 total agreements and MoUs:

28. Financing cooperation agreement between the EXIM Bank of China and Port Qasim Electric Power Company (Private) Limited (on Port Qasim 2x660MW Coal-fired power plant).

32. Terms and conditions in favor of Sindh Engro Coal Mining Company for Thar Block II 3.8Mt/a mining Project, Sindh province, Pakistan arranged by China Development Bank Corporation.

33. Terms and conditions in favor of Engro Powergen Thar (Private) Limited, Sindh province, Pakistan for Thar Block II 2x330MW Coal-fired power project arranged by China Development Bank Corporation.

42. Cooperation agreement between Sino-Sindh Resources (Private) Limited and Shanghai Electric Group for Thar Coalfield Block I Coal-Power integrated Project in Pakistan.

44. IA on Port Qasim Coal-fired Power Plant between Power China and GoP.

45. Facility Agreement for the Sahiwal Coal-fired Power Plant Project between industrial and Commercial Bank of

China Limited, Huaneng Shandong Electricity limited and Shandong Ruyi Group.

46. Cooperation agreement on Hubco Coal-fired Power Plant Project between CPIH and Hubco Power Company.

47. Facilitation Agreement on Salt Range Coal-fired Power Project between CMEC and Punjab Government.

An enormous amount of money and resources have been spent to further destabilize the Climate system, in violation of the Doctrine of Public Trust, the Fundamental Rights of the people of Pakistan and in contravention of the **Paris Agreement** and Pakistan's commitment in its **INDC** to "promote and support low-Carbon, Climate resilient development", when the Respondents could have instead utilized this international cooperation in favour of restoring the stability of the Climate system for the Citizens of Pakistan.

The **CPEC** "List of Agreements/MoUs Signed during visit of Chinese President" are filed and annexed as **Annexure-'F'**.

- 34.** That, Pakistan can fulfill its commitment to a low-Carbon, Climate resilient development, as Pakistan has the potential for converting all of its energy infrastructures (for electricity, transportation, heating/cooling, industry and agriculture/forestry/fishing) to infrastructures powered by wind, water and sunlight—completely sustainable and Carbon-free energy sources—by 2050. According to experts Mark Z. Jacobson, et al. in the draft report titled "100% Clean and Renewable Wind, Water, and Sunlight (WWS) All-Sector Energy Roadmaps for 139 Countries of the World" dated 13 December 2015, Pakistan's potential energy infrastructure in the year 2050 could be powered by 57% utility-scale solar photovoltaic (PV), 15% concentrated solar power, 12% residential rooftop PV, 6% commercial/government rooftop PV, 2% offshore wind, 2% onshore wind and 3% hydropower. These same experts estimate that such a conversion in Pakistan would significantly reduce air pollution mortality, avoiding 170,517 premature air pollution mortalities per year in 2050 with costs equivalent to 20.7 percent of Pakistan's 2050 GDP.
- 35.** That, in Pakistan, renewable energy costs are competitive, while the Environmental damage costs of using Coal are high. Pakistan spends 200

million to one billion US dollars per year using external high-Carbon energy sources, even though it has untapped potential from internal low-Carbon energy sources, such as wind, solar and biogas, that are less expensive to maintain and have minimal Environmental costs. The Respondents are turning a blind eye to the truth, which is Pakistan has more than enough non-CO<sub>2</sub>-emitting energy potential to save Pakistan from using Climate Change inducing Coal. Wind alone has a potential to produce a minimum of 50,000MW and possibly as much as 132,000MW of energy. A 50MW wind farm offsets between 131,000 to 290,000 tonnes of CO<sub>2</sub> equivalent a year and conserves 353,000m<sup>3</sup> of water. Solar energy also has enormous potential in Pakistan and can be utilized on both a large and small scale. Small scale solar can be used to power tube wells, water heaters and cooking stoves, which will alleviate the need to cut firewood for cooking, a primary cause of deforestation. Biogas energy efficiently uses the masses of animal waste (from 57 million animals in Pakistan), which in 2008 accounted for 39 percent of Pakistan's total GHG emissions.

36. That, electrification of all villages can be accomplished using renewable energy sources, eliminating the need to run thousands of kilometers of inefficient grid wiring and reducing the country's Carbon footprint. Urban areas can benefit from these renewable energy technologies. Public facilities can use 100 percent solar, private energy can be brought in from CO<sub>2</sub>-free wind and solar farms, and organic waste can be used to generate power by gas capture in the form of biogas. The Respondents are criminally negligent and are breaching their Constitutional and Public Trust obligations by not acting to implement CO<sub>2</sub> reducing strategies, even though it will save Pakistan from contributing to further Climate destabilization and the increasing severity and frequency of Climate impacts the Pakistani people are already suffering from. Instead the Respondents, through their promotion of the use of the most Carbon intensive fossil fuel—Coal, are leading Pakistan into the lion's den.
37. That, Pakistan loses 25 percent of its electricity solely in transmission and distribution—one of the highest transmission and distribution losses in the world. The Respondent No. 1, through the **National Electric Power Regulatory Authority**, is failing to distribute electricity efficiently, thus wasting energy already produced, creating more demand for electricity, and causing more CO<sub>2</sub> emissions.

38. That, the widespread use of more energy efficient lighting in Pakistan would reduce 1.97 million tonnes of CO<sub>2</sub> annually through reduction of energy consumption and GHG emissions. The Respondent No. 1, through the **Ministry of Water and Power** and the **National Energy Conservation Centre**, is unwisely failing to implement the use of energy efficient lighting, which would reduce some of the need for additional energy generation.
39. That, in 2008, transportation accounted for 21 percent of Pakistan's GHG emissions in the energy sector. The 2008 level of 36 million metric tonnes of CO<sub>2</sub> is slated to increase to 93 million metric tonnes by 2030. Of the five million vehicles on Pakistan's roads, 70 percent are emitting excessive smoke and noise. The Respondent No. 1 is failing to decrease GHG emissions in the transportation sector through the **Ministry of Communications** and **Sindh Department of Transport and Mass Transit**. For example, many major cities do not have mass transit systems; illegal two-stroke vehicles are still on Pakistani roads; and emission standards are not being met or enforced due in part to the lack of vehicle emission stations.
40. That, vehicle emissions, industrial pollution, the burning of solid/municipal/hospital waste and energy production are all contributors to the air pollution crisis in Pakistan. In human lives, ambient air pollution accounts for more than 22 thousand premature deaths per year in Pakistan, and in economic terms, illness and premature mortality caused by air pollution cost three percent of Pakistan's GDP in 2006. Forty percent of the urban population is at risk for suffering from air pollution induced ailments. The Respondent No. 1, through **Ministry of National Health Services, Regulations and Coordination** and **Environmental Protection Agency** and the Respondent No.2 have neglected to address or improve air quality and have instead allowed and encouraged the pollution to steadily increase.
41. That, composting can be used in Pakistan to both adapt to Climate impacts (especially those adversely affecting water and food security) and mitigate Climate Change through the removal of CO<sub>2</sub> from the atmosphere. Composting is not widely used in Pakistan, yet it is an inexpensive way to increase soil's water holding capacity, provide nutrients to plants increasing productivity, and increase the soil's Carbon sequestration. Applying compost to the soil pulls one ton/per hectare/year

of Carbon out of the air. The Respondents are failing to promote and teach the benefits of composting to all Pakistanis, as part of Pakistan's Climate Change policy.

42. That, mangrove forests are an essential part of Climate Change adaptation and mitigation. While providing a barrier against sea level rise and severe cyclones frequenting Pakistan's coast, mangrove forests also serve to mitigate against Climate Change as an important Carbon sink. As Climate Change impacts increase, more than 50 percent of coastal wetlands could become inundated by up to five meters of seawater, affecting 23 percent of the coastal population. The Respondents, through **Sindh Department of Forests and Wildlife**, are failing to educate communities living near the mangroves of their importance in adapting to Climate impacts and failing to provide alternatives such as biogas to those communities in order to stop the cutting of these forests for fuel.
43. That, between 1932 and 2005, 518,870ha of mangrove forest was lost. By 2014, only 32,000ha remains. Additionally, the Climate Change impact of a declining freshwater supply is causing severe degradation to the mangroves in Pakistan and impeding re-forestation projects, and additional dams will severely impact the mangroves by further restricting the freshwater supply. The Respondents are not adequately addressing the issue of a freshwater supply for the mangroves, which could potentially play a crucial role in Pakistan's Climate Change mitigation efforts.
44. That, it is a matter of public interest and violation of the Fundamental Rights guaranteed by the Constitution of Pakistan. As the Respondents' current efforts to mitigate against Climate Change and those efforts included in the **NCCP** and **Framework** are wholly ineffective and instead promote the development and use of the most Carbon-intensive fossil fuel leading to further destabilization of the Climate system and more catastrophic consequences for the people of Pakistan, the youth Petitioner therefore has no other efficacious remedy than to invoke the original Constitutional jurisdiction of this Hon'ble apex Court for **Environmental Justice** on the principle of *ubi jus ibi remedium* for the following grounds, inter alia among others:

## **GR OUN DS**

- i. That, a stable Climate system with an atmosphere void of dangerous levels of CO<sub>2</sub> is an essential component of life and critical to the **Fundamental Rights** of the Pakistani people. The cumulative effects of CO<sub>2</sub> emissions from the continued burning of fossil fuels will make life inhospitable and unsafe, for those alive now and for future generations, as the adverse impacts of Climate Change increase in severity and frequency. The atmosphere is a crucial natural resource that must be protected under the **Doctrine of Public Trust** and kept free from dangerous levels of CO<sub>2</sub> pollution for human life to flourish. The best available scientific knowledge from Climate Scientist Dr. James Hansen dictates that to restore a stable Climate system, the dangerous levels of CO<sub>2</sub> currently in our atmosphere must be reduced to below the maximum safe level, which is 350ppm atmospheric CO<sub>2</sub> by the year 2100. The Respondents' actions developing Pakistan's untapped Coal reserves, promoting Pakistan's future reliance on Coal, and ignoring Pakistan's renewable energy potential; combined with the Respondents' failure to develop quantifiable, statewide targets or a "Carbon budget" for Pakistan to meet its international commitments as a Party to the **UNFCCC** and do its share as a responsible member of the global community in reducing atmospheric CO<sub>2</sub> and achieving global Climate stabilization, and their failure to develop and implement significant mitigation actions tiered to achieving such a goal as part of the **NCCP, Framework** and **INDC** violate the **Doctrine of Public Trust**, provisions of the **Constitution of Pakistan, 1973**, and the inalienable, **Fundamental Rights** of youth Petitioner and the people of Pakistan, guaranteed under the **Constitution**.

**Article 9** ... No person shall be deprived of Life or liberty saves, in accordance with law.

**Article 4 (2)(a)** ... **Inalienable Right**; No action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with Law;

**Article 5 (2)** ... Obedience to the Constitution and law is the [inviolable] obligation of every citizen wherever he may be and of every other person for time being within Pakistan.

**Article 14 (1) ... Inviolability of dignity of man;** The dignity of man and, subject to law, the privacy of home, shall be inviolable.

**Article 19A ... Right to information;** Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.

**Article 23 ...** Every citizen shall have the right to acquire, hold and dispose of property in any part of Pakistan, subject to the Constitution and any reasonable restrictions imposed by law in the public interest.

**Article 24 (1) ...** No person shall be compulsorily deprived of his property save in accordance with law.

**Article 25 (1) ... Equality of Citizens;** All citizens are equal before law and are entitled to equal protection of law.

- ii. That, the **Constitutional Right to Life** includes the right to a healthy and clean Environment. The **Fundamental Rights to Life, Liberty, Property, Human Dignity, Information and Equal Protection of the Law**, guaranteed by the **Constitution**, read with the Constitutional principles of democracy, equality, and social, economic and political justice found in the **Preamble of the Constitution**, include within their ambit and commitment the **Doctrine of Public Trust** and international Environmental principles of sustainable development, precautionary principle, Environmental impact assessment and inter and intra-generational equity.
- iii. That, our legal system—based on English common law—includes the **Doctrine of Public Trust** as part of its jurisprudence. The State is the trustee of all natural resources, which are by nature meant for public use and enjoyment. The public at large, including future generations, is the beneficiary of the sea-shore, running waters, airs and atmosphere, forests and ecologically fragile lands. The State as a trustee is under a legal duty to protect and conserve the natural resources. These resources meant for public use cannot be converted into private ownership.



- iv. That, the Earth's Climate system and atmosphere are critical to human life and the functioning of the Earth's ecosystems and fall under protection of the **Doctrine of Public Trust**, which holds that the people of Pakistan have an inalienable right to safe levels of CO<sub>2</sub> in the atmosphere. Humanity is currently facing Climate tipping points where further destruction of crucial natural resources through increasing CO<sub>2</sub> and GHG emissions cannot be sustained by Earth's ecosystems.
  
- v. That, it is a fact that Pakistan cannot single handedly solve the problem of global Climate Change, but this fact does not mean the State, through Respondents, is free to continue to harm and allow harm to the atmosphere and Climate system. Under the **Doctrine of Public Trust**, the Respondents have a non-discretionary, fiduciary duty to help reduce atmospheric CO<sub>2</sub> levels in order to conserve and protect the atmosphere, restore the stability of the Climate system and restore the energy balance of mother Earth at large. This duty arises from Pakistan's own status as a sovereign State and does not depend on any action or inaction by other sovereigns. That is, the Respondents' fiduciary obligation as Trustee of the atmosphere is not made any more or less mandatory by any other sovereign's success or failure in adhering to its own Public Trust duties. For example, just as a private trustee's duty to act in the best interest of its beneficiaries is not affected by the actions of any other trustee in regard to that trustee's beneficiaries, the Respondents' duty under the **Doctrine of Public Trust** to act in the best interest of the Pakistan public is not affected by any other country's actions with regards to its public.
  
- vi. That, the burning of fossil fuels and all other acts which increase CO<sub>2</sub> and GHG pollution in the atmosphere have led to an energy imbalance on mother Earth and consequent dangerous disruption of the Climate system, upon which human beings, all creatures and all life depends.
  
- vii. That, as recognized by the UN Human Rights Council, "Climate Change will affect the **Right to Life** through an increase in hunger and malnutrition and related disorders impacting on child growth and development, cardio-respiratory morbidity and mortality related to ground-level ozone. Climate Change will exacerbate weather-related disasters which already have devastating effects on people and their enjoyment of the **Right to Life**, particularly in the developing world."

- viii. That, **Article 184(3) of the Constitution** can be invoked because a large number of the citizens throughout the country cannot afford or know they have a right to be represented in such a way, and due to the gravity of the matter which involves the life and health of citizens at large. And “where life of citizens is degraded, the quality of life is adversely affected and health hazards are created affecting a large number of people the Court in exercise of its jurisdiction under 184(3) may grant relief even to the extent of stopping the functioning of units which create pollution and Environmental degradation.” (*Shehla Zia’s Case* (PLD 1994 SC 693)).
- ix. That, Pakistan is a beautiful and diverse country, with a range of ecosystems including the Arabian Sea, Riverine and mangrove forests, Thar desert, Indus Basin, wetlands, Rann of Kutch, juniper forests of Zariat, Salt Range, Tibetan plateau, Suleiman mountain range and glaciers of the Himalayas and Hindu Kush. A natural and healthy ecosystem is the country’s heritage, which Pakistanis’ lives and livelihoods are fully dependent on and which Climate Change is making rapid changes to. Pakistan is extremely vulnerable to the adverse impacts of Climate Change, including sea level rise and extreme weather events, which threaten food, freshwater and the livelihoods of the Pakistani people. Pakistanis have suffered and will continue to suffer tremendously from the increasing severity of deadly Climate-related extreme weather events that include cyclones, floods, heat waves and droughts. The Respondents are breaching their **Constitutional** and **Public Trust** obligations by not mitigating Pakistan’s contributions to Climate destabilization and the increasing severity of these deadly events and their impacts on the Pakistani people.
- x. That, the millions of people in Pakistan rely on a fairly stable and reliable Climate system that humans have relied on since the beginning of time as we have known it. Climate Change has brought death and destruction to Pakistanis, and it is known unequivocally that Climate Change has anthropogenic causes. With further mining and burning of Coal, the continuing allowance of high emissions from toxic vehicles and industry, and the failure in the **NCCP, Framework** and **INDC** to develop actions to mitigate Climate Change through the reduction of CO<sub>2</sub> in the atmosphere, the Respondents are putting forth a deliberate and irresponsible attitude towards the health and safety of all Pakistani citizens and the Climate on which they depend, in violation of the Pakistani peoples’ **Fundamental Rights**, guaranteed by the **Constitution**, and in violation of their

obligations under the **Doctrine of Public Trust** to protect the climate system and the atmosphere, crucial natural resources on which the Pakistani people depend for their wellbeing and survival.

- xi. That, the Respondent No. 1, through the Ministry of Climate Change, has the sole purpose of formulating and implementing Climate Change policy to adapt and mitigate further adverse Climate impacts on the people and Environment in Pakistan, yet it is failing to use its authority and fulfill its obligation to develop and implement actions that reduce atmospheric CO<sub>2</sub> through other government entities. The Respondent No. 1 is instead promoting the use of toxic Coal through the Respondent No. 2 under the fallacy that “Pakistan has no alternative” but to burn Coal to meet Pakistan’s future energy needs. The Respondents are intentionally fast-tracking the development of Coal in Pakistan, with complete indifference to the real and devastating Climatic and Environmental effects that Coal mining and burning have on the people of Pakistan. The Respondents’ practice and promotion of strip mining and Coal burning not only fail to mitigate and adapt to Climate Change, these practices drastically increase Pakistan’s CO<sub>2</sub> emissions and respective contribution to the destabilization of the global Climate system, in addition to exacerbating the Climate Change impacts already being felt by Pakistanis through the increase in erosion, pollution and heavy water use associated with these practices, in violation of the Pakistani peoples’ **Fundamental Rights**, guaranteed by the **Constitution**, and in violation of their obligations under the **Doctrine of Public Trust** to do Pakistan’s share in protecting and restoring the atmosphere and Climate system, on which the Pakistani people depend for their wellbeing and survival.
- xii. That, the **Right to Life** includes the right to an unpolluted atmosphere, void of dangerous levels of CO<sub>2</sub>. Under the control and command of the Respondents, the continued and future proposed mining and burning of Coal, including the exploitation of the Thar Coalfield, will greatly and irreversibly contribute to the already high levels of atmospheric CO<sub>2</sub>, putting the Pakistani people at even greater risk of harm from the impacts of Climate Change in violation of the people of Pakistan’s **Right to Life**, guaranteed by the **Constitution**.
- xiii. That, the **Right to Life** will be further violated if the Respondents continue to promote and allow the mining and burning of Thar Coal (and any other Coal mining or burning projects within Pakistan’s boundaries) leading to

the increase of toxic levels of pollutants in the atmosphere, which people have no choice but which to breathe.

- xiv. That, the unregulated toxic emissions from industry, the masses of vehicles and the perpetual burning of solid, municipal and hospital waste in Pakistan are greatly contributing to Pakistan's CO<sub>2</sub> emissions and further polluting the atmosphere, which residents are forced to breathe, in violation of their **Right to Life**.
  
- xv. That, the health of the Pakistani people is being adversely affected by the Respondents' actions that allow and encourage the continued pollution of the atmosphere. Millions of people are suffering from air pollution related ailments according to the **World Health Organization**. Pakistan's cities have some of the worst air pollution in the world (not including China), number five being the city of Karachi. The level of air pollution from vehicles, industry, the burning of waste and the mining and burning of Coal threatens life and human health in violation of the **Fundamental Rights** of the people of Pakistan, including the **Right to Life** guaranteed by the **Constitution**.
  
- xvi. That, Rann of Kutch, the end point for the effluent water from Thar Coal mining was declared a **Wildlife Sanctuary** by the Government of Sindh in 1980 and became a **Ramsar Convention** site in 2002 because of its significance as a vital wetland ecosystem, but this **Public Trust resource** will be destroyed if the Respondents allow the building of the pipeline. In addition, the Respondent No. 2 is forcing the 4,800 people affected by the pipeline to permanently resettle, in violation of their **Fundamental Rights to Liberty, Property, Human Dignity and Equal Protection of the Law**, guaranteed by the **Constitution**.
  
- xvii. That, the Thar Coal development is being met with strong resistance by people of the Thar Desert. The Thari people have been refused the option of leasing their land; instead thousands are being forced to permanently evacuate their birth place and ancestors land in violation of their **Right to Property** under Articles 23 and 24 and their **Rights to Human Dignity and Equal Protection of the Law** under Articles 14(1) and 25(1). If all Thar Coal reserves are developed, the number of people forced to leave may be as high as 0.7 million, in addition to 2.2 million animals. The Thari people will also lose their grazing and communal land, which is the backbone of their livelihood, and which the government refuses to

compensate for. The burning of Coal will bring water, air and soil pollution to the Thari region. The Thari people are looked down upon because of their low caste status, and live in extreme poverty subject to water scarcity and malnourishment; Coal development is violative of their **Fundamental Rights to Life, Liberty, Property, Human Dignity, Information and Equal Protection of the Law**, guaranteed by the **Constitution**.

- xviii. That, the Respondents' actions developing Pakistan's untapped Coal reserves, promoting Pakistan's future reliance on Coal, and ignoring Pakistan's renewable energy potential; combined with the Respondents' failure to develop a quantifiable, statewide targets for Pakistan to do its share in reducing atmospheric CO<sub>2</sub> and achieving global Climate stabilization, and failure to develop and implement significant mitigation actions tiered to achieving such a goal (many of which are addressed in this petition) as a central part of the **NCCP, Framework** and **INDC** and all official federal and provincial government decisions related to fossil fuels and Climate Change, are in violation of the **Fundamental Rights to Life, Liberty, Property, Human Dignity, Information, and Equal Protection of the Law**, guaranteed by the **Constitution**, of millions of Pakistanis who have and will be adversely impacted by Climate Change, and future generations who unless an immediate paradigm shift is made will undoubtedly suffer from an extremely destabilized and dangerous Climate system.
- xix. That, Respondents are bound by Pakistan's commitments under the **UNFCCC, Kyoto Protocol** and **Paris Agreement**. The objective of the **UNFCCC** is to achieve "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system." The **Paris Agreement** calls for this response to climate change to be based on "the best available scientific knowledge." In the **Paris Agreement**, the Government of Pakistan acknowledged that as a Party to the **UNFCCC**, it "should, when taking action to address Climate Change, respect, promote and consider [its] respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity."

- xx.** That, the Respondents have failed to sufficiently fund Climate Change education. Due to the Respondent No. 1's failure to translate the **NCCP** and **Framework** into regional languages, no provincial Climate Change divisions have been established. These failures are violations of the Pakistani people's **Right to Information**, as guaranteed by the **Constitution**.
- xxi.** That, the following institutions are failing to actively create and implement policies that mitigate Climate Change: Ministry of Climate Change, Ministry of Water and Power, Cabinet Division, Ministry of Law and Justice, National Disaster Management Authority, Ministry of Science and Technology, Ministry of Planning, Development, and Reform, Ministry of Communications, Federal Flood Commission, Department of Forest and Wildlife, Ministry of Food and Agriculture, Provincial Irrigation Departments, Provincial Agriculture Departments, Provincial Water Regulatory Authorities, Indus River System Authority, Pakistan EPA, Provincial EPAs, Urban Water Supply Departments, Town Planning Departments, Agriculture Land Management Departments, Provincial Livestock Departments, Forestry, Rangeland and Pastures Departments, Municipal Authorities, and City Development Authorities; KDA, CDA, LDA, PDA and WASA.
- xxii.** That, it cannot be denied that due to the Respondents' deliberate indifference towards the health and safety of all Pakistani citizens and the Climate system on which they depend, the people of Pakistan have already suffered a great loss and at this stage, such indifference not only must be condemned, but steps for the protection of **Fundamental Rights** and enforcement of the **Doctrine of Public Trust** must be taken immediately. Therefore, it's a proper time to maintain the **Ecological Footprints** and to follow the world-wide judicially accepted **Precautionary Principle**, in an effort to protect future generations from the irreversible harm threatened by Climate Change. The **World Charter of Nature** of the Rio Declaration, 1992, schedule to the **Pakistan Environmental Protection Act**, 1997, under Section 31, drafted concern for the Environment as a priority as under:

**Principle – 15** ... In order to protect the Environment, the Precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage; lack of full scientific certainty

shall not be used as a reason for proposing cost effective measures to prevent Environment degradation.

**xxiii.** That these acts and omissions of the Respondents, which are threatening serious and irreversible damage to the atmosphere, Climate system, and the people of Pakistan at large, are a clear violation of the **Doctrine of Public Trust** and the **Fundamental Rights** of the people. The apex Courts observed that the Constitutional **Right to Life** is protected as a **“Fundamental Right”** and *“encompasses within its ambit, the protection and preservation of Environment, ecological balance free from pollution of air and water, and sanitation without which Life can hardly be enjoyed. Any act or omission contrary thereto will be violative of the said Right to Life,”* (Vincent, versus, Union of India (AIR 1987 SC 1982)).

And for this reason apex Courts of the different countries entertain ‘Environmental Litigations’ on priority basis.

**xxiv.** That, in a welfare state, it is the obligation of the state to ensure the creation and the sustaining of conditions congenial to food and water security, which are dependent on a stable Climate system, as these are indispensable to the very physical existence of the community and the building of the society which the **Constitution** envisages.

**xxv.** The youth Petitioner craves leave of this Hon’ble Court to raise or urge any other additional ground at the time of the hearing of the Petition.

### **PRAYER**

In view of the above submission in the public interest at large, it is most respectfully prayed that this Hon’ble apex Court for Environmental Justice may be pleased to:

- a.** Take serious notice of this issue of national as well as global importance;
- b.** Issue an order declaring that the Respondents have violated the **Doctrine of Public Trust** and the **Fundamental Rights to Life, Liberty, Property, Human Dignity, Information and Equal Protection of the Law**, guaranteed by the **Constitution**, of youth Petitioner and the people of Pakistan, which include in their ambit the inalienable right to a stable Climate system—that according to the best available scientific knowledge,

requires the reduction of dangerous levels of CO<sub>2</sub> currently in our atmosphere to below the maximum safe level of 350ppm atmospheric CO<sub>2</sub>—and declaring that Respondents committed these violations by deliberately increasing Pakistan's CO<sub>2</sub> emissions through the development and promotion of Coal; failing to develop quantifiable, statewide targets for Pakistan to do its share in reducing atmospheric CO<sub>2</sub> and achieving global Climate stabilization; and failing to develop and implement mitigation actions tiered to achieving such a goal as part of the **NCCP, Framework** and Pakistan's **INDC**;

- c. Direct the Respondents to refrain from further such violations of the **Doctrine of Public Trust** and **Fundamental Rights** of the people, as guaranteed by the **Constitution**;
- d. Direct the Respondents, in cooperation with all relevant government institutions, to prepare an accounting and inventory of each and every substantial source of GHG emissions within Pakistan and to prepare quantifiable, statewide targets or a "Carbon budget" for the total amount of CO<sub>2</sub> emissions that can be released until 2050 ensuring Pakistan does its share as a responsible member of the global community to achieve global Climate stabilization and reduce atmospheric CO<sub>2</sub> to the maximum safe limit of 350ppm of CO<sub>2</sub> by 2100;
- e. Direct the Respondent No. 1, in cooperation with all relevant government institutions, to re-write the **NCCP, Framework** and **INDC** to include a comprehensive national Climate recovery plan with interim CO<sub>2</sub> reduction targets and mitigation actions tiered to achieving Pakistan's Carbon budget, with priority actions aimed at reducing GHG emissions, transitioning away from the development and use of fossil fuels, and engaging in massive reforestation and other methods of Carbon sequestration; and direct the Respondents to implement elements of the updated **NCCP, Framework** and **INDC**;
- f. Direct the Respondents to keep untapped Coal reserves in the ground and to immediately refrain from any further Coal exploration or power generation;
- g. Direct the Respondents to immediately appropriate all available funds towards the Alternative Energy Board and other institutions committed to



the design and production of alternative and renewable energy, as the government and Court see fit;

- h.** Direct the Respondents to take immediate steps to transition power generation in Pakistan to non-CO<sub>2</sub> emitting energy sources such as wind and solar;
- i.** Direct the Respondents to immediately begin systematic repair of all electric lines/boxes/wiring which have above average transmission and distribution losses of energy;
- j.** Direct the Respondents to immediately seek all possible means of financial, technological and capacity-building support to enhance the implementation of Pakistan's mitigation efforts to do its share in reducing atmospheric CO<sub>2</sub> and achieving global Climate stabilization, including but not limited to imposing a Carbon fee on all fossil fuels and other GHGs and participating in relevant UNFCCC processes to request such support;
- k.** Direct the Respondents to immediately train all federal and provincial officials and experts on the pressing issue of Climate Change and to translate relevant documents into the local languages;
- l.** Retain jurisdiction over this action to monitor and enforce the Respondents' compliance with all associated orders of this apex Court;
- m.** Grant any other just or equitable relief(s) held appropriate as being fit and proper by this Hon'ble apex Court.

This is to certify that the Memo of Petition has been drafted on the basis of the most relevant documents, as referred to in the Concise Statement.

Islamabad.  
Dated April \_\_\_\_, 2016

( **Qazi Ali Athar** )  
ENVIRONMENTAL LAW ATTORNEY  
for and on behalf of youth **Petitioner-In-Person**



**IN THE SUPREME COURT OF PAKISTAN**  
**ISLAMABAD**  
 (Original Constitutional Jurisdiction)

Constitution Petition No.                      / / of 2016

**Rabab Ali**                      .....                      **Petitioner**  
**V e r s u s**  
**Federation of Pakistan & Another**                      .....                      **Respondents**

Affidavit of Service

I, Qazi Ali Athar, Environmental Law Attorney, son of, Qazi Ali Mardan, Muslim, adult, having office at 1001-C, Farid Chambers, Abdullah Haroon Road, Saddar, Karachi, do hereby on solemn affirmation state as under:

1. I say that I am the father of the youth Petitioner-In-Person herein for the above-cited Pro-bono Petition. And the instant Petition deals with the matter for ENVIRONMENT / CONSERVING THE CLIMATE SYSTEM AND THE ATMOSPHERE TO PROTECT FROM THE IRREVERSIBLE EFFECTS OF CLIMATE CHANGE.
2. I say that the Notices to the Respondents have been sent through Registered Post and the Respondents have been properly informed about this Pro-Bono Constitution Petition before this Hon'ble apex Court.
3. I say that the facts given in this affidavit in support of accompanying Petition are true and correct to the best of my knowledge and belief.

Sworn at Karachi on this \_\_\_\_ day of April 2016

( **Qazi Ali Athar** )  
 ENVIRONMENTAL LAW ATTORNEY  
 for and on behalf of youth **Petitioner-In-Person**

**IN THE SUPREME COURT OF PAKISTAN**  
**ISLAMABAD**  
 (Original Constitutional Jurisdiction)

Constitution Petition No.                      / / of 2016

**Rabab Ali**                      .....                      **Petitioner**  
**Versus**  
**Federation of Pakistan & Another**                      .....                      **Respondents**

**Notice**

To,

The Federal Secretary  
 To the Federation of Pakistan  
 Ministry of Climate Change,  
 Pakistan Secretariat  
 Islamabad

Please take notice that I have filed the above numbered pro-bono Constitution Petition against the Federation of Pakistan and another for ENVIRONMENT / CONSERVING THE CLIMATE SYSTEM AND THE ATMOSPHERE TO PROTECT FROM THE IRREVERSIBLE EFFECTS OF CLIMATE CHANGE, before the Hon'ble Supreme Court of Pakistan, at Islamabad.

Islamabad.  
 Dated April \_\_\_\_\_, 2016

( **Qazi Ali Athar** )  
 ENVIRONMENTAL LAW ATTORNEY  
 for and on behalf of youth **Petitioner-In-Person**

**IN THE SUPREME COURT OF PAKISTAN**  
**ISLAMABAD**  
 (Original Constitutional Jurisdiction)

Constitution Petition No.                      / / of 2016

**Rabab Ali**                      .....                      **Petitioner**  
**Versus**  
**Federation of Pakistan & Another**                      .....                      **Respondents**

**Notice**

To,

The Chief Secretary,  
 To the Province of Sindh,  
 Sindh Secretariat,  
 Karachi.

Please take notice that I have filed the above numbered pro-bono Constitution Petition against the Federation of Pakistan and another for ENVIRONMENT / CONSERVING THE CLIMATE SYSTEM AND THE ATMOSPHERE TO PROTECT FROM THE IRREVERSIBLE EFFECTS OF CLIMATE CHANGE, before the Hon'ble Supreme Court of Pakistan, at Islamabad.

Islamabad.  
 Dated April \_\_\_\_\_, 2016

( **Qazi Ali Athar** )  
 ENVIRONMENTAL LAW ATTORNEY  
 for and on behalf of youth **Petitioner-In-Person**

IN THE SUPREME COURT OF PAKISTAN  
ISLAMABAD  
(Original Constitutional Jurisdiction)

Constitution Petition No. / I of 2016

**Rabab Ali** ..... **Petitioner**  
**V e r s u s**  
**Federation of Pakistan & Another** ..... **Respondents**

Receipt of Service

Islamabad.  
Dated April \_\_\_\_, 2016

( **Qazi Ali Athar** )  
ENVIRONMENTAL LAW ATTORNEY  
for and on behalf of youth **Petitioner-In-Person**