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Batch: 342

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LMS: 29938

CRIMINOLOGY (MOCK)

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Introduction:

The word crime is derived from Latin word "crimen" which means "to allege" or "allegation". The concept of crime is as old as the human society. In criminology, crime means committing an act that is prohibited by the state and entails a specific punishment in the criminal procedural code of the country. Crime differs from deviance in a way that deviance is simply the violation of societal norms, having no punishment for it. While crime has a punishment

for the offenders. The study of crime and its causes helps criminologists understand the societal dynamics. Through this study, they come to know about specific changes in the society, and thus formulate and suggest policies to the criminal justice system.

The Concept of Crime in Criminology:

In criminology, crime refers to an action or intention that is prohibited or declared as a crime in the criminal law of a state, essentially involving a punishment for itself.

There have been various explanations of crime by different criminologists throughout

ages.

Determination of Crime:

How an action becomes a crime remains a comprehensive question. The concept of crime is not absolute and varies from time to time and place to place.

When masses of a state consider an action as a threat to them or it hurts or has potential to hurt their emotions — they approach the parliament and have an act passed which criminalizes that action.

Though, that action may not be a crime in other states.

For instance, drinking alcohol is a crime in Muslim countries while it's a common and personal affair in the western world.

Action



hustling people



people approach legislature



A bill is passed



That action is criminalized



Anyone committing that action will be subject to ~~any~~ punishment.

"Process of determining a crime".

Difference between Crime and Deviance.

Crime :

A crime is "committing an action" that has been criminalized by a state." It must be committed within the jurisdiction and physical boundary of the state or province in which it is criminalized.

For instance, kite flying is a crime in the premises of Punjab according to Punjab Kite Flying Ordinance 2001 while it is not a crime in other provinces of Pakistan.

A crime has punishment for it. It may not be considered a deviance by people since it may not violate any social norm, however it will ~~be~~ still be

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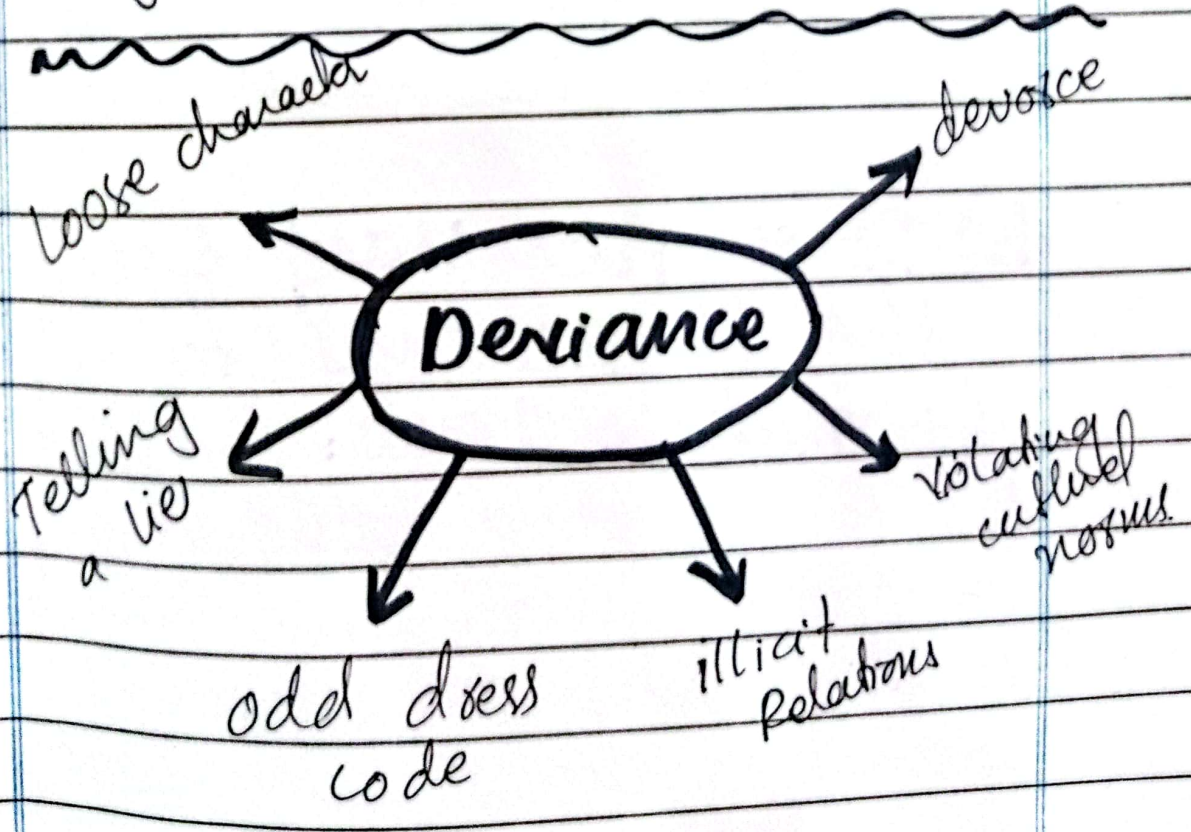
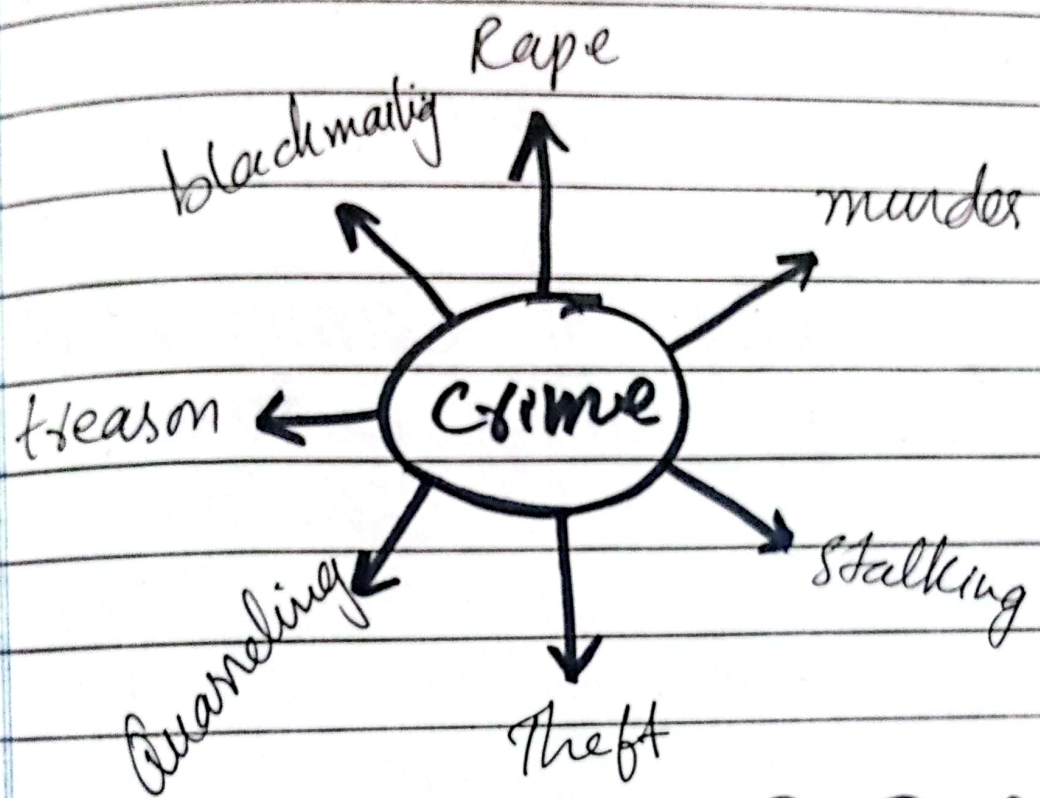
a crime. For instance, one-wheeling is not a social deviance, however it's a crime.

Deviance:

Deviance involves violation of societal norms. Any established norm in a society - if broken by a person - will be considered as a deviance. It may or may not trigger any punishment.

All crimes have punishment for them - but not all deviances have punishments. For instance, bunking classes, smoking and wearing odd dresses, are considered deviances but they have punishments since they are not crime.

All crimes are deviances
but not all deviances
are crime.



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Importance of the study of crime and its causes for understanding societal dynamics:

The study of crime and its causes have the following significance.

a) Study of crime helps in preventing futures.

Police and other LEAs study the specific crime patterns and thus take proactive steps to prevent their recurrence in future.

b) It is necessary for the legislatures to formulate laws:

While drafting bills, the legislatures need research data about societal dynamics in order to make effective laws.

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c) It helps Criminal Justice system to formulate strategies for a society.

The CJS plans strategies according to the specific pattern of a certain crime. For example, after studying cyber crimes, they were criminalized in Pakistan.

d) It assists criminologists conclude researches.

Criminologists conclude theories on the basis of research study of crime and its cause. Thus, they suggest remedies for crimes via study of crimes.

e) It enables the government and police to effectively address crimes.

Community policing and such other methods were introduced

as a result of study of crime and its causes. Thus, the societal dynamics are better addressed.

Conclusion:

Crime is a broad term emanating from various sources. Crime is relative in terms of space and time (relativity of crime). All ~~the~~ crimes are deviances but not all deviances are crimes. The determination of a crime is merely decided in terms of harm it causes to the society. The study and research of crime and its causes helps criminologists, police, legislatures and psychologists to draw conclusions for certain societal dynamics.

Q : 4

Introduction :

A juvenile is a person/child who has not reached the decided age of adulthood.

The determining age of a juvenile varies in countries.

However, majority of countries including Pakistan, have 18 years age for a juvenile. Certain factors are considered while dealing a juvenile offenders.

He or she is not treated like adult criminals. The purpose is on rehabilitation since juveniles do not have sane mind to commit crimes - but due to external factors. In Pakistan,

The ~~criminal~~ ^{Juvenile} justice system suffers through low resources, mismanagement, ill behaviour of police and inavailability of separate courts

Major components of Juvenile Justice Process

Major components are as under:

a) A Juvenile will not be handcuffed.

A juvenile should not be made feel that he is a criminal. otherwise, he or she may develop or internalize secondary deviance for lifetime.

b) A separate FIR will be filed against a Juvenile
Separate FIRs are filed for juveniles so they do not suffer the long proceedings of courts.

c) Bails for Juvenile offenders
Juveniles are awarded bails usually in crimes that adults may not get bails.

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c) Observation homes for juveniles instead of police stations.

A juvenile offender may not be kept in police station or jails. He or she will be sent to observation homes and rehabilitation centers instead.

d) Rehabilitation Centers instead of Jails.

A juvenile, similarly, can not be kept in jail but in separate rehabilitation centers with other children.

e) Probations for juvenile offenders.

Juveniles are awarded probations in order to rehabilitate them and give them a chance.

f) No death or life imprisonment sentence for a juvenile offender.

A juvenile has a whole life to live. He or she will have min. punishment.

Factors for determining appropriate interventions for Juvenile offenders:

The following factors are considered for juveniles.

a) Soft and humane behaviour with a juvenile.

The police should embrace humane behaviour with juvenile offenders. Since they are vulnerable to internalize any trauma or psychological pressure.

b) A juvenile must not be labelled as a criminal

"Labelling theory" by Howard Becker suggests that labelling an offender causes secondary deviance.

in them. Hence, a juvenile may form it for lifetime.

c) He may never be subject to torture by police.

A juvenile offender cannot be subject to torture or physical pain in interrogative and interviewing process. He/she is exempted from all physical and psychological tortures.

d) He can not be awarded labour punishment or corporal punishment.

He or she may not be award harsh labour punishments, since she or he is a weaker being.

e) Principle of "Paterens Patrie" state as a parent.

The state should act as a parent of the juvenile.

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and thus should perpetuate rehabilitative behaviour with a juvenile offender.

Major Shortcomings in Pakistan's Juvenile Justice System.

They are as follows.

a) Paucity of Resources.

The overall justice system of Pakistan suffers through paucity of resources. Thus, the juvenile justice system of 2018 cannot implement its conditions.

b) No Juvenile Courts

There is only one court for juveniles made in 2017. While the fate of juvenile offenders is high. This delays justice to juveniles.

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c) No observation homes or rehabilitation centers for juvenile offenders.

Due to inavailability of observation homes and rehabilitation centers, the juveniles suffer a lot in the overall proceedings. Even no one is working for it.

d) Juvenile offenders are imprisoned in adults' jails.

As a result, juvenile offenders are kept with adults in adult jails. This causes sexual exploitation of juveniles in jails by other prisoners.

e) Ill-behaviour of police with juvenile offenders.

The police perpetuates a very inhumane behaviour with juveniles. Abusing is common by police.

Conclusion:

There are great components of juvenile justice process from arrest till arraignment. A juvenile is treated differently from an adult offender. He is believed to commit crime due to social factors or exposure to criminal environment.

Thus, there is a separate justice system for them.

According to Prison Studies 2001, there are 116 jails in Pakistan and 133% occupancy rate in jails.

While juvenile rate is 1.6% of the overall prisoners.

Thus, juveniles have to live in these already overburdened jails with adults.

Q:6

Introduction:

Since Pakistan severed its criminal justice investigation system from its colonial master. The Britisher introduced criminal investigation system in 1905 in Pakistan sub-continent in Lahore. The criminal investigation is carried out via various processes, such as dental forensics, DNA testing, toxicology, foot printing, finger prints and forensic science. The forensic technologies and legal procedures both are very important to ensure a fair investigation.

Since modern means of crime have changed so should be the investigation process.

Process of Criminal Investigation in Pakistan

Police Order 2002 validates criminal investigation as a separate branch from "watch and ward" branch.

Thus, the following methods are used.

a) Digital Forensics.

Article 164 of Qasas e shukhoo ordinance legitimizes the electronic devices as a source of evidence. Thus mobile phones, computers and video or audio are checked in case they are tampered.

b) DNA Testing

DNA testing is also done in Pakistan's forensic Science Laboratories. DNA testing is one of the most important and oldest way of investigation in Pakistan.

c) Crime scene analysis:

Different methods are used for it like, spiral, grids, line, or any technique of crime scene analysis.

c) Finger prints

Finger prints are also analyzed in Pakistan's forensic science laboratories. This is a prevalent tool of investigation in the country.

d) Toxicology

Toxicology involves checking for any drug substance in the body as a evidence for a crime.

e) Polygraph

lie detector or polygraph is rarely used in Pakistan. With only military or FIA, the technology tests.

f) Trace chemistry:

Small evidences in trace amounts are examined in Palustan's investigative process.

g) Dog Trace.

Dog trace was used when Palustan had not come into being. It is still used in a limited way.

h) Khoji

In British India, there used to be a Khoji who would trace the criminals. They were even promoted on the rank of DSP in police.

Role of Forensic Technologies and legal procedures in fair investigation:

They play the following role in the investigation:-

a) Forensic Science provides objective evidences.

Forensic science provide unbiased evidences that are very crucial for fair investigation. such as, DNA testing and finger prints.

b) Forensic Science applies multipronged techniques

Forensic techniques uses Biology, computer science, physics, chemistry and various other sciences that lead to fair investigation.

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c) Forensic Techniques are based on Scientific Study: less chance of errors.

The scientific method is used which is based on observation, experiments and cross (double check of evidence). This leaves very less chance for errors to occur.

d) Legal procedures carry a comprehensive approach finding truth.

Legal procedures include all the stakeholders in the investigation process which finally leads to finding the real culprit. This ensures a fair and unbiased investigation.

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e) Legal procedures performs cross examination of the witnesses & evidences.

In courts, the witnesses are cross questioned by prosecution. This prevents the possibility of any false witness put forward by the defence.

f) Legal procedures carry relevancy, presence and timeliness in investigations.

Legal procedures are based on certain set of principles in order to search to the truth.

g) To separate the wheat from the chaff.

Irrelevant stuff is excluded while the relevant facts

are examined in the legal procedure

Conclusion:

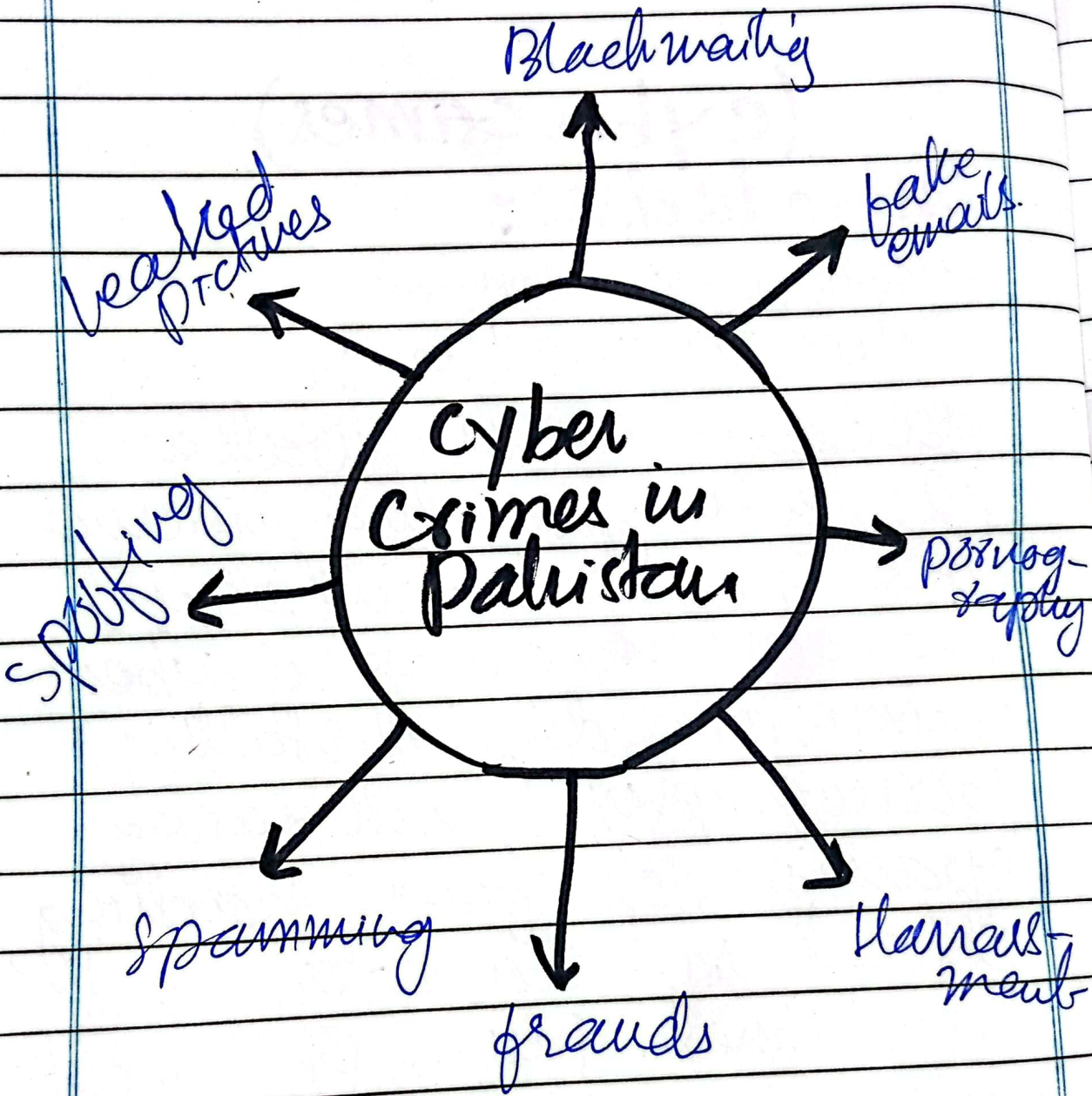
In Pakistan, the forensic science is frequently applied in criminal investigations. There are forensic science laboratories in Karachi, Lahore, Peshawar, Quetta and Islamabad. While chemists and chief chemists are also present across country. Thus, the forensic techniques as well as the legal procedure play a significant role in the investigation process of country. DNA testing, fingerprinting, digital forensics are some common ways used in the country.

Q: 7

(Cyber Crimes)

Introduction:

Cyber crimes emerged in Pakistan in the previous decade in the wake of ever-spreading internet and mobile technology. The common crimes of cyber section are digital stalking, pornography, blackmailing, spamming, spoofing, hacking, attack on character, and harassment. Thus, PTA and others took some robust steps to address the issue. "Cyber Crime Bill 2016" was enacted to criminalize cyber crimes. There are various prohibitions provided in this act. PTA is more active regarding cyber crimes.



Cyber crimes in Pakistan:

Recent trends show the following cybercrimes in Pakistan.

a) Harassment:

Women are harassed with unwanted texts and contacts. Their pictures are publicized via cyber forum.

b) Leaking women's inappropriate pictures

Inappropriate pictures of women are leaked by their closed ones, destroying their lives.

c) Blackmailing:

Women in Pakistan and people in general are blacked for economic benefits.

d) Spoofing

Fake websites are made to fraud people. Thus causing great loss to people economically and physically/emotionally.

e) Spamming

False emails are sent to people in order to avail their personal information, to be used for illicit purposes.

f) Hacking:

Mobiles phones and accounts are hacked.

g) Stalking

Women are stalked on social media. Their personal information is accessed.

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h) Unauthorized Access

Computers and mobiles are opened unauthorised, leading to losses

i) Frauds and Scams.

different kind of scams are carried out by scammers

g) ~~#~~ Human Trafficking:

women and children are trafficked through cyber websites.

i) Terrorism.

Terrorism is spread via social media. eg. hate speeches

J) Pornography.

Immoral content is shared via cyber - eg. child pornography

Efforts taken by LEA's to curb cybercrimes

The following efforts
are taken by them

a) Cybercrime Act 2016

This act criminalized
all sorts of cyber crimes
in Pakistan.

b) Special Wing for cybercrime in FIA.

FIA has a dedicated
branch for cyber
crimes.

c) Women Helpline.

There is Women Helpline
in Punjab to address
women's complaints,
and take them.

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d) Awareness ~~is~~ campaign
Awareness is spread
to create deterrence
against cyber crimes.

e) Hiring of Computer
specialists in investigation
programmers are hired
by PFA to investigate
and hack criminals
accounts or devices.

f) Convictions in cyber
crimes:

The conviction rate has
increased acutely
as a result of LEA's
efforts.

Conclusions.

In the wake of internet, cyber crimes became prevalent in Pakistan causing significant economic, ethical and emotional loss to people. Thus the law enforcement agencies took some efforts to address the issue. Like doing legislation, and creating special benches for cyber crimes in Pakistan PIA of Pakistan plays a leading role in this context. Thus, cyber crime is controlled upto a great extent in Pakistan.