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## PART II

### SECTION A

# Question: 2 White Collar and Corporate Crimes

## Introduction

In criminology, white-collar and corporate crimes focus on the powerful, not street criminal. They involve fraud, deception, and abuse of trust by respectable people and organisations in business, government and professions.

"The financial cost of white-collar crime is probably several times as great as the financial cost of all crimes which are customarily regarded as the 'crime problem'."

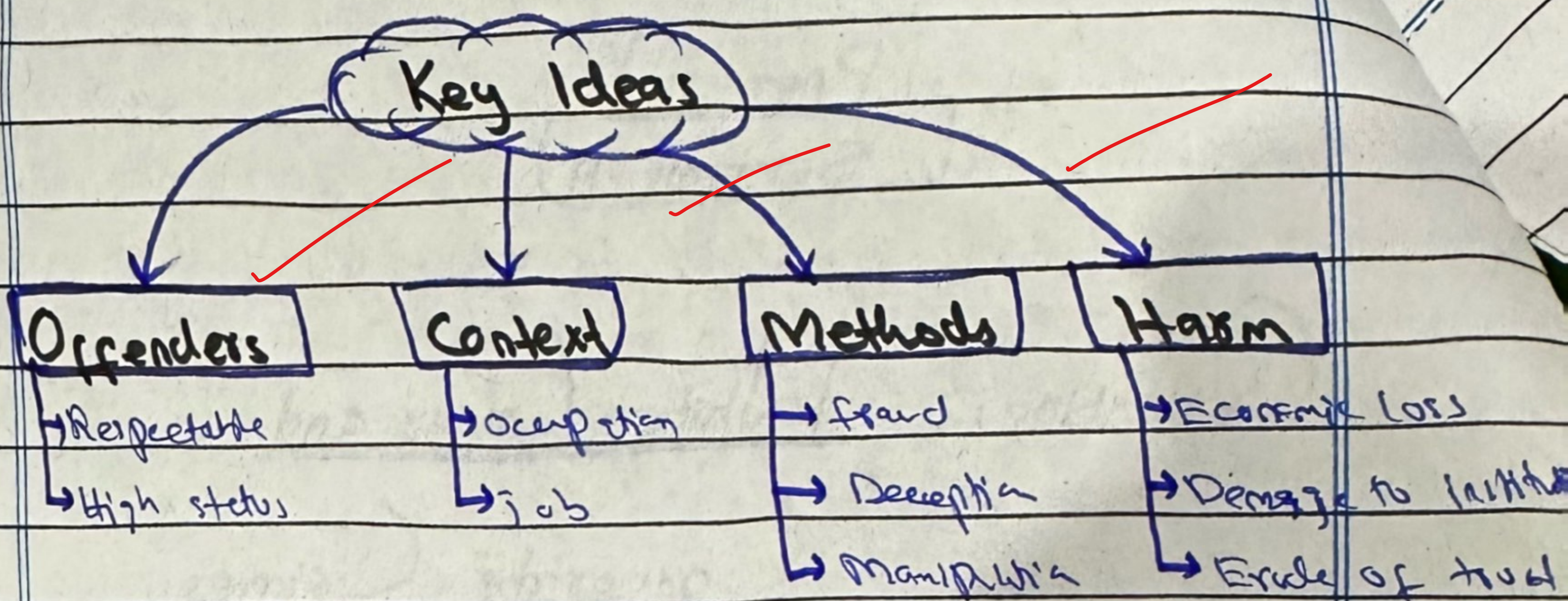
Edwin Sutherland

## White-collar Crime

"Crime committed by a person of respectability and high social status in the course of his occupation."

Edwin Sutherland





### Examples of White-collar Crime

- Embezzlement and ~~fraud~~ in banks and companies
- Tax evasion, fake invoices, Benami accounts
- Bribery and <sup>corruption</sup> ~~Occupation~~ by public officers
- Inside trading and securities fraud
- Professional misconduct eg: auditors falsifying records

In Pakistan, cases investigated by NAB, FIA and anti-corruption department like massive corruption scandals, fake accounts, money laundering are ~~all~~ white-collar crimes



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## Corporate Crime

Corporate crime refers to illegal acts committed by corporations or individuals within a corporation to achieve organizational goals such as profit maximization.

### Key Aspects

**Offenders:** Corporation/company or an entity include its executives

**Motive:** Organisational Benefit, higher profits

**Victims:** Workers, consumers, state, investors, public

### Examples of Corporate Crime

- ✓ Price Fixing and Cartels. eg: Cement, sugar
- ✓ Industrial Pollution; toxic waste, dumping
- ✓ False Advertising
- ✓ Unsafe workplace
- ✓ Corporate tax fraud
- ✓ Data Privacy Violations; misuse of customer data

In Pakistan, actions taken by Competition Commission of Pakistan (CCP) against cartels or penalties or fines



for misleading advertising and collusion  
are corporate crime.

### Why these crimes are serious?

- Under-reported
- Under-policed
- Involve huge sum of money
- Damage trust in institutions

### Impacts on Society at Large

- ✓ Huge financial losses
- ✓ Misallocation of resources/funds
- ✓ Distortion of market competition
- ✓ Erosion of trust
- ✓ Weakening of democratic institutions
- ✓ Undermining the rule of law
- ✓ Creating double standard in morality
- ✓ Weakens social cohesion

### Conclusion

White collar and corporate crimes redistribute wealth upward, undermine trust in institutions and distort democratic processes. For a just society, criminality must treat the crimes of the powerful with same seriousness as it treat crimes of the powerless.



## SECTION B

### QUESTION 4: CRIMINAL JUSTICE SYSTEM IN PAKISTAN

#### Introduction

The ~~criminal~~ justice system of Pakistan is the set of institutions, laws and procedures through which the state: define crimes, investigate ~~for~~ trials, conduct ~~for~~ trials and ~~penalties~~ ~~of~~ rehabilitates convicted person.

It operates under the Constitution, Pakistan Penal Code, 1860, CrPC 1898, Qanun-e-Shahadat, special courts like Anti-terror or narcotics and human rights commitment like UNCRS for children.

#### Main Components of the Criminal Justice System

##### A. Police

I. Role: maintain law and order, register FIRs, investigate offences, arrest suspects, collect ~~evidence~~ and submission of charges to court.



**II Legal Basis:** Police Order 2002 in some provinces, provincial laws and CrPc

**III Issues:** Outdated ~~investigative~~ method, low resources, ~~politicisation~~, allegation of torture and corruption

## B. Prosecution

**I Role:** decide whether to prosecute, represent the state in trial and court appeals.

**II Structure:** provincial prosecution department, headed by prosecutor general.

**III Issues:** Shortage of ~~trained~~ prosecutors, heavy workload, weak case preparation, low conviction rates

## C. Judiciary Courts

- ↳ Supreme court and high courts
- ↳ Session and ~~Magistrate~~ courts
- ↳ Special courts and tribunals

## D. Prisons and Corrections

**I Role:** safe custody of under-trial and convicted prisoners, execution of sentences

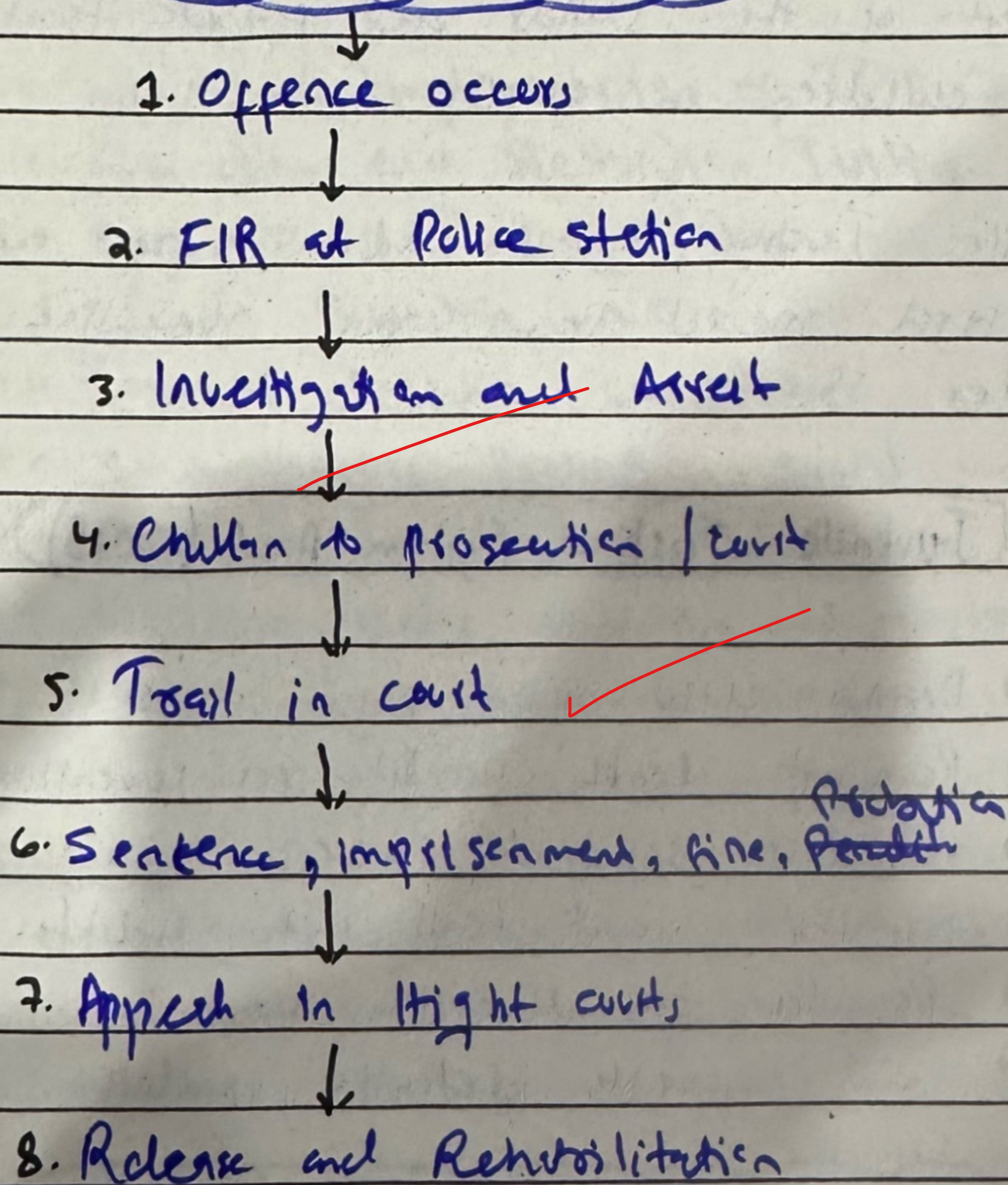
**II Institutions:** Central Jail, juvenile institutions



## E. Support Institutions

- I. Forensic Science Labs
- II. Legal aid bodies
- III. Law reform commission and human rights bodies

## Flow of a Criminal Cases



## Challenges in Indian Criminal Justice System

- \* Delay and backlog
- \* Under-trial prisoners
- \* Weak institution and investigation
- \* Limited access to Justice
- \* Harsh conditions in custody



# Juvenile Justice System in Pakistan

## Legal framework

Pakistan has ~~signature~~ to the United Nations Convention on the Rights of Children (UNCRC) that obliges "the best interest of the child" and separate treatment for children in conflict with law.

Juvenile Justice System Ordinance 2000 was the first special law for juveniles under 18.

## Juvenile Justice System Act (2018)

- ↳ Defines child as a person under 18.
- ↳ Prohibits death penalty for juveniles
- ↳ requires separate juvenile courts
- ↳ Prohibits joint trial with Adults
- ↳ Provides for diversion, probation,
- ↳ and separate ~~detention~~ facilities.

## Ground Realities despite JJS Act (2018)

- ↳ Many police stations still detain children with Adults
- ↳ Difficulty in determining age due to
- ↳ lack of birth ~~certificate~~



- ↳ Countable Juvenile courts
- ↳ Countable or less Rehabilitation centers
- ↳ Probation and social work are weak.

## Measures for Improvement of the JJS in Pakistan

- • Strengthen implementation of JTSA 2018
- • Diversion and Restoration Justice
- • Specialized Juvenile Police
- • Child Protection units
- • Separate detention facilities
- • Strengthening probation, social work
- • Capacity building of stakeholders
- • Reliable data, research and monitoring
- • Address socio-economic causes

## Conclusion

Pakistan's criminal justice system is ~~from~~ comprehensive, but suffers from weak, delayed investigation, poor prosecution and overcrowded prisoners. Pakistan can move from a punitive, rehabilitative juvenile justice system that protects society and gives young offenders a real chance to reform.

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## SECTION C

### QUESTION 6

### INTERVIEWING AND

### INTERROGATION

#### Introduction

In Criminal Investigation, interviewing and interrogation are two basic techniques used by police and investigators. Though both often used together in practice, they are not the same in purpose, method, and legal implications. Therefore, understanding the difference is essential to protect the rights of suspects and accused and to ensure that evidence is reliable and admissible in court.

#### Defining Interviewing

A structured conversation with a suspect aimed at collecting information and clarifying the facts about an incident in a non-accusatory manner.

#### Key features

**Purpose:** Specific details linking suspect to crime

**Tone:** Confrontational or accusatory depends

**Participants:** suspect person

**Question:** more closed



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~~Setting:~~ lockup or interrogation

~~Legal status:~~ Right to counsel, protection from torture

## Defining Interrogation

Interrogation is an interview, often custodial questioning of a ~~person~~ suspect, usually when investigators believe the person is involved in the offence and aim to obtain a confession or specific incriminating information.

## Main differences between Interviewing and Interrogation

|                           | <u>Interviewing</u>   | <u>Interrogation</u>   |
|---------------------------|---|--|
| <u>Purpose</u>            | <ul style="list-style-type: none"><li>- Gather information</li><li>- Clarify facts</li></ul>              | <ul style="list-style-type: none"><li>- Obtain confessions or incriminating statements</li></ul>                   |
| <u>Nature/Tone</u>        | <ul style="list-style-type: none"><li>- Neutral, non-accusatory</li><li>- information seeking</li></ul>   | <ul style="list-style-type: none"><li>- Accusatory</li><li>- Pressure-oriented</li><li>- confrontational</li></ul> |
| <u>Personnel Question</u> | <ul style="list-style-type: none"><li>- Victim, witness,</li><li>- Informant, sometimes suspect</li></ul> | <ul style="list-style-type: none"><li>- Primary suspect/accused.</li></ul>   |



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|                      |                               |   |
|----------------------|-------------------------------|---|
| Legal position       | - non-custodial               | - custodial<br>- right must be ensured.                 |
| Question style       | - open-ended<br>- exploratory | - leading, repetitive<br>- focused on incriminating     |
| Rights               | - dignity                     | - no torture, fair treatment                            |
| Use in investigation | - fact finding                | - later stage, when evidence points to specific suspect |

## Protecting the Rights of Criminal suspects During Interrogation

### A. Basic Legal Principles

- ✓ Right against Torture
- ✓ Right to silence
- ✓ Right to legal counsel
- ✓ Right to fair Trial

### B. Procedural Safeguards Before and During Interrogation

- ✓ Proper recording and Documentation
- ✓ Access to Lawyer



- ✓ Time limit and Rest
- ✓ Separate vulnerable group, eg: Juveniles

### C. Safeguards After Interrogation

- ✓ Judicial oversight
- ✓ Exclusion of illegally obtained evidence
- ✓ Complaint Mechanism and Accountability

### D. Institutional Training Measures

- ✓ Use of forensic
- ✓ Corroborative evidence
- ✓ Codes of conduct
- ✓ Standard operating procedures
- ✓ Human Rights protection
- ✓ Training in ethical and scientific measures

### Conclusion

A criminal justice system that respects the rights of the accused during investigation and interrogation not only protects human dignity but also strengthens the credibility of conviction and the legitimacy of the state.

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## SECTION D

### QUESTION 8      NAB

#### Introduction

The National Accountability Bureau (NAB) is Pakistan's premier anti-corruption agency created under National Accountability Bureau Ordinance (NAO) 1999 by the military government General Pervez Musharraf.

#### Objectives of NAB

To provide for the setting up of NAB so as to eradicate corruption and corrupt practice and hold accountable all those person accused of such practices.

#### NAB's Vision

Corruption-free Pakistan

#### NAB's Mission

- Awareness (public education against corruption)
- Prevention (review of systems, closely laptops)
- Enforcement (investigation, prosecution, recovery)



## Responsibilities of NAB

- Investigating Corruption
- Prosecution
- Recovery of Public Money
- Preventive Measures
- Awareness and Advocacy
- International Cooperation

## Key Challenges faced by NAB

1. Political engineering
2. Selective Accountability
3. Declining Conviction rates
4. Prevalence of Plea Bargain
5. Voluntary Return culture
6. Due process, Human Rights and custodial Abuse concerns
7. Overlap with other Agencies
8. Fragmented Anti-corruption Regime
9. Legal ambiguity
10. Weak prosecution
11. Media trial and public pressure

Corruption threshold of Rs 500 million  
exemption of cabinet decisions, transfer  
of many cases to other bodies.



A 2021 government press release claim Rs 6.96 trillion secured over two recent years. A figure that is heavily debated in media and academia.

"In 2020, the supreme court, while granting bail to two political leaders, observed that NAB had shown "utter disregard for the law" and fundamental right in the manner of their prolonged detention."

### Way forward to strengthen NAB

- A. Strengthen legal framework
- B. Ensure political Neutrality
- C. Improve investigation Capacity
- D. Strengthen prosecution
- E. End Plea Bargain Abuse
- F. Reduce Jurisdiction overlap
- G. Remote preventive and
- H. structural reforms
- I. Enhance public Awareness
- J. Strengthen Accountability civil
- K. Adopt International Best Practices



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## Conclusion

Unless NAB's legal framework, mandate, and internal culture are reformed to ensure professional, non-partisan and right-respecting accountability. It will remain less a symbol of rule of law and more a contested instrument in Pakistan's political power game

xxx  
THE END  
xxx

ANSWERS ARE TOO SHORT FOR 20 MARKS

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