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GLIMPSES

NEWS FROM AROUND THE WORLD

BRUSSELS

SAFEGUARDS

The European Commission has proposed sweeping legislation under the new EU Kids Act to tackle online harms. The legislation aims to prohibit children under 13 from holding independent social media accounts.

Under the framework, adolescents aged 13 and 14 would be restricted to heavily monitored mini accounts managed by parents. Furthermore, technology firms would face strict bans on addictive design features, such as infinite scrolling, alongside hefty financial penalties for non-compliance.



BEIJING

CENSORSHIP

The Wuhan Municipal Bureau of Culture and Tourism has concluded an investigation into comedian Guo Degang, issuing hefty penalties following a complaint alleging he altered song lyrics from a 1956 revolutionary classic. Investigators ruled that the performance caused a negative social impact, though Guo was not personally fined.

Authorities penalised performance organisers for breaching commercial performance regulations, issuing a formal warning, confiscating 48,687.4 yuan (\$7,260) in gains, and levying a fine of 486,874 yuan (\$72,600). The theatre management received a warning alongside a 110,000 yuan (\$16,400) fine.



Former Kosovo President Hashim Thaçi has been sentenced to 25 years in prison by a tribunal in The Hague after being convicted of war crimes and crimes against humanity.

The European-backed Kosovo Specialist Chambers found the 58-year-old guilty of 96 murders, alongside charges of torture, cruel treatment, and arbitrary detention carried out during the 1998–99 war for independence from Serbia.

Thaçi, a former senior commander of the Kosovo Liberation Army (KLA), stood in silence as presiding judge Charles Smith delivered the sentence. Three co-defendants, Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi, were also handed prison terms ranging between 13 and 25 years. The court ruled that Thaçi actively encouraged and participated in atrocities against political opponents and civilians.

The verdict triggered strong condemnation across Kosovo, where former KLA leaders are widely regarded as national heroes. Foreign Minister Glauk Konjufca labelled the ruling "terrible" and "unjust", whilst thousands gathered in Pristina to voice their dismay. Defence lawyers maintain that Thaçi intends to appeal against the decision.

WASHINGTON

The Tide of AI Errors Floods US Courts as Lawyers Face Sanctions



THE HAGUE

Former Kosovo President Hashim Thaçi Jailed for War Crimes



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Title Image

Gracing the cover of this month's publication is the distinguished Barrister Usama Malik, a celebrated recipient of the esteemed Sitara-e-Imtiaz. Until quite recently, he served with immense distinction as the Director of Legal Education at the Pakistan Bar Council. Throughout his visionary stewardship, Barrister Malik championed a resolute endeavour: to profoundly elevate the calibre of legal practice across the nation through the implementation of a meticulously modernised pedagogical framework. His steadfast commitment to refining legal education has left an indelible mark upon the country's jurisprudence and its future practitioners alike. The title image is copyrighted by the publishers of The Legal International.

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Analytica
**PROVINCIAL
PROLIFERATION**

IMAGE: © The Legal

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Editor's Note



Aftab Kazmi
Editor in Chief
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October arrives with a world that seems increasingly unwilling to learn from its own history. Conflicts that begin as geopolitical contests soon acquire a larger price: broken supply chains, disrupted shipping, rising energy and fertiliser costs, and the prospect of deeper hunger.

The UN and the World Food Programme (WFP) has already warned that the conflict could push an additional 45 million people into acute hunger, compounding existing food crises. The World Food Programme (WFP) cites warnings that another 45 million people could be pushed into acute hunger. Such numbers can feel abstract. Their consequences are real, and immediate.

For lawyers, the unease runs deeper. The International Criminal Court is under intense US and Israeli pressure, while faith in international law, morality and justice is being tested by events that reward power and punish restraint. When truth is obscured, the courtroom acquires a different importance. It becomes not merely a place where disputes are settled, but one of the few institutions in which evidence can be made to withstand political convenience.

That is why our feature, *"The Price of Impunity"*, looks backwards before looking forwards. The history of Unit 731, and the alleged post-war US bargain surrounding the scientific data it produced, raises enduring questions about accountability, expediency and the cost of shielding perpetrators from scrutiny. The story matters not simply as history, but because impunity has a habit of travelling across generations. The moral and legal questions it raises continue to echo in the present. Gaza, Lebanon, and Iran are the prove and a test to their morality, ethics, and law in the light of atrocious events of the Unit 731.

Closer to home, another debate is unfolding over *"Provincial Proliferation"*. Our researchers examine its constitutional and legal dimensions, placing the competing arguments before readers rather than reducing a complicated national question to a slogan. At a time when institutional design itself is under discussion, legal analysis matters precisely because it slows the rush towards easy answers.

We also turn to legal education in Pakistan, where growing interest among young people makes standards, structure and professional preparation more consequential. In this issue, Barrister Usama Malik, Director of Legal Education at Pakistan Bar Council and recipient of *Sitara-e-Imtiaz*, discusses the reforms and vision behind the evolving framework.

These pieces, alongside the issue's other reports and analyses, share a common concern: what happens to justice when institutions are tested, history is contested, and facts become inconvenient?

As always, *The Legal International* remains a research and publishing platform for judges, practitioners, researchers and students. We invite their work, their scrutiny and their disagreement. In difficult times, a serious legal journal has one useful duty above all others: to keep asking the questions that power would rather leave unanswered.

Enjoy the issue. ■



Falklands Oil Row

Argentine authorities launch legal action against international energy firms

The Argentine government has escalated its long-standing territorial dispute with the United Kingdom by filing formal criminal charges against several international oil and gas exploration companies.

The legal proceedings, initiated by Foreign Minister Pablo Quirno alongside Treasury Attorney General Sebastián Amerio, target firms operating off the Falkland Islands, known in Argentina as *Las Islas Malvinas*.

The primary targets of the complaint include Israel-based Navitas Petroleum, Canada's JHI Associates, and Eco Atlantic Oil & Gas. Argentine officials accuse these enterprises, as well as their corporate directors and major shareholders, of carrying out unauthorised hydrocarbon activities within the North Falkland Basin. The legal filings assert that the energy operators have breached domestic legislation by utilising offshore licenses granted by the British government rather than seeking authorisation from Buenos Aires.

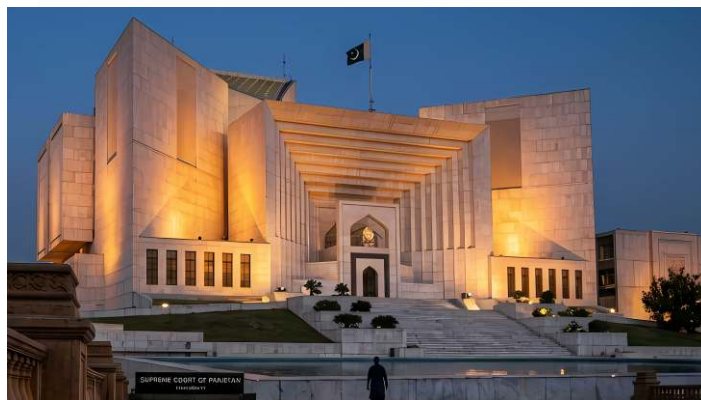
President Javier Milei's administration described the move as a crucial measure to protect the nation's natural resources and defend its sovereign claims. Central to the dispute is the multimillion-pound Sea Lion project, an offshore venture poised to begin commercial production by 2028. Argentine leadership views the development as an immediate threat to regional marine ecosystems and territorial integrity.

In response, the targeted energy operators and British officials maintain that Argentine domestic law holds no legal standing over the self-governing British Overseas Territory. Operating companies confirmed their intention to proceed with development under valid UK licenses.

However, an Argentine court has since issued an injunction attempting to halt physical construction and drilling activities, further heightening geopolitical tensions in the South Atlantic.

Supreme Court Accelerates Judicial Reform

The Chief Justice of Pakistan outlines a digital transformation and sweeping backlog reductions for 2026-27



The Supreme Court of Pakistan (SCP) inaugurated its 2026-27 judicial year on September 14, introducing a comprehensive reform agenda focused on digital integration and expedited case management.

Addressing legal professionals in Courtroom No. 1, the Chief Justice Yahya Afridi detailed progress across five key pillars: technology-enabled service delivery, access and transparency, strengthening regulatory frameworks, leveraging resources, and revitalising justice-sector institutions. According to the SCP, 65 out of 86 targeted reform actions have already been completed across eight functional areas.

The court is rapidly transitioning towards an interoperable digital justice architecture. This technological shift includes the barcoding of cases, electronic transmission of judgments, and the rollout of paperless systems. Furthermore, a National Standardised E-Filing Framework has been submitted to the National Judicial (Policy Making) Committee to harmonise filing procedures across all provincial and district jurisdictions.

To enhance litigant access, the court has strengthened its Public Facilitation Centre, with another facility scheduled to open at the Lahore Registry by mid-November. Through the Access to Justice Development Fund, courts nationwide are receiving solar energy installations, e-libraries, and dedicated facilities for women, though security challenges have delayed implementation in 12 districts of Balochistan.

Significant strides have been made in reducing judicial backlogs. The court cleared death sentence appeals from 2015 to 2026, leaving merely 31 pending cases for the current year. Similar clearances were achieved in pre-arrest bail matters and family disputes. Taxation and service matters are also advancing, while rent pendency has plummeted to 133 cases. These reductions are driven by structural changes, including dedicating 40 per cent of case fixation to older disputes and eliminating out-of-turn fixation discretion. Notably, the court resolved 202 cases in a single day.

The Attorney General for Pakistan, Pakistan Bar Council Vice Chairman Pir Muhammad Masood Chishti, and Supreme Court Bar Association President Haroon ur Rashid praised these modernisations. Highlighting Alternative Dispute Resolution and international cooperation, the Chief Justice noted ongoing training exchanges with China and Türkiye, concluding that the judiciary's true measure remains the public trust it commands.



New Cyber Security Rules Enforced

Pakistani Officials warned
against personal emails
and AI

In a move to bolster national digital security, government employees and public-sector organisations have been sternly warned against utilising personal email accounts, unapproved devices, and public artificial intelligence tools for sensitive official matters.

The comprehensive directives, issued for officials to prevent cyberattack.pdf, are part of the "National Cybersecurity Handbook 2026-27". This handbook was jointly issued by the National Cyber Emergency Response Team (PKCERT) and the Ministry of IT and Telecommunications. It can be viewed/downloaded from [here](#).

It highlights that cybersecurity remains a collective duty, as individual user behaviour directly impacts the integrity, availability, and confidentiality of vital government assets.

A significant portion addresses the escalating risks associated with AI platforms. Officials are strictly prohibited from entering classified documents, source code, or citizens' personal information into public AI tools. Instead, staff must rely solely on AI tools authorised by their respective departments, ensuring sensitive information is removed from prompts prior to upload. Human personnel must carefully review all AI-generated outputs for accuracy and potential security implications.

The guidelines also mandate that departmental correspondence be conducted exclusively through official government email addresses. Using personal platforms, such as Yahoo or Gmail, is forbidden without exceptional authorisation, whilst official messages must never be forwarded to personal inboxes. Furthermore, official emails must not be used for social media or shopping websites.

The handbook also stresses the critical importance of using only sanctioned government devices and cloud services, mandating the prompt reporting of any cyber incidents, ransomware notes, or unexplained system behaviour.

Brazilian Judiciary Fractures



Escalating political feuds and financial
corruption allegations divide Brazil's
highest court before crucial elections

Brazil's Supreme Federal Court has plunged into its most severe institutional crisis since the restoration of democracy in the 1980s. A fierce, televised feud between senior justices has laid bare deep ideological and political divisions within the court on the eve of the nation's pivotal presidential election.

The confrontation reached a boiling point during a livestreamed hearing when Justice Alexandre de Moraes berated colleague André Mendonça, accusing him of serving political factions behind a previous coup attempt. Mendonça, appointed by former president Jair Bolsonaro, vehemently denied the accusation.

Meanwhile, Justice Gilmar Mendes accused Mendonça of weaponising judicial procedures to cause political chaos. The public clash underscores how the bench has effectively become a proxy for the election campaign between leftwing President Luiz Inácio Lula da Silva and rightwing contender Flávio Bolsonaro.

At the core of the dispute is the expanding Banco Master corruption probe following the arrest of owner Daniel Vercaro. Mendonça recently unsealed a police dossier revealing compromising WhatsApp messages between Vercaro and Moraes, alongside a \$25m legal contract linked to the firm of Moraes's wife. Moraes, who previously prosecuted Jair Bolsonaro over his failed power grab, has forcefully dismissed the revelations as politically motivated criminal lies. He further alleged that external actors were orchestrating foreign interference to influence the imminent ballot.

With the full supreme court now convening in Brasília to decide whether formal inquiries should be opened into the conduct of both justices, constitutional law experts warn that the institution faces a "perfect storm". As the presidential election campaign degenerates into intense mudslinging, this unprecedented judicial crisis threatens to severely erode public trust in the independence and authority of Brazil's highest legal institutions across the entire nation.

Reforming Legal Education



Pakistan enforces strict legal education reforms whilst banning assignment based online degrees from foreign universities

Pakistan is taking decisive steps to overhaul its legal education system, imposing stricter regulatory oversight on both domestic institutions and foreign degree providers.

Addressing the launch of the Directorate of Legal Education's Biennial Progress Report, Federal Law Minister Azam Nazeer Tarar criticised past negligence in academic standards. *"We have made a mockery of legal education during the last two decades. As a result, regulatory oversight diminished, giving rise to uneven academic standards,"* Tarar admitted. He highlighted key measures undertaken to curb substandard practices, including a total ban on evening LLB classes to eliminate *"ghost enrolment"*. Tarar noted that removing fraudulent institutions was crucial for *"protecting students from enrolling in fraudulent or substandard academic programmes"* while strengthening oversight.

Simultaneously, the Pakistan Bar Council (PBC) has clamped down on external law qualifications. In an official letter issued by the Directorate of Legal Education, the council announced a complete ban on assignment-based online law programmes delivered by foreign universities in Pakistan. Under the newly amended Legal Education Rules 2015, recognised teaching centres must submit *"...complete detail of examination system, how and who will conduct exam and agreement made with British Council or any international agency accredited by the Inter Board Coordination Commission (IBCC)..."*

The directive explicitly approves only the British Council and the International Testing Service (ITS) to conduct these examinations. Emphasising strict adherence to safeguard educational standards, the PBC warned that *"any violation in this regard will lead to penal consequences."*

These sweeping reforms, including a revised four-year curriculum featuring modern subjects like Cyber Law and Environmental Law, alongside the complete closure of fraudulent institutions, reflect an urgent push to restore credibility and academic rigour to Pakistan's legal sector.

Monk's Pardon Revoked

Sri Lanka Supreme Court overturns former president Sirisena's arbitrary decision pardoning hardline Buddhist nationalist monk

In a judicial reversal of executive authority, Sri Lanka's Supreme Court has revoked a controversial presidential pardon granted to the hardline Buddhist monk Galagoda Aththe Gnanasara Thero.

Declaring the executive act *"arbitrary"*, the nation's apex court officially pronounced the pardon *"null and void"*, bringing an end to a long-standing legal challenge against the decision made in May 2019 by former President Maithripala Sirisena.

At the time of his pardon, the firebrand priest was actively serving a prison sentence following convictions for contempt of court and criminal intimidation. The legal petitions challenging the pardon were spearheaded by the Colombo-based non-governmental organisation Centre for Policy Alternatives (CPA), alongside Sandya Eknaligoda, the wife of dissident political cartoonist Prageeth Eknaligoda.

Eknaligoda has been forcibly disappeared since 2010. The monk's conviction originally stemmed from a January 2016 courtroom incident, during which he stormed a magistrate court and openly threatened Ms Eknaligoda while judicial proceedings regarding her missing husband were actively taking place.

The 51-year-old monk initially rose to prominence in 2012 after founding the Bodu Bala Sena (BBS), translated as the *"Buddhist Power Force"*. Following the conclusion of Sri Lanka's civil war in 2009, Gnanasara Thero and his organisation emerged as key figures driving surging anti-Muslim rhetoric, becoming widely known for making provocative remarks and orchestrating divisive community mobilisations.

The judgment carries immense significance in the Sinhala Buddhist-majority island nation, where the Buddhist clergy traditionally wields considerable religious influence and political power. Despite his convictions, the monk continued to receive political backing.

Two years after President Sirisena issued the pardon, his successor, Gotabaya Rajapaksa, appointed Gnanasara Thero to lead a Presidential Task Force for legal reforms, a move widely condemned by rights defenders. In 2024, the Colombo High Court sentenced him to four years' rigorous imprisonment for fanning anti-Muslim hatred in a 2016 press conference, though he was later granted bail.

The Supreme Court's ruling reasserts decisive judicial oversight over presidential powers.



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KARACHI

Women Offstage This Is Not The Country We Wished For

A workplace dispute over female singers brings Israel's wider struggle over gender equality into sharp focus, from judicial power to violence against women

by **Anila Khan**
Karachi

The scene was small for the question it raised: a musical programme, an office celebration, and a dispute over women singing. Yet last month, an application before the Tel Aviv Regional Labor Court turned that office quarrel into a test of what equality means in contemporary Israel.

The event was to welcome the new Jewish year for employees of the Israel Land Authority. The programme had been built around songs by Mizrahi-pop singer Shlomi Shabat. Then acting director-general Yehuda Eliyahu changed the artistic line-up. The reason, according to workers' committee chairwoman Shelly Yermiyahu, was that it included women singers. "A solo performance by a woman is problematic," she recalled him telling her, adding that some people were "even strict about a choir".

The State Employees Union carried the matter to the labour court, arguing that the decision imposed "foreign, unacceptable and discriminatory standards" on an organisation in which 70 per cent of employees are women. It described the move as "exclusion of women by the employer" and said Eliyahu, a close associate of Finance Minister Bezalel Smotrich, had sought to impose his "religious and faith-based beliefs" on the workplace.

That makes the case larger than a cancelled performance. The dispute asks where belief ends and a public employer's obligation to provide an equal workplace begins. It also shows how gender segregation can move from the margins into ordinary institutional life, not through a new statute, but through a decision about who may appear on a stage.

Yermiyahu's response was direct. "This could not have happened before, and we will not allow it to happen in the future," she said. For her, the dispute is not merely about an employee event. "For years, we have been fighting for gender equality," she said. "This is not the country we wished for."

The labour-court dispute sits inside broader institutional strain. In 2023, the government pursued a sweeping judicial overhaul, prompting concern from ACRI (Association for Civil Rights in Israel) and other civil-society organisations that weaker judicial review could diminish safeguards against discrimination. In January 2024, Israel's Supreme Court struck down the amendment removing judicial review of governmental decisions on grounds of reasonableness. Eight of the fifteen judges supported invalidation, while twelve held that courts could review Basic Laws in exceptional circumstances.

Meanwhile, the State Comptroller reported that 32 women were killed by partners between 2022 and 2024. A wartime survey found about 146,000 people had experienced severe partner violence, while only about 10 per cent of prisoners serving sentences for domestic-violence offences entered rehabilitation after release.

The pattern is not reducible to one government office or one musical programme. It is about the distance between legal equality and lived equality. Courts can preserve remedies; statutes can proclaim rights. But when workplace rules, political power and enforcement begin moving in another direction, equality becomes less a guarantee than a contest. The labour court case puts that contest on a stage, where the law often meets society most plainly: at work, before a performance, and over who is permitted to be seen. ■



The sign in the image is a gender-segregation notice in Hebrew directing men and women to use separate sides of a stairway.

Signs like this have appeared in ultra-Orthodox (Haredi) neighbourhoods in Israel, such as Beit Shemesh or Bnei Brak, intended to enforce gender separation during busy commuting times near religious institutions.

These signs have been a subject of public debate and legal challenges regarding gender separation and the exclusion or restriction of women in public spaces.

The Word Must Act Now

Law & Morality Under Fire

Excerpt from the speech of **Masoud Pezeshkian, President of the Islamic Republic of Iran**, delivered at the UN General Assembly last month.



I come from an Iran where, in truth, they bombed a school. You see these children? These children perished under bombs, with weapons used by the United States and Israel. They were innocent, had committed no crimes.

Lamerd, one of the small cities in a province in Iran, a sports hall where children were busy playing. The United States, by using weapons with multiple warheads, targeted that sports hall. They martyred, assassinated, our scientists, our men, women, and children. Innocent children who, in truth, had committed no crimes, no sins. Those who are terrorists and train and protect terrorists describe us as such. We have only defended ourselves... We responded, but we did not hit civilian populations...

They came into surrounding territories and targeted our universities, our healthcare centers, our schools, our hospitals, our infrastructures—all of it against international law... In Gaza, over 80,000 innocent civilians have been murdered, brutally murdered. Hundreds of thousands have been displaced. They are committing genocide by using the so-called technologies that they have at their disposal. Then they label others as terrorists...

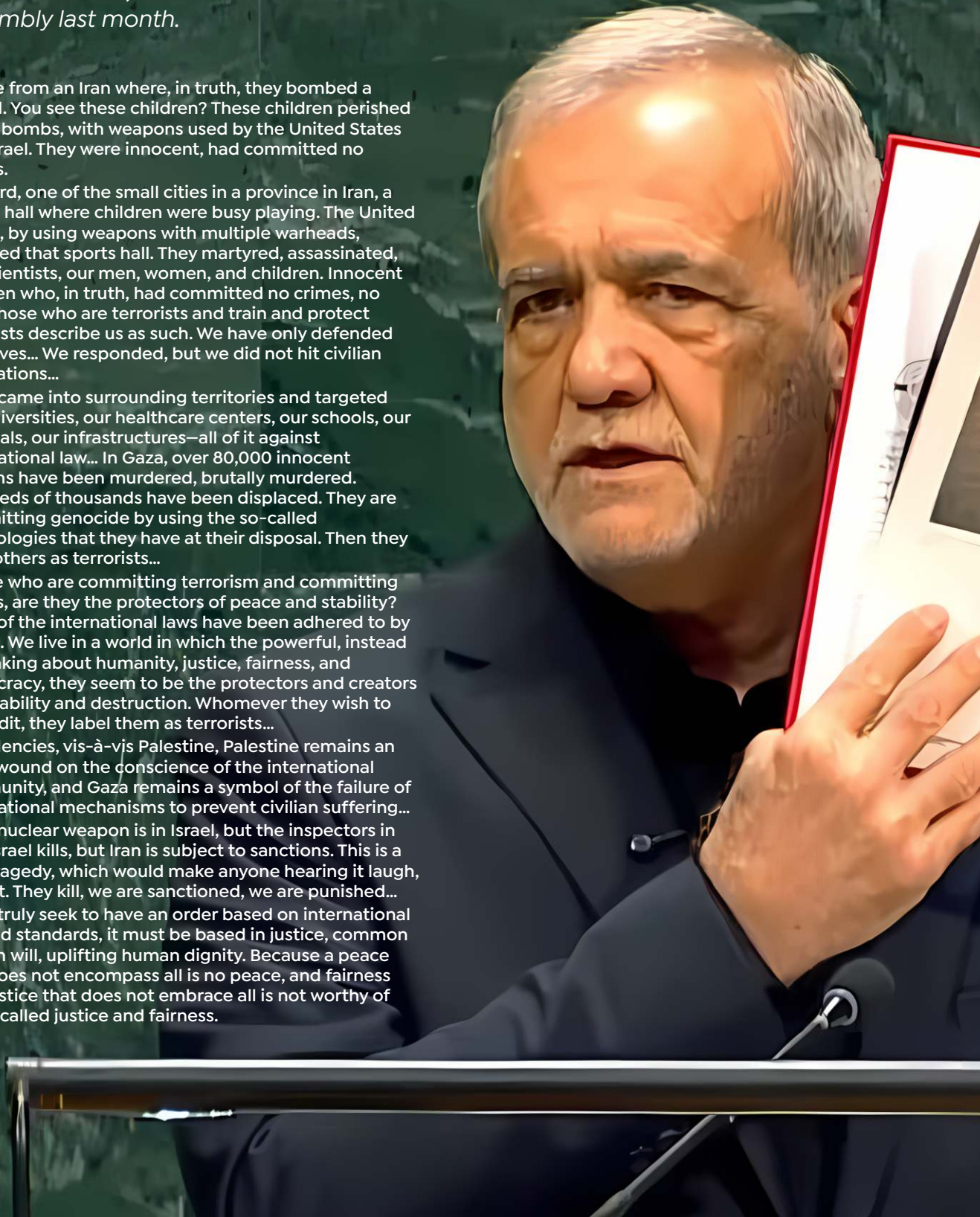
Those who are committing terrorism and committing crimes, are they the protectors of peace and stability? None of the international laws have been adhered to by them... We live in a world in which the powerful, instead of thinking about humanity, justice, fairness, and democracy, they seem to be the protectors and creators of instability and destruction. Whomever they wish to discredit, they label them as terrorists...

Excellencies, vis-à-vis Palestine, Palestine remains an open wound on the conscience of the international community, and Gaza remains a symbol of the failure of international mechanisms to prevent civilian suffering...

...the nuclear weapon is in Israel, but the inspectors in Iran. Israel kills, but Iran is subject to sanctions. This is a true tragedy, which would make anyone hearing it laugh, at best. They kill, we are sanctioned, we are punished...

If we truly seek to have an order based on international law and standards, it must be based in justice, common human will, uplifting human dignity. Because a peace that does not encompass all is no peace, and fairness and justice that does not embrace all is not worthy of being called justice and fairness.

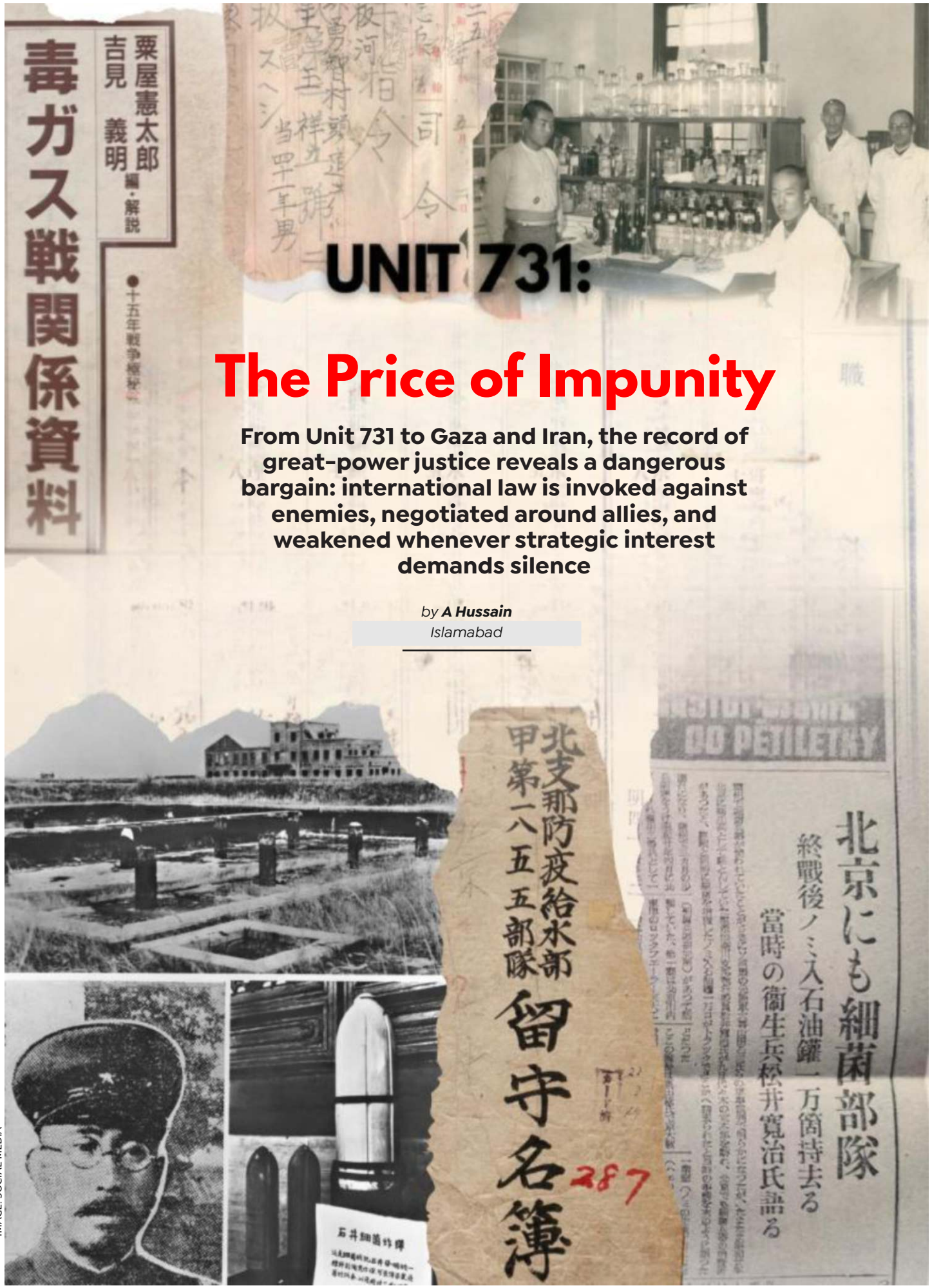
IMAGE: © THE LEGAL



'war crimes'

The February 28, 2026, US strike on the **Shajareh Tayyebah Elementary School** in Minab, Iran, killed 156 to 175 civilians, including over 120 children, a majority of them were girls. Washington, since then, has been trying to hide this and other 'war crimes' under different pretexts, mainly attributing it to a flawed and outdated military intelligence.





UNIT 731: The Price of Impunity

From Unit 731 to Gaza and Iran, the record of great-power justice reveals a dangerous bargain: international law is invoked against enemies, negotiated around allies, and weakened whenever strategic interest demands silence

by **A Hussain**
Islamabad

IMAGE: SOCIAL MEDIA

As Gaza burns and Iran is bombed, Washington's present conduct revives an older bargain: when strategic interests collide with international justice, accountability can become expendable, and perpetrators remarkably useful.

That is the uncomfortable thread running from the ruins of imperial Japan to the wars of the present. Unit 731 was not an aberration of wartime madness. It was a state-run machinery of biological warfare and human experimentation, built by the Imperial Japanese Army in Manchuria. Its scientists deliberately infected prisoners with plague, cholera, typhoid and other diseases. People were vivisected alive. Frostbite, weapons and biological agents were tested on human beings. Medicine was turned into an instrument of organised killing.

The most disturbing part came after Japan surrendered in 1945. The United States wanted answers. More precisely, it wanted knowledge.

American investigators from Fort Detrick and occupation authorities questioned Lieutenant General Shiro Ishii, the architect of Unit 731, and other Japanese scientists. Their work uncovered evidence of extensive biological-warfare research and experimentation. But the Americans were pursuing a second objective. The emerging Cold War had made biological warfare strategically important, and Japanese research offered material that could not have been acquired through respectable scientific methods at home.

The barbarity was therefore valuable precisely because it had been barbaric.

American records are remarkably revealing. US investigators found evidence that Ishii and other scientists had experimented on human beings. Ishii indicated that he would provide more information if he received immunity from war-crimes prosecution. Military and intelligence officials were largely receptive. Washington feared that a public prosecution would expose the programme and hand valuable knowledge to the Soviet Union. The records show sustained efforts in 1947 to discourage prosecution and extract information.

One surviving American document captures the logic with chilling economy. The results of the experiments were considered to possess the *"highest intelligence value"*.

There was the bargain, stripped of diplomatic language: information in exchange for protection. Morally, the proposition is difficult to defend. Victims had been reduced to laboratory material and then, after the war, their suffering was effectively converted into an intelligence asset. The people who had generated that knowledge could escape the courtroom because the knowledge itself had become useful.

The legal contradiction was even sharper. Nuremberg had helped establish the principle that individuals could be held responsible for international crimes. A state could not simply absorb criminal conduct into an official act and thereby erase individual responsibility. The post-war legal order was supposed to make international criminality personal. The offender, not merely the flag, was supposed to answer.

Unit 731 exposed the limit of that promise.

Law proclaimed universality. Power reserved discretion.

The Soviet Union did not accept the arrangement. In December 1949, a Soviet military tribunal in Khabarovsk tried 12 former Japanese military personnel over bacteriological warfare. The proceedings addressed Unit 731 and related formations, including human experimentation and preparations for biological warfare.

Ethical Compromise

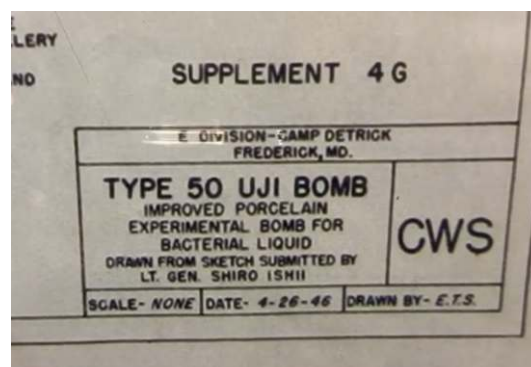
As the inevitability of Japanese defeat became clear in August 1945, the priority of Unit 731 shifted to the total erasure of evidence. To avoid war crimes prosecution, the leadership ordered the systematic destruction of the Sifang facility.

To ensure no witnesses remained, all captives were murdered in a cold-blooded sequence. They were first poisoned, and those who survived the initial toxins were subsequently shot. The facility was then burned and dynamited, an attempt to bury the "industrial-scale" atrocities beneath the rubble of Harbin.

Despite the scale of the crimes, the United States government negotiated a secret immunity deal with Shiro Ishii and his subordinates. In exchange for the comprehensive data gathered from live human experimentation, data that could never be legally obtained in a civilised country or society, the perpetrators were granted immunity from prosecution.

This decision created a significant *"moral hazard,"* as the US prioritised military utility and the acquisition of biological research over the fundamental principles of international justice and accountability for crimes against humanity.

Consequently, the architects of Unit 731 were never held responsible, and their research was absorbed into the clandestine archives of the US. This data was subsequently integrated into the United States' own rapidly expanding Cold War biological weapons program.





All 12 were convicted, receiving prison sentences of between two and 25 years.

Western governments dismissed the Khabarovsk proceedings for years as Soviet propaganda. That criticism cannot simply be erased; the tribunal operated within Stalin's political system and deserves scrutiny. But attacking the character of a Soviet trial does not disprove the underlying Japanese crimes. American archival records independently document Ishii, Unit 731 and the US investigation into the programme.

The historical record thus leaves a particularly bitter conclusion. The United States had evidence. The Soviet Union sought prosecution. Washington saw strategic value in keeping the Japanese scientists useful.

Justice lost the competition.

That episode matters now because the structure of the problem has survived. The uniforms have changed. The laboratories have become missile batteries, command centres and airbases. The argument remains familiar: national security first, accountability later.

Gaza is now one of the clearest tests.

US-backed Israel continues to bomb Gaza and Lebanon, killing more than 100,000 people, the majority of them civilians, children and women, and wounding hundreds of thousands of others so far. Gaza's humanitarian crisis also remains severe. Reuters reported that hospitals are struggling to keep generators operating as fuel, engine oil and spare parts become scarce, threatening critical medical services and water systems. This has been happening despite the US-backed so-called ceasefire. The US, on the other hand, has fully indulged in perpetrating the same atrocities against the people of Iran.

International law does not permit the reader to stop at the casualty figure. It demands questions. Was the target a military objective? Was the attack directed at that objective? Was civilian harm foreseeable? Were feasible precautions taken? Was the anticipated military advantage proportionate to the expected civilian loss?

Those questions apply regardless of who pulled the trigger.

The International Court of Justice has already imposed provisional measures in South Africa's case against Israel under the Genocide Convention. In January 2024, the Court ordered Israel to take measures within its power to prevent acts falling within Article II of the Convention, including killing, causing serious bodily or mental harm and deliberately inflicting destructive conditions of life. In May 2024, it reaffirmed earlier measures and ordered additional steps concerning Rafah. These were provisional judicial measures, not a final determination that genocide had been proved.

That distinction matters. So does the law itself.

But law loses credibility when governments celebrate judicial process in theory and resist it in practice.

Washington's confrontation with the International Criminal Court makes the problem harder to ignore. On February 6, 2025, Donald

Major Legal Actions and Immunity

The Khabarovsk Trial (1949):

The Soviet Union conducted the only major criminal prosecution of Unit 731 members. They put 12 captured Japanese military personnel on trial for biological war crimes and handed down sentences ranging from two to 25 years in labour camps. The Western Bloc dismissed these trials as Cold War propaganda.

The 2002 Tokyo District

Court Ruling: In a historic civil suit filed by approximately 180 Chinese plaintiffs, a Japanese court formally acknowledged for the first time that Unit 731 and the Imperial Japanese Army used biological weapons and committed inhumane acts during World War II. However, the court refused to award financial damages, ruling that individual compensation claims had been settled by post-war international peace treaties.

US Immunity Deal: Driven by General Douglas MacArthur's staff, the US government concealed the medical atrocities and shielded key figures, including unit leader Shirō Ishii, from prosecution to secure exclusive access to human experimentation data.

Lack of Official State

Apology: The Japanese government has maintained that it found no official records proving human experimentation by the unit, and it has never issued a formal state apology, despite regional court findings.

Trump issued an executive order imposing sanctions on the ICC and describing its actions concerning the United States and Israel as illegitimate. The order authorised blocking property and imposing restrictions on people involved in ICC efforts against protected persons.

The political message was unmistakable. An international criminal institution may be acceptable until it moves against politically protected interests.

The same test now extends to Iran.

On September 1, 2026, a US strike in southern Iran hit a wedding celebration. Reuters' analysis of imagery and weapons evidence indicated that the blast was caused by a direct US munition. Iranian officials said five people were killed and nearly 70 injured.

Six months earlier, a US strike on the Shajareh Tayyebbeh school in Minab killed more than 100 people, predominantly children, according to Associated Press. Washington has not publicly accepted responsibility and trying to cover it up.

That is precisely where the ghost of Unit 731 returns because accountability becomes fragile when the state responsible for an attack controls the first investigation, the public narrative and much

Estimated Death Toll and Historical Legacy

Establishing a definitive quantitative impact of Unit 731 is complicated by the systematic destruction of records in 1945. The scale of loss is, nonetheless, staggering. Scholarly consensus suggests that approximately 14,000 victims were killed directly at the Harbin facility through experimentation and execution.

When the scope is widened to include the broader biological warfare campaigns, comprising the deployment of bacteria bombs and plague-infested fleas, the estimated death toll rises to between 300,000 and 500,000 Chinese civilians.

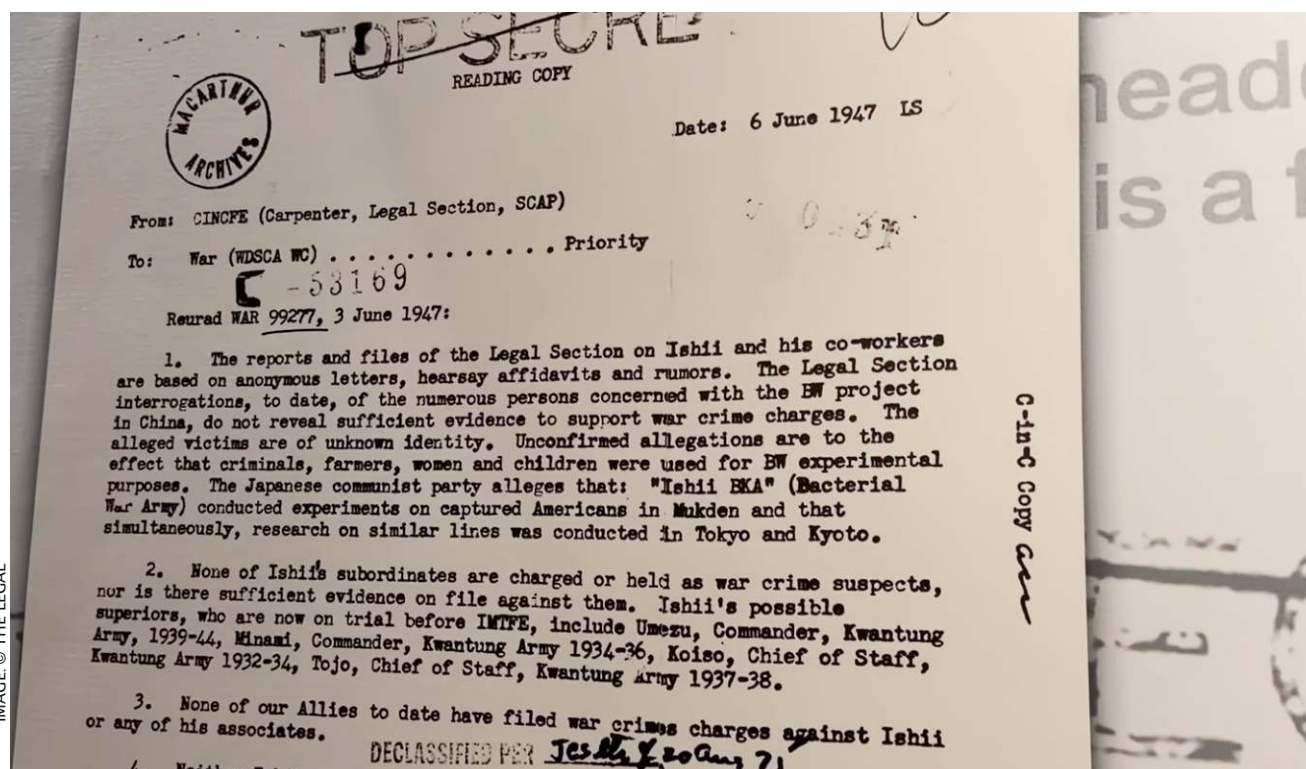
When the Soviets held the Khabarovsk Trials in 1949 and accused the US of concealing war crimes, the US government publicly dismissed the proceedings as "communist propaganda" to safeguard the secrecy of the deal.

Lesson for Lawyers

For the lawyer of the twenty-first century, Khabarovsk deserves attention for a wider reason. It demonstrates the gradual emergence of several principles that have since become central to international criminal law:

- individuals may bear criminal responsibility for the use of prohibited methods of warfare;
- scientific and medical activity does not enjoy immunity when converted into an instrument of warfare;
- human experimentation may constitute an international crime;
- military and administrative structures may create responsibility extending beyond the person who physically commits the act;
- biological warfare presents legal problems extending from the battlefield to laboratories, hospitals and scientific institutions; and
- the suppression of atrocities can be distorted when political and strategic interests determine who is prosecuted and who receives immunity.

Khabarovsk was therefore not merely a trial about the past. It was an early legal encounter with a problem that remains contemporary: when science becomes a weapon, where does criminal responsibility begin and where does it end?



of the evidence.

A self-investigation, though can be legitimate, is always inadequate. The answer depends on independence, transparency, evidence and consequences. *"We are investigating"* is not itself accountability.

Unit 731 teaches why.

The Japanese perpetrators were not spared because their crimes were less serious. They were spared because what they knew was considered more important than what they had done.

That is the dangerous principle.

Once strategic utility enters the calculation, international justice acquires an invisible hierarchy. The law remains written in universal language, but enforcement becomes selective. An enemy can become an exemplar of criminality. An ally can become a complicated case. A useful scientist can become an intelligence source. A useful government can become indispensable.

The vocabulary changes. The logic remains.

This is why Unit 731 belongs in the education of lawyers, judges and diplomats, not only historians.

Its legacy is not confined to biological warfare. It demonstrates how easily the evidentiary function of international law can be separated from its punitive function. Evidence can be collected without prosecution. Atrocities can be documented without trials. Victims can be acknowledged without perpetrators being punished.

The archive grows. Justice does not.

The lesson extends beyond Washington. European powers practised selective justice throughout the colonial era. Japan committed the original crimes. Great powers are not divided neatly into innocent and guilty camps.

The common problem is power.

Power dislikes universal law because universal law is designed to constrain power.

That is why the credibility of the international legal system depends less on how forcefully states proclaim legal norms than on what they do when those norms become inconvenient. It is easy to demand accountability for an enemy. The real test comes when the accused is strategically valuable, militarily powerful or politically protected.

Unit 731 failed that test.

The danger today is failure by repetition.

Gaza presents an extraordinary challenge to the international legal order because the alleged violations are being contested while the human consequences are visible in real time. Iran presents another because attacks by a global military power can be followed by investigations whose findings may remain opaque. The ICC presents a third because a court created to pursue individual criminal responsibility can itself become the target of coercive measures by a state that disputes its authority when needed.

Together, these episodes force an unpleasant question: what is international law worth when enforcement depends upon geopolitical permission?

The answer cannot be that the law belongs only to the weak.

Nor can it be that sovereignty ends accountability.

Nor can *"national security"* become a phrase capable of swallowing every inconvenient fact.

Nuremberg's deepest promise was simple. Individuals could not hide behind the state. Unit 731 demonstrated how easily states could nevertheless hide individuals behind strategic interests.

That is the unfinished business of international criminal justice.

The victims of Unit 731 received neither the full truth nor the full measure of accountability that the emerging post-war order promised. Their suffering became knowledge. Their killers became assets. And an ugly precedent was left behind.

Today, when homes in Gaza are struck and civilians in Iran die under American bombardment, the world is entitled to ask not merely what happened, but what happens next.

Will evidence be independently examined?

Will military claims be tested rather than repeated?

Will civilian victims receive the same legal attention whether the perpetrator is friend or foe?

Will international courts be allowed to perform their functions without political retaliation?

And when the law points towards someone powerful, will governments still defend the law?

That is the real Unit 731 test.

The international legal order does not collapse only when atrocities occur. It collapses when atrocity becomes negotiable, when evidence becomes an asset, and when accountability is traded for strategic advantage.

The crime of Unit 731 was monstrous.

The bargain that followed was the warning.

The warning is still with us. ■



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PROVINCIAL PROLIFERATION

CONSTITUTIONAL, LEGAL, AND
POLITICAL IMPLICATIONS

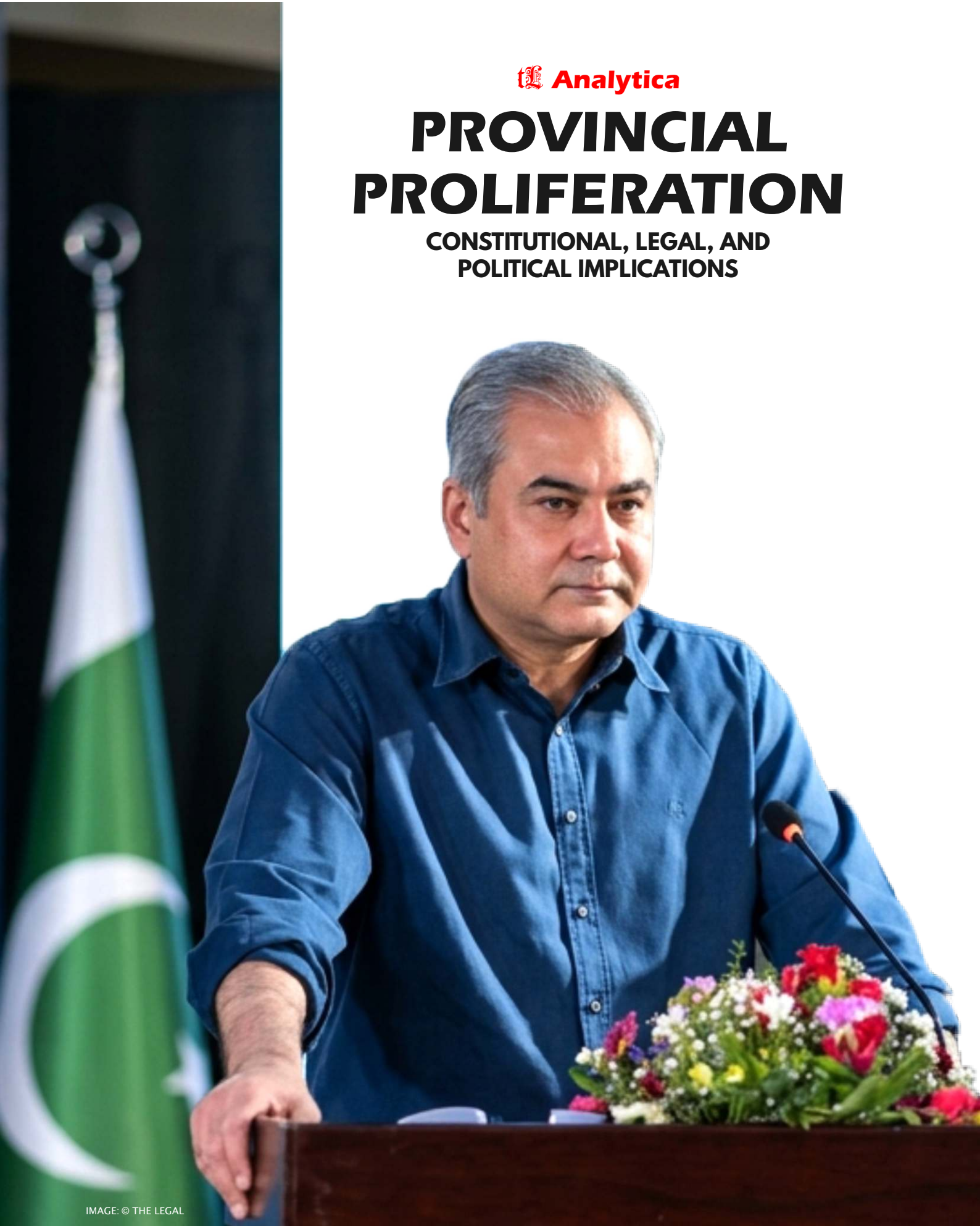


IMAGE: © THE LEGAL

Interior Minister Mohsin Naqvi's radical proposal to dismantle Pakistan's four-province architecture in favour of 12 to 15 smaller administrative units has triggered a high-stakes national debate. While reformers argue that smaller units are vital to rescue a failing state apparatus, the plan confronts formidable legal barriers under Article 239(4), intense ethno-nationalist resistance, and the danger of precipitating a constitutional crisis.

Federal Interior Minister Mohsin Naqvi has reignited one of the most contentious debates in Pakistan's lego-political history by calling for a complete overhaul of the country's federal structure. Asserting that Pakistan's 79-year-old administrative machinery has failed to deliver basic public goods, Naqvi's blueprint proposes converting the country's existing administrative divisions into full-fledged provinces, while granting full provincial status to the federal capital, Islamabad.

What is framed by its proponents as a pragmatic administrative update is, however, viewed by critics as a direct assault on provincial autonomy and the federal compact established by the 1973 Constitution. Legally, the plan faces a near-insurmountable constitutional lock: Article 239(4) grants provincial assemblies an absolute veto over changes to their geographical boundaries. To circumvent this, floating proposals suggest invoking a national referendum under Article 48(6) or introducing a sweeping 28th Constitutional Amendment. This report provides an in-depth legal and political analysis of Naqvi's plan, its constitutional feasibility, its fiscal drivers, and the systemic risks it poses to national stability.

DEVOLUTION OR DISMANTLING?

Naqvi's proposal rests on the premise that Pakistan's present governance model is structurally unviable. With a population exceeding 240 million, managing mega-provinces like Punjab, which houses over half the national population, under a single provincial cabinet creates severe governance bottlenecks. Naqvi argues that elevating the current 30-plus administrative divisions into separate provinces would bring executive authority, judicial infrastructure, and budgetary spending closer to the grassroots

Key elements of the proposed blueprint include:

Division-to-Province Conversion: Converting existing divisions (such as Multan, Faisalabad, Hazara, and Larkana) into autonomous provincial units governed by smaller, localised assemblies.

Provincial Status for Islamabad: Elevating the Islamabad Capital Territory (ICT) into a full province. Naqvi has pointed out that the Capital Development Authority (CDA) operates as an unaccountable *"state within a state"* while Islamabad receives zero direct operational allocations from the federal divisible pool.

Overhauling the NFC Incentive Structure: Uncoupling federal resource distribution from sheer population metrics, which Naqvi has termed a *"ticking demographic bomb"*.

Public Consent Mechanism: Asserting that the reorganisation must not be imposed top-down by political elites, but mandated through direct expressions of public will.

THE CONSTITUTIONAL ARENA

The primary legal battlefield for Naqvi's proposal centres on the amendment procedure governing Pakistan's territorial integrity.

The Barrier of Article 239(4): Under Article 239(4) of the 1973 Constitution, a bill seeking to alter the boundaries of a province cannot be presented to the President for assent unless it has been passed by the Provincial Assembly of the affected province by a two-thirds majority of its total membership. Unlike India, where Article 3 of the Indian Constitution empowers the central Parliament to unilaterally alter state boundaries, Pakistan's constitutional architecture prioritises provincial consent.

This requirement creates an immediate legal impasse:

Sindh's Absolute Veto: The Sindh Assembly, dominated by the Pakistan Peoples Party (PPP), has already passed a resolution rejecting any division of the province. Sindhi nationalist factions and ruling elites view the province's boundaries as historically sacrosanct. Without a two-thirds vote in the Sindh Assembly, any federal attempt to split Sindh is unconstitutional *ab initio*.

Punjab and KP Ambivalence: While assemblies in Punjab and Khyber →

Pakhtunkhwa (KP) have previously passed non-binding resolutions supporting new provinces (such as South Punjab and Hazara), achieving a formal two-thirds consensus on specific boundary lines remains politically fraught.

The Referendum Loophole: To bypass provincial legislative deadlocks, proponents have floated the idea of testing public opinion through a national referendum under Article 48(6). Article 48(6) allows the Prime Minister, with parliamentary approval, to refer a matter of "national importance" to a referendum.

However, constitutional jurists highlight a critical legal flaw: a referendum under Article 48(6) is advisory and political, not self-executing. A "Yes" vote in a referendum cannot substitute for a formal constitutional amendment under Article 239. While a referendum might afford the federal government democratic leverage, using a public vote to override a provincial assembly's express refusal would constitute an *ultra vires* act liable to be struck down by the Supreme Court.

FISCAL DRIVERS

The debate over new provinces is inextricably linked to Pakistan's fiscal crisis and the mechanics of the 7th National Finance Commission (NFC) Award. Under the 2010 NFC Award and the 18th Constitutional Amendment, 57.5% of the federal divisible pool of taxes is automatically transferred to the provinces, and the federal government is constitutionally barred from reducing this provincial percentage in future awards.

Naqvi and federal planners argue that this model has created a structural fiscal imbalance:

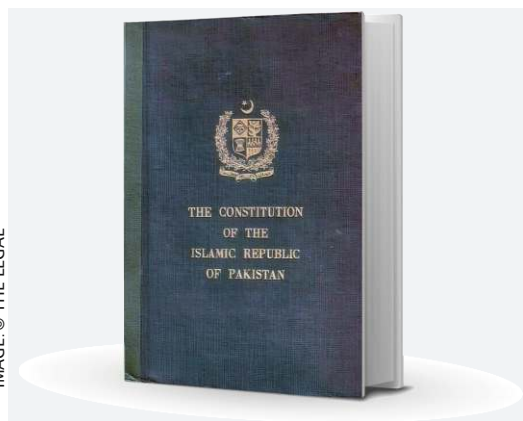
The Population Trap: Because 82% of the horizontal NFC distribution formula is based on population, large provinces are financially incentivised to maintain large populations rather than implement family planning or expand local tax bases.

Federal Bankruptcy: The Centre is left with just 42.5% of tax revenues to cover national debt servicing, defence, and federal administrative running costs, forcing the federal government into chronic deficit spending.

Inefficient Local Spending: Despite receiving trillions of rupees, provincial capitals (Lahore, Karachi, Peshawar, Quetta) frequently fail to devolve resources down to peripheral districts, resulting in severe regional disparities.

Creating 12 to 15 smaller provinces would necessitate a complete rewrite of the NFC Award distribution framework, →

IMAGE: © THE LEGAL



A History of Top-Down Reorganisations

Attempts to re-engineer Pakistan's administrative map have historically generated intense political backlash:

The One Unit Scheme (1955): In an effort to counter the demographic majority of East Pakistan, the federal government merged the four western provinces into a single administrative unit ("West Pakistan"). Rather than fostering unity, the scheme alienated smaller provinces, fuelled ethno-nationalism, and contributed to the political breakdown that eventually led to the separation of East Pakistan in 1971. The scheme was abolished in 1970.

The South Punjab Movement: Political demands for a separate "Bahawalpur" or "Seraiki" province in Southern Punjab have surfaced repeatedly over the past three decades. Despite Senate resolutions and bipartisan electoral promises during election cycles, no federal administration has successfully assembled the two-thirds parliamentary majority required to pass the necessary constitutional amendment.

The Hazara Division Resolutions: Following the renaming of the North-West Frontier Province (NWFP) to Khyber Pakhtunkhwa under the 18th Amendment in 2010, violent protests erupted in the Hindko-speaking Hazara division. The KP Assembly has subsequently passed resolutions supporting a Hazara province on four separate occasions, but federal progress remains stalled due to lack of national consensus.

Legal Analysis of Article 48(6) Referendum Dynamics

The proposal to use a public referendum under Article 48(6) to settle the new provinces debate creates a complex constitutional dilemma:

| Constitutional Provision | Legal Function
| Feasibility for New Provinces

Article 48(6) (Referendum): It Allows the Prime Minister to submit a question of "national importance" to a national vote following approval by a joint sitting of Parliament.

High Political / Low Legal Weight: Can gauge public sentiment, but cannot legally amend text or override procedural requirements in the Constitution.

Article 239(4) (Provincial Consent): Requires a two-thirds majority vote in the specific Provincial Assembly whose boundaries are being modified.

Binding Constitutional Veto: Serves as a non-negotiable legal requirement. A referendum cannot bypass this procedural safeguard.

Legal Conclusion: A referendum provides political narrative control and moral justification, but executing territorial changes without complying with Article 239(4) remains legally invalid and vulnerable to judicial invalidation.



The Threat of Coerced Amendments and the 28th Package

Reports surrounding a proposed 28th Constitutional Amendment package suggest that federal strategists may consider altering the constitutional amendment procedure itself to make provincial redistricting easier.

Legal experts warn that attempting to weaken Article 239(4) or reduce the constitutional powers of provincial assemblies through a rushed parliamentary vote would trigger severe institutional friction. Given that the current Parliament's electoral mandate remains contested by opposition parties, attempting a structural rewrite of federalism risks pushing provincial leaderships toward non-cooperation. Jurists maintain that any reform to Pakistan's administrative map must strictly follow constitutional processes and reflect genuine political consensus across all federating units.

breaking the financial dominance of the existing four provincial bureaucracies.

LEGAL PROS AND CONS OF PROVINCIAL PROLIFERATION

The Legal & Administrative Case FOR Division (Pros)

Enhanced Deconcentration of Power: Smaller provincial units would fulfil the intent of Article 140A by bringing administrative and judicial forums closer to citizens, reducing litigational delays in overburdened High Courts.

Equitable Resource Allocation: A restructured provincial network would allow targeted financial assistance to chronically neglected regions (e.g., Southern Punjab, Southern KP, interior Sindh, and rural Balochistan) without diversion by central provincial capitals.

Mitigation of Ethno-Linguistic Marginalisation: Granting administrative statehood to distinct groups (such as the Seraiki or Hazara populations) addresses long-standing constitutional grievances within a legal framework.

The Legal & Administrative Case AGAINST Division (Cons)

Violation of the Federal Compact: Imposing territorial changes without provincial consensus threatens the basic structure of the 1973 Constitution, which guarantees the federation as an agreement among defined constituent units.

Enormous Bureaucratic & Financial Overhead: Creating 10 to 11 new provinces would require constructing new High Courts, Governor Houses, Chief Minister Secretariats, and Provincial Assemblies. In a severely indebted economy, the institutional establishment costs would deplete capital budgets.

Ethno-Nationalist Destabilisation: Attempting to carve up provinces with deep-seated historical identities, most notably Sindh, risks triggering civil unrest and ethno-political violence that could paralyse the state.

JURIDICAL OUTLOOK AND SYSTEMIC RISKS

If the federal government attempts to advance Naqvi's plan via a proposed 28th Constitutional Amendment or through executive decrees backed by a referendum, the battle will inevitably shift to the Supreme Court of Pakistan.

The judiciary would be forced to rule on whether provincial boundary protection forms part of the "Basic Structure" of the 1973 Constitution. If the apex court determines that provincial integrity is a core constitutional feature, any amendment seeking to dilute Article 239(4) or force provincial division without two-thirds provincial assembly ratification would be declared unconstitutional. ■



IMAGE: © THE LEGAL

Restoring Legal Prestige



Honoured with the *Sitara-e-Imtiaz*, Barrister Usama Malik, Director at the Directorate of Legal Education - Pakistan Bar Council, has overhauled the national educational framework to forge a new, highly scrutinised generation of lawyers for the global stage.

by **Iram Ali**
Islamabad

“For too long, law was viewed as a fallback option for academic underachievers. We set out to shatter that stigma and restore prestige to the profession.”

— Barrister Usama Malik,
Sitara-e-Imtiaz



My vision for legal education in Pakistan is clear: to elevate our standards to match the world's finest jurisdictions and empower our lawyers to compete seamlessly on the global stage.

An Interview with Barrister Usama Malik, Sitara-e-Imtiaz, Director of Legal Education at Pakistan Bar Council

TL: *How do you feel about receiving the Sitara-e-Imtiaz for legal education, and what key efforts drove this achievement?*

A: Receiving the *Sitara-e-Imtiaz*, one of Pakistan's highest civilian honours, at just 35 years of age is a profoundly humbling privilege and a deeply personal milestone. Yet, this recognition belongs to a collective endeavour: the wider legal community, the regulatory institutions, and the upcoming generation of lawyers whose futures drive our work, alongside the unwavering support of my parents and mentors.

This award reflects our shared mission to revolutionise legal education in Pakistan. For too long, law was viewed as a fallback option for academic underachievers. We set out to shatter that stigma and restore prestige to the profession.

The impact of these reforms is clear. When I assumed responsibility in 2023, approximately 6,000 candidates sat the Law Admission Test (LAT). By 2026, that figure surged to roughly 54,000. This dramatic growth is not merely about numbers; it proves that brilliant young minds now view law as a serious, prestigious professional choice.

Ultimately, this recognition celebrates every individual committed to raising standards, strengthening regulation, and building institutional trust. It is a tribute to the collective resolve shaping the future of Pakistan's legal landscape.

TL: *Since stepping into your role at the Directorate of Legal Education, what have been the defining initiatives or developments driving your work?*

A: We took the bold step of closing roughly 55 fake and ghost law colleges that failed to meet basic criteria. Through rigorous monitoring and nationwide personal inspections, we established a clear principle: quality cannot be compromised. Institutions must continuously satisfy strict regulatory benchmarks or face stringent penalties, ensuring students receive a legitimate, high-calibre education.

We overhauled the undergraduate framework by transitioning the law degree from a five-year to a four-year programme, aligning with Higher Education Commission policies. We replaced outdated annual examinations with a semester-based system, enforced by a mandatory 75% attendance requirement, to drive continuous academic engagement.

Furthermore, we future-proofed the curriculum by introducing cutting-edge, compulsory subjects:

- Alternative Dispute Resolution (ADR) to champion modern mediation practices.
- Cyber Law & Artificial Intelligence to navigate digital and technological legal frontiers.
- Environmental Law to address critical contemporary crises.

We clamped down on external and foreign degree providers, ensuring full compliance via Pakistan Bar Council No Objection Certificates. Landmark progress was achieved as the University of London incorporated Pakistani law into its curriculum for the very first time.



Beyond universities, we extended our mandate to practising advocates by launching specialised professional training in Competition, Company Law, and Mediation, alongside a unified Bar Vocational Course curriculum.

We also launched a pioneering e-course for young lawyers integrating AI with contemporary practice in partnership with the Federal Judicial Academy and under the leadership of the Honourable Chief Justice. These initiatives form a singular vision: building a modern, credible, and professionally rigorous legal system that equips the next generation to master the challenges of tomorrow.

TL: *With AI literacy rapidly becoming a cornerstone of modern legal education, how can we best cultivate a culture of responsible, ethical, and effective AI use in legal research among students and practitioners?*

A: Artificial Intelligence is no longer a distant prospect; it is reshaping how legal knowledge is generated, analysed, and applied. As we approach the threshold of Artificial General Intelligence far sooner than expected, AI literacy has shifted from a forward-looking advantage to an absolute imperative for the legal profession.

To compete globally, Pakistani lawyers must move beyond basic familiarity with models like ChatGPT or Gemini. The true benchmark is mastering their responsible, ethical, and effective application in legal research, drafting, and case analysis.

While the Higher Education Commission's general framework for generative AI is a welcome foundation, the legal sector demands a tailored approach. Crucial obligations, such as client confidentiality, strict accuracy, avoiding fabricated authorities, and upholding judicial integrity, require rigorous, profession-specific standards.

We have already taken decisive action at the Directorate of Legal Education:

- **Curricular Reform:** Cyber Law and emerging AI dimensions are now embedded within the core LLB curriculum.
- **Vocational Training:** A dedicated AI module has been introduced into the Bar Vocational e-course, ensuring new entrants enter practice with critical technological grounding.

However, AI literacy cannot be reduced to a single module or examination. It must become a cornerstone of lifelong professional development.

Our mission is not to deter the adoption of these transformative tools, but to ensure they enhance, rather than supplant, human judgment. AI can streamline preliminary research and argument structuring, but

absolute responsibility for accuracy, ethics, and professional standard remains squarely with the advocate.

In this emerging AI-driven era, our duty is clear: to ensure Pakistani lawyers deploy technology with uncompromised competence, ethical rigour, and complete accountability.

TL: Looking ahead, what is your ultimate vision for Pakistan's legal education, and what message do you have for the young lawyers shaping the future of our legal profession?

A: My vision for legal education in Pakistan is clear: to elevate our standards to match the world's finest jurisdictions and empower our lawyers to compete seamlessly on the global stage. Legal education must go beyond granting a licence to practise; it must cultivate deep knowledge, refined skill, unyielding ethics, and sharp professional judgment.

A core priority is restoring the prestige and dignity of our noble profession. The actions of a small minority must never overshadow the dedication and integrity of hundreds of thousands of Pakistani lawyers. Through rigorous curriculum reform, structured professional training, and a renewed emphasis on ethics, we are reclaiming the respect law historically commanded.

Looking ahead, the Directorate of Legal Education will continue to drive innovation. As technology and society evolve, our educational frameworks must adapt dynamically, ensuring our legal minds remain ahead of emerging global trends.

This is a mission of nation-building. Lawyers are the custodians of justice and fundamental rights, the bedrock of a stable democracy. By strengthening legal education, we directly fortify the country's institutional integrity.

My message to young lawyers is simple:

- **Embrace the Grind:** There are no shortcuts to excellence. Unwavering commitment, a positive mindset, and sincere effort will inevitably yield success.
- **Carve Out a Niche:** Move beyond traditional civil and criminal litigation. The future belongs to specialists in emerging domains—Cyber Law, AI Regulation, Environmental Law, Energy, and Competition Law. Master a discipline rather than remaining a generalist.
- **Hone the Core Fundamentals:** Regardless of your speciality, exceptional advocacy, rigorous legal research, precise drafting, and strategic networking remain non-negotiable.
- **Commit to Lifelong Learning:** The day you stop learning is the day you fall behind. As laws, technologies, and societies shift, your dedication to continuous intellectual growth must remain constant.

By pairing relentless hard work with specialisation, sound ethics, and foundational mastery, you will not only build distinguished careers but also shape the very future of Pakistan's legal legacy. ■



IMAGE: © THE LEGAL

Comity Over Chaos

The Federal Constitutional Court's Adjudication on Cross-Border Child Abduction and Hague Convention Compliance

by **Gulfaraz Ahmed**

Faisalabad

The Federal Constitutional Court (FCC) of Pakistan has delivered a definitive rebuke to judicial overreach, defending the comity of nations and the strict application of the Hague Convention on the Civil Aspects of International Child Abduction 1980.

The intersection of domestic family law and private international law frequently produces intensely complex jurisdictional disputes, particularly when a parent unilaterally removes a child across sovereign borders. The [judgement](#), given by a three-member bench heading by FCC Chief Justice Amin-ud-Din Khan in *F.C.P.L.A No.1183 of 2026*, provides an exhaustive interpretative framework for local courts navigating the turbulent waters of transnational custody battles.

By dismantling an appellate order from Sindh High Court, the apex constitutional court has fundamentally clarified the limits of domestic jurisdiction when a competent foreign court is already seized of the matter.

The factual matrix of the case exposes a classic instance of forum shopping and blatant disregard for judicial decrees. The petitioner and respondent, both enjoying United States nationality or residency, were married in the US in 2017 and subsequently had a child in January 2019. The minor was a dual national, holding a US passport and having lived his entire life within that jurisdiction.

Following the couple's separation in October 2021, the General Court of Justice, District Court Division in the State of North Carolina, issued



IMAGE: © THE LEGAL

The judicial or administrative authorities of the Contracting State to which the child has been removed or in which it has been retained, shall not decide on the merits of rights of custody until it has been determined that the child is not to be returned.

— Federal Constitutional Court of Pakistan



a temporary custody order on February 3, 2022. This order mandated that "both the respondent No.1 and the petitioner were ordered to share the joint physical custody of the minor with an arrangement that minor would stay with the petitioner/father for five days and with respondent No.1/mother for nine days every two weeks".

In flagrant violation of this shared custody arrangement, the mother absconded with the child in April 2022. The judgement highlights the calculated nature of this abduction, noting that "through the help of surveillance cameras at the airport, the respondent No.1 was located while departing from JFK Airport for Doha on 28.04.2022 and then to Karachi in the flight reservation under the name of Mushaque Shahani (her father)".

Upon arriving in Pakistan, she deceitfully petitioned a Guardian Court in Malir, Karachi, whilst the North Carolina court simultaneously issued an 'Ex-Parte Temporary Emergency Custody Order' demanding the child's return. The US court, backed by expert testimony from the Council for Children's Rights, explicitly found that "there was substantial risk of emotional and physical harm to the minor, if he is allowed to stay with mother" and subsequently issued felony kidnapping warrants against her.

The legal quagmire deepened due to the erratic interventions of Sindh High Court. Initially, the legal process in Pakistan functioned as intended: a local Family Court, respecting the foreign jurisdiction, ordered the child's return via the American Consulate on January 18, 2024, observing that the mother's application was barred under Section 19 of the Guardian & Wards Act, 1890.

This order attained finality when the mother withdrew her appeal against it on February 17, 2024, leading to the child's lawful return to the US.

However, the controversy was improperly resurrected when the mother filed miscellaneous applications in the High Court at Karachi. In a staggering departure from established procedural law, the High Court issued an impugned order on March 16, 2026, which "recalled the order dated 25.01.2024 passed by it and the petitioner was directed to restore the custody of the minor to the respondent No.1". The High Court even threatened the father, stating that "if he had failed to bring the minor before the court, FIR be registered under the provision of abduction of child".

The FCC's appellate judgement critically dissects this High Court ruling, exposing its foundational flaws. The Constitutional Court expressed bewilderment at the High Court's rationale, observing that "Surprisingly, none of these aspects were discussed in the impugned order dated 16.03.2026," referring to the finality of the earlier Guardian Court order and the fact that the mother had actively submitted to the US jurisdiction by filing an appeal in North Carolina. The apex court underscored that the High Court had fundamentally misapplied its jurisdiction by interfering in a matter that had already reached a conclusive, implemented resolution under a competent foreign forum.

To rectify this jurisprudence, the Constitutional Court anchored its reasoning in the statutory integration of the Hague Convention via clause 6-A of Schedule-I of the Family Courts Act, 1964. The court systematically quoted the core tenets of the Convention to instruct the lower judiciary. Citing Article 3, the judgement reiterates that "the removal or the retention of a child is to be considered wrong where it is in breach of rights of custody attributed to a person, either by operation of law, a judicial or administrative decision or a lawful agreement".

The court further highlighted the absolute prohibition against domestic courts adjudicating the merits of a custody dispute when a Hague Convention return application is pending, quoting Article 16: "the judicial or administrative authorities of the Contracting State to which the child has been removed or in which it has been retained, shall not decide on the merits of rights of custody until it has been determined that the child is not to be returned".

Beyond the Convention, the judgement seamlessly integrates Section 13 of the Code of Civil Procedure, 1908, into the realm of family law. The court affirmed that "a foreign judgment is conclusive on directly adjudicated matter between same parties only when the court had jurisdiction, judgment was given on merits, proceedings were founded on correct view of international law while recognizing the law of Pakistan and the judgment not procured against the principle of natural justice".

Recognising the urgent need to harmonise local practices with global obligations, the FCC promulgated four indispensable guidelines for all courts handling disputes involving cross-border child retention. These guidelines constitute the most critical legal takeaway from the judgement. First, the court mandated that "while dealing with the dispute of custody of the minors between the parties of a different citizenship of countries the court shall consider the jurisdiction of the court which has given an order, whether on merits" and whether the judgement was procured free from fraud. Second, local courts must explicitly recognise that "the removal or retention of a child would be wrong where it is in violation of law, judicial or administrative decisions... of a State where the child was habitually residing". Third, enforcing the principle of habitual residence, the court directed that "unless the child is found settled, he is to be returned to the State where he was habitually residing". Finally, stripping local courts of the temptation to review the merits of foreign custody orders, the court commanded that "after receiving such notice from the judicial or administrative authorities, the court shall not decide the case on merits on the rights of the custody".

By converting the petition into an appeal and decisively setting aside the Sindh High Court's order, the Federal Constitutional Court has safeguarded the integrity of Pakistan's international legal commitments. This judgement serves as an unequivocal directive that local courts cannot be manipulated into acting as safe havens for parental abductors, thereby ensuring that the welfare of the child is ultimately determined by the jurisdiction most intimately connected to their habitual residence. ■

CRIMINAL LAW REVIEW

REDEFINING CRYPTO FRAUD: Lahore High Court Sets P2P Precedent

SPECIAL REPORT: Peer-to-Peer Transactions
and Pakistan Jurisprudence



**Lahore High Court
rules that peer-to-
peer digital asset
transfers do not
inherently
constitute financial
crime, establishing
a crucial legal
precedent for
cryptocurrency
jurisprudence in
Pakistan**

by **Faryal Fatima**

Karachi

The intersection of emerging financial technology and legacy criminal law has long presented a complex challenge for judicial systems worldwide. In a judgment that brings needed clarity to the legal treatment of virtual assets, Lahore High Court (LHC) has ruled that the receipt of funds in a bank account through peer-to-peer (P2P) cryptocurrency transactions does not, in itself, constitute fraud, forgery, or an electronic crime.

The judgment, delivered by Justice Tariq Saleem Sheikh in the case of *Hammad Ali and others v. The State and others*, offers a measured judicial dissection of how conventional penal provisions interact with decentralised digital asset trading.

The case arose from an application for pre-arrest bail submitted by three individuals, including Hammad Ali, Asad Amjad, and Muhammad Athar, who faced criminal prosecution

following a financial dispute originating in the cryptocurrency market. The proceedings were initiated after a complaint was lodged with the Federal Investigation Agency (FIA) Cyber Crime Reporting Centre in Multan by an investor, Muhammad Farhan.

According to the complaint, Farhan was introduced to a cryptocurrency trading application approximately three years ago and began investing in digital assets. He initially deployed Rs 5 million, which he stated was equivalent to 25,000 Tether (USDT) – one Tether is designed in crypto trading to always equal one US\$1. However, as market values dipped and losses mounted, he continued to inject additional capital in an attempt to recover his capital, eventually expanding his total investment to 270,000 USDT. To raise these sums, the complainant liquidated substantial personal, commercial, and physical assets, including his family home, gold ornaments, motor vehicles, and business assets.

The dispute escalated when the foreign cryptocurrency trading company froze the complainant's trading account, rendering him unable to access his accumulated digital funds. Seeking legal redress, the complainant highlighted a series of peer-to-peer transactions executed through an online cryptocurrency application.

Under standard P2P mechanisms, the complainant transferred Pakistani rupees from his domestic bank account to various P2P merchants, who in turn released the corresponding USDT into his cryptocurrency trading account. An investigation conducted by the FIA identified that the complainant had executed 351 distinct transactions across 237 separate bank accounts, amounting to a total sum of Rs 68,664,460.

Among the extensive list of accounts examined by law enforcement, specific bank transfer receipts were associated with the three petitioners. The FIA identified that Hammad Ali had received Rs 45,000; Asad Amjad had received Rs 49,000 alongside two additional payments of Rs 250,000 each; and Muhammad



Athar had received payments of Rs 499,500 and Rs 31,611. On the strength of these receipts, First Information Report (FIR) No. 90/2025 was registered against them under Sections 419, 420, 468, and 471 of the Pakistan Penal Code (PPC), 1860, and Sections 13 and 14 of the Prevention of Electronic Crimes Act (PECA), 2016.

During proceedings before the High Court, prosecutors contended that the transactions occurred at a time when virtual currencies were not recognised as legal tender in Pakistan and lacked approval from the State Bank of Pakistan. The prosecution maintained that custodial interrogation of the petitioners was necessary to investigate the movement of funds and ascertain their precise role. Counsel for the complainant further argued that the relatively small amounts received by the petitioners did not preclude their involvement, asserting that complex financial and cyber offences frequently utilise multi-account networks to disperse illicit funds.

Conversely, the defence submitted that the transactions took place through the regular P2P process, whereby customers swapped Pakistani rupees for virtual assets with merchants at arm's length. Defence counsel emphasised that there was no evidence linking the petitioners to the subsequent freezing of the complainant's cryptocurrency account, nor was there any indication of fraudulent activity on their part.

In evaluating the arguments, Justice Tariq Saleem Sheikh found no *prima facie* evidence connecting the petitioners with the offences alleged in the FIR. Analysing the statutory provisions, the court held that merely receiving money in a bank account does not establish cheating by personation under Section 419 PPC, as there was no allegation of false identity or fictitious accounts.

Under Section 420 PPC, which penalises cheating and dishonest inducement, the court observed that there was no evidence of deception or dishonest inducement at the time the transactions took place. The complainant had received the USDT as a direct result of the P2P transactions, and no nexus could be established between the petitioners and the trading platform's subsequent decision to freeze the complainant's account.

The court further observed that there was no finding of any forged or manipulated record, electronic fraud, or deceptive conduct by the petitioners, leaving no material to attract Sections 468 and 471 PPC or Sections 13 and 14 of PECA. Addressing arguments concerning foreign exchange regulation, the High Court ruled that USDT cannot be considered foreign currency or foreign exchange under the Foreign Exchange Regulation Act (FERA), 1947, simply because it is traded globally or pegged to the United States dollar. However, the court clarified that cryptocurrency transactions could still be subject to FERA if an independent statutory violation were established.

Concluding that the evidence against the petitioners was primarily limited to specific bank receipts associated with normal P2P transactions, the High Court confirmed their pre-arrest bail, setting bail bonds at Rs one million with one surety of a like amount for each petitioner. As the petitioners were cooperating with investigative proceedings and the evidence was predominantly documentary and electronic, custodial interrogation was deemed unnecessary. The court stressed that these observations were preliminary and intended solely for deciding the bail application, noting that the trial court remains responsible for determining the ultimate case on the basis of evidence presented during trial.

This ruling sets an important precedent for digital finance in Pakistan, distinguishing legitimate peer-to-peer liquidity provision from criminal fraud and ensuring that regulatory ambiguity around digital assets is not inappropriately converted into criminal liability. ■

POWER, PRIVACY, PROFIT

Whose Data Is It Anyway?

Why Pakistan Must Urgently Regulate Its Expanding Shadow Currency



by **Sundus Kawish, Ayesha Noor**
Islamabad

Oil once powered the industrial economy; today, personal data drives the digital world. As big tech monetisation expands, Pakistan desperately needs robust regulatory oversight to protect citizens' privacy and autonomy from silent corporate exploitation.

The real value of data emerges when it is collected, refined, analysed, aggregated, and commercialised into something useful. It yields intricate insights into human behaviour and consumption. Every small search, purchase, location ping, social media interaction, and connected device generates information. Individually, these pieces may seem insignificant. Collectively, they can reveal remarkably detailed patterns about how we live, work, and consume.

The expansion of the Internet of Things (IoT) and predictive algorithms has turned personal information into an economic asset. Billions of connected devices generate data continuously, allowing businesses to understand consumers with unprecedented precision. Personalised advertisements, predictive services, targeted recommendations, and automated decision-making are all built on this resource. In modern digital markets, access to consumer data might turn out to be more valuable than the service provided.

Hence, it would not be wrong



IMAGE: © THE LEGAL

to assume that data has emerged as a kind of shadow currency. While consumers rarely pay for digital services with money, they often pay with their personal information. The common phrase “if you are not paying for the product, you are the product” captures only part of the problem. The deeper issue is that consumers routinely surrender their personal data without realising what they are giving away, how it will be stored, who will have access to it, and how algorithmic models will use it.

As Martin Wolf, a British economics commentator, has observed, technology itself does not dictate social or economic outcomes. The value of data depends upon the legal and institutional framework governing it. Without strict regulatory practices that include responsible business models, transparency, and effective enforcement, data can devolve into a tool for exploitation rather than innovation.

This presents an imminent legal challenge for Pakistan. Although Article 14 of the Constitution protects the inviolability of privacy, Pakistan lacks a comprehensive, dedicated, and unified personal data protection law. The Prevention of Electronic Crimes Act (PECA) 2016, even with recent amendments, focuses primarily on providing protection against the misuse and unauthorised transfer of personal data, but it fails to function as a complete data protection regime. Even though drafts such as the Personal Data Protection Bill (2023) have been proposed, the core issue is not merely statutory protection; it is whether it will yield any practical outcomes.

The issue also becomes clearer when viewed through the lens of consumer protection. Digital platforms disrupt classic consumer protection doctrines and established practices. Traditional consumer laws were largely designed for physical goods and conventional services. Digital platforms challenge these assumptions. They prompt questions such as: what is to be done when a service is officially “free”, yet the consumer pays through their sensitive personal data? What constitutes damage



IMAGE: © THE LEGAL

when the harm is not immediate pecuniary loss, but the violation of privacy, autonomy, or control over personal information?

Pakistan, therefore, requires a modern regulatory framework that recognises data as an economic asset as well as a fundamental aspect of personal autonomy. Consumers should know what information is being collected, why it is being processed, and who holds authority over it. Their consent should be meaningful rather than obscured by pages of unreadable terms and conditions.

Most importantly, individuals should have effective rights to withdraw consent and, when appropriate, the right to have their data erased. As recognised under Article 17 of the EU's General Data Protection Regulation (GDPR), Pakistan should consider incorporating the “right to be forgotten”, also known as the “right to erasure”, into its data protection regime. Individuals should have the power to have their personal data erased when it is no longer necessary or has been unlawfully processed. While this right is not absolute, Pakistan should recognise it as an essential safeguard for privacy and personal autonomy in this ever-expanding digital age.

The rapid proliferation of artificial intelligence further amplifies these concerns. AI models depend heavily on data to train and operate; whoever controls vast amounts of high-quality data can acquire enormous economic and technological advantage. Hence, weak data governance poses significant risks, including market distortion, discrimination, unfair commercial practices, and non-transparent automated profiling and manipulation.

Returning to the original premise, data may function like oil, but citizens are clearly not oilfields. They are rights-bearing living individuals. Pakistan should encourage technological innovation and utilise data as an economic asset, while simultaneously ensuring that digital advancement does not come at the expense of personal privacy and dignity. Nor should Pakistan's digital development be measured merely by the volume of data generated, but by how responsibly it is collected, used, and protected.

Strong and proper legislation is important, but laws sitting on paper hold little value. What Pakistan needs is legislation backed by independent oversight, meaningful enforcement, and genuine accountability for both technology conglomerates and smaller businesses alike.

The debate is no longer whether data possesses economic value; it does. The real question is whether Pakistan will allow the disclosure of personal information to remain an unpriced commodity for digital platforms, big tech and small tech alike. Data is not merely a commercial asset; it is intrinsically tied to an individual's privacy, autonomy, and personal safety. Its economic significance should never be derived at the expense of the fundamental rights of the person from whom it is obtained. ■



IMAGE: © THE LEGAL

The Spy on Your Face:

Why Meta's Smart Eyewear Demands an Outright Ban

Secret recordings, corporate data harvesting, and the myth of the indicator light prove that wearable surveillance cannot be tamed. Regulators must act before Big Tech normalises the eradication of our personal boundaries

Months after Meta first thrust AI-enabled eyewear into the consumer market under a wave of marketing hype, public complacency is beginning to crack. Meta's frantic manoeuvres to soften the ongoing public relations disaster surrounding its original camera-equipped glasses, including rumoured strategic pivots toward camera-less, voice-and-audio-focused secret recording devices codenamed "Luna," do not represent a retreat from surveillance.

Instead, they are a calculated attempt to soften consumer resistance. By stripping away the obvious camera lens in favour of hidden ambient audio capture, Meta hopes to lull the public into a false sense of security. But this tactical shift makes the threat even more insidious. It forces an urgent question: why are we revisiting wearable tech now? Because "Luna" proves that Big Tech's ultimate goal has never changed, to normalise continuous, unconsenting data extraction under the guise of casual convenience.

Meta's frantic manoeuvres to soften the public relations disaster surrounding its camera-equipped eyewear,



by **Vigyan Arya**
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From secret recordings to bans in sensitive workspaces, the backlash against wearable surveillance proves that tech giants cannot be trusted to police our personal boundaries.

including rumoured pivots toward camera-less, voice- and audio-focused devices like the codenamed “Luna,” do nothing to address the core crisis. Whether it captures high-definition video or discreetly streams ambient audio through a constellation of built-in microphones, wearable AI gear represents an unprecedented, unmitigated assault on human dignity and personal space.

Illusion of Consent and Myth of the “Indicator Light”

Big Tech's defence has always hinged on a flimsy technicality: A tiny LED capture light meant to signal when a recording is underway. But this excuse collapses under the weight of everyday reality.

What about citizens with visual impairments or complete blindness who cannot see a blinking indicator light? What about crowded elevators, public transit, or professional offices where a flashing bulb is easily missed? More damningly, investigations have repeatedly shown that users actively find workarounds, ranging from physical tampering to software modifications, to bypass or obscure these safeguards.

The consequences are no longer theoretical. Investigative reports from outlets like the BBC and European publications revealed a disturbing reality: Unwitting bystanders, including women filmed

secretly on public streets and beaches, have found their private moments broadcasted online without consent. Even more alarming, class-action lawsuits and media investigations exposed that private, intimate footage captured inside users' homes, including moments of undress and private bedrooms, was routed to overseas data-labelling subcontractors and viewed by human annotators.

Growing Global Resistance

Citizens and institutions are finally drawing a hard line against this unchecked surveillance creep:

- **Government and Institutional Bans:** Authorities are taking swift defensive action. For instance, US Immigration and Customs Enforcement (ICE) formally barred employees from wearing Meta smart glasses in federal workspaces, treating them strictly as unvetted body-worn cameras. Similarly, European municipalities like Oslo have banned smart glasses in schools, recognising the immediate threat they pose to children and educational privacy.
- **Regulatory and Legal Pushback:** Across Europe, data protection authorities in countries like Norway and France have escalated calls for sweeping restrictions on AI-enabled eyewear. Meanwhile, anti-surveillance grassroots movements have emerged, spawning localised tech resistance apps designed to detect nearby smart glasses, alongside major

consolidated class-action lawsuits targeting Meta over non-consensual data harvesting.

Reclaiming Our Right to Privacy

A society where every casual conversation, office meeting, or private exchange can be secretly harvested to feed corporate AI models is not progress, it is the death of public trust. A tiny white light or a corporate promise of “privacy by design” is cold comfort when your most vulnerable moments are exposed to strangers continents away.

It is time for governments and regulatory bodies to move past toothless guidelines. We need stringent legal limitations, mandatory exclusion zones in offices, healthcare facilities, and educational institutions, and a willingness to completely ban devices that inherently violate the fundamental right to be left alone. If tech giants cannot build tools that respect human boundaries, they should not be allowed to sell them.

The Ultimate Question of Accountability

When a tiny handful of unchecked corporate executives can unilaterally unleash intrusive, ambient recording devices upon an unsuspecting public, transforming every street corner and private sanctuary into a data-mining field, have we surrendered our sovereignty to Silicon Valley? If regulatory authorities refuse to maintain a rigorous, unyielding watch over the underlying intentions and product pipelines of tech monopolies, how many more private conversations, secret spaces, and fundamental human rights must be sacrificed so a few billionaires can monetise our daily lives? ■

Faceless Tax Accountability

As Pakistan embraces AI-assisted tax administration, the legal challenge is to preserve due process, transparency and accountable decision-making when taxpayers can no longer see the officer behind the assessment



by **Sarmad Mehmood Chechi**

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Pakistan's tax system is entering a new digital phase, but faceless administration raises a fundamental legal question: can algorithms improve tax enforcement without weakening due process, accountability, natural justice and taxpayers' constitutional rights?

Pakistan's tax administration is moving from officer-centred procedures towards digital filing, integrated taxpayer information, algorithmic risk analysis and faceless audit and assessment. The Finance Act 2026 now provides for a National Faceless Centre, including algorithmic assignment of functions and electronic communication in faceless proceedings. The transformation promises greater efficiency and reduced physical interaction, but it raises a more fundamental constitutional question.

When the tax officer becomes invisible, how does the law keep accountability visible?

The answer lies not in resisting technology but in defining its legal limits. AI may identify risks, compare information and assist in case allocation; it cannot, without more, establish tax liability. The constitutional guarantees of lawful treatment, due process, equality, natural justice and judicial review must continue to govern the exercise of taxing power.

The traditional tax assessment had a human face. A taxpayer dealt with an officer who examined a return, sought an explanation and ultimately made a decision. Digitalisation has changed that relationship. Returns are filed electronically, information is increasingly integrated, and automated systems can



IMAGE: © THE LEGAL

identify discrepancies before substantive human examination begins. AI scans individual annual transactions because it is interlinked with the State Bank, NADRA and the Land Revenue Department.

IRIS, an FBR software application, is an important part of this transformation, but it should not itself be described as an artificial intelligence system. It is better understood as digital tax-administration infrastructure through which electronic filing, automation, data integration and risk-management functions operate.

"Digitalisation is not the same as artificial intelligence."

The legal position has now moved further. The Finance Act 2026 provides for a National Faceless Centre under the relevant tax legislation, empowers Federal Board of Revenue (FBR) to design algorithms for assigning functions or jurisdiction among officers, and requires communications concerning information, documents and evidence in such proceedings to take place electronically. It also separates audit, assessment and quality-control functions among different officers.

This statutory architecture is significant because it does not merely introduce technology. It reorganises the exercise of public power. Once an algorithm participates in allocating jurisdiction or directing administrative attention, the question becomes whether that technological process remains subject to the same legal disciplines that previously governed the human officer.

Chief Justice Yahya Afridi's observation that *"AI must be used in the justice system. But we are not ready yet"* captures the institutional problem. The issue is not whether Pakistan should use technology. It is whether the legal framework is sufficiently developed to control the consequences of using it.

The most important legal distinction in AI-assisted taxation is between risk identification and determination of liability.

An algorithm may identify an unusual transaction, a property record or an apparent



mismatch between declared income and observable expenditure. That may justify an inquiry. It does not, by itself, establish taxable income.

A luxury vehicle appearing on social media may raise a question without proving ownership. A substantial bank transaction may require an explanation without establishing concealed income. A computational risk score may justify scrutiny without becoming the assessment itself.

"An algorithmic signal is not necessarily evidence, and evidence is not necessarily proof of tax liability."

This distinction is particularly important because FBR tax authorities exercise statutory powers. The legal source of power must remain in the statute, not in the output of a computer system. An algorithm can assist an officer in identifying where attention should be directed. It cannot create a power that Parliament has not conferred or enlarge a statutory discretion merely because the system has identified a correlation.

That principle also protects against a subtle form of administrative error. Once a taxpayer is classified as *"high-risk"*, subsequent investigation may begin with the assumption that the original classification was correct. The investigation can then appear to confirm the very suspicion that triggered it.

Justice Mansoor Ali Shah said that *"Courts must pursue a calibrated integration harnessing AI's efficiencies without surrendering the conscience, independence, and humanity that justice demands."*

The proper legal sequence should therefore remain: data → risk identification → lawful inquiry → evidence → taxpayer response → reasoned determination. The algorithm may assist at the first stage. It should not silently replace the remaining stages.

The constitutional framework already contains the foundations for regulating this new form of administration. Article 4 requires that a person be dealt with in accordance with the law. Article 10A protects due process; Article 25 guarantees equality before the law; and Article 199 provides the constitutional mechanism for judicial review. These provisions do not become less relevant because the process becomes digital.

The Supreme Court's natural-justice jurisprudence is particularly important. In *Commissioner Inland Revenue v Messrs. RYK Mills*, the Court addressed procedural fairness in tax proceedings, while *Federal Government Employees Housing Authority through Director General v Ednan Syed* reaffirmed the constitutional importance of *audi alteram partem* under Article 10A.

Applied to an AI-assisted tax system, the principle is straightforward. If an electronic notice tells a taxpayer that the FBR system has identified a discrepancy, the taxpayer must be able to understand what the discrepancy is, what information produced it, what adverse material is being relied upon and what legal response is required.

A notice saying merely that *"the system has identified you as high-risk"* would leave the taxpayer answering a conclusion rather than

a case.

This is where the law of reasons becomes particularly important. The taxpayer does not necessarily require the source code of the algorithm. Due process does not automatically mean source-code disclosure. It means that the person affected by the exercise of public power must receive enough information to understand and challenge its factual and legal basis.

The final assessment should therefore identify the relevant material, the statutory provision applied, the taxpayer's explanation and the reasons why that explanation was accepted or rejected. The computer may generate a recommendation. It cannot become the legal reasoning of the state.

An opaque algorithm creates a particular problem for Article 199. Judicial review requires a court to examine whether public power has been exercised lawfully. If the authority's explanation for an adverse assessment is simply that *"the system generated this result"*, the court is effectively being asked to review a conclusion without seeing the legal reasoning connecting the evidence to the decision.

The law does not require the algorithm to speak; it requires the responsible authority to explain what the algorithm's output means in law.

Faceless administration is not, by itself, inconsistent with natural justice. A hearing can take place electronically. Documents can be filed digitally. A notice can be served through an online system. Case allocation can occur through an algorithm.

The constitutional problem arises when the disappearance of the officer's physical identity becomes the disappearance of institutional responsibility. The Finance Act 2026 provides algorithmic assignment of functions and a National Faceless Centre. The legal framework should therefore ensure that behind every automated allocation there remains an identifiable statutory authority, lawful delegation and an auditable decision-making record.

Confidentiality of an officer's identity may protect the process from improper



influence. It should never make the exercise of statutory power immune from supervisory or judicial scrutiny.

This is particularly important because the FBR's wider digital transformation already extends beyond filing and assessment. FBR identifies initiatives including digital invoicing, faceless customs assessment and other technology-based compliance systems. Faceless administration is therefore becoming part of a broader institutional shift rather than an isolated experiment.

AI cannot make unreliable information reliable merely by processing it faster.

A bank transaction may have a legitimate explanation. A property database may be incomplete. A social-media post may not establish ownership. Third-party information may contain errors.

A rights-preserving system should allow taxpayers to challenge materially inaccurate information, correct erroneous records and respond to adverse third-party material. It should also maintain an audit trail showing what information materially influenced the decision.

The greater the state's capacity to collect and analyse information, the greater its responsibility to distinguish between information that is merely available and information that is legally reliable.

Pakistan does not have to choose between AI and constitutional government. The better approach is to define the respective roles of technology and law.

AI can identify patterns, compare information, flag anomalies and assist with case allocation. The exercise of statutory discretion and the

final determination of tax liability should remain attributable to an authorised decision-maker.

That requires at least four legal safeguards: meaningful reasons, an auditable decision trail, genuine human reconsideration, and effective appellate and judicial review.

The human reviewer must do more than click *"approve"* on an algorithmic recommendation. Human involvement has legal value only when the decision-maker can question the data, consider the taxpayer's explanation and depart from the machine's recommendation where the evidence or law requires it.

Pakistan has moved beyond the question of whether tax administration should be digital. The Finance Act 2026 now provides a statutory foundation for faceless administration and algorithmic allocation, making the constitutional question more immediate rather than theoretical.

The challenge is not to prevent the machine from assisting the tax authority. It is to prevent the machine's output from becoming an unexplained exercise of public power.

An algorithm may identify a risk. It may compare information. It may assist an officer. But risk is not liability; data is not automatically evidence, and an automated conclusion is not a substitute for legal reasoning.

The constitutional model should therefore remain clear: technology may process information; the institution must exercise statutory power; an authorised decision-maker must remain accountable; and courts must retain the ability to review the legal chain connecting evidence to decision.

"The taxpayer may no longer see the face of the tax officer, but the taxpayer must still be able to see the face of the law." The ultimate question is therefore not whether Pakistan can make taxation faceless.

It is whether, when the state acts through an increasingly automated system, the taxpayer can still ask: *Why?* And whether the law requires the state to give an answer that is intelligible, reasoned and capable of review. ■

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Mediation Needs Teeth

Mediation drive is gathering pace, but without meaningful cost consequences, the culture of litigation may prove harder to change



by **Fahad Khan Sherwani**

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Pakistan's courts are being offered a new escape route from a familiar problem: too many disputes, too few incentives to settle and a litigation culture that can turn an ordinary disagreement into years of proceedings. The government is now trying to make mediation part of the machinery of justice rather than an option left at its margins.

The latest effort has an unusual feature. It has placed religious scholars alongside judicial officers and ADR practitioners, asking them to learn professional mediation techniques while drawing on the Islamic concept of *Sulh*, or reconciliation. At the closing ceremony of a five-day Civil, Commercial and Shariah-Integrated Mediation Training Programme in Islamabad, the Law and Justice Ministry presented the initiative as part of a wider attempt to change how disputes are resolved in Pakistan.

The programme was organised by the International Mediation and Arbitration Centre, or IMAC, under the Ministry of Law and Justice, in collaboration with the OIC Arbitration Centre later in August. Its significance lies less in another training course than in the people being trained. The organisers are attempting to take mediation beyond lawyers and courtrooms and place some of its techniques in the hands of people who already have influence within families, seminaries and communities.

Federal Minister for Law and Justice, Senator Azam Nazeer Tarar, has described the objective in blunt terms. Pakistan's litigation culture needs to change, while judicial reforms must make justice more timely and accessible. The government says it is working with the Supreme Court, High Courts, the Law and Justice Commission of Pakistan and provincial governments to expand ADR mechanisms across the country.

There is a practical reason for the urgency. More than 45,000 divorce and family-dispute cases have been registered since January 2026, amounting to about 300 cases a day. Even without considering the wider civil and commercial caseload, those numbers suggest why a system dependent almost entirely on adjudication will struggle to keep pace.

Mediation offers a different proposition. Instead of asking a judge to determine which party wins, it gives the parties an opportunity to reach an agreement themselves, usually with the assistance of a neutral third party. Its attraction is obvious: a negotiated settlement can be faster, less expensive and more flexible than a contested judgment.

But the difficulty for Pakistan is not explaining what mediation is. It is creating the conditions in which people will actually use it.

IMAC has already built a substantial training programme. Its official material shows courses being offered to lawyers, judicial officers and other professionals in several

ALTERNATE DISPUTE RESOLUTION ADR



parts of the country. The centre has reportedly trained more than 2,000 people in mediation, arbitration and ADR. Yet training numbers do not necessarily translate into settlements.

That distinction was recognised during the latest programme. Dr Ayesha Rasool, Senior Consultant and Project Director at IMAC, warned against allowing the exercise to become a credentialing exercise. The purpose, she argued, was reconciliation in communities.

It is an important warning. Pakistan does not particularly need another collection of certificates if those certificates do not change behaviour.

The programme's religious dimension is also worth watching. Ulema were trained in civil, commercial and Shariah-aligned mediation, with the organisers presenting the model as one that could potentially be used beyond Pakistan. Dr Umar A Oseni, secretary general of the OIC Arbitration Centre, said the approach had attracted international interest and that the institutions were considering its wider application.

The partnership acquired a formal structure when IMAC and OIC-AC signed a memorandum of understanding. The agreement provides for co-operation in mediation, arbitration and dispute prevention, alongside exchanges of expertise, information and publications and joint capacity-building activities.

There is therefore an international dimension to what might otherwise look like a domestic court-management exercise.

For Pakistan, the quality and predictability of dispute resolution matter to more than litigants. They matter to businesses and investors deciding whether contracts can be enforced and disagreements resolved without becoming open-ended legal liabilities. IMAC itself identifies legal and commercial certainty as one of its objectives.

But the most revealing part of the latest push may not be the international partnership at all. It is what Justice Miangul Hassan Aurangzeb said about access and costs. Plans are being developed for *pro bono* mediation services at court-annexed centres. Supreme Court staff are also undergoing mediation training, with the possibility that they will eventually provide mediation services through such centres.

That would change the position of mediation within the justice system. It would no longer be simply an outside service to which litigants are referred. It could become part of the court's own dispute-resolution process.

The *pro bono* element is equally important. A mediation system that requires litigants to pay another professional fee can remain inaccessible to precisely those people for whom cheaper justice is most needed. Bringing mediation into court-annexed centres and making services available without charge addresses one of the barriers between the promise of ADR and its practical use.

Yet removing the cost of mediation does not necessarily make settlement more attractive than litigation. That is where the question of litigation costs becomes more important.

Justice Miangul pointed to Islamabad's Cost of Litigation Act and the principle that costs follow the event. In simple terms, the unsuccessful party can be required to bear the successful party's costs. The document notes that this principle is familiar in other common-law systems, including the UK, and is also applied in Turkey.

The significance is behavioural. A litigant who knows that losing may have financial consequences is forced to consider more than the strength of the legal claim. They must consider the risk of the litigation itself. That calculation can encourage an early settlement, particularly where the likely cost of fighting is greater than the benefit of continuing. Without such a mechanism, the decision can look very different.

Pakistan's problem is that Islamabad's approach has not been replicated across the provinces. Justice Miangul reportedly urged the Ministry to consider a similar cost regime nationally. This may be the least glamorous part of the ADR debate, but it could be the most consequential.

There is a tendency in legal reform to count institutions. How many mediators have been trained? How many centres exist? How

many memorandums have been signed? How many conferences have been held?

Those figures are useful. They are not the final test. The final test is whether a person with a dispute looks at the available choices and decides that mediation makes more sense than litigation. That requires more than persuasion. It requires incentives.

Pakistan's ADR programme is now developing three elements at once. There is the institutional effort, represented by IMAC, OIC-AC and the involvement of the judiciary and Ulema. There is the access effort, represented by court-annexed and proposed *pro bono* mediation. And there is the incentive question, represented by the debate over litigation costs.

The first two are moving. The third remains incomplete. This is particularly important because mediation cannot simply be imposed as another procedural stage. If parties are compelled to sit in a mediation room but retain every incentive to prolong the dispute, the process can become another delay rather than an alternative to delay.

Nor should the success of mediation be measured only by the number of cases referred to mediators. A referral is not a settlement. A trained mediator is not necessarily a successful mediator. And an MoU does not itself change a court system.

The measure must eventually be what happens to disputes. That is why the latest initiative deserves attention beyond the ceremony at which it was announced. The government is no longer merely discussing ADR as an abstract reform. It is building training capacity, involving community and religious leaders, establishing international partnerships and considering how mediation can be delivered through the courts themselves. The challenge now is to make those pieces work together.

There is also a broader constitutional and social question beneath the policy. Justice is not only about obtaining a judgment. For many disputes, particularly those involving families and continuing community relationships, a judicial winner and loser may leave the

underlying conflict intact. Reconciliation offers a different conception of justice, one in which the parties retain some ownership of the outcome.

That is the idea behind *Sulh* as described by Justice Miangul: not simply a quicker determination but a settlement that leaves the dispute genuinely settled. Whether that ideal can survive the realities of Pakistan's litigation system is another matter.

For now, the country has no shortage of ambition. The Ministry has declared its intention to expand mediation nationwide. IMAC is conducting training across the country. OIC-AC is looking at international co-operation.

Court-annexed mediation is developing. Judicial personnel are being trained.

What remains less certain is the incentive structure surrounding the litigant. The most consequential reform may therefore be one that produces fewer ceremonies and more consequences: a coherent national approach to litigation costs that makes parties confront the financial risks of taking a dispute all the way to judgment.

Until then, mediation will continue to depend heavily on persuasion. Pakistan has begun building the machinery. The next question is whether its legal system will give people a reason to use it. ■



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Bulldozing The Law

India's municipal statutes and lower courts are increasingly being weaponised to execute a selective campaign of demographic erasure

by **Nisar Ahmed**
Lucknow

The dust settling over the district of Saharanpur carries with it the heavy, unmistakable scent of legal decay. Here, a 125-year-old mosque, a structure that has stood through the twilight of the British Raj, the chaotic birth of an independent India, and decades of democratic governance, was swiftly reduced to rubble.

The official justification, as is increasingly the case across the nation, was administrative: a municipal anti-encroachment drive aimed at clearing public land. Yet, for legal scholars and human rights observers watching the world's so-called largest democracy, the demolition in Saharanpur is not an isolated exercise in urban planning. It is the latest exhibit in a chilling pattern of systematic persecution, where the very apparatus of the state, its laws, its municipal codes, and its lower courts, is being recalibrated to target a vulnerable minority.

To understand the modern crisis of Indian secularism, one must look away from the fiery political rallies of Hindutva nationalism and peer closely into the quiet, bureaucratic machinery of the courtroom. The persecution of Muslims in contemporary India is no longer solely the domain of the mob; it has been institutionalised, dressed in the sterile language of civil procedure and zoning laws.



IMAGE © THE LEGAL

The strategy is ruthlessly effective in its simplicity. Municipal authorities issue sudden notices of illegal construction or encroachment to historic mosques, Islamic shrines, or Muslim-owned properties. The timeline granted for an appeal is often impossibly brief. When the aggrieved parties rush to the local judiciary to seek an injunction, they are frequently met with procedural delays, or worse, a judicial reluctance to intervene against the state. In many instances, the bulldozers arrive at dawn, tearing through brick, mortar, and generations of history before an appellate court has even had the opportunity to open its doors. By the time a stay order is theoretically possible, the subject of the litigation has already been turned to dust.

This brings us to the glaring, inescapable question that exposes the charade of these 'anti-encroachment'

campaigns: why only mosques?

If the state's sudden zeal for the rule of law and municipal tidiness were genuine, the landscape of the crackdown would look vastly different. India is a nation replete with unauthorised religious structures. There are tens of thousands of Hindu temples, shrines, and idols illegally constructed on public pavements, encroaching upon busy roadways, nestled in government parks, and built upon state-owned forest land. In many metropolitan centres, it is virtually impossible to walk a mile without encountering a pavement temple that clearly violates municipal building codes.

Yet, no bulldozers are sent to reclaim these public spaces. No sudden, overnight notices are pasted onto the gates of these unauthorised temples. Local administrators and law enforcement agencies invariably turn a blind eye, treating the illegal appropriation of public space by the majority religion as an unalterable cultural fact. When the law is applied with such deliberate, surgical selectivity, ignoring thousands of illegal Hindu structures whilst aggressively targeting historic Islamic ones, it ceases to be law. It becomes an instrument of majoritarian vengeance. It is a gross violation of human rights masquerading as bureaucratic compliance.

The decay of the Indian judicial system plays a central, enabling role in this campaign. The lower courts, which are meant to serve as the first line of defence for citizens against arbitrary state action, have increasingly become complicit in this asymmetry. One of the fundamental tenets of natural justice is *audi alteram partem*, the right to be heard. Yet, in the rush to demolish mosques and Muslim properties, due process is consistently bypassed. The courts are witnessing the normalisation of 'bulldozer justice,' a grotesque legal fiction where the state acts as judge, jury, and executioner, handing down collective punishment without the burden of a trial.

Furthermore, the legal assault on mosques extends beyond mere municipal encroachment. Across the country, a co-ordinated legal campaign is underway to challenge the character of historic Islamic sites, alleging they were built atop ancient Hindu temples. The Places of Worship (Special Provisions) Act of 1991 was enacted precisely to prevent this. The Act freezes the religious character of any place of worship as it existed on 15 August 1947, effectively barring lawsuits seeking to change a mosque into a temple, or vice versa.

Despite this clear legislative mandate, lower courts in cities like Varanasi and Mathura have entertained petitions from Hindu nationalist groups, ordering 'scientific surveys' and video inspections of centuries-old mosques. By allowing these civil suits to proceed, the lower judiciary is effectively rendering the 1991 Act entirely redundant, opening a Pandora's box of historical grievances. The judicial indulgence of these petitions signals to minority communities that the statutory protections guaranteed to them by Parliament can be unpicked, thread by thread, by sympathetic local magistrates.

The implications of this trend are profound and terrifying. The foundation of any constitutional democracy is the principle of equality before the law, enshrined in Article 14 of the Indian Constitution. When a state begins to read its laws differently depending on the religious identity of the defendant, the constitutional pact is broken. The architecture of justice is meant to be blind; it is not meant to meticulously sort through tax records and municipal maps to selectively penalise one specific faith.

The demolition in Saharanpur is a stark reminder that the erosion of democratic rights rarely happens through sudden, sweeping decrees. It happens through the insidious misuse of minor laws, through municipal notices, through the quiet complicity of local judges, and through the normalisation of a glaring double standard.

The bulldozers tearing down the minarets in Uttar Pradesh, Delhi, and beyond are not merely destroying brick and stone. They are uprooting the rule of law itself, burying India's constitutional secularism under the debris of its own history. If the higher judiciary does not awaken to halt this targeted legal wreckage, the jurisprudence of the world's largest democracy will be remembered not for its justice, but for its ruins. ■



Law Meets Ownership

Independence Under Pressure

Pakistan's corporate governance framework demands independent directors, but concentrated ownership continues to test whether that independence can deliver genuine accountability inside the boardroom



by **Syeda Paras**

Islamabad

A board can contain every independent director the law demands and still leave minority shareholders exposed when controlling owners influence who gets appointed, how boards behave, and how far dissent can travel inside the room.

Corporate governance is meant to answer a basic corporate question: who exercises power, and who is accountable when that power is misused? In Pakistan, the legal architecture has expanded since the Securities and Exchange Commission introduced the Code of Corporate Governance in March 2002. It was strengthened in 2019 and amended in 2025, seeking tighter internal checks, greater transparency and limits on managerial authority.

At the centre stands the independent director. The concept is simple. A director free from material financial interests, employment ties and family connections with the company, its shareholders or management should be able to question executives, challenge dominant shareholders and scrutinise decisions without serving the interests under examination. On paper, it is a clean answer to concentrated power. Pakistan's ownership structures make the question considerably harder.

Section 166 of the Companies



IMAGE: © THE LEGAL

Act 2017 requires certain companies, particularly publicly traded companies, to include independent directors. The Companies (Manner of Selection of Independent Directors) Regulations 2018 establish selection requirements intended to protect directors from conflicts of interest. Under the 2019 corporate-governance framework, at least one-third of a listed company's board must consist of independent directors, who must also play roles on key committees, including audit and human resources.

These are substantive provisions. They seek to place an internal check inside the board itself. The independent director is expected to provide objective judgement, monitor executive management and prevent excessive concentration of authority. Where managers dominate the boardroom, decisions may serve executives or controlling owners at the expense of the company and minority investors. Independence is therefore intended as an accountability mechanism, not merely a category printed in an annual report.

Yet the central difficulty is structural. Pakistani listed companies are often not characterised by dispersed ownership. Research cited in the source article indicates that family-controlled and closely held companies form a significant share of listed entities, with average ownership concentration often exceeding 50 per cent. That can shape board dynamics before an independent director has even taken a seat.

A controlling shareholder with substantial influence over board composition can shape the environment in which an independent director operates. The law may require independence, but appointment processes, professional networks and continuing tenure can create pressures that legislation cannot easily capture. The source literature identifies a recurring concern: where appointment and tenure depend on dominant shareholders, directors may hesitate to confront executive management or controlling owners.

That creates a crucial distinction between legal independence and practical independence. A director may satisfy every statutory test and still find the boardroom governed by informal relationships, expectations and loyalties. Professional affiliations and strategic alignment can influence appointments, potentially placing familiarity above the harder question of whether a nominee will genuinely challenge power.

There is also an "*entrenchment effect*". Dominant shareholders may have incentives to preserve the private benefits associated with control. Effective independent oversight can become inconvenient precisely where it matters most. If directors cannot challenge decisions that favour those in control, minority shareholder protection weakens, regardless of how carefully the board is composed on paper.

The consequences extend beyond a single boardroom dispute. Weak checks and balances can diminish accountability and undermine investor confidence. Minority shareholders are particularly exposed because they lack the voting weight to counter dominant shareholders directly. Pakistan's regulatory reforms have sought to strengthen minority interests through voting restrictions, disclosure requirements and governance measures.

Research, however, does not support a simple conclusion that independent directors are ineffective. Studies in emerging markets, including Pakistan, indicate that board independence can contribute to corporate performance and oversight. The more precise lesson is that their presence is not, by itself, a guarantee of better governance. Formal arrangements matter, but so do professional competence, ethical conduct, mutual trust and directors' willingness to perform monitoring duties.

This makes enforcement a decisive part of the story. A governance code can establish board composition, committee roles and relationships that disqualify an individual from being considered independent. But the rules work only when disclosures are transparent, compliance is scrutinised, breaches have consequences and directors can exercise judgement without undue influence.

The challenge, then, is not simply to increase the number of independent directors. Pakistan's framework has already moved from requiring at least one independent director towards a one-third representation requirement for listed companies. The harder task is ensuring that independence survives contact with concentrated ownership.

That requires attention to the appointment process itself. Greater transparency over nominations, stronger oversight of director selection and consistent enforcement of disclosure rules could narrow the space for informal influence. It also requires recognising that independence is behavioural as well as legal. A director who can disagree, demand information, question management and protect minority interests is exercising the function for which independence exists.

Pakistan's corporate-governance regime has therefore developed a substantial legal architecture, but the harder test remains outside the statute book. The Companies Act, the regulations governing independent directors and the corporate-governance code provide the framework. The real test is whether institutions and boardrooms give it force.

For shareholders, the distinction is crucial. Compliance answers whether a company has met the formal rule. Accountability asks whether its directors can actually use their position to restrain power. That difference may determine whether independence is a meaningful safeguard or simply a regulatory requirement that looks reassuring in the annual report.

Laws can require distance from management, prescribe board composition and committee roles, and regulate disclosures and conflicts. But genuine independence begins when directors can act impartially when doing so is difficult. Until that happens consistently, the distance between governance on paper and governance in practice will remain the boardroom's most consequential gap. That is where statutory independence becomes real accountability, rather than another box checked for compliance. ■

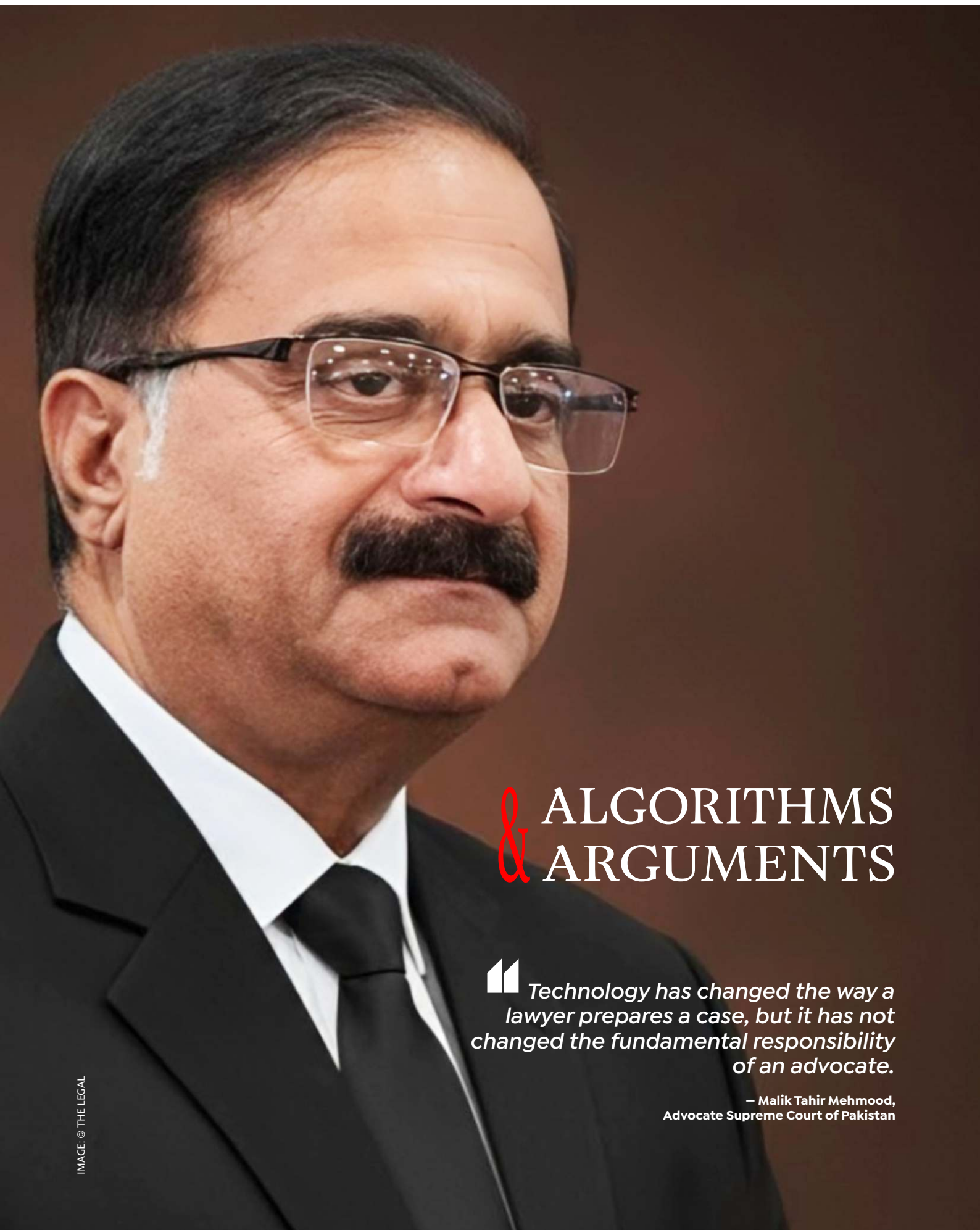


IMAGE: © THE LEGAL

& ALGORITHMS ARGUMENTS

Technology has changed the way a lawyer prepares a case, but it has not changed the fundamental responsibility of an advocate.

— Malik Tahir Mehmood,
Advocate Supreme Court of Pakistan

The Legal Profession Goes Digital

Lawyers move from dusty law libraries to AI-powered research, but the courtroom still demands experience, independent judgement and responsibility

by **Syed Shaheer Anees Gardezi**
& **Fahad Khan Sherwani**

Advocates, Rawalpindi

In 1995, to construct a legal argument in Pakistan was to engage in a deeply physical enterprise. A lawyer's primary assets were patience, ink-stained fingers, and thick, leather-bound volumes of law reports. Precedent was not summoned with a swift keystroke; it was unearthed through hours spent traversing dusty library stacks, notebook in hand, in pursuit of the single elusive ruling that might turn a judge's mind.

Three decades later, that tactile geometry of the Bar has largely yielded to the quiet arithmetic of the screen. In courtrooms across the country, digital archives have replaced precarious towers of paper files, and artificial intelligence now summarises documents, identifies key issues, and combs through vast legal repositories in fractions of a second.

Having built a practice spanning thousands of cases before trial courts, the High Courts, and the Supreme Court of Pakistan, Malik Tahir Mehmood advocate has observed this quiet revolution from behind the advocate's desk.

He belongs to a vanishing generation that bridges the gap between the analogue past and the algorithmic present. Yet, as young practitioners increasingly delegate the initial labour of research to legal software, Mehmood remains a thoughtful custodian of an enduring truth: that whilst technology can deliver information at unprecedented speed, the delicate art of human judgement, advocacy, and ultimate responsibility to the court remains something no machine can truly replicate.

The shift is most visible in the sheer mechanics of research. Where a junior practitioner once spent days leafing through physical law reports, modern platforms now cross-reference judgments, trace statutory provisions, and digest complex authorities in minutes. Indeed, the Islamabad High Court has formally described contemporary legal research as a technology-driven discipline, one that increasingly weaves artificial intelligence with cross-disciplinary methodologies.

Artificial intelligence tools now routinely draft initial pleadings, organise unwieldy evidence, and summarise exhaustive case files. Recognising this momentum, Pakistan's judicial institutions approved national guidelines in 2026 that govern the structured deployment of AI across legal research, case management, and document processing. Yet these directives explicitly mandate human oversight, serving as a critical safeguard against a growing global concern: the tendency of unverified AI systems to invent or distort legal precedent.

"Technology has changed the way a lawyer prepares a case," said Mehmood, Advocate Supreme Court of Pakistan, adding that "it has," though, "not changed the fundamental responsibility of an advocate." "A lawyer must still understand the law, analyse the facts and exercise independent judgement. Technology can assist an advocate, but it cannot replace the advocate's responsibility to the client and the court," he noted.

"The young lawyer of today has access to information that was unimaginable when I started practice," Mehmood notes. "But access to information should not be confused with understanding the law. Artificial intelligence may help a lawyer find an answer quickly; the real skill remains knowing whether that answer is legally correct, applicable to the facts and properly supported by authority."

That distinction may become increasingly important as younger lawyers enter a profession in which technological competence is becoming synonymous with professional competence. The advantage will not necessarily belong to lawyers who simply use the newest tools, but to those who can effectively combine technology with sound legal judgement.

The expectations of clients have also changed. Clients increasingly expect rapid communication, immediate access to documents, and faster preliminary assessments of their legal positions. Digital communication has reduced geographical barriers and made it easier for lawyers to coordinate with clients and colleagues, whilst simultaneously creating an expectation of constant availability that was less pronounced in earlier decades.

The courtroom itself retains elements that technology cannot easily replace. Advocacy requires an understanding of the facts, the ability to respond to judicial questions, an awareness of courtroom dynamics, and the judgement to determine which arguments matter most. These are skills developed through experience as much as through technology. For Mehmood, the evolution from printed law books to artificial intelligence therefore does not represent the replacement of traditional advocacy, but its transformation. The tools have changed dramatically since 1995; the fundamental duties of an advocate have not.

The next generation of lawyers will enter a profession in which the ability to search, analyse, and draft with technological assistance may become routine. Three decades at the Bar suggest that the enduring foundations of advocacy remain preparation, legal knowledge, professional ethics, judgement, and the ability to understand the human dispute behind the legal file. The advocate may now have AI at his desk where once there were only law books, but the courtroom still demands something technology cannot provide: responsibility for the argument placed before the court. ■

Islamic Environmental Jurisprudence

Cambridge handbook launch in Islamabad puts Pakistan's court-led environmental jurisprudence under discussion ahead of COP31, with speakers arguing that Islamic principles of stewardship can inform enforceable law



IMAGE: © THE LEGAL

Pakistan's judiciary has been presented as an emerging source of Islamic environmental jurisprudence, with speakers at the launch of The Cambridge Handbook of Islam and Environmental Law highlighting a Lahore High Court judgment.

The book launch, organised by the Sustainable Development Policy Institute (SDPI) in Islamabad on September 11, brought together specialists to examine how Islamic principles can inform environmental governance. Speakers said Pakistan was the first country to issue a judgment of its kind on environmental law and described the inclusion of an LHC ruling in a Cambridge University Press handbook as recognition of their contribution.

In his keynote address, Justice Jawad Hassan of the Lahore High Court linked environmental protection with Islamic teachings. He said Article 9-A, inserted through the 26th Amendment, provided for a sustainable environment in line with teachings of the Holy Prophet Mohammad (PBUH). Islamic epistemology, he argued, required resources to be maintained in due proportion rather than disturbed.

Justice Jawad framed environmental responsibility as stewardship. Human beings, he said, were trustees of God on earth and had an obligation to preserve resources for future generations. He likened that duty to safeguarding a glass of water, noting that courts had already applied the principle in disputes involving water extraction. He also connected the discussion to COP31 and expressed hope that Pakistan's approach could enter international discourse.

SDPI Executive Director Dr Abid Qaiyum Suleri said the handbook



IMAGE: © THE LEGAL



was significant because it cited judgments from Pakistani courts, including a chapter devoted to Justice Jawad's ruling. He said the timing was relevant to COP31 discussions on mitigation, adaptation and environmental concerns. SDPI, he added, would host a session on Islam and environmental law at COP31.

The handbook, edited by Prof Nadia B. Ahmad, Prof Saba Kareemi, Erum K. Sattar and

Oluwakemi A. Ayanleye, contains 27 chapters by 24 scholars from 16 countries. Its 16th chapter examines the 2019 LHC judgment in *Sheikh Asim Farooq v. Federation of Pakistan*, authored by Justice Jawad Hassan, which directed enforcement of forest-protection laws.

Prof Nadia Ahmad said the book aimed to address a gap in Islamic environmental scholarship by bringing together Sunni and Shia jurisprudence. She identified four principles at its core: *mizan*, or balance; *khilafa*, or stewardship; *amana*, or trust; and *hima*, or protected zones. She said Pakistani courts were treating Islamic ecological principles as enforceable law rather than sentiment, with implications for urban planning and resource management.

Prof Saba Kareemi said the project followed the rejection of an earlier paper on Islamic environmental law on the grounds that no such field existed. The handbook, she said, was intended to demonstrate that Islamic environmental law had a 1,500-year history and remained relevant, while building capacity in the Islamic legal fraternity through a risk and governance perspective.

Gul Najam Jamy called for the book's academic work to be translated into practice, while Zainab Naeem linked global environmental precedents, Pakistan's Shehla Zia case and the Pakistan Environmental Protection Act 1997 with judgments rooted in Islamic environmental law. WWF legal manager Neshmiah Khan described the volume as a useful resource for enforcing Islam-based environmental law. Ahmad Rafay Alam connected stewardship principles to Islamic teachings on water and described the Asim Farooq judgment as an example. ■

Inclusive Justice Examined

How law and disability-rights advocacy can turn formal equality into practical access

A webinar on inclusive justice brought the principle of equality into sharper focus on September 17, with speakers examining what justice means when access to courts, public institutions and everyday life is shaped by disability and structural barriers.

Titled "*What is Inclusive Justice? Challenges and Way Forward*", the session formed part of the Justice Sector Learning Fellowship Webinar Series. It was organised by The Noor Foundation and The Asia Foundation, and featured Lahore High Court Justice Jawad Hassan alongside lawyer and disability-rights activist Sana Khurshid. Mahnoor Omer, a human rights lawyer and *TIME* Women of the Year honouree, moderated the discussion.

The central question was less about whether rights exist in law than whether those rights can be experienced in practice. The discussion stressed that inclusion requires understanding the different barriers faced by different people, while preserving an equal right to participate with dignity.

For disability rights, that distinction carries particular weight. Khurshid described how her own litigation before Justice Jawad Hassan became part of a broader campaign for disability rights and helped set in motion the process that ultimately produced the Punjab Empowerment of Persons with Disabilities Act 2022. She portrayed the experience as evidence that people with disabilities can shape the laws that govern their lives rather than remain passive subjects of legislation.

The discussion also stressed that accessibility

and disability rights are matters of equality, dignity and fundamental rights, rather than charity or welfare. The principle was captured in the phrase "*Nothing about us without us*", reflecting the importance of involving affected communities in decisions that concern them.

A recurring theme was the gap between legislation and delivery. Passing a law, the panellist argued, is only the beginning. Implementation determines whether legal protections alter lived experience, particularly for people who encounter physical, institutional or procedural obstacles.

The webinar framed inclusive justice as an operational challenge for the justice system: identifying barriers, involving affected communities in decisions and ensuring that legal rights are translated into accessible institutions and meaningful participation. Its focus was not simply on expanding the language of rights, but on making those rights work in life. ■



WHAT IS INCLUSIVE JUSTICE? CHALLENGES AND WAY FORWARD

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WEBINAR SERIES



Sana Khurshid

Lawyer, Disability Rights Activist, Pride of Pakistan Award recipient



Honourable Justice Jawad Hassan

Renowned Jurist, Lahore High Court Expert on public and private international law



Mahnoor Omer

Moderator Human Rights Lawyer *TIME* - Women of the Year Honouree

Cultivating Attock's Advocates

by **Farwa Sheikh**

Advocate, Attock

Young advocates gathered in Attock last month for a vocational course designed to strengthen local legal practice, bringing together participants from across the district's tehsils before the programme formally concluded on August 4, 2026.

The Bar Vocational Course (BVC), organised by Amaan Ellahi, the group head of the course, and overseen by Rab Nawaz, president of the District Bar Association Attock, sought to raise the standard of legal practice locally. The programme brought together young advocates from various tehsils across the district.

The curriculum was sweeping in its scope, immersing the attendees in substantive, procedural, and practical areas of the law, including land revenue, criminal procedure, narcotics law, family law, and civil procedure. An especially encouraging aspect of the programme was the influx of experienced legal minds from outside the district.

Barrister Adil Aziz Qazi, an Advocate of the Supreme Court of Pakistan, travelled from Islamabad to unpack the nuances of Alternative Dispute Resolution (ADR), mediation, arbitration, and the Punjab ADR Act 2019. Joining him from Rawalpindi was Rizwan Akhtar Awan, an Advocate of the High Court, who delivered vital lectures on the complexities of civil procedure.

Perhaps the most telling session regarding the future of the profession was "*Advocacy in the Digital Era*," presented by Touseef Ahmed Khan, an Advocate of High Court and Member of Punjab Bar Council. The lecture addressed the shifting landscape of legal practice, impressing upon the young advocates the critical role technology now plays in modern jurisprudence. The discussions illuminated the increasingly vital intersection of law and digital

advancement, providing a necessary perspective on the evolving requirements of the profession.

On the final day of the course August 4, the focus narrowed to the pragmatic mechanics of civil litigation. Rizwan Akhtar Awan outlined the general principles of the Code of Civil Procedure (CPC), whilst Umar Saleem, Advocate High Court, demystified the practicalities of CPC Execution. Culminating in a formal certification ceremony, the programme provided these young lawyers with invaluable exposure to seasoned practitioners, fundamentally broadening their grasp of an ever-evolving legal landscape.

Certificates were subsequently presented to the participants.



IMAGES: © THE LEGAL

Law Students' Visit to the Supreme Court of Pakistan

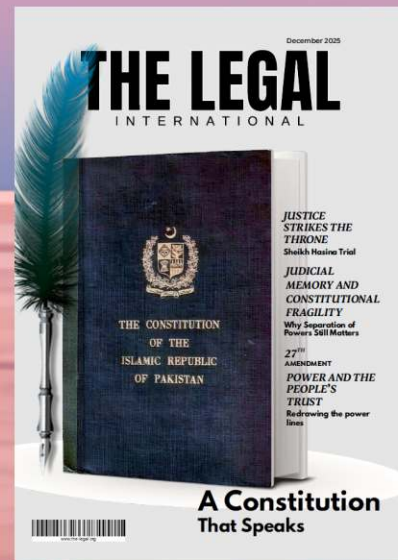
A batch of law students from the Nawab Allah Nawaz Khan Law College, Gomal University, Dera Ismail Khan, recently conducted an educational visit to the Supreme Court of Pakistan. The initiative provided the cohort with essential practical exposure to the daily functioning of the country's apex court and broader judicial machinery.

During the tour, the visiting students explored the Supreme Court Library, gaining key insights into specialised legal research resources and the critical importance of judicial literature. Additionally, the group observed court proceedings to experience the formal and disciplined environment of the judiciary at first hand.

A major highlight of the trip was observing live proceedings presided over by the Chief Justice of Pakistan, Mr Justice Yahya Afridi. According to the students, the visit proved to be an inspiring and highly enriching experience, successfully bridging academic theory with practical courtroom realities while emphasising the professional responsibilities awaiting future legal practitioners.



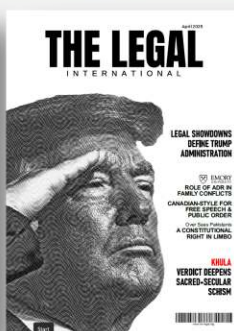
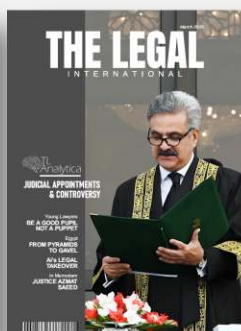
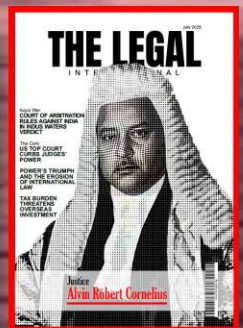
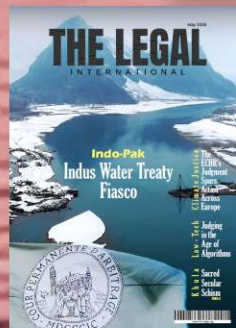
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