

Constitutional Provisions on Environmental Justice and Rights of Victims of Environmental Injustice in Sindh: A Thorough Analysis of Ground Realities

Mujeeb Rehman Khuhro

Assistant Professor at Shaheed Zulfiqar Ali Bhutto University of Law
mujeeb.rehman@szabul.edu.pk

Allah Bux Gabol

Lecturer Law at Shaheed Zulfiqar Ali Bhutto University of Law
ab_gabol@yahoo.com

Abdul Razzaque Mirani

Lecturer Law at Shaheed Zulfiqar Ali Bhutto University of Law
abdul.razzaque@szabul.edu.pk

Abstract

Sustainable development requires environmental justice to assure that everyone has fair access to a clean and healthy environment. In Pakistan, attaining environmental justice is severely hampered by legal obstacles and social inequalities, where environmental degradation and socioeconomic inequality conglomerate to aggravate susceptibilities among marginalized populations, and is considered a crucial concern. To address environmental injustice and protect the rights of marginalized populations, the paper examines the statutory structures provided by the constitution, especially Articles 9, 14, 19A, 25A, 37, 38, and 184(3). It looks at how these constitutional provisions relate to issues like water scarcity, unequal distribution of water, bonded labor, child labor, gender pay gap, income disparity, elite privileges, and regional differences in poverty and income levels. It also looks at how these provisions relate to constitutional obstacles to environmental justice, educational disparity, and health equity. Incorporating rights to social justice, clean water, and education in the constitution offers essential course of action for endorsing environmental justice. The case laws reviewed in this study emphasize the role played by the judiciary in upholding laws pertaining to the environment and making polluters liable for their actions. Achieving environmental justice also requires legislative initiatives that target socioeconomic inequalities and improve access to legal representation. To efficiently tackle environmental injustices, the study emphasizes the necessity for diverse strategies that mix legal, policy, and grassroots actions. Pakistan can progress towards a future that is both environmentally sustainable and equitable by supporting sustainable development methods, guaranteeing equal access to resources, and giving priority to the rights of those who are vulnerable. This study adds to the body of knowledge on environmental justice in developing economies and offers useful information to legislators, attorneys, and civil society organizations that support environmental rights and protections in Pakistan.

Keywords: *Environmental Justice, Constitutional Provisions, Environmental Rights, Sustainable Development*

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1. Understanding Environmental Justice:

The terms "environmental justice," "environmental equity," and "environmental racism" generally refer to numerous facets of the environmental justice movement, which centers around the imbalanced consequences of contaminating facilities and harmful waste sites that are located in or adjacent to underprivileged regions that have higher concentrations of individuals of color and those from poorer socioeconomic status. The meaning of environmental justice and injustice has evolved over time and can vary greatly due to the intricate and multifaceted thoughts and circumstances that are connected to each of these terms. As per the fundamental definition provided by the Environmental Protection Agency (EPA), environmental justice intends to guarantee that individuals of diverse racial, cultural, socioeconomic, and educational backgrounds are treated fairly and actively involved in the creation, execution, and observance of environmental laws, regulations, and policies. Therefore, justice on a distributive, procedural, and preventive level is implied by the word "environmental justice," which has a more political connotation (Bolte et al., 2011).

In order to achieve distributive justice, the costs and benefits of environmental values must be fairly distributed across demographic and geographic scales. Procedural justice—which is defined as how people are empowered to control and influence the decisions that impact them and how fairly political decision-making processes are applied—is given a lot of weight (e.g., larger fines for dumping waste in white than minority communities). The defensive code is predicated on the idea that decisions about public health should be made in light of uncertainties over the short- or long-term environmental effects resulting from worsening conditions in the everyday environments in which individuals live and work.

In light of the recent distributional challenges posed by urbanization, globalization, and environmental degradation (such as deforestation, declining biodiversity, water security, and ozone depletion), along with climate change, the concept of environmental justice has evolved to encompass generational and international environmental justice. In order to ensure a safe and healthy environment for future generations, current generations must uphold the notion of generational environmental justice, which encompasses global ecological integrity and sustainability. "The world is merely a loan from our offspring." It entails avoiding environmental destruction for the sake of immediate financial benefit in the present, which injures future generations (Bolte et al., 2011).

2.1 Environmental justice frameworks:

When impoverished, primarily African-American rural communities in North Carolina, USA, campaigned against the construction of a hazardous waste dump close to their homes, the idea of environmental justice began to take hold in the early 1980s. Following these mobilizations, a number of seminal studies were conducted that demonstrated the unfair allocation of polluting activities, which was disproportionately harming communities of race and lower-income households in the US (Bullard, 1993). This conflict signaled the beginning of a new kind of movement that combined civil rights, anti-racism, and environmental issues (Bullard, 2018, Pulido, 1996). Essentially, it is a socio-environmental movement that is intersectional.

Although EJ was first most commonly associated with the unequal distribution of pollution and waste, the term has evolved to encompass a wide range of significant issues, challenges, and goals. The document titled "Principles of Environmental Justice" was released in 1991 during the First National People of Colour Environmental Leadership Summit in Washington, DC. The document outlined 17 principles that demonstrate the broad application of EJ. These include the following: the rejection of military occupation, repression, and exploitation of lands, peoples, cultures, and

other living forms; the affirmation of peoples' rights to self-determination; the right to be free from ecological destruction and the sanctity of Mother Earth; demands for participation rights and the enforcement of informed consent principles. The Preamble to the Principles specifically mentions the necessity of starting to develop a "national and international" grassroots movement for EJ. They take into account the environmental injustices that not only affect the current generation but also those that will affect future generations and non-human animals.

The definition of global EJ has been the subject of productive debates (Schlosberg, 2013, Sikor and Newell, 2014, Martinez-Alier et al., 2016). These debates have highlighted the plurality of justice norms across diverse cultural, social, and environmental contexts and shed light on the various aspects of justice and inequality across locations as well as the global transnational institutions and interconnections that connect them (Temper, 2017).

Over the last three decades, the term "EJ" has expanded internationally and changed over time, taking on new dimensions, aspirations, and political implications according to the situation (Holifield et al., 2017). The multidimensionality of justice in EJ has been the subject of increased attention and theorization by scholars, in addition to their engagement with its various definitions (Walker, 2009, Schlosberg, 2007, Holifield et al., 2017). Below, we outline key pillars:

1. Mainstream EJ,
2. Critical EJ;
3. Ecological justice;
4. Abolitionist and Decolonial EJ;
5. Intersectional decolonial EJ.

These various frameworks complement one another, and over time, there has been a general movement towards a more comprehensive bordering of equity and justice (EJ) that fully acknowledges power dynamics and the necessity of taking into account the intricacy and intersectionality of injustices, as well as the various epistemologies and visions for justice that have emerged from the Global South's theory and practice.

2.1.1 'Mainstream' environmental justice:

Although some have labeled it 'radical environmental justice' (Svarstad and Benjaminsen, 2020), the most 'mainstream' framework of EJ is that which stick to the four dimensions:

1. Distributional Justice,
2. Recognitional Justice,
3. Procedural Justice (e.g., participation, decision-making), and
4. The Capabilities Approach (Fraser, 1995, Schlosberg, 2007, Young, 2020).

As Schlosberg (2007) mentions that justice, in political practice, is uttered and comprehended as a balance of several intertwined fundamentals of dissemination, appreciation, participation, and proficiency.

2.1.1.1 Distributive justice:

The concepts of distributive justice (DJ) centered around the equitable distribution of the costs and rewards associated with the environment, the distribution of tangible things, including wealth, income, and resources, or the distribution of social status. An extensive corpus of theoretical and empirical study has resulted from this paradigm. It has been argued, meanwhile, that this perspective ignores how important the institutional setting and social structure are to distribution patterns. Young (2020) emphasizes how culture, power dynamics, labor division, and decision-making processes all affect EJ. The mechanisms create the mal-distribution of materials (Young, 2020, Honneth, 2001, Walzer, 2008).

2.1.1.2 Recognitional justice:

Respecting and acknowledging differences is the foundation of recognitional justice (RJ). According to some scholars (Young, 2020, Fraser, 1995, Schlosberg, 2007, Honneth, 2001, Holifield et al., 2017), it is an important aspect of justice. Fraser (1995) claims that although the concept of "redistribution" is associated with a vision of justice that seeks to achieve social equality through a redistribution of the material necessities for existence as free subjects, the concept of "recognition" refers to the recognition of each person's inherent dignity as a prerequisite for a just society. Identification encompasses the individual's right to self-identification as well as, crucially, the recognition of collective identities and their unique needs, concerns, and means of subsistence in connection to the natural world (Honneth, 2001).

2.1.1.3 Procedural justice:

The fair and equitable institutional processes of a State are the focus of procedural justice (PJ). According to this perspective, achieving justice necessitates not just an awareness of patterns of unequal distribution and under-recognition but also, and perhaps more importantly, a knowledge of the ways in which political and social processes link the two (Schlosberg, 2007, Cole and Foster, 2001). In organizations and decision-making processes, participatory disparities or exclusions (Agarwal, 2001) arise when "patterns of disrespect and disesteem are institutionalized" (Fraser, 1998).

According to Bell and Carrick (2017), one of the causes of the unequal distribution of environmental benefits and costs is that those who gain from environmental transformations typically make the decisions that affect the benefits rather than the responsibilities. People have historically been marginalized or excluded by the institutions that make the decisions that impact our living environments on a local and global scale. Procedural environmental injustice is a result of the glaring disparities in political authority, power, and influence that still exist in environmental decision-making (Bell and Carrick, 2017).

2.1.1.4 Capabilities approach:

According to Schlosberg and Carruthers (2010), the capacities approach to justice considers how different goods—like natural resources or environmental services—relate to a person's ability to thrive rather than just how they are distributed. Sen (2000) and Nussbaum (2011) discuss how the capabilities approach expands upon the capability approach. The capability approach is defined as "capacities necessary for people to function fully in the lives they choose for themselves" by Schlosberg and Carruthers (2010). The capability approach emphasizes the freedoms that stem from capabilities rather than just the results, concentrating on the multifaceted facets of well-being (Robeyns, 2005).

2.1.2 Critical environmental justice

In recent years, the Critical Environmental Justice (CEJ) framework (see Pellow (2017)) has criticized the inclination of EJ literature to concentrate on state/institutional reforms or policy compromises that fail to alter the power order that delivers environmental injustices and called for a broadening of EJ above the dimensions above. Pellow (2017) contends that EJ has to be more critically engaged with these power systems as well as EJ's multi-scalar complexity.

2.1.3 Ecological justice:

According to some scholars, EJ tends to be anthropocentric and they advocate for "ecological justice," which is a form of justice that recognizes the rights of non-human species (Baxter, 2004). "Justice for humans in regard to environmental issues... quite different from ecological justice, which is about justice for nature," contends Kopnina and Washington (2020). They contend that in light of the present situation of environmental degradation and declining species, the historical

inclination for emphasizing social justice over ecological justice needs to be reversed. Nevertheless, they highlight the fact that "justice for both humans and non-humans and their habitats can only be achieved simultaneously" and draw attention to the interdependence of the two.

2.1.4 Abolitionist and decolonial environmental justice:

According to certain academics, we should shift towards a decolonial EJ (Álvarez and Coolsaet, 2020) and an EJ based on decolonial and abolitionist ideology (Pulido and De Lara, 2018). According to abolitionist thought, racism and racial capitalism that oppresses people of color need to end. According to Pulido and De Lara (2018), it aims to "abolish the same racial and capitalist relationships of power that produced the colonial project of plunder and dispossession." Decoloniality, as previously pointed out, is centered on reversing the effects of the coloniality of power (Quijano, 2007) and the subordination of peoples and knowledge systems that occur inside colonial systems (past and present). Álvarez and Coolsaet (2020) criticize the tendency of EJ research to be used in the Global South, although the study is theorized according to Western norms. Because they ignore the needs and viewpoints of majority-world groups, analytical frameworks, even when they emphasize justice, can actually perpetuate dominance and misrecognition (Svarstad and Benjaminsen, 2020). They essentially perpetrate "epistemic violence" by endorsing frameworks that are out of step with regional epistemologies (Vermeyleen, 2019). According to Pulido and De Lara (2018), an updated EJ framework is needed, one that draws on the radical epistemic traditions of activists rather than the rights-based methods that emphasize the liberal state's acknowledgment and correction of wrongs, thus legitimizing the very oppressive structures. They demand a framework that takes into account the goals of decolonial and abolitionist traditions.

2.1.5 Intersectional decolonial framing of environmental justice (IDEJ):

According to the theory of intersectionality, various facets of a person's identity can come together to produce unique kinds of injustices and discrimination. The concept of intersectionality, which sprang from black feminist theory, highlights the necessity of taking into consideration various bases of identification in order to understand how the social world is put together (Crenshaw, 1991). "Intersectional subordination does not always result from deliberate action; in fact, it often happens when one burden is imposed on top of preexisting vulnerabilities, creating yet another level of disempowerment. A thorough intersectional approach to EJ scholarship has been advocated for by Malin and Ryder (2018) through studies that "(1) emphasize numerous social locations and intragroup differences; (2) investigate these challenges with a multi-scalar lens; and (3) more explicitly and strategically evaluate not just influential players but the structures and mechanisms of power in these dynamics." We make the case that an intersectional decolonial EJ that addresses the power dynamics that give rise to injustices from multiple angles and seeks to remedy the racial capitalist system ingrained in the colonization of human and non-human spaces and bodies must include a variety of justice imaginaries.

3. Constitutional Provisions:

The new constitution of Pakistan, adopted by the National Assembly on the 10th of April, 1973, and enforced on the 14th of August is the third constitution in Pakistan's brief history. The first constitution (1956), of a parliamentary type, was enacted by a Constituent Assembly about nine years after its election and was abrogated in October 1958 by a military coup. The second, a presidential-style constitution, was enacted in 1962 by military ruler Muhammad Ayub Khan and revoked by General Yahya Khan in March 1969 after Ayub Khan gave up control. Following Pakistan's disintegration in December 1971, a new bicameral

constitution was implemented. It is again of the parliamentary form and, because it was drafted by a newly elected Assembly, it is more accurately stated to reflect the will of the people (Rahman, 1974). The constitution of Pakistan incorporates many articles that are essentially related to environmental justice. All the relevant articles are hereby discussed in detail.

3.1 Article 9: Security of person

“No person shall be deprived of life or liberty save in accordance with law.”

3.2 Article 14 - Inviolability of Dignity of Man:

The dignity of man and, subject to law, the privacy of home, shall be inviolable.

3.3 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.

3.4 Article 25A - Right to education:

The State shall provide free and compulsory education to all children of the age of five to sixteen years in such manner as may be determined by law.

3.5 Article 37 - Promotion of social justice and eradication of social evils:

The State shall:

- a) promote, with special care, the educational and economic interests of backward classes or areas;
- b) remove illiteracy and provide free and compulsory secondary education within minimum possible period;
- c) make technical and professional education generally available and higher education equally accessible to all on the basis of merit;
- d) ensure inexpensive and expeditious justice;
- e) make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment;
- f) enable the people of different areas, through education, training, agricultural and industrial development and other methods, to participate fully in all forms of national activities, including employment in the service of Pakistan;
- g) prevent prostitution, gambling and taking of injurious drugs, printing, publication, circulation and display of obscene literature and advertisements;
- h) prevent the consumption of alcoholic liquor otherwise than for medicinal and, in the case of non-Muslims, religious purposes; and
- i) decentralize the Government administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public.

3.6 Article 38 - Promotion of social and economic well-being of the people:

The State shall:

- a) secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, by preventing the concentration of wealth and means of production and distribution in the hands of a few to the detriment of general interest and by ensuring equitable adjustment of rights between employers and employees, and landlords and tenants;
- b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;
- c) provide for all persons employed in the service of Pakistan or otherwise, social security by compulsory social insurance or other means;

- d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment;
- e) reduce disparity in the income and earnings of individuals, including persons in the various classes of the service of Pakistan;
- f) eliminate riba as early as possible; and
- g) the shares of the Provinces in all federal services, including autonomous bodies and corporations established by, or under the control of, the Federal Government, shall be secured and any omission in the allocation of the shares of the Provinces in the past shall be rectified.

3.7 Article 184 (3) – Public Interest Litigation:

Without prejudice to the provisions of Article 199, the Supreme Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights conferred by Chapter I of Part II is involved have the power to make an order of the nature mentioned in the said Article.

4. Environmental Justice and the Case of Sindh:

Despite the presence of many laws and provisions under the Constitution, Sindhi people suffer from the environmental injustice the most. There are many ways in which the people of Sindh are facing the environmental justice that are discussed in here in detail.

4.1 Linking Socioeconomic Disparities to Environmental Justice:

The terms "environmental justice," "environmental equity," and "environmental racism" refer to different aspects of the environmental justice movement, which focuses on the unequal effects of polluting facilities and hazardous waste sites that are situated in or close to impoverished neighborhoods that have high concentrations of people of color and those from lower socioeconomic status. The meaning of environmental justice and injustice has evolved over time and can vary greatly due to the intricate and multifaceted thoughts and circumstances that are connected to each of these terms. Following the core definition from the Environmental Protection Agency (EPA), environmental justice seeks the equitable treatment and involvement of people of all races, cultures, incomes, and educational levels in the development, implementation, and enforcement of environmental programs, laws, rules, and policies (Bolte et al., 2011).

Regional differences in the distribution of resources and the perceived degree of inequality between various regions are contentious issues in all federal states. The way people in Pakistan perceive regional and provincial inequality has, in fact, led to a lively discussion about the political and economic rights of various regions, which has influenced electoral pledges made by different parties and resulted in the passing of laws pertaining to fiscal federalism. In the Herald-SDPI survey, participants were asked if their province was receiving its fair share of the federation's resources. It has also been asked of Punjabi respondents whether they believe that the province's northern and southern regions are receiving their fair share of resources from the pool. The identical question on the province's rural and urban (Karachi and Hyderabad) sectors was posed to respondents in Sindh as well. According to the study results, individuals in all four provinces believe that provincial and regional inequality is a major problem, and they will base their opinions of the various political parties vying for office as well as the policies of the next administration on this belief. The Sindhi people are obviously affected by this situation. According to the survey, over two thirds of the province's respondents believe that the rural areas receive less funding from the federation than they should. Remarkably, 57% of the participants from the same province

believe that Hyderabad and Karachi are likewise not getting their fair share of resources. The Pakistan People's Party (PPP), which spearheaded the charge to enact the 18th Amendment, which led to the transfer of numerous federal responsibilities to the provinces, continues to have a sizable support base in Sindh because of the sense of provincial inequity among voters. It also clarifies why voters in the province are still drawn to the party's message of political rights for Sindh. It could also help to explain why the PPP is not harmed politically in Sindh by inadequate service performance (Ali Cheema, 2018).

Balochistan has by far the greatest percentage of rural poverty in Pakistan, with almost 62% of its rural population living below the poverty line, according to a World Bank report titled "State of Water Supply, Sanitation and Poverty in Pakistan." However, Sindh has the largest disparity in poverty between rural and urban areas, at over 30 percentage points. In comparison, Punjab and Khyber-Pakhtunkhwa have an urban-rural disparity of 13 and 15 percentage points, respectively. According to the research, the percentage of Pakistani population living in poverty in rural areas was double that of urban areas (18% versus 36%), and this difference had hardly altered since 2001–2002. This disparity, together with the slow rate of urbanization (only 35% of the population in the nation lived in urban regions in 2014), suggested that 80% of Pakistan's impoverished people were still living in rural areas. It stated that rural households were significantly disadvantaged in almost every facet of the provision of services. In comparison to urban areas, the rural net enrolment rate for primary school was 13 percentage points lower nationwide and for middle school, it was 11 percentage points lower. These differences were, respectively, 17 and 14 percentage points for girls. At 28%, the female literacy rate in rural areas was likewise lower than that in urban regions. The study found that rural women are 10 percentage points less likely to receive prenatal care, 28 percentage points less likely to give birth in a facility or hospital, and 12 percentage points less likely to receive postnatal care than urban women. Additionally, rural children are 8.5 percentage points less likely than urban children to have received adequate immunizations by the time they are three years old. Important utilities are also significantly less likely to be accessible to rural residents. Compared to urban families, they have a 63 percentage point lower chance of having a natural gas connection and a 15 percentage point lower chance of having an electrical connection. Balochistan has the greatest number of the 40 poorest districts, with Sindh ranking second. The report also stated that just three districts in both Punjab and Khyber-Pakhtunkhwa were included in this group, and none of them were the poorest. Balochistan had no districts included among the top 40 richest, while the only two Sindhi districts included in this list were Hyderabad and Karachi. There was a clear and noticeable division between Sindh and Balochistan in the south and Khyber-Pakhtunkhwa and Punjab in the north (Amin Ahmed, 2018).

Environmental injustice acknowledges that groups with lower economic status are more negatively impacted by environmental risks than other groups. Environmental justice aims to alleviate the unequal weight of environmental health hazards on underprivileged populations in order to resolve this problem. The issues that are prevalent in Sindh as well as Pakistan that must be understood include:

4.1.1 Child Labor:

Pakistan has 3.3 million child laborers, which highlights a serious socioeconomic problem as per Development Advocate Pakistan report by UNDP 2023. Children who work are frequently from low-income families and are subjected to unsafe workplace conditions, robbing them of their rights to a safe, healthy environment, education, and other privileges. Environmental justice acknowledges that occupational environmental dangers, such as exposure to hazardous chemicals

or unsafe working environments, significantly affect these children. Furthermore, as impoverished communities might not have the resources to reduce environmental dangers or prepare for the effects of climate change, the cycle of poverty exacerbated by child labor also adds to environmental injustices. The unfair and disproportionately high exposure of the impoverished, marginalized, and disenfranchised to hazardous substances and other environmental risks is known as environmental injustice. Disparities in health conditions across groups with varying ethnicities, racial backgrounds, and socioeconomic levels are a result of environmental injustice. Due to their distinct biological susceptibility and age-related exposure trends, infants and children are particularly susceptible to the negative health effects of environmental injustice. These effects are demonstrated by the notable differences in the prevalence of three prevalent diseases—obesity, lead poisoning, and asthma—among children from various racial and cultural origins. These diseases are partly brought on by environmental variables (Landrigan et al., 2010). By ensuring that all children between the ages of five and sixteen have access to school, Article 25A of the Constitution seeks to end child labor. Additionally, Article 37 acmes the obligation of the State to protect minors from dangerous working conditions by prohibiting the employment of children in occupations that are inappropriate for their age. In accordance with Article 37, measures to eliminate child labor through education and the provision of fair and humane working conditions are also included in the promotion of social justice and the eradication of social evils.

4.1.2 Bonded Labor:

The human rights and dignity of the 1.8 million Pakistanis who are ensnared in bonded labor are blatantly violated as per Development Advocate Pakistan report by UNDP 2023. Bonded laborers frequently work in industries including mining, brick kilns, and agriculture, where they are subjected to harsh working conditions and little freedom. The concept of environmental justice recognizes that bonded laborers are susceptible to various forms of environmental injustices, such as being exposed to pollutants, not having access to sanitary facilities and clean water, and being forced to relocate due to natural catastrophes or environmental degradation. In order to achieve environmental justice, it is essential to address bonded labor since it entails giving everyone, regardless of socioeconomic background, equal access to a safe and healthy environment.

The Article 14 principle of the inviolability of human dignity forbids actions that infringe upon an individual's dignity, such as bonded labor. In addition, Article 38 emphasizes the State's duty to protect the welfare of all citizens, irrespective of their economic standing, by countering the concentration of wealth and means of production, which has the potential to perpetuate forced labor. In order to address the underlying causes of bonded labor, the Constitution guarantees fair access to resources while also fostering social and economic well-being.

4.1.3 Gender Pay Gap:

The Global Wage Report 2019-2020 states that the gender pay gap in Pakistan is 34%, which is indicative of structural disparities in the labor market as per Development Advocate Pakistan report by UNDP 2023. Socioeconomic differences are made worse by the prejudice that women frequently experience in the workplace, in pay, and in representation in positions of decision-making. Given that women are disproportionately impacted by environmental degradation and the effects of climate change, environmental justice acknowledges the interconnectedness of gender and environmental issues. Environmental injustices are sustained by gender disparities that restrict women's capacity to deal with environmental difficulties, obtain resources for adaptation, and take part in environmental decision-making.

Article 25A, which aims to reduce gender inequities in the labor market and empower women economically, ensures the right to education for all citizens, regardless of gender. Article 38 acmes the need for the State to guarantee the welfare of every individual, regardless of gender, by elevating their standard of living and guaranteeing a fair distribution of rights between employers and workers. Reducing inequality in income and earnings and advancing social and economic well-being are the guiding principles of addressing the gender pay gap, as stated in Article 38.

4.1.4 Income Disparity:

The fact that about 80% of Pakistanis make less than PKR 1000 (around USD 4) per day suggests that poverty and economic inequality are pervasive in the country as per Development Advocate Pakistan report by UNDP 2023. Environmental justice acknowledges that impoverished and marginalized people are often negatively impacted by environmental risks and do not have access to essential environmental resources like clean water, air, and sanitation. Because impoverished communities may not have the resources to reduce environmental pollution or adjust to the effects of climate change, poverty worsens susceptibility to environmental dangers. In order to guarantee that every person has an equal opportunity to live in a healthy and sustainable environment, addressing socioeconomic disparities is necessary to ensure environmental justice.

In order to address income inequality, Article 38 emphasizes the State's obligation to prevent the concentration of wealth and the means of production in the hands of a small number of people. Likewise, Article 37 accentuates the State's dedication to delivering affordable and prompt justice, guaranteeing that underprivileged groups have access to legal recourse in order to rectify income inequality. The Constitution aims to offset the negative consequences of income disparity on environmental justice by promoting social justice and economic well-being.

4.1.5 Elite Privileges:

The privileged class in Pakistan benefited from privileges valued at PKR 2,660 billion in 2017–2018, or 7% of the country's GDP, which emphasizes the distribution of wealth among a tiny portion of the populace as per Development Advocate Pakistan report by UNDP 2023. The equitable distribution of environmental benefits and costs is emphasized by environmental justice; yet, the privileges enjoyed by the privileged frequently come at the cost of resource exploitation and environmental destruction. Ensuring environmental fairness necessitates making the privileged responsible for their environmental impact and making sure that their privileges do not cause undue harm to marginalized populations or the environment. The richest 1% of Pakistanis possessed 9% of the country's income in 2018–2019, an indication of substantial income inequality. Since the wealthiest disproportionately benefit from environmental amenities while marginalized people endure the burden of environmental threats, environmental justice acknowledges the intersectionality between income inequality and environmental injustices. Promoting environmental equity requires addressing income concentration since it entails redistributing opportunities and resources to guarantee that everyone, regardless of income level, has equal access to a clean and healthy environment.

By prohibiting the concentration of wealth and the means of production, which might result in elite privileges at the expense of marginalized groups, Article 38 seeks to ensure the well-being of all citizens. Additionally, Article 37 emphasizes the State's obligation to guarantee fair and compassionate working conditions, guaranteeing that the elite's advantages do not injure the environment or exploit disadvantaged communities. The unequal distribution of rights and

resources is addressed by the Constitution through fostering social fairness and economic prosperity.

4.1.6 Regional disparities in income and poverty levels:

About 37% of the rural population in Sindh lives below the poverty line. Sindh is the province in Pakistan with the highest rate of income inequality, followed by Punjab, Khyber Pakhtunkhwa, and Balochistan as per Development Advocate Pakistan report by UNDP 2023. The inequality in income levels among regions is a reflection of the unequal distribution of opportunities and resources, which has a direct impact on environmental justice. Environmental injustices may be exacerbated by marginalized people in low-income areas like Sindh and Balochistan, who may have more difficulty coping with environmental risks and gaining access to environmental amenities. Sindh has significant socioeconomic inequality, with over 11 million people unemployed and almost 15 million living below the poverty line as per Sindh State of Environment & Development report by IUCN. Environmental justice acknowledges that communities of color, who are frequently the most economically disadvantaged, suffer disproportionately from environmental injustices such as pollution and a lack of clean resources. Poverty and high unemployment rates make communities more vulnerable to environmental threats since they can't afford to move away from polluted places or take steps to reduce the risks to the environment. The findings of the research conducted by Ullah and Chishti (2023) reveal that the poorest districts in Pakistan are predominantly located in Balochistan and Sindh provinces, including districts like Sherani, Kohlu, Chaghi, Dera Bugti, Badin, Umerkot, Tando Muhammad Khan, and Tharparker. Asset-based poverty is a critical determinant of vulnerability to environmental risks and access to environmental resources. Communities in poverty-stricken districts may lack access to clean water, sanitation, and adequate housing, exacerbating environmental injustices such as pollution-related health problems and inadequate disaster response. Environmental injustices may worsen if marginalized populations in areas with higher rates of poverty and lower incomes have more difficulty coping with environmental threats and gaining access to environmental resources.

Article 37 requires the State to resolve regional differences in income and poverty levels while advancing the economic and educational interests of underprivileged classes or regions. Furthermore, Article 38 highlights the obligation of the State to ensure the welfare of all inhabitants by mitigating income and wage disparities, including among various regions. The Constitution aims to overcome regional disparities and advance environmental justice for all communities by advancing social fairness and economic prosperity.

4.1.7 Water scarcity and Unequal Water Distribution:

The issue of access to sufficient and clean water becomes crucial since over 80% of Pakistan's population suffers from acute water scarcity as per Development Advocate Pakistan report by UNDP 2023. This scarcity affects livelihoods, agricultural practices, and the general health of the natural environment in addition to everyday necessities like drinking water and sanitation. While the equitable distribution of environmental resources is emphasized by environmental justice, marginalized people frequently experience the worst effects of water scarcity and have difficult access to clean water. Environmental injustice is made worse by the differences in how water resources are distributed among the provinces. Balochistan receives only 5% of the water resources available to Punjab, which accounts for 44% of the total area suitable for irrigation. Punjab thus benefits disproportionately from these resources. Conflicts over water allocation can result from this imbalance, as Sindh always protests that it is receiving 37% less water than its share under the Water Accord. The verbal exchanges in the Sindh Assembly

illuminated the difficulties provincial administrations confront in resolving the issue of equitable water distribution as well as the continuous struggle for it. The Sindh government has made an effort to voice its concerns in a number of forums, such as the Council of Common Interests (CCI), but the matter is still unsolved because the federal government frequently turns down requests for a review of water sharing. As long as marginalized populations are unable to obtain sufficient water supplies, environmental injustice will persist.

Systemic flaws in resource allocation and infrastructure development are highlighted by the inadequate water supply and lack of sanitary facilities in metropolitan areas, which are made worse by population increase and migration. It is imperative that all communities, regardless of their geography or socioeconomic standing, have equal access to clean water and sanitation in order to uphold environmental justice. The difference between rural and urban areas' access to clean water and sanitary facilities is a reflection of structural inequities that adversely affect marginalized populations, sustaining environmental injustices and threatening public health. In rural areas, landlord monopolies over drinking water worsen the shortage of water for the impoverished and have a negative impact on agricultural output. Environmental equality requires equitable allocation and sustainable management of water resources to guarantee that all communities, especially those with higher levels of vulnerability, have access to enough water for irrigation, sanitation, and drinking. The uneven allocation of water resources worsens socioeconomic divides and puts at risk environmental justice initiatives. Improved sanitation infrastructure is desperately needed since a large number of Sindhi households, especially those in rural areas, lack access to toilets and other sanitation facilities, which puts their health at serious danger. Access to hygienic and secure surroundings that support everyone's health and well-being is included in environmental justice. Disenfranchised groups are disproportionately affected by poor sanitation, which exacerbates socioeconomic inequality by facilitating the spread of illness.

In conjunction with measures to address water scarcity and assure the fair distribution of water, Article 9 ensures the security of the person, including access to fundamental requirements including water. Furthermore, Article 37 highlights the obligation of the State to ensure equitable access to water resources, resolve disputes over water distribution, and offer affordable and prompt justice. The Constitution aims to minimize water scarcity and promote environmental justice for all communities by advancing social equity and economic well-being.

4.1.8 Legal Barriers to Environmental Justice:

Pakistan is ranked 129th out of 140 countries in terms of observance to the rule of law, which specifies that its legal frameworks, their enforcement, and their accessibility to justice are underprovided. Implementing environmental laws and regulations impartially is crucial for ensuring environmental justice. Fragile rule of law might lead to environmental crimes going unpunished, which inexplicably distresses marginalized populations that can't afford to take environmental injustices to court. By the end of 2021, there were 337,522 pending cases before the High Court, underlining the teething troubles common people face in attaining justice. Environmental justice necessitates the prompt resolution of cases involving environmental concerns in the courts, including those involving land, pollution, and environmental impact assessments. Legal actions that are delayed might impede attempts to safeguard underprivileged populations from environmental harm and prolong environmental injustices. The difficulty in obtaining legal assistance and justice is demonstrated by the fact that just 27% of Pakistanis with legal concerns received assistance in the previous two years as per

Development Advocate Pakistan report by UNDP 2023. Mechanisms for ensuring fair access to legal counsel and advocacy for populations impacted by environmental injustices are necessary for environmental justice. Enhancing marginalized communities' ability to protect their environmental rights and hold polluters accountable depends on their having better access to legal services.

Enforcing environmental rules and regulations is crucial, as Article 9 ensures the security of individuals and provides recourse to legal remedies for environmental injustices. Moreover, Article 37 underscores the State's responsibility to deliver affordable and prompt justice, guaranteeing equitable access to legal representation and advocacy for populations affected by environmental injustices. The Constitution assures one and the same access to legal services and incapacitates legal hindrances to environmental justice by advancing social fairness and economic prosperity.

4.1.9 Educational Disparity:

Sindh's educational attainment indices display unembellished variances in the accessibility of high-quality education, bringing consideration to more general glitches of social and economic inequality that also trace on subjects of environmental justice. The meager human development level of the province and the inadequate progresses made in the health and education divisions in the 1990s highpoint the grave need to tackle structural concerns. A large percentage of children do not attend school, even though a sizable population attends primary and middle schools. This is mainly because of inadequate school supplies, teachers who lack proper training, and insufficient facilities. Of the 4.86 million children in the primary school age group, only 2.62 million are enrolled in school, meaning that 2.24 million children, or 46% of the total, do not have access to education. Comparably, just 3.118 million of the 3.702 million pupils in the middle-school age group attend middle and secondary schools. Surprisingly, a sizable portion of elementary schools are devoid of necessities including restrooms, water, and shelter. Eleven percent of primary schools lack access to water and sanitary services and thirty-five percent lack shelter. In addition, some 32,000 schools in Sindh lack electricity, subjecting students to unfavorable summertime conditions. In addition, there are significant disparities in the rates of female and male literacy between rural and urban Sindh, with female literacy in rural regions being at just 12.23 percent vs 56.66 percent in urban areas. These numbers highlight the discrepancy between rural and urban areas of Sindh, resulting in two distinct situations inside a single province, in addition to the poor conditions for human development in the region. To promote environmental justice and guarantee a fairer distribution of natural resources and opportunities, Sindh must invest in inclusive, high-quality education. Communities that are informed and empowered may fight for their rights and handle environmental issues more effectively, which will ultimately lead to a more equitable and sustainable society.

In order to overcome educational disparities and give marginalized populations the tools they need to fight for their environmental rights, Article 25A guarantees the right to education for all children. Furthermore, Article 38 underscores the necessity of the state to provide all inhabitants, irrespective of gender, class, creed, or color, with the fundamental necessities of life, together with education. The constitution intends to advance environmental justice and minimize educational disparities for all individuals by progressing social justice and economic prosperity.

4.1.10 Health Equity:

Because socioeconomic well-being and environmental justice are intricately interconnected to access to good healthcare, the health status of Sindhi individuals is a decisive aspect in defining

environmental justice. However, the existing health system in Sindh is plagued with a number of hitches, for instance inadequate administration, a dearth of apt policy frameworks, and limited financial and human resources. Even though, 65% of the population is theoretically protected by health insurance, numerous government facilities—particularly in rural areas—are non-functional, which causes inequities in access to critical healthcare services. With rates of 109 per 1,000 live births and 553 per 100,000 live births, correspondingly, child mortality and maternal mortality in Sindh are terrifyingly higher than the national average. Furthermore, compared to the national average of 16%, only 7% of married women in Sindh use family planning methods, which exacerbates issues related to population health. In addition, insufficient vaccination rates combined with a lack of paramedics and hospital beds exacerbate health inequalities, especially in rural areas. Unhealthy environmental circumstances, particularly those pertaining to water and sanitation, are a major factor in the population's high illness prevalence and poor health outcomes. As a result, people frequently struggle to pay for healthcare, turning to loans and travelling to large cities for treatment, which feeds the cycle of debt, unemployment, and poverty. It is essential to address health disparities in Sindh in order to advance environmental justice and equity. Sindh can lessen the negative health effects of environmental injustices and promote a population that is healthier and more resilient by guaranteeing fair access to healthcare services, enhancing environmental conditions, and putting into place efficient health policies. Additionally, spending money on preventative care and public health infrastructure will lessen the socioeconomic costs of poor health, which will ultimately help create a society that is more equitable and sustainable.

Article 37 necessitates the State to tackle the health discriminations, progress environmental justice, and deliver all inhabitants with the prerequisites of life, including healthcare. Moreover, Article 38 accentuates the State's responsibility to protect the wellbeing of all inhabitants by lessening disparities in access to medical treatment and augmenting environmental conditions. The Constitution intends to address health equity and assure a healthy population by progressing social justice and monetary well-being.

5. Prominent Case Laws promoting Environmental Justice:

There are number of cases that promotes environmental justice by citing constitutional provisions, some of which are discussed below:

5.1 Roedad Khan vs. Federation of Pakistan (Writ Petition No. 642 of 1990):

In 1990, the Margallah Hills Society, symbolized by Dr. Parvez Hassan as counsel, instigated the first Public Interest Litigation in relation to environmental concerns in Pakistan. The case, Roedad Khan vs. Federation of Pakistan and 41 Others, Writ Petition No. 642 of 1990, was brought before the Lahore High Court, Rawalpindi bench. The petition addressed distresses about the construction of the ISI Complex, mining activities conducted by Facto Cement Limited, and stone crushing activities within the Margallah Hill National Park. It was contended that these activities lead to land degradation, deforestation, and pollution, posing substantial health risks to Islamabad citizens and disturbing the natural habitats and wildlife in the area, leading to ecological imbalance and degradation. Even though no explicit orders were dispensed in this writ petition, Chief Justice Dr. Nasim Hassan Shah of Pakistan accredited the gravity of the situation. He acknowledged that the stone crushing plants in Margallah Hills were not only injurious to the environment but also jeopardizing the well-being of adjacent inhabitants. The Lahore High Court's proactive approach and the public attention drawn to the proceedings prompted the government to take remedial action to address the environmental concerns raised in the case (REHAN RAUF, 2009).

5.2 United Welfare Association v. Lahore Development Authority (Writ Petition No. 9297 of 1991)

The United Welfare Association, Lahore, filed a case against the Lahore Development Authority and owners of asphalt production facilities in Writ Petition No. 9297 of 1991 before the Lahore High Court. The suit focused on the significant health risks that the asphalt plants caused to the people of Lahore. After taking into account the petitioner's arguments, the court asked environmentalist Dr. Parvez Hassan to examine the region and suggest appropriate actions and also directed the Lahore Development Authority to reply to the accusations. In addition to producing a sizable amount of airborne fine dust, Dr. Hassan's research indicated that the plants' operating activities caused the dispersion of airborne pollutants, including hazardous materials including sulfur dioxide, nitrogen oxides, and hydrocarbons. Dr. Hassan advocated for the shutdown of these plants and relocating them to safer locations, stating that their continuous operation was incompatible with the rights of nearby residential areas to a clean and healthy environment. Based on Dr. Hassan's analysis, the Lahore Development Authority's Director General then issued an order to relocate the asphalt plants (REHAN RAUF, 2009).

5.3 Human Right case No. 9-k/1992:

Concerns over contamination of water from broken water and sewerage pipes and health risks from using open storm water drains for sewage disposal were brought up in 1992 by the Karachi Administration Women's Welfare Society (KAWWS). The Supreme Court changed the case into a Human Rights Case (No. 9-k/1992) after recognizing that the aforementioned issues violated fundamental rights. KAWWS requested that the court choose an impartial specialist in water and sewage to evaluate the circumstances, provide remedies, and supervise their execution. In response, the Supreme Court established a Commission that examined and confirmed the grievances mentioned in the petitions. To address the flaws found, the court then issued orders for corrective measures, such as the repair of water and sewerage pipes (REHAN RAUF, 2009).

5.4 Human Right case No. 4-k/1992 1996 (SCMR 543):

The Supreme Court of Pakistan granted interim orders to mitigate pollution caused by automobiles producing smoke and traffic congestion in Karachi (1996 SCMR 543). These steps included publishing monthly schedules without particular locations and arranging for at least two mobile vehicle checks per week per district, overseen by an Honorary Magistrate. The Citizens-Police Liaison Committee (C.P.L.C.) was to receive weekly reports on vehicle checks. The C.P.L.C. would then prepare and provide consolidated reports to the Assistant Registrar of the Supreme Court every three months. The court additionally instructed officials to completely overhaul the motor vehicle inspection process and refrain from bias when imposing fines, especially on government and privately owned vehicles. In addition, countermeasures were taken to mitigate noise pollution, such as requiring motorcycle rickshaws to have silencers installed within a month and turning in pressure horns that had been taken by force to Central Nizarat (REHAN RAUF, 2009).

5.5 Human Rights Case (PLD 1994 SC 102):

In an attempt to look into the possible disposal of imported industrial and nuclear waste in Pakistan, the Supreme Court of Pakistan started suo moto proceedings in the Human Rights Case involving Environment Pollution in Balochistan (PLD 1994 SC 102). After seeing a news article about Balochistan coastal regions being acquired to dispose of waste, the Court expressed fears about the serious hazards to the environment and public health that such actions might involve. It stressed that nuclear waste and other hazardous items could not be dumped on Balochistan's 450-mile coastline since doing so could endanger human health as well as the local ecosystem, which

includes marine life. The Court ordered the Government of Balochistan to ascertain if any coastal regions or territorial waters had been leased to anyone for the express intent of garbage dumping, stating that such conduct would be in breach of Article 9 of the Constitution, which ensures the security of the person. The Court further commanded that all relevant governmental entities include a restriction in allotment letters barring the use of assigned land for such reasons, and ordered that any such allottees desist from engaging in garbage dumping activities, whether on land or at sea (REHAN RAUF, 2009).

5.6 Ms. Shehla Zia and others v. WAPDA (P L D 1994 Supreme Court 693):

Concerned citizens wrote to the Supreme Court to request that the erection of a grid station in a residential area be taken into account as a human rights issue. The letter, according to the court, raised two issues: first, whether or not a government department had the authority to put citizens' lives in danger through its conduct lacking the latter's consent; and second, whether zoning laws gave citizens' rights that could not be taken away or changed without the citizens' consent. In an inspirational public interest litigation arbitrated by the Supreme Court of Pakistan, residents questioned the instituting of an electricity grid station in their neighborhood, citing concerns concerning potential health risks and hazards. The Court, reckoning the case within the compass of human rights under Article 184 (3) of the Constitution, accentuated the capacious elucidation of the right to life, surrounding the right to a healthy environment as per Articles 9 and 14. Regardless of inadequate systematic evidence on the health impacts of electromagnetic fields, the Court invoked the precautionary principle, affirming citizens' entitlement to preservation from environmental hazards. The Supreme Court of Pakistan firmly maintained that the right to health is a prerequisite for the right to life (The Pakistan Constitution, 1973, article 9). As a result, the SCP mandated the preparation of a report evaluating the detrimental effects of a high-tension electric power grid station on the health of the locals living in the vicinity (Hilal, 2022, REHAN RAUF, 2009).

5.7 General Secretary (CBA) Khewera vs. The Director, Industries and Mineral Development, Punjab (1994 SCMR 2061):

The petitioner aimed to uphold everyone's right to clean and unpolluted water in the wake of coal mining operations in the upstream area in the case of General Secretary, West Pakistan Salt Mines Labor Union (CBA) Khewera, Jehlum v. The Director, Industries and Mineral Development, Punjab, Lahore (1994 SCMR 2061). There were worries that if mining continued in the water catchment area, watercourses, reservoirs, and pipelines may become contaminated. The Supreme Court, drawing on precedent from the Shelia Zia case, issued several directives to relevant parties and departments:

- Punjab Coal Company (P.P.C) was instructed to reposition the mouth of mine No. 27A away from the stream and reservoir within four months to avert pollution, with the establishment of a commission to oversee compliance;
- Pakistan Mineral Development Corporation (PMDC) was engaged to install a second pipeline and broaden the top-level water reservoir;
- PMDC was tasked with constructing a wall reservoir, sharing costs equally with P.P.C.;
- Actions to inhibit pollution of water sources, reservoirs, stream beds, and catchment areas were directed for all mines operating neighboring to the water catchment area;
- Authorities vested to award, renew, or extend mining leases were prohibited from authorizing such activities in the pre-1981 water catchment area without court permission. A commission, including experts and representatives, was established to assess compliance and recommend further measures to the Supreme Court (REHAN RAUF, 2009).

These are only a few laws that are discussed in here but there is a huge list of relevant case laws where honorable courts have maintained the constitution of Pakistan and urged for the upholding these fundamental rights.

6. Conclusion:

In light of the severe challenges posed by urbanization, globalization, and environmental degradation (such as deforestation, declining biodiversity, water security, and ozone depletion), along with climate change, the perception of environmental justice has progressed to comprehend generational and international environmental justice. To safeguard an innocuous and healthy environment for future generations, existing generations must endorse the idea of generational environmental justice, which incorporates global ecological integrity and sustainability. Pakistan is not the exception and has been in the top most severely impacted countries by climate change. The issue worsens when it comes to the people with limited resources. The constitution of Pakistan contains a number of provisions that safeguard the basic rights of its population but the government system has failed to provide so. The paper discussed the various issues that are still prominent in the country despite these provisions and several other environment related laws and policies.

The Sindh province is far behind in major indicators of environmental justice due to variety of factors as government has failed to provide basic fundamental rights to its population making it more vulnerable to environment related damages. The paper underlined several environmental justice concerns rampant in the province, including but not limited to water scarcity, unequal water distribution, income disparity, child labor, bonded labor, gender pay gap, regional disparities in income and poverty levels, legal barriers to environmental justice, educational disparities, and health equity. These concerns inexplicably distress marginalized populations, aggravating social and economic inequalities and propagating cycles of poverty and environmental degradation.

In addition, the study underscored that to successfully attain environmental justice in Sindh, systemic problems with infrastructure development, allocation of resources, and legal enforcement mechanisms must be addressed. Legal frameworks should be bolstered, marginalized communities should have better access to the justice system, environmental resources ought to be allocated fairly, accessible healthcare and education ought to be provided, and community involvement in decision-making should be fostered. Policymakers, civil society groups, and other stakeholders can collaborate to protect environmental rights, lessen environmental injustices, and advance sustainable development in Sindh by addressing the disparity between constitutional objectives and ground realities. The pursuit of environmental justice ultimately necessitates group effort, political will, and an unwavering dedication to defending the rights and dignity of every person, regardless of their socioeconomic standing or place of origin.

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