

CRIMINOLOGY

Supplementary Notes

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CRIME CRIMINALITY AND CRIMINAL BEHAVIOR

Crime	Criminality	Criminal Behavior
It is any act or omission which is punishable by the Law.	Criminality is a trait: Criminal Mindedness.	Criminal Behavior is general conduct expected to be exhibited by a person which may lead to a criminal act.
Examples include “Theft” “Robbery” “Kidnapping” or traffic violation.	Example includes a person who is always inclined to commit a crime.	For example, a habitual traffic signal violator is always trying to violate the signal whenever he gets such opportunity.
A person may commit a crime despite having little criminality. For example, a person may break a traffic signal in the wake of an extreme exigency. Despite having done a criminal act, the personality of such person is not dominated by “Criminality”.	Criminality centers more around the intention and urge for crime. For a example a habitual traffic signal violator has developed a trait of violating the traffic law. This trait criminality.	The general behavior may or may not lead to a criminal act. For example, a traffic violator is trying to violate the signal, but he leaves such intention as soon as he sees a traffic sergeant. Now in such a case the act/crime is not committed but the behavior so exhibited could be termed as criminal behavior.

Typologies of Crimes and Focus of Typology

Typology simply means classification into different categories. A typology of crimes and criminals therefore attempts to classify the crime and criminals on the basis of similarity of characteristics.

For example crimes may be categorized in terms of:

- 1- Nature of Act (Mala in Se and Mala Prohibita)
- 2- Severity (Infraction, Misdemeanor and Felony)
- 3- Target (Property Crimes and Cybercrimes)

Likewise Criminals may be categorized in terms of following

- 1- Frequency (Occasional and Habitual)

- 2- Age (Juvenile Vs Adult)
- 3- Gender (Male Vs Female Criminals)

Benefits of Typology

- a. Aids in understanding patterns and behaviors.
- b. Aids in making comparisons
- c. The policy makers may take benefit of the analysis of typology.
- d. Helps the investigators in understanding the patterns of crime.

What should be the Focus of Typology:

Clarity: The basis of classification must be clear. For example, classification of criminals according to their eating patterns will never be useful.

Exclusivity: The classification should be such in which one person doesn't fall in to two different categories such as cricket lovers and football lovers. Now there is every likelihood of one person may be falling into both categories.

Reasonability: Classification should be made in such a manner that reasonable number of people fall in that category.

Some other types of crimes:

Violent Crimes

These are the crimes in which physical force is used against persons or properties.

Following crimes fall in the category of violent crimes.

- i. Homicide
- ii. Assault & Battery
- iii. Rape
- iv. Terrorism
- v. Family Violence
 - a. Child Abuse
 - b. Wife Beating
 - c. Sibling Abuse
 - d. Violence against the Elderly
- vi. Corporate Violence (substandard eatable products, inadequate safety arrangements)
- vii. Government Violence (Violence in Kashmir Valley)
- viii. Professional Violence (unnecessary surgery by physicians)

Economic/Financial Crimes

It is a crime for economic or financial gain.

Examples include

- a. Theft
- b. Robbery
- c. Burglary
- d. Shoplifting
- e. Employee theft
- f. Telemarketing Fraud
- g. Bribery
- h. Money Laundering

Victimless Crimes or Crimes without victim

Normally there are two parties to a crime, one or more offenders and one or more victims. For example in crime of a theft, the thief is the offender while the person whose valuable has stolen is the victim. In offence of a murder, the murderer is offender while the slain is victim. This distinction can be made in most of the crimes. However there is an exception to this rule for certain crimes in which victim or offender cannot be distinguished. Such crimes are generally committed with the consent of the parties involved such as prostitution and gambling.

The term “Victimless crime” can be defined as under”

“Those non-forceful offenses where the conduct subjected to control is committed by adult participants who are not willing to complain about their participation in the conduct, and no direct injury is inflicted upon other persons not participating in the prescribed conduct¹

¹ Decker, The Consideration of an Absolute Defense or Mitigation in Crimes Without Victims, 5 ST. MARY'S L.J. 40 (1973) [hereinafter cited as Decker.

CRIME STATISTICS IN PAKISTAN

Crime Report (Yearly)

Year/ Month	All Reported	Murder	Attempted Murder	Kidnapping/ Abduction	Dacoity	Robbery	Burglary	Cattle theft	Motor Vehicle Theft	Other theft	Miscellaneous
1	2	3	4	5	7	8	9	10	11	12	13
2010	642762	13190	15533	18181	4586	18098	16784	8846	35259	40397	471888
2011	673750	13860	15496	19523	5015	20521	18073	9345	40103	42223	489591
2012	645647	13846	15338	20194	4257	17081	17638	9046	34663	40102	473482
2013	634404	13937	14648	19472	4053	17363	17053	7743	-	37751	502384
2014	627116	13276	14499	18700	3516	18107	17153	7459	-	35288	499118
2015	633600	9486	11336	17922	2329	15164	15878	6502	-	32400	522583
2016	677554	8516	10279	18057	1636	13088	14572	6068	23813	34320	547205
2017	683925	8235	9499	18363	1280	12458	13833	5342	22778	37304	554833
2018	703481	8241	10067	20060	1414	14914	14646	6233	29163	39418	559325
2019	786339	8153	10438	20256	1382	18239	16124	7793	37105	55836	611013
2020	876430	8490	11797	19658	1320	19904	16474	8649	46372	57988	685778

Source : Pakistan Bureau of Statistics(<https://www.pbs.gov.pk/node/1100>)

PRISONERS STATISTICS IN PAKISTAN

(Source: <https://www.prisonstudies.org/country/pakistan>)

Prison population total (including pre-trial detainees / remand prisoners)	85 670 <i>at September 2021 (national prison administration)</i>
Prison population rate (per 100,000 of national population)	38 <i>based on an estimated national population of 226.09 million at September 2021 (from United Nations figures)</i>
Pre-trial detainees / remand prisoners (percentage of prison population)	c. 70.0% <i>(September 2021)</i>
Female prisoners (percentage of prison population)	1.6% <i>(2021)</i>
Juveniles / minors / young prisoners incl. definition (percentage of prison population)	1.6% <i>(2021 - juveniles)</i>

Foreign prisoners (percentage of prison population)	1.2% <i>(30.6.2007)</i>		
Number of establishments / institutions	116 <i>(September 2021)</i>		
Official capacity of prison system	64 099 <i>(September 2021)</i>		
Occupancy level (based on official capacity)	133.7% <i>(September 2021)</i>		
Prison population trend (year, prison population total, prison population rate)	2000	78,938	56
	2002	c 90,000	c 60
	2004	88,659	57
	2006	86,500	53
	2009	81,409	46
	2012	74,944	40
	2014	c 79,700	c 41
	2016	84,315	41
	2018	83,718	40

UNDER-TRIAL PRISONERS

Year	Number in pre-trial/remand imprisonment	Percentage of total prison population	Pre-trial/remand population rate (per 100,000 of national population)
1999	61,241	77.6%	43
2004	51,433	67.8%	33
2009	57,556	70.7%	34
2015	55,429	69.1%	30
2021	c. 60,000	c. 70.0%	c. 27

Source: <https://www.prisonstudies.org/country/pakistan>

Year	Number of female prisoners	Percentage of total prison population	Female prison population rate (per 100,000 of national population)
1999	1,203	1.7%	0.9
2003	1,518	1.8%	1.0
2007	1,328	1.4%	0.8
2010	931	1.2%	0.5
2015	1,650	2.1%	0.9
2021	1,399	1.6%	0.6

Source: <https://www.prisonstudies.org/country/pakistan>

JUVENILE STATISTICS

Juvenile offenders in Detention			
Year	Under Trial Juvenile Prisoners	Convicted Juvenile Prisoners	Total
2005	2005	363	2368
2006	2035	231	2266
2007	1810	205	2015
2008	1635	153	1788
2009	1225	132	1357
2010	1074	151	1225
2011	1267	165	1432
2012	1219	179	1398
2013	1315	183	1498
2014	1354	285	1456
2015	-	-	-
2016	1097	128	1225
2017	1085	113	1198
2018	1081	118	1199
2019	1209	215	1424

Source: Society for the Protection of the Rights of the Child(<https://www.sparepk.org/AboutUs.html>)

CRITICISM ON CRIMINOLOGY THEORIES:

Sr No	Theory	Criticism
1	Pre-Classical School	<ul style="list-style-type: none"> • Faith based explanation without any reasoning or scientific endorsement. • Offers no pragmatic solution to the problem of crime.
2	Classical School	<ul style="list-style-type: none"> • People are not always endowed with identical capacity to reason. • For some people offending may be entirely rational. • It offers no explanation to crimes committed in response to impulsivity or sudden anger. • Fails to scrutinize criminals as human beings.

3	Biological /Physical Appearances theory	<ul style="list-style-type: none"> • Criminals are considered only those who are engaged in street crimes. • No explanation for white collar crimes or deviant acts which are not criminalized by the society. • None of the biological/physical appearances theories has been scientifically endorsed.
4	Intelligence Theory	<ul style="list-style-type: none"> • Like the biological school, criminals are considered only those who are engaged in street crimes. • In practical life, criminals are found to be cleverer and more intelligent than non-criminals. • Some crimes such as cyber crimes may be committed by only those who are endowed with a high degree of intelligence,
5	Psychological School.	<ul style="list-style-type: none"> • No scientific endorsement • People with similar circumstances may have different criminal behaviors
6	Social Disorganization Theory	<ul style="list-style-type: none"> • Mackey and Shah were criticized for relying upon the police record to measure juvenile delinquency. Had they relied on self collected data, the critics maintain, the results would have been different. • Robert Kapis found little evidence to endorse the postulates of this theory². • John Johnstone also concluded that there was little evidence to hold that criminality is effected by locality³.
7	Social Strain Theory	<ul style="list-style-type: none"> • Not applicable to higher class (the rich) • Human beings are not always driven by the social factors. • Crimes motivated by other reasons (such as impulsivity) are not explained by this theory.
8	Social Control Theory	<ul style="list-style-type: none"> • Travis Hirschi excluded females from his study. • There is a little evidence to suggest that delinquency weakens the social bond⁴. • A study found no difference with regard to social bonding between the students who were drug addict non addicts⁵. • The presumption that humans are naturally immoral has been subjected to criticism by many scholars.

² Kapis, R. E. (1978). RESIDENTIAL SUCCESSION AND DELINQUENCY A Test of Shaw and McKay's Theory of Cultural Transmission. *Criminology*, 15(4), 459-486.

³ Johnstone, J. W. (1983). Recruitment to a youth gang. *Youth & Society*, 14(3), 281-300.

⁴ Agnew, R. (1994). The techniques of neutralization and violence. *Criminology*, 32(4), 555-580.

⁵ Kandel, D., & Davies, M. (1991). Friendship networks, intimacy, and illicit drug use in young adulthood: A comparison of two competing theories. *Criminology*, 29(3), 441-469.

CAUSES AND PREVENTIVE MEASURES FOR RECIDIVISM

Causes

- Inadequate Focus on Rehabilitation in prisons
- Psychological Pressure
- Economic Strains
- Lack of skills to earn livelihood
- Strong bonds with criminals (Peer Group Influences).
- Stigmatization
- More criminal exposure during incarceration

Prevention

- Prison Reforms
- Reformation of Criminal Justice System
- Enforcement of Restorative Justice (Probation and Parole)
- Focus on Rehabilitation of Offenders
- Skill Building during Imprisonment
- Employment Opportunities for the offenders released from prisons
- Post-Release Counselling to the convicts

MORE ABOUT INTERPOL

*(Currently there are 195 members of Interpol. The Federated States of Micronesia was the last member admitted to the Organization in November 2021)

Other Activities of Interpol

Interpol aids its members by variety of other manners which include the following.

Border Management

- 1- Border Management: Interpol aids its members to secure their borders. It has maintained a database of criminals accessible to the police organizations across the globe.
- 2- It has established an Integrated Border Management Task Force which assists the members countries in securing their borders.
- 3- It has developed a screening service named “*I-Checklist*” which is currently being used by airlines and cruise lines for screening of their customers against fake documents.

Capacity Building

Interpol arranges various training programs for capacity building of the law enforcements officials of the members countries.

Command and Coordination Center

This center works round the clock to render necessary assistance to the member countries.

Criminal Investigation Analysis

Interpol conducts analysis of the crime data and generates reports which are used internally by it as well as made available to relevant members countries.

Databases

Interpol maintains a very comprehensive database of crimes and criminals which is accessible to the member countries.

The Data bases Includes

- Digital INTERPOL Alert Library - Document Database (DIAL DOC)
- Fingerprints Database (AFIS)
- International Child Sexual Exploitation Image Database (ICSE)
- INTERPOL Ballistic Information Network (IBIN)
- INTERPOL’s Criminal Information System (ICIS) - Nominal Database
- INTERPOL Facial Recognition System
- (IFRS)

- INTERPOL Firearms Reference Table
- (IFRT)
- INTERPOL Illicit Arms Records and tracing Management System (iARMS)
- RELIEF
- Stolen Administrative Documents (SAD)
- SLTD Database
- (travel and identity documents)
- Stolen Motor Vehicles (SMV)
- Stolen Vessels Database (SVD)
- Works of Art (WoA)
- Analysis Files
- Compliance Management Database
- Stolen Travel and Identity Documents Database
- International Child Sexual Exploitation database
- Stolen Works of Art Database
- Illicit Arms Records and tracing Management System (iARMS)

Operation Infra (International Fugitive Round-Up and Arrest)

It is an initiative meant to locate and arrest serious international fugitives by mutual cooperation of law enforcement agencies of members.

AMENDMENTS IN NAB LAW

National Accountability Ordinance has been amended through two Amendment Acts in year 2022.

FIRST AMENDMENT ACT

1- National Accountability (Amendment) Act, 2022 (Promulgated on 22nd June 2022):

Following are the major provisions of this Amendment Act:

I. Following types of cases have been excluded from the Jurisdiction of NAB

(a) all matters pertaining to Federal, Provincial or Local taxation, other levies or imposts, including refunds, or loss of exchequer pertaining to taxation;

(b) decisions of Federal or Provincial Cabinet, their Committees or Sub-Committees Council of Common Interests (CCI), National Economic Council (NEC), National Finance Commission (NFC), Executive Committee of the National Economic Council (ECNEC), Central Development Working Party (CDWP), Provincial Development Working Party (PDWP), Departmental Development Working Party (DDWP), the State Bank of Pakistan and such other bodies except where the holder of the public office has received a monetary gain as a result of such decision;

(c) any person or entity who, or transaction in relation thereto, which are not directly or indirectly connected with the holder of a public office except offences falling under clauses (ix), (x) and (xi) of sub-section (a) of section 9;

(d) procedural lapses in performance of any public or governmental work or function, project or scheme, unless there is evidence to prove that a holder of public office or any other person acting on his behalf has been conferred or has received any monetary or other material benefit from that particular public or governmental work or function, whether directly or indirectly on account of such procedural lapses, which the said recipient was otherwise not entitled to receive;

(e) a decision taken, an advice, report or opinion rendered or

given by a public office holder or any other person in the course of his duty, unless there is sufficient evidence to show that the holder of public office or any other person acting on his behalf received or gained any monetary or other material benefit, from that decision, advice, report or opinion, whether directly or indirectly, which the said recipient was otherwise not entitled to receive; and

(f) all matters, which have been decided by, or fall within the jurisdiction of a regulatory body established under a Federal or Provincial law.

- II. Previously the Chairman NAB was to be appointed by the President in consultation with leader of the house and leader of the Opposition. Law was silent about a situation where both of them failed to reach at a consensus. Now under this Amendment Act, a provision has been incorporated in the law according to which, in case of failure of the both to agree on one name, the matter is to be referred to a parliamentary committee comprising of twelve members with equal representation from treasury and opposition benches.
- III. The term of Chairman NAB has been reduced from four to three years.
- IV. Previously there was no right of Bail for offences falling under NAB Ordinance. However under this Amendment Act , the Accountability Court established under the Ordinance has been invested with the power to grant bail or release the accused.
- V. Period of physical remand has been reduced from 90 days to 14 days.
- VI.

SECOND AMENDMENT ACT

National Accountability (Second Amendment) Act, 2022(Promulgated on 11th August 2022) brough following changes in the National Accountability Ordinance 1999.

- i. Corruption Cases where the alleged amount is below Rs 500 Million (50 crore) have been excluded from the jurisdiction of NAB.

- ii. NAB has been barred to enquire in to the cases pertaining to the Directors of State Owned Enterprises and other Statutory Bodies.
- iii. Previously only a District and Session Judge could be appointed as a Judge of Accountability Court. Under this Amendment, an Additional District and Session Judge, in addition to the District and Session Judge, can also be appointed as a Judge of an Accountability Court.
- iv.

Stated Objectives of These Amendments

- i. To prevent the NAB from enquiring into the cases of procedural lapses where no corruption is involved.
- ii. To prevent political victimization through NAB
- iii. To check the alleged excesses of NAB.
- iv. To protect the rights of the accused persons being investigated by the NAB.
- v. Denial of right of bail was considered to be unjust, therefore, the right of bail has been extended to the accused persons.

Criticism on the Amendments

- 1- NAB has been weakened.
- 2- Jurisdiction of NAB has been unduly restricted.
- 3- It is also being alleged that these amendments are politically motivated.