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Print ISSN: [3006-2497](#) Online ISSN: [3006-2500](#)Platform & Workflow by: [Open Journal Systems](#)<https://doi.org/10.5281/zenodo.17576878>**Mental health and criminal intent: A Pakistani perspective****Shumaila**

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aaliasaeed@yahoo.com**Abstract**

The intersection of mental health and criminal intent is multifaceted in the Pakistani legal system, whose traditional concepts of mens rea in many instances lead to conflict with the modern concept of psychiatric illness. The case of Safia Bano indicated how important it is to have domestic laws in line with international human rights laws, especially concerning the treatment of mentally ill criminals. Although Pakistan is a signatory to the international conventions, its criminal justice system is still grappling with ineffective identification of psychiatric disorders, poor forensic strength, and conviction tests of insanity based on archaic law. This paper discusses the role of mental health in criminal intent in the Pakistani jurisprudence through examining the historical, theoretical, statutory, and practical challenges. It also takes into account the possibilities of reform based on comparative models and new scholarship. It is planned to offer contextually appropriate solutions to the harmonization of the criminal law of Pakistan with the current psychiatric science, justice, and protection of the rights of vulnerable people.

Keywords: challenges, historical context, laws, opportunities, theoretical context

Introduction

Mens rea doctrine demands showing that one had a guilty-mindedness in the commission of a crime. Still, its use is problematic in issues that involve psychiatric illnesses to impair cognition, volition, or judgment. Balancing between accountability and fairness in such situations has become a challenge facing courts in Pakistan (Shuja et al., 2022). One of such deficiencies in the system that the Safia Bano case provided evidence of was the fact that mentally ill inmates were being sent to death row despite being clinically incapable (Jamshed et al., 2023). As scholars say, this decision demonstrated that the need to change the criminal justice system in Pakistan is extremely acute (Khalily et al., 2021; Munir and Wright, 2023). Empirical research has

indicated that, it is not peripheral issues which have caused mental health problems but one of the core issues in the comprehension of the criminal intent in Pakistan.

The comparative insights reveal that the tendency of Pakistan to rely on colonial period doctrines, mostly the Penal Code of 1860, has not allowed the law to keep up with psychiatric science (Mehmood & Khan, 2022). The UN Convention on the Rights of Persons with Disabilities is an international convention that obligates Pakistan to embrace disability-sensitive reforms (Dayani et al., 2024). However, its application has not been consistent, and mentally ill defendants are at risk of wrongful convictions (Ajmal et al., 2023). Research indicates that psychological distress is highly associated with criminal thinking in youths and adults (Karim et al., 2025). Other studies also relate adverse childhood experiences to crime orientation in young offenders (Kaniz et al., 2024). Combined, these findings affirm that mental health needs to be incorporated into criminal law because it is the only way to administer justice (Abbasi, 2023).

Research Justification

The rationale behind conducting this study is that the disparity in the relationship between the criminal law doctrine and modern psychiatric science is wide in Pakistan. Although the mens rea theories presuppose the existence of a rational actor, with their intention, knowledge, or recklessness, mentally ill defendants frequently do not possess such abilities. Continuing to use old legal systems will lead to false imprisonment, abuse of human rights, and criticism by other countries. Further, empirical research demonstrates the increasing rate of psychological distress and criminal thought in Pakistan, both among people in prison and in the rest of the society. It brings up not only the question of individual responsibility but also institutional problems of mental health care, rehabilitation, and recidivism. The international commitments of Pakistan, combined with constitutional protections in the country against dignity and fair trial, require the immediate change of the standards of criminal responsibility.

This research is warranted in giving a detailed assessment of the mental health and criminal intent as perceived within the Pakistani jurisprudence. It has a contribution in that it combines historical, theoretical, and doctrinal viewpoints with the current empirical findings to provide viable reforms. The final objective is to suggest a model that will safeguard the rights of defendants with mental illnesses, but also offer security and adherence to international standards of human rights in society.

Research Objectives

1. To discuss the historical context of mental health and criminal intent in Pakistan.
2. To highlight the theoretical context of mental health and criminal intent.
3. To analyze the laws regarding mental health and criminal intent in Pakistan.
4. To identify the key challenges regarding mental health and criminal intent in Pakistan.
5. To explore the opportunities for mental health and criminal intent in Pakistan.
6. To propose effective prevention and intervention strategies.

Research Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into

headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008). The criteria for selection are listed.

1. **Relevance:** Research that directly addressed the questions posed by this study is included.
2. **Quality:** Studies that meet a certain quality threshold (e.g., methodological rigor, bias risk) are included. Most of the research is from Scopus-indexed and Clarivate Analytics journals and reputed publishers.
3. **Recency:** Consideration of the publication date to ensure that the review reflects the most current evidence. Most of the studies are from the last three years.
4. **Language:** Only studies published in English are included.
5. **Data Completeness:** Previous studies must provide sufficient data on outcomes of interest for practical synthesis; this is also ensured in this research.

This study did not use primary data from human participants; therefore, no ethics clearance letter from the ethics committee was required.

Literature Review

Researchers have always pointed out the weakness of the insanity defense in Pakistan. The clauses of the Penal Code incorporate the obsolete colonial beliefs that define insanity in a limited way, considering it only in terms of cognitive inability (Mehmood & Khan, 2022). According to critics, this framework does not explain disorders that degrade volitional control or judgment, leading to convictions that overlook psychiatric realities (Shuja et al., 2022). It is an aspect of such doctrinal rigidity that negates fairness in the criminal justice system (Ajmal et al., 2023).

An example of how these limitations are applied in practice can be found in case-based literature. Safia Bano's decision drew the attention of the world to the way mentally ill inmates were treated in Pakistan (Jamshed et al., 2023). According to scholars, the case noted the necessity of enlarging the doctrine of insanity, including both cognitive and volitional disabilities (Munir & Wright, 2023). A study of blasphemy offenses also indicates that the Insanity defenses are not exploited in cases where there is a strong indication of mental illness (Ajmal & Rasool, 2023).

These results show the discrepancy between the law and clinical practice (Khan & Khan, 2021). These criticisms are supplemented by psychological and empirical researchers who have connected mental illness to offending. It has been found that the prevalence of psychiatric disorders is disproportionately high in violent offenders in Pakistan (Abbasi, 2023). It has been shown that prison population statistics show that prison offenders with unmanaged psychiatric conditions tend to have better chances of recidivism (Mahar, 2024). Other researchers indicate that criminal ways of thinking are formed by adverse childhood events in adulthood (Kaniz et al., 2024). These results support the idea that mental health reasons should be brought up in the evaluation of criminal intent (Karim et al., 2025).

Structural problems are also given much consideration. Researchers stress that one of the challenges in the implementation of the rights to a fair trial in Pakistan is a weak mental health system that is combined with a low level of forensic capacity (Dayani et al., 2024).

Psychiatric illness as a stigma also contributes to these barriers so that defendants with psychiatric illness are marginalized twice (Yasmin et al., 2022). The combination of these studies gives substantial reasons to believe that reform is required and immediate (Khalily et al., 2021).

Historical Context of Mental Health and Criminal Intent in Pakistan

The historical context of criminal intent and mental health in Pakistan is traced to the colonial era laws, which still play a significant role in practice. In 1860, the Pakistan Penal Code established the concept of narrow insanity that was based on the British common-law beliefs (Mehmood & Khan, 2022). These stipulations only focused on cognitive incapacity without considering wider psychiatric deficiency (Ajmal et al., 2023; Khalily et al., 2021).

It led to a greater discrepancy between the law and psychiatric science (Khan & Khan, 2021). Cases of precedent evidence the way these fixed dogmas worked into actual practice. The Safia Bano case revealed the unfairness of extinguishing the lives of mentally ill defendants, and it all provoked the discussion at the country and international level (Jamshed et al., 2023).

According to scholars, the case constituted a turning point because it forced policymakers to address the deficiency of colonial laws in a rights-based setting of modernity (Munir & Wright, 2023). According to other studies, insanity defenses have inconsistent use, especially when the case is related to a sensitive matter like blasphemy (Ajmal & Rasool, 2023). Although Pakistan has ratified international conventions, there have been slow domestic reforms. The state is still reluctant to incorporate the principles of disability sensitivity in its criminal justice system (Dayani et al., 2024). This historical course reveals the continuation of the old tenets and the necessity of change (Shuja et al., 2022).

Theoretical Context of Mental Health and Criminal Intent

In theory, criminal intent assumes an agent with the capacity to make rational decisions and full responsibility. In Pakistan, this premise clashes with the facts of psychiatric disorders, which may severely deteriorate cognitive comprehension and volitional regulation. Deontological theories focus on moral desert, which doubts whether mentally ill criminals really deserve punishment in case their autonomy is impaired. Utilitarian approaches are based on the issues of deterrence and social protection, implying that mentally ill offenders might need treatment instead of being punished.

More recent theories also embrace the disability rights frames, with their focus on equality and reasonable accommodation in the legal procedure. In this view, criminal law must not simply absolve mentally ill persons of responsibility but must positively reshape processes and systems so as to achieve justice. Such theoretical implications on the jurisprudence of the situation in Pakistan imply that the criminal law should be modified to acknowledge responsibility levels, emphasize rehabilitation, and be in line with the international human rights duty.

Laws Regarding Mental Health and Criminal Intent in Pakistan

The legal system in Pakistan regulating mental health and criminal intent reflects a model of a hybrid system with a combination of colonial-level laws and further changes provided by the legislation. The main aim of these provisions is twofold, as it seeks to protect the security of the people and also promote the rights of people whose mental illness prevents them from

developing criminal intent. This system represents both the historical roots of inherited laws and the development of modern laws.

1. Pakistan Penal Code, 1860 (PPC): The code on the principles of criminal liability, which contains some limited provisions on the insanity defense, is nevertheless out of date and has a limited definition.

2. Code of Criminal Procedure, 1898 (CrPC): Establishes procedural guidelines in relation to trial and sentencing, including restricted procedures in the determination of mental ability to stand trial.

3. Mental Health Ordinance, 2001: The law that was created to supersede the colonial lunacy laws, but was criticized due to poor implementation and integration with the criminal justice system.

4. Sindh Mental Health Act, 2013 and Punjab Mental Health Act, 2014: Provincial acts aimed at modernizing mental health care and putting in place oversight, which, however, have little application in criminal cases.

5. Constitution of Pakistan, 1973: Enshrines the right to fair trial and dignity, which is also being used in cases concerning mentally ill defendants.

Challenges for Mental Health and Criminal Intent in Pakistan

1. Institutional Weaknesses: Mental health facilities are not highly funded and centralized within the criminal justice system, which leads to the overpopulation of prisons with untreated mentally ill offenders.

2. Judicial and Legal Gaps: Psychiatric evidence cannot always be judged objectively due to the lack of specialization in mental health law, which is the experience that judges and lawyers have. It leads to disproportionate jury decisions and misuse of the insanity defense.

3. Lack of Forensic Capacity: Pakistan has barely trained forensic psychiatrists, hence the defendants are not properly and timely evaluated on whether to be convicted based on his or her mental status or not. This insufficiency undermines the right to a fair trial and due process.

4. Narrow Legal Definitions: The lines of insanity under the PPC only look at cognitive inability, which is not inclusive of a wide range of psychiatric disorders that constitute volition and judgment. Such rigidity helps in making convictions that do not pay attention to the actual mental illness.

5. Stigma and Social Attitudes: Mental illness is highly stigmatized in society, which is transferred to the punitive attitudes of the justice system, which often punishes rather than treats psychiatric conditions.

Opportunities for Mental Health and Criminal Intent in Pakistan

1. Human Rights Alignment: International conventions ratification provides Pakistan with a chance to enhance legal protection and to elevate its global human rights image.

2. Integration of Provincial Acts: The Sindh and Punjab Mental Health Acts offer an opportunity that can be extended to the whole country and connect treatment institutions with criminal justice procedures.

3. Innovation in Forensic Psychiatry: Introducing forensic psychiatric departments in jails and educating specialists would enhance the precision of criminal motive examination.

4. Judicial and Legal Training: The judges and lawyers should be obligated to receive training on mental health law so that the enforcement of doctrines and the equitable consideration of expert evidence would be uniform across all states.

5. Legislative Reform: The reform of the PPC and CrPC to incorporate cognitive and volitional tests will bring the insanity defenses up to date and make them compatible with the science of psychiatry.

Discussion

The convergence of the mental aspect of health and criminal behavior in Pakistan evidences the clash of the old dogma and the new psychiatric science. Although the Safia Bano case revealed the failures in the system, it also brought the momentum behind the changes. The comparative models show that other jurisdictions have effective experiences of modernizing insanity defenses and introducing the use of forensic psychiatry in criminal justice. As far as Pakistan is concerned, the reform of the doctrine needs to be accompanied by investment in the mental health services and forensic expertise. Simultaneously, cultural shift should be expanded to address stigma and secure rights provisions for mentally ill offenders. A combination approach to these problems would result in a fairer and more effective system of enforcing justice.

Conclusion

Mental health has a significant impact on determining criminal intent. However, the legal system in Pakistan is still based on the olden-day doctrines that cannot defend the vulnerable accused. Historical dependencies on colonial laws, institutional frailties, and social stigma compound these issues. However, there are prospects of reforming legislation, capacity-building of forensics, and compliance with international standards of human rights. Incorporation of psychiatric science in the criminal responsibility frames of Pakistan will help it shift towards a humane and effective justice system. This balance is not only required to meet the needs of the individual rights but also the relevance of the criminal justice system in Pakistan during modern times.

Recommendations

1. Bring Domestic Laws and International Human Rights to the same Level: Pakistan needs to put its criminal justice system in line with international commitments such as the UNCRPD. It would enhance its attitude towards human rights in the world and save vulnerable defendants.

2. Carry out Public Awareness Campaigns: Awareness campaigns will need to be initiated to eliminate the stigma around mental illnesses in Pakistan. Education of the public would facilitate an early intervention and acceptance of mental health reforms in the justice system by society.

3. Enhance Provincial Mental Health Acts: The Sindh and Punjab Mental Health Acts are to be expanded throughout the country and clearly connected with criminal proceedings. It would incorporate the treatment facilities within the justice system and create a distinct legal avenue for mentally ill offenders.

4. Educate Judges and Lawyers on Mental Health Law: Mental health lawyers should be trained regularly to enhance judicial and legal knowledge of psychiatric illnesses. It would guarantee that there would be more uniform decisions and proper interpretation of psychiatric evidence in the court.

5. Establish Standardized Forensic Assessment Guidelines: Standard national guidelines regarding psychiatric assessments ought to be established to make assessments less subjective. It would enhance the credibility of expert testimony and boost fairness in trials involving mentally ill defendants.

6. Institutionalize Forensic Psychiatric Units in Prisons: Forensic psychiatric units in prisons would allow effective diagnosis, treatment, and rehabilitation of psychologically ill prisoners. It would minimize overcrowding, and untreated disorders would not aggravate in prison.

7. Invest More in Mental Health Services: More money should be invested in order to increase psychiatric centers, professional training, and forensic skills. Reforms do not make any changes without proper funding, as they will be symbolic instead of transformative.

8. Modify Code of Criminal Procedure (CrPC): CrPC needs to be updated to have a remedy of forensic psychiatric assessment procedures laid down. This would also bring uniformity to the way mental fitness to stand trial and criminal responsibility are considered throughout the courts.

9. Pilot Diversion Programs of Mentally Ill Offenders: Non-custodial programs, like treatment orders and rehabilitation centers, should be created to apply to mentally ill offenders. It would lower the rate of recidivism and put pressure on jails.

10. Reform the Pakistan Penal Code (PPC): The insanity clauses in the PPC are to be revised to provide both cognitive and volitional examinations, which will bring the law in line with modern psychiatric science. It would help to make sure that genuine impairments do not lead to the wrongful conviction and punishment of defendants.

Research Limitations

The research suffers due to a lack of empirical evidence on the topic, either in the form of primary data in the courts or the prisons. As much as there is a mention of psychological studies in order to bring out the essential trends, there is little information on nationwide statistics on mentally ill criminals in Pakistan. Other cultural issues, such as stigma and responses on the community level, were not extensively discussed. Also, comparisons with other jurisdictions are made as illustrations, but they do not always apply directly to the specific socio-legal context of Pakistan. Lastly, the science of psychiatry itself is dynamic; that is, any reforms of its doctrines have to be flexible to new clinical insights and forensic evaluation of techniques.

Research Implications

The study of mental health and criminal intent in Pakistan has a number of implications:

1. Integration of the public health: Studies have highlighted the need to construct mental health care with the justice system, which ensures rehabilitation and accountability.

2. Policy reform: Results can inform legislative modifications in the PPC and the CrPC to revise insanity defenses and to include psychiatric evidence in criminal trials.

3. Protection of human rights: By noting the gaps in the system, it is possible to enhance the advocacy of adherence to the international conventions, and the rights of defendants affected with mental illnesses can be safeguarded.

4. Training of judges and lawyers: The paper points out that judges and lawyers should be specially trained in order to be able to assess claims related to mental health in court properly.

5. The development of forensic psychiatry: The understanding of forensic psychiatry as a disciplinary field can be presented to support the development of standardized assessment guidelines and investing in it.

Future Research Directions

Future study on mental health and criminal intent in Pakistan could focus on several key areas to address existing challenges and improve the system:

1. Courtroom Practices: The patterns and the gaps in the application of the insanity defense to the mentally ill defendants would shed light on the current usage of the insanity defense in the Pakistani courts.

2. Comparative Insights: A comparative analysis of Pakistan and the other countries of Muslim dominance might highlight how the Islamic systems of the law can also be used to cope with psychiatric impairments in criminal law.

3. Prison Populations: Long-term studies of prisoners with psychiatric conditions would assist in describing the relationship between mental illness, recidivism, and intent to commit the crime.

4. Policy and Program Evaluation: Provincial laws and diversion programs assessments on mental health would be useful in informing about whether reforms yield a superior result on lawbreakers who are psychologically sick.

5. Social Determinants: Poverty, trauma, and negative childhood experiences research would contribute to a better understanding of the role of social circumstances that may influence criminal intent, with the help of mental health.

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