A BRIEF HISTORY OF PENAL CULTURE IN PAKISTAN: INTERPLAY OF TRADITION AND MODERNITY

Abstract

This essay deals with the historical developments in the penal culture of Pakistan. The description of the tribal culture, the indigenous model of penal culture, its transformation and its clash with modern penal culture is an important part of this text. The Islamic model of justice and its interplay with the indigenous and cosmopolitan model of justice is another dimension of the penal culture of Pakistan. In addition, the interplay between tradition and modernity is a dominant debate in this essay.

1 Dr. Muhammad Zaman is a Post-doctoral Fellow (Erasmus Mundus-Lot 11) at the European Centre for Penological Studies, University of Warsaw. He can be reached at: zaman@uni-leipzig.de
1. Introduction

Penal culture refers to the ideology and practices which range from physical punishment to penalties (including sanctions or financial payments) and, more recently, warnings. This also includes the correction, rehabilitation and re-socialization of the criminal. Penal culture also includes the penal institutions which are necessary organs for providing protection, conviction, social justice and correction services. Penal culture has been much debated in different parts of the world (Strange 2001). However, there is dearth of literature on Pakistani penal culture.

Since independence in 1947, Pakistan’s contemporary history has had a diverse penal culture. Its inherited indigenous model of justice, Islamic jurisprudence and the cosmopolitan model of justice (mainly a result of colonization), at some level, co-exist in Pakistan. These are opposite models that nevertheless work in parallel to each other. This essay focuses on these penal traditions and their interplay.

According to the history of penal cultures the European model of penal culture, which is based on the “utilitarian” model of Bentham and other jurists, was successful (Watts, Bessant and Hil 2008) in Europe. This model was indigenously developed through an evolutionary process. It constituted a new dimension of modernity in the West. It promoted the modern values of penal culture: re-socialization, re-integration, rehabilitation and reformation. However, many eastern countries or their colonial rulers tried to follow this model and implement it, exporting from the West from the eighteenth century onwards. Some societies internalized this model successfully, other remain on the edge of alienation. They are still running their indigenous system, in parallel with the cosmopolitan model. These societies are attached to their tribal and religious traditions. Many of these penal traditions, although contradictory, exist in parallel.

What are the reasons for different models of penal culture to co-exist? This essay deals with the penal culture and the phenomenon of co-existence of different legal traditions in Pakistan and their interplay. This essay aims to provide an understanding of the different traditions in the context of a complex society like Pakistan. It will help to understand the contemporary problems of the many developing
countries which share the common historical legacy. The essay also examines the nature of the penal culture.

I provide a general, but brief description of the problem relating to the various penal cultures that exists in Pakistan. This description includes the indigenous, Islamic and cosmopolitan models of justice and comparisons within the given culture and social conditions.

2. Historical Roots Before the Establishment of Pakistan

The historical roots of the contemporary penal culture of Pakistan are deep rooted. They are centuries old and diverse in nature across different regions. However, an attempt is made here to outline some of the prominent traditions of the legal culture in the area where Pakistan is now situated. The roots of such penal traditions can be found across the border to West and to the East of the country (including India, Bangladesh and Afghanistan).

2.1. Indigenous Model of Penal Culture

The indigenous model of penal culture focuses on collectively rather than on individuality. It does not give any importance to the individual but rather focuses on collective action and the sense of collective responsibility. The basic objective behind the indigenous penal culture was to maintain the authority, power and property (Freitag 1991: 227). It was less concerned with justice and more with government and maintaining law and order. This model does not embrace the notion of equality of individuals as it is based on the Hindu caste system. The hierarchy of caste is more important than social justice. Only local juries have been maintaining law and order at the community level for centuries. There is no centralized system of justice or any formal written laws to be implemented by society. The indigenous model of justice is limited to arbitration and property damages.

The indigenous penal model is embedded in the local jury system called punjait in Punjab, jirga in Khyber Pakhtunkhwa, Baluchistan and Sindh. Perhaps somewhat similar systems exist in India, Afghanistan and Bangladesh under different names. Punjait and jirga are responsible for settling issues in an informal manner (Ahmad 1973, Yousufzai
and Gohar 2005 and Taizi 2007). The local jury is composed of respectable or so-called noble men of the area. There may be 3–5 individuals who will sit in a public place or visit the accused or victim’s family’s house. The jury usually listens to the concerned parties involved in the crime and decides the case on the basis of their wisdom. Although this system is centuries old, it can still be observed today in pockets in different regions, particularly the rural and tribal areas of South Asia.

During the Mughal era, qazi (local judges) in urban localities and zamindars (landlords) in villages were responsible for ensuring justice in their respective territories. The Mughal Empire promoted the qazi courts based on the Arabic and Persian models. However, such courts were only of importance for the state affairs and to the Muslim masses rather than other religions. The other religions (Hinduism and Buddhism) continued their own traditions of penal culture. The local qazi courts and local jury system was the cheapest, fastest and easiest way to settle problems at the local level.

There are two views about this system. One, it is cheap and workable system and it facilitates to the people. The jury is cheap and approachable as compare to the cosmopolitan model. However, the second point of view is that the model is based on the “tit for tat” system. It does not give importance to human values. In modern times, this culture seems outdated because it contains no respect for human rights and humanity. There have been a number of complaints about the violation of human rights in the region due to the indigenous model of justice, which have been publicized in the local and international media.

2.2. Islamic Model of Penal Culture

The crux of the Islamic legal culture is to implement the divine laws formulated according to the Quran’s interpretation. This model of justice implements Islamic shariah. The rules are, as it is claimed, according to human nature. The basic purpose of the Islamic law is to promote an environment which is “crime free”, rather than the

---

2 See for instance, Mukhtara Mai’s case, a victim of rape as a result of this tradition. Available online: [http://news.bbc.co.uk/2/hi/4620065.stm](http://news.bbc.co.uk/2/hi/4620065.stm)
correction or re-socialization of the criminal. It implements physical penalty including corporal punishment.

The Islamic mode of justice, with local cultural flavours, has its roots in Arabic Islamic culture. Islamic jurisprudence came into force during the Muslim rule in South Asia (Pakistan, India and Bangladesh). However, the British colonial rulers abolished this model almost completely, with the exception of the Muslim Personal laws, which were later renamed later the Muslim Family Laws. This model of justice has a long tradition and religious affiliation in Muslim countries in general and Pakistan in particular. However, this model has never been implemented completely in Pakistan, though elements of this form of legislation can be found in the contemporary legislation of Pakistan. Pakistan’s legal culture has been more influenced by the cosmopolitan penal culture than it has by Islamic jurisprudence. This influence can be seen in every sphere of the state affairs.

2.3. Cosmopolitan Model of Penal Culture

The cosmopolitan model of law or the western model (primarily coming into force during the colonization of South Asia) was introduced between the 18th and 19th century onwards. It was based on the “utilitarian” model of justice as proposed by Bentham and his followers (Watts, Bessant and Hil 2008: 37, Wollhuter, Olley and Denham 2009 and Lacey 2008). This cosmopolitan model was introduced in British South Asia and also many other colonies in Asia and Africa.

The British implemented the Muslim and Hindu personal laws (family law) along with those of other communities in order to regulate the system from the 19th Century. They adopted rules to regulate marriage, family and children issues.

Besides the family and marriage rules, they strictly implemented the penal code. For instance, the Indian Penal Code (IPC) 1860 is an example of cosmopolitan legal culture. It was drafted in 1837 and the legislative assembly passed it in 1860. IPC was implemented in 1862. This penal code remains an important source (perhaps the only) in the current penal culture of Pakistan. The cosmopolitan legal system was an important source for the contemporary penal culture of the newly established state Pakistan in 1947.
3. Characteristics of the Penal Culture

Pakistan adopted the IPC 1860 soon after its independence in 1947 as its new code for criminal procedures. It is now called the Pakistan Penal Code 1860 (PPC) and a lot of amendments have been introduced to it. Nowadays, PPC 1860 is a mixture of Islamic and English laws. PPC 1860 covers almost every aspect of criminal law in contemporary Pakistan. It has been amended many times after the independence and laws relating to Islam or Islamic legal provisions have been added to the code. For instance, chapter three of the PPC 1860 gives examples of punishment. Article 53 introduces physical punishment as well as fines. The PPC introduces corporal punishment for property damage and gives an illustration of the penalty. PPC 1860 has the following characteristics:

3.1. Amalgamation of Islamic and Cosmopolitan Legal Traditions

It is generally perceived in the West that PPC 1860 is the imposition of Islamic legal culture. However, it is a mixture of British criminal laws and Islamic penal interpretations. For instance, article 375 of the PPC 1860 describes rape while article 376 provides for its punishment. According to article 375:

“A man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions,
(i) against her will.
(ii) without her consent
(iii) with her consent, when the consent has been obtained by putting her in fear of death or of hurt,
(iv) with her consent, when the man knows that he is not married to her and that the consent is given because she believes that the man is another person to whom she is or believes herself to be married; or
(v) With or without her consent when she is under sixteen years of age.
Explanation: Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

376. Punishment for rape
(1) Whoever commits rape shall be punished with death or imprisonment of either description for a term which shall not be less than ten years or more, than twenty-five years and shall also be liable to fine.
(2) When rape is committed by two or more persons in furtherance of common intention of all, each of such persons shall be punished with death or imprisonment for life”.

This article was replaced with “The Offence of Zina (Enforcement of Hudood) Ordinance, 1979”. According to this ordinance, any kind of sexual intercourse (wilfully or by force) is considered as Zina (rape). It is punishable by law as per the Islamic principle of stoning to death or punishment with whip, in the case of the accused man and women being unmarried. However, between 1979 and 2006, no such punishment has been handed out under this law (Usmani 2008). Meanwhile, this piece of legislation is repelled with the latest legislation of Women’s Protection Bill 2006.

Another example is theft. According to Article 378:

“Whoever, intending to take dishonestly any movable property out of the possession of any person without that person’s consent, moves that property in order to such taking, is said to commit theft.”

Article 379 describes the punishment for theft.

“Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

However, this article is contradictory to Islamic laws. For example, according to Quran:

“[As for] the thief, the male and the female, amputate their hands in recompense for what they earned [i.e. committed] as a deterrent [punishment] from Allaah. And Allaah is Exalted in Might and Wise.” (Quran 5: 38). Similarly to this, Prophet Muhammad said: “The hand (of the thief) should be cut off for (the theft of) a quarter of a Dinar or more.” (Al-Bukhaari).

This kind of penalty is not mentioned in Pakistani law and not a single person has been sentenced any kind of such corporal punishment. It is arguable that Pakistani laws only represent the Islamic tradition, as in fact they are a mixture of both Islamic and British cosmopolitan laws. The idea that Pakistani law is Muslim law is a political slogan which does not reflect the complete reality. Empirically,  

3 See: http://www.islamweb.net/emainpage/index.php?page=essays&id=136791
Muhammad Zaman

Pakistani law is an amalgamation of British and Islamic law and also a symbol of legal pluralism.

3.2. Legal Pluralism

Pakistani penal culture is an example of legal pluralism. It represents the indigenous traditions (for instance see the arbitrary council in the Muslim Family Laws Ordinance 1961). It also gives importance to Islamic legislation: for example, religions other than Islam are exempted from Islamic penalties in Pakistan. Christian, Hindus and other minorities follow their own religious tradition according to the personal laws.

Additionally, under international conventions, Pakistan is responsible for protecting human rights. Some international conventions are even contradictory to local laws and legislation and customary practices (Siraj 2010). However, Pakistan is striving to maintain legal plurality. Despite the fact that legal traditions are diverse in nature in Pakistan, it also has centralized system of institutions. These centralized institutions are predominantly a result of colonial legacy.

4. Penal Institutions: Cosmopolitanism

Penal institutions such as the judiciary, police and prison are the intuitions that the British exported to Pakistan. The role of these penal institutions is an important attribute of the current penal culture of Pakistan.

4.1. Judicial System

Pakistan inherited its judicial system from the British Colonial rulers on the sub-continent. Under the Government of India Act 1935, which is a piece of legislation designed and implemented by the British Parliament, Pakistan established its first Federal Court in 1947. This legislation was adopted by Pakistan in 1947 and it even survived until the 1956 and 1962 constitutions were adopted. After the promulgation of these new constitutions (once in 1956 and then 1962), the federal court was retained. However, with its constitution of
1973, Pakistan adopted a federal parliamentary system. In this system, the Supreme Court of Pakistan was established under Article 176 to 191. Articles 176 to 191 of the constitution deal with the establishment of the court, its composition, rules, and jurisdiction.

At the provincial level, High Courts are established in line with the constitution of Pakistan. At the district level, session courts and district courts were established under the constitution of 1973 in Pakistan.

Pakistan judiciary has lived through a number of evolutionary phases. Between 1947 and 2009, it was dependent upon the executive (government). As a result of mass demonstrations and judicial activism from 2007 onwards, the judiciary ultimately obtained, to a great extent its independence. It also received a kind of financial autonomy. However, some critics still believe that the Pakistani judiciary is in a transitional period and still in process to becoming fully independent.

4.2. Policing System

Similarly, the police system was also inherited from the colonial period. Police in South Asia was introduced in 1861 in order to control the masses. This continued up until the independence of the country. No efforts were made to update the policing system in the newly established state of Pakistan between 1947 and 2001 as a result of political upheavals and many internal as well as external interventions.

The role of the police during the colonial era was to control the masses rather than to serve them. The police was powerful, just like their masters, and managed to maintain control over a long period of time, before and after the establishment of Pakistan. The police was an instrument of execution, torture and rule in South Asia. For a long time the police had unlimited powers, and such a policing system still co-exists in Pakistan.

In 2002, the military Government decided to change the police structure in order to achieve modern standards and give control to the district governments. The police reforms of 2002 as ordered by the president were a step in this direction. According to the Police Ordinance 2002, “community policing” was introduced (Suddle 2003). The district government was responsible for maintaining the police.
The idea was turn the police into a public servant rather than allow it to remain its own masters.

However until now, there have been no repercussions on the psychology of the police. The police in Pakistan still treat the people in the same way as it did many centuries ago. They beat, torture and abuse the accused person. Additionally, there are high levels of corruption, nepotism, favouritism, and mismanagement among the ranks of the police. Nothing has improved with the new piece of legislation. Indeed, the police are cruel with the common man and play in the hands of the ruling elite, powerful individuals and bureaucracy. The Pakistani state will have to do a lot to bring positive changes to the police structure and its culture.

4.3. Prison System

As with other institutions in Pakistan, the British regime promulgated laws in 18th and 19th century establishing the prison system in South Asia. The government of British India promulgated the Prisons Act in 1894. The government introduced certain amendments in the Prisoners Act 1900. The British introduced schools for juvenile delinquents under The Reformatory Schools Act 1897. The government also introduced the borstal jails in Punjab under The Punjab Borstal Act 1926.

The British government introduces probation in 1926 under the Good Conduct Prisoners Probational Release Act 1926. Before this, the idea of releasing prisoners on probation did not exist. The adoption of the cosmopolitan prison system was a kind of shift from the previous notion of prison in the history of the South Asia: from authority, power and property preservation to the rehabilitation of prisoners. Pakistan introduced reforms on the previous legislation in the 1960s. A first change in the prison system was introduced by the military regime under the West Pakistan Maintenance of Public Ordinance 1960. Another similar piece of legislation was introduced the following year, the Probation of Offenders Rules 1961.

During the period of so called Islamization, Zia’s regime introduced the Execution of the Punishment of Whipping Ordinance 1979. This was specifically design to implement the Zina and Hadood Ordinance 1979.
Currently, the country has 80 jails with a capacity of 35,365 prisoners. However, there are 81,550 prisoners, which is more than double the capacity\(^4\). The plight of the prisoner is miserable. Those who are involved in minor crimes become professional criminals after coming out of prison (Tariq 2010): re-socialization or re-integration do not exist. In its current state, the jail system actually trains and recruits criminals.

5. Characteristics and Analysis of the Penal Culture: Interplay of Tradition and Modernity

This paper will now highlight some of the dominant characteristics of the penal culture, including the organizational behaviour of the penal institutions in Pakistan.

5.1. VIP Culture: Quest for Status-quo

A dominant characteristic of the Pakistani penal culture is the Very Important Person (VIP) culture. The penal culture is supportive of the privileged classes rather than of the common masses. Although this is not set in the legal norms of the country, this culture prevails in practice. It is believed, in general, that if a person is influential (civil military bureaucracy, judges, parliamentarian/politician, businessmen and landlords) or a foreigner he/she can escape criminal conviction. The laws are stricter for the common man than they are for the VIP classes. For instance, if a person is from a privileged class, he/she may get exemption through parole and probation rules. However, the common man has no access to this kind of legal provisions as a result of corruption. The common masses are even unaware of the existence of such legal norms due to illiteracy and poverty.

In addition, it is becoming customary for influential individuals to break the law as a show of power. For an example, the current interior minister (Zulifqar Mirza) from the Sindh province claimed on record

that he is a *badmaash* (gangster/crook—who does not care for the law) and that he will treat (his servants) like a *badmaash*. The video can be seen on the popular website YouTube\(^5\). It is claimed that the higher the position a person has in society, the higher the chances are that he/she will violate the rules. This form of deviancy is considered as fashionable and high-class in Pakistan.

This scenario illustrates that there is a certain “hunger for status-quo”. It is maintained by hook or by crook. The higher officials are involved with the high crime or they promote such crime for the personal benefit or to show off the others that how they are influential and above the law-like king/queen as it was during the colonial regime. Such kind of behaviour is not only visible in the individual behaviour (among criminals or the official to prevent them) rather it is also visible in the organizational behaviour (in police for instance). Such behaviour started to develop during the colonial regime. The British considered themselves above the rules and laws of the land. This is still the case in modern Pakistan.

### 5.2. Political Hegemony: Mental Poverty

In some cases, the political culture of a country encourages the people to ignore the legal norms. I refer to this as mental poverty of the individual. If a person is of high status and he/she has authority upon others, he/she is considered as a so-called “noble” (Nawab, Chaudhry, Malik, Sardar etc.). “Noble” individuals are often members of the elite classes. They consider themselves as being above the law. One example is that of Zulifiqar Mirza, which I referred to in an above case. He believes the other social classes are at his service. However, such kind of mental poverty is mostly limited to a few individuals who represent a minority in Pakistan. The majority of citizens are law abiding and believe in the rule of law.

### 5.3. Institutional Role: Role Strain

The penal institutions are responsible for promoting the rule of law and maintaining state affairs. They investigate, de-

\(^{5}\text{See } \text{http://www.youtube.com/watch?v=YbUEIwzYOdM}
liver justice and confine those found guilty to prison. This is their prime aim as mentioned in the constitution and they are necessary for the implementation of state rules and regulations.

However, in reality things are different. The institutions are there to protect the elite or privileged classes rather than the common masses. Corruption, nepotism, political hegemony, laziness and irregularities are common characteristics of the penal culture of the country. They (state officials) do not perform their due role in state affairs and maintain the status-quo in Pakistan the role strain in the penal institutions’ ranks.

5.4. The Penal Institutions: Symbol of Corruption

The current government of Pakistan has been charged with corruption. Furthermore, the law enforcement agencies (police and prison) are perceived as the most corrupt departments in Pakistan. According to Transparency International Pakistan (2010: 6), the police has been one of the most corrupt departments for the past 8 years. The police has maintained this position of corruption between 2002 to 2010. There were no efforts at the federal level to overcome the problem. However, one province showed a strong commitment toward overcoming the problem, but was unable to control police corruption (Transparency International Pakistan 2010). The judicial institution lies not far behind the police. The lower judiciary ranks 6th in corruption according to the Transparency International Pakistan report (2010: 7). Nonetheless, current penal institutions are the symbol of corruption.

The institution (police) which is responsible for providing safety, protection and maintaining law and order is the symbol of corruption. The common masses either avoid seeking help from the police or have to face accusations and false reports on behalf of the police.

If a person tries to approach the judiciary, judicial corruption (at the lower level) is another big issue. The lower judicial staff feel that they have the “right” to receive money as bribery as a result of their low wages. It is hard for them to maintain their standard of life on such
a low pay. Lawyers’ fees, on the other hand, are high, and the average person cannot afford them due to economic deprivation. Thus, only a limited number of people are able to approach the state-run courts and police.

If a person receives a penalty and goes to prison, he/she will be in trouble there. The family or relatives will have to pay bribery in order to visit the person in prison. Ideally, this institution should rehabilitate and re-socializes the criminal. However, in fact it does nothing but the opposite. In prison, a criminal is trained to commit more crimes in the future.

In order to achieve justice or perceived justice, the only path remaining is to turn to traditions. The common masses, especially in rural areas, go to the punjait or jirga in order to seek help. In some cases and regions, this institution helps the people. However, in other cases, there they have to face the human rights violation. The common man cannot escape the vicious cycle of problems. The penal institutions have a bad reputation among the masses. The common man in Pakistan sees the penal institutions as a symbol of corruption.

5.5. Judicial Movement in Pakistan: Separation of Powers

Everything which has been mentioned above reflects a difficult situation. However, there is hope for a better future for Pakistan’s penal culture. For example, the judicial movement which started in 2007 has achieved some of its goal in 2009, and has improved the culture of the judiciary at higher level. The higher courts in Pakistan gained independence from the government due to the judicial movement. They are free, independent and credible in the eyes of the people as a result of the movement. Before this, the judiciary was to some extent part of the executive or government, thus performing multiple duties. It was inclined towards accepting the authority of the executive. However, the popular movement for judiciary turned the tale. Consequently, Pakistan’s current judicial institution is close to the notion of the separation of powers. It is the begging towards the modern Pakistani penal culture.
5.6. Motorway Police: A Road to Modernity and the Development of Modern Penal Culture

Similarly, in the 1990s, the coalition government led by Nawaz Sharif introduced a successful model of policing in Pakistan to regulate the newly developed motorway and to control the highway crime. This police force is modern, updated, free from corruption, nepotism, and ill treatment, and are seen as the guards of a modern society. This police system is publicly owned. It is rated as one of the best indigenized institutions in Pakistan. Why is the motorway police a successful model? It was developed solely to serve the people, control the crime and maintain law and order along the highway. On the other hand, the traditional police was developed in order to preserve the colonial legacy. Both performed well in their domain. The second police (motorway police) has a good reputation, while the traditional is corrupt.

5.7. Cosmopolitanism versus Indigenization: Constrain to Modernity

Why does such a situation prevail in the criminal culture of Pakistan? There are different interpretations of the situation in Pakistan. Some of these interpretations are explained below.

One interpretation is the historical path of deviancy. When the British developed these (police, judiciary and prison) institutions, the people resisted. They were used to a lifestyle based on freedom and traditional tribal culture without any formal regulation. They perceived the British government as the usurper and felt proud to violate the British designed law and order. A number of folk stories can be quoted in favour of this claim. The Dacoits looted state property and then distributed it among the people in order to gain their sympathy during the British Empire. Their courageous stories were told from one region to another. The young generation adopted such stories. They turned into a role model and followed its path. This became a symbolic trait of the newly established state of Pakistan after 1947. Neither the police changed their tactic, nor were the masses convinced to change their behaviour. As
a result, this trait became the dominant in the Pakistani penal culture.

A second interpretation is the “tit for tat” phenomenon that again has been inherited from traditions. People feel that their culture, language and traditions were neglected by the British regime. The British imposed their value system on the local population. The imposition of the penal culture was based on British traditions. The locals thus took revenge by violating it. The revenge-taking tradition, or notion of tit for tat, is strong in traditional societies. As a result, the modern penal culture could not develop.

A third perspective is that the majority of the masses is illiterate, and therefore unable to understand crime, its nature and the legal procedures because these are cosmopolitan notions. Furthermore, they are poor and cannot afford the penal procedures which are costly. They remain outsiders to the cosmopolitan penal culture. However, they are familiar with tradition which is easy to follow and approachable. The people are not aware of the cosmopolitan legal culture of Pakistan.

A fourth interpretation is based on the fact that the penal institutions are not well funded. Therefore, they cannot concentrate on their duties. Additionally, the local elite class use and abuse them, thus distracting the institutions from their role. Therefore, the penal culture could not develop effectively.

According to a fifth interpretation, that the penal institutions are unable to modernize themselves. They are poorly trained, ill-equipped, outdated and traditional. However, the patterns of crime and criminality have changed significantly.

A final interpretation states that the British trained the civil service to rule and not to serve the people. Therefore, the police and other law enforcement agencies are unable to change their own frame of mind in order to serve the people. However, they are also unable to control the people in the modern era. Contrarily, independent judiciary after 2009 and the motorway police provide another model for Pakistan based on the notion of justice and service to the people. There are still hurdles in the way of the modernity, but these are some step forward towards modernity of Pakistan.
6. Conclusion

Law and criminal culture in western societies developed as the result of an evolutionary process. This was exported from the West to the East in the form of cosmopolitan law. The people treated cosmopolitan law as an alien object which they were unable to accept or follow completely. Some societies successfully adopted the colonial legal culture and were able to transfer it to coming generations. However, others remain anchored to tradition. The history of penal culture reflects the interplay of tradition and modernity in Pakistan and it causes problems for society leaving it, as a result, vulnerable.

References


