

## EXAMINING THE IMPACT OF CRIMINAL LAWS IN PAKISTAN: A CASE STUDY OF CRIME RATES AND PUNITIVE MEASURES

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### Abstract

*This study intends to evaluate the efficiency of criminal legislation in Pakistan and to pinpoint the difficulties which are faced by the nation in the criminal justice system. This study will determine the legal system's effectiveness in combating various types of criminal behavior, such as violent crimes, murders, abductions, corruption, and terrorism, by looking at important legislation, including the Criminal Procedure and Pakistan Penal Code. Additionally, it will look at how these laws are implemented, considering things like backlogs in the judicial system, a lack of assets, and bribery in the Judiciary and law enforcement. This study will offer suggestions for reforming the justice system in Pakistan based on the analysis, including potential legislative amendments, bolstering law enforcement capabilities, and increasing access to prosecution for underrepresented groups. The results of this study will add to the ongoing discussion about criminal law reform in Pakistan and offer guidance to those working in the fields of policy and law who wish to improve the effectiveness and impartiality of the justice system in the country.*

**Keywords:** penal codes, Pakistan's justice system, crime figures, punitive actions, legislation implementation effectiveness, legal action, prosecution, judiciary corruption.

### Research Questions:

1. How do harsh punishments affect recidivism rates and the overall efficiency of Pakistan's criminal justice system?
2. What issues with law enforcement systems, investigation, prosecution, and sentencing prevent the practical application of criminal laws?
3. How do systemic problems like resource shortages, corruption, and a lack of cooperation among stakeholders affect the application of criminal legislation in Pakistan?

### INTRODUCTION:

Criminal laws play a crucial role in laying the groundwork for a just and orderly society by identifying banned behaviors and specifying suitable punishment measures. Criminal law acts as <sup>1</sup>a fundamental part of the legal system in Pakistan, as it does in many other countries, with the goals of discouraging illegal activity, defending individual rights, and upholding societal order. Understanding the efficiency of Pakistan's criminal laws in combating various types of criminal behavior, such as violent crimes, corruption, and terrorism, requires a thorough evaluation of their impact. Additionally, it is crucial to pinpoint the difficulties the criminal justice system faces in successfully putting these laws into practice and to investigate potential areas for reform.

Given the intricate nature of criminal behavior and the complexity of the judicial system, a thorough investigation beyond simple quantitative analysis is required. The possibility to delve further into stakeholders' opinions and experiences, as well as the complex relationships between criminal laws, crime rates, and harsh penalties, is provided by qualitative research. This study uses a qualitative research methodology and a focused analysis of case studies to examine the effect of Pakistan's criminal statutes.

This study investigates the relationship between Pakistan's criminal laws and the efficiency of punitive measures. It aims to look into the laws' actual content and how they are put into practice

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<sup>1</sup> Chan "Comparison of Conviction Rates of a Few Countries of the World" retrieved from <http://nitawriter.word.press.com/2007/09/27/comparisonconvictionrates-world/>



while considering the difficulties the criminal justice system faces. The study will assess the legal system's effectiveness in dealing with various criminal behaviors expected in the nation by evaluating important legislation like the Code of Criminal Procedure and the Pakistan Penal Code.

In addition, the study will interact with important criminal justice system participants such as law enforcement officers, prosecutors, defense attorneys, and people of the local community. Their thoughts and experiences will shed important light on the efficacy of criminal laws and the difficulties inherent in their enforcement. The study tries to thoroughly understand the advantages and disadvantages of Pakistan's criminal justice system by considering these many points of view.

The results of this study will add to the ongoing discussion on Pakistani criminal law reform. It will offer helpful suggestions for enhancing the application of criminal laws and enhancing the effectiveness and fairness of the criminal justice system to policymakers, solicitors, and stakeholders. The study's ultimate goal is to develop a more just and efficient judicial system that supports the rule of law, protects individual rights, and fosters a healthier environment for individuals.

#### **Research Objectives:**

These are the main goals of this investigation:

- To investigate how Pakistan's criminal laws affect crime rates. Examine the connection between various criminal behaviors in Pakistan and the current criminal legislation and analyze how well these rules work to prevent crime and lower crime rates.
- Determine any differences in crime rates between Pakistan's various towns and cities concerning the enforcement of criminal laws.
- To evaluate the efficacy of sanctions within the agenda of the criminal justice organization and to inspect the effectiveness of punitive methods in preventing illicit conduct and fostering rehabilitation, such as sentencing and penalties.
- Investigate the viewpoints of all relevant parties regarding the sufficiency and consistency of punitive measures concerning various criminal offenses.
- Look into how heavy sentencing affects recidivism rates and the general effectiveness of the criminal justice system.
- To determine the difficulties with the application of criminal legislation in Pakistan and to determine and examine the criminal justice system's main challenges in successfully enforcing the law.
- Investigate the problems during law enforcement, investigation, prosecution, and adjudication procedures that prevent the practical application of criminal laws.
- Look at structural issues such as jurisdictional delays, resource shortages, fraud, and an absence of cooperation among stakeholders.

#### **Limitations:**

The findings may not be generalizable to the entire nation due to the study's focus on particular Pakistani cities or areas. The chosen case study regions might not accurately represent Pakistan's full range of difficulties and variances in crime rates and legislative execution. Subjective judgments and viewpoints are crucial to qualitative research. The researcher's prejudices, presumptions, or interpretations may influence the examination of transcripts, field notes, and documents. Subjectivity will be lessened through thorough data analysis and the triangulation of many data sources. The research is carried out over a specified period and is influenced by outside variables, including Pakistan's political, social, and economic circumstances. When analyzing the results, it is essential to consider how these external influences may affect how criminal laws are applied and the experiences of individuals.

### **LITERATURE REVIEW**

A crime, according to Attenborough (1922), is an illegal or penalized act committed by someone subject to the authority of a state or other authority. An infraction or violation (or criminal trespass) is characterized as an act that harms not only a single person but also an entire community, the community, or state (occasionally called as "a social wrong"). Such conduct is prohibited under law



(Martin, 2003). The idea that murder, rape, and theft should be illegal exists worldwide. The state (government) has the authority to severely limit one's liberty for committing a crime. In modern cultures, trials and inquiries must follow specific protocols. Criminal law is a set of legal regulations that characterize what behavior is considered a crime and how government agencies may prosecute people when they engage in criminal acts. When an individual fails to follow a specific unlawful law, they commit an offense by violating law rules. Criminal law is a broad field of practice encompassing all facets of life that involve crime. Every word or deed that breaches an order that gets its authority from the legislative or references - governmental or religious - with complete control over state concerns is deemed a crime. This is why the government is acting as a prosecution for the suspected perpetrator (Amjad, 2020)<sup>2</sup>.

The justice system as a whole is a set of government organizations and procedures that are designed to combat criminality and punish those who break the law. This system consists of multiple components that must work together and support one another in order to give justice to both the innocent victim and the guilty. A good and dependable law enforcement organization not only gives speedy justice to crime victims, but also defends and safeguards the constitutional liberties of the suspect. The system is based on justice, equal treatment, and fair treatment across the board - an approach that works with criminals and lawbreakers to maintain society peaceful and orderly. The judiciary is the federal government's system of practices and institutions for maintaining social control, discouraging and extenuating crime, and disciplining those who violate the law with crime penalties and rehabilitative initiative. The criminal justice system is divided into three parts: Law surveillance, Judiciary (adjudication/trial), and Prisons (corrections, parole, and release) (<sup>3</sup>Arshad, 2017).

The criminal justice system in our nation is not ideal or immaculate for various factors. It sometimes provides a way to pardon perpetrators while convicting innocent individuals. It is reasonable if a guilty person is acquitted, but the most intolerable situation is the acquittal of an innocent person. Such issues may be mitigated by using an appeal system, and if these issues are not relieved by an appealing method, it would be a failure of justice if an innocent person is imprisoned. The conviction rate is a means of revealing how well our Judiciary is performing. The rate of acquittal can be expressed in two ways. To begin, the number of cases reported in police stations (Gul, 2018).<sup>4</sup>

Defense is a public good, hence spending on it is not in the business sector's best interests. For the sake of tranquility, the government increases defense spending, which leads to a rise in the size and effectiveness of the army and police forces. This raises the possibility of offenders being penalized significantly more than those who return to crime, reducing crime rates (Anwar et al., 2015).

Every criminal case starts with an investigation by law enforcement or other investigating authorities. Judicial decisions have emphasized police investigative independence not just from the courts but also from prosecution. This point is supported by the following citations: "The mechanism and methodology for investigating by the investigator have been provided in detail." For this reason, the Higher Judiciary believes that in criminal matters, conducting investigations is the responsibility of police personnel and does not fall under the jurisdiction of the Court." The conviction ratio would undoubtedly suffer if experiments were not carried out effectively since judgment is dependent on evidence, and evidence is dependent on the investigation. Spectators will be implicated if a preliminary inquiry is carried out (Ali, 2018).

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<sup>2</sup> Ali, Amjad, Bibi, & Chan. (2020). Public Policies, Socio-Economic Environment and Crimes in Pakistan: A Time Series Analysis. Munich Personal RePEc Archive. at <https://mpira.ub.uni-muenchen.de/100216/>

<sup>3</sup> Arshad. (2017, February 22). The criminal justice system in Pakistan: A critical analysis. Courting The Law. <https://courtingthelaw.com/2017/02/15/commentary/criminal-justice-system-in-pakistan-a-critical-analysis/>

<sup>4</sup> Gul, P., & Ali, B. (2018). FACTORS AFFECTING CONVICTION RATE: A CASE STUDY OF KHYBER PAKHTUNKHWA.

The police are mandated by legislation to safeguard the safety and security of every citizen. The Criminal Procedure Code and the Police Order 2002 provide the police with the legal protection they need to carry out their duties and bring offenders to justice. The police force is the criminal justice system's first and most crucial component. People who have been victimized by high-handedness seek legal protection and satisfaction of their grievances through the police. This is the cornerstone of unlawful behavior and the criminal justice system (Arshad, 2017).

### METHODOLOGY

A case study approach, specifically a qualitative research design, will be used in this study. An in-depth analysis of the effects of criminal legislation and punitive actions within certain circumstances in Pakistan is possible thanks to the case study methodology. The places for the case studies will be chosen based on variables such as regional variances, diversity in crime rates, and data accessibility. Document analysis will be done, including a review of pertinent court records, legal documents, statistics on crime rates, and criminal justice system reports. To analyze the interview transcripts, field notes, and documents, thematic analysis will be used.

The data has been categorized to find recurrent themes, patterns, and linkages. The research's limitations include sample bias, individuality, and resource constraints that have been acknowledged in the study.

### Discussion and Analysis

While somewhat archaic, Pakistan has relatively extensive criminal legislation that tends to cover all features that constitute a crime. One must first understand the country's sociocultural phenomena to comprehend Pakistani criminal law. The British Empire introduced most of the criminal legislation in Pakistan while India was a colony and Pakistan was a part of it. Even back then, care was given to comprehending the social realities, and criminal law was attempted to be molded appropriately to the colony's social and cultural contexts. This is why both India and Pakistan willingly adopted it following their independence from the British Empire. This is why both India and Pakistan willingly adopted it following their independence from the British Empire. The British Code of Criminal Procedure (V of 1898) remains the governing legal framework in Pakistani courts. Similarly, the Penal Code (XLV of 1860) enacted in the colony's territory is still largely followed today as the Pakistan Penal Code.<sup>5</sup>

### Authority over territories

Criminal courts act within the scope of their legal authority. A ordinary criminal court has the following territorial jurisdiction:

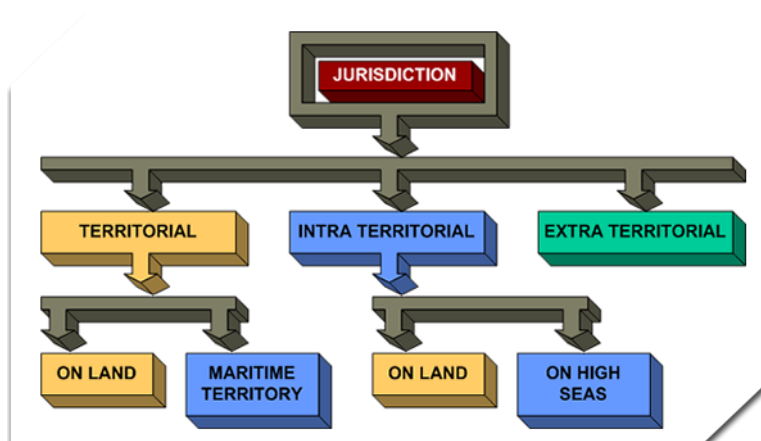


Table: Division of Jurisdiction.

<sup>5</sup> Khan, D. Misuse of courts. DAWN.COM (March 1 2023).  
<https://www.dawn.com/news/1739726/misuse-of-courts>



The Supreme Court, as Pakistan's highest Court, has supreme administrative jurisdiction over the operation of all criminal courts in the country.

When a person is detained for perpetrating a crime, they are subjected to a severe trial in the specified criminal tribunal that has authority in the case after an investigation that is to be concluded within 14 days' u/Sec—173 of the code of criminal procedures (Cr PC). Under Article 10 of the Pakistani Constitution, a court has to enable the accused perpetrator to pick a defense attorney of their liking before the trial begins. The Court then frames a Charge against the alleged offender, which outlines the nature of the charged offense and the action or inaction that forms a specific crime.

Following that, the law enforcement agency is given a chance to present any evidence it has regarding the suspected criminal. The alleged offender's defense attorney is permitted fully to answer questions and challenge to the prosecution material within the established legal restrictions. Though prosecuting is the state's obligation, any person offended by the offense can select as their prosecuting counsel instead of the state's advisors, who have a duty obliged to bring charges. Following the prosecution's testimony's conclusion, the charge judge asked the alleged offender several questions under Section 342 of the Criminal Procedure Code. These inquiries are critical because the presiding Judge allows the alleged criminal to clarify the evidence presented against them. The accused is also given a chance to testify his own witness. In addition, they can offer documented testimony and eyewitnesses in their defense. The trial concludes with the conclusion of defending evidence, and the Presiding Judge renders judgment. The verdict may determine conviction or innocence. The prosecution and the suspected perpetrator can appeal the trial court's decision in all circumstances. The appeal is filed with the higher Court.

#### **Penalties for the accused people**

Punishment is a widely regarded method of vengeance and deterrent. The severity of the penalty differs according to the nature of the offense. For the same violation, several punishments may be imposed. However, retrospective and double punishment are explicitly forbidden under the Pakistani Constitution. Article 12 specifies that "no law is required to authorize the penalty of a person for an act or neglect that was not criminal at the time of the act or omission," and Article 13 states that "no person is punishable more than once for identical violation." Article 13(b) also specifies that "no person is obligated to be a witness despite himself when implicated of an infraction."<sup>6</sup>

#### **Article 9 of the Pakistani Constitution**

The Pakistani Constitution expressly defines the parameters of Pakistani criminal law in Article 9: "No person will be bereft of their life or their liberty except according to legislation." And the law should never violate widely recognized Fundamental Rights, as expressly stated in Article 8 of Pakistan's Constitution.<sup>7</sup>

The basic concepts of criminal law are founded on the principles of justice, equity, and morality. They provide sufficient guidance for the development of a coherent penal policy. To be significant, criminal legislation must have four key components: political, particularity, consistency, and punitive consequence.<sup>8</sup> The criminal justice system's operation is broad enough to meet its objectives and pursue its goals. Its ultimate purpose is, without a doubt, to make society safer for those who live there. The most frequently acknowledged goals of criminal law are as follows:

- The implementation of criminal law ought to demonstrate society's disapproval of illegal action by apprehending, prosecuting, and punishing criminals.
- They prevent criminals from committing crimes while also advising others on how to prevent becoming an innocent victim of a crime.
- Criminal justice should be utilized to rehabilitate offenders while impairing individuals who could otherwise threaten society.

<sup>6</sup> The Code of Criminal Procedure 1898.

<sup>7</sup> The Khyber Pakhtunkhwa Prosecution Services (Constitution, Functions, and Powers) Act 2005

<sup>8</sup> ZAFAR & Associates - LLP | Criminal law services - Pakistan. (n.d.). ZAFAR & ASSOCIATES - LLP | Criminal Law Services - Pakistan. [https://zallp.com/practice/criminal\\_law](https://zallp.com/practice/criminal_law)





- They maintain law and order to ensure that individuals are secure and safe.
- Whenever possible, assist victims in obtaining adequate compensation from the criminal.
- Efficient and equitable implementation of the law to ensure correct treatment of participants, the accused, those in control, and eyewitnesses. They also confirmed that innocent people have been cleared without persecution and that those responsible are appropriately penalized.
- Making the criminal justice system answerable to society.

The principal criminal legislation statutes in Pakistan are the Pakistan Penal Code, 1860, and the Criminal Procedure Code, 1898. The former identifies all transgressions and mentions their consequences, while the latter is primarily a rule of procedure. The penal code is mainly substantive legislation that provides machinery for punishing violators of substantive criminal law, such as the Pakistan Penal Code.<sup>9</sup> The two regulations must be read simultaneously. In addition to both of these rules that primarily pertain to the penal branch of criminal law, a few other general legislations attract criminal responsibility, such as the Act on Negotiable Instruments, which attracts criminal responsibility in the instance of dishonoring a payment instrument. However, section 489-F has also been added to the Pakistan Penal Code regarding fraudulently distributing a payment instrument. The Cyber Crime Laws have also been developed, dealing with computers and data technology-related wrongdoings, among other things.

The Criminal Procedure Code defines the legal foundation for Criminal Courts and workplaces, as well as the authorities of the courts. It covers provisions relating to information to Magistrates and Police, as well as the method of arrest, and how to force presence via summons to appear, orders of imprisonment, pronouncement, and proceeding of attachment, as well as other procedural rules. It also specified the techniques for compelling the surrender of documents and other movable property, as well as the recovery of persons wrongfully detained, through the use of summons to produce and warrants for search. The Criminal Procedure also contributes in the prevention of offences through providing security for sustaining calm and good behavior and to avoid illegal gatherings, public transgressions, perceived dangers, and property disputes. The Criminal Procedure Code also specifies the steps required for submitting verdicts for approval, operation, cancellations, remissions, penalty calculations, and past dismissals and judgments. This also governs the procedures for Appeals, References, and Revisions. It also has unique rules for cases involving European and Pakistani British subjects and lunatics. It also establishes the strategy for proceedings in the case of particular offenses impacting the functioning of fairness, such as the support of spouses and children. It also authorizes actions about directions of the kind of a Habeas Corpus, as well as additional provisions about public a prosecutor, releases on bail, special rules or evidence. Bond rules, asset disposition clauses, felony transfer stipulations, and other provisions related to European and Pakistani British individuals.<sup>10</sup>

The Pakistan Penal Code 1860 specifies the severity of punishments for specific crimes and breaches committed both within and beyond Pakistan, but which can still be punished within Pakistan under the law, as well as extra-territorial actions. In addition, the PPC defines basic exclusions, such as the right to private defense. It also calls for action against state infractions involving the Air Force, Navy, and Army, as well as against general tranquility.

It also establishes the policy for violations committed by or connected to public servants, offenses related to officers, and public servant disrespect of legitimate authority. It also specifies the system for dealing with fraudulent proof and violations against the public good concerning coinage and Government Stamps, as well as the measurement of things. The PPC is also in charge of policy on offences harming the general welfare, security, ease of use, morality, and ethics. It also designates a system for violations involving faith, hurting another person's body, improper detention and incarceration, sexual assault, and unnatural assaults. This also authorizes the prosecution of property crimes such as theft, extortion, robbery, dacoity, hijackings, unlawful use of property, unlawful

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<sup>9</sup> Iqbal, N (December 10 2022) Lack of training blamed for underperforming criminal justice DAWN <https://www.dawn.com/news/1725590>

<sup>10</sup> Iqbal, N. (210 DEC 2022). Lack of training blamed for underperforming criminal justice DAWN <https://www.dawn.com/news/1725590>

breach of confidence, acquiring stolen goods, fraud, deceptive deeds and passing of assets, disorder, and illegal entry. The PPC also establishes the penalties for offenses involving papers and trade or intellectual marks, such as forgery or falsifying documents, counterfeiting cash and banknotes, and unlawful violation of service agreements. It also specifies the penalties for violations related to contracts of services. It also provides the penalties for offenses related to marriage, insulting another person, unlawful insult and irritation, and efforts to conduct crimes.

#### Police Workload

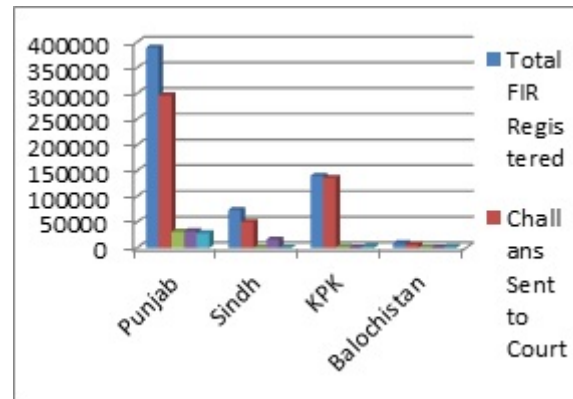


Figure 1: 2014 record

Figure 1 illustrates the registration of FIRs and the challans submitted by various provinces. Most FIRs were registered in Punjab. However, the Khyber Pakhtunkhwa police were able to send the most registered cases to Court.

The police in the four provinces registered 612,385 FIRs in 2014. This is the total number of offenses reported to police. The absolute number of crimes committed by law enforcement is more excellent than this because not all violations committed by the police are registered. Similarly, there are times when crimes don't get notified to the authorities at all.

#### The Judiciary's Role

Pakistan's courts and prisons are overcrowded. There were about 138,296 cases pending in the superior courts, including the Supreme Court and provincial High Courts, and over 2.6 million with the Lower Judiciary, comprising matters before special courts and administrative organizations, at the beginning of 2014. The number of courts should be no less than doubled, according to police, attorneys, and judges. Maintaining the courts in question will be a much more significant task. Nearly 900 judges with criminal & civil powers handle nearly 75% of all criminal cases for an estimated population of around 160 million. Although there have been some gains in recruiting and compensation, such as the Punjab government raising the wage level of judiciary personnel, the benefits remain insufficient.<sup>11</sup>

Pakistan's first elected administration, led by Zulfikar Ali Bhutto's People's Party, issued an agenda of reforms in 1972 to improve justice delivery and provide detainees with respite through bail. The CrPC states that "an appeal tribunal will order an unintentional release on bond for an individual who has been found guilty, with an exemption of reasons to be recorded in writing."

a) to prisoners for no more than three years if their motion for reconsideration is not determined within six months of conviction;

b) to prisoners for more than three years, but no in excess of seven, if a motion for reconsideration is not heard during one year of judgement.

#### c) Rate of Crimes

Crime exists in Pakistan in numerous forms. Drug trafficking, laundering funds, bribery, black marketeer, violent political action, terrorist activity, kidnapping, and other forms of organized crime are all examples of organized crime. However, few types of research on Pakistan describe the

<sup>11</sup> "South African Law Commission, Conviction Rates and other Outcomes of Crimes Reported in Eight South African Police Areas" retrieved from <http://www.law.wits.ac.za/salc/salc.html>



relationship between crime and economic variables. According to data, the total number of crimes registered in 1947 was 73,107, rising to 129,679 in 1971. During the 1980-1990 era, it more than doubled from 152,782 to 403,078. The overall number of offenses in 2007 was 538,048. These data only include reported crimes; nevertheless, almost 30-50% of crimes in Pakistan go unreported (Gillani et al., 2008). People are concerned about their security and safety as crime rates rise nationwide. The total rate of crime is more remarkable.

Pakistan spends too much on defense and security; thus, these data are incredibly concerning for lawmakers and intelligence organizations.

Both security spending and crime rates are rising at the same time. As a result, officials took significant actions to reduce crime. The crime rate in Pakistan has been falling in recent years, although it remains pretty high compared to other countries in the region. In 2013, the overall crime rate in Pakistan was 7.67 percent, representing a 1.45% decrease from 2012. The crime rate in 2014 was 7.16 percent, which was 6.71 percent lower than in 2013. The crime rate 2015 was 5.01 percent, which was lower than the previous year. In 2016, the crime rate fell to 4.41 percent, 11.99 percent lower than in 2015 (Federal Bureau of Statistics, 2019). Under these circumstances, Pakistan is an intriguing case; hence this study investigates the effect of government policies and social and economic events on crime rates in Pakistan.

### **Courts and Political Anarchy**

Squabbling political groups have nearly taken over the judicial system in recent months. Every day, we read about courts being requested to rule on this or that major problem or to deal with the detention or release of this or that public figure. The courts provide judgment in criminal matters, punish individuals found guilty, and settle disagreements between people. Clogging the courts with political issues only makes life more difficult for the hundreds of thousands of people awaiting criminal trials, businesses and private individuals awaiting decisions on deals in commerce, the property is essential, an inheritance complication, and settlements regarding divorce. The primary opponent party's choice to go to court detention may be viewed similarly. Pakistan's jails are chronically underfunded and understaffed. Raising the number of political employees in the prison will make things harder for staff and convicts. Furthermore, the Judiciary must now deal with the numerous cases demanding the release of persons who chose to be arrested on their own. Individuals are the final victims.<sup>12</sup>

In December 2022,<sup>13</sup> the National Judiciary planning council and the Access to Justice Development Fund (AJDF) board lamented the lack of sufficient training and competence of law enforcement and prosecutor's offices as essential contributors to the justice system's failure. The committee, headed over by Chief Justice of Pakistan Umar Ata Bandial, decided that the process for case prosecution could only be improved by a focused group of inquiry in the police department, as well as the strengthening of the charges division and collaborating with the inquiry division.

The meeting of the committee was held to assess the performance of justice sector organizations such as the Judiciary, law enforcement, prisons, special courts, and administrative organizations in terms of case pendency, indictments, acquittals, paperwork requests, appeals, jail ailments and so on.

### **Pakistan's Unjust Criminal Justice System**

The harsh reality of numerous unresolved cases shows Pakistan's criminal justice system's inefficiency and shortcomings. Alishba Siddiqui<sup>14</sup> highlights how, while being exceedingly "high profile," justice

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<sup>12</sup> 1860 Pakistan penal code Act XLV Welcome to pakistani.org.  
<https://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>

<sup>13</sup> Khan, D. (1 Mar 2023) Misuse of courts DAWN. <https://www.dawn.com/news/1739726/misuse-of-courts>

<sup>14</sup> Siddiqui, A. (28 Jun 2022) The unjust criminal justice system of Pakistan. Paradigm Shift.  
<https://www.paradigmshift.com.pk/criminal-justice-system-pakistan/>





has yet to be rendered in the Noor Muqaddam, Benazir Assassination, and Jazlan murder cases, among others.

### **The Unharmed Malik Ishaq**

Fida Hussain, a proletarian who was brave enough to testify against Malik, who was accused of murdering 12 family members, watched his life turn into misery as a result of Malik's powerful position in society. When Malik Ishaq was jailed or action was taken against him by the state, he utilized his position to threaten and manipulate the criminal court system to his favor.

Malik Ishaq was arrested/justified, killed eyewitnesses, intimidated magistrates, and was released from jail until he was killed in a firefight with his two sons on July 29, 2015, in Muzaffargarh. The problem, as evidenced by the case of Malik Ishaq, is that in Pakistan, you cannot halt a vicious legal by enforcing criminal law.

### **Juveniles on the Run**

Powerless and vulnerable to abuse by unscrupulous non-state actors. Jazlan, a 19-year-old man, was assassinated in Karachi for assuring someone they could drive safely. The evidence is present, the accused individuals are in police custody, and the case is easy. However, the criminal justice system in Pakistan is incapable of dealing with it. The suspect's father, whose gun was used at the shooting location, received bail immediately after being captured because he provided an alibi. Using the statutory provisions of the Juvenile Justice System Act 2018, the main suspects are being protected from facing the consequences of their actions. Criminals and those who break the law tend to be better at exploiting the law than people in the judicial system are at making moral judgements.

Such understandable scenarios are the most difficult tests for the capacity of a court system, and Pakistan's criminal justice system has continually failed this test. Aside from these instances of murder, which are at least under investigation, Pakistan's criminal justice system has left a legacy of unsolved and unexplained killings.

Was Mohtarma Benazir Bhutto's assassination linked to Mustafa Abu Al-Yazdi, the commander of Al-Qaeda? Was Mehsud responsible for her death? If you've spent time following the so-called investigation into her case, you'll understand that she accused Pervez Musharraf of arranging her assassination in emails to David Milliband. However, several conspiracy theories contend that her husband murdered her. Generally, judges do not penalize witnesses who do not appear. Also, the disappearance of offenders is pretty standard. It is backed by justifications such as a lack of vans, road closures due to protests, criminal advice not being alerted on time, etc. A similar delay occurred in Noor's case when Zahir could not appear in Court due to the closures of roads. The suspect, on the other hand, was investigated via Skype.

This debate brings to mind the story of Brig Asad Munir, a former intelligence officer and specialist who was wrongfully accused of corruption. He could not cope with his public humiliation and committed suicide in 2019. I intend on committing suicide to prevent disgrace," he wrote in his final letter to the Chief Justice.

### **The Case of Noor Muqaddam**

On July 20, 2021, the shocking news of the gruesome murder of a 27-year-old lady emerged throughout Islamabad. As the story progressed, it became clear that the murderer was Zahir Jaffer, the victim's buddy and the son of an affluent, traditional effort (such as the blood money) have been attempted to save the guilty from judicial processes in the country's criminal justice system.

Shaukat Muqaddam, the victim's father and a former Pakistani diplomat to South Korea and Kazakhstan, was firm in his desire to seek justice for his daughter. The Noor Muqaddam case, one of the country's highest-profile murder cases, challenged Pakistan's law enforcement system.

### **Pakistani Justice**

The World Justice Project put Pakistan 130th out of 139 countries in terms of the rule of law adherence in its 2021 assessment, which is far from acceptable. Pakistan is expected to provide an unbiased legal system now that Shariah has been adopted in our country. Our court system understands how to punish offenders but has made the procedure difficult by imposing superfluous legal restrictions. Article 25 of Pakistan's Constitution guarantees equal protection under the law. However, the criminal justice system in Pakistan does not provide equality to people at the bottom



of the power hierarchy. Justice is far away; many victims cannot even register an FIR. If they succeed, the relentless cycle of court hearings and litigation damages their faith in the criminal justice system even more.

From an optimistic standpoint, we might hope that Noor's position is a foreshadowing of things to come. Though it has the potential to persuade the criminal justice system to select self-accountability, a considerable way remains to be travelled. We can rejoice at a modest victory in the Noor Muqaddam case as a result of the trial court's ruling, but the road to true justice appears to be interminable. Many more people are still fighting for justice, but their families are not as powerful as Noor's. There are still many instances that do not receive widespread media coverage, and the role of our judicial system is to assure the fair trial of practically every criminal prosecution - even those that do not receive widespread media coverage.

### **Conclusion**

Finally, this research aimed to assess the effectiveness of criminal legislation in Pakistan and highlight the issues that the country's criminal justice system faces. The study analyzed the efficiency of significant legislation, such as the Criminal Procedure Code and the Pakistan Penal Code, in tackling various types of criminal behavior, such as violent crimes, corruption, and terrorism, by reviewing important laws, such as the Criminal Procedure Code and the Pakistan Penal Code. Furthermore, it investigated the practical application of these laws, considering elements such as judicial delays, resource limits, and corruption in the Judiciary and law enforcement.

The findings of this study add to the ongoing conversation in Pakistan about criminal law reform and provide valuable insights for politicians and legal professionals aiming to improve the effectiveness and impartiality of the justice system. The report also outlines particular challenges in law enforcement, investigation, prosecution, and sentence that impede the proper administration of criminal laws. These systemic issues, such as resource shortages, corruption, and a lack of stakeholder cooperation, substantially impact the country's unlawful code execution. Based on the findings, this study makes numerous proposals for revamping Pakistan's justice system. These recommendations include future legislative changes, increased law enforcement capacity, and improved access to prosecution for disadvantaged groups. By addressing these issues, it is possible to overcome the highlighted obstacles and improve the criminal justice system's effectiveness and impartiality. Finally, this study aimed to assess the effectiveness of criminal legislation in Pakistan and highlight the issues that the country's criminal justice system faces. The study analyzed the efficiency of significant legislation, such as the Criminal Procedure Code and the Pakistan Penal Code, in tackling various types of criminal behavior, including violent crimes, corruption, and terrorism. Furthermore, it delves into the practical application of these laws, considering elements such as judicial backlogs, resource limits, and corruption within the Judiciary and law enforcement.

Moreover, this study emphasizes the importance of taking into account crime statistics and the influence of punitive acts on the overall efficiency of Pakistan's justice system for criminals. The study emphasizes the importance of striking a balance among deterrent and rehabilitation in order to achieve long-term beneficial outcomes by studying the effects of heavy sanctions on recidivism rates. The study emphasizes the importance of effective enforcement, examination, charges, and punishment in ensuring that criminal laws are successfully implemented. It outlines specific concerns within these sectors that obstruct the proper operation of the justice system, such as insufficient resources, procedural delays, and corruption. Addressing these systemic issues necessitates substantial reforms, such as improved resource distribution, streamlined procedures, and strong anti-corruption measures. Furthermore, this study throws light on the negative consequences of resource constraints, corruption, and a lack of collaboration among stakeholders on the enforcement of criminal laws in Pakistan. These systemic difficulties erode the justice system's credibility and efficacy, leading to public distrust. Addressing these difficulties requires not just structural and procedural improvements, but also a cultural shift within the justice system that encourages integrity, transparency, and accountability. The findings of this study have far-reaching consequences for policy and legal experts working to improve the efficiency and impartiality of Pakistan's criminal justice system. The study provides essential reform suggestions and recommendations, emphasizing



the importance of legislative changes, greater law enforcement capacities, and greater opportunities for litigation.

Finally, this study presents a complete assessment of Pakistan's criminal legislation and the issues that its criminal justice system faces. This study contributes to the ongoing debate on criminal law reform in Pakistan by addressing key research questions and making practical recommendations, guiding legislators and lawyers towards significant modifications that improve the efficacy and neutrality of the justice system and, ultimately, foster a safer and more equitable society for everyone.