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Proof Before Punishment, Reform Before Ruin: A Two-Track Model for Forensic Reliability and Rehabilitative Justice in Pakistan

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KEYWORDS

Criminal Justice System; Diversion and Probation; Due Process; Forensic Evidence; Juvenile Justice; Pakistan; Rehabilitation and Reintegration.

ABSTRACT

The criminal justice system in Pakistan needs to determine guilt in a dependable manner and choose lawful, non-discriminatory measures to help ensure public safety. This article proposes a combined system to achieve these goals. Track I focuses on examining forensic, medical, testimonial, circumstantial, and digital evidence, with a challenging application in serious criminal trials. Track II diverts, provides probation, and reintegrates suitable cases in a legal manner. They are both subject to the same constitutional safeguards and criminal standard of proof. The analysis is based on the provisions of the Constitution, the Code of Criminal Procedure, the Order on Constitution of Criminal Procedure – Qanun-e-Shahadat vide 20/12/2010, Fair and Substantive Criminal Law, the Juvenile Justice System Act and the relevant Punjab probation regime. These are not, as above, considered to be representative of judgments, but demonstrate evidentiary difficulties. Comparative examples compare forensic regulation in England and Wales, youth justice planning in New Zealand, and evaluated treatment court practice in the United States. The article suggests examining evidence schedules, making explicit eligibility decisions, and creating accessible plans for rehabilitation of the district pilot, which is to be independently evaluated. Through local hypothetical applications, there are implications for age determination, disputed recordings, services unavailable, and remote accessibility. The common thread is a similar reasoning-in-decision process, one that is both evidence-driven and correctional, for reasons, as well as for accountability and review. Neither foreign programme descriptions nor administrative caseloads establish effectiveness in Pakistan. The model thus underscores the importance of implementing and evaluating the proposal whilst keeping victim safety and the inclusion of defence participation, and the difference between holding someone up on bail, diversion, conviction, and sentence. This has relevance for countries globally; however, it is very important in Pakistan, where organized crime and juvenile diversion are not given appropriate attention, and the trust and reliability of criminal evidence is not maintained.

1. Introduction

The legitimacy of criminal justice is undermined in two different ways. It becomes illegitimate if the person is convicted of a serious crime on circumstantial evidence which a thoughtful person would regard with suspicion. It is also less legitimate when the State treats a first-time, less serious offence in a way that is highly predictable to increase social exclusion, put the person at greater risk of more serious criminal behaviours and provides little basis for reintegration into lawful life. Pakistan has two sets of legal rules which address both threats, but are typically taught in isolation. The evidence, investigation and sentencing of murder litigation are discussed. The issue of probation (prisons) and prison reform is addressed via corrections and social policy. The idea to be emphasized is that both subjects should be linked together in a single sense of the constitutional idea, which is that, the compulsion aspect of the State must be accurate, must be proportionate. (Constitution of the Islamic Republic of Pakistan, 1973, arts. 4, 9, 10A, 14, 25)

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The title "Proof Before Punishment, Reform Before Ruin" captures the article's two related commitments. "Proof before punishment" demands full procedural safeguards in serious allegations, including qatl-i-amd under the Pakistan Penal Code, 1860. The gravity of an allegation does not reduce the prosecution's burden. Rather, it highlights the importance of lawful investigation, reliable evidence, and reasoned adjudication. "Reform before ruin" addresses juveniles, first-time offenders, and other eligible persons for whom a lawful non-custodial response may better protect public safety and support reintegration. This position neither excuses offences nor permits the release of persons presenting unacceptable risks; it requires individualized, legally authorized decisions instead of unnecessary detention. (Pakistan Penal Code, 1860, §§ 299–302; Code of Criminal Procedure, 1898, § 497).

Diversion, bail, probation, and parole are distinct legal mechanisms, each subject to its own statutory conditions.
This is a constitutional issue. Article 4: Lawful treatment, Article 9: Life and Liberty, Article 10A: Fair trial and Due process, Article 14: Dignity and prohibition of torture for evidence; Article 25: Equality before law and equal protection. Such assurances establish parameters of legitimate police action. They don't put their hands up to things because of the gravity of the allegations. Any plan for enhancing the way the criminal justice system works should therefore consider the nature of the prosecution case and the reasons for limiting an individual's involvement in that system. Whether it's the basis or convenience of institutions, it cannot be replaced by the latter. (Constitution of the Islamic Republic of Pakistan, 1973, arts. 4, 9, 10A, 14, 25)

Their main thesis is that the organisation of evidence and decisions about evidence for correction could be structured in a common way of reasons for, and about, decisions for correction. Track I deals with the reliability of evidence and is designed to have as a difficult application, cases of serious violence. Track II deals with correction that is lawful, individualised, within the relevant statutory gateway. There's a blurring of proof safeguards with minor charges or dignity with serious sentences: for the defendant it's full proof safeguards, for the person it's full dignity and access to rehabilitative support. The model does not lock people into place categories or automatically assign classifications to the punishments they deserve for their offences.

The method implemented in this article is doctrinal legal research and policy synthesis. Reads the Constitution, PPC, Code of Criminal Procedure 1898 (CrPC), Qanun-e-Shahadat Order 1984 (QSO), Prevention of Electronic Crimes Act 2016 (PECA), probation and juvenile justice laws and the latest Supreme Court case law. It also utilizes official material pertaining to Punjab probation and prisons to determine if there is an institutional model of rehabilitations. It is not an empirical study of recidivism, and does not state that any specific intervention ensures reform. Its contribution is the normative and institutional one: it is a method that is suggested with the base of legal structure to determine when the State should strengthen the proof and when he shall strengthen the rehabilitation.

2 Method and Legal Architecture

The method is doctrinal legal analysis supplemented by comparative institutional assessment. The discussion examines the Constitution; the Pakistan Penal Code, 1860; the Code of Criminal Procedure, 1898; the Qanun-e-Shahadat Order, 1984; the

Prevention of Electronic Crimes Act, 2016; probation and juvenile justice legislation; and selected Supreme Court decisions. Relevant official materials are used to assess institutional arrangements in Punjab. This is not an empirical evaluation of recidivism and does not claim that any particular intervention guarantees rehabilitation. Its contribution is a normative decision-making framework connecting reliable proof with lawful correctional responses. (Constitution of the Islamic Republic of Pakistan, 1973; Qanun-e-Shahadat Order, 1984).

The contribution is thus a decision framework not just discovery of rehabilitation, or evidentiary reliability. The proposed connection is also to institutional accountability-the prosecution needs to give reasons for coercion; a supervising service needs to provide reasons and what does the intervention entail or consist of. These topics are already covered in the existing literature; legal norms are also available to discuss those themes. The plan proposed in the present is to reconcile the three of them because of the shared needs for reasons, scrutiny, proportionality and accessible challenge. That integration shall be judged for its originality, not on any previous statement that no other author has mentioned the same thing.

The comparative examples are intentionally restricted to tried and tested approaches - forensic quality regulation (FQR) from England and Wales, youth justice conferences (YJC) from New Zealand and an evaluated treatment court (TEC) in America. The jurisdictions are not listed in order. Although the basis for the league table is similar there are differences in the legal powers, resources, types of welfare launched and definitions of eligibility and outcomes for such a table to be created simply. Now, Programme descriptions do outline how an institution is supposed to function, evaluations offer other evidence of what outcomes are actually observed. No such guarantee can be made for Punjab as neither explains why similar results will be achieved there.

It is perhaps a mistake to use two tracks as though it is two standards of guilt. In any criminal trial, the prosecution's burden of proof is unreasonable doubt, with prescribed limitations on how to properly deal with certain evidentiary burdens and presumptions in accord with the law. “Don't take a decide quality cut because of a minor charge.” Does not create a higher probability threshold in maths due to grave charge. In a complex serious case, the amount of practical activity that can be required to test the evidence in a proper manner may increase. Track I names names and it doesn't give the defendants charged with violence exclusive rights to the guarantees of fair trial.

There are 4 judgements that must remain separate. When an allegation is being made, bail is in regard to the legality of custody. Diversion is an alternative process for disposing of an eligible allegation in compliance with the law. Immediate probation under the regular probation law is a court action taken after the requisite findings of guilt. Conditional release is discussed under the headings of paroled and parolees' under a different sentence-administration system. An order must designate the power instead of using an umbrella term for rehabilitation for these processes. No statutory gateway can be added to a social assessment.

This distinction can have practical implications for consent. No one should fear to have to confess if they are only seeking ordinary bail. No sense of guilt to be upstaged during proceedings because of a voluntary education programme or health assistance.

Any diversion must meet the requirements of the applicable consents of the person harmed and otherwise comply. Assessment documents can highlight social needs and after an acquittal, support may be provided willingly and should not persist in penal conditions. Services for people living in poverty and those who are withholding from school even, as well as those who are disabled, should NOT be substitutes for criminal liability but means of arranging such services.

The comparative examples are deliberately limited to forensic quality regulation in England and Wales, youth justice family group conferencing in New Zealand, and an evaluated treatment court in the United States. They illustrate institutional mechanisms rather than directly transferable legal powers. Differences in statutory authority, resources, eligibility, and evaluation design prevent simple jurisdictional rankings. (Forensic Science Regulator & Home Office, 2025; Oranga Tamariki, n.d.; Finigan et al., 2007).

Figure 1. The proposed model. Author's conceptual diagram; the tracks organise functions and do not change the standard of proof.

The two tracks must not be mistaken for different standards of criminal proof. In every criminal trial, the prosecution bears the burden of establishing guilt beyond reasonable doubt, subject to legally recognized evidentiary rules and presumptions. Serious cases may require particularly intensive examination of complex evidence, but Track I do not confer exclusive fair-trial rights on persons accused of violent offences. (Tariq Pervez v. The State, 1995).

Instrument	Key provisions	Relevant decision
Constitution	Arts 4, 9, 10A, 14, 25	Legality, liberty, fair trial, dignity and equality
CrPC 1898	Ss 50, 154, 161–164, 167, 173, 174, 342, 496–498	Restraint, investigation, remand, statements, defence response and bail
QSO 1984	Arts 37–40, 46, 59, 71, 117, 164	Confessions, discovery, statements, experts, proof and modern evidence
PPC 1860	Ss 299–302	Substantive homicide liability and sentence
PECA 2016	Relevant procedural provisions within its statutory scope	A particular acquisition power must be identified
JJSA 2018	Ss 2, 6, 8–10, 14–16	Age, bail, diversion and juvenile disposition
Punjab probation law	Ordinance ss 4–7; 2025 amendment; service framework	Eligibility, conditions, supervision and breach

3 Track I Forensic Reliability in Serious Criminal Trials

The adversarial trial of murder is a good stress-test for criminal prosecution procedures because it has its very high stakes and its completely disjointed evidentiary picture. Section 302 PPC outlines the penalty for qatl-i-amd but demanding the imposition of the penalty shall require the usual protections of due process and prima facie

proof as in criminal case adjudication. The first step isn't the emotional tone of the allegation. That is the legal issue whether the prosecution has proved its case beyond reasonable doubt, employing relevant, admissible and reliable evidence. (Pakistan Penal Code, 1860, § 302)

There's a helpful template for murder trials that categorizes evidence into five categories. Its first is narrative evidence – what witnesses have claimed to see, hear or learn. The second is medical evidence: facts and conclusions pertaining to cause, time and consistency with event. The third is forensic evidence: expert analysis which connect persons, objects, places or digital sources. The fourth is circumstantial evidence: facts which suggest guilt, in a case in which no eyewitness account exists. The fifth one is procedural evidence of integrity, meaning who collected, sealed, transmitted, stored, extracted or produced the material. The fourth type is the one that can be most easily neglected, but is sometimes the answer to whether the first four types are safe enough to carry weight.

In general, medical evidence does not form an absolute basis of identity, but is confirmatory only, but in some cases when it gives a description that materially contradicts the official version of the prosecution it can suddenly turn into a decisive basis of identity. Ghulam Sarwar Ghangro v The State is a good example for this function. Medical evidence as to the time of death cast doubt on the claimed eyewitness evidence - this was a factor in the acquittal. The case given is not the lesson. Medical evidence should not be used mechanically by courts. They'll ask themselves if it doesn't add to support, it has this with specific positive reference or it explicitly contradicts a key element of the story. (Ghulam Sarwar Ghangro v. The State, 2025)

Article 59 QSO is a way of introducing expert evidence, which is relevant where it requires special expertise. The legal aspect is elusive. An expert opinion is a piece of evidence and not a command of the court. A court is expected to know what was tested (examined), which question the expert could possibly answer, and whether the material examined is demonstrated to be the material related to the case. So, the credibility of a laboratory result consists of two levels: one analytical, and one evidentiary. If there is an unproven correlation relating to the name or content of the input material, this cannot be corrected in post via the scientifically perfect test.

In serious crime trials, digital evidence is becoming more commonly a part of the trial. Reports may be cross-referenced and corroborated or contradicted by CCTV, call records, device extractions, Location records, communication with electronic devices. Article 164 QSO grants court permission to admit evidence that comes into existence as a result of the technological progress of devices or techniques. The Electronic Transactions Ordinance 2002 enhanced the legal recognition of electronic material. Preservation, retention, search, disclosure and forensic provisions for electronic data in investigations are now included in PECA. The power to investigate murder cases under PECA should not be routinely used in all murder cases, but when there is an Act offence or electronic evidence relevant to the case it is appropriate. The general rules of evidence, however, are true for criminal proceedings and may be invoked at any time. (Qanun-e-Shahadat Order, 1984, art. 164; Electronic Transactions Ordinance, 2002; Prevention of Electronic Crimes Act, 2016)

The Supreme Court's 2025 Zahir Jaffar decision is particularly important for digital proof. Building on State v Ahmed Omar

Sheikh, the Court referred to a two-step authentication approach for CCTV: explanation of source and a forensic basis showing that the recording has not been altered. It also discussed the "silent witness" theory under which a reliable recording system may permit the recording itself to serve as substantive evidence without a human witness having observed the captured event. For Pakistani trial practice, the significance is not that video should automatically be trusted. It is that authentication should focus on the reliability of the system and source, not on outdated assumptions that electronic material is necessarily hearsay. (Zahir Zakir Jaffar v. The State, 2025)

3.1 Evidentiary Rules and Fair Process

We should therefore propose that a structured Article 59 investigation should answer four questions. In the first place, competence: s.1(a): is the witness competent in the witness's field? Second, foundation: does the material investigated have a good identification and a good tie-in to the case? Third, method: does the answer make its reasoning understandable and relevant to the question posed? Fourth, fit: does the experts' opinion really back up the position for which it is proffered? This is not a scientific model that judges need to be scientists! It makes them have to differentiate between the truth of the process and the truth of the chain of evidence.

No less important is Article 164 as the use of contemporary evidence is no longer limited solely to oral evidence and documentation. However, this provision should not be interpreted as an "easy" technological solution. The evidence became available via a device is not a resolution of the reliability of the device, the completeness of the evidence, the source of the evidence or whether or not the defence had a meaningful opportunity for challenge of the evidence. The treatment of CCTV evidence by the 2025 Supreme Court is a preferable equation: Modern and relevant evidence is admissible, but it requires evidence of its source and integrity. (Zahir Zakir Jaffar v. The State, 2025)

The over-arching principle can be stated "lawful source, preserved integrity, contestable meaning". Lawful source does not include whether the State has lawfully obtained the material. Preserved integrity – Did the item and/or the data maintain a distinct identification and remain unchanged throughout the process for the inference to be sought? Contestable meaning requires questions about the extent that the accused had meaningfully contested the interpretation, context, and expert conclusions. When combined they make the QSO a workable reliability program for serious criminal trials.

This is a constitutional way of giving a procedural discipline its status under Article 10A of the Constitution. The date of the hearing is not the only time there must be a fair trial. It embraces investigation, disclosure, opportunity to challenge, access to material required for defence; reasonable adjudication; and equality of arms applicable to criminal proceedings. Repeatedly, the Supreme Court in its jurisprudence under the Constitution has underlined that the fundamental rights continue to be in force even in the event of a serious allegation. The definition of accuracy that Track I is adopting treats defence scrutiny as part of the accuracy, rather than constituting an obstacle to the truth.

There is a dignity dimension added in Article 14. The ban on torture for obtaining evidence is clearly stated in the Constitution. It was not because the charge is serious that evidence acquired by bad means becomes good

evidence. The principle of 'unnecessary restraint' under section 50 CrPC, more broadly, should not lead to a prerequisite for arrest to be treated as symbolic punishment. This is important for both both tracks. If there is a risk of harm and the allegation is a murder the suspect may need safe custody. A person at low risk could need considerably less measures. The law does not require a show it says NECESSITY. (Constitution of the Islamic Republic of Pakistan, 1973, art. 14; Code of Criminal Procedure, 1898, § 50)

3.2 Judicial Reasoning and Evidentiary Links

Zahir Zakir Jaffar gives an important example of digital evidence. The Court discussed the origin of CCTV footage and forensic authentication and the silent-witness approach. The lesson for this article is a single recording relies on a sound foundation of sound record and needs explanation for the inference to be desired. It cannot be accepted solely on its face because it is perceived as objective. The proposed evidence schedule breaks down the issue of video evidence into its components of source, integrity, interpretation, so that a challenge to one question isn't buried in a blanket statement that the video is reliable. (Zahir Zakir Jaffar v. The State, 2025)

In the case of Ghulam Sarwar Ghangro vs. The State, the medical aspect comes into play. The Court did not find the medical evidence on timing of death to be consistent with the alleged scenario of death of the victim and there were other weaknesses in the prosecution account. Medical evidence should be compared with the prosecution sequence prior to entering credibility findings for the significance to trial courts methodologically. When the presence of eyewitnesses cannot be reasonably believed from objective evidence, however, courts should address the incongruity and not take medical evidence for granted as mutation that needs to be supported. (Ghulam Sarwar Ghangro v. The State, 2025)

The proposed Link Table is an aid to explanation. It documents the proposition, the evidence, the challenge and the finding and the remaining inference. Should not move to being a mechanical checklist that one is feeling bad about for not filling out all the cells on. Several apparent links can be impacted by just one unresolved material issue. On the other hand, when there is some apparent discrepancy in the evidences it can be accounted for without speculation. Without some improvement to the quality of the court's reasons, and in the face of any requirement of ordinary proof and the full record, this table is not useful. (Zahir Zakir Jaffar v. The State, 2025)

The last case is Tariq Pervez v The State. One of its continuously upheld statements which require the accused to be let go as a matter of right on the basis of a single reasonable doubt has at the heart of Pakistan criminal jurisprudence. Track I doesn't try to bring it down with forensic verve. It aims to render the threshold of suspicion clearer by asking the court the question “Where can doubt arise?” – Source, Collection, Continuity, Method, Interpretation, Corroboration, Witness Credibility or Legal Fairness. The reasonable doubt standard should be testament, not undermined, to the process of forensic modernization. (Tariq Pervez v. The State, 1995; Muhammad Akram v. The State, 2009)

4 Track II Rehabilitation and Reintegration

Track II starts with a starting assumption that is not all criminals are alike, nor are all legal punishments equally impactful on social behavior. All of these forms of

discrimination, and more, are known to occur in the criminal justice system. The two-track model explicitly links this differentiation at an earlier stage. It queries whether a person might be subject to a formal non-custodial or low-custodial (LC) intervention program without putting the victim or the public at unacceptable risk.

A second legally accepted source is probation. The Probation of Offenders Ordinance 1960 provides for orders in specified statutory conditions, and those in application in Punjab have been amended in 2025. The Punjab Probation and Parole Service has an institutional structure of supervised correction. These instruments should be separated: The conditions for which an order was made and the authority to enact it accompanied by these conditions should be referred to the applicable law. The article suggests that the general commitment to rehabilitation does not imply eligibility and should be questioned on an individual basis, pointing out the practical needs.(Probation of Offenders Ordinance, 1960; Probation of Offenders (Amendment) Act, 2025; Punjab Probation and Parole Service Rules, 2025)

The proposed rehabilitation programme should not be limited to moral讲 preachings. Correction is organized. A court or probation service should identify needs and set measured obligations appropriate to an offence and a person such as through routine reporting; counselling; education or literacy; vocational training; lawful employment or study; family engagement where safe; or through substance use treatment (and access to qualified services where clinically indicated); or bearing in mind reading habits; or structured routines; or through community-based supervision. Cleanliness, nutrition and exercise are aspects of dignity and health but needs to be part of a case plan and not punished with rituals of cleanliness.

Compassion alone is not the best grounds for Track II. It is prevention. Public safety is served if a person who can be diverted from a path of crime has conditions set that mitigate risk. The values of offender's rights, the interests of the victim, and public safety, crime prevention, and the desire to avoid unnecessary imprisonment are expressly balanced in the Tokyo Rules and expounds upon in the Lines of Personality. Similarly, the Mandela Rules speak of social reintegration as being a fundamental objective of imprisonment. The two-track model links those ideals to a decision structure for Pakistan, instead of bringing in one foreign programme. (United Nations General Assembly, 1990, 2015)

4.1 Juvenile Diversion and Adult Probation

Developmental difference is recognized as a part of the law and juvenile justice needs to be treated separately. The Juvenile Justice System Act 2018 provides that a child is a person aged below eighteen years and diversion means a different process that takes into account social, cultural, economic, psychological and educational background of children without going through the ordinary format process under the law where appropriate. It also establishes institutions for juveniles, probation and rehabilitation. For these reasons, the Act is the clearest example in legislations on the notion that accountability and reintegration can be combined.

The two-track model doesn't consolidate the cross between adults and juveniles. It takes the juvenile law as evidence to show that Pakistan already condones differentiated criminal process for different types of crimes and based on the needs of the children. When dealing with adults at the brink of adulthood,

special treatment and treatment of the ordinary kind must be applied. Age, previous record, role, risk and rehabilitation in bail and/or probation and sentencing discretion where applicable under legislation may be considered by courts. This doesn't compromise the lawfulness of the rule while recognising that the needs of offenders are not the same as one another.

The Juvenile Justice System Act provides for more specific gateways than a preference for reform. Age determination will be regulated by section 8, and diversion and the Juvenile Justice Committee by section 9 and 10.Age determination will be under section 8 and diversion under section 9 and the Juvenile Justice Committee under section 10. According to section 9(6), diversion is for minor offences and major offences where the juvenile was under the age of 16 when the offence was committed. Sixteen is the age condition, it should not be changed to under sixteen. At no time are heinous offences considered to be brought within this diversion gateway as a result of the age of the defendant (i.e. if they were under 18 years).

. (Juvenile Justice System Act, 2018, §§ 2, 6, 8–10)
Referrals are also distinguished from disposals in that consent for a referral is not necessary for consent for disposal. Juvenile/guardian consent applies to referral. If the Committee decides to dispose of the case, that disposals must be made with the consent of the person against whom the offence has been committed; a specific arrangement exists under the statute in the case of a state functionary being a complainant and there being no victim at a private individual's expense. The intent of a reform protocol is to provide a faithful representation of these gateways not as an unlimited discretion to be diverted. Participation should be meaningful and supported by legal assistance and an explanation in an understood language.

There should be a practical suitability inquiry after the legal gateway and a practical suitability cannot be made arbitrarily. It is important decision-makers determine: Does a proposed service exist? Does attendance mean that others can participate? Are conditions conducive to education and safeguarding? Where a young person is unable to afford a mode of travel, an accessibility response should be considered. Such an automatic follow-up of community disposition to institutional placement should not be the rule of law. The circumstances should be clear enough for the juvenile and guardian to let the supervising officer know of their obligations.

There is a need for an additional analysis of section 5 of the Applicable Probation of Offenders Ordinance, which excludes the offences and which version of the applicable Ordinance currently in force in the relevant Province should be analysed. Thus, being a first offender does not, in and of itself, resolve eligibility. The amendment made by Punjab should not be considered as a national amendment. Section 5A was added in 2025 to section 5 and the rest of the Provincial framework. Before asking a service to administer a condition, a judge must make a determination as to what exactly is the legal basis for each proposed condition.. (Probation of Offenders Ordinance, 1960; Probation of Offenders (Amendment) Act, 2025)

Before imposing any probation condition, a court must identify the applicable provincial law, statutory eligibility criteria, exclusions, and the legal authority for each condition. The 2025 Punjab amendments should not be treated as amendments applicable throughout

Pakistan. (Probation of Offenders (Amendment) Act, 2025).

The proposed TCJM is not a new offence code, but is a framework to help organize decisions on whether a charge for child sexual abuse or sexual exploitation should be laid. It aims to assist courts, prosecutors, police and probation officers and corrections institutions organize power that already exists, determine where additional power is needed, and suggest statements for legislation/rule improvement. This has three phases: classification in the entry; treatment in the track; and review. Each step is limited by the tenets of the Constitution and the rights of the accused and victim.

There are some very serious violent crimes, such as murder, which are automatically assumed to be treated with seriousness and these are tracked at Level I. Forensic Reliability Protocol - Questions are included in Track I. Provenance first: What is the source of each significant item or data source? Second Lawful Purchase: Did it get into there through proper legal means? Thirdly, continuity: is there a continuity of handling from collection to court? Fourth, analytical foundation: are there some steps of the expert methodology explained? Corroboration: do Independent Sources converge? -- Fifth. Six: Contradiction, is there objective evidence that contradicts the story? Seventh, contestability: having had the opportunity to challenge the evidence, was the defence given a meaningful opportunity?

The proposed two-track criminal justice model (TCJM) is not a new offence code. It is a decision framework designed to help investigators, prosecutors, courts, probation officers, and correctional services use existing legal powers transparently and identify areas requiring statutory or administrative reform. It comprises entry assessment, the applicable track, and continuing review, with constitutional rights and victim safety respected throughout.

Track II is activated only when the law allows other responses besides custodial detention and supervision, and a person's case or situation suggests that public safety can be managed. Has Rehabilitation and Reintegration Plan (RRP). The RRP does not make broad condemnations of behaviour but starts with identifying a range of criminogenic needs. Pupil's education level, employment, family support, peer risks, behavioural needs, health needs and any previous records are identified by a probation officer or a qualified multi-disciplinary team. The court then imparts conditions commensurate with the wrongdoing and to the requirements.

A model RRP may encompass scheduled probation reporting, counselling, ongoing education/schooling, skills training, community service as required by law, and restoration elements in keeping with victim rights, and/or structured reading or education targets. May include health referrals as indicated by health professionals. It should not make degrading, unsafe or arbitrary conditions. Graduated review should commence with a question as to why this is not occurring, giving it a chance to be reviewed for some adjustment (if necessary) and should be escalated if it is truly necessary to do so because of non-compliance. This is an end to informal forgiveness and an introduction to accountability in a supervised method.

There is a Shared Constitutional Floor which binds the two halves together. The State must abide by the law under Article 4, must protect liberty under Article 9, must ensure a fair trial under Article 10A, must respect dignity under Article 14 and must apply equal protection under Article 25. Victims remain

central. Track I provides services to victims and strengthens convictions' reliability and durability. Track II benefits victims and society by maximizing the ability of the victim to become a contributing member of society through the rehabilitation opportunities available for others who are not willing or able to engage in Track I. Both tracks address the offender as a stakeholder, but they do not.

5.1 Forensic Reliability Protocol

First Implementation Proposal: Pakistan Forensic Reliability Protocol for serious criminal trials to be published through proper legislation, rules or judicial practice directions. It would not be designed to give any scientific laboratory instructions. This would be beyond the powers of general criminal procedure. It would serve as a 'rule of law' on the scientific and digital evidence issues to which investigators, prosecutors and courts must respond.

A clear inventory of all materials forensic items should follow the protocol and be compelling. The inventory should document the legal source, collection record, transfers, laboratory reference, analyst, report, and courtroom exhibit number. Additionally for digital material it will include source system or device of the digital material, the legally obtained source, which digital material was extracted or copied, integrity testing results and possible forensic reports. These are governance requirements, not evidence manipulation instructions.

There should be three types of inconsistency and the protocol should be able to identify the three. A peripheral inconsistency refers to something that does not impact identity, occurrence or a central link. A material inconsistency makes part of the prosecution story unworthy of belief, and needs justification. A necessary prosecution proposition is reasonably in doubt when there is a destructive inconsistency. Court would be able to determine the specific defect; however, the judgments would clarify the classification. This would minimize the common practice of emphasizing all discrepancies or blaming all discrepancies as inconsequential.

The judgment should consider medical and ocular evidence by the use of a compatibility statement. The court must determine whether the evidence on a material matter is "neutral," corroborative or contradicting medical. Ghulam Sarwar Ghangro shows how essential it is to deal with a material inconsistency of timing. The larger suggested method is to find the true point of comparison as well as the boundaries of the medical opinion. The objective contradiction is not the same as medical evidence, and the competent deponent does not clear the way to a witness's credibility.

For circumstantial cases, a proposed Link Table. (Ghulam Sarwar Ghangro v. The State, 2025)
In circumstantial cases the proposed Link Table would locate each required proposition next to each piece of evidence on which it depends as well as the challenge and the verdict of the defence. The doctrinal base is the concept of complete-chain as explained by Zahir Zakir Jaffar. The table below is the author's draft administrative proposal. Should include the location of the use of one item to adorn or support multiple propositions and the place where an assumption needs to be proved before an inference can be made. Anything more than an explanation-free inventory of exhibits or a false "guilt by number" would be preferable.

5.2 Rehabilitation and Reintegration Plan

There is a process involvement in Track II. The decision should start with the provision in the law that authorises the proposed arrangement, and then the person's situation,

should be taken into account. A written assessment may in any sense present any information to the court, but it cannot establish a power or negate a statutory exclusion. The proposed plan is contained in the relevant instruments of probation in Punjab. Courts need to inquire about the services available and how that order will be done, not because it sounds "correction," as it does. (Probation of Offenders Ordinance, 1960; Probation of Offenders (Amendment) Act, 2025; Punjab Probation and Parole Service Rules, 2025)

The first institutional reform is judicial guidance on the evaluation of forensic and digital evidence in serious cases. Superior courts or competent rule-making authorities could clarify requirements concerning provenance, continuity of custody, expert reasoning, disclosure, defence challenge, and the treatment of contradictions. Such guidance should supplement rather than displace the Qanun-e-Shahadat Order, 1984. (Qanun-e-Shahadat Order, 1984, arts. 59, 164).

Thus, the RRP should have a few measurable objectives. If an offender is tasked with too many conditions, he may suffer technical failure as a result. Conditions should be considered substantively related to offence, risk or identified need. This can be ongoing education, counselling, participation in an approved safety and civic responsibility program, compliant work or study and regular probation checks for the young, first-time offender. If it is clinically indicated, substance-use treatment ought to be provided by trained health care providers, instead of in an authoritarian improvisation.

6 Institutional Improvements and Safeguards

The first one of these is judicial guidance. We need a clear guidance direction for Councils in serious offences including forensic evidence and digital evidence by the Superior court or the rules making authorities. The guidance should include how to identify the source of the information, how to keep the continuity and detail the expert foundation, improve the disclosure of defence, how to make digital analysis and give a reasoned explanation of contradictions. It should not supplant the QSO; but rather be integrated with it.

Prosecution-led case review before the trial is the second reform. Any prosecutor who is receiving a challan under section 173 CrPC should exercise due caution and conduct a reliability test before deciding upon a theory of the case. Electronic continuity should be found or missing, and gaps in timeline or missing evidence should be uncovered in the initial stages. Not about helping the defence but about avoiding the difficulty of getting the case stymied by late discovery of holes and making sure that any strong case is presented on an intelligible basis.

The third reform is defence access. Where the prosecution uses forensic or electronic material, the defence should be given the report and all the relevant facts in an appropriate manner which enables him or her to understand and challenge the conclusion within the framework of lawful limits safeguarding privacy, witnesses and active investigations. The basis of Article 10A is empty when the accused is only visible the end, and not able to effectively arrive at the basis through meaningful testing. Use protective orders where there are legitimate concerns for disclosure.

The fifth reform concerns transparent data. Existing administrative caseload reporting could be complemented by annual reporting of programme completion, breaches, re-arrest and reconviction over defined follow-up periods, education and employment outcomes, and service access. These

indicators should be defined separately and interpreted with appropriate safeguards against selection bias. Correctional policy should be evaluated with the same commitment to evidence that is expected of criminal adjudication.

The 5th reform is Data. Monthly statements of caseload are already made public in Punjab probation. Annual outcome reporting, in the form of completion rates, breach rates, re-arrest/reconviction in specified periods, education completion, employment linkage and participation in programmes would be a next step. Similar overall indicator figures should be posted on prison programmes. Just as forensic science helps establish the guilt of a criminal, evidence-based correctional policy demands the same approach of testing assumptions.

There is another argument against risk assessment: it can generate bias. That is certainly a concern. The model thus holds open-endedly against those artificial systems based on algorithms that should not replace ordinary decisions made by judges. Any assessment tool should be transparent, correction of inaccurate information, no discrimination and should be reviewable. Under Article 25, this equality does not give rise to a demand that two-track classification be transformed into ‘class-based justice’ in which the wealthy offender is treated as a candidate for rehabilitation whereas the impoverished one is sent to jail. There are public funded programmes and reasoned orders which are essential safeguards. (Constitution of the Islamic Republic of Pakistan, 1973, art. 25)

A third objection relates to the preference to prosecution evidence in the context of forensic modernisation. This proposed protocol is quite tame in a sense – it's a symmetrical one. Great source material might support a prosecution, and also could show contamination, contradiction or confusion which needs acquittal. Access and independent challenge must therefore be an integral part of Defence. Forensic reliability is not designed to increase conviction rates, but is about making sure that a judgment is as accurate as possible.

Another is that the model ignores the victimisation of victims. Actually, in both tracks, there are interests for victims present. Rarely, victims can benefit from convictions obtained on evidence sufficiently strong to withstand appeals. In less serious situations, provisions for victim safety and restitution may be incorporated into lawful non-custodial orders. Restorative Contact experiences should not be forced on victims, and healing must not be a process of erasure. The intent of this model is to limit anticipated victimization while also holding accountability.

7 Comparative Lessons

7.1 England and Wales

The Forensic Science Regulator Act 2021 gives statutory underpinning to the regulation of forensic quality in England & Wales. Version 2 of the statutory code contains requirements for the covered forensic activities and entered into force on 2 October 2025. Its role here is one of institutions – quality assurance happens prior to the coming of the evidence to the trial and judicial evaluation happens later. The code is just an example of a regulatory mechanism and not proof of the accuracy of all the forensic results in that jurisdiction. (Forensic Science Regulator & Home Office, 2025)

7.2 New Zealand

New Zealand's youth justice family group conferences involve the young person and family voice while integrating all voices – the voices of the professional and the victim. The responsible ministry is a plan which has been

agreed and continues with a coordinated follow-up. This is not an example of a specific decrease in reoffending rates. This official description is nothing like an impact evaluation, nor is there even a percentage attached to it here.

7.3 United States

An NIJ supported study did a review of the Multnomah County Drug Court over a decade in operation. The analysis of the NIJ account shows that, although lower rates of subsequent re-arrest and cost are seen for the NIJ processing, there is also some variation between cohorts and changes in programme. No randomised trial data were used, but rather comparison data. The findings are in support of an investigation of structured treatment and supervision but do not prove that all treatment courts are effective, or that there would be similar impact in Pakistan. (Finigan et al., 2007; National Institute of Justice, 2008)

7.4 Limits of Transfer

The examples can all be used to illustrate three design questions. On whose shoulders is the responsibility for checking the quality of the evidence? Who is responsible for implementing the rehabilitation plan? Who conducts the test and determines if the intervention has a positive impact or a negative one? But they don't address the legal eligibility question, it remains domestic. The usefulness of comparison is making unfulfilled obligations aware, not licensing an entrenched label. Table 2 shows the proposed transfer and its limit for each example.

Table 2. Comparative mechanisms and limits of transfer

Jurisdiction and mechanism	**Proposed lesson for Pakistan**	**Limit**
England and Wales forensic code	Clear quality duties and disclosure of limitations	Foreign regulation creates no Pakistani power
New Zealand youth conferences	Named support responsibilities within a lawful plan	Programme description is not an effect estimate
US Multnomah County evaluation	Assess treatment and supervision using comparison data	Selection and context limit causal transfer

8 Hypothetical Applications

The remaining recommendations are examples of hypothetical applications that were developed to validate the suggested framework. These are not cases decided, programme participants verified or measured outcomes. All of the examples end at a point reached solely by legal channels; they don't predict guilt or rehabilitation, but reach a lawful endpoint. They are used to demonstrate the application of the same principles in cases where the defendant is a child, evidentiary problems do not exist, and that a victim's safety concerns, and/or service needs differ.

Suppose it's a youngster who has been accused of a road-safety offence in Lahore. The officer would need to know the provision explicitly in place and the existence of any age records before stating the allegation is minor. The definition of the juvenile statute is not those found in normal conversation. When this person seems to, or states he or she is a juvenile, the question of age becomes a legal issue. Access to counsel, and giving notice to guardian or probation, should be in

accordance with the applicable provisions. Bail is not a reward for agreeing a reform plan, it is a separate decision.

A remote mountain community is a good access case but there is no need to assume that the legal situation in Punjab will apply in GB. An extension of the model would need to be considered separately within the context of the constitutional, statutory and institutional framework that will apply. In the present example it is not a claim regarding local judicial powers but service design. Make no assumptions other than that a competent authority is lawfully enforcing a community-based order, that attendance is limited due to winter travel and limited connectivity.

9 Pilot and Evaluation

This article suggests that the move should be just a pilot project rather than a complete rollout across the country. Note that the timetable in Figure 4 is a PLAN, not a deadline or a forecast of results. The first three months would be used to document and record the baseline Legal Inventory, service map. The participating actors would be trained and tested on the forms for several months, between months 4 and 6. Only after the responsible authorities confirmed that their powers were sufficient for operational use, would it be possible to consider it for use. Other, less time would be available for implementation and review of process and report to be prepared independently.

The Forensic reliability shouldn't be judged by the conviction rate. The process would then be more accurate in improving acquittals for weak cases and decision for supported cases. A pilot should instead assess the comprehensiveness of exhibit records, promptness of disclosure, occurrence of any material continuity disputes that do not get resolved and clarity of the judicial rationale. These are certain indicators of quality but not definitive measures of correctness. A sample of cases reviewed independently should determine if the decreasing of the "paper-crushing ratio" represents a better practice or just documentation problems.

In rehabilitation, the main comparison must be established prior to analysis. Reconviction/restatement within a given timeframe does not constitute conviction, allegation, technical breach or expiry of Programme. Results for each of these should be reported individually. One person that does all appointments may still commit another offence, while one person that doesn't get to any appointment and misses, won't commit again. Making all those failures into one score reduces the level of public safety and fairness. The principal outcome is the most important and should not be omitted from the analysis, it should be supplemented by education, employment, service engagement.

Net widening is one potential central risk in a programme that is designed to replace a custody intervention, where it could be imposed on individuals who were not previously subjected to a similar alternative to custody intervention. The evaluation should, therefore, include this possible nature of disposition, supervision term and conditions. A mere number of referrals is not a successful indicator. Wherever the programme is seen to be adding to unnecessary custody and/or reducing the level of safety, its design needs rethinking.

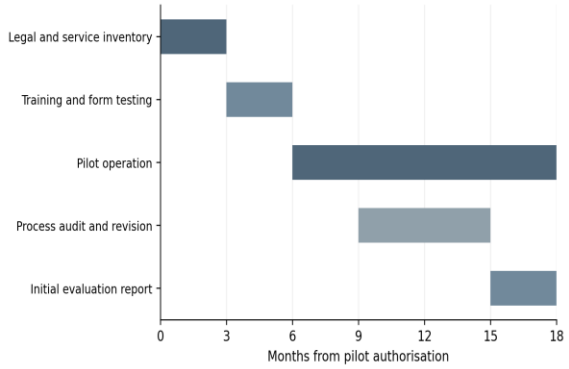


Figure 4. Proposed eighteen-month pilot timetable. Author's planning illustration, not observed data or an enacted schedule. Longer-term outcomes require continued follow-up.

10 Limitations

The TCJM is not an empirical reality in the world, it is a doctrinal/policy reality within which the question "which works" and "which is better" is answered based on the specific needs of the defendant and the specific circumstances of the circumstances of the offence, the offender and the victim. The coverage of claims is a bit more limited. They should first be harshly treated due to evidence that would be related to the source, continuity and meaning of it. Second, those who are low risk should not be subjected to the coercion that they are not needed. Thirdly, rehabilitation is not a rhetoric but has a structure and measurable aspect. The practical implications or impacts can be tested with experiments; but the propositions can be defended from the existing Pakistani law. It should therefore not be interpreted as a model which is applicable to all provinces, all offences and categories of offences or all offences in particular, but as an organised legal system in which the decisions can be tested, the reasons can be recorded and all decisions revisited to form the basis of proof. It is legitimate when it is based on open criteria, protected by legal authority, the competence of institutions, and recurring and constant empirical assessment.

The operational proposals are based on Punjab province and the remaining part of evidence and criminal procedure part is based on the legal structure identified in Pakistan. It is important to take into consideration provincial differences and/or special enactments and territorial variations which may apply to a general proposition. The situation of control and sovereignty over Gilgit-Baltistan that was illustrated remotely is created by not the law of Punjab.This is not a situation of control and sovereignty which is created by the law of Punjab rather it is created by it. So comparative examples serve as a guide to finding mechanisms, but do not provide ready-made legal transplants. A new legal inventory as well as realistic institutional capacities assessment have to be conducted in any extension.

Last but not least, the model does not attempt to supplant judge's discretion with an algorithm. If there are factual and human complexities present in the case of a crime, these do not and cannot fit into a responsible numerical format. The canvassed checklists, Link Tables and rehabilitation plans are considered "points to consider" in the decision-making process. They must define their assumption explicitly and have accountability and reviewing. Ultimative decisions (bail, admissibility, guilt, sentence, probation and breach) must be left to the competent authority assisted by law, and must be based on reasons suitable to the particular circumstances.

11 Conclusion

Pakistan can strengthen criminal enforcement and humane justice simultaneously. Reliable criminal adjudication and lawful rehabilitation are complementary rather than competing public objectives. Coercive decisions must be

anchored in statutory authority and reasoned assessment, and the prosecution must establish criminal guilt beyond reasonable doubt. Equally, non-custodial opportunities must be governed by eligibility, public safety, and fair access rather than institutional convenience. (Constitution of the Islamic Republic of Pakistan, 1973, arts. 4, 9, 10A, 14, 25).

The message of "murder trial" is obvious. In the case of the prosecution, it is obligatory to have a paper trail for the case, from the start of the time of legal investigation to court proof. Digital evidence will be examined for convergence and contradiction along with information gathered from the eyes, medicine, circumstantial and forensic evidence. Conclusions of experts should be connected to trusted sources. Circumstantial chains ought to be clear. De-authenticate and validate digital evidence. Must be able to challenge case on behalf of the defence. They each has the right for reasonable doubt, for not if they waive it..(Tariq Pervez v. The State, 1995; Constitution of the Islamic Republic of Pakistan, 1973, art. 10A)

For legally eligible individuals, rehabilitation must be more than an aspirational order. Courts and responsible services should identify concrete support, specify reasonable and proportionate obligations, and provide accessible review. Conditions must not become a substitute for lawful conviction or an indirect penalty for poverty, disability, or geographical isolation.

The thrust of the argument is that the State must provide proper reasons and remedial measures based on the proof, in a proportionate manner. In criminal trials, the burden of establishing guilt will always be the same. All duty to discharge that obligation should be undertaken with investigative and analytical work and all lawful dispositions shall give dignity and adhere to applicable safeguards. When authorised, noncustodial services will only be of worth if they provide realistic services and with accountable supervision and independent evaluation. A reform model that is worth adopting can only be applied as long as those obligations are transparent, and their performance subject to supervision.

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