

Q. No. 2.

Introduction:  
White collar crimes are financially motivated crimes by people in high social status. On the other hand, corporate crimes are mostly committed by legitimate corporate sector. Sometimes, white collar criminals organize their activity through corporate crimes. Both of these crimes adversely impact the tax base of a country, promotes cross-border smuggling, cut developmental expenditure and create wedge between institutions and the people.

white collar crimes:

"Non-violent, financially motivated, crimes committed by people in the high social position like public office holder"

(Edwin Sutherland).

i) Rational choice theory

explains white collar crimes:

Rational choice theory best

explains the tendency of white

collar crimes in society. According

to this theory, white collar criminals

rationalise the benefit that they will never get apprehended as they are the part of system, so ~~they~~ commit crime.

ii) **White collar crimes** includes corruption and dishonest practices.

White collar criminals abuse their position or office to engage in dishonest practices for accumulating their personal wealth, which results in crimes.

### Corporate crimes

“Crimes which are committed by legitimate businessmen and corporations to benefit from illegal system.”

(i) Differential Association Theory and Rational choice explains corporate crimes.

According to Edwin Sutherland, closely knit groups of companies learn the illegal and profitability of practices from each other. So they the legitimate businessmen also engage in such crimes. Moreover, ~~the~~ corporate

sector nationalises the hazard through the power of their money and commit crimes.

(ii) Tax evasion is the practical example of corporate crimes:

Corporate sectors shift their wealth outside the country, declare themselves bankrupt or do under documentation to evade the tax regimes. In this way, corporate crimes are committed.

(iii) White collar and corporate sector converge to make a pattern of crime:

Sometimes, people in power ~~try to~~ get bribes or issue unfair state regulatory orders to help certain ~~corporates~~ to proliferate in the country. In this way, both crimes are committed at the same time.

Example:

In 2016, Panama papers revealed connection between parliamentarians (white collar) with F2E capital scandal (corporate)

It also involves ||

## Impact of white collar and corporate criminals on society.

### i) white collar and corporate crimes adversely impact tax base of a country.

White collar criminals help corporate crimes to evade from tax ~~not~~.

It leaves a large chunk of revenue untaxed which disproportionately falls on salaried people and compliant tax payers.

#### Example:

In 2024, chairman federal Board of Revenue Pakistan that Pakistan misses tax targets because elites (businessmen, officers, judges etc.) hid their assets.

### ii) white collar and corporate crimes promote cross-border smuggling.

A number of corporate companies benefit from smuggling because it helps them to evade surveillance. Moreover,

white collar criminals help to promote

this

illegal smuggling

Example:

In 2024, Federal Investigation Agency (FIA) tracked down 50 officials who were involved in smuggling to Afghanistan.

iii) white collar crimes and corporate crimes compromise developmental spending in a society.

Due to loss of revenue owing to smuggling and tax evasions, government is left with little revenue to expend in the education, health and agriculture of society. It impacts the overall development.

iv) white collar crimes and corporate crimes proliferate drugs in society impacting youth at large.

Collusion of public officials and corporate tobacco sector, there is an upsurge in the drug proliferation in youth. It results in drug addiction and loss of valuable human

capital of society.

Example:

Ministry of Narcotics control in 2017 reported 40% of drug ~~addiction~~ among youth given unchecked tobacco proliferation.

→ white collar crimes and corporate crimes create wedge between society and state.

As white collar and corporate crimes are left with impunity, it creates distrust among citizens regarding institutions. It creates wedge between state and society.

Example:

In 2017, Meta CEO was freed by offering mere apology in US senate for Meta community scandal 2017 creating wedge between citizens and state.

Conclusion:

White collar crimes and corporate crimes are indirect menace to society. Thus, they must be eradicated to preserve social contract.

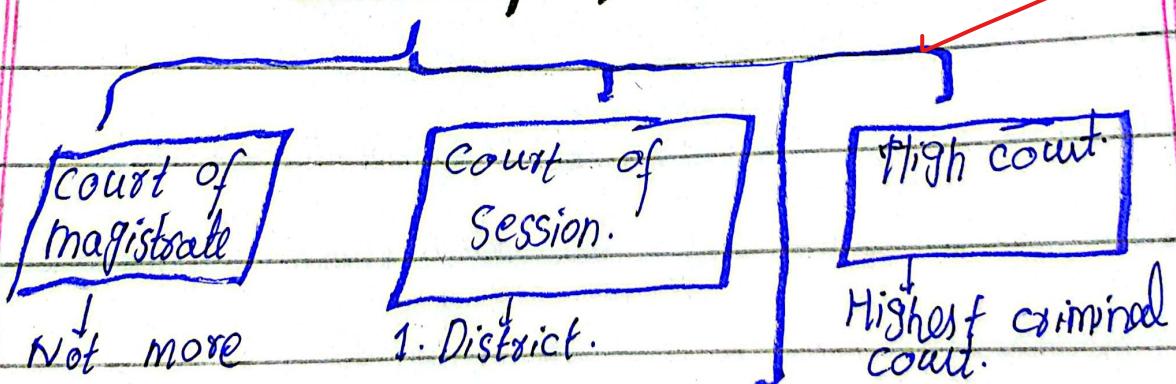
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Q. No. 5.

### Introduction:

Criminal courts in Pakistan are procedurally sound because they have well-defined ~~the criminal~~ laws, an organized structure, a timely fashioned procedure of appeal and provision of procedural balance between police and criminal. However, they are operationally weak due to dependence on outdated legal framework, out of court settlements, lack of cooperation between bar and bench and costly provision of justice.

### Criminal Courts in Pakistan:



than 6 months  
to 1 year penalty.

Supreme court.  
(Only if Supreme court grants leave).

## How criminal courts in Pakistan are procedurally sound?

i) Criminal courts in Pakistan have well defined legislative framework making them procedurally sound:

Criminal courts in Pakistan are procedurally sound. It is because of the fact that they have well-defined legislative framework to timely deal with the criminal cases.

### Example:

Legislative framework include: Criminal procedure code 1898 for providing procedure of conduct of cases. Moreover, Pakistan Penal Code 1860 gives the details of punishment for crimes.

ii) Criminal courts in Pakistan have well fashioned procedure of appeal:

In criminal courts of Pakistan,

there is procedural clarity of appeals to ensure fair justice system. Appeal from court of Magistrate lies to session court against which, appeal lies to high court. High Court is the highest criminal court in Pakistan. Even under

### Section 411A of CrPC 1898,

there is well defined procedure of intracourt appeals.

(iii) Criminal courts in Pakistan have well organized structure to decide the cases.

In public administration, the success of a system depends on hierarchy and organized structure. In Pakistan, criminal courts have well-organized hierarchy from magistrates to chief justice of High court. Supreme

Court ~~also~~ have appellate jurisdiction regarding criminal cases if special leave is granted.

(iv) Criminal courts in Pakistan provide procedural balance between police and accused.

In criminal court of Pakistan, police cannot keep accused beyond lawful jurisdiction. If a police officer unlawfully detains a person, Court can issue writ of certiorari to compel him to produce whereabouts of the detainee, maintaining <sup>accuse</sup> ~~court~~ balance between ~~court~~ and police.

Criminal courts in Pakistan are operationally weak:

(i) Criminal courts in Pakistan are dependent upon outdated legal framework which makes them operationally weak:

Criminal courts in Pakistan mostly operate on the basis of criminal procedure code 1898, Pakistan Penal code 1860 and Civil procedure code 1908. These are colonial laws that make the courts ~~of~~ extractive and operationally weak in

Pakistan.

(ii) Criminal courts in Pakistan are constrained by out of court settlements making them operationally weak. Criminal courts in Pakistan are silent spectators to ~~cases~~ <sup>see</sup> crimes rather than active participants. The reason behind is the large proportion of out of court settlements which makes victim left at the mercy of injustice.

It is the reason conviction rate of criminal courts in Pakistan is only around 11%.

(iii) Lack of cooperation between bar and bench makes criminal court operationally weak.

After lawyer movement 2007, bar councils have gained enough power to intimidate judges.

When a judge declares verdict, benches declare strikes. In the war

between bar and bench, criminal justice is not served.

ii) **Costly criminal justice system makes the courts operationally inefficient:**

Article 37 of constitution of Pakistan 1973 ensures cost-effective and timely justice. However, in Pakistan, criminal courts are so expensive that they drain the livelihoods of people. Lawyers takes exorbitant fee while procedural red-tap even charge high in the courts for legal proceedings.

(Lawyer at the cost of clients:  
Dawn news: 2017).

### Conclusion:

It is true that criminal courts in Pakistan are procedurally sound. In order to make them operationally efficient, there is an urgent need to revise the criminal court laws. | 0 | 20 |

Q. No. 6-

### Introduction:

Interview and interrogation are the part of criminal investigation.

Interview is less formal while interrogation is formal. Similarly, interviews are non-accusatory while interrogations are accusatory. They also differ by nature of confession and use of investigative techniques.

During the interrogation process, right of criminals can be preserved by on-camera investigations, using mixture of techniques to avoid mental problems, providing him the right to lawyer and avoiding custodial torture.

### Definition of interview in criminology:

"In criminology, interview is the process of getting information about the crime from a person."

### Definition of interrogation in criminology:

"Interrogation is a form of investigative technology to ascertain

the charge of criminal while he is in custody."

### Difference between interview and interrogation.

(i) Interview is less formal investigation ~~also as~~ compared to interrogation.

In interview, the official focuses on gathering facts. So, he enters in an informal conversation with the person. In interrogation, police officer use all legal measures to ascertain the crime.

#### Example:

Police officer is asking an eye-witness about what happened at crime scene.

Now when the criminal is apprehended, officer interrogates how he committed crime.

(ii) Interview is non-accusatory while interrogation is accusatory.

In an interview, police officer only talks to people who have the relevant information about crime.

officer accuse the criminal and makes a charge sheet against him.

iii) Interrogation is confession driven while interview is not focused on confession:

In an interview, an officer does not attempt to force the person to confess his crime because he does not know the reality. On the other hand, in interrogation, officer is certain about the detainee about his involvement in the crime. Therefore, he compels him confess his involvement.

iv) In interview, officer does not use techniques while in interrogation he uses the techniques of investigation:

In an interview, there is no need to use investigative technique because it aims at only taking information. In the interrogation, an officer uses wide-range of

techniques to make the criminal confess his crime.

Example:

An officer uses Good cop Bad cop technique only during interrogation.

Methods to protect rights of criminals in interrogation:

(i) Right of criminals can be preserved by an on-camera interrogation:

In the absence of monitoring mechanism, fundamental rights of criminals are left at discretion of police. Therefore, an on-camera investigation preserves this right of criminal.

Example:

Estonia's criminal law 2022 to ensure on-camera investigation.

(ii) An investigating officer must be professional expert to ensure the

the protection of rights of  
Criminal:

A professional investigating  
officer combines his skillful  
investigation with values of  
Empathy to ensure fair investigation.

He may use Good cop:

bad cop technique to ascertain  
fact but leave it when the  
criminal is psychological patient.

Similarly, he may resort to

PEACE Technique and KINSEC  
interrogation to combine confession and  
truth with human values.

(iii) Providing the criminal  
right to lawyer can  
protect the rights of criminal.

Access to lawyer is fundamental  
human right is mentioned

in International convention

on Political and

civil Right (1946). Right to

lawyer ensures due process

of law and limits the

discretion of police over rights

criminals.

(iv) custodial torture

must be avoided to  
protect the rights of  
criminals.

Custodial torture is a  
degrading and inhumane treatment  
of criminals. In a number of  
third world countries, police use  
this illegal technique to extract  
confession from the criminal.

According to Article 14(2)  
of Constitution of Pakistan,

Custodial torture is strongly  
prohibited to protect the right  
of criminals.

### Conclusion

Interview and interrogation are  
used to reach the facts in  
the ~~the~~ process of investigation.

However, purpose should be to  
eradicate crime not criminal

10/20

Q-No.8-

### Introduction:

 National Accountability Bureau (NAB) is a notable anti-corruption watchdog in Pakistan. It aims to recover public money from public office holders, wilful defaulters, from tax evaders and borrowers and detection, investigation and prosecution of anti-corruption offences. However, there are number of shortcomings in its operation notably including its use as tool of political victimization, failure to apprehend white collar criminals, controversies around violation of right of property and its plea-bargain framework.

### Note on NAB-

National Accountability Bureau is an anti-corruption department notably aimed at trying white-collar criminals.

### Headed By:

Director General of NAB who is appointed by President of

Pakistan.

## Legal Framework:

National Accountability Ordinance  
2000.

## Objectives of National Accountability Bureau:

(i) NAB's objective is to recover public money from public office holders.

Objective of establishment of NAB is to recover money from officers holders who use their position for abuse of taxpayer's money. In this way, white collar crimes can be reduced in Pakistan.

(ii) Objective of NAB is to recover money from wilful defaulters.

A number of corporate entities in Pakistan show wilful default to take concessions in loans from government and banks. NAB spots and apprehends such criminals to recover

money bank loans and public money from them.

iii) Objective of NAB is to recover public money from tax evaders and borrowers:-

Pakistan's informal economy stands at 75%. A number of retailers and businessmen hide their income and estate to evade the taxation of FBR. Moreover, some people use the political influence to decline paying back to banks what they borrowed. NAB aims to recover money from all these people.

Example:

NAB recovered Rs. 400 billion public money in 2024.

[source: NAB KPK].

iv) NAB detects, investigates and prosecute corruption in Pakistan.

NAB not only apprehends the criminals but it also investigates their cases. According to NAB

(Amendment) order 2022, NAB

can keep the person on charges of corruption for 40 days in custody.

Similarly, NAB is authorised to submit Reference against corrupt people to the court.

### Short-comings

in NAB:

i) NAB is used a tool of political victimization:

NAB is continuously criticized by experts as a tool of political victimization. The government uses NAB to try opposition in different cases to put them behind the bars.

ii) Example:

From 2018-2022, a number of opposition leaders were arrested by NAB.

ii) Failure to apprehend white collar criminals is

short-coming of NAB:

NAB endeavoured to try politicians and bureaucrats to eradicate corruption. However, it badly failed

in its primary objective to apprehend white collar crimes.

#### Example:

According to NABC Amendment) order 2022, NAB cannot look into state owned Enterprises (SOEs), a hub of white collar criminals.

(iii) **NAB is alleged for violation of fundamental human right to property:**

~~Article~~ Constitution of Pakistan, 1973, ensures the right to property of every person through its Article 23 and Article 24. However, NAB can enter in banks and corporates without warrant constituting an assault on ~~lawful~~ values.

(Asfandar Yar Wali vs NAB case: 2001).

(iv) **Plea-bargain is a grave short-coming of NAB:**

In NAB's legal frameworks  
plea-bargain is a point of criticism  
Through plea-bargain, a criminal  
can give 100 rupees to clear  
1000 rupees. This ~~shortcoming~~  
limits the primary objective of  
NAB to criminalise corruption.

(Shortcomings in NAB's  
Plea bargain: Financial  
Task Force Asia Pacific  
Group).

### Conclusion:

NAB emerged as powerful  
institution to address corruption  
in Pakistan. However, like every other  
institution in Pakistan, it failed  
due to politicization of its structures.

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OVER ALL ANSWERS ARE RELEVANT  
WRITE A BIT MORE

6 PAGES ARE NOT ENOUGH

OTHERWISE ANSWERS ARE GOOD AND SATISFACTORY  
WORK ON PRESENTATION SKILLS TOO