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IN PURSUIT OF JUSTICE: LAW AND YOUTH EMPOWERMENT IN PAKISTAN

A Call For

Justice

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The Pakistan Justice & Rights Initiative (PJ&RI) will open its membership for the 2025–2026 session starting from 1st August 2025. This update applies to all new and returning members interested in joining PJ&RI's ongoing work across its divisions and initiatives.

Details regarding eligibility, structure, and registration will be available on the official membership portal:

<https://membership.pjri.org>

Stay connected for further updates.

THE JURIST TIMES

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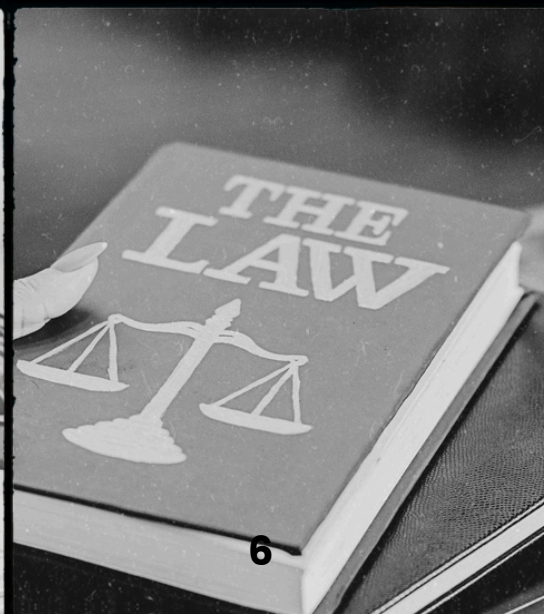
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EDITOR'S NOTE

Dear Readers,

Welcome to the inaugural edition of the Jurist Times: The PJ&RI Magazine.

There exists a subtle power in new beginnings. This edition signifies more than merely a launch, but rather a conversation. A space for critical engagement, bold thinking, and the reimagination of law as a living, evolving force in society. In launching this issue, we feel a profound sense of duty, alongside an even greater sense of urgency.

While compiling this issue, we repeatedly confronted a crucial question: what does justice look like when the systems designed to safeguard us start to break down? Through obsolete laws, distorted institutions and silenced voices, numerous contributions in this edition address how the foundation of justice in Pakistan is being altered, occasionally in the name of advancement, frequently with apprehension.

From the slow decline of judicial autonomy to the vocal calls for workers' rights, from essential debates on capital punishment to considerations of the opportunities and dangers of artificial intelligence in our legal system, this edition remains resolute. It questions authority. It demands responsibility. And it pays attention to the voices that the law frequently overlooks.

To our writers, we appreciate your courage in expressing yourself. To our audience, we appreciate your participation in this conversation. For those who continue to have faith that the law can serve as a means of fairness, honesty, and change, this magazine is dedicated to you.

This is only the beginning.

With sincerity and hope,

Samanah Ali Raza

Editor-in-Chief

In this Issue:

Can our courts catch up with our crises?

As climate disasters, digital surveillance, and systemic inequality grow, this issue questions whether Pakistan's justice system; slow, outdated, and overstretched, can evolve to meet today's urgent realities. It's not just about verdicts anymore; it's about rethinking what justice should mean.

What even is Policy?

Policies shape everything from the price of your groceries to the quality of your internet. But in Pakistan, how are these decisions actually made? These articles break down the basics: who gets to decide, how laws turn into policies (or don't), and why good ideas often never make it past a dusty file. Whether you're a law student, activist, or just politically curious, this piece will give you the tools to understand (and maybe challenge) how power flows.



Pakistan Justice & Rights Initiative

The Pakistan Justice & Rights Initiative (PJ&RI) is an independent, non governmental, and non political civil society organization. It operates as a rights based initiative dedicated to legal empowerment, social justice, and the protection and promotion of fundamental human rights across Pakistan.

The Pakistan Justice & Rights Initiative (PJ&RI) operates as an affiliated initiative of Rapid Legal Solutions LLP, a limited liability partnership duly registered under the laws of Pakistan in accordance with the limited Liability Partnership Act, 2017, and regulated by the Securities and Exchange Commission of Pakistan (SECP).

Through an active social media presence, PJ&RI showcases events ranging from legal rights bootcamps to panel discussions featuring legal scholars and activists. Our aim is to mobilise a new generation of informed advocates and equip them to drive positive change in their communities.

OUR WORK:

Eight Divisions & Strategic Focus:

- PJ&RI operates through eight divisions: Research & Analysis, Advocacy & Awareness, Information & Media, Gender Justice & Women's Empowerment, Human Resources & Membership, Partnerships & Outreach, Legal Training & Internship, and Climate & Environmental Justice.

Legal Research & Activism:

- Each division leads targeted projects — from public policy research and legal writing to rights campaigns and community engagement — promoting constitutional awareness across Pakistan.

Law Moot Society & Advocacy Skills:

- The PJ&RI Law Moot Society organizes courtroom simulations, moot competitions, and drafting workshops to train young lawyers in advocacy, litigation, and legal strategy.

Youth Membership & Leadership Growth:

- Our tiered structure — from general members to cabinet roles — allows youth to take responsibility, participate in national projects, and shape the future of rights-based law practice.

Gender Disparity

Women's rights in Pakistan have come a long way, but the road is still bumpy. From constitutional guarantees to landmark court decisions, the fight continues in classrooms, courtrooms, and streets. This piece reflects on how legal reforms, social movements, and brave voices are shaping a more equal future, one right at a time.

—Gender Justice & Women's Rights Division

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JUDICIAL RESPONSE TO WORKPLACE HARASSMENT

A CASE STUDY BY AFSHEEN ARSHAD

In Pakistan, the Protection against Harassment of Women at the Workplace Act, 2010, is a significant law that aims to protect individuals, particularly women, in workplaces. The harassment means (i) “any unwelcome sexual advance, request for sexual favours, stalking or cyber stalking or other verbal, visual or written communication or physical conduct of a sexual nature or sexually demeaning attitudes, including any gestures or expression conveying derogatory connotation causing interference with work performance or creating an intimidating, hostile or offensive work environment, or the attempt to punish the complainant for refusal to comply to such a request or is made a condition for employment; or (ii) discrimination on basis of gender, which may or may not be sexual in nature, but which may embody a discriminatory and prejudicial mind set or notion, resulting in discriminatory behavior on basis of gender against the complainant”.



—where a citizen must be able to live and work with respect and value. Justice Ayesha A. Malik interpreted the dignity as an “inherent right which ensures that everyone who works has the right to just and favourable remuneration ensuring an existence worthy of human dignity, which is supplemented by social protection”. The judgment further elaborated that “respectability, acceptability, inclusivity, safety, and equitability are the prerequisites for a safe and dignified workspace”.

This case study goes to explore a landmark judgment which is authored by Justice Ayesha A. Malik (Civil Petition No. 3644 of 2020). The judgment reflected a progressive and inclusive interpretation, paving the way for better safeguards against harassment. It also raised the questions of whether this case is of a double jeopardy and whether the order of the Governor can be challenged before the High Court in constitutional jurisdiction.

Right to Dignity and Workplace Safety

The preamble of the Protection against Harassment of Women at the Workplace Act, 2010 recognises the fundamental right, right to dignity as an inviolable right mentioned under Article 14 of the Constitution –

The Court highlighted that the primary objective of the 2010 Act is to uphold and safeguard the dignity of employees in the workplace by promoting fair treatment, eliminating discrimination, fostering mutual respect, and ensuring socio-economic justice. These objectives align with the Principles of Policy outlined in Articles 37 and 38 of the Constitution, which advocate for social justice and the socio-economic well-being of the citizens. It rejected the argument that the defamation decree could oust the jurisdiction of the 2010 Act.

Double Jeopardy

The Court clarified that the principle of double jeopardy applies only when a person is tried or punished twice for the same offence based on the same facts, which would require the same evidence before the court. In this case, the petitioner was awarded Rs. 1,000,000/- as damages to Respondent No. 1 under the Defamation Ordinance, 2002, that deals with the reputation of a person. He was also found guilty of harassment and was compulsorily retired from service by the Protection against Harassment of Women at the Workplace Act, 2010. The petitioner was also penalised for misconduct with forfeiture of past service for two years within the framework of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006. The Court made it clear that each law operates within its domain by addressing distinct causes of action and requiring separate evidence. Therefore, the argument of double jeopardy was deemed misplaced.

Jurisdiction of the High Court and Closure of Litigation:

The petitioner challenged the order of the Governor before the High Court in constitutional jurisdiction. The Court held that the High Court cannot interfere in factual findings of competent forums (Ombudsperson and Governor) unless there is a “jurisdictional defect or error” and “procedural improprieties”. Certain cases had been cited, such as *Fida Hussain Javed v. Director Food, Punjab* (2004 SCMR 62), *M. Hammad Hassan v. Mst. Isma Bukhari* (2023 SCMR 1434), *Commissioner of Inland Revenue v. Sargodha Spinning Mills (Pvt.) Ltd.* (2022 SCMR 1082) and *Assistant Collector, Central Excise and Sales Tax Division, Mardan v. Al-Razak Synthetic (Pvt.) Ltd.* (1998 SCMR 2514), which limited the powers of the High Court in constitutional jurisdiction to address factual controversies, while expanding the scope of fact-finding forums.

The Court stressed the importance of finality in litigation, discouraging unnecessary relitigation of issues that have been conclusively decided by the competent forums. It can lead to misuse of the law and a travesty of justice. The principle of finality in litigation is crucial for ensuring a fair trial and due process, as guaranteed under Article 10A of the Constitution

Conclusion

In summary, the significant ruling in Civil Petition No. 3644 of 2020 represents a notable advancement in enhancing workplace safeguards in Pakistan. By asserting the unassailable right to dignity, defining the boundaries of double jeopardy, and maintaining the independence of specialised legal bodies, the ruling highlights the judiciary's essential function in promoting gender justice. It communicates a strong message that workplace harassment will be taken seriously, and that procedural finality should not be used to hinder justice.



THE PRICE OF FEMALE AUTONOMY IN PAKISTAN

A CHILLING COMMENTARY BY MARYAM ASAD

Pakistan has a dismal trend of violence against women on the pretext of “honour” or injured male pride. A large number of women have been killed by family members or would-be suitors for exercising their own will in life, and this sick mentality continues to exist today. The offences vary from so-called honour killings by family members to retaliatory attacks by men whose overtures or marriage proposals were spurned. The thread that runs through is a patriarchal attitude in which a woman’s autonomy amounts to an insult to male or family honour. Men living under the old pretext of Zan, Zar, Zameen continue to think that they own women and can do anything to them, hiding behind the shield of honour or so-called male ego.

As much as public outrage grows, such violence persists, with human rights organisations estimating up to a thousand women murdered in honour killings annually in Pakistan. Pakistan has a law specifically aimed at curbing so-called “honour” killings. In 2016, following public outcry over the killing of social media star Qandeel Baloch by her brother, Parliament passed an anti-honour killing bill. But to anyone’s surprise, Qandeel Baloch’s brother, who openly confessed to killing her for “shaming” the family, was acquitted by the court in 2022.

Even official data reports hundreds of these killings annually; for example, at least 490 honour-killing incidents in 2023 and 590 in 2022 clearly show that the threat to women’s lives in this country is continuous and persistent. In 2024, at least 346 women were officially documented as slain in the name of honour, up from 324 such incidents in 2023. These are cases when a father, brother, or other family member murders a woman for—



—allegedly betraying cultural or family “honour.”

Marrying a person of one’s own choice, interacting with males, or even seemingly little infractions like social media posting are among common triggers for these offenders. In one instance, earlier this year, a man in Quetta, Balochistan, shot dead his 14-year-old daughter after finding her TikTok videos, deeming them “offensive” and an affront to his honour. In another shocking incident last year, a man in Karachi killed four female relatives (including a 12-year-old), reportedly upset over their social media activity. These terrible incidents reveal how strongly the idea of honour is linked to female behaviour still resonates in parts of society.

Under Pakistani law, it is crucial to note, honour is not a defensible justification for murder; a murderer cannot be lawfully exonerated simply because they assert their victim “dishonoured” the family. Such murders are handled just like any other. The antihonor killing statute guarantees that the state may still penalize the offender even if other relatives forgive the killer (as often happens when family members collaborate or show sympathy).

Human rights activists say that compared to the volume of murders, convictions in these cases are still uncommon, which is also clear to the public eye. Many instances never go to court because of social pressure or “settlements” outside of court. Many families, therefore, behave with impunity, believing they might get away with killing a sister or daughter. The cultural acceptance or trivialization of violence against women in the name of honour has not vanished instantly just because a law was passed.

Pakistan is also observing a terrible trend of violence against women by men whose romantic or sexual overtures are denied. These are not conventional honour killings carried out by family members; rather, they mostly include acquaintances or stalkers enraged by a woman's “no”. The murder of Noor Mukadam in Islamabad was a recent, well-known incident. 27-year-old Noor, the daughter of a former diplomat, was brutally killed in July 2021 by a guy she knew after she allegedly rejected his attempts to restart a relationship. Pakistan's Supreme Court upheld the death sentence for Zahir Jaffer, found guilty of rape and murder in 2022, in 2025. The Noor Mukadam case horrified the women of the nation to their cores as it showed that even an educated, well-connected woman was not safe from extreme violence when she tried to exercise her choice to walk away from a man. The mindset of male entitlement forgets to understand the basic word NO, and that when a woman says no, it's loud and clear a NO.

More recently, in June 2025, yet another tragedy highlighted this issue. After repeatedly ignoring and rejecting his approaches to contact her, a 22-year-old man shot dead a 17-year-old TikTok creator, Sana Yousaf, in her own house. With over a million followers, Sana was a well-known social media star distinguished for her energetic videos. Her purported murderer was an online fan whose ego was damaged by her lack of attention rather than a relative. Police claim the young man came from another city after having stalked Sana, broke into her-

-home when she didn't answer, and subsequently shot her twice in the chest in a rage. A quick glance at social media reveals a shocking reality when people are seen praising the killer under the comment sections of various videos and posts pertaining to Sana.

Fighting these crimes' main difficulty is the patriarchal attitude and victim blaming that pervades society. There are often voices trying to place blame on a woman's or girl's personality or behaviour, even when she is the victim of a terrible death. Following Sana Yousaf's murder, for instance, many reacted with grief and wrath; the hashtag #JusticeForSanaYousaf trended as others demanded accountability. Still, some social media users (mostly men) attempted to excuse the murder by arguing that a girl from a conservative background shouldn't have been gaining attention on TikTok to begin with.

Violence against women is a global issue; jealous partners, estranged husbands, and stalkers commit such crimes in many parts of the world. However, what sets Pakistan apart is the institutionalised nature of this violence and a justice system that remains outdated and ill-equipped to respond effectively. Everywhere to some degree, victim blaming happens, but in Pakistan, it often penetrates the courtroom and police station, so affecting results in seldom-seen-elsewhere ways. Simply said, though honour killings and vengeance murders are a human issue, Pakistan's judicial system has been slow to get there.

Pakistan has taken significant steps on paper to address honour killings and misogynistic violence, notably the 2016 law that aimed to slam shut the door on “forgive and forget” justice. Yet, the nation's daughters continue to bleed. Every time a killer walks free by abusing social silence or legal flaws, it communicates that women's lives are expendable.

REDEFINING JUSTICE IN THE MODERN ERA

What happens when the law lags behind the people it's meant to protect? This magazine explores the evolving shape of justice in our courts, our prisons, and our public consciousness.

FAKE NEWS AND LEGAL ACCOUNTABILITY

A CALL FOR CHANGE BY EDITOR FATIMA MAZHAR

Fake news is the deliberate spread of misinformation, where the one spreading it is aware that the contents are untrue but spreads this misinformation for possible personal gain. These personal gains have been an issue since the beginning of time. One of the early examples is the 1898 Spanish-American War, which was fueled by fake news spread by news agencies like the New York World, which started printing "Remember the Maine," referring to the sinking of the USS Maine in Havana Harbor in 1898. News agencies used this slogan to worsen tensions between the two countries, leading to a war that began based on fake news. This shows that fake news is not a new issue and has existed for a long time. Fake news is not related to just one aspect of life; it affects all spheres of a civilized society. An analysis of the matter shows that there have been incidents where people have spread misinformation for personal, economic, or political gain at someone else's expense. This situation has worsened with increasing internet use, making disseminating this information easier, and the consequences are far-reaching and much worse than before.

Fake news and its accountability:

Just like in the rest of the world, fake news has also been a huge issue in Pakistan for the longest time. In fact. The spread of fake news and the consequences are more serious in Pakistan as it not only affects the political sphere but also affects private individuals. In the Lyari Literature Festival, experts had a panel discussion on the matter, "How fake news affects society?", where one of the panellists rightly said that fake news in Pakistan is not a new concept and has been prevalent for many years, but with the recent technological advancement and the usage of social media, social media has become a battle ground -

where people fail to realise that their words can instantly cause havoc. Another one of the panellists in this discussion, Dr Irfan Aziz, said that fake news spreads more quickly in Pakistan because the people do not care to fact-check the news, especially if it is published in a newspaper.

Fake news in Pakistan has led to serious consequences, including tragic outcomes such as loss of life. One significant consequence of the spread of fake news is the increase in mob lynchings throughout the country. In many instances, false information circulates rapidly, prompting individuals to react impulsively and take matters into their own hands without verifying the facts. A notable example is the tragic death of a young man, Mashal Khan, who was killed by an angry mob in 2017 based on baseless allegations that were later proven to be false. Pakistan is among the countries most affected by fake news, largely due to the prevalence of social media as a primary source of information. Unfortunately, many people do not take the time to verify news reports. In response to this critical issue and its severe consequences, Pakistan has implemented strict legislation aimed at combating the spread of misinformation.

In 2016, Pakistan enacted its first law to curb the spread of misinformation with the Prevention of Electronic Crimes Act (PECA). This legislation, primarily focused on cybersecurity, sought to protect against damaging misinformation and the proliferation of fake news. For the first time, it made spreading fake news a criminal offense, punishable by up to three years in prison. Despite its intentions, the act faced opposition from civil society and several political leaders.

Research indicates that while many agree on the necessity of laws to combat fake news, they consider this legislation too vague. The ambiguity of strict laws can lead to serious consequences. Notably, the Act mentions “disinformation” but does not clearly define what that term entails. Experts have expressed concern that this lack of clarity may empower the government to determine what constitutes misinformation, making the act subjective in its application. According to critics, this situation represents a far worse remedy than the problem itself.

PECA 2018 was amended through an Ordinance in 2022. Since its enactment, there have been persistent calls for amendments; however, the changes made did not address the underlying concerns. Instead of refining the act to make it more objective and categorising it as a civil wrong, the ordinance reinforced the existing issues. The amendment aimed to criminalise online defamation of authorities, including the judiciary and military, with severe penalties. In the original act, Section 20 stated that the dignity of natural persons would be protected. There were concerns that this provision could violate the fundamental rights enshrined in the constitution, as its application could hinder individuals from criticising public officials, even in a political context. These concerns proved valid, as the act was often used as a weapon by various government officials in response to criticism.

The 2022 amendment exacerbated the situation by extending protection not only to natural persons but also to organizations, agencies, and institutions. The amendment stipulated that defamation against these entities would also be classified as a criminal offense. Additionally, the jail term for such an offense was increased from 3 to 5 years. Moreover, the 2022 amendment allowed any citizen of Pakistan to file a case for defamation against a public official, even if they were not the aggrieved party.

This change further restricted the rights of the accused, as the offence was made non-bailable, non-compoundable, and cognizable. This meant that the requirement for arrest warrants was removed, leaving the accused even more vulnerable. The amendment also expanded the act's application to include television, in addition to social media.

The second amendment to the PECA Act came in 2025. This amendment established a new authority, the Social Media Protection and Regulatory Authority, which serves as a watchdog overseeing social media content and has the power to remove or block content that does not comply with its guidelines. Additionally, a Social Media Complaint Council was created to handle complaints from the public, and a Social Media Protection Tribunal was established to adjudicate and impose penalties. Another significant change introduced by this amendment was the establishment of a National Cybercrime Investigation Agency, which will replace the FIA's cybercrime wing.





The term "fake news" is used globally but lacks a specific definition. If we analyse fake news and its legal accountability around the world, in most countries, the spread of fake news is a civil offence, and the punishment is not that severe. For example, in countries like the US, the spread of fake news is not a punishable offence; in fact, the First Amendment protects Americans' rights to free exchange of ideas, even if the information being shared is false. This, however, does not mean that there are no consequences at all; if fake news against an individual has led to them facing either economic loss or damage to their reputation, they have a right to file a civil case.

In the U.S., misinformation frequently relates to politics, as seen in the 2024 elections, where Elon Musk leveraged his platform, X, to disseminate false information regarding Kamala Harris and the electoral process without repercussions.

Criminal defamation laws are being abolished and decriminalised in many countries around the world. Over 90 nations are actively working towards this goal. As a democratic state, Pakistan should also follow this trend, enabling its citizens to voice their concerns and critique those in public office. Globally, it is widely accepted that individuals holding public office should be subject to a higher threshold for criticism, as freedom of expression is essential in democratic societies. While Article 19 of the Pakistani Constitution grants freedom of expression, legislation such as the PECA Act has further restricted the space for criticism. A common defence for these restrictions is that Article 19 has exceptions and is not absolute. However, it is important to highlight that the judiciary has repeatedly emphasised that these exceptions should be interpreted narrowly and that Article 19 should not be used to limit freedom of expression. The recent amendment also limits access to justice. The tribunals established by the 2025 amendment have the authority to decide on accusations, but High Courts cannot hear appeals on these matters. Instead, appeals must go to the Supreme Court, leaving no other legal remedy available, which ultimately restricts access to justice. The amendment and associated acts grant very broad powers and definitions, and the full consequences of these changes will likely only become clear once they are implemented.

ZERO DISCRIMINATION

A FIGHT FOR EQUALITY BY YUMNA



“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” – Muhammad Ali Jinnah (1947).

Zero discrimination refers to a society with no discrimination. Discrimination can manifest in various forms, which vary from explicit to subtle, including religious, sex-based, cultural, racial, or language-based. In Pakistan, where laws align with Islamic principles, discrimination is prohibited. However, we are still far behind in implementing it.

Gender discrimination is an ongoing issue that still persists in Pakistan. Men are often seen enjoying privileges when it comes to employment, higher education, better salaries, and work opportunities. These are clear violations of the rights of women, as highlighted by international treaties such as CEDAW (the Convention on the Elimination of All Forms of Discrimination Against Women).

While the Constitution of Pakistan, in Article 26, promises the right to equal pay and employment opportunities, explicitly discouraging discrimination based on implementation remains weak. Early marriage is another serious threat that women in Pakistan face, often before reaching puberty. This raises two fundamental questions: firstly, when will the executive branch enforce these rights in practice? Secondly, what does "equality before the law" truly mean when the basic rights of women are continuously denied?

The underlying denial of women's rights suggests a broader refusal to recognize their right to exercise consent. The idea of consent for women was notably addressed in the case of *Mst. Mumtaz Bibi v. Qasim*, where Justice Babar Sattar of the Islamabad High Court examined two schools of thought and declared the legal age for marriage to be 18. He also ruled that cases under Sections 375 and 377-A of the Pakistan Penal Code, 1860 (PPC), involving minors shall not be entertained. His reasoning relied heavily on the United Nations Convention on the Rights of the Child, 1989.

Religious discrimination is another critical issue in Pakistan, as the constitution of Pakistan protects the rights of religious minorities under articles 25, 26, 27, 33, and 36. However, the ongoing issues of forced conversions, temple destructions, and false blasphemy allegations highlight the gaps in implementation and the failure of the government to protect the rights of religious minorities. These discriminatory practices

against minorities in Pakistan are against Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR) as Article 18 of the ICCPR protects freedom of religion and belief, and prohibits coercion to change one's religion, these practices also contradict to Pakistan's constitution, Article 25(1) that ensures equality before the law and equal protection of the law, Article 26 that guarantees non-discrimination in access to public places, Article 27 that prohibits discrimination in services Article 33 that requires the state to discourage prejudice based on religion, race, tribe, sect, and province and Article 36 that requires protection of the rights of minorities and their representation in government) Pakistan's Penal Code prohibits discrimination based on religion.

Section 153-A: Criminalises acts that promote enmity between groups based on religion, race, or other factors. Under article 6 of Protection of the Rights of Religious Minorities Act, 2020: every citizen has Freedom to Profess Religion and to manage Religious institutions but by violating all national and international laws mob violence demolished an old Hanuman temple in Lyari, Karachi in 2020 also the homes of about 20 Hindu families that lived near the temple,³ another incident happened where Mukesh Kumar Jaidia, (a resident of Doli Khata where the temple was located) said The Rama Peer temple in Karachi, Pakistan (demolished in December 2012). "First, a few men came to the temple and said they just wanted to visit the site. Then some more men came, followed by the police and bulldozers. They erected a canvas fence around the temple and about four adjacent houses, and before we knew it, they were bulldozing the structures.

On the other hand discriminatory policies and discriminatory job advertisement on sanitary jobs where specifically mentioned that "only non muslim can apply" clearly degrade them as a human being and blatantly violate the right to dignity that is an absolute right of every citizen of Pakistan under the Constitution, According to National Commission of Human Rights' (NCHR) fact finding Report of 2022, Approximately 96.5% of Pakistan's population is Muslim, and Hindu and Christian religious minorities make up approximately 3% of the population. In 2009, the Government of Pakistan -

-released a notification instructing all government offices, both federal and provincial, to reserve 5% of all government positions from BPS-01 to BPS-22 for religious minorities. This was a progressive step towards ensuring minority participation at every level of the government.

However, evidence shows that nearly half of the minority posts under the quota lie vacant. Even within the posts that are filled, 80% of Non-Muslim minorities are employed in low-paid work from BPS 01- BPS 04. Cultural, racial, colour, and language discrimination where Sindhi and Baloch are considered uneducated, less powerful, whereas most of the leaders come from these marginalised communities.

Language and cultural discrimination, as seen in almost all provinces, impact the unity of people. Punjab, being the most populous province, holds the majority of National Assembly seats, leading to concerns of political dominance over smaller provinces, which leads to discrimination against power and resources. Inequitable Resources and Economic disparities arise when certain provinces, such as Balochistan, receive less funding and development initiatives than other provinces. People from smaller provinces feel disregarded when they are not provided with equal positions and opportunities on political and economic grounds, which leads to hatred towards other communities.

Those who speak regional languages like Sindhi, Balochi, or Pashto may find it difficult to communicate in the workplace and schools. Biased hiring practices may make it more difficult for people from particular provinces or ethnic origins to get jobs. Unfair labels are applied to various ethnic groups, which has an impact on their employment prospects and social standing and also cause of inferiority complex, Certain provinces have laws that prioritise locals for university and employment positions that also hinder ability of people who belong from different ethnic groups Article 28 of the Constitution of Pakistan states that citizens have the right to preserve and promote their language, and culture still people face discrimination, This needs to stop. Achieving zero discrimination is essential for Pakistan's social, economic, and legal progress.



”

**JUSTICE IS
THE FIRMEST
PILLAR OF
GOVERNMENT**

“

DRAFT PUNJAB LABOUR CODE 2024 AND CHALLENGES TO LABOUR RIGHTS

AN ANALYSIS BY MEHR UN NISA

In 2024, the Government of Punjab introduced the Punjab Labour Code, a consolidated framework that repealed earlier provincial laws, including the Punjab Industrial Relations Act (PIRA). This move followed the 18th Constitutional Amendment, which devolved labour legislation to the provinces. With labour transferred to provincial authority, Punjab aimed to unify more than 100 disjointed labour laws into one legislative framework.

Superficially, the Code claims to simplify old regulations and harmonise national labour standards with global agreements. Yet, beneath this appearance of reform, significant issues exist. Labour rights advocates, trade unions, and human rights organisations have expressed concerns about the Code's limitations on forming unions, erosion of strike rights, unclear worker classifications, and lack of reliable tripartite consultation. Consequently, instead of safeguarding workers' rights, the Code may facilitate exploitative practices and reinforce power disparities, thus weakening constitutional protections and Pakistan's commitments under international labour law.

As soon as the code was first passed, all labour associations within Punjab refused to accept the Punjab Labour Code-2024. They claim the code is aimed at weakening trade unions while advancing a foreign-driven privatisation agenda. During the Lahore conference, labour representatives denounced the new code as a violation of the fundamental rights and liberties of workers and highlighted that their constitutional rights, including the right to form unions, were being violated.



The Code, in its attempt to streamline labour regulations, poses significant worries regarding the safeguarding of workers. Main concerns involve diminished union and strike rights, ambiguous definitions of “worker,” dangers of legalising child and bonded labour, and insufficient consultation with labour representatives, therefore breaching significant international laws such as the ILO Convention 144. The following analysis details these difficulties and proposes changes to guarantee the Code safeguards, instead of jeopardising workers' rights.

I. Contract labour

Chapter 3.8 of the Code governs the contract labour system, a practice common across jurisdictions. However, a major concern is that employers can sidestep responsibilities towards workers hired through third-party contractors. These workers are often denied basic employment benefits such as health insurance, pensions, and transport allowances, which are typically available to permanent employees. This disparity not only reinforces job insecurity but also dilutes collective bargaining power by creating divisions within the workforce.

II. Limitation of the Right to Strike

There is also an introduction of much stricter conditions on the right to strike and form trade unions, which were previously more flexible. Workers must now endure a 45-day negotiation deadlock before initiating a strike as compared to a 14-day notice under PIRA following failed conciliation. Additionally, the scope of disputes that can legally justify a strike has been narrowed, potentially sidelining valid worker concerns. These limitations conflict with Article 17 of Pakistan's Constitution and contravene ILO Conventions 87 and 98, which protect freedom of association and the right to collective bargaining.

III. Overlap of the terms “worker” and “employee”

Though the code provides comprehensive definitions, it fails to make a clear distinction between worker and employer, which makes it challenging to determine the rights and liabilities specific to workers. Furthermore, the scope of the term worker is greatly broadened, encompassing contractors, subcontractors, employees, and self-employed persons or persons in supervisory roles⁵. It is pertinent to mark a line between the definition of employer and worker provided in the code and the conventional use of these terms in Pakistan.

IV. Child labour and bonded labour legalised

Despite the code asserting to control and ban bonded labour, it (while not intended) makes it seem acceptable. Section 18 allows for advance payments as interest-free loans, which, due to insufficient monitoring, can potentially entrap workers in cycles of debt, especially in industries such as Pakistan's brick kiln sector, where the peshgi system prevails. Likewise, the provisions on child labour present significant worries. Although the minimum age for employment is established at 16, section 248 permits “light work,” which is broadly outlined in Schedule 1, providing opportunities for exploitation under legal protection. Additionally, section 23(3) excludes family enterprises and small-scale farming from child labour restrictions, and the code does not tackle the requirement for mandatory education, exacerbating the issue. One prominent example of child labour and bonded labour is that of Darshan Masih, a bonded labourer who fought a legal battle until he was awarded a landmark verdict for his legally sanctioned freedom.

Recommendations.

I. Regulation of Contract Labour: Contract labor, a highly debatable but legal practice, should be further regulated with some security provisions like equal pay and security for contract workers which can be witnessed in UK's Agency Workers Regulations 2010, section 5 and 6 where after a qualifying period (12 weeks) the agency workers are entitled to the same basic working and employment conditions as if recruited by the principal hirer.

II. Restoration of Union Rights: There should be leniency in the formation of unions at the enterprise level, in addition to any sectoral unions. Further, the right to strike should be restored as it is in PIRA. Lastly, the Government work councils should serve as advisory and consultative bodies. The Punjab Labour Code 2024 does not adhere to international standards set by the ICCPR and ICESCR, regardless of its attempts at consolidation.

III. Clarify Key Definitions: The basic terms should be defined in a clear and precise manner, and it must be ensured that they do not overlap with each other to minimise the risk of subjective interpretations and confusion leading to non-compliance or abuse of the code's provisions.

IV. Ban Child labour below age 15: All forms of child labour should be outlawed for children below the age of 15 as required by ILO Convention 138.

V. Abolishment of the Advance Payment System: Concerning the advance payment system, it should be explicitly prohibited with few exceptions, and informal sectors like brick kiln industries must be regulated rigorously to abolish bonded labour in practice.

Redefining Justice Through AI: Ishfaq Ahmed V Mushtaq Ahmed

A CASE STUDY BY MUHAMMAD ZOHAIB

The advancement of justice today necessitates more than mere legal interpretation; it requires a fundamental and logical transformation based on human values and technological progress. The Supreme Court of Pakistan delivered a ruling in *Ishfaq Ahmed v Mushtaq Ahmed* (C.P.L.A. No. 1010-L/2022), offering an alternative perspective on this important development. Although the issue began as a typical landlord-tenant dispute, the Court's decision went far beyond just resolving property rights and offered a progressive examination of the systemic inefficiencies plaguing Pakistan's judiciary, highlighting the essential need for technological incorporation, particularly with Artificial Intelligence (AI), to ensure swift and equitable justice. This decision sets a legal standard and serves as a reference for future judicial changes.

The Dispute in Question:

The Supreme Court not only settled the long-standing rent conflict but also expressed a wider perspective on incorporating technology into the judicial system. The case arose from a rental conflict between Ishfaq Ahmed (the petitioner), the legitimate owner of the property, and his brother Mushtaq Ahmed (the respondent), who resided in the premises under an oral tenancy agreement established in 2016. After the respondent defaulted on rent payments starting in July 2016, the petitioner began eviction actions in 2018 in front of the Special Judge (Rent) and the High Court.

Although the respondent did not perform a cross-examination, the Special Judge (Rent) rejected the eviction petition in 2021. The petitioner contested the ruling in the appellate court, but then the respondent sought constitutional relief, which led to the High Court reversing the appellate decision and dismissing the eviction in 2022. Then, in 2025, the Supreme Court overruled the High Court's decision, confirming the petitioner's ownership along with the landlord-tenant relationship between the parties. Besides resolving a dispute concerning property, this decision greatly highlights the influence that technology could have on judicial processes and how it could boost efficiency.

Discourse on the use of AI

The Court has observed how the landlord-tenant conflict resolution process, which was intended to be "summary in nature" has taken over seven years and in this duration has-

-violated the constitutional right of the litigants to a fair hearing and expeditious trial as enshrined in Article 10A & 37(d) of the Constitution of the Islamic Republic of Pakistan, 1973. In addition to these constitutional violations, the considerable delays also pose significant financial and social hardships.

Adding AI technology stands to provide solutions and new avenues for reforms aimed at addressing these issues. The court also noted purposeful attempts, such as AI. Significant AI technologies were noted, including Judge-GPT, ChatGPT, Westlaw AI, LexisNexis, and CARA AI, which can be utilised to reduce the backlog and improve judicial outcomes. The SC regretted on several occasions where judges seem to have embraced the use of AI for judicial work, irrespective of the widespread dissent from many quarters.

For tasks like Intelligent Legal Research, basic administrative functions like case assignment and drafting, analysing comparative legal systems, and to some extent, assisting in the decision-making process, these technologies can be applied. The SC clarified that AI is a mere tool and should always take the back seat to human reason and logic. Under this principle, the Illinois Supreme Court implemented a policy allowing AI use in courts with human supervision and responsibility, whereas UNESCO's 2021 AI ethical guidelines and 2022 Global Toolkit on AI and the Rule of Law likewise stress the importance of accountability and oversight in AI development.

In response to worries about the future roles of lawyers post-AI integration, the SC proposes Alternative Dispute Resolution (ADR) to help lessen the caseload. The courts emphasise elements of ADR that AI cannot imitate: Trust development, emotional awareness, and cultural insight. The SC promotes ADR to enhance judicial efficiency in Pakistan because the administration of justice is inherently human.

Conclusion

As time progresses, the judiciary faces increasing pressures to update, and the SC's proposal to adopt AI supports the pursuit of fair and swift justice; nevertheless, this progress must not overshadow vital human principles. The decision endorses a careful approach, ensuring that the judiciary's integrity remains intact. The case acts not just as a precedent but also as a reference for adjusting the judicial system while preserving human reasoning.



Policy and Progress: Charting the Future

Laws don't exist in a vacuum, they shape and are shaped by politics, policy, and power. These pieces examine how legal reforms can drive (or hinder) real change

THE POLITICS OF ACCOUNTABILITY

AN INSIGHT BY AHMAD MOIN

"Accountability is the cornerstone of a functioning democracy. Without it, the risk of authoritarianism, corruption, and abuse of power grows exponentially."

Accountability is essential for any regulation over the use of public power, and is usually a key (or at least relevant) consideration in discussions of governance and transparency. Pakistan was without any formal accountability institution for over fifty years. That changed in 1999 when General Parvez Musharraf established the National Accountability Bureau (NAB). The NAB was intended as a courageous anti-corruption institution that would investigate and prosecute Accountability or Engineering?white-collar crime by public office holders, politicians, and others alleged to have misappropriated authority or public funds. Unfortunately, as the years have gone by, this public body has been increasingly condemned as a mechanism of political victimisation or, at best, far from unbiased justice.

The NAB functions under the National Accountability Ordinance (NAO), enacted in 1985, and it has experienced criticism for different provisions of the NAO. The NAB exercised its power under sections 25(a) and 25(b) of the NAO, which provide for Voluntary Return and Plea Bargains, 3that the Supreme Court (2016) described as a "fraud on the law" allowing the guilty to return part of the embezzled funds and escape punishment.

In Pakistan, all the big political parties, PML-N, PPP, and PTI, have been targeted with NAB investigations. But the trend of the investigations is usually in favour of the ruling party. 5When the ruling party is in power, NAB usually initiates investigations against the leaders of the opposition, especially strong leaders perceived to be threats.



For instance, there was a trial in which former Prime Minister Nawaz Sharif was disqualified and sentenced right before the 2018 general elections, after the Panama Papers had been leaked. Then, when a video surfaced of the judge saying he was pressured to convict Sharif, no relief was granted. PPP co-chairman Asif Ali Zardari was arrested due to the fake bank accounts case listed above and spent months in custody, yet was never convicted. Furthermore, Bilawal Bhutto Zardari was repeatedly summoned by NAB with no formal charges being laid.

In 2022, when Imran Khan's government ended, the new PDM coalition accused PTI of abusing NAB. In the parliament, the PDM majority passed amendments to the NAB laws that reduced the body's jurisdiction, removed tax and regulatory matters, and increased corruption cases from Rs. 1 million to Rs. 500 million. All of these works resulted in the discreet closure of several VIP cases, prompting PTI to announce it was a get out of jail free card for the ruling elite.

Ironically, NAB arrested Imran Khan himself in 2023 in the Toshakhana case. His arrest incited widespread protests and also the arrest of PTI leaders. Each of these major NAB actions had a certain timeline around election cycles or political shifts, leading some to suspect that accountability was being weaponised to disqualify, destabilise, and destroy the opposition.

These actions have had significant political consequences. Opposition leaders' arrests, especially during election campaigns, have swayed public opinion, caused defections, and split parties. These moves, even without convictions, have damaged democratic processes and public trust. Internationally, these concerns have contributed to Pakistan's placement on the FATF grey list (2018–2022), damaging its reputation and affecting foreign investment.

The imbalance of accountability is even acknowledged by the NAB Chairman himself, who, in a May 2019 interview with renowned journalist Javad Chaudhry, said he refrained from arresting government associates so as not to create instability. A NAB spokesman later denied this after the opposition made a scene, but the chairman was not the only one to make that observation. Former Senior Minister Fawad Chaudhry has also proudly proclaimed that it is PTI, not NAB, that is driving this accountability initiative.

NAB started with an honourable objective: to tackle corruption and reaffirm the public's faith. But in the course of time, it has turned into a representation of unequal accountability. Over the years, NAB's actions, which appear on the surface to be politically dispensable (as with political gain), have always favoured the incumbent power, not justice. The question now becomes whether it is appropriate to accelerate accountability on the part of NAB? The country is at a crossroads. In order to develop a genuine democracy, in which the law comes ahead of politics, and to sustain an indisputable democracy with trust in the rule of law, the organisation must properly reform NAB into an environment that is equal and impartial.

INDEPENDENCE OF JUDICIARY IN PAKISTAN

A CHILLING OVERVIEW OF DEMOCRACY IN PAKISTAN BY IQRA KANWAL

Democracy in any state is based upon the separation of powers, ensuring checks and balances among its state organs. Likewise, this very concept is incorporated in the Constitution of Pakistan to dismantle the abuse of power by any of its three organs, namely the Legislature (Parliament), the Judiciary, and the Executive (PM & cabinet). This principle advocates for exercising powers within the prescribed limits and discourages overreach by any state organ. Unfortunately, Pakistan's Judiciary has faced significant challenges since its inception. The judiciary is the cornerstone of a country whose very responsibility is to deliver justice to aggrieved parties and to uphold the rule of law. But how can someone expect courts to protect the rights of their subjects when the very institution has itself remained under the due influence of military regimes and political interferences?

Judiciary under military regimes

Shortly after partition, General Ayub Khan imposed the initial martial law, which was endorsed by courts under the pretext of necessity in *Dosso v The State*, paving the way for coups and enabling interference with the judiciary's operations. After the initial coup regime, General Yahya Khan imposed another martial law in 1969, which the Supreme Court of Pakistan later declared unconstitutional in *Asma Jilani v Government of Pakistan*. And reversed the doctrine of necessity, which had been supported by the court previously in the *Dosso* case, whose only purpose was to offer protection to unlawful military regimes. The judiciary took a daring action to limit the coup's impact on the nation's political scene, but this independence was short-lived, as another -

-Martial law imposed by General Zia was rationalised due to political unrest in the case of *Begum Nusrat Bhutto v Chief of Army Staff*. Consequently, in the initial years following the partition, the judiciary transformed into a tool for the Generals, who manipulated decisions to serve their interests, effectively eroding judicial independence.

Era of Judicial Independence

The Judiciary in Pakistan had to struggle throughout its history, but 2007 marked a significant shift towards judicial independence. When General Pervez Musharraf got irritated and suspended Chief Justice Iftikhar Chaudry for enquiring into the missing persons' case, they found intelligence agencies (including ISI and FIA) behind the forced disappearances of up to 400 people, including human rights activists. This suspension resulted in nationwide protests by the lawyers and civil society, who considered it an attempt to further curtail judicial independence. A massive lawyer's movement (*Adhliya Bahali Tehreek*) forced President Musharraf to resign and led to the restoration of Chief Justice Iftikhar Chaudry. This was a historic moment as the judiciary, for the very first time, resisted the executive influence and reclaimed its autonomy.



18th Amendment

Before the 18th Amendment in 2010, the President primarily appointed judges based on the Chief Justice's recommendations. This procedure was not transparent. The 18th Amendment established a new structure featuring two entities: the Judicial Commission, headed by the Chief Justice and comprising senior judges, legal officials, and bar representatives, which suggests names; and the Parliamentary Committee, consisting of both government and opposition members from Parliament, which ratifies those names. The ultimate authorisation still originated from the President through the Prime Minister.

Intimidation: A blatant attack on Judicial Independence

In March 2024, six Islamabad High Court judges sent a letter to the Supreme Judicial Council (SJC), claiming that the Inter-Services Intelligence (ISI) had interfered directly in judicial affairs; this accusation includes accounts of judges' family members being abducted and tortured to intimidate them, alongside the installation of covert surveillance equipment in judges' residences. This unprecedented letter, endorsed by Justices Kayani, Jahangiri, Sattar, Ishaq Khan, Tahir, and Imtiaz, led Chief Justice Qazi Faez Isa to organise a full court session and the federal government to form a commission to look into these allegations. The claims also reflected worries highlighted in the previous case of former IHC Chief Justice Shaukat Aziz Siddiqui, who was dismissed in 2018 after alleging that intelligence agents were influencing court decisions and manipulating the judiciary.

26th amendment: A Final blow to Judicial Independence

Recently, the 26th Amendment was passed by the Parliament, which has undermined the principle of separation of powers by vesting excessive powers in the executive regarding the appointment of judges to the superior judiciary. Before the 26th Constitutional Amendment, the Judicial Commission of Pakistan (JCP) comprised a majority of judges. However, the amendment has changed the composition of the JCP to also include two members of the National Assembly, two members of the Senate, and one woman or non-Muslim member, to be nominated by the Speaker of the National Assembly. These changes in the JCP's composition allow for direct political influence over it and reduce the JCP's judicial members to a minority. For the appointment of Supreme Court judges, for example, only five out of 13 JCP members are required to be judges (namely, the Chief Justice of Pakistan, the most senior judge of the constitutional benches, and the three most senior Supreme Court judges).

In addition to nominating judges for appointment, the JCP has been vested with the power to establish "constitutional benches" within the Supreme Court and High Courts. These benches shall have exclusive jurisdiction over matters involving the interpretation of the Constitution and the enforcement of fundamental rights. The 26th Constitutional Amendment has also made similar amendments to the jurisdiction of High Courts, where matters involving the writ jurisdiction of High Courts have been transferred to "constitutional benches" nominated by the JCP. The Secretary General of the International Commission of Jurists, Santiago Canton, added, "These changes bring an extraordinary level of political influence over the process of judicial appointments and the judiciary's administration".

Conclusion

The judiciary in Pakistan has struggled a lot regarding its institutional autonomy, from being dictated by military regimes to continuous executive overreach, and the judiciary has been totally bogged down by the officials in higher offices. Now the 26th Amendment has crippled judicial autonomy, undoing years of progress. To ensure the supremacy of the rule of law, the judiciary has to be free from any sort of external pressure; otherwise, justice will remain elusive for citizens.

THE ARTICLE 124-A SAGA

AN OVERVIEW OF PAKISTAN'S OBSOLETE LEGISLATION BY DR. MUHAMMAD AMIR MANJ,
MUHAMMAD HAMID NAEEM

Historically used to suppress opposition, sedition laws remain one of the most debated legal instruments in modern democracies. Initially enacted to maintain colonial domination, sedition laws have lingered long beyond their usefulness and continue to impact civil liberties in most post-colonial nations. Nations across the globe are starting to question the constitutionality and relevance of sedition within democracies. But the law of sedition continues to remain applicable in Pakistan, where it is regularly under attack for being used against political opponents, journalists, and activists. The long-standing and annoying position played by the laws of sedition in Pakistan's political and legal life is discussed in this article, together with the international trend away from these laws.

Historical Background of Sedition Laws

Colonial administrations initially employed the concept of sedition as a means of suppressing opposition for the first time. Any form of writing or speech that caused hatred or contempt towards the government was prohibited in British India under Section 124A of the Indian Penal Code of 1870. Prominent independence figures such as Mahatma Gandhi and Bal Gangadhar Tilak were victims of this clause. These colonial-era laws were passed down to Pakistan upon its creation in 1947. The Pakistan Penal Code (PPC) kept sedition under Section 124-A.

The Decline of Sedition Laws

Throughout most of the democratic world, sedition legislation has been abolished or remodelled. The United Kingdom, the source of numerous colonial sedition statutes, abolished the crime of sedition in 2009 through the Coroners and Justice Act, deeming it incompatible with contemporary democratic values (UK Parliament, 2009).

In the US, while sedition is provided for under laws like the Smith Act, the courts have imposed stringent constitutional constraints. In *Brandenburg v. Ohio* (1969), the U.S. Supreme Court held that speech may be punished only -

-when it incites "imminent lawless action" and therefore protects political dissent.

Local Impact in Pakistan

In Pakistan, sedition laws are still a powerful means of stifling dissent and opposition. The undefined phrasing in Section 124-A leaves room for expansive interpretation, which commonly leads to the criminalisation of peaceful criticism. Several prominent cases attest to its abuse.

Shahbaz Gill, a close confidant of former Prime Minister Imran Khan, was indicted for sedition in 2022 on charges of criticising the military on a TV program. Similarly, activists such as Ammar Ali Jan and journalists such as Arshad Sharif have been prosecuted under the same section (HRCP, 2022).

The Lahore High Court struck down Pakistan's sedition law in the case of *Haroon Farooq v. Federation of Pakistan*. This decision, delivered by Justice Shahid Karim, deemed Section 124-A of the Pakistan Penal Code 1860, which deals with sedition, as unconstitutional and a violation of fundamental rights. The ruling was issued on March 30, 2022. Despite such judgments, the law is frequently invoked, leading to a chilling effect on freedom of speech and political expression in Pakistan.

Legal and Human Rights Concerns

The serious constitutional and human rights concerns regarding the continued use of sedition legislation by Pakistan include violating freedom of speech under Article 19 of the Pakistani Constitution, subject to reasonable constraints. Critics respond that the sedition law's vague and sweeping language fails the reasonableness test. The International Covenant on Civil and Political Rights (ICCPR) is binding for Pakistan internationally. The ICCPR's Article 19 imposes significant weight on the right to freedom of expression and imposes strict limitations on its limitation. Except for sedition laws related to incitement to violence, the UN Human Rights Committee has asked states to abolish them (United Nations, 2011).

Reform or Repeal? The Ongoing Debate

In South Asia, the debate regarding sedition laws is heating up. In *SG Vombatkere v. Union of India* (2022), the Supreme Court of India made a landmark order suspending the use of the sedition law (Section 124A IPC), citing misuse and calling for a legislative re-examination. “All pending trials, appeals, and proceedings concerning the charge framed under Section 124A be held in abeyance”, the court directed (Supreme Court of India, 2022). Pakistani legal thought has also been impacted by this judicial activism. Lawyers, media, and civil society have called on Pakistan to repeal Section 124-A or amend it to bring it in line with democratic standards. However, no official legislative attempt has been made to redress these grievances. Sedition charges still hang over the heads of those who resist the status quo until such a time as these reforms are made.

Conclusion

Sedition laws are being abolished or reinterpreted throughout the world to protect civil liberties and democratic values. Still, Pakistan retains and enforces a colonial-era law. Pakistan must reconsider the position of Section 124-A within its legal framework if it wants to function as a genuine democracy. Political opposition is not required to be suppressed to ensure national security. Instead, a democracy flourishes when varying opinions are encouraged rather than repressed. The day has arrived to do away with Pakistan's sedition law or completely overhaul it so that the voices that democracy relies on are not muffled.



THE DEATH PENALTY IN PAKISTAN

A HUMAN RIGHTS PERSPECTIVE BY IQRA KANWAL

In Pakistan, the death penalty is imposed for 32 crimes, including murder, terrorism, blasphemy, rape, unnatural offences, crimes against the state, high treason, aiding mutiny, and other related offences like those involving narcotics. The Foundation for Fundamental Rights reports that Pakistan ranks among the top five countries globally for executions. Since December 2014, when Pakistan lifted its seven-year suspension on capital punishment, over 500 people have been executed, averaging two executions each week. Between 2010 and 2018, trial courts delivered death sentences to over 2,788 people, averaging more than 300 sentences each year. The death penalty presents major human rights issues that require attention for equitable and unbiased enforcement of justice, and to maintain public trust in the criminal justice system.

Concerns and Challenges

I. The Right to Life

The Right to Life is a basic human right, established in Article 3 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Article 6 of the ICCPR clarifies that the death penalty may only be applied in cases of “the most serious crimes.” The 1973 Constitution of Pakistan asserts that “no individual shall be stripped of life or freedom except in accordance with the law,” as detailed in Article 9. In Pakistan, the implementation of the death penalty undermines this right. The case involves Ghulam brothers, Qadir and Sarwar, who received death sentences for murder from a Trial Court in 2002. After fourteen years, the Supreme Court cleared the brothers due to insufficient evidence. In a heartbreaking error, authorities discovered that the brothers had been put to death a year prior, making their attempts at release pointless. This is not a unique situation. Pakistan's defective criminal justice system leads to numerous wrongful convictions and death sentences for innocent people.

II. Torture and Forced Confessions

Article 5 of the UDHR and Article 7 of ICCPR both prohibit torture. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) recognises torture as an offence, and it also states that “any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings”. However, the use of torture and-

coercion to extract confessions is a persistent problem in Pakistan's death penalty cases, which leads to wrongful convictions and executions. According to Amnesty International, Shafqat Hussain was executed on August 4th, 2015, under the Anti Terrorism Act. He alleged torture in police custody led to his confession, but the authorities overlooked his plea.

III. Violation of Right to Fair Trial

The ability to appeal without delay is a crucial element of fair trial rights in international law, guaranteeing that individuals can pursue remedies for incorrect convictions or rulings. Global human rights agreements such as the ICCPR and the American Convention on Human Rights (ACHR) ensure the right to a fair trial, encompassing the right to appeal. Article 14 of the ICCPR highlights the entitlement to a fair and public trial within a reasonable timeframe by an unbiased and impartial court. Nevertheless, in Pakistan, people are suffering in prisons for years while awaiting trial and appeal outcomes. In a notable blasphemy case, Asia Bibi was on death row for eight years. In 2010, a Trial Court sentenced her to death, but in 2018, the Supreme Court reversed her death sentence and acquitted her of blasphemy charges. Extended imprisonment while awaiting trial and appeal results in breaches of human rights and contradicts the global norms of a fair trial.

III. Manipulation by Police

In Pakistan, trials are often conducted in a manner that is biased against the accused. Trial Courts rely on evidence that is manipulated by police officials, and resultantly, innocent people are wrongly accused, convicted, and even sentenced to death. Former Chief Justice of Pakistan Asif Saeed Khan Khosa condemned the conduct of police in the judgment and wrote that “...it appears that time has been consumed by the complainant party and the local police in procuring and planting eyewitnesses and in cooking up a story for the prosecution”.

IV. Political Victimisation

A particularly iconic and tragic illustration of such victimisation is the trial of Zulfiqar Ali Bhutto, Pakistan's first elected Prime Minister. In 1979, Bhutto received a death sentence for supposedly orchestrating the murder of Nawab Muhammad Ahmad Khan Kasuri; a decision rendered by a judiciary largely thought to be influenced by the military rule of General Zia-ul-Haq. Justice Mansoor Ali Shah of the Supreme Court later characterised Bhutto's trial as a “textbook example of political victimisation.”

Recommendations

The death penalty in Pakistan should be strictly limited to cases that meet the threshold of “most serious crimes,” per international legal standards. To move toward this goal, the country must significantly improve its fair trial guarantees, ensuring timely proceedings, protecting the rights of the accused, and explicitly criminalising torture and coercion in line with the UNCAT. It is equally essential to hold police officials accountable for any manipulation or fabrication of evidence, which undermines justice and contributes to wrongful convictions. Furthermore, the independence and strength of the judiciary must be safeguarded through structural reforms that insulate it from political interference, ensuring that the justice system serves the people rather than political agendas.

Conclusion

The judiciary in Pakistan has struggled regarding its institutional autonomy, from being dictated by military regimes to continuous executive overreach, and the judiciary has been bogged down by officials in higher offices. Now, the 26th Amendment has crippled judicial autonomy, undoing years of progress. To ensure the supremacy of the rule of law, the judiciary has to be free from any sort of external pressure; otherwise, justice will remain elusive for citizens.

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Suits in Pakistan? Imagine, If You Will...

If Suits were set in Pakistan, Harvey would be stuck in DHA traffic, Mike wouldn't have a law degree or a CNIC, and Donna? She'd be running the entire firm and making chai for guests because "beta, hospitality bhi important hai."

Instead of sleek glass offices, picture cracked ACs, files stacked to the ceiling, and interns running to photocopy entire PLDs five minutes before a hearing. The big case? Probably a property dispute between Chacha and Taya dragged out for 22 years. And forget witty courtroom exchanges, most of the drama happens in the corridor outside, where "sir aglay week ki tareekh mil gayi hai" is a plot twist.

But hey, just like Suits, Pakistani law has its fair share of clever arguments, ruthless rivalries, and moments of glory. You just swap out Manhattan skylines for Islamabad High Court, and you're good to go.



"The Exam Paper"



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