

Exploring Criminal Justice: A Study of Pakistani Laws and Constitutional Provisions



Imran Khan

lecturer in Law, University of Malakand, Dir (Lower), Khyber Pakhtunkhwa
mumandpp@gmail.com

Qadir Ullah

(Corresponding Author)

Lecturer in Law, Edwardes College Peshawar, Khyber Pakhtunkhwa
Advqadir50@gmail.com

Abstract: *The Pakistani criminal justice system, like many others around the world, operates within a framework of laws and constitutional provisions aimed at maintaining order, ensuring justice, and protecting the rights of citizens. This research article delves into the structure, functioning, and challenges of the criminal justice system in Pakistan, focusing on its legal and constitutional dimensions. Through a comprehensive analysis of relevant laws, constitutional provisions, and case studies, this study aims to provide insights into the strengths and weaknesses of the Pakistani criminal justice system, as well as recommendations for improvement.*

Keywords: Pakistani criminal justice system, laws, constitutional provisions, rights, challenges

Introduction

The administration of justice lies at the heart of any society, serving as the cornerstone of order, fairness, and accountability. In Pakistan, a nation marked by cultural diversity, historical complexities, and socio-economic challenges, the criminal justice system plays a pivotal role in upholding the rule of law, safeguarding fundamental rights, and ensuring public trust in the institutions of governance. However, navigating the intricate web of laws, constitutional provisions, and institutional frameworks that constitute the Pakistani criminal justice system presents a formidable task, rife with complexities, contradictions, and controversies. Against this backdrop, this research article embarks on a journey of exploration into the multifaceted landscape of the Pakistani criminal justice system, with a particular focus on its legal and constitutional dimensions. By delving deep into the legal framework, constitutional provisions, and real-world manifestations of justice within Pakistan, this study seeks to unravel the intricacies of a

system grappling with perennial challenges while striving for progress and reform (Khan, & Riaz, 2024).

At its core, the Pakistani criminal justice system is a tapestry woven from the threads of legislative enactments, judicial pronouncements, and societal norms, each thread contributing to the intricate patterns of rights, responsibilities, and remedies that define the contours of justice. From the venerable edifice of the Constitution of Pakistan, which stands as the beacon of fundamental rights and democratic principles, to the labyrinthine corridors of statutes and ordinances that regulate criminal conduct and punishment, every facet of the legal landscape intertwines to shape the experiences of victims, accused persons, and stakeholders within the criminal justice ecosystem. Yet, beneath the veneer of legal formalism lies a reality fraught with challenges and contradictions. The promise of due process and equality before the law often clashes with the harsh realities of systemic inefficiencies, procedural delays, and unequal access to justice.

Marginalized communities, including women, children, and minorities, find themselves disproportionately affected by systemic biases, socio-economic disparities, and cultural barriers that impede their access to justice and perpetuate cycles of vulnerability and victimization (Riaz, & Usman, 2024).

Moreover, the integrity and effectiveness of the Pakistani criminal justice system are frequently called into question by allegations of corruption, impunity, and human rights violations. Reports of police brutality, extrajudicial killings, and enforced disappearances cast a shadow over the system's credibility and erode public confidence in the institutions entrusted with upholding the rule of law. In light of these challenges, this research article endeavors to critically examine the strengths and weaknesses of the Pakistani criminal justice system, shedding light on its successes, shortcomings, and areas ripe for reform (Khan, & Jilani, 2023). Through a meticulous analysis of legal texts, constitutional provisions, empirical data, and case studies, this study seeks to offer insights into the complexities of justice administration in Pakistan while charting a course toward a more equitable, transparent, and rights-respecting criminal justice system. By interrogating the legal foundations, institutional dynamics, and socio-cultural factors that shape the Pakistani criminal justice landscape, this research article aims to contribute to scholarly discourse, policy dialogue, and advocacy efforts aimed at advancing the cause of justice, human rights, and the rule of law in Pakistan. As we embark on this intellectual voyage of exploration and discovery, let us endeavor to navigate the contours of the Pakistani criminal justice system with nuance, empathy, and a steadfast commitment to the principles of fairness, accountability, and dignity for all (Faisal, Usman, & Khan, 2023).

LITERATURE REVIEW

The exploration of the Pakistani criminal justice system necessitates a nuanced understanding of its historical evolution, legal foundations, and contemporary challenges. Scholarly works spanning legal analyses, sociological perspectives, and human rights assessments

provide valuable insights into the complexities inherent in the pursuit of justice within Pakistan.

Bux, S. M. (2018). "Evolution of Criminal Justice System in Pakistan: A Historical Perspective." This seminal work provides a comprehensive historical overview of the development of the criminal justice system in Pakistan. Bux traces the evolution of legal institutions, examining the impact of colonial legacies and post-independence reforms on the structure and functioning of the criminal justice apparatus.

Malik, A. R. (2019). "Constitutional Safeguards for Criminal Defendants in Pakistan."** Malik's study delves into the constitutional provisions that protect the rights of individuals entangled in the criminal justice system. By analyzing key provisions of the Constitution of Pakistan, the author assesses the extent to which these safeguards contribute to ensuring a fair and just legal process for the accused.

Ahmed, S. (2021). "Police Reforms in Pakistan: A Critical Analysis." This critical analysis explores the challenges plaguing the Pakistani police force, focusing on issues of corruption, misconduct, and lack of accountability. Ahmed offers recommendations for comprehensive police reforms, emphasizing the need for enhanced professionalism and community engagement to bolster public trust in law enforcement.

Khan, M. I. (2020). "Access to Justice for Marginalized Communities in Pakistan: A Gender Perspective." Khan's research investigates the barriers faced by marginalized communities, particularly women, in accessing justice. By employing a gender perspective, the study sheds light on the intersectionality of socio-cultural factors and legal impediments that compound the challenges faced by vulnerable populations within the criminal justice system.

Human Rights Commission of Pakistan. (2022). "Annual Report on Human Rights in Pakistan." This annual report provides a comprehensive overview of human rights issues within the country, including those related to the criminal justice system. The report highlights cases of human rights violations, judicial challenges, and

recommendations for systemic improvements, offering a real-time snapshot of the human rights landscape in Pakistan.

Chaudhry, A. (2017). "Extrajudicial Killings and Impunity in Pakistan: A Legal Analysis." Chaudhry's legal analysis critically examines instances of extrajudicial killings in Pakistan and the culture of impunity surrounding such acts. By scrutinizing relevant laws and international human rights standards, the study contributes to a broader understanding of the challenges associated with ensuring accountability for human rights abuses within the criminal justice system.

Mir, A. (2019). "The Role of Judiciary in Shaping Criminal Justice in Pakistan." Mir's work explores the pivotal role played by the judiciary in shaping the trajectory of the criminal justice system. By analyzing landmark judicial decisions, the author assesses the impact of judicial activism on legal precedent, policy formulation, and the protection of fundamental rights.

As the literature review illustrates, a diverse array of scholarly contributions provides valuable perspectives on the Pakistani criminal justice system. These works collectively form a foundation for the current research article, offering insights into historical trajectories, legal intricacies, and contemporary challenges that inform the ongoing discourse surrounding justice administration in Pakistan.

RESEARCH METHODOLOGY

For this qualitative research, a multi-faceted approach will be employed to explore the Pakistani criminal justice system. The methodology will involve in-depth document analysis of legal texts, including the Constitution of Pakistan, statutes, case law, and relevant policy documents. Additionally, semi-structured interviews will be conducted with legal experts, scholars, practitioners, and stakeholders within the criminal justice system to gain insights into their perspectives, experiences, and perceptions regarding the functioning and challenges of the system. The qualitative data gathered from document analysis and interviews will be thematically analyzed using coding techniques

to identify patterns, themes, and critical issues pertaining to the Pakistani criminal justice system. Through this holistic approach, the research aims to provide a nuanced understanding of the legal and constitutional dimensions of the system, as well as insights into its real-world dynamics and areas for improvement (Hussain, Khan, & Chandio, 2023).

LEGAL FRAMEWORK OF THE PAKISTANI CRIMINAL JUSTICE SYSTEM

The legal framework of the Pakistani criminal justice system is primarily based on statutes, ordinances, and regulations enacted by the legislature, as well as judicial interpretations of constitutional provisions. The key components of this framework include:

The Constitution of Pakistan

The Constitution of Pakistan stands as the bedrock upon which the legal and governance systems of the country are built. It is a document of paramount importance, serving as the supreme law of the land and providing the guiding principles that shape the nation's institutions and policies. Enacted in 1973, the Constitution of Pakistan has undergone amendments reflecting the evolving needs and aspirations of the Pakistani people (Khan, Hussain, & Oad, 2023).

Guarantee of Fundamental Rights: One of the most significant aspects of the Constitution is its robust protection of fundamental rights. These rights, which are enshrined in various articles of the Constitution, form the cornerstone of individual liberties and freedoms within Pakistan. Among these fundamental rights is the right to due process, which ensures that every individual accused of a crime is entitled to a fair and impartial trial. This includes the right to legal representation, the right to be informed of the charges against them, and the right to present evidence in their defense. Additionally, the Constitution guarantees equality before the law, affirming that all individuals are equal in the eyes of the law and are entitled to the same legal protections and remedies. Furthermore, the Constitution provides safeguards against

arbitrary arrest and detention, requiring that individuals can only be deprived of their liberty through lawful procedures and for legitimate reasons (Hussain, Khan, Chandio, & Oad, 2023).

Protection of Rights: The Constitution serves as a shield against the erosion of rights and freedoms, providing mechanisms for individuals to seek redress in cases of rights violations. It empowers citizens to challenge unjust actions by the state or its agents, ensuring accountability and adherence to the rule of law. The Constitution also establishes institutions, such as the judiciary, tasked with upholding and enforcing these rights. Through its provisions, the Constitution reinforces the principles of justice, fairness, and human dignity within the Pakistani legal system, fostering an environment where the rights and freedoms of all individuals are respected and protected (Khan, Bibi, Khan, & Ahmad, 2023).

Moreover, the Constitution of Pakistan is a testament to the nation's commitment to democracy, equality, and justice. It serves as a guiding light, providing a framework for governance and justice administration that is rooted in principles of fairness, accountability, and human rights. As the supreme law of the land, the Constitution embodies the collective aspirations of the Pakistani people and lays the foundation for a society where the rights and freedoms of all individuals are valued and protected (Khan, Iqbal, & Ahmad, 2022).

Criminal Laws

Criminal laws in Pakistan constitute a comprehensive legal framework governing offenses, punishments, and procedures for the prosecution of criminal activities within the country. Enacted primarily through statutes and ordinances, these laws define the scope of criminal behavior, prescribe penalties for violations, and establish mechanisms for the administration of justice. The Pakistani criminal legal system draws upon a diverse array of legislative enactments, judicial interpretations, and customary practices to address a wide range of offenses, from petty misdemeanors to serious felonies (Khan, Javed, Khan, & Rizwi, 2022).

Key Components of Criminal Laws

1. **Pakistan Penal Code (PPC):** The Pakistan Penal Code, enacted in 1860 during British colonial rule, forms the cornerstone of criminal law in Pakistan. It comprehensively defines various criminal offenses, categorizes them into different chapters and sections, and prescribes punishments for their commission. The PPC covers a wide spectrum of offenses, including crimes against persons (such as murder, assault, and kidnapping), property crimes (such as theft, robbery, and burglary), and offenses against the state (such as treason and sedition) (Javed, Jianxin, & Khan, 2021).

2. **Code of Criminal Procedure (CrPC):** The Code of Criminal Procedure, first promulgated in 1898 and subsequently amended, outlines the procedural rules and guidelines governing the investigation, prosecution, and adjudication of criminal cases in Pakistan. It delineates the roles and responsibilities of law enforcement agencies, prosecutors, courts, and other stakeholders involved in the criminal justice process. The CrPC sets forth procedures for arrest, bail, trial, and sentencing, ensuring that due process and fair trial rights are upheld throughout the legal proceedings (Khan, Bhatti, & Jillani, 2021).

3. **Specialized Criminal Laws:** In addition to the PPC and CrPC, Pakistan has enacted several specialized laws targeting specific types of criminal activities. These include laws addressing terrorism (such as the Anti-Terrorism Act), narcotics offenses (such as the Control of Narcotic Substances Act), and cybercrimes (such as the Prevention of Electronic Crimes Act). These specialized laws provide enhanced penalties and procedural mechanisms tailored to address the unique challenges posed by these types of criminal activities (Usman, Kanwel, Khan, & Khan, 2021).

While Pakistan has a comprehensive legal framework governing criminal behavior, the effective implementation and enforcement of these laws pose significant challenges. Issues such as corruption within law enforcement agencies, inefficiencies in the judicial system, and lack of resources hinder the timely

investigation and prosecution of criminal cases. Moreover, societal factors such as poverty, inequality, and cultural norms may exacerbate crime rates and undermine efforts to combat criminal activities. Criminal laws in Pakistan constitute a vital component of the country's legal system, providing the legal foundation for addressing criminal behavior and maintaining public order. However, the effective implementation and enforcement of these laws require concerted efforts to address systemic challenges and ensure the protection of rights and liberties for all individuals within the criminal justice system. By addressing these challenges and strengthening the rule of law, Pakistan can enhance the effectiveness of its criminal legal system and uphold the principles of justice and accountability (Usman, Khan, & Amjad, 2021).

Judicial System

The judicial system in Pakistan is a complex and vital component of the country's legal framework, responsible for interpreting laws, adjudicating disputes, and safeguarding the rights of citizens within the criminal justice system. This system operates within a hierarchical structure, with several tiers of courts each with its specific jurisdiction and functions. At the apex of the judicial hierarchy is the Supreme Court of Pakistan. Established under Article 175 of the Constitution, the Supreme Court serves as the highest court of appeal in the country. It has jurisdiction over both civil and criminal matters and exercises original, appellate, and advisory jurisdiction. The Supreme Court plays a crucial role in safeguarding constitutional rights, resolving disputes between federal and provincial governments, and ensuring the consistency and coherence of legal principles across the nation (Khan, Usman, & Amjad, 2021).

Below the Supreme Court are the High Courts, which are established in each province of Pakistan under Article 175 of the Constitution. High Courts exercise original, appellate, and supervisory jurisdiction over civil and criminal matters within their respective provinces. They serve as the final appellate authority for cases originating from subordinate courts within their

territorial jurisdiction. Additionally, High Courts have the authority to issue writs, such as habeas corpus, mandamus, certiorari, and prohibition, for the enforcement of fundamental rights and the correction of administrative or judicial errors (Kanwel, KHAN, Usman, & Khan, 2020).

Subordinate to the High Courts are the subordinate courts, including District Courts, Sessions Courts, and Magistrates' Courts. These courts operate at the district and local levels, exercising jurisdiction over both civil and criminal cases within their respective jurisdictions. District Courts primarily handle civil disputes and criminal trials, while Sessions Courts specialize in adjudicating serious criminal offenses. Magistrates' Courts deal with minor criminal offenses and preliminary hearings (Kanwel, Hussain, Oad, & Phulpoto, 2024).

The judicial system performs several critical functions within the criminal justice system. These include the interpretation of laws, adjudication of disputes, protection of rights, and enforcement of judgments. Courts at all levels have the authority to interpret laws, ensuring their consistent application and adherence to constitutional principles. They adjudicate civil and criminal disputes, resolving conflicts between parties and determining legal rights and liabilities. Furthermore, courts play a crucial role in safeguarding fundamental rights guaranteed by the Constitution, ensuring that individuals are treated fairly and justly within the legal system. Finally, courts enforce their judgments and orders, ensuring compliance with legal obligations and remedies awarded to aggrieved parties. Overall, the judicial system in Pakistan plays a pivotal role in ensuring the administration of justice, upholding the rule of law, and safeguarding constitutional principles. Through its functions of interpretation, adjudication, and enforcement, the judiciary contributes to the maintenance of law and order and the promotion of justice and fairness in Pakistan (Kanwel, & Shah, 2024).

CONSTITUTIONAL PROVISIONS AND HUMAN RIGHTS

The Constitution of Pakistan includes several provisions aimed at safeguarding the rights of individuals within the criminal justice system. These provisions include:

Right to Fair Trial

Article 10-A of the Constitution of Pakistan is a cornerstone provision that guarantees the right to a fair trial, ensuring that individuals accused of a crime are afforded the fundamental principles of justice and due process. This constitutional guarantee encompasses several key elements essential for a fair trial, including the right to be heard and the right to legal representation. By emphasizing the principles of due process, impartiality, and transparency in the administration of justice, Article 10-A seeks to uphold the integrity of the legal system and safeguard the rights of individuals within it. The right to a fair trial enshrined in Article 10-A ensures that accused persons have the opportunity to present their case before a competent, impartial tribunal. It requires that proceedings be conducted openly and fairly, with both parties given an equal opportunity to present evidence, cross-examine witnesses, and make legal arguments. Additionally, the right to legal representation guarantees that accused persons have access to competent legal counsel to assist them in navigating the complexities of the legal process and advocating on their behalf (Yasmin, Shah, & Kanwel, 2024).

Furthermore, Article 10-A underscores the principles of due process, emphasizing the importance of procedural fairness and adherence to established legal norms. It requires that legal proceedings be conducted in accordance with established rules and procedures, ensuring that individuals are not deprived of their liberty or rights except through lawful means. By promoting impartiality and transparency in the administration of justice, Article 10-A seeks to instill public confidence in the legal system and uphold the rule of law. Article 10-A of the Constitution of Pakistan serves as a vital safeguard for the right to a fair trial, ensuring that individuals accused of a crime are afforded

the fundamental principles of justice, due process, and legal representation. By emphasizing the principles of impartiality, transparency, and procedural fairness, Article 10-A reinforces the integrity of the legal system and upholds the rights and liberties of individuals within it (Kanwel, Yasmin, & Usman, 2023).

Protection against Arbitrary Arrest and Detention

Article 9 of the Constitution of Pakistan is a fundamental provision that serves as a bulwark against arbitrary arrest and detention, safeguarding the liberty and rights of individuals within the legal system. This constitutional guarantee is a cornerstone of the rule of law, ensuring that no person can be deprived of their liberty except in accordance with lawful procedures and due process. The protection against arbitrary arrest and detention enshrined in Article 9 prohibits the state or its agents from detaining individuals without lawful justification or legal authority. It imposes a strict requirement that any deprivation of liberty must be based on legitimate grounds and carried out in accordance with established legal procedures. This provision serves as a safeguard against abuses of power and ensures that individuals are not subject to arbitrary or unjustified detention by the state (Kanwel, Khan, & Usman, 2023).

Furthermore, Article 9 underscores the importance of due process and procedural fairness in the legal system. It requires that any deprivation of liberty be based on lawful authority and conducted in accordance with established legal norms, ensuring that individuals are afforded the opportunity to challenge the legality of their detention and seek redress through legal means. By prohibiting arbitrary arrest and detention, Article 9 of the Constitution of Pakistan upholds the principles of justice, fairness, and the rule of law. It reinforces the fundamental rights of individuals to liberty and security of person, protecting them from arbitrary interference by the state and ensuring that their rights and freedoms are respected and upheld within the legal system (Khan, & Kanwel, 2023).

Prohibition of Torture and Cruel, Inhuman, or Degrading Treatment

Article 14 of the Constitution of Pakistan stands as a robust safeguard against the use of torture and cruel, inhuman, or degrading treatment or punishment within the criminal justice system. This constitutional provision reflects a fundamental commitment to upholding the dignity, physical integrity, and human rights of individuals, irrespective of their legal status or circumstances. The prohibition of torture and cruel, inhuman, or degrading treatment enshrined in Article 14 serves as a foundational principle of justice and human rights within Pakistan's legal framework. It underscores the state's obligation to protect individuals from any form of mistreatment or abuse while in custody or under the control of law enforcement authorities. This includes ensuring that suspects, detainees, and prisoners are treated with respect and dignity, and that their physical and mental well-being is safeguarded at all times (Khan, Shah, & Kanwel, 2023).

Furthermore, Article 14 reaffirms the state's commitment to international human rights standards and conventions, which prohibit torture and other forms of ill-treatment under any circumstances. It underscores Pakistan's adherence to its obligations under international law and its commitment to upholding universal principles of human dignity and justice. By prohibiting torture and cruel, inhuman, or degrading treatment, Article 14 of the Constitution of Pakistan reinforces the principles of justice, fairness, and the rule of law. It underscores the state's obligation to protect the rights and dignity of individuals within the criminal justice system and ensures that no one is subjected to arbitrary or unjustified mistreatment or abuse. Through its provisions, Article 14 upholds the fundamental values of humanity, decency, and respect for human rights within the legal framework of Pakistan (Kanwel, & Ayub, 2023).

CHALLENGES AND RECOMMENDATIONS

Despite the existence of laws and constitutional provisions aimed at ensuring justice and

protecting rights, the Pakistani criminal justice system faces several challenges, including:

Backlog of Cases

The backlog of cases in the courts is a pressing issue in Pakistan, contributing to significant delays in the dispensation of justice and undermining public trust in the legal system. This backlog, characterized by a large number of pending cases awaiting resolution, results in prolonged wait times for litigants and contributes to a sense of frustration and disillusionment with the judiciary's ability to deliver timely and effective outcomes. Addressing this challenge requires a multifaceted approach aimed at improving judicial efficiency and capacity. One key aspect involves enhancing judicial infrastructure by investing in the expansion and modernization of court facilities, including the construction of new courtrooms and the deployment of technology solutions to streamline case management processes. Additionally, reforms to streamline case management processes, such as the adoption of case management software and the establishment of specialized courts, can help expedite the resolution of cases and reduce backlog (Khan, Nisar, & Kanwel, 2023).

Furthermore, investing in judicial training and capacity building for judges, court staff, and legal professionals is essential to enhance their skills and knowledge in case management, legal procedures, and judicial ethics. Legislative reforms aimed at simplifying legal procedures, reducing procedural delays, and addressing structural barriers that contribute to case backlog are also necessary. Promoting access to justice for marginalized and vulnerable populations is crucial, including by providing legal aid services and ensuring that court services are accessible to all individuals, regardless of their socio-economic status. Additionally, promoting the use of alternative dispute resolution mechanisms, such as mediation and arbitration, can help alleviate the burden on the formal court system and expedite the resolution of disputes. By implementing these reforms, Pakistan can effectively address the backlog of cases in its courts, improve judicial efficiency and capacity, and restore public trust in the legal system. This,

in turn, will contribute to the effective dispensation of justice, the protection of individual rights, and the promotion of the rule of law within the country (Kanwel, Hassan, & Ayub, 2023).

Police Reforms

The Pakistani police force is frequently criticized for various issues, including corruption, abuse of power, and lack of accountability. These shortcomings not only undermine public trust in law enforcement but also impede the effective delivery of justice and the maintenance of law and order. Comprehensive police reforms are urgently needed to address these systemic challenges and to foster a more professional, accountable, and community-oriented police force. Key areas for reform include enhancing professionalism within the police force through improved recruitment, training, and career development opportunities. By raising standards for recruitment and providing ongoing training in areas such as ethics, human rights, and community policing, the police can cultivate a culture of integrity, competence, and service-oriented professionalism (Khan, & Qadri, 2023).

Moreover, reforms should focus on strengthening accountability mechanisms to ensure that police officers are held to high ethical standards and are held accountable for misconduct. This may involve establishing independent oversight bodies to investigate complaints of police misconduct, implementing robust disciplinary procedures, and promoting transparency and accountability in police operations and decision-making processes. Furthermore, fostering greater community engagement and trust is essential for effective policing. Community-oriented policing strategies that emphasize collaboration, dialogue, and partnership between the police and the communities they serve can help build mutual respect and understanding, enhance public safety, and prevent crime. In addition, reforms should prioritize the modernization of police infrastructure and technology to improve efficiency, effectiveness, and responsiveness in law enforcement operations. This includes equipping police officers with the necessary

tools, resources, and technologies to carry out their duties effectively, such as advanced communication systems, forensic capabilities, and data-driven crime analysis. Overall, comprehensive police reforms are essential to address the longstanding challenges facing the Pakistani police force and to build a more professional, accountable, and community-oriented law enforcement institution. By prioritizing professionalism, accountability, and community trust, these reforms can help ensure that the police are better equipped to uphold the rule of law, protect human rights, and serve the needs of the public (Asghar, Qureshi, & Nadeem, 2016).

Access to Justice

Access to justice remains a significant challenge for many marginalized communities in Pakistan, including women, children, and minorities. These groups often face multiple barriers in accessing the legal system, including poverty, discrimination, lack of legal awareness, and social stigma. As a result, they may be unable to assert their rights, seek redress for grievances, or access essential legal services. Efforts to improve access to justice for marginalized communities should be comprehensive and multifaceted. Firstly, the provision of legal aid services is essential to ensure that individuals who cannot afford legal representation have access to competent legal assistance. This may involve establishing legal aid clinics, providing pro bono legal services, and supporting non-governmental organizations that offer legal assistance to vulnerable populations (Jalil, & Iqbal, 2010).

Secondly, raising awareness about legal rights and procedures is crucial to empower marginalized communities to navigate the legal system effectively. This may involve conducting legal literacy campaigns, workshops, and outreach programs to educate individuals about their rights and available legal remedies. By increasing legal awareness, individuals are better equipped to advocate for their rights and seek redress for injustices. Additionally, the provision of support services, such as counseling, social work, and victim support, can help address the unique needs of marginalized

individuals within the legal system. By providing holistic support, including emotional and practical assistance, these services can help mitigate the barriers to accessing justice and ensure that individuals receive the support they need to participate fully in legal proceedings. Furthermore, efforts to improve access to justice should be inclusive and responsive to the specific needs of different marginalized groups, including women, children, persons with disabilities, and religious and ethnic minorities. This may involve adopting gender-sensitive approaches, child-friendly practices, and cultural competence in the delivery of legal services and support. Improving access to justice for marginalized communities in Pakistan requires a concerted effort to address the root causes of inequality and discrimination within the legal system. By providing legal aid, raising awareness, and offering support services, Pakistan can help ensure that all individuals, regardless of their background or circumstances, have equal access to justice and are able to assert their rights within the legal system (Ahmad, Ali, & Ahmad, 2014).

Protection of Rights

Despite constitutional guarantees, human rights violations, including extrajudicial killings, torture, and enforced disappearances, persist in Pakistan, undermining the rule of law and eroding public trust in the justice system. To address these systemic challenges and strengthen the protection of rights, Pakistan must prioritize the establishment of robust mechanisms for accountability, oversight, and redress. First and foremost, the establishment of independent oversight bodies with the authority to investigate allegations of human rights violations is crucial. These bodies should be empowered to conduct impartial and transparent investigations, hold perpetrators accountable, and provide remedies for victims. Additionally, ensuring the independence, impartiality, and effectiveness of these oversight mechanisms is essential to their credibility and legitimacy. Furthermore, effective remedies for victims of human rights violations are essential to provide justice and redress for individuals who have suffered harm. This may include measures such

as compensation, restitution, rehabilitation, and guarantees of non-repetition. Additionally, legal mechanisms for filing complaints, seeking investigations, and obtaining remedies should be accessible, transparent, and responsive to the needs of victims. In addition to accountability and redress, strengthening legal protections and safeguards against human rights violations is essential. This may involve enacting legislation to criminalize and deter human rights abuses, ensuring that laws and policies are consistent with international human rights standards, and promoting awareness and understanding of human rights among law enforcement agencies, judicial authorities, and the general public. Moreover, fostering a culture of respect for human rights and the rule of law within state institutions is crucial. This may involve training and capacity-building for law enforcement officials, judges, and other relevant actors on human rights principles, ethical standards, and best practices in the investigation and prosecution of human rights violations. Ultimately, the protection of rights requires a comprehensive and holistic approach that addresses the root causes of human rights violations, strengthens accountability mechanisms, and promotes a culture of respect for human rights and the rule of law. By prioritizing these efforts, Pakistan can uphold its constitutional commitments to human rights and ensure that all individuals are able to live free from fear, discrimination, and injustice (Hassan, Akbar, Wajid, & Arshed, 2016).

CONCLUSION

In conclusion, Pakistan faces significant challenges in ensuring the protection of rights and upholding the rule of law within its legal system. Despite constitutional guarantees, human rights violations, including extrajudicial killings, torture, and enforced disappearances, continue to occur, eroding public trust in the justice system and undermining the foundations of democracy and accountability. Addressing these challenges requires a concerted effort to strengthen mechanisms for the protection of rights, accountability, and redress. This includes establishing independent oversight bodies with the authority to investigate allegations of human

rights violations, providing effective remedies for victims, and strengthening legal protections against abuses. Additionally, fostering a culture of respect for human rights and the rule of law within state institutions and promoting awareness and understanding of human rights among all segments of society are essential. Furthermore, improving access to justice for marginalized communities, enhancing police professionalism and accountability, and addressing the backlog of cases in the courts are critical steps towards ensuring that the legal system effectively serves the needs of all individuals and upholds the principles of justice, fairness, and equality. Ultimately, by prioritizing reforms aimed at strengthening the protection of rights, Pakistan can uphold its constitutional commitments to human rights, ensure accountability for human rights violations, and build a legal system that is responsive to the needs of all its citizens. Through these efforts, Pakistan can move towards a future where the rule of law is upheld, human rights are respected, and justice is accessible to all.

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