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Criminology

(Part-I)

(Section-D)

(Q#8)

NAB:

"National Accountability
Bureau"

'NAB is Pakistan's anti-corruption
institute involved in preventing,
investigating, and prosecuting
corruption and misuse of
public authority'

NAB is Pakistan's primary institution in its
fight against the corruption, ensuring accountability
of government officials, law enforcement agencies,
Political officials, and making sure that no
one is considered above the law. It provides
a system of **checks and balance** and ensures
that all institutions, organizations, and individuals
work within their legal domains.

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4 Historical Context of Anticorruption institutions in Pakistan:

Pakistan's fight against corruption was fragmented and not consistent until the creation of NAB as a sole body that was entirely dedicated to fight corruption. The other institutes that helped fight corruption over the course of history are:

1. **FTA (1974)** as a federal body was involved in anticorruption, but its mandate was too broad that often led to inefficiency.

2. **Anti-corruption Establishments** were also created to fight this menace but faced problems due to limited powers and jurisdiction.

3. **Ahtesaab Bureaus (1996)** were created to ensure accountability under the leadership of Nawaz Sharif and were often accused of politicization due to limited authority.

4. **NAB (1999)** was finally created in 1999, when military takeover happened. It was granted revolutionary powers to arrest, investigate, and prosecute crimes related to corruption.

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4 Legal Standing

* NAB was established in 1999 under the National Accountability Ordinance-1999. Therefore, NAB is not a constitutional body and has a statutory status.

* NAO outlines the powers, structure, functions, and authority of the NAB.

4 Structure and Organization:

1. Chairperson of NAB

Chairperson of NAB heads the institution and is selected for 4yrs by the President on the advice of PM. PM advises President after consultation with the leader of the opposition in the parliament. The terms of 4yrs can be extended further.

1. Chairperson supervises the NAB
2. Oversees the investigation and prosecutions
3. Coordinates with other institutions involving police and judiciary.

2. Divisions of NAB

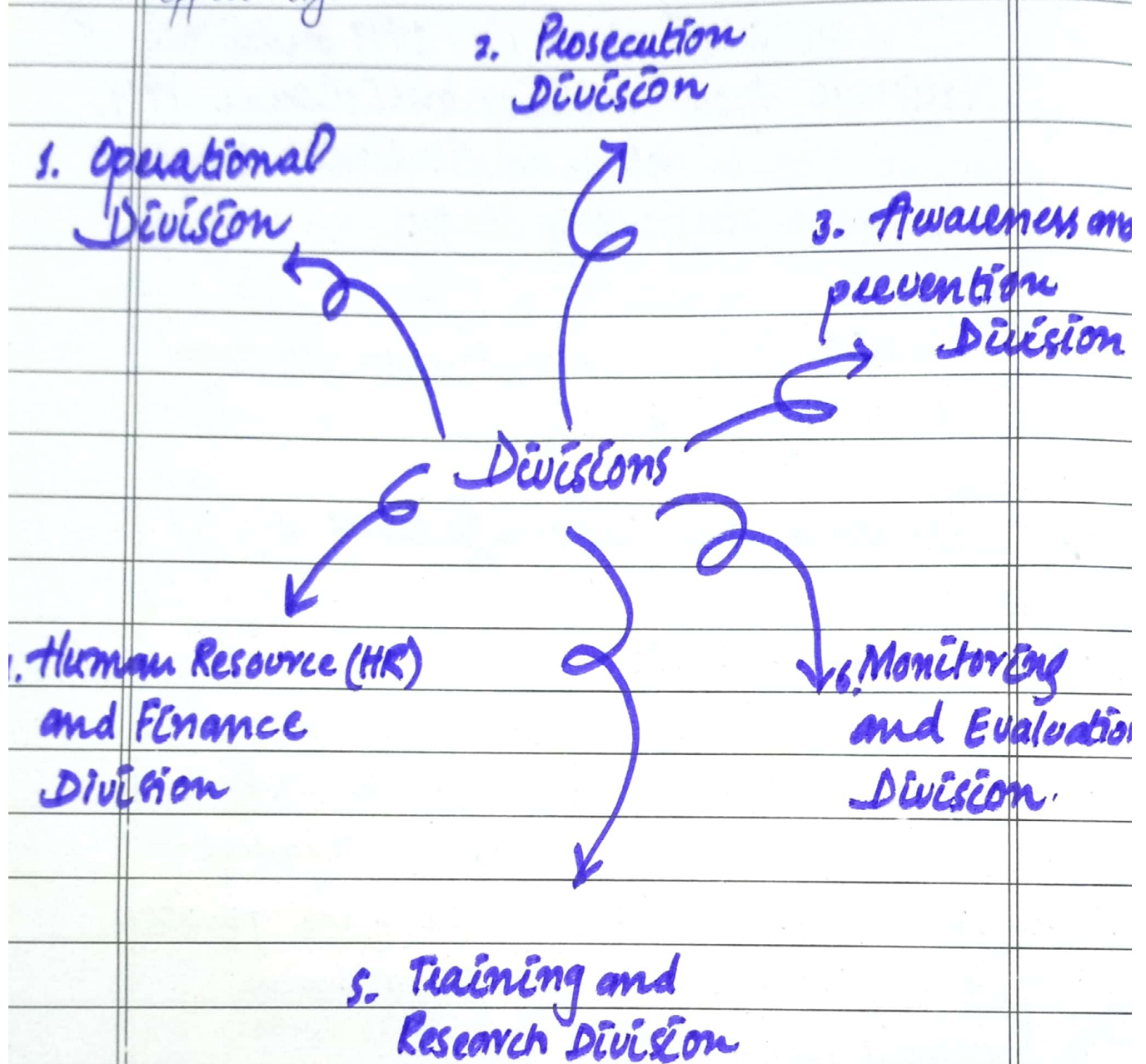
Bureau

National Accountability Bureau has many divisions that perform their respective tasks and ensure that the organisation is working

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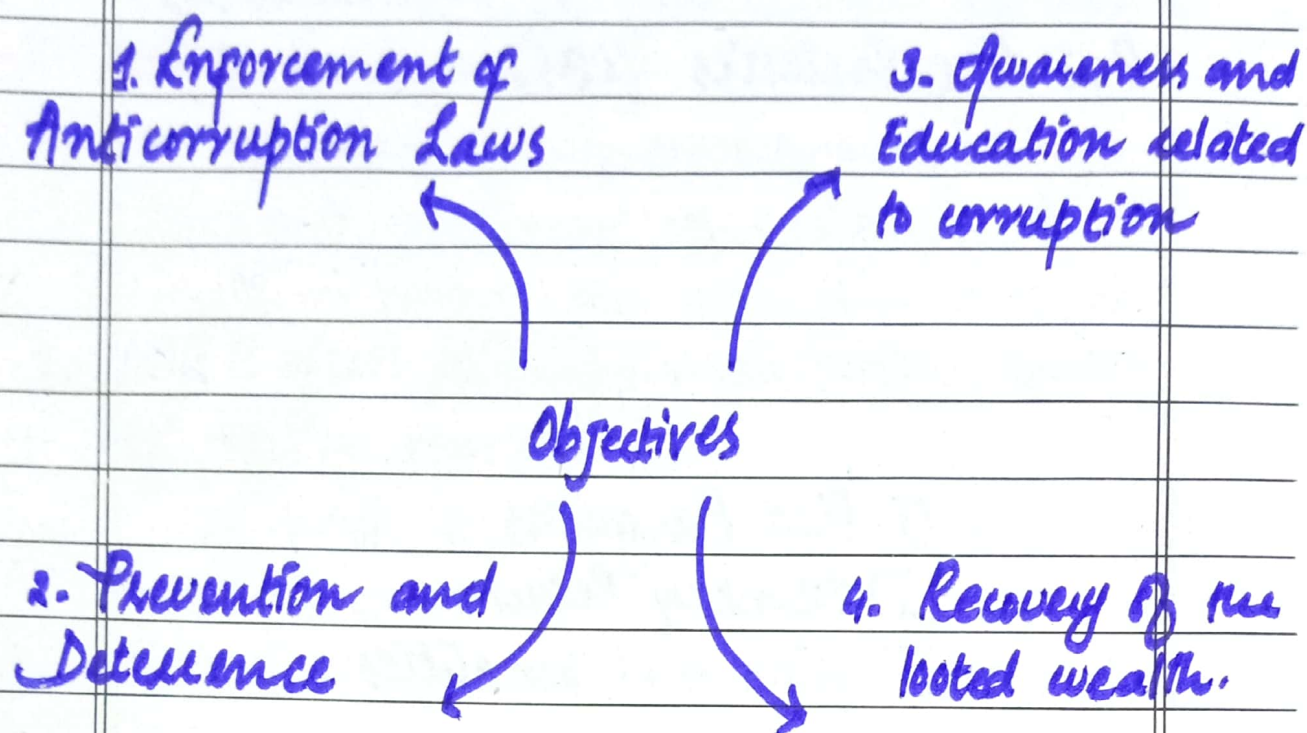
efficiently.



↳ Objectives and Mandate of the NAB

National Accountability Bureau has outstanding objectives and mandate that keeps this institution focused in its fight against corruption and validate its status as watchdog of Pakistan.

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1. NAB is the primary institutions that enforce the anti-corruption laws. It has the authority to investigate, prosecute and arrest the individuals that are involved in corruption, embezzlement or misuse of authority.

2. By exercising the above powers and by ensuring punishment or penalties, NAB aims to create deterrence and prevent the future such crimes. Media conferences also play important role as the whole nation observes such activities. These practices act as effective deterrence and this is the aim of NAB.

3. NAB also emphasizes the importance of awareness and education related to corrupt activities. For this purpose NAB collaborates with colleges and universities to conduct Naveed

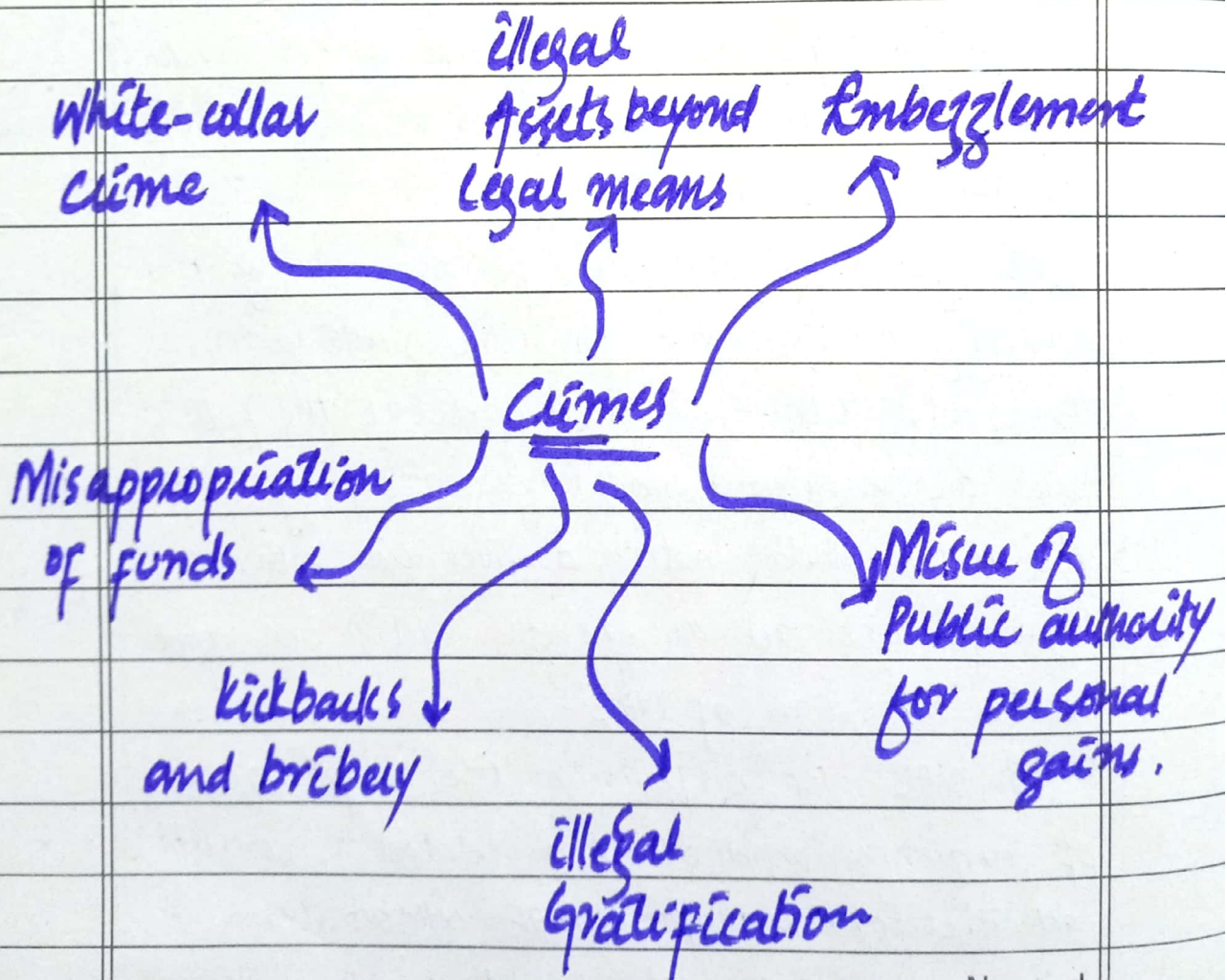
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workshops, hold seminars, and run 'character Building Societies (CBS)'. They also raise awareness through talkshows and TV ~~ads~~ ADS.

4. The most important objective of the NAB is to recover the looted national wealth. For this purpose, NAB engages in

- (i) Plea Bargains
- (ii) Voluntary Returns
- (iii) fines and penalties

↳ Types of the crimes handle by NAB



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↳ Shortcomings of NAB being the Premier anti-graft watchdog of Pakistan:

NAB has many shortcomings and often face challenges and criticism:

1. NAB is often politicized and becomes a tool of political vendetta

As the NAB falls under the Executive branch, it often faces accusations of politicization and becoming a tool of political vendetta especially against the opposition party. The opposition leaders are often targeted and this also increases especially during or near the election.

2. Low conviction rate and weak prosecution

Despite making large number of arrests, NAB has low conviction rate. This usually happens due to shortcomings like:

1. Weak forensic evidence.

2. Weak prosecution

3. Weak reference filing, etc.

Due to which large number of individuals walk away freely without facing the consequences.

3. Plea Bargains and Voluntary Returns help the criminals avoid punishment

It is one of the biggest shortcomings

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of NAB that it allows corrupt criminals to settle the legal disputes by simply returning the stolen money without facing punishment. This can enable them to repeat the same crime again as they were not punished the first time and they think that this loophole effectively allows them to avoid jailtime.

4. Media trials and violations of Human Rights

NAB often leaks information deliberately or accidentally related to the ongoing criminal investigation. As a result accused individuals are paraded on the television even ~~if~~ before the investigation is completed. This violates human rights and is a very big shortcoming of NAB. Oftentimes, the accused are acquitted later, but no one takes guarantee regarding their rights that were violated earlier.

5. Over-reach beyond Mandate and Lack of Strict Discipline

NAB often times act beyond their mandate and launches probes outside of its jurisdiction. For example, investigating tax evasion, that effectively falls under **FBR's**

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jurisdiction. This inability to maintain strict discipline and work within their mandate act as a shortcoming.

4 Analysis:

1. NAB effectively act as a sole institution dedicated to fight corruption and over the year it has recovered billions of dollars and has investigated high profile cases like Panama paper case, Housing schemes fraud.
2. Despite its achievement, it faces huge shortcomings like politicization, misuse of pleabargains and low conviction rates. Therefore, it requires reforms to overcome these shortcomings.
3. The criminological theory, '**Rational choice theory**', explains that people commit crime by cost-benefit analysis.

Therefore, NAB works to increase the cost of committing crime (**punishment, penalties, fines, etc**) and decrease the benefits to effectively prevent and deter the crime in future.

4 Conclusion:

NAB is Pakistan's first line of defense against corruption and effectively deters the crime, although it faces shortcomings. **Naveed**

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but its role is important in eliminating the menace of corruption.



(Section-1A)

(Q#3)

↳ Introduction:

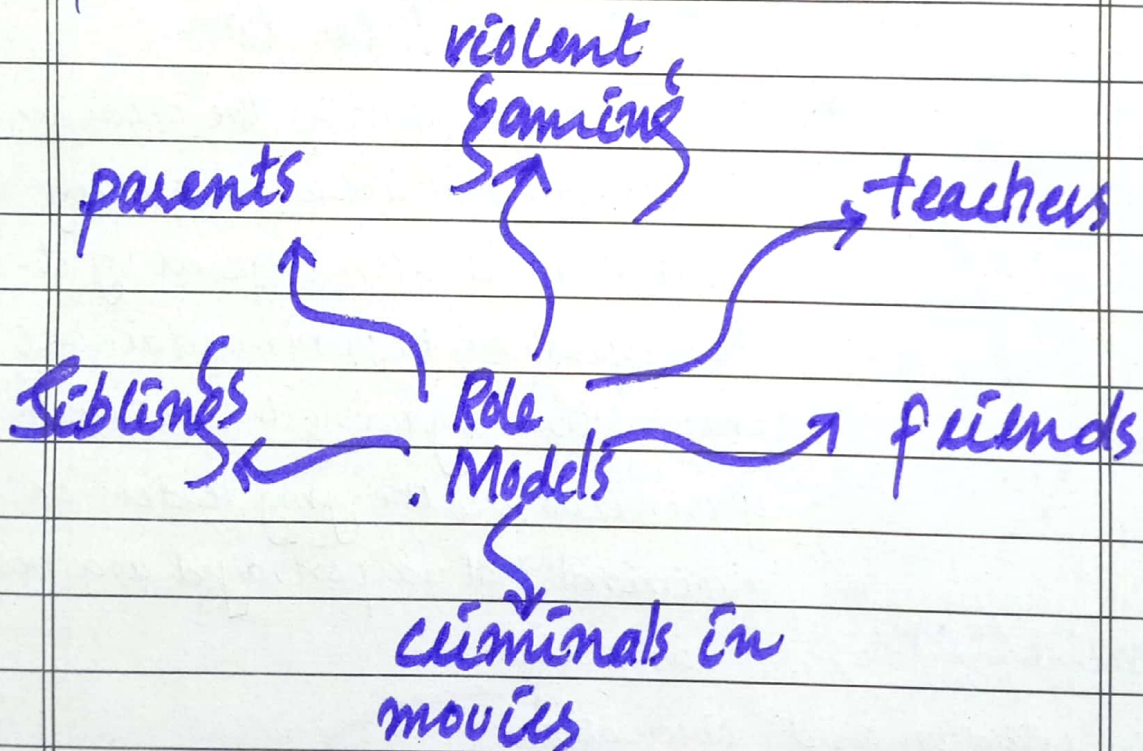
Social learning theory was introduced by **Albert Bandura**, who explained that people learn criminal behavior from their surroundings. He argued that it is not necessarily true that people are born with criminal tendencies instead they learn criminal behavior from their surroundings over the course of time. He backed his theory by experiment and proved it practical. Although it has many strengths and weaknesses that cannot be ignored. However, it is practical and can be effectively used in prevention of crimes.

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↳ key concept:

'Albert Bandura argued that individuals especially youngs learn criminal behavior from their surrounding environment and social interactions'

Social learning theory states that people learn behaviors from their role models, and these role models can be anyone that is present around them.



These role models influence the behavior and they learn to imitate, reproduce, and retain their behavior (of role models).

Therefore, criminal behavior is learnt and individuals are not necessarily born

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with it.

↳ Key Elements of Social Learning

1. Attention

The individual observes the behavior of those who are around them. for example: A child may attentively observe the gang leader in his neighborhood. They may be tall, dresses, and is feared by others.

2. Retention

After observing the behavior, the individual remembers every detail and is often inspired by it. This inspiration helps him retaining information regarding the behavior of criminals e.g., the gang leader, or a criminal that was portrayed as a hero in a movies.

3. Imitation

After retention and observation, the individual starts to imitate or copy the behavior or activities of the criminals. for example; he may have retained the criminal techniques of stealing, and starts to copy the same ones.

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4. Motivation

The individual that attentively observes, retains information, and imitate the acts, must require some sort of motivation or reason to do so. forexample: If a kid sees that a gang leader is rich and is treated as king, while he himself struggles to even fulfil basic needs, he starts to learn the behavior, techniques and lifestyle of that gang leader, as it appears to be the only way to survive and live a luxurious life.

↳ The Bobo Doll Study:

Bandura conducted the 'Bobo Doll' experiment, in which an adult violently treats the doll, kicks it, pinch it, and shout at it while a kid was observing all this. After this, it was observed that the kid repeated and imitated the same behavior with the bobo doll even though he was not told to do so.

"The Bobo Doll Study gave experimental backing to the Albert's Social Learning Theory"

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↳ Explanation of how Social Learning theory helps in understanding the trends of cyber harassment in Pakistan.

The trend of cyber harassment in Pakistan is at its peak due to several reasons and social learning theory effectively explains this upick in the trend

‘as individuals are learning and repeating the cyber-criminal behavior and activities?’

Let's examine the trend of cyber harassment (threatening, harassing, or humiliating, stalking, abusive messages, etc) by using the 4-key elements of social learning theory.

1. Attention:

The individuals especially the youth observe their surrounding attentively in which cyber harassment is rampant right now. They learn some tricks by interacting with someone who is already involved in cyber-harassing or by internet or from movies or from anywhere in his surroundings.

2. Retention

That observation retains in their memory and overtime by repeated observation, Naveed

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they may start to be inspired by such activities.

3. Imitation:

This observation and retention can compel them to imitate that behavior or activities. For example, they may start blackmailing a close friend by threatening them to release their ~~upto~~ personal information on social media etc.

4. Motivation

However, this retention, attention, and imitation is because of the motivation and the reason that compels them to do so,

for example: cybercrimes are increasing in Pakistan

1. Weak law Enforcement
2. Earning of Money easily by just using your phone or laptop
3. fulfilment of basic necessities, when unemployment and poverty is high.
4. Large virtual cyber-networks, that engage and educate youth in cyber-harassment methods and techniques.

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↳ Analysis:

1. Weaknesses:

- ★ The social learning theory doesn't explain the mental and psychological domain of committing crimes.
- ★ It also doesn't explain that some people don't commit crime even after witnessing violence and crime.
- ★ It also doesn't explain the crimes committed in the heat of moment, due to aggression etc.

2. Strengths:

- ★ Social Learning theory is helpful in designing preventive measures and strategies
 1. Education of parents to provide positive role models.
 2. Counseling of youth at risk.
 3. Promoting positive role models in films and media.
- ★ It is helpful in understanding why young individuals in criminal neighborhood are more at risk of becoming criminals.
- ★ It has experimental backing to validate its idea that crime is learnt from the surroundings.

↳ Conclusion:

Albert Bandura's social learning Naveed

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theory is a successful attempt at understanding the crime as a social construct and although it ignores the mental, biological, and psychological domains of committing crime, it is still helpful in designing preventive measures to deal with crimes.



(Section#C)

(Q#6)

↳ Introduction:

The process of interviewing and interrogation are very important part of criminal investigation. The interview is conducted during the initial phase and helps in preliminary investigation, and interrogation is a more formal stage conducted after the preliminary phase. Both differ from each other in their purpose, nature, setting, and even in choice of participants. The investigation process is incomplete and inconsistent without applying the method of interview as well as interrogation.

↳ Definition of Interview

"It is the process of conversation between the investigator and other people (witness, victims, suspects, informants, or experts) that is aimed at gathering useful, credible, and truthful information from them, usually conducted in the initial phase of criminal investigation"

↳ Definition of Interrogation

"It is a formal and structured process of asking direct questions from the suspect, aimed at clarifying facts, identify inconsistencies and most importantly the obtaining of confession regarding the crime, and usually conducted after preliminary investigation and when sufficient evidence is available to identify a suspect"

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Difference

Interview

Interrogation

1

1. Purpose

* The purpose of interview is "to gather information" in the early phase to guide the investigation.

The purpose of interrogation is to clarify facts, identify inconsistencies and especially "obtain the confession" of crime.

2. Nature

* It is non-accusatory in nature and focuses on building the rapport with the interviewee to obtain information easily.

* It is accusatory and more direct in nature and uses different technique to obtain confession from the suspect.

3. Setting

* The interview is conducted in non-custodial settings and the interviewee is free to walk away if they don't want to engage with the investigator or want to avoid answering the specific question.

* It is conducted in "custodial setting" and the suspect has to remain in the interrogation room or lockup until the interrogation is finished.

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4. Participants

★ The interview involves multiple participants such as:

1. Witnesses
2. Victims
3. Suspects
4. Informants
5. Experts for technical understanding of crime.

★ The interrogation usually involves the "suspects" that are the potential criminals.

5. Techniques

★ The interview involves the following principles and techniques:

- 1) Preparation and planning
- 2) Rapport building
- 3) Questioning
- 4) Neutral Environment for conducting interview
- 5) Evaluation.

Example

UK uses "PEACE Model" in interview.

★ The interrogation involves following famous techniques

1. Reid Technique
2. Good cop/
Bad cop
3. Direct confrontation
4. Emotional Appealing
5. Evidentiary support etc.

6. Legal Safeguards

★ Not much, as it is voluntary in nature,

★ Many legal safeguards Naveed

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but still require fulfilling ethical considerations for victims, children, elderly etc.

to ensure that interrogation is conducted fairly and transparently

eg, Right to remain silent

Section 161(2) of CrPC.

↳ How can the rights of criminals be protected during interrogation process:

The rights of the criminals during the interrogation process are protected in many ways.

1. Legal protection and Safeguards for the criminals under interrogation:

Various national and international laws protect the legal rights of criminals.

(a) Right to remain Silent

The suspect can remain silent during the interrogation and

Section 161(2) of CrPC protects the suspect from self incrimination during the interrogation.

(b) Right to Legal Representation

The suspect has the right to legal

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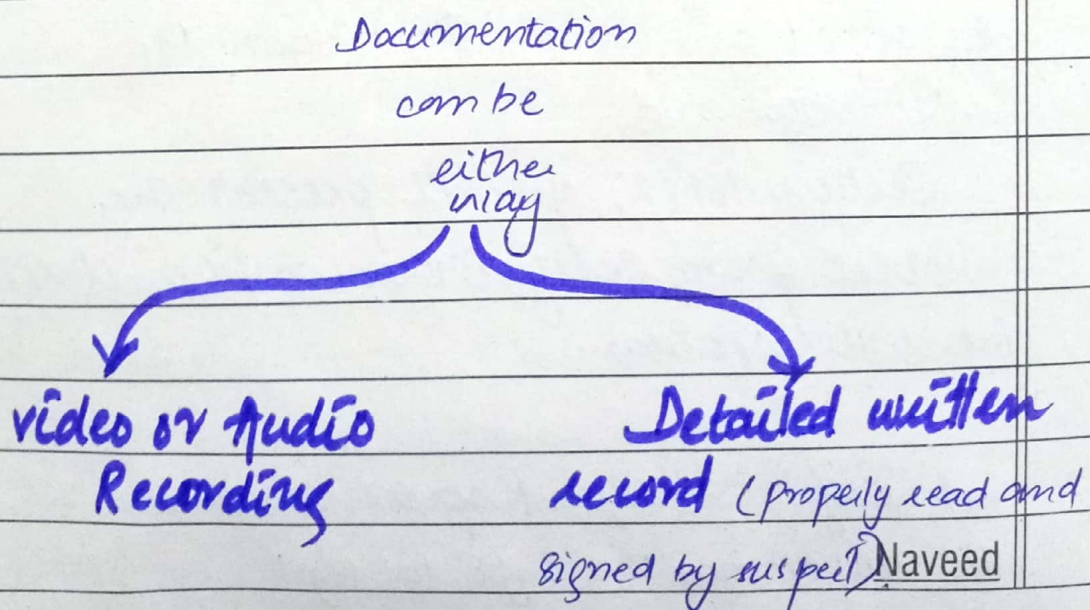
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representation during the interrogation, who can help them make informed choices.

As Article 10(1) states that a person should be informed about the grounds of their arrest and has the right to be represented and be defended by legal attorney of their choice.

2. Proper documentation of interrogation process also protects the rights of criminals.

Many countries properly document the entire process to ensure transparency and credibility of the interrogation. The maintaining of 'chain of custody' also ensures the credibility of evidence and ensures that no innocent person is wrongfully accused.



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3. By ensuring non-coercion during Interrogation.

The coercion such as physical abuse, verbal abuse, and threatening and intimidation can lead to force confessions. But the confessions under coercion are inadmissible in courts.

Qanun-e-Shadat 1984, Section 38 states that the confession under coercion is inadmissible in court.

Therefore, by ensuring non-coercion effectively addresses the issue of rights violation during interrogation.

4. Role of Miranda type warning:

"You have the right to remain silent. Anything you say can be used against you in court. You have the right to an attorney..."

This ensures that the criminal is aware of his legal rights. Although Miranda type warning is not explicitly present in Pakistan's law, but similar provisions exist to ensure that the accused is aware of his legal rights.

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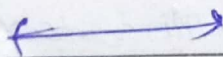
5. Ethical considerations during interrogation

Ethical and moral considerations during interrogation also ensures that the rights of criminals are protected.

- (1) Maintaining dignity until proven guilty
- (2) Avoiding use of abusive language
- (3) Providing female interrogators for women suspect etc.

↳ Conclusion:

Therefore, as it is evident from above discussion that interrogation and interview are different from each other and both are crucial aspects of criminal investigation. Interrogation is a formal procedure and various laws provide safeguards to the criminals under interrogation to ensure fairness and transparency of the process.



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(Section B)

(Q#4)

Criminal Justice System of Pakistan

↳ Introduction

* "The criminal justice system of Pakistan is the set of laws, institutions, and procedures that deal with crime control, law enforcement, trial of offender, and punishment or rehabilitation"

* The criminal justice system seeks to answer the questions like:

Who committed the crime?

How was the crime committed?

Questions

How should the person be tried?

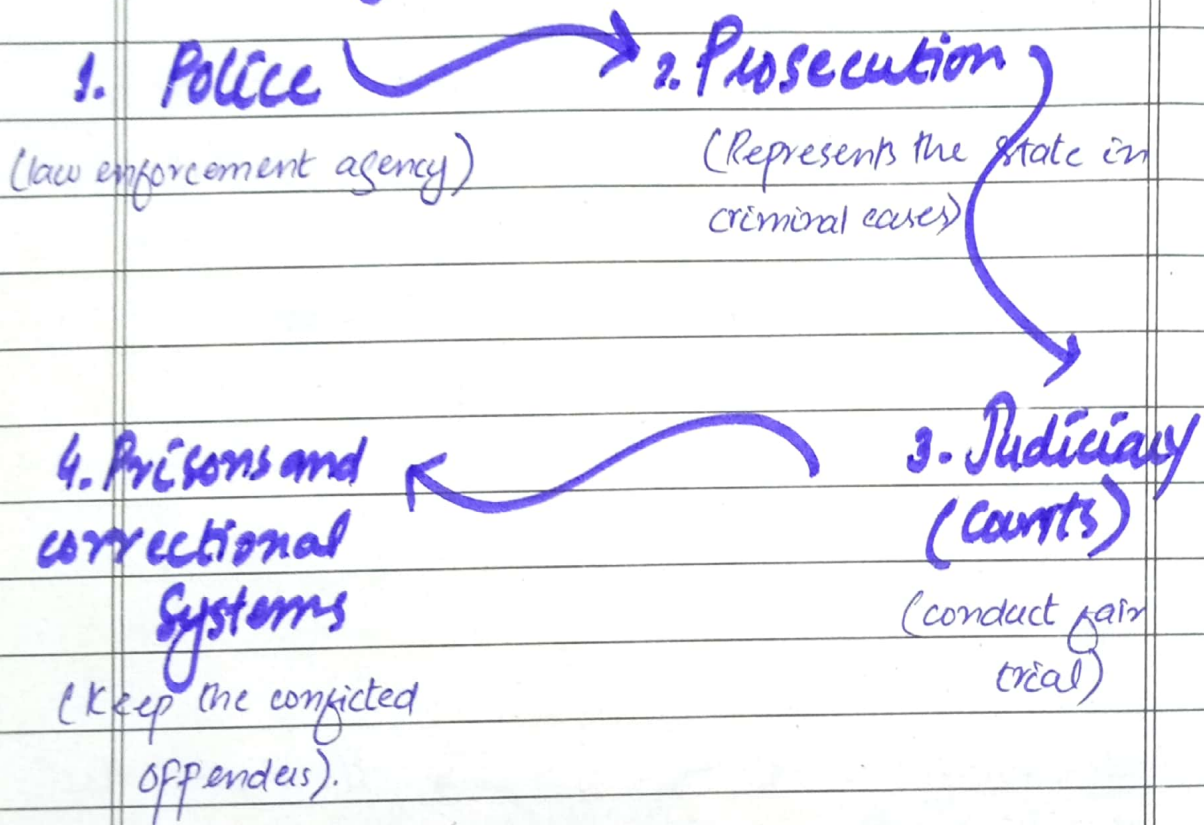
What punishment or reform is appropriate

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- * The criminal justice system aims to ensure
- (1) Justice
 - (2) Public Safety
 - (3) Protection of human rights
 - (4) Rule of Law.

↳ Main components of Criminal Justice system



1. Police act as the main law enforcement agency and registers FIRs, investigate crimes, arrest suspects, collect evidence under the provisions of

→ Police Order, 2002

→ CrPc, 1898

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2- Prosecution represents the state in criminal cases, present the evidence in court, and prove the guilt of the accused.

3- Judiciary plays important role in conducting fair trial, deciding guilty or innocence, and awarding punishment or acquittal.

1- Magistrate courts

2- Session courts

3- High courts

4- Supreme Court

4. Prisons and correctional systems keep convicted offenders, reform and rehabilitate offender or prisoners.

Juvenile Justice System in Pakistan

"A juvenile is a child under 18 years of age who violates the law"

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* "The Juvenile Justice System of Pakistan works under the Juvenile Justice System Act, 2018".



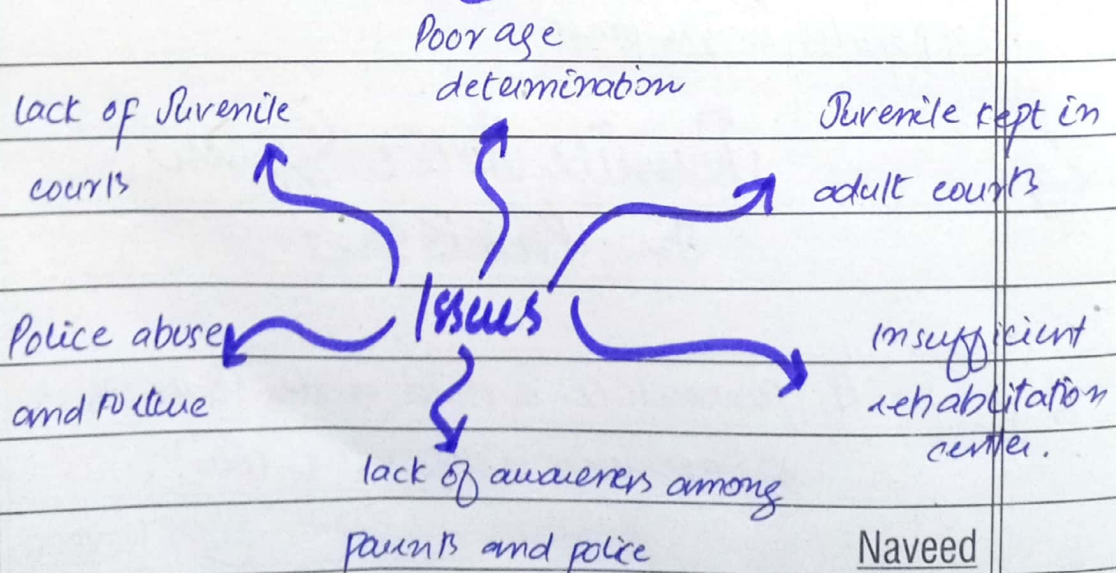
Protection of child that appears to be in conflict with law

Rehabilitation, instead of punishment

Objectives of JJSA, 2018

Separate treatment from adults.

↳ Problems in JJS of Pakistan



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4 Recommendations for Improvement of Juvenile Justice System in Pakistan

"Punish the crime, not the child"

1. Strengthen the implementation of JJSA, 2018

- * Ensure strict enforcement of law across all provinces.

2. Establish more Juvenile courts

- * At District level
- * Fast track the juvenile cases

3. Separate Detention and Rehabilitation centers

- * Child friendly facilities
- * Education and vocational training

4. Police training and Sensitization

- * child rights education
- * Ban torture and illegal detention

5. Accurate age determination

- * Use medical and documentary evidence.

6. Free legal aid and counseling

- * Provide lawyers and psychologists

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- * Support families of Juveniles.

7. Community-based Rehabilitation

- * Probation

- * community service instead of jailtime.

4 Conclusion

The criminal justice system of Pakistan faces delays, poor investigation and weak coordination, and JJS also faces serious issues but by taking specific and reform-oriented steps, the young offenders can be turned into responsible citizens.

