

CLIMATE CHANGE, WATER CRISIS, AND THE UNFULFILLED CONSTITUTIONAL DUTIES OF THE STATE (ARTICLES 9 & 14) IN PAKISTAN: A LEGAL AND GOVERNANCE ANALYSIS OF SYSTEMIC STATE FAILURE

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Abstract

Pakistan is among the nations that are highly exposed to climate change and are facing an acute water crisis in which the availability per capita has gone below the threshold of scarcity. This combine of convergent hydro-climatic menace is exacerbated by structural governance failures, which essentially convert an environmental dilemma into a serious constitutional crisis. This paper claims that the consistent inability of the State to address the consequences of climate change, to grant water security and to control the vital infrastructure is a direct yet unfulfilled violation of the basic right enshrined in Articles 9 (Right to Life) and 14 (Dignity of Man) of the Constitution.

The discussion outlines the proactive interpretation provided by the superior judiciary in areas such as the landmark cases of Shehla Zia and Salt Miners to create climate resilience, inter-generational justice as well as the right to unpolluted water as the compulsory elements of a dignified life. Nevertheless, systemic neglect is defined by the executive and legislative performance, such as dismal infrastructural inefficiency, such as more than 50 percent conveyance loss of canal water, chronic policy-to-action deficiencies, and financial incoherence in climate adaptation. Such institutional failure leads to a quantifiable population health crisis as poor access to clean water causes a substantial fraction of unnecessary deaths every year.

The fundamental diagnosis is that failure to govern and distributional inequity, rather than the inadequacy of resources is the problem. The article ends with some prescriptions of the remedial frameworks that are required to be implemented with the help of strict judicial enforcement by providing the Public Interest Litigation and profound economic policy changes, including the consent of reforming the water tariffs and obligatory investment in asset management to make the State act according to the Constitution and to protect the life and dignity of the population.

INTRODUCTION

Pakistan is experiencing a disastrous and multiplied environmental crisis, fueled by intensified effects of climate change interplaying with highly systemic governance failures. Climate risks are considered to be

one of the most sensitive areas in the country with the country being ranked 7th on the climate risk index, and this makes it highly susceptible to disastrous hydro-meteorological phenomena like intense

monsoon rains, record floods, and sustained drought periods. This hydro-climatic variability directly puts a harsh national water crisis on the ground, an issue that transcends the scope of resource management and enters the very territory of the basic rights specified in the Constitution (Ishaque et al., 2022, Pearce, 2025).

This situation is urgent, as it is highlighted by the fact that the amount of water per capita in the country has dramatically decreased. In 1962 per capita availability was 5,237 cubic meters per year; nowadays, because of an incredible increase in population and the same amount of water, availability has dropped to less than 1,000 cubic meters per year and the nation can be characterized as a water-scarce nation (Accountability Lab, 2023). This extreme scarcity and the pollution of the available resources are not abstract concepts; about 40% of all the surplus deaths each year in Pakistan can be directly or indirectly connected to the lack of water clean. This grim mortality figure offers objective measures that the State failure to act has gone beyond bad policy to the state of constitutional harm (Habib, 2021). Therefore, the dilemma is essentially one of structural governance, in which long-standing constitutional requirements are routinely disregarded, thereby sustaining inequality and jeopardizing the lives and dignity of millions of people (Sattar, 2023).

The water crisis and climate in Pakistan has been increasing drastically in recent decades. Water availability per capita is now less than 1,000 m³ (reduced to 5600 m³ in 1947), ranking Pakistan the 15th most water stressed country in the world (Mahmood, 2025). This scarcity is made worse by climate change that is experienced in record floods and droughts. This paper provides empirical correlates of these challenges with constitutional responsibilities of the state (Jamal, 2025). The approach of the doctrinal-analytical analysis, allows us to study legal texts (constitutional provisions, water laws, climate policy) and the most recent climate and hydrological data. The value in novelty is that quantitative water-climate indicators and rights-based legal analysis are triangulated: the study demonstrates what explicit constitutional guarantees (e.g. the right to access to sufficient water (27(1)(b)) in South Africa (Fasken, 2021)) and emerging jurisprudence (e.g. e.g. India's new fundamental "climate-right" under

Articles 21/14 (Chhapolia, 2025)) against the implementation gaps persistent in Pakistan. The study finds that there is a severe mismatch of legal promises against results, and this is institutional weakness and policy inertia. Such interdisciplinary approach based on the environmental constitutionalism and state-capacity theory underscores tangible policy change and research priorities to discontinue the gap between the ideals of Pakistani constitutionalism and the water-climate reality on the ground.

The main argument of this analysis is that the continued inability of the State to reduce the effects of climate, adapt the infrastructure, and provide fair access to clean and safe water is a direct and systematic violation of the basic rights promised by the articles 9 (Right to Life) and 14 (Dignity of Man). The executive and legislative branches have displayed inertia in policy and institutional inability; whereas the high court in Pakistan has taken the initiative to provide a broader interpretation of these articles to include the right to a clean environment, climate justice and clean water.

The recent water crisis is associated with profound issues of equity, access, and inter-sectoral allocation, shifting the discussion out of a purely physical, Malthusian, concept of scarcity. The canal water wasted by inefficient conveyance systems and the inability to serve more than one sector (agriculture) with these resources is a failure in the management of the resource base, which places the constitutional liability of the denial of basic necessities squarely on the State. This report will, thus, continue by exploring the scientific causes of the crisis, the broad interpretation of Article 9 and 14 by the judiciary, the systemic institutional failures, and offer specific legal and policy solutions that will force constitutional adherence.

1.1 Research Gap and Contribution

Despite the fact that the constitution and the policies adopted by Pakistan nominally acknowledge environmental and water security, there is a lack of literature linking these legislative and policymaking centers with the existing climate facts and governance deficiencies. The available literature mainly deals with the water law or climate policy separately without considering the current trends in the area that have been documented in recent years. Specifically, the

literature offers a scarcity of discussion regarding the relations between the worsening water indicators (e.g., per-capita supply, rates of droughts) and the state compliance with the constitutional obligations. This gap is bridged in this paper, which amalgamates quantitative climate/water data with the doctrinal legal analysis. We do this by evaluating the acute water-climate indicators in Pakistan (e.g., by indicating that in 2023, more than 80 percent of the country experienced drought) and by comparing them to the legal requirements of the state.

Literature Review and Theoretical Framework

2.1 Environmental Constitutionalism

Constitutions across the world are increasingly putting in environmental rights and state obligations. There are more than 155 countries in which laws or constitutions ensure a healthy environment. Environmental constitutionalism is focused on both the individual rights (e.g. to clean water or air) and the interdependency of the state concerning the protection of the natural systems. In the Pakistan, the general rights to life and dignity (Articles 9 and 14) were understood to mean environmental protection and this is reflected in the Climate Change Act (2016) and National Climate Change Policy (2012), which expresses the state obligations regarding climate mitigation. Nevertheless, its enforcement is low. In comparison, the Constitution of South Africa is quite direct in stating the socio-economic rights: Section 27(1) (b) mentions that all people are entitled to the right to have access to enough water, and Section 24 gives the right to a healthy environment. Such interpretation of the right to life (Article 21) was longstanding in India as the Supreme Court read it to encompass clean air, water and safe environment. Most importantly, in 2024 the Supreme Court has made an additional leap in recognition by the constitutional right of citizens to be free of the adverse effects of climate change under Articles 21 and 14 in India. These movements are the way to show how environmental constitutionalism may develop, as implicit obligations towards explicit rights, using jurisprudence. This literature contextualizes our discussion of the constitution structure of Pakistan and its (frequently unrealized) pledge to environmental justice.

2.2 State Capacity Theory

State capacity theory offers the means of researching the issue of why governments are unable to enforce the policies even in case these policies are written on paper. State capacity can generally be described as the capacity of a state to enact its policies of choice. It possesses two complementary dimensions. The institutional capacity denotes the resources of the state, law-making tools, organization, and knowledge (e.g. regulatory agencies, funding, technical knowledge). Infrastructural power (relational dimension) involves the capacity of the state to make coordination and collaboration with the society - NGOs, local governments, communities - to realize the policy objectives (Bell, 2022). When applied to environmental governance, such a framework clarifies why even the best laws can fail where the agencies are under-funded, the agencies having poor autonomy or poor enforcement of the policies. The situation in Pakistan is full of indicators of poor state capacity (e.g. long-term underinvestment in water agencies, overlapping jurisdiction, slow adoption of policies). We use this prism to comprehend how the formality of the Pakistani responsibilities (e.g. climate policies and fundamental rights) is at variance with the fact of perennial water shortages and exposure to calamities.

2.3 Comparative Context

A comparative approach gives emphasis to the interplay between the legal structures and the capacity limitations. The example of India and South Africa is instructive. In India, the Constitution does not provide an express environmental right, but the judiciary has developed an ingenious application of environmental and climate rights through the right to life (Dijk, 2024). The recent *M.K. Ranjitsinh & Ors. v. Union of India & Ors.* (2024) case was a clear indication that climate change is connected with the fundamental rights, as it was explicitly stated in the judgment (Jolly and Trivedi, 2025). But India has its implementation loopholes too (e.g. in the control of pollution, in the conservation of wetlands). South Africa on the other hand has explicit constitutional provisions: on the one hand, in Section 24, everyone has the right to an environment that is not harmful to their health or well-being in addition to water (Wadieh, 2025). This has facilitated ground-breaking verdicts regarding water access (e.g. Phiri case on free

basic water (Dugard, 2010)) and ecological law on water (National Water Act 1998) in favor of human and ecological priorities. Nevertheless, South Africa is not an exception, since it still struggles with problems like infrastructural deterioration and ineffective service provision, indicating that rights on their own cannot guarantee results. These comparative instances depict that solid constitutional promises are not enough without the ability to enact them. They shape our conceptual models and indicate that the answer to the Pakistani situation has to be both more grounded in the law and the institutions.

Theoretical Framework

In an attempt to appeal to a global academic audience, this discussion situates the constitutional crisis of Pakistan as a part of the global trend of Constitutionalization of socio-economic and environmental rights. Such a tendency can be observed as the reaction of the judiciary to the inaction of the executive and legislative branches in the matter of endangering the basic human needs, in other words, actively turning aspirational rights into the concrete legal requirements.

The development of progressive jurisprudence on Articles 9 and 14 added directly to the international academic discussion of the so-called right to a healthy environment and how the common law judiciaries exploit the so-called right to Life as a penumbral right (a flexible vehicle) to impose positive state obligations to the common good, with no explicit environmental provisions. It is this judicial development which makes the State take some proactive, protective actions against environmental dangers, something which is very much needed in the developing countries which are being struck by the effects of climate change at a fast pace.

The Hydro-Climatic Reality: Climate Change and the Compounding Water Crisis

Climate Change as a Cause of Hydrological Extremes
The geography of Pakistan is diverse, and it makes it vulnerable to various climate-induced disasters (CIDs) (Lohano and Mari, 2020). Fundamentally, climate change interferes with the national hydrological cycle, causing extremes that push the national capacity of the existing water management infrastructure to its breaking point. The symptoms of this danger are

dispersed very differently across regions, and they require complicated, local adjustment measures (Law and Justice Commission of Pakistan, 2024).

The climate change in the north occurs with less snowfall time, more rainfall, and smaller size of the over 5,000 glaciers it accommodates. These dynamic forces intensify the risk of Glacial Lake Outburst Floods (GLOFs) in the Upper Indus Basin posing serious short-term risks to human and physical lives. The planes of Punjab and Sindh, on the other hand, are subject to prolonged and intense heatwaves that have a devastating effect on agriculture and human health and are accompanied by more frequent and extreme riverine floods. Moreover, the CIDs are reflected along the coastal belts of Balochistan and Sindh in the form of rising frequency of tropical storms, heavy rains along the coast, and harmful seawater intrusion which reduces arable land and pollutes fresh water supplies (Government of Pakistan, 2021, Law and Justice Commission of Pakistan, 2024).

The effects of such changing climatic patterns can be seen in the current events, including the winter season of 2024- 2025 between December and March. The year was marked with below average rainfall status in the entire country matched with national mean temperatures of months that were consistently above normal. This water scarcity had a deep impact on the water supply and the productivity of agriculture, especially exacerbating the drought in the dry lands such as Balochistan and Sindh (National Disaster Management Authority, 2025). The increased temperatures increased rates of snowmelt in the North, but also increased rates of crop development and demand on early irrigation in agricultural areas, which had direct pressure on the already limited water resources and worsened the presence of water gap. This demand surge under the influence of climate immediately revealed the gross inadequacy of the low storage capacity and poor conveyance system in Pakistan, and was a confirmation that climate variability is intensifying already existing structural weaknesses in water governance.

4.2 Structural Water Scarcity and Mismanagement.

This physical weakness that arises due to CIDs is augmented by the presence of mismanagement that

has persisted over time and poor infrastructure. The country is acutely exposed to the reliance of the single Indus River System which serves practically all of its water requirements. The country is using over 70 percent of its total renewable water resources and it is under severe water stress (Food and Agriculture Authority, 2021).

The greatest collapse is the huge system inefficiency of the irrigation system. According to the National Water Policy of 2018, more than half of the canal water diverted of the Indus system does not reach the fields because of decaying condition of the irrigation infrastructure (Nazli et al., 2024). This massive loss of conveyance is an admission of lacking fundamental asset management and maintenance that necessitates heavy financial capital at the present level of financial capability because of nominal irrigation tariffs and ineffective cost recovery throughout the water use continuum (Food and Agriculture Authority, 2021).

What makes the matter more complex is that there is a radical imbalance in the distribution between the two sectors and the agriculture sector consumes about 95 percent of the overall water usage. Although this dominance is characteristic of agrarian economies, this massive withdrawal lacks efficiency that puts too much strain on the scarce resource base jeopardizing water availability to serve basic human and industrial needs. This distributional injustice is directly translated into social delivery with less than 40

percent of households in such a big metropolis as Karachi having piped water (Sattar, 2023).

4.3 Health and Social Effects of Neglect

The inability to manage water effectively and fairly has direct catastrophic effects on the health of people and their social life. There is a lack of proper sanitation facilities and grossly polluted drinking water, which has bacterial and chemical pollutants, are widespread especially in rural Pakistan. This pollution is one of the major causes of child stunting and diarrheal disease, which demonstrates a huge community health crisis inherently connected with design, maintenance, and water quality regulation failures (World Bank Group, 2018).

The nexus between drought, pollution and insufficient municipal capacity of the rural Sindh and the Balochistan implies that the risk of climate directly denies less favored groups essentials needed to achieve human dignity. These chronic droughts are also a potent source of push factor as more and more rural-urban migration is being caused by changing climatic conditions as more citizens seek stability about their resources and other basic needs (World Bank Group, 2018, Sattar, 2023).

The next table provides the summary on the extent of water crisis in terms of management failure and constitutional implications:

Metric	Value	Constitutional (Articles 9 & 14)	Implication	Source
Per Capita Water Availability (m ³ /year)	< 1,000	Definitional	water scarcity; foundational threat to life and basic needs.	(Habib, 2021)
Total Renewable Water Withdrawal (%)	> 70%	Acute water stress;	unsustainable management practices.	(Food and Agriculture Authority, 2021)
Canal Water Conveyance Loss (%)	> 50%	Institutional failure and inadequate asset management;	exacerbates scarcity.	(Nazli et al., 2024)
Intersectoral Distribution (Agriculture) (%)	95%	Distributional inequity;	compromises water for essential household and health needs.	(Sattar, 2023)

Excess Deaths due to ~40%
Unsafe Water (%)

Direct quantifiable violation of the
Right to Life (Art 9). (Nazli et al., 2024)

Water and Environment Constitutionalization: The Judicial Mandate (Articles 9 and 14).

The role of the Pakistani judiciary especially the Supreme Court in defending the basic right to the environment and water by a liberal and progressive interpretation of Article 9 (Right to Life) in the constitution and Article 14 (Dignity of Man). Under this jurisprudence, a positive constitutional duty on the State is established and the environmental and water crisis is not defined as a national or policy choice but rather as a constitutional requirement that leaves the State with no choice.

5.1 The Expansive Interpretation of the Right to Life (Article 9)

The superior courts have, since the early 1990s, declined a narrow interpretation of Article 9 by arguing that the term life should receive a broad interpretation such that it will allow an individual not only to maintain a vegetative existence but also to lead a full life (Swan, 2018). This judicial activism was established in the landmark case of *Shehla Zia v. WAPDA* (1994).

In *Shehla Zia*, the Supreme Court posed the question, whether, the right to life and dignity could be safeguarded if the citizens were not given access to a clean atmosphere and a healthy environment. The court decided that citizens have a right to protection against being subjected to environmental dangers (Sustainable Development Policy Institute, 2002). This ruling led to the establishment of environmental rights as the fundamental human rights that were implicitly addressed in Articles 9 and 14. Most importantly, the court in the ruling was persuaded by the principles of international environmental law, including the precautionary principle and thus established them as part of the domestic legal system although Pakistan had not signed the Rio Declaration when this judgment was reached.

5.2 Unpolluted Water as an Inherent Component of Dignity (Article 14)

The constitutional relationship between the human rights and water security was clearly determined in *Salt Miners v. Industries and mineral development director* (1994). In this decision, it was established that clean water is not only a government service, but also an inalienable part of the basic rights guaranteed in the Constitution (Swan, 2018).

The Supreme Court clearly indicated that, in any situation where there is lack of water, accessibility is hard or challenging, the right to receive water without pollution and contamination is a right to life. Moreover, in the joint reading of Article 9 and Article 14 (which proclaims the inviolability of the dignity of man), the Court portended a fundamental question: could someone be said to have dignity when his right to life is below the line of the bare necessity, in the absence of clean water, food and health services. Later jurisprudence approves that the case of municipalities that do not supply their citizens with potable water directly breach Articles 9 and 14 because the quality of life of inhabitants, such as adequate water and sewerage, is raised to the status of a constitutional right (Swan, 2018).

5.3 Climate Justice and Inter-Generational Equity as an Institution.

In more recent times the jurisprudence of Pakistan has been extended to the multifarious aspect of climate change that requires that the State take positive action to guarantee sustainability and inter-generational equity. The Lahore High Court, in the internationally acclaimed *Asghar Leghari v. Federation* (2018), expanded the scope of environmental justice to formally include Climate Justice (Human Rights Commission Pakistan, 2025). This ruling supported the assertion that the inherent right to life, liberty, and dignity necessitates the implementation of international environmental principles, which are sustainable development, precautionary principle, inter and intra-generational equity and the doctrine of public trust (Human Rights Commission Pakistan, 2025). This jurisprudence puts

a clear mandate of the State to engage in active measures of mitigation and adaptation of climate. As an example, the Supreme Court, in *Shah Zaman Khan v. Govt. of Khyber Pakhtunkhwa* (2023), reiterated the constitutional obligation of forest conservation legislation, and that conservation of forests is essential to absorb carbon dioxide and counter global warming thereby protecting the well-being of the future generation (Law and Justice Commission of Pakistan, 2024).

The constitutional case law supports the fact that the judiciary perceives protection of the environment and water security as positive State obligations. The judicial system is playing the leading role of the main protection by Public Interest Litigation (PIL) where the executive and legislative branch is showing lack of concern to the pressing environmental and water demands of the citizenry (Sustainable Development Policy Institute, 2002).

Table 1 Judicial Expansion of Constitutional Rights (Articles 9 & 14) and State Obligations

Landmark Case	Constitutional Articles Referenced	Key Judicial Principle Established	Constitutional Principle Imposed on State	Duty
<i>Shehla Zia v. WAPDA</i> (1994)	Art. 9 (Life), Art. 14 (Dignity)	Right to a clean and healthy environment; Precautionary Principle adopted.	Duty to protect citizens from environmental hazards; mandate for public involvement.	
<i>Salt Miners v. Director, Industries</i> (1994)	Art. 9 (Life), Art. 14 (Dignity)	Right to unpolluted water is intrinsic to a dignified existence ("life itself").	Duty to prevent contamination; ensure potable water supply.	
<i>Asghar Leghari v. Federation</i> (2018)	Art. 9 (Life), Art. 14 (Dignity)	Incorporated Climate Justice, Inter-generational Equity, and Public Trust Doctrine.	Duty to actively implement climate adaptation strategies and protect food security.	
<i>Shah Zaman Khan v. Govt. of Khyber Pakhtunkhwa</i> (2023)	Art. 9 (Life), Welfare State	Forest conservation is crucial for climate change mitigation (carbon sinks).	Duty to rigorously enforce forest protection laws for ecological balance.	

6. State Failure and Governance Gaps: The Systematic Breach of Duty

Executive and legislative efforts to resolve the water and climate crisis are typified by institutional paralysis and governance incoherence despite the obvious and forceful constitutional mandates put in place by the superior courts. This is a standard failure of judicial policy by executive action, which is the heart of the constitutional dereliction of the State.

6.1 Policy Recognition/Implementation Paralysis

Individual frameworks, including the National Climate Change Policy (NCCP 2012, revised in 2021) and the National Water Policy of Pakistan (NWPP 2018), have been developed by Pakistan (Mumtaz et

al., 2020, Mumtaz, 2018). The essential weakness however is the implementation of these policies.

The NWPP, which was to offer an all-encompassing approach to addressing the water security issue, is marred by the lack of a consistent structure and gross inconsistencies in the formulation of the specific responsibilities of the federal and provincial governments. Institutional perplexity compounded by the intricacies of the 18th Constitutional Amendment on resource administration, does not allow national action to be taken. The general policy implementation is still lagging, the implementation of the regulations is poor and the incorporation of climate adaptation into the water management strategies is extremely lacking (Mumtaz et al., 2020).

In the same way, the NCCP, which is the host to the climate commitments of Pakistan, has gaps between

its policies and actions. As an example, the Alternative and Renewable Energy Policy (AREP 2019) aims to produce 30% of the energy through renewable energy by 2030, whereas at present, the country produces less than 5 percent of energy through renewable energy. This weakness continues to challenge the use of carbon intensive energy as it provides more than 40% of the overall GHG emissions and is directly in conflict with the constitutional obligation of mitigating environmental harm as declared in climate justice jurisprudence (Wazir et al., 2024).

6.2 Institutional and Financial Incoherence

The constitutional violation at the greatest level is the basic infrastructure maintenance and financial commitment level. The inability to perform Operations and Maintenance (O&M) and asset management which leads to more than 50% of the canal water being lost is not just an act of administrative omission; it is an act of direct contravention of the positive obligations under Salt Miners and Shehla Zia to conserve the resource base that is essential to life and dignity (Nazli et al., 2024). This is a failure that is entrenched in weak local government. The lack of technical capabilities and financial budgets on the O&M causes failure in design of water and sanitation schemes (World Bank Group, 2018). Most importantly, when the rural water systems are handed over to poor community-based organizations (which are usually ill-equipped and inadequately prepared to handle this) then the schemes are pre-programmed to fail and the result is inevitably the utilization of highly polluted water sources and the subsequent outbreak of a public health crisis (40% excess deaths) (Sattar, 2023). The failure of the executive to provide working infrastructure, even under the court orders of providing unpolluted water, portrays a deliberate failure to uphold life and dignity (World Bank Group, 2018).

Moreover, the State is not investing the massive amounts of finances that are needed to adequately respond to climate change. Its climate targets, such as the necessary infrastructure improvements to manage water, depend on their ability to raise a minimum of \$100 billion in climate finance and fill a 12.5 billion per year funding gap on Sustainable Development Goals (SDGs). Such a huge monetary inaction,

considered in the light of the constitutional requirement of the inter-generational equity in Asghar Leghari is a grave dereliction of duty, which implies a neglect in giving resilience to existential threat (Mumtaz, 2018).

6.3 Economic Policy Contradictions and Inequality

The failure of governance is further worsened by economic policies that encourage unsustainable practices. The water tariffs remain very low in all the sectors, which does not allow the required cost recovery to run operations, maintain and modernize the infrastructure sustainably. Such subsidy culture compromises the very opportunity of meeting the constitutional mandate of delivering clean water infrastructures (Food and Agriculture Authority, 2021).

Equity in the distribution of resources is a failure that can be vividly described by the opposing realities of water utilization. The rural parts of Balochistan and Sindh are experiencing the conditions of endemic drought that compel population resettlement, but we are also witnessing the explosion of water-hot projects of urban beautification and upscale residential housing (Sattar, 2023). Such is a very obvious distribution pattern in that it serves the economic interests of the rich urban elite, rather than the fundamental constitutional rights of those rural populations who risk being deprived of their basic dignity in man (Article 14), and that is what solidifies the distributional imbalance that subsumes the dignity of man (Article 14) in the lives of those who live below the line of the bare necessity.

This institutional failure continues hence taking the analysis beyond the technical incompetence to the entrenched political economy of inaction. The main reason behind policy paralysis is the strong interest group capture, especially of the big agricultural lobby (Pakistan Meteorological Department, 2012, Food and Agriculture Authority, 2021). The system of extraordinarily low water tariffs directly helps this lobby and resists economically sensible reforms such as the implementation of meters and tariff increases that would raise the needed capital to operate, maintain, and modernize the irrigation system and make the failure in the 50% conveyance loss directly

possible (Human Rights Commission Pakistan, 2025, Nazli et al., 2024).

This institutionalized negligence is also reinforced by the elite privilege, in which the distribution of resources in the State is biased towards water-consuming urban beautification and high-end residential housing developments, rather than basic resource supply to the vulnerable urban majority (Pakistan Meteorological Department, 2012). Such distribution pattern shows direct diversion of political focus and finance resources to luxury services to the few, entrenching the distributional injustice that deprives the dignity of man (Article 14) to those living below the bare necessity line in drought prone areas (Sattar, 2023, Pakistan Meteorological Department, 2012).

Furthermore, institutional incentives are out of whack because politicians and bureaucrats often favor new projects that are visible and expensive (like dams and new canals) that will earn them political capital and rents in the long run over the long-term, boring, but constitutionally required duty of Operations and Maintenance (O&M) of existing, failing infrastructure (Pakistan Meteorological Department). This institutional bias makes sure that infrastructure keeps falling apart, which keeps the cycle of constitutional breach going (Nazli et al., 2024).

7. Places to Constitutional Achievement: Remedial Legal and Policy Frameworks

The route to the accomplishment of the constitutional responsibilities stated in Articles 9 and 14 begins with a decisive change in State activity not merely in the statement of the policy but in strict measures of the programs, economic responsibility and direct correlation of the institutions.

7.1 Strengthening Judicial Enforcement and Public Interest Litigation (PIL)

The judiciary should employ the existing activist position it has in ensuring that it enforces the required compliance with the current constitutional requirements. This future Public Interest Litigation must strategically insist, with provable evidence of practice and budgetary responsibility of that State, not on the existence of policy documents. Courts have to shift their emphasis towards establishing rights by

enforcing the institutional and practical methods of their realization.

7.1.1 Imposition of Financial Requirements

On the basis of the case of Asghar Leghari, the law should be used to force the executive to prepare comprehensive plans within a definite timeframe to ensure the realization of the identified climate finance and bridging the colossal gaps in financing water and climate resilience. The courts must compel the government to also show quantifiable measures of output like effective fund disbursement on O&M or confirmed decrease in conveyance losses, and directly correlate executive performance with constitutional performance (Mumtaz, 2018).

7.1.2 Streamlining Justice

To enhance the enforcement of the environmental laws and to instill more confidence in the people, policies such as Alternative Dispute Resolution (ADR) systems must be established in order to have quick disposal of the routine pollution cases. The capacity of the established Environmental Tribunals can be boosted since this mechanism can offer ready solutions to the victims of pollution without undergoing a lengthy formal legal action (Kiran et al., 2023).

7.2 Integrated Water Resource Management (IWRM) and Infrastructure Reform

A radical overhaul of water management practices is mandatory to address the systemic inefficiencies that underpin the constitutional breach.

7.2.1 Economic Policy Reform

State should take serious economic steps, especially increase water tariffs in all sectors of water use especially agriculture to recover all the costs. This is necessary in order to generate the internal financial resources needed to carry out operation, maintenance and modernization of key water infrastructure which is currently collapsing and resulting in constitutional breaches (Food and Agriculture Authority, 2021).

7.2.2 Efficiency and Regulatory Requirement

Immediate investment and tougher regulatory action is needed to cut drastically the shocking 50% conveyance losses (Nazli et al., 2024). Moreover, in the

agricultural sector, new efficiency requirements and technologies should be implemented to maximize the 95% of the water consumption rate, which will be used to meet the primary household and environmental demands, thereby resolving the fundamental distributional inequity (Sattar, 2023).

7.2.3 Climate Resilience Integration

The policy changes should not be limited to broad objectives but they should be able to incorporate the high-priority climate adaptation activities into every water management plan. This involves the better early warning systems of GLOFs and floods and building of climate resistant water harvesting and storage facilities in order to deal with the unpredictable rainfall pattern (Pakistan Meteorological Department).

7.3 Institutional Alignment and Capacity Building

To solve the constitutional violation, it is necessary to overcome the institutional confusion between federal and provincial governments, especially in terms of the NWPP implementation (Mumtaz et al., 2020).

7.3.1 Elucidating Institutional Roles

An enduring, high order, institutional arrangement has to be put in place to sort out the grey areas, to put resources into place and to bring about coherent and unanimous action on water policy implementation between the federal and provincial governments. This body must possess the mandate of enforcing the law in all state bodies.

7.3.2 Empowering Local Capacity

There should be specific programs to increase the technical capacity and training and, above all, the financial resource of the local government bodies that are to maintain the standards of O&M and sanitation. It is important to free the burden of O&M by poor, unsupported community-based organizations so as to avoid the infrastructural breakdown that directly results in contamination and denial of the right to clean water.

8. Conclusion

Climate change and water scarcity convergence crises in Pakistan are not only ecological and economic issues; it is a constitutional crisis of the structural inability of the State to fulfill the stipulated rights to

life (Article 9) and dignity of man (Article 14). The discussion indicates that the judiciary of the higher level has long offered the legal framework required, deciphering these basic rights to require a clean environment, water that is not polluted, and proactive climate justice practices. But the executive and legislative branches have reacted with decades of policy inaction, institutional disorientation and deep financial irresponsibility. The outcomes are dramatic: a substantial amount of water is lost because the infrastructures are in disrepair, chronic pollution results in a significant mortality and morbidity rates, and the inability to raise the finances required to build climate resiliency.

The systematic failure to perform basic operations and maintenance and the long-standing failure to invest in the necessary infrastructure is a constitutional injury to the citizenry which is ongoing and ultimately intended. Constitutional fulfillment is needed through an urgent and radical change in the priorities of the state, and it requires an institutional decisiveness and enforcement of the principles of climate justice and inter-generational equity in water pricing. The executive has now the squarely vested responsibility of turning the constitutional directives as spelled out by the judiciary into concrete, allocated, and implemented programs, so as to serve the most fundamental of the State purposes, which consists in the maintenance of the life and dignity of its citizens. The situation in Pakistan is a national emergency, and it is time to intervene by combining operational policy with constitutional responsibility in the country, which is among the worst climate hotspots of the world (Hafeez, 2021). The facts indicate that the legal pledges are not the only factor that has failed to curb the escalation of water deficit and climate tragedies. There are evident implications on policy. First, Pakistan needs to enhance institutional capacity: this is to increase adequate funding and empowerment of water and climate bodies, enhance provincial and local governance, and introduce integrated water-resource management (as proposed in the National Water Conservation Strategy). Second, legal frameworks are to be improved better: e.g., making minimum water entitlement legal, and implementing this with the help of independent regulators or the courts. Third, there should be mainstreaming of climate adaptation in planning: increasing reservoir

storage (as little as nowadays of about 30 days of supply), increasing rainwater harvesting, and implementing powerful flood/drought early-warning systems (as tested by the PakDMS) will make things less vulnerable (Jamal, 2025). These reforms are in line with the international standards of the clean and healthy environment as declared by the UN General Assembly recently and with the local standards such as the environmental laws in South Africa.

To conduct the future research, a number of directions can be identified. The effectiveness of the new judicial innovations (e.g. the Judicial Water and Environmental Commission) in environmental results and public responsibility should be measured by empirical research. This comparative legal analysis can be developed further by looking at the issue of subnational variation (e.g. how different provinces apply water rights) as well as following through on the emerging ramifications of a new climate-right precedent in India. Climate-legal risk research can be enhanced by quantitative studies (e.g., matching the extreme-weather index with data on access to water). Altogether, to eliminate the gap between constitutional promises and lived reality, the interdisciplinary effort is needed. This paper presents a groundwork to hold the state accountable and focus the evidence-based reforms to achieve the constitutional responsibility of the state of Pakistan to secure water and environmental security by integrating the hard data with the legal analysis.

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