

NEED FOR SPECIAL COURTS IN FOOD SAFETY ADJUDICATION: A STUDY OF LEGAL FRAMEWORK IN CONTEXT OF PUNJAB

Hafiz Attaullah Burhan¹, Javed Iqbal², Ali Raza Laghari^{*3}

¹Assistant Director Legal Punjab Food Authority, LL.M Scholar Vilnius University Lithuania

²Assistant Director Legal Punjab Food Authority Multan, LL.M TIMES University Multan

^{*3}Lecturer, Department of Law, University of Southern Punjab Multan

¹attallah@hotmail.co.uk, ²javedgorsi@yahoo.com, ^{*3}laghrialiraza20@gmail.com

DOI: <https://doi.org/10.5281/zenodo.18468033>

Keywords

Food Safety Adjudication, Specialized Courts, Punjab Food Authority Act 2011, Scientific Evidence Evaluation, Constitutional Right to Safe Food.

Article History

Received: 08 December 2025

Accepted: 18 January 2026

Published: 03 February 2026

Copyright @Author

Corresponding Author: *

Ali Raza Laghari

Abstract

Introduction and Background: Food safety has emerged as a critical public health concern in Pakistan, directly impacting the fundamental right to life guaranteed under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973. Punjab province inhabitants, faces unprecedented challenges in ensuring safe food supply chains and effective regulatory enforcement despite the comprehensive Punjab Food Authority Act, 2011. The existing adjudicatory mechanisms, primarily relying on ordinary criminal courts, lack the specialized knowledge required to address the technical and scientific complexities inherent in food safety cases involving microbiological contamination, chemical adulteration and substandard food products.

Materials and Methods: This study employed doctrinal legal research methodology, analyzing constitutional provisions (Articles 9, 25, and 38), the Punjab Food Authority Act 2011, Punjab Pure Food Regulations 2018, and related statutory frameworks through textual and purposive interpretation.

Problem Statement: The existing framework, characterized by ordinary criminal courts lacking specialized expertise in food science and toxicology, fragmented jurisdiction across multiple forums, prolonged trial durations averaging 3-5 years, and alarmingly low conviction rates has rendered enforcement largely ineffective. While the Punjab Food Authority demonstrates commendable detection vigor, the absence of dedicated special courts equipped with technical assessors and streamlined procedures results in delayed justice, emboldened violators who exploit procedural complexities, victims denied timely compensation, and profound erosion of consumer confidence in the food supply chain.

Results: The research findings reveal that Punjab's food safety adjudication suffers from absence of judges with specialized training in food science, toxicology, or microbiology, rendering them entirely upon expert witnesses and unable to independently evaluate complex technical evidence regarding contamination levels, adulteration techniques and laboratory testing methodologies.

Conclusion and Recommendations: The establishment of specialized food safety courts with dedicated judges trained in scientific evidence evaluation and food safety law is essential to address systemic adjudicatory failures undermining public health protection in Punjab.

1. Introduction

Food safety has emerged as one of the most critical public health concerns in contemporary Pakistan, directly impacting the fundamental right to life guaranteed under Article 9 of the Constitution of the Islamic Republic of Pakistan, 1973. The province of Punjab, being the most populous province with over 110 million inhabitants, faces unprecedented challenges in ensuring safe food supply chains and effective regulatory enforcement. Despite the existence of comprehensive legislative frameworks, including the Punjab Pure Food Regulations, 2018, and the Punjab Food Authority Act, 2011, the adjudication of food safety violations continues to suffer from systemic delays, inadequate expertise, and procedural complexities that undermine the very purpose of these protective legislations. The constitutional mandate under Article 38(d) places an obligation upon the State to provide basic necessities of life, including wholesome food, to its citizens. However, the gap between legislative intent and practical implementation remains disturbingly wide. The existing adjudicatory mechanisms, primarily relying on conventional civil and criminal courts, lack the specialized knowledge required to address the technical and scientific complexities inherent in food safety cases. Issues ranging from microbiological contamination and chemical adulteration to misleading labeling and substandard food products demand adjudicators with specialized training in food science, toxicology, and public health law expertise conspicuously absent in the general judicial infrastructure.

The Punjab Food Authority (PFA), established as the primary regulatory body under the Punjab Food Authority Act, 2011, has demonstrated commendable vigor in its inspection and enforcement activities. However, the adjudication process remains fragmented across multiple forums, including the Special Courts contemplated under Section 40 of the Act, which

provides that such courts shall consist of one Presiding Officer and two Technical Members. In the absence of the establishment of Special Courts, the ordinary criminal courts Magistrate exercising jurisdiction under Section 30 of the Act is deemed to function as a Special Court. This multiplicity of forums has resulted in conflicting interpretations of law, forum shopping, and protracted litigation, thereby undermining the deterrent purpose of food safety legislation. The lack of uniformity in sentencing and imposition of penalties has further emboldened food terrorists who view potential sanctions as mere business costs rather than serious legal consequences.

1.1. Statement of the Problem

The adjudication of food safety violations in Punjab suffers from critical systemic deficiencies undermining the Punjab Food Authority Act, 2011, and compromising public health despite constitutional guarantees under Articles 9 and 38(d). The existing framework, characterized by ordinary criminal courts lacking specialized expertise, fragmented jurisdiction, prolonged trial durations averaging 2-5 years.

1.2. Objectives of the Research

This research aims to critically examine the existing legal and institutional framework governing food safety adjudication in Punjab under the Punjab Food Authority Act, 2011, identifying structural, procedural, and substantive gaps that impede effective enforcement and timely justice delivery. The study seeks to establish the constitutional, legal and practical justification for specialized food safety courts by analyzing technical complexities, constitutional imperatives under Articles 9 and 38(d) and the inadequacy of ordinary courts in handling scientific evidence.

1.3. Research Questions

1. What are the critical deficiencies in the current adjudicatory framework under the Punjab Food

Authority Act, 2011 that prevent effective enforcement of food safety laws and timely delivery of justice in Punjab?

3. What institutional design, composition, jurisdiction, and procedural mechanisms are necessary to establish constitutionally valid and operationally effective special food safety courts in Punjab that address the technical complexities of food safety litigation while ensuring access to justice?

1.4. Significance of the Study

This research addresses a critical gap in Pakistan's legal framework by examining how ineffective adjudication undermines food safety enforcement and constitutional guarantees under Articles 9 and 38(d). The study provides empirically-grounded recommendations for establishing specialized courts that can transform Punjab's food safety enforcement affecting over 110 million citizens. It offers practical value to the Punjab Food Authority, judiciary, and policymakers by identifying adjudicatory bottlenecks and proposing institutional reforms to improve conviction rates and reduce case disposal time. Academically, the research fills a significant void in Pakistani legal literature on specialized courts and food safety adjudication, contributing to broader discourse on integrating scientific expertise into judicial decision-making.

1.5. Research Methodology

This study employs doctrinal legal research methodology, analyzing constitutional provisions (Articles 9, 25, 38), the Punjab Food Authority Act 2011, Punjab Pure Food Regulations 2018, and related statutory frameworks through textual and purposive interpretation.

2. Constitutional and Legal Foundations of Food Safety in Pakistan

The jurisprudential evolution connecting the right to life with food safety represents a progressive interpretation of constitutional guarantees in Pakistan's legal system. The Supreme Court has affirmed that Article 9's protection extends beyond mere animal existence to encompass "all such amenities and facilities which a person born

in a free country is entitled to enjoy with dignity, legally and constitutionally" (Darshan Masih v. The State, PLD 1990 SC 513). This expansive interpretation necessarily includes the right to consume food free from contamination, adulteration, and health hazards, as unsafe food directly threatens life and undermines human dignity (Khan, 2018). The Lahore High Court has specifically addressed food safety in constitutional jurisdiction, observing that adulterated and substandard food products constitute a grave threat to public health and violate citizens' fundamental rights (Malik Azam Awan v. Government of Punjab, 2015 CLC 1089). Contemporary constitutional scholarship in Pakistan recognizes that the right to food encompasses not only availability and accessibility but also food safety and quality, creating a positive obligation upon the state to establish effective regulatory and adjudicatory mechanisms (Mahmood, 2019). The nexus between Articles 9 and 38(d) creates a constitutional mandate that transcends mere legislative discretion it imposes a justiciable duty upon provincial governments, including Punjab, to ensure citizens' access to safe food through robust enforcement and swift adjudication of violations.

The 12th Constitutional Amendment adopted by the Parliament of Pakistan in July 1991 provided for the establishment of Special Courts for Speedy Trial, resulting in the creation of eleven such courts across Pakistan during the following month to address heinous offences and expedite justice delivery (Constitution (Twelfth Amendment) Act, 1991). However, this constitutional and legislative initiative has been critiqued for its narrow focus on conventional crimes while excluding equally serious public health offences under food safety legislation, despite food safety violations constituting heinous crimes that directly threaten the most fundamental human need—sustenance necessary for survival and dignified existence guaranteed under Article 9 of the Constitution (Khan, 2018). The deliberate or negligent sale of adulterated, contaminated, or toxic food products that cause mass poisoning, chronic diseases, developmental disabilities in children, and preventable deaths represents criminality as

morally reprehensible and socially destructive as any offence addressed by Special Courts for Speedy Trial, yet food safety violations continue to be treated as minor regulatory infractions rather than serious crimes warranting specialized adjudication (Mahmood, 2019). This legislative oversight reflects a troubling hierarchy of legal priorities that privileges property crimes and violent offences while marginalizing systematic attacks on public health affecting millions of consumer's daily, particularly vulnerable populations including children, pregnant women, and economically disadvantaged citizens who lack resources to protect themselves from unsafe food (Hassan, 2022). The exclusion of food safety offences from the speedy trial framework contradicts the constitutional imperative under Article 38(d) requiring the State to provide basic necessities including wholesome food, and ignores the reality that unsafe food kills more Pakistanis annually than many crimes classified as heinous, demanding urgent recognition of food safety violations as offences deserving specialized courts, expedited procedures, and enhanced penalties commensurate with their devastating impact on fundamental human rights and public health (Ahmed & Siddiqui, 2021).

Pakistan's food safety legislative framework has evolved through distinct historical phases, beginning with colonial-era enactments designed primarily for trade regulation rather than consumer protection. The Prevention of Food Adulteration Act, 1954, inherited from pre-partition legislation, represented the first comprehensive attempt at food safety regulation in independent Pakistan, though its implementation remained largely ineffective due to weak enforcement mechanisms and outdated standards (Akram et al., 2020).

The Pure Food Ordinance, 1960, marked a significant advancement by establishing more stringent standards and penalties, creating a framework that remained operative for over five decades across all provinces. However, the centralized approach under the Ordinance proved inadequate for addressing provincial variations in food consumption patterns, enforcement capacities, and public health priorities. The 18th

Constitutional Amendment of 2010, which devolved numerous subjects including food safety to provincial legislatures, catalyzed a new era of provincial food safety legislation tailored to local contexts. Punjab led this reform by enacting the Punjab Food Authority Act, 2011, establishing an autonomous regulatory body with comprehensive powers of standard-setting, inspection, enforcement, and prosecution (Punjab Food Authority Act, 2011, Preamble).

Subsequently, other provinces enacted similar legislation Sindh Food Authority Act 2016, Khyber Pakhtunkhwa Food Safety and Halal Food Authority Act 2013, Balochistan Food Authority Act 2014, and Islamabad Capital Territory Food Safety Act, 2021—creating a federal structure of provincial food safety regulation (Ahmed & Siddiqui, 2021). This evolutionary trajectory reflects growing recognition of food safety as a fundamental governance priority requiring specialized institutional mechanisms rather than general criminal law enforcement.

Pakistan's food safety framework operates within a context of international obligations and commitments that influence domestic legislation and create benchmarks for regulatory effectiveness. As a member state of the World Health Organization (WHO), Pakistan is committed to implementing WHO's food safety guidelines and strategies, including the Global Strategy for Food Safety 2022-2030, which emphasizes strengthening national food control systems including enforcement and adjudication mechanisms (WHO, 2022).

The Codex Alimentarius Commission, jointly established by WHO and the Food and Agriculture Organization (FAO), provides internationally recognized food standards, codes of practice, and guidelines that Pakistan has pledged to harmonize with domestic regulations (Codex Alimentarius Commission, 2021). As a World Trade Organization (WTO) member, Pakistan is bound by the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), which requires maintenance of food safety standards based on scientific principles and risk assessment while

ensuring transparency in regulatory processes (WTO SPS Agreement, 1995, Articles 2-5).

The Sustainable Development Goals, particularly SDG 2 (Zero Hunger) and SDG 3 (Good Health and Well-being), to which Pakistan committed in 2015, include targets related to food safety, nutrition, and access to safe food, creating international accountability for domestic food safety governance (United Nations, 2015). These international frameworks not only guide standard-setting by the Punjab Food Authority but also establish expectations for effective enforcement and adjudication that Pakistan's current system struggles to meet, creating reputational and trade-related consequences for regulatory inadequacies.

3. Critical Analysis of existing Adjudicatory Framework in Punjab

Section 40 of the Punjab Food Authority Act, 2011, empowers the Provincial Government to establish Special Courts for the trial of offences under the Act, designating a Presiding officer and two technical members to preside over these forums with exclusive jurisdiction over food safety violations. The provision mandates that cases be decided through summary trial to ensure expeditious disposal, reflecting legislative intent to create a fast-track adjudicatory mechanism distinct from ordinary criminal courts (Punjab Food Authority Act, 2011, s. 43).

However, the implementation of this provision has been sporadic and inconsistent across Punjab's districts, lacking designated Special Courts despite more a decade having passed since the Act's enactment. Where Special Courts have been designated to the Magistrates, they often function as regular criminal courts with added food safety jurisdiction, lacking the specialized training, technical support, or dedicated infrastructure envisioned by the legislation. The absence of clear rules of procedure specific to these Special Courts has resulted in default application of the Code of Criminal Procedure, 1898, thereby negating the intended procedural simplifications and time-bound trial mechanisms (Khan & Ahmed, 2022). In the absence of functional Special Courts across most of Punjab, food safety cases are adjudicated by ordinary criminal courts primarily Judicial

Magistrates under the general criminal justice system governed by the Code of Criminal Procedure, 1898. These forums handle food safety violations alongside conventional criminal matters such as theft, assault, fraud, and other offences under the Pakistan Penal Code, 1860, resulting in food safety cases receiving no prioritization despite their public health implications (Mahmood & Hassan, 2020). Judicial officers presiding over these courts typically possess legal training but lack specialized knowledge in food science, microbiology, toxicology, or public health, rendering them ill-equipped to comprehend complex technical evidence regarding chemical contaminants, microbiological hazards, permissible limits of additives, and sophisticated adulteration techniques.

3.1 Lack of Specialized Expertise in Food Science

The most fundamental structural deficiency afflicting Punjab's food safety adjudication is the absence of judges and adjudicators with specialized training or expertise in food science, toxicology, and microbiology, chemistry or public health disciplines essential for comprehending the technical complexities inherent in food safety cases. Judicial officers in Pakistan's legal system receive training in constitutional law, civil procedure, criminal procedure, and substantive law but possess no background in scientific disciplines, leaving them dependent entirely upon expert witnesses to understand concepts such as aflatoxin contamination levels, pathogenic bacterial counts, heavy metal toxicity thresholds, or permissible food additive concentrations (Rashid, 2021).

This knowledge deficit becomes particularly problematic when expert witnesses present conflicting testimony, when laboratory reports contain technical jargon and statistical analyses, or when defense counsel challenges the validity of testing methodologies and sampling procedures employed by Punjab Food Authority inspectors. Unlike specialized tribunals in environmental law or intellectual property that employ technical members alongside judicial members, food safety courts in Punjab lack any institutional mechanism to incorporate scientific expertise into the

adjudicatory process. The consequence is judicial decision-making based on incomplete understanding of technical evidence, leading to erroneous acquittals when judges cannot comprehend prosecution evidence, reluctance to convict when scientific concepts appear uncertain, and inability to critically evaluate defense experts who may provide misleading or industry-biased testimony that non-specialist judges cannot identify as flawed.

3.2 Fragmentation of Jurisdiction

The jurisdictional landscape for food safety adjudication in Punjab exhibits severe fragmentation across multiple forums, creating inefficiency, inconsistency, and opportunities for procedural manipulation by violators. Criminal prosecution of food safety offences may occur in Special Courts where designated, Magistrate Courts for less serious violations as well as grave offences, and Anti-Terrorism Courts where food contamination causes mass casualties or is alleged to involve terrorist intent, with no clear demarcation of which forum exercises primary jurisdiction in borderline cases (Ali & Butt, 2023). Civil liability claims proceed in civil courts of varying pecuniary jurisdiction, consumer complaints are filed before District Consumer Courts and Provincial Consumer Court, and administrative penalties imposed by Punjab Food Authority are challenged through constitutional writ jurisdiction before the Lahore High Court under Article 199 of the Constitution. This multiplicity of forums results in the same food safety violation generating parallel proceedings in criminal, civil, consumer, and constitutional courts simultaneously, with potential for contradictory findings where one forum convicts while another exonerates, or where criminal courts impose minimal penalties while civil courts award substantial damages for identical conduct. Defendants exploit this fragmentation through forum shopping, filing pre-arrest bail applications in session's courts while challenging administrative action in High Court, obtaining stays and injunctions that paralyze enforcement, and prolonging litigation across multiple forums to exhaust prosecution resources and secure

favorable outcomes through delay and procedural attrition.

3.3 Absence of Technical Assessors

International best practices in specialized adjudication, particularly in technical fields such as taxation, environmental regulation, intellectual property, and food safety, incorporate technical assessors or expert members who sit alongside judicial officers to provide scientific guidance and ensure informed decision-making (OECD, 2018). The Indian Food Safety Appellate Tribunal, for instance, includes a technical member with expertise in food technology or public health alongside the judicial chairperson, creating a multidisciplinary bench capable of comprehending complex scientific evidence (Food Safety and Standards Act, 2006, s. 32).

Punjab's food safety adjudication framework contains no provision for technical assessors, scientific advisors, or expert panel members to assist judicial officers in evaluating evidence related to microbiological contamination, chemical analysis, toxicological assessments, or food processing technologies. This institutional design flaw forces judges to rely exclusively on external expert witnesses whose testimony they may lack the scientific literacy to evaluate critically, creating vulnerability to misleading or purchased expert opinions. The absence of technical expertise also prevents courts from taking judicial notice of established scientific facts, requiring formal proof of matters that should be considered common knowledge within the specialized field, thereby lengthening trials and increasing evidentiary burdens unnecessarily. Without technical assessors, courts cannot effectively distinguish between genuine scientific uncertainty and manufactured doubt created by defense experts, cannot identify flawed testing methodologies or sampling errors and cannot apply scientific reasoning to factual scenarios requiring specialized knowledge beyond legal training.

3.3. Prolonged Trial Durations

Food safety cases in Punjab's courts suffer from unconscionably prolonged trial durations, with

average disposal time ranging from three to five years from filing to final judgment, fundamentally defeating the deterrent purpose of food safety legislation and denying timely justice to victims and society (Punjab Food Authority, 2022). Multiple factors contribute to these delays: chronic adjournments granted for witness non-appearance, defense counsel delay tactics including repeated applications for adjournment on frivolous grounds, overloaded court dockets where food safety cases compete with serious crimes for judicial attention, and insufficient judges relative to caseload resulting in infrequent hearing dates sometimes scheduled months apart. The Code of Criminal Procedure, 1898, though amended to promote expeditious trials, lacks specific timelines for food safety cases and provides numerous opportunities for interlocutory applications, revision petitions, and procedural challenges that extend litigation indefinitely (Iqbal, 2020).

Prosecution witnesses, particularly Food Safety Officers face difficulties attending court repeatedly over years, leading to memory fading, witness hostility developing, and eventual turning hostile or providing inconsistent testimony that undermines prosecutions. The absence of dedicated food safety courts with exclusive focus and adequate judicial strength ensures that cases languish, evidence deteriorates, public interest diminishes, and ultimately many cases conclude in acquittals or withdrawal after prolonged litigation has exhausted all parties, leaving violators effectively unpunished and victims without remedy.

3.4. Complex Evidentiary Requirements

The evidentiary framework applicable to food safety prosecutions under the Punjab Food Authority Act, 2011, read with the Code of Criminal Procedure, 1898, and Qanun-e-Shahadat Order, 1984, imposes complex requirements that create significant challenges for effective prosecution and adjudication. Proving food adulteration or contamination requires establishing a complete chain of custody from sampling to laboratory analysis, including documentation of sample collection procedures,

sealing and labeling protocols, transportation and storage conditions, laboratory testing methodologies, and analyst qualifications, with any break in this chain providing grounds for challenging evidence admissibility (Section 25, PFA Act, 2011).

The prosecution must establish beyond reasonable doubt that the accused knowingly or negligently sold, manufactured, or distributed unsafe food, requiring proof of mens rea (guilty mind) that is particularly difficult when corporate entities are prosecuted and responsibility is diffused across multiple employees and management levels (Butt & Malik, 2021). Documentary evidence including laboratory reports, test certificates, inspection records, and licensing documents must comply with strict evidentiary rules regarding authentication, certification, and expert opinion, with defense counsel frequently challenging the competence of testing laboratories, validity of analytical methods, and qualifications of food analysts. The requirement for formal examination and cross-examination of expert witnesses transforms straightforward food safety violations into protracted scientific battles where judges lacking technical background struggle to evaluate competing expert testimonies regarding acceptable contamination levels, statistical significance of test results, or reliability of analytical techniques.

3.5 Handling of Scientific and Technical Evidence

Scientific and technical evidence forms the evidentiary backbone of food safety prosecutions, yet ordinary criminal courts in Punjab demonstrate systematic difficulties in comprehending, evaluating, and applying such evidence to legal standards of proof beyond reasonable doubt. Laboratory reports detailing microbiological analyses (bacterial counts, pathogen identification), chemical analyses (pesticide residues, heavy metal concentrations, adulterant detection), and physical-chemical parameters (moisture content, ash value, specific gravity) contain technical terminology, numerical data, and statistical expressions that require scientific literacy to interpret accurately (Ahmad et al., 2019).

Judges untrained in chemistry or microbiology cannot independently assess whether detected aflatoxin levels of 20 parts per billion exceed safety thresholds, whether bacterial counts of 10^5 CFU/gram indicate dangerous contamination, or whether gas chromatography-mass spectrometry results reliably identify synthetic food colors, instead relying entirely on expert interpretation that may be contested by equally credentialed defense experts. The adversarial system's reliance on examination and cross-examination of expert witnesses transforms scientific questions into credibility contests where judges select between competing experts based on demeanor, presentation skills, or institutional affiliations rather than scientific merit of their opinions. Defense attorneys exploit judges' scientific illiteracy by introducing irrelevant technical complexities, questioning established scientific principles, demanding unnecessary additional testing, and creating reasonable doubt through manufactured scientific uncertainty, tactics that would be transparent to scientifically-trained adjudicators but prove effective before generalist judges who cannot distinguish legitimate scientific debate from obfuscation.

3.6 Expert Witness Examination

The examination and cross-examination of expert witnesses in food safety cases presents unique challenges that the existing adjudicatory framework inadequately addresses, resulting in ineffective utilization of scientific expertise and frequent evidentiary failures. Punjab Food Authority's prosecution relies heavily on food analysts, microbiologists, and inspectors as expert witnesses to establish that samples exceeded permissible contamination levels, contained prohibited substances, or violated food safety standards, yet these experts often lack courtroom experience and struggle to communicate complex scientific concepts in legally admissible form (Siddiqui, 2020).

Defense counsel employs aggressive cross-examination tactics designed to confuse expert witnesses, challenge their qualifications despite statutory recognition, question laboratory accreditation and testing protocols, and introduce

alternative interpretations of scientific data that non-specialist judges cannot evaluate competently. The Qanun-e-Shahadat Order, 1984, permits expert opinion evidence but provides limited guidance on qualifying experts in highly technical fields, leading to disputes over whether particular witnesses possess sufficient expertise in specialized sub-fields of food science such as mycotoxin analysis or pathogen detection. Courts frequently fail to distinguish between expert testimony on established scientific facts (e.g., that aflatoxin causes cancer) and opinion testimony on case-specific questions (e.g., whether detected levels pose health risk), treating all expert evidence as mere opinion subject to equal weight regardless of scientific consensus. The absence of court-appointed independent experts or technical assessors means judges must choose between prosecution and defense experts without institutional scientific support, often resulting in decisions based on procedural technicalities rather than substantive evaluation of whether food safety violations occurred.

3.7. Low Conviction Rates

Food safety prosecutions in Punjab suffer from alarmingly low conviction rates, estimated at below 15% across various courts, representing a catastrophic failure of deterrence and enforcement that undermines the entire regulatory framework (Punjab Food Authority, 2023). Statistical analysis of food safety cases from 2015-2024 reveals that the vast majority of prosecutions conclude in acquittals, discharges, or withdrawals, with convictions occurring primarily in cases involving egregious violations with overwhelming evidence such as on-site discovery of adulterants or video-documented contamination. Multiple factors contribute to this dismal conviction rate: evidentiary challenges in proving contamination and establishing chain of custody, defendants' exploitation of procedural technicalities and indefinite delays, witness non-cooperation and turning hostile after prolonged litigation, judges' reluctance to convict based on technical evidence they insufficiently understand, and inadequate legal representation for Punjab

Food Authority compared to well-resourced corporate defendants (Akram & Khalid, 2021).

3.8. Inconsistent Application of Penal Provisions

The application of penal provisions under the Punjab Food Authority Act, 2011, exhibits troubling inconsistency across different courts, judges, and geographic regions, creating legal uncertainty and undermining the principle of equality before law enshrined in Article 25 of the Constitution. Identical violations such as sale of substandard milk with identical bacterial counts or adulteration with identical prohibited substances receive vastly different treatment depending on which court and judge hears the case, with some judicial officers imposing maximum penalties while others award minimal fines or suspend sentences despite comparable factual circumstances (Hassan, 2022).

This inconsistency stems from absence of sentencing guidelines specific to food safety offences, lack of precedential guidance from appellate courts on appropriate penalty ranges for different violation categories, individual judges' varying perceptions of food safety's importance relative to other criminal matters, and inadequate legal training on the public health implications of food safety violations. Courts demonstrate confusion regarding when to apply provisions for simple violations versus aggravated offences, when imprisonment is warranted versus monetary penalties alone, how to calculate proportionate fines based on violation severity and economic benefit derived, and whether repeat offenders deserve enhanced punishment. The discretionary nature of sentencing under Section 22-32 of the PFA Act, combined with judges' unfamiliarity with food safety's technical and health dimensions, produces arbitrary outcomes where serious public health threats may receive lenient treatment while minor infractions occasionally attract disproportionate penalties, eroding both the deterrent effect and the perceived fairness of the enforcement system.

3.9. Inadequate Penalties and Deterrence Failure

Even in the minority of cases resulting in conviction, the penalties actually imposed by

courts frequently prove inadequate to deter future violations or punish culpable conduct proportionately, particularly when violators are large commercial enterprises for whom fines represent negligible business costs. The Punjab Food Authority Act prescribes imprisonment up to five years and fines up to Rs. 03 million for serious violations, yet courts routinely impose minimum sentences of few months' imprisonment (often suspended) and fines in the range of Rs. 50,000-100,000 even for violations causing health injuries or involving deliberate adulteration (Malik, 2020).

Judicial officers demonstrate reluctance to impose harsh penalties due to perception that food safety violations are regulatory offences rather than serious crimes, sympathy toward small-scale food vendors whose livelihoods depend on their businesses, lack of appreciation for cumulative public health impact of food safety violations affecting thousands of consumers, and absence of victim impact statements or health consequence documentation that would inform sentencing. For corporate violators generating millions in revenue from adulterated products, fines of Rs. 100,000 represent mere cost of doing business rather than meaningful punishment, creating economic incentives to continue violations, absorb occasional penalties, and factor enforcement costs into profit calculations. The deterrence theory underlying criminal law assumes that threatened punishment outweighs potential gains from criminal conduct, yet Punjab's food safety enforcement demonstrates the opposite potential profits from adulteration and cost-cutting through safety violations far exceed the discounted expected value of penalties adjusted for low conviction probability and minimal actual sentences imposed.

4. Recommendations and Reform Proposals

The establishment of specialized food safety courts with dedicated judges trained in scientific evidence evaluation and food safety law is essential to address systemic adjudicatory failures in Punjab. These courts should include technical assessors with expertise in food science and toxicology to assist judicial officers in

comprehending complex scientific evidence. Comprehensive judicial training programs covering food safety regulations, laboratory testing methodologies, and public health principles must be instituted for all adjudicators handling food safety matters. Clear separation between Punjab Food Authority's administrative enforcement functions and independent adjudicatory mechanisms is necessary to ensure natural justice, procedural fairness, and public confidence in food safety enforcement. Legislative amendments to the Punjab Food Authority Act, 2011, should establish Food Safety Appellate Tribunals modeled on India's successful framework, providing scientifically-informed, time-bound adjudication with streamlined procedures that balance due process against public health imperatives.

5. Conclusion

The adjudication of food safety violations in Punjab stands at a critical juncture where systemic institutional failures threaten to render an otherwise comprehensive legislative framework functionally obsolete. This research has demonstrated through doctrinal analysis, empirical examination and comparative study that the Punjab Food Authority Act, 2011, despite its ambitious regulatory architecture and the Punjab Food Authority's commendable enforcement vigor, fails to achieve its protective objectives due to fundamental deficiencies in the adjudicatory mechanisms tasked with converting regulatory violations into meaningful legal consequences. The reliance on ordinary criminal courts lacking specialized expertise in food science, microbiology, and toxicology has created an insurmountable knowledge gap where judges cannot independently evaluate the complex scientific evidence that forms the evidentiary foundation of food safety prosecutions. This expertise deficit, combined with fragmented jurisdiction across multiple forums, prolonged trial durations averaging three to five years, and alarmingly low conviction rates below fifteen percent, has effectively negated the deterrent purpose of food safety legislation and emboldened violators who

correctly perceive minimal risk of meaningful punishment.

The constitutional dimensions of this adjudicatory failure cannot be overstated. Articles 9 and 38(d) of the Constitution impose upon the State a justiciable obligation to protect citizens' right to life and provide basic necessities including wholesome food. Yet the existing adjudicatory framework systematically fails to vindicate these constitutional guarantees, allowing deliberate or negligent sale of adulterated, contaminated, and toxic food products that cause mass poisoning, chronic diseases, developmental disabilities in children, and preventable deaths to proceed with functional impunity. The victims of food safety violations disproportionately vulnerable populations including children, pregnant women, and economically disadvantaged citizens face a legal system that denies them timely justice, adequate compensation, and meaningful protection against systematic threats to their fundamental rights. This institutional vacuum represents not merely an administrative inefficiency but a profound violation of the social contract between the State and its citizens, wherein the government's failure to establish effective adjudicatory mechanisms for food safety translates directly into preventable suffering and death among the population it is constitutionally obligated to protect.

The comparative analysis with international jurisdictions, particularly India's specialized Food Safety Appellate Tribunal and regulatory courts in developed nations, demonstrates conclusively that institutional design directly determines enforcement effectiveness. Jurisdictions that have established specialized courts with technical assessors, streamlined procedures, and judges trained in scientific evidence evaluation achieve conviction rates exceeding seventy percent and case disposal within months rather than years, providing both effective deterrence and timely justice. The contrast with Punjab's dismal enforcement outcomes under the general criminal justice system validates the central hypothesis of this research: that food safety violations, given their technical complexity and public health implications, cannot be effectively adjudicated

within conventional criminal courts designed for entirely different categories of offenses requiring no specialized scientific knowledge.

The establishment of specialized food safety courts in Punjab is not merely a desirable reform but an urgent constitutional imperative. These specialized forums, equipped with technical assessors possessing expertise in food science and toxicology, governed by streamlined procedures balancing due process against public health urgency, and staffed by judges trained in scientific evidence evaluation and food safety law, represent the only viable institutional mechanism capable of bridging the chasm between legislative intent and enforcement reality. The proposed framework must incorporate clear separation between administrative enforcement functions and independent adjudication to ensure natural justice and procedural fairness while maintaining the expeditious case disposal essential for effective deterrence. Legislative amendments establishing Food Safety Appellate Tribunals modeled on successful international frameworks, combined with comprehensive judicial training programs and adequate resource allocation, will transform Punjab's food safety enforcement from its current state of systemic failure into an effective protective mechanism worthy of a province committed to safeguarding the fundamental rights and public health of its one hundred ten million citizens.

REFERENCES

Ahmad, N., Hussain, S., & Raza, M. (2019). Scientific evidence in food safety litigation: Challenges and solutions. *Pakistan Journal of Food Sciences*, 29(2), 78-95.

Ahmed, F. (2023). Corporate criminal liability in food safety violations. *Corporate Law Review Pakistan*, 18(1), 145-169.

Ahmed, S., & Siddiqui, M. (2021). Provincial food safety legislation in Pakistan: A comparative analysis. *Pakistan Journal of Law and Policy*, 12(3), 45-68.

Akram, W., & Khalid, M. (2021). Conviction rates in regulatory prosecutions: A Punjab perspective. *Lahore University Law Journal*, 6(2), 201-224.

Akram, W., Mahmood, T., & Ali, R. (2020). Food safety regulation in Pakistan: Historical evolution and contemporary challenges. *South Asian Studies*, 35(2), 287-305.

Ali, R., & Butt, S. (2023). Jurisdictional fragmentation in regulatory enforcement in Pakistan. *Journal of Administrative Law*, 11(3), 312-338.

Butt, A., & Malik, S. (2021). Proving *mens rea* in corporate food safety violations. *Pakistan Criminal Law Journal*, 15(4), 267-289.

Codex Alimentarius Commission. (2021). *Procedural manual* (27th ed.). FAO/WHO.

Code of Criminal Procedure, Act V of 1898 (Pak.).

Constitution of the Islamic Republic of Pakistan. (1973).

Constitution (Twelfth Amendment) Act, Act VIII of 1991 (Pak.).

Food Safety and Standards Act, Act 34 of 2006 (India).

Hassan, I. (2017). Punjab Food Authority Act 2011: A legislative breakthrough in food safety regulation. *Lahore Law Review*, 8(1), 112-134.

Hassan, I. (2022). Sentencing patterns in food safety cases: An empirical study. *Punjab Law Review*, 9(1), 88-112.

Iqbal, J. (2020). Procedural delays in the criminal justice system of Pakistan. *Justice and Law Review*, 13(2), 156-178.

Iqbal, M. (2021). Administrative justice and natural justice in Pakistan. *Administrative Law Review*, 9(2), 145-167.

Khan, A., Akhtar, N., & Rizvi, S. (2023). Consumer confidence and food safety regulation in Pakistan. *Consumer Studies Quarterly*, 8(3), 245-267.

Khan, M. A. (2018). Constitutional dimensions of food safety in Pakistan. *Pakistan Law Journal*, 23(4), 201-225.

Khan, M., & Ahmed, R. (2022). Implementation of special courts in Punjab: Challenges and prospects. *Judicial Studies Annual*, 7(1), 34–58.

Law and Justice Commission of Pakistan. (2023). *Judicial statistics 2022–23*. Government of Pakistan.

Mahmood, T. (2019). Right to food and constitutional obligations in Pakistan. *Constitutional Law Review*, 14(2), 89–111.

Mahmood, T., & Hassan, K. (2020). Criminal justice delivery in regulatory offences. *Pakistan Law Review*, 25(3), 178–203.

Malik, F. (2020). Penalty patterns in food safety adjudication. *Regulatory Law Journal*, 12(2), 134–157.

OECD. (2018). *The role of technical assessors in specialized tribunals*. OECD Publishing.

Punjab Food Authority. (2022). *Annual report 2021–22*. Government of Punjab.

Punjab Food Authority. (2023). *Annual report 2022–23*. Government of Punjab.

Punjab Food Authority. (2023). *Statistical digest: Food safety enforcement 2015–2023*. Government of Punjab.

Punjab Food Authority Act, Act II of 2011 (Punjab).

Punjab Pure Food Regulations. (2011).

Rashid, K. (2021). Scientific literacy in judicial decision-making. *Law and Science Review*, 5(2), 89–107.

Siddiqui, A. (2020). Expert witnesses in regulatory litigation: A Pakistani perspective. *Evidence Law Quarterly*, 14(4), 298–321.

United Nations. (2015). *Transforming our world: The 2030 agenda for sustainable development* (GA Res. 70/1).

World Health Organization. (2022). *WHO global strategy for food safety 2022–2030*. WHO Press.

World Trade Organization. (1995). *Agreement on the application of sanitary and phytosanitary measures*.

Yousaf, M. (2019). Civil liability for food safety violations in Pakistan. *Tort Law Journal*, 10(3), 212–238.

Yousaf, M., & Mahmood, K. (2022). Victim compensation in food safety cases: Challenges and reforms. *Consumer Rights Review*, 16(1), 45–71.

