



Colonial Shadows and Digital Era: Reforming the Arbitrary and Draconian Justice System of Pakistan

Reyan Hameed Arain ^{1*}

¹University of the Punjab, Jhelum Campus, Pakistan

* Corresponding Email: reyanhameedarain@gmail.com

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ABSTRACT

The criminal justice system of Pakistan is still heavily shaped by laws and procedures left behind from colonial times. These outdated systems often stand in the way of fair and timely justice. For example, old methods like using postal court summons, ignoring basic rights during arrests (like Miranda rights), continued use of torture to get confessions, and prolonged trials all violate fundamental human rights and weaken public trust in the system. This study looks into how these colonial legacies still affect the criminal justice system of Pakistan. It also explores how new technologies could help reform the system, considering the current economic conditions, without sacrificing fairness or ethical standards. The study also looks at how tools like digital summons, better surveillance and accountability of law enforcement agencies, and modern case management systems could improve transparency, trust, and efficiency in the criminal justice process. Seeking inspiration from jurisdictions like the United States in ensuring Miranda Rights, Germany in speedy trials, and most digitalized criminal justice systems, such as Estonia, offers a promising path toward meaningful reform. The study contributes to the literature by proposing a rights-based, technology-oriented framework for reform that aligns with Pakistan's socio-economic realities while addressing the structural legacies of colonial law.

Keywords: Colonial Legacy; Criminal Justice Reform; Comparative Law; Digital Justice; Miranda Rights

1. Introduction

Pakistan's criminal justice system was developed during the colonial era of British rule in the subcontinent. The laws on regulating the criminal justice system, such as the Pakistan Penal Code 1860, the Code of Criminal Procedure 1898, Qanoon Shahadat Order 1984, including a few others, are inherited from British India. (Khan et al., 2025). The new additions to the criminal justice system, such as the Anti-Terrorism Act 1997, the Pakistan Electronic Crimes Act 2016, the Control of Narcotic Substances Act 1997, and several others, are not grounded in modern legal concepts. Instead, their procedures are largely inspired by colonial-era laws, often provide speedy remedies unlike the colonial codes, but fall prey to the same exploitations and pitfalls faced by accused in trials regulated by colonial codes, such as arbitrary detention, disappearances, and torture. (International Commission of Jurists, 2007).

All these legislations fail to reform the outdated systems inherited from British colonial rule, which were primarily designed to control, detain, and suppress dissent within the subcontinent

(Zakir et al., 2021). These laws were not originally enacted to improve the justice system but rather to perpetuate mechanisms aimed at subduing perceived enemies. Consequently, the intent behind such laws often shifts from delivering justice through due process to pre-emptively labelling individuals as offenders, undermining the presumption of innocence (Farooq, 2024).

There are many factors that contribute to the disruption of the criminal justice system. Some of these factors are the use of traditional physical court summons, the failure to observe basic rights during arrests, such as the right to remain silent and the right to legal counsel (comparable to Miranda rights), the persistence of custodial torture to extract confessions, and the passive role of the prosecution. Such practices not only undermine the rule of law but also erode public trust in the justice system.

These problems can be addressed by adopting the best cross-jurisdictional practices and by incorporating certain technologies. Such as the use of digital summons, citing Estonia as an example where digital summons are implemented efficiently (Laurits, 2016). The criminal justice system of Germany serves as a strong example of the active role of the prosecution in accelerating the trial. At the same time, the United States demonstrates the practical application of Miranda rights, which is further supported by surveillance and monitoring cameras.

2. Literature Review

The criminal justice system in Pakistan continues to bear the imprint of its colonial origins. Core statutes such as the Pakistan Penal Code 1860 and the Code of Criminal Procedure 1898 still operate within their original structural framework (Khan, Yaqoob, Khokhar & Malik, 2025; Zakirkhan, Begum & Gul, 2021). Scholars note that these laws were crafted not to protect individual rights but to consolidate colonial administrative control, often at the expense of civil liberties (Ali, 2015; Farooq, 2024). Historical measures, such as the Ilbert Bill and the Frontier Crimes Regulation, exemplify the discriminatory underpinnings of these legal instruments (Kolsky, 2005; Machona, 2025).

Post-independence legal reforms have been limited in scope and largely piecemeal. Legislative developments such as the Anti-Terrorism Act 1997 and the Pakistan Electronic Crimes Act 2016, rather than remedying structural flaws, often perpetuate procedural inefficiencies inherited from colonial codes (International Commission of Jurists, 2007). These systemic shortcomings contribute to recurring violations of due process, including custodial torture, arbitrary detention, and the denial of timely trials (Human Rights Watch, 2016; Baig, 2023).

Comparative studies demonstrate how other jurisdictions have addressed similar challenges. In the United States, the development of Miranda Rights following *Miranda v. Arizona* (1966) significantly curtailed coerced confessions and strengthened procedural safeguards at the point of arrest (Kassin & Norwick, 2004; Howard, 2006). Complementary measures, such as the introduction of body-worn cameras, have enhanced accountability (Calcagni, 2023), though inconsistent application across states remains a persistent concern (Rogers, Fiduccia, Robinson, Steadham & Drogin, 2013).

Germany provides an example of efficiency through prosecutorial discretion. Provisions such as §§ 153, 153a, and 417–420 of the German Code of Criminal Procedure permit the dismissal or expedited adjudication of minor offences, reducing case backlogs while upholding procedural fairness (Eser, 1996; Germany, 2024).

Estonia demonstrates the advantages of digital integration in judicial administration. Its e-File system offers secure, real-time access to case documents and fosters procedural transparency (Antoniuk, 2024; Council of Europe, 2014). Researchers have observed that such innovations reduce administrative delays, curb corruption in document handling, and ensure the timely service of process (Laurits, 2016).



Collectively, the literature suggests that reform in Pakistan must go beyond protecting the substantive rights of the accused to address procedural efficiency and technological modernisation. A context-sensitive adoption of international best practices offers a viable pathway to dismantling entrenched colonial legacies while aligning the system with contemporary standards of justice.

3. Research Methodology

This study adopts a qualitative and doctrinal research design supported by comparative legal analysis. It involves a systematic review of Pakistan's criminal laws, including the Penal Code, Code of Criminal Procedure, relevant constitutional provisions, Substantive and Procedural Criminal laws of the USA, Germany, and Estonia, alongside secondary sources such as scholarly articles, reports, and judicial decisions. The comparative component examines legal reforms and technological integration within the criminal justice systems of the United States, Germany, and Estonia, selected for their distinctive approaches to rights protection, procedural efficiency, and digital transformation. Legal texts and policy documents from various jurisdictions were examined. Observations and prior studies supported the analysis. The research finds traces of colonial legacy, reviews reforms, and suggests approaches fitting Pakistan's conditions.

4. Colonial Legacy and Its Enduring Impact

The colonial laws were designed and regulated in a way that marginalized colonized communities in British India and treated the colonized and colonizers unequally (Kolsky, 2005). A prominent example is the Ilbert Bill, a controversial development that aimed to prohibit non-white judges from presiding over cases involving white defendants (Machona, 2025, p. 26). Many similar discriminatory laws were eventually repealed. For instance, the Frontier Crimes Regulation (FCR) of 1901, which was applied in the tribal areas (FATA), allowed for collective punishment and denied individuals the right to appeal. It was repealed on 24 May 2018 through the 25th Constitutional Amendment (Farhad, Ali, & Ali, 2025, p. 265). Similarly, the Punjab Murderous Outrages Acts of 1867 and 1877 granted sweeping powers over individuals labeled as "fanatics" suspected of murder, including provisions for property forfeiture and summary justice (Condos, 2016).

However, some provisions in the current criminal laws still serve the same purpose. For instance, Section 124A of the Pakistan Penal Code (Sedition), which is intended to suppress those who raise their voices against the government, remains part of Pakistan's criminal justice system. The government continues to use it to silence critics. The reason is that the government of Pakistan remained reluctant, the patchwork to improve the outdated system was done half-heartedly, and thus remains ineffective (Ali, 2015). Many draconian practices have been eradicated by Europe, but persist in our system. For example, detainees are often not given any warning, not informed of the charges against them, and are denied the right to legal representation (Jamshed et al., 2023, p. 105). Coerced confessions remain common. It is widely believed, and with good reason, that individuals arrested are likely to face severe physical violence at the hands of the police and law enforcement agencies. The use of torture tools is still prevalent today, with specific names such as *Littar* (a leather beating instrument), *Rola* (a metal rod rolled on the legs for crushing and rolling), among others (Human Rights Watch, 2016). The use of such instruments is not a myth but a documented reality. Recent extrajudicial killings by the Counter-Terrorism Department (CTD), backed by the Punjab government, clearly demonstrate a disregard for due process and the rule of law (Piracha, 2025).

5. Comparative Jurisdictions: Learning from Global Best Practices

This research focuses on identifying and learning from some of the best criminal justice practices used around the world. By comparing these practices with the current challenges faced



by Pakistan's criminal justice system, the study aims to suggest practical improvements. Considering the current economic conditions of Pakistan, only cost-effective recommendations are the course of discussion. The United States is explored for its established procedures regarding Miranda rights and arrest protocols. Germany is highlighted as an example of a justice system that ensures quick and efficient trials. Estonia, known for its advanced use of digital technology in its criminal justice sector, offers valuable lessons on how Pakistan can modernize its system through human rights-oriented and digital reforms.

5.1 United States: Miranda Rights and Arrest Procedures

In American legal practice before the mid-1960s, the admissibility of confessional evidence was predominantly assessed through the principle of "voluntariness," requiring courts to determine whether a confession had been made freely and without coercion (Howard, 2006, p. 686). The journey towards the Miranda Rights was a long run; a lot of jurisprudence contributed to leading the criminal justice system to this stage. Before that, the suspects and petitioners were subjected to prolonged interrogations, including all-night examinations (*Chambers v. Florida*, 1940). The term Miranda Rights was introduced by the landmark case of *Miranda v. Arizona* (1966), in which the U.S. Supreme Court held that police are required to inform all suspects in custody of their constitutional rights, including the right to remain silent and the right to legal counsel (Kassin & Norwick, 2004, p. 211). Later on, the procedure for these warnings was further consolidated by the Supreme Court's decision, which upheld the basic warning-and-waiver requirements (*Dickerson v. United States*, 2000). In the typical *Miranda* warning, police inform a suspect under interrogation:

- You have the right to remain silent.
 - If you do say anything, it can be used against you in a court of law.
 - You have the right to have a lawyer present during any questioning.
 - If you cannot afford a lawyer, one will be appointed for you if you so desire
- (Schwartzbach & Pirius, 2024).

The impact of Miranda Rights led to reduced forced confessions and hinders the chances of torture-based confessions (Kassin & Gudjonsson, 2004). When police or authorities began using their power to force people to answer questions, they often forget the limits of that power (Harris, 1968). What starts as simple questioning can easily turn into bullying, using force, or even torture. If officers believe they have the right to get answers, they can quickly start believing they have the right to get the *answer they want*, usually a confession, even if the person is innocent (Harris, 1968). Advising a person of their *Miranda* rights does not allow police to use coercion tactics to force a confession or waiver of one's rights (Schwartzbach & Pirius, 2024).

What makes Miranda Rights compatible with this digital world is its monitoring and compliance, which is mostly ensured by the uniform cameras on the dress of the police officers, which makes sure that the police do not go beyond their powers (Calcagni, 2023). New York City Police Department (NYPD) officers always carry their cameras with them, following a protocol that the working of the camera and battery are checked before wearing. Moreover, NYPD's body-worn cameras constantly operate in standby mode (Warner, 2022). This makes the idea practical and shows a relatively high rate. Rogers analyzed research on Miranda warnings and, based on nationwide statistics covering 9.2 million arrests in 2009, estimated that approximately 976,000 arrests, around 10 percent, were compromised due to issues related to the Miranda process (Rogers, 2011). This 10 percent figure does not reflect cases where the warnings were entirely ignored but also includes cases affected by inconsistencies, such as the use of over 800 different versions of the Miranda warning across various states (Rogers, 2011).



This shows that Miranda Rights are not only compatible with technological surveillance but also practical in their implications.

5.2 Germany: Speedy Trials and Legal Guarantees

The German criminal justice system is known for the fastest disposal of criminal cases and is considered the fastest criminal justice system in the world. There are some provisions in the criminal justice system of Germany which empower accelerated proceedings for the frequent disposal of cases requiring less effort and involve clear evidence. The accelerated proceedings are governed under Chapter 2A of Book VI of the German Code of Criminal Procedure (§§ 417–420 StPO). The most viable is the role of the German public prosecution office, where the prosecution can apply for accelerated trials to the court if the case is not of a severe nature or involves clear evidence (Germany, 2024, § 417 StPO). After the application, the main trial is conducted either immediately or within a short period, without the need for a formal decision to initiate the main proceedings. Generally, the interval between the court receiving the application and the start of the trial does not exceed six weeks (Germany, 2024, § 418 StPO). Prosecution also plays another important role in discontinuing certain criminal proceedings involving misdemeanours crimes, during preliminary investigations, if specified conditions are met (StPO §§ 153, 153a). This simplified dismissal process requires the consent of the accused and, in most cases, the approval of the court. Upon fulfilling conditions such as financial compensation, community service, or payments to public funds, the case is formally closed. Importantly, the decision to dismiss focuses on whether the public interest in prosecution has been addressed, rather than the seriousness of the offence itself, provided that the accused's guilt does not present a substantive barrier to discontinuation (Eser, 1996, p. 345).

Overall, this unique and active role of prosecution helps the justice system to speed up and maintain its efficiency. These procedures for accelerated trials are a testament to Germany's practical focus on balancing speed with fairness in its criminal justice process.

5.3 Estonia: Pioneering Digital Justice

In recent years, digital transformation has significantly reshaped judicial systems worldwide. Estonia's implementation of a fully automated case management system and e-justice mechanisms has established one of the world's most efficient judicial systems. The most prominent and important is its Electronic File (e-File) system, which grants parties, including citizens, secure access to case materials, procedural acts, and decisions across criminal, civil, and administrative proceedings (Antoniuk, 2024, p. 254). Its criminal justice system centralizes all proceeding-related data within a unified digital platform, which enables real-time electronic exchange of documents and procedural information among justice authorities, ensuring equal access to identical data. Standardized rules across connected systems prevent redundant data entry and support reliable statistical reporting, while optimized workflows enhance inter-agency collaboration and reduce administrative burdens (Council of Europe, 2014).

The practical implementation of this system is grounded in specific statutory provisions. Section 165 of the Estonian Code of Criminal Procedure authorizes the issuance of digital summonses via email and publication online, accessible through the e-File system. A summons is deemed served when opened or acknowledged on the portal, with postal delivery serving as a fall back if no confirmation is received within three days (Estonia Code of Criminal Procedure, § 165, 2003). Similarly, Section 156 reinforces digital accessibility by mandating the recording and dissemination of court proceedings through the same electronic platform. Prosecutors and parties gain access to digital minutes and audio recordings within three days of hearings. The submission of procedural documents, including applications, appeals, and related filings, is primarily conducted via the e-File system. Legal professionals and



government authorities are generally obligated to comply with this digital submission process, facilitating procedural efficiency (Estonia Code of Criminal Procedure, § 156, 2003).

Collectively, these innovations portray Estonia as a model for other jurisdictions seeking to modernize their criminal justice systems through digital integration and procedural transparency.

6. Reforming Pakistan's Justice System: Findings and Recommendations

Pakistan's criminal justice system faces serious challenges, including custodial torture, arbitrary arrests, delayed trials, outdated case management systems, obsolete summoning and record-keeping methods, and a general lack of transparency. In contrast, jurisdictions such as the USA, Germany, and Estonia serve as practical examples of reform, having successfully addressed many of these issues. However, before considering the adaptation of international best practices, it is essential to assess Pakistan's current criminal justice framework and propose feasible, efficient, and cost-effective reforms suitable to its present circumstances.

6.1 *Miranda Rights and Criminal Justice System of Pakistan*

Article 10(1) of the Constitution of Pakistan makes it mandatory that the person arrested shall not be detained in custody without being informed regarding the grounds of the arrest, as soon as may be, and the detainee will not be deprived of legal representation from a lawyer of his/her choice. Adding to this, section 56 of the CrPC, 1898 (Code of Criminal Procedure) makes it mandatory to show an order having details of the offence to the accused person while making an arrest. These provisions of the CrPC and the Constitution are similar to the Miranda Rights, requiring the accused to be informed of the charges, but the point of concern is that both discuss this requirement only briefly, vaguely and lack procedural clarity. For instance, the phrase "as soon as may be" in Article 10(1) creates ambiguity regarding the permissible delay in notifying the accused of the charges and offences against them. Secondly, the Code of Criminal Procedure (CrPC) addresses this safeguard only briefly, rendering it a minor and often overlooked aspect of the relevant section. Protections concerning the fundamental rights of citizens should not be relegated to peripheral mentions; rather, they require clear, detailed, and prominently articulated provisions to ensure both enforcement and compliance.

Although if we look for the practical implication of the what currently available is and to what extent it is practical, it is observed that in many cases, not only the suspects are not informed about the charges against them at the time of arrest, but in some cases accused and suspects are also not informed about the authority that arrested the accused (Amnesty International, 2021). In addition to this, the methods used by law enforcement agencies, including FIA, CID, and police, are outdated and traditional owing to their colonial legacy (Saleem, Ashfaq, & Ashraf, 2023, p. 252). The same legacy is further exacerbated by the newly formed law enforcement agencies, such as the CCD (Crime Control Department).

The prevailing situation cannot be resolved instantly; however, incremental reforms can contribute significantly to improvement. A primary step should involve strengthening the legal framework concerning the rights of accused persons and detainees. This can be achieved by incorporating explicit provisions within the Code of Criminal Procedure, 1898 (CrPC), rather than leaving such critical safeguards ambiguously referenced in Section 56, which primarily concerns the delegation of authority to subordinate police officers for warrantless arrests. Additionally, the ambiguity created by the phrase "as soon as may be" in Article 10(1) of the Constitution should be addressed. Replacing this phrase with a clear requirement, such as "before making the arrest", would help eliminate interpretive uncertainties. Informing an accused person of the charges at the time of arrest is not a matter of discretion but a fundamental right that must be upheld.



To ensure police compliance with these safeguards, the integration of body cameras during arrests should be mandated, similar as done in the USA for Miranda Rights compliance (Calcagni, 2023). The Supreme Court of Pakistan has already suggested using phone cameras, built-in devices to record the event of search and seizure in narcotics cases, to avoid further inquiries (*Zahid Sarfaraz Gill v. The State*, 2024). This measure is neither excessively costly nor technically impractical. Uniform cameras can be issued to all arresting officers, or officers can be required to use their mobile devices to record the brief interaction in which the accused is informed of the charges and right to remain silent. This practical step would serve both as evidence of procedural compliance and as a safeguard for the rights of the accused.

6.2 The Active German Prosecution, an Economic Way Out for Speedy Trials

Pakistan's justice system faces a severe backlog of cases, leading to substantial delays and systemic inefficiencies. The volume of pending cases continues to rise at an alarming rate. As of June 30, 2024, district courts faced a staggering backlog of 1,815,783 cases (Arain, 2025). This huge backlog needs frequent measures to reduce the burden on the courts. In German law, minor offences are commonly referred to as misdemeanours, which are usually handled through summary proceedings. A somewhat similar process exists in Pakistan under Sections 260 and 261 of the Code of Criminal Procedure, 1898. However, one key difference is that in Germany, the prosecution itself can apply for a simplified or expedited trial, making the process more efficient and cost-effective. It not only includes cases of less severe nature but also cases which have clear evidence available on the record. This is something Pakistan could adopt with procedural adjustments, without the need for major structural reforms. Since this paper focuses specifically on suggesting cost-effective measures, increasing the number of courts, a common but expensive recommendation, is not discussed here. Instead, the emphasis is on procedural reforms that can ease the workload of courts without requiring significant financial resources. One such reform could be empowering prosecution departments in Pakistan, similar to Sections 153 and 153a of the German Code of Criminal Procedure (StPO). Under these provisions, prosecutors have the authority to discontinue proceedings in cases involving minor offences that do not affect the public interest. In such cases, proceedings can be dropped if the accused agrees to certain conditions, such as paying a fine, performing community service, or attending counselling. Importantly, this happens with the consent of the accused and without involving the courts. Adopting a similar approach could help reduce the pressure on Pakistan's already overburdened judiciary while ensuring that minor cases are handled in a fair and practical manner.

Along with that,

the investigators lack the basic knowledge about interrogation techniques used to extract important information from the accused. The only technique our IOs are using is third-degree treatment.

6.3 Estonia's Digital Justice, an Opportunity for Modernization

The lack of technological integration in the criminal justice system of Pakistan is a critical shortcoming in this era of digitalization. Technology has the potential to facilitate timely and efficient justice, aligning with the principle that "justice delayed is justice denied." In a time when digital tools can enable the swift delivery of summons, relying on outdated manual practices constitutes a serious violation of this principle.

Manual summons in 2024 is state-sponsored obstruction of justice. The current condition is that the cases frequently get postponed because the summons are not properly served on the parties by the service providers (Imran, Idrees, & Saeed, 2024, p. 58). It is common practice to delay the service of process either by bribing the process servers to avoid serving it or by providing incorrect address details (Hameed, Mustafa, & Shahzad, 2023, p. 851). This results in issuing



arrest warrants against the accused and, at times, detaining individuals whose cases could easily be managed through summons. The digital summoning system, like that used in Estonia, ensures that the summons first reaches the accused/respondent digitally, and if the digital summons is not accessed, it is then served by post.

Moreover, the manual documentation submission system in Pakistan causes enormous delays and losses both to the system and to the parties involved. In many cases, the prosecution in Pakistan intentionally delays the submission of the charge sheet (challan) to prolong the suffering of the accused. Different bribe rates are fixed for different natures of criminal cases (Zia, 2020). Additionally, the accused face difficulties in accessing the necessary documents. They are required to pay document fees, which many lawyers often manipulate, clerks of court offices, and record room staff, who have turned this into a source of personal income by frequently charging more than the official government fees (Khan, 2023, p. 3). The e-filing system of Estonia, which allows both submission and access to documents electronically, can help address intentional delays caused by the prosecution or police and also curb the unethical practices of court staff and litigants.

The eZfile system of the Securities Exchange Commission of Pakistan (SECP) for companies' incorporation and corporate compliance is a positive and practical step towards digitalization. In a similar way, it is easy to digitize the complete case management and e-file system for the criminal justice system as well. The Punjab government is currently working on better Case Flow Management Systems (CFMS) in cooperation with UNODC (United Nations Office on Drugs and Crime, 2025). However, incorporating a comprehensive e-file system is a crucial factor in achieving complete transparency in the criminal justice system of Pakistan.

7. Comparative Summary of Criminal Justice Practices

<u>Jurisdiction</u>	<u>Key Focus / Reform Area</u>	<u>Distinctive Features</u>	<u>Relevance to Pakistan</u>
<i>Pakistan</i>	Colonial-era system; delayed trials; custodial abuse; lack of digitalization	Outdated <i>Code of Criminal Procedure</i> (1898); manual summons; weak enforcement of constitutional rights; corruption in service of process	Requires procedural modernization, clear arrest safeguards, and technological integration
<i>United States</i>	Rights protection during arrest (<i>Miranda Rights</i>)	Police must inform suspects of rights; use of body-worn cameras ensures transparency and accountability	Serves as a model for procedural safeguards and digital monitoring during arrests
<i>Germany</i>	Speedy and efficient trials through prosecutorial discretion	Prosecutors can discontinue minor cases (StPO §§153–153a); accelerated proceedings under §§417–420	Provides a model for reducing case backlog and empowering prosecution to handle minor offences efficiently
<i>Estonia</i>	Digitalization of the criminal justice system	e-File system; digital summons; standardized data-sharing and transparency	Offers a practical model for online access to case materials; introducing e-case management and digital summons in Pakistan

8. Brief Recommendations

- Clarify constitutional safeguards by amending Article 10(1) to replace vague terms like “as soon as may be” with a specific and enforceable timeframe for informing the accused of the charges at the time of arrest.
- Incorporate Miranda-style procedures into the CrPC 1898 to provide a clear, uniform process for advising suspects of their right to remain silent and right to legal counsel.



- Mandate recording of arrests through body-worn or mobile cameras to ensure transparency, protect accused persons from abuse, and create verifiable evidence of compliance with rights advisories.
- Empower prosecutors for minor cases by granting them authority, as in the German model, to discontinue or expedite proceedings involving minor offences, thereby reducing court backlogs.
- Introduce a unified e-case management system inspired by Estonia's e-File to provide secure, real-time access to case materials for all parties and streamline judicial processes.
- Adopt digital summons as the primary method of notifying parties, with physical postal delivery only as a secondary option in case of non-receipt.
- Digitize submission of charge sheets, all legal documents, and certified true copies to eliminate intentional delays, reduce corruption, and improve accessibility for both defence and prosecution.
- Executives must be trained to become familiar with the digital systems recommended in this paper, and special training for law enforcement agencies regarding the recommended arrest procedures must be an essential component, including the substantive legal changes.

9. Conclusion

The persistence of colonial-era legal frameworks in Pakistan's criminal justice system is not just a leftover of history; it is the result of a deep, structural reluctance to replace control with justice. Lessons from the United States, Germany, and Estonia show that there are workable alternatives already in use, tested under very different political and economic conditions. The real challenge for Pakistan is not finding examples to follow, but deciding to adapt them in a way that fits its own social realities and limited resources.

Introducing Miranda-style safeguards, giving prosecutors the power to resolve minor cases, and moving towards a reliable digital case management system are not expensive overhauls. They are targeted adjustments that could make the system faster, fairer, and more transparent. However, these changes are not the complete solution to Pakistan's criminal justice system problems. They represent a focused set of measures which, if implemented with care, could unlock far greater improvements and lay the groundwork for stepping into the future.

However, even the best legal changes will not be effective if the people enforcing them are unprepared or unaccountable. This means any reform must go hand in hand with proper, systemized training for executive and law enforcement authorities, as well as independent checks to ensure the new rules are actually followed. Without that, reforms risk being impressive on paper but hollow in practice. Changing the system is ultimately a matter of will. If lawmakers, courts, and law enforcement leadership are serious, Pakistan can move away from colonial rigidity and towards a justice system that genuinely serves its citizens. That change will depend on steady, practical reforms, backed by training, oversight, and real accountability.

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Author(s) Bio / Authors' Note

Reyan Hameed Arain:



R.H.A is a law graduate who is passionate about using technology to improve the way legal services are delivered. Through his work as the Founding Partner at Wakalat Online LLP, I try to make legal assistance easier and more accessible for people. His main areas of interest include Corporate Law, ADR, Technology Law, and Human Rights.. Email: reyanhameedarain@gmail.com

