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SECTION - I

QUESTION # 02

Introduction

Pakistan is a victim of number of crimes and among many the most conspicuous is gender-based crime.

The leading question is whether the failure to protect gender is failure of society or of state. However, it hampers major social and economic growth by creating social unrest.

The state of Pakistan always inclined towards security instead of economy but it never prioritize security of gender.

➤ Gender Based Crime

The biological gender of male and female became 'man' and 'woman' by adopting socially accepted and constructed norms. The society in Pakistan is

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prone to gender related crimes.

The social construction led to normalize gender related crimes. The acceptance

of woman as victim is part of society.

The harm is usually inflicted upon

females by the male member of the

society. The recent Gender Gap Index

Pakistan lies at 148 out of 148.

⇒ Nature of Crime

1) Crime at Domestic level

The crime based on gender has its

roots in domestic structures. Woman is

victim of domestic violence, dowry related

issues even murder, honour killing.

Example: gratia, Bandool Baloch was murdered

in 2018 by her own brother.

2) Crime at Social level

The social acceptance of gender based

crime is reason of narrative building.

The gender based crimes are even

not considered as a 'crime'. The 'Jirga'

system, acid attacks, bullying at public

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places, harrasing in markets.

Exempli gratia, Mukhtara Mai was given so called punishment by 'Tirgar' by accusing her brother.

3) Crime at state level

Many governments throughout the history tried to protect women of crime just because of her gender. Whereas, even after presence of number of laws, hundreds and thousands of cases go unreported. The weak implementation of law, low conviction rate and insecure environment for female victims. The failure of state to protect half of its population.

⇒ Measures to Control

Gender-Based crimes

The crime which is inflicted on someone just because of his gender is known as gender-based crime. There are different justifications for the crime

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these need to be addressed.

Dressing provokes violence, the law says, while looking through men's eye and deciding what provokes it.

- Naomi Wolf

1) Law - making

The state can only protect women by legislation appropriately. The laws related to security of women in social, domestic, political, economic sphere. The law recently removed death penalty for stripping a woman of her clothes in public. It is duty of law to protect citizens regardless of gender.

2) Strict Implementation of Law

The laws already present are even not applied properly. The addition of (311) article in PPC, is a vital step. However, poor implementation is hampering

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to protect women. The registration of crime lacks in adding the details to make it a case under 'Qasad Hil Arz'. Also, 'Tirga' system is still present even after banning.

3) Transparent Judicial Procedures

Judiciary in history of Pakistan is always questioned for transparency. The powerful can easily buy the 'Justice'. The economically dependent women can not afford judicial expenses and if she managed to do so. The vague procedures favour male members.

The opaque court trials and decision in Mukhtara Mai's case.

4) Ensure accountability

Accountability at all levels are necessary. The documentation of crime and details, structure for blocking bribery and corruption. The laws must make the criminal accountable of his crime. Otherwise, it is already become a custom.

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5) Awareness in Society

The government must spread awareness by using different local forums. The existence of laws and legal procedures are complicated and restrict women to use law to protect herself. The information related punishment will limit the criminal to cause harm because of gender.

6) Impowerment by Education

Education is the key to build a social cohesion, solidarity and harmony. The education not only restrict child marriage but also gave a sense to resist crime. The education of male allows him to treat women differently than illiterate members.

You educate a man: You educate

a man

You educated a woman: You educate

a generation

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7) Inclusion of Religious Leaders

The religion is remained a tool to attract community at large level. The edema must use authentic teaching and spread. He can declare 'Fatwa' on dowry and domestic violence. As there are not allowed in Islam. The normalization of respect towards transgender.

8) Inclusion of Female

There is less than 2% of women police officers. The inclusion of more females in law^{-making}, justice, police brings more women to report cases. The strict judicial procedures create better deterrence and limit crime.

Conclusion

The one member of society which became victim because of gender only, need to be treated. The empowerment of female by education, law-making, high conviction rate, social awareness can are vital for just and secure society.

The legal subordination of one sex to the other is wrong in itself. - Mill

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QUESTION # 04

Introduction

Criminal trials in Pakistan need to be reformed to ensure a prosperous society. Currently, there are number of problems and they are rigid as rooted in history. The independence of judiciary is crucial for justice and for transparent judicial trials. The weak judiciary and poor judicial procedures results in criminal trials which are opaque or biased.

A person who violate the law decreed by the state in order to regulate relations between its citizens

- Cesare Lombroso

⇒ Criminal Trials in Pakistan

Any person who violated the law is criminal and he/she must face justice

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to ensure deterrence, restrict retribution and mediate suffering of victim.

Where almost half of cases go unreported and then very low conviction rate, the criminal trials must be strengthened. The investigation, interrogation, evidences are backbone of actual criminal trials.

A) Problems in Criminal Trial

1) Lack of Transparency

The trial procedures are difficult to understand by any person who did not study law. Moreover, the opaque and vague trials let the criminal free. The consideration of criminal liable to punishment is important for social wellbeing.

2) Weak evidence and investigation

The poor investigation by police and fake confessions by third degree method. The intentional limited collection of evidence to let criminal free

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The limitation in advanced techniques and tools for investigation and evidence collection. These resultant reasons concluded in long or impure judicial trials of criminal.

3) Politicization of trials

The biasness of judge towards criminal, nepotism and politicization of trials are very common in Pakistan. The powerful party easily influence trials. The criminal trials are the tools to suppress opposition and favour like minded people. For instance, in every government the opposition faces strict punishments and later regarded as innocent when go government changes.

4) Professionalism / Meritocracy

Professionalism and meritocracy is life-line of just trials. It requires, lawyers, judges, police officers, prosecutor, all to align with their professions authentically. The merit of proves, nature of crime

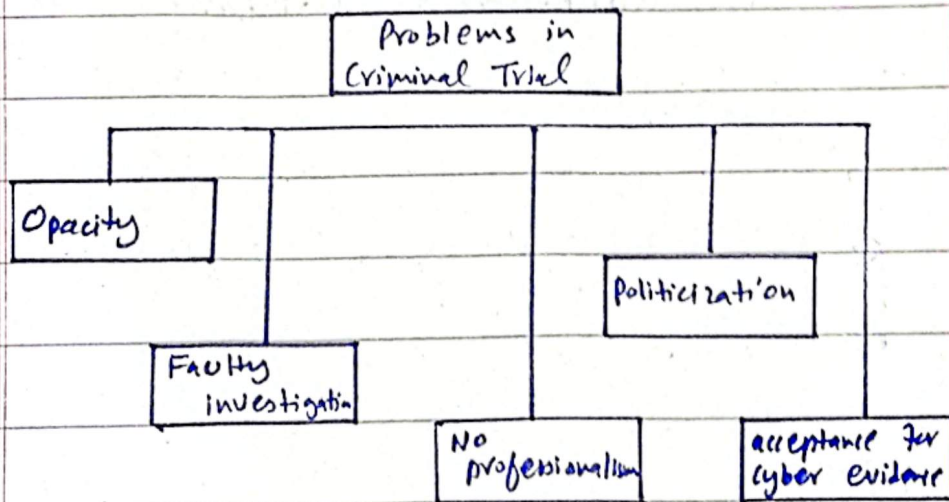
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and harm to victim must not be decrease to shorten criminal trials

5) Cyber evidence; low acceptance

In 21st century, nature of crime has been changed. The tools of crime is now in cyber domain. Cyber crimes can influence finances, privacy, property, life and fundamental rights. The digital forensic is low in Pakistan. Investments in advanced researches for criminal trials are required.



⇒ Suggestions for Criminal - Trials

Criminal trials in Pakistan demands reformation as they are the vulner-

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abilities exploited by out-state actors.

Many people in tribal areas favour justice from 'Jirga' system as they ensure urgent justice. They considered state trial procedures are lengthy and expensive. The militants exploit this vulnerability.

- As mentioned by Antal Lieven in Pakistan a Hard Country

1) Independent Judiciary

The independent judiciary, security of tenure ensure accurate criminal trials. The intentional delay in trials, opaque trials and favours can easily be eliminated by independence of judiciary.

2) Secrecy

The secrecy of evidences, the officer must collect evidence by hand from

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data collection. In high profile cases the secrecy is more important to protect the lawyers and judges. The unnecessary people must not be allowed in court room. The strict procedures must be followed to maintain discipline in court, it can limit the revealing to important information.

3) Advanced Techniques

Pakistan need to utilize advanced methods to ensure justice. It is the matter of life of victim and of criminal as well. The forensic investigation digital databases and digital proofs. The digital forensic of digital evidences as they are easy to exploit.

4) Speedy Trials

The lengthy trials are notorious for criminal free hand. It took years to solve a simple case. It is also the reason people refrain from courts and they do not report cases. The speedy

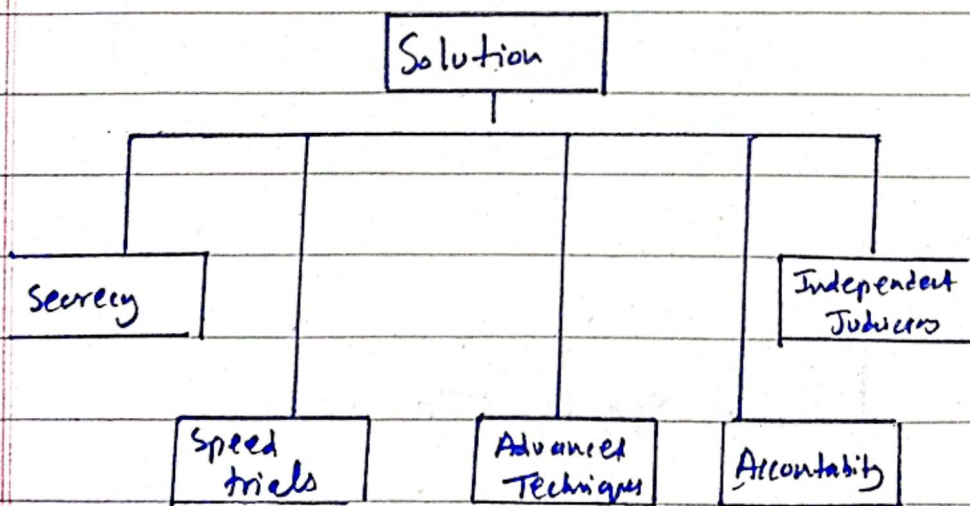
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trials must be insured for rapid justice. Along with, certainty and severity of punishment.

5) Accountability

The accountability break the faulty trials. But, must not be politicized. Pakistan needs a well reformed judicial procedure. There is no accountability and it must be ensured. The hierarchy of responsibilities and accountability must be clear and free from biasness.



The reforms in criminal trial apparatus is the need of the hour and can bring social harmony.

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Questions # 06

Introduction

Forensic criminal investigation is a technique of analyzing proves and tools to ~~ten~~ ensure accurate evidence finding. It is advanced technique by using scientific apparatuses to solve crime registries. The system of forensic investigation is not well developed in Pakistan. The hurdles must be removed to streamlines the forensic investigation.

⇒ Forensic Criminal Investigation

The tools, techniques, methods of advanced scientific nature are used to analyze the nature of crime, authenticity of evidence and advanced investigation.

Types of Forensic criminal investigation

1) Forensic Pathology

In this method the dead body is

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analyzed to understand the reason of death. This is commonly known as autopsy. It identifies the cause, time, location of death.

2) Forensic Toxicology

This is used to identify any form of toxic substance in the body. It could be the reason of death. The finding of toxins is helpful in identifying the culprit.

3) Forensic Entomology

In this type there is a study of insects to get information about the body. They can tell the location of crime or position of body.

4) Digital Forensic

It is the analysis of digital tools. It can also check the accuracy of digital proofs. The digital forensic is very important with the surge of use of technology in recent decade.

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Appart from these, there are some other types of forensic criminal investigations as well. Those must be used in Pakistan to ensure criminal investigation is not faulty.

A) DNA Testing

Every individual in the world has distinct DNA. The DNA identification is a proof that can be used in proceedings. However, it is critical to find at crime scene and advanced methods are required.

B) Fingerprint Analysis

Just like DNA, everyone has different fingerprints. Humans leave fingerprint on everything they touch. If evidence includes fingerprint, the criminal is easy to identify. These are present on weapon of crime, body of victim or at the location of crime. So, accened critically.

C) Bloodstain Pattern

The pattern of bloodstain guides about

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the whole crime scene scene. The forensic experts easily imagine the criminal event by analyzing the bloodstains.

D) Handwriting analysis

This is a smart tool in finding criminal of forgery ^{or} white collar crime.

E) Audio-visual analysis

In this technique, the camera cultural areas or the digital tools are checked. They are new evidences and difficult to remove.

⇒ Hurdles in Streamlining in Pakistan

Pakistan faces numerous hurdles in streamlining forensic criminal evidences.

1) Financial limitation

These methods used great expensis. Pakistan is a struggling economy. Moreover, the corruption at department

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level restrict implementation of money.
The low budget is major barrier.

2) Advancement

The police department in Pakistan still follow third degree methods for confession. They rely less on finding proves. Further, there is no advancement in equipments, mobiles and police stations.

3) Research and Development

In Pakistan, research and development is given least priority. The universities most flourish the department of criminology. They can collaborate with neighbouring states for research and development.

4) Policy - making

Policy making in Pakistan is not considering local crime as important.

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The new policies for advanced forensic tools must be ensured.

5) Corruption

The accessing of digital tools is required training. Meanwhile, even after such struggles, many departments result in traditional corruption.

For instance, State made NCIJA for accessing digital crime. The recent report in 2023, FIA revealed the corruption.

Conclusion

The forensic criminal investigation is ^{not} difficult to implement in Pakistan because of many reason. However, it require financial support, political will, policy formation and rule of law.

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Question # 08

Introduction

Street crimes and traffic violation are infractions and misdemeanors usually. However, these are the major portion of overall crime rate. The freedom of these crimes later created big criminals. The public private partnership can be a successful venture to curb these crimes.

⇒ Public Private Partnership

Public private partnership is a proactive technique to create social harmony and create a sense of responsibility. The public image, sense of respect and face saving limits the chances of crime. The community led policing and intelligence led policing are also very helpful.

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A) Social control theory

Travis Hirschi's social control theory posits that individual can be restricted from crime by social bond and social control. The conformity to the rules of society, involvement in social functioning and good relations with others, created a sense of losing respect in society by crime. The individual will refrain from street crimes like robbery, theft, snatching because they want to be respectable person.

Hirschi's also suggested that relation with others act as barrier. He discussed that why one refrained from committing crime because of good social relation.

B) Behavioural Theory

The individuals in society learn their

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behaviour by contacting with others. They try to learn their behavior according to response of society on his/her action. The learning of behaviour and then aligning behaviours to social standards. If society collectively by public private partner try to curb street crimes and traffic violation. For instance, in Pakistan traffic violation is not even considered by individuals as crime. They even violate traffic rules in fun.

3) Labelling Theory

Howard S. Becker defines that labelling defines the character of individual.

The positive labelling helps a criminal to rehabilitate. The negative labelling intensifying the feeling of crime. So, the public private partnership by creating space for rehabilitation, giving a chance to start new life. The partnership

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hamper negative labelling. It can be helpful to curb the street crime and traffic violation and convert them good citizen and to achieve good label.

D) Learning Theory

Edwin Sutherland in differential association theory posits that people learn crime like any other attitude value, beliefs. His work on how people learn theft by joining thieves, learning an art of crime and justification. Ultimately, traffic violation is learned in society and same justification by every violator that 'It was an urgency'. Also, street crimes are learned and justified poverty trigger. If yes then why every poor is not a criminal. Public private partnership provide productive environment. It restrict the learning and accepting any violation of law. It gives a sense of that every crime must be punished and creates deterrence.