Forensic Evidence and the Right to a Fair Trial in Pakistan: Admissibility, Reliability, and Justice

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ABSTRACT: DNA, digital evidence, ballistic evidence and toxicological evidence are increasingly used in criminal courts in Pakistan to solve cases. This paper suggests that this change invigorates the right to a fair trial under Article 10-A of the Constitution only if the forensic evidence is adduced in a manner that is transparent, is obtained from reputable, accredited laboratories and can be subject to genuine testing by the accused. This relies on statute, dominant decisions and Pakistani statistics to conclude that the law on admissibility has outstripped the institutions which create and review forensic evidence. In 2022, DNA cases in Punjab got stuck halfway as half of the cases were pending without reference samples, while in KP, 83,000 samples were pending in 2025 and in the country, the rate of rape conviction stood at approximately 0.5 per cent in 2024. In an original study of 2024 Sindh High Court appeals, the study reveals that in just 11 of the 15 merits decisions, the forensic evidence introduced at the trial was discarded for some procedural reason, and never due to the science. The paper also covers the Islamic law, the objection that more stringent rules would reduce convictions, and recommended prioritised changes.

KEYWORDS: Forensic Evidence, Article 10-A, Qanun-e-Shahadat Order 1984, DNA, Fair Trial, Pakistan

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Introduction

Forensic science provides a case for the Pakistani courts that is not reliant on the accuracy of memory, the truth of testimony or the courage to testify. Confessions are frequently retracted as coerced, and witnesses are often related to a party. Given the backdrop, a DNA profile may appear to be "neutral truth"—the Supreme Court has referred to DNA as the "gold standard" of identification (Ali Haider alias Pappu v. Jameel Hussain, 2021) and has urged trial judges to serve as “gate-keepers of scientific evidence.” The bases are not as strong as that implies. The Pakistan Forensic Science Agency (PFSA) manages over 100,000 cases annually (Bingham, 2020), whereas other provinces have insufficiently staffed police-forensic labs. The rate of conviction for most crimes where forensic evidence is most

crucial is very low. Low conviction rates do not benefit the victim, and too much faith in shoddy reporting can lead to wrongful conviction. They're both denied a fair trial.

Three questions are raised here: What are the rules of admissibility of forensic evidence in Pakistan? How much forensic evidence is reliable that the courts are getting? What are the implications of these answers for the Article 10-A guarantee for the accused and the victim? Section 2 outlines the legal context; Section 3 on forensic capacity and outcomes; Section 4 on the approach of the courts; Section 5 on the breakdown of reliability – this section includes an original study of Sindh High Court appeals; Section 6 on the impact on a fair trial; Section 7 on comparative lessons; and Section 8 on reforms.

Literature

There is little doctrinal work on the subject done in Pakistan. With Khan, he takes this further to include expert opinion generally (Cheema & Khan, 2022) and, with Cheema, judges readily accept DNA in paternity cases, but cautiously in sexual offences (Cheema, 2016) and describe a “reliability void” in an evidence law based on relevance, which is to be filled by the judges through corroboration (Cheema, 2019). Later commentators follow the Supreme Court's adoption of DNA as gold-standard corroboration (Zia et al., 2021) and newer DNA technologies (Ahmad & Bakhsh, 2024). There are a number of empirical groups from civil society, such as the Legal Aid Society (2023), the Sustainable Social Development Organization (SSDO, 2025), Justice Project Pakistan (National Commission for Human Rights et al., 2025) and the Foundation for Fundamental Rights with Reprieve (2019).

Empirical studies rarely connect failures to doctrine, and doctrinal studies rarely make the connection with forensic evidence or whether or not the defence can test the science. This paper is a unification of the two.

Method and Limitations

The paper draws on published data, including the annual report of the PFSA (Punjab Forensic Science Agency [PFSA], 2023), data on the SSDO (2025), Law and Justice Commission statistics (Law and Justice Commission of Pakistan [LJCP], 2024), prison statistics (National Commission for Human Rights et al., 2025) and press reports. Section 5.1 presents original research of twenty-four criminal appeal cases decided by the Sindh High Court in 2024.

The Legal Framework

Forensic evidence is easily accepted by Pakistani law but is scarcely discussed in terms of its reliability.

Article 10-A

The Eighteenth Amendment adopted in 2010 adds Article 10-A for "a fair trial and due process. In Suo Motu Case No. 4 of 2010, the seven-member bench interpreted the notion of a "fair trial" in accordance with Article 14 of the ICCPR, which provides for the right to "have the prosecution witnesses examined" (“Judiciary Is a Means to an End,” 2024; Suo Motu Case No. 4 of 2010, 2012). In Naveed Asghar v The State, the Court ruled that guilt in any crime, no matter how grave, must be based on admissible, trustworthy and reliable evidence (Iqbal, 2021; Naveed Asghar v. The State, 2021). In this context, it was stated in the case of Chairman NAB v. Nasar Ullah that delay in ending a trial, as well as a prolonged pre-trial detention, is not compatible with a fair trial (Chairman NAB v. Nasar Ullah, 2022). Likewise, the litigation by the military courts in 2023 and 2025 considered independent review to be part of the guarantee (Federation of Pakistan v. Justice (R) Jawwad S. Khawaja, 2025; Justice (R) Jawwad S. Khawaja v. Federation of Pakistan, 2024; Malik, 2025). Three propositions follow: The accused can test the evidence; evidence is not just admissible but must be reliable; and Unreasonable delay is a breach in itself.

Both concern forensic evidence. A report admitted without its author and without the data will inextricably interfere with the international standard; the admission under Article 59 or 164 of the QSO will not end the inquiry into reliability, and a laboratory backlog which keeps an accused in custody is not an administrative problem but one of the constitution which involves the entitlement to be admitted on bail as pointed in Nasar Ullah (2022).

Statutory provisions

Qanun-e-Shahadat Order (1984). Under Article 59, the opinion of a "specially skilled" person in the field of science is a relevant fact. The evidence obtained by the use of modern devices or techniques is permitted by Article 164, and a proviso in 2017 confirms that a conviction can be based on such evidence. Neither includes a scientific validity test.

Code of Criminal Procedure: The reports of some government experts may be used without the author being called upon, but the court may summon the author. Sections 53-A, 164-A and 164-B were inserted in the year 2016 and stipulate DNA sampling and medical examination for sexual offences and sending samples to the lab 'at the earliest'.

Provincial legislation: Section 9 of the Punjab Forensic Science Agency Act 2007 placed the expertise of PFSA under the category of section 510, meaning that the expertise of the PFSA is admissible even if the author of the report is not called. Balochistan has also enacted similar Act in 2015, and has not constituted the agency. Sindh has DNA laboratories in the universities while Khyber Pakhtunkhwa does not have any such DNA laboratories.

Anti-Rape (Investigation and Trial) Act 2021: The Act established Special Courts, Anti-Rape Crisis Cells, and specialist investigation units with the goal of trials being completed within four months. It introduced new rules in 2022, which include a medico-legal examination within 6 hours of the FIR, sexual-assault kits and the cordoning of the crime scene (Ministry of Law and Justice, 2023) and the removal of the two-finger test. There is no sanction other than few duties, and no duty that deals with the trustworthiness of laboratory reports. The courts have added directions of their own. In Kainat Soomro v Province of Sindh, the Sindh High Court in 2022 (2021) directed DNA SOP for sexual offences, which included delivery of samples within 24 hours to a laboratory, and instructed the Sindh Police to circulate it among all police stations in the province. Resources that many police stations don't have are what compliance is dependent on.

The Islamic Law Dimension

The Offence of Zina (Enforcement of Hudood) Ordinance 1979 included rape in the hadd jurisdiction, where the evidence is required to include a confession or four adult Muslim male eye-witnesses, which can never be provided by a forensic examination. Under the Protection of Women (Criminal Laws Amendment) Act 2006, rape has been brought back to sections 375 and 376 of the Pakistan Penal Code and is now a ta'zir case, which is subject to ordinary evidence, including evidence from the field of forensic science. A woman who does not meet the 4-witness requirement is at risk of prosecution for her own zina for over two and a half decades. The Council of Islamic Ideology announced in 2013 that DNA was only to be referred to as subsidiary evidence in rape cases ("CII Rules Out DNA," 2013). The opinion was only advisory and was criticized, yet it demonstrated that the issue was still up for discussion.

In Salman Akram Raja (2013) and Ali Haider (2021), the Supreme Court relied on DNA as evidence in the establishment of paternity of child born out of rape before Federal Shariat Court. DNA is now admissible and important, but not yet "corroborative," and a bench in the Supreme Court has recently questioned if a rape conviction could be based on DNA alone ("SC Seeks Clarity," 2026). There are additional complications with qisas and diyat. Where the circumstances are those of murder or hurt, the heirs of the victim may commit the murder or hurt again, even if the circumstances are such that a raazinama can be reached under pressure, despite a forensic

match (sections 309 and 310 PPC; section 345 Cr.P.C.). With regard to ta'zir in honour killings, a compromise made in 2016 in section 311 of the code still applies after December 2025, as determined by a five-member Supreme Court bench (Ali, 2025). The investigators report that reconciliation as a primary reason for not convicting is a major problem during trials because rape cannot be compounded ("How Effective Are New Amendments," 2025). When it comes to the use of forensic evidence, it is most beneficial when it is presented before the need to settle.

Assessment

The statutory framework therefore allows for the admission in a broad manner of forensic evidence and specifically provides for its collection in the context of sexual offences, but lacks a test of scientific validity, has no accreditation requirement, no code of practice and no obligation to provide laboratory data to the defence. A firearms/handwriting match is then treated like a DNA match, as is a report from an understaffed police lab, as is one from an accredited agency. Reliability is left to the stage of weight, which is determined by judges who may not have the information needed to make the determination.

Forensic Infrastructure and Outcomes

The competence of the forensic evidence in Pakistan is highly dependent upon the locality of the offence.

Punjab

PFSA has existed since circa 2012 and comprises fourteen disciplines (Bingham, 2020). The most comprehensive public source of forensic data in the nation, the group's Annual Performance Report 2022 shows that it received 128,601 and reported 117,601 cases in 2022, filled 836 of 1,055 sanctioned posts, and has 238,870 criminal fingerprint records, 92,414 ballistic entries and 48,000 DNA profiles.

Table 1

Department (2022)	Received	Reported	Stalled or pending	Reason given
Narcotics	52,782	52,779	3	—
Firearms and toolmarks	30,818	26,492	4,597	Weapon usually not recovered or submitted
DNA and serology	15,615	9,971	7,907	Reference samples not submitted by police
Computer forensics	685	673	76	—

Source: PFSA [12], pp 6–51.

The biggest challenge is out of the lab. Investigators did not provide reference samples, so about half of the DNA cases received in 2022 were not completed. No turnaround times, error rates or proficiency-test results are provided, nor is a figure cited for a polygraph's reliability; the scientific literature does not support the claim that the polygraph is 90% reliable (PFSA, 2023). There's limited capacity as well. The PFSA has also ended accepting more than five DNA samples per case in January 2020 due to staff shortages (Asghar, 2020) and has refused to release case-level details of its testing in 2023 (Butt, 2023). Its data are self-reported and unaudited; however, the province of Punjab is the most resourceful one.

Sindh

Until the late 2010s, Sindh sent its DNA samples to Lahore or Islamabad. Sindh Forensic DNA and Serology Laboratory, established by court orders, has reported in over 8,000 cases so far at the University of Karachi ("SFDL-

ICCBS Solves 8,000 DNA," 2025). A 2023 Legal Aid Society survey of 20 police stations revealed no Crime Scene Units in the stations, no swabs or freezers in the stations, survivors were examined the day after the rape or the following day (when no woman medico-legal officer was present), and the average time taken to process rape cases was 16.8 months, which is 4 months longer than the prescribed time limit (Legal Aid Society, 2023).

Khyber Pakhtunkhwa and Balochistan

Peshawar High Court, in December 2025, had been told that the Forensic Science Laboratory of the KP government had 83,000 samples under its custody while it required 85 staff, but only 44 of these could be appointed (Ali, 2025). A DNA lab at Khyber Medical College had processed approximately 10,000 samples by early 2023 ("KMC Forensic Medicine Dept," 2023), and in July 2018, samples from 145 suspects were submitted to the Punjab lab for the 4-year-old case of Asma, who was murdered in Mardan. In March 2026, a new lab was approved in Peshawar (Associated Press of Pakistan, 2026b).

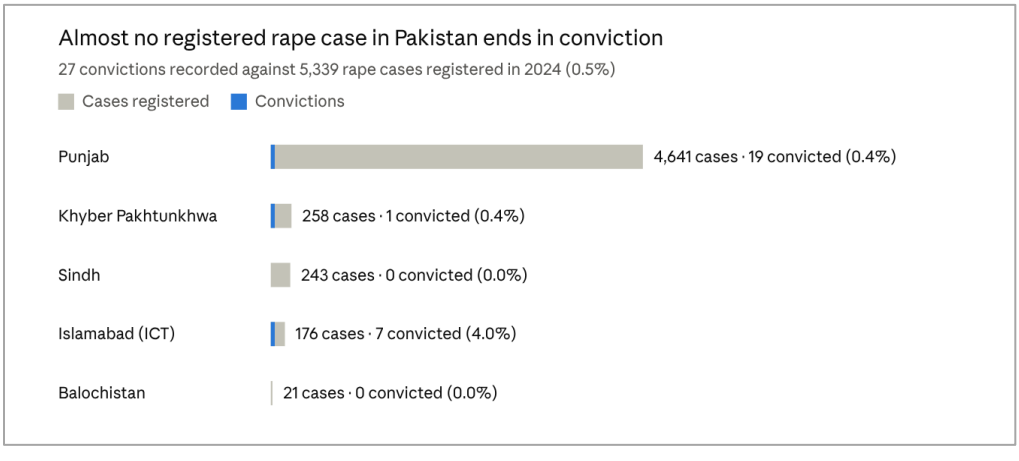
The Act of Balochistan 2015 has failed to create an agency. The Quetta police laboratory processes fingerprints, conducts crime scene investigations and chemical analysis (United Nations Office on Drugs and Crime, 2024); and in October 2024, a provincial forensic laboratory was still subject to review (Planning and Development Department, Government of Balochistan, 2024). The same applies for most Pakistanis who have to send samples hundreds of kilometres, every time adding a layer of delays and possible contamination, and an accused in Quetta whose evidence would be collected with different rules, and where the same QSO provisions would apply for evidence admission.

Outcomes

The offences which rely most on forensic evidence have the poorest outcomes. The provincial police provided SSDO information for 2024, which shows that 5,339 rapes were reported throughout the country (SSDO, 2025).

Figure 1

Rape Cases Registered and Convictions Recorded by Province, 2024.



Source: SSDO [9]. Punjab's conviction count is derived from its reported rate of 0.4%.

No case of rape was convicted in Sindh and Balochistan in 2024. The national conviction rates were approximately 0.5 per cent for honour killings, 0.1 per cent for kidnapping and 1.3 per cent for domestic violence (SSDO, 2025). These are the annual figures and not the end result, but the trend is true for all provinces and sources. The system is

overloaded: 2.22 million cases were pending in the system in mid-2024 while 1.82 million cases were pending in the district judiciary (LJCP, 2024). This then extends pre-trial detention, allows witnesses to be coerced or even to "reach an agreement," and provides biological evidence time to deteriorate.

Admissibility in the Courts

The attitude of the superior courts has shifted from doubt about forensic evidence to unequivocal support, yet cautioning that evidence be authentic and safe. Table 2 below summarizes the main decisions:

Table 2

Leading Decisions on Forensic Evidence

Case	Holding
Zahid Sarfaraz Gill v The State 2024 SCMR 934 1. (Kassin et al., 2013)	Recommended video recording of narcotics searches and seizures under Article 164 QSO; followed in *Muhammad Abid Hussain v The State* [39] and now required in Sindh by s 17(2) of the Sindh Control of Narcotic Substances Act 2024.
Ali Haider alias Pappu v Jameel Hussain PLD 2021 SC 362 (Ali Accountability Lab Pakistan, n.d.)	DNA reports admissible as expert opinion under Articles 59 and 164 (para 6); PFSA reports admissible without calling the author (para 7); trial judge as gatekeeper of scientific evidence (para 4); DNA among the strongest corroborative evidence, provided it is properly collected and preserved (para 10).
Atif Zareef v The State PLD 2021 SC 550 (Law and Justice Commission of Pakistan, 2024)	The two-finger test has no scientific basis or evidential value; using a survivor's sexual history to discredit her is unconstitutional (para 14).
Ishtiaq Ahmed Mirza v Federation of Pakistan PLD 2019 SC 675 (Law Commission, 2011)	Audio or video recordings must be proved genuine, examined forensically, produced by the person who made them and their source disclosed (para 11).
Kamal Din alias Kamala v The State 2018 SCMR 577 (Legal Aid Society, 2023)	A positive firearms report disregarded where safe custody of the weapon and its transmission to the laboratory were not proved (para 4).
Azeem Khan v Mujahid Khan 2016 SCMR 274 ("LHC Upholds Death Penalty," 2018)	Doubted whether DNA reports fell within s 510 Cr.P.C.; the point was left open.
Salman Akram Raja v Government of Punjab 2013 SCMR 203 (Foundation for Fundamental Rights & Reprieve, 2019)	DNA can identify an offender with a high degree of confidence and exonerate the wrongly accused.

From Doubt to "Gold Standard"

There were three decisions that developed this law. Salman Akram Raja agreed that DNA could be used to identify offenders with reliability and clear the wrongly suspected (Salman Akram Raja v. Government of Punjab, 2013), while Azeem Khan doubted whether DNA reports could be said to be within the scope of section 510 Cr.P.C. Ali Haider settled the issue. Justice Syed Mansoor Ali Shah said that the DNA reports were admissible as expert opinion under Articles 59 and 164 of the PFSA, and the DNA reports were “one of the strongest corroborative pieces of evidence". In the case of the trial judge acting as a gatekeeper, he should allow techniques "well established and widely accepted in the scientific community", and evidence that is not properly gathered and preserved should not pass the legal and scientific tests (Ali Haider alias Pappu v. Jameel Hussain, 2021).

It is a progressive judgment, but it borrows its reliability test without specifying who decides what is accepted by the scientific community. The “corroborative” label it retains from the Islamic law debate also encourages courts to accept the DNA evidence as corroboration of witnesses, rather than as evidence whose accuracy and trustworthiness need to be evaluated in the first instance.

Authenticity and Validity

The courts take great care in determining authenticity: recordings are examined carefully by the courts, and unrecorded seizures are assumed to be grounds for doubt in the narcotics cases (Ishtiaq Ahmed Mirza v. Federation of Pakistan, 2019; Zahid Sarfaraz Gill v. The State, 2024). Validity is not so well examined. There is no legislation or precedent that establishes criteria like error rates or accreditation, and a government laboratory report is rarely challenged based on its science, most strongly with DNA and least with firearms, handwriting and polygraph.

A significant amount of volume is being impacted. The second busiest discipline that the PFSA processed in 2022 was firearms and tool mark examination, with 30,818 cases compared to 15,615 DNA cases (PFSA, 2023). Forensic evidence that is most frequently used in murder trials is therefore the most dubious scientific evidence, typically expressed as a categorical match. This would be a very important reliability test.

Digital Evidence

Digital evidence is the most controversial issue of admissibility today. The Electronic Transactions Ordinance 2002 expanded the scope of the QSO to electronic documents, the Investigation for Fair Trial Act 2013 regulates interception, and the Prevention of Electronic Crimes Act 2016 is for cyber offences, which are investigated by a statutory agency established in 2025 (Momand, 2024). There are no technical standards set for imaging, hashing or storing digital exhibits and fewer than 2,300 cases were received by the PFSA's audio-visual and computer units in 2022 (PFSA, 2023).

The Supreme Court has set the bar very high. The scrutiny needed for authentication of the witness Ishtiaq Ahmed Mirza is very strict (Ishtiaq Ahmed Mirza v. Federation of Pakistan, 2019), and it is no longer accepted that photographs or recordings have not been examined by lower courts. There was another growing gap during the ‘audio leaks' litigation in 2024, when the Islamabad High Court ruled that there was no lawfully constituted agency to mark the calls, but this was suspended by the Supreme Court (Ijaz, 2024; Yousafzai, 2024). General exclusionary rule does not exist, and an illegally recorded tape is evaluated for its relevance and authenticity. If authenticity is based on a particular laboratory's conclusion, being explained, then genuine recordings are decried and fabricated ones embraced.

Two Cases

Zainab Ansari (Kasur, 2018)

On 4 January 2018, 7-year-old Zainab was kidnapped from Kasur and was killed five days later. Prior to the PFSA matching her neighbour, Imran Ali, investigators tested roughly 1,150 men in the vicinity, and his profile matched with at least seven other child victims as well ("Murderer, Rapist of Six-Year-Old Girl," 2018; Yasif, 2018). He was put on trial on 13 February 2018 and sentenced to death on 17 February 2018 ("LHC Upholds Death Penalty," 2018) after spending four days in Lahore's central jail and was hanged on 17 October 2018 ("Zainab's Rapist, Murderer," 2018).

The case highlighted what the accredited lab could do, but eclipsed the rapidity of the trial, the popular pressure for execution, and mass sampling without consent or retention rules. On appeal, counsel contended that DNA was treated like a gospel truth and there was no laboratory statement on record ("LHC Upholds Death Penalty," 2018). A confession was also offered in aid of the conviction, but the argument is the difference between a report that is taken as a confession by the person and an analyst whom the defence can test.

Abrar (Supreme Court, January 2026)

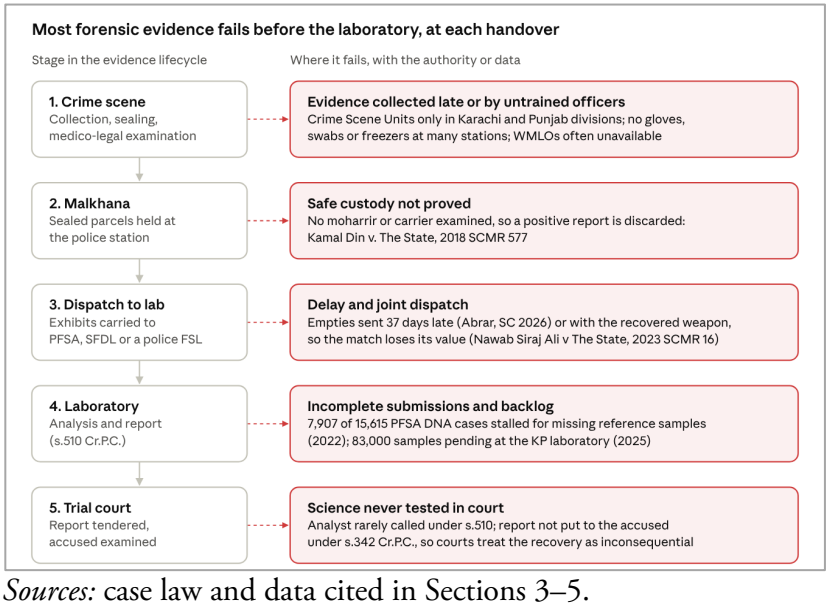
In January 2020, Abrar had been court-martialled for shooting his wife. Ineffective forensic evidence, the absence of an independent witness at the weapon's retrieval, and the time it took for the cartridge cases to reach the forensic laboratory all contributed to the Supreme Court's decision that the evidence was unreliable, and it remanded the case for the sentence to be commuted to life in prison (Associated Press of Pakistan, 2026a). The examination might have been good, but the treatment of the exhibits left no ground for depending upon it.

Reliability: Where Forensic Evidence Fails

The speakers will be examining reliability issues when Forensic Evidence fails. In Pakistan, most of the failures in the forensic chain of command occur before a sample enters the laboratory, and the case law of the apex courts documents the many failures. Figure 2 outlines the process of how evidence moves and the associated missteps.

Figure 2

The Evidence Lifecycle and its Points of Failure



Sources: case law and data cited in Sections 3–5.

Custody: In Kamal Din (2018), it has been held that a positive report is to be ignored if the prosecution fails to prove an exhibit was safely kept in the police malkhana and sent safely to the laboratory. One constant issue is getting the cartridge cases delivered only after a gun was retrieved from the man arrested or the same package, allowing the police to shoot the gun and swap out the casings. The Supreme Court has held that such a report has no value (*Nawab Siraj Ali v. The State*, 2023), and the Sindh High Court has termed the practice was suggestive of foul play (*Majid alias Dodo v. The State*, 2024). In November 2025, two men sentenced to death in Chitral were acquitted by the Supreme Court due to unaccounted-for delays in the presentation of evidence at the laboratory (Associated Press of Pakistan, 2025).

Delay and Collection: Biological samples degrade, but in Sindh samples were often sent overnight to a laboratory, and the journey from the point of collection to the laboratory took several hours (Legal Aid Society, 2023). In the majority of locations away from the major cities, investigating officers typically gather evidence, frequently without gloves, swabs or refrigeration. The other extreme of the problem pointed out by the PFSA is the laboratory that substituted for investigation (Asghar, 2020).

Untested Experts: As the reports are not normally signed by their authors, the authors of the reports are not often present in court; and with 1.8 million cases outstanding in the district courts (LJCP, 2024), very few lawyers are likely to call one to court. Only a "matched" or "fired from" is offered to the court, with no data, error rates or bench notes. As it may be seen from our sample, the courts frequently ignore the report which was not filed on the accused's name under section 342 Cr.P.C.As it may be seen from our sample, the courts often ignore the report which was not filed in the accused's name under section 342 Cr.P.C., and such is the frequency of this act which takes place.

The issue is most pronounced for mixed or degraded samples of DNA, which are frequently found in sexual assault cases. Competent analysts differ in their judgements of the number of sources, in how they attribute alleles, and in the statistical weights. Dror and Hampikian (2011) submitted the mixture from an American gang-rape case to seventeen anonymous analysts with no context, and 12 excluded Dror. The analysts, unaware of the case, rejected Dror as an exclusion, as did only one of the 17 investigators whose names were redacted by Dror and Hampikian after the case was given to them. Contextual information may also influence the examiner (Kassin et al., 2013), and Pakistan has no law to protect analysts from that. A mere report that the accused "matched" conceals all these judgements from the judge and the defence.

Weak Disciplines and Lack of Data: Science is even less solid in the case of outside DNA. US reviews showed that few forensic disciplines have been proven to be truly reliable at identifying a given source (National Research Council, 2009; President's Council of Advisors on Science and Technology, 2016) and invalid forensic testimony was seen in approximately 60 per cent of trial transcriptions in American DNA exoneration cases (Garrett & Neufeld, 2009). Pakistani courts make decisions as per firearms and handwriting opinions without inquiring whether the opinions have been validated or not, and laboratories publish throughput but do not publish error logs or proficiency results, which means nobody can be certain to what extent a report should be trusted.

These failures occur most often at the extremes of the spectrum, at the far end of the road from the lab where the investigating officer is least trained, and where the accused is least able to afford a lawyer who will bring them to the extremes. The custody rule thus shields certain accused and not others from prosecution and even terminates prosecution even when the science was inadequate.

Evidence from the Sindh High Court: Appeals Decided in 2024

This study explored the validity of these patterns in the practice of the High Court of Sindh on the public division bench of Justices Irshad Ali Shah, Shamsuddin Abbasi and Khadim Hussain Tunio on the appellate bench lists for

the year 2024 in order to determine whether they occur in the day-to-day appellate practice. Once that happened, I got twenty-four judgments. Nine were removed because they were not decided on the merits or because there was no forensic evidence to consider. The remaining 15 were coded for the type of forensic evidence used, whether or not the court used them, the rationale and the result. All twenty-four are listed in Appendix A.

In a narcotics case, 14 of the 15 appeals were based on a chemical examiner's report; in one case, it was the ballistics report. The court upheld three convictions and acquitted in twelve cases after rejecting in eleven the forensic evidence with which the trial court had convicted the accused. None questioned the scientific method or the competence of the analyst, but all questioned how the exhibit was handled or how the trial was conducted.

Table 3

Reasons in the Eleven Judgments that Rejected Forensic Evidence. Some Judgments Gave More Than One Reason

Reason given for rejecting the forensic evidence	Judgments
Defective custody record, or link witnesses not examined	6
Unexplained delay, or conflicting dates, in dispatch to the laboratory	5
Report not put to the accused under s 342 Cr.P.C., or the wrong substance put	3
Weight recorded by the laboratory different from weight at seizure	2
Custody witnesses of little value; investigation conducted at the desk	1

In two cases, the laboratory found a smaller quantity of narcotics than when seized by the police, in one case 110 grams less; in another case, the police officers gave different dates to dispatch, almost five months apart; in a fourth case, the malkhana officer had never received the property and the bench ruled that the complainant's investigation of his own case contravened the provisions of Article 10-A of the Appendix A, no. 21 (Appendix A is an abridged version of the constitution). There was no uniformity in dealing with similar custody gaps. A one-day delay in dispatch was fatal in one appeal, as neither the malkhana officer nor the carrier appeared before the court, but was not fatal in another appeal where all the links were examined, and the dispatch was made within the testing rules (72 hours).

In one case, an acquittal was obtained because the malkhana officer was not examined, and in another case, custody was proved by the intact seals. The outcomes are all defensible, but they demonstrate the necessity to have the materiality test outlined in Section 6.3. Four appeals were remanded for retrial due to the violation of Article 10-A during trial; a trial in which the charge was not read over, framed without defence counsel, or examination of witnesses without real cross-examination. In still another, the trial judge documented a five-day dispatch delay and unproved custody and convicted.

It is a sample drawn from three judges' lists, and is skewed by narcotics cases, so it does not reflect court-wide rates. Forensic evidence was lost, however, in a manner that was similar to the rest of this paper, through avoidable mistakes by investigators and trial courts, each a corresponding reform suggested in Section 8. Forensic Evidence and the Fair Trial: Bad forensic practice is a source of injustice in two ways: the guilty can be acquitted while the innocent may be convicted on science that no one has reviewed.

Forensic Evidence and the Fair Trial

Injustice can happen on both sides of the equation when weak forensic science leads to the acquittal of the guilty and the conviction of the innocent on science that no one has scrutinized.

The Accused

The error rate in the first instance is significant. According to a study of 310 cases involving the imposition of capital sentences from 2010 to 2018, the Supreme Court of Pakistan set aside the sentences of death in 78% of these cases and passed acquittal orders in 39% of the cases. While most of these decisions were the result of the courts' findings concerning reliance on the evidence and/or recovery, it is evident from the findings that trial courts tend to accept cases on the basis of very weak evidence. For example, in 2016, the Supreme Court of Pakistan passed an order of acquittal in a case against two brothers, the executions of whom had taken place the year before. The delay further increases the injury caused by the trial process. As of 2024, Pakistan's prisons have a capacity of 65,811 and have a population of 102,026, 73.41% of whom are awaiting trial. One report's delay by a week may increase by one week the amount of time an innocent person spends in jail, as prisons in Pakistan are overcrowded. Additionally, the forensic evidence can be very important in cases where the prosecution has a forensic link that ties the defendant to the crime and cannot be refuted due to the finality of an execution.

The defense has five obstacles in capital cases:

- No disclosure duty. The defense only receives the final report and not bench notes, electropherograms, or any other mixture interpretations or validation studies.
- No independent testing. The defense generally has no right to independent testing. Only a few accredited private laboratories are available to perform independent testing.
- No paid experts. Defense attorneys do not have access to paid experts in order to refute the prosecution's forensic witnesses.
- Section 342 omissions. Most trial courts disregard reports that have not been put to the accused. While this protects the defendant, it demonstrates that trial courts ignore the obvious forensic evidentiary deficiencies.
- No data protection. Mass DNA sampling occurs, such as the 1,150 samples taken in Kasur, and there are Punjab forensic DNA databases that contain more than 48,000 profiles that operate without any law on consent, retention or the deletion of profiles of people who are cleared.

Victims

The opposite for the victim is failure. The national rate of rape conviction is approximately 0.5 per cent, which means that the 2016 and 2021 reforms have not reached most survivors (SSDO, 2025). In one evaluation, only 17% of a total of over 9,000 sexual offences registered were referred to the Anti-Rape Crisis Cells (Accountability Lab Pakistan, n.d.), and there is a lack of women medico-legal officers that continues to delay victim exams, where survivors await in the clothes that contain the evidence of sexual assault. The average time taken for rape cases under Legal Aid Society and investigations (1.6 months) against the 15-day limit resulted in more pressure to drop or settle the case the longer the time period (Legal Aid Society, 2023).

While the accused is the focus of Article 10-A, Articles 4, 9 and 25 provide victims with a right to an effective investigation. But the forensic labs operate in Home Departments that also run the police force, investigate not the court, and victims and accused are unable to get timely access to the forensic lab product. A fair-trial system should guarantee equality of arms to both.

The Counter Argument

The opposite for the victim is failure. The national rate of rape conviction is approximately 0.5 per cent, which means that the 2016 and 2021 reforms have not reached most survivors (SSDO, 2025). In one evaluation, only 17% of a total of over 9,000 sexual offences registered were referred to the Anti-Rape Crisis Cells (Accountability Lab Pakistan,

n.d.), and there is a lack of women medico-legal officers that continues to delay victim exams, where survivors await in the clothes that contain the evidence of sexual assault. The average time taken for rape cases under Legal Aid Society and investigations (1.6 months) against 15 days limit resulted in more pressure to drop or settle the case the longer the time period (Legal Aid Society, 2023).

While the accused is the focus of Article 10-A, Articles 4, 9 and 25 provide victims with a right to an effective investigation. But the forensic labs operate in Home Departments that also run the police force, investigate not the court, and victims and accused are unable to get timely access to the forensic lab product. A fair-trial system should guarantee equality of arms to both.

Comparative Lessons

The same tension has occurred in other common-law systems, and they have dealt with it by way of judicial tests, regulation and defence rights.

Table 4

Comparative Approaches

Jurisdiction	Approach	Relevance for Pakistan
United States	Under *Daubert v Merrell Dow Pharmaceuticals* [63] and Federal Rule of Evidence 702, the judge must be satisfied that a method has been tested, peer-reviewed and has a known error rate, and that it was reliably applied.	Gatekeeping requires concrete criteria, and reliability should be decided before evidence is weighed.
England and Wales	The Forensic Science Regulator Act 2021 gave the Regulator statutory powers; a statutory Code of Practice came into force on 2 October 2023 and requires accreditation for most regulated activities [64]. The Law Commission had earlier proposed a statutory reliability test; it was not enacted, but its factors were adopted in the Criminal Practice Directions [65].	An independent regulator outside the police hierarchy is achievable in a common-law system.
India	Section 176(3) of the Bharatiya Nagarik Suraksha Sanhita 2023 requires a forensic expert to attend the scene of any offence punishable with seven years or more and the collection to be video-recorded, from dates notified by each state [66]; a DNA regulation bill was withdrawn in 2023 [67].	Mandatory attendance of experts at serious crime scenes is a useful model; unregulated DNA databases are a warning.
European Court of Human Rights	Article 6 requires equality of arms; in *Mantovanelli v France* the trial was unfair because a party could not comment effectively on an expert's work [68].	Fairness requires a real opportunity to challenge expert evidence, not only to hear its conclusion.

Similar systems make reliability a question for the judge; best reforms have led to the separation of forensic regulation from the police; and fairness has been achieved more by disclosure than by exclusion, and by the defence's capacity to challenge the science. The written reliability criteria are the more significant when the judges in Pakistan serve as gatekeeper and finder of fact.

None of these models can be replicated in full: Pakistan doesn't have the accreditation infrastructure that backs the English model, while India's history and experience show that the need for mandatory attendance of scenes greatly exceeds the capacity of laboratories unless funds are raised.

Recommendations and Conclusion

Pakistan needs no more permission with regard to the utilization of forensic evidence. It requires rules that guarantee the trustworthiness of evidence, that render it contestable.

Legislature: Parliament should enact a reliability standard, thereby amending Article 59 of the QSO or be amended by adding an Article 164-A, which obliges the court to be satisfied that the method is validated, that it has a known or estimable error rate, that it has been applied in compliance with written standards, and that it has been applied correctly. It should include all the accredited government forensic scientists under the provisions of section 510 of Cr.P.C as suggested by Ali Haider (2021), and it should also provide defence with a right to call the analyst on written notice. It should enact a DNA and biometric data law, set up an independent National Forensic Science Regulator (NFSR), not within the police chain, which will approve codes of practice, will have to be ISO/IEC 17025 accredited, conduct proficiency tests and publish error and turnaround statistics.

Judiciary: The Supreme Court and the Law and Justice Commission should issue a practice direction on reliability factors and minimum contents of a forensic report: Method, limitations, statistical weight and chain of custody. Judicial academies should conduct training on forensic science for judges, and trial courts should include a finding on materiality on the use of forensic evidence.

Police and prosecution: Each district should have an evidence officer whose job is to immediately (within 24 to 72 hours) have dispatch seal the evidence log and electronically log it, so that cartridge cases and weapons are not sent together. Samples containing DNA should always be accompanied by reference samples. The Crime Scene Units should be expanded outside of Karachi and divisional centres of Punjab and Anti-Rape Crisis Cells should have female medico-legal officers on duty 24 hours a day.

Defence (as well as legal aid): The full lab file should be made available upon request and samples should be set aside for independent analysis and forensic consultants should be paid for via the provincial legal aid system. University laboratories such as the Sindh Forensic DNA and Serology Laboratory could be accredited to test for the defence.

Table 5

Reform Priorities

Reform	Responsible body	Priority	Timeline
Evidence officer; dispatch within 24–72 hours, logged electronically	Provincial police, Home Departments	High	0–12 months
Reference samples required with every DNA request	Police; laboratories	High	0–6 months
Practice direction on expert evidence and report contents	Supreme Court; Law and Justice Commission	High	0–12 months
Defence right to call the analyst on notice; disclosure of laboratory file	Parliament (s 510 Cr.P.C.); courts	High	12–24 months
Women medico-legal officers available at all hours in Anti-Rape Crisis Cells	Provincial Health Departments	High	0–18 months
Judicial training in forensic science	Judicial academies	Medium	Ongoing
Crime Scene Units in every division; staffed laboratories in KP and Balochistan	Provincial governments	Medium	1–5 years
Statutory reliability standard; DNA and biometric data law	Parliament	Medium	2–3 years
National Forensic Science Regulator	Federal Government and provinces	Long-term	3–5 years
Funded defence experts and independent testing	Legal aid authorities; universities	Long-term	3–5 years

The order has been carefully selected. The high priority measures should be rules and administrative orders, and focus on the areas of failure identified by the data as being most widespread: missing reference samples, delayed dispatch, weak custody, and untested reports. The long term measures tackle the structural problem discussed in Section 6, which is that forensic science in Pakistan has a police orientation and not a court orientation.

Conclusion

The impact of forensic science on criminal law in Pakistan has already been profound: the Supreme Court makes DNA the gold standard; and the Anti-Rape Act bases the investigation of sexual offences on the forensic collection. Nevertheless, convictions for offences heavily dependent on forensic evidence is close to zero, the capacity rests in Punjab, half of DNA cases languish due to lack of a DNA reference sample, custody failures are a common occurrence and three out of four prisoners await trial. The handling of the forensic evidence, and not its science, led to its failure on appeal in the Sindh High Court study. This paper's main premise is that the rules about "admissibility" have surpassed the ability to make sure they are reliable. Down with the regulations and opposing authorities of science! Pakistani legislation has opened up the courtroom for science, but has not created the regulatory and adversarial frameworks that make science trustworthy. A victim loses when there is no evidence or it's delayed, and an accused loses when untested reports are accepted as gospel. Article 10-A states that the evidence must be reliable, open to challenge and timely. Independent regulation, a statutory reliability standard, disclosure and defence access to experts could provide a bulwark of accuracy, not another source of error, with forensic evidence.

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Appendix A. Sindh High Court criminal appeals decided in 2024 (sample for Section 5.1)

No.	Case	Decided	Forensic evidence	Treatment by the High Court	Outcome
1	*Rajab Ali v The State*, Cr A 246/2022 (Karachi)	16 Aug 2024	Chemical examiner	Not examined; appeal not pressed	Excluded
2	*Tufail Ahmed v The State*, Cr A D-13/2024 (Larkana)	2 Jul 2024	Ballistics	Discounted: custody witnesses of little value; desk investigation	Acquitted
3	*Rizwan v The State*, Cr A 388/2024 (Karachi)	7 Aug 2024	Chemical examiner	Discounted: 108 g seized v 105 g tested; wrong substance put under s 342	Acquitted
4	*Ghulam Murtaza v The State*, Cr A D-26/2024 (Larkana)	30 Jul 2024	Chemical examiner	Discounted: dispatch on third day unexplained; 1,100 g seized v 990 g tested	Acquitted
5	*Kamran Shah v The State*, Cr A 485/2024 (Karachi)	5 Sep 2024	Chemical examiner	Discounted: safe custody and transmission not proved; register irregular	Acquitted
6	*Muhammad Ibrahim v The State*, Cr A 195/2024 (Karachi)	3 Sep 2024	Chemical examiner	Not addressed; acquittal on inconsistent police evidence	Acquitted
7	*Faheem Hassan v The State*, Cr A D-20/2024 (Larkana)	10 Jul 2024	Chemical examiner	Discounted: undated malkhana entry; conflicting dispatch dates	Acquitted
8	*State/ANF v Iftikhar Ahmed*, Cr A 542/2017 (Karachi)	23 Aug 2024	—	Sentencing appeal by the State	Excluded
9	*Oghan v The State*, Cr A D-17/2023 (Larkana)	9 Jul 2024	Chemical examiner	Discounted: dispatch dates 21 Jun and 8 Nov 2022; report not put under s 342	Acquitted
10	*Bijar v The State*, Cr A D-16/2023 (Larkana)	9 Jul 2024	Chemical examiner	Discounted: dispatch on third day unexplained; report not put under s 342	Acquitted
11	*Parvez Khan v The State*, Cr A D-29/2020 (Hyderabad), 2024 SHC HYD 340	31 Jan 2024	Chemical examiner	Relied on: custody proved; report met protocol	Conviction upheld
12	*Rahim Bux Soomro v The State*, Cr Acc A D-138/2017 (Hyderabad), 2024 SHC HYD 654	20 Mar 2024	None	Accountability case	Excluded
13	*Ghulam Nabi Jatoi v The State*, Cr A D-23/2024 (Larkana)	22 May 2024	Chemical examiner	Not examined; appeal not pressed (trial court had noted five-day delay)	Excluded
14	*Waheed Ali v The State*, Cr A D-22/2024 (Larkana)	22 May 2024	Chemical examiner	Not examined; remanded for resentencing	Excluded
15	*Meer Zaman v The State*, Cr A 409/2023 (Karachi), 2024 SHC KHI 1267	28 Mar 2024	Chemical examiner	Relied on: every link examined; one-day interval within 72 hours	Conviction upheld

No.	Case	Decided	Forensic evidence	Treatment by the High Court	Outcome
16	*Noor Ali v The State*, Cr A 320/2023 (Karachi)	15 Jan 2024	Chemical examiner	Not examined; charge not read over (Art 10-A)	Excluded
17	*Mangal Das Arwani v The State*, Cr A 805/2022 and connected appeals (Karachi)	5 Mar 2024	None	Witness not cross-examined (bank fraud)	Excluded
18	*Zohaib Ali Samo v The State*, Cr A 175/2023 (Karachi)	24 Jan 2024	Chemical examiner	Discounted: malkhana officer and carrier not examined; one-day gap unexplained	Acquitted
19	*Noor Muhammad v The State*, Cr A 604/2023 (Karachi), 2024 SHC KHI 1361	1 Apr 2024	Chemical examiner	Discounted: chain of custody unexplained; malkhana officer not examined	Acquitted
20	*Uzair v The State*, Cr A 466/2022 (Karachi)	30 Jan 2024	Chemical examiner	Relied on: custody proved by matching descriptions and intact seals	Conviction upheld
21	*Rameez Arshad v The State*, Cr A 521/2022 (Karachi), 2024 SHC KHI 1486	16 Apr 2024	Chemical examiner	Discounted: malkhana officer never received property; register entry missing	Acquitted
22	*Maqsood Ahmed v The State*, Cr A 563/2022 (Karachi)	7 Mar 2024	Chemical examiner	Discounted: no evidence of deposit in malkhana	Acquitted
23	*Murad Bakhsh v The State*, Cr A 19/2022 (Karachi), 2024 SHC KHI 689	1 Feb 2024	Chemical examiner	Not examined; charge framed without defence counsel (Art 10-A)	Excluded
24	*Ali Aziz v The State*, Cr A 66/2022 (Karachi)	14 Mar 2024	Chemical examiner	Not examined; witnesses examined without real cross-examination (Art 10-A)	Excluded

Source: Sindh High Court case-law portal [59], division-bench criminal appeal lists of Justices Irshad Ali Shah, Shamsuddin Abbasi and Khadim Hussain Tunio, accessed November 2026. Connected appeals decided by one judgment are counted once.