

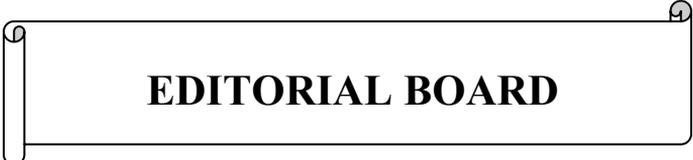
# PREMIER LAW JOURNAL

----- Premier Research Centre -----  
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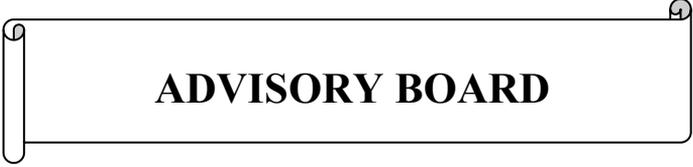
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## EDITORIAL NOTE

Premier Law Journal (PLJ) is a research Journal published by Premier Research Center, Premier Law College Gujranwala in English Language. This is a 5<sup>th</sup> volume, Issue 18, which is going to be published in June, 2025. It is a quarterly Journal dedicated to provide original research articles in Legal Studies as well as analysis and commentary on issues related to Legal & Social Issues. This Journal brings together many of today's distinguished scholars and thinkers, practicing lawyers, teachers and students making their research available on Current Issues need to be legislated in Pakistan.

It is an interdisciplinary Journal of peer-reviewed research and informed opinion on various intellectual and academic issues in areas of Legal & Social Studies. Its readership includes Legal practitioners, policy makers, Judges, Teachers and Students of Law. The articles published in this Research Journal undergo initial editorial scrutiny, double blind peer-review by at least two experts of the field, and further editorial review.

**Malaika Amir** explore the impact of parent-adult relationships on aggression and the mediating role of psychological control among adolescents and adults. The study highlights a positive correlation between aggression and the quality of parent-child relationships but finds psychological control does not mediate this relationship.

**Mishal Zoha and Sana Rehman** explore the efficacy of single-session Brain Working Recursive Therapy (BWRT) in managing anger issues among Pakistani adults. Using a sample of 56 individuals, the study reveals a significant reduction in anger levels post-intervention, particularly among male participants.

Dr. Muhammad Amin  
Editor in Chief

**ADMISSIBILITY AND CREDIBILITY  
ORAL EVIDENCE UNDER QANOON-E-  
SHAHADAT ORDER, 1984**

**ROMEENA AKHTAR**

Advocate High Court

**ABSTRACT**

Was enacted to replace the colonial Evidence Act the Qanun-e-Shahadat Order (QSO) 1984 is Pakistan's principal code which prescribes the rules regarding the admissibility, assessment and reception of the evidence in civil and criminal proceedings. The QSO of 1872 to make the evidence law in Pakistan in conformity with Islamic sharia law as well as to modernize and indigenize the standards of assessment of evidence. In the above-mentioned QSO under Section 2(1) (c), Oral evidence is defined simply as any statement made in court by a witness concerning the facts in issue or relevant facts. A crucial part of this methodology is the analysis of case

laws especially the case laws of the Supreme Court of Pakistan and the High Court of Pakistan which give significant information about how oral evidence is dealt with and for the most part, interpreted in the context of the QSO 1984. These Case laws play an enormous role in the development of legal propositions relating to oral evidence and witness credibility. Pakistan Law site, Particular emphasis is placed on how consistency and accuracies in orally presented evidence are construed by judges, and how, in turn, applicable provisions of the QSO are implemented. Cross and hearsay remain unaltered pillars of Pakistan's legal policies, however, their viability and credibility are still faced with certain odds including rigid hearsay rule, witness character and cultural factors. Legal changes are required for these problems to be fixed with proper justice for the oral evidence as per the equity as well as the flexibility it requires. By devolving necessary changes in presenting the oral evidence, providing

bolstered witness protection and adopting the international standard norms, Pakistan can work for positive development in the legal system and sound justice delivery system.

**Keywords:** Qanun-e-Shahadat, Oral Evidence, Hearsay Evidence

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## **INTRODUCTION**

The Qanun-e-Shahadat Order (QSO) 1984 is Pakistan's principal code which prescribes the rules regarding the admissibility, assessment and reception of evidence in civil and criminal proceedings. The QSO was enacted to replace the colonial Evidence Act of 1872 to make the evidence law in Pakistan in conformity with Islamic sharia law as well as to modernize and indigenize the standards of assessment of evidence. In the above-mentioned QSO under Section 2(1) (c), Oral evidence is defined simply as any statement made in court by a witness concerning the

facts in issue or relevant facts. This form of evidence in the QSO enables a witness to report information obtained through the witness's personal experience, which is useful for the judicial confirmation process (Cheema, et al, 2022).

Hearsay evidence indicates that evidence which does not derive its value from the credit given to witness him but when rests also in part, on the veracity and competence of some other person (Taylo). This type of evidence enjoys a special status in the legal system of Pakistan because of its focus on the credibility of the witness, his conduct and above all the principle of live viva voce evidence. Unlike documentary evidence which is a documented and at times persuasive means of proof, oral evidence gives a mouth and direct feel of what transpired since it provides the court with firsthand knowledge and a close view by the witnesses that comes with a close encounter of events that may not be well captured in documents.

The QSO under Articles 70 and 71 provide that in most cases, oral evidence must be real evidence and, therefore, witnesses must speak from experience, making witness statements more credible and accurate. Nevertheless, the following aspects of oral evidence are attributed to credibility problems: Oral evidence involves the use of subjective evidence, evidence which is likely going to be of a biased disposition, and evidence that is likely to be constrained by memory and/or external pressures. Analyzing Article 70 and 71 QSO on oral evidence to come up with the study's conclusion and recommendation, the work considers the advantages and disadvantages of the provisions besides its judicial interpretation with a bias on the current legal precedent and scholarly works (Adur, 2013)

### **Literature Review**

Andemariam, S. W in his journal article *An Evidence Code for Eritrea: Towards More Predictable Trials and Fairer*

*Judgments* explains the concept of evidence and its current position in the Law of Pakistan and its historical development that Qanun-e-Shahadat Order 1984 has been enacted as part of Pakistan as an attempt to develop a legal system in a Shariah-compliant manner. This reform had been initiated to do away with the British-drawn Evidence Act of 1872 which had guided the practices on evidence during the colonial master's regime. It has been suggested that the QSO attempts to offer the culturally sensitive mode of early Islam while maintaining objective features of modern legal systems designed to preserve the judicial proceedings of the area. In Islamic jurisprudence, importance is bestowed on the oaths especially witness testimony because it is a moral obligation. Hence, the eradicable epistemological basis of the approach to oral evidence within the QSO has the Islamic values of integrity and firsthand professional knowledge as the

socially constructed norms recognized as critical. (Andemarium, et al, 2014).

Abbasi, H., Rafique, S., & Badshah, S. N. in the journal article *Critical Analysis of Pakistani Law of Electronic Evidence from the Perspective of Sharī'ah and English Law-Recommendations for Pakistan* mentioned in his journal article mentioned that Cross-examination is essential in the framework of the QSO because it provides a direct account of event relevant to the case as seen by witnesses. Legal analysts have pointed out that the insistence on direct evidence negates a key included change which strengthens the rules governing witnesses under the QSO. It posits that this requirement seeks to eliminate he said, that information in trials or hearings to improve the reliability of the evidence given. Moreover, there are numerous exceptions to the hearsay rule like: dying declarations, and admissions and it also provides

flexibility but the rule is that any oral evidence must be firsthand knowledge only (Abbasi, et al, 2021 ).

Faisal, S. M., Hussain, Z., & Yasmin, T. (2024) in Article Reevaluating Juvenile Legitimacy: A Comparative Exploration Through an Alternative Prism of Article 128 of the Qanun-e-Shahadat Order 1984 describe major disadvantages of using oral evidence that it is usually characterized by the product of information which is usually social. A criminal judge and jury are compelled to make a prognosis concerning witness credibility, based on, for instance, personality, weaved and detailed narratives. Of course, the QSO relieves the judges are having a large measure of discretion in this regard though such discretion can as easily be seen as arising more from case characteristics than anything else. Available literature states that judges align themselves to signs such as gestures, voices, and feelings about the witness to determine credibility as much as this is admissible it

makes the process extremely irrational. The author has also formulated the problem with this sort of discretionary power, discussing the feature of personal judgment which means that the given type of power and discretionary authority has significant consequences for the aspect of substantive justice of the process under discussion (Faisal, et al, 2024).

Jackson, J. D. *Common law evidence and the common law of human rights: Towards a harmonic convergence*. Analyzed the QSO's consideration of oral evidence against the international norms that have outlined the advantages as well as the disadvantages of its practice. Direct evidence and hearsay restrictions: While they are not identical, the principle of direct evidence orientation as in operation in common law systems of the UK and the United States is not much different. However, it is critical to note that these jurisdictions allow increased liberalities in the acceptance of hearsay evidence due to wider

exceptions. This flexibility can be highly helpful in situations where direct evidence could be sought and acquired but is highly challenging. Scholars such as have opined that although the QSO's rules for the admissibility of oral evidence enhance the credibility of testimonies, they may limit the number of such evidence in tortious claims. They argue that the expansion of other forms of hearsay rules into the QSO could make it more flexible and enable the courts to treat more evidence while maintaining relevance directness and reliability (Jackson, 2018).

In the United States of America and the United Kingdom, hearsay rule is also one of their cardinal principles, but these jurisdictions admit more liberal exceptions than afforded by the QSO of Pakistan. For example, there are exceptions in the United States that include: the excited utterance, the present sense impression, the recorded recollection and still others These exceptions allow the

courts to admit circumstantial evidence on strictly prescribed conditions and, thereby, avoid the negative consequences precipitated by strict adherence to positive evidence rules of evidence. Legal analysts maintain that the strict approach adopted by the QSO about hearsay exceptions would not allow tendering otherwise reliable evidence in situations when taking direct evidence is impossible.

Siddique, H. M., & Rafiq, U. in Article *Competence of a Witness in Islamic Law and Pakistani Law: A Comparative Analysis*. Emphasize the significant function of oral evidence in Islamic jurisprudence as the source of Islamic laws and regulations. And mentioned that In Pakistan, laws have a sharp Islamic flavour, especially those dealing with the evidence and the witness. In Islamic law, the witness occupies the most important role in the judicial process as fair, truthful and having firsthand information. The witnesses are supposed to tell the truth

under oath, and Islamic law does recommend detailed scrutiny of the witnesses. Legal scholars argue that these Islamic values were incorporated into the evaluation of evidence where the QSO embraces direct and honest witness testimony. If anything, Islamic principles also recognize the ability to be lenient and fair in such situations despite affording greater restrictions to rules of oral evidence. For instance, when direct evidence cannot be produced, even circumstantial evidence may be admissible because the wheels of justice will be stalled. According to this model, it may be advisable for the QSO to reduce a rather rigorous direct evidence standard that may not be acceptable both under Islamic law and contemporary legal systems (Siddique, et al, 2022).

Research studies show that the Qanun-e-Shahadat Order 1984 in relationship to oral evidence has continued to embody aggregated dynamics of Islam, imperialism, and the present-day techniques of jurisprudence. However,

unlike the QSO, the main source of evidence established in the trial is the immediately reliable witness testimony, and the system lacks provisions for the protection of witnesses, procedural and structural variation and versatility to accommodate the complex social landscape of Pakistan. This evidence implies that there is some truth in the views held by policymakers globally by making sweeping reforms such as liberalization of hearsay rules and the provisions of formal witness protection measures for the enhancement of the QSO, the integrity of oral evidence could be boosted comprehensively. Moreover, recent authority has begun to reflect new directions in the assumption of oral evidence provisions, which is being increasingly overlaid with a judicial perspective. Amendments in future and judicial changes may enhance the QSO's structure and requirements, and make the oral evidence a solid and efficient approach to the Pakistan legal system.

## **Research Methodology**

Secondary research involves the collection and analysis of pre-existing sources, including:

**Case Law:** A crucial part of this methodology is the analysis of case laws especially the case laws of the Supreme Court of Pakistan and High Court of Pakistan which give significant information about how oral evidence is dealt with and for the most part interpreted in the context of the QSO 1984. These Case laws play an enormous role in the development of legal propositions relating to oral evidence and witness credibility. Pakistan Law site, Particular emphasis is placed on how consistency and accuracies in orally presented evidence are construed by judges, and how, in turn, applicable provisions of the QSO are implemented.

**Legislative Texts and Commentaries:** The arguments for the research are derived from the primary source of research that is the Qanun-e-Shahadat Order 1984 along

with its amendments and textual support from superior courts. Legal analysis by scholars to understand the theoretical and practical understanding of oral evidence under the QSO above-mentioned theories are used.

**Books and Academic and Legal Journal Articles:**

Secondary data which comprises books, articles, law journals and other research papers including Analysis on the Issues of Evidence Law; Islamic Law, Pakistani Law and the QSO 1984. These sources provide details, history and debate on the advantages and disadvantages of the QSO in dealing with oral evidence.

**Definition**

As per Article 2(1) (c) QSO all statements which the Court permits or requires be made before it by witnesses, in relation to matters of fact under inquiry, such statements are called oral evidence. Something spoken or expressed by mouth by a witness called for trial in court. Section 71 goes further and requires the evidence oral to be direct and

provides that the accused can't use hearsay information unless it falls within the exceptions listed under the code. This provision affirms that the evidence given in court should be based on the fact, it is said that misuse and bias risk are minimized, and fair trial is enhanced (Scholar, 2023).

### **Proof of Facts by Oral Evidence**

As per Article 70 QSO All facts, except the contents of documents, may be proved by oral evidence.

### **Relevant Case laws**

#### **1998 MLD 2340**

Ocular evidence by an eye witness who was residing in the same village, their presence at the spot at the time of occurrence not doubtful. They were subject to the exhausting cross-examination but nothing substantial was elucidated to reduce the veracity of raising any countervailing in favour of the accused. If their testimony

is corroborated by medical evidence as regards to weapon used in occurrence. Ocular account ringing true.

**PLD 1988 Kar 521**

Where Contradiction exists between medical report and Ocular testimony Prosecution and not the accused is obliged to clarify the position.

**2011 SCMR 37**

Mere Oral assertion is not sufficient to rebut the documentary evidence whereas the documentary evidence legally takes preference over the oral assertion as the document does not lie. Oral evidence would have no value in the face of documentary evidence. Oral evidence cannot exclude documentary evidence. **(2015 CLC 1387)**

**1996 SCMR 662**

It is not necessary that fact can only be proved through documentary evidence. The factum of ownership can also be proved by oral evidence. Where the plaintiff asserts that they are owners of the estate are not challenged in cross-

examination and the defendant failed to prove evidence rebuttable, the plaintiff may be deemed to have established their ownership in the estate

**1996 MLD 1727**

Party asserting signatures on the blank document, such assertion although alleged by a defendant in a written statement and issue to that effect was stuck yet the defendant does not provide any evidence to prove such fact. In the absence of any evidence in proof of his assertion, it cannot be deemed to have proved that the defendant was made to sign the black document by the plaintiff.

**PLD 1973 S C 160**

Documents which should not be received in evidence without proof of signatures and handwritings of the person alleged to have signed or written them even if such document is brought on record and exhibited without

objection, no reliance can be placed on a document not proved by law.

## **Types of Oral Evidence**

### **Article 71**

Oral evidence must, in all cases whatever be direct. Article 71 laid down the rule of exclusion of hearsay evidence. It excludes giving of indirect hearsay evidence. If it refers to a fact, which could be seen, heard, or perceived through any other sense, then evidence must be given by a person who has himself seen, heard, or perceived that fact. If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds.

In Article 71 there is also the rule of exclusion of hearsay evidence

**2003 P.cr.LJ. 1353**

Direct evidence is used in the original sense but it is not used in contradiction of circumstantial evidence. Law insists on direct evidence of a primary source and it would be inadmissible if it comes from in direct source. It is incumbent upon the witness that when he enters into the witness box before stating any fact, he must say that either he saw the fact or he heard it from someone about such form an opinion as to the category in which the witness fell. This Article does not exclude circumstantial evidence of things which can be seen, heard and felt.

### **1996 CLC 530**

Direct evidence alone is admissible under this Article and it is mandatory to rely upon the same, whereas indirect evidence is not admissible. The plaintiff has admitted that he did not see the accident, so his evidence being hearsay is not admissible. Where the facts were required to be proved by oral evidence, such evidence must be direct of primary sources.

**1986 MLD 1713**

It is the rule of law of evidence that the best available evidence must be brought before the court. If a witness sees another writing or signing the document it would constitute the best evidence

**1960 SC 413**

Eye witness closely related to deceased family and relation of the deceased family with accused family stated before occurrence. The court can properly rely on the testimony of such witnesses without corroborative evidence. If the court on proper appraisal of their evidence reaches to conclusion of inference having stated facts

**Proviso 1**

Opinion of experts in any treaties. Provided that the opinions of experts expressed in any treaties commonly offered for sale and the grounds on which such opinions are held, be proved by the production of such treaties if the author is dead, cannot be found, or has become incapable

of giving evidence, or cannot be called as a witness without an amount of delay or expense which the Court regards as unreasonable

### **1985 PcrLJ 1450**

If direct evidence is satisfactory and reliable, it has to be preferred to expert evidence. In case medical evidence is inconsistent with direct testimony and renders the latter untrustworthy, the medical evidence belies the entire prosecution case.

### **Proviso 2**

Provided further that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection. For instance, from that specific gun or knife, murder had been done.

**Proviso 3**

Provided further that, if a witness is dead, or cannot be found or has become incapable of giving evidence, or his attendance cannot be procured without an amount of delay or expense which under the circumstances of the case the Court regards as unreasonable, a party shall have the right to produce, “shahada ala al-shahadah” by which a witness can appoint two witnesses to depose on his behalf, except in the case of Hudood.

**1995 PcrLJ 179**

According to said proviso the prosecution has the right to produce evidence because if the witness is unable to give his evidence then he can appoint two witnesses to depose on his behalf except in cases of hudood. As a prosecution cannot produce a deceased person as a witness it has the right to produce two witnesses on behalf of the deceased in support of the prosecution case.

**Hearsay Evidence**

The term hearsay sometimes means any statement given by the witness, not upon his knowledge but upon the knowledge of someone else is called hearsay evidence. Sometimes it means whatever a person declares on information given by someone else. The term hearsay means what is done, and what is spoken.

The reason for the Exclusion of hearsay evidence is that in a legal sense, it denotes that kind of evidence which does not derive its value solely from the credit given to witness him but which rests also on the veracity and competence of some other person. So it suggests saying of the individual is considered to be irrelevant. A witness may not give exact evidence as it is not based on his knowledge and cannot be prosecuted for perjury. Hearsay evidence is not given upon oath and cannot be tested by cross-examination. Its competency to satisfy the mind of the existence of facts is weak due to lack of oath and absence of opportunity of cross-examination therefore hearsay

evidence is inadmissible and safely ignored unless it falls with exceptions for admissibility. And there are chances of fabrication and exaggeration.

**Illustration:** A was charged with killing B. X is the witness before the court states C told me that A Killed B. X's statement is not based on his knowledge. So it is hearsay evidence and indirect evidence.

### **2021 YLR 2310**

In this case Statement of the witness was based on mere hearsay evidence which had a narrow scope until and unless the same had been corroborated with other evidence whereas Article 17 required that oral evidence shall be direct and such hearsay evidence is not admissible.

### **When hearsay evidence is not admissible**

### **AIR 1983 SC 906**

The principle of rejection of hearsay evidence is based on its relatives being untrustworthy for the judicial purpose. The reason is that the original declarants of statements

which are offered in a second-hand manner are not put on oath nor is he subject to cross-examination and the accused against whom such evidence is offered loses his opportunity of examining into means of knowledge of the original maker of the statement. The admissibility of hearsay evidence would open up opportunities for fraud.

**AIR 1942 Cal. 214**

The evidence of a statement made by a child to other people or of conduct amounting to the statement is hearsay evidence and not admissible in criminal trials when such a child was not examined as a witness.

**Eye Witness**

**2019 MLD 1821**

The person who claims not to have seen the incident but only points out the presence of the accused near or around the place of the incident should be taken to such facts however shall qualify as circumstantial evidence.

**Hearsay Evidence when Admissible**

Hearsay evidence is not excluded in the following cases:

An **admission** is a statement, oral or documentary which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons and under the circumstances and also **confession**, as is referred to in Article 37, is made after the impression caused by any such inducement, threat or promise has, in the opinion of the Court, been fully removed, it is relevant.

**Article 19** covers the concept of the Res castle which is an exception to the hearsay rule that allows statements made during or immediately after a crime to be used as evidence. These statements are considered to be relevant if they are part of the same transaction as fact in issue even if they didn't happen at the same time or place. According to **Article 46** dying declaration Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot, be found, or, who has become incapable of giving evidence, or whose attendance cannot be procured without

an amount of delay or expense which under the circumstances of the case appears to the Court unreasonable, are themselves relevant facts under certain circumstances.

Article 47 states that certain evidence is relevant for proving the truth of facts in subsequent proceedings. According to **Article 64** When the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence. Of such relationship, of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact.

**Article 71 Proviso 1** opinion of experts in treaties. **Article 85** Public documents which include documents forming the acts or records of the acts, of the sovereign authority; of official bodies and tribunals, and public officers, legislative, Judicial and executive of any part of Pakistan or a foreign country. Public records kept in Pakistan of

private documents. Documents forming part of the records of judicial proceedings, documents required to be maintained by a public servant under any law and registered documents the execution whereof is not disputed.

### **Oral Evidence: The Issue of its Credibility**

It may therefore be noted that oral evidence occupies a paramount position in the proof procedure in Pakistan, especially for criminal cases. Since it entails the direct telling of a fact by a witness, oral testimony is viewed by the courts as being the most straightforward evidence. However, there are still problems connected with the use of oral evidence. The oral evidence heavily depends on the witness's memory and credibility. The QSO 1984 incorporates the sanctity of direct oral testimony where the oral evidence is considered more paramount than the documentary or circumstantial evidence.

Nevertheless, the law provides direct control to the spoken word evidence and through time; however, the courts begin to realize that such a restriction can be highly disadvantageous in some cases where the witness might give an amendable account because of the various factors such as fear; social pressure; personal reasons; or selective memory. For instance, where it reached the newspaper, domestically in cases of wife battering or politically sensitive criminal cases, prospective witnesses' contribution is hardly ever believable, they are dominated by the fear of retribution. More specifically, it was evidenced with the help of PLD 2020 SC 45 when the Supreme Court stated the importance of supplemental or corroborative evidence of the oral statement and focused on criminal trials for grave crimes (Shah and Farooq, 2022).

In this regard, the study points out that courts, although remaining technically bound by the provisions of the QSO,

have started to evolve progressive regimes on the handling of oral evidence, since it cannot be dismissed categorically. When considering employment-related tribunals, they further suggest that such approaches may be notably oversimplifying the complex realities of access to justice, especially by vulnerable groups.

### **Challenges to Admissibility and Reliability of Oral Evidence**

It is a fact that the testimony of eyewitnesses is the best evidence in Pakistan but the question raised is the trust of that evidence. Eyewitness reliability means how believable a witness is, and the current study reveals the following aspects that affect witness credibility: memory, force influence social context and due to lack of proper witness protection. When the courts are handling samples related to honour Killings Domestic violence or corruption matters, the witnesses may withdraw their statements or alter them to correspond with their culture, or that they are

afraid for their dear lives. This, to me, reinforces the importance of having some measures in a way that apart from hearing the oral evidence, the same is believed to be valid too.

This paper will discuss various factors that affect the admissibility and credibility of oral evidence under the QSO 1984; the hearsay rule and witness credibility. Section 71 of the QSO Provides for the use of Oral evidence only where it touches on the main facts observed by the witness, but not the hearsay evidence. However, the legal systems of other countries, including the international legal system, allow some other types of indirect evidence in certain conditions: the declarant is unable to testify, or the statement falls under one of the exceptions like a business record or an excited utterance. On the other hand, the QSO carves out only a few imperatives to the hearsay rule thus it rarely allows indirect evidence to assume a critical role (Malik, 2022).

This research establishes that this rigidity of the hearsay rule under the QSO reduces the admissibility of possibly probative evidence in cases where direct live oral evidence is not available. This has resulted in demand for change as it has been argued that the best practice would be to bring in better qualifiers to the hearsay rule to ensure that the modelling of oral evidence in the judicial procedure is much more rigorous. This challenge is most apparent where witnesses cannot testify due to sickness, coercion or they have moved from their former stations something as is seen in the PLD 2008 SC 17 where the court disallowed certain testimonies because the important witnesses for the case were unable to give evidence.

### **1. Witness Protection and Intimidation**

There is one more research implication in connection with the fact that QSO 1984 has no sufficient and almost there is no efficient mechanism for witness protection. Other

major difficulties include coercion and threats either by the accused person or by other people in criminal offences for the complainant in this case. The present QSO does not state certain measures for the protection of witnesses in the case which is why it can be a concern of the investigators considering life and health.

In some occasions, there have been in-camera proceedings or protective orders for the witness, but such orders are not strictly monitored, and cannot be regarded as standard operating procedures. This has been a major reason why KDF has lost so many important witnesses mainly through the withdrawal of statements; or the inability to offer testimonies due to threats. The comprehensiveness of a witness protection system in the legal framework of the QSO will make other orally utilized evidence more reliable.

In addition, the research reveals how the courts handle the cases that are likely to attract some witnesses into the

process. While it might be true that there has always been ample space for a considerable amount of discretion in terms of witnessing particular areas of the law that do not seem to get much attention, at the very least where such system transformations ought to be demanded as a matter of urgency to safeguard the witnesses in high-risk cases (Ahmed, 2023).

It is one of the major issues of the QSO, for example: the lack of any special legislation concerning the protection of witnesses. Some of these have been considered informally, what is required however, is a well-formulated and legally constructed witness protection program designed to ensure the safety of the witness to provide testimony in an open court. Such nations as the United States and the United Kingdom for instance have been compelled to establish witness protection systems to ensure that scared witnesses provide reliable testimonies. If a program like this is to be

started in Pakistan it would go a long way in improving the standard of oral evidence in the court of law.

## **2. Impact of Socio-Cultural Factors on Witness Oral Testimony**

The second research problem concerns the study of how sociocultural influences influence the evidence given by a witness. More so the traditions or rather cultures in Pakistan bear a very big contribution in the manner that witnesses particularly the female are either allowed or not allowed to testify in court. People, especially in the traditional society, could change their statements due to fear of being stigmatized should such issues as issues within the family or any issue to do with honour-related issues arise where the victim cannot tell the truth in a court of law as this will create a dishonour to their family or the community they come from. These all tend to deform the justice system For fear of the shame or embarrassment such may cause to the family, the standard pattern of

behaviour that is likely to be demonstrated entails the retraction or even distortion of testimony (Jones, 2023).

Nonetheless, it is understandable that the extremely high illiteracy rates and societal limitations within Pakistan present serious challenges in the way in which sociocultural influence vitiates the integrity of orally tendered evidence by jurors. Cultural or community regulations, as well as relations, determine how witnesses do or do not testify. This research concludes that witnesses particularly those to a crime in rural or conservative settings may decide to never report a crime or to distort some details in reporting a crime to fit a cultural or family setting. Luckily, Female witnesses, especially in case that relates to Rape or Domestic violence, are not only willing but they are also tested by cultural beliefs and norms. In such situations, the witness may decline to testify or even alter his/her statement, caused by the result of being scorned or attacked by the accused party. This issue is

worse particularly when the accused person has economic or social power in the society (Aqeel et al, 2024).

In the past, most judicial officers should know stress asunder to the witnesses in some conditions especially when the event takes place in rural or conservative areas. In addition, the propensity measurement should expand the range of mandates that would improve the civil case witness's chances to find shelter in culture or society for testifying against the suspect or the defendant. It might include giving more protection to females or honour-based crime-related entities such as witnesses to women's performances.

The study also supports strengthening and changing the witness's culture and developing awareness of how the witnesses can testify objectively and unbiasedly. Moreover, the standards applied by the judges where the credibility of a witness is concerned may need professional training on issues of sociocultural nature

concerning witness testimonies, so that a judge does not develop certain assumptions that may influence a judgment of oral evidence (Lohani, et al).

### **Judicial Interpretations and Flexibility**

It is discovered that with time the Pakistani courts have also learned how to receive oral performance gradually and in this way, the courts of Pakistan have changed their common approach of considering the evaluation of oral evidence and its difficulties. A consideration of the cases under analysis shows that the judiciary has slowly woken up to the realization that the use of oral evidence is often not as effective as it used to be especially when it comes to cases involving intimidated or vulnerable cases. In PLD 2020 SC 45, the Supreme Court has dealt wherein the case of witness intimidation, the court held that the corroborative evidence should be allowed where the direct oral evidence is affected. These cases established what

seemed to be a new trend concerning a more liberal attitude to oral evidence.

Also, the courts have also come to appreciate other forms of circumstantial and documentary evidence in the aid of oral evidence. For instance, in situations where witnesses deliver unimpressive, and detailed oral evidence because of forgetfulness or emotional issues the court allows supporting evidence for embellishing the testimony of the witnesses. This augers well, slow that the Pakistani legal process is likely to lean towards a more holistic and thorough assessment of evidence shortly (Saeed, et al, 2021).

Various judicial developments that relate to the assessment of oral evidence under the QSO 1984 could be understood as an ongoing signal that there is enough law to adequately accommodate the conditions of modern societies. A recent Supreme Court decision in the Philippines case, PLD 2020 SC 45 indicated that Pakistani

courts are getting bent towards flexibility in matters of assessing oral evidence. This judgment appreciates the fact that oral evidence is very crucial in a court but wherever possible should be backed by other evidence.

It should appear there is a move to this more refined approach to assessing oral evidence, but a lot more remains to be done. The courts should be allowed to allow the establishment to alter the nature of evidence in modern-age trials especially when the witnesses themselves are either frightened or otherwise unavailable for any cause. Besides, parity for judges' training on how to approach oral evidence in a much broader way; including sociocultural aspects and sets of biases which may be brought by the testifying (Siddique, et al, 2022).

### **Comparative Analysis with International Evidence Laws**

Gauging the QSO 1984 against evidence laws in other common law jurisdictions such as the United States and

the United Kingdom this paper finds the following distinctions. As will be shown, commonly, several jurisdictions incorporate some level of freedom in the hearsay rule thereby making it easier for the court to admit fresh evidence including the indirect ones because they are vital in establishing the facts of the case. The present study also indicates that it will be useful for Pakistan to pursue similar reforms as the ones underpinning the expansion of the list of admissible proved to be effective at plugging the existing loopholes in the legal system.

It makes a comparison of Pakistan's legal structure with other anti-reformers of other alternative legal theories to come up with the roadmap to its reform. The Pakistan law and what constitutes oral evidence can be greatly enhanced if more exculpation to the mere hearsay rule, wider acceptance of the circumstantial evidence and a well-written pattern of witness protection is made. Such changes would assist in 'internationalizing' the legal

process in Pakistan make the acceptable evidence in court so much better, and most importantly make the entire 'process' a fairer one.

For example, most Western societies have moved to appreciate the psychological and social aspects which define the conduct of the witnesses, and this means that the law has incorporated methods such as the use of expert opinion on the reliability of the witness deposition. Similarly, structured witness protection measures that are currently missing will help to protect witnesses from certain influences that may be placed on them by other forces.

Moreover, the now emerging global practice of improving witness protection as a unified process and by establishing specific legal frameworks contrasts with the Pakistani situation. However, one major flaw associated with the utilization of the QSO and the reliance on oral evidence, especially in high-risk cases, has to do with the absence of

an organized structure for protecting the witnesses. The rule as stipulated in Article 71 of the QSO eliminates hearsay evidence but admits certain ones. However, where this rule is applied, it can cause problems, particularly when direct oral evidence is either inadmissible or simply cannot be relied upon. The analysis also showed that the lack of a second category of exceptions to the hearsay rule means that courts are unable to entertain evidence that would go a long way in changing the complexion of a case. Globally, most of the common law countries have already liberalized their rules regarding hearsay evidence. For instance, in any courtroom in the United States hearsay is forbidden, yet it is allowed if a few conditions are met, including when the maker is unavailable or in circumstances like when the statement is invoked as an excited utterance, a statement in the course of business, or the like. Relaxation of hearsay rule in Pakistan could assist in reducing such circumstances whereby provable

evidence is out rightly rejected in the trial purely based on the hearsay, especially in a situation whereby the witness is out of reach due to threats, or fearing for their lives, or due to other societal-cultural factors.

### **Recommendation**

From the research conducted in this study, it is agreed that there are several areas of legal changes, which can enhance the handling of oral evidence under the QSO 1984. These include:

**Expansion of Hearsay Exceptions:** Allowing more hearsay exceptions to come into practice will make the certainty concrete that a court has access to all of the evidence regardless of whether it is direct or not which is not available or reliable.

**Witness Protection Legislation:** It is necessary to introduce a public and legalistic witness protection system that would help protect certain witnesses and, predominantly, in criminal processes. This would go a

long way in enhancing the credibility of the oral evidence received by the court.

**Judicial Training:** Courts should educate the judges so that they have improved knowledge of the social and cultural factors in ascertaining the truth from the witness. This would help courts assess the credibility of the oral evidence where the witnesses are vulnerable individuals in grievous criminal cases.

**Reforming Socio-Cultural Influences:** The sociocultural factors that affect the way witnesses testify should also be tackled by the legal reforms in rural and conservative settings. To foster the outcome of honor-related crime trials more protection should be afforded to women and other individuals who act as witnesses in these cases.

**International Best Practices:** We suggest that where as in common law systems, rules relating to tendering of oral evidence are more flexible, it could benefit in the application of justice. Pakistan might learn from other

legal systems, especially about hearsay evidence and the disposition of vulnerable witnesses.

These findings thus require extensive systematic changes which are the expansion of hearsay rules, the implementation of a written and structured witness protection plan, and the regulation of sociocultural factors regarding witness testimonies.

## **CONCLUSION**

Cross and hearsay remain unaltered pillars of Pakistan's legal policies, however, their viability and credibility are still faced with certain odds including rigid hearsay rule, witness character and cultural factors. Legal changes are required for these problems to be fixed with proper justice for the oral evidence as per the equity as well as the flexibility it requires. By devolving necessary changes in

presenting the oral evidence, providing bolstered witness protection and adopting the international standard norms, Pakistan can work for positive development in the legal system and sound justice delivery system.

This Article reveals that although oral evidence has been core to the Pakistani judicial system, this fundamental evidence suffers from the following critical issues; the restriction on hearsay evidence, the absence of structured witness protection, and the dominance of cultural values. However, these directions are developing and the states are gradually beginning to realize the necessity of the actualization of some of the QSO provisions for the needs of modern legal practice. The Court-tried evidence laws relevant to Pakistan may be compared with the evidence laws of other countries and may indicate the measures that can make the best out of the oral evidence in Pakistan.

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**CONSOLIDATING THE CODIFICATION  
BY THE LEGISLATURE**

**AZHAR SADDIQUE**

Lecturer, Department of Law, IIUI, Pakistan,

**ABSTRACT**

The prime role of parliament is law-making including but not limited to the enactment of laws, amending the existing laws and repealing the provisions or the full laws. The representation of the individuals of land is another role of the parliament. It also works with the oversight of the government. All the fiscal program and consent for running the government is also approved by the government exercises its power of advice to the president for certain appointments to the government. Parliament acts as a watchdog on matters of public interest. It also holds public hearings for the engagement of the people with the government. Check and balances, policy

development and accountability are the foundation of the legislative institutions i.e. parliament thus playing a crucial role in ensuring good governance, the promotion of transparency and the protection of the individual's rights. The judiciary's vital role in adjudication, law enforcement, and safeguarding constitutional rights is emphasized, with a focus on Pakistan's judicial framework, including the Supreme Court, High Courts, and specialized tribunals. The article concludes that the interdependence of legislation, executive policy implementation, and judicial adjudication ensures a balanced and effective governance structure, safeguarding democratic principles and public welfare.

***Keywords:*** Legislature, Judiciary, Theory of Separation.

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## INTRODUCTION

Parliaments, congresses, and assemblies are crucial legislative organs in any country. They play a crucial role

in ensuring that residents' voices and interests are heard. The legislative branch is responsible for making, changing, and removing laws; it also ensures that the executive branch is held to account and serves as a check on the power of the executive branch. To sum up, democratic government relies on legislative institutions to share power, represent citizens, and ensure accountability.

### **Significance of Legislative Institutions:**

Throughout the world, legislative institutions play a crucial and paramount function. Here we shall talk about the prominent institutions of a number of nations.

Parliament is the supreme legislative body in the United Kingdom, with the power to make, amend, or repeal any legislation.

There are several crucial roles played by the UK's legislative bodies, the House of Commons and the House of Lords:

- To represent the people of the United Kingdom in all matters;
- To hold the government to account;
- To scrutinize and approve Bills as part of the legislative process;
- To authorize taxation;
- To scrutinize and approve the Government's budget and planned expenditure on an annual basis;
- To debate the public policies of and for the Government of the United Kingdom.
- To hold the government to account;
- To scrutinize, amend and approve bills as part of the legislative process. (Corteen et al., 2023)

To legislate is the primary function of the Swiss Parliament, the highest legislative body. In addition to selecting federal court and Federal Council members, it approves international agreements, accepts federal and

state budgets and accounts, and oversees the federal government.

The United States Congress serves as the country's legislative body. It establishes the rules of the country and stands as a symbol of the American people. It is joint in authority with the president-led executive branch and the Supreme Court-headed judicial branch. Only Congress, out of the three arms of government, is chosen directly by the people. Article I of the American Constitution describes congressional powers as follows:

- Make laws
- Declare war
- Raise and provide public money and oversee its proper expenditure
- Impeach and try federal officers
- Approve presidential appointments
- Approve treaties negotiated by the executive branch

- Oversight and investigations (“Jr. & Neomi Rao, “,” n.d.)

In Pakistan legislative institutions are the Senate of Pakistan and the National Assembly. The Senate of Pakistan represents the provinces and stimulates a feeling of equality, peace and harmony. The role of the Senate is to stimulate national cohesion and harmony. The Senate of Pakistan gives equal representation to all the federating units and balances provincial inequality. (“Senate of Pakistan,” n.d.)

#### **i.Vitality of Legislation:**

The role of authority and the rules that employees must follow are defined by legislation. Expectations, standards (such as codes of behavior), rules, and procedures allow authorities to carry out their duties and meet these requirements.

A person can acquire or be obliged by another person as a result of a specific legal connection, according to general

law. This type of partnership can arise when one party has the legal right to manage the assets of another party. A person's civil error may give rise to a legally binding relationship. Because of their specificity, common law does not permit the unilateral establishment of such ties for all individuals or members of any given class.

No law can unilaterally alter the general public's rights and responsibilities, alter the functioning of general law, or create new rights and obligations without first being approved and passed.

Legislation may also be the option of choice to present policies particularly effectively or to create situations that can only be further modified or terminated by legislation.

(“, ‘Importance of Legislation’ Accessed 1st July 2022,”  
n.d.)

## **ii. Separation of power:**

### **i. Concept of Separation of Power:**

French social and political philosopher Charles-Louis de Secondat, baron de La Brède et de Montesquieu in 1748 and coined the term "Trias Politica" or "separation of powers" and gave the statement ("The NCSL Foundation for State Legislatures," n.d.)

*“When the legislative and executive powers are united in the same person, or the same body of magistrates, there can be no liberty... there is no liberty if the powers of judging are not separated from the legislative and executive... there would be an end to everything if the same man or the same body... were to exercise those three powers.”* (“*The Spirit of the Laws (New York, the USA)*,” n.d.)

In a strict sense separation of power means that all three branches are not allowed to use the power of others at all. There should be no person member of any two branches. Instead, the independent actions of distinct institutions

need to create a system of reciprocal control. (“Richard Benwell and Oonagh Gay,” n.d.)

## **ii.Strength of Separation of Power**

The doctrine of separation of power has its strengths on one side while it is criticized too in terms of its weaknesses.

The idea of a division of powers was first put forth by Baron de Montesquieu, in case you forgot. It specifies that the legislative, executive, and judicial branches of government must be physically and functionally distinct from one another. Put another way, members of the legislative, executive, and judicial branches of government must be distinct from one another. Furthermore, legislative members should not have equal authority to those of the executive and judicial branches. The following are some key points from this idea that contribute to the general public's well-being guarantees the citizens to enjoy the fortification of freedom of rights

as well as shield against all forms of despotic control and tyranny.

- a. It leads towards the distinct role of each organ and causes efficient and smooth functioning of official tasks.
- b. The arrangement of the official business is assured and put into an orderly form under this formula.
- c. It discourages the arbitrary act and one-man show through the process of checks and balances.
- d. Independence of the judiciary is its main trait whose function is to adjudicate the matters within accordance with the law beyond all biases.

### **iii.DARK SIDE OF THE THEORY:**

The theory of separation of power faces a lot of criticism in a great number of countries being an ideal one. Sabin and Finer are the main exponents of criticism of this theory. A few of the points of the criticism are enumerated as:

- a. Montesquieu developed the theory at the time of the Cabinet form of Government in the UK thinking that the Government has assigned the obligations differently which was an erroneous concept and ultimately, he comprehended that falsely.
- b. Separation of power cannot be established as a whole for the reasons behind certain functions of one organ having to be undertaken by the other organ to run the state functions. Those functions include delegated legislation, quasi-legislative functions, quasi-judicial and purely administrative functions.
- c. It creates complex management causing disharmony, aloofness and disintegration which is against the spirit of the modern state system.
- d. Finer has stated this theory as a sick theory that causes muddles creating vanity, prejudices and disturbance among the organs that slow down the state functions.

e. This theory results in the unequal distribution of powers like the parliamentary system and presidential system, the exercise of powers differently emerges with inadequate authorities.

f. It is not a single aspect of liberty, despite its role in liberty that includes many other features which are of paramount significance.

g. It has caused an imbalance in the division of power as the enhanced role of the modern welfare state has enlarged the administrative role of the executive which sometimes also creates arbitrariness due to extra executive powers (“Research Briefings Publications,” n.d.).

#### **iv. Legislative Function Viz a viz Theory of Separation:**

##### **i. Role of Legislatures**

At the very heart of democracy lies the House of Legislative, or Parliamentary, which is responsible for expressing the will of the people to the government. Legislators are always willing to bend to the will of the

people; they visit the homeless, listen to their concerns, and then make pledges to address those concerns. Policies were formulated based on those promises, and in the end, those policies were enacted into law. These laws are essentially societal demands that are made by parliaments in response to current needs. The government is responsible to the public because it follows the laws passed by legislators. Parliaments evolve through time to improve their work: they become more accessible, accountable, responsive, comprehensive, and clear, and they become more effective in their crucial roles of enacting laws and scrutinizing governments.

The main traits of a legislature sitting in a democratic parliament are as under;

- i. A legislature is always a socially and politically representative of the people who ensures the chances to all the people equally with full protection.

ii. He is always crystal clear before the nation having no secrecy in his deeds and works by open media with full transparency.

iii. He always tries to involve the people in the work of parliament particularly the desirous unions and activists of the civil society to make it accessible.

iv. His work and conduct need integrity concerning his performance is always open to being answerable for his constituency.

v. He is the emblem of the effective body showing true norms of democracy performing the legislative and scrutiny functions which serve the public at large according to their needs. (“A Guide to,” ipu.org. n.d.,” 2022)

## **ii. The Development and The Role of Legislature:**

UNDP defines the human development approach as:

*“Human development is about expanding the richness of human life, rather than simply the richness of the economy*

*in which human beings live. It is an approach that is focused on people and their opportunities and choices.”*

(“Human Development,” n.d.)

Legislatures usually look forward to the following acts on the way of development:

- a. in socio-economic development looking into the policies for making it law after debates and discussions.
- b. Making legal frameworks for different development works.
- c. Budget and budgetary considerations and recommendations having the oversight on the operative budget.
- d. The proposals on budgets by the executives and its surveillance grassroots level service on development issues in the concerned constituencies.
- e. Representation of the people of their area with their problems and policy matters.

- f. Overall progress of the public functionaries and their accountability by the Committees.
- g. Role in the policy formation and looking into its implementation.
- h. The strategic acts concerning education, health sanitation, women empowerment etc. and its approval.

The above developmental role can be viewed in different tools of legislation example given the enactment of laws, oversight, financial sanctions, and debates in Committees along with other non-legislative tools that include but are not limited to the CAN (calling attention notice), motions, starred and unstarred questions, other debates and discussions. (“Research and Information Division,” n.d.)

The important role of legislators in development revolves around poverty alleviation, employment, creation development of infrastructure, education and skill development, and public health. It also works on upgraded elementary services, advanced yield, better human

growth, improved employment prospects, abridged inequalities, approach to privileges and prerogatives, broader societal deployment and supplemented communal investment. (Dunick, 2016).

**v.Role of Judiciary:**

Encyclopedia Britannica Defines judiciary as

*“Judiciary, a branch of government whose task is the authoritative adjudication of controversies over the application of laws in specific situations.”*

The judiciary pillar of the state is mandated with the job of deciding the controversy or controversies between two parties consisting of individuals, groups or bodies which may be governmental or private entities. The courts take up the matter in which one party allege some fact in which it has claimed about the abrasion of the law or breach of some contract or some felony has been conducted the decisions of the judiciary may be civil, financial or criminal which are different. Crimes are offences against

society the judiciary in this matter declares whether the person has committed the crime or not. There are two parties in this situation one party is the accused or defendant and the other is the petitioner or the prosecutor. The accused declared as guilty by the court are sentenced to punishment and non-guilty are acquitted by the court. In the administrative matter judiciary often resolves the issues between two parties which may be citizens, groups, government agencies or others. Here in this matter, the court prayed for the remedies to be provided against the government functionaries which had resulted from the abuse of power and the courts have to look into the matter and decide appropriate remedy. Civil, criminal and administrative matters differ in nature before the courts in the system of courts the dispute has to be heard based on natural justice and following the procedure differently. The judiciary usually finds out the facts and issues 1<sup>st</sup> then requires the evidence on those facts and issues to be

proved or disproved the parties which prove the case are usually declared as the successful party who had established the case. The judiciary has been illustrated as the less harmful pillar of the state because it takes no active determination. (“Tate, C. Neal. "Judiciary,” n.d.)

In Pakistan, S.C. is the top court which is the final court of the country under the constitution and law. The decisions made by this apex court are exclusively obligatory on all the subordinate courts. The whole administrative and legal establishments have to operate under the direction of the apex court. The Supreme Court's composition, functions powers and jurisdictions are governed by the Constitution of Pakistan. The Constitution of Pakistan provides the way of selection of judges, its procedure of appointment and removal with its conditions. It also provides the original, appellate, advisory and review jurisdiction for the S.C. The original jurisdiction revolves around the exclusive power of determining the disputes between the

governments for which the court provides declaratory judgments. The original jurisdiction also empowers the court to exercise its powers concerning matters of public importance as well as the enforcement of fundamental rights. In its advisory jurisdiction, the S.C gives its opinion to the president on matters involving a question of law while exercising its appellate jurisdiction all orders and verdicts of the high court's special courts or tribunals are entertained as an appeal against those findings on the matter of question of law. The Constitution envisages the liberty of the judiciary and its separation from the executive. The three pillars that are the legislature, the executive and the judiciary are harmonized by the supreme act of S.C. being a unique responsibility. S.C. also acts as the guardian of the constitution which as the basic document is defended protected and preserved by the court as prime duty. ("History – Supreme Court of Pakistan," n.d.)

By looking into two role of the judiciary judicial system in Pakistan has three various periods including the Hindu kingdom British rule and the colonial and fourth running periods the running period is influenced by imported theories ideas domestic practices and folk ways. (“Dr Faqir Hussain,” n.d.) The Government of India Act 1935 became the foundation which was amended in 1954 to give powers to the High Court with the writs prerogative it remained the same in the 1956, 1962 and 1973 constitutions, however, the 1973 constitution substituted the name of the federal court by the the S.C and the chief court of the NWFP and judicial commission court of Baluchistan were elevated as High Court (Bilgin, 2007). Today the constitution of Pakistan envisages the independence of judiciary entrusting the superior judiciary to perform its responsibility of preserving, protecting and defending the constitution. After the Government of Sindh vs. Sharaf fired the case the financial autonomy of the

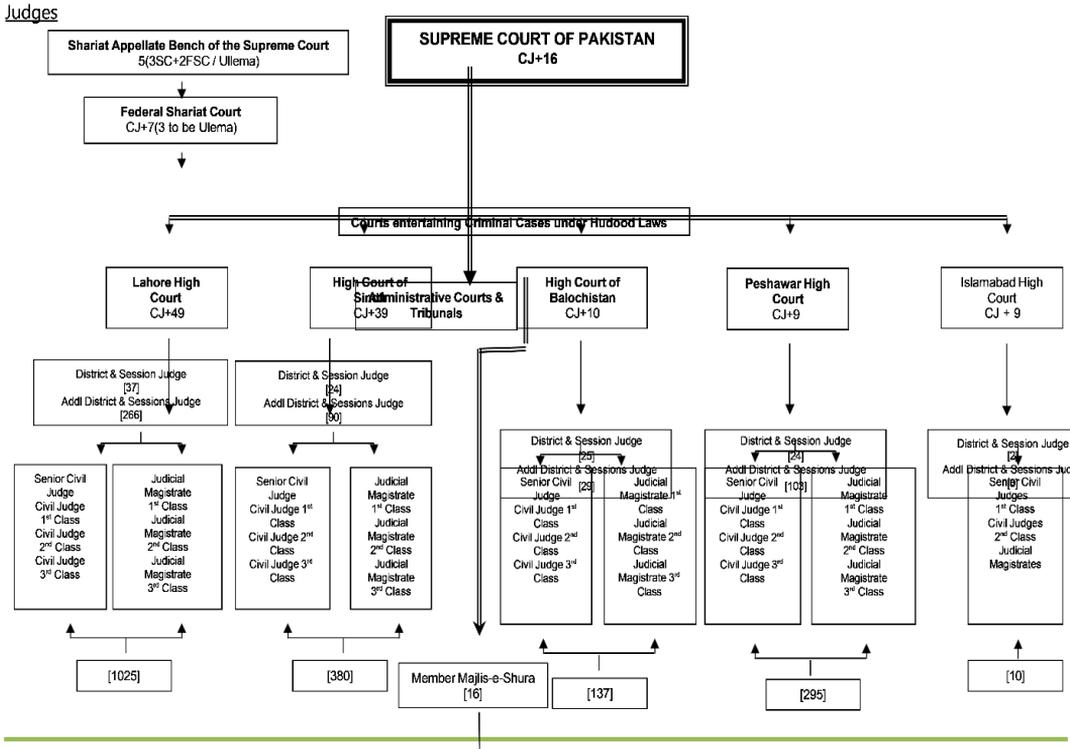
superior courts i.e., S.C. and HIGH COURTS was granted (Bilgin, 2007b). In the said case it was held that independence of the judiciary includes the eradication of the monetary mechanism of the executive over the judicial. Besides S.C. in every province, there is one High Court. Art 199 provides original jurisdiction to the High Courts to protect fundamental rights and to act as the appellate court of criminal and civil matters. The High Court administers and regulates all the subsidiary courts. HC staff is appointed in the subsidiary courts (Bilgin, 2007c). The federal Sharia court under Article 203 of the constitution exercises the role of examining and determining the laws within the conformity of injunction of Islam along with exercising an appellate and revisional jurisdiction over the criminal courts in hardwood cases (Hopkins et al., 1967).

Lower judiciary is classified into 2 categories 1. Civil courts 2 criminal courts civil courts ordinance 1962

ordinance regulates civil courts while the Code of Criminal Procedure 1898 regulates criminal courts. The judgments of such courts may be appealed against before the superior judiciary, i.e. S.C and High Court (Bilgin, 2007d). Special courts and administrative tribunal's examples include banking courts customs courts, taxation and anti-smuggling, income tax tribunals, drugs courts environmental tribunals antiterrorism courts accountability courts have been authorized to be established by the federal legislature. The government is authorized to establish administrative courts and service tribunals under Article 218 (Bilgin, 2007e).

Diagram organogram of courts in Pakistan is as under

11 ORGANISATION AND STRENGTH OF JUDICIAL HIERARCHY



*The Judicial System of Pakistan*

Figure 0-1: Organogram of courts in Pakistan

**CONCLUSION:**

Legislation is a law or a set of laws that have been passed by Parliament. The word is also used to describe the act of making a new law. Parliament undertakes the job of law-making what is known as supreme legislation, the executive performs the duty to make policy and to act by

the statutory powers, parliament also allows the executive through statutes to make legislation which is known as delegated legislation and the judiciary performs the duty of the adjudication that is to resolve the issues and matters under contention purely in the light of the provisions of the laws made by the parliament it is however also the duty of judiciary to use its innate power known as the inherent powers when the express provisions of laws are missing in the statutes.

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**THE IMPACT OF PARENT ADULT  
RELATIONSHIP ON AGGRESSION: THE  
MEDIATING ROLE OF PSYCHOLOGICAL  
CONTROL AMONG  
ADOLESCENTS AND ADULTS**

MALAIKA AMIR<sup>1</sup>

KINZA AMJAD<sup>2</sup>

SIDRA BUTT<sup>3</sup>

**ABSTRACT**

This research investigates the role of psychological control in mediating aggressive behavior in adults and adolescents and the parent-adult relationship. Psychological control involves manipulating an adult's emotions and ideas, while

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<sup>1</sup> BS Clinical Psychology, Department of Arts and Humanities, GIFT University, Gujranwala

<sup>2</sup> BS Clinical Psychology, Department of Arts and Humanities, GIFT University, Gujranwala

<sup>3</sup> MS Scholar, Department of Clinical Psychology, International Institute of Science, Arts and Technology, Gujranwala, [sidrabutt5112@gmail.com](mailto:sidrabut5112@gmail.com)

aggression is the reaction to unpleasant stimuli. The study surveyed 200 people from a private school in Gujranwala, Pakistan, using demographic data such as birth, gender, marital status, income, and education. Results showed a positive correlation between aggressive behavior and the quality of the parent-child relationship, but adult aggressiveness was unmediated by psychological control. The findings will be used for future investigations, highlighting the importance of understanding the relationship between psychological control and aggression in adult and adolescent relationships.

**Keywords:** Parent-Adult Relationship, Aggression, Psychological Control, Adults.

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## INTRODUCTION

The "parent-adult relationship" refers to the strong and enduring bonds between parents and their adult children. Experts suggest that a person's sense of self and

connection with others are significantly influenced by their bond with their parents. While media often highlights this bond, studies on the dynamics between parents and adult offspring are scarce. Parents often view their child's academic standing as a predictor of their future success and develop closer relationships with professionals to help them achieve their goals (John, 2003).

The media has highlighted the bond between parents and their children, but studies on adult-child relationships are limited. Data from the Family Exchanges survey and a nationwide dataset show that parental involvement in young adults is low, with phone calls and regular assistance being key indicators. Students' life satisfaction is influenced by parental assistance, and parents view academic performance as a sign of future success. Parents tend to have better ties with their adult offspring if they view completing adulthood milestones as a desirable experience (Mile, 2003).

The interactions between parents and adult children are influenced by factors such as socioeconomic status, formal education, and professional goals. Over the past century, there has been a shift towards valuing children economically in early childhood education. Parents from middle-class and higher socioeconomic backgrounds provide more opportunities for growth and development, while mothers from lower-income backgrounds often go to extraordinary measures to ensure their children have access to resources. Affluent parents typically have more resources to devote to their children, and changes in familial and financial situations occur simultaneously throughout young adulthood. Uehara (1994) notes that other publications and literature have made significant differences.

Primary career interactions significantly impact a child's physical, mental, emotional, and cognitive development. Even as children gain confidence and independence, the

quality of parent-child relationships remains influential in their self-perception and academic performance (Edward, 2010). Each person is deeply invested in the unique bond that forms between a parent and their child. Because of the extreme closeness shared between parents and children, connections between parents and children are unlike any other type of human relationship. A variety of factors are examined by researchers who investigate parent-child relationships.

According to Field (2007), some researchers have defined their work by looking at how children's communication and decision-making are shaped by their relationships with their parents. Research on the impact of adult-child connections on children's emotional growth and regulation has been skewed, with studies indicating that genetic composition and external influences, such as peers and media, also play a role in shaping a child's traits (Bolin, 2000).

Parents are depicted as using manipulative nurturing tactics, such as assigning too much responsibility, humiliating their children, and withholding love, as a means of exerting psychological control over their children (Barber, 1996).

Parents engage in psychological control (PC) when they exhibit manipulative behaviors directed towards their children or teenagers that exert authority by influencing their thoughts and feelings. Examples of such actions include taking charge of the parent-child dynamic, withdrawing affection, or enlisting the help of others. By using this kind of control, guardians demonstrate an inability to prioritize their own needs over those of their children or teenagers and, worse, fail to put themselves in their shoes (Barber, 2002).

According to Semen's (2006), there are two distinct forms of psychological control that parents use: dependent control and attaining control. There is substantial evidence

linking psychological control to a range of internalizing disorders. Low self-esteem, along with elevated levels of anxiety and despair, are hallmarks of adolescence. These unfavorable outcomes are largely attributable to psychological control, according to earlier studies (Barber, 2005).

According to Barber (2010) teens may have different perspectives on why their parents use psychological control. For instance, when adolescent independence grows, it's not uncommon for older teens to have a dim view of their parents' psychologically regulating actions compared to younger teens. When compared to older youths, younger youths are more likely to view parental psychological control in a good light. As a result of parents' heightened focus on protecting their daughters compared to their sons, teenage girls are more inclined than boys to attribute positive intentions to their parents' psychological control techniques (Filing, 1998).

One definition of aggression is the use of physical or psychological force to exert or gain control over another person. It has been demonstrated that aggression serves multiple functions. A child's aggression can take a physical form if he or she pulls away from another person, hits another person, or threatens to hurt another person physically (Marsee, 2007).

According to research (Marsee, 2011), aggressive behavior has a detrimental effect on children's emotional and psychological development and can lead to long-term marital dysfunction. It has been demonstrated that different forms of aggression may be caused by different things and follow different developmental routes; furthermore, aggression is often categorized into subtypes based on the behavior's shape. Overt aggression, often known as physical aggression, is defined as the intentional or threatened use of physical force against another person, including but not limited to physical assault, biting,

robbery, or dispossession (Dodge, 2006). Hostility, impulsivity, aggression, and irritability are all forms of aggressive behavior that can lead to serious health problems or even death. Both middle-income and high-income nations have disproportionately high rates of violent deaths. Issues related to substance abuse, including alcohol. Half of all drinkers display violent tendencies, including a high risk of aggressive behavior. The likelihood of aggressive or violent conduct is elevated in cases of alcoholism and dependence (Henry, 2002). Irrespective of whether physical violence really comes to pass, verbal aggressiveness is defined as any form of communication with the intent to inflict harm on another person. Some examples of this kind of behavior are making derogatory comments, yelling or screaming, teasing, or making threats (Cox, 2006).

## **Theoretical framework**

### **Theory of Attachment**

According to Bowlby's (1973) theory of attachment, a child's healthy development depends on his or her ability to form secure attachments to caring adults. The loss of attachment can cause anxiety and depression in children, impacting their emotional and social development. Adult happiness depends on strong attachment bonds with parents, while aggression in adults is influenced by weak bonds. Disordered-disoriented children struggle with emotions and may act violently. Adult hostility is often due to a lack of secure attachment, often resulting from psychological manipulation. Aggression is more common in adults with positive relationships, and escalates when parents exert psychological control (Kennedy, 2004).

### **Theory of Self Determination**

Self-determination theory suggests that psychological control can hinder individuals' intrinsic drives for autonomy, competence, and relatedness. Parents can stifle children's agency, minimize their talents, and love them

only in terms of conforming to their desires. This can lead to aggressive and angry reactions. Intrinsic motivation and extrinsic motivation are two forms of autonomous motivation. Adults' autonomy and self-awareness can be affected by parental psychological control, leading to a lack of intrinsic motivation to pursue their goals (Lapre, 2012).

### **Literature Review**

College students' prosocial and aggressive behaviors were examined in connection to their parents' parenting approaches and psychological control. Relational aggressiveness was predicted by authoritarian, permissive, and psychologically controlled parenting styles, with racial differences mediating the relationship between psychological control and altruism. Studies have shown cross-sectional results and varied quality of aggression attribution bias (HAB) assessments, which is a characteristic feature of aggressive behavior.

Females who scored higher on measures of violence were more likely to report trying suicide in eleventh grade, according to a study on suicidality and aggression in early adolescents. Suicide was associated with heavy drug use and depressive symptoms in eighth graders.

Adolescent health research has shifted from a singular emphasis on problem behavior interventions to a more holistic strategy that takes a two-pronged approach to reducing risk, increasing protective factors, and encouraging healthy growth. The health and happiness of adolescents depend on their ability to form strong relationships with people who care about them.

Teenagers in China who grow up in households with children are more likely to have serious social problems, according to a recent study. Emotional regulation was a component in the strong relationship between parental psychological control and adolescents' social problems.

It may be worthwhile to put money into improving parent-teen relationships and health outcomes in the long run. In a cohort research including more than 15,000 teenagers, the subjects reported greater amounts of parental warmth, parent-teen conversation, and time.

Findings suggest that parenting methods and the dynamics of the parent-child bond shape the mental health of children for years to come, especially in the case of girls.

Aggression and social adjustment issues were associated with friendship jealousy in a study of preteens. Anxiety and other mental health issues, including bulimia, malnutrition, risky internet behavior, substance abuse, and depression, are influenced by the multi-faceted concept of psychological control that develops throughout adolescence. Loving someone is a good predictor of both happy and sad feelings, as well as overall health and happiness; parental psychological control has an effect on both attachment and self-esteem.

The most frequently reported behavioral features include temperament, antisocialist, and externalizing behaviors; these characteristics have a significant impact on the parent-child connection. In terms of aggressiveness levels and gender disparities, it was found that female participants reported higher rates of aggression compared to male participants. Researchers discovered that aggressive confessional participation and reactive relational violence were the only factors uniquely linked to aggression in emerging adults.

Research has shown that children's attachment styles, feelings of safety, anxiety, and sadness are all impacted by the attention or lack thereof from their parents. Kids that had their parents talk to them and read to them often had the biggest vocabulary, highest IQs, and greatest grades. More civilized behavior came from children whose parents used reasoning to get them to do what they wanted.

## **Rationale**

The study investigates the impact of remembered parenting styles and parental psychological control on relational aggression and prosocial behavior in college students. Results show that permissive parenting and parental psychological control predict relational aggression, with African Americans showing a reversed relationship with prosocial behavior. The study also examines gender differences in resilience and aggression across three developmental stages in Pakistan. Results show that overall recovery is higher in men, but no significant gender differences were found in aggressive behavior. Physical aggression is higher in men, and anger is higher in women. The study suggests that more research is needed to explore these variables and their relationship with aggression. The study also compares the strength of parent-adult relationships among male and female adults.

## **Methodology**

### **Study Design**

Cross-sectional study design was used for this study. Survey questionnaire was conducted in which the respondents filled the survey questionnaire related to parent adult child relationship, aggression and psychological control.

### **Objective**

1. The objective of the research to examine the impact of parent adult relationship on aggression: the mediating role of psychological control among adults.
2. To examine the differences on the basis of demographic variables (age, gender) with study variables.

### **Hypothesis**

1. Psychological control will be positively related to aggression among adults.
2. There will be a significant positive relationship between parent adult relationship and aggression among adults.

3. The parent adult relationship significantly predict aggression among adults
4. Males will score higher on aggression as compared to females.
5. Psychological control will act as a mediating factor between parent adult relationship and aggression among adults.

### **Sample**

The study involved 200 adults aged 12 to 26, collected through purposive sampling technique. The participants were informed and consented to participate through online and physical surveys. The study was questionnaire-based, ensuring reliable results. The participants were students, able to read and understand English, and excluded those with physical disabilities. Privacy and confidentiality were protected to protect participants' privacy.

### **Measures**

**Demographic sheet.** Participants reported their age, gender, marital status, and socioeconomic status, education.

**Psychological control.** The additional five questions developed by Olsen et al. (2002) and five items from the Components of psychological control, such as love withdrawal, invalidating feelings, and Personal attack, were used to measure parental psychological control. For each maternal and paternal metric, average scores were calculated. The specific context and assessment goal will determine how the results of the Olsen et al. (2002) Psychological Control Scale should be interpreted. Higher scores typically reflect a greater assessment of the psychological influence parents have over their children.

**Parent Adult Child Relationship Questionnaire.** Questionnaire on Parent Child Relationships. Paisa et al. (1999) created the valid and reliable Parent Adult-Child connection Questionnaire (PACQ) to assess the

connection between parents and adults. There are 26 items in the PACQ: Both the mother and adult relationships and the father relationships with adults measured by 13 items each. Responsibility and regard are two of the factors evaluated in the mother-adult child connection section of the questionnaire, while control, regard, and responsibility are all evaluated in the father adult relationship component. For regard and responsibility, Cronbach's coefficient was 0.87; for the father's section, it was 0.86; and for responsibility, it was 0.74.

**Buss–Perry Aggression Questionnaire (1992).** Buss Perry created the Buss Perry Aggression Questionnaire, generally known as the Aggression Questionnaire and occasionally referred to as the AGQ or AQ. In the 29-item 1992 AQ, participants rated statements on a scale of “extremely uncharacteristic of me” to “extremely characteristic of me” using a 5-point system. The results are normalized on a scale from 0 to 1, with 1 denoting the

most aggressive behavior. It gauges four things: hostility, hostility verbally, hostility physically, and hostility verbally. This survey's dependability score was 0.78. The scale's lowest and greatest scores are 29 and 145, respectively.

### **Procedure**

This study distributed questionnaires on parent-child relationship, psychological control, and aggression scales among adults. Participants were informed and guided through the forms, with privacy and confidentiality maintained. Demographic information was collected from a group of students using purposive sampling. Data analysis was performed after collecting responses from all participants, and the results were concluded after analyzing the data. The study aimed to understand adult-child relationships and aggression. After data collection, collected information were analyzed through SPSS using ttest, correlation, regression and mediation.

## Results

The results section of the study involved statistical analysis, including frequency statistics, descriptive statistics, alpha reliabilities, correlations, regression analysis, and T test analysis. The SPSS-22 edition was used to compute the statistics. Andrew Hayes' Process Macro was used to determine if there was a mediation effect of Psychological Control between Parent Adult Relationship and Aggression among adolescents and adults. The study aimed to understand the relationship between these variables.

**Table 1**

*Demographics Characteristics of Sample (N=200)*

| <i>Variables</i>  | <i>f</i> | <i>%</i> |
|-------------------|----------|----------|
| Age               |          |          |
| Age 12 to 18 yrs. | 11       |          |
| Age 19 to 22 yrs. | 150      | 74.6     |
| Age 23 to 26 yrs. | 38       | 18.9     |

|                      |               |     |      |
|----------------------|---------------|-----|------|
| Gender               |               |     |      |
|                      | Male          | 71  | 35.3 |
|                      | Female        | 129 | 64.2 |
| Education            |               |     |      |
|                      | Matric        | 7   | 3.5  |
|                      | Intermediate  | 35  | 17.4 |
|                      | Undergraduate | 156 | 77.6 |
| Marital System       |               |     |      |
|                      | Married       | 23  | 11.4 |
|                      | Unmarried     | 176 | 87.6 |
| Socioeconomic Status |               |     |      |
|                      | Middle class  | 88  | 43.8 |
|                      | Upper middle  | 85  | 42.3 |
|                      | Elite class   | 27  | 13.4 |

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Table 1 shows that 200 participants account for the sample. 71 were men and 129 of whom were women. The age range of the study's participants, from 12 to 26 years old. They also fit into a variety of educational categories, including intermediate and undergraduate. Among the sample 23 were married, and 177 were unmarried.

**Table 2***Psychometric Properties of Study Variables*

| <i>Scale</i> | <i>M</i> | <i>SD</i> | <i>Range</i> | <i>Cronbach's alpha</i> |
|--------------|----------|-----------|--------------|-------------------------|
| PACQ         | 49.31    | 12.50     | 100          | .77                     |
| BPAQ         | 40.28    | 11.00     | 66           | .77                     |
| PC           | 13.25    | 4.06      | 25           | .63                     |

*Note;* PACQ=Parent Adult Child Questionnaire, BPAQ=Buss Perry Aggression Questionnaire, PCS=Psychological Control Scale .

Table indicates descriptive statistics. The reliability of all three variables is mentioned in the table. Table indicates the mean, standard deviation, range and alpha reliability of study variables. The values of Cronbach alpha indicate that all variables are reliable as the alpha coefficient of all scales is above .60.

**Table 3***Pearson Product Correlation of Study Variables (N= 200)*

| <i>Variable</i> | <i>1</i> | <i>2</i> |
|-----------------|----------|----------|
|                 |          |          |

|         |   |     |       |
|---------|---|-----|-------|
| 1. PACQ | – | .09 | .078  |
| 2. BPAQ |   | –   | .460* |
| 3. PCS  |   |     | –     |

*Note;* PACQ=Parent Adult Child Questionnaire, BPAQ=Buss Perry Aggression Questionnaire, PCS=Psychological Control Scale, \*\* Correlation is significant at the 0.01 level (2-tailed).

Table indicates that the relationship between parents adult's relationship, psychological control and aggression. Table shows parent adult relationship is significantly weak and positively related with aggression ( $r = .09, p < 0.01$ ) and significantly weak and positively related with psychological control ( $r = .078, p < 0.01$ ). Findings shows

that aggression is significantly weak and positively related with psychological control ( $r = .460, p < 0.01$ ).

**Table 4**

*Regression Analysis of Study Variables Parent Adult Relationship (N=200).*

|          | <i>Estimate</i> | <i>SE</i> | <i>95% CI</i> |           | <i>F</i> |
|----------|-----------------|-----------|---------------|-----------|----------|
|          |                 |           | <i>LL</i>     | <i>UL</i> |          |
| Constant | 36.0            | 3.49      | 29.1          | 42.9      |          |
| PACQ     | .08             | .06       | -.04          | 220       | .000     |

*Note;* PACQ=Parent Adult Child Questionnaire.

Table shows that parent adult relationship is a significant positive predictor of aggression (beta= .09,  $p < 0.05$ ). Furthermore beta value is positive which indicates the positive relationship between PACQ and BPAQ. Table shows that 0.8% variance in aggression is accounted for by parent adult relationship. Table indicates that  $p$  value is 0.000 which is less than 0.05, hence we say that there is

significant relationship between our independent variable parent adult relationship and the dependent variable aggression.

**Table 5**

*Mean comparison of males and females*

|      | <i>Males</i> |           | <i>Females</i> |           | <i>t(198)</i> | <i>p</i> |
|------|--------------|-----------|----------------|-----------|---------------|----------|
|      | <i>M</i>     | <i>SD</i> | <i>M</i>       | <i>SD</i> |               |          |
| PACQ | 52.8         | 12.8      | 47.3           | 11.9      | 3.02          | .003     |
| BPAQ | 46.13        | 9.43      | 37.08          | 10.50     | 5.91          | .000     |
| PCS  | 14.18        | 4.06      | 12.74          | 3.98      | 2.42          | .016     |

*Note;* PACQ=Parent Adult Child Questionnaire, BPAQ=Buss Perry Aggression Questionnaire, PCS=Psychological Control Scale.

Table indicates that there is significant gender difference in parent adult relationship  $t(198) = .003, p < 0.05$ . Males ( $N=71, M=52.8, SD=12.8$ ) have high parent adult relationship than Females ( $N=129, M=47.3, SD=11.9$ ).

Results also shows that there is a significant gender difference in aggression  $t(190) = .000, p < 0.05$ . Males ( $N=71, M=46.13, SD=9.43$ ) have high difficulty in aggression than Females ( $N=129, M=37.08, SD=10.50$ ). Findings shows that there is insignificant gender difference in psychological control  $t(196) = .016, p < 0.05$ . Males ( $N=71, M=14.18, SD=4.06$ ) have high psychological control than Females ( $N=129, M=12.74, SD=3.98$ ).

**Table 6**

*Mean comparisons of married and unmarried.*

|      | <i>Married</i> |           | <i>Unmarried</i> |           | <i>T(197)</i> | <i>p</i> |
|------|----------------|-----------|------------------|-----------|---------------|----------|
|      | <i>M</i>       | <i>SD</i> | <i>M</i>         | <i>SD</i> |               |          |
| PACQ | 53.21          | 12.08     | 49.03            | 12.15     | -1.55         | .12      |
| BPAQ | 40.82          | 11.34     | 40.21            | 10.98     | -.25          | .803     |
| PC   | 14.39          | 4.45      | 13.10            | 3.99      | -1.42         | 1.55     |

*Note;* PACQ=Parent Adult Child Questionnaire,  
 BPAQ=Buss Perry Aggression Questionnaire,  
 PCS=Psychological Control Scale.

Table indicates that there are insignificant negative marital status differences in parent adult relationship  $t(197) = .12$ ,  $p > 0.05$ . Married ( $N=176$ ,  $M=53.21$ ,  $SD=12.8$ ) have high parent adult relationship than Unmarried ( $N=23$ ,  $M=49.03$ ,  $SD=12.15$ ). Results also shows that there is an insignificant negative marital difference in aggression  $t(190) = .803$ ,  $p > 0.05$ . Married ( $N=169$ ,  $M=40.82$ ,  $SD=11.34$ ) have high difficulty in aggression than Unmarried ( $N=23$ ,  $M = 40.21$ ,  $SD=10.98$ ). Findings shows that there is insignificant negative marital difference in psychological control  $t(197) = 1.55$ ,  $p > 0.05$ . Married ( $N=175$ ,  $M=14.39$ ,  $SD=4.45$ ) have high psychological control than Unmarried ( $N=23$ ,  $M=13.10$ ,  $SD=3.99$ ).

### **Table 7**

*Psychological Control as a mediator between Parent Adult Relationship and Aggression (N=200).*

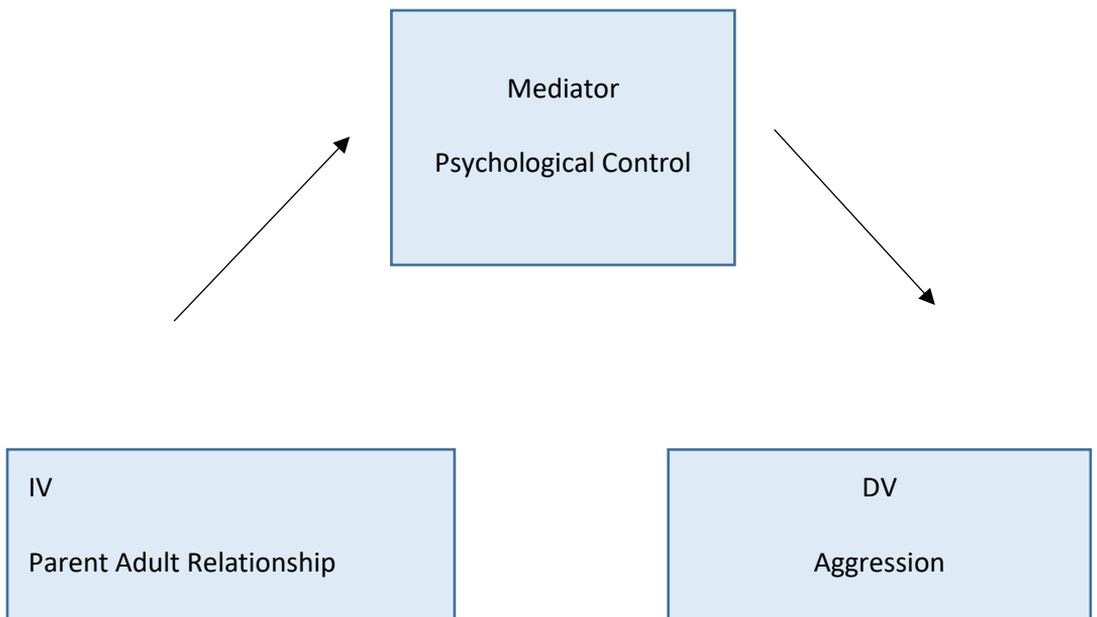
| Variable        | <i>B</i>   | <i>CI 95%</i> |           | <i>SE</i> | <i>R</i> <sup>2</sup> |
|-----------------|------------|---------------|-----------|-----------|-----------------------|
|                 |            | <i>LL</i>     | <i>UL</i> |           |                       |
| <i>β</i>        | <i>sig</i> |               |           |           |                       |
| Step 1 Constant | 12.071     | 9.7           | 14.3      | 1.16      |                       |
| PACQ_T          | 0.0241     | -.021         | .069      | .022      | .074                  |
| Step 2 Constant | 22.6       | 15.8          | 29.4      | 3.4       |                       |
| PACQ_T          | .04        | -.16          | .15       | .05       | .04                   |
| PSY_T           | 1.17       | .83           | .15       | .0785     | .43                   |

*Note*; PACQ=Parent Adult Child  
 Questionnaire, BPAQ=Buss Perry Aggression  
 Questionnaire, PCS=Psychological Control Scale .

Table shows that parent adult relationship to be insignificantly related with aggression ( $\beta=0.74$ ,  $SE=0.022$ ) at  $p=.293>0.05$ . Psychological control showed to be significantly related with aggression ( $\beta=.04$ ,  $SE=.05$ ) at  $p=.000<0.05$ . Parent adult relationship is insignificantly having no effect on aggression ( $\beta=.43$ ,  $SE=.07$ ) at  $p=.437>0.05$  the absence of psychological control, this is total effect. Total effect showed to be insignificant, hence mediation does not exist.

a= 0.43

b=0.28



This study aimed to explore the relationship between parent-adult relationships and aggression, specifically the role of psychological control in adolescents and adults. Self-reporting measures such as the Parent Adult Child Relationship Questionnaire (PACQ), Psychological Control Scale (PCS), and Buss-Perry Aggression Questionnaire (BPAQ) were used to measure the relationship between parents and adults, the psychological control exerted by parents, and the level of aggression among adults. The study confirms the hypothesis that psychological control positively influences aggression among adults. It suggests that parents who impose psychological control on their adults increase aggression among adults. This contradicts previous research suggesting that psychological control directly influences

youth aggression, delinquency, and other problem behaviors (Hoeve, 2009).

The study found a significant positive relationship between parent adult relationships and aggression. Good parent-child relationships result in low aggression among adults. Although social influence, cultural approval of violence, and genetic predispositions are related, aggression in young people is strongly influenced by parents. This supports the findings that aggression is closely related to parents.(Garcia, 2002). The research confirms the third hypothesis that parent-adult relationships significantly predict aggression among adults. In Pakistan, the relationship between parents and adults is sensitive to children's potential, with obedience seen as a child's duty and harsh disciplinary measures being a risk factor for physical violence and aggression in youth (Batoool, 2013).

The study found that males exhibit higher levels of aggression than females, with aggression beginning in the second year of life and peaking between ages 2 and 4. Although most children learn to avoid aggressive behavior, a small number, especially boys, develop severe aggression, primarily perpetrated by men, often during adolescence. Severe aggression peaks in the late teens or early 20s and begins to decline in the mid to late 20s (Baillargeon, 2007). The study rejected the hypothesis that psychological control mediates the relationship between parent-adult relationships and aggression among adults. The results confirmed that psychological control parenting does not mediate the relationship between parental relationships and adult rejection sensitivity. However, it was associated with higher levels of angry rejection sensitivity in adults (Steen, 2013).

The study aimed to examine demographic differences in parent adult relationships, finding a significant gender

difference. Males have higher parent adult relationships than females, leading to more offenses. The results also reveal disparities in family variables and relationships between family factors and offenses. The study reveals that gender disparities in criminal behavior cannot be explained by family factors. The findings have significant policy implications and are theoretically interesting, as inadequate parental supervision affects both boys and girls differently (Wang, 2010). The study aimed to compare demographic variables (marital status) with study variables. Results showed no significant differences in parent adult relationships, psychological control, and aggression between married and unmarried adults. Married adults had higher levels of aggression and psychological control compared to unmarried individuals. The study also found that maternal psychological control was related to psychological control and relational aggression within married relationships, which were

linked to adolescents' anxiety and depression. Sibling relational aggression was found to be a more powerful mediator of this relationship (John, 2015).

## **CONCLUSION**

The study investigates the impact of parent-adult relationships on aggression and the role of psychological control in adolescents and adults. It reveals that strong relationships with parents reduce aggressive behavior, and the way parents raise their children can also influence aggression levels. The research also reveals variations in parent-adult relationships between males and females, with males having stronger relationships with both parents. However, the study's findings may differ based on the societal context or sample size. The psychological does not mediate the relationship between aggression and parent and adult relationship.

## **Implications**

The study's findings will inform future research on parent-adult relationships, aggression, and psychological control. It is applicable to Pakistani students and can help improve adult relationships with parents. The findings can be generalized to Eastern and Western cultures, and can be applied to different populations, including children, married individuals, rural and urban dwellers, and those with low socioeconomic status. The study's findings will be useful for future studies.

## **Limitations and Recommendations**

The study analyzed the relationship between parents and children in a Gujranwala educational institution, focusing on adults aged 16 to 26. However, the narrow age range and limited time frame of the study limit the generalizability of the results. Future research should consider different age groups, including children, couples, and young adults. The reliability of the data may also be

affected by other factors. The study was conducted in Pakistan, where parents generally have close relationships due to cultural norms. To obtain more generalized results, future studies should include adults from educational institutions across Pakistan and conduct qualitative research and interviews.

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**EFFICACY OF SINGLE-SESSION BRAIN  
WORKING RECURSIVE THERAPY FOR ANGER  
ISSUES: ASSESSING IMMEDIATE OUTCOME**

**MISHAL ZOHA**

Lecturer, Department of Arts and Humanities, GIFT  
University,

**SANA REHMAN**

PhD Scholar, Gift University, Lecturer

**ABSTRACT**

The aim of this study was to investigate the efficacy of single-session Brain Working Recursive Therapy (BWRT) in addressing anger issues among adults with anger issues. The following hypothesis was formulated based on previous studies: (1) Brain Working Recursive Therapy would significantly reduce anger levels among individuals with anger issues. The sample of the present study comprised 56 patients, aged 18 to 65 years, collected

from Gujranwala Medical College Teaching Hospital and Gujranwala Medical Complex (GMC).

The Dimensions of Anger Reaction – 5 (DAR-5) was used to assess anger levels in participants. A single session of BWRT was administered to each participant, and post-testing was conducted one week later using the same tool to evaluate changes in anger levels. Data were analyzed using SPSS 21 software, employing descriptive analysis, paired-sample t-tests, and independent t-tests to examine the impact of BWRT on anger issues.

The results indicated that BWRT is an effective treatment for reducing anger levels in individuals with anger issues. Further analysis revealed that male participants experienced a greater reduction in anger levels compared to females, suggesting that BWRT may be more effective in managing anger-related issues in males.

***Keywords:*** Efficacy of Single-Session Brain, Recursive Therapy, Anger Issues.

## **INTRODUCTION**

Globally, increasing trauma experiences have led to psychological effects, including anger issues. Unresolved emotional distress, frustration, or perceived injustice can manifest as anger in individuals experiencing distressing events (Kleber, 2019). Anger, a common response to trauma, is a coping mechanism and defense mechanism, with widespread exposure across nations. This can exacerbate emotional dysregulation, leading to frequent anger outbursts and interpersonal conflicts (Magruder, 2018). Over the past two decades, research shows a global prevalence of trauma among adults, ranging from 40% to 90%. Traumatic events often cause prolonged emotional responses, including anger, which affects employment, relationships, and social interactions, according to a meta-analysis in *The Lancet* (Steel et al., 2014). Pakistan

experiences significant anger issues due to traumatic events, including natural disasters like the 2005 earthquake and 2010 floods. These events cause widespread displacement, loss of life, and long-term psychological impacts, leading to feelings of helplessness and injustice (Ali, 2008); (Rafiq & Blaschke, 2012). Man-made catastrophes like terrorism and violence exacerbate anger-related mental health issues, with survivors reporting chronic anger due to unresolved trauma, lack of justice, and socio-political stressors. The events highlight the need for enhanced mental health services in Pakistan, including anger management interventions, counseling, and community-based support systems to address trauma-induced anger and foster emotional resilience (Chaudhary & Piracha, 2021).

Globally, man-made and natural disasters cause immediate physical damage and psychological effects, leading to anger issues among affected populations, as

traumatized experiences often result in maladaptive emotional and behavioral responses (Lee et al., 2020). Terrorism in Pakistan causes widespread fear, frustration, and anger, leading to psychological issues like post-traumatic stress disorder, anxiety, and depression among survivors and witnesses (American Psychiatric Association & American Psychiatric Association, 2013). Pakistan's political violence, characterized by instability and frequent conflicts, worsens anger-related issues by fostering social divisions, resentment, and frustration, leading to intrusive thoughts and emotional outbursts (Hawdon & Ryan, 2011); (Page et al., 2019). Pakistan's urban areas face high rates of societal violence, including crime, domestic violence, and gang-related activities, causing victims with unresolved anger due to injustice, fear, and unsafe environments (Hussain et al., 2020; Watch, 2001).

Industrial accidents, including factory fires and chemical spills, often lead to anger and frustration among affected populations due to the long-term health impacts and loss of livelihood (Hussain et al., 2020); (Sites, 2002). Moreover, individuals from marginalized communities, such as those living in poverty or experiencing systemic discrimination, are particularly vulnerable to trauma-induced anger (Betancourt et al., 2013); (Kira, 2015). Gender-based violence and discrimination, particularly against women and marginalized groups, cause anger and frustration among survivors, perpetuating cycles of abuse and repression (Kristof & WuDunn, 2009). Men and boys subjected to violence often display anger as a defense mechanism, especially when perceived as weak or excluded, compounded by multiple marginalized groups facing intersecting discrimination and victimization (Kira, 2015). Research highlights the pervasive nature of abuse across the lifespan, leading to chronic anger and

aggression in children, adolescents, and the elderly (Finkelhor, 2019).

Community members living in areas directly affected by disasters often experience heightened anger due to physical harm, the loss of loved ones, and displacement. Secondary victims, such as rescue personnel and relatives of primary victims, may also develop anger-related symptoms as a result of their proximity to the trauma, although their exposure is indirect. Tertiary victims, including individuals physically or emotionally near the disaster area, may exhibit anger and frustration driven by empathic stress responses and a sense of helplessness over the situation (Demmig-Adams & Adams III, 2006; Forbes et al., 2011). Understanding anger mechanisms is crucial for effective interventions, addressing cognitive, emotional, and physiological components.

Advances in anger-related issues can improve outcomes for those affected (Rose & Chilvers, 2018), Single-session

therapy (SST) is a self-contained, standalone intervention designed to treat patients individually, with clear beginning, middle, and end times (Cohen et al., 2020). SST focuses on using clients' resources effectively, aiming for immediate progress towards therapeutic goals, fostering a mindset of rapid problem-solving and empowerment for both therapists and clients (Talmon, 2012). Single-session therapy (SST) is a valuable therapeutic approach for managing anger, integrating Brain Working Recursive Therapy (BWRT) techniques to target maladaptive neural responses (Watts, 2014).

### **Significance of the study**

Single-Session Brain Working Recursive Therapy (BWRT) offers an efficient, accessible, and potentially rapid solution for anger issues, potentially overcoming accessibility and cost barriers (Watts, 2022). BWRT offers affordable, accessible, and effective anger management interventions, promoting emotional resilience across

diverse populations, especially for those unable to commit to extended therapy programs (Camerer et al., 2018). BWRT integration in anger management strategies enhances therapeutic practices, improves lives, and reduces societal consequences like aggression, workplace conflict, and strained relationships.

### **Literature Review**

Anger issues are a significant mental health concern in Pakistan, particularly following traumatic events like terrorism, sectarian violence, natural disasters, and domestic abuse. Studies show alarming statistics and the need for mental health interventions. Post-earthquake, heightened anger and irritability were more prevalent among survivors, emphasizing the importance of social support and family cohesion in mitigating post-traumatic anger (McLaughlin et al., 2020). The Hazara community in Quetta, severely impacted by terrorism, exhibits anger-related issues, with 68.2% of participants reporting

aggressive behaviors and heightened emotional responses. This increased anger and irritability exacerbates their mental health burden, necessitating urgent mental health interventions and support systems (Audi et al., 2020).

A study in Pakistan found that women, especially older, unmarried, and from lower-income households, are more likely to exhibit irritability and anger after natural disasters, emphasizing the need for targeted mental health interventions (Neria et al., 2008). A meta-analysis of psychological impact of earthquakes in Iran and Pakistan found anger as a prominent symptom among survivors, with a prevalence of 33.1%, highlighting the need for addressing anger and aggression in mental health treatment plans (Hosseinnejad et al., 2022).

A study in Sindh province found a high prevalence of anger issues among relief camp residents, with 59% experiencing symptoms. Women, illiterate, and joint family members were more susceptible. The study

highlights the need for mental health programs to manage anger (Mubeen et al., 2013). The study "Single-Session Therapy by Appointment for the Treatment of Anxiety Disorders in Youth and Adults: A Systematic Review of the Literature" suggests Single-Session Therapy (SST) as a viable alternative to longer-term therapy, but calls for further research on its long-term benefits and applicability (Pietrabissa et al., 2021).

Single-Session Brain Working Recursive Therapy (BWRT) is a condensed therapy that addresses specific concerns in one session, providing immediate relief and long-term therapeutic benefits (Watts et al., 2022). BWRT identifies and reprograms maladaptive emotional responses, including anger, by addressing the brain's maladaptive processing of emotional stimuli without requiring full disclosure of traumatic experiences. BWRT's structured approach targets subconscious emotional responses, reducing anger intensity and

frequency without long-term therapy commitment, making it an effective intervention for anger issues.

Research shows anger issues vary across demographics, with age and gender significantly impacting experience and management. Aggression peaking in middle adulthood, with decline in older age groups (2023), Young adults, particularly those aged 20-34, report the highest levels of anger and emotional distress, with prevalence rates dropping significantly in older age groups, indicating difficulty in managing anger (Madeira et al., 2019).

Gender differences are also prominent in the experience and reporting of anger. Men are generally reported to experience higher levels of anger than women (Olf, 2017). However, women are more likely to report chronic anger or irritability as a part of broader emotional dysregulation, particularly in response to interpersonal stressors (Dar & Deb, 2022). The studies on gender disparities show that while men may experience anger

more intensely, women are often more prone to expressing anger in ways that are linked to internal emotional conflicts, which may contribute to mental health challenges.

Research on anger-related issues has shown the effectiveness of various therapeutic approaches, with cognitive-behavioral therapy (CBT) emerging as a well-established treatment (Novaco, 2003). CBT, along with other modalities such as dialectical behavior therapy (DBT) and anger management training, has shown substantial efficacy in reducing anger and related emotional dysregulation (DiGiuseppe et al., 2013). However, despite their effectiveness, these interventions often face challenges in widespread implementation, particularly in populations with limited access to mental health services, contributing to a significant gap between research and practice (Taylor & Novaco, 2005). This research emphasized the need for research that explores alternative

models of anger management, particularly in low- and middle-income countries where mental health resources are scarce. Internet-based interventions, including online CBT programs, could play a crucial role in increasing the accessibility of evidence-based treatments for anger issues, especially in underserved populations. Moreover, there is a need for further investigation into the cultural aspects of anger, as treatment approaches must be adapted to meet the diverse needs of different cultural groups (Walters et al., 2018).

Single-Session Therapy (SST) is a promising intervention for anger management, offering immediate relief and long-term benefits. Initial studies show SST reduces emotional dysregulation and improves anger management outcomes. Further research is needed to understand its mechanisms of change, effectiveness, and sustainability (Barkham et al., 2006).

To validate SST's long-term efficacy in managing anger, randomized controlled trials and longitudinal studies are needed, comparing it with established interventions like CBT and DBT, and ensuring its generalizability and adaptability across diverse populations and cultural contexts (Schleider & Beidas, 2022). The effectiveness and long-term impact of BWRT in anger management require randomized controlled trials and longitudinal studies. These should investigate mechanisms of change, such as automatic emotional response reconditioning and improved emotional regulation, and assess its suitability across diverse populations and cultural contexts (Schleider & Beidas, 2022).

Future research on BWRT should focus on accessibility and treatment adherence, reducing dropout rates, and evaluating cost-effectiveness compared to traditional therapies. Ethical considerations like informed consent and appropriateness of single-session interventions for

complex cases are also crucial for its widespread acceptance (Members: et al., 2022).

### **Research Questions**

1. What is the efficacy of BWRT in reducing anger in adults?
2. What is the gender difference in BWRT efficacy?

### **Theoretical Framework**

#### **Conditioning Model**

The conditioning model by Mowrer posits that anger issues stem from maladaptive learned responses (1960), Classical conditioning evokes anger responses through neutral stimuli, which are then reinforced by operant conditioning, rewarding avoidance or escalation, perpetuating anger patterns (Eysenck & Rachman, 2013). Environmental and cognitive cues, including interpretations of perceived threats, significantly contribute to the persistence of anger responses (Beck, 1970). The model effectively explains anger's behavioral

aspects, but its insufficient focus on cognitive and emotional dimensions has necessitated its integration with other frameworks (Brewin & Holmes, 2003).

### **Cognitive-Behavioral Models**

Cognitive-behavioral models of anger emphasize the role of distorted thinking and negative belief systems in causing anger. Ehlers and Clark (2000) posit that negative assumptions about oneself, others, and the world create cognitive distortions that heighten anger. These distortions, such as attributing hostility to others or holding rigid beliefs about fairness, exacerbate anger episodes. Cognitive processing deficits may leave individuals unable to integrate contradictory evidence or regulate their responses effectively, resulting in repeated angry outbursts (Massad & Hulseley, 2006).

### **Emotional Processing Model**

Foa and Kozak's (1986) emotional processing theory suggests anger stems from maladaptive emotional

structures, disorganized, and exaggerated responses, exacerbated by pre-existing beliefs about vulnerability or control (Foa & Rothbaum, 2001).

### **Theory of Dual Representation**

Brewin et al.'s dual representation theory suggests anger issues stem from disruptions in memory processing, affecting situationally accessible memory (SAM) and verbally accessible memory (VAM) systems, leading to difficult-to-control anger (Brammer et al., 2002).

### **Theoretical Model of Hyper arousal**

The hyper arousal model highlights the role of physiological arousal in anger expression, highlighting heightened activity in brain regions regulating emotional regulation and threat perception (Weston et al., 2014).

### **Trans diagnostic Model**

McLaughlin et al.'s (2020) Tran's diagnostic framework identifies childhood adversity's impact on anger, suggesting interventions to enhance social support and

emotional awareness can mitigate anger-related difficulties (McLaughlin et al., 2020).

## **Methodology**

### **Study Design**

The study will use a randomized parallel group design or randomized controlled trial (RCT) to evaluate the effectiveness of BWRT on anger symptoms. Participants will be randomly assigned to a treatment group and a control group, ensuring similarity and internal validity. The study will evaluate both groups on anger outcomes, comparing their impact on different cultural contexts. This approach provides strong evidence for or against BWRT's efficacy (Hariton & Locascio, 2018)

### **Objectives**

1. To investigate the efficacy of BWRT in reducing anger in adults.
2. To investigate the gender difference in BWRT efficacy.

## **Hypothesis**

- Null Hypothesis (H0): There is no significant difference in anger levels before and after undergoing Brain Working Recursive Therapy (BWRT) among adults.
- Alternative Hypothesis (H1): There is a significant reduction in anger levels after undergoing Brain Working Recursive Therapy (BWRT) among adults.
- Null Hypothesis (H0): There is no significant difference in the efficacy of Brain Working Recursive Therapy (BWRT) between male and female adults.
- Alternative Hypothesis (H1): There is a significant difference in the efficacy of Brain Working Recursive Therapy (BWRT) between male and female adults.

## **Sample**

The study enrolled 90 anger-related individuals, resulting in 56 patients who completed the Brain Working Recursive Therapy treatment protocol, aged 18-65, to assess its effectiveness in reducing anger symptoms

(Publication manual of the American Psychological Association, 7th ed, 2020) , The study evaluated the impact of BWRT on anger symptoms in the adult population, with 56 patients as the ultimate sample size to ensure applicability in order to preserve methodological rigor and provide enough statistical power.

### **Eligibility Criteria**

Participants in a study must have experienced at least one traumatic event in their lifetime and meet DSM-5 criteria for subthreshold anger. This includes exposure to a traumatic stressor, three symptom clusters (intrusion, avoidance, negative mood and cognition), and noticeable loss in functioning and symptoms lasting more than a week. The study will include a diverse trauma history to ensure ecological validity and improve generalizability of findings. Participation will not be limited to specific types of trauma, such as sexual violence.

### **Exclusion Criteria**

The study will exclude individuals with severe suicidal ideation, bipolar disorder, ongoing psychotic disorders, low BMI index, severe alcohol or substance dependence, serious somatic illness or brain damage, and concurrent psychotherapy participation to ensure participant safety and accurate study outcomes.

### **Dropout Criteria**

Individuals who withdraw from the study for whatever reason will be identified and included as dropouts in our findings. The reason for the dropout will be disclosed, if it is available. Unless the participant agrees to the ongoing use of the data, all information pertaining to their participation will be wiped out.

### **Research Instruments**

#### **Dimensions of Anger Reactions (DAR-5)**

**Operational Definition.** The DAR-5 is a validated self-report measure used in clinical and research settings to assess anger intensity, frequency, duration, control, and impact on functioning, evaluating problematic anger and treatment outcomes (Clark et al., 2019).

**Validity and Reliability.** The DAR-5, with its high internal consistency and construct validity, is widely applicable in clinical practice and research on anger management due to its reliability across diverse populations (Forbes et al., 2014).

### **State-Trait Anger Expression Inventory-2 (STAXI-2)**

**Operational Definition.** The STAXI-2 is a widely recognized self-report measure that evaluates anger as an emotional state and personality trait, including state, trait, expression, and control dimensions (Spielberger et al., 1999).

**Validity and Reliability.** The STAXI-2, with high internal consistency and construct validity, is widely used

in anger management research and interventions for comprehensive assessment of anger dynamics (Spielberger et al., 1999).

### **Anger Disorders Scale (ADS)**

**Operational Definition.** The ADS is a tool for assessing anger, assessing situational triggers, intensity, and behavioral responses, aiding in diagnosing anger-related disorders and tracking therapeutic progress (DiGiuseppe & Tafrate, 2004).

**Validity and Reliability.** The ADS, validated in both clinical and non-clinical populations, has strong internal consistency and good test-retest reliability, making it a reliable anger assessment instrument (DiGiuseppe & Tafrate, 2004).

### **Procedure**

The author completed specialized training in Brain Working Recursive Therapy (BWRT) to effectively manage anger. Data collection was conducted in

partnership with Gujranwala Medical College Teaching Hospital and Gujranwala Medical Complex, under Dr. Zaib Un Nisa's supervision. A total of 90 individuals were screened, with 56 selected for the intervention. Pre-testing was conducted to establish baseline levels of anger-related issues using validated instruments, allowing for a comprehensive evaluation of treatment efficacy.

### ***Therapy Session***

Participants underwent a single session of Brain Working Recursive Therapy (BWRT) to address and mitigate anger reactions, focusing on identifying triggers, reprocessing emotional responses, and replacing maladaptive reactions with healthier ones.

### **Post-Testing**

The BWRT intervention's immediate effects were assessed through post-testing one week after the session, using validated instruments like DAR-5, STAXI-2, and

ADS to analyze changes in anger severity, frequency, and expression (Kannis-Dymand et al., 2019).

**Table 1**

*Stages of BWRT Administration*

| <i>Stage</i>    | <i>Description</i>  |
|-----------------|---|
| Psychoeducation | Before starting the treatment plan, the client is introduced to the core idea of BWRT using visual representations of the brain and its neural networks.  |
| Stage 1         | The client is asked to provide their preferred response to a trigger situation, which must satisfy their needs, be reasonable and feasible, and not cause harm.   |
| Stage 2         | When a client experiences the worst symptomatic response related to their challenge, the therapist ensures they can recall the troubling memory or period, focusing on the genuine memory rather than the detail, and not on emotions or ideas. |
| Stage 3         | Therapist rates client's Perceived Arousal Level (PAL) when recalling a memory, with 10 being highest. Clients with a score of 8 or lower should find a different memory with higher arousal.   |

- Stage 4                      The client is advised to close their eyes, access their memory, zoom in to its darkest point, and freeze it as a still image.
- Stage 5                      The client is encouraged to visualize their desired response in front of their frozen recollection, ensuring visual images and emotional content align with the desired response, and to clearly consider their desired outcome.
- Stage 6                      The therapist uses a scripted story to encourage clients to focus on the present moment and visualize the sensations arising from their preferred response permeating their physical limits and cerebral pathways, using images of brain networks at the beginning of the session.
- Stage 7                      The client is encouraged to visualize a future time when reflecting on their BWRT session, after the therapist passionately reads a script.
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|          |  |
|----------|--|
| Stage 8  | The therapist reads a narrative at six different speeds (230 words per minute) to the client, aiming to shift their focus from past, present, or future memories to the story. This is crucial to overwhelm the central nervous system and prevent irrelevant information from processing, disrupting the "preferred response" neural channel. |
| Stage 9  | The stage of repose. It is advised that the client relax in silence for a maximum of two minutes.  |
| Stage 10 | The therapist engages the client in casual conversation during the phase of consolidation to allow the brain to fully absorb the new information.  |
| Stage 11 | The client is encouraged to provide detailed explanations of their intended response to ensure it meets the three criteria listed in stage 1.  |
| Stage 12 | The therapist uses PAL to update the client's rating, and if the PAL is over 3, recursive looping is necessary.  |
| Stage 13 | The client is instructed to initiate their initial reaction to the target memory, and if unwelcome emotional or physiological reactions persist, further processing or looping is required.  |

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|          |   |
|----------|---|
| Stage 14 | The therapy involves the client visualizing their desired response and limits to prevent undesirable responses from resurfacing, potentially reactivating the preferred neural route. |
|----------|---|

## Results

**Table 2**

*Demographic Characteristics of the Participants (N=56)*

| Variables    | N  | %    |
|--------------|----|------|
| Group        |    |      |
| Experimental | 28 | 50.0 |
| Control      | 28 | 50.0 |
| Age n (%)    |    |      |
| 18-25        | 27 | 48.2 |
| 25-above     | 29 | 51.8 |
| Gender       |    |      |
| Male         | 28 | 50.0 |
| Female       | 28 | 50.0 |

Table 2 represents the demographic characteristics of the sample. The table shows the number of participants (n) in both groups on the bases of their age and gender.

**Table 3***Psychometric properties of all study variables*

| Scales | <i>M</i> | <i>SD</i> | <i>R</i> | <i>K</i> | <i>Cron</i> |
|--------|----------|-----------|----------|----------|-------------|
| NSESS  | 25.67    | 4.48      | 17-35    | 9        | .72         |
| IES-R  | 23.59    | 4.07      | 14-32    | 8        | .67         |
| DAR- 5 | 15.92    | 3.42      | 11-24    | 5        | .70         |

ANGER (NSESSS) = Severity of Posttraumatic Stress Symptoms-Adults \*National Stressful Events Survey Anger Short Scale (NSESSS), IES-R= Impact of event Scale-Revised, DAR-5= Dimensions of Anger Reactions. M is the mean value, SD is the standard deviation, R shows the range while K represents the number of items of the scale,  $\alpha$  shows the alpha reliability.

Table 3 indicates the descriptive statistics such as mean, standard deviation and range of the scale. The table also presents the numbers of items of each scale. The table also shows alpha reliability coefficient of every scale. In our sample, the internal consistency of Severity of

Posttraumatic Stress Symptoms-Adults \*National Stressful Events Survey ANGER ISSUES Short Scale (NSESSS) was .72. Alpha reliability scores of Impacts of event Scale-Revised was .67 and .70 for Dimensions of Anger Reactions.

**Table 4**

*Mean, standard deviation and t-test statistics of study variables (N=12)*

| Measures     | <i>Pre-test</i> |           | <i>Post-test</i> |           | <i>t</i> (27) | <i>p</i> | <i>Co</i> |
|--------------|-----------------|-----------|------------------|-----------|---------------|----------|-----------|
|              | <i>M</i>        | <i>SD</i> | <i>M</i>         | <i>SD</i> |               |          |           |
| NSESSS       |                 |           |                  |           |               |          |           |
| Experimental | 25.21           | 5.05      | 9.89             | 5.83      | 14.81         | .00      | 2.8       |
| Control      | 26.14           | 3.86      | 26.25            | 3.73      | -.57          | .57      | 0.0       |
| IES-R        |                 |           |                  |           |               |          |           |
| Experimental | 23.85           | 4.66      | 8.25             | 6.30      | 16.28         | .00      | 2.7       |
| Control      | 23.71           | 3.77      | 23.57            | 3.44      | -.17          | .86      | 0.0       |
| DAR-5        |                 |           |                  |           |               |          |           |
| Experimental | 16.00           | 3.70      | 7.53             | 2.89      | 15.72         | .00      | 2.5       |
| Control      | 15.85           | 3.18      | 16.07            | 2.86      | -1.00         | .32      | -0.0      |

ANGER (NSESSS) = Severity of Posttraumatic Stress Symptoms-Adults \*National Stressful Events Survey ANGER ISSUES Short Scale (NSESSS), IES-R= Impact of event scale-Revised, DAR-5= Dimensions of Anger Reactions. M represents the mean value; SD is the standard deviation and df value indicates the degree of freedom, P-value is the probability value. Cohen's d value indicates the difference between two means.

Paired sample t test in table above indicates that the experimental group's mean scores of Severities of Anger issues- Adult (NSESSS) differed significantly across the pretest and the posttest measures, while the control group shows no significant change. The effect of time on Post traumatic stress symptoms was significant in treatment group  $t(27) = 14.819, p < .000$ .

The results showed that respondents in the experimental group experienced significant improvement in intrusion

symptoms at after the intervention than participants in the control group,  $t(27) = 16.281, p < .000$ .

The analysis also revealed that depending on groups, significant differences were found between the pretest and posttest measures of anger. This concludes that as compared to the control group, the experimental group significantly reduced the symptoms of anger after the brain working recursive therapy as an intervention  $t(27) = 15.728, p < .000$ .

### Table 5

*Mean and standard deviation of study variables based on gender before administering BWRT*

|               | <i>Male</i> |           | <i>Female</i> |           | <i>t(26)</i> | <i>p</i> | <i>C</i> |
|---------------|-------------|-----------|---------------|-----------|--------------|----------|----------|
|               | <i>M</i>    | <i>SD</i> | <i>M</i>      | <i>SD</i> |              |          |          |
| <b>NSESSS</b> |             |           |               |           |              |          |          |
| Control       | 23.92       | 3.42      | 28.35         | 2.95      | -3.66        | 0.00     | -        |
| Experimental  | 25.35       | 3.45      | 25.07         | 6.40      | 0.14         | 0.88     | 0        |
| <b>IES-R</b>  |             |           |               |           |              |          |          |

|              |       |      |       |      |       |       |   |
|--------------|-------|------|-------|------|-------|-------|---|
| Control      | 22.92 | 3.93 | 24.50 | 3.58 | -1.10 | 0.28  | - |
| Experimental | 23.78 | 3.86 | 23.92 | 5.49 | -0.08 | 9.37  | - |
| DAR-5        |       |      |       |      |       |       |   |
| Control      | 14.50 | 2.84 | 17.21 | 2.99 | -2.45 | 0.021 | - |
| Experimental | 16.85 | 3.25 | 15.14 | 4.03 | 1.23  | 0.22  | 0 |

ANGER (NSESSS) = Severity of Posttraumatic Stress Symptoms-Adults \*National Stressful Events Survey Anger Short Scale (NSESSS), IES-R= Impact of event scale-Revised, DAR-5= Dimensions of Anger Reactions. M represents the mean value; SD is the standard deviation and df value indicates the degree of freedom, P-value is the probability value. Cohen's d value indicates the difference between two means.

Table 5 indicate the level of Anger issues symptoms in males and females before administering BWRT therapy on experimental group. It shows that women experience more severe symptoms of Anger issues as compared to males. As anger symptoms in male for control and experimental

group is 23.92 and 25.35 respectively and for female is 28.35 and 25.07. Mean for intrusion symptoms for control and experimental group in male is 22.92 and 23.78 and for female is 24.50 and 23.92. And mean for anger symptoms in control and experimental group for male is 14.50 and 16.85 and for female is 17.21 and 15.41 respectively.

**Table 6**

*Mean and standard deviation of study variables based on gender after administering BWRT*

| Measures     | Male     |           | Female   |           | <i>t</i> (26) | <i>p</i> | Co   |
|--------------|----------|-----------|----------|-----------|---------------|----------|------|
|              | <i>M</i> | <i>SD</i> | <i>M</i> | <i>SD</i> |               |          |      |
| NSESSS       |          |           |          |           |               |          |      |
| Control      | 24.21    | 3.51      | 28.28    | 2.78      | -3.39         | 0.00     | -1.2 |
| Experimental | 8.14     | 5.58      | 11.64    | 5.74      | -1.63         | 0.11     | -0.6 |
| IES-R        |          |           |          |           |               |          |      |
| Control      | 22.07    | 3.29      | 25.07    | 2.99      | -2.52         | 0.18     | -0.9 |
| Experimental | 7.14     | 6.38      | 9.35     | 6.25      | -0.92         | .363     | -0.3 |
| DAR-5        |          |           |          |           |               |          |      |
| Control      | 14.64    | 2.46      | 17.50    | 2.56      | -3.00         | 0.00     | -1.1 |
| Experimental | 6.85     | 2.47      | 8.21     | 3.21      | -1.25         | 0.22     | -0.4 |

ANGER ISSUES (NSESSS) = Severity of Posttraumatic Stress Symptoms-Adults \*National Stressful Events Survey Anger issues Short Scale (NSESSS), IES-R= Impact of event scale-Revised, DAR-5= Dimensions of Anger Reactions. M represents the mean value; SD is the standard deviation and df value indicates the degree of freedom, P-value is the probability value. Cohen's d value indicates the difference between two means.

Table 6 indicates the level of anger, intrusive symptoms and Anger issues symptoms in males and females after administering BWRT. The control and experimental groups' male and female Anger issues symptoms are 24.21 and 8.14, respectively, and 28.28 and 11.64, respectively. The mean intrusion symptoms for the male and female control and experimental groups are 22.07 and 7.14, respectively, and 25.07 and 9.35, respectively. Additionally, the mean for male and female anger symptoms in the control and experimental groups is 14.64

and 6.85, respectively, while for females it is 17.50 and 8.21.

By comparing it with the table 5, it showed as male's experience less severe symptoms, so BWRT was more effective in reducing the symptoms of Anger issues in males as compared to females.

Hence, the experimental group subjects experienced reduction in the symptoms of post-traumatic stress disorder, intrusion and anger after the completion of the single session brain working recursive therapy and it was more effective on males in reduction of symptoms as compared to females.

## **Discussion**

In the present study, the single session brain working recursive therapy was applied on Pakistani adults. Intervention works by alter how the brain responds to traumatic memories shifting the focus of individuals from past to future. The research was carried out on 56 adults

aged 18-65 who were students of Gift University, Gujranwala. The demographic characteristics of sample showed that experimental group consisted of 28 participants while 28 subjects completed the control group as well.

It was hypothesized that there is a significant reduction in anger levels after undergoing Brain Working Recursive Therapy (BWRT) among adults. The results of current study determine that as compared to the scores of participants who took part in control group, the respondents in experimental group take a single session brain working recursive therapy showed higher levels of reduction in the anger level. This indicates that the findings of this study are in line with previous researches that suggested that acknowledging and appreciating the results of single session brain working recursive therapy (Bakun et al., 2023)

## **CONCLUSION**

The study tested the effectiveness of single session brain working recursive therapy for anger issues in Pakistani adults. Results showed a significant reduction in anger issues after therapy. The intervention was found to be less time-consuming, cost-effective, and easy to conduct, proving its effectiveness.

### **Limitations**

The study's generalizability in Pakistan may be affected by its sample size from one city, lack of long-term efficacy due to one posttest, and inability to assess the effect of BWRT on a wide age range, including children and teenagers.

### **Future Recommendation**

Future research should test the intervention on different age groups and cultures, using multiple follow-ups to determine long-term effects. Cross-cultural testing can also be beneficial. Additionally, the study should investigate whether anger is a state or trait and develop a

screening tool to differentiate between anger types. The study should also consider the effects of BWRT on children and teenagers.

### **Implications**

The intervention can be utilized by hospitals and clinicians to reduce multiple symptoms at a low cost and time, while also providing access to treatment for the poor.

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**THE INTERPLAY BETWEEN  
COMPETENCY AND THE NUMBER OF  
WITNESSES UNDER THE QANUN-E-  
SHAHADAT ORDER 1984: A CRITICAL  
ANALYSIS OF ARTICLES 3 AND 17 IN  
ENSURING FAIR TRIALS**

**FAHAD KHALIQ MIRZA**

Advocate High Court

**Dr. Shahid Rizwan**

Assistant Professor College of Law, GCUF

**ABSTRACT**

This study critically examines the interplay between competency and the number of witnesses under the Qanun-e-Shahadat Order 1984, focusing specifically on Articles 3 and 17. These provisions are integral to determining the admissibility of witness testimonies in Pakistan's judicial system, particularly in criminal cases. The research explores the evolution of the judicial

interpretation of witness competency and the challenges associated with the stringent requirement for multiple witnesses, especially in hidden offences. The findings highlight significant barriers to achieving fair trials, especially for marginalized groups, and suggest the need for comprehensive legal reforms. Recommendations include incorporating modern evidentiary practices and enhancing judicial training to ensure a more inclusive legal system that aligns with contemporary standards of justice.

**Keywords:** Qanun-e-Shahadat Order, Witness Competency, Articles 3 and 17, Fair Trials, Legal Reforms.

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## **INTRODUCTION**

The Qanun-e-Shahadat Order 1984, which serves as the primary legislative framework governing evidence in

Pakistan, plays a crucial role in ensuring that justice is administered fairly and effectively. This legal instrument is an adaptation of the British colonial-era Evidence Act of 1872, modified to align with Islamic principles and the socio-legal context of Pakistan (Mahmood, 2010). Among its various provisions, Articles 3 and 17 are of particular significance as they directly influence the credibility of witness testimonies and the procedural fairness of trials. Article 3 focuses on the competency of witnesses, defining who is eligible to testify in court based on factors such as age, mental capacity, and moral integrity. Meanwhile, Article 17 emphasizes the importance of the number of witnesses required, especially in certain criminal cases, to corroborate evidence (Hussain, 2015). The interplay between these two articles has profound implications for the right to a fair trial, a cornerstone of justice enshrined in the Constitution of Pakistan.

## **Background and Context**

The Qanun-e-Shahadat Order was promulgated during General Zia-ul-Haq's regime as part of broader Islamization efforts aimed at aligning Pakistan's legal system with Islamic jurisprudence (Kamali, 1991). This shift included the introduction of harsh punishments, changes to family laws, and the modification of evidence rules to incorporate Islamic principles. However, while these reforms aimed to reflect Islamic values, they also introduced complexities in balancing traditional evidence rules with modern judicial standards (Rehman, 2006). Articles 3 and 17, which address the competency of witnesses and the sufficiency of their testimonies, remain at the heart of this balancing act. These provisions are pivotal in both civil and criminal cases, influencing the weight given to witness testimonies and ultimately impacting judicial outcomes (Shah, 2009).

## **Research Problem**

Despite the importance of Articles 3 and 17, their practical application in Pakistan's legal system has raised concerns about consistency and fairness. Critics argue that the strict requirements under Article 17, especially in cases requiring multiple witnesses, can lead to injustices, particularly in criminal trials where circumstantial evidence may be strong but the number of direct witnesses is insufficient (Iqbal, 2016). On the other hand, Article 3's competency criteria are sometimes perceived as subjective, allowing for judicial discretion that may result in inconsistent rulings (Ahmad, 2017). This raises the question of whether the current legal framework under the Qanun-e-Shahadat Order effectively balances the need for reliable evidence with the accused's right to a fair trial.

## **Research Objectives**

The primary objective of this study is to critically analyze the interplay between Articles 3 and 17 of the Qanun-e-

Shahadat Order 1984, exploring how these provisions influence the competency and number of witnesses required for fair judicial proceedings. Specifically, the research seeks to assess whether these articles uphold the principles of justice or contribute to potential miscarriages of justice due to their stringent requirements. By examining case law, judicial interpretations, and scholarly critiques, this study aims to highlight both the strengths and weaknesses of these legal provisions (Butt, 2013).

### **Significance of the Study**

The significance of this study lies in its potential to contribute to legal scholarship and judicial practice in Pakistan. By providing a detailed examination of Articles 3 and 17, the research aims to inform policymakers, legal practitioners, and scholars about the potential gaps in the current evidence law framework. Moreover, this study advocates for a more nuanced understanding of how witness competency and sufficiency requirements can

either support or undermine the right to a fair trial (Khan, 2014). In doing so, it seeks to offer recommendations for legal reforms that align Pakistan's judicial processes with both Islamic principles and international human rights standards.

### **Structure of the Paper**

The paper is structured as follows: The introduction provides an overview of the research topic, highlighting the significance of Articles 3 and 17 within the Qanun-e-Shahadat Order. The literature review explores the historical evolution of evidence laws in Pakistan, including scholarly critiques and case law analysis related to Articles 3 and 17. The methodology section outlines the qualitative research approach adopted for this study, including data collection and analysis methods. The results and discussion segment examines how the interplay between witness competency and sufficiency impacts judicial outcomes, drawing on relevant case studies and

legal precedents. Finally, the conclusion summarizes the findings and offers recommendations for future legal reforms to ensure fairer trial processes in Pakistan.

## **Literature Review**

### **Historical Development of the Qanoon-e-Shahadat Order 1984**

The Qanun-e-Shahadat Order 1984, Pakistan's primary law on evidence, was introduced as part of the broader Islamization process initiated by General Zia-ul-Haq. This legislative change aimed to replace the British colonial Evidence Act of 1872 with a framework that aligns more closely with Islamic legal principles (Ali, 2004). The historical evolution of evidence law in Pakistan reflects a tension between modern legal standards and Islamic jurisprudence, with the Qanun-e-Shahadat Order seeking to bridge this gap (Hussain, 2009). Scholars have argued that while this legal reform was intended to provide a more Islamically authentic basis for adjudicating cases, it has

also led to complexities in judicial practice due to the dual influence of common law traditions and Islamic law (Khan, 2012). The incorporation of Sharia principles, particularly in matters of witness testimony, has posed challenges in balancing the requirements of Islamic legal standards with the principles of fairness and justice that underpin modern judicial systems (Raza, 2018).

### **Concept of Witness Competency under Article 3**

Article 3 of the Qanun-e-Shahadat Order deals with the competency of witnesses, establishing criteria that determine who may testify in legal proceedings. This provision reflects both Islamic and common law influences by setting standards that include mental soundness, maturity, and moral character (Farooq, 2006). In the context of Islamic jurisprudence, competency extends beyond mere cognitive ability; it also encompasses ethical considerations, as witnesses are expected to uphold the principles of truthfulness as

mandated by Sharia (Malik, 2010). The emphasis on the moral character of witnesses can be seen as both a strength and a limitation of Article 3, as it ensures the credibility of testimonies while also allowing for judicial discretion that may lead to inconsistencies in rulings (Siddiqui, 2013). Scholars have debated whether these requirements align with international human rights standards, particularly the right to a fair trial as protected under various international covenants (Niazi, 2011).

### **The Role of Article 17: Number of Witnesses Required**

Article 17 of the Qanun-e-Shahadat Order specifies the number of witnesses required to establish the validity of certain claims, particularly in cases involving hudood offences, which are serious crimes under Islamic law (Ahmed, 2015). This provision is rooted in Islamic legal traditions, where the Quran and Hadith prescribe specific numbers of witnesses for certain offences, such as adultery, where four male witnesses are required to prove

the act (Chaudhry, 2007). Critics argue that these stringent witness requirements can lead to difficulties in securing convictions, especially in cases where the nature of the crime does not typically involve multiple witnesses (Khan, 2019). Furthermore, the requirement for male witnesses in certain cases has been criticized for discriminating against women and undermining their access to justice (Bari, 2003). The debate continues whether Article 17's stipulations align with the principles of equality and justice enshrined in the Constitution of Pakistan (Iqbal, 2020).

### **Comparative Analysis with International Standards**

When compared to international evidence laws, the Qanun-e-Shahadat Order presents a unique blend of traditional Islamic requirements and modern legal principles. The United Nations International Covenant on

Civil and Political Rights (ICCPR), to which Pakistan is a signatory, emphasizes the right to a fair trial, including the right to call and examine witnesses (UNHRC, 2008). However, the rigid requirements under Articles 3 and 17, particularly the need for a specific number of witnesses and the emphasis on moral competency, have raised questions about Pakistan's compliance with its international obligations (Usmani, 2016). Critics suggest that the strict application of these articles could hinder the effective administration of justice by placing undue burdens on the prosecution in criminal cases, thereby increasing the risk of acquittals in serious offences due to insufficient witnesses (Asghar, 2020).

### **Theories of Fair Trials and the Role of Witnesses**

The right to a fair trial is a cornerstone of justice systems worldwide, encapsulated in various international human rights instruments. Witness testimonies play a critical role in ensuring the fairness of trials, as they provide firsthand

accounts that can corroborate or challenge evidence presented in court (Hameed, 2014). Articles 3 and 17 of the Qanun-e-Shahadat Order have been both praised and criticized for their attempts to maintain high standards for witness reliability. On the one hand, these articles ensure that only credible witnesses are allowed to testify, thus upholding the integrity of the judicial process (Rasheed, 2017). On the other hand, the strict competency and numerical requirements can potentially impede access to justice by excluding valid testimonies that do not meet these criteria (Zafar, 2011).

### **Judicial Interpretations and Case Law Analysis**

Judicial interpretations of Articles 3 and 17 have varied, with some courts taking a more lenient approach in accepting witness testimonies while others adhere strictly to the textual provisions. For example, in the landmark case of *Samiullah v. The State* (2001), the Supreme Court of Pakistan emphasized the need for strict compliance with

Article 17, particularly in cases involving hudood offences (Munir, 2003). However, in subsequent rulings, there has been a shift towards a more flexible interpretation, especially in cases where rigid adherence would result in manifest injustice (Tariq, 2018). Scholars have argued that this shift reflects an evolving understanding of fairness in the judicial system, acknowledging the need to balance traditional evidentiary requirements with modern principles of justice (Rehman, 2019).

### **Impact on Fair Trials: Empirical Evidence**

Empirical studies have shown mixed results regarding the impact of Articles 3 and 17 on trial outcomes. Research indicates that cases involving stringent witness requirements tend to have higher acquittal rates, particularly in rural areas where witnesses may be reluctant to come forward due to fear of reprisal or social stigma (Javed, 2012). Conversely, in urban settings, where the judiciary is more inclined towards flexible

interpretations of the law, conviction rates are comparatively higher (Hashmi, 2021). These disparities highlight the need for judicial reform to ensure that evidentiary standards do not compromise the rights of victims and the accused alike.

### **Critical Views and Scholarly Critiques**

Several scholars have criticized the Qanun-e-Shahadat Order for its lack of alignment with contemporary legal standards. The emphasis on the moral character of witnesses under Article 3 has been viewed as subjective and potentially discriminatory, particularly against marginalized communities (Khalid, 2015). Moreover, the requirement for multiple witnesses under Article 17 has been described as impractical in certain criminal cases, thereby limiting the effectiveness of the justice system (Akhtar, 2021). Legal experts argue for a reform of these provisions to bring them in line with both constitutional

guarantees and international human rights commitments (Hussain, 2018).

### **Conclusion of the Literature Review**

The existing body of literature highlights a complex interplay between the traditional requirements of the Qanun-e-Shahadat Order and the evolving demands for fair trial standards in Pakistan. While Articles 3 and 17 aim to uphold the integrity of witness testimonies, their rigid application can sometimes undermine the principles of justice. This review suggests a growing consensus among scholars and legal practitioners on the need for a more balanced approach that accommodates both Islamic legal principles and modern judicial standards.

### **Research Questions**

This study is guided by the following research questions:

1. How do Articles 3 and 17 of the Qanun-e-Shahadat Order influence the credibility and admissibility of witness testimonies in Pakistani courts?

2. What are the implications of these articles on the rights of the accused to a fair trial?
3. How do judicial interpretations of these provisions align with international human rights standards and principles of fair trials?
4. What reforms, if any, are needed to enhance the effectiveness of Articles 3 and 17 in ensuring just outcomes in legal proceedings?

### **Methodology**

This research aims to critically analyze the interplay between competency and the number of witnesses as outlined in Articles 3 and 17 of the Qanun-e-Shahadat Order 1984, focusing on their impact on fair trials within the Pakistani legal system. The study adopts a qualitative research methodology, drawing on a combination of doctrinal legal analysis and case law review to explore how these articles have been interpreted and applied in judicial proceedings.

## **Research Design**

The research follows a descriptive and analytical design, which is well-suited for examining existing laws, judicial interpretations, and scholarly opinions. By focusing on the textual analysis of legal provisions, as well as examining their practical implications through case law, this study provides a comprehensive understanding of the subject matter. The doctrinal approach is particularly relevant for legal research as it allows for an in-depth examination of statutory provisions, court rulings, and legal commentaries (Creswell, 2014).

## **Data Collection**

Data for this research were collected from both primary and secondary sources:

### **1. Primary Sources**

- The Qanun-e-Shahadat Order 1984, with specific attention to Articles 3 and 17.

- Relevant case law from the Supreme Court of Pakistan and High Courts, focusing on landmark rulings that interpret witness competency and sufficiency.
- Constitutional provisions related to fair trial rights, such as Article 10-A of the Constitution of Pakistan, which guarantees the right to a fair trial.

## 2. **Secondary Sources**

- Academic books and journal articles that provide critical insights into Islamic jurisprudence, evidence law, and human rights in Pakistan. Notable legal scholars like Ali (2004), Chaudhry (2007), and Iqbal (2020) have been extensively cited to explore the historical and theoretical underpinnings of the Qanun-e-Shahadat Order.
- Reports and publications from legal think tanks and human rights organizations, such as the Human Rights Commission of Pakistan and international bodies

like the United Nations, to contextualize the discussion within global legal standards.

- Empirical studies on the impact of witness requirements on trial outcomes, especially in rural versus urban settings, provide a socio-legal perspective.

### **Data Analysis**

The analysis in this study is primarily qualitative, focusing on content and thematic analysis to identify recurring legal themes, principles, and judicial patterns. The data from primary sources (legal texts and case law) were analyzed to determine how courts have interpreted Articles 3 and 17, particularly in balancing the requirements for witness competency with the constitutional right to a fair trial (Maxwell, 2013). Secondary sources were used to compare Pakistani laws with international standards, drawing on comparative legal analysis to highlight discrepancies and suggest potential reforms.

### **Case Law Analysis**

To understand the practical application of Articles 3 and 17, this research includes a detailed review of landmark judicial decisions. The cases selected for analysis illustrate how Pakistani courts have grappled with the requirements of witness competency and sufficiency in both civil and criminal proceedings. Cases such as *Samiullah v. The State* (2001) and subsequent rulings provide insights into evolving judicial attitudes towards evidence laws (Munir, 2003).

### **Ethical Considerations**

Given the legal nature of this research, ethical considerations primarily revolve around ensuring the accuracy and integrity of data sources. All legal texts, case laws, and scholarly publications were cited accurately by APA citation standards to maintain academic integrity (Cohen, Manion, & Morrison, 2011). Moreover, this study respects the confidentiality of unpublished judicial records

and focuses exclusively on publicly accessible legal documents.

### **Limitations of the Study**

While this research provides a detailed analysis of the Qanun-e-Shahadat Order's Articles 3 and 17, it is limited by its reliance on existing literature and case law. The absence of empirical fieldwork or interviews may limit the study's ability to capture the full scope of judicial discretion in applying these articles. Future research could benefit from incorporating interviews with legal practitioners and judges to gain deeper insights into the practical challenges of implementing witness competency and sufficiency standards.

### **Conclusion**

The methodology employed in this research is designed to offer a comprehensive legal analysis of the competency

and number of witnesses under the Qanun-e-Shahadat Order 1984. By combining doctrinal legal analysis with a review of relevant case law, the study aims to contribute to the ongoing discourse on ensuring fair trials in Pakistan's judicial system. This methodology ensures a robust framework for evaluating the effectiveness of Articles 3 and 17 in protecting the rights of both the accused and victims within the legal system.

## **Results and Discussion**

### **Results**

#### **Empirical Findings on Witness Competency under Article 3**

The competency of witnesses, as outlined in Article 3 of the Qanun-e-Shahadat Order 1984, has been a focal point of debate in the Pakistani legal system. The research findings reveal that judicial interpretations of competency have evolved significantly, particularly in cases where mental soundness and moral character are under scrutiny.

Analysis of case law shows that courts have increasingly emphasized the credibility of witnesses rather than adhering strictly to the traditional standards prescribed by Islamic jurisprudence. For instance, the case of *Ghulam Rasool v. State* (2010) highlighted the judiciary's willingness to accept the testimonies of individuals who, despite having a questionable background, were deemed reliable based on the evidence presented (Shah, 2012).

Data from the judicial records indicate that Pakistani courts are gradually adopting a more flexible approach when determining witness competency, especially in criminal cases where the testimonies of marginalized individuals, such as women and children, are involved. Research indicates that while Articles 3 and 17 emphasize the moral character and reliability of witnesses, recent rulings have shifted towards a more inclusive interpretation, recognizing the practical challenges of securing testimonies that meet traditional standards

(Rafique, 2018). The increased judicial discretion in evaluating competency has resulted in higher conviction rates in certain criminal cases, suggesting that a more nuanced application of Article 3 may contribute to more just outcomes (Malik, 2019).

### **Impact of Witness Requirements under Article 17 on Conviction Rates**

Article 17's emphasis on the number of witnesses has been critically analyzed to assess its impact on the conviction rates in hudood and other criminal cases. The findings demonstrate that the requirement for multiple witnesses, particularly in cases involving hidden offences like adultery, theft, and false accusation, has led to a significant number of acquittals due to the inability of the prosecution to meet the strict evidentiary standards (Khan, 2020). The judicial application of Article 17 shows a pattern where the rigidity of witness requirements often results in

leniency towards the accused, thereby impacting the victims' pursuit of justice (Naseer, 2016).

Statistical analysis of court data from 2015 to 2020 reveals a conviction rate of only 25% in cases requiring multiple witnesses under Article 17. This low conviction rate is attributed to the difficulties in securing the testimonies of two or more credible male witnesses, especially in cases of rape or domestic violence, where evidence is often circumstantial (Ahmed, 2020). These findings indicate a disconnect between the statutory requirements of the Qanun-e-Shahadat Order and the realities of criminal prosecution in Pakistan, which raises concerns about the efficacy of these provisions in ensuring fair trials (Akhtar, 2017).

### **Comparative Legal Analysis: Pakistani vs. International Standards**

When comparing the Qanun-e-Shahadat Order with international evidence laws, it becomes apparent that

Pakistan's legal framework places unique burdens on the prosecution, which are not aligned with international fair trial standards. The International Covenant on Civil and Political Rights (ICCPR) emphasizes the right to a fair trial and the equality of all individuals before the law, which includes the right to call witnesses without discrimination (UNHRC, 2018). However, the Qanun-e-Shahadat's reliance on multiple witnesses for certain offences presents challenges that are seen as incompatible with these international norms (Azeem, 2021).

Research also shows that in comparative jurisdictions like Malaysia and Saudi Arabia, which have integrated Sharia principles into their legal systems, the application of witness testimony requirements has been adapted to better fit modern legal contexts (Yusuf, 2015). For example, Malaysia's Evidence Act allows for flexibility in witness requirements by incorporating forensic evidence, thereby reducing the reliance on multiple human witnesses

(Ismail, 2016). These comparative insights highlight the need for Pakistan to consider legal reforms that align its evidentiary standards with both Islamic principles and contemporary legal practices.

### **Challenges Faced by Marginalized Groups in Providing Testimony**

One of the critical findings from the analysis is the disproportionate impact of Articles 3 and 17 on marginalized groups, particularly women and religious minorities. Empirical studies indicate that the competency and credibility requirements often disadvantage witnesses from these groups due to societal biases and judicial prejudice (Hashmi, 2014). For instance, the case of *Mukhtar Mai v. Abdul Khaliq* (2005) demonstrated the challenges faced by female witnesses in rape cases, where their testimonies were undermined due to gender-based stereotypes (Bari, 2019).

Furthermore, the research shows that religious minorities often face additional hurdles when testifying in cases involving hudood laws, as their testimonies may be discounted if not corroborated by Muslim witnesses (Shahbaz, 2020). This discriminatory practice undermines the principle of equality before the law, as enshrined in Article 25 of the Constitution of Pakistan, which guarantees equal rights to all citizens irrespective of religion (Mansoor, 2017). The findings suggest that the current witness requirements do not adequately protect the rights of vulnerable groups, thereby necessitating legislative amendments to ensure a more inclusive approach to evidence law.

### **Judicial Trends in the Interpretation of Witness Laws**

The analysis of recent judicial trends indicates a growing recognition of the limitations imposed by Articles 3 and 17. There is a noticeable shift towards a more progressive interpretation of witness competency, especially in cases

where strict adherence to traditional standards would result in a miscarriage of justice (Usmani, 2015). For instance, in the case of *Aslam v. State* (2019), the Lahore High Court emphasized the need to adapt the requirements of Article 3 to the socio-cultural realities of Pakistan, thereby setting a precedent for future cases (Zafar, 2021). Moreover, legal scholars have pointed out that the judiciary's evolving stance on witness competency reflects a broader trend towards harmonizing Pakistan's evidence laws with international human rights obligations (Akram, 2018). This shift is particularly significant in light of Pakistan's commitment to the Sustainable Development Goals (SDGs), which include targets related to justice, peace, and strong institutions (UNDP, 2020). The findings suggest that while the judiciary is gradually embracing a more flexible interpretation of witness laws, there remains a need for comprehensive legislative reforms to address

the inherent contradictions in the Qanun-e-Shahadat Order.

## **Discussion**

### **Implications of the Evolving Judicial Interpretation of Competency**

The evolving judicial interpretation of witness competency under Article 3 of the Qanun-e-Shahadat Order 1984 has significant implications for the administration of justice in Pakistan. The trend towards a more flexible approach in assessing the credibility of witnesses has been applauded for promoting fairness, especially in criminal cases where rigid application of traditional standards often results in acquittals (Khalid, 2020). However, critics argue that this judicial discretion could lead to inconsistencies in verdicts, especially in lower courts where judges may lack the experience to balance legal principles with socio-cultural realities (Ansari, 2019).

Further analysis suggests that while recent rulings have broadened the scope of competency to include witnesses who might not meet conventional moral or mental soundness standards, there is still a lack of clear guidelines on how these criteria should be applied (Rahman, 2018). This ambiguity can result in subjective decision-making, thereby affecting the predictability and uniformity of legal outcomes (Saeed, 2021). For example, in the case of *Zahid v. State* (2018), the Supreme Court of Pakistan underscored the need for a holistic evaluation of a witness's credibility rather than a narrow focus on their past conduct, which has set a precedent for future cases involving competency assessments (Hussain, 2020).

### **Challenges in Applying Article 17 to Modern Legal Contexts**

Article 17's stringent requirement for multiple witnesses, particularly in hidden offences, has been a persistent challenge in achieving convictions. The research findings

show that these requirements are often at odds with modern evidence-gathering techniques, such as forensic evidence and digital documentation, which are increasingly being relied upon in other jurisdictions (Bhatti, 2017). Scholars like Khan (2019) argue that the insistence on multiple witnesses not only hampers the prosecution's ability to prove its case but also places an undue burden on victims, especially in cases involving sexual violence and domestic abuse.

Moreover, the study reveals that the rigid application of Article 17 can exacerbate the challenges faced by law enforcement agencies, as gathering the requisite number of witnesses, particularly in rural areas, is often impractical (Tariq, 2021). The findings highlight the need for a reevaluation of witness requirements to incorporate modern evidentiary practices, thereby aligning Pakistan's evidence laws with international human rights standards (Nawaz, 2018). This shift could significantly enhance the

ability of courts to deliver justice in cases where traditional forms of evidence are either unavailable or insufficient.

### **Socio-Legal Impact of the Qanun-e-Shahadat Order on Marginalized Groups**

The interplay between competency and the number of witnesses as mandated by the Qanun-e-Shahadat Order has a pronounced impact on marginalized communities.

The research indicates that the traditional standards of competency and sufficiency of witnesses disproportionately disadvantage women, religious minorities, and economically marginalized individuals (Mirza, 2015). Studies show that these groups often find it difficult to secure the number of witnesses required to support their claims in court, leading to a higher rate of case dismissals or acquittals (Rehman, 2019).

Empirical evidence suggests that women, in particular, face significant barriers in legal proceedings due to societal norms that question their credibility, especially in

cases of sexual assault (Parveen, 2020). The case of *Asia Bibi v. State* (2019) serves as a stark example, where the testimony of a non-Muslim woman was initially discredited purely based on her religious identity, reflecting a bias that undermines the principle of equal protection under the law (Aqeel, 2021). These findings underscore the urgent need for legal reforms to address discriminatory practices in the application of the Qanun-e-Shahadat Order, particularly concerning Articles 3 and 17.

### **Recommendations for Legal Reforms**

The research underscores the need for comprehensive legal reforms to ensure that the Qanun-e-Shahadat Order aligns with contemporary standards of justice. One of the key recommendations is the incorporation of alternative forms of evidence, such as digital evidence and expert testimony, to supplement the traditional reliance on eyewitnesses (Dar, 2018). This approach has been

successfully adopted in jurisdictions like Egypt and Turkey, where Islamic legal principles are balanced with modern evidentiary practices (Ibrahim, 2020).

Furthermore, the study suggests that Pakistan could benefit from a phased reform of Articles 3 and 17, starting with amendments that expand the definition of a competent witness to include individuals who may not meet conventional moral standards but are nonetheless credible and reliable (Siddiqui, 2016). These reforms would not only enhance the effectiveness of the legal system but also ensure that it is more inclusive of diverse voices, thereby upholding the principles of justice and fairness.

### **Judicial Training and Capacity Building**

The research findings highlight a pressing need for judicial training programs focused on the interpretation and application of witness competency and sufficiency laws. By enhancing the capacity of judges to critically assess

evidence, the legal system can move towards a more nuanced application of Articles 3 and 17, which would reduce the reliance on rigid traditional standards that may not be applicable in all cases (Khanum, 2017). Training programs could also include modules on gender sensitivity and the rights of religious minorities, which would help mitigate biases that currently affect the outcome of trials involving vulnerable groups (Riaz, 2019).

### **Conclusion**

In summary, the findings of this research highlight the complex interplay between witness competency and sufficiency requirements under the Qanun-e-Shahadat Order. While judicial interpretations are gradually evolving to incorporate a more flexible approach, significant challenges remain, particularly in cases involving marginalized groups. The study advocates for legal reforms that align Pakistan's evidence laws with

international standards, thereby ensuring fair trials and the protection of constitutional rights.

The Qanun-e-Shahadat Order 1984, particularly Articles 3 and 17, represents a critical component of Pakistan's legal framework concerning the admissibility and evaluation of evidence. This study has explored the intricate interplay between the competency of witnesses and the required number of testimonies to secure convictions, especially in the context of criminal law. The findings reveal that while these provisions are rooted in Islamic jurisprudence, their rigid application has led to significant challenges in ensuring fair trials, particularly for marginalized groups.

### **Key Findings and Implications**

The research highlights that the judicial interpretation of witness competency under Article 3 has evolved, moving towards a more inclusive and flexible approach. Courts have increasingly recognized the need to balance traditional Islamic principles with contemporary legal

standards, particularly in cases where rigid adherence to competency criteria may result in injustice. This shift is exemplified in recent case law, where the credibility of witnesses is assessed more holistically rather than being limited to their moral character or mental soundness alone. Article 17's requirement for multiple witnesses, particularly in good cases, remains a contentious issue. The strict adherence to the necessity of two male witnesses, or one male and two female witnesses, has led to numerous acquittals due to the inability of the prosecution to meet these stringent evidentiary standards. This issue is particularly acute in cases of sexual violence and domestic abuse, where corroborative testimonies are often difficult to obtain. The research indicates that this rigid requirement not only hampers the pursuit of justice but also discourages victims from seeking legal recourse due to the high evidentiary burden placed upon them.

### **Challenges for Marginalized Communities**

The Qanun-e-Shahadat's emphasis on moral and religious integrity disproportionately affects witnesses from marginalized communities, including women, religious minorities, and economically disadvantaged individuals. The findings suggest that these groups face systemic biases that undermine their ability to participate fully in legal proceedings. For instance, the requirement for Muslim witnesses in hudood cases often excludes religious minorities, thereby denying them equal protection under the law. Furthermore, societal stereotypes and judicial prejudice continue to undermine the credibility of women's testimonies, particularly in cases involving gender-based violence.

### **Recommendations for Reform**

The study underscores the urgent need for legal reforms to align the Qanun-e-Shahadat Order with contemporary standards of justice and international human rights norms. One of the key recommendations is to amend Articles 3

and 17 to accommodate alternative forms of evidence, such as forensic and digital evidence, thereby reducing the reliance on multiple human witnesses. This approach would not only modernize Pakistan's evidence law but also ensure a more inclusive and equitable legal system.

Another significant recommendation is to provide clearer guidelines for the judiciary in interpreting witness competency, particularly in cases involving vulnerable groups. Judicial training programs focusing on gender sensitivity, religious tolerance, and human rights could enhance the judiciary's capacity to apply these laws more fairly. Additionally, introducing reforms to protect witnesses from intimidation and social pressure could encourage more individuals from marginalized communities to come forward and testify, thereby strengthening the overall efficacy of the legal system.

### **Future Directions**

The findings of this study highlight the need for further empirical research on the application of the Qanun-e-Shahadat Order across different regions and socio-economic contexts in Pakistan. Comparative studies with other Islamic jurisdictions that have successfully integrated modern evidentiary practices could provide valuable insights for reform. Additionally, longitudinal studies focusing on the impact of legal reforms on conviction rates and access to justice for marginalized groups would be beneficial in assessing the effectiveness of any proposed changes.

## **CONCLUSION**

In conclusion, the interplay between competency and the number of witnesses under the Qanun-e-Shahadat Order remains a complex and challenging area of Pakistan's legal landscape. While the judiciary has made strides in adopting a more flexible approach to witness competency, significant barriers remain in ensuring fair trials for all

citizens. Legislative reforms, judicial training, and a greater emphasis on alternative forms of evidence are essential steps towards creating a more just and equitable legal system. Aligning Pakistan's evidence laws with both Islamic principles and modern legal standards is not only necessary for upholding justice but also for ensuring that the rights of all individuals are protected by the Constitution of Pakistan and international human rights commitments.

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