

Dated: 11-5-2022

- 1) Honourable Justice Mr. Justice Nadeem Akhtar,
High Court of Sindh at Karachi,
Chairman IT Committee.
- 2) Honourable Justice Mr. Justice Muhammad Faisal Kamal Alam,
High Court of Sindh at Karachi,
Member IT Committee.
- 3) Honourable Justice Mr. Justice Yousuf Ali Sayeed,
High Court of Sindh at Karachi,
Member IT Committee.

Subject: CLIMATE CHANGE AND SINDH HIGH COURT

Respected Sir(s),

I hope this letter/recommendation would find you all respected Justice(s) in good health and spirit. The reason for addressing My Lord(s) in the instant letter is to bring Your Lordship(s) kind attention towards the most alarming situation that is upon us, i.e. Climate Change and in recent days in the form of increasing heat effects due to rising temperatures in Sindh province has caused serious concerns to the health and work for everyone. It may seem to you as a far fetch argument and considering as to what My Lordship(s) or the Judiciary has doing with this issue. Let me take this opportunity to explain the situation, which is upon us, the latest of all is the heat wave¹, which has affected every individual in the Southern part of the country without any discrimination like many other around the globe,² especially the way it has emerged in South Asia, i.e. India and Pakistan³. To deal with this menace every institutions, civil society, private and public institutions on national and international level are working together to devise strategies within their respective control that could help reduce the emissions of carbon,⁴ arising directly or indirectly from their work culture. In doing so the approach adopted to mitigate the effects of Climate Change is the protection of human rights⁵ and humanity⁶.

¹Government of Pakistan, Pakistan Metrological Department, Heat wave Early Warning Centre,

<<http://www.pmdnmcc.net/KarachiHeatwaveAlert/Heatwavealert.html>>

accessed 08 May 2022;

² Centre for Climate And Energy Solutions,

<<https://www.c2es.org/content/heat-waves-and-climate-change/>> accessed 08 May 2022;

³ Hannah Ellis-Petersen and Shah Meer Baloch, "We are living in hell': Pakistan and India Suffer extreme spring heat waves, (The Guardian, 02 May 2022)

<<https://www.theguardian.com/world/2022/may/02/pakistan-india-heatwaves-water-electricity-shortages>> accessed on 08 May 2022; Record-

breaking heat waves shows we need to adapt to climate crisis now (DW)

<<https://www.dw.com/en/record-breaking-heat-waves-show-we-need-to-adapt-to-the-climate-crisis-now/a-61661802>> accessed on 08 May 2022;

⁴ Colm Kelly and Emma Cox, 'How Can Public and Private Sectors work together to accelerate us toward Net Zero?' (PWC, UK),

<<https://www.pwc.com/gx/en/services/sustainability/publications/cop26/how-can-public-and-private-sectors-work-together-to-accelerate-us-toward-net-zero-pwc-cop26.html>> Accessed 08 May 2022;

⁵Climate Change, (Amnesty International <<https://www.amnesty.org/en/what-we-do/climate-change/>> accessed on 08 May 2022;

In the wake of challenges faced by humanity in the form of climate change the predicament is not only the fact that there exists little to no preparation, however, it is that when the calamity would keep hitting and aggravate, and the rule of law would be endangered due to such lack of preparation, the way it hurt judicial system and the persons associated with it-inclusive of lawyers and litigants-during the Covid_19 pandemic.⁷ It is still fresh in the memory the way during the Covid_19 the functioning of Judicial system went to abrupt foreclosure from routine to urgent work for months⁸ and when opened, for very long it went on to risk life of numerous judicial and non-judicial persons.⁹ Unfortunately, lack of preparedness to deal with Climate Change is also very obvious, by one of the busiest Judicial system of the Country, Sindh High Court, is yet to make any effective progress in order to mitigate or even devise a strategy. Therefore, it is time that the Climate Change and its effect on the Judicial system and the lack of policy in Judicial system and its effect on society, vice-versa, must be considered and a stringent strategy, by keeping focus over the challenges faced by the humanity, must be devised and the use of technology should be adopted as one and only resort to meet the challenges for future to come.

In this regard it is imperative to identify how the judicial work culture is helping increasing temperatures, and the easiest answer for the starting point is the excessive usage of papers. From the point of filling a case till the certified copy after the disposal of the case and even in middle of proceedings the usage of paper is so much that it is safe to suggest that on an average in the course of proceedings tons of paper sheets are used in one single day. That could be quantified easily from the photocopiers that are found either within the vicinity of Sindh High Court at Karachi and/or in it's nearby surrounding. In the same manner there exists District Courts of Karachi, Special Courts and Tribunals, following under the supervision of Honourable Sindh High Court, where daily usage of paper is humongous. Further, there exists District Courts through out the province and in every city of Sindh. The calculation and usage of paper itself is sufficient to say that how the Judiciary, inclusive of Lawyers, Litigants, Judicial Staff and others, participate equally in destroying the trees, which are the source of paper used in our profession. This participation and lack of addressing this situation highlight the height of ignorance where through out the world calls have been made to have more trees, unfortunately, we are playing active part in destroying the name and increasing the temperature, despite the fact there exists

⁶ Sarah Khan and Brady Dennis, "Humanity has a 'brief and rapidly closing window' to avoid a hotter, deadly future, U.N. report says" (Washington Post, 28, February, 2022) <<https://www.washingtonpost.com/climate-environment/2022/02/28/ipcc-united-nations-climate-change-adaptation/>> accessed on 08 May 2022;

⁷ Act 4 Rule of law, (United Nations Office on Drugs and Crime) <<http://www.act4ruleoflaw.org/en/news/technology>> accessed on 08 May 2022;

⁸ Functioning of Courts in the wake of Covid-19, (Ministry of National Health Services Regulation & Co-ordination, 09 July 2020) <https://www.nih.org.pk/wp-content/uploads/2020/07/20200709-Guidelines-for-Functioning-of-Courts-in-wake-of-COVID-19_3101.pdf> accessed on 08 May 2022;

⁹ Combatting Corona Virus: SHC orders fumigation at all Courts and Jails (The News, 14 March 2020) <<https://www.thenews.com.pk/print/628683-combating-coronavirus-shc-orders-fumigation-at-all-courts-and-jails>> accessed on 08 May 2022; Corona Virus: Sindh Bar Organisations ask members not to attend courts <<https://www.thenews.com.pk/print/634567-coronavirus-sindh-bar-organisations-ask-members-not-to-attend-courts>> accessed on 08 May 2022;

a dedicated IT system in Sindh High Court which could be utilised to change all this scenario by simply digitising the administrative affairs of Judicial system.

Therefore, the undersigned being an Advocate and member of Judicial system would put forward a recommendation before My Lordship(s), that due to damping scenario of our climate and the way it is affecting everyone of us and posing a serious threat for our coming generation, we must start dealing with the same without any delay in a collective manner by adopting actions to mitigate the damage and advance solutions with a vision to provide a plan for future to come. In this regard at first stage I would recommend your good office to consider extensive and effective use of technology in which the use of paper could be reduced immediately and the same could be done by replacing the usage of physical use of items like Court fees, stamp fees, filling of cases/applications, written statements, etc. in the form of papers and instead the same must be done virtually through a dedicated platform at Sindh High Court website.

Nonetheless, the action proposed in this letter to digitise the Judicial system in Province is also in line with Substantial Development Goals¹⁰ and Paris Agreement¹¹ of which Pakistan is signatory¹². The sustainable Development Goals, adopted by United Nations and Pakistan with a vision for 2030 agenda to join the league of upper middle class¹³ along with a universal call to work on 17 points agenda to further the rule of law¹⁴ and 3 Key Elements of the Paris Agreement on Climate Change are considered as underlying objective, per which, firstly, the demand for limiting Temperature rise to 1.5%, secondly, of reviewing countries commitments to cutting emissions every five years and, thirdly, climate finance to developing nation is required¹⁵. Apart from Paris Agreement, Pakistan¹⁶ and Sindh Government in particular has adopted the Sustainable Development Goals¹⁷, and at federal level the Government has

¹⁰ What are the Sustainable Development Goals, (United Nations Development Programme) <<https://www.undp.org/sustainable-development-goals>> accessed on 08 May 2022;

¹¹ Convention on Climate Change, Paris Agreement, 2015 (United Nations, Treaty Series, vol. 3156)

<https://treaties.un.org/doc/Treaties/2016/02/20160215%2006-03%20PM/Ch_XXVII-7-d.pdf> accessed on 08 May 2022;

¹² Convention on Climate Change, Paris Agreement, 2015 (United Nations) <https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-7-d&chapter=27&clang=en#EndDec> accessed on 08 May 2022;

¹³ National Initiative for Sustainable Development Goals, (Sustainable Development Goals, Pakistan) <<https://www.sdgpakistan.pk/web/about>> accessed on 08 May 2022;

¹⁴ The SDGs in action, (UNDP) <https://www.undp.org/sustainable-development-goals?utm_source=EN&utm_medium=GSR&utm_content=US_UNDP_PaidSearch_Brand_English&utm_campaign=CENTRAL&c_src=CENTRAL&c_src2=GSR&gclid=EAIaIQobChMI6Y675KzQ9wIVT-h3Ch1LLwOREAAYAAEgJgWfD_BwE> accessed on 08 May 2022;

¹⁵ Climate Action, (United Nations) <<https://www.un.org/en/climatechange/paris-agreement>> accessed on 08 May 2022;

¹⁶ At Federation level;

¹⁷ Government of Sindh Adopts the Global Agenda for Sustainable Development, (SDGs Support Unit Sindh) <<https://sindhsgs.gov.pk/news-and-update-government-of-sindh-signs-up-to-the-global-agenda-for-sustainable-development/>> accessed on 08 May 2022;

recently started to develop National Adaptation Plan for Climate Change,¹⁸ however, no plans/consultations with lawyers for digitisation and support from Sindh Government or Federal Government has been discussed publicly to meet Goal 16 of Sustainable Development Goal, which is Peace, Justice and Strong institutions. Despite all odds the Supreme Court of Pakistan in this regard has taken lead to digitise the Judicial system to the extent of Supreme Court and is working to extend this project. After that the process of automation of Lahore High Court has also been initiated aim of digitisation of court process, which will help in many ways to tackle the issue of rule of law and crucial issues such as Climate Change.¹⁹

The modality in this regard could be proposed by initially setting up a pilot project whereby one of the benches could be dedicated for these purposes at both the High Court and District Court and other Courts levels to meet the standards with the available accessories and facilities. The same experience could be used for further transformation at every related aspect of Judiciary for the future to come and would play its role for coming generations to reap benefit of the same and would set example for others to learn from the experience of Judicial system in effectively combatting with the issue of Climate Change. The undersigned would be available to provide further assistance in this regard, whenever required.

Best Wishes

Ghulam Asghar Pathan

Advocate High Court

¹⁸Pakistan to Develop National Adaptation Plan for Climate Change, (Global Adaptation Network, 25 March, 2021)
<<https://www.unep.org/gan/news/press-release/pakistan-develop-national-adaptation-plan-climate-change>> accessed on 08 May 2022;

¹⁹Automation of Lahore High Court (Punjab Information Technology Board)
<<https://pitb.gov.pk/alhc>> accessed on 08 May 2022