

Part-II:-

Q. No. 2

~~There exists~~

Introduction:-

There exists a strong relationship between white-collar and corporate crime, because corporate crimes are headed by high-profile personalities. Secondly, corporate crimes require a chain of command, which cannot be provided without white-collar criminals. Thirdly, corporate crimes require evasion from law enforcement agencies which can only be provided by white collar criminals and fourthly, regulatory hurdles can only be avoided through white collar criminals. White collar criminals are less harmful, as they are not penalised frequently, do not target common people, run in shadows and desensitise the victim.

What are white-collar crimes??

According to Edwin Sutherland:

White collar criminals are those, which involve high-profile politicians, bureaucrats, businessmen and personnels of law enforcement, which often goes unnoticed by officials.

What are corporate crimes??

These are the crimes, which involve an organization in form of chain of command and enough expertise to run illegal business in

form of crimes.

Relationship between White-collar criminals and Corporate crimes:

(i) Corporate crimes are headed by high-profile criminals: Corporate crimes are headed by high-profile people. These people include businessmen, who are often part of ministries. These people are white-collar criminals, who illegally run corporate crimes.

Example:

In 2012, a case surfaced in South Korean Court, which revealed that parliamentarians are heading yakuza corporate gang.

(ii) Corporate crimes require a chain of command, which is provided by white collar criminals:

White-collar criminals are source of providing chain of command from manufacture to supply of criminal activities. It is because of the fact that white-collar criminals are well-aware of experts criminals in the country, who

Date: _____

M T W T F S

can provide chains of work to corporate crimes.

(iii) Corporate crimes require evasion from law-enforcement agencies, provided by white-collar criminals:

Corporate crimes are knack in evading from the reach of law enforcement agencies. If these agencies apprehend criminals, corporates are not destroyed. It is indicative of the fact that certain bureaucrats or ministers facilitate evasion of criminals from law enforcement agencies.

Example:

In 2024, a law enforcement personnel of Airport Security Force (ASF) of Pakistan was caught red-handed, while smuggling gold at air-port. She had connections with gold-smuggling corporates.

(iv) Regulatory hurdles to corporate crimes can only be avoided through hands in high-profile people.

In countries, regulation around the world, regulations are undertaken to avoid fallacies in businesses. Corporate crimes evade these regulations, because people

Date: _____

hold reins of regulations allow these crimes to be ~~not~~ processed with impunity.

Reasons why white

collar crimes are less harmful to street crimes.

(i) White collar crimes are not penalised, so they seem less harmful:

White collar crimes are committed by bourgeois class of society, therefore they are not penalised (Marxist criminology). As only street crimes are penalised, therefore small criminals get in trap of law, while bigger fishes get out of that trap.

(ii) White collar crimes do not target common people like street crimes:

White collar crimes are focused on running illegal corporations of smuggling, drug trafficking and hiding sources of their money. Therefore, these crimes do not target common people. On the other hand, street crimes hurt common people, therefore, they are penalised and cause disruption of

functioning of comm society.

(iii) White collar crimes run in the shadows, not harming civilians.

White collar crimes are not open like theft, gambling and murder.

White collar criminals run all illegal operations without leaving a trace, so that their estate can be preserved. In this way, civilians are less likely to be harmed in these crimes.

(Khalid I. Usman: Palch Journal: 2011).

(iv) White-collar crimes desensitise victim to crimes.

White collar crimes are less harmful, because they are run in such a manner that victim becomes desensitise to its harms.

Example:-

In 2016, Panama leaks revealed foreign estates of notable politicians around the world, earned through corruption. As civilians are unaware about utilization of their taxes, they consider them less harmful to crimes.

Conclusion:

It is undeniable fact that all corporate crimes run in

Date: _____

M T W T F S

auspices of law. It is also a fact that law is legislated by white-collar people, who know the loopholes of the laws and ways to utilize their loopholes for their personal gains. However, they are only portrayed to be less harmful to street crimes.

me:

Date: _____

M T W T F S

Part - II: Q. 5.

Introduction:

Retributive and rehabilitative justice address root causes of by incapacitating tendency of future crimes, creating a fear of punishment ^{decreasing} through crimes, preventing recidivism and converting criminals into useful human resource. In case of Pakistan rehabilitative justice is need of the hour, because Pakistan has high rate of recidivism. Secondly, ~~retributive~~ justice is eroding social contract, while ~~re~~rehabilitative justice can bring people together. Thirdly, rehabilitative justice can alleviate ^{poverty} ~~property~~ by empowering skills and can convert den of crimes into schools of knowledge.

Retributive justice:

Retributive justice is the system in which ~~the~~ criminal is punished in such a way that he suffers same torment as suffered by victim.

It emerged from classical school of thought (Beccaria, Bentham), who proposed equal punishment to criminal as suffered by the victim:

How retributive justice can address root causes of crime??

reprobating
future crime
avoid recidivism
converting
useful
human resource

iv



Date: _____

(i) Retributive justice can incapacitate tendency of future crimes.

Retributive justice incapacitates the criminal along with his crime. For example, awarding capital punishment to murdered can decrease future tendency of murders.

Theoretical approach:

According to theory of law and punishment given by ~~Cesare~~ Jeremy Bentham, punishment should be proportional to crime. It can decrease future chances of crimes.

(ii) Retributive justice creates a fear of punishment, which decreases crimes.

As retributive justice punishes the criminal in the same way as victim, it instills fear among the people. They try to balance their id and superego through their ego, because award of their illegal act can be harsh. This fear is an approach to decrease crime rates in society.

How rehabilitative just Rehabilitative justice:

It is a system of justice in which rehabilitation is provided to the criminal so that he may not return to crime.

Theoretical explanation:

In sociological theories (strain theory, intelligence theory), it was revealed that if sociological factors are reversed, they can convert a criminal into normal human being. It spawned concept of rehabilitative justice.

How rehabilitative Justice can decrease crimes in society??

(i) Rehabilitative justice prevents recidivism:

According to social labeling theory, label of criminal can increase tendency of crime. Thus, if rehabilitative justice focuses on training of criminal to shun his behaviour, it can decrease chances of criminal to return to the crime, which is called recidivism.

(ii) Rehabilitative justice converts criminals into useful human resource:

Rehabilitative justice is not just focused on empowering morals to criminals, but it also converts them into useful human resource through empowering them skills. It can decrease economic strain on criminal, which is major reason of crime.

How Rehabilitative justice is better in context of Pakistan?

(i) Pakistan has high rate of recidivism for which rehabilitative justice is only panacea.

In Pakistan, criminal further commits crimes, which increase chances of recidivism. In this situation, retributive justice only worsens the situation. Therefore, rehabilitative system is the only system left to prevent criminals from recidivism. According to International crisis group, there 70% chances of recidivism in Pakistan.

(ii) Retributive justice is eroding social contract in Pakistan.
Retributive justice has been

meted out in a number of cases in Pakistan. It leads to revenge of revenge and erodes social contract. On the other hand, rehabilitative justice can make criminal to repent on his crime through moral training. In this way, peace can be ensured through rehabilitative justice.

(iii) Rehabilitative justice can alleviate poverty th by empowering skills.

According to concentric zone model by Maccay and Shaw, people in poor areas are more likely to commit crime. Thus, rehabilitative justice can empower skills to the people. Through these skills, those people can earn their living, which can further alleviate poverty in Pakistan (40% according to World Bank).

(iv) Rehabilitative justice can convert dens of crimes into schools of knowledge.

According to National Commission of Human rights reports 2017, prisons in Pakistan have been converted into dens of

Date: _____

M T W T F S

crimes. If rehabilitative justice is implemented, it can educate criminals. Through providing facility of education, these dens of crimes can be converted into schools of knowledge.

Conclusion:

Although both retributive and rehabilitative justice can address root causes of crimes in a number of way, rehabilitative justice is the real pill for all ills for crime. In Pakistan, rehabilitative justice can bring much-needed social harmony.

Section - III

(Q.7).

Introduction:-

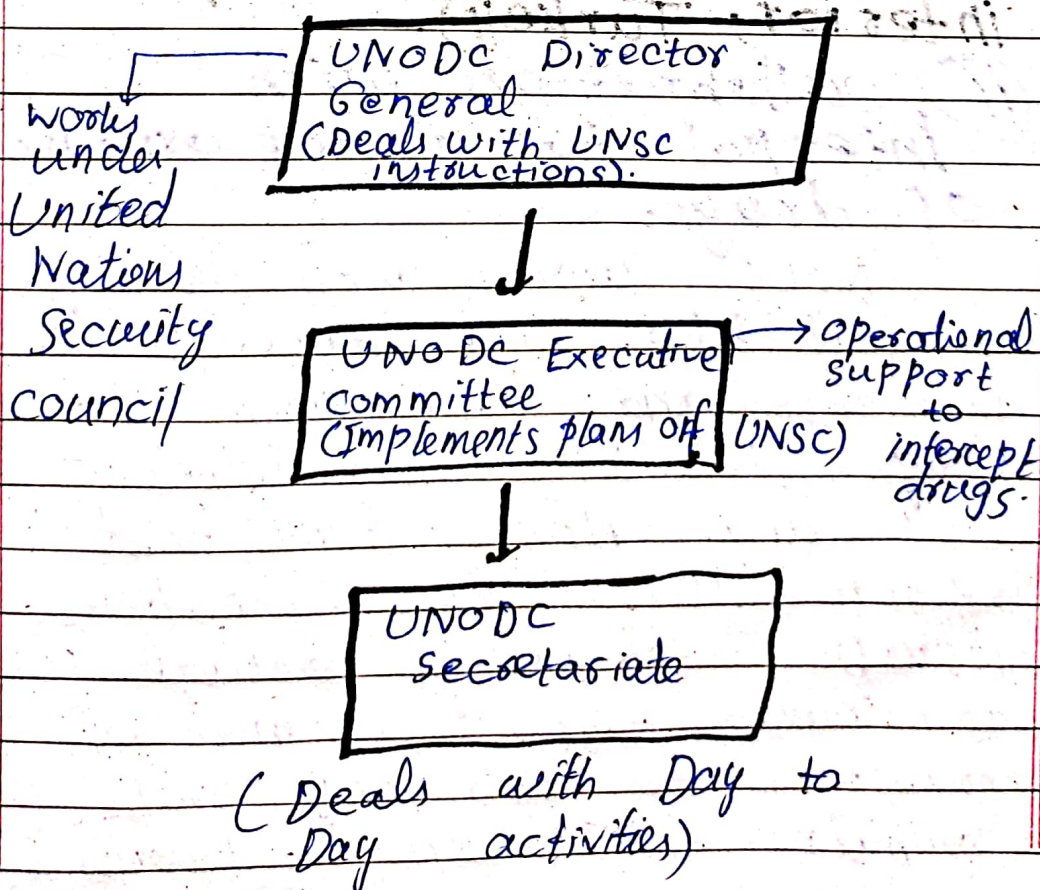
United Nations office on drug and crimes (UNODC) has made valuable contributions to tackling global drug trafficking through intercepting drug networks in the world, collaboration with interpol to trace origins of drugs, banning manufacture of drugs through threats of sanctions etc. It has played its role in criminal justice reform by capacity

building of institutions in member countries; providing assistance to law enforcement agencies and criminalising drugs, which further leads to crimes. and

Legal Framework of UN office on drugs and crime (UNODC):-

1. 1948 convention on ban of drugs.
2. 1967 convention on: ban of psychotropic substances.
3. 2011 Framework on (Prevention) on production of Fentanyl.

Institutional Framework:-



Contribution of UNODC in tackling global Drug Trafficking:

(i) Interception of drug networks in the world:

UNODC has collaborated with the local agencies to intercept global drug networks. It has intercepted large cartels transporting drugs in various parts of the world.

Example:-

A drug cartel which was carrying fentanyl from Syria to Turkey was intercepted with the help of UNODC in 2015 (source: Ministry of interior, Turkey).

(ii) Collaboration with Interpol to trace origins of drugs:

UNODC works with the help of INTERPOL to intercept networks and trace origins of drugs. INTERPOL has i-check list and AFIN - Fingerprint system. Using these facilities, UNODC traces the actual criminals and their mode of transport. In this way, UNODC combats global drug networks.

(iii) Bans manufacture of drug through threats of sanctions.

UNODC has signatories of UN convention on ban of psychotropic substances in 1967. It binds the member countries to abide by the rules and ban manufacture of drugs in their countries. In case a country is found of violating the treaty, it can sanction the country.

How UNODC has helped to reform combat crimes?? CJS??

(i) Capacity-building programmes of institutions in member countries.

UNODC helps member countries to train their officials and empower digital skills to fight crimes in society. In this way, it builds capacity of those institutions.

Example:

In 2016, UNODC helped FIA in Pakistan Build Integrated Border Management System (IBMS) in order to stop drug trafficking.

(ii) Provision of assistance to Law Enforcement agencies of ^{member countries} Pakistan:

In the countries around the globe, UNODC has helped them to combat crimes and increase their conviction rate through series of trainings.

Example:

In 2019, UNODC held training sessions of prosecutors in Ethiopia. Through this initiative, it helped prosecutors to increase their conviction rate in courts.

(iii) UNODC has criminalised drugs, which further leads to crimes:

Drugs ~~tree~~ sow the seeds of further crimes. When crimes are increased due to drugs, backlog of cases in courts are increased, undermining criminal justice system. Therefore, UNODC criminalises the drugs, so that ~~f~~ root of crimes is uprooted, and criminal justice system can be revived.

Conclusion:

UNODC has taken multiple initiative to combat drugs

drugs and crimes universally. However, there is a need to implement the given laws to uttap full potential of UNODC.

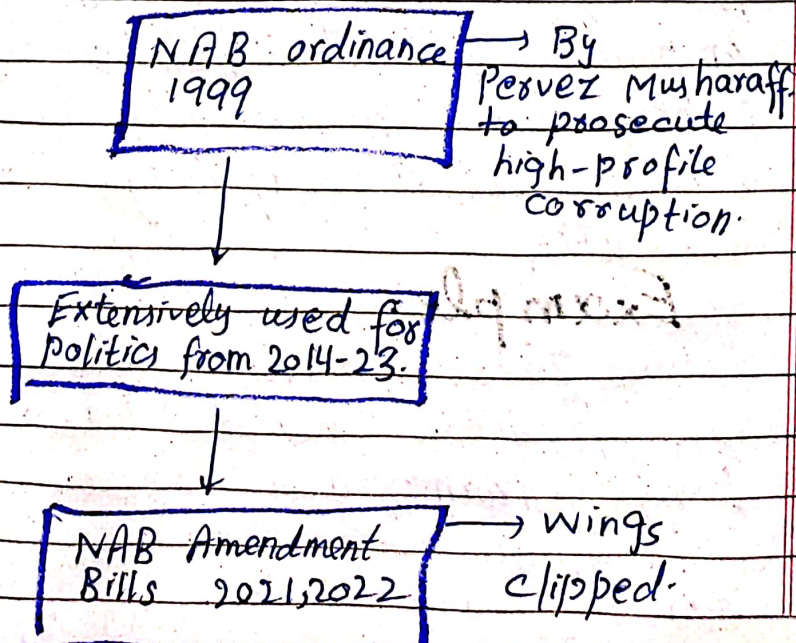
Section - IV

Q. 8.

Introduction:

National accountability Bureau (NAB) is limited by legal hurdles to prosecute high-profile cases. Moreover, political interference decreases its effectiveness. Additionally, NAB is ~~at~~ not ~~empowered~~ to ~~prose~~ authorised to check taxation injustice. Therefore, NAB should be reformed by reforming plea-bargain issue and decreasing political interference in its operations.

History of NAB:



(i) Challenges faced by NAB in prosecuting High-profile cases.

(1) Legal hurdles to effectiveness of NAB:

NAB was established to prosecute high-profile cases.

However, a number of legal frameworks clipped its wings.

Example 1:

NAB cannot hear cases of corruption over Rs. 500 million. Thus, it cannot criminalise white-collar criminals.

Example 2:

NAB cannot hear cases of National Economic Council (NEC) and Council of Common Interests (CCI).

(ii) Political interference decreases its effectiveness:

Political manipulation of NAB is commonly observed in Pakistan. In 2016, NAB started to prosecute Panama cases. However, in 2023, it began to incarcerate opposition for cases of corruption. It indicates

that NAB is a tool of political victimisation.

(iii) NAB is inauthorized to check taxation injustice:

NAB cannot check abuses of taxes, because it cannot summon NEC, CCT, Federal board of revenue (FBR).

It raises questions on purpose of NAB to prosecute high-profile cases.

Reforms needed in NAB to increase effectiveness:

(i) Reforming plea-bargain issue in NAB:

In NAB ordinance, it was enacted that one can quash all one's cases by providing NAB with the embezzled money. It was called plea-bargain.

However, this system needs to be reformed because criminals get escot-free after doing corruption.

(iii) Decrease political Interference in NAB:

Effectiveness of NAB can be increased by decreasing political footprints in NAB. NAB should be made independent through meritocracy and reversing amendments that clipped its wings.

Conclusion:

NAB is notorious for political victimization in Pakistan. It is a tool of politicians to encroach opposition. Therefore, reforms should be implemented to increase its positive profile.