

# LEGAL ETHICS AND INTERNATIONAL HUMAN RIGHTS: A POLICY ANALYSIS OF BLASPHEMY LAWS AND CONSTITUTIONAL FRAMEWORKS IN PAKISTAN

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DOI: <http://doi.org/10.5281/zenodo.22110531>

| Received        | Accepted      | Published     |
|-----------------|---------------|---------------|
| 26 January 2026 | 16 March 2026 | 31 March 2026 |

## ABSTRACT

*This study examines the implementation gap within Pakistan's religious speech statutes, focusing on the structural and administrative vulnerabilities that enable legal manipulation. Utilizing a qualitative methodology combining doctrinal legal research and policy analysis, this paper traces the procedural lifecycle of legal complaints across three distinct institutional gates: pre-trial registration under Section 154 of the Code of Criminal Procedure, local evidentiary investigation, and lower-court adjudication. The findings reveal that low entry thresholds for First Information Reports, coupled with localized pressures on investigators and the trial judiciary, create a profound procedural justice deficit that undermines the presumption of innocence and Article 10A constitutional guarantees. Conversely, appellate corrections by the higher judiciary consistently enforce rigorous evidentiary filters to protect due process. Ultimately, this study argues for structural, front-end administrative filters—including mandatory preliminary inquiry phases and the enforcement of perjury laws—to safeguard human rights while respecting domestic sovereign legal traditions.*

**Keywords:** Constitutionalism, Speech Regulation, Procedural Lifecycle Mapping, Pakistan Penal Code, ICCPR, Vetting Filters, Administrative Filters

## INTRODUCTION:

### CHAPTER 1

The evolution of modern constitutionalism consistently grapples with the structural tension between safeguarding collective religious sanctity and protecting individual liberties (Tushnet, 2014). Within many post-colonial nations, the codification of religious speech statutes serves as an expression of cultural preservation and public order; yet, it introduces profound ethical challenges for the state's judicial machinery (Mahmood, 2016). This theoretical friction is vividly mirrored in Pakistan, where the 1973 Constitution establishes a complex dual mandate:

it explicitly codifies Islamic principles under Article 2A while simultaneously guaranteeing fundamental civil rights, such as freedom of speech under Article 19.

At its core, a blasphemy law is defined as a statutory framework that criminalizes speech, actions, or publications intended to insult, criticize, or desecrate religious figures, sacred texts, or foundational beliefs. Within the domestic legal landscape of Pakistan, this conceptual definition is formally codified under Chapter XV of the Pakistan Penal Code (PPC)—specifically Sections 295 through 298. While originally introduced under British colonial rule in 1860 to maintain

communal harmony, these specific statutes frequently intersect with global human rights standards, notably the International Covenant on Civil and Political Rights (ICCPR), which Pakistan ratified in 2010. However, the primary systemic crisis does not merely stem from the text of these laws, but from critical vulnerabilities in their administrative execution (Jahangir, 2021).

In practice, a significant implementation gap exists due to low evidentiary thresholds and the absence of stringent initial vetting mechanisms for First Information Reports (FIRs). Consequently, these procedural loopholes allow state statutes to be weaponized for interpersonal grudges or material disputes, compromising the right to a fair trial under Article 10A. Therefore, this study presents a rigorous policy analysis aimed at identifying these administrative gaps. By evaluating the friction between local statutory application and universal human rights, this paper proposes realistic, policy-driven safeguards to protect judicial integrity and prevent extrajudicial exploitation.

## 1.2 Research Objectives

To identify the procedural loopholes in local police registration and trial courts that allow religious speech laws to be misused.

To propose practical administrative safeguards to prevent false accusations and protect the right to a fair trial.

## 1.3 Research Questions

How do weak initial checks at local police stations enable the weaponization of speech statutes for personal grudges?

What operational reforms are needed to protect due process and prevent vigilante violence at the grassroots level?

## Chapter 2: Literature Review

### 2.1 Colonial Genealogies and Post-Colonial Continuities of Speech Regulation

The academic discourse surrounding religious speech statutes in South Asia heavily emphasizes their colonial origins, framing modern legislative frameworks not as sudden theological developments, but as structural continuities of

imperial governance (Ali, 2018). Scholars argue that the British colonial administration originally introduced Section 295 of the Indian Penal Code (IPC) in 1860 as an administrative mechanism to manage communal friction and preserve public order among diverse religious populations, rather than to protect the sanctity of any specific faith (Ahmed, 2020). According to Jalal (2000), this codification transformed fluid religious sensibilities into rigid legal categories, effectively weaponizing religious identity within the state's judicial architecture. Consequently, contemporary legal friction in post-colonial states is frequently analyzed as an inheritance of this imperial legal design, where laws designed for colonial population control have been absorbed into modern state-building projects (Toor, 2011).

Legal historians point out that the British rulers intended to act as neutral arbiters over a multi-religious empire, using criminal law to suppress public agitation that could threaten colonial economic interests (Siddique & Hayat, 2008). The original colonial statutes required a high threshold of malicious intent (*mens rea*) to prevent the laws from being used as tools for private harassment. However, when these colonial provisions were absorbed into post-colonial Pakistan, the original administrative justifications shifted. During the late twentieth century, particularly the 1980s, these laws underwent a profound transformation, moving away from being tools for broad inter-communal peacekeeping to becoming highly specific statutes with expanded scope and severe statutory penalties (Rumi, 2021). The historical literature demonstrates that this transition altered the balance between the state's role as a neutral administrative manager of public order and its role as an enforcer of specific religious sentiments, creating a unique legislative legacy that shapes contemporary legal practice (Ahsan Qureshi, 2018).

### 2.2 Constitutional Dualism: Universal Rights vs. Domestic Sovereignty

A secondary thematic current in the literature explores the concept of "constitutional dualism," wherein post-colonial states attempt to reconcile universal human rights frameworks with domestic

religious legitimacy (An-Na'im, 2010). Modern political theorists highlight that when a state adopts a dual constitutional identity—guaranteeing civil liberties while simultaneously anchoring state legitimacy in a specific religious tradition—a structural paradox inevitably arises (Bader, 2007). In the context of developing nations, this tension manifests as a direct conflict between international human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR), and localized legal statutes intended to protect collective religious sentiment (Bielefeldt, 2012). The literature demonstrates that judicial bodies in these environments are frequently forced to navigate an adversarial landscape, balancing the protection of marginalized groups with the preservation of institutional legitimacy in the face of widespread socio-religious pressures (Khan, 2019).

In Pakistan, this dualism is embedded within the text of the 1973 Constitution. Scholars argue that the inclusion of Article 2A, which makes the Objectives Resolution a substantive part of the Constitution, establishes a foundational legal matrix that prioritizes religious alignment (Faisal et al., 2023). At the same time, Chapter 1 of the Constitution outlines Fundamental Rights, including Article 19, which guarantees freedom of speech. However, the constitutional text subjects this freedom to "any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan" (Kanwel et al., 2020). This internal tension creates a complex challenge for legal practitioners. International human rights scholars argue that such broad constitutional clawback clauses can make global treaties like the ICCPR less effective, as domestic courts often prioritize regional sovereign protections over universal standards of expression and belief (Khan & Firdous, 2022).

### 2.3 The Procedural Justice Deficit and Administrative Vulnerabilities

Beyond the theoretical frameworks of history and sovereignty, recent legal scholarship focuses extensively on the operational realities and procedural deficits within the lower tiers of the judiciary (Cheema, 2017). Legal analysts argue that

the primary site of human rights vulnerability lies within the initial administrative stages of the criminal justice system—specifically the registration of First Information Reports (FIRs) by local police authorities under Section 154 of the Code of Criminal Procedure (Ghias, 2010). The absence of structural filters, independent investigative oversight, and high evidentiary standards at the grassroots level has been thoroughly documented as a significant structural flaw that allows local laws to be manipulated for individual material gain or interpersonal disputes (Jahangir, 2021). Thus, contemporary policy literature increasingly advocates for structural, administrative reforms rather than purely theological debates, emphasizing that protecting the rule of law requires reinforcing the procedural integrity of the state machinery (Kennedy, 2006).

Studies focusing on empirical legal trends in Pakistan highlight that the lower judiciary—such as district magistrate courts—frequently faces immense localized pressures during initial trial phases (Hussain et al., 2023). This environment often complicates the impartial adjudication of complaints, leading to a high rate of convictions at the trial court level, which are later overturned upon rigorous review by provincial High Courts or the Supreme Court (Siddique & Hayat, 2008). Scholars identify a clear "procedural justice deficit," where long delays in trial schedules, difficulties in securing bail, and security risks for defense attorneys create an environment where the accused faces severe challenges long before a final verdict is reached (Hoffman, 2014). The literature suggests that fixing these vulnerabilities requires targeted administrative policy changes, such as raising evidentiary standards during initial police investigations and holding individuals accountable who intentionally file fraudulent or malicious complaints (Nahri, 2018).

### 2.4 Academic Discourses on Vigilantism and Procedural Vulnerabilities

In contemporary Pakistani legal scholarship, a major area of research focuses on how weak procedural safeguards can lead to vigilante justice and mob violence. Academic evaluations frequently focus on the tragic murder of Mashal

Khan in 2017 as a key example of how easily the state's legal structures can be bypassed. Scholars point out that the 25-year-old university student was killed by a vigilante mob following an entirely false accusation of online blasphemy—an accusation that subsequent police investigations proved was completely fabricated to punish him for exposing institutional corruption.

When reviewing this case, academic literature highlights three major systemic themes:

**The Weaponization of False Claims for Private Motives:** Scholars note that the vast majority of arbitrary allegations under Chapter XV of the PPC do not stem from genuine religious offenses, but are instead used as tools to settle personal vendettas, economic rivalries, or organizational disputes (Hassan et al., 2021).

**The Ineffectiveness of Grassroots Law Enforcement:** A common finding across social science studies is that local law enforcement agencies often lack the training, independence, and protection needed to handle sensitive complaints objectively (Hassan et al., 2021). In the Mashal Khan case, the failure of local university administration and police bodies to intervene quickly allowed an unchecked crowd to take the law into its own hands (Hassan et al., 2021).

**The Chilling Effect of Public Intimidation:** Researchers also observe that the social pressure surrounding these cases often impacts local community spaces (Hassan et al., 2021). The fact that locals were threatened against even attending the victim's funeral prayers shows how deeply public intimidation can weaken the rule of law and disrupt basic civil liberties at the community level (Hassan et al., 2021).

Ultimately, the consensus within modern literature emphasizes that the primary danger does not just lie in the wording of the statutes, but in the lack of early-stage, administrative filters that could verify criminal intent (*mens rea*) before a public crisis occurs. This underscores the urgent need for structural policy reforms that can protect the integrity of the judicial system and ensure the safety of citizens from extrajudicial actions.

## 2.5 Comparative Legal Frameworks and Regional Trajectories

The final domain of the literature places the domestic challenges of Pakistan within a broader comparative perspective, examining how other nations in the Global South and the wider OIC region manage the legal intersections of speech and religion (Qureshi, 2017). Comparative constitutional legal scholarship reveals that Pakistan's experience is not isolated; various developing countries struggle with balancing post-colonial legal frameworks, religious identity, and modern human rights standards (Tushnet, 2014). Scholars observe that states which rely on clear administrative filters and strict judicial verification at the initial complaint phase experience fewer instances of legal weaponization or vigilante justice (Bader, 2007). Conversely, legal systems that lack independent oversight during the early investigation stages remain vulnerable to being manipulated to settle local property or personal disputes, regardless of the specific religious or secular nature of the laws (An-Na'im, 2010).

Furthermore, comparative policy analysts look at how different countries attempt to align local laws with international obligations like the ICCPR without creating public instability or compromising domestic constitutional principles (Bielefeldt, 2012). The consensus within recent policy literature emphasizes that structural adjustments should focus heavily on procedural law rather than substantive updates (Cheema, 2017). By improving the professionalism of police investigations, introducing high-level administrative reviews before formal arrests, and enforcing existing laws against perjury and false testimonies, states can protect their judicial systems from being manipulated by external actors (Hussain et al., 2023). This comparative perspective provides a valuable foundation for policy researchers looking to design practical, localized solutions that respect sovereign traditions while upholding universal standards of human rights and fair trials (Khan & Firdous, 2022).

## Chapter 3: Methodology and Conceptual Framework

### 3.1 Research Design

This study utilizes a qualitative, non-empirical research design that integrates doctrinal legal research with a policy analysis framework (Kritzer, 2002). Rather than engaging with theological debates or religious doctrines, this methodology focuses purely on a structural, institutional evaluation of the text of Chapter XV of the Pakistan Penal Code (PPC) and its operational alignment with national constitutional protections and international legal agreements. Doctrinal legal research allows for a systematic analysis of statutory provisions, judicial precedents, and constitutional text, establishing what the law is in theory. Concurrently, the policy analysis framework evaluates how these statutory provisions function within the everyday machinery of state law enforcement and judicial bodies, identifying the precise points of friction where administrative execution fails to protect individual due process rights.

### 3.2 Conceptual Framework: The Procedural Lifecycle Mapping

To analyze the systemic vulnerabilities within the application of religious speech statutes, this study develops and implements a "Procedural Lifecycle Mapping" framework. This conceptual framework treats a legal complaint not as a singular event, but as a continuous administrative journey that moves through specific institutional gates. By breaking down the lifespan of a criminal accusation under Chapter XV of the PPC into three sequential phases, the study isolates the exact institutional vulnerabilities where legal weaponization occurs:

**The Pre-Trial and Registration Gate:** This phase centers on the immediate entry point of an accusation into the state apparatus. It examines the legal mechanisms governing how local police authorities register a First Information Report (FIR) under Section 154 of the Code of Criminal Procedure (CrPC). The analysis focuses on whether existing guidelines allow for immediate arrest based on oral testimony alone, without a preliminary judicial warrant.

**The Evidentiary and Investigative Gate:** This phase evaluates the technical standards of evidence applied during the formal investigation. It reviews the administrative capacity and legal authorization of local police investigators to vet claims, identify malicious intent (*mens rea*), and filter out complaints rooted in underlying material or personal disputes.

**The Trial and Adjudication Gate:** This final gate examines the operational environment of the lower trial courts (District Magistrate and Sessions Courts). It analyzes how external factors—such as localized security risks, the safety of defense counsel, and institutional pressure—impact the procedural right to a fair trial, bail availability, and the statutory presumption of innocence.

### 3.3 Data Collection and Selection Criteria

Because this is a non-empirical policy study, data collection relies strictly on primary and secondary legal and administrative documents. The selection of these materials is guided by their direct relevance to criminal procedure, constitutional rights, and international treaty compliance in Pakistan:

**Statutory and Codified Law (Primary):** The foundational data consists of the exact text of the Pakistan Penal Code (1860), specifically Sections 295, 295-A, 295-B, 295-C, 298, 298-A, 298-B, and 298-C, alongside the Code of Criminal Procedure (1898).

**Constitutional Instruments (Primary):** The study reviews the Constitution of the Islamic Republic of Pakistan (1973), focusing on the structural relationship between Article 2A (The Objectives Resolution), Article 19 (Freedom of Speech), and Article 10A (Right to Fair Trial).

**International Treaties (Primary):** The study incorporates the International Covenant on Civil and Political Rights (ICCPR), reviewing the official text of Articles 14, 18, and 19 to establish the baseline global standards for fair trials and civil liberties.

**Secondary Jurisprudential Data:** To analyze the actual application of these laws, the study selects landmark, published appellate judgments from the High Courts of Pakistan and the Supreme Court of Pakistan (such as the *Asia Bibi* case,

2018). These judgments are selected because they represent authoritative judicial corrections of lower-court procedural errors.

### 3.4 Research Method: Qualitative Content Analysis & Legal Exegesis

This study formally employs Qualitative Content Analysis (QCA) paired with Doctrinal Legal Exegesis as its primary research methods. QCA is applied systematically to secondary data—specifically public appellate judgments, state administrative guidelines, and human rights oversight reports—to extract and categorize recurring institutional failures. The text is coded using a structured thematic framework focusing on four main nodes: *administrative delays*, *evidentiary verification voids*, *systemic third-party intimidation*, and *interpersonal material conflicts*.

Concurrently, Doctrinal Legal Exegesis involves a strict textual and contextual interpretation of statutory provisions (Sections 295–298 PPC and Section 154 CrPC) and constitutional text (Articles 2A, 10A, and 19). This dual approach ensures that the statutes are analyzed not merely as isolated legal text on paper, but through their operational tracking across the judicial machinery.

### 3.5 Limitations of the Methodology

This research design carries specific boundaries that must be explicitly acknowledged. First, because it relies entirely on documented legal texts, statutes, and published judicial decisions, it does not capture the unregistered or informal settlements that occur outside the formal judicial framework. Second, due to safety, logistical, and ethical considerations surrounding ongoing sensitive trials, the study does not use primary field interviews with currently detained individuals or active trial judges. Instead, it maintains a macro-

level focus on the institutional, administrative design of the state machinery, ensuring an objective and policy-oriented evaluation of the legal infrastructure.

## Chapter 4: Core Analysis & Findings

### 4.1 Systemic Breakdowns at the Pre-Trial Gate: Section 154 CrPC and the FIR Mechanism

The critical point of failure within the procedural life cycle of religious speech cases occurs at the immediate entry point of the criminal justice system: the registration of the First Information Report (FIR) under Section 154 of the Code of Criminal Procedure (CrPC). Under standard operating procedures for cognizable offenses, local police authorities are legally obligated to record an FIR immediately upon receiving information regarding a crime (Ghias, 2010). However, within the context of Chapter XV of the PPC, this automatic mechanism functions without initial judicial screening, creating an institutional vulnerability that can allow the state's enforcement machinery to be manipulated to settle personal disputes (Jahangir, 2021).

Analysis of lower-court cases reveals that the entry threshold is exceptionally low. A formal capital offense charge can be initiated based entirely on oral testimony (*viva voce*) provided by a single complainant, without requiring corroborating forensic, digital, or physical evidence prior to registration. Local police stations often lack the administrative independence and protection needed to withstand immediate localized pressures, leading to the rapid filing of charges without a preliminary inquiry (Cheema, 2017). This dynamic creates a significant "implementation gap" between the precise statutory text on paper and its hasty application on the ground.

| Procedural Phase | Statutory Intention (CrPC/PPC)                                             | Practical Operational Reality                                           |
|------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------|
| FIR Registration | Thorough assessment of <i>mens rea</i> (intent) before state intervention. | Rapid, pressure-driven registration based solely on verbal accusations. |

| Procedural Phase    | Statutory Intention (CrPC/PPC)                                          | Practical Operational Reality                                                                 |
|---------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Investigative Phase | Objective collection of evidence by independent police investigators.   | Vulnerability to local intimidation, leading to incomplete or biased case files.              |
| Bail Availability   | Judicial evaluation of case merits under standard statutory exceptions. | Reluctance to grant pre-trial bail due to heightened security risks surrounding lower courts. |

#### 4.2 The Evidentiary and Investigative Void: The Deficit of Mens Rea Verification

Once an FIR is registered, the second systemic breakdown occurs during the formal investigative phase. In standard criminal jurisprudence, establishing a crime requires proving both the physical act (*actus reus*) and a specific criminal intent (*mens rea*). Original colonial provisions, such as Section 295-A, explicitly include terms like "deliberate and malicious intention" as mandatory elements of the offense (Siddique & Hayat, 2008). However, the analysis shows that during local police investigations, the evaluation of *mens rea* is often overlooked.

Local investigators frequently treat the mere occurrence of a controversial statement or action as sufficient grounds to maintain custody, ignoring the context or the mental capacity of the accused (Hoffman, 2014). This investigative gap is widened by a lack of specialized training among local law enforcement personnel regarding speech statutes and international human rights benchmarks. Because the investigation relies heavily on eye-witness accounts rather than objective physical or digital verification, personal enmities, property disagreements, or economic rivalries can easily be framed as religious speech violations (Rumi, 2021). The investigative file sent to the trial court is therefore often structurally flawed from the outset.

#### 4.3 The Trial Court Environment and the Presumption of Innocence

The third phase of the procedural lifecycle takes place within the lower judiciary—specifically the District Magistrate and Sessions Courts. In theory, Article 10A of the 1973 Constitution guarantees

every citizen the right to a fair trial and due process. Furthermore, international legal frameworks like Article 14 of the ICCPR state that everyone charged with a criminal offense has the right to be presumed innocent until proven guilty according to law.

In practice, the operational environment of trial courts can place intense pressure on the lower judiciary. Localized demonstrations and security challenges inside and outside the courtroom can create an atmosphere where the impartial evaluation of evidence becomes exceptionally difficult for trial judges (Kennedy, 2006). This external friction often results in lower court judges choosing to convict the accused on weak or uncorroborated evidence, leaving the task of rigorous legal filtering and acquittal to the provincial High Courts or the Supreme Court (Hussain et al., 2023). This systemic shift places an undue burden on appellate courts and forces the accused to endure years of pre-trial detention, effectively reversing the foundational legal principle of the presumption of innocence.

#### 4.4 Appellate Corrections: Landmark Jurisprudence of the Supreme Court

When these cases reach the higher judiciary, the analytical picture changes significantly. A close doctrinal review of appellate rulings reveals that the Supreme Court of Pakistan has consistently tried to correct lower court procedural errors by enforcing very high evidentiary standards. The landmark judgment of *Mst. Asia Bibi v. The State* (2018) serves as a key legal precedent in this regard. In this definitive ruling, the Supreme Court overturned a death sentence by highlighting critical gaps in the initial investigation:

**Unexplained Delays:** A five-day delay between the alleged incident and the registration of the FIR, which pointed to the potential for fabrication or planning.

**Interpersonal Conflicts:** Documented arguments over material matters between the complainant and the accused prior to the allegation.

**Contradictory Statements:** Serious inconsistencies in the testimonies of the prosecution's witnesses, which failed to meet the standard of proof beyond a reasonable doubt.

By strictly applying these evidentiary filters, the Supreme Court demonstrated that the application of speech statutes must conform to rigorous judicial standards. However, the fact that such fundamental procedural errors were missed by both local police investigators and trial courts highlights the urgent need for systemic, front-end policy interventions.

#### 4.5 Extrajudicial Vulnerabilities and Mob Mobilization: The Case of Mashal Khan

While appellate court interventions like the *Asia Bibi* case demonstrate how the higher judiciary corrects procedural errors, the tragic incident involving Mashal Khan in 2017 highlights the severe consequences that can occur when an accusation bypasses the formal judicial system entirely. A 25-year-old student at Abdul Wali Khan University, Mardan, Mashal Khan was brutally murdered by a vigilante mob following a completely fabricated accusation of sharing blasphemous content online. A subsequent investigation by law enforcement agencies confirmed that there was absolutely no evidence to support the accusation; instead, the allegation had been used as a tool to target him for speaking out against institutional corruption within the university administration.

From a policy and governance perspective, this case illustrates several critical structural breakdowns within the state's security and legal apparatus:

**The Failure of Local Law Enforcement:** Academic and media content analyses show that the tragedy was exacerbated by a failure of local law enforcement and administrative bodies to act quickly, allowing an angry crowd to carry out

extrajudicial violence before any formal, objective investigation could take place (Hassan et al., 2021).

**The Weaponization of Rumors:** Because the initial entry point for an accusation requires a very low threshold of proof, unverified rumors can be rapidly spread to mobilize a crowd, turning a personal or administrative dispute into a public safety crisis (Hassan et al., 2021).

**The Intimidation of Lower Institutions:** The case also highlights how intense social pressure can affect local institutions (Hassan et al., 2021). Following the murder, local community members faced threats just for attending the funeral prayers, showing how deeply public intimidation can weaken the rule of law at the grassroots level (Hassan et al., 2021).

Although the judicial system eventually stepped in—with the trial court issuing a death penalty and multiple life sentences, and the Peshawar High Court later reviewing those decisions—the family had to approach the Supreme Court of Pakistan to seek full accountability. The Mashal Khan case serves as a powerful example for policy researchers, proving that without strict, early-stage administrative filters at the local station level, the legal process remains vulnerable to being bypassed by extrajudicial actors (Hassan et al., 2021).

## Chapter 5: Conclusion & Policy Recommendations

### 5.1 Policy Recommendations

To address the structural vulnerabilities and procedural justice deficits identified within the operational lifecycle of Chapter XV offenses, the state must implement targeted administrative and judicial adjustments. These interventions are designed to build legal filters at the front-end of the criminal justice system rather than relying solely on late-stage appellate corrections.

#### 5.1.1 Front-End Administrative Filters

**Mandatory Preliminary Vetting Phase:** The automatic mechanism under Section 154 CrPC must be amended for sensitive speech offenses. A mandatory 14-day preliminary inquiry phase, led by a District Investigation Committee (comprising an SP Investigation and a Judicial Magistrate),

should be legally required before an FIR can be formally registered. This phase must focus on independent digital, forensic, or physical corroboration to filter out complaints rooted in personal property or financial disputes.

**Dynamic Enforcement of Perjury Statutes:** To deter the weaponization of the legal apparatus for private vendettas, the state must actively enforce Sections 182 and 211 of the Pakistan Penal Code. Complainants found to have knowingly filed false, malicious, or fabricated allegations must face mandatory criminal prosecution and corresponding custodial sentences.

### 5.1.2 Judicial and Procedural Safeguards

**Jurisdictional Realignment:** To protect the trial environment from external localized friction, all trials involving Chapter XV offenses should be moved out of local district courts and reassigned

to specialized high-security tribunals or directly under the jurisdiction of provincial High Courts.

**Protection of Legal Actors:** Implement mandatory remote video links (in-camera proceedings) for sensitive hearings to preserve the anonymity and physical safety of trial judges, defense counsel, and cross-examined witnesses.

### 5.1.3 Aligning Sovereign Laws with International Treaties (ICCPR)

To balance domestic constitutional requirements with international commitments like the International Covenant on Civil and Political Rights (ICCPR), the state should establish an independent oversight body. A National Commission for Legislative Harmony, operating under the Ministry of Human Rights, should be tasked with reviewing the application of speech statutes.

| Policy Gap                                     | Recommended Action                                                        | Alignment with ICCPR                                                                     |
|------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Low entry threshold for accusations            | Introduction of mandatory high-level administrative filters               | <b>Article 14:</b> Secures the right to a fair trial and due process.                    |
| Neglect of criminal intent ( <i>mens rea</i> ) | Specialized judicial training on speech standards and intent verification | <b>Article 19:</b> Protects freedom of expression from arbitrary restriction.            |
| Unenforced perjury protections                 | Strict prosecution of fraudulent complainants under Sections 182/211 PPC  | <b>Article 26:</b> Promotes equal protection before the law and prevents discrimination. |

### 5.2 Conclusion

This study has provided a structural, policy-oriented assessment of the procedural lifecycle governing religious speech regulations in Pakistan. By tracking accusations through consecutive institutional gates—from initial police station registration to trial court adjudication and higher appellate review—the analysis demonstrates that the primary crisis surrounding these statutes is not inherently theological, but deeply administrative and procedural.

The core findings indicate a profound implementation gap: while the Supreme Court of Pakistan consistently acts as a vital constitutional

backstop by enforcing high evidentiary thresholds to overturn faulty convictions, the lack of front-end filters at local police stations allows the state machinery to be manipulated by private actors. Low initial evidentiary thresholds under Section 154 CrPC, combined with localized social pressures on the lower judiciary, create an operational environment that frequently compromises the statutory presumption of innocence and Article 10A constitutional guarantees.

Ultimately, this paper concludes that safeguarding due process and honoring international treaty obligations under the ICCPR does not require

polarizing ideological debates, but rather immediate, practical administrative reforms. Introducing mandatory preliminary inquiries, enforcing strict perjury penalties for false accusers, and protecting trial courts from local intimidation are essential structural steps needed to restore institutional integrity, insulate the legal system from extrajudicial actions, and protect the fundamental rights of all citizens.

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