

# ENVIRONMENTAL COURT CASES ACROSS THE WORLD

## Climate Change

### D.G. KHAN CEMENT COMPANY V. GOVERNMENT OF PUNJAB

Supreme Court of Pakistan, Decided: April 15, 2021

#### PAKISTANI COURT UPHOLDS GOVERNMENT BAN ON NEW CEMENT PLANTS

#### Parties

**Applicant:** D.G. Khan Cement Company

**Defendant:** Government of Punjab

#### Key Facts

The provincial government of Punjab issued a notification barring the construction of new cement plants or the expansion of existing cement plants in environmentally fragile zones called “Negative Areas.” A cement company owner challenged this notification on constitutional grounds, claiming that the law violated their constitutional right to freedom of trade, business, and profession under Article 18 of Pakistan’s Constitution, and also argued that the government acted in undue haste by issuing the regulation without full consideration of available scientific evidence that would go against the law.

#### The Court's Decision and Reasoning

##### Decision:

The Supreme Court rejected the company’s challenges and upheld the government’s consideration and issuing of the notification.

##### Reasoning:

The Court determined that the government’s decision was proper based on a consultant report, which found that new or expanded cement plans could cause further depletion of groundwater and other harmful environmental impacts. The court also emphasized the importance of the precautionary principle with respect to protecting the rights to life, sustainability, and dignity of communities in the areas that would be impacted by these cement projects. The court also recognized the need to protect the rights of nature itself. Further, the court highlighted the need for consideration of climate change in government decision making, with a particular emphasis on the impact of climate change on water resources. The court determined that the notification was a climate resilient measure in line with the National Climate Change Policy and Pakistan’s Constitution. Finally, the court emphasized the need to consider intergenerational justice in climate cases like this one, saying that courts had a duty to “decolonize our future generations from the wrath of climate change, by upholding climate justice at all times.”

#### What now?

This judgement effectively reads “climate democracy” into the fundamental rights guaranteed by Pakistan’s Constitution—opening the door for numerous other climate cases in the country that can build on this precedent. The judgement also alludes to the shift away from a human -centred view of the environment to an ecocentric view, which sees nature as having rights unto itself. This may signal that Pakistan’s highest court could be moving in that direction in a future decision.



## International Impact

While it remains to be seen whether the judgement's version of "climate democracy" will take off in jurisdictions elsewhere in the world, this decision is groundbreaking in its tone, its holding, and the laws on which it relies. This judgement relied not only on domestic laws, but it also cited numerous international treaties, conventions, and declarations. While many cases cite the United Nations Framework Convention on Climate Change (UNFCCC) or the Paris Agreement, few decisions from a domestic court have cited international environmental declarations and principles as extensively as this judgement.

## Key Issues

Climate democracy, intergenerational equity, depletion of groundwater resources, cement industry, local policymaking, climate justice, decolonisation

## Laws and Agreements Cited

### Domestic Laws:

Municipal laws  
Constitution of Pakistan

### International Agreements:

Rio Declaration on Environment and Development (1992)  
IUCN World Declaration on the Environmental Rule of Law (2016)  
Declaration presented at the 8th World Water Forum in Brasilia (2018)

## References & Further Reading

### Judgments

The judgment is available in English here: [Judgment](#)

### Further Reading

[IUCN - The D.G. Khan Cement Case: Pakistan Judiciary Again Leads the Way](#)

For more information:

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