Question # 2.

What do you known about white collar crimes and corporate crimes? How they impact society at large?

Answer:

White collar crimes are done by the socially well-off people of the society to gain personal or corporate gain. The term is coined by Edwin Sutherland. Whereas corporate crimes are crimes done by the organizations or their representatives willfully and knowingly to profit gains. Difference between them is white collar crimes are done by individuals, whereas corporate crime is done by organizations. These are high value crimes ~~that~~ whose monetary value or impacts are larger then street crimes whereas the conviction is relatively less. Crimes such as money laundering, corruption, bribery are examples

* ~~Typology~~ of white collar crimes:-

1. Individuals taking advantage of his post:-

when an individual in higher post uses his position for personal benefits. For example if an exise officer visits a restaurant and coerse the owner for bribery otherwise sealing his restaurant.

2. Against one's own organization:
Misusing the company resources.
For example Charging for bogus autorepairs, reimbursement of overpriced services.

3. Selling power:
Using illegal ways to benefit outsiders from your own company. For example awarding contracts to own company for procurement of goods.

* Categories of Corporate crimes.

1. Market fragmentation.
Companies may divide different markets among themselves without interference of each in others market. This way each company develops monopolies in cities or countries regulating prices on their own.

2. Combined services:
A company may bind its customers for using these two services together. For example a railway company selling train forces using only their own spare parts for maintenance.

3. Price fixing: A company fixing high prices for ~~as~~ necessary commodities is illegal.

4 Group boycott: An organization boycotting

services from other organization based on one service of the other organization.

★ Why white collar crimes happens.

1. Need view :-

Some psychologist believe that when individuals are unable to meet their livelihood needs ~~leg~~ legally they resort to illegal means for examples a person wanting to buy a car but his salary not allows him he will resort to illegal ways such as bribery or corruption.

2. Corporate view :-

It is believed that corporate pressure of higher results forces its employees to unnecessary ways to meet them. This may be passed on from ~~fr~~ one employee to his successor.

3. Self control view :-

Some individuals are enticed by quick benefits with minimal efforts.

★. Impacts of white collar and corporate crimes

1. Cost to society :-

When individual or corporate resorts to illegal benefits the main victim are consumer of the services. In case of white collar like corruption merit is compromised and deserving people of the society are victims which results in social disorganization in the society.

Although physical impacts such as murder does not takes place however the monetary draw back is way more than street crimes.

In case of corporate crime the consumers of the product are affected, as organization manipulate prices, this results in more spending by consumers.

2. Cost to employees:

In corporate crimes when company employees are forced to criminal activity they also suffers from criminal charges if caught.

Also employees working in dangerous conditions also faces immediate impacts such as health issues and on-job death

3. Cost to environment:

When corporations discharge harmful chemicals or air pollutants it impacts the environment as well. For example: radioactive chemical disposal may impact by causing cancer to the birds and mammals around ~~the~~ such plants.

THIS IS VERY BOOKISH GENERIC ANSWER
THERE IS NO THEOERETICAL PERSPECTIVE MENTIONED NOT SATISFACTORY
EXAMPLES ARE SELF MADE SEEMS LIKE YOU HAVENT READ THE SYLLABUS
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4. Cost to economy: Money laundering or tax evaders reduces funds available for effective running of the economy driving unstability in the country and hence causing inflation in a country.

Question No 5.
Criminal courts in Pakistan are procedurally sound but operationally weak.
Answer.

* Introduction :-

"Justice delayed is justice denied"
— William E.

The above maxim is a perfect explanation of criminal justice system of Pakistan. Criminal courts in Pakistan are run by Cr.PC 1898. Although it defines all the procedures of courts conduct but effective implementation and practice is of it is not there.

* Key procedure.

After crime is done first procedure is filling of First Investigative report following section 154 of CrPC which is followed by investigation of the incident resulting in production of Challan (charge sheet) as per sec 173 which is presented to the magistrate who decides whether the crime is cognizable and frames charges. Then the case proceeds to the relevant court. Under sec 73 magistrate issues for warrant of person under trial.

In trial court listens to the evidence, witness and arguments of the prosecution against the ~~crim~~ person in trial whereas the deffense attorney rebutes and provides his arguments. ~~or of~~ Based on the trial courts gives verdict and a person is convicted or attenuated. Within a given timeframe the ~~crimi~~ convicted criminal may challenge the verdict in high court.

✱ Shortfalls in the criminal systems.

1. Procedural steps:

Due to lack of advance forensics and data collection techniques, a potential pitfal happens in the investigation of a case where lack of evidence causes pre-trial adjournments.

Another issue is central case management system. ~~Cases~~ Reports in some police stations are maintained on registers manually which are difficult to maintain. Whereas some police stations use old digital sysem to record data. There is no central data mengement.

2. Adjournments.

During trial due to witness not showing up, availability of lawyers schedule, and Judges transfer the cases are stretched prolong. ~~Affecting~~ ~~at~~ timely delivery of justice. This results in massive case backlog. According to one survey current **1.3 — 1.8 million** cases are pending from trial resulting in overload of prisons. Around 73% ~~case~~ prisoners in Pakistan are under-trial

✯ Impacts.

Procedural delay and weak prosecution leave victims without redress, force prolonged detention on accused who may later be aquitted, and encourage bargains or informal settlements that may not serve justice. The cummulative effect undermines detterence, fuel impunity for well connected offenders, and burdens correctional facities designed for rehabilation rather than overflow storage.

An example is a case in which

a minor was convicted at age of 11 years of a crime. He waited for 10 years in prison before getting a trial. At the age of 21 he was found not guilty of the charge this shows the irony of criminal justice system of Pakistan.

★ Measures:

1. Establishment of more forensic labs in Pakistan with training programes for chemist working in forensics.
2. Video recording of the crime scene to prevent alter of the evidence later on and avoiding the witness requirement.
3. Central case management system needs to be installed all over the country so case details are easily accessible to all stakeholders involved.
4. Fixing tenure of judges and reducing political involvement in judges transfer.
5. Using diversion and plea resolution to effectively reducing the caseload.

INTRO AND CONCLUSION ??????

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Question no 6.
Define and differentiate between interviewing and interrogation. How can the rights of criminals be protected during the interrogation process?

Answer.

- Introduction:

Investigative interviewing is non-accusatiaatory, information gattery from victim, witness and suspect whereas interrogation is forced confrontation with the suspect under trial in order to get out the confession of crime from a criminal.

- Techniques of interviewing.

1. Asking open-ended question like what happened, how happened.
2. Establishing rapport - gaining trust of the interview in order to make him confident for sharing the information.
3. Recording or careful noting of all the details provide.
4. Using PEACE method (Plan, engage, account, closure, Evalute) is an effective technique utilized in order to avoid any coersion

- Technique for interrogation.

1. Asking close questions and counter questioning controlled confrontation.
2. Accusation style
3. Minimization: Portraying the crime is a very small so the criminal is enticed to confession
4. Maximumization: Intimidating the suspect by exaggerating that investigator knows he is criminal, like pretending forensics have matched and proofed he is guilty
5. Using psychological pressure like keeping him awake etc.

- Human rights violation:

Use of coercion sometimes in interrogation goes to extreme such as torturing of convicts, incommunicado detention, refusing of counsel, sleep deprivation and physical beating. These practices are illegal & under UN charter of treaties and should be condemned. In Pakistan NGO AI have reported enforced disappearances, death in prisons and abuse of torture highlighting systematic issues. This reduces public trust in the criminal justice system and also false confessions and wrongful convictions

– **Rights protection measures.**

To protect human rights of convicts in trial following ~~opt~~ measures needs to be taken.

1. Allowing access to lawyer or councel to the convict.
2. Giving right to remain silent.
3. Audio-visual recording of interrogation from beginning till end.
4. Ban of physical torture and medical examination.
5. Use of techniques like PEACE used in investigative interviews.
7. Oversight of external bodies during interrogation such as obdusmen.
8. Time limits to be applied to prevent prolonge trial.
9. Training of interrogative staff about various investigative techniques.

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– **Conclusion.**

Interviewing and interrogation differs in purpose and methodology. However, using similar techniques ~~of~~ investigation ~~in~~ in interrogation will avoid human rights violation ~~of~~ criminals during the process and also avoid false confession which ~~will~~ benefits the actual criminal and trust decit of the justice system.

Question no 8.
Write a note of NAB, what is its Objectives and shortcomings bing the premier anti-graft watchdog of Pakistan?
Answer.

★ **Introduction:**

National accountability Bureau established in 1999 by national accountability ordinance by then president Pervaiz Musharaf to trial corruption cases in Pakistan.

★ **Objectives:**

1. Prosecution and investigation of corruption cases in Pakistan.
2. Recovering the public money used in corruption.
3. Recovering of bank money by wilful defaulters.
4. Promotion of the drawbacks of corruption in public.

★ **Shortcomings of NAB:**

1. NAB chairman is appointed on the prime minister and opposition leader recommendation by president. ~~The~~ for four years timeperiod. This may cause use of the institutions against political enemies when in power.
2. NAB chairman is from the retired judge

of supreme court, chief justice retired from high court ~~or~~ retired army generals and bureaucrats. This causing induchance of competitive, young individuals in the institution.

3. The NAB chairman is the single and sole authority of the institution ~~with nobody recom~~. This means there is nobody there to correct him in wrong decisions.

4. Accountability of the institution itself is not possible as there is no governing body above it or to ~~check~~ make the internal working of the department accountable.

5. Prolonging of cases: NAB is accused of prolonging cases without any reason meaning the justice is not timely served.
   As the maxim says.
   "Justice delayed is Justice denied".

6. Plea and surrender: NAB has this rule that if anybody surrenders his corruption with fear of getting convict he is acquitted of the crime. Which breaks the sole purpose of deterrence.

* **Corrective measures:**

As per transparency commission following recommendations are given to correct the institution.

1. Brodd the base of eligible candidates for appointment of the NAB chairman to other members of the society.
2. A board rather than a single individual should be made the highest authority like chairman of FPSC.
3. Transparency of the institution by external bodies should be ensured by accountability.
4. Plea-Bargains should be abandoned.
5. More funds should be made available to the department function.
6. Under trial people in NAB should be treated in humane manner.
7. Anticorruption should be made part of curriculum of ~~studs~~ children education
8. Prosecutor training should be done to teach them new techniques of interrogation.
9. Regulation of timeline of cases under trial ~~trial~~ should be made according to Ehtesab act of 1999.

INCOMPLETE ANSWERS
THERE IS NO SENSE OR COHERENCE IN ANSWERS
PRESENTATION IS POOR
NOT SATISFACTORY

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