

PART-II  
SECTION-1  
ANSWER-2

(1) Definition of White Collar Crimes:

A concealed version of crime where inflicted harm is not visible but damage is intended. It is defined as:

“Crimes that are committed by affluent individuals or companies and no physical harm occurs”

Generally, white-collar crimes are referred to as “crime in suits”

Examples include Money Laundering, Ponzi housing schemes, corruption etc. These are majorly financial in nature.

## (2) White Collar Crime nexus with Corporate Crimes:

“ Corporate crimes are crimes linked to a company or an organization and are mainly based on profit maximization. ”

Corporates are large business groups that essentially possess a structural hierarchy. The top-most elements of a corporate (usually billionaires or influential elites) are involved in white-collar crimes under the cover of their corporate. This evil nexus between criminals in suits and corporate companies cause harm to society.

CRIME → CORPORATION  
OWNERS



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### (3) Examples of White Collar Crimes:

White collar crimes essentially unfold after large period of time. Certain instances of such crime include:

#### (i) Benami Transactions:

Millions are transferred under nameless recipients. This has been recently contained by the "Benami Transaction Prohibition Act 2017."

#### (ii) Oye Hoya vs Frito Lays Case:

Under the Competition Commission of Pakistan, Frito Lays was indulged in criminal intentions against the Oye Hoya Company. The latter corporation has been permanently

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shutdown due to criminal  
nexuses.

### (iii) Other Financial Crimes:

Pakistan operates in  
Grey when it comes to crimes  
in the corporate sector.

1) KASB Bank Money  
Laundrying case

2) Off Shore Companies

3) Sugar Mills Case

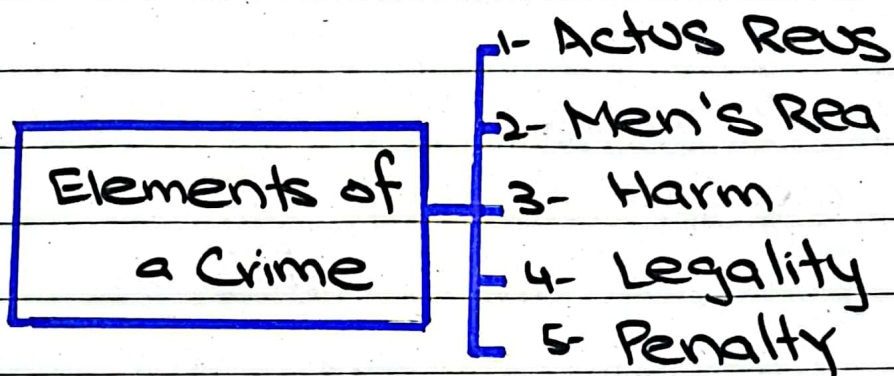
4) Fauji Cement / Askari  
Cement.

All these crimes were  
committed by white-collar  
criminals operating from  
within larger corporates (MNCs,  
TNCS, Real Estate Markets)  
and gaining common agendas.



## (4) Harm and White-Collar Crime:

In order to better comprehend white-collar crimes, we shall observe the elements of a crime:



The Type of Harm caused by a crime is a subjective phenomenon. Corporate crime inflict extensive monetary harms, disrupt mental peace or even defame corporations that are adverseries. They are capable of destroying merits and somebody's entire career.

## (5) General Perception:

Regardless of its over-reaching and multidimensional harms, corporate crime is perceived less harmful. They are regarded as minor in terms of effects.

## (6) Reasons for Perception:

6.1: The society operates on the phenomena of harm as physical torture.

**Social Disorganization** is minimal for the common man.  
Routine Activities continue.

6.2: The lack of **Actus Reus** makes it lesser harmful in the eyes of public.

6.3: **Media Propagation (Post-Modern Theory)** drives the narrative that terrorism, street crimes are most harmful.



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The war on terror discourse still operates and is influential.

6.4: The masses remain struck in their issues only to care less about wealthy crimes.

6.5: **Political Influence** is a large aspect of white-collar crimes. With strong political backing, it is inordinate to act against a white-collar criminal.

6.6: **Lack of Rule of Law**  
Weak accountability measures and capitalist judicial systems help white-collar crimes across borders.

**SECTION-II**  
**ANSWER:4**  
**EFFECTIVENESS OF JJS**

**INTRODUCTION:**

Juvenile Justice

System is a specialized mechanism to deal with offenses committed by children / minors. Pakistan remains incompetent in tackling Juvenile Delinquency. There is lack of rehabilitation, prisons and separate courts. The hearing of cases in routine courts causes delay in proceedings and influencing child towards illicit means. Also, precious formative years of cognitive development of a child are lost in prison cells. The overall societal set-up is resolutely disturbed.



## (1) Juvenile Justice in Pakistan:

Pakistan is a country that hosts two-thirds majority of youth. Out of these over 20% are juveniles.

In 2000, Juvenile Justice System Order was established to protect status offenders and juvenile delinquents. The order failed in practical implementation leading to more children indulgence in criminal acts.

In 2018, Juvenile Justice System Act was passed. It is trying to overcome the deficiencies of JJSO, 2000 but no real development is visible.

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## (2) Core Tenets of JJS:

There are two operating principles on which a Juvenile Justice System operates:

<b>Parens Patriae</b>	State must act as parents.
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<b>Doli Incapax</b>	Nothing is a crime if a child commits it.
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## (3) Issues in JJS of Pakistan:

The state of Pakistan in its truest sense does not behave as loving parents towards criminals.

Children inclination towards crime is increasing. There are over 8000 child



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Prisoners in Punjab. It is notable that large number of juvenile offenses remain unregistered.

### 3.1: Lack of Borstal Institutions:

Juvenile Delinquents under International Justice Orders must be placed in separate prisons to avoid criminal influence from Recidivists.

Unfortunately, economic constraints and lack of governmental focus does not materialize this culture in Pakistan.

Children are more inclined towards heinous crime due to increased exposure. **Differential Association Theory** justifies this notion.

Lack of Parental Control.

[ Social Control Theory ]

Socio-Economic Reason

[ Strain Theory ]

3.2 Other Reasons

Lack of Education

[ Anomie Theory ]

Legal Loopholes

[ Control Theory ]

#### (4) Absence of Juvenile Courts:

The Judicial Setup of Pakistan is internally flawed. Criminal Justice system is exhausted.

Over 40,000 pending cases in the Supreme Court explain the high criminal rates.

Criminal Courts are not in the best Modus Operandi either. Justice is



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inaccessible, expensive and politicized. Under such a problematic Justice System, incorporation of Juvenile cases in the same courts leads to various issues:

- 1) Delayed Case Hearings and Prosecutions causing developmental issues in juveniles.
- 2) Important years are spent in prison, there education and social life suffers.
- 3) Increased connection with habitual criminals for prolonged time inflicts inclination to crime in them. Under **Broken Windows Theory**, jail environment is harmful.

4) Generally, women are appointed judges for Juvenile Courts. Absence of such courts may caused misinterpretation of cases due to lack of motherly instinct in male judges.

5) Proceedings under normal courts can traumatize the child; even if he commits a less harmful crime.

## (5) Overall Impact on JJS:

Such structural problems disrupt reformative and restorative justice deliverence. Harmful and punitive response of courts deviate the children further. The disruption



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and social cut-out from  
peers pose criminal behavior  
threats.

### SECTION-III

### ANSWER:6

### CRIMINAL INVESTIGATION

#### (1) Definition of Criminal Investigation:

"The systematic process  
of inquiry of a crime  
and detection of  
suspect is called  
Criminal Investigation"

-Black's law Dictionary

## (2) Interview Techniques:

Interviews are initial processes of Criminal Investigation. They are generalized communication methods intended to establish guilt in offender.

Open-Ended Questions.

Non-Accusatory Nature

Scatter-shot Approach

Maximum Verbatim with Interviewee.

Less Structured

Not strictly private in terms of environment.



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## 2.1: **Ellicitation Technique:**

Ellicitation is an informal discussion that could be carried out in person, over a phone call or in letters.

You engage with the suspect in random discussions often longer sessions and analyse answers based on your skills.

Flattery, open questions or targeting someone could be useful skills for elicitation.

## (3) ~~2~~ **CEAR Model of CI:**

The most commonly used is the CEAR Model that stands for "Collection, Examination and Reporting."

#### (4) Knowledge Bluff:

During an interview, interviewer poses that there is valid evidence with him.

For example, an offender of domestic violence may be told that the neighbours have a picture as a proof.

This helps in developing a confession.

#### (5) Interrogation Techniques:

Interrogation refers to the second method of criminal investigation. The following features are associated to it:

- 1- Accusatory nature
- 2- Pinshot Approach
- 3- Close-end/Direct

Questions

- 4- Maximum Verbatim by



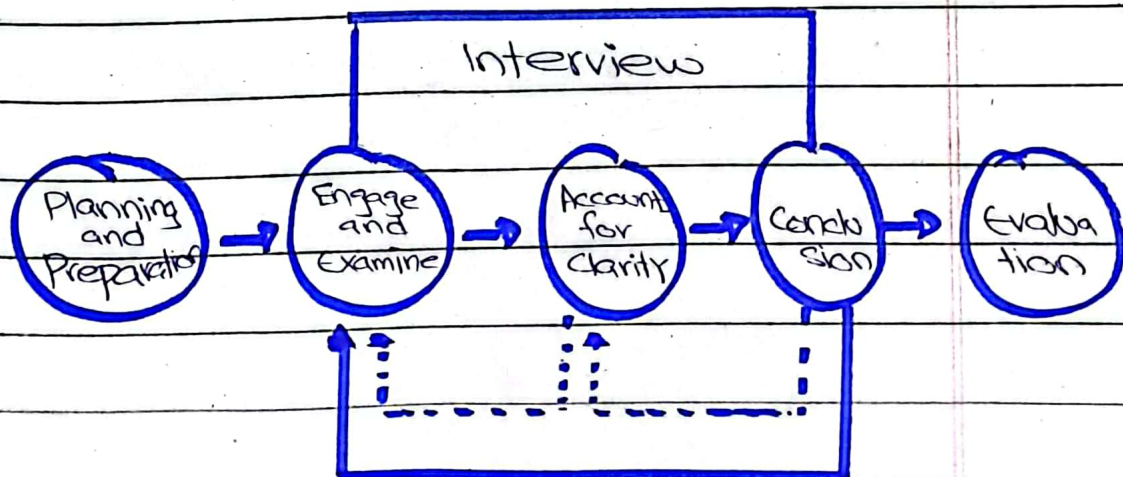
interviewer.

- 5- Essentially conducted in private set-up.
- 6- Highly planned and structured.

### S.1: PEACE MODEL:

This technique is usually followed in Civil Law Countries like UK.

- Planning and Preparation
- Engage and Evaluate
- Account for Clarity
- Conclusion
- Evaluation



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## S.2: REID Technique:

The most widely used interrogation technique in USA is REID Technique

A Medical Sheet having 15 questions is with the interrogator. The behavior of criminal while answering is deeply studied and noted next to each question.

This technique has 80% success rate according to REID Corporation but heavily relies on the interrogator's skills.

## S.3: Kinesic Model:

This Technique is solely non-verbal and judges criminal conduct based on seven factors like facial expression,



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pupil movement and  
voice changes.

## (6) Ensurance of Ethics during Criminal Investigation:

Certain Technique  
like the REID Technique,  
Good Cop Bad Cop approach  
and resorting to violence  
to establish guilt are  
regarded as Immoral  
practices.

The concept of  
ethics in criminal investigation  
is highly subjective.

In prosecuting  
of a ~~rape~~<sup>robbery</sup> offender is  
it mandatory to not  
use deception and be  
a good cop?

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Certain measures to insure ethical questioning include:

- 1- No use of force
- 2- Equal provision to answer.
- 3- Offender's identity must be preserved.
- 4- Proportionality principle could be used; the more serious the crime, the better/harsher questioning.
- 5- Confinement during interrogation phase of Criminal Investigation should be under humane circumstances.
  - Human Rights upheld.



## SECTION-IV

### ANSWER: 8

#### (1) NAB - Overview:

NAB stands for National Accountability Bureau. It is essentially an anti-corruption institution in Pakistan.

Certain limitations are linked to efficiency of NAB due to history of unresolved cases that have halted the progress of the body.

#### (2) Challenges Faced by NAB:

Most of the corruption cases dealt under NAB are against the power elites of the country. There are numerous hurdles

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associated with the execution of high-profile offenders that in-turn highlight the overall decay of System (CJS) in Pakistan.

### 1) Mouthpiece of Political Agendas:

Most of the energies of NAB are spent on the politicization of corruption. The ruling government puts opposition behind the bars and musical chair continues on the shoulder of NAB.

### 2) Intra-NAB Corruption:

High-profile offenders are capable of offering handsome amounts as bribe. This leads of unfair rulings,



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delayed processions or  
loss of evidence etc.

### 3) Jurisdiction of NAB and Nature of Cases: a paradox

NAB has jurisdiction to deal with corruption within Pakistan. High-profile offenders usually transfer money to the UK (Money laundering, off shore properties etc) and UK is not a signatory of **Extradition Treaty**, hence NAB fails to complete prosecution against offender.

#### 4) Property transferred to non-political entities:

Elites or high-profile offenders have exceptional skill-set that helps them evade prosecution.

Money looted from corrupt governmental practices is used to buy properties on the names of their apolitical family members (wives, children)

This restricts NAB from effective prosecution.

### (3) Reforms needed to enhance effectiveness:

In order to ensure the effectiveness of NAB, there are certain reforms that can be conducted:



### (1) Monitoring NAB:

Creation of a over-arching authoritative body to ensure corruption within NAB.

### (2) Effective Use of Media:

Politicians and elites fear nothing more than loss of vote bank.

NAB could create its own Media wing to publish details of high-profile cases.

According to **Social Control Theory**, this could hinder recidivist practices.

### (3) Implement Strict Legislation:

Heavy penalties and strict legislations should be ensured.

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#### 4) Monitor Bank Accounts:

NAB must be authorized to monitor bank accounts of the political elite of Pakistan.

#### 5) Speedy Trial:

A deadline must be established to end NAB Trials. This ensures no external support to the powerful offender.

### Conclusion:

In order to ensure effective performance of NAB, revamp the entire organisational set-up. Do not appoint NAB officials based on connection and ensure meritocracy.