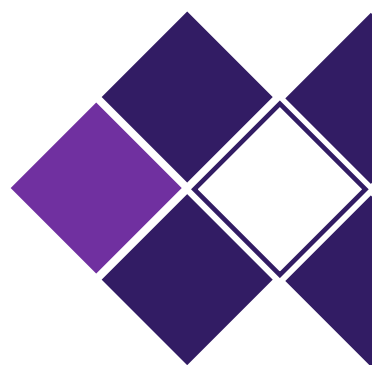


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Note from the Editorial Review

Research, to me, has always been more than the process of collecting information or presenting an argument. It is a way of looking beyond what we already know, questioning what we often take for granted and making space for perspectives different from our own.

As I reviewed the articles in this edition, I found myself learning from each of them. Every piece offered a different way of understanding an issue, shaped by its own questions, experiences and arguments. It reminded me that research has the power to bring diverse perspectives into the same conversation and give us an exposure we may not otherwise have.

Being able to read, engage with and contribute to these works has been a meaningful experience for me as a researcher and as the Chief Editor of this journal. It has strengthened my belief that good research does not simply add to existing knowledge; it challenges us to think differently, encourages dialogue and, ultimately, creates a foundation for meaningful advocacy and change.

I hope this edition does the same for every reader, not merely to inform, but to make you pause, question and see things from a perspective you may not have considered before.

Minds behind the Articles

Anza Riaz Ahmed

On paper, Islamic law and the Constitution of Pakistan provide a perfect, equitable system of inheritance for women. However, my motivation for writing this article was to step outside of that academic theory and confront the brutal, often bloody reality on the ground. Unfortunately, in Pakistan, it is not uncommon for a woman to be denied her share of the inheritance, and this is often accompanied by criminal violence, systemic coercion, and murder. We see headlines in the news every day that treat these incidents as routine events, causing people to ignore the fact that actual human lives are destroyed over inheritance. The October 2024 case in Muzaffargarh, where a 38-year-old woman was shot dead by her own brother simply for asking for her share in her father's land, is a classic example. In another horrific incident in February 2025, in Sargodha, a

man and his accomplices butchered his sister-in-law and two nieces over a dispute regarding inherited agricultural land. When perpetrators cannot use insidious traditions such as Haq Bakhshwai (marriage to the Quran) or fake "oral gifts" to usurp a woman's property rights, they often resort to extreme violence, sometimes even disguising these property motivated murders as 'honor killings.' As the President of this society and someone with a keen interest in examining the intersection of criminal justice and systemic failures, I had a moral and academic responsibility to address the crisis. It was not only a matter of quoting the Qur'an or citing Supreme Court precedents, such as the recent ruling confirming inheritance as an absolute divine right that questionable gifts cannot abate. The purpose of this was to expose the hypocrisy of a society that says it will respect women but systematically disinherits and threatens them.

Tashbeeh-e-Zahara Tareen

A single missile can now shut down a hospital, a bank and a battlefield command center at once, and nobody has agreed on whether that is even legal. That question pulled me into this topic.

Commercial cloud servers, run by companies like AWS, Azure and Google Cloud, host military command systems right alongside hospital records and bank transfers, often on the same racks. This overlap makes distinction and proportionality nearly impossible to apply cleanly. The 2022 Viasat attack in Ukraine is what stuck with me most. One strike on satellite infrastructure knocked out thousands of wind turbines clear across Central Europe, far beyond anything the attacker likely intended. If a single strike carzipple that far, the law protecting shared digital infrastructure cannot stay this vague. That gap is what this paper sets out to close.

Muhammad Moiz

I was inspired to write this article by the continuing violation of human rights despite the existence of international laws and institutions. I wanted to highlight the gap between legal recognition and practical protection of human rights. I focused on the role of the international community, the United Nations, and individual states in addressing these violations. I believe that international mechanisms alone are not sufficient to protect people effectively. I also wanted to highlight the need for stronger

accountability and institutional reforms. My underlying view is that human rights should be universal and effectively protected. Ultimately, I believe that states must take primary responsibility for protecting human rights through their domestic legal systems.

Momna Saleem

We live in a society where stories of abuse are so common that we risk becoming desensitized to them. Youth drug abuse is one of the most pressing issues of our time, and I often ask myself: What can I do to prevent it?

My core answer is simple: Let's not normalize drug abuse.

To change how society views this crisis, we must first arm ourselves with knowledge. Awareness is the key to preventing substance abuse before it starts. That is why I chose to write about this topic with the hope of creating enough awareness to protect our youth and build a safer, healthier society.

Umair Qamar

The author was inspired to explore this topic after observing a critical research and practical gap in judicial decisions, specifically noting with dismay that trial courts sometimes deliver findings of guilt while completely ignoring the necessity of material evidence and the fundamental legal requirements of mens rea and actus reus. Driven by the observation that society must not unfairly penalize individuals who cause harm accidentally or innocently, the author was motivated to revisit the foundational principal actus non facit reum nisi mens sit rea—that an act alone does not constitute a crime unless accompanied by a guilty mind. Additionally, because standard statutes lack an explicit statutory definition for a "crime" or its essential elements, the author felt compelled to bridge this void using secondary legal sources, case law, and academic literature. The work is further motivated by a desire to examine how these two core elements, along with the doctrine of concurrence, are constructed and applied within modern criminal jurisprudence, particularly within the context of Pakistani legal proceedings to ensure fair punishment and moral accountability.

Ammarah Mubashir and Talha Shahid

We chose to write about honour killing because it is an issue where deeply rooted social norms continue to have devastating consequences for individuals, particularly women. What initially drew my attention was the contrast between the legal protections available against such crimes and the social realities that often allow them to persist. Through our research, we became interested in understanding not only the legal framework surrounding honour killings but also the societal attitudes and gaps in its implementation. We wanted to explore why, despite legal reforms, the practice remains a serious concern. This article was therefore an effort to look beyond the law and examine the social and institutional factors that contribute to the persistence of honour-based violence. Ultimately, we hoped to contribute to a conversation that places human dignity, justice, and meaningful legal protection at the centre of the issue.

Najaf Rafique Mashori

The inspiration of writing this article came from a discussion on patriarchal norms, where I expressed that meaningful change begins with how we raise and shape minds. The next day, an acid attack on a woman made that thought feel much more real, it made me question why, despite conversations around women's rights, such violence remains so common. I began looking beyond individual incidents and at the mindset that connects them. That reflection became the basis of DIFFERENT CRIMES, ONE MINDSET

Hafeezullah

When I began writing this, I wasn't chasing a groundbreaking argument, I just kept noticing how casually people click "I Agree" online, and it bothered me that our laws still treat that click as informed consent. I wanted to trace where Pakistan's privacy protections actually come from, starting with Article 14, rather than assume they simply exist. Reading the Benazir Bhutto case, I kept thinking about how much of our privacy jurisprudence was built for telephones and physical spaces, not data servers and algorithms. The Contract Act section frustrated me most to write, because it exposes how outdated the idea of a "rational consumer" becomes the moment you put it online. When I reached PECA, a pattern emerged that I hadn't planned to highlight, every single case prosecuted

an individual, never the platform hoarding the data. That repetition across Junaid Arshad, Muhammad Usman, and Muhammad Nawaz kept surfacing the deeper I read. By the end, I realized this piece wasn't really proving that Pakistan lacks privacy laws, most people already sense that. It was about showing exactly where the gaps sit and why they matter. I tried to write it so a non-lawyer could follow without losing the legal weight underneath. My hope is that readers finish it feeling a little unsettled, the same way I did while researching it.

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Anza Riaz Ahmed serves as the Founding President of PCRP, leading with a strong commitment to academic excellence, critical inquiry, and meaningful student engagement.

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Aim & Scope of PCR^P (Principal Centre of Research & Policy)

The Principal Centre of Research and Policy (PCR^P) was established with a vision to promote meaningful, evidence-based research and connect academic knowledge with the realities of society. A key focus of PCR^P is to promote research in the legal field, bridge the gap between law and the common people, and make legal education and knowledge more accessible to all. The Centre believes that law and policy should not remain confined to academic or professional spaces, but should be understood and accessible to the communities they affect. Through research, dialogue, and public engagement, PCR^P seeks to simplify complex legal and policy issues and encourage greater awareness of rights, responsibilities, and social challenges.

PCR^P is committed to identifying and engaging with issues that are often overlooked or less likely to receive public, academic, or institutional attention. Its scope encompasses research in law, public policy, governance, health, education, and other areas of public interest, alongside the critical analysis and evaluation of existing laws and policies. The Centre also works towards developing and recommending practical, evidence-based policy solutions by bringing together researchers, legal professionals, students, policymakers, and communities. In doing so, PCR^P aims not only to identify problems but also to contribute constructively to conversations about how those problems can be addressed.

Through research initiatives, training programs, workshops, seminars, conferences, publications, and collaborative platforms, PCR^P seeks to create an environment where knowledge can move beyond academic institutions and contribute to society. It aims to empower students, researchers, professionals, and ordinary citizens to engage with legal and policy questions while encouraging informed dialogue and critical thinking. Ultimately, PCR^P envisions a space where research informs policy, law becomes more accessible, overlooked issues gain a voice, and knowledge is transformed into practical solutions for society.

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Women's Right to Inheritance in Islam and Pakistan: Normative Guarantees, Social Distortions, and Judicial Enforcement

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Abstract

“Islamic law, well before the emergence of modern constitutions, has explicitly acknowledged women as rightful heirs and has established their shares in inheritance. Nonetheless, women in Pakistan are still denied their inheritance” due to the persistent patriarchal traditions, societal pressures, and the exploitation of legal mechanisms such as oral gifts, where property is verbally transferred and coerced relinquishment, which are often employed to deprive women of their rightful shares. This article explores women's inheritance rights by analysing Islamic principles, constitutional protections, and judicial interpretations in Pakistan, highlighting a significant discrepancy between legal rights and actual practice. It concludes that meaningful protection of women's inheritance rights depends on sustained judicial vigilance and the effective enforcement of existing legal frameworks to align social practice with both Islamic injunctions and constitutional obligations.

Introduction

Property and inheritance rights are crucial to achieving social justice and economic security. These rights are guaranteed by Pakistan's constitution and laws about religion. Article 23 of Pakistan's Constitution (The Constitution of Islamic Republic of Pakistan, n.d.) provides everyone the right to acquire, possess, and dispose of property, making this right gender-neutral in law. while Article 25 ensures equality before the law.

Alongside these constitutional protections, Islamic law and Quranic injunctions explicitly recognize women as independent legal entities with the ability to inherit property. Empirical studies indicate that a significant proportion, notably 86% of women, are deprived of their lawful shares in inheritance (Hameed, 2024).

This article argues that at a time when women were completely forbidden property and viewed as inheritable property, Islam gave them the ability to inherit (Hoque et al., 2013). **“The root of the problem lies in the gap between law and practice.”** Women's inheritance rights, despite being clearly protected under Islamic inheritance law, continue to be denied due

to widespread misconceptions about women's shares and the inconsistent application of Pakistan's evolving judicial framework.

Inheritance Rights of Women in Islamic Law

Before Islam, many societies, notably pre-Islamic Arabia, banned women from inheritance and denied basic civil rights (Bature & Sulong, 2024). Islam substantially changed this situation by recognizing women as legal heirs with fixed and enforceable portions. Early scholars described a well-known event in which the wife of Sa'ad bin Rabi' (as) sought the Prophet Muhammad (SAW) after being refused inheritance by her husband's male relatives. In response, Qur'anic revelations were issued that explicitly recognized women's right to inherit.

The Qur'an explicitly states:

لِّلرِّجَالِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَلِلنِّسَاءِ نَصِيبٌ مِّمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ مِمَّا قَلَّ مِنْهُ أَوْ كَثُرَ ۚ نَصِيبًا مَّفْرُوضًا

This verse establishes that both men and women are entitled to a prescribed share in the property left by parents and close relatives, irrespective of whether the estate is large or small (Quran 4:7, n.d.), leaving no ambiguity regarding women's entitlement and rendering inheritance a compulsory right rather than a discretionary benefit. Islamic inheritance law, known as fara'id, is based on divine order and is not subject to personal preferences or cultural changes. In certain inheritance scenarios, especially when sons and daughters inherit together, a male heir receives a share equal to that of two female heirs. These prescribed shares are mandatory and can only be changed by consent and voluntary relinquishment by an entitled successor, not by force or custom (Siddiqui, n.d.).

Islam further emphasizes the dignity and autonomy of women in financial matters.

The Qur'an explicitly states:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا يَحِلُّ لَكُمْ أَنْ تَرِثُوا النِّسَاءَ كَرِهًا وَلَا تَعْضُلُوهُنَّ لِيَنْدَهُبْنَ بِبَعْضِ مَا ءَاتَيْنَهُنَّ إِلَّا أَنْ يَأْتِيَنَّ بِفَحِشَةٍ مُّبِينَةٍ وَغَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا

“O you who believe! It is not lawful for you to inherit women against their will” (Surah Nissa, 4:19). This verse emphasizes that women's consent to any transfer or relinquishment of their property is utterly important.

Islamic Principles Governing Inheritance Shares

Jurists have consistently clarified that Islamic inheritance law does not operate on a uniform gender-based formula. (Fyzee, A. A. Asaf, 1974) categorises heirs into Qur'anic heirs (zaw al-furūd), agnatic heirs ('aşabah), and distant relatives (zaw al-arhām), with women forming a numerical majority among Qur'anic heirs whose shares are explicitly fixed in the Qur'an. While the principle of a male receiving twice the share of a female applies in limited agnatic scenarios.

يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمُ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَيَيْنِ ۚ فَإِنْ كُنَّ نِسَاءً فَوْقَ اثْنَتَيْنِ فَلَهُنَّ ثُلُثَا مَا تَرَكَ
وَإِنْ كَانَتْ وَاحِدَةً فَلَهَا النِّصْفُ ۚ وَلِأَبَوَيْهِ لِكُلِّ وَاحِدٍ مِّنْهُمَا السُّدُسُ مِمَّا تَرَكَ إِنْ كَانَ لَهُ وَلَدٌ
فَإِنْ لَمْ يَكُنْ لَهُ وَلَدٌ وَوَرِثَتْهُ أَبَوَاهُ فَلِلْمِثْلِثِ ۚ فَإِنْ كَانَ لَهُ إِخْوَةٌ فَلِلْأُمِّهِ السُّدُسُ ۚ مِنْ بَعْدِ
وَصِيِّهِ يُوَصَّىٰ بِهَا أَوْ دَيْنٌ ۚ وَأَبَاؤُكُمْ وَأَبْنَاؤُكُمْ لَا تَدْرُونَ أَيُّهُمْ أَقْرَبُ لَكُمْ نَفْعًا ۚ فَرِيضَةٌ مِّنْ
اللَّهِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا

“Allah commands you as regard your children's (inheritance); to the male, a portion equal to that of two females; if (there are) only daughters, two or more, their share is two thirds of the inheritance; if only one, her share is half. For parents, a sixth share of inheritance to each if the deceased left children; if no children, and the parents are the (only) heirs, the mother has a third; if the deceased left brothers or (sisters), the mother has a sixth. (The distribution in all cases is) after the payment of legacies he may have bequeathed or debts. You know not which of them, whether your parents or your children, are nearest to you in benefit, (these fixed shares) are ordained by Allah. And Allah is Ever All-Knower, All-Wise.”

In line with it, multiple scholars such as (Coulson N.J, 1971), (Yusuf Ali, 1998), (Maulana Muhammad Abdur Rahman and Maulana Muhammad Khalilur Rahman Mumin, 2009) emphasize that this allocation is grounded in distributive fairness rather than gender hierarchy. In many scenarios, women inherit equally, inherit more than their male counterparts, or inherit to the exclusion of male relatives, demonstrating the true application of Islamic law.

Despite this rationale, selective emphasis on the 2:1 ratio has fueled perceptions of Islamic inheritance law as discriminatory. Such misinterpretations have not only distorted Islamic doctrine but have also enabled societal practices that deprive women of their divinely mandated rights.

Judicial Protection of Women's Inheritance Rights in Pakistan

The judiciary has recognized this persistent problem and taken steps to safeguard women's rights:

The Federal Shariat Court ruled that any custom that denies inheritance to female family members, such as typical Chaddar or Parchi practices, is not Islamic. The Court acknowledged the widespread use of coercive practices that violate women's rights under the Qur'an and Sunnah, such as emotional manipulation or coerced inheritance relinquishment (known as Haq Bakhshwai). The Enforcement of Shari'ah Act, 1991 and related penal law (Section 498-A of the Pakistan Penal Code) require state authorities to defend women's inheritance rights and hold offenders accountable. (*Syeda Fouzia Jalaal Shah v. Federation of Pakistan* (Shariat Petition No. 10/I, n.d.)

In practice, the Supreme Court in the case of (*Aksar Jan v. Shamim Akhtar and others*, 2024.) addressed the widespread practice of oral gifts to deprive women of inheritance. The Court imposed a strict burden of proof on individuals claiming such gifts, emphasizing the importance of thoroughly justifying any exclusion of a female heir. until it is proven that it was made voluntarily, intentionally, and for a legitimate reason. The court further stated that the common use of fraud and coercion to deprive women of their inheritance not only creates significant unfairness to female heirs but also burdens the judicial system and violates Islamic teachings.

This approach is consistent with earlier Supreme Court rulings in (*Ghulam Ali v. Mst. Ghulam Sarwar Naqvi*, 1990), (*Shabla v. Ms. Jahan Afroz Khilat and others*, 2019), (*Tahsimullah v. Mst. Parveen*, 2022) (*Mst. Parveen v. Muhammad Pervaiz*, 2022), and (*Ghulam Qasim v. Mst. Razia Begum*, 2021), where the court repeatedly highlighted, that female heirs' inheritance rights must be carefully protected.

Collectively, these judicial decisions establish two key principles: first, women's inheritance rights are legally and religiously protected and cannot be waived through coercion or custom; and second, the courts have a proactive responsibility to ensure that any attempt to override these rights is properly investigated.

Recommendations

1. Enhancing Gender-Sensitive and Inheritance-Responsive judicial mechanisms.

Inheritance disputes need courts to go beyond formal adjudication and take a gender responsive approach that acknowledges the systemic disadvantages that women suffer. When making inheritance claims, many women, especially widows, single moms, and those from rural or economically weak backgrounds, fear societal punishment, experience familial pressure, and are unaware of procedural remedies. Therefore,

judicial forums should ensure the availability of trained, skilled, and gender-sensitive judicial officers, court staff, and legal aid professionals who can assist women with inheritance proceedings, give them clear, accessible, and practical information about legal remedies, and protect them from harassment or forced submission. To guarantee that women can meaningfully access justice and assert their legal inheritance rights without fear or undue influence, a friendly court environment is essential.

2. The creation of a Qualified Islamic Inheritance Authority

A specialized legislative entity should be established to address the widespread extrajudicial and informal distribution of Muslim inheritance. This authority should oversee the distribution of properties in accordance with established legal principles and Qur'anic injunctions and should be composed of specialists in Islamic inheritance law. This would ensure that shares are determined accurately, verify that any relinquishment by female heirs is free, informed, and voluntary, confirm that any relinquishment made by female heirs is free, informed and voluntary, and prevent manipulation through oral agreements, customs, or coercive tactics. Such an authority may also coordinate with existing state institutions, including NADRA, to authenticate heirs, record inheritance-related data, and reduce fraudulent or undocumented practices. To minimize disputes, provide justice, and align inheritance processes with both Islamic law and constitutional protections, legal involvement should only occur following verification by this body.

3. Making Use of the Media to Raise Legal and Religious Awareness

Appropriate legal and Islamic perspectives on women's inheritance rights should be properly spread through mass media, especially television and digital platforms. Realistic representations of inheritance disputes, judicial reasoning, and women's legal privileges can play a transforming role in overcoming established norms and myths, given the significant influence of visual media on public perception. Mass media can help bridge the gap between the law and social practice, particularly for audiences with limited access to legal knowledge, by highlighting potential remedies and illustrating the legal consequences of denying women their inheritance.

Conclusion

Islam grants women clear, enforceable, and dignified inheritance rights, and the Constitution of Pakistan reinforces these protections. The persistent deprivation of women's inheritance is not rooted in Islamic law but in its deliberate non-implementation and distortion through patriarchal customs. Although the judiciary has taken commendable steps to protect women's inheritance, sustainable change requires robust enforcement

mechanisms, social awareness, and institutional support. Upholding women's lawful inheritance is not merely a legal obligation; it is a moral and religious duty that is essential for promoting social justice, economic security, and gender equality in Pakistan.

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The Cloud as a Combat Zone: Assessing the Legality of Striking Shared Civilian Military Data Centers Under IHL

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Abstract

“The paper assesses International Humanitarian Law over the kinetic and cyber strikes against the cloud data centers, shared by both civilians and military.” Employing the doctrinal research through scholarly writings from 2020 to 2026, along with Additional Protocol I (AP I) and Tallinn Manual 2.0, paper asserts that inseparable structure of cloud along with incalculable reverberating civilian harm renders such strikes critically difficult to justify under the principles of distinction, proportionality and precautions. **“Current IHL frameworks strain under the weight of cloud architecture, leaving states, attacking forces, and cloud providers in a legal grey zone demanding normative clarification.”**

Introduction

The most conspicuous challenges for the contemporary IHL are produced by the militarization of commercial cloud infrastructure. The commercial clouds, such as Amazon Web Services, Microsoft Azure and Google Cloud, are used by military establishments of NATO Members and other numerous states for logistics, intelligence fusion, command and Control and battlefield analytics. (*Schmitt, 2023*) The servers containing the military data simultaneously hold civilian data such as hospital records, interbank settlements systems and power grid management software. This convergence highlights the deliberate economic logic of cloud consolidation, hardening the dual functioning nature of cloud data centers from legal abstraction into operational reality. (*Corn & Jensen, 2022*)

The paper emphasizes that attacking over a shared, civilian-military, cloud data centers crosses the nearly unassailable threshold underscored in the AP I, The Tallinn Manual 2.0 and customary IHL. The paper emphasizes on the four major arguments that are arising from the AP I: under Article 52(2), data’s object status increasingly resolved in favour of protection; as the cloud’s infrastructure is inseparable, it frustrates distinction; the cascading effects amounts to the foreseeable

incidental harm prohibited under Article 51(5)(b) of AP I; and the obligation to prefer only cyber means, under Article 57 of AP I, has not been satisfied in any documented attack. Digital sovereignty doctrine further constrains attacker discretion. (*Netherlands Ministry of Foreign Affairs, 2022; Schmitt & Vihul, 2024*)

The Status of Data Centers

The two elements that must be satisfied at the time of attack under Article 52(2) of AP I are; effective contribution to the military action and definite military advantage from the destruction of the object, to mark cloud data centers as the military objectives these thresholds must be reached. (*ICRC Commentary, 2020*)

Although the threshold of effective contribution can be satisfied with the hosting of military command systems by shared data centers, but the threshold of definite advantage can not be fulfilled as the shared data centers holds only a fractional share of military data in comparison to that of civilians. If the cloud center is used below 15%, by the military, then the attack on such center under the threshold of definite advantage will be just speculative. (*Schmitt, 2023*)

The crucial point that remains contested is whether the data itself is targetable or holds the protection. Rule 100, of the Tallinn Manual 2.0, acknowledges expert disagreement over whether the deletion of the data satisfies the criterion of damage or destruction, when physical aspects are absent. (*Schmitt, 2017*) The corruption of the data amounts to an attack, if the consequences produced are functionally equivalent to physical destruction, especially against critical infrastructure. (*Netherlands Ministry of Foreign Affairs, 2022; Schmitt & Vihul, 2024*) ICRC explicitly rejects the Russia's perspective, that cyber operations are not amount to an attack as they are unregulated without kinetic equivalent harm, as ICRC classifies harmful data manipulation against civilians sustaining systems as the form of attack. (*ICRC, 2021; ICRC, 2023*). Rule 49 of Tallinn Manual 2.0 further stress where the legal burden is heavier, as even attack on a confirmed military objective must not cause excessive collateral harm. (*Dinniss, 2022*)

The Proportionality Paradox

Any attack that is expected to cause excessive harm to civilian in relation to the concrete and direct military advantage anticipated, is prohibited under Article 51(5)(b) of AP I. In terms of the cloud data centers, the laid principle requires a cognitive uncertainty in attack that it will not cause excessive harm to civilian. (*Corn & Jensen, 2022; Gillard, 2021*) The cloud data centers are formed in a way that they are dispersed

across geographical zones, to cope up with different workloads, in terms of military advantage destruction of a single facility rarely eliminates a targeted capability. The partial and transient military advantage reduces the weight for an attack. (*Schmitt, 2017*) Disabling a cloud data center facility disrupts multiple workloads simultaneously, might be including those which are crucial for civilians. Where most of the population depends on a cloud hosted medical, financial and emergency systems, disruption of a cloud data center will be functionally equivalent to deprivation of essential services, which can be called digital death. (*Roff, 2021*) Furthermore, the calculations of proportionality must account for the deaths that might happen from hospital outages even where the hospital is not at the targeted cloud center. (*Crawford, 2023*)

Under IHL, intense protection has been given to critical digital infrastructure, including health and financial systems, also affirmed by the United Nations. (*UN GGE, 2021*) In terms of a cloud data center there is an absence of agreed proportionality metrics, forming a vacuum that may be exploited. (*UN OEWG, 2022*) The ICRC has called for an interpretive declaration for civilian digital harm to be weighted adequately with physical harm, through formation of proportionality metrics. (*ICRC, 2023*)

Reverberating Effects

The principle of reverberating effects refers to the chain of affects that are produced as a result of cascading attacks on the interconnected civilian object. Although such attack is not encoded in the API, as per the commentary by ICRC, the prohibition of incidental harm also includes foreseeable secondary and tertiary consequences. (*ICRC, 2020*) While planning the attack, it is required by the Rule 51 of Tallinn Manual 2.0 to account for the ripple effects through the networked civilian systems. (*Schmitt, 2017*) Across Central Europe, the thousands of wind turbines were disabled during the 2022 Viasat satellite attack in Ukraine, exhibits just a systematic attack on a network infrastructure not even a direct attack on cloud data centers. (*Corn & Jensen, 2022*)

Attacking military advantage cannot be used as an excuse to justify ignorance of architecture publicly documented in cloud providers' documents and diplomatic contracts with government. (*Dinniss, 2022*) Knowledge of reverberating effects of an attack is a non derogable precautionary obligation. (*ICRC, 2021*) The justification of proportionality seems structurally unavailable, as harm to the civilians in most cases of attacks is foreseeable as in relation to civilian data it holds only a small concentration of military data. (*Schmitt & Vihul, 2024*)

Feasible Precautions

It is obligated on all the attacking parties to take every possible feasible precaution to minimize the harm that can be inflicted to the civilians; under Article 57 of AP I, such precautions include the selection of means or methods of attack. (*ICRC, 2020*) This principle of feasible precaution can also be interpreted as, if only the cyber attack can achieve the desired military advantage without the need for physical destruction, it should be employed for the attack when feasible. (*Schmitt, 2017*) The US Department of Defense also acknowledges the previous laid principle that if the cyber alternative can achieve similar objective with less harm to civilians, then not employing that violates the Article 57 of AP I. (*US DOD, 2003*) The non-kinetic attacks are not intrinsically less harmful, but this does not defeat the hierarchy; it triggers independent proportionality scrutiny of the chosen cyber means. (*Geiß & Lahmann, 2021*)

The digital attacks also need to address the Digital Sovereignty. The customary sovereignty norm is violated due to intrusion in cloud data center which also holds the significant data of a state that is not even part of conflict, partially sidelining the precautionary advantage of a cyber attack. (*Netherlands, 2022; Schmitt & Vihul, 2024*) Although the nondestructive intrusions may violate state sovereignty, but the kinetic attacks are disproportionate. The cyber attacks holding the destructive nature, can systematically be equal to the kinetic attacks. The Additional Protocol I, under Article 57(3), requires selection of the objective causing least civilian danger when comparable advantage is achievable elsewhere, and the proliferation of military exclusive secure cloud environments reduces the necessity of striking commercial shared infrastructure. (*Schmitt, 2023*)

Conclusion

There are multiple legal obstacles, from selection of targets to attacking, for a attack against a shared civilian military cloud data center. The research highlights that the definite military advantage can rarely be satisfied due to the dual use of cloud data center, both by civilian and military, as it is required to be dominant, non-redundant military use. In attack against the digital data centers, proportionality is a legal paradox as the excessive military advantage in relation to harms caused to civilians, is impossible to calculate as data is inseparable. All virtual scenarios of a cyber attacks result in secondary and tertiary order of harm to civilians because of the reverberating effect of attack. While attacking a cloud data center, the attacker must prefer the means of attack that delivers less harm to civilians, complying strictly with the principle of precaution. The available means and methods of a cyber attack, that are not harmful to

civilians, are even shortened due to the principle of digital sovereignty, making such attacks even less feasible.

Recommendations

To restrict the attacking parties from exploiting the ambiguity in the framework, relating to attack cloud data center following measure must be taken;

- A clear rules and regulations must be made to classify which data is protectable.
- When the loss of data will be equivalent to physical destruction and recognize the reverberating effects for all networked digital infrastructure.
- Create a presumption of the non-viable use of hyperscale data centers when military operations are conducted.
- It should be made a requirement to employ every sort of cyber operations before any attack of kinetic nature is conducted by military.

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Human Rights Enforcement in the 21st Century: Challenges and Legal Responses

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Abstract

Human rights reflect a natural order from which fundamental freedoms flow. The exercise of human rights reflects this order and these freedoms. These are the key principles which inspired the 1948 Universal Declaration of Human Rights. International practice, however, shows that, while the importance of human rights is almost universally recognized, in practice the exercise of individual rights is subjected to numerous constraints. In spite of substantial amounts of legislation enacted around the world to promote and protect human rights, the rise of nationalism and the return of identity politics generate discrimination and hamper dialogue. Increasing constraints imposed by governments on the freedom of the media are an additional obstacle to the fight against injustice. **“The international community, however, is not doing enough to tackle this fundamental problem.” “The United Nations remain the bedrock of any effort to foster security, stability and prosperity with full respect for human dignity and human rights.”** The principle of humanitarian intervention should be further explored with an open mind, since it may provide a key towards more effective policies aimed at addressing serious violations of international humanitarian laws, including genocide, war crimes or crimes against humanity. Yet, the members of the United Nations are unable and unwilling to reform and modernize its institutions and procedures, beginning with the Security Council, an out-dated symbol of power politics inherited from the last century. Similarly, the effectiveness of the Human Rights Council should be enhanced. The issue of the presence within this Council of States whose democratic credentials are questionable and which appear openly disrespectful towards human rights should be better leveraged to promote human rights standards, to avoid weakening the credibility of the action of this institution.

As human rights cover the whole spectrum of human activities, a special thought should be given to women’s rights, which in many of our countries have been to varying degrees disregarded for centuries.

Keywords: Human Rights, International Community

Introduction

Emerging from more than a century-old tradition of European Liberalism, the progressive strengthening of the rule of law and values spread by the French Revolution, the doctrine of Human Rights has gained increasing international relevance over the last decades, also thanks to global media drawing attention to the numerous violations of these rights caused by war, violence, prevarications and fundamentalism.

Therefore, the actual protection of human rights is affirming itself today as a priority responsibility for the international community, not least because it has come to be part of general international law, and a specific objective for a number of multilateral organizations. However, those who believe in the promotion of an authentic cosmopolitan legal system where each individual holds inviolable rights - regardless of any political affiliations and cultural identities appear to underestimate the impact of certain weaknesses at the conceptual level and of terminological imprecision that characterize various aspects of the Universal Declaration of Human Rights.

As a consequence, it appears preferable to refer to freedom rather than to rights - as freedom may be limited by the freedom of others and sanctioned by consent of the majority. No words could better explain than those of the Russian writer Aleksandr I. Solzhenitsyn, who stated that "Human rights' are a fine thing, but how can we make ourselves sure that our rights do not expand at the expense of the rights of others.

A society with unlimited rights is incapable of standing to adversity. If we do not wish to be ruled by a coercive authority, then each of us must rein himself in. A stable society is achieved not by balancing opposing forces but by conscious self-limitation: by the principle that we are always duty-bound to defer to the sense of moral justice.

Article 1 of the 1948 Universal Declaration of Human Rights (UDHR) states that: "*All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.*" This implies that fundamental rights inherent to each person are innate and therefore inviolable, inalienable and imprescriptible. In fact, they are recognized as such without any attribution, as it is the case for subjective rights. Human rights should not be either revoked or suspended due to political change or shifts of power, once affirmed by the law.

It is therefore even more necessary, in this growing climate of antagonism, to learn how to respect others, including their differences, and to strive to reach a common understanding by fostering an open dialogue

on the motivations and historical roots that underpin certain visions. Dialogue must necessarily grow in a constructive manner; by using a language totally absent of any political, economic or social prejudices, and aiming to revitalize a truly authentic approach to respecting human rights, avoiding empty statements or proclamations.

An extraordinary amount of legislation has been enacted around the world to promote and protect human rights, and this has led to the establishment of numerous organizations active in this field. These often act as instruments through which the civil society can apply pressure on Governments whenever there is suspicion or evidence that these do not live up to commitments solemnly undertaken and signed in front of the entire international community. But it is also obvious that there is still much work to do, as we still witness war, discrimination and persecutions.

The communication “*noise*” to which we are all exposed does not help in this regard. Modern communication tools, enhanced by digital media, while representing a useful platform of dialogue, can distort messages and create confusion and ambiguity. While many States try to influence the media and take on a monopoly when it comes to representing the views of local communities, true freedom of the media remains essential to promoting human rights, the respect of human dignity and fight injustice. Internal legislation of States should guarantee this freedom, and States themselves should become the carriers and promoters of those rights and wills and ideals throughout the world.

Core Concept

The concept of human rights is based on the idea that man has universal natural rights or status, regardless of some circumstances such as ethnicity, nationality and gender. There are some features that are related to human rights.

They are universal; they belong to every human being in the same manner and they are protected by the constitution, laws, treaties and international agreements. Another characteristic is that they are inalienable, of the individual. The concept of human rights is gradually raised by different ideologies, organizations and countries to eventually get universal significance codified in the universal declaration of human rights of 1948 the United Nations and the European convention on human rights which was adopted in 1950. Today the issue of human rights transcends national boundaries. This process begins with the founding of the United Nations and by creating various international organizations open to almost any international entity and almost to a man because he can be included as a subject of international law. The purpose of this paper

is to explain the contribution closer to the aforementioned conventions as an **“International Law”** in the field of protection of human rights.

Universal declaration of human rights was adopted on December 10, 1948 based on the monitoring of the experience of the second war and expresses the protection and promotion of human rights. It was adopted by the un general assembly. The intention of its authors, as stated in the introductory provisions, where it is set as **“common standard of achievement for all peoples and all nations, to every individual and every organ of society, keeping this declaration in mind.”** in its structure begins with preamble which is composed of seven positions, and consists of 30 members who are elaborated later in the international covenant on economic, social and cultural rights and the international covenant on civil and political rights and its two optional protocols.

Conclusion

In this paper above are mentioned international instruments in different ways that international community can produce pressure on governments to respect human rights and the various instruments through which the state can be called to account for human rights violations. However, pressures and punishing states for violations of these rights are not enough. The international community must not and can't be the only one responsible for the protection of human rights. The obligation to protect human rights lies in the jurisdiction of the states that have to move the legal orders to guarantee them. Unfortunately, in the 21st century, there are numerous states that does not respect the rights of women and children, then the rights of the employee, private rights, the right to a fair trial.

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Fading Futures: Societal & Psychological Consequences of Youth Durg Abuse

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Introduction

Consider the case of a young mind, bright, creative, full of dreams and energy, gradually losing its direction due to drugs. Sounds heartbreaking, right? Sadly, this is coming to light for millions of families around the world. Hiding the fact of youth drug abuse is long gone. It is sweeping under the carpet, spreading to homes, schools, and whole communities. The issue is especially severe in areas struggling with poverty, unemployment, social pressure, and political instability. All these make the youth susceptible to drug abuse. Drug abuse takes the form of excessive or misuse of substances, which have adverse effects on both physical and mental health. It is not only concerning illegal drugs. Even prescription drug abuse is risky. **“Youths are the future of any country. The future of society becomes weak when people become addicted.”** This is why such an issue should be better understood than ever before.

Why Youth Durg Abuse is a Growing Concern?

Drug addiction, as a neuropsychiatric phenomenon that has become a well-known reality, is an urgent problem on an international scale and an escalating one. It impacts negatively on the physical and emotional well-being of the addict and burdens society so much with increased crime rates (Scholar et al., n.d.). The use of drugs is challenging to exaggerate as one of the most complicated challenges that modern society must address. **“Drug abuse is a significant issue among the youth in the present-day society,”** and the early use of drugs is a norm among first-time consumers of any age (Ahmed et al., 2020) The brains of young people might be especially more prone to the influence of drugs and can be connected to the problems with mental health, addiction, and neurocognitive functioning that could extend into later adulthood or old age. The sooner one starts using a substance, the higher the correlation between the frequency of use, dependence, and increased use in adulthood, and the mental and social implications (Akbari, 2021).

Root Causes of Youth Durg Abuse

1. *Societal pressure that leads to Mental health issues and substance abuse*

Due to constant pressure that youth go through, be it academic, societal, or family, they are more prone to mental health problems. Mental health issues and drug abuse are inseparable. A lot of young people misuse substances to deal with anxiety, stress, or depression. With time, these conditions are aggravated by drugs rather than being cured. It is as much as pouring salt on a fire to put it out. Depression is referred to as the silent killer, and in this case, it is even more silent when it comes to men. Most men work, smile, and just take the pain on the inside. There is research conducted in Hyderabad, Pakistan (Scholar et al., n.d.) that included interviews from students whose identities were kept anonymous, their drug story was mentioned:

When I was at my university a few years back, some of my classmates would always tease and bully me in the presence of everybody. That is at the time when I made a decision, I would never go to university again, since I did not want to be humiliated. As a result of that humiliation, I suffered from insomnia, and I was unable to sleep, so I paid money to the hostel guard, who provided me with some opium. I fell asleep after a long time after taking it.

Since depression does not care about gender, the same interview also mentions the stories of two women who said:

My husband and other members of my in-law family would beat and mock me since I was unable to bear children, and due to their actions, constant maltreatment, I went deep into depression and tried to kill myself a few times. Thereafter, I was divorced by my husband, yet I was unable to get out of the trauma that I had experienced during the years; thus, I started taking sleeping pills and then alcohol and frequent use of ice (crystal meth). to escape from that trauma.

My male tuition tutor used to molest me several times at his place when I was too young; he threatened me afterwards not to tell my parents. Nevertheless, even though he was punished because of what he did to me, I still cannot forget that day. That abuse later resulted in my being diagnosed with PTSD, and that is how I first began taking heroin and became addicted to it.

2. Bad Company Leads to Bad Behavior

There is a famous quote that one dirty fish spoils the whole pond. Company matters the most in your youth years; they either make you a good person or a completely evil one. A study carried out in Ghana, West Africa, showed results that peer pressure plays a major role in influencing substance abuse (Kabore, 2019). Peer pressure

influences drug use significantly. It is also observed that when ones refuse to take drugs while sitting in such company, they are often labelled as timid, weird, and outdated. Based on the outcome of another study (Ul et al., 2022), the social circles of the subjects played a major role in determining their use of different drugs. In addition, the availability of drugs in the neighborhood also aggravates drug abuse among youth. One of the facilities that can provide the youth with a diversity of substances is the one where young people can access it, the key drivers that put them on a path to engage in substance misuse (Low et al., 2012). Another study also made the same conclusion that was related to a greater probability of young people abusing drugs, included endings that depression, poor parental supervision, peer drinking/pressure/approval, and drug availability in the neighborhood (Malik et al., 2012).

3. *Lack of Emotional Support & Domestic Conflict*

When parents are emotionally distant, children may seek comfort elsewhere. Drugs become a substitute for love, attention, and validation. Homes filled with conflict, violence, or neglect push youth toward escape mechanisms. Drugs offer temporary relief from emotional pain. Research (Aziz et al., 2024) showed the connection between domestic violence and drug abuse where interviews were conducted:

I have been living with one parent since childhood, living separately with my father, because he wanted to have a second marriage, and my mom did not want to give this option, therefore he was beating her every day, and she eventually left the house. This aggressive development caused me to develop a trauma and depression; my friends would regularly put questions about my parents and even mock me even more in school and in playgrounds. So, I was pressurized and dropped out of school at the age of 14 when I was in 8th grade. To relieve myself of such tension began taking drugs to help in reduction of stress and anxiety and later I began working in a mechanic shop (Participant: Javed khan, KPK Pakistan).

My father was a drug addict who would beat my mother and my sibling and request them to borrow him a few dollars to purchase drugs. My grandfather took care of the domestic needs, but when he died, I had no option but to work to support my sibling and mother, and I had a hard time in the process, and my mother died later due to chronic disease. I began hating my father and we were fighting regularly. I could not stand cruelty and violence of my father and heart-rending death of my mother. My mental state has been out of

control, and, therefore, I became a drug addict (Participant: Tausif, Pakistan).

Extreme levels of parental conflict or violence may produce detrimental and unstable family and environment, making children more susceptible to conflicting child experience that affects poly-substance drug addiction in the future. Being a witness of the conflict between the parents or being exposed to the family violence also leads to serious emotional distress and dishearten the children. (Finkelhor, 2007)

Consequences of Youth Durg Abuse

The present trend of drug dependence among youth is a significant national challenge. It is alarming and has detrimental consequences to the youngsters, such as health and behavioral problems and even death. The UN Office on Drugs and Crime has singled out drug addiction globally, alcohol, prescription narcotics and illicit drug (UNODC, 2014). It is also known as a socioeconomic epidemic in literature. To prevent and recover, it is necessary to understand its consequences.

a. Psychological Consequences:

Drug abuse has direct impact on brain and psychological health of the youths. Drugs have the potential to cause irreparable harm to the brain since it is still in development at the age of youth. Depression is one of the most frequent psychological consequences of drug abuse. Several underage users have become despairing, lonely and emotionally drained.

Indian research (Id et al., 2024) showed an interview of an adolescent (male, 24 years) where he emphasized the constant obsession with substance use, he was having, and the eternal cyclic nature of his attempts to find and use drugs daily. *“Every time I wake up, the first thing on my mind is, “How will I have my substance? How will I take my drug? What will I do today?” I would get my drugs, fix myself, and again think of another way to get it again.*

Drugs can give a momentary relief, but in the long run they become depressing and stressful. There is also the development of anxiety disorders, which bring about constant fear, panic attacks, and nervousness. This complicates the ability of youth to live a normal life at school or in the society. The drugs undermine healthy decision making by the brain. With time, the youths lose their power over their actions and become addicted to drugs.

b. Family Disorientation:

Families are initially affected by the abuse of drugs by youth. Parents are distracted emotionally and economically. Family relations are ruined (Pestka, 2024). Regular conflicts in the family, Emotional detachment, financial loss, Domestic violence, Neglect of other children are common family issues that cause a breakup of families.

c. Low Self-esteem:

Addiction distorts priorities. Family, education and goals would be less significant than acquiring the next dose. This lack of control over oneself lands youth in a self-destroying cycle. Most of the addicted youths are embarrassed about their actions. They curse themselves, saying that they have failed their families and teachers. Constant failures and rejection of them in the society reduce their self-esteem. The feeling of being worthless starts to appear in them and this makes them even more addicted.

d. Academic Struggles:

Drugs destroy brain cells that are used in learning and memory. This in turn makes students not able to focus attention, recall lessons and to perform tasks. This translates into poor grades and frustration forcing most students to drop out. Students who are addicted to drugs have poor attendance, grades and are undisciplined. Academic quality is lost in schools. The high rates of dropouts will decrease the pool of skilled professionals in the society, making the development of a nation weak.

e. Enterprise-wide Proliferation of Crime and Violence:

Most of the addicted young people resort to crime to sustain themselves (Bennett et al., 2008). This includes theft, robbery, drug, trafficking, fraud and violence. The greater the crime, the less the safety of people.

f. Social Consequences:

Drug abuse not only ruins the individual but also undermines the social structure, fuels crime and causes a strain on the national economy. Societies are terrified and insecure. Unemployment and Poverty. Productivity is decreased by drug abuse. A good number of the addicted youths are unable to maintain stable employment, partly because of poor performance and absenteeism (community, 2025). This causes unemployment,

financial reliance and poverty in the long term, which escalates social inequality.

Recommendations

The initial phase of prevention consists of determining the rate of risk factors for drug use in the community. The second one is to consider the community's willingness to start a prevention program. The last step is to have parents, educators, and leaders who are within the community plan on how, when, and where to employ every prevention strategy successfully.

- i. **Shopkeepers' responsibility to follow license protocols:** Since medicines, such as painkillers, sedatives, and antibiotics, are often misused. Shopkeepers who sell drugs shall take necessary precautions following license protocols, and they should avoid selling controlled substances without a record, monitor suspicious purchases, and keep a record of narcotic or psychotropic drugs.
- ii. **Parents may take necessary steps:** The initial line of defence against drug abuse is parents. They significantly shape the decisions and behaviors of their children. To create awareness about the increasing drug abuse situation in their region, they may hold meetings, workshops, open discussions, encourage early prevention, and help children make healthier choices.
- iii. **Role of schools:** Schools can provide a more accommodating learning environment that is safer by implementing research-based means, which addresses unique needs of students.
- iv. **Role of community leaders:** The community leaders can create community groups that are organized to plan and execute an overall prevention strategy. This also involves mobilizing local resources, organizing awareness programs, and ensuring research-based prevention measures are implemented in all sectors of the community.

Conclusion

Young drug abuse is not an individual challenge but a silent crisis that is jeopardizing the future of the world. Every statistic has a shattered dream, a family in mourning, and a society that is wasting its potential. When the

youth in this day and age are becoming addicted, then the leadership, innovation, and improvement of the future disappear with them. The time to act is now. We can safeguard the young minds before they are lost by creating awareness, creating stronger families, responsible communities, and effective prevention strategies. Nothing is more necessary than saving our youth. Our future is determined by the decisions that we make today.

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The Foundations of Criminal Liability: How Mens Rea & Actus Reus are Constructed in Criminal Law

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Abstract

“Criminal liability is founded upon the coexistence of two essential elements: mens rea (the guilty mind) and actus reus (the guilty act).”

This article examines the conceptual and legal foundations of these principles, exploring how criminal responsibility is constructed within modern criminal law, particularly in the context of Pakistani jurisprudence. The study analyzes the nature, scope, and significance of mens rea and actus reus, their interrelationship through the doctrine of concurrence, and the judicial interpretation of these elements in determining criminal guilt. Through a review of statutory principles, case law, and academic literature, **“the article highlights the necessity of proving both a culpable mental state and a voluntary unlawful act before criminal liability can be imposed.”**

Keywords: Criminal Liability, Mens Rea, Actus Reus, Criminal Intent, Criminal Responsibility, Concurrence, Criminology, Pakistani Criminal Law.

Introduction

The word crime when comes into mind brings a picture a chaos and mess in imagination. Crime has a relationship with breaking up the law. In criminal law, the crime has happened maybe against a person but it would be considered as the crime against the society because it affects the public at large.: Normally crimes consist of acts that have particular harmful effect on the public more than merely interfere with private rights. In contemporary law, the State is the defender of the rights of the public. There is no statutory definition of crime or elements of crime is available. This void takes us to the secondary sources for the better understanding of these terms. Crime can be defined as "the conception of Crime, as distinguished from that of Wrong or Tort and from that of Sin, involves the idea of injury to the State of collective communit or “crime is a wrong that the government considers as injurious to the public and proceeds to punish it in a criminal proceeding”. The distinction here is clear that the crime in itself is divergent from tort which is a civil wrong. To constitute a crime law has provided some elements such as a guilty act, a guilty mind, and a link between the two which must be present to constitute a crime.

The main focus of the courts are on two elements Mens rea and Actus reus, if they are there the crime has been committed “While examining the judgment of the trial Court, we noted with dismay that the Court besides nonreading material evidence on record, did not keep in view requirement of proof of two essential elements of an offence to warrant a finding of guilt i.e. mens rea and actus reus. The age old Latin phrase epitomizes this concept, "actus non facit reum nisi mens sit rea", which means that the act does not make a person guilty unless the mind be also guilty .This paper discusses crime and what are the elements that needs to be there in order to constitute the act or omission as crime and how they are constructed. This paper will discuss these important points mainly in the context of Pakistan.

Elements of Crime

As discussed in the introduction section herein-above elements are the parts of crime and prosecution has to prove each of these elements in order to constitute a crime. “The prosecution must establish mens rea and actus reus of the crime to establish the charge, as without proof of these elements of crime, mere misuse of authority, has no penal consequence. The rule's justification is that society shouldn't penalize those who accidentally do harm to others. Now, the question arises, what are the main elements that constitute a crime? They are mens rea, actus reus, and concurrence. The general concept of criminal law is that actus reus and mens rea, as necessary elements of an offence, must coincide in time. In addition to these three elements sometimes court also take other elements into consideration like harm caused in consequence to that act e because the act if is harmless it may not constitute a crime. predominantly mens rea and actus reus are the two fundamental elements which you will see being discussed in the cases while deciding whether a certain act falls in the category of crime or not. The rationale behind this is that a person who has innocently caused harm should not be penalize.

1. Mens Rea:

Mens rea in simple terms used to describe the criminal intent. The literal translation from Latin is "**guilty mind**". Mens rea is one of the two main elements of a crime. It is a settled principle of criminal jurisprudence that, in order to establish liability for the offence, the Prosecution must affirmatively prove the presence of Mens rea, that is, a guilty mind, and knowledge of the incriminating nature of the act committed. This standard has been upheld wherein the Court held that both intent and awareness of circumstances are indispensable elements in proving the commission of a criminal offence.

Prosecution must prove Mens rea in order establish the charge. Ordinarily, a crime is not committed, if, the mind of the person doing the act is innocent, because an act only becomes criminal when it is done with guilty mind. Thus, the term mens rea has been given to volition that is the force of motive behind the criminal act. No Mens rea means no crime. Except in the case of strict liability, the element of mens rea is necessary to constituent of crime. Moreover, intention/ mensrea can be understood as the conscious shaping of conduct to bring about a specific consequence. Mens rea cannot be determined if there is no guilty intention or knowledge of the crime that was committed by the accused. Hence, mensrea is often a concealed mental state and cannot always be directly proved, as reiterated by the court, although intention can be inferred, it must be grounded in acts that reveal the true design of the accused. Similarly, mens rea is declared to be as fundamental to the criminal law as our belief in an individual's ability to "choose between good and evil" and "essential if we are to retain 'the relation between criminal liability and moral culpability' on which criminal justice depends."

"Mens Rea is often divided into four categories since the requirements for each degree of application vary depending on the crime:

- a. **Purposely** - the person wants the outcome and acts in such a way to try and create the desired outcome
- b. **Knowingly** - the person is aware that what they do will likely cause the desired outcome, or that the outcome is not allowed
- c. **Recklessly** - the person is aware that their behavior is such of "a substantial and unjustifiable risk" that the outcome is not allowed
- d. **Negligently** - a "reasonable person" would have been or should have been aware that their behavior would have led to an outcome that was not allowed".

Mens rea in the realm of criminal law denotes to 'guilty mind'. It is as a cornerstone of criminal law. Characteristically, the prosecution cannot secure a conviction in criminal cases without proof that the accused involved in the alleged conduct was prohibited by the criminal statute, with a culpable mental state, such as intent, knowledge, recklessness, or negligence. This requirement is now widely considered essential element to secure a fair punishment. Today, this requirement has gain attention from various legal scholarship to criminal law experts. Judicial opinions also often explore the complexities of mens rea. The requirement of mens rea in criminal law studies has been designated as the central distinguishing characteristic of the studies.

2. *Actus Reus:*

Actus reus in simple parlance is the actual act of committing some offence contrary to the law of the land or Actus reus refers to the act or omission that comprise the physical elements of a crime as required by statute. Actus reus includes only a voluntary affirmative act, or an omission (failure to act), causing a criminally proscribed result. The Actus Reus is the outcome of planning and preparations made by a culprit by using his/her sense of capability for a crime. Moreover, Actus reus has its own importance. This is considered to be the first element in the establishment of liability for an offence. If we translated it into literal English, then it refers to **‘guilty act’**. Yet, this phrase is commonly used in the criminal law to differentiate the physical, non-mental or exterior essentials of a crime from the mental or interior essentials.

Hence, it is a well-settled principle of criminal law that injuries inflicted on vital parts of the human body offer strong evidence of the accused’s intention or knowledge regarding the likely outcome of death. As recognized in, the intention behind an act is to be ascertained from both the object used to inflict injury and the specific part of the body targeted. Similarly, the Hon’ble Supreme Court held that when an injury is caused to a vital part of the body, it is inherently likely to result in death.

Actus Reus includes the following key elements:

a. Voluntary act or Omission:

There must be voluntary act or omission by the defendant. “It is conscious voluntary bodily movement. An act may include, in some cases, an omission (conduct) or failure to act when the law imposes such a duty. The word ‘act’ denotes as well a series of acts as a single act: the word ‘omission’ denotes as well a series of omissions as a single omission”. Furthermore, it is No to claim that the accused did Not anticipate a fatal result if the act itself was capable of producing that result. Moreover, the court also affirms that intent may be inferred from the force used, the area of the body struck, and the nature of the weapon.

b. Circumstances:

Taking place of an act in a specific circumstances or conditions is essential to determine whether the act is considered a crime. For example, driving without a license; Driving a car is legal, but doing so without a valid license makes it a crime. These are sometimes called situation offences. Consequences of the act: “Actus Reus must lead to the prohibited result. Some acts may not have a result, and the act itself constitutes the crime, as in perjury.

It is to be noted that it is the conduct and not the result that is the Actus Reus”.

c. Causation:

“If the definition of an Actus Reus requires the occurrence of certain consequences it is necessary to prove that it was the conduct of the accused that caused those consequences to occur. In Qatl-i-'amd or Qatl-i-kha'a, it is necessary to prove that act caused death. If the death came about through some other cause, then the crime is not committed.”. However, the court makes it clear that qatl-e-amd is committed if the act itself regardless of foresight was sufficient in the ordinary course of nature to cause death. The law does Not require a subjective foresight when the objective result of the act is so plainly.

Concurrence

In criminal law, concurrence means guilty mind (mens rea) and guilty act (actus reus) must happen at the same time. “The general concept of criminal law is that actus reus and mens rea, as necessary elements of an offence, must coincide in time. This is known as the contemporaneity rule or the coincidence principle. However, courts frequently take a flexible approach while interpreting this synchronicity requirement, or as some would say, make exceptions to it. As a result, **"one-transaction theory"** and **"the continuing act theory"** have emerged. The former postulates that having the mens rea for the crime at some point during a series of acts is sufficient. On the other hand, the continuing act theory holds that a person can be guilty of an offence if he forms the mens rea at some point while the actus reus is still taking place”.

Conclusion

The doctrine of criminal liability is fundamentally built upon the interdependent concepts of mens rea and actus reus, which together form the cornerstone of modern criminal jurisprudence. Criminal responsibility cannot ordinarily be established unless a prohibited act is accompanied by a culpable state of mind and both elements concur in time. The principle that an individual should only be punished when a guilty mind accompanies a guilty act reflects the law’s commitment to fairness, justice, and moral accountability. Judicial decisions, particularly within the Pakistani legal system, consistently reaffirm the necessity of proving these essential elements before criminal liability may be imposed.

This study has demonstrated that while mens rea represents the mental element of crime in the form of intention, knowledge, recklessness, or negligence, actus reus embodies the external and voluntary conduct that

gives effect to criminal intent. The relationship between these elements ensures that criminal law distinguishes between innocent conduct and culpable wrongdoing.

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Honour Killings in Pakistan: Between Legal Reform and Persistent Impunity

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Abstract

“Honour killings remain one of the most persistent forms of violence against women in Pakistan despite two significant waves of legislative reform.” The Criminal Law Amendment Act 2004 and the Criminal Law Amendment Offences in the Name or Pretext of Honour Act 2016 narrowed the defences available to offenders and restricted the misuse of qisas and diyat, yet hundreds of women continue to be killed each year in the name of honour. This article critically evaluates whether Pakistan's criminal justice system has translated legislative reform into meaningful protection for women. It traces the statutory framework, examines the 2022 acquittal of Qandeel Baloch's own killer as a test of the 2016 Act, reviews current enforcement data, and surveys the institutional reforms introduced in the decade since her death. It argues that while the law on paper has evolved considerably, weak investigation, a persistent evidentiary loophole around proving honour as motive, informal justice mechanisms, and conviction rates below one per cent have prevented these reforms from achieving their intended purpose.

Introduction

Honour killings remain one of the most disturbing manifestations of violence against women in Pakistan. They represent the unlawful taking of life under the pretext of preserving family honour, where women are murdered by fathers, brothers, husbands, or other relatives for conduct perceived to have brought shame upon the family. In most cases, the alleged conduct involves nothing more than exercising personal autonomy, such as choosing a spouse, seeking a divorce, refusing a forced marriage, pursuing an education, or simply appearing on social media without the approval of male family members. Conduct that falls squarely within the sphere of individual liberty is transformed into a perceived offence against family honour through deeply rooted patriarchal norms.

“The persistence of honour killings presents a direct challenge to Pakistan's constitutional commitment to the protection of life, dignity, and equality.” Articles 9, 14, and 25 of the Constitution guarantee every citizen the right to life, the inviolability of human dignity, and equality before the law. Despite these guarantees, honour killings continue to occur with alarming frequency. Historically, the legal response was undermined by the operation of qisas and diyat, which allowed perpetrators to escape punishment through forgiveness granted by the victim's own legal heirs, who were frequently complicit relatives of the accused. Public outrage following the murder of the social media personality Qandeel Baloch in July 2016 prompted Parliament to enact comprehensive reforms intended to close this loophole. This article critically evaluates whether those reforms have translated into meaningful protection for women, using the subsequent fate of Qandeel Baloch's own case as its central case study.

Evolution of Pakistan's Legal Framework on Honour Killings

Pakistan's legal response has evolved gradually from a framework that inadvertently facilitated impunity to one that formally recognises honour killings as intentional murder. The qisas and diyat regime, introduced into the Pakistan Penal Code in 1990, allowed legal heirs to forgive an offender or accept compensation in place of punishment. In honour killing cases this proved particularly problematic because the offenders were often close relatives of the victim and the remaining heirs frequently supported, or had even sanctioned, the crime. Many perpetrators therefore escaped punishment entirely through what commentators describe as blood pardons.

The Criminal Law Amendment Act 2004, sometimes called the Honour Killings Act, abolished the defence of grave and sudden provocation and marked the first significant legislative effort to address honour-based murder. It nonetheless left the underlying compromise mechanism intact, so offenders could still avoid severe punishment through familial forgiveness under the general law of qisas and diyat.

Following the murder of Qandeel Baloch, Parliament enacted the Criminal Law Amendment Offences in the Name or Pretext of Honour Act 2016. By amending sections 299, 302, and 311 of the Pakistan Penal Code, the Act categorized honour killings as fasad fil arz, meaning mischief on earth, and made the offence a crime against the state under section 311. In

principle this meant that even where the victim's heirs pardoned the offender, the mandatory sentence of life imprisonment would still apply, and courts retained discretion to reject the compromise. The reform represented a genuine legislative advance. Its practical value, however, depended entirely on one contested question that the statute left unanswered: who decides, and on what evidence, that a killing was in fact committed for honour.

The Qandeel Baloch Case Revisited: A Reform Tested and Found Wanting

The murder that triggered the 2016 Act became, ironically, the clearest demonstration of its central weakness. Qandeel Baloch was strangled at her family home in Multan in July 2016. Her brother, Muhammad Wasim, confessed before the media and later before a magistrate that he had killed her because her photographs and videos had brought dishonour upon the family. DNA evidence confirmed his involvement, and on 27 September 2019 a trial court convicted him under section 311 and sentenced him to life imprisonment, expressly rejecting an attempt by their parents to forgive him.

Wasim appealed to the Lahore High Court and retracted his confession. On 14 February 2022, in Muhammad Wasim v The State, the Lahore High Court acquitted him. The court held that his judicial confession suffered from procedural defects, including an unreasonably short reflection period before it was recorded, and found that the confession could not by itself establish that the killing had been committed for honour rather than as an ordinary murder. Because the prosecution's remaining witnesses had turned hostile, and because a killing not proven to be an honour crime falls outside the non compoundable protection of section 311, the parental pardon that the trial court had earlier refused to accept became sufficient to secure his release.

The result exposed precisely the loophole that the 2016 Act had been designed to close. The Act removed the possibility of forgiveness once a killing was established as an honour crime, but it left the burden of proving that motive on the prosecution, and did not prescribe how that motive was to be established once a confession was withdrawn. The National Commission on the Status of Women announced its intention to challenge the acquittal, and the Punjab prosecution filed a state appeal before the

Supreme Court in March 2022, arguing that the High Court had disregarded DNA and polygraph evidence and misapplied the burden of proof under Article 122 of the Qanun e Shahadat Order 1984. As of the most recent publicly available reporting, that appeal remains unresolved, leaving the precedential question raised by the acquittal open.

The Wasim acquittal was not an isolated aberration. In *Muhammad Qasim v The State*, reported at PLD 2018 SC 840, the Supreme Court reduced a sentence for a killing admitted to have been committed for ghairat, or honour, by treating it as a case of grave and sudden provocation, notwithstanding the formal abolition of that defence by the 2004 Act. Read together, the two cases suggest that judicial willingness to characterize a killing as anything other than an honour crime, whether through provocation doctrine or through evidentiary technicality, remains the principal route by which the statutory reforms of 2004 and 2016 are circumvented in practice.

Enforcement Realities: What the Numbers Show

Beyond individual case law, national data confirm that legislative reform has not translated into meaningful deterrence. The Human Rights Commission of Pakistan recorded 590 honour killing deaths in 2022, 490 in 2023, and 405 in 2024, figures that the Commission itself regards as an undercount given chronic underreporting and the practice of some families disguising killings as suicide. The Sustainable Social Development Organisation's Mapping Gender Based Violence in Pakistan 2024 report recorded 547 honour killing cases nationwide that year against a conviction rate of approximately 0.5 per cent. Punjab alone reported 225 honour killing cases with only two convictions, Khyber Pakhtunkhwa recorded 134 cases with two convictions, and Sindh recorded 134 cases with none. These figures sit alongside comparably low conviction rates for rape and abduction, indicating a systemic rather than an isolated failure of the criminal justice process.

The structural barriers behind these numbers are well documented. Honour killings typically occur inside the family home, where independent evidence is scarce and witnesses are usually relatives who are financially or socially dependent upon the accused, as occurred in the Wasim case itself. Investigations are frequently delayed, forensic capacity remains limited outside major cities, and police are sometimes reluctant

to register a First Information Report against members of an influential local family. Informal justice mechanisms such as jirgas and panchayats continue to mediate honour disputes and to enforce compromises, including the practice of vani, whereby girls are given in marriage to settle a dispute, notwithstanding the Supreme Court's 2019 ruling in *National Commission on the Status of Women v Government of Pakistan* declaring such tribal councils illegal. The persistence of parallel justice systems years after that judgment illustrates the gap between constitutional pronouncement and practical enforcement that runs through this entire field.

Institutional Reform in the Decade Since Qandeel Baloch

The years following 2016 have nonetheless produced a wider institutional response beyond the criminal law itself. Provincial legislatures enacted domestic violence statutes, including Sindh's Domestic Violence Prevention and Protection Act 2013, Balochistan's Domestic Violence Prevention and Protection Act 2014, and the Punjab Protection of Women Against Violence Act 2016, while the Prevention of Anti Women Practices Act 2011 criminalized forced marriage, vani, and the denial of women's inheritance rights, all practices closely connected to honour based violence. Several provinces have since established specialized gender based violence courts and dedicated women protection units within the police, intended to reduce delay and improve the handling of evidence in cases involving women. The Anti Rape Investigation and Trial Act 2021 introduced parallel reforms aimed at forensic capacity and special prosecutorial cells for sexual and gender based offences, addressing some of the same investigative weaknesses that undermine honour killing prosecutions.

The limits of these reforms have been illustrated again by more recent cases. In June 2025, the seventeen year old social media influencer Sana Yousaf was shot dead in her home in Islamabad after repeatedly rejecting the advances of a young man, an incident that provoked national protest under slogans directly invoking the earlier failure of justice for Qandeel Baloch. Unlike the Wasim case, the Sana Yousaf prosecution moved relatively swiftly, and in May 2026 an Islamabad court sentenced the accused, Umar Hayat, to death. The comparative speed of that verdict has been read by commentators both as evidence that focused public pressure and a properly investigated case can secure accountability, and as a

reminder that such outcomes remain the exception rather than the rule for the hundreds of less publicised killings recorded every year. Pakistan's continuing obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and the International Covenant on Civil and Political Rights, both of which require due diligence in preventing, investigating, and punishing gender based violence, underline that these exceptional outcomes should be the norm rather than the result of exceptional media attention.

Toward Effective Implementation: Recommendations

Closing the gap between statutory reform and lived reality requires action on several fronts. First, investigative capacity must improve through specialized training for police in handling honour killing cases, expanded forensic infrastructure outside major urban centres, and functioning witness protection so that relatives are not forced to choose between testifying and their own safety within the family. Second, police officers who fail to register a First Information Report or who obstruct an investigation should face clear disciplinary accountability, and specialized prosecution units for violence against women should be expanded nationwide on the model already piloted in some provinces. Third, the evidentiary loophole exposed by the Wasim acquittal warrants direct legislative attention, whether through a rebuttable presumption that a killing within specified family circumstances was committed for honour absent contrary evidence, or through clearer statutory guidance on how a retracted confession is to be treated at the appellate stage. Fourth, judicial training should address the residual use of provocation style reasoning in cases such as Muhammad Qasim, ensuring that the 2004 abolition of that defence is applied consistently. Finally, legal reform must be accompanied by sustained public education, in which religious scholars, educational institutions, and civil society organizations actively challenge the misconception that honour killings possess any religious legitimacy.

Conclusion

Honour killings remain a profound challenge to Pakistan's constitutional commitment to life, dignity, and equality. The reforms of 2004 and 2016 narrowed the legal avenues through which offenders once escaped accountability, and the 2016 Act in particular reflected a genuine parliamentary intent to prevent precisely the kind of blood pardon that had

shielded perpetrators for decades. Yet the acquittal of Qandeel Baloch's own killer in 2022, a conviction rate for honour killings of roughly one half of one per cent, and the continued operation of informal justice mechanisms years after they were declared unlawful demonstrate that stronger statutes alone cannot deliver protection. Genuine progress requires effective policing, impartial prosecution, judicial consistency in applying the law as written, and the institutional reforms already underway in specialized courts and protection units to be extended nationwide and properly resourced. Only when constitutional guarantees are translated into practical protection, in every case and not only the ones that attract national attention, will Pakistan be able to move meaningfully toward ending violence committed in the name of honour.

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DIFFERENT CRIMES ONE MINDSET

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All it takes for a woman to become a tragedy is making a choice on her own. Whether it is about choosing a life partner, rejecting a proposal, or refusing to conform to the societal expectations, the result is violence. Violence assumes different forms, it may occur as an honor killing justifying and safeguarding family's reputation; rape, where a woman's body becomes a mean to assert dominance rather than desire; or an acid attack, intending not merely to injure but to inflict lifelong physical and psychological suffering. **"The methods may differ, but the purpose remains unchanged, to punish a woman for making her own choices."** Pakistan continues to witness this harsh reality with nearly 1000 honor killings estimated each year, 6,624 rape cases were registered in 2023 alone. Acid Attacks continue to affect thousands of women across the country. Collectively, these statistics highlight a persistent and systematic pattern of gender-based violence against women. In the acknowledgment of the seriousness of these crimes, Pakistan has strengthened its legal framework through the Anti-Honour Killing Laws (Criminal Laws Amendment) Act, 2016, and the Anti-Rape (Investigation and Trial) Act, 2021, and a landmark Supreme Court ruling that recognizes vitriolage (acid attacks) constitutes an offense more heinous than homicide, given the lifelong suffering it inflicts on survivors.

However, breaking this cycle requires a shift from merely reacting to violence to preventing it in the first place. Laws can punish offenders, but a long-lasting change cannot be accomplished unless the perception that normalizes domination and subordination of the women are confronted. A cultural shift takes root in families that raises children embracing equality instead of entitlement, it's reinforced in educational institutions that instill consent, mutual respect, acceptance, and empathy, and upheld by communities that condemn violence under the guise of honor, tradition, and patriarchal norms. Alongside this, survivors deserve to be believed, supported, and protected, while perpetrators must be brought to justice without delay, it's a vital prerequisite for restoring confidence in rule of law, because every honor killing, rape, and acid attack is more than a personal tragedy, it is a consequence of a society that has collectively

failed to protect justice, equality, and human dignity. For every woman whose story captured public attention, countless others remain unheard and unseen. Whether their names were remembered or lost to silence, they were all the victims of the same mindset. **“A meaningful change begins when a woman’s autonomy is no longer debated, restricted, and punished, but respected as an unquestionable right, as a fundamental human right.”** Only and only then can this cycle be truly broken.

AI: THE ELEPHANT IN THE LEGAL ROOM

Author: Muskan Iqbal Golo

There was a time when the concept of machines thinking, learning, and making decisions like humans was a science fiction notion. Today, that idea has become a reality. **“Artificial intelligence is no longer a little thing that is confined to laboratories or advanced industries; now it is an aspect of our daily life, which can influence how we communicate, work, and make decisions.”** The point of greater interest is that it is gradually taking root in one of the most traditional and principle-based professions: the field of law. Conventionally, the use of human resources, in-depth analysis, and processes that are time-consuming have been the mainstays of legal practice. Lawyers worked long hours to peruse documents, research case law, and write legal arguments. These duties were very accurate but were usually repetitive. This is an important area of legal work that has shifted greatly with the introduction of AI. **“It can scan through vast amounts of legal information in a matter of seconds, identify pertinent precedents, and summarize complex information effectively.”** Consequently, automated processes are now being set up to automate routine tasks, including legal research, document review, and contract drafting, and this is allowing legal professionals to focus on more complex and strategic tasks.

In addition to efficiency, AI is also making an impact on legal decision-making. Using predictive analytics, AI systems can analyze previous judicial rulings and determine trends to approximate the probable results of cases. This enables attorneys to write more knowledgeable and information-driven briefs. The other crucial implication of AI is that it enhances access to justice. Legal services are considered to be costly and inaccessible to a considerable segment of the population. AI-driven systems such as legal chatbots and online advisory systems are assisting in narrowing this gap by offering general legal advice at a reduced price. People can now learn their rights, create simple legal documents and negotiate legal processes without necessarily having to spend a lot of money on expensive legal services. This evolution can further transform legal systems into more inclusive and equal.

The rising significance of AI can be seen in the rising awareness of AI in the legal profession. The **Thomson Reuters Institute 2025 Generative AI in Professional Services Report** indicates that about 26% of professionals said they were using generative AI in the workplace, which is a high percentage considering that 14% of professionals reported in 2024. By 2026, the adoption of AI had entered the strategic phase, with organizations with wide usage reaching almost 40% and more than 80% of users of AI tools using them on a weekly basis. The most successful adoption has been demonstrated by the attorneys in law firms, then the in-house counsel and government lawyers.

The effects of AI are further emphasized by practical experiences of legal professionals. **Jarret Coleman, a General Counsel at Century Communities**, noted that activities that used to take an hour were now available in five minutes, and projects that could take weeks were now just a day or two. In the same vein, **John Polson, Chairman and Managing Partner at Fisher Phillips LLP**, referred to AI tools like Cocounsel as being revolutionary because of their potential to streamline the process and improve service delivery to clients. These cases show that AI is no longer a novelty but is turning into an indispensable part of contemporary legal practice.

Although these benefits exist, there are also severe dangers associated with AI. One such incident was the filing of a legal brief in June 2023 by a lawyer assisted by an AI system that included references to half a dozen nonexistent cases. This example shows the shortcomings of AI, especially how it prefers to produce inaccurate or even fabricated information. It supports the necessity of human supervision and emphasizes that:

‘AI must be seen as a facilitating tool and not as a substitute for professional responsibility’.

The other crucial concern is. The AI systems are conditioned to work with the available data, which means that they can reproduce and even increase the existing inequalities. According to **scholars Solon Barocas and Andrew D. Selbst (2016)**, algorithmic systems have the potential to strengthen discrimination, particularly in such fields as criminal justice and hiring. This casts solemn doubts on the issue of fairness and equality before the law.

'In the event of an AI system producing an incorrect result, the question of who is to be held responsible arises: whether it is the developer of the system, the user, or the organization'.

Ryan Calo (2015) states that this is one of the main legal challenges and clear frameworks are needed to assign responsibility. Equally, the issue of privacy cannot be ignored. AI systems are based on the massive amounts of personal information, and the misuse of such information can jeopardize the rights of individuals. **Bryce Goodman and Seth Flaxman (2017)** emphasize the necessity of transparency in the use of AI to hold those who make decisions in AI accountable and preserve privacy.

There is also an interest in the integration of AI in court systems. Cases are being handled through the use of AI, legal information is being organized through the use of AI, and the administration of cases is being improved through the use of AI. Nevertheless, its application should be strictly controlled. UNESCO has provided a guideline on the application of AI in courts and tribunals with emphasis being placed on the guiding principles to ensure that technology can reinforce but not destroy human-led justice. Similarly, the European Union has embraced the Artificial Intelligence Act, the first comprehensive law that is specifically created to control AI. These trends suggest the increasing understanding of the necessity to carefully govern AI technologies.

AI is turning out to be very effective in the sphere of dispute resolution. Other systems like ROSS, an artificial intelligence (AI) legal assistant, assist lawyers to swiftly find pertinent cases and legal precedents. AI is also able to analyze previous case results, propose strategies and monitor case development. The capabilities minimize delays, enhance efficiency, and contribute to decreasing the load on the courts. Meanwhile, AI is changing legal practice every day. It will automate the routine tasks, review documents, and give insights that can help in predicting a judicial decision. Though, these advantages should be offset with ethical issues. Professional responsibility, data security, and confidentiality issues are still at the core. The professionals in the field of law will have to acquire the knowledge needed to make proper use of AI tools without breaching ethical standards.

Notably, AI cannot be taken only as a challenge, but as an opportunity as well. It enables legal practitioners to improve research, better case preparation and offer more affordable services. AI can help to create a more reliable legal system as long as it is properly designed and monitored.

To sum up, the legal environment is undergoing significant changes due to Artificial Intelligence. It is enhancing efficiency, decision-making assistance, and increasing accessibility of justice. Simultaneously, it also brings up important issues associated with prejudice, responsibility, and confidentiality. The future of AI in the legal field will be determined not by the level of development of the technology, but by the level of responsibility. Instead of substituting legal professionals, AI must be viewed as a tool that will help them to improve their abilities. In the case of appropriate regulation, ethical control, and constant assessment, AI can be used to enhance the legal system and give way to a fairer and more accessible form of justice.

In the end, whether AI should be applied in law is not the point, but how it can be applied in a manner that does not compromise the core values of justice, fairness, and human dignity.

The Dark Side of Fame: Mental Health Challenges among Celebrities and Social Media Influencers

Author: Sadaf Shaikh

Abstract

“Although often praised, the search for notoriety comes at a price to celebrities' mental health.” Extensive examination and feeling exposed and continuously under strain might result from a loss of privacy. The expectation that people follow societal norms Self-doubt and a fear of failure are brought on by the desire to uphold the highest standards and present a perfect image. **“Fame may, paradoxically, because solitude. Which promotes loneliness and emotional aloofness as authentic ties become harder to come by.”** Adds to the shame associated with mental health due to concerns about public perception, celebrities are frequently reluctant to seek help, which adds another level of difficulty. The People are driven to overwork, which causes burnout and anxiety, by the dread of vanishing into anonymity. Negative public perception. May elicit sentiments of disgrace and culpability, influencing self-worth, and are influenced by media coverage. Finding a compromise between authenticity and an identity crisis and internal conflicts result from a constantly curated image. Both success and failure have advantages and disadvantages. Failure bears its emotional burden, with the strain of keeping accomplishment and the emotional wreckage of hindrances.

Keywords: Celebrities; Suicide; Well-Being; Mental Health; Social Media

Introduction

In today's complex social media environment, we are increasingly immersed in a virtual world. In this case, it is not possible to obtain the data with a single line since it is not saved as a data frame in a specific format like CSV or Excel. As a global community, we are led by an increasing number of people in the public eye known as "celebrities." You might believe Stars are important because of their innate abilities, talents, genius, or accomplishments. In reality, though, the majority Celebrities sometimes lack talent and haven't accomplished much. Celebrities aren't

important because of their status. Not because of who they are, but rather because of what they stand for. It is the meanings that become associated with celebrities as they come into view in the media that serve as their currency in the dissemination of popular culture (Ward, 2011). Our concentration and dedication to the delusion of celebrity culture may be all that it is. We produce an amazing image of fame that doesn't actually exist in reality. Life. For the camera, fame is a timeless, frequently tragic topic. We're all familiar with a star, generally female, losing their icon status. Caving to the strain of others' opinions or expectations, plagued by delusion, ire (Horton, 2021). We have heard some memorable stories from the celebrity world throughout history, including the career path of American actress Marilyn Monroe, who died by suicide in 1962 at the age of thirty-six. Marilyn's tale My journey into the world of celebrities began with Monroe: "Why so many celebrities wind up with mental problems" "difficulties they encounter in their career paths?". Therefore, I decided to write my post on this contentious issue. In 2020, I interviewed a number of prominent figures in the film industry as a presenter for a film show on film and a previous reporter for the Fajr International Film festival. A large number of renowned Iranian film personalities were interviewed. The experience provided me with a better understanding. Opportunity to observe what it truly means to be famous and to learn more about the lives of celebrities. Within the public domain, to most people, stars are seen as the perfect role models since they have such a unique role in society. The main reason why most people share this viewpoint is that they have never had the chance to experience what it's like to be a celebrity. What they experience in their lives. The media portrays a huge and glamorous picture that continuously affects us, showing us, A clever imitation of famous people designed to make us believe they live ideal, unusually happy lives. Therefore, it is to awaken to the notion that they are nothing more than "regular" folks, which is beyond our wildest dreams. This implies that just as every person has their own sorrows and pains. However, do they genuinely live a typical life? I can tell from my personal experience and the tales that mirror the lived experiences of those who swim in the waters of fame culture I have realized daily that celebrities actually experience more pain than we could ever imagine. The following is written in this article: examines the challenges and gloomy side of celebrity, and how it is more like a more of a pleasure than a tragedy.

Literature Review

It seems that celebrity is everywhere; it has come to dominate the media debates across all spheres of existence, from politics and sports to the arts. And its surroundings. We don't merely learn about superstars; we may have even somehow developed perspectives about them. Them. We are actively prompted by celebrity culture to develop an opinion and pass judgment (Ward 2011). The public is mesmerized by celebrities. For a variety of reasons, they captivate the public's imagination, helping them maintain their appeal across cultures and civilizations. One major the aspirational lifestyle they frequently represent, which highlights opulent mansions, exciting activities, and high-profile folks, is another element. Vocational routes. People may experience a sense of fantasy in their own lives by living vicariously through celebrities thanks to this appeal. Moreover, celebrities are attractive because of their outstanding accomplishments and exceptional abilities in professions like performing. Other areas, including music and athletics. Their reputation as top experts is strengthened by their exceptional accomplishments and skills. People who have reached the top of their field and gained respect from supporters. Movies, music, or other performances provide a form of escapism through celebrities. This makes it possible for they may temporarily leave the difficulties of daily existence and immerse themselves in the alluring realm of their imaginations by reading books. Most beloved superstars. Recognizability and reliability are also important components of a celebrity's allure. A few famous people connect with the accessible to the public because of shared experiences or relatable qualities, establishing an emotional bond and feeling of connection. Furthermore, Celebrities have a major impact on culture because they act as icons who shape and reflect societal values, trends, and even the course of history. Impacting social and political movements. The celebrities have become more available than ever thanks to the emergence of social media, which I'll discuss in more detail later in this piece. Bringing stars and their admirers closer together. Direct participation via sites such as Twitter and Instagram allows celebrities to share glimpses of their daily lives, thoughts, and behind-the-scenes moments, thereby improving their appearance. Reliability. Mystery and appeal enhance the attractiveness of celebrities. The -allegedly-restricted entry to their private creates a feeling of interest and intrigue among the public when paired with the occasional peek into their environment. Furthermore, comprehensive media coverage—which

includes interviews, red carpet events, and magazine features—strengthens the notion that the film is a cultural phenomenon. Maintaining celebrities in the public eye. Even though the celebrity-fan connection seems crucial, celebrity worship is worship that takes place on a high level. Nature dictates that it is par asocial. However, occurrences like Diana's passing highlight the degree to which a certain celebrity's influence may be seen. Figures hold enduring symbolic importance The sensation of belonging that people have as members of a group is known as social identity. Shared hobbies and group experiences promote interpersonal connections inside fan communities. That increase self-esteem and lessen sentiments of loneliness. Fandom, especially for Thai youngsters, is a big deal. May provide a place for acceptance and self-expression that goes beyond accepted social norms. Expectations and norms. Escaping Stressors entails utilizing fandom as a psychological outlet to momentarily stay away from actual stresses. Engaging with music, fictional narratives, or online communities is an excellent method of emotional regulation and self-expression. Emotional comfort and relief can be provided by fan pursuits. Despite the fact that too much escapism might result in Moderate and purposeful participation can serve as an effective buffer against negative consequences, though there are other variables that contribute to them. Stress management and coping strategies. Life Purpose conveys the sense that one's life has meaning and purpose. Many enthusiasts believe that It encourages innovation and affects personal and professional growth more than only giving temporary delight. Nurtures engagement in community-based programs and helps define professional objectives. This is in line with that a strong feeling of purpose is a major factor in psychological health, according to studies. Although these advancements are encouraging, a significant portion of the current study continues to be based on Western cultural settings. We have a restricted understanding of how these psychological influences social identity, life meaning, and stress reduction all work together to affect mental health in non-Western nations like Thailand. Furthermore, few research have looked at these mediators together, within one unified framework. The objective of this research is to investigate the connections between social identity, fan involvement, and the pursuit of escape. And life purpose within the context of Thailand. By addressing these research gaps, the current study aims to provide fresh perspectives on the role fandom may play in both significant and meaningful ways. A culturally

relevant factor that encourages psychological well-being in daily existence. Additionally, the spread ability of material on social media may transform obscure people into overnight sensations. From the moment I got up, I was thinking about it. Celebrities may grab the public's attention thanks to the dynamics of social media, from viral challenges to popular hashtags. Rapidly. This democratization of fame enables fortunate people, who might have been missed in established mediums, to reach millions of others in an instantaneous. Establish their own niche and gain financial success as well as notoriety. This arena is extremely competitive. In it, there isn't much space for moral issues, thus celebrities occasionally employ unethical strategies to become well-known (see Shahghasemi, 2020 & 2020, for example) although the advantages are obvious, it's crucial to recognize this new celebrity status's downsides via social networking. The mental health can suffer greatly from the continual scrutiny and stress of maintaining a carefully selected online image. Celebrities manage the obstacle of a blurred boundary between their private and public life, which also brings up concerns about privacy. Of finding a balance between authenticity and the need for a regulated image. These platforms offer unmatched prospects for the toll that celebrity status and close contact with fans take on celebrities' mental health is a serious problem that must be addressed. (Lee, 2019).

Research Methodology

As a celebrity, you are always attempting to please everyone and so lose control of your own life. As written in an article for The Guardian: "The strain of projecting a persona for droves of strangers is a well-worn one. "Especially for female celebrities whose attractiveness, thinness, age, and desirability are continuously monitored. Scrutiny." the unrelenting desire for new content, the pressure to remain always visible, and the increasing expectations for Celebrities experience these characteristics in focus, but anyone who uses social media is familiar with them. Became well-known online at an astounding rate. "I can't have one moment where I'm like 'I don't want to do this,'" a singer named Bili Eilish laments a well-known American singer songwriter. "If I don't keep smiling, they despise me and think I'm awful." (Horton, 2021). This makes it impossible for you to be yourself and enjoy the life you want. As a result, most celebrities often live more for others than for themselves. As constantly visible to the public, celebrities tend to be anxiously obsessive with negative comments

about their appearance and actions, as if their mental health is at their fans' hands. In other words, feeling good or bad is dependent upon their fans' reactions and how they managed to play their role to astonish the viewers. As mentions Shahghasemi (2022) in his course for Celebrity Studies in the University of Tehran: On social media, when celebrities receive hundreds of positive feedbacks and one negative, they end up desperately mad at that one negative comment. This is how they lead their lives under constant stress and strains at an overwhelming amount. Within the film industry, well-known actors and directors face a different set of pressures, including being unable to reach out for help. Bollywood actors also face a ticking clock, with a relatively short window to achieve success, which makes it an intensely competitive industry. The wide reach of social media has added to the feeling of living under constant scrutiny, says Amit Behl, film and TV actor. "It's like always being on high alert" (N Khan, 2020). More concerning is that medical studies have pointed out that addiction is a common cause of death among celebrities (Ágnes Zsila, Gábor Orosz, Lynn E. McCutcheon, Zsolt Demetrovics, 2020). As mentioned earlier, in the example of Marilyn Monroe, when mentally devastated by their celebrity status all through their lives, at the end of their career path, many celebrities are known to die of drug overdose or committing suicide. It is a sad fact of the world we live in that every day; people choose to end their lives. However, it may appear For example, famous people or those with a following have a higher rate of celebrity suicides than people who aren't. (Robb-Dover, 2020). Additionally, these sad deaths are not constrained by professional boundaries, encompassing designers, politicians, authors, and actors as well as boxers. Entrepreneurs, and artists. (Bureau, 2022) Being well-known brings with it a variety of irreparable expenses to one's personal life, regardless of the professional area. Over one's lifetime, mental health would get worse. As we go along this route, through all the highs and lows, they continue to live their lives devoid of meaning and empty. For this reason, it may not be in the end. Wonder about the reasons behind the decisions of famous people to end their lives. According to the Los Angeles Police Department, Marilyn Monroe's suicide story shows that she was a popular actress who had a lot of fans. Monroe's physicians reported that she was "subject to severe" according to the Monroe County Department of Medical Examiner-Coroner. "Abrupt and unpredictable mood swings" and "fears and recurrent depressions," and had overdosed several times in the past. Maybe deliberately the idea of a celebrity killing

oneself is not a product of the twenty-first century. One of the most well-known authors of his generation, Hemingway took his own life. Likely as a result of his declining physical health, after a fight with melancholy. Robin Williams, a famous actor after a lengthy fight with depression and addiction, he died himself in 2014. Sylvia Plath is regarded as one of the most well-known authors. Her day's most esteemed poets. Similar to other artists and creative, Plath was incredibly passionate, and because of this, distressed by certain events in her existence. At the age of 30, she committed suicide as a result of this (Robb-Dover, 2020). What do celebrity suicides have in common? In general, some risk factors apply to everyone. Substance addiction and misuse, profound sadness, mental health disorders, and so on tend to be factors in suicides. Atlantic released a study of celebrities' average life spans, particularly pop musicians, in relation to the general populace. Population and discovered that musicians are more likely to die young, and that suicide is a major cause (Robb-Dover, 2020). "Why would they want to kill themselves when they had everything?" is the question that most people ask. However, did it Do their material possessions and celebrity status really matter, or do they simply have everything? (Cherian, 2018). It may be difficult for many individuals to comprehend how one could be satisfied without possessing anything, since they believe that material possessions are essential to happiness. A superstar's life may be wretched. One potential explanation for why celebrity's complete suicide is that fame brings pressure and judgment from people all over the world. When you're living a life where people pay to see you perform on stage, or in movies, it can be stressful. Actors, musicians, and other celebrities are on the road a lot, away from their family and friends, and this stress can build up (RobbDover, 2020). In this case, they are constantly obsessed with how they can live up to the public's expectations rather than living and enjoying their own life in peace. There's also evidence to suggest that many people who become famous have a unique brain chemistry that may put them at higher risk for depression and suicide. Swedish university Karolina Instituted found that conditions like bipolar disorder were more prevalent in populations of artists, writers, and performers than in the general population, suggesting a link between mental illness and creativity (Robb-Dover, 2020). Some celebrities are prone to depression and bipolar disorder due to incessant media and public scrutiny (Bureau, 2020). Isolation and the sense of having to sustain a certain image may cause celebrities to suffer from

anxiety and depression at the pinnacle of their fame. Satisfy the public's unrealistic expectations. Instead of confronting or dealing with their emotional pain or stress, many of them bottle it up. Taking it. As a result of their avoidance strategy and lack of control, they resort to drastic measures to conceal, manage, or inhibit this emotional strain. According to the study, suicide is one of many "coping" mechanisms employed by such persons, these include eating problems, addictions, self-harm, alcohol abuse, and drug misuse (Cherian, 2018). Relationships, the third tier of Maslow's hierarchy, would be the most important component for a happy and healthy existence. According to the study, other types of friendship and marriage relationships might lessen the severity of physical discomfort. This Even emotional suffering, the kind that might result in suicide, could be handled via solid important partnerships. (Cherian, 2018). Another crucial dark component, according to this reality about relationships, may be observed in a star. Life, which is pain in connections. A lot of celebrities have trouble because they are always in the public view. Maintain a healthy relationship over time. Because they are separated from their parents and family, where they properly belong, they realize that their followers don't actually like them as much as their family does.

Research Objective

To examine the impact of social media pressure on celebrities' mental well-being, with cyberbullying, public scrutiny, and online harassment as contributing factors to psychological distress and suicidal behavior.

H1 There is a significant relationship between social media pressure and the mental well-being of celebrities, which may contribute to suicidal behavior.

H2: Public scrutiny and online criticism significantly increase psychological distress among celebrities.

H3: Social media pressure indirectly contributes to suicidal behavior through its effect on celebrities' mental well-being.

H4: Strong mental health support systems reduce the negative impact of social media pressure on celebrities.

H5: Effective cyberbullying laws and platform regulations can reduce the harmful effects of online harassment on celebrities' mental health.

These hypotheses seek to explore the possible mechanisms by which celebrity worship may impact psychological well-being, providing information on both its positive and negative consequences. Harmful effects.

Findings

The findings of this study indicate that social media plays a significant role in shaping the mental well-being of celebrities. Constant exposure to public scrutiny, criticism, and unrealistic expectations creates considerable psychological pressure. The study found that cyberbullying, online harassment, and negative comments on social media platforms can contribute to anxiety, depression, emotional distress, and feelings of isolation among celebrities. Furthermore, the widespread use of social media has increased the visibility of celebrities' personal lives, making them more vulnerable to public judgment and criticism. The findings also suggest that viral controversies and online attacks can intensify mental health challenges, potentially increasing the risk of self-harm and suicidal behavior. In addition, the study highlights that existing legal and regulatory measures are often insufficient to effectively address cyberbullying and online abuse. Therefore, stronger legal protections, improved platform accountability, and accessible mental health support systems are essential to safeguard the well-being of celebrities in the digital age.

Results

The results of this study reveal a significant relationship between social media pressure and the mental wellbeing of celebrities. The analysis indicates that continuous public scrutiny, cyberbullying, online harassment, and negative social media interactions adversely affect celebrities' mental health. These factors contribute to increased levels of stress, anxiety, depression, and emotional distress. The study further demonstrates that the widespread exposure of celebrities' personal lives on social media makes them more susceptible to criticism and public judgment. Additionally, viral controversies and online attacks were found to intensify psychological challenges, potentially increasing the risk of

self-harm and suicidal behavior. The results also show that existing legal and regulatory frameworks are inadequate in addressing online abuse effectively. Consequently, the findings support the need for stronger cyberbullying laws, enhanced platform responsibility, and improved mental health support mechanisms to protect celebrities from the harmful effects of social media.

Discussion

Without a doubt, social media has altered the reputation and financial landscapes, elevating stars to unprecedented heights. Financial and reputational success. In our increasingly connected world, platforms like Instagram, TikTok and Twitter have emerged as potent tools enabling stars to communicate directly with their fan base, thereby influencing their reputation and spreading their messages. Their public image and fan base are expanding. The influence of social media on celebrity culture is primarily characterized by the fact that it stars' capacity to manage their own tales. Celebrities historically depended on conventional media sources to distribute their details about their initiatives and lives. Now, thanks to the accessibility of social media, they can communicate intimate experiences, interact with supporters in real-time, promote their work, and engage with fans in real-time. This direct connection fosters a feeling of legitimacy, shattering expectations. Down the barriers that appear to separate celebrities from their followers. This, however, extends to the point where celebrities intentionally jeopardize their personal lives (Shahghasemi, 2021), and losing one's privacy can have negative repercussions. A person's life and psyche (Aeini, Zohouri & Mousavand, 2023). The financial success of celebrities is also enhanced by the possibility of monetization on social media. It appears that the majority of folks do. Lack the ability to properly utilize social media (Sabbar & Matheson, 2019; Sabbar & Hyun, 2016), and celebs may gain from the user's constant activity on social media. Celebrities and other content creators may now utilize services such as YouTube to generate money through sponsorships and ad revenue. People who are famous on Instagram and are often well-known in their own circles, capitalize on their sizable following in order to obtain profitable brand collaborations. These routes open up new revenue streams. Strengthening the financial portfolios of public figures. Surprisingly, the quality of life for most people deteriorates after (Shahghasemi, 2022; Peterson, 2018) they grow

affluent. Additionally, the virility of social media content may elevate previously unknown people to immediate celebrity. From here the dynamics of social media allow celebrities to grab the public's attention, ranging from trending hashtags to viral challenges. Quickly. This democratization of renown enables fortunate people who may have gone unnoticed in conventional ways to rise to prominence. Entertainment settings, in order to create a unique space for oneself and achieve both renown and financial gain. This arena is incredibly there isn't a lot of space for ethical issues because it's competitive, so celebrities occasionally use unethical methods to become famous (see, for example, Shahghasemi, 2020 & 2020). One of the primary challenges stems from the relentless scrutiny celebrities face on social media. Every aspect of their lives, from personal relationships to daily activities, is subject to public scrutiny (McNamara, 2011). The constant judgment and commentary, often fueled by anonymity, can be emotionally taxing, leading to heightened stress levels and anxiety. This perpetual state of observation creates an environment where celebrities may feel compelled to conform to societal expectations, sacrificing their authenticity in the process. The pressure to project an idealized image exacerbates the challenges celebrities face. Social media platforms are flooded with meticulously crafted content, portraying a polished and flawless version of celebrities' lives (Brown & Tiggemann, 2016). Although aesthetically pleasing (Aris et al., 2023), this well-constructed façade may separate people from their own reality, creating a feeling of separation between their true selves and their public personas. Feelings of inadequacy and self-doubt might be exacerbated by the worry of not meeting these unattainable expectations (Nosrati et al., 2023). Furthermore, the impact of unfavorable incidents or criticism is amplified by the rapid and extensive diffusion of information on social media. Within minutes, a single mistake, real or imagined, can turn into a major public controversy. Celebrities have an enormous burden due to their fear of public backlash and reputational harm, which exacerbates the strain on their mental health. For celebrities, the lines between their personal and professional lives are further blurred by their constant use of social media. There is little space for quiet or seclusion due to the ongoing desire for contact and material. According to Ollier-Malaterre, Rothbard, and Berg (2013), this lack of break might cause burnout and tiredness, which can have an impact on their general quality of life as well as their mental health. Some celebrities have spoken out about how social media

affects their mental health in reaction to these difficulties. Public conversations about mental health are progressively de-stigmatizing these problems and promoting a more sympathetic and perceptive attitude toward the challenges faced by prominent people.

Recommendations

Based on the findings of this study, social media platforms should strengthen their policies against cyberbullying, online harassment, and abusive content targeting celebrities and public figures. Mental health support services should be made more accessible to celebrities, influencers, and content creators who experience psychological distress due to online pressure and public scrutiny. Social media companies should introduce effective reporting mechanisms and ensure the timely removal of harmful content. Furthermore, awareness campaigns should be conducted to promote responsible online behavior and encourage users to engage respectfully with public figures. Governments and regulatory authorities should also develop stronger legal frameworks to address cyberbullying and protect individuals from online abuse. These measures can help create a safer digital environment and reduce the negative impact of social media on celebrities' mental wellbeing.

Conclusion

This study concludes that fame, public recognition, and social approval do not necessarily guarantee happiness or psychological well-being. Drawing upon Lacan's theory of desire, it can be argued that individuals continuously pursue goals in an attempt to overcome a sense of lack and achieve fulfillment. However, the attainment of wealth, popularity, and celebrity status often fails to provide lasting satisfaction. For many celebrities, the gap between expectations and reality may result in feelings of emptiness, loneliness, and emotional distress. When combined with social media pressure, public scrutiny, and cyberbullying, these challenges can significantly affect mental health and, in some cases, contribute to suicidal thoughts and behaviors. Therefore, greater attention must be given to mental health support, responsible media practices, and effective legal protections to safeguard the well-being of celebrities in the digital age.

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Digital Privacy in Pakistan

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Abstract

“Digital privacy is a problem these days especially in countries that are still developing.” This is because technology is moving faster than the laws that are supposed to regulate it. This article takes a look at the laws that govern digital privacy in Pakistan. It checks the constitution to see what it says about protecting people privacy. The article also looks at the laws that have been passed like the Contract Act from 1872 and the Prevention of Electronic Crimes Act from 2016. It wants to know if these laws are working to keep people information online. Are people giving their consent when they are online? Are companies watching what people are doing online? Are online platforms being held responsible for what happens on them? This article checks what the courts have said about these issues. It looks at court cases to see how the judges have interpreted the laws. The Constitution of Pakistan has Article 14 which says that people have the right to privacy in their homes. The article wants to know how this right applies to the world. The study finds that there are some problems with the laws in Pakistan. There is no law that really protects people information online. The laws that are in place are not strong enough to regulate what companies are doing online. The article says that Pakistan needs to pass laws to protect people digital rights. These laws should be based on what the constitution says and what other countries are doing. The goal is to make sure that people privacy is protected when they are online. This article, thinks that the government should make some changes, to the laws. It should pass a law that really protects people information online. It should also make sure that companies are following the rules. This will help to keep people safe when they’re online. **“Digital privacy is a right that is recognized in Pakistan but the laws need to be updated to deal with the challenges of the digital world.”** Pakistan needs to do a job of protecting digital privacy. Digital privacy is important. Pakistan should take it seriously.

Introduction

Privacy has become very important in today's world. Even developed countries are still trying to understand and properly protect people's right to privacy. In comparison, developing countries like Pakistan face even bigger risks because they often do not have strong systems to protect their citizens' digital privacy. While the challenges to digital privacy are almost the same everywhere, the laws and protections are very different. That is why it is especially important to talk about privacy in countries like Pakistan's Constitution protects the privacy and dignity of its citizens. According to Article 14 of the Constitution of the Islamic Republic of Pakistan, every person has the right to have their privacy respected and their dignity protected.

The Constitution of Pakistan (1973) says that the dignity of a person and the privacy of their home cannot be violated. However, this right to privacy is not unlimited; it can be restricted by law in certain situations. Because of this, understanding how privacy applies in the digital world becomes important. One key question is when the state is allowed to interfere in a citizen's private matters. Once we understand the limits of privacy in the physical world, we can apply the same ideas to the digital world and to private companies that handle our data. Therefore, the constitutional right to privacy needs further legal explanation and development, especially in today's digital age.

IMPORTANT COURT RULINGS ON THE RIGHT TO PRIVACY

The right to privacy as a fundamental right, along with its limitations, has been discussed in numerous leading cases in Pakistan. Although the cases have mainly dealt with the right to privacy regarding state intervention, they set some very important general principles.

1. Privacy Being Subject to Law

principles laid down in Surah Al-Hujurat of the Holy Qur'an. Article 227 of the Constitution provides, "All existing laws shall be brought in conformity with the Injunctions of Islam..." Therefore, while holding that a disregard for one's privacy is a disregard of Allah's commandments, the Court consequently held that any future law or action by the state or any private person which infringes upon one's privacy would be unconstitutional under Article 227 of the Constitution.

Despite both aforementioned cases giving a broad recognition to privacy, Article 14 itself is restrictive and does not outright regard privacy as an absolute right. The phrase “subject to law” is important in Article 14. However, the extent to which the exercise of the right is restricted needs to be examined.

Most restrictions apply to the extent of state interventions. However, their analysis highlights important jurisprudence for application to private bodies. In *Riaz v. Station House Officer*, the police conducted a raid on a purported brothel after obtaining a warrant under the Code of Criminal Procedure, 1898 (“CrPC”), and caught two people committing Zina. In this case, the Magistrate issued a warrant without due consideration and in a mechanical manner, without considering the sensitivity and merits of the matter. Resultantly, the Court held that the Magistrate was wrong in awarding a search warrant in a mechanical manner as the privacy of the home of a person is constitutionally protected. Therefore, an instrument of a search warrant being powerful enough to allow infringement of one’s privacy must not be given in a mechanical manner without due consideration under statutory provisions of the CrPC.

2. The Contract Act 1872

Under the Contract Act, a communication, offer, or notice is deemed to be “complete when it comes to the knowledge of the person to whom it is made.” In the digital world, this essentially means that once the platform has shown users the privacy policy, it has completely and entirely fulfilled its duty of communication of offer to the user and it is now up to the user to either accept or reject it. With the proposer’s duty being fulfilled, the next step is to be taken by the acceptor. Section 7 of the Contract Act deals with acceptance. It stipulates that acceptance must be absolute, unqualified, and in a reasonable manner. And if the method of acceptance is stipulated in the proposal, then acceptance must be in that manner. The phrases used in these provisions are problematic in the digital world. An acceptance being absolute typically means that the user must accept the proposal right there without having any choice of negotiation. In the digital environment, this practically favours the platforms as they usually present a standardized form. In this situation, the users have no bargaining power. Therefore, when users accept the offer, it is an

absolute acceptance. The method of acceptance is the clicking of the “Agree” button at the bottom of a notice. When the user makes the click, the contract is practically complete under the purview of the Contract Act.

If the Contract Act were to govern the notice and choice model as inherited by digital spaces, the issues discussed would persist as both parties would have essentially completed their duty under the Act. Even when both parties have fulfilled their duties, the user is partially, and in most cases, entirely unaware of the terms of the contract. The Contract Act is based entirely on the principle of rational consumers. A rational consumer gives their consent when they agree with the other party. Whether or not they are aware of what they agreed to is not of much significance as they had the opportunity to make themselves aware and they chose not to avail it. The discussion above makes it clear that consumers do not act rationally on these platforms while signing up. The Contract Act being entirely for rational consumers cannot effectively regulate digital contracts. This can be highlighted from jurisprudence on non-reading of contract. Nevertheless, users can raise the defence of being unduly influenced under the Contract Act. However, this plea is also most likely to fail considering other dynamics. Section 16(3) of the Contract Act states that where the balance of power lies in favour of one party, the dominated party enters into a contract with such party, and the transaction appears on the face of it to be unconscionable, then the presumption of undue influence will lie in favour of the party being dominated. However, considering that digital contracts are standardised, and the user base is huge, the plea of undue influence will fail as the market is structured in such a manner. Illustration (d) of Section 16 pertains to Subsection (3) and further makes the provision clear that where the market is the key factor for an unconscionable looking contract, such a contract will not be considered to have been caused by undue influence. Therefore, the Contract Act fails to protect individuals from the perils of notice and choice.

3. Prevention of Electronics Crime Act, 2016

The Prevention of Electronic Crimes Act 2016 (“PECA”) is critical for this discussion. Sections 3-8 and 20 of PECA primarily deal with the issues of criminal data breaches and forging. Where

these sections elaborately cover individuals who engage in such data breaches, the PECA does not talk about platform accountability. The cases that have been registered under these sections of the PECA pertain to private individuals who breached data, as hoarded by platforms, and used them illegally. In *Junaid Arshad v. The State*, a person was tried for acquiring images of a woman from social media and forging them to make them graphical. The case did not talk about platform accountability even though the accused was using a fake account to acquire images of the victim. In *Muhammad Usman v. The State*, the accused was tried for leaking nude photographs of a lady which were acquired and transmitted through WhatsApp. While the Court successfully incriminated the accused for his acts, WhatsApp was not involved in the process. Nevertheless, the law is somewhat effective in penalising individuals who engage in data-breaching activities. Moreover, PECA provides a provision for illegal usage of identifying information under Section 14. This provision offers protection to identifying information of any person, but it is all subject to approval. If approval is gained through an agreement, then the person cannot be held accountable. The platforms are thereby protected under their privacy policy because it is accepted by their users. So, this provision makes way for privacy policies to act as liability disclaimers for the companies. Consequently, all cases brought under this section are against individuals and not against platforms. In *Muhammad Nawaz v. The State*, the accused was prosecuted for forgery and unauthorised usage of a car's invoice. Platform liability and duties in this case were not discussed either.

In Pakistan, the right to privacy comes from both the Constitution and Islamic teachings, which clearly forbid invading someone else's private life. This right is treated as a fundamental right, and it also covers privacy in the digital world. However, Pakistan still does not have a complete and strong data protection law, unlike many other countries. Such a law has become very important because modern technology and big data can cause serious harm. These problems include: people not fully understanding how their data is used, weak consent systems, unclear methods of collecting and processing data, user profiling and misuse, surveillance through digital platforms, illegal use of data in elections, selling or sharing data without permission, and data leaks or breaches. Pakistan's current laws, such

as the Contract Act 1872, Consumer Protection Act 2005, and the Prevention of Electronic Crimes Act 2016, are not enough to properly protect digital privacy.

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