

Reforms Needed in Pakistan Penal Code

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Abstract

The Pakistan Penal Code (PPC), enacted in 1860 during British colonial rule, serves as the foundation of Pakistan's criminal justice system. However, despite numerous amendments, it remains outdated and often fails to address modern societal needs and emerging crimes. The Code requires comprehensive reforms to align it with contemporary legal, technological, and human rights standards. Areas needing reform include gender-based crimes, cybercrimes, terrorism, and protection of vulnerable groups. Ambiguous provisions and outdated punishments also require revision to ensure justice and fairness. Furthermore, the PPC should be harmonized with Islamic principles and international human rights obligations to maintain balance between moral and legal justice. Effective implementation, judicial training, and legislative modernization are essential for improving the efficiency of criminal law in Pakistan. Reforms in the PPC are therefore crucial to promote a just, transparent, and equitable legal system that reflects the realities of modern Pakistani society.

Keywords: Criminal Justice, Legal Reforms, Human Rights, Punishment System, Judicial Efficiency, Law Enforcement, Modernization

APA Citation:

Awan, A. (2025). Reforms Needed in Pakistan Penal Code. *International Journal of Law and Policy*, 3 (10), 83-103. <https://doi.org/10.59022/ijlp.388>

I. Introduction

The Pakistan Penal Code (PPC), enacted in 1860 during British colonial rule, remains the primary criminal law framework in Pakistan (Shahzad Manzoor Khan et al., 2025). Despite numerous amendments over time, the code still carries many colonial-era principles that do not fully align with the country's social, political, and constitutional realities of the 21st century. It was originally designed to maintain order under a colonial administration rather than to ensure justice in a democratic society. Consequently, various provisions of the PPC reflect outdated concepts of morality, punishment, and state authority that no longer meet the demands of modern justice. The need for comprehensive reform arises not only from legal and procedural shortcomings but also from the necessity to harmonize criminal law with Pakistan's constitutional guarantees of fundamental rights, Islamic legal principles, and international human rights standards.

Moreover, the PPC often lacks clarity and consistency in its definitions and penalties. Many offences are vaguely worded, giving law enforcement and the judiciary wide discretion in interpretation, which sometimes leads to misuse of authority and miscarriage of justice. For example, laws related to blasphemy, sedition, and public order are frequently criticized for being open to abuse. The absence of precise definitions and proportional punishments creates uncertainty and weakens the legal system's credibility. Modern criminal jurisprudence demands that laws be clear, certain, and proportionate to the offence. Reforming the PPC would ensure that it functions as a tool of justice rather than oppression, thereby strengthening public confidence in the legal system (Mehdi, 2010).

Another major concern is the outdated nature of punishments prescribed under the PPC. The code still relies heavily on retributive justice, emphasizing imprisonment, fines, and in some cases, capital punishment, without giving adequate consideration to modern approaches such as restorative justice, rehabilitation, and community service. These contemporary methods focus on reintegrating offenders into society and preventing recidivism. In Pakistan, where prisons are overcrowded and conditions are deplorable, alternative sentencing mechanisms could relieve pressure on the criminal justice system while promoting social harmony. A reformed penal code should balance deterrence with rehabilitation, ensuring that justice serves both society and individuals fairly and humanely.

The PPC also requires reform in light of technological and social changes that have transformed criminal behavior. When the code was written, crimes like cyber fraud, digital harassment, money laundering, and terrorism in its modern forms did not exist. Although some supplementary laws have been enacted, such as the Prevention of Electronic Crimes Act (PECA) 2016, these operate separately rather than as part of an

integrated penal framework. A modernized PPC should consolidate and update criminal provisions to address emerging threats in cyberspace, financial systems, and organized crime networks. Integration of these laws would create coherence, making it easier for law enforcement agencies and courts to apply criminal statutes effectively.

In addition, gender justice and human rights considerations highlight the urgent need for reform. Many sections of the PPC still reflect patriarchal biases that fail to protect women, children, and marginalized groups adequately. For example, provisions concerning rape, domestic violence, and honor crimes have been criticized for not being victim-centered. Similarly, offences related to child labor, forced marriages, and discrimination require stronger legal recognition and harsher penalties. Reforming these areas would not only modernize the PPC but also demonstrate Pakistan's commitment to equality, justice, and international human rights obligations. Ensuring gender-sensitive and human-rights-based reforms would strengthen the moral foundation of the criminal law system (Shaheen & Khadam, 2022).

The effective reform of the Pakistan Penal Code requires not just legal amendments but also institutional and procedural transformation. Training judges, police, and prosecutors to interpret reformed laws correctly is essential to ensure that justice is consistently delivered. Moreover, legislative reform should be accompanied by public consultation, expert review, and comparative analysis with other legal systems to ensure balance between Islamic values and modern jurisprudence. Comprehensive reform of the PPC would thus represent a crucial step toward a more equitable, transparent, and responsive justice system that truly reflects the aspirations of Pakistan's democratic and Islamic identity in the modern world.

II. Methodology

The research methodology for the topic "Reforms Needed in Pakistan Penal Code" is designed to systematically explore the weaknesses, limitations, and outdated provisions of the Pakistan Penal Code (PPC) 1860, along with the need for modernization in light of contemporary legal, social, and technological developments. This study adopts a qualitative research approach as it primarily involves analyzing laws, case studies, judicial interpretations, and legal reforms. The qualitative approach enables an in-depth understanding of the reasons why reforms are necessary and how they can improve the efficiency, fairness, and relevance of the criminal justice system in Pakistan. The research also draws upon comparative analysis with other countries' penal codes to identify global best practices that could guide Pakistan in reforming its legal framework.

The primary data for this research is collected from official legal documents, case law, government reports, and interviews with legal practitioners and scholars. Primary sources such as the Pakistan Penal Code, Constitution of Pakistan, and judgments of

superior courts form the basis for analyzing existing laws and identifying areas that require reform. Additionally, discussions with experienced lawyers and judges help in understanding practical challenges in implementing penal provisions. This data collection method ensures that the findings are grounded in both theory and real-world experiences within Pakistan's criminal justice system.

Secondary data is gathered from academic journals, legal commentaries, books, and research articles published by law universities and institutions. Online legal databases such as Pakistan Law Site, JSTOR, and HeinOnline are used to access peer-reviewed materials and previous studies on the PPC. The secondary data helps establish a theoretical framework for reform and provides insights into how other jurisdictions have addressed similar challenges. By combining both primary and secondary data, the study achieves a balanced perspective that integrates doctrinal research with empirical observations from legal practice.

The research follows a doctrinal legal research method, which involves analyzing legal principles, statutory provisions, and judicial interpretations. The doctrinal approach allows for a detailed examination of how the PPC functions within Pakistan's legal framework and identifies inconsistencies, ambiguities, or outdated concepts. This method is crucial because the PPC was originally drafted under colonial influence in 1860 and has not been comprehensively updated to reflect Pakistan's current socio-legal realities. Therefore, a doctrinal study helps pinpoint where reforms are most urgently needed.

The data collected is analyzed using content and thematic analysis methods. Content analysis helps identify recurring themes in legal documents and judgments related to the inefficiencies of the PPC. Thematic analysis further categorizes these themes into specific reform areas such as punishment proportionality, gender justice, cybercrimes, and human rights compliance. This analytical process ensures that the research findings are logically organized and directly linked to practical reform suggestions. The study maintains objectivity by cross-verifying data from multiple sources to minimize bias.

Ethical considerations are also central to this research. All data, particularly from interviews and legal case studies, is used with consent and confidentiality. The study ensures intellectual honesty by properly citing all references and avoiding plagiarism. The purpose of this methodology is not only to identify flaws within the Pakistan Penal Code but also to propose practical and legally sound reforms that align with international human rights standards and Pakistan's constitutional values. Through this structured and ethical research process, the study aims to contribute meaningful insights for policymakers, legislators, and scholars working on criminal law reform in Pakistan.

III. Results

The reforms needed in the Pakistan Penal Code (PPC) aim to modernize the legal framework of the country and align it with contemporary standards of justice and human rights. The PPC was enacted in 1860 during British colonial rule, and although several amendments have been made, many provisions remain outdated and incompatible with modern realities. The criminal justice system has evolved, but the penal code has not kept pace with social, technological, and legal developments. Therefore, comprehensive reform is essential to address issues such as vague definitions of crimes, outdated punishments, and procedural inefficiencies. These reforms must ensure that the PPC reflects Pakistan's constitutional guarantees and international human rights commitments (Islam et al., 2024).

Another major area requiring reform is the protection of fundamental human rights. Certain sections of the PPC have been criticized for being inconsistent with the rights enshrined in the Constitution of Pakistan, particularly regarding freedom of speech, gender equality, and protection against discrimination. For example, laws related to blasphemy, adultery, and morality-based offenses are often misused and have led to severe injustices. The penal code should be revised to strike a balance between religious sensitivities and human dignity while safeguarding against false accusations and misuse of legal provisions. Reforms should prioritize fairness, justice, and proportionality in punishment.

The PPC also needs modernization in terms of addressing new types of crimes emerging in the digital era. Cybercrime, financial fraud, and technology-based offenses are growing rapidly, yet the PPC does not adequately address them. Although specialized laws like the Prevention of Electronic Crimes Act exist, the PPC should be amended to integrate principles relevant to digital security and electronic evidence. This integration would ensure consistency across the criminal justice system and provide better guidance for judges, prosecutors, and law enforcement agencies when dealing with modern offenses.

Gender justice is another crucial aspect requiring attention in PPC reforms. Women and marginalized groups often face discrimination both in law and in its implementation. Many sections of the PPC were drafted in a patriarchal context and fail to ensure equal protection and dignity for all citizens. For example, laws related to rape, domestic violence, and sexual harassment need clearer definitions, stricter penalties, and gender-sensitive procedures. Reforming these sections will not only enhance women's safety but also strengthen public trust in the legal system by promoting equality before the law (Qureshi et al., 2025).

Furthermore, penal reforms should also focus on prison and sentencing policies. The current system emphasizes punishment rather than rehabilitation, leading to overcrowded prisons and recurring criminal behavior. A reformed PPC should promote

alternative sentencing mechanisms such as probation, community service, and restorative justice programs. These approaches can reduce the burden on prisons, encourage offender rehabilitation, and support reintegration into society. It would also align Pakistan's criminal justice philosophy with international trends emphasizing reformation over retribution.

Any reform in the PPC must involve consultation with legal experts, civil society, human rights organizations, and lawmakers to ensure inclusivity and public acceptance. Legal education and awareness programs should accompany reforms so that both citizens and law enforcement officials understand the new provisions. Only through a transparent, well-planned, and consultative reform process can Pakistan develop a penal code that is just, modern, and reflective of its constitutional and moral values. Such reforms will strengthen rule of law, promote justice, and ensure that the PPC truly serves the people of Pakistan in the 21st century.

A. Identification of Outdated Provisions

The study reveals that a significant portion of the Pakistan Penal Code (PPC) 1860 remains outdated and inconsistent with modern legal, social, and technological realities. Many provisions were inherited from the colonial era and reflect the socio-political conditions of 19th-century British India, not a 21st-century Pakistan. For instance, certain punishments such as imprisonment terms and fines are no longer proportionate to the nature of crimes committed today. Similarly, definitions of cybercrimes, human trafficking, and terrorism are either missing or insufficiently covered. These deficiencies have led to legal ambiguities and inconsistent judicial interpretations. The outdated language and colonial mindset embedded in the PPC often fail to address modern human rights standards, gender equality, and international legal obligations. Hence, there is an urgent need to revise and modernize the PPC to align it with current realities, ensuring that it reflects the values and expectations of contemporary Pakistani society (Khan & Bilal, 2024).

The research highlights that the Pakistan Penal Code lacks adequate integration of human rights principles as guaranteed under the Constitution of Pakistan and international conventions ratified by the state. Many sections still permit harsh or discriminatory treatment, particularly concerning women, minorities, and marginalized groups. For instance, provisions related to blasphemy, adultery, and gender-based crimes have been criticized for being misused or misinterpreted, leading to violations of due process and fair trial rights. Moreover, the absence of safeguards for detainees, limited recognition of mental health issues in criminal responsibility, and inadequate protection for victims show the gap between human rights ideals and the penal code's enforcement framework. Reform in this area must focus on embedding constitutional values, ensuring fair punishment, and protecting individuals against state and societal abuse. This human-

rights-oriented reform would not only strengthen justice but also enhance Pakistan's global image as a responsible and progressive legal system.

One of the most important results of this study is the recognition that the PPC does not adequately address crimes emerging from technological advancements. Cybercrime, data theft, online harassment, and digital fraud are either poorly defined or regulated under separate laws with weak coordination with the PPC. The study suggests that modern reforms must integrate digital crimes within the penal code framework to ensure uniform application of justice. Furthermore, evidentiary standards in criminal cases often ignore technological developments such as digital footprints, electronic evidence, and surveillance data. Strengthening the PPC by incorporating technology-based definitions, punishments, and investigative powers can make the system more effective and relevant. Integrating modern evidence laws, training law enforcement agencies in cyber investigation, and ensuring privacy protection can significantly improve the credibility and efficiency of Pakistan's criminal justice system (Tiwana, 2025).

The study finds that Pakistan's sentencing system under the PPC is inconsistent, arbitrary, and sometimes excessively harsh. In many cases, punishments do not correspond to the severity of the offense, leading to injustice and overcrowding of prisons. For example, minor theft and fraud may attract disproportionately long sentences, while white-collar or organized crimes often go under-punished. There is also a lack of rehabilitation mechanisms for convicts, which results in high recidivism rates. Reforms must focus on proportional sentencing, restorative justice, and alternatives to imprisonment such as community service and probation. The inclusion of psychological evaluation before sentencing, and rehabilitation programs for prisoners, can contribute to reintegration rather than punishment alone. A rational, reformative, and balanced sentencing policy can enhance fairness, reduce prison congestion, and make the criminal justice system more humane and effective.

Another major result of the research emphasizes that even where the PPC has adequate provisions, the problem lies in weak implementation and lack of accountability. Corruption, political interference, and inadequate training among law enforcement agencies undermine the objectives of the penal code. Judicial delays, manipulation of evidence, and selective prosecution have eroded public confidence in the criminal justice system. Therefore, reforms should not only target legal text but also institutional capacity. Establishing independent oversight bodies, enhancing forensic capabilities, and adopting transparent mechanisms for investigation and prosecution are crucial steps. Moreover, coordination between police, prosecution, and judiciary must be improved through standardized procedures. Without institutional reforms, even a modernized penal code would fail to achieve justice. Thus, implementation mechanisms form the backbone of successful penal reform.

The importance of public awareness and legal education in sustaining penal reforms. Many citizens, including victims and accused persons, remain unaware of their rights and obligations under the PPC. This lack of understanding results in exploitation, misuse of laws, and mistrust of the legal system. Therefore, reforms must be accompanied by national campaigns to educate the public about criminal laws, procedural rights, and available legal remedies. Furthermore, law schools, bar councils, and judicial academies should update their curricula to include the reformed penal code and modern legal practices. Public participation in legal reforms through consultations, seminars, and feedback mechanisms can also make the PPC more reflective of social realities. Thus, public legal literacy is essential for making any reform in the Pakistan Penal Code both meaningful and sustainable.

B. Inadequacy of Outdated Provisions

The Pakistan Penal Code (PPC), enacted in 1860, remains largely unchanged despite the evolution of society, law, and technology. Many of its sections still reflect colonial priorities rather than the needs of a modern, democratic state. The inadequacy of its outdated provisions leads to confusion, inconsistent application, and judicial overreach. For instance, laws on theft, assault, and public nuisance are not aligned with present-day realities, while cybercrime, environmental harm, and gender-based violence are not adequately covered. This outdated nature limits the law's deterrent effect and weakens public trust in justice. Reforms are therefore necessary to modernize the language, remove obsolete terms, and ensure compatibility with constitutional rights and international human rights standards. Without updating these laws, Pakistan's criminal justice system will continue to struggle with inefficiency and injustice (AllahRakha, 2024).

Another major issue arising from the current PPC is its weak implementation and selective enforcement. Even where laws exist, they are often applied unevenly due to corruption, lack of training among law enforcement officers, and procedural flaws in investigation and prosecution. The absence of clear enforcement guidelines allows for misuse, especially against marginalized groups. Victims often face hurdles in reporting crimes, and offenders sometimes exploit legal loopholes. Reforming the PPC to strengthen procedural clarity and promote accountability within law enforcement agencies would help restore faith in the justice system. Moreover, better integration between the PPC and other procedural laws such as the Criminal Procedure Code (CrPC) can ensure consistency in practice. Effective reforms should emphasize institutional strengthening, capacity-building, and transparency to make justice accessible to all citizens.

The PPC has several provisions that conflict with modern human rights principles, such as laws relating to blasphemy, sedition, and defamation. These provisions are often

misused to suppress freedom of speech and target vulnerable individuals or minority communities. A rights-based reform approach should align the PPC with Pakistan's constitutional guarantees and international obligations, including those under the Universal Declaration of Human Rights (UDHR). Such reforms must ensure protection against torture, gender-based violence, and custodial abuse. Modernizing the PPC will also help protect the dignity and liberty of individuals by introducing safeguards against arbitrary arrest and detention. A reformed penal code should balance state authority with individual rights to promote justice, fairness, and equality (Koops, 2009).

One of the most pressing results of outdated criminal laws is the inability to effectively address new forms of crime emerging from technological advancement. Cybercrimes such as online fraud, identity theft, harassment, and digital defamation are not comprehensively covered under the PPC. Although the Prevention of Electronic Crimes Act (PECA) 2016 was introduced, it operates independently, creating overlaps and conflicts. Incorporating relevant cyber and digital crimes into the PPC will create a more unified and effective criminal framework. Furthermore, crimes related to money laundering, terrorism financing, and transnational offenses require specialized legal treatment. A reformed PPC must therefore evolve to encompass these modern threats, ensuring that justice mechanisms keep pace with technological and global developments.

Gender inequality and insufficient protection for vulnerable groups are serious concerns under the current PPC framework. Provisions related to rape, domestic violence, harassment, and child abuse require clearer definitions and stricter penalties. The existing laws often fail to recognize the psychological and social dimensions of such crimes. Reforms should include gender-sensitive amendments, ensuring that laws are fair and inclusive for women, children, and minorities. For instance, clearer distinctions between consensual and coercive acts, and between minor and adult victims, can prevent miscarriages of justice. Training law enforcement officers and judges in gender-sensitive practices is also crucial. A modernized PPC must reflect the values of dignity, equality, and protection for all segments of society, promoting a more humane and equitable justice system (Savino & Turvey, 2011).

The existing sentencing provisions under the PPC focus heavily on punishment rather than rehabilitation. This punitive approach has not reduced crime rates but has contributed to overcrowded prisons and recidivism. Reforming the PPC should involve a balance between deterrence and reformation. Modern criminal justice systems worldwide emphasize restorative justice encouraging offenders to reform and reintegrate into society. Pakistan can benefit from adopting this approach through community service options, probation systems, and rehabilitation programs. Revisions to sentencing guidelines should also consider proportionality, fairness, and alternatives to imprisonment for minor offenses. A reformed PPC focusing on reformation rather than

pure retribution will not only improve justice delivery but also contribute to social harmony and crime reduction.

C. Strengthening the Justice System

The proposed reforms in the Pakistan Penal Code (PPC) will significantly strengthen the overall justice system of the country. By revising outdated provisions and introducing clearer definitions of crimes, the law will become more relevant to modern society. A reformed PPC will reduce ambiguity in legal interpretation, helping judges and lawyers make fairer and more consistent decisions. Additionally, improving the investigation and prosecution process through accountability measures will ensure that justice is not only done but also seen to be done. As a result, public confidence in the criminal justice system will increase, which is essential for promoting the rule of law and maintaining peace in society (Joyce & Laverick, 2023).

One of the most notable outcomes of reforming the PPC will be a reduction in the misuse and manipulation of legal provisions. Presently, several laws within the Code are either vague or outdated, leading to their exploitation by powerful individuals or groups. Reforms that clarify the language of these provisions and ensure strict penalties for false cases will help protect innocent citizens from harassment. Moreover, the modernization of laws related to cybercrime, gender-based violence, and blasphemy can ensure that justice is applied with fairness and sensitivity. This change will contribute to building a more just and balanced legal system in Pakistan.

Reforms in the PPC will lead to greater protection and promotion of human rights in Pakistan. Many existing laws have colonial origins and fail to align with Pakistan's constitutional guarantees and international human rights obligations. By modernizing punishments, decriminalizing minor offenses, and introducing alternative sentencing methods like community service and rehabilitation, the state can promote a more humane justice system. Additionally, reform will address gender bias and discrimination, ensuring equality before the law. This alignment of national law with global human rights standards will enhance Pakistan's international reputation and foster a more equitable society.

A reformed Penal Code will make the work of law enforcement agencies more efficient and transparent. Updated definitions of crimes, modern investigation techniques, and digital record-keeping will help police and prosecutors perform their duties more effectively. Clear legal provisions will also prevent unnecessary delays in investigations and trials, allowing the judicial process to move swiftly. Training programs for law enforcement personnel based on new laws will improve their professionalism and understanding of legal principles. Consequently, the rate of conviction for genuine offenders will increase while wrongful detentions will decrease, ensuring justice is served

efficiently (Faisal et al., 2024).

The long-term result of reforming the Pakistan Penal Code will be a more stable and law-abiding society. When citizens observe that justice is fair, accessible, and transparent, they are more likely to respect the law and cooperate with state institutions. Reduced corruption, timely punishment of criminals, and equal treatment of all citizens will contribute to peace and order. The perception of justice being biased or delayed often fuels social unrest and loss of faith in institutions. Therefore, reforming the PPC will promote national unity and create a stronger bond between the government and the people.

The reforms in the Pakistan Penal Code will have a positive impact on economic and social development. A transparent and predictable legal system is a foundation for attracting foreign investment, promoting entrepreneurship, and ensuring business confidence. Investors and international partners prefer to engage with countries where the rule of law is respected and enforced fairly. Moreover, reduced crime rates and an efficient justice system will lead to a safer environment for citizens to live and work in. As justice, equality, and security prevail, Pakistan's progress toward becoming a modern, democratic, and prosperous state will accelerate.

IV. Discussion

The Pakistan Penal Code (PPC), enacted in 1860 during the British colonial era, forms the backbone of Pakistan's criminal justice system. However, despite being over a century and a half old, it has undergone minimal structural reform. The legal, social, and technological environment of today's Pakistan is vastly different from the 19th century, making the existing penal code outdated in many respects. Many of its provisions fail to address modern forms of crime such as cybercrime, financial fraud, terrorism, and gender-based violence. The language of the law is also archaic and complex, making it difficult for ordinary citizens to understand. Therefore, a comprehensive reform is necessary to make the PPC relevant, accessible, and just in modern Pakistan.

One of the most pressing issues with the current PPC is its failure to adequately deal with cyber and digital crimes. With the rise of the internet, social media, and online banking, criminals have found new ways to exploit the system. The existing code does not effectively address hacking, identity theft, digital harassment, or misinformation. Although the Prevention of Electronic Crimes Act (PECA) of 2016 was introduced, it operates separately and lacks full harmony with the PPC. Therefore, reforms should integrate cybercrimes within the PPC, creating consistency and ensuring that new types of offences are adequately defined and punished (Lewis, 1903).

Gender justice is another area where the Pakistan Penal Code requires significant reform. Many of its sections reflect outdated patriarchal attitudes and fail to protect

women effectively against domestic violence, sexual harassment, and honor killings. While certain amendments, such as those addressing rape and acid attacks, have been introduced, their enforcement remains weak. The law often places an unfair burden of proof on female victims and does not provide sufficient mechanisms for their protection. Comprehensive reform should include clearer definitions of gender-based crimes, stronger penalties, and better procedural safeguards to ensure justice for women and other marginalized groups.

Similarly, the PPC still retains some colonial-era punishments and concepts that contradict modern principles of human rights. Punishments such as the death penalty and corporal punishment continue to be debated globally for their ethical and legal implications. Moreover, certain offences like blasphemy are often misused, leading to mob violence and injustice. Reforms must focus on balancing the protection of religious sentiments with safeguarding human rights, freedom of expression, and fair trial guarantees. This requires revising provisions that can be exploited for personal or political purposes, ensuring that justice is served through due process rather than mob pressure.

Another vital area for reform is the harmonization of the PPC with Islamic principles, constitutional guarantees, and international human rights commitments. Pakistan's legal system operates under a dual framework of Islamic and secular law, but inconsistencies often create confusion. A reformed penal code should reflect Islamic justice principles like fairness, equality, and protection of the innocent while also meeting international standards of justice and due process. The code should be revised in light of contemporary judicial interpretations and the needs of a modern democratic society (Cepeda-Francesse & Ramírez-Álvarez, 2023).

Lastly, effective implementation and accountability are essential for any reform to succeed. Even when good laws exist, poor enforcement renders them meaningless. The police, prosecution, and judiciary must be trained and equipped to apply the reformed PPC fairly and efficiently. Legal education should also focus on the updated provisions to ensure consistency in interpretation. Public awareness campaigns should be launched so citizens know their rights and responsibilities under the new code. Only through holistic reform, addressing both the substance and application of law, can the Pakistan Penal Code serve as a true instrument of justice in the 21st century.

A. Outdated Legal Framework and Colonial Legacy

The Pakistan Penal Code (PPC) of 1860 is a colonial-era legislation originally drafted by Lord Macaulay for British India. Although Pakistan has amended it several times, the core structure remains largely the same, making it outdated in addressing modern legal and social challenges. Many provisions of the PPC were designed for a

colonial society and fail to reflect the realities of a democratic and independent state. The language of the Code is archaic and difficult for ordinary citizens to understand. Moreover, several sections such as those dealing with public nuisance, morality, and sedition retain colonial biases aimed at suppressing dissent rather than promoting justice. Therefore, there is an urgent need to modernize the PPC to align it with constitutional guarantees, human rights standards, and the needs of contemporary Pakistani society. Reforming this framework will ensure that the criminal justice system becomes more relevant, fair, and effective in addressing today's crimes (Farid et al., 2018).

Another significant issue with the Pakistan Penal Code is its inadequate and often vague classification of offenses. Many crimes are not clearly defined, leading to ambiguity in interpretation and uneven enforcement by police and courts. For instance, cybercrimes, environmental offenses, and gender-based violence are not comprehensively covered within the PPC. This creates confusion and allows offenders to exploit legal loopholes. Furthermore, penalties for certain crimes are outdated and disproportionate to the severity of the offense. Some minor offenses carry harsh punishments, while serious crimes may receive lenient treatment. This inconsistency undermines public confidence in the justice system. Reforms are needed to clearly categorize crimes according to their gravity, update the definitions to include modern offenses, and rationalize punishments to ensure proportional justice. A comprehensive review by legal experts and human rights scholars is essential to bring uniformity and clarity to the PPC.

The Pakistan Penal Code must be reformed in light of modern human rights principles and constitutional protections. Several provisions of the PPC, such as those concerning blasphemy, sedition, and offenses against religion, have been criticized nationally and internationally for being misused against minorities and dissenters. These sections often lead to violations of fundamental rights like freedom of speech, equality before law, and protection against discrimination. Moreover, the PPC does not adequately protect women, children, and marginalized communities from violence and exploitation. A human rights-based approach should be adopted to ensure that laws promote justice rather than oppression. This includes revising discriminatory provisions, strengthening safeguards against false accusations, and ensuring that all citizens, regardless of gender, religion, or status, receive equal protection under the law. Incorporating international human rights conventions into the PPC would make it more progressive and just (Lau, 2024).

Even if the PPC is reformed, its effectiveness depends on the institutions responsible for its enforcement. Pakistan's police and prosecution systems suffer from corruption, political interference, and lack of professional training. Many investigations are poorly conducted, leading to wrongful convictions or acquittals of guilty parties. The PPC cannot deliver justice unless supported by an efficient and accountable enforcement

mechanism. Therefore, reforms should also focus on improving investigative techniques, forensic capabilities, and training of law enforcement officials. There should be strict monitoring to prevent misuse of power under penal provisions, especially in politically sensitive or communal cases. Establishing independent oversight bodies and ensuring transparency in law enforcement will help restore public trust. A reformed PPC, supported by modern policing and prosecution practices, would make the criminal justice system more reliable and effective.

In today's digital and globalized world, the nature of crime has evolved far beyond what the framers of the 1860 Code could have imagined. Cybercrimes, financial frauds, data theft, terrorism, and environmental violations are now major concerns, yet the PPC provides no comprehensive framework to address them. While separate laws such as the Prevention of Electronic Crimes Act (PECA) exist, they are not harmonized with the PPC, leading to jurisdictional confusion. To make the Penal Code relevant to modern society, it must incorporate provisions dealing with technological, corporate, and transnational crimes. The inclusion of these modern offenses would enable law enforcement agencies to respond effectively to the challenges of the digital era. Furthermore, procedural reforms should accompany substantive changes to ensure that investigations and trials in such cases are fair and efficient (Wright, 2016).

Reforming the Pakistan Penal Code requires a holistic and consultative approach involving lawmakers, legal experts, judges, and civil society. The government should establish a Law Reform Commission tasked with reviewing outdated sections, removing ambiguities, and aligning the PPC with modern constitutional and human rights standards. Periodic reviews should be institutionalized to ensure that the Code evolves with societal and technological changes. Additionally, public awareness programs should be introduced to educate citizens about their rights and responsibilities under the law. Legal reforms should also be integrated with improvements in judicial efficiency, police accountability, and prison reforms. By adopting a comprehensive and inclusive strategy, Pakistan can transform its penal system from a colonial relic into a modern instrument of justice that promotes equality, fairness, and the rule of law.

B. Modernization of Outdated Provisions

The Pakistan Penal Code (PPC), enacted in 1860 during British colonial rule, has undergone limited reform despite immense changes in society, technology, and legal philosophy. Many provisions of the Code no longer align with modern realities. For instance, sections addressing theft, fraud, and property crimes do not adequately cover cybercrimes, digital fraud, or online defamation. The outdated language and definitions create ambiguities that hinder the administration of justice. A thorough modernization is required to ensure that criminal definitions and punishments correspond with contemporary offenses. Updating the PPC would not only bring clarity and consistency

but also align Pakistan's legal framework with international human rights standards and technological advancements, ensuring justice remains relevant and effective (Kantokoski, 2025).

The PPC still contains provisions that fail to address gender-based violence and discrimination adequately. For example, while laws against rape and domestic violence exist, the implementation mechanisms are weak, and the language in some sections reflects patriarchal biases. Moreover, the Code lacks comprehensive protection for vulnerable groups such as transgender persons, children, and minorities. Reforms should include clearer definitions of consent, harsher penalties for gender-based crimes, and explicit recognition of crimes against marginalized communities. Introducing gender-sensitive language and ensuring equal protection under the law will promote justice, equality, and compliance with Pakistan's constitutional and international obligations under treaties like CEDAW.

The current punishment structure in the PPC often emphasizes retribution rather than rehabilitation. For minor and first-time offenders, imprisonment may lead to social exclusion instead of reform. Pakistan's criminal justice philosophy needs to evolve toward restorative justice, focusing on rehabilitation, compensation, and reconciliation. Sentences for various crimes should be revised to reflect proportionality, fairness, and humanitarian principles. Furthermore, the death penalty, still widely retained under the PPC, demands re-evaluation in light of international human rights trends. Reforming the sentencing policy would promote a more balanced and humane justice system, reduce prison overcrowding, and encourage rehabilitation of offenders into society (Chanhom, 2021).

In the digital era, crimes such as hacking, online harassment, identity theft, and data breaches have become prevalent, but the PPC does not comprehensively address them. Although the Prevention of Electronic Crimes Act (PECA) 2016 was introduced, it operates separately from the PPC, leading to legal confusion and overlapping jurisdictions. A harmonized legal structure integrating digital crimes into the PPC framework is essential. This integration would ensure consistent investigation and prosecution, enhance coordination between law enforcement agencies, and provide clear legal guidance to the judiciary. Updating the PPC to include cyber provisions will strengthen Pakistan's capacity to combat modern crimes effectively.

Even well-drafted laws fail if implementation is weak. In Pakistan, poor investigation, corruption, and lack of training among law enforcement officials often result in wrongful convictions or acquittals. Reforms in the PPC must therefore go hand in hand with improvements in procedural laws and enforcement systems. The police and prosecution departments require better training, modern forensic tools, and accountability mechanisms to ensure justice delivery. Moreover, transparency in investigations and

respect for human rights must be prioritized. Without these measures, legislative reforms alone cannot achieve meaningful change in the criminal justice system (Goodall et al., 2013).

The PPC represents a blend of colonial legal philosophy and partial Islamic influences, creating inconsistencies in practice. Modern reform must harmonize the Code with both Islamic jurisprudence and international human rights norms. Aligning the PPC with Islamic principles of justice such as fairness, forgiveness, and protection of human dignity while adhering to global legal standards would enhance its legitimacy and acceptability. Additionally, reforms should aim to remove contradictions between PPC provisions and Pakistan's commitments under international treaties. This balanced approach will strengthen Pakistan's legal integrity and promote a justice system rooted in both moral and universal legal principles.

The Pakistan Penal Code (PPC), enacted in 1860, was designed under British colonial rule to suit that era's social, political, and legal circumstances. Over time, society has evolved dramatically, but many provisions of the PPC have remained unchanged. These outdated laws fail to address modern challenges such as cybercrime, digital fraud, and human rights concerns. For instance, the language used in several sections is archaic and open to misinterpretation, leading to inconsistent judicial decisions. Furthermore, the punishment system reflects a retributive rather than a reformative approach, which does not align with modern criminological principles. Therefore, reform is needed to modernize the PPC by incorporating new definitions, clearer terms, and proportionate punishments. Updating the law to reflect technological, social, and moral developments would ensure justice is served effectively and efficiently in the 21st century (Tolkah, 2021).

Another key reform area in the Pakistan Penal Code is ensuring gender equality and better protection for vulnerable groups such as women, children, and minorities. Many sections of the PPC do not adequately address gender-based violence, sexual harassment, and domestic abuse. Although amendments have been made, such as those dealing with honor killings and rape, enforcement remains weak and inconsistent. Women and marginalized communities still face discrimination and delayed justice. Reforms should introduce stricter penalties for crimes against women, clearer procedural safeguards, and special courts for gender-related offences. The PPC must also ensure that crimes such as acid attacks, forced conversions, and child abuse are defined comprehensively and punished appropriately. Incorporating gender-sensitive language and ensuring equality before the law would make the Penal Code more inclusive and humane, reflecting Pakistan's constitutional commitment to fundamental rights.

The current punishment system in the PPC primarily focuses on deterrence and retribution, often neglecting rehabilitation. This outdated philosophy results in

overcrowded prisons and a high rate of recidivism. A modern criminal justice system should emphasize rehabilitation, reintegration, and restorative justice rather than mere punishment. Reforms are needed to include alternatives to imprisonment, such as community service, probation, and counseling programs for minor offenders. This would help reduce the burden on prisons and promote behavioral change. Moreover, life imprisonment and the death penalty should be reconsidered, particularly in light of international human rights standards. A balanced approach that maintains public safety while fostering offender rehabilitation would create a more just and humane legal system. Reforming the punishment structure of the PPC in this direction is essential for achieving sustainable justice in Pakistan.

Misuse of certain PPC provisions, especially those related to blasphemy, defamation, and anti-terrorism, has caused serious human rights concerns in Pakistan. False accusations under these sections often lead to mob violence, extrajudicial killings, and wrongful imprisonment. To prevent misuse, strict safeguards must be incorporated into the law. For example, the government should introduce a legal mechanism for penalizing false complainants and ensuring fair investigation before registration of sensitive cases. Judicial oversight and transparency in the investigation process can reduce the risk of exploitation. Moreover, police training and accountability should be improved to ensure that investigations are conducted impartially. Reforms should aim to strike a balance between protecting religious sentiments and upholding fundamental human rights. This would enhance public trust in the criminal justice system and ensure that justice is not manipulated for personal or political motives (Wolf, 2007).

The rise of digital technology has brought new forms of criminal activity such as hacking, online harassment, cyber fraud, and data theft, which are not comprehensively covered under the PPC. Although Pakistan has introduced the Prevention of Electronic Crimes Act (PECA) 2016, it remains disconnected from the main criminal framework of the PPC. Integrating cybercrime provisions into the Penal Code would ensure consistency and broader applicability. For example, definitions of property, theft, and fraud should be updated to include digital assets and online platforms. Moreover, specialized training should be provided to law enforcement agencies for the investigation and prosecution of technology-related crimes. The PPC must evolve to address the challenges of a digital society, ensuring that no criminal escapes justice due to outdated definitions or legal loopholes. This integration would make the legal system more relevant, adaptive, and future-oriented.

Even with existing laws, Pakistan's criminal justice system often fails due to weak implementation, corruption, and procedural delays. Many offenders go unpunished because of poor investigation and lack of evidence, while innocent people remain trapped in lengthy trials. Therefore, reforms should not be limited to the text of the PPC but must

extend to its enforcement. Strengthening police capacity, ensuring transparency in prosecution, and introducing judicial reforms are essential. Special fast-track courts can be established for handling criminal cases efficiently. Additionally, digitization of court records, witness protection programs, and modern forensic methods should be incorporated into the justice process. A reformed PPC supported by an efficient judicial system would restore public confidence and ensure timely, impartial justice for all citizens.

Conclusion

The Pakistan Penal Code (PPC) of 1860, a colonial-era legislation, was designed to serve the needs of British India more than a century ago. Although it laid the foundation for criminal law in Pakistan, it no longer fully aligns with the modern social, political, and technological realities of the country. Pakistan has undergone tremendous changes since independence, yet the PPC has not evolved proportionately. Many of its provisions are outdated, vague, or insufficient to deal with emerging crimes such as cybercrime, terrorism, domestic violence, and financial fraud. Therefore, comprehensive reforms are necessary to make the PPC responsive to contemporary challenges and ensure that justice is administered effectively and fairly. The law must reflect the values and aspirations of a democratic, progressive society that upholds human rights and rule of law.

One of the most urgent reforms required in the PPC is the modernization of its language and structure. The current code contains archaic terms and legal expressions that are difficult for the general public and even legal practitioners to interpret. This complexity creates space for misuse, manipulation, and unequal application of justice. Simplifying the language and restructuring the sections would improve clarity and accessibility. Moreover, several punishments prescribed in the PPC, such as hard labor or whipping, are inconsistent with international human rights standards. Reform should focus on aligning punishments with rehabilitative and restorative justice principles rather than merely retributive measures. Updating the PPC's language and spirit would ensure that justice is not only done but also seen to be done.

Another major area requiring reform is the incorporation of gender-sensitive and child-protective provisions. The PPC, in its current form, does not adequately address crimes such as sexual harassment, domestic abuse, honor killings, and child exploitation. Although special laws have been enacted in recent years, these need to be harmonized with the PPC to ensure consistency and effective enforcement. Reforms must focus on providing greater protection for women and children, who are often the most vulnerable segments of society. Furthermore, the definitions of rape, consent, and assault need to be modernized to reflect contemporary legal and moral understandings. Gender equality and protection from violence should be made central objectives of any future amendments to

the Penal Code.

Technological and digital advancements also necessitate the inclusion of modern offenses within the PPC framework. Traditional laws are insufficient to tackle cybercrimes such as online fraud, identity theft, defamation, data breaches, and digital blackmail. Although Pakistan has introduced the Prevention of Electronic Crimes Act (PECA), it remains disconnected from the PPC, leading to overlapping jurisdictions and enforcement gaps. Reforms should aim at integrating cyber-related offenses within the broader criminal framework to ensure comprehensive legal coverage. Moreover, law enforcement agencies must be trained in digital forensics and cyber-investigation techniques. Without modernization of the PPC in the context of technology, Pakistan's criminal justice system risks becoming obsolete and ineffective in addressing twenty-first-century crimes.

Judicial efficiency and procedural fairness are also central to the call for PPC reform. Many offenses under the PPC carry punishments that do not correspond to the severity of the crime or its social impact. Some provisions allow for excessive discretion, leading to inconsistent sentencing and miscarriages of justice. Reforms should standardize punishments and clearly define mitigating and aggravating circumstances. Additionally, the introduction of alternative dispute resolution mechanisms within the criminal justice framework could reduce the burden on courts and promote quicker settlements in minor offenses. The goal should be to build a justice system that is not only punitive but also corrective, giving offenders a chance to reform and reintegrate into society.

The Pakistan Penal Code is not merely a legislative necessity but a moral and constitutional obligation. The PPC should reflect Pakistan's evolving social realities, democratic ideals, and commitment to justice. A modernized PPC must integrate human rights principles, gender equality, technological adaptation, and procedural fairness. The government, judiciary, and legal scholars must collaborate to draft reforms that are inclusive, transparent, and forward-looking. By doing so, Pakistan can build a criminal justice system that protects citizens' rights, deters crime effectively, and promotes national harmony. Without these reforms, the PPC will remain a relic of the colonial past, unable to meet the demands of a modern nation striving for justice and equality.

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