



## ECOLOGICAL SUSTAINABILITY- EXPLORING INTERSECTION OF ISLAMIC LAWS AND LEGAL FRAMEWORK IN PAKISTAN

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## **ECOLOGICAL SUSTAINABILITY- EXPLORING INTERSECTION OF ISLAMIC LAWS AND LEGAL FRAMEWORK IN PAKISTAN**

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### **ABSTRACT:**

*This study aims to explore the intersection of Islamic laws and legal frameworks in Pakistan related to environmental protection and ecological sustainability. Numerous Laws and governmental and non-government organizations to protect and sustain the environment have evolved with the passage of time in Pakistan. Islam as a comprehensive religion underpins the Islamic law of ecological sustainability, which stresses humankind's duty to safeguard the ecosystem. Islam's extensive character means its environmental rulings simultaneously apply to individuals, societies, and states. The present investigation intends to offer some insight into the possibility of harmonization and the incorporation of both structures for efficient ecological conservation by studying the ideas, notions, and legal processes existent in Islamic law and Pakistani environmental law. The methodology used in this study is a thorough assessment and comparative analysis of the pertinent literature, which includes scholarly papers, case laws, environmental laws of Pakistan, and Islamic legal texts (Quran, Hadith, etc.). Contemporary ecological paradigms might benefit from the legal and pragmatic suggestions of the Islamic concept of sustainable development. This abstract claims that Islamic law's ideas and precepts can promote equitable growth, ecological awareness, and harmony among humans and nature.*

**KEYWORDS:** Ecology, sustainability, protection, Islamic laws, Pakistani

## *Introduction*

Religious Harmony and peaceful conjunction are a portion of the fundamental components for the full acknowledgment of the innovative capability of people, sustainable growth of the economy, traditions of nations, and genuine security for the long-lasting inflation of humankind. The interfaith harmony means bringing tranquility and peace supporting among individuals by inspiration. There is an interconnection among people of various religious beliefs at the individual and institutional level which portrays a positive image in the progress of countries. The interfaith harmony promotes the proclamation to live and let other lives calmly.<sup>1</sup>

According to the assessments of 2009 Malaysia's population was around 27 million, comprised of people from different ethnic groups, the three greatest being Malay, Indian, and Chinese. Smaller ethnic groups comprised of Iban, Bidayuh, Dusun, Melanau, Murut, Kedayan, Kadazan, Kelabit, and Bajau, among others these were the native gatherings of Sarawak and Sabah. Every one of the ethnic groups holds its character in terms of religion, custom, and language, making the country multiethnic, yet multicultural just as multireligious. All significant religions of the world are addressed in the country: Islam, Christianity, Hinduism, Buddhism, and Sikhism. There are different theologies about such kinds of religious diversities.<sup>2</sup>

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<sup>1</sup> Muqarrab Akbar and Hafsa Yaseen, "Interfaith Harmony in Pakistan: An Analysis," *Global Political Review* V, no. I (2020): 9–18, [https://doi.org/10.31703/gpr.2020\(v-i\).02](https://doi.org/10.31703/gpr.2020(v-i).02).

<sup>2</sup> Mohamed Fauzi Yaacob, "The Challenge of Religious Pluralism in Malaysia," *Journal of Oriental Studies* 21, no. 3 (2011): 166–77.

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## *Introduction*

Ecological sustainability is an international imperative to conserve ecosystems and biodiversity, and nations have passed laws and statutes that preserve natural assets and advance equitable growth. It is vital to look at how Islamic law and Pakistan's current laws regarding the environment interact given the backdrop of Pakistan, whereby Islamic values have a substantial impact on their legal and social structure. Exploring the parallels, contrasts, and possibilities for cooperation between these two legal systems is the goal of this analytical research.

Islamic law covers a comprehensive perspective that emphasizes the peaceful coexistence of people with their surroundings. It originates from the Quran and the enlightening words of the Prophet Muhammad. The idea of guardianship (Khilafah), which supports prudent and ethical handling of the planet's assets, safeguarding biodiversity, and ecological equilibrium is promoted by Islamic ethics. These guidelines give an Islamic approach to tackling climate change and achieving ecological viability.

The things, situations, and forces that exist around and have an impact on how a living thing or collection of creatures develops are collectively referred to as the environment. Humans are core living creatures, and the surroundings in which they live are referred to as biological networks or environments. A healthy environment is a fundamental requirement, particularly in emerging economies like Pakistan where individuals rely heavily on natural assets. In addition to wood, oil, and gas, mineral riches, water bodies, and immersed terrain, the notion of "natural resources" also refers to elements that meet human requirements, give to a society's safety,

happiness, and benefits, and are crucial to that society's wellness. There is a setting for every facet of humanity.<sup>3</sup>

Ecological sustainability refers to the use, conservation, and improvement of society's resources in a way that preserves the natural systems upon which existence thrives and improves the standard of living for current and subsequent generations simultaneously.<sup>4</sup>

### *Importance of Research*

The study of the preservation of the environment under Islamic law and Pakistani environmental legislation is very important in several ways.

- First and foremost, this research contributes to a greater awareness of how Islamic beliefs and environmental protection meet. Islam places a strong emphasis on the idea of stewardship, or khilafah, which refers to the sustainable management of the planet's resources. The investigation advances knowledge of compatibility by analyzing how Islamic law views environmental conservation.
- Second, the study is essential for evaluating the efficacy of Pakistan's current legislative structures for conserving the environment. Pakistani legislation regarding the environment has developed over time to address environmental issues, but to increase its effectiveness, it needs to be assessed for compliance with Islamic values.
- Thirdly, the research sheds light on the possibility of integrating and harmonizing Islamic values with the current legal framework.

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<sup>3</sup> Kibla Ayaz et al., eds., *Conservation and Islam*, 1st ed (Islamabad: World Wide Fund for Nature, 2003). p 16

<sup>4</sup> "Ecological Sustainability Definition," Law Insider, accessed May 31, 2023, <https://www.lawinsider.com/dictionary/ecological-sustainability>.

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A thorough grasp of the ethical and legal aspects of environmental conservation in Pakistan is fostered by the study of the analysis of environmental protection in Islamic law and Pakistani environmental law, which is of paramount significance. Based on Islamic rulings, it provides policymakers, legal experts, and academics with thoughts on how to improve the legal system, advance equitable growth, and cultivate peaceful coexistence between people and the natural world.

### *Research Objectives*

This study aims to:

- Provide an overview of key regulations regarding ecological conservation in Pakistan
- Delve into Islamic laws of environmental protection and sustenance
- Explore the intersection of Islamic laws and Pakistani environmental regulations

### *Research Methodology*

A qualitative research methodology along with analytical and comparative approaches have been applied in this research. Pertinent literature has been consulted such as:

- Related books and scholarly articles.
- Laws, acts, and other legal regulations.
- Case laws related to environmental issues.
- Islamic sources such as Quran and Hadith books.
- Magazines and Reports.

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### ***Limitation***

Pakistan has made numerous legal regulations for environmental protection and sustenance since its independence. Several federal and provincial acts, ordinances, rules, regulations, as well as governing bodies, are operational in Pakistan to safeguard the environment. Out of many acts and laws, this study will mainly focus on some key legislations such as the Pakistan Environmental Protection Act, of 1997. The present research is limited to certain regulations of Pakistan, but there is a vast field with peculiarities in this regard that can be investigated subsequently and give scholars more perspectives.

### ***Evolution of Environmental Laws in Pakistan***

During the initial period after Pakistan's freedom, ecological concerns did not receive paramount importance in the country's priority list. Nevertheless, with the swift industrialization and urbanization of the nation, issues regarding the depletion of forests, degradation, and the annihilation of habitats began to rise. The acknowledgment of these ecological predicaments has facilitated the escalation of societal consciousness and requisition for safeguarding the environment. The decades of 1970s and 1980s were a pivotal juncture in the evolution of Pakistan's environmental awareness. Environmental catastrophes such as the Sahiwal Power Plant pollution and the oil spill in Karachi have elicited significant public outcry and engendered a pressing need for environmental safeguarding. The aforementioned incidents prompted the government to initiate measures and formulate specialized laws aimed at tackling environmental issues. In 1997, Pakistan established the Pakistan Environmental Protection Act (PEPA) intending to establish a

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comprehensive legislative framework for safeguarding the ecosystem. The aforementioned legislation was instrumental in the establishment of the Environmental Protection Agency (EPA) at both the federal and provincial levels, thereby conferring upon them the authority to regulate and enforce environmental laws. The Policy and Environmental Protection Act (PEPA) delineates the fundamental concepts, benchmarks, and methodologies for conducting appraisals of environmental impacts, managing emissions, and implementing preservation strategies. The involvement of Pakistan in global environmental agreements and treaties has had a notable impact on the formulation of its national laws regarding the environment. Pakistan has pledged to conform its ecological legislation and regulations to worldwide standards by ratifying global accords like the Convention on Biological Diversity and the Paris Agreement. Pakistan's initiatives to safeguard the environment have been bolstered and its collaboration with countries around the world has been intensified in response to its international commitments.<sup>5</sup>

### ***Constitutional law and case laws for Environmental Protection***

The term "environment" is not mentioned anywhere in the text of the Islamic Republic of Pakistan's Constitution 1973. It does not prove that safeguarding the environment is not a legitimate statutory or constitutional entitlement, rather the constitution of Pakistan provides the basis of environmental protection and sustainability in many ways. The constitution articulates:

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<sup>5</sup> Irum Ahsan and Saima Amin Khawaja, "Development of Environmental Laws and Jurisprudence in Pakistan" (Philippines: Asian Development Bank, 2013).

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“No person shall be deprived of life or liberty save following law.”<sup>6</sup>

The word “life” enunciated in Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973 does not only mean the vegetative life of human beings but also includes the facilities and rights which are necessary for the proper and healthy living of human beings. As it is held by the honorable Supreme Court of Pakistan in the decision:

“Word life used in Art.9 of the constitution is very significant as it covers all facets of human existence. Word life has not been defined in the constitution but it does not mean nor can it be restricted only to the vegetative or animal life or mere existence from conception to death. Life includes all such amenities and facilities that a person born in a free country can enjoy with dignity, legally and constitutionally.” (PLD 2012 SC 292)

Life includes all ingredients essential for the maintenance, facilitation, and sustainability of a prosperous and healthy living on the planet.

The principle is that life does not only mean vegetative and animal life but also includes rights and amenities which are vital for proper human living. Further reliance is placed on the decisions passed by the superior courts.<sup>7</sup>

It is also held by the honorable Supreme Court of Pakistan:

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<sup>6</sup> The Constitution of the Islamic Republic of Pakistan, 1973, Article 9

<sup>7</sup> See. Cases. PLD 1997 Lah. 666, PLD 2010 Lah. 22, 1997 PLC (C.S) 666, 1996 CLC 1785

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“The state has to see that the life of a person is protected as to enable him to enjoy it within prescribed limits of the law” (2005 SCMR 1).

Environment is a pool in which human life has to swim and water is one of the necessities of life. In the absence of this quality of life cannot be ensured. The honorable Supreme Court of Pakistan has explained the right to have a clean and healthy environment in the case titled Shehla Zia VS WAPDA, Supra.<sup>8</sup>

The right to have clean drinking water is also a part of the right to life guaranteed under Art. 9 of the Constitution of the Islamic Republic of Pakistan, 1973. As it was held by the honorable Supreme Court of Pakistan in the case titled: West Pakistan Salt Mines Labour Union (Cba) Khewro Vs The Director, Industries And Mineral Development.<sup>9</sup>

The honorable Supreme Court of Pakistan has also explained the doctrine of use of natural resources in a case regarding the Cutting of trees for a canal widening project, in Lahore in 2011 SCMR 1743. This principle was also previously held by the honorable Sindh High Court in the case titled: Sindh Institute of Urology And Transplantation Vs Nestle Milk Pack Limited (2005 CLC424, Karachi)

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<sup>8</sup> Ms. Shehla Zia v. WAPDA, PLD 1994 SC 693

<sup>9</sup> West Pakistan Salt Mines Labour Union (Cba) Khewro Vs The Director, Industries And Mineral Development, Punjab, Lahore (1994 SCMR 2061)

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where The honorable court held in para no. 23 and 24 which are reproduced as under:

“No civilized society shall permit unfettered exploitation of its natural resources by anyone, particularly in respect of water which is a necessity of life. Groundwater is a national wealth and belongs to the entire society. It is nectar, sustaining life on Earth, and without water, the Earth would be a desert. I find myself in agreement with the principle of the Stockholm Declaration, 1972 as reproduced above in para 13 of this order that the natural resources of the Earth, including Air water, land, flora, and fauna especially representative samples of the natural eco system, must be safeguarded for the benefit of present and future generations through careful planning or management as appropriate.”<sup>10</sup>

“It is well settled that natural resources like air, sea, water, and forests are like public trust. The said resources being a gift of nature should be made freely available to everyone irrespective of status. “Doctrine of Public trust” as developed during the days of the ancient Romans Empire, enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial purposes. Even under Islamic law, certain water resources are to be protected from misuse and over-exploitation...”<sup>11</sup>

These case laws demonstrate that the protection of natural resources to sustain the environment has legal status and Pakistani courts are always active to play their part in this regard.

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<sup>10</sup> Sindh Institute Of Urology And Transplantation Vs Nestle Milk Pack Limited (2005 CLC424, Karachi), paragraph 23

<sup>11</sup> Ibid, paragraph 24

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## Legislation Powers on Environmental Issues and the 18<sup>th</sup> Amendment:

Understanding some aspects of Pakistan's constitutionally guaranteed institutional framework is required to understand the constitutional foundations of the executive and parliamentary powers engaged in environmental protection. The Constitution establishes constraints on the utilization of executive and legislative power in the relationship between the Federal government and the individual provincial governments.. Article 97 of the Constitution outlines the limitations of the Federation's administrative and legislative authority.<sup>12</sup>

The Parliament has the authority to enact laws that may have extraterritorial operation for the entirety of any specific region of Pakistan. Similarly, a Provincial Assembly is empowered to legislate for the Province or any of its designated areas.<sup>13</sup> After the 18th Amendment, there have been alterations to issues that Parliament is authorized to legislate upon.

The distribution of legislative authorities between the Federation and provincial governments is stipulated in 20 lists by Part V of the Constitution of Pakistan 1973. After world war II, global concerns regarding environmental safety were rising. Pakistan being a signatory of international conferences<sup>14</sup> and movements related to ecological issues, added the subject “environmental pollution and ecology” to the concurrent

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<sup>12</sup> The Constitution of the Islamic Republic of Pakistan, Article 97

<sup>13</sup> The Constitution of the Islamic Republic of Pakistan, Article 141

<sup>14</sup> Such as UN Conference on Human Environment, 1972, regarded as the first international document on Environmental protection

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list of the constitution. The, then, Concurrent List comprised a total of forty-seven matters that were open to legislative action by both the Parliament and Provincial assemblies. Following the 18th amendment, Concurrent Lists were eliminated, and a majority of the powers were devolved to the provincial governments.<sup>15</sup>

As a consequence, the Provincial governments of Pakistan got the legislative authority on issues related to the environment. But it does not mean that the federation has no rights about environmental issues. There are specific issues where the federal government has powers. For example, on national and international level issues, trans-provincial boundaries, affiliated zones, and areas of national significance such as national parks or sanctuaries. The federation plays its role in international obligations, policy framing, conventions, and conferences for environmental protection. On the other hand, in Pakistan, every province has its own designated organizations or sections that are entrusted with the responsibility of executing and upholding regulations pertaining to the environment within their respective jurisdictions. It's evident that both federal government and provincial governments are playing their parts in environmental protection and sustainable development.

### ***Key Regulations in Pakistan for Environmental Sustenance***

Pakistan has been struggling to safeguard the natural world and encourage long-term development. There are a variety of regulations, laws, policies, and strategies currently in effect that tackle sustainability issues, even though there isn't a set number of acts devoted exclusively to ecological

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<sup>15</sup> The Constitution (Eighteenth Amendment) Act, 2010  
[https://na.gov.pk/uploads/documents/1302138356\\_934.pdf](https://na.gov.pk/uploads/documents/1302138356_934.pdf)

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security. In Pakistan, some of the important laws and regulations pertaining to ecological preservation involve the following:

**1. Forest Act, 1927**

This law determines the administration, preservation, and safeguarding of Pakistan's woods. It offers guidelines for regeneration, stopping illicit logging, and utilizing woodland assets sustainably. The Forest Act, of 1927 grants provinces the authority to prohibit the drilling, cutting, and cutting of woods and bushes in restricted regions under Section 5 in violation of legal norms, as well as the removal of woodlands for agriculture, scavenging stalking, or eradicating woods.

**2. The Factories Act, 1934 (Amendment 2012)**

According to the Factories Act of 1934 and the Provincial Factory Rules of 1952, specifically Clause 14 regarding the "Disposal of waste Effluents," it is mandated that all factories must establish efficient systems for the disposal of waste and effluents generated during the production process. Failure to comply with these regulations may result in penalties for those who violate them. Section 33Q of the Factories Act enables provincial governments to establish regulations for factories that pose serious dangers of bodily harm, ingestion, and illness to individuals. The primary focus of this legislation pertains to the safeguarding of the physical and mental health, security, and prosperity of laborers, in addition to the disposal of non-liquid refuse and wastewater that have the potential to cause damage to both communal and individual assets. The aforementioned legislation also entails provisions pertaining to the appropriate handling and disposal of hazardous and toxic substances. The Factories Act has undergone afterward modifications, resulting in an important rise in the repercussions and fines imposed on individuals who engage in offenses under Sections 2, 13, 15, 16, 18, 23, 33K, and 33L,

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which pertain to the restriction of particles, fumes, and other hazardous substances. These higher punishments represent a notable departure from the previous charges levied against offenders.

**3. Pakistan Wildlife (Protection, Preservation, Conservation, and Management) Act, 1974**

The main idea of this law is to safeguard and preserve the various fauna and their respective ecosystems. The act of shooting, trading purposes, or catching species that are threatened is strictly prohibited in the absence of appropriate approvals.

**4. Pakistan National Conservation Strategy, 1992**

In 1992, the National Conservation Strategy (NSC) of Pakistan was approved by cabinet-level officials. The strategy served as the core Regulation with issues about ecological issues within the nation. The National Curriculum Statement (NCS) comprises a total of 14 fundamental domains, encompassing topics such as environmentally friendly growth, biodiversity preservation, and effective administration of resources.

**5. Pakistan Environmental Impact Assessment (EIA) Regulations, 2000**

These regulations necessitate the evaluation of probable ecological ramifications before the initiation of any developmental undertaking. Their responsibility is to guarantee that the execution of initiatives is conducted in an ecologically sound approach.

**6. Pakistan Biosafety Rules, 2005**

These rules govern the safe management, conveyance, and usage of genetically modified organisms (GMOs) to protect human health, biodiversity, and the environment.

**7. The National Environment Policy, 2005**

This policy aims to protect, conserve and restore Pakistan's environment to recover citizens' quality of life through sustainable

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development. The principal objectives of this policy are Conservation, restoration, and proficient management of environmental resources. Incorporation of environmental considerations in the policy-making and planning process. Capacity building of governmental agencies and other stakeholders at all levels for better environmental management.

#### **8. National Sanitation Policy, 2006**

The National Sanitation Policy of Pakistan presents a comprehensive structure and policy directions to the federation, provincial bodies, federation-managed territories, and municipalities. It aims to augment and bolster hygiene standards in Pakistan by devising sanitary conditions, plans, initiatives, and programs at all levels. The ultimate goal is to boost the lifestyle of the Pakistani populace and create an optimal natural setting. The central objective of this regulation pertains to ensuring cleanliness through the correct elimination of feces, which is achieved by utilizing clean facilities. This encompasses the creation of a setting that is devoid of any sort of assessment, in addition to the secure removal of both solids and liquid waste materials. Additionally, this policy aims to encourage the adoption of good hygiene practices throughout the entire nation.

#### **9. National Drinking Water Policy, 2009**

To tackle the crucial issue of guaranteeing a secure and environmentally friendly supply of fresh water across the country, the National Drinking Water Policy of 2009 was created. By emphasizing safeguarding resources and effective administration, the policy aims to advance the environmental environment while simultaneously guaranteeing equal access to clean drinking water for all inhabitants.

#### **10. Pakistan Environmental Legal Aid and Access to Justice Act, 2012**



This law guarantees the availability of ecological equity through the provision of legal assistance and backing to individuals or communities who encounter ecological issues or infringements.

**11. Pakistan Water Act, 2013**

The objective of this legislation is to effectively govern and preserve aquatic resources within the nation. The aforementioned measures are implemented to avert and manage contamination of water, while also governing the extraction and utilization of water resources.

**12. Punjab Environment Policy, 2015**

The Punjab Environment Policy of 2015 presents a comprehensive structure to tackle ecological concerns, including but not limited to the contamination of reservoirs with fresh water (7.1 and 7.2), atmospheric pollution (7.4), acoustic pollution (7.5), soil pollution and appropriate waste disposal (7.6), and global warming (7.12). This policy centers around the concept of sustainable growth to augment human welfare. The Punjab Environmental Protection Council has approved the regulation following Section 4 (b).

**13. Pakistan Environmental Laboratory Accreditation Act, 2017**

This act standardizes ecological workshops and safeguards their proficiency to excellent standards for principled and veracious ecological evaluation.

**14. Pakistan Environmental Quality Standards (PEQS) 2016**

The Environmental Protection Agency (EPA) of Pakistan provided these standards to regulate and monitor atmospheric, aquatic, and noise pollution.

**15. Pakistan Climate Change Act, 2017**

This act tackles the problems posed by global warming by encouraging actions to reduce carbon discharges, prepare for changing climate effects, and improve sustainability in many fields.

#### **16. Policy on Controlling Smog, 2017**

The Environmental Protection Department of Punjab implemented this plan to address the recent rise in smog-related problems. The policy outlines the immediate as well as long-term actions that will be taken to address the pollution problem. This strategy emphasizes the adoption of reduced sulfur energies while recommending the greening of manufacturing operations.

#### ***Pakistan Environment Protection Act, 1997- Foremost law for ecological sustainability***

Pakistan Environment Protection Act, 1997 (PEPA) aims to safeguard, preserve, restore, and enhance the natural surroundings, while also preventing and managing contamination, and advancing sustainable growth.<sup>16</sup> Pakistan acknowledged the necessity of enhancing its ecological regulations and governance structure, drawing inspiration from the core values articulated in the Rio Declaration 1992<sup>17</sup> and its Agenda 21<sup>18</sup>. Consequently, the Pakistan Environmental Protection Act (PEPA) was established in 1997 to offer an extensive legal entity to safeguard the environment and equitable growth within the nation.

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<sup>16</sup> Preamble of Pakistan Environment Protection Act, 1997

<sup>17</sup> The UN Conference on Environment and Development (UNCED), commonly referred to as the Rio Conference 1992, was a significant global gathering that convened participants from governments, international organizations, and various entities to engage in discussion on ecological concerns.

<sup>18</sup> Ayaz et al., *Conservation and Islam*. P 26

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According to the Act, the term "environment" encompasses a wide range of components, including but not limited to air, water, soil, all layers of the climate, all-natural substances, living things, the natural world and ecological interactions, constructions, highways, infrastructure, and pieces. Additionally, it includes all social and financial circumstances that impact community life, as well as the association among the aforementioned issues.<sup>19</sup>

The act is significant in Pakistan's environmental legislation history because it provided a framework for environmental protection. Pakistan Environmental Protection Agency was recognized under this act,<sup>20</sup> which played its part to implement the ecological policies. It was responsible take measures for sustainable development and synchronizing strategies and agendas on national and international levels.<sup>21</sup>

### *Islamic Law of Environmental Protection and sustainable development*

Muslims have received numerous commands from the Holy Quran and Sunnah to maintain sanitation and hygienic conditions. Islam has created standards for the societal, financial, and intellectual climate. Allah has blessed humankind with a balanced natural ecosystem; providing him with the flooring of Earth, the covering roof of the sky, and fruits for sustenance.<sup>22</sup>

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<sup>19</sup> Pakistan Environment Protection Act, 1997, Article 2 (x)

<sup>20</sup> Pakistan Environment Protection Act, 1997, Article 5

<sup>21</sup> Pakistan Environment Protection Act, 1997, Article 6

<sup>22</sup> Al Baqarah :22

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Allah Almighty made the world according to the humanoid necessities and arranged livelihood for him.<sup>23</sup> Everything in this universe is created for human beings,<sup>24</sup> and Allah has made man responsible to use these blessings in a moderate and justified way. Man is usually regarded as the “most favored species”<sup>25</sup> of God, for they have the authority over natural settings and other living things.

Here some points will be discussed to explore the intersection of Pakistani environmental laws (specially PEPA 1997) with Islamic law.

### *a) Ecological Stewardship*

Ecological responsibility paradigm can be referred to mitigate the loss of biodiversity and boost preservation, large shifts in behavior at communal and personal levels spanning businesses, authorities, and communities.<sup>26</sup> Pakistan Environmental Protection Act, 1997 entitles man to ecological stewardship. A wide range of articles of this act makes citizens responsible for regulating the natural resources and prohibits harmful acts for biodiversity.<sup>27</sup> Article 19 of the PEPA Act clarifies that even if a government authority or agency harms the environment, they will be accountable and punished accordingly.<sup>28</sup> It shows that Pakistani law implies the rule of ecological stewardship equally on govt and the public. It makes every Pakistani responsible for the protection of natural resources

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<sup>23</sup> Al Aa’af: 10

<sup>24</sup> Al Baqarah :29

<sup>25</sup> E. Kula, “Islam and Environmental Conservation,” *Environmental Conservation* 28, no. 1 (March 2001): 1–9, <https://doi.org/10.1017/S0376892901000017>.

<sup>26</sup> “Environmental Stewardship,” dhl.com, accessed June 4, 2023, <https://www.dhl.com/pk-en/home/insights-and-innovation/thought-leadership/trend-reports/environmental-stewardship.html>.

<sup>27</sup> See. PEPA Act, Articles 4, 6, 7, 11

<sup>28</sup> See. PEPA Act, Article 19

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and maintain biodiversity. Pakistani laws tackle concerns about pollution reduction, disposal of garbage, and ethical practices while emphasizing the preservation, advancement, and safety of the natural environment.

Islamic teachings highlight the need for responsible environmental behavior and the duty of people to ensure the proper care of the planet (Khalifah).

وَإِذْ قَالَ رَبُّكَ لِلْمَلٰٓئِكَةِ اِنِّىْ جَاعِلٌ فِى الْاَرْضِ خَلِيْفَةً

*“And when your Lord said to the angels, "I am going to create a deputy on the earth!"”<sup>29</sup>*

Allah has made man his “vicegerent” on earth. Western countries pride themselves on being pioneers in environmentalism, but in fact, environmental stewardship and protection have been a fundamental belief in Islam.

So, both Pakistani law and Islamic teachings advocate for the conservation and wise use of biodiversity as well as opposed to pollution and damage to the ecosystem.

#### ***b) Natural resource preservation and Sustainable Development***

Pakistan Environmental Protection Act, 1997 defines the term "sustainable development" as a form of progress that satisfies the requirements of the present day while safeguarding the capacity of subsequent generations to

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<sup>29</sup> Al Baqarah :30

fulfill their demands.<sup>30</sup> Pakistani law aspires to guarantee that growth operations are carried out in an ecologically friendly way and acknowledges the significance of sustainable growth. Pakistani laws and acts support managing the biodiversity of a community in such a way that it sustains for the long term to benefit the future. The PEPA contains provisions for the preservation and environmentally responsible management of natural resources, such as lakes and rivers, animals, and woodlands. A provincial sustainable fund was established to maintain biodiversity under this act.<sup>31</sup>

Rivers, lakes, and canals have lots of water but Islam didn't allow them to pollute or waste it.

Even if it is concerned to worship such as ablution for prayers, Islam sets limits for the use of water. Holy Prophet (PBUH) once warned his companion for overspending water in ablution and said prohibited it even on the bank of a waterway.<sup>32</sup>

Hadiths show that Allah's Messenger (PBUH) used to perform ablution in a specific amount of water (referred to as Sa'a).<sup>33</sup> These examples show the responsible use of resources.

Islam stresses natural resources management in such a way that guarantees long-term protection and utilization. Islam has provided man with extensive management paradigms such as water resources management,

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<sup>30</sup> Pakistan Environment Protection Act, 1997, Article 2 (xli)

<sup>31</sup> Pakistan Environment Protection Act, 1997, Article 10

<sup>32</sup> Sunan Ibn-e-Maja, The book of Purification and its methods, Chapter 48, Hadith 425

<sup>33</sup> Sunan Abu Dawood, The book of Purification, Chapter 44, Hadith 92

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forest resource management, and animal resource management to sustain mankind.<sup>34</sup>

Islamic teachings support ecologically sound growth by striking a balance between economic expansion and protecting the ecosystem. Islam promotes meeting the demands of humanity whilst protecting the next generation's privileges to earth's resources. Islamic Law: Islamic teachings place a strong emphasis on protecting and using natural resources sustainably.

Islamic law and Pakistani law both promote the conservation of ecosystems, the security of species in jeopardy, and the avoidance of overuse or wastage.

### ***c) Preventing Ecological Damage***

Ecological damage is one of the main causes of global warming and the depletion of the ozone layer, which are concerns of national and international significance. Balanced use of natural resources is the need of time. The PEPA 1997, forbids actions that hurt or pollute the natural world, such as the discharge of toxic materials, inappropriate disposal of trash,<sup>35</sup> motor vehicles noise and air pollution,<sup>36</sup> and air and water pollution.<sup>37</sup>

Islamic Law: Islamic doctrines forbid behaviors like pollution, forest loss, and overindulgence that are harmful to the planet. Islam supports the idea

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<sup>34</sup> Aqsa Tasgheer and Tehreem Fatima, "Sustainable Development and Natural Resource Management for Environmental Stability: An Islamic Approach," *International Research Journal on Islamic Studies (IRJIS)* 4, no. 1 (2022): 41–56.

<sup>35</sup> Pakistan Environment Protection Act, 1997, Article 11

<sup>36</sup> Ibid, Article 15

<sup>37</sup> Ibid, Article 16

of preventing mafsadah (harmed) and supports the maintenance of a sane and safe atmosphere.

Though man has control over worldly reserves by damaging them, man is spoiling his inhabitant. Numerous Quranic injunctions mention that man has the authority over earthly resources but at the same time, they guide man to safeguard them and not to damage them.

كُلُوا وَاشْرَبُوا مِنْ رِزْقِ اللَّهِ وَلَا تَعْثَوْا فِي الْأَرْضِ مُفْسِدِينَ

*"Eat and drink from the provision of Allah, and do not commit abuse on the earth, spreading corruption"<sup>38</sup>.*

Here "corruption" means every act that destroys the biodiversity and plunders the natural resources and the humans who destroys the biodiversity are referred as "Mufsid". Any kind of pollution that disturbs the natural world can be talked as Fasad (Corruption), as mentioned in Surah Rome:

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي  
عَمِلُوا عَلَيْهِمْ يَرْجِعُونَ

*Mischief has appeared in the land and the sea on account of men's doings that He may make them taste the same of their (evil) works: maybe they mend their ways"<sup>39</sup>.*

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<sup>38</sup> Al Baqarah 2 : 60

<sup>39</sup> Rome 30:41



This verse demonstrates that it is the man who destroys land and seas with his hands, and this is unforgivable in Islam to degrade the environment. Quran denotes that Allah dislikes the persons who are spoilers and destroyers of villages and stocks.<sup>40</sup>

Islam makes man accountable for the fair use of resources and for not polluting them even a little. Once the Messenger of Allah (PBUH) prohibited a person to urinate in the water.<sup>41</sup> So urinating in any water, flowing or stagnant is forbidden strictly. Holy Prophet (PBUH) said

“Avert three acts that cause the curse: Easing in the waterbodies, on the pathways, and in the tree shades.”<sup>42</sup> Islam is so much careful about the cleanliness of resources that the Holy Prophet (PBUH) prohibited putting hands in a utensil after waking up until they are washed properly.<sup>43</sup>

Animals are also a natural resource for ecological sustainability. Many injunctions are found for the protection, care, and treatment in Islam. The Messenger of Allah (PBUH) prohibited to slaughter of an animal that is lactating.<sup>44</sup> He strictly banned killing animals without utter need. These references from Quran and Hadith explicitly that Islam is all about compassion and sustenance, it prohibits all kinds of acts that pollute or destroy the natural world.

Pakistani laws are following Islamic teachings in this regard as they both make man responsible to protect the environment and not to disturb its natural flow by disrupting the ecosystem.

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<sup>40</sup> Ashua’ra 26: 151-152

<sup>41</sup> Sunan Abu Dawood, The book of Purification, Chapter 14, Hadith 26

<sup>42</sup> Sunan Abu Dawood, The book of Purification, Chapter 49, Hadith 103

<sup>43</sup> Sahih Bukhari, The book of drinks, Chapter 22, Hadith 5624

<sup>44</sup> Sunan Ibn-e-Maja, Chapters on Slaughtering, Chapter 7: Prohibition of slaughtering lactating animals, Hadith 3180

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#### *d)Public Consciousness and Involvement*

Pakistani law encourages local communities to partake in environmental policymaking procedures and fosters community mindfulness, participation, as well as consultation on environmental concerns. Pakistan has been a member of numerous conferences, protocols, and conventions related to the environment and it motivated its masses to play their part in this right cause.

Islamic teachings place a high value on participation in and interaction with the inhabitants of a community. There is a comprehensive and universal law, stated in surah Maidah:

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

*Support one another in acts of righteousness and piety, and do not assist one another in sin and transgression.*<sup>45</sup>

This is Islamic law that is the standard for cooperation and noncooperation. Ecological protection and sustainability are collective humankind responsibility. So, as of this Quranic principle, Muslim masses can unite with other nations, regardless of their religion, race, color, caste, and community.

Islamic law and Pakistani law both promote shared ecological accountability and emphasize the value of inter-national cooperation in defending and safeguarding the planet.

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<sup>45</sup> Al Maidah 5:2

### ***Modern-day Challenges to Ecological Sustainability in Pakistan***

The implementation of regulations and laws pertaining to the environment in Pakistan has been significantly facilitated by the establishment of regulatory bodies, such as the EPA. The Environmental Protection Agency (EPA), in conjunction with other specialized agencies and entities, bears the responsibility of overseeing, enforcing, and coordinating environmental management endeavors. These regulatory bodies are responsible for ensuring adherence to environmental regulations, granting authorizations, carrying out evaluations, and pursuing legal measures against individuals or entities that violate environmental laws. Pakistan has formulated and executed national ecological initiatives, tactics, and regulations to steer its sustainable development endeavors over time. The policy structures prioritize the incorporation of environmental factors into diverse sectors, including but not limited to industry, agriculture, and transportation. The crafting of environmental legislation has transformed a comprehensive and unified strategy for managing the natural world and promoting sustainable development. Notwithstanding the advancements achieved, Pakistan encounters diverse obstacles in the execution and reinforcement of ecological regulations. Scarce finances, deficiencies in resources, and the necessity for heightened public understanding and involvement persist as significant impediments. Additionally, forthcoming outlooks encompass the assimilation of equitable growth tenets into ecological laws and the inclusion of Islamic moral principles to augment environmental safeguarding endeavors.

### *Conclusion*

Ecological sustainability has been one of the most debatable issues of national and international concerns after World War II. Pakistan, as a developing country, has been enacting laws and legal frameworks to sustain itself as a “Green country”. Pakistani has an extensive ecological legal framework that includes laws, rules, and guidelines for preserving and protecting the natural world. It addresses particular problems that affect the nation, such as air and water pollution, logging, and warming temperatures, while drawing motivation from global agreements and principles. It's important to note that even though the Pakistan has a humanist legislative structure, but it shares numerous Islamic ideals and objectives with regard to preserving and protecting the planet. Pakistan faces obstacles in the efficient execution and imposition of environmental laws and regulations. The complete attainment of ecological sustainability goals is frequently impeded by various factors, including deficient organizational ability, graft, insufficient consciousness, and conflicting socioeconomic targets. Improving knowledge about the ecosystem within the common citizens, legislators, judicial entities, administrative bodies and religious experts is necessary to reconcile the disparities between Islamic principles and Pakistani law. Enhancing the effectiveness of institutions, enhancing cooperation in pertinent officials, and advocating for environmentally friendly behaviors at personal and social levels can potentially foster greater congruence between Shariah and the regulatory structure in Pakistan. The Islamic injunction emphasized a sustainable environment and accountable management of the planet's resources. However, the successful integration of those values into the legal framework of Pakistan necessitates continuous endeavors to tackle

organizational and community obstacles. Pakistan can make progress towards attaining goals related to safeguarding its biodiversity by enhancing its ecological management while encouraging a deeper comprehension of Islamic rulings on environmental issues.



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