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# MOCK EXAM

## PART-II

### SECTION-I

#### QUESTION NO:-2

### Control of Gender-Based Crime in Pakistan:

#### 1. INTRODUCTION:

Gender-based crime (GBC) refers to **violence and criminal acts** committed against individuals primarily because of their **gender**, disproportionately affecting women and girls. In Pakistan, gender-based crimes such as **domestic violence, honour killings, rape, acid attacks, forced marriages, and harassment** remain pervasive due to patriarchal norms, weak law enforcement, socio-economic disparities, and cultural justifications. Despite constitutional guarantees and legislative reforms, implementation

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gaps continue to undermine justice. Effective control of gender-based crime requires a **holistic criminological approach** combining legal, institutional, social, and preventive measures.

## 2. Nature and Magnitude of Gender-Based Crime in Pakistan:

- 1) According to **Human Rights Commission of Pakistan (HRCP)**, hundreds of honour killings and thousands of domestic violence cases are reported annually, while many remain unreported due to stigma.
- 2) Pakistan ranks **148/148** countries on the **Global Gender Gap Index**, reflecting systemic inequality that fuels **gender-based victimization**.
- 3) Criminologically, such crimes are rooted in **patriarchal control, power imbalance, social learning, and weak deterrence mechanisms**.

## 3. Measures to Control Gender-Based Crime in Pakistan:

### 3.1 Strengthening Legal Framework and Closing Loopholes:

Pakistan has enacted many laws, yet

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enforcement remains inconsistent. The key laws include:

1. **Criminal Law (Amendment) Act, 2016** - Closed loopholes allowing forgiveness in honour killing cases.
2. **Protection of Women Against Violence Act, 2016 (Punjab)** - Introduced protection orders and shelters.
3. **Anti-Rape (Investigation and Trial) Act, 2021** - Established special courts and survivor-centric procedures.
4. **Acid Control and Acid Crime Prevention Act, 2011.**

### Measure :

- 1) Remove informal compromise mechanisms (jirga)
- 2) Ensure mandatory prosecution in serious GB crimes
- 3) Uniform adoption of provincial laws nationwide.

### Case Study:

State v. Muhammad Abbas (**Honour killing Case, 2016**) - Highlighted misuse of Qisas and Diyat before legal reform.

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### 3.2 Effective Law Enforcement and Police Reforms:

Police insensitivity and victim-blaming discourage reporting.

#### Measures:

- Gender desks and women police stations in every district.
- Mandatory gender-sensitivity training.
- Accountability mechanisms for negligent officers.
- Increase female representation in police force.

The Routine Activity Theory emphasize capable guardianship; effective policing reduces victimization.

### 3.3 Judicial Reforms and Speedy Justice:

Delayed trials embolden offenders and weaken deterrence.

#### Measures:

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- Special **GBV courts** with time-bound trials.
- In-camera hearings and witness protection.
- Use of forensic and digital evidence.

### Case Study:

**Motonway Rape Case (2020)** - Delayed justice exposed investigative failures but led to legal reforms under **Anti-Rape Act 2021**.

### 3.4 Socio-Cultural Transformation and Education:

Patriarchal norms normalize **violence** against women.

### Measures:

- Gender equality education from primary level.
- Curriculum reform promoting **Constitutional rights**.
- Media campaigns against **honour-based violence**.
- Engagement of religious scholars to counter

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misinterpretation of Islam.

The **Social Learning Theory** - violence is learned behavior; education disrupts transmission.

### 3.5 Economic Empowerment of Women:

Economic dependency increases **vulnerability**.

#### Measures:

- Skill development programs
- Microfinance for women

- **Workplace harassment enforcement**  
(Protection Against Harassment Act, 2010)

#### Evidence:

Studies show **economically empowered women** are more likely to report abuse and escape violent environments.

### 3.6 Victim Support, Rehabilitation, and Protection:

Victims often face secondary victimization.

#### Measures:

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- Safe Shelters (Dar-ul-Aman)
- Legal aid and psychological counseling.
- Medical and forensic support units.
- Compensation funds for victims.

### Case Study:

**Acid Attack Survivors** (e.g. Fakhra Yarus) - Demonstrate lack of rehabilitation leading to long-term trauma.

## 3.7 Elimination of Parallel Justice System

Tirgas and Parichayats perpetuate gender crimes.

### Measures:

- Strict enforcement of **Article 175 (3)**.
- Criminalize extra-judicial punishments.
- Community oversight mechanisms.

### Case Study:

**Mukhtara Mai Case (2002)** - Illustrates

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dangers of informal justice systems.

### 3.8 Data Collection, Research, and Policy Integration:

Underreporting masks the true scale of GB crimes.

#### Measures:

- National GBV database.
- Collaboration between police, NADRA, health departments.
- Evidence-based policy making.

### 4. Constitutional and Legal Basis:

- **Article 25** - Equality before law and prohibition of discrimination.
- **Article 14** - Inviolability of dignity of man and privacy.
- **Article 9** - Right to life and liberty.
- **CEDAW** - Pakistan is a signatory, obligating state protection against GBV.

### 5. CONCLUSION:

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Gender-based crime in Pakistan isn't merely a legal issue but a **deep-rooted socio-criminological** problem. While legislative progress is evident, weak implementation, cultural resistance, and institutional inertia undermine control efforts. A multi-pronged strategy — **strengthening laws, reforming law enforcement, ensuring speedy justice, empowering women economically, transforming societal attitudes, and supporting victims** is essential. Only through **sustained political will, societal participation, and rule of law** can Pakistan effectively curb gender-based crime and uphold constitutional guarantees of dignity and equality.

## SECTION-II

### QUESTION NO:- 4

#### 1. INTRODUCTION:

A fair, efficient, and transparent criminal trial system is the **backbone** of the **rule of law** and social order. In Pakistan,

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despite a well-defined legal framework under the **Constitution of 1973** and the **Criminal Procedure Code (CrPC)**, criminal trials suffer from chronic delays, procedural inefficiencies, weak investigations, low conviction rates, and lack of **public confidence**. These deficiencies undermine deterrence, encourage vigilantism, and violate the fundamental rights of both victims and accused. This question critically evaluates the major problems in criminal trials in Pakistan and suggests pragmatic reforms grounded in law and criminological principles.

## 2. Overview of Criminal Trial Process in Pakistan:

Criminal trials are governed by:

- **Pakistan Penal Code (PPC), 1860**
- **Criminal Procedure Code (CrPC), 1898**
- **Qanun-e-Shahadat Order (QSO), 1984**

The trial process includes **FIR registration**, investigation, prosecution, trial, judgement, and appeal. Problems persist at every stage.

## 3. Major Problems in Criminal Trials in Pakistan:

### 3.1 Delays in Criminal Trials (Justice Delayed = Justice Denied)

Criminal trials often extend for **years**, eroding faith in justice.

#### Causes:

- Heavy backlog of cases
- Frequent adjournments
- Shortage of judges and prosecutors
- Inefficient court management

**Article 37 (d)** - Obligation of the State to ensure **inexpensive and expeditious justice**.

### 3.2 Defective Police Investigation:

Weak investigations result in **acquittals** rather than justice.

#### Issues:

- Poor crime-scene management
- Coerced confessions

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- Lack of forensic evidence
- Political influence over police

### Criminological Impact:

Low conviction rates reduce deterrence  
(Classical Theory of Crime)

### Case Study:

Motorway Rape Case (2020) - Exposed investigative lapses despite public outrage.

## 3.3 Weak Prosecution System:

Prosecution is often underprepared and poorly coordinated with police.

### Issues:

- Political appointments of prosecutors
- Inadequate training
- Lack of independence
- Poor case preparation

### Result:

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High acquitted rates even in serious offences

### 3.4 Misuse of Procedural Laws and Adjournments:

Defense tactics exploit procedural loopholes.

#### Issues:

- Frivolous adjournments
- Abuse of bail provisions
- Deliberate delay strategies

**Section 344 CrPC** - Adjournments often granted without strict scrutiny.

### 3.5 Hostile Witnesses and Lack of Witness Protection:

Witness intimidation severely weakens trials.

#### Problems:

- No effective witness protection mechanism
- Threats and social pressure
- Economic vulnerability of witnesses

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### Case Study:

Mukhtarina Mai Case (2002) - witnesses faced intimidation and social backlash.

### 3.6 Outdated Laws and Colonial Procedures:

CrPC-1898 is ill-suited for modern crime

#### Issues:

- Complex technicalities
- Overreliance on oral testimony
- Limited recognition of digital and forensic evidence

### 3.7 Corruption and External Influence:

Justice is often influenced by money, power, and political pressure.

- Article 25 - Equality before law (often violated in practice)

#### Impact:

Selective justice undermines legitimacy of law

### 3.8 Overcrowded Prisons and under-

## trial Prisoners:

A large number of **prisoners** are under trial.

**Article-9** - Right to life and liberty.

### Issue:

Accused person remain incarcerated for years without **conviction**.

## 4. Suggestions for Improvement in Criminal Trials:

### 4.1 Speedy Trial Reforms:

- Case management systems
- Time-bound trials
- Strict control on adjournments
- Increase judicial strength

### 4.2 Police and Investigation Reforms:

- Independent prosecution-police coordination
- Modern forensic training

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- crime-scene units at district level
- Protection from **political interference**.

### Case Study:

**Shehla Zia v. WAPDA** - Recognized modern interpretation of right to life, including fair procedures.

### 4.3 Strengthening Prosecution Services:

- There should be **merit-based appointments**
- Continuous legal training
- Institutional independence
- Performance-based evaluation is also a must

### 4.4 Witness Protection Programs:

- Enact comprehensive witness **protection laws nationwide**
- Anonymous testimony where necessary
- Financial and physical protection

### Existing Example:

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Sindh witness Protection Act, 2013 (limited implementation)

### 4.5 Judicial Accountability and Transparency

- performance audits
- Digitization of courts
- **video-linked hearings** should be introduced to reduce delays

### 4.6 Legal Aid and Access to Justice:

- Strengthen **public defender system**
- legal aid for indigent accused and victims
- **Article 10-A** - Right to fair trial and due process

### 4.7 Use of Technology:

- E-courts and e-filing
- Digital evidence protocols
- Forensic databases are also inevitable

### 4.8 Reforming Bail and Plea Bargaining Mechanisms:

- Rational bail policy to reduce under-trial population and control plea bargaining under judicial oversight.

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## 5. CONCLUSION:

Criminal trials in Pakistan are plagued by systemic inefficiencies, weak investigations, procedural abuse, and institutional decay, resulting in **delayed justice** and low conviction rates. These problems not only violate constitutional guarantees under **Articles 9, 10-A, and 25** but also erode public trust and deterrence. Sustainable reform requires a **holistic approach**: strengthening investigation and prosecution, ensuring witness protection, modernizing laws and reinforcing **judicial accountability**. Only through effective implementation - can Pakistan transform its criminal justice system into one that delivers timely, fair, and credible justice.

## SECTION-III

### QUESTION NO:-7

#### 1. INTRODUCTION:

Juvenile crime refers to offences committed

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by persons below the age of 18 years. Investigating juvenile crimes requires a **distinct legal and ethical framework** because children are developmentally immature, vulnerable, and capable of reform. International standards and Pakistan's domestic laws emphasize **rehabilitation over punishment**, protection of dignity, and best interests of the child. Failure to follow these guidelines not only violates constitutional and international obligations but also increases societal harm.

## 2. Why Juveniles Need Special Treatment

Criminology recognizes that juvenile delinquency stems from:

- **Social learning**
- **Family disorganization**
- **Poverty and peer influence**
- **Psychological immaturity**

**Labelling Theory** warns that harsh treatment criminalizes children permanently.

**Rehabilitative Model** advocates correction, not retribution.

## 3. Legal Framework Governing Juvenile Investigations in Pakistan:

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### 3.1 Juvenile Justice System Act (JJSA), 2018:

This is the principal law governing juvenile offenders in Pakistan.

- **Section 2(h):** Defines a child as a person below 18 years.
- **Section 4:** Mandatory age determination before investigation.
- **Section 6:** Prohibition of handcuffing, fettering, or chaining.
- **Section 10:** Juveniles must be produced before a Juvenile court within **24 hours**.
- **Section 15:** Preference for diversion and rehabilitation.
- **Section 16:** Establishment of observation homes and rehabilitation centers.

### 3.2 Constitutional Provisions:

- **Article 9:** Right to life and liberty.
- **Article 10-A:** Right to fair trial and due process.
- **Article 14:** Inviolability of dignity of man.
- **Article 25(3):** Special protection for women and children.

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#### 4. International Legal Obligations:

Pakistan is a Signatory to:

- UN Convention on the Rights of the Child (CRC), 1989
- Beijing Rules (1985) - Juvenile Justice Administration
- Riyadh Guidelines (1990) - Prevention of Juvenile Delinquency

These instruments mandate: minimum use of detention, child-friendly investigation, and legal assistance and parental presence.

#### 5. Ethical Guidelines for Investigating Juvenile Crimes:

##### 5.1 Presumption of Innocence and Dignity:

Ethically, juveniles mustn't be treated as hardened criminals.

Example:

Publicly parading juvenile suspects violates Article 14 and CRC Standards.

##### 5.2 Child-Friendly Investigation Procedures:

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There should be use of simple, non-threatening language, **no coercion** or torture, presence of parent/guardians or probation officer should be mandated and there should be **female officers for female juveniles**.

### 5.3 Prohibition of Coercive Confessions:

Confessions under torture are legally invalid and **ethically immoral**. Juveniles are most susceptible to pressure.

### Case Study:

Sheikh Muhammad v. State - Confessions must be voluntary.

### 5.4 Confidentiality and Privacy:

Identity of juvenile offenders mustn't be disclosed and media trials cause **stigma** and **long-term harm**.

### 5.5 Use of Diversion and Restorative Justice:

Ethically preferred over prosecution. The examples of diversion includes: **probation, community service, counseling and family conferencing**.

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## 6. Case Studies Illustrating legal and Ethical Failures:

### 6.1 Jared Jaybul Case (1999):

Police unlawfully detained and abused juveniles during investigation, demonstrated absence of child-sensitive procedures and sparked debate leading to juvenile justice reforms.

### 6.2 Shahzad v. State:

Supreme court emphasized age determination as a **mandatory requirement**, failure to assess age invalidates trial.

### 6.3 Tahir v. State:

Supreme court ordered retrial when juvenile protections were ignored, reaffirmed rehabilitation as the primary objective.

## 7. Major challenges in Implementing Guiding:

- Lack of Juvenile courts in districts
- poor training of police
- Absence of observation homes

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- Weak coordination between police and probation officers.

## 8. Recommendations for Improvement:

### 8.1 Specialized Juvenile Police Units:

There should be mandatory training in child psychology and **gender-sensitive investigation techniques** shall be used.

### 8.2 Strengthening Juvenile Courts:

Establish courts at district levels and **child-friendly courtrooms** should be established.

### 8.3 Institutionalizing Diversion Mechanisms

Community-based rehabilitation programs and **NGO involvement** is also a must.

### 8.4 Monitoring and Accountability:

Judicial oversight of Police investigations and penalties should be imposed for **violations of JJSA-2015**.

## 9. Conclusion:

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Investigating juvenile crimes is a delicate balance between law enforcement and child protection. Pakistan's legal framework - particularly the **Juvenile Justice System Act, 2018** - provides comprehensive safeguards but ethical and legal violations persist due to weak implementation. A **child-centric, rehabilitative, and rights-based approach** is essential to prevent future criminality. Upholding legal and ethical guidelines is a constitutional and international obligation for a **just and humane criminal justice system**.

## SECTION-IV

### QUESTION NO:- 9

#### 1) Cyberspace and Youth Crime:

##### 1. INTRODUCTION:

Cyberspace refers to the virtual environment created by **digital networks**, particularly the internet and social media platforms. While it offers unprecedented access to

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information and connectivity, it has also become a **fertile ground** for youth involvement in cyber crimes due to **anonymity, low risk perception, and technological proficiency.**

## 2. Nature of Youth Cybercrimes:

Common cyber offences involving youth includes:

- Cyber bullying and harassment
- online fraud and phishing
- Identity theft
- Hacking and unauthorized access
- Online radicalization and cyber-terrorism
- Digital sexual exploitation

## 3. Causes of Youth Involvement:

- Early access to smartphones and internet
- Peer influence and online subcultures
- Lack of cyber ethics education
- Psychological factors (thrill-seeking, curiosity)

## 4. Criminological Analysis:

### • Routine Activity Theory:

online environments provides motivated

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offenders, suitable targets, and absence of capable guardians.

## 2) Social Learning Theory:

Youth learn deviant behavior through online communities and forums.

## 3) Labeling Theory:

Criminalization of juveniles for minor cyber offences can entrench deviance.

## 5. Case Studies:

### 5.1 Blue whale challenge (2017)

Several youth worldwide were psychologically manipulated online, leading to self harm.

### 5.2 Pakistan FIA Cyber Crime Irving Cases:

Increasing arrests of youth individuals involved in hacking and online fraud under the Prevention of Electronic Crime Act (PECA), 2016.

## 6. Control and Preventive Measures:

1) By teaching cyber-ethics education in sch

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2. Parental monitoring and digital literacy
3. Specialized juvenile cyber crime units
4. Rehabilitation rather than punitive measures

## 7. CONCLUSION:

Cyberspace has transformed youth crime from **street-based delinquency** to virtual deviance. Addressing youth cyber crime requires **preventive education, ethical digital engagement**, and child-sensitive legal responses rather than excessive penalization.

## 2) Smuggling as a Transnational Crime:

### 1. INTRODUCTION:

Smuggling is the **illegal movement of goods, persons, or substances across borders** in violation of national and international laws. Due to **globalization, porous borders**, and weak regulatory frameworks, smuggling has evolved into

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a major transnational organized crime.

## 2. Types of Smuggling:

2.1 Drug Smuggling (heroin, cocaine, methamphetamine)

2.2 Human smuggling and trafficking

2.3 Arms Smuggling

2.4 Fuel, currency, and wildlife smuggling

## 3. Causes of Transnational Smuggling:

1) Economic disparities between states

2) High demand for illegal goods

3) weak border control and corruption

4) conflict zones and porous borders

5) Global criminal networks

## 4. Criminological Perspective:

### 4.1 Rational Choice Theory:

Smuggling is driven by high profit and low risk.

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#### 4.2 Organized Crime Theory:

Structured networks operate across borders with division of labor.

#### 4.3 Strain Theory:

Poverty and unemployment push individuals toward smuggling activities.

### 5. Case Studies:

#### 5.1 Balochistan-Iran-Afghanistan Drug Routes:

Pakistan is a major transit country for Afghan opiates.

#### 5.2 Human Smuggling Tragedy (Greece Boat Incident, 2022):

Pakistani nationals were victims of transnational smuggling networks.

#### 5.3 Wildlife Smuggling Cases in Pakistan:

Illegal export of falcons and reptiles to Gulf countries.

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## 6. Legal and Institutional Framework:

6.1 UN Convention against Transnational Organized Crime (Palermo Convention), 2000

6.2 Control of Narcotic Substances Act, 1997 (Pakistan)

6.3 Anti-Money Laundering Act, 2010

## 7. Measures to Control Smuggling:

- 1) Strengthening border Surveillance
- 2) Regional intelligence sharing
- 3) Anti-corruption reforms
- 4) Economic development of border areas

## 8. CONCLUSION:

Smuggling as a transnational crime undermines State Sovereignty, fuels corruption, and finances organized crime. Combating it requires international cooperation, robust law enforcement, and addressing socio-economic drivers at the grassroots levels.