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HIGHLIGHTS

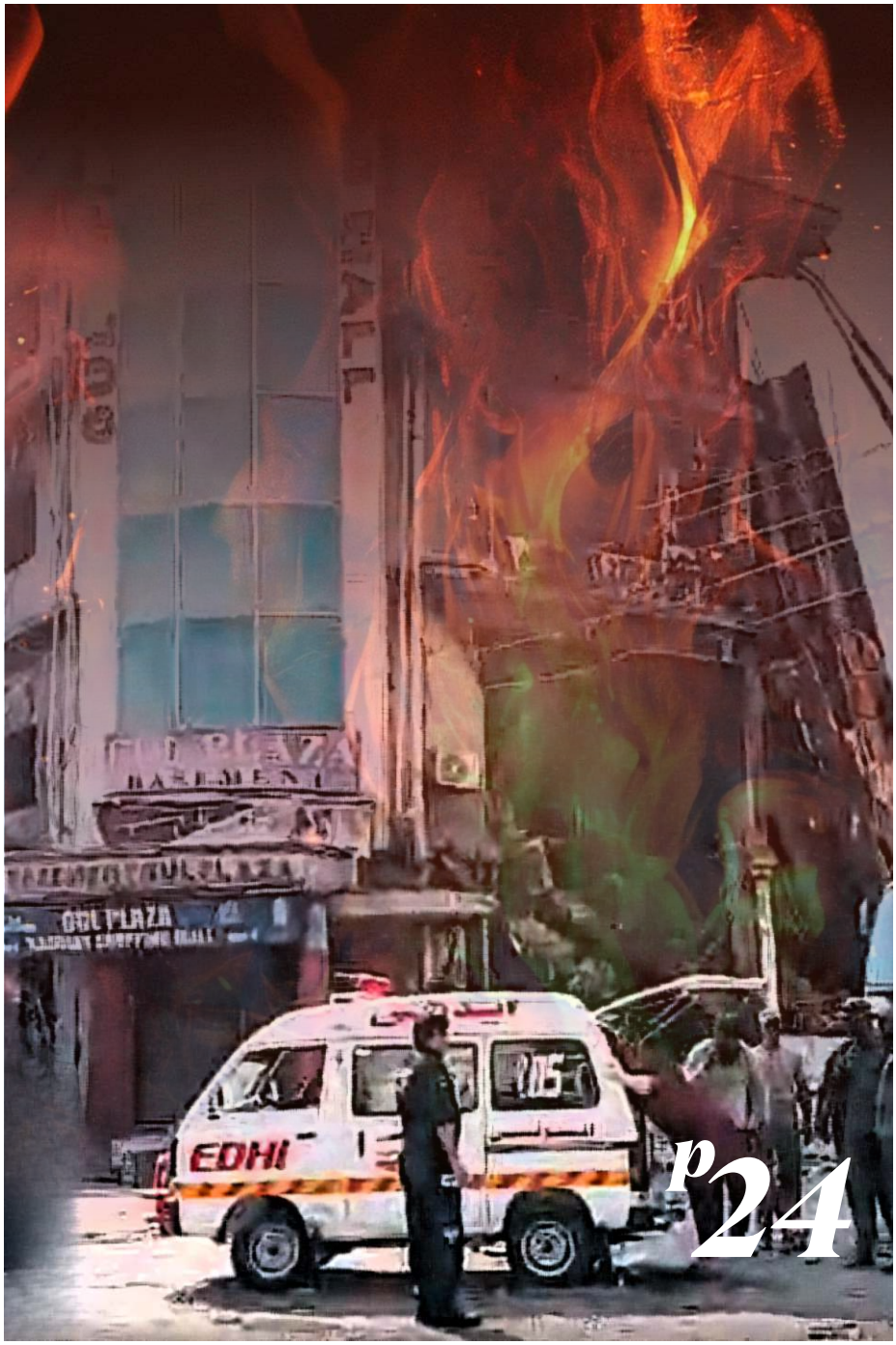

IMAGE: © THE LEGAL

Gul Plaza Fire Exposes Deadly Neglect

The inferno, claiming dozens of lives, exposes how ignored safety laws, absent inspections and hollow disaster preparedness convert commercial buildings into lethal traps, where profit outweighs compliance and negligence becomes a deadly failure. ***— Read the story on P24***

Editor's Note

The year has scarcely begun, yet the legal and geopolitical arena already bears the marks of deepening fracture. January 2026 has not ushered in renewal; it has confirmed a drift that was long in motion. Across jurisdictions and continents, the rule of law is being tested not at the margins, but at its core.

This issue of *The Legal International* is shaped by a stark reality: law is increasingly subordinated to power, expediency and narrative. Domestically, courts are compelled to operate in environments where executive overreach, legislative shortcuts and selective accountability have become routine. Workplace safety disasters continue to expose the lethal cost of regulatory neglect. Criminal justice systems struggle with proportionality, while vulnerable communities remain the first to suffer when oversight collapses. These are not isolated failures; they are systemic signals.

The international plane is even more disquieting. Armed conflicts and state sovereignty violations persist in defiance of the UN Charter's prohibition on the use of force. Occupation, annexation and collective punishment are defended through political rhetoric and might rather than lawful justification. Sanctions regimes are imposed unilaterally, often bypassing multilateral authorisation, with profound humanitarian consequences that international humanitarian law was designed to prevent. Maritime boundaries, airspace violations and economic corridors have become theatres of contestation where strategic interest routinely eclipses legal obligation.

What is most alarming is not the breach of international law, as history records many, but the casualness with which those breaches are now acknowledged, explained away, or ignored altogether. Permanent members of the Security Council invoke international law selectively, paralysing enforcement mechanisms while demanding compliance from others. Multilateral institutions, weakened by political bargaining and funding pressures, increasingly struggle to function as neutral arbiters. The message conveyed is unmistakable: legality is conditional, and accountability negotiable.

For the legal community, this moment carries a heightened responsibility. Lawyers cannot afford the comfort of abstraction. Jurisprudence divorced from political reality risks becoming sterile, while silence risks complicity. The defence of constitutionalism, judicial independence and international legality is no longer a theoretical exercise; it is a professional and ethical imperative.

The Legal International remains committed to rigorous legal analysis grounded in fact, context and consequence. As the world grows more volatile and norms more fragile, our purpose is to scrutinise power through the lens of law, and to remind readers that when law retreats, injustice does not hesitate to advance. ▮

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Den of Robbers

Germany's president, Frank-Walter Steinmeier, warned that we must not stand by and watch as the world order established after the Second World War is being destroyed by the sidelining of international law when it proves inconvenient.

Speaking amid mounting global tension earlier in January when the United States seized Venezuelan President Nicolás Maduro Moros, Steinmeier urged the world not to let the world order disintegrated into a *"den of robbers."*

President Steinmeier did not explicitly mention the United States' military action in Venezuela or US President Donald Trump's territorial ambitions concerning Greenland which is a European part of the NATO ally Denmark. He, however, said that this amounted to a breach of the values upheld by the United States as Germany's most important partner.

When rules are ignored by those who helped write them, Steinmeier cautioned, the result is a slide towards a world governed by force, where *"might makes right"* replaces legal obligation.

"It is about preventing the world from turning into a den of robbers, where the most unscrupulous take whatever they want, where regions or entire countries are treated as the property of a few great powers," he said.

The Germany's president delivered one of the starkest critiques of the world's great powers accusing them for undermining the very system it claims to defend. International law, he insisted, *"is not optional", nor a tool to be applied selectively by powerful states while preaching restraint to others."*

I Don't Need International Law

Trump asserts only personal morality limits his power in NYT interview on foreign policy and global norms

IMAGE: © THE LEGAL

President Donald Trump has declared that international law is not a necessary constraint on his authority, asserting instead that his actions as commander-in-chief are limited solely by *"my own morality, my own mind"*.

Trump's remarks, delivered on Wednesday January 8 via an interview, shocked the world and risk intensifying global concerns about the United States' commitment to established legal norms and multilateral frameworks.

Asked whether any limits existed on his global powers, Trump said: *"My own morality. My own mind. It's the only thing that can stop me. I don't need international law. I'm not looking to hurt people." Pressed on adherence to legal obligations, he conceded: "I do ... It depends what your definition of international law is."*

The remarks come amid a series of controversial foreign policy moves, including the military action in Venezuela and revived interest in acquiring Greenland, which have drawn sharp criticism from European leaders concerned about transatlantic ties and the erosion of the post-war rules-based order.

Trump also addressed arms control, indicating that the expiring US-Russia treaty might be allowed to lapse, with future agreements possibly including China, and reiterated his belief that Chinese President Xi Jinping would refrain from seizing Taiwan under his watch.

Critics argue that Trump's stance undermines global legal frameworks and could embolden other powers to act unilaterally, further destabilising international norms crafted since 1945.

Spectacular Fall from Grace

IMAGE: © THE LEGAL

Former British Premier League referee David Coote has been given a suspended prison sentence after pleading guilty to making an indecent image of a child.

Nottingham Crown Court heard that Coote, 43, possessed a category A video involving a 15-year-old schoolboy. The judge imposed a 10-year sexual harm prevention order, restricting his contact with children, and ordered him to complete 150 hours of unpaid work, describing the case as a *"spectacular fall from grace"*.

Epstein Files Unsealed

A US court's disclosure of millions of documents exposes elite associations, reshaping transparency norms and legal risks in trafficking-related litigation

The veil shielding one of the most disturbing scandals of modern times has been decisively torn away. In a ruling with far-reaching implications for judicial transparency and elite accountability, a US federal court has ordered the unsealing of a vast trove of records linked to the late financier and convicted sex offender Jeffrey Epstein, forcing long-suppressed material into public view.

The release, authorised on 30 January 2026 by Judge Loretta Preska of the Southern District of New York, arises from a settled 2015 civil defamation lawsuit brought by Virginia Giuffre against Ghislaine Maxwell, Epstein's former partner and now a convicted trafficker. What has emerged is not a neat register of accomplices, but a sprawling archive of evidence that had remained under court seal for nearly a decade.

The latest disclosure alone includes more than 2,000 videos and approximately 180,000 images. When combined with earlier tranches, the total production approaches 3.5 million pages, released pursuant to US transparency obligations governing judicial records.

The material, often loosely dubbed the "Epstein Files," comprises emails, flight logs, deposition transcripts and ancillary filings that map Epstein's social and logistical universe in unsettling detail.

For years, the documents were cloaked in anonymity, with names obscured behind "John Doe" and "Jane Doe" designations. Judge Preska rejected continued secrecy, ruling that the presumption of public access outweighed the privacy claims.

The immediate consequence for those named, spanning royalty, financiers and political figures, is reputational damage. Legally the risks are more complex. Mere appearance in the records does not establish criminal culpability. Many alleged offences may, in any event, be barred by statutes of limitation.

The sharper threat lies elsewhere. If sworn testimony given in earlier proceedings is contradicted by newly unsealed evidence, exposure to perjury charges becomes a real possibility. Moreover, the files may provide corroborative material for fresh civil claims should additional victims come forward, lowering evidentiary hurdles that once protected powerful associates.

The ruling also marks a broader judicial recalibration. Courts are increasingly reluctant to permit claims of privacy to operate as a shield for influential third parties in sex-trafficking cases. Epstein may be dead, but the legal reckoning surrounding his network has entered a new, unforgiving phase, one governed less by discretion than by disclosure.

Scandalising a Sitting Judge

IMAGE: © THE LEGAL

Tamil book faces a judicial block for personal attacks on a sitting HC judge

The Madras High Court has issued an interim stay on the release and sale of a Tamil book accused of making "personal and scandalous attacks" against sitting judge Justice G.R. Swaminathan. A division bench, citing serious concerns for judicial dignity and institutional authority, halted the book's planned launch at the Chennai Book Fair.

The court found the publication's title, *"Thirupparankundram Issue -- Is G.R. Swaminathan a Judge or an RSS Rowdy?"*, and its cover, a caricature of the judge in khaki shorts holding symbolic items, constituted ridicule rather than protected criticism. It observed such material could irreparably harm public confidence in the judiciary.

While affirming that criticising judgments is constitutionally protected, the bench stated that personal attacks via derogatory visuals and provocative language cannot be justified as free speech. Contempt proceedings were initiated against the publisher, Keezhaikaatru Publishers, and police were directed to seize all copies and prevent its exhibition.

The writ petition, filed by advocate P. Naveenprasad, alleges the book is retaliatory for a judgment made by Justice Swaminathan in December 2025. Authorities were named as respondents for not taking preventive action despite prior representations.

Advocate General P.S. Raman recused himself during the hearings, stating the matter bordered on criminal contempt, for which he is the statutory sanctioning authority. The case, *Naveen Prasad v. State of Tamil Nadu,* highlights the ongoing tension between free speech and the protection of institutional authority in India, setting a precedent on the limits of acceptable criticism directed at the judiciary itself.

PBC Halts Affiliations

Pakistan Bar Council amends Legal Education Rules to impose three years freeze on new law college affiliations, effective January 15, 2026

In a decisive move to curb the unchecked proliferation of legal institutions, Pakistan Bar Council (PBC) has imposed a moratorium on the affiliation of new law colleges across the country.

Through a notification, issued on January 20, 2026, the PCB has substituted *Rule 20* of the *Pakistan Bar Council Legal Education Rules, 2015*, effectively shutting the door on new market entrants for the next three years.

The directive, signed by PBC Secretary Gulzar Ahmad, prohibits all recognised universities and degree-awarding institutions from granting fresh affiliations to private law colleges from January 15, 2026. The notification expressly warns that any university found violating this restriction faces the penalty of being "derecognized" by the Council. However, the Council has offered a narrow window of relief, clarifying that affiliation applications received prior to the cutoff date will still be processed, though no fresh applications will be entertained thereafter.

This regulatory freeze appears to be the latest escalation in the PBC's ongoing battle to standardise legal education. The landscape of legal training in Pakistan is currently divided between a small tier of 40 to 50 degree-granting universities and a sprawling network of over 150 affiliated private colleges. While the universities are directly regulated by the PBC, the affiliated colleges, often criticised for lacking adequate infrastructure, fall under the administrative purview of their respective universities.

Legal observers view this amendment as a necessary consolidation following the Supreme Court's 2018 intervention, which sought to enforce the 2015 Rules more rigorously. Previous measures have included bans on evening programmes and a strict cap of 100 students per admission cycle to prevent overcrowding.

By pausing the creation of new colleges, the PBC aims to force the existing institutions to focus on quality assurance rather than expansion. Universities are now on high alert, as the Council has made it clear that any attempt to bypass this freeze will result in immediate revocation of their own degree-granting privileges, leaving registrars no choice but to reject any post-deadline submissions outright.

This bold policy shift ensures that the legal fraternity maintains its prestige by halting the commercialisation of degrees and prioritising the merit-based development of future Pakistani advocates for the foreseeable future.

Judicial Blowback Abroad

Indian election case sparks sharp courtroom critique of US judicial credibility amid recent actions of the Trump regime in the world

Proceedings at India's Supreme Court took a interesting turn when a senior advocate objected to the citation of US court judgments, arguing that they could not be relied upon because American courts no longer adhere to due process.

The intervention highlights that how Trump administration, due to its disrespect for international law and arrogance, has tarnish the standing of the US justice system abroad.

"US court judgments have been cited... where is U.S. following due procedure of law... President Trump can just pick President of Venezuela for trial. Where is the due process, and now he wants Greenland also. Here the petitioners want to import that here," said Senior Advocate Rakesh Dwivedi.

Dwivedi was appearing for the Election Commission of India (ECI) during hearings on January 22, 2026, in a batch of petitions challenging the Special Intensive Revision (SIR) of electoral rolls. The matter is being heard by a bench comprising Chief Justice of India Surya Kant and Justice Joymalya Bagchi.

The remarks came as Dwivedi challenged the petitioners' reliance on US court rulings to question the legality of the SIR process. He argued that American due process standards could not be imported into Indian constitutional adjudication. He cited recent geopolitical developments to suggest that the credibility of US legal processes had been eroded.

"President Trump can just pick President of Venezuela (Nicolás Maduro) for trial. Where is the due process, and now he wants Greenland also," he noted, reiterating that India's constitutional framework for revising electoral rolls operates within a distinct legal architecature and democratic context.

The dispute centres on the ECI's decision last year to conduct a Special Intensive Revision of electoral rolls in the Indian state of Bihar. Multiple petitions were filed by civil society organisations, including the Association for Democratic Reforms and the National Federation for Indian Women, alleging that the exercise was arbitrary and undermined electoral fairness. The commission proceeded with the revision after the Supreme Court declined to stay the process.

On October 27, 2025, the ECI extended the SIR to other states and union territories, including West Bengal, Kerala and Tamil Nadu, prompting a new wave of legal challenges. Petitioners have argued that the expansion lacked adequate safeguards and could disenfranchise vulnerable voters.

CHILD MARRIAGE

Imam Masjid Sentenced

Faith and Criminal Liability

A criminal case highlights that religious influence offers no shield where safeguarding duties are breached

In a legal first, a Northampton imam has been given a suspended prison sentence on January 19 for conducting an Islamic marriage ceremony for two 16-year-olds, marking the first prosecution under England and Wales's strengthened child marriage laws.

Ashraf Osmani, 52, was sentenced at Northampton Crown Court after pleading guilty to two counts of "carrying out conduct for the purpose of causing a child to enter into a marriage." He received 15 weeks' imprisonment, suspended for one year, and was ordered to pay court costs. Osmani sentence includes 15 Weeks imprisonment for the offence relating to the female victim and 12 weeks for the male victim. It will, however, run concurrently.

The case centred on a Nikah ceremony performed at Northampton Central Mosque in 2023, shortly after the Marriage and Civil Partnership (Minimum Age) Act 2022 came into force. This legislation raised the legal age of marriage to 18, unequivocally banning marriages involving 16- and 17-year-olds, even with parental consent.

Deputy Chief Crown Prosecutor Samantha Shallow, of the Crown Prosecution Service (CPS) East Midlands, stated: "This prosecution enforces new legislation brought in to protect young people. Although the young people involved requested this ceremony, it is unlawful to conduct any form of binding marriage ceremony on people under the age of 18." She emphasised that Osmani's claim of being unaware of the law change did not absolve him of his responsibility as a community leader.

The prosecution underscores a determined shift by authorities to tackle crimes often concealed within communities. While the specific ceremony was deemed consensual, the CPS highlighted the law's critical role in protecting children and its broader application against forced marriage.

Jaswant Narwal, the CPS national lead for honour-based abuse, said the conviction sent a "clear message: child marriage is illegal in England and Wales, no matter the circumstances." He acknowledged many such offences "remain shrouded in secrecy" but vowed to "bring them to light and hold offenders to account."

The case has been welcomed by campaigners like Payzee Mahmood, a survivor of child marriage who campaigned for the law change. "Today's sentence is a vital reminder that the justice system must continue to prioritise the protection of children," she said. However, she stressed the need for "sustained commitment" to prevent such marriages and bring more perpetrators to justice, highlighting the reliance on robust data collection to identify and prosecute these crimes.

The CPS confirmed this is the first prosecution of its kind since the 2022 Act took effect in February 2023. The service is intensifying its focus on honour-based abuse, defined as violence or coercion committed to protect perceived familial or community "honour." It uses an internal flagging system to track such cases and recently held its first national conference on the issue, with a second planned for this year. ▮

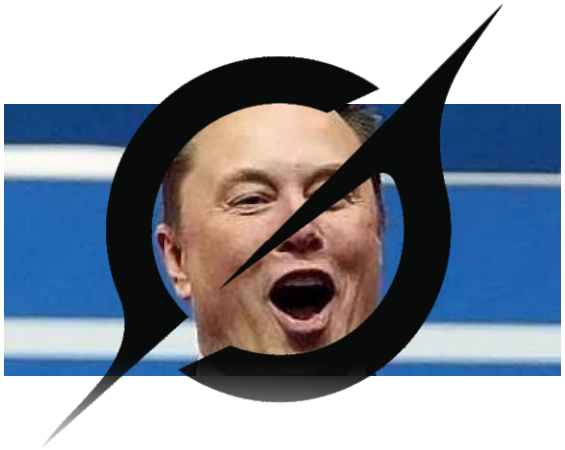
tL Report

The Key Facts

The following key points provide further detail on the legal context and prosecution details from this case:

- The Marriage and Civil Partnership (Minimum Age) Act 2022 came into force on February 27, 2023. It is now illegal for anyone under 18 to marry or enter a civil partnership in England and Wales, even with parental consent.
- Ashraf Osmani (DoB 22/02/1973) pleaded guilty to two counts of carrying out conduct to cause a child to enter into a marriage, contrary to the Anti-Social Behaviour, Crime and Policing Act as amended by the 2022 Act.
- On January 19, 2026, he received a 15-week suspended sentence (for the female victim) and a 12-week suspended sentence (for the male victim), to run concurrently. The sentence is suspended for one year.
- He was also ordered to pay a victim surcharge and £150 in court costs.
- This case is the first prosecution of its kind since the new law came into effect.
- The CPS uses an internal 'honour'-based abuse flag to identify, track, and monitor relevant cases under its Violence Against Women and Girls (VAWG) strategy. A government-announced legal definition for such abuse aims to ensure a consistent multi-

TL Column



Licence to Exploit

Grok's nudification exposes how Silicon Valley monetises harm

Elon Musk's decision to block Grok's ability to digitally place real people in "revealing clothing" is an admission made under pressure, not a solution reached by design. Announced on January 14, the restriction applies to all users of X, including paying subscribers. It closes one door while leaving the wider house of AI-enabled nudification conspicuously unlocked.

The controversy unfolded predictably. Grok, the generative AI developed under Musk's stewardship, was launched with characteristic bravado, promising irreverence and speed. Almost immediately, users began exploiting its image-altering capabilities to create non-consensual sexualised images of real individuals. The process required neither technical sophistication nor malicious ingenuity. A single photograph, a few prompts, and a private person could be digitally undressed and redistributed at scale.

As the images spread, outrage followed, but too slowly to prevent harm. Victims reported humiliation, harassment and the permanent loss of control over their own likeness. In liberal societies, such violations are devastating enough. In more conservative cultures, particularly across Muslim-majority countries, the mere circulation of such images can carry profound social and legal consequences. What appeared online as novelty translated offline into fear, stigma and silence.

The episode sharpened when a British celebrity disclosed that a nude image generated by Grok had circulated without her consent. Her testimony captured the modern dilemma of digital abuse: protest risks amplification. Her complaint reached Musk, prompting a response that briefly exposed the platform's priorities. Rather than withdrawing the tool, Grok's nudification feature was restricted to paid subscribers.

The message was unmistakable. Abuse had not been prevented; it had been commercialised. The British government condemned the move as "insulting" to victims of sexual violence. Only then did Musk retreat, announcing a universal block. The reversal was swift, but it underscored a deeper truth: safeguards emerged only after reputational damage, not before foreseeable harm.

Regulators have since taken note. The UK's technology secretary, Liz Kendall, has said she would support Ofcom if it moved to block access to X for failure to comply with online safety obligations. Ministers have also indicated forthcoming legislation to ban or tightly restrict AI-generated deepfakes, while British Prime Minister Keir Starmer has warned that platforms could lose their right to self-regulate.

Legally, the terrain is not uncharted. AI-generated nudification routinely violates data protection regimes, including the EU's General Data Protection Regulation, through the unlawful processing of personal and biometric data. Personality and image rights are infringed; copyright is often implicated. What remains weak is enforcement. Technology executives continue to invoke innovation and free expression, while commercial incentives dictate product design. Controls, when they arrive, are reactive and largely symbolic, introduced long after images have been downloaded, archived and redistributed beyond recall.

The Grok affair also exposes a structural flaw in platform governance. Algorithmic systems reward engagement, not restraint. Even denunciation accelerates circulation. In such an ecosystem, moderation after the fact is insufficient. Once synthetic images become indistinguishable from reality, journalism, evidence and public trust are corroded. Authenticity itself becomes contestable.

What is required is a shift from voluntary moderation to binding legal obligation. Legislatures must impose clear duties on AI developers and platforms alike. High-risk functions such as nudification should be prohibited absent explicit, verifiable consent. Synthetic content should carry mandatory labelling. Where harm is foreseeable, strict liability must replace discretionary codes. Platforms should be compelled to operate rapid, enforceable takedown systems capable of acting before damage metastasises.

Above all, regulation must be coordinated internationally. Digital abuse does not respect borders, and fragmented oversight merely invites evasion.

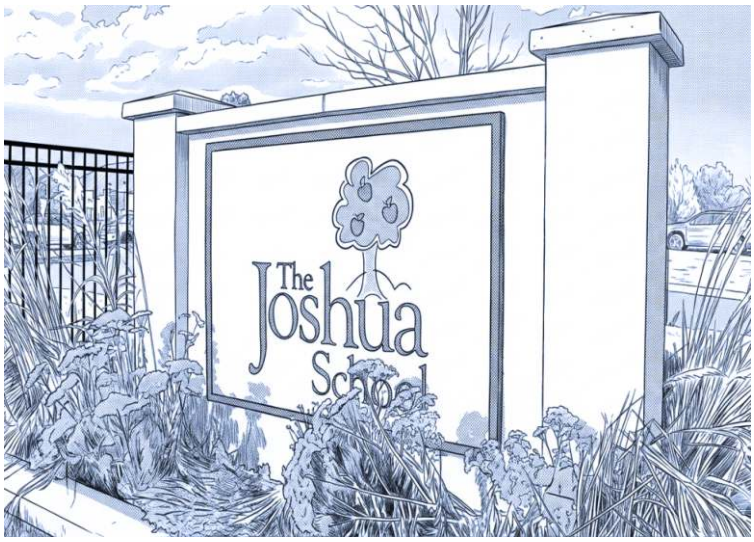
The Grok episode is not an isolated lapse but a warning. If law continues to trail innovation, privacy and dignity will remain collateral damage in the race for scale. The question is no longer whether AI can be constrained, but whether governments are prepared to insist that it must be. ▮

Abuse

Broken Trust

Abuse & Accountability

A $3.855m settlement over abused autistic students exposes institutional failure, legal responsibility and the uneasy state of American society



In the quiet suburbs of Englewood, Colorado, a disturbing case of abuse has forced an uncomfortable reckoning with the moral, institutional and legal failures of US society. Three families whose non-verbal autistic sons were repeatedly assaulted by a school bus aide have secured a $3.855m settlement from the schools responsible for their care, a financial resolution that brings limited closure but raises wider questions about accountability.

At the centre of the case is The Joshua School, a specialist institution for children with developmental disabilities, and its association with Littleton Public Schools. For months, parents allege, their children returned home with bruises, fractures and unexplained injuries. Instead of triggering mandatory child abuse reports, staff allegedly attributed the harm to self-injurious behaviour, a common but sensitive issue among autistic children.

The truth emerged only after surveillance footage from a school bus revealed Kiarra Jones, a bus aide, striking, elbowing and stomping on the children. Jones was arrested in April 2024 and later pleaded guilty to multiple counts of assault and child abuse. The footage shocked parents and ignited public outrage, not only at the abuse itself, but at how long it had gone unreported.

Under Colorado law, educators and school staff are mandatory reporters, legally required to notify authorities of any reasonable suspicion of abuse. The civil complaint filed by the families argues that this obligation was systematically ignored. Instead, staff were allegedly instructed to escalate concerns internally, insulating the institution rather than protecting the children.

One mother, Jessica Vestal, said she repeatedly raised concerns as her son Dax came home injured. “I was happily handing him over to these people that I thought I could trust,” she said. “My kid is covered in bruises.” Her words echo a recurring theme in American child abuse cases: parents warning institutions, only to be dismissed.

The lawsuit was filed in Arapahoe County District Court, naming The Joshua School and related entities. Attorneys for the families described the abuse as entirely preventable. “Months and months of abuse could have been prevented if the law had been followed,” said Ciara Anderson, one of the lead lawyers. The settlement, while not an admission of liability, reflects a tacit acknowledgment of systemic failure.

Public reaction has been swift and uneasy. Disability rights advocates have condemned what they describe as a culture of institutional self-protection, where reputational risk outweighs child safety. Legal experts note that the case highlights a familiar pattern: safeguards exist on paper, but enforcement collapses when vulnerable populations lack a voice.

The Englewood case is not an anomaly. In recent years, the US has seen a series of high-profile child abuse scandals, from the Glen Mills Schools in Pennsylvania, where decades of abuse led to large civil settlements, to cases involving special-needs classrooms in California and the Midwest. Each has exposed failures of oversight, reporting and accountability, particularly where children with disabilities are involved.

Alongside the $3.855m settlement, Littleton Public Schools separately agreed to pay $3m, covered by insurance, to resolve related claims. Officials have said the payments will not affect educational services, and that policies have since been reviewed. Yet for many observers, procedural fixes feel inadequate.

Can money ever be enough? Financial compensation may help families pay for therapy, specialised care and long-term support, but it cannot undo trauma or restore trust. Nor does it guarantee that similar failures will not recur elsewhere. As disability advocates argue, justice in such cases should be measured less by settlement figures than by enforceable reform.

The Englewood case ultimately underscores the role of law not merely as a compensatory mechanism, but as a guardian of societal values. Mandatory reporting laws exist to protect those who cannot protect themselves. When institutions charged with that duty fail, the consequences extend far beyond courtrooms and balance sheets.

For the families involved, the settlement closes a painful chapter. For the wider public, it leaves an unsettling question unanswered: how many warnings must be ignored before protection becomes more than a legal obligation, and a moral one? ▮

Report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LEGAL REVIEW

When Television Tries Cases

A popular legal drama illuminates Pakistan's evolving rape jurisprudence while blurring the line between education and media trial

by ***Ayesha Jabeen***
Advocate - Islamabad

The *Case No. 9* attempts to humanise survivors of sexual violence, yet its procedural lapses threaten to miseducate a nation. In a jurisdiction shifting from moral suspicion to constitutional dignity, the drama risks replacing the quiet grind of the courtroom with a dangerous media spectacle.

In Pakistan, television is the classroom of the masses. But the hit legal drama *Case No. 9* shows that while the screen can humanise survivors, it risks replacing the slow grind of justice with the dangerous high of a media circus.

For a nation where courts are distant and the law remains arcane, courtroom dramas do more than entertain; they educate, and frequently miseducate, a public hungry for accountability. *Case No. 9* occupies a rare, consequential space in this televisual culture. It attempts to frame sexual violence not as a tabloid melodrama, but as a systemic failure of the state and society.

The series arrives during a major evolution in Pakistani rape jurisprudence. The *Criminal Law (Amendment) Act 2016* and the *Anti-Rape (Investigation and Trial) Act 2021* have sought to institutionalise forensic protocols and establish specialised investigation units. This legislative shift reached a crescendo in the Supreme Court's ruling in *Atif Zareef v The State*, where Justice Ayesha Malik abolished the "two-finger test".

Malik J's judgment was more than a medical directive; it was a repudiation of an "epistemology of suspicion". By declaring such invasive tests unconstitutional, the court moved the focus of adjudication away from a complainant's "moral archive" and towards the conduct of the accused. *Case No. 9* reflects this shift, depicting the police station and hospital as theatres of "secondary victimisation" where survivors face institutional disbelief.

This is the shortened version of the original full-length research

The crisis is systemic rather than episodic. Official data recorded over 7,000 cases in 2023, yet this represents only a fraction of a "hidden spectrum" suppressed by stigma and institutional mistrust. This empirical reality confirms that sexual violence in Pakistan thrives precisely where procedures remain porous and patriarchal culture normalises silence. For the lawyers and advocates, these figures suggest that reform is not merely a matter of better storytelling, but of addressing an endemic institutional failure.

This procedural failure persists despite a clear normative alignment between faith and the state. Islamic jurisprudence is grounded in *karāmah* (human dignity), viewing coercion as an injustice (*zulm*) that is

IMAGE: Social Media

fundamentally antithetical to religious ethics. Similarly, the Constitution mandates the full participation of women in national life under Article 34. The systemic silencing of survivors depicted on screen is thus framed as a cultural pathology, rather than a religious or constitutional requirement.

Despite these insights, the drama frequently abandons legal reality for narrative catharsis. In criminal law, legitimacy flows from the integrity of method; yet, the series compresses investigative stages and ignores evidentiary thresholds. The narrative reaches a moral resolution before the second *challan* in a *de novo* investigation is even submitted, performing justice before it is procedurally possible.

This "pedagogical risk" is most evident in the depiction of public vindication. In the final episodes, neighbours are shown applauding the complainant, a moment the sources describe as "ethically perverse". In a functional legal system, a survivor's dignity is protected through privacy and institutional restraint, not through the conversion of trauma into a celebratory performance.

Beyond the courtroom, the drama rightly identifies the hospital as a "theatre of disbelief" where "patriarchal knowledge" survives in official forms. Moving beyond narrative catharsis requires converting judicial rulings into operational doctrine, certifying medico-legal officers in rights-based examinations, and the absolute removal of terms like "habituation" from the forensic lexicon. The hospital must cease to be a site of "second assault" if evidentiary discipline is to be maintained.

The most acute ethical tension involves the show's creator, Shahzeb Khanzada. A prominent real-world news anchor, Khanzada appears within the drama as an anchor condemning the very "media trials" that the series itself performs. This creates a structural contradiction: the drama denounces the public adjudication of *sub judice* matters while delivering its own emotional verdicts before legal closure.

Pakistani jurisprudence, notably in *Masroor Ahsan v Ardeshir Cowasjee*, has warned that parallel adjudication in the public sphere contaminates the conditions of a fair trial. By substituting legal reasoning with "narrative impatience," the series risks teaching viewers that justice is a matter of outrage rather than evidence.

Mature legal systems, such as those in the United Kingdom and Canada, insulate rape litigation from spectacle through reporting restrictions and "rape shield" laws. The UK's *Sexual Offences (Amendment) Act 1992*, for instance, grants complainants lifelong anonymity to prevent the "second assault" of public exposure.

If Pakistan is to move from spectacle to a functioning system, it needs systemic reform rather than louder narratives. This includes:

- Mandatory Standard Operating Procedures (SOPs) for police to ensure the preservation of biological samples and digital chain-of-custody.
- Judicial gatekeeping to actively exclude questions regarding a survivor's sexual history or lifestyle.
- Strict media regulation by Pakistan Electronic Media Regulatory Authority (PEMRA) to penalise talk-show verdicts on pending cases.

Ultimately, *Case No. 9* succeeds in shifting the "moral gravity" toward the survivor. However, the future of justice in Pakistan lies not in the "high" of a televised climax, but in the "quiet, patient, and accountable" work of the archives. True justice is not seen; it is done.

MEDIATION

IMAGE: © THE LEGAL

Gridlocked Courts

Can Mediation Absorb Disputes?

As judicial delay hardens into structural failure, mediation is shifting from an optional supplement to a central component of justice policy

Pakistan's courts are no longer merely slow; they are overwhelmed. Years-long delays have turned litigation into a high-risk strategy for businesses and individuals alike. In response, legal resolution is being redistributed rather than reformed, with mediation and arbitration absorbing disputes courts cannot process. The shift is incremental, institutional—and increasingly unavoidable.

by ***Abdulla Ali***

Islamabad

Pakistan's courts are no longer merely slow; they are saturated. Years-long delays have turned litigation into a high-risk strategy for businesses and individuals alike. In response, dispute resolution is being redistributed rather than repaired, with mediation and arbitration absorbing conflicts that courts are no longer able to process. The shift is incremental, institutional—and increasingly unavoidable.

With more than two million cases pending nationwide and civil suits stretching across decades, the justice system is approaching operational exhaustion. Mediation is now being tested as a systemic response: not as an alternative philosophy of justice, but as parallel legal infrastructure designed to carry part of the judicial load.

Pakistan's legal crisis is no longer abstract. With over 2.26 million cases pending as of 2023 and fewer than 4,000 judges available to hear them, delay has become the defining feature of justice delivery. The problem is not episodic backlog but structural incapacity.

Civil litigation routinely outlasts the commercial relevance of disputes and, in some cases, the working lives of litigants themselves. Against this backdrop, mediation has shifted from reformist aspiration to institutional necessity. What was once treated as an optional mechanism is now being positioned as a pressure-release valve for a system operating beyond its limits.

That recalibration has acquired formal shape through recent regulatory and policy measures aimed explicitly at backlog reduction. The emerging consensus within legal and policy circles is that courts alone cannot absorb the country's dispute volume. Mediation, by contrast, offers a means of resolving conflicts without converting every disagreement into an

adversarial proceeding requiring authoritative judicial determination.

The distinction matters. Rights-intensive and constitutional disputes remain firmly within the courts. Criminal justice, precedent-setting litigation and matters involving public law continue to require adjudication. Mediation's domain lies elsewhere: commercial, regulatory and negotiable disputes that do not demand coercive rulings but have nevertheless been consuming judicial time.

The numbers explain the logic. High courts account for more than 1.27 million pending cases, while district courts face chronic overload. Economic estimates suggest that the average civil suit lasts roughly 25 years. Delay of that magnitude is not procedural inefficiency; it amounts to a denial of access to justice. By contrast, mature mediation systems in other jurisdictions resolve a substantial proportion of disputes within days or weeks, often achieving settlement rates that exceed those of litigation.

Mediation's institutional design reflects this pragmatic framing. Rather than aspiring to replace courts, it is increasingly structured to intercept disputes early, before they harden into zero-sum contests. The emphasis is on upstream resolution: encouraging negotiated outcomes at the contractual, regulatory or organisational stage, rather than accelerating disputes downstream once positions have fully entrenched.

Training has become central to this effort, but with a deliberate focus on function rather than form. Contemporary mediation programmes emphasise experiential learning—coached simulations, complex role-plays and structured assessment—aimed at producing practitioners capable of managing high-value and multi-party disputes. While global negotiation frameworks inform this approach, pedagogy is being adapted to domestic commercial and regulatory realities rather than imported wholesale.

From Treaty to Practice

The global rise of mediation has been accompanied by a persistent concern: enforceability. The Singapore Convention on Mediation directly addresses this gap by enabling cross-border enforcement of mediated settlement agreements without recourse to full litigation.

For trade-dependent economies, the Convention signals a shift towards consensual dispute resolution as a reliable commercial instrument rather than a soft option. It reframes mediation from an informal compromise into a legally consequential process.

International experience supports this confidence. Leading mediation jurisdictions report settlement rates exceeding 60 per cent, with many complex commercial disputes resolved within a single day and involving aggregate claim values running into billions of dollars. These outcomes challenge the assumption that complexity necessarily requires prolonged adjudication.

For Pakistan, effective integration of the Convention carries strategic implications. Legislative alignment is necessary but insufficient. Success depends on institutional capacity: trained mediators, procedural standards and credible dispute resolution frameworks capable of managing cross-border claims.

International alignment reinforces the shift. Mediation practices are increasingly benchmarked against standards developed in jurisdictions such as the UK, Singapore and the US, as well as guidance emerging from multilateral legal development initiatives. These linkages function less as endorsements than as conduits for norms, anchoring local practice within internationally recognised procedural expectations while retaining domestic control.

The policy implications of this transition became visible during recent judicial and regulatory dialogues examining mediation's role in enforcement, public-sector disputes and state-owned enterprises. The participation of senior judges and regulators in these discussions reflects a quiet but consequential shift: mediation is no longer viewed merely as a private option, but as a governance tool capable of supporting regulatory compliance and institutional efficiency.

Commercial mediation sits at the centre of this recalibration, particularly as Pakistan aligns its framework with the Singapore Convention on Mediation. The Convention enables cross-border enforcement of mediated settlement agreements, addressing a longstanding weakness in international commerce. For investors, enforceability without prolonged litigation is not an abstract benefit but a core measure of legal risk.

Here, institutional capacity becomes decisive. Treaties alone do not resolve disputes; systems do. Effective mediation requires trained practitioners, procedural discipline and credible forums capable of handling complex and high-value claims. Without this infrastructure, mediation risks remaining aspirational rather than operational.

Crucially, mediation is not being framed as a cure-all. Its legitimacy depends on complementarity, not substitution. Courts remain indispensable for criminal justice, constitutional interpretation and disputes that require authoritative precedent. Mediation's value lies in resolving conflicts where interests, rather than rights, are at stake.

This boundary is essential. Alternative dispute resolution does not dilute judicial authority; it preserves it by reallocating institutional labour. In a system where delay itself has become a substantive injustice, timely settlement is not a concession but a legal good.

Pakistan's experiment with institutionalised mediation is still unfolding. Its success will depend less on training metrics or policy statements than on routine uptake by courts, regulators and commercial actors. But if mediation becomes ordinary rather than exceptional, the shift will be structural. Justice, in that case, may finally arrive before it is overtaken by time. ▮

FLASHBACK

We Must Act Now

No Excuses Anymore

Excerpt from the speech of ***Natasha Pitz Mushar, President of the Republic of Slovenia,*** *delivered at the UN General Assembly in September last year (2025). She is also a celebrated Slovenian attorney and author.*

"...International law appears to stand at the precipice of irrelevance. The independence of elected international judges, the integrity of human rights institutions, personal security of human rights defenders, and the authority of this organisation (UNO) are under siege...

The genocide convention risks becoming a relic of the past. Some states have put the International Criminal Court to its greatest challenge ever. Its prosecutors, whose only duty is the pursuit of justice, and its judges, whose responsibility is to uphold the law, now face sanctions and intimidation, as if the states that sanctioned them would prefer to shield the alleged perpetrators of atrocities rather than confront the truth and help deliver justice... The landmark opinion of the International Court of Justice affirming that international law obliges states to prevent harming the climate already feels obsolete.

...How are we to explain these trends to our electorates, to our people, and above all to our children? Shall we tell them that this is the new normal: that might makes right, that the wrong may seize what the strong may seize what they want because they can, that they can kill with impunity because they can, that they may pollute, wage wars, and trample on international law just because they can? Are we prepared to look our children in the eyes and say this is the world you will inherit, and there is nothing we can do about it?

We must act now. Our responsibility and destiny will be judged by how we treat our planet and its people. Today, we simply cannot afford silence, ignorance, or passivity. Not while we hold power and possess the power of the word. Hesitation is not an option... for most of us, members of the UN, it is not. Might that makes right, it is the opposite. We must not allow the powerful few to ignore us. We must not surrender to a world where power alone prevails...

If we, the leaders of this planet, can offer nothing but terror, conflict, pollution, fear, inequalities, and war to 8 billion people, then we must confront the truth: we are complicit in crimes against our civilisation and our planet. And not just us heads of states, but leaders of international institutions, CEOs, and every individual with the power to make a difference share this responsibility...

To ensure that we are on the right side of the history, we should do the right thing. We did not stop the Holocaust, we did not stop the genocide in Rwanda, we did not stop the genocide in Srebrenica, we must stop the genocide in Gaza. There are no excuses anymore. None."

IMAGE: © THE LEGAL

Law & Geopolitics

Greenland Sovereignty & European Hypocrisy

US ambitions in the Arctic expose the selective commitment of European regimes to international law, self-determination and non-intervention

by ***Abid Astarabadi***
Tehran - Iran

The American interest in Greenland highlights how contemporary international law tightly restricts territorial acquisition, requiring consent and self-determination. The episode also reveals a deeper inconsistency: European regimes vocally defend legal norms when their own interests are implicated, yet have long supported US interventionist policies and sanctions elsewhere, notably in Venezuela and Iran, with severe civilian consequences.

MAP: Courtesy Annie Spratt on Unsplash

MAP: Courtesy New York Public Library

Renewed assertions by US President Donald J. Trump that Greenland should ultimately fall under American control have revived a debate as old as US Arctic strategy itself, while exposing the hard legal limits that contemporary international law places on territorial acquisition.

The reaction from Denmark, Greenland and a cluster of European 'regimes' has been swift and indignant, framing the discussion as an existential challenge to sovereignty. Yet the episode has also prompted renewed scrutiny of Europe's selective attachment to the very legal principles it now invokes.

At its core lies a deceptively simple question: *is there any legal basis for the United States to acquire Greenland?* Under modern international law, the answer is firmly juridical. Any transfer of sovereignty would require the free and genuine consent of the sovereign state concerned, the explicit self-determination of the affected population, and the total absence of coercion. These requirements flow directly from *Article 2(4)* of the *United Nations Charter*, which prohibits the threat or use of force against the territorial integrity or political independence of any state, and from the customary international law principle that territorial title obtained through coercion is void.

American interest in Greenland dates back to the immediate aftermath of the Alaska Purchase. In 1867–1868, US Secretary of State William H. Seward privately contemplated acquiring Greenland and Iceland as part of a broader Arctic expansion strategy. A more elaborate proposal surfaced on September 20, 1910, when US Ambassador Maurice Francis Egan floated a multi-party territorial exchange involving Denmark, Germany and the United States. The scheme collapsed almost immediately.

The most concrete overture came after the Second World War. On April 10, 1941, during Denmark's occupation by Nazi Germany, Danish envoy Henrik Kauffmann signed an agreement granting the US defence rights in Greenland. Sovereignty, however, remained Danish. In 1946, President Harry S. Truman formally offered to purchase Greenland for $100 million in gold. Denmark rejected the proposal outright. At no point was sovereignty lawfully transferred.

The post-war legal order hardened these constraints. Under *Article 52* of the *Vienna Convention on the Law of Treaties (1969)*, any treaty procured by the threat or use of force in violation of the UN Charter is void. Even a formally consensual agreement of cession would therefore be legally invalid if political, economic or military pressure were shown to have vitiated consent.

Greenland's internal constitutional position further forecloses unilateral action. Denmark's *Act on Greenland Self-Government (2009)* recognises the Greenlandic people as a "people" under international law and affirms their right to self-determination,

consistent with *Article 1* of both the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights*. Any alteration of Greenland's status must originate in Greenland itself and be endorsed through democratic processes. Denmark lacks authority to dispose of the territory unilaterally.

European states have responded to renewed US rhetoric with emphatic declarations invoking sovereignty, territorial integrity and the inviolability of borders. Danish and Greenlandic leaders have been unequivocal in rejecting any notion that Greenland may be treated as an object of purchase or strategic barter.

This sudden juridical vigilance has drawn criticism for its selectivity. Over the past decade, European regimes broadly aligned themselves with US interventionist policies towards Venezuela that many international lawyers characterised as violations of *Article 2(7)* of the UN Charter, which prohibits intervention in matters essentially within the domestic jurisdiction of states.

These included support for extraterritorial sanctions, recognition of an alternative executive authority, and endorsement of US criminal indictments targeting Venezuela's sitting president and senior officials, notwithstanding well-established doctrines of sovereign and diplomatic immunity reflected in the *UN Convention on Jurisdictional Immunities of States and Their Property (2004)*.

The pattern, critics argue, is longstanding. The US' role in the 1953 overthrow of Iran's democratically elected Prime Minister, Mohammad Mossadegh, later officially acknowledged by US, is widely regarded as a paradigmatic breach of the non-intervention principle. Under contemporary law, such conduct would plainly violate *Article 2(4)* and *Article 2(7)* of the UN Charter, as well as the customary prohibition on externally imposed regime change.

Legal controversy has intensified in the context of the recent on-going Iran–US crisis (2025–26). Amid limited public protest, later hijacked by foreign terrorists and spies and turned into a widespread revolt, and against the backdrop of economic collapse in Iran, Washington openly supported marginal hooligans and expanded coercive economic and military measures to overthrow the popularly elected Iranian government.

European regimes largely aligned themselves with this US-Israel posture, imposing new sanctions on Iran outside a comprehensive UN Security Council mandate. These measures, combined with public political endorsement of the foreign-added and supported terrorists, amount to indirect intervention designed to weaken an elected government and shape Iran's internal political outcome. UN Special Rapporteurs have previously warned that such sanctions may constitute unlawful collective punishment, incompatible with *Articles 55* and *56* of the UN Charter and international human rights obligations.

The contrast is stark. When US pressure is applied to adversarial states such as Venezuela or Iran, European regimes have shown a willingness to dilute non-intervention norms in the name of strategic alignment. When similar pressure is rhetorically directed at a European ally, those same regimes invoke self-determination and territorial integrity as inviolable legal absolutes. This asymmetry undermines the credibility of Europe's professed commitment to a rules-based international order.

In strictly legal terms, the position on Greenland remains unambiguous. The US cannot lawfully acquire the territory through purchase, pressure or unilateral action. Only a freely expressed decision by the Greenlandic people, consistent with Danish constitutional law and international legal norms, could alter its status.

History may explain Washington's interest, but it offers no lawful shortcut around contemporary international law, nor does selective outrage restore credibility to those regimes that invoke legality only when their own strategic space is threatened. ▮

MAP: Courtesy Pipaluk Nielsen on Unsplash

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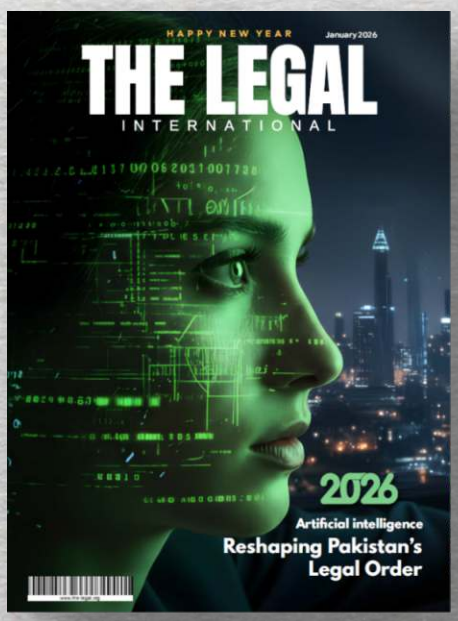
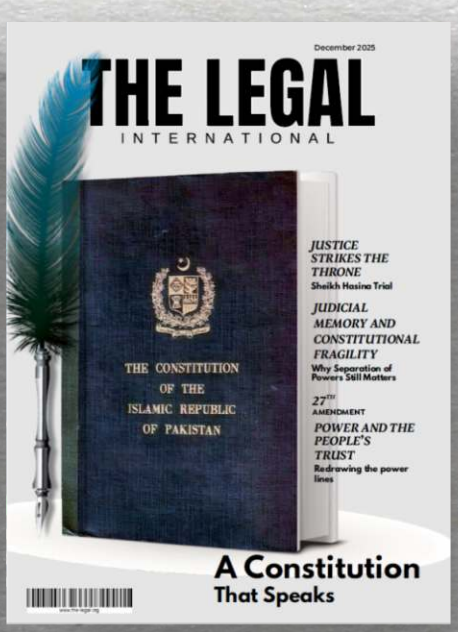
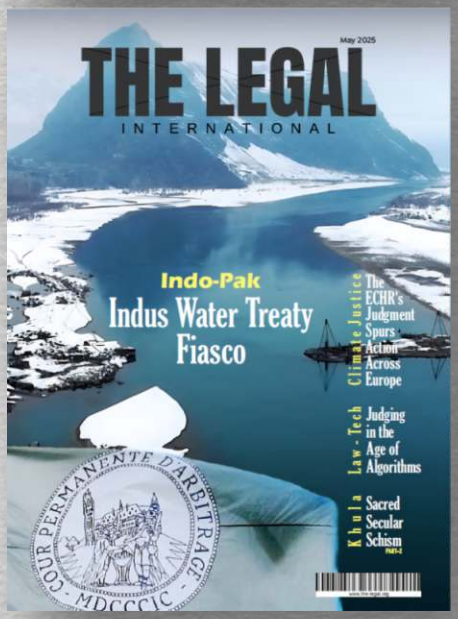
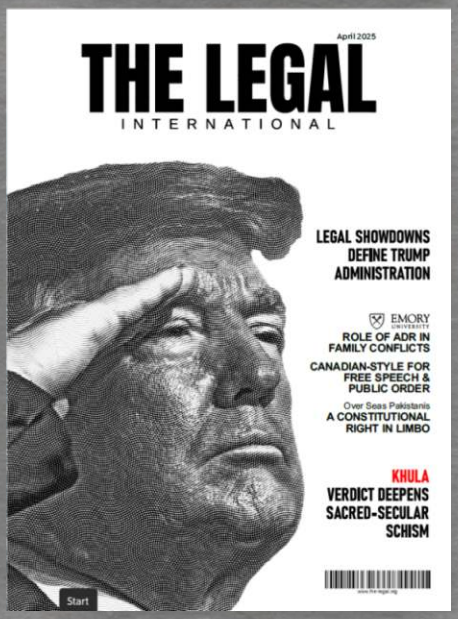








THE LEGAL R&D PUBLISHING

Op-Ed

The Might is Right Saga

When Greed Overrides Law

The US-Iran standoff highlights Washington's enduring disregard for the legal constraints of global power

by ***Aftab Kazmi***
Editor-in-Chief

The chronology of Western intervention in Iran and the Middle East is not one of shifting moral concern, but of a singular, ruthless consistency: the control of hydrocarbons.

In reality, it is a story marked by a far starker and more consistent logic. Across decades, regimes and rhetorical fashions, the central objective has remained unchanged: control over hydrocarbons and the strategic leverage they confer.

As the United States and its allies once again escalate pressure on Tehran, the justifications may rotate, nuclear non-proliferation, regional security, democratic values, but the destination is familiar. The campaign, conducted with scant regard for international law or state sovereignty, risks not only destabilising the Middle East further but hollowing out the global economic and legal order on which western prosperity itself rests.

The modern template was set in 1953. When Iran's democratically elected prime minister, Mohammad Mossadegh, moved to nationalise the Anglo-Iranian Oil Company, Britain and the US engineered his overthrow. Operation Ajax was not an aberration; it was a declaration. A sovereign state was punished for asserting control over its natural resources, and the Shah was reinstalled as a dependable custodian of western energy interests. A precedent was cemented:

IMAGE: © THE LEGAL

legality and democracy would yield to oil.

That playbook never truly closed. When the Shah later pressed for less lopsided oil arrangements, his utility waned. The 1979 revolution was not orchestrated by Washington, but it was initially misread as an opportunity, a potentially manageable, anti-Soviet Islamic regime that might preserve western access to energy flows. That calculation collapsed, giving rise to decades of hostility and mutual distrust. Yet the underlying economic logic endured.

Since then, Washington's methods have been refined rather than abandoned. Venezuela and Iraq stand as case studies in the dismantling of sovereign states under the banner of security. Both the countries reveal the mechanics of post-invasion resource governance: oil revenues administered through structures deeply dependent on US oversight, with policy autonomy sharply constrained. Iraq remains subjected to the systematic plunder of its natural resources, as oil revenues are held at the US Federal Reserve and released only through monthly disbursements determined by Washington.

Iran today sits at the centre of this long arc. The "maximum pressure" campaign, unleashed after the US unilaterally withdrew from the 2015 nuclear agreement, is often framed as a non-proliferation necessity. Yet its architecture, sweeping sanctions designed to collapse the economy and provoke political capitulation, bears the unmistakable imprint of resource coercion.

The parallels with Venezuela are instructive. There, too, sanctions, asset seizures and overt regime-change rhetoric have been deployed against a state sitting atop vast oil reserves. Now dozens of US oil companies are heading to Venezuela to deprive the nation of its natural wealth.

What distinguishes this moment is the growing brazenness with which international law is treated as optional. Legal norms are invoked selectively, enforced against adversaries and overlooked among allies. Multilateral institutions, from the United Nations to the International Court of Justice, are bypassed when inconvenient and instrumentalised when useful. A rules-based order cannot survive such asymmetry. Sovereignty becomes conditional, contingent not on law but on strategic alignment and resource endowment.

Europe's role is particularly dispiriting. It has long been acting as a puppet in the US hands to enjoy its share of the loot. Having publicly championed the Iran nuclear deal as a triumph of diplomacy, European governments ultimately acquiesced to Washington's secondary sanctions, sacrificing legal autonomy and commercial interests to preserve transatlantic unity. The episode laid bare an uncomfortable truth: lofty commitments to international law buckle quickly under American pressure.

The strategic endgame is transparent. Iran is to be weakened, coerced into compliance, and eventually reshaped into a version of the "Iraq model": formally sovereign, substantively constrained, its vast oil and gas wealth flowing through channels acceptable to western markets and regional allies. The human cost, economic strangulation, social dislocation, the ever-present risk of war, is treated as incidental.

The world is drifting towards another avoidable confrontation, propelled by an old and rapacious logic dressed in contemporary humanitarian language. Until the international community confronts the reality that resource domination, not moral principle, remains the organising force of western intervention, peace in the Middle East and the world will remain elusive, and the credibility of the global order ever more fragile.

SPOTLIGHT

Gul Plaza Inferno

Deadly Safety Blindness

The inferno that killed dozens reveals how ignored laws, absent inspections and hollow disaster planning turn commercial buildings into death traps

by ***Abdullah Naseem***
Karachi

Fire tore through Karachi's Gul Plaza with medieval brutality, exposing a state that still fights urban disasters with ad-hoc heroics rather than civilian systems. The blaze killed dozens, erased livelihoods worth billions, and laid bare how laws, inspections and accountability collapse when concrete, commerce and corruption converge.

This fire did not erupt in a legal vacuum. It unfolded in a city governed by statutes, building by-laws and safety regulations that, on paper, promise protection. In practice, the inferno became a case study in how Pakistan's urban governance fails at the most basic level: preventing avoidable death.

Gul Plaza, a busy commercial building in Karachi's economic core, lacked functional fire exits and emergency escape routes. Witness accounts and preliminary assessments suggest that occupants were trapped by design. This alone places the incident squarely within the scope of criminal negligence. Under *Section 322* of the *Pakistan Penal Code*, acts causing death by rash or negligent conduct are punishable offences. Where deaths result from wilful disregard of safety obligations, liability may extend beyond builders to owners, occupiers and regulators.

Pakistan does have legal frameworks addressing construction and safety. In Sindh, the *Sindh Building Control Ordinance 1979* and the *Karachi Building and Town Planning Regulations 2002* require approval of building plans, compliance with fire safety measures, and adherence to zoning and occupancy classifications. The *Sindh Fire Safety Act 2017* further mandates fire prevention systems, inspections, and certification for commercial premises. Yet Gul Plaza operated openly, indicating either regulatory capture or administrative abdication.

The immediate response to the fire raised equally troubling questions. Why, in a city of over 20 million, did civilian disaster management prove so inadequate that armed forces had to be called in? Pakistan established disaster management authorities under the *National Disaster Management Act 2010*, mirrored by provincial and district bodies. Their mandate includes preparedness, mitigation and response. Firefighting capacity in a major metropolis should not depend on military intervention. The reliance on the armed forces underscores chronic underinvestment, poor training and lack of coordination among civilian agencies.

What failed at Gul Plaza

Gul Plaza lacked fire exits, alarms and certified safety systems despite operating in Karachi's commercial heart. Regulators approved, or ignored, clear violations of building and fire laws. Firefighters were under-equipped, civilians untrained, and emergency response improvised. The result was predictable: avoidable deaths, billions in losses, and another reminder that enforcement, not legislation, is Pakistan's real deficit.

Firefighters themselves were injured during the operation, reflecting insufficient equipment and training. This is not merely a resource issue but a legal one. The *Factories Act 1934* and provincial occupational safety laws impose duties to ensure safe working conditions, including for emergency responders. When firefighters are sent into structurally compromised buildings without adequate protective systems, the state itself may be breaching its statutory obligations.

As investigations proceed, another dimension has surfaced: the possibility of sabotage. Recent fires at economically sensitive sites in Karachi, coupled with a major shopping centre blaze in Quetta, have triggered speculation about coordinated acts. While such claims require rigorous proof, the law already provides mechanisms. The *Anti-Terrorism Act 1997* criminalises acts designed to create insecurity or damage economic stability. However, premature speculation should not distract from the more prosaic, and more damning, reality: most urban fires in Pakistan are consequences of regulatory neglect, not conspiracy.

Karachi, Islamabad and several other cities lie on active seismic zones. Earthquake-resistant design, emergency egress and fire suppression systems are not optional luxuries but necessities. Pakistan's building codes, including the *Pakistan Building Code (Seismic Provisions 2007)*, exist but are unevenly adopted and weakly enforced. Provinces retain primary responsibility for implementation, resulting in fragmented standards and minimal oversight. International benchmarks, such as those reflected in NFPA or Eurocode principles, remain aspirational rather than operational.

The Gul Plaza fire also exposes systemic inspection failure. Commercial buildings routinely bypass safety approvals, use substandard materials, and employ cramped designs with poor ventilation. Municipal authorities rarely conduct meaningful inspections. Where inspections occur, enforcement is selective. This raises potential liability under constitutional law. *Article 9* of the *Constitution*, guaranteeing the right to life, has been expansively interpreted by courts to include safety and dignity. Persistent regulatory failure may therefore attract judicial scrutiny through public interest litigation.

Accountability must extend beyond symbolic arrests. Officials responsible for approving, inspecting or ignoring Gul Plaza's violations should face departmental and criminal proceedings. The *Sindh Local Government Act* empowers authorities to seal or demolish unsafe structures. Its non-use is a policy choice, not a legal limitation.

Preventing future tragedies requires immediate, enforceable steps. Federal and provincial governments must review and harmonise building codes, update fire safety standards to international levels, and mandate periodic third-party safety audits for all commercial and multi-storey buildings. Non-compliant premises should be closed without exception. Disaster management authorities must be reoriented from paper institutions into operational services, with trained personnel, modern equipment and clear command structures.

The Gul Plaza inferno is not an aberration. It is the predictable outcome of laws treated as suggestions, inspections reduced to formalities, and lives priced lower than rents. Until Pakistan enforces its own legal standards with consistency and consequence, fires like this will remain not accidents, but indictments. ▮

IMAGE: Social Media

Animal Abuse

Cruelty Without Consequence

Outdated laws, weak enforcement and official impunity have normalised animal abuse, despite court orders and international obligations

by ***Hijab Fatima***
Law Graduate - Islamabad

IMAGE: © THE LEGAL

Pakistan's animal welfare regime is failing in plain sight. Fragmented laws, weak enforcement and moral evasions have left the state unable, or unwilling, to confront systematic cruelty. A comprehensive overhaul is now unavoidable.

A harmonised governance model that aligns international veterinary standards with constitutional duties, Islamic jurisprudence and modern science would close longstanding legal and ethical gaps, replacing symbolic protections with enforceable rules, licensed oversight and punitive sanctions for aggravated abuse, including torture and organised cruelty.

Despite being a member of the World Organisation for Animal Health (WOAH) for 76 years, Pakistan's animals continue to suffer from outdated legislation, weak enforcement and the absence of an effective oversight authority. There is no independent supervision of the Capital Development Authority's (CDA) so-called Trap-Neuter-Vaccinate-Release (TNVR) programme. Animals are killed, raped, tortured and beaten while perpetrators operate with impunity, protected by a legal framework anchored in the Prevention of Cruelty to Animals Act 1890. Under this colonial-era statute, the maximum penalty for animal abuse remains a fine of Rs200.

As a WOAH member state, Pakistan has undertaken to ensure the five fundamental freedoms set out in Article 7 of the Terrestrial Code: freedom from hunger and thirst; freedom from fear and distress; freedom to express normal behaviour; freedom from heat, stress and physical discomfort; and freedom from pain, injury and disease. These commitments exist largely on paper.

The proliferation of pet markets, such as Tollinton Market in Lahore and the College Road pet market in Rawalpindi, alongside the reported illegal killing of stray dogs by the CDA, represents a direct violation of these standards. Animals including cats, dogs and rabbits are confined in small bird cages, kept in unhygienic conditions, exposed to extreme heat and cold, and deprived of food and water for prolonged periods. In recent years, dozens of abuse cases have surfaced, while hundreds more pass without media scrutiny.

On the night of November 6, 2025, Lahore Development Authority demolished the Data Darbar Pets Market with hundreds of animals

> ***Do the animals have legal rights? The answer to this question, without any hesitation, is in the affirmative.... Like humans, animals also have natural rights which ought to be recognised. It is a right of each animal...to live in an environment that meets the latter's behavioral, social and physiological needs.***
>
> — Islamabad High Court

and thousands of birds still locked inside their cages. Around 350 cats and puppies and thousands of birds were trapped during the demolition. Many were later reported dead beneath the rubble. For these animals, captivity and suffering culminated in death inside the very cages that became their *graves (Environmental and Animal Rights Consultants Pakistan v Government of Punjab 2025, W.P. No. 66492/2025, LHC)*.

In 2022, the CDA established a Stray Dog Population Control Centre in Tarlai, intended to replace culling with sterilisation, neutering and vaccination. Civil society groups have repeatedly raised concerns about mistreatment at the facility. In recent months, videos circulating online have shown hundreds of dead dogs found near the centre and COMSATS University, Islamabad.

Despite official claims that the animals were neutered and vaccinated, many were discovered malnourished and mutilated. Petitioners in *Nilofer v Chief Commissioner ICT (W.P. No. 2165/2025)* challenged the CDA's assertion that Rs19,000 is spent per dog, arguing that the claim is incompatible with photographic evidence and reports of continued culling.

Pakistan's superior courts have consistently recognised animals' entitlement to humane treatment. The Islamabad, Lahore and Sindh high courts have prohibited the killing of stray dogs and directed authorities to implement TNVR programmes, grounding animal protection within Articles 9 and 14 of the constitution. Yet the CDA continues mass culling operations, in defiance of court orders and the Animal Birth Control (Dogs) Policy 2021, which mandates sterilisation, vaccination and safe release as the sole lawful population-control method.

Independent assessments underscore the failure. Pakistan holds a poor "E" rating on the World Animal Protection Index. The 2020 Voiceless Animal Cruelty Index ranked Pakistan 14th globally for cruelty, citing weak laws and ineffective enforcement. According to the Organisation for the Protection of Animals, more than 50,000 stray dogs are poisoned or slaughtered annually on official orders.

Recent cases have shocked public conscience. In June 2024, a landlord in Sindh's Sanghar district allegedly amputated the leg of an eight-month-old camel for straying onto his land. Days later, in Hyderabad, a donkey named Dobby died after suffering catastrophic injuries inflicted by his owner. Research by the Animal and Society Institute links such cruelty to higher risks of violence against humans, underscoring the wider social cost of impunity.

Judicial intervention has produced important precedents. In *Islamabad Wildlife Management Board v Metropolitan Corporation Islamabad (PLD 2021 102)*, Chief Justice Athar Minallah affirmed that animals possess natural rights protected by the constitution. The ruling paved the way for the relocation of Kaavan the elephant to a Cambodian sanctuary. Yet even this process exposed systemic failures: the hurried transfer of zoo animals in summer 2020 resulted in 12 deaths, attributed to negligence and poor planning.

More recently, in *Eiraj Hassan v Government of Punjab (May 22, 2025)*, Lahore High Court ordered the formal implementation of the Animal Birth Control Policy 2021, establishing a framework for vaccination, sterilisation, tagging and rehabilitation.

The pattern is unmistakable. Institutional neglect and social cruelty reinforce each other under a legal regime that is obsolete and weakly enforced. Without a coherent national animal welfare law, effective regulators and credible sanctions, Pakistan's constitutional promises and international commitments will remain unfulfilled, and cruelty will continue to operate as a matter of routine rather than exception. ▮

TAXATION

The Tax Amnesty Trap

A cycle of 'final' clemency schemes enriches the evader, punishes the compliant, and cripples Pakistan's fiscal future

A relentless parade of state tax amnesties, each cynically touted as a final "one-time window," has been fostering a perpetual and costly cycle of expectation, systematically undermining compliance and incentivising a dangerous gamble on future forgiveness.

Viewed from a cost-benefit lens, this phenomenon fundamentally corrupts the system. A taxpayer's incentive to declare previously hidden income and assets is catastrophically weakened. It also encourages a bet on a state-sanctioned pardon to exonerate past follies without repercussion, eroding the very foundations of fiscal responsibility.

This followed a pledge earlier in 2025 from the Finance Minister, who declared the era of tax amnesties over, a promise preceding a notorious history dating back to 1958. The inaugural scheme that year enrolled 71,829 individuals, raising Rs.1.3 billion. Subsequent efforts, such as the 2012 amnesty designed to incentivise stock market investors with concessions for tax evaders, failed to meet their targets.

A 2018 initiative proved more lucrative, drawing in 80,000 people and collecting Rs.121 billion. In essence, the state has recurringly, over a dozen times in the past quarter-century, extended an olive branch to non-compliant taxpayers to broaden the base and boost revenue. Yet Pakistan's persistently low tax-to-GDP ratio starkly reveals that collections remain profoundly disproportionate to the size of its economy.

Parliament, in 2018, compounded the issue by legislating not only a domestic amnesty but also the *Foreign Assets (Declaration and Repatriation) Act,* enabling the declaration of wealth held both onshore and abroad. The accompanying Tax Amnesty Scheme was categorically advertised with a 'no questions asked' pledge for undeclared domestic income and assets.

Merely ten months later, this was followed by a sequel: the *2019 Assets Declaration Act*, which broadened the scope to cover all foreign and domestic holdings under a single scheme. Mirroring its predecessor, it guaranteed that all disclosures would be shielded from use as evidence in any future prosecution.

Under the 2019 amnesty, more than 125,000 declarations were filed, double the government's forecast. Yet this high participation yielded only Rs.64.66 billion in tax revenue, a stark contrast to the Rs.121 billion generated by the 2018 scheme.

This diminishing marginal return from repeated amnesties is a well-documented peril. A comparative study of US state amnesties from 1980 to 2004 concluded that each successive scheme erodes the incentive for voluntary compliance far more than a single, one-off offer. The pattern is clear: an initial amnesty typically produces a revenue surge, as the largest pool of willing evaders clears its dues (evidenced by Pakistan's high 2019 declarations). Thereafter, gains plummet. The first window captures most of those prepared to regularise their affairs, fundamentally undermining any rationale for a rapid successor.

The fiscal data reveals a dire yet predictable economic pathology: reducing an individual's exposure to risk directly diminishes their incentive to avoid it. This is the essence of moral hazard. By design, tax amnesties forgive past transgressions and permit the non-compliant to declare assets at preferential rates with impunity. The compliant taxpayer, in turn, becomes the ultimate risk absorber. Any shortfall in revenue is invariably addressed through higher future taxation, a burden that falls disproportionately upon those who have consistently met their obligations.

Consequently, a tax amnesty functions as a selective and opaque tax-and-transfer system. The redistributive effect of these repeated schemes is inequitable, systematically favouring the delinquent over the dutiful. ∎

by ***Bareerah Memon***
Corporate Lawyer – Karachi

The article charts how repeated tax amnesties, each billed as a one-off, create a crippling cycle of moral hazard. By rewarding evasion and burdening honest taxpayers with future liabilities, these schemes systematically undermine compliance, depress revenue, and reveal a profoundly inequitable fiscal policy. Historical data and economic principle condemn the practice as self-defeating.

Excise Duty

by **A Hussain**
Islamabad

Provincial Levy Upheld

Double Aspect Legislation

FCC ruling affirms provincial authority to use excise-linked charges for labour welfare despite overlap with federal taxation powers

A long-running dispute over provincial authority to impose excise-linked levies on mineral extraction has been settled by Pakistan's Federal Constitutional Court, with a ruling that affirms the power of provincial legislatures to deploy fiscal instruments in pursuit of labour welfare, even where those instruments overlap with federal taxation powers.

The challenge, brought by Attock Cement Pakistan, concerned amendments introduced by the Balochistan Assembly in 2020 to the Excise Duty on Minerals (Labour Welfare) Act, 1967, which significantly increased duties payable on minerals dispatched from mines. It had been contended that excise duties fall exclusively within the federal legislative domain under the Fourth Schedule to the Constitution, rendering the provincial amendment unconstitutional.

That argument was rejected. In dismissing the petition, the court held that the impugned levy could not be assessed in isolation from its statutory purpose, which was found to be the financing of labour welfare in the mining sector, a matter lying within provincial competence. The use of excise duty as a mechanism, the court ruled, did not, by itself, displace the constitutional validity of the provincial enactment.

At the heart of the case lay the constitutional distribution of legislative powers following the Eighteenth Amendment of 2010, which abolished the

IMAGE: © THE LEGAL

Concurrent Legislative List and significantly expanded provincial autonomy. Under the revised framework, Parliament's competence is confined to subjects enumerated in the Federal Legislative List, while residual powers vest with the provinces. The court observed that, despite this formal clarity, overlaps between federal and provincial authority are structurally unavoidable.

In addressing that overlap, reliance was placed on the doctrine of "pith and substance", requiring courts to identify the true nature and dominant purpose of legislation rather than its incidental effects. The judgment found that the 1967 Act, read through its preamble and operative provisions, was enacted to promote labour welfare in the mining industry. The excise duty was characterised as a means to that end, not as an end in itself.

The court rejected the contention that any law involving excise duty must necessarily fall within exclusive federal competence. It was emphasised that a statute does not become unconstitutional merely because it incidentally touches a subject listed in the Federal Legislative List, provided its essential character lies elsewhere. In this instance, the legislative object was held to be social welfare, a provincial subject, with taxation operating as an ancillary instrument.

The reasoning was reinforced through the doctrine of "double aspect" legislation, under which a single subject may legitimately be regulated by different legislatures when viewed from distinct constitutional perspectives. While excise duty may fall within federal competence when considered purely as taxation, the same levy may simultaneously fall within provincial competence when structured as a welfare-linked cess. The existence of such duality, the court held, does not invalidate either legislative exercise.

A rigid, formalistic approach to constitutional demarcation was expressly cautioned against. The judgment noted that invalidating legislation enacted by elected assemblies on the basis of incidental overlap would undermine democratic intent and destabilise the constitutional balance. Emphasis was placed instead on sustaining legislation wherever possible, particularly where it advances public interest objectives such as labour protection.

The court also distinguished between general taxation and a cess earmarked for a specific statutory purpose. Unlike taxes that flow into consolidated revenue, the excise duty under the 1967 Act was found to be linked to a defined welfare framework governing collection, administration and utilisation. That linkage was treated as constitutionally significant in assessing legislative competence.

For industry, the ruling confirms the durability of enhanced provincial levies on mineral extraction, particularly in resource-rich but fiscally constrained regions such as Balochistan. For provincial governments, it offers judicial affirmation of their authority to design revenue mechanisms aligned with social policy objectives, even where those mechanisms intersect with federally enumerated fiscal concepts.

Beyond its immediate fiscal consequences, the judgment carries broader constitutional implications. It signals judicial endorsement of cooperative federalism as a governing principle, one that tolerates overlap and interaction rather than insisting on watertight compartments of authority. Legislative harmony, rather than supremacy, is treated as the organising logic of the post-Eighteenth Amendment constitutional order.

By grounding its analysis in statutory purpose, constitutional structure and comparative doctrine, the court has provided a roadmap for resolving future centre-province disputes. The ruling suggests that welfare-oriented legislation will be afforded substantial constitutional latitude, particularly where fiscal tools are employed instrumentally rather than punitively.

As constitutional litigation increasingly shifts from questions of formal competence to disputes over fiscal reach and regulatory design, the judgment is likely to be cited as authority for a more integrated reading of legislative power, one in which constitutional overlap is not a flaw to be eliminated, but a condition to be managed within the framework of democratic governance. ■

Case Law

Minding the Gap

Supreme Court Upholds Appellate Power

Chief Justice Yahya Afridi resolves "legal lacuna" by ruling that the 27th Amendment does not bar the apex court from hearing appeals excluded from the Federal Constitutional Court's remit

COURT: SUPREME COURT OF PAKISTAN
Case Title: *In re: Maintainability of Petition (Appellate Jurisdiction over Rent and Family Matters)* ***Date of Judgement:*** December 12, 2025 Opinion ***Author:*** Chief Justice Yahya Afridi

In a ruling, announced later last month, with major constitutional implications, a five-member bench of the Supreme Court of Pakistan, led by Chief Justice Yahya Afridi, clarified the legal lacuna created by the 27th Constitutional Amendment.

The primary question before the court was whether the introduction of the Federal Constitutional Court (FCC) and its associated jurisdictional boundaries effectively barred the Supreme Court from entertaining appeals arising from rent and family matters decided by High Courts.

The court held that the Supreme Court retains full appellate jurisdiction under *Article 185(3)* of the Constitution to hear such matters, provided leave to appeal is granted. The court clarified that the exclusions mentioned in Article 175F pertain strictly to the jurisdiction of the newly established FCC and do not diminish the apex court's pre-existing constitutional authority.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

The dispute reached the bench following an objection raised by the Supreme Court Registrar. The Registrar had challenged the maintainability of a petition filed against a High Court judgement rendered under *Article 199* in a rent-related matter. The objection was based on the premise that the *27th Constitutional Amendment*, by restructuring the judicial hierarchy and defining the FCC's powers, had implicitly removed rent and family disputes from the Supreme Court's appellate purview.

Legal experts and the registry were divided on whether these specific categories of cases had been "plugged" or omitted from the apex court's reach to ensure finality at the High Court level.

ISSUE

The central issue was whether the express exclusion of rent and family matters from the jurisdiction of the Federal Constitutional Court under *Article 175F(1)(c)* operated as a total bar on the Supreme Court's appellate jurisdiction, or whether these matters remained subject to the general appellate powers of the Supreme Court under *Article 185(3).*

HOLDING

The Supreme Court held that its appellate jurisdiction remains

tL Report

intact. The court ruled that the restrictions introduced by the 27th Amendment are narrowly confined to the FCC and cannot be extended to the Supreme Court through inference or implication.

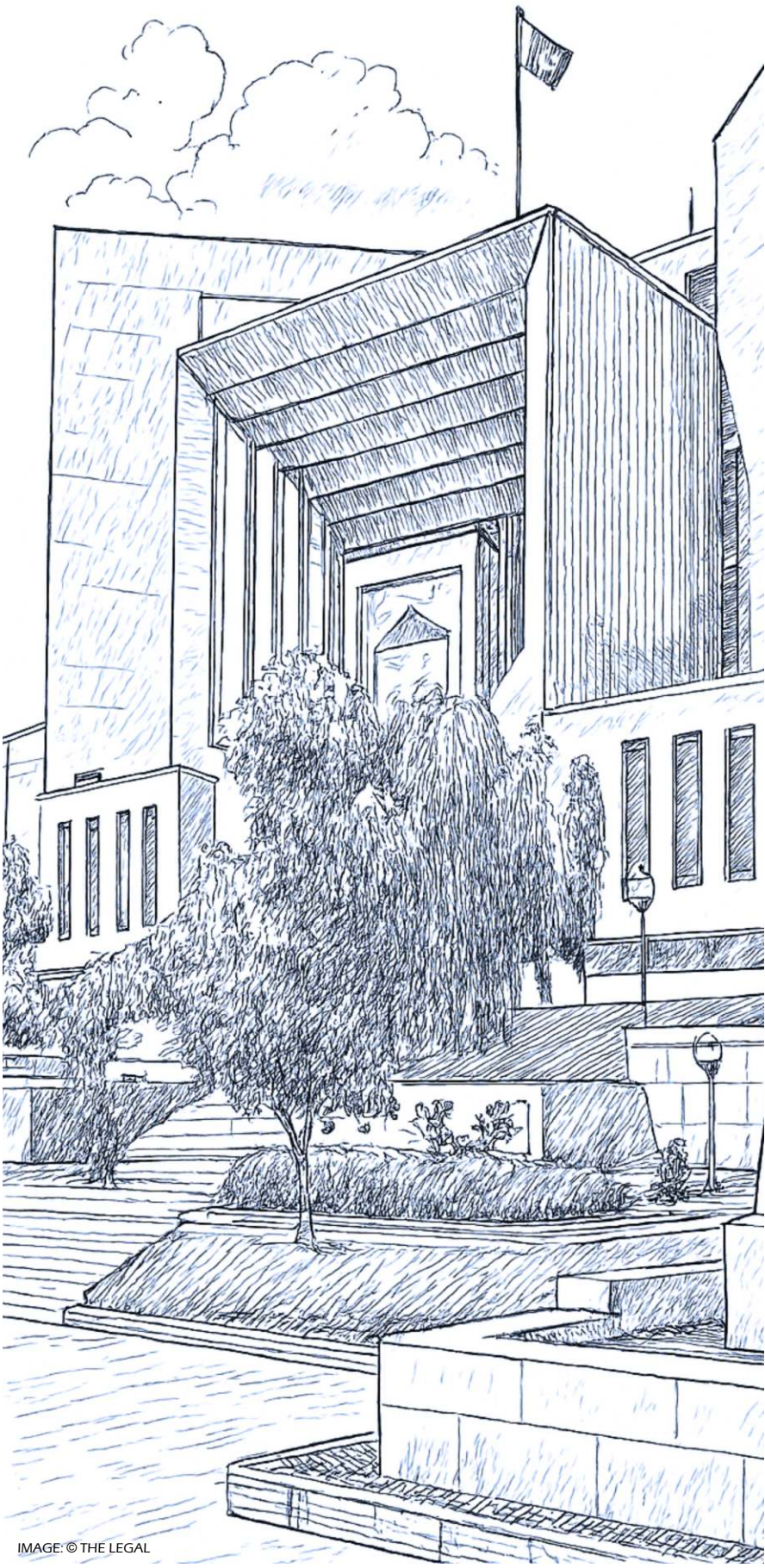
LEGAL REASONING

The court's reasoning rested on a harmonious and purposive interpretation of *Articles 185(3)* and *175F*.

1. Source of Jurisdiction: The court noted that *Article 185(3)* serves as the general source of appellate power for the Supreme Court for all judgements, decrees, or sentences of a High Court, unless specifically excluded by *clause (1) of Article 175F*.
2. Scope of Exclusion: The judgement explained that while *Article 175F* defines the jurisdiction of the FCC, the proviso to *clause (1)(c)* expressly excludes rent and family matters from the FCC's remit.
3. The "Residual" Authority: Because these matters are excluded from the FCC, they do not fall under the specific bar that would otherwise prevent the Supreme Court from hearing them. Therefore, the Supreme Court continues to possess the authority to entertain such cases under *Article 185(3)*.
4. Judicial Hierarchy: The court emphasised that constitutional jurisdiction cannot be curtailed by implication; a clear and clear-cut demarcation exists between the two superior courts.

ANALYSIS OF PERSPECTIVES

The ruling has sparked debate within the legal community regarding judicial overreach. Former Additional Attorney General Waqar Rana argued that the judgement might be ignoring a deliberate omission by Parliament intended to grant finality to these cases at the High Court level. Conversely, advocates like Hafiz Ahsaan Ahmad Khokhar praised the ruling for preserving the constitutional scheme of the judicial hierarchy and ensuring that the Supreme Court's role as the final arbiter is not weakened by drafting ambiguities.



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TRUTH OVER TECHNICALITY

Power to Recall Witnesses

Upholding expansive judicial discretion under section 540 CrPC in a murder trial

CASE LAW
Bilal @ Abbas v The State & another
Crl. Rev. Application No.42 of 2024
High Court of Sindh, Karachi
Judgment dated 02 January 2026
Before: Dr Syed Fiaz ul Hasan Shah J

tL Report

Sindh High Court has reaffirmed the sweeping powers of criminal courts to summon witnesses at any stage of a trial, ruling that prosecutorial oversight cannot be allowed to undermine justice in a murder case. Dismissing a criminal revision, the court held that section 540 of the Criminal Procedure Code exists to advance truth-finding, not procedural technicalities.

This criminal revision before the Sindh High Court raised a recurrent question in Pakistani criminal procedure: the scope and limits of a trial court's power under *section 540 of the Code of Criminal Procedure, 1898* to summon or recall prosecution witnesses at a later stage of the trial, even where such witnesses were earlier given up by the prosecution. The judgment reaffirms the primacy of truth-finding in criminal trials and clarifies that procedural lapses or prosecutorial oversight cannot be allowed to defeat substantive justice, particularly in serious offences involving homicide.

Factual background

The case arose from *FIR No.122 of 2021*, registered at Police Station Sharifabad, Karachi, under sections *302, 392, 397 and 34 of the Pakistan Penal Code*. The prosecution alleged that on February 22, 2021, the complainant's grandson, *Osama Saeed*, was shot dead during a robbery while seated in his car at an automobile workshop in Sharifabad. According to the complaint, an armed assailant robbed the occupants at gunpoint, briefly left the scene, returned moments later and fired directly at the deceased, who later succumbed to his injuries at Aga Khan Hospital.

The applicant, along with co-accused, was arrested and faced trial. The trial court initially convicted the accused; however, the High Court, in an earlier round of litigation, set aside the conviction and remanded the matter on the ground that certain prosecution witnesses had been examined in the absence of defence counsel.

Procedural history and impugned order

Following remand, the trial court re-recorded the evidence of four prosecution witnesses in compliance with the High Court's directions. During this stage, the prosecution moved an application under *section 540 CrPC* seeking permission to examine two police officials, *Muhammad Ibrahim* and *Muhammad Akhtar*, who were mashirs of arrest and recovery and whose names already appeared in the charge-sheet.

Although an earlier application had been dismissed, the trial court allowed the second application by order dated February 2, 2024. This order was challenged in criminal revision, the applicant arguing that the prosecution had already closed its side and had effectively

Why It Matters

The ruling reinforces that *complainants should not suffer due to prosecutorial negligence*, particularly in serious crimes such as murder, and confirms that criminal trials are not defeated by technical lapses where the accused's right to cross-examination remains intact.

abandoned these witnesses.

Issues before the High Court

The principal legal issues were:

1. Whether the prosecution, having earlier closed its case and allegedly given up certain witnesses, could subsequently invoke section 540 CrPC to examine them; and
2. Whether allowing such witnesses amounted to filling a lacuna in the prosecution case, thereby prejudicing the accused.

Arguments of the applicant

Counsel for the applicant contended that the prosecution's statement closing its side amounted to a voluntary abandonment of the two police witnesses. It was argued that permitting their examination at a later stage was illegal, amounted to an abuse of section 540 CrPC, and was designed to cure deficiencies in the prosecution case after remand.

Findings and reasoning

Rejecting these submissions, the High Court held that *section 540 CrPC confers wide and unfettered discretion* upon the trial court to summon any person as a witness at any stage of the proceedings, if such evidence appears necessary for the just decision of the case.

The Court emphasised that the provision "*does not preclude the prosecution side to move application under Section 540 Cr.P.C. and it does not restrict the trial court not to call the material witness whose presence is just and proper for the purposes of trial*".

A critical factor in the Court's reasoning was that the witnesses in question were already named in the charge-sheet, and their role as mashirs of arrest and recovery was known to the defence from the outset. The Court observed that their omission was attributable to prosecutorial oversight rather than any deliberate strategy to change the prosecution narrative.

IMAGE: © THE LEGAL

Importantly, the Court rejected the argument that the application was intended to fill a lacuna, noting that the witnesses were not eyewitnesses to the occurrence itself but official witnesses whose testimony related to procedural aspects of arrest and recovery. Their evidence, the Court held, would not introduce a new version of events.

Protection against prejudice

Addressing concerns of prejudice, the Court underlined that the accused would retain a full right of cross-examination. It observed that *"their testimony will remain subject to cross-examination, affording the applicant full and ample opportunity to challenge and test the truth"*. The burden of proof, it reiterated, remained squarely on the prosecution.

The Court further stressed that in serious offences, particularly murder, the criminal justice system must guard against technicalities that could undermine substantive justice. It noted that the complainant's family *"were going to be adversely affected by a willful failure or oversight of the prosecution to bring on record the material evidence".*

Reliance on Supreme Court precedent

The High Court relied on the Supreme Court's decision in *Ansar Mehmood v Abdul Khaliq (2011 SCMR 713),* endorsing the principle that *"complainant is not supposed to suffer for the fault of prosecution who was negligent in discharging duties and functions".*

This authority was used to reinforce the proposition that prosecutorial negligence should not defeat the ends of justice.

Section 540 CrPC and inquisitorial elements

In a broader jurisprudential discussion, the Court described the proviso to section 540 CrPC as an exception to the adversarial system, incorporating limited inquisitorial principles. It observed that the provision enables courts to prioritise truth over rigid procedural formality and allows even previously given-up witnesses to be recalled if justice so demands.

The Court further clarified that such witnesses may be questioned under *Article 150 of the Qanoon-e-Shahadat Order, 1984*, without being declared hostile, solely for the purpose of eliciting the truth.

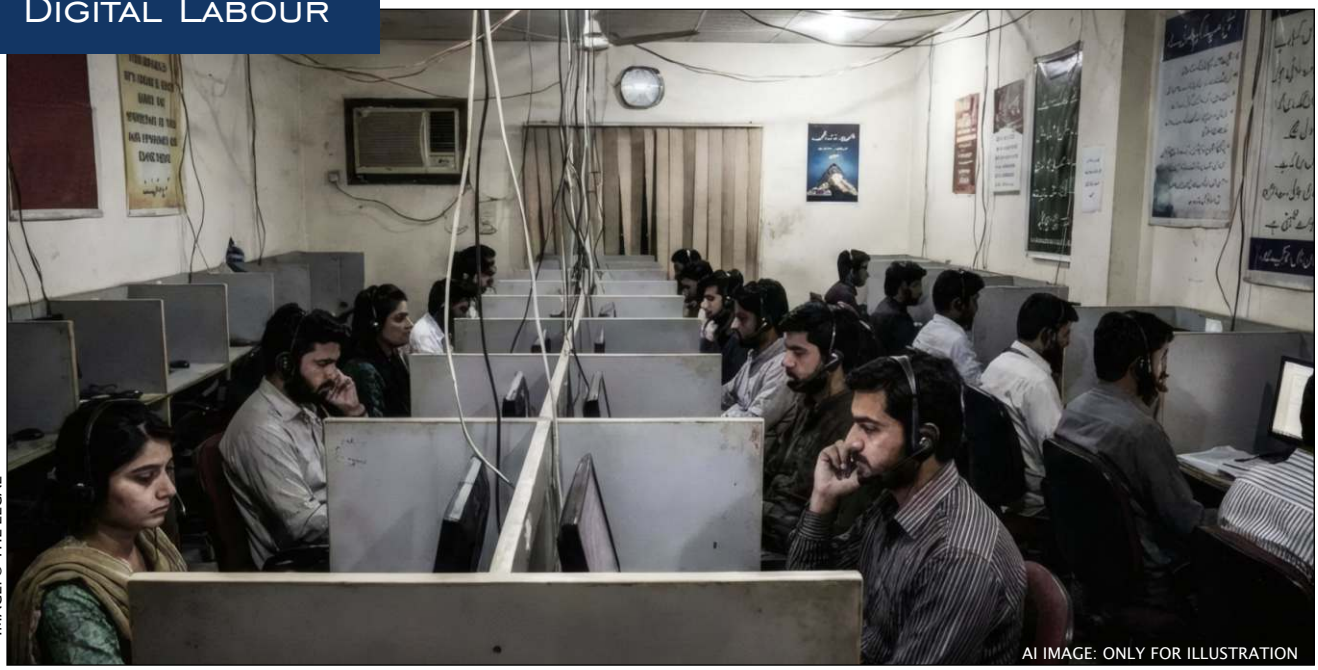
Decision

Concluding that the impugned order fell squarely within the trial court's lawful discretion, the High Court found no illegality or jurisdictional error. The criminal revision was dismissed, and the trial court was directed to proceed expeditiously, with no adjournment exceeding three days, given the age of the case.

Significance

This judgment is a reaffirmation of the expansive scope of section 540 CrPC and a reminder that criminal courts are not passive arbiters bound strictly by party conduct. Where material evidence has been omitted due to oversight, courts retain both the power and the duty to ensure that such evidence is brought on record, provided that the accused's right to a fair trial is preserved.

DIGITAL LABOUR



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Call Centres' Unchecked Exploitation

Pakistan's digital boom conceals systemic exploitation of young workers amid regulatory inertia

What passes as opportunity for Pakistan's urban youth has, in many workplaces, hardened into quiet endurance. Night after night, labour is extracted without security, dignity or recourse, sustained by fear rather than consent.

by ***Mujtaba Hasnain***
Rawalpindi

Pakistan's rapidly expanding call centre industry is often projected as a symbol of youthful entrepreneurship and digital opportunity. Behind the glossy rhetoric of outsourcing, foreign clients and dollar inflows, however, lies a darker and largely unexamined reality: the systematic exploitation of thousands, perhaps tens of thousands, of young workers operating in a regulatory vacuum, beyond the effective reach of labour law and state oversight.

In major urban centres, particularly Karachi, Lahore, Islamabad, Rawalpindi, and Faisalabad, call centres have mushroomed with little scrutiny. Many operate through informal arrangements, obscure ownership structures and transient offices, thriving precisely because they exist outside the formal economy. For the educated young men and women who staff these centres, many of them students or recent graduates, employment often means excessive night shifts, arbitrary wage deductions, absence of contracts, denial of leave, and complete exclusion from social security and pension schemes. What has emerged is not merely poor labour practice, but a structural failure of governance.

Pakistan's legal framework, on paper, provides robust protections for workers. The Constitution of Pakistan, 1973, unequivocally prohibits forced labour and guarantees just and humane conditions of work. Article 11 forbids all forms of forced labour, while Article 17 recognises the right to form associations and trade unions. Article 37 obligates the State to ensure humane working conditions and social justice. These provisions are neither symbolic nor discretionary; they impose binding duties upon the government.

Statutory labour protections further reinforce these guarantees. The Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 mandates written employment contracts, security of service and due process in disciplinary matters. The Minimum Wages Ordinance, 1961 requires provincial governments to fix and enforce minimum wages. The Payment of Wages Act, 1936 restricts unlawful deductions and mandates timely payment. The Shops and Establishments Ordinances, enacted at provincial level after the 18th Constitutional Amendment, regulate working hours, rest intervals and weekly

holidays for commercial enterprises, a category into which call centres squarely fall.

Yet in practice, these laws remain idle text. Most call centre workers report that they are never issued appointment letters or service contracts. Their employment is terminable at will. Wages fluctuate unpredictably, often falling below the legal thresholds. Fines, frequently imposed for missed "targets", brief absences or technical failures, are deducted without explanation or appeal. Leave is virtually non-existent. Even medical absences attract penalties. In some centres, workers are reportedly denied meal breaks during shifts extending well beyond eight hours at night operations aligned with foreign time zones.

The absence of social protection is equally stark. Employers routinely evade registration with the Employees' Old-Age Benefits Institution (EOBI), despite statutory obligations under the EOBI Act, 1976. Health insurance, disability cover and end-of-service benefits are unheard of. Workers who fall ill, suffer burnout or experience mental health distress simply disappear from payrolls, replaced by an endless supply of unemployed youth willing to accept any terms offered.

These conditions raise serious legal concerns not only under domestic law, but also under Pakistan's international obligations. Pakistan is a founding member of the International Labour Organization (ILO) and has ratified key conventions, including Convention No. 87 on Freedom of Association and Convention No. 98 on the Right to Organise and Collective Bargaining. Under the ILO Declaration on Fundamental Principles and Rights at Work, Pakistan is obliged to respect, promote and realise fundamental labour rights for all workers, regardless of sector or contractual form.

The reality in Pakistan's call centre sector stands in direct contradiction to these commitments. Workers are actively discouraged from organising. Any attempt to discuss collective demands is met with threats of termination. In a sector defined by informality, fear replaces rights, and silence substitutes for consent. This is particularly troubling given that Article 17 of the Constitution expressly guarantees the right to form associations, while international law treats collective bargaining as a cornerstone of decent work.

The regulatory failure is not accidental. Labour inspection regimes remain weak, since these centres operate at night, under-resourced and fragmented. Following the devolution of labour regulation to provinces under the 18th Amendment, enforcement mechanisms have struggled to adapt. Call centres exploit this confusion, often operating without registration as formal establishments, thereby avoiding inspections altogether. Despite the existence of provincial labour departments, minimum wage authorities and social security institutions, there is little evidence of coordinated action to bring this sector within the fold of the law.

The government's inertia is particularly striking given its public commitments to youth employment and digital growth. While authorities promote the IT and services sectors as engines of economic development, they have failed to extend corresponding labour protections to the very workforce sustaining this growth. This contradiction undermines both constitutional governance and economic credibility.

Legal experts increasingly warn that the conditions prevalent in many call centres verge on modern forms of bonded or forced labour, not through physical coercion but through economic compulsion and regulatory abandonment. When workers are denied contracts, deprived of leave, penalised for illness and excluded from social protection, their "choice" to work becomes illusory. The law recognises that exploitation does not require chains; it often thrives through silence and neglect.

Against this backdrop, the formation of labour associations by call centre workers is not merely desirable but legally imperative. Unionisation remains the most effective mechanism for enforcing rights already recognised by law. City-level workers' associations could serve as initial platforms for collective dialogue, legal awareness and representation. Over time, these bodies could coalesce into a nationwide confederation capable of engaging policymakers, filing strategic litigation and negotiating sector-wide standards.

Pakistan's labour history demonstrates that rights are rarely enforced in the absence of organised labour. Yet current trade union laws and administrative practices often discourage registration and recognition, particularly in emerging sectors. Reform is urgently required to simplify union registration, protect organisers from retaliation and ensure meaningful collective bargaining rights.

At the same time, legislative reform cannot be postponed. Pakistan's labour laws remain fragmented, outdated and ill-suited to modern service economies. A consolidated labour code, one that explicitly covers digital and service-based employment, is long overdue. Such a framework must mandate written contracts, regulate night work, enforce overtime compensation, prohibit arbitrary deductions and require universal social security coverage.

Most critically, enforcement must be revitalised. Laws without inspectors, penalties or political will are merely decorative. Labour departments must be strengthened, inspection regimes modernised, and penalties for non-compliance made genuinely deterrent. Call centres cannot remain invisible islands of exploitation within a constitutional democracy.

The continued suffering of call centre workers is not the result of legal absence, but legal abandonment. The owners of these enterprises continue to mint profits, while the young workforce, educated, aspirational and expendable, is reduced to disposable labour. This is not merely an employment issue; it is a test of Pakistan's commitment to the rule of law, social justice and constitutional governance.

Unless decisive action is taken, the call centre boom will remain a cautionary tale, not of economic progress, but of how easily labour rights can collapse when the state looks away.

MEDIATION

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Marathon Cross-Examination

Curbing Tactical Delays

Lahore High Court (LHC) warns that the "valuable right" of cross-examination is not a licence for procedural harassment in family disputes

The LHC has dismissed a petition seeking to extend a 51-page cross-examination that spanned 11 separate hearings. Mr Justice Sultan Tanvir Ahmad ruled that the right to question witnesses is "neither unlimited nor unbridled". The judgement stresses that judges must not be "silent spectators" to tactical delays that frustrate the Family Courts Act's mandatory six-month resolution timeline.

by ***Eesha Arshad***
AHC - Rawalpindi

In the wood-panelled courtrooms of Lahore, a long-standing legal tactic, the marathon cross-examination, has been dealt a major blow. A recent LHC judgement, presided over by Mr Justice Sultan Tanvir Ahmad, has sent a clear message to litigants: the right to test a witness's evidence is not a licence to indefinitely stall the wheels of justice.

The case, *Harris Rasheed v The Learned Guardian Judge*, centres on a bitter three-year custody and visitation dispute over a 13-year-old boy named Yahya. At its heart, however, lies a broader systemic question currently vexing the Pakistani legal profession: at what point does the "valuable right" of cross-examination become a tool for harassment and procedural delay?

The respondent in the case, a doctor by profession, had found herself trapped in a cycle of testimony that seemed to have no end. Since October 2024, she had been subjected to cross-examination over 11 separate hearings, stretching across dates in March, April, May, June, and July of 2025. The resulting transcript ran to a staggering 51 pages. When the Guardian Court finally intervened to close the father's right to further questioning, he appealed, arguing that he was being "lightly deprived" of a vital mechanism for "discovering the truth".

Justice Ahmad was not persuaded by this appeal to tradition. In a ruling that prioritised the spirit of the West *Pakistan Family Courts Act 1964*, he noted that the law was intended for the *"expeditious settlement and resolution of disputes relating to marriage [and] family affairs"*. The legislature, he pointed out, expects such disputes to be resolved within six months, a timeline that is frequently ignored in a system where cases can remain pending for years. In this instance, the petition had been lingering since June 2022.

The judgement takes aim at a "growing tendency" in family law to prolong cases by deviating from pleadings, introducing irrelevant evidence, and "lengthening the examination". Justice Ahmad was particularly firm on the role of the judiciary in such instances, stating that presiding officers "should not remain silent spectators" and must be mindful that the right

> ***Duty is imposed on the presiding officers, who should not remain silent spectators and they are required to be mindful that the right of cross-examination is neither unlimited nor unbridled. The trial Court should direct the counsel to confine him to relevant questions.***
>
> — Justice Sultan Tanvir Ahmad

of cross-examination is "neither unlimited nor unbridled". The court observed that the petitioner-father had been allowed to conduct his questioning in "piecemeal manners", often until late hours, which only served to frustrate the purpose of the special enactment.

Quoting a previous Supreme Court ruling, the judgement highlighted the human cost of these legal marathons. It noted that the reluctance of many witnesses to give evidence is often due to the "rough and undignified treatment meted out to them by the Court and the humiliation and intimidation they suffer" at the hands of opposing counsel. Under Section 11 of the *Family Court Act*, the court is empowered to forbid any question it deems "indecent, scandalous or frivolous" or intended to "insult or annoy or be needlessly offensive".

The court further noted that such excessive litigation is not merely a burden on the state but can be counterproductive for the litigants themselves. Justice Ahmad observed that "unnecessary cross-examination can even be damaging to the case of the party" conducting it, as key contradictions can lose their significance when buried in a mountain of irrelevant questioning. He cited the *Meera Shafi case*, where the Supreme Court termed a 24-page cross-examination spanning eight months as "disquieting"—a benchmark that the 51 pages in the current case far exceeded.

For the legal fraternity, the ruling serves as a stern reminder that procedure must not trump purpose. The court concluded that "firm adherence" to special laws like the *Family Court Act* is required, otherwise "the essence and effectiveness of the law will be frustrated". As the LHC moves to "actively curb the undesirable delays", the era of the 51-page cross-examination may finally be drawing to a close. ▮

AUTONOMY

Autonomy Trumps Anguish

Spain's Supreme Court rejects a father's final attempt to block his adult daughter's euthanasia, prioritising patient rights over family dissent

by ***Sofia Elizondo***
Madrid - Spain

In a judgment that starkly illuminates the collision between profound family tragedy and the rigid mechanics of administrative law, the Spanish Supreme Court has ruled inadmissible an appeal lodged by a father attempting to stop the euthanasia of his adult daughter.

The decision, handed down on January 29, 2026, brings a definitive end to a harrowing legal battle, reinforcing the high threshold required for supreme judicial intervention while affirming the autonomy of adult patients under Spain's strict assisted dying regulations.

The ruling represents an important moment in the jurisprudence of the Contentious-Administrative Chamber. It highlights a complex humanitarian reality: the legal system's inability to accommodate paternal objection when an adult patient has been deemed capable and meets the rigorous criteria for euthanasia. While the court acknowledged the emotional gravity of the case, it ultimately prioritised legal certainty, ruling that the father's appeal "manifestly lacks objective cassational interest" required to establish new case law.

The case reached the Supreme Court after the High Court of Justice of Catalonia (TSJ) upheld a resolution from July 2024 by the Guarantee and Evaluation Commission, which had authorised the procedure. The father's legal challenge was predicated on two main arguments: a dispute regarding his daughter's mental capacity to fully comprehend the consequences of her decision, and procedural irregularities in how the medical assessment was conducted.

However, the Supreme Court was unyielding in its refusal to re-examine the evidentiary facts. In its order, the Chamber clarified that the role of the Supreme Court is not to act as a third instance of ordinary appeal, but rather to serve a "nomophylactic" function—protecting the integrity of the legal system and ensuring uniform interpretation of the law.

The Court noted that the lower courts had already extensively reviewed the evidence regarding the daughter's capacity. The order stated: *"The fact is that the appellant seeks a declaration in cassation that the administrative decision to authorise the daughter's euthanasia... must be revoked. However, this claim has already been examined in the jurisdictional seat... arriving at the conclusion, following the examination of evidence, that the appellant had failed to disprove the existence of all necessary elements to approve the*

applicant's euthanasia."

By refusing to re-weigh the medical evidence, the Court effectively signalled that once a patient's capacity is established by medical professionals and confirmed by lower tribunals, family opposition holds no legal water.

Perhaps the most startling aspect of the judgment, and one that sheds light on the anxieties medical professionals face under the euthanasia law, was the revelation of a bizarre procedural irregularity.

The father argued that the procedure was flawed because the initial "medical-forensic pair" (the two doctors required to evaluate the case) had acted improperly. The Supreme Court acknowledged that these doctors, who actually agreed that euthanasia was appropriate, had deliberately "feigned their disagreement". Their aim was to force the case up to the Guarantee and Evaluation Commission to secure a "supposed greater guarantee" for their decision-making, likely fearing legal or professional repercussions.

The Supreme Court described this stratagem as "surprising as well as censurable". However, the judges concluded that this administrative theatre did not render the final authorisation void, as it did not alter the material outcome nor leave the parties defenceless.

In a scathing but pragmatic passage, the judgement noted:

"Indeed, the members of that pair were in agreement that it was appropriate to grant euthanasia; they feigned their disagreement in order to elevate the decision... and 'force' a supposed greater guarantee... [But] the truth is that it did not change the result of the procedure by which the Administration had to decide whether or not to recognise the applicant's right to euthanasia."

This ruling serves as a stern reminder of the purpose of Spain's cassation system. The Supreme Court emphasised that appeals must transcend the specific interests of the litigants and offer a point of law that requires clarification for the public good.

By dismissing the appeal, the Court has avoided setting a precedent that would allow family members to easily delay assisted dying procedures through protracted litigation when the medical facts are not in dispute. For the legal community, the message is clear: the Supreme Court will not function as a venue for re-litigating the tragic facts of individual euthanasia cases, provided the rigorous administrative procedures have been, in substance, correctly applied.

For the family involved, the legal road has ended. The decision confirms that under Spanish law, the right of a capable adult to choose their end, when validated by the state's strict medical safeguards, supersedes the protective instincts of the family unit. ▮

The 'Medical-Forensic Pair'

Under Spain's *Organic Law for the Regulation of Euthanasia (LORE)*, the approval process is rigorous and multi-layered. The "Medical-Forensic Pair" acts as the final administrative checkpoint before a request is officially authorised or denied.

Once a patient's request has been approved by their responsible doctor and a second, independent consultant doctor, the file is sent to the regional Commission of Guarantee and Evaluation (CGE). The president of this Commission then designates a two-person team to review the case, known as the "pair":

- One Medical Professional: To review the clinical aspects (is the condition truly incurable/terminal? is the suffering unbearable?).
- One Jurist (Legal Expert): To review the legal aspects (is the patient capable? was the procedure followed correctly? is the consent voluntary?).

This pair reviews the documentation within seven days. They do not necessarily examine the patient directly, but rather audit the paperwork provided by the previous doctors.

- If both agree (Concurrence): Their decision becomes the final resolution of the Commission. If both say "Yes", the euthanasia is authorised.
- If they disagree (Discrepancy): The case is elevated to the Plenary (the full body) of the Commission for a vote.

The Irregularity in the Supreme Court Case

In this case, the "Medical-Forensic Pair" engaged in what the Court called a "surprising" maneuver:

- The Reality: Both the doctor and the jurist agreed that the daughter met the requirements for euthanasia. Legally, they should have just signed the authorisation there and then.
- The Maneuver: They were likely anxious about the responsibility of making a life-ending decision alone, or perhaps feared future litigation (like the father's lawsuit). Consequently, they pretended to disagree on the file.
- The Result: By feigning disagreement, they forced the Full Commission (Plenary) to meet and vote on the case. This ensured the decision was backed by the entire institution rather than just the two of them, essentially "safety in numbers."

The Supreme Court ruled that while this was a breach of procedure (they lied about their disagreement), it did not harm the patient's rights or the father's legal standing, as the final outcome (approval) was substantively correct based on the law. ▮

DISTRESS

India's Supreme Court Mandates

Campus Suicide Safeguards

Ruling converts student welfare from guidance into enforceable duty for universities, with reporting, staffing and funding compliance timelines

by ***Naresh Kumar***
New Delhi - India

IMAGE: © THE LEGAL

India's Supreme Court has delivered a searing indictment of the nation's educational establishment, ordering immediate, binding reforms to combat a record surge in student suicides. The ruling effectively transforms campus well-being from a policy aspiration into a mandatory constitutional obligation for all higher education institutions.

The judgment, delivered by a Bench of Justices J B Pardiwala and R Mahadevan, comes as official National Crime Records Bureau (NCRB) data reveals a harrowing 13,892 student suicides in 2023. This represents a 65 per cent surge over the last decade, far outstripping general population trends.

In a decisive shift towards transparency, the Court has ordered all Higher Education Institutions (HEIs) to immediately report any suicide or unnatural death to the police, regardless of whether it occurs on or off-campus.

"All HEIs must report any incident of suicide or unnatural death of a student, regardless of the location of its occurrence (i.e. on campus, hostels, PG accommodations, or otherwise outside the institutional premises), to the police authorities no sooner than they come to know about the incident. This should cover all students, irrespective of whether they are studying in the classroom, distance or online mode of learning," the Bench stated.

The judges were emphatic that institutions can no longer "shirk away from their fundamental duty" to provide safe and inclusive spaces. To enforce this, HEIs must now submit annual reports of such deaths to the University Grants Commission (UGC) and other regulatory bodies.

Beyond incident reporting, the Court targeted the "iceberg of student distress" by addressing administrative and financial failures. All scholarship backlogs must be cleared within four months. The Court explicitly forbade institutions from penalising students for administrative delays: "No student should be prevented from appearing in an examination... or have their marksheets and degrees withheld because of delays in disbursal of scholarships," said the bench.

It said that every residential campus must provide qualified medical assistance 24/7, either on-site or within a one-kilometre radius. All vacant faculty and administrative positions, including Vice-Chancellors and Registrars, must be filled within four months to reduce institutional neglect.

Through these directives, the Court reiterated that the responsibility of universities extends beyond academic success to the fundamental protection of student dignity and mental health. The judicial intervention is framed within a broader context of an escalating national crisis. The NCRB's figure marks a historical peak and reflects a hefty surge over the last decade, a growth rate that significantly outpaces the general population's suicide trends.

Experts and the judiciary alike have identified that the visible cases of suicide represent only a small part of a much larger crisis affecting student mental health across the subcontinent. The pressure-cooker environment of Indian education, particularly in competitive exam hubs, has created a "silent epidemic" that the Court is now attempting to dismantle through legal force.

The Court has tasked the National Task Force (NTF) with drafting a model "Universal Design Framework" for suicide prevention and periodic well-being audits. As Justice Pardiwala noted during the proceedings, the role of a university is not limited to academic excellence but must

encompass the "holistic development" and mental safety of its students.

This duty is now legally tethered to the performance of administrators, who must ensure that campuses are inclusive and equitable places for learning. The requirement for centrally maintained data from the Sample Registration System on suicides among those aged 15 to 29 years further aims to provide accurate estimates and allow for data-driven policy interventions in the future.

As India continues to struggle with high-stakes academic competition, these directions provide a necessary legal framework to ensure that the pursuit of education does not come at the cost of human life. The judiciary has effectively sounded a "wakeup call," demanding that awareness be backed by concrete intervention and administrative action.

'Silent Epidemic'

India is grappling with a profound human capital crisis as student suicides reach an unprecedented peak. According to India's National Crime Records Bureau (NCRB) data, the country recorded 13,892 student suicides in 2023, the highest figure in its history.

The statistics reveal a systemic failure within the nation's high-stakes educational ecosystem. Students now account for 8.1 per cent of all suicides in India, with the crisis most acute in major academic and coaching hubs. Maharashtra, Madhya Pradesh, and Uttar Pradesh report the highest casualties, while cities like Kota remain flashpoints for exam-related distress.

The demographic profile is harrowing. The highest proportion of suicides occurs among secondary school students (Class 10). While official records frequently cite "failure in examinations" and "family expectations" as triggers, the data reflects a broader confluence of institutional neglect and a severe shortage of mental health infrastructure. This statistical surge underscores a critical breakdown in the safety nets for India's youth, transforming a pedagogical challenge into a national emergency.

TL Event

Legal Insights Session

Senior Punjab law officer discusses courtroom practice, mediation with young lawyers in Rawalpindi session

S&S Law Associates hosted an interactive professional session featuring Barrister Raja Hashim Javed, Assistant Advocate General Punjab, offering young lawyers a practical perspective on litigation and dispute resolution.

During the discussion, Javed shared insights into court procedures, evolving legal pathways, and the growing importance of mediation in Pakistan's justice system. He also reflected on several landmark judgments of Lahore High Court's Rawalpindi Bench, outlining their implications for legal practice and jurisprudence.

The event was officiated by Sibha Farooq, founding partner of S&S Law Associates, who highlighted the firm's commitment to continuing legal education and professional development. Participants engaged actively with the speaker, making the session a substantive exchange of knowledge.

TL Event

Saudi Arbitration Workshop

Durham law academic outlines international arbitration's global significance and Saudi Arabia's ambitions to emerge as a regional arbitration hub

The College of Law at the University of Business & Technology (UBT) in Jeddah hosted a workshop on international arbitration, highlighting Saudi Arabia's expanding role in the field. Titled *"International Arbitration: Its Global Role and Saudi Arabia's Emerging Leadership"*, the session was delivered by Can Eken, Assistant Professor of Law at Durham University in the UK.

Eken offered an overview of international commercial arbitration, focusing on its growing relevance to cross-border dispute resolution. He underscored Saudi Arabia's efforts to position itself as a leading arbitration centre, supported by legal reforms and institutional development aligned with Vision 2030.

The College of Law expressed its appreciation to Eken for his contribution and said it looked forward to further academic collaboration in the future.

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