

Question No 3 (Section I)

Explain Social Disorganization Theory. Critically examine rising crime rate of urban areas in Pakistan in light of SDT

Introduction

Social Disorganization Theory states that there is more possibility of crime occurrence in the societies which are disorganized. This means that if a society has permanent organized setup, in which people know their neighbours and more importantly the people own their houses rather than living on rent, crime in the said society eventually decreases.

Background

At first, criminologist and sociologist Robert Park and Ernest Burgess conducted a research in order to understand why there is less crime in some societies and more in other.

Concentric Zone Model

Re Park and Burgess gave concentric zone model, which highlighted that there are central zones in the societies wherein presence of industries, factories and immigrants is more. Moreover, after going towards any direction crime reduces.

Social Disorganization Theory

Clifford R Shaw and Henry D McKay applied the concentric zone model in Chicago to understand the crime occurrence and juvenile delinquency in Chicago.

Time Period

Shaw and McKay conducted research in three different time periods in Chicago.

a) 1900-1906

b) 1917-1923

c) 1927-1933-

Key Findings

Shaw and McKay came to conclusion that following factors were involved in occurrence of crime-

Physical Condition

1. First and foremost finding was that any society wherein there is no permanent population and presence of more immigrant is more likely to indulge in crime.
2. Secondly, with the help of Concentric Zone model Shaw and McKay realized that the area which are centers of city with heavy industrialization, people of that area are involved in crime more than the area away from center-
3. Thirdly, the key finding was that the presence of abandoned houses also played role in increasing crime as they acted as a free shelter for criminals.

Economic Condition

- i) It was noted that the society having more families who require financial assistance or simple are in poor condition, there was more crime in them-
- ii) Furthermore, one factor that helped in determining the reasons of crime occurrence was price of rent in the areas- If the price of rent was more, there was less crime. However, if the rent were cheap, there was more crime-
- iii) Similarly, ~~the~~ another factor was presence of houses that were owned and rented by the people- If there was condition when ~~houses~~ the families living in the houses owned that, there was

minimal crime in that society. However, if the majority of houses were given on rent and the poor families living in them didn't own them, there was high crime in the society.

Foreign Immigration:

Finally the areas where the presence of foreign heads was more in Chicago, there was increase in crime. This was because these people were living in poor economic condition and were earning bread and butter through the acts like theft, robbery, street crime, shop lifting, kidnapping for ransom or burglary.

Solutions

After three Phases of research, Shaw and McKay gave some solutions to reduce crimes:-

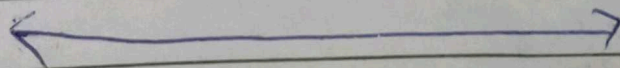
- 1- Firstly, it was stressed that good relation between neighbours who act as a watchdog in absence of neighbours, don't allow the crime to occur. Thus, social bond was necessary to reduce crime.
- 2- Community Policing was another solution proposed by Shaw and McKay that can end the crime occurrence in the society.

Criticism

- 1- Social Disorganization theory was criticized for not explaining why some organized societies also face the crime.
- 2- Another criticism ~~was~~ on Shaw and McKay is that some societies regardless of high immigration numbers have less crime since the United Arab Emirates.

Rising Crime Rate in Urban areas of Pakistan in light of SD Theory:

1. As per SDT, crime occurrence is more in the industrialized area, also known as central zones of city. This finding is applicable on Lahore, wherein it was noted by the Police that crime ~~was~~ including shoplifting, mobile snatching, was more than the areas away from the industrialized zone.
2. According to SDT, the area with more foreign immigrants witnesses more crime, which applies to Karachi having not only the temporary population from all around Pakistan but also Afghan immigrant ⁱⁿ vast numbers. This is why Karachi has observed highest crime rate in Pakistan.
3. SDT states that the societies where more families are getting financial assistance or are poor, there is more crime in these societies. This applies to urban slums in Islamabad and Rawalpindi where the people are involved in prostitution, drug selling and thefts.
4. Furthermore, Karachi also has less rental prices as compared to other cities in Pakistan. This makes easier for people to settle down in Karachi and also increases crime rate. The said condition proves the claim of Social Disorganization Theory regarding the high crime rate because of cheap rental prices in the society.



Question No 4 (Section-II)

Evaluate problems in criminal trials in Pakistan, adding suggestions to improve them.

Criminal Trials In Pakistan

Criminal Trial is the procedure adopted to prove the guilt or innocence of any offender suspected of being crime initiator. The criminal trial not only involves the proceedings in court but it starts from Police who collect the evidence, obtain the confession and Prosecution who files the case and presents the evidence in front of court. Thus, to understand the problems in criminal trials in Pakistan, it is necessary to start from beginning, till end.

Issues with Police

Police is beginning from where the criminal trial starts. Following issues in Police System merit attention.

1- Obtains Confession through third degree torture

Police in Pakistan still obtains confession with the help of third degree torture. This ~~allow~~ procedure forces the innocent to falsely plead guilty, who later deny it in court, wasting time.

2- No scientific method to collect evidence

Police still uses antiquated and mismanaged procedures to collect evidence that is without chain of custody.

3- Intentional delays to submit challans.

Police are usually excused for making intentional delays in submitting challan to prosecution usually to get bribe.

Issues with Prosecution

The second most essential institution is prosecution who represent the ~~case~~ state in the court.

1- Lacking in Experience

Prosecution department was separated from Police in 2002 via Police ordinance. While being a new department, it has in experience lawyers who are unable to represent state thoroughly.

2- Political Influence

Prosecutors are considered to be insecure and weak due to which they are either threatened by Political leaders or bribed in order to act according to their wishes and commands.

Issues with Court Proceedings

Finally the institution where the trials are held i.e. Court also faces numerous issues as given below:-

1- Inadequate Judges

The Judicial system of Pakistan lags in Judges as per the population of Pakistan and Criminal Cases. Only few judges are present to solve thousands of cases.

2- Burden of Pending cases

Due to above given problems, there are hundreds of thousands of cases pending in Courts of Pakistan. Leaving approximately 70 percent of prisoners under trial (from whom many may be innocent).

3- Lack of Resources

Courts in Pakistan lack in resource, wherein the Court is rural areas doesn't even have proper toilets, electricity or parking.

4- Complex Procedure

The Judicial procedure is too complex to understand for the layman who has not degree in law. This forces him to rely on his lawyers completely.

5- Expensive lawyers

Lawyers fees are too expensive for majority of population of Pakistan i.e. Poor. This makes them unaffordable for those who are seeking justice.

6- Lack of Accountability

There is no system of accountability in Judicial system of Pakistan to oversee the performance of Judges.

This gives the judges impunity wherein they can delay the cases as long as they desire leaving the victims stranded.

7- Corruption

Corruption is the major problem in the judicial system of Pakistan. Many judges especially in the areas of Backward, take bribes to change the decisions. Moreover, Police and

Prosecutors are also blamed for the subject accusation.

8- Political Influence

Although less, but still there is Political influence on Judicial system of Pakistan. Power Politics makes it difficult for judges to give the decision i.e. unbiased and provide justice to the victim.

9. No use of Advance Technology.

Pakistan's Judicial system still relies on Old Paper Work system. There has been no focus laid towards digitalization of cases to overlook delays and save time.

Suggestions

Following suggestions can help in improving Criminal trial in Pakistan:-

1. Easing the procedure

First and foremost, it is urgent for Pakistan to make the complex procedure easier in order to make people (who are illiterate) understand it in their language and manner.

2- Appointment of more Judges

The important issue that keeps Pakistan Criminal trial procedure weak is presence of inadequate judges. Thus, appointment more judges on based of qualification and experience can help Pakistan to modify its system.

3- Provision of adequate funds

Government of Pakistan must allocate funds for provision of basic facilities that includes good salaries of prosecutors, security of judges and courts to make them efficient.

4- Building good infrastructure

Courts in Pakistan should have good infrastructure like the western countries. Moreover, focus should be laid on improving spaces of courts, building new courthouses and provide basic facilities.

5- Accountability

Introducing accountability in Judicial system of Pakistan can help in reducing long pending cases. In this regard, a fixed time period should be set to finalize the cases as per their severity.

6- Shifting towards digitalization

Shifting from Paper work towards digitalization can help in more efficiency and reduce errors in the system that can provide justice more effectively.

7- Scientific methods of evidence collection

Introduction of Scientific methods in Police to collect evidence can help in solving the case in less time and proving the innocence or guilt of suspect.

8- Focus on Parole and Probation system

Criminal trial should focus on giving probation to less crime offenders and release the offenders from jail for their good behavior to reduce burden on prisons and courts.

9- Strengthening Prosecution

Finally, Prosecution is not only responsible to represent state but its primary responsibility is to filter out the cases in order to realize whether the case is good enough to be heard in court, which can only be achieved by SP.

Section III

Question No 7

What are the legal and ethical guidelines for interviewing investigating Juvenile crimes - ? Explain your answer with the help of suitable examples - ?

Juvenile Delinquency

Juvenile delinquency means when a person whose age is less than 18, commits a crime or disobeys the law. This young offender is called as Juvenile Delinquent. Who Court proceeding of investigation is different from adult - Juveniles mainly commit small crimes like shoplifting, wandering over streets, drinking, or not listening to their parents. However, many cases for heinous crimes have also been reported that were committed by juvenile @ including murder, sexual @ offense or serious assault -

Ethical Guidelines

To investigate juvenile crimes, following ethical guidelines are to be followed at Police, Court or Prison level -

Police

1- Separate observation room :-

When a juvenile is arrested for any offense, he can not be brought in regular prison room for investigation. Rather, he is to be placed in separate observation room away from other adult criminals -

2- Allocation of Probation officer:-

A juvenile is to be provided with a Probation officer, who can ensure that the juvenile is treated appropriately -

3- Informing the Parents

It is necessary for the Police to inform the parents of juvenile regarding his arrest and requesting their presence in Station -

4- Investigation by senior officer

Investigation of Juvenile must be conducted by senior Police officer of at least rank of Sub Inspector, having experience in the field, in presence of Probation officer -

5- Arrest of female Juvenile

If the juvenile is female, the the arrest can only be initiated by female officer - Moreover, female juvenile can only be investigated by a female Police officer -

Diversion and Juvenile Court Proceeding

A-Diversion

Mostly, the juvenile who are accused of committing the minor crimes are released with prosecuting them in to the Court for trial - Diversion Committee includes the Judge, prosecutor, Probation officer and the lawyer, who can decide the possible punishment for the juvenile, to make him a good citizen - with the consent of victim -

B- Juvenile Court Proceeding

However, if the juvenile is convicted for heinous crimes like sexual offence / Rape, Murder or burglary - Then the matter is sent to the Juvenile justice Court to start trial on the juvenile -

C- Bail

Most juveniles are granted the bail, with provision of surety bond - However, the juveniles charged for serious crimes are not granted the bail -

Example ::

To understand the procedure from committing the crime to a total of juvenile, following example can help :-

If a person named Ali is 16 years old and living in Islamabad - If he steals something from shop, however is caught by the shop owner and handed over to the Police, while giving the Police evidence of CCTV that proves that Ali has committed shoplifting crime -

Then following procedure is to be followed :-

1. Ali must be brought in separate observation room away from adult criminals or suspects
2. Age of Ali must be verified through his educational certificate, birth certificate or by medical examination.
3. Police must inform the parents of Ali regarding the arrest and request their presence in the court -
4. A probation officer must be granted to Ali to make sure that he is not being treated inappropriately by the Police
5. Then a Investigation officer of at least a Sub Inspector rank investigates Ali to obtain the whole information in presence of Probation officer -
6. If Ali accepts the crime and claims that after stealing the stuff from shop, he gave it to his Partner Alina -
7. Alina while being a female of age 17 must be investigated, arrested and investigated by a female IO separately -
8. Finally, a Juvenile Justice Committee decides to not to send Ali for trial with the consent of shop owner and Ask Ali to pay back the stolen stuff, apologize to victim and do a community service for 1 month -

However, if the crime committed by the juvenile is heinous, then he is not granted bail and presented in front of Court for a bail - following ~~proceed~~ ethical guidelines are to be followed in Courts -

1. Separate Court

Juvenile's Court proceeding or trial cannot be held in normal Court of Adults - To save him from any adverse psychological effect, juvenile's case is processed in separate juvenile Court -

2. Ensuring Privacy

It is necessary to ensure the privacy of juvenile. Due to which only essential people are present in the Court - Moreover, publishing name of juvenile in TV or Newspaper can be punished through law -

3. Experienced Judge

The judge who is allocated the case of juvenile must be experienced in the field in order to make sure of necessary steps required in juvenile case proceedings -

4. Timeline

Unlike normal cases, where the Court proceeding is last way longer, Juvenile case is to be solved within six months timeline -

5. Decision

The Judge can not punish the juvenile with corporal punishment or a death penalty - Rather, he is to be sent to Rehabilitation center where he stays until he turns 18 -

6. Punishment

It is strictly prohibited to beat the juvenile or to make him work as a punishment in Rehabilitation center -

Conclusion :-

At the end, it is made sure that juvenile delinquent is treated well in Rehabilitation Center and Probation officer pays him daily visits to know his safety -

Question No 9 (Section-IV)

2) Smuggling as a transnational crime

Smuggling is considered to be a heinous crime which falls in the category of organized crimes and its punishments vary from mild to major penalties including the death sentence.

However, smuggling is one of those crimes which is placed in transnational crime category due to following reasons -

1- Human Trafficking

The most heinous crime committed by the smugglers that effects ~~the~~ ^{more} than two states is Human trafficking. This allows the human lacking visas, shifting developing world without permission.

2- Drugs Smuggling

Smuggling of drugs from one country to another is another serious crime that hollows the roots of any society. For example Mexican drug Cartels sell drugs in USA, making the youth drug addict.

3- Weapon Smuggling.

Weapon smuggling is another form of heinous crime where the smugglers take weapon from one country to another for multiple purposes including terrorist activities or for selling to earn profit.

4- Smuggling of Rare earth metals

Smuggling of rare earth metals specially from developing countries to developed countries is more common time, that brings them profit and damages the economies of ^{poor} countries

5- Smuggling of Currency

Currency smuggling specially the smuggling of dollar from one country to another lowers down its foreign exchange reserves and causes inflation -

Punishments for Smuggling -:

Europol and Interpol both have mechanisms for punishment of smugglers - These punishments vary from crime to crime and country to country - For example, smuggling can be punished by imprisonment, fine, deportation in majority of the cases by both penalties -

Suggestions:..

In order to reduce the transnational crime following is suggested:-

- 1- Visa relaxation for people to easily access the other countries -
- 2- Strict border security to stop smuggling -
- 3- International Cooperation to keep check on international waters -
- 4- Strict legal action against the buyers or sellers of smuggled goods -