Day: 40839- Javeria-074 Date:

MOCK EXAM

PART -II

QUESTION NO:- 2

"White Collar and Corporate crimes"

INTRODUCTION:

crime isn't confined to the streets, it also thrives in boardrooms, corporate offices and State institutions. **White collar crime**, a term coined by **Edwin. H. Sutherland (1939)** refers to non-violent crimes committed by person of respectability and high social status in the course of their occupation. A subset of this is **corporate crime**, which involves illegal acts committed by corporations to benefit the organizations itself. These crimes pose

Day: Date:

a grave threat to economic stability, social trust, and governance, often causing harm far exceeding that of conventional crimes.

White-collar Crime:

White collar crime includes offences such as:

- Fraud and embezzlement
- Insider trading
- Tax evasion
- Bribery and corruption
- Professional malpractice

These crimes are characterized by **deceit, concealment and violation of trust** rather than physical force.

Corporate crime:

Corporate crime refers to:

- Environmental pollution
- Financial manipulation
- Unsafe labor practices
- Price fixing and monopolistic behavior

Unlike individual white-collar crime,

Day: Date:

corporate crime is institutional, systematic and often shielded by complex organizational structures.

Theoretical Perspectives:

1. **Sutherland's Differential Association Theory:**
crime is learned through interaction. Corporate cultures may normalize unethical practices, making crime a learned occupational behavior.

2. **Rational Choice Theory:**
Offenders weigh costs and benefits. Weak enforcement and lenient penalties make white-collar crime a low-risk, high-reward activity.

3. **Conflict Theory:**
Laws are often shaped by elites; hence, white-collar crimes are under-criminalized compared to street crimes, reflecting class bias in criminal justice systems.

Day: Date:

Major Case Studies:

1. Enron Scandal (USA)

Enron used accounting loopholes and fradulent practices to hide debts, leading to its collapse in 2001. Thousands lost jobs and pensions, exposing flaws in corporate governance and auditing mechanisms

2. Volkswagen Emissions Scandal:

Volkswagen manipulated emission tests to deceive regulators. This corporate crime caused environmental damage and eroded public trust in multinational corporations.

3. Pakistan: Sugar and banking Scandals:

Corporate collusion, cartelization and financial mismanagement in Pakistan's sugar and banking sectors have contributed to inflation, fiscal losses, and public distrust in economic institutions.

② Day:

Date:

Impact on Society:

1. Economic Impact:

White collar and corporate crimes cause massive **financial losses**, destabilize markets, increase inflation and burden public finances. Unlike street crimes, their economic damage is long-term and systemic.

2. Social Impact:

These crimes deepen **social inequality** as losses are borne by workers, consumers and taxpayers, while perpetrators often escape severe punishment. This fosters frustration and alienation.

3. Erosion of Trust:

Repeated corporate scandals undermine public confidence in:

- Financial institutions
- Regulatory bodies
- Legal systems

Day: Date:

This erosion weakens democratic governance and rule of law.

4. **Health and Environmental Harm:**

Corporate negligence in industries such as pharmaceuticals, chemicals and energy leads to:

- public health crises
- Environmental degradation
- Intergenerational harm

The victims are often invisible and powerless

5. **Moral and Ethical Decline:**

Normalization of corporate wrongdoing creates a culture where profit overrides ethics, promoting moral decay within professional classes.

Challenges in Control and Prosecution

- Complex financial structures
- Influence of power elites
- Regulatory capture
- Transnational nature of corporate crime

These factors make detection and punishment difficult.

Measures for Prevention:

- Strong regulatory frameworks
- Independent accountability institutions
- Whistleblower protection laws
- Corporate transparency and audits
- Deterrent punishments proportional to harm

CONCLUSION:

White-collar and corporate crimes represent a **silent but devastating form of criminality** that threatens economic stability, social justice and institutional integrity. Their impact is widespread, enduring and often irreversible. Effective control requires legal as well as ethical reforms. As Sutherland rightly observed, **crime isn't a function of poverty alone but of opportunity and power**, making white-collar crime one of the most pressing challenges of modern criminology.

3

Day: Date:

QUESTION NO:-4

"Criminal Justice System of Pakistan"

INTRODUCTION:

The Criminal Justice System (CJS) of Pakistan comprises institutions and laws designed to prevent crime, maintain social order, ensure fair trial, and rehabilitate offenders. Rooted in colonial-era laws, Pakistan's CJS continues to face challenges of delay, inefficiency, overcrowding, and rights violations - most visible in the treatment of Juveniles. Given Pakistan's youthful population, reforming the Juvenile justice system is critical for social stability and rule of law.

Structure of Criminal Justice System of Pakistan:

Day: Date:

1. Law Enforcement Agencies:

The police constitute the first pillar of the CJS.

Legal Framework:

- Police order 2002 (partially implemented)
- Criminal Procedure code (CrPC), 1898

Functions:

- crime prevention
- Registration of FIRs
- Investigation and arrest

Challenges:

- political interference
- poor investigation standards
- Tortured and forced confessions
- Low conviction rate's (around 10-12%)

Example:

Delayed or non-registeration of FIRs remains a common public grievance.

2. Prosecution System:

The provincial prosecution services act as a bridge between police and Judiciary.

Day: Date:

Issues:

- Weak coordination with police
- overburdened prosecutors
- Lack of training in forensic evidence.

Unlike the **UK's crown prosecution Service**, Pakistan lacks prosecutorial autonomy and early case scrutiny.

3. Judiciary:

The Judiciary is responsible for trials, adjudication and sentencing.

Courts include:

- Magistrate courts
- Session courts
- High Courts
- Supreme Court

Challenges:

- over 2 million pending cases
- Delayed justice
- procedural formalism

Constitutional Safeguard:

Article 10-A ensures the right to fair trial.

Day: ____________ Date: ____________

4. **Corrections System (Prisons and probation)**

Pakistan's prison system is governed by the **Prisons Act, 1894.**

Problems:

- Severe overcrowding
- Mixing of juveniles with adult offenders
- poor healthcare and rehabilitation

Example:

Juveniles in Punjab and Sindh have found detained unlawfully with adults despite legal prohibitions.

Juvenile Justice System of Pakistan

Legal Framework:

- Juvenile Justice System Act (JJSA), 2018

Earlier: Juvenile Justice System ordinance, 2000

④ Day: Date:

Key provisions of JJSA 2018:

- Defines Juvenile as under 18
- prohibits death penalty and corporal punishment
- Establishes juvenile courts
- Promotes diversion and rehabilitation
- Provides legal aid and probation

Issues in Juvenile System:

1. Poor Implementation of JJSA 2018:

- Juvenile courts not functional in many districts. Police is unaware of age determination procedures.

2. Age Determination Controversies:

Reliance on flawed medical tests, Lack of birth registration.

3. Limited Rehabilitation Facilities:

Borstal institutions are few and underfunded limiting the Rehabilitation facilities.

Day: Date:

4\. **Socioeconomic Factors:**

Poverty, child labor, illiteracy contribute to juvenile delinquency.

Comparison with International Models

Pakistan		UK/Scandinavian Model
	Focus	
1. Punitive		Rehabilitative
	Juvenile Courts	
2. Limited		Specialized and widespread
	Detention	
3. Common		Last Resort
	Diversion	
4. weak		Strong

Day:

Date:

Recommendations for Improvement of Juvenile Justice System:

1. **Effective Implementation of JJSA 2018:**

- Establish juvenile courts in every district and mandatory training should be given to police and judiciary.

2. **Strengthening Diversion and probation:**

Expand probation services and community based rehabilitation programs.

3. **Separate Detention Facilities:**

Ensure functional borstal institutions in all provinces; there should be a strict ban on juvenile-adult mixing

4. **Reliable Age Determination:**

Universal birth registration and presumption of juvenility in doubtful cases.

Day: Date:

5. **Legal Aid and Child protection Units:**

Strengthen public defenders and link juvenile justice with child protection authorities

6. **Learning from International Best practices:**

Adopt restorative justice models and Family and school reintegration programs.

CONCLUSION:

The criminal Justice System of Pakistan suffers from structural weaknesses that undermine justice delivery. While the JJSA 2018 represents a progressive step, its promise remains unrealized due to poor implementation. Protecting juveniles within the justice system isn't merely a legal obligation but an investment in Pakistan's future stability and social cohesion.

5 Day: Date:

QUESTION No:- 7

INTERPOL and The Constraints of State Sovereignty

INTRODUCTION:

Interpol is world's largest International police organization, facilitating cooperation among 195 member States to combat transnational crime. However, despite its global reach, Interpol's effectiveness is significantly constrained by member state's concerns over sovereignty, political misuse, and legal autonomy. These limitations raise critical questions about the balance between international cooperation and national interests, especially in an era of cross-border crime.

Interpol's Mandate and legal Framework:

Interpol operates under its Constitution 1956, with two core principles:

1. Respect for national sovereignty
2. Strict political neutrality (Article 3)

Interpol doesn't possess enforcement powers; it merely facilitates information exchange; issues notices; and coordinates police cooperation. Arrests and prosecutions remain the exclusive domain of sovereign states.

Sovereignty-Based Limitations Imposed by Member States:

1. **Absence of Enforcement Authority:**

Interpol can't :

- Arrest suspects
- Conduct investigations
- Compel member states to act

This dependence on national law enforcement often results in **Selective cooperation.**

Example:

Some states ignore Interpol Red Notices if the suspect is politically sensitive or

Day: Date:

enjoys domestic protection.

2. **Variations in Legal Systems:**

Divergent legal traditions - common law, civil law, Sharia-based systems - limit uniform application of Interpol notices.

Example:

A Red Notice may lead to arrest in one country but treated as mere intelligence in another (e.g: UK vs some EU states)

3. **Selective Information Sharing:**

States often withhold intelligence due to: National Security concerns, Fear of exposing sources and Diplomatic sensitivities. This undermines Interpol's databases and real-time coordination.

Political Victimization and Abuse of Interpol Mechanisms:

1. **Misuse of Red Notices:**

Day: Date:

Somes states have allegedly used Red Notices to:
Target political dissents, Silence journalists and activists, persue exiles under the guise of criminality.

Case Study:

Bill Browder (Russia); Russia repeatedly Sought Red Notices against financier Bill Browder after he exposed corruption through Magnitsky Act. Interpol rejected these requents citing political motivation.

2. Authoritarian Regimes and Transnational Repression:

Interpol has been criticized for enabling lawfare by authoritarian states.

Example:

Turkey issued thousands of Red Notice requests following the 2016 coup attempt, many involving alleged political opponents.
China's pursuit of exiled activists through international policing channels raised similar concerns.

3. **Weak Oversight Mechanisms:**

Although Interpol has a Commission for the Control of Files (CCF); critics argue that: Review processes are slow, Individuals lack effective remedies, Transparency is limited

Sovereignty vs Global crime Control

1. **National Interest Overrides Global Cooperation:**

States prioritize:
Diplomatic relations, domestic political considerations and strategic alliances. This results in uneven enforcement of Interpol alerts.

2. **Fear of External Interference:**

Member States resist granting Interpol stronger authority due to: Colonial legacies, Suspicion of international institutions and desire to maintain legal autonomy.

Day:

Date:

Comparative perspective:

Interpol		Europol
	Sovereignity Constraint	
High		Relatively Low
	Enforcement Powers	
None		Limited but operational
	Legal Integration	
Loose		Strong (EU framework)
	Political Abuse Risk	
Higher		Lower due to judicial oversight

Impact of these limitations on Global policing:

- Delays in arresting transnational criminals. Safe havens for offenders. human rights concern overshadow crime control.

Day: Date:

Example:

Fugitives exploiting jurisdictions that do not act on Red Notices.

Reform Efforts and Counter-Measures:

- **positive Developments:**
  Strengthened review of Red Notices, Enhanced role of the CCF, public awareness of misuse
- **Remaining Gaps:**
  No binding enforcement mechanism, dependence on member goodwill, lack of judicial appeal system

CONCLUSION:

Interpol's effectiveness is intrinsically limited by member states' insistence on sovereignty and fears of political victimization. These constraints reflect a deeper tension between national autonomy and global crime control. A balanced approach - strengthening oversight, transparency and legal safeguards while ay: Date:

enhancing cooperation - is essential for the effectiveness of Interpol.

7 Day: Date:

QUESTION NO:-8

INTRODUCTION:

Corruption poses a serious threat to governance, economic development and public trust in state institutions. To combat this menace, Pakistan established the **National Accountability Bureau (NAB)** as the country's principal anti-corruption watchdog. While NAB has played a central role in high-profile accountability, it has also faced persistent criticism regarding politicization, selective accountability and procedural excesses, raising questions about its effectiveness and credibility.

Legal Basis and Institutional Framework:

Established under National Accountability Ordinance (NAO), 1999. Its jurisdiction involves public office holders and private

Day: Date:

individuals involved in corruption. Its powers include: Arrest, investigation, plea bargains, asset recovery, prosecution before Accountability courts. NAB operates through regional bureaus under a chairman appointed through a bipartisan parliamentary process.

Objectives of NAB:

1. **Prevention of Corruption:**

NAB aims to curb corruption through: public awareness campaigns, Education and media outreach, Integrity pledges and ethics promotion.

2. **Detection and Investigation:**

Identify mega corruption cases, investigate misuse of authority, kickbacks and embezzlement. Trace and recover looted national wealth.

Example: Investigations into housing societies and banking frauds.

Day: Date:

3. **Prosecution and Accountability:**

Prosecute cases in **Accountability Courts**, ensure punishment of corrupt elites, establish deterrence.

Example:

Convictions and references filed against former ministers and senior bureaucrates.

4. **Asset Recovery:**

Recover stolen assets through:
Voluntary return, plea bargain and Mutual legal Assistance **(MLA)**

Example:

Recovery of billions of rupees in corruption cases involving public projects.

Performance and Achievements:

- Recovery of substantial sums since inception
- Deterrence effect through high-profile cases
- Creation of public discourse on accountability

However, **quantitative recovery** hasn't always translated into **systemic corruption reduction.**

Day: Date:

Major Shortcomings and Criticism:

(1) Politicization and Selective Accountability:

NAB often has been accused of targeting:

- opposition leaders
- political rivals of ruling regimes

Example:

Surge in NAB cases during election periods raises concerns of political engineering.

(2) Abuse of Arrest and Remand Powers:

Arrest before conviction, prolonged physical remand and pressure tactics to secure plea bargains. This violates the principle of presumption of innocence.

(3) Low Conviction Rate:

Despite numerous inquiries:

Conviction remains limited, cases collapse due to weak investigation or delays. This undermines NAB's credibility as a prosecutorial body.

(4) **Over centralization of Authority:**

Chairman wields excessive discretionary powers, limited internal checks and balances increases risk of misuse.

(5) **Economic Impact:**

Fear of accountability has discouraged bureaucratic decision-making. Investors perceive NAB actions as regulatory uncertainty.

Example:

Reluctance of officials to approve development projects.

(6) **Plea Bargain Controversy:**

Allows accused to return partial amounts without moral culpability. Perceived as legalized corruption.

Example:

High-profile businessmen securing release after financial settlements.

Judicial Observations and Reforms:

Supreme cort has expressed concerns over:
Arbitrary arrests, lack of transparency, violation of fundamental rights. Recent ammendments aimed to: **Reduce NAB's jurisdiction and protect bona fide business decisions.**

Comparative Perspective:

	NAB (Pakistan)	KAC (Hong Kong)
Independence	Questioned	High
Politicization	Frequent allegations	Minimal
Conviction Rate	Low	High
Preventive Focus	Limited	Strong

Day:

Date:

Recommendations for Reform:

(1) Ensure Institutional Independence

Insulate NAB from political influence.

(2) Limit Arrest Power:

Arrest only after sufficient evidence

(3) Strengthen prosecution capacity:

professional investigators and forensic experts

(4) Judicial oversight:

Enhanced role of courts in remand and inquiry stages

(5) Transparent Plea Bargain Mechanism:

parliamentary oversight and public disclosure.

(6) Shift toward Prevention:

Learning from ICAC's preventive and educational model.

Day: Date:

CONCLUSION:

While NAB was created to eradicate corruption, its effectiveness has been undermined by politicization, procedural flaws, and weak conviction outcomes. Accountability must be across-the-board, transparent and rights-compliant. Reforming NAB is essential for sustainable governance and genuine anti-corruption in Pakistan.