

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 ~~soci~~ 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, for corporate

sector rationalises the hazards 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 ~~can~~ 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 ~~bring~~ 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 FIE capital scandal (corporate)

it also investigates

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 net.

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

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 evasion, 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 uptick 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 institution. 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.

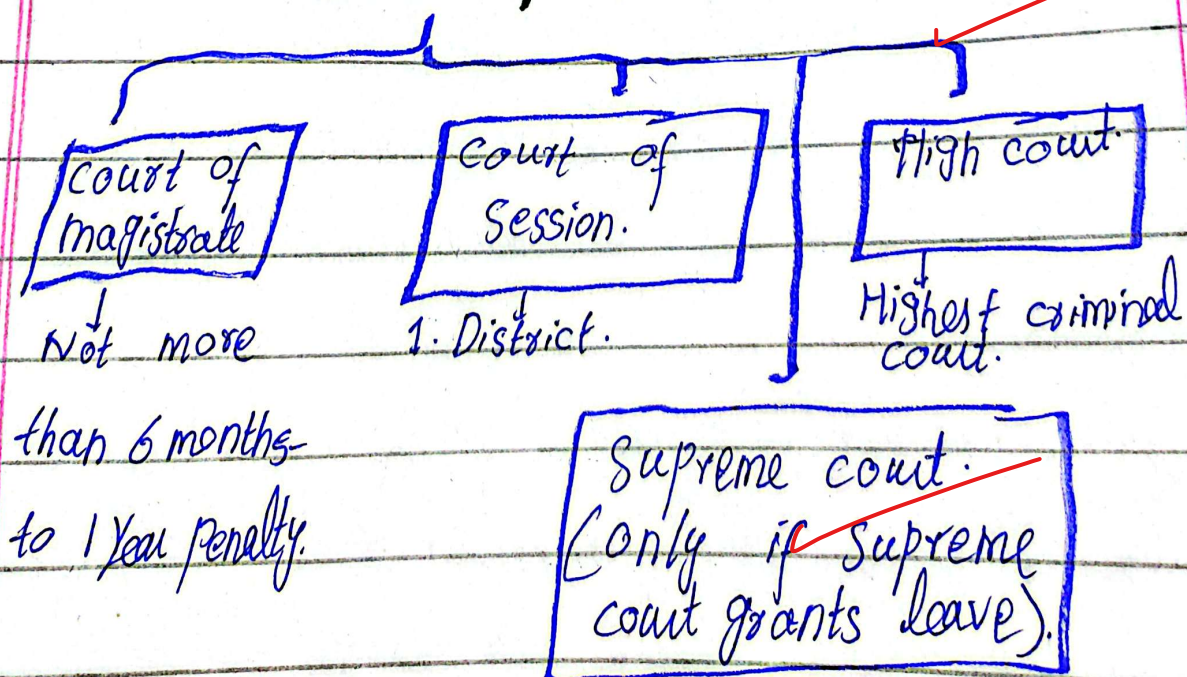
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Q. No. 5.

Introduction:

Criminal courts in Pakistan are procedurally sound because they have well-defined ~~to~~ 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:



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 conduction 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 411 A of CrPc 1898,

there is well defined procedure of intra-court 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 ~~can~~ 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 balance between ~~court~~ ^{accuse} 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 operates on the basis of criminal procedure code ~~1848~~, Pakistan Penal code 1860 and civil procedure code 1908. These were colonial laws that ~~is~~ makes 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 ~~control~~^{set} 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 way

between bar and bench, criminal justice is not served.

(iv) **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 take 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.

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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.

Defination of interview in criminology:

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

Defination 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~~ compared to interrogation.

In interview, the official focuses on gathering facts. So, he enters in an informal conversation with the person. In interrogation, police officers 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 ~~the~~ 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 cops, 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 skilful 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 person criminal is psychological patient.

Similarly, he may resort to

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

(iv) 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 abided 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

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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 ~~in~~ 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 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.

~~NAB~~ 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 ~~constitution~~ an assault on lawful values.

(Asfand Yar Wali vs NAB case: 2001).

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

In NAB's legal framework
plea-bargain is a point of criticism.
Through plea-bargain, a criminal
can give 100 rupees to clear
10000 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 structure.

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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