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Mental Illness and Criminal Responsibility in Pakistan: Reassessing Mens Rea Through Legal and Psychological Perspectives

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ABSTRACT

This paper discusses the intersection of mental illness and criminal motive in the Pakistani justice system. It explores how schizophrenia, bipolar disorder, or PTSD conditions affect cognitive functions, volitional control, and impulse regulation and, as such, hinder the establishment of mens rea. The existing psychiatric evaluation of the criminal cases is still inconsistent, and the legal system, as well as the forensic facilities in Pakistan, are still rather underdeveloped. Therefore, an international focus on mental health issues is bringing increased questioning. The article also aims to merge legal theory and psychological jurisprudence by utilizing the best practices of other nations to identify gaps and offer practical solutions that can be implemented. It is a cross-disciplinary lens based on scholarship to promote equality, support human rights, and enhance the rights of individuals with mental illness. The intersection of mental health and intent, the historical and theoretical context, the applicable legislation and issues, and the opportunities to improve assessment and other criminal process enhancements by utilizing legal and psychiatric tools are outlined.

Introduction

Hence, the intersection of mental health and criminal intent is one of the largest banes of contemporary criminal justice (Parmigiani et al., 2024). Many individuals who have severe psychiatric disorders end up in the justice system without anyone checking their mental status during the alleged offense (Dayani et al., 2024). Schizophrenia, bipolar disorder, and PTSD are disorders capable of disrupting cognition, volition, and impulse control, which are all factors that the law considers to establish the intent of a crime (Hallett et al., 2024).

Without the proper evaluation of the individual, a court might fail to determine the presence of a real intention to commit a crime or the occurrence is just the result of unbalanced mental

conditions, and, therefore, an unfair conviction or unequal punishment will be issued (Saeidnia et al., 2024). The latest research indicates that AI solutions could, in fact, contribute to improving the quality of psychiatric evaluations in the court and note any bias in the way individuals respond (Keebayoon et al., 2022). This situation becomes even more convoluted in Pakistan due to the fact that the laws are archaic, the forensic psychiatry system is thin, and the practitioners do not necessarily receive any legal training (Abdullah et al., 2025). In a recent chapter about forensic psychiatry, systemic and cultural barriers to the field are identified, among them the stigma, unequal resource allocation, and a tremendous disparity in access to forensic services (Ogunwale et al., 2025).

According to WHO AIM measurements, the mental health system in Pakistan serves only a small percentage of the population, and the implementation of policies, in particular in prisons, is quite poor (Azeke & Noureddine, 2023). On top of that, the absence of adequate mental health care within prisons further increases the threat to the defendants and the wider public(Munir & Wright, 2023). Nevertheless, the existing body of evidence on mental health courts' engagement throughout the world demonstrates that specialized courts and diversion programs. The uniform assessment tools are effective in reducing recidivism and encouraging rehabilitation in society (Cummins, 2025).

Research Justification

The huge disparity in the determination of mental health and criminal motive in the context of Pakistan will drive the present research. This problem is acute because the relation between mental illness and crime is not a recent event, and the legal system only infrequently involves the services of psychologists in the attempt to assess the cognitive status of a defendant during alleged offenses. There is still inconsistency in the use of forensic psychiatric evaluation; old definitions of the law are often used, and the results of misery include wrongly convicted and disproportionately harsh punishment to individuals who are already vulnerable in society because of their mental health.

The revision of the legal principles is needed on an urgent basis in order to correspond to the modern conceptions of mental health. The current paper aims at unraveling legal language against psychological evidence, as well as triggering evidence-based change in the judicial sphere.

It will look at the historical ideas, legislation, and its guidelines, structural barriers, and future opportunities, and finally suggest a feasible model that can restore fair and equitable access for people with mental illnesses in the criminal justice system. The sharing of the findings will allow the legislative, policymaking, legal advocacy, and mental health professionals to be more aware of the situation, thus protecting human rights and promoting restorative justice in the determination of criminal intent.

Research Objectives

1. To discuss the historical context of mental health and criminal intent.
2. To highlight the theoretical context of mental health and criminal intent.
3. To analyze the laws regarding mental health and criminal intent.
4. To identify the key challenges regarding mental health and criminal intent.
5. To explore the opportunities for mental health and criminal intent.
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.

Relevance: Researches that directly addressed the questions posed by this study are included.

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.

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.

Language: Only studies published in English are included.

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

Studies of the connection between mental health and criminal intent have been in full swing over the past ten years (Munir & Wright, 2023). Many of the studies indicate that psychiatric disorders may confuse cognitive capacity, emotional control, and judgment of a person, and it becomes difficult to establish a mens rea demonstrated in one narrative review (Cummins, 2025). AI tools in forensic psychiatry may facilitate risk analysis and behavioral examination so that the intent can be determined more easily when mental symptoms confuse responsibility when thrown into the wrench of responsibility. Similarly, claim that AI-based models have the potential to reduce human bias and increase transparency in forensic assessment (Azeke & Noureddine, 2023). WHO-AIMS data also discovered that in Pakistan, in most cases. A lack of access to mental health services results in defendants being tried without further psychiatric examination, besides the clinical factors (Abdullah et al., 2025).

Further contribute that underdiagnoses and poor treatment among forensic clients are further encouraged due to socioeconomic barriers and cultural stigma (Saeidnia et al., 2024). Examined this problem on the international level and discovered that jurisdictions lacking diversion programs or special mental health courts experience the highest rate of recidivism (Hallett et al., 2024). There are also ethical concerns about the development of a forensic tech in such aspects as bias and the absence of responsibility (Dayani et al., 2024). All in all, the findings show that joint, integrated psychiatric examinations, systemic changes, and culturally sensitive responses are required to promote justice and fairness in the legal procedures (Parmigiani et al., 2024).

Historical Context of Mental Health and Criminal Intent

The traditional approach to mental illnesses was traditionally addressed through the perspectives of religion or morality (Dayani et al., 2024). With the advancement of the Enlightenment, the field of

medicine started to acknowledge madness as a disease, even though the groundbreaking court ruling that altered everything legally was the M'Naghten rule of 1843 (Hallett et al., 2024). That principle was the one that was subjected to a cognitive test of responsibility: a defendant can only be held liable in a situation when he was aware that what he was doing was wrong (Parmigiani et al., 2024).

Since its adoption, the rule has informed the application of psychiatric opinions by common-law judges in common-law countries- though it also identifies a disjunction between the subject matter of the discussion that clinicians engage in (delusions or lack of insight) and the subject matter of the law of mens rea and intent (Saeidnia et al., 2024). This situation becomes even more convoluted in Pakistan due to the fact that the rules are archaic, the forensic psychiatry system is thin, and the practitioners do not necessarily receive any legal trainin. In a recent chapter about forensic psychiatry, systemic and cultural barriers to the field are identified, among them the stigma, unequal resource allocation, and a tremendous disparity in access to forensic services (Abdullah et al., 2025).

The recent studies have identified severe problems with the provision of mental health services in the forensic and prison settings (Munir & Wright, 2023). These include shortages of personnel, ineffective screening, and gaps in coordination between the services that contribute to the risk of wrongful convictions (Azeke & Noureddine, 2023). A recent example, Safia Bani, proposes a gradual change, which is making the most severe punishments limited to people with the most severe mental illness (Keebayoon et al., 2022).

Theoretical Context of Mental Health and Criminal Intent

Crossing mental and criminal motives is quite baffling at the surface, but when you consider them in the multidisciplinary view, such as biology, psychology, and sociology, then they make sense. The biopsychosocial model demonstrates how crime would burst out due to a combination of these factors. One of the most common ones is impulse control, and even disorganized thought or delusions, which are accompanied by thinking differently than is clear, which complicates their capacity to develop a proper mens rea.

In law school, we keep discussing mens rea, which translates to state of mind and makes you a criminal. Mental ailments can distort your ability to reason or even will, and therefore, you may not form mens rea at all, or to some extent. Newer laws recognize this and employ such notions as diminished responsibility so that courts can sentence according to actual culpability.

Another angle that we discuss is labeling theory. When one is diagnosed and labeled, the stigma may put one in a criminal label. Such factors as poverty, discrimination, and poor care serve as additions to the entire pathos. All these works combined lead to the fact that we observe mental illness within a wider framework of a personal and social context, making the legal system remain fair and just.

Laws Regarding Mental Health and Criminal Intent

Pakistan has a legal system that regulates mental health and criminal intent, which can be described as a combination of the older colonial-derived statutes and more recent changes. The purpose of these laws is to ensure the safety of the citizens and the defense of those who are not always able to develop a criminal mindset because of mental illness, and it is a genuine combination of the historical background and the contemporary changes.

Section 84 of the Pakistan Penal Code: This clause simply explains that, in case you are not able to comprehend the character of your action due to an unsound mind, you may get off with criminal liability. It is the primary law for determining criminal intent when there is mental health involved.

Code of Criminal Procedure Section 464 (CrPC): In this case, the rules state the manner in which the courts determine whether the accused has a right to defend himself or not in a trial. Courts are allowed to get medical examinations and even interrupt proceedings in case the defendant proves to be mentally unfit.

Mental Health Ordinance, 2001: This has superseded the previous Lunacy Laws, and it now incorporates care, treatment, and legal protection of individuals with mental illnesses, as well as relates to the criminal process.

Mental Health Courts and Diversion Programs (Emerging): They are gradually being piloted in Pakistan to allow the offender who has a psychiatric condition to receive treatment rather than be sent to jail.

Judicial Interpretation of Mental Disorders: The courts are taking more control in defining and applying mental illness within the criminal law, which subsequently affects the sentencing, treatment, and procedural protection.

Challenges for Mental Health and Criminal Intent

Irregular application of Psychiatric Assessments: Many courts lack a clear and consistent procedure to order the psychiatric exams, and therefore, the law in which mental health and criminal intent intersect is not applied equally and results in numerous injustices.

Stigma and Public Misconceptions: Mental illness is perceived as something harmful or as a symptom of moral deficiency, and this actually influences the views of the juries and judges. This prejudice causes the therapy options to be dismissed by people and completely obliterates the fairness of trial**s.**

Lack of Forensic Psychiatric Specialists: Few qualified specialists in Pakistan have been trained to conduct forensic analyses to reduce waiting time and provide superficial examination and flimsy evidence when dealing with forensic cases involving mental health and criminal motive.

Obsolete Legal Definitions and Procedures: The rules of that colonial era do not correlate with what we understand about psychiatry in the present. So judges are forced to pass haphazard rulings, and the system itself is incapable of providing us with just and fair results.

The Ineffectiveness of Procedural Safeguards: Individuals with mental illness can be imprisoned or institutionalized without adequate legal safeguards, causing both severe human rights issues and undermining faith in the justice system.

Opportunities for Mental Health and Criminal Intent

Growth of Forensic Mental Health Services: The accuracy and consistency of criminal intent can be improved by increasing the number of trained forensic psychiatrists and psychologists to eliminate wrongful convictions due to mental health and criminal intent.

Specialized Mental Health Courts: Development: By having special courts where offenders with a psychiatric background would be dealt with, the cases would be dealt with by the judge and other staff who would be trained on matters about mental health, and therefore the judgment would be based on the realities in the medical field.

Premature Interventions and Diversion Programs: Mental health screening during arrests or pre-trial periods can help identify persons with disorders at an early stage and refer them to treatment instead of taking them to prisons, which reduces recidivism.

Legal Provisions Modernization: Modifying the obsolete law and adopting the latest psychiatric principles would bring the legal framework of Pakistan close to the global standards of reviewing mental illness and intent to commit a crime.

Collaboration with Cross-Sectors and Community Education: The partnerships between courts, clinicians, and community organizations can be strengthened, and the stigma can be minimized, as well as the campaigns on mental health and criminal intent should be taught to the population.

Discussion

According to this research, mental illness is one of the issues that makes it difficult to establish the motive of a criminal before the court of law. Using schizophrenia, bipolar disorder, and PTSD as examples, there is confusion when it comes to the way people think, their decision-making, as well as control over their impulses, and thus, it becomes hard to prove that an individual had a necessary legal malaise of mens rea. Despite the trend that forensic psychiatry is taking in most regions of the world, most legal systems, especially in Pakistan, do not have the appropriate form, knowledge, and consistency to employ psychiatric evidence effectively.

The stigma of mentally ill defendants and adherence to old law traditions are just contributing to the erroneous results. Nonetheless, there are ways of repairing this. When we increase forensic mental health services, revise the legislation, and apply technology, we may improve the performance of evaluations and verdicts in the court. In earnest, policymakers, lawyers, and mental-health professionals should cooperate. By ensuring that the system is fairer, safeguarding human rights, and aiding the courts in serving individuals with mental illness who fall into the crime traps, getting the legal definitions of responsibility in accordance with modern psychiatric science would be beneficial.

Conclusion

In the case of mental health and criminal intent meetings, there are numerous legal, ethical, and clinical issues. In this paper, it has been showcased that there are psychiatric diseases that can compromise the ability of an individual to form mens rea; hence, there is a need to develop much more advanced legal instruments to counter this problem. In countries like Pakistan, there is a backward set of laws, stigma being propagated, and a lack of forensic skills that hinder the achievement of fair justice to mentally ill persons. However, there is hope that reform can be carried out. The integration of psychiatric knowledge, an increase in the number of forensic services, and the modification of standards of interpretation are some methods through which courts can increase their ability to distinguish between criminal behavior and mental illness. Humanistic evidence-based approach aims at finding the balance between the security of the population and the protection of the individual rights without losing the accountability and justice of the judicial system.

Recommendations

Demand Standardized Forensic Evaluation Protocols: Standardized forensic evaluation protocols need to be implemented all over the country. Such protocols would involve empirically tested instruments that can determine criminal responsibility, including the insanity defense, and

competency to stand trial. It would encourage objectivity, minimize arbitrariness, and create a standard that suits all the defendants.

Increase Mental Health Courts: The development and provision of mental health court programs should give special consideration to treatment and rehabilitation over imprisonment of offenders with severe cases of mental illnesses. A non-adversarial model should be used in these courts with judicial review of the treatment plans.

Revise Archaic Legal Definitions: Articles 84 and 464 of the Pakistan Penal Code, dealing with criminal intent and insanity, are already in dire need of revision. They need to be revised to match modern conceptions of psychiatric disorders and the effect such disorders have on volition and cognition.

Mandatory Interprofessional Education: There should be compulsory training of judges, lawyers, and prosecutors in forensic psychiatry. This training will increase their ability to understand expert testimony, critically evaluate psychiatric reports, and use the standards of the law efficiently.

Develop interdisciplinary formal case review teams: Create periodic forums to bring lawyers, mental health care practitioners, police officers, and social workers together to discuss more complex cases prior to trial.

Focus on pre-arrest diversion and early intervention programs: Institute strong promotion of the early identification and redirection of individuals who are manifesting mental illness, and hence avoid involvement in the criminal justice system; an example of this role is played by crisis intervention teams, which may be used to access local mental health and refer them to community-based mental health.

Introduce National Anti-Stigmatization and Public Education Campaigns:

Educational campaigns to combat the misinformation that regularly runs within the justice system and society about mental illness should be initiated. The necessity of such campaigns is to develop less punitive and more rehabilitative attitudes of the population and practitioners.

Enhance Due Process of the Law in Civil Commitment Procedures: Composed persons facing involuntary commitment should be given an opportunity to use the services of a lawyer, an independent psychiatric assessment, and a judicial review periodically to protect their basic rights and dignity.

Integrate Technology into Forensic Practice: Structured assessment software and secure tele-psychiatry should be responsibly piloted and adopted to make forensic mental-health assessments more efficient, accurate, and available.

Constitute Culturally Aware Legal and Clinical Frameworks: The entire reforms, such as the legal definitions of the rehabilitation programs, should be responsive and connected with the local cultural beliefs and practices related to mental health. It will guarantee the acceptance and effectiveness of the community.

Research Limitations

There are a number of limitations that I have to admit to about this study. The use of secondary data alone does not provide the possibility of first-hand experiences and the procedural peculiarities in the legal system in Pakistan, which we would have liked to investigate. A global outlook can also offer valuable comparisons, but this approach can miss the cultural and

institutional peculiarities of certain places. The Language partiality could also result in other literature relevant, but in different languages, being omitted.

The absence of fieldwork or interviews with the stakeholders, like judges, psychiatrists, and defendants, makes it shallow and creates holes in the narrative. The changing legal reforms and the developing psycho-forensic practices imply that some of the findings would be irrelevant in the long run. The differences in the quality and consistency of data also act as obstacles to ultimate decisions. The future research must have empirical studies, qualitative interviews, and longitudinal designs to fill these gaps and enhance knowledge on mental health in criminal justice systems.

Research Implications

The implications of the research in mental health and criminal intent are:

Standardization of psychiatric evaluation: Courts may use standardized procedures during psychiatric examination, which will minimize contradictory decisions and the chances of convicting innocent people.

Policy Development: The policymakers are to invest in the development of forensic psychiatric facilities, establish some programs of diversion, and enhance the training of legal professionals who have to work with mental health cases.

Clinical Practice: Mental health practitioners would need to work hand in hand with the legal stakeholders to come up with a clear and evidence-based evaluation that would guide the making of fair decisions.

Academic Research: The article has provided a basis for cross-disciplinary studies, examining the role of cultural attitudes, legal traditions, and scarcity of resources in determining the outcomes of mentally ill defendants.

Ethical Standards: Courts and practitioners have a duty to use ethical standards that preserve the secrecy and at the same time comply with the statutes and regulations, ensure informed consent, reduce stigma, and protect the interests of the individuals and society in general.

Systemic Integration: It is necessary to integrate mental health knowledge in criminal justice systems in order to have humane, fair, and effective legal systems that consider the sanctity of all people.

Future Research Directions

The issue is that these areas would assist in incorporating evidence-based practices into the legal procedures, ensuring fairness, and making justice systems meet the needs of mentally ill defendants. The main areas in which the research on mental health and criminal intent may be developed in the future could be aimed at resolving the current issues and optimizing the current system.

Empirical Courtroom Studies: Compare the use of psychiatric evidence in determining the responsibility of a criminal through real-life scenarios.

Qualitative Interviews of Major Stakeholders: Major stakeholders such as interview judges, lawyers, psychiatrists, and defendants should be interviewed to get a feel of the perception towards mental illness and institutional questions in the court system.

Comparative Cross-Jurisdictional Research: Compare cross-country or cross-state treatment practices in mental health and criminal intent, taking into account cultural and procedural variations in different countries.

Longitudinal Outcome Tracking: Compose and quantify up to long-term legal and mental-health outcomes of those who had been sent to treatment and those who had been sent to incarceration.

AI and Tools Assessment: Explore the potential of artificial intelligence and online testing to enhance the consistency and decrease bias during the assessment.

Interdisciplinary Research Collaboration: Support collaborations between legal scholars, forensic psychiatrists, and policy analysts in a manner that allows they to cooperatively work together in coming up with reform proposals.

Cultural and Contextual Sensitivity Studies: Research how societal values and existing stigmas affect the delivery of justice to a mentally ill defendant in Pakistan and in any other societies.

Public Awareness and Stigma Reduction Programs: Establish and test education programs aimed at raising general awareness about the psychological aspects of criminal law.

Policy Implementation Studies: Explore the efficacy of new laws and institutional changes that have recently been implemented regarding forensic psychiatric practice.

Impact Assessments of Training: The third one is concerned with the impact of ongoing training of legal professionals on the decision-making in mental illness cases.

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