Corruption Detection Mechanism and Effectiveness of Plea Bargain in National Accountability Bureau (NAB)

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مَحَمَّدٌ سَيِّدُ الْكَوْنَيْنِ وَالثَّقَلَيْنِ

وَالْفَرِيْقَيْنِ مِنْ عَرَبٍ وَّمِنْ عَجَمِ

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Abstract

Plea Bargain law is adored by NAB as an anti-corruption tool to curb corruption. The sole objective of the method is to let accused charged of official corruption to restore what they have embezzled as firmed by NAB. We are interested in this specific area due to its uncertain approach towards plea bargain with specific reference to NAB.

In intent to answer this principal research questions, data were collected through in-depth interviews, focus group discussions with NAB through purposive sampling technique and analysing official data of plea bargain (2006-2016). With respect to the operational procedure of plea bargain, it was exposed by many officers that if the accused voluntarily present himself/herself to the NAB during investigation and return the embezzled money plus profit attained by it, then the chairman NAB has the sole power of accepting or rejecting the option. But if the case status is on trial then the ultimate authority are jury concerned. In Addition to that many officers enlightened that, the accused could pay back the required amount in three instalments of 34%, 33% and 33% respectively.

Political and bureaucratic interventions are the most influential factors that disturbs the smooth operation of plea bargain while "the way of no other way and panic anxiety of getting arrest" are two main factors contributing to the decision of pleading guilty by the accused. With respect to the effectiveness of plea bargain in NAB, it was uncovered that it is biased and discriminatory in nature towards influential business and political elite class as huge discriminatory patterns are found in the plea bargain data. To get this straight, decentralization of power, incentives and protection for whistle blower, undying engagement of prosecutor and firing of kid glove behavior are policy recommendations which are quite necessary for the fruitful operation of plea bargain in NAB.

Keywords: Corruption, Plea bargain, National Accountability Bureau

DEDICATIONS

With utmost gratitude to the Almighty God, the creator of the heaven, the earth and the world beneath who has always been the reason for my living, I dedicate this MPhil Thesis Dissertation to my exuberant sweet and supportive father, Mr. Fazal Deyan and my late Uncle Mr. Fazli Subhan. May God remain with them where ever they are. I would also like to dedicate this thesis to my elder brother Mr. Sajid Ali for his always kind hearted encouraging attitude.

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Using small type that does not reflect the size of my depth, I need to acknowledge some things.

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Ibrar Ali

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NAB	National Accountability Bureau
NAO	National Accountability Ordinance

CHAPTER 1

INTRODUCTION

Corruption remains a substantial obstacle for Pakistan where it is still perceived to be widespread and systemic. Petty corruption in the form of bribery is prevalent in law enforcement, procurement and the provision of public services. There is a visible design of issues where alarms about corruption rule for one time and then impeccably other drama issues in media buyout public thoughts. Corruption unveils its multiple types in manifolds to rule their head.[1] Corruption is one human malicious act which needs immediate tackling measures because of its devastating consequences on governance and economy. (Egwemi, 2007) it is not a problem for which solution to be put on another day that's the very reason why the developed nations of the world today established a specific institution charged with demanding responsibility of accountability.

Ehtisham (2009) observed presence of widespread corruption from cops to the top levels, from accountants of lawful affairs to the upper jury, from a small officers of the revenue department to the chief bureaucrats, from minor retailer to prominent engineers, all public and private organizations are jumbled in corruption. Minimizing corruption is however a tough job particularly in a state where the big criminals exercise their influence of political hegemony to subvert prosecution. It becomes very hard to fight against these culprits of corruption in the atmosphere where the guilty party are protected by the judiciary. This appears to be the situation of Pakistan, where at different settings and forums the problem of this menace has been discussed. According to Mundt and Aborishade (2004:707) who captured the apparent intractability of the corruption menace in the following words as "Each political regime comes to power promising to eliminate the practice and punish the offenders only to fall into the same pattern". Since from the beginning of the nascent birth of Pakistan, the issue of corruption has bottomless roots. This problem was highlighted by even the founder of Pakistan Quaid-e-Azam who had the belief that the *"India is going through a hard time of curse of corruption and bribery and we must eradicate it with an iron hand"*. (NACS, 2002: 12).

[1]Sayeed, A. (2010). The nature of corruption and anti-corruption strategies in Pakistan. *Asian Legal Resource Centre. article2*, *9*(1), 33-40

To tackle this risky disease of corruption, the government of Pakistan had established an institution of National Accountability Bureau (NAB) on 16th of October 1999. However, NAB incorporated the practice of Plea Bargain as a law into its system to curb corruption in 2000.[2] Official plea bargain are not common in other belongings in Pakistan apart from corruption cases. The concept of understanding plea bargain is very doubtful in Pakistan. The sole objective of the method is to let accused charged of official corruption to restore what they have embezzled as firmed by NAB prosecutors and investigators. The law also displays its role in recovering the scratched reputation and spoiled political rights of the defendant. The process of plea bargain helps at societal welfare in a sense that it paybacks the alleged amount to the victims and made the reputation of the accused very scratchy and dented.

There are many meaningful definitions which are poles a part set to the phenomenon termed "plea bargain", this is so for the reason that legal consultants and scholars are not on the same page regarding the precise gist of plea bargaining. The explanation of plea bargaining appears contrast subject to the authority and boundary of its use. it is an exchange negotiation that is typically made between the prosecutor and accused, whereby the prosecution may bargain to remove grim charges counter to pleading guilty by the accused for reduced charges. Basically, it is "plea bargain" when the suspect pleads guilty in yield for an agreement by the prosecution and replace the legal procedure of trial on the phenomenon of pre-trial settlements. Tarhule(2014) conceptualized it as an understanding or deal where a prosecutor and an accused person to a criminal trial make conciliations or indulgences or concessions to each other, and in particular, that in return for certain favours, the prosecution would drop the more serious charges for less serious charges.

Plea bargaining demonstrates time saving and cost reduction approach because, there is a swift necessity to activate and close the trials , decongest the jails, minimize the time and economic cost of criminal investigations of trial and sustain the fundamental human rights principles.[3] The concept of "plea Bargain" has created a storm of controversies at different forums of discussion in Pakistan that made the interest of researcher to search this area of study with specific reference to NAB so as to make an effort in discovering and establishing the appropriate locus of the law.

[2] National Accountability Ordinance Section 25 (B)

[3] Ugbor Thomas Oshie "An Appraisal of The Application of Plea Bargaining Procedure in Nigerian Criminal Justice System"

Section 25-B of the National Accountability Ordinance (NAO) empowers NAB on the usage of plea bargain as an anticorruption tool. Many people have claimed that the exercise of Plea Bargain lets criminals to get irrelevant penalty that will weaken and undermine the restraining feature of criminal authorizations. Similarly, some also consider that lawbreakers can dodge the law, provided that they are mentally prepared to bargain. In the same way, some have also claimed that the use of plea bargain are discriminatory in nature as rich criminals were given soft corner due to their political hegemony.

Counter the above background, therefore, the aims and objectives of this research is to identify the methodological approach of Plea Bargain in NAB and the factors responsible for manipulating decisions of plea bargaining in NAB and finally measures the effectiveness of plea bargain as a recovery tool.

1.2. Problem Statement

There are multiple features of plea bargaining. The researcher bordered his study to assess the procedure of plea bargaining as a tool of tackling corruption in NAB. The study have operationalized the research problem into following research questions and objectives.

1.2.1. Research Questions

i. What is the procedure of plea bargain drive in NAB?
ii. What factors affects the decisions of plea bargain in NAB?
iii. What is the effectiveness of Plea Bargain as a recovery mechanism?

1.2.2. Objectives of the Study

This research aims at ascertaining the applicability of the concept of plea bargain in the NAB, through and examination of its salient factors in influencing decision to plead guilty. In view of this therefore, the objectives of this research are as follows.

i. To explain the methodological procedure of plea bargain exercising in NAB.
ii. To recognize the elements disturbing the rulings of plea bargain in NAB.
iii. To inspect the recovery structure in financial terms of the plea bargain.

1.3. Significance of the Research

This research will be of immense help to students, academia and legal scholars, policy makers, the jury bench to establish the proper law on this subject matter. It will also be of great significance to graft agencies in Pakistan particularly NAB and the general

public by giving them certainty on the mode of application and practice of plea bargain as the appropriate institution in Pakistan.

1.4. Scope of the Research

The interest area of coverage of this research is to judge the legitimacy of plea bargain in corruption cases in NAB. However, the research has been conducted primarily in the Pakistani context, but a short orientation may also be made to other dominions where plea bargain holds power.

1.5. Organizational Structure of Thesis

Chapter one of the research study focuses on the beginning of the main theme whereby the study sheds light on some other contributions to the subject matter, principally a number of descriptions by the academic intellectuals from different dominions and the background of its use in these control. The said chapter also concentrates on the problem statement of the research.

Chapter two make efforts to conceptually explain the phenomenon of plea bargaining and discuss its meaning, types, history and factors influencing the decision of plea bargain. The chapter also centres the presentation of plea bargain at jurisdictions of USA, India and Georgia respectively. Chapter three put emphasis on the legislative and administrative structure of Anti-corruption institutions upbringing in Pakistan. Chapter four of the research concentrates on the applied methods and methodology and its various tools of data collection. Chapter five discusses the document analysis of the plea bargain data of NAB from 2006-2015. The mentioned chapter descriptively analyses the stratified plea bargain by region wise, crime type in general and by biggest and lowest defaulters, year of default and amount discrimination in particular. Chapter six noted the responses of the respondents during in-depth interviews and focus group discussion.

Finally, chapter seven gives the summary to the resultant conclusion and relevant policy recommendations derived from the research study. The study also puts his constructive critiques on the proposed law and opened the doors for the future research in the said interest area at the end.

CHAPTER 2

LITERATURE REVIEW

The chapter makes an efforts to systematically and conceptually explain the phenomenon of plea bargaining and discuss its meaning, types, history and factors influencing the decision of plea bargain exercising across the world. The study also centres the presentation of plea bargain at other jurisdictions of USA, India and Georgia respectively to give the reader a comprehensive note on how it is exercised across the globe.

"Pleading guilty and safeguarding lesser sentence" is the straight forward precise sense of plea bargaining.[4] It is a settled negotiation between prosecution and accused in which accused admits all of his guilt for getting some relaxation in sentence or charge dismissal. There are many meaningful definitions which are poles a part set to the phenomenon termed "plea bargain", this is so for the reason that legal consultants and scholars are not on the same page regarding the precise gist of plea bargaining. The explanation of plea bargaining appears contrast subject to the authority and boundary of its use.

Plea bargaining is defined by numerous writers. J.H Langbein, termed it "Condemnation without adjudication".[5] Another well-defined concept of plea bargaining put forward by Black's law Dictionary that coined plea bargaining as "A negotiated agreement between a prosecutor and a criminal defendant pleads guilty to lesser offence or to one or more multiple charges in exchange for some concession by the prosecutor, usually a more eminent sentence or a dismissal of the other charges.[6]

The free Dictionary has also defined a plea bargain as a process where a criminal defendant and a prosecutor reach a mutually satisfactory disposition of a criminal case subject to the approval of the court. The author understands the drawbacks in this definition that the first portion of the definition recommends that plea bargains are "mutually satisfactory dispositions". It is fairly accurate that bargain come into must be settled upon by both sides and the pleading guilty made must be wisely and willingly.

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[4] Plea Bargaining: An Analysis of its Prospects in the Criminal Justice Administration of Bangladesh Nadia Shabnam

[5] Langbein, J.H; "Law without Plea Bargaining: How the Germans do it" 78 Michigan Law Review 204 (197) Page 204

[6] Black, H. C. (2011). Black's Law Dictionary, rev. *St. Paul, MN: West Publishing Company London,* p.1270.

The prosecutor may be enforced to present a highly promising and satisfactory offer to a defendant because of issues in procedures of legal proceedings or evidentiary glitches at trial. The second part represent the technique of harmonizing the defendant with equally uncomplimentary choices which displays the prosecutor stamina of bargaining power. The definition has also made understandable that the statement "subject to court approval" clears that plea bargaining must be under judicial review. Tentatively, the role of judiciary has been restricted in plea negotiation. The basis behind such ban is built on the principle of neutrality and impartiality.

Alschuler (1979) who understands plea bargain as the accused's treaty of confession to a crime charged against him with the judicious expectancy of benefiting from the state. Langbein (1978) the most creative and strong challenger authors of plea bargaining in America, quoted that it ensues when a criminal offender is persuades by prosecutor to accept guilt and to refrain from insisting his right to trial for a more compassionate agreement that would be executed in a case if the criminal or wrong doer were declared guilty next to a full trial of jury.[7]

Notwithstanding the difficulty, Tarhule (2014) gave what appears to be a comprehensive and all-encompassing definition of plea bargain. He conceptualized it as an understanding or deal where a prosecutor and an accused person to a criminal trial make conciliations or indulgences or concessions to each other, and in particular, that in return for certain favours, the prosecution would drop the more serious charges for less serious charges.[8]

2.1. Conceptual clarification of plea bargaining

2.1.1. Meaning of plea bargaining

It is appropriate to memo here that the scholars on the meaning and explanation of plea bargain have not been universally agreed upon. It is so because academic practitioners and legal experts and consultants have had different description and characterization to the concept of plea bargaining. There is a contradictory arguments that these disparities and distinctions be obligated to their roots of origin to the different rules of command and on the framework of its use.[9]

[7] Langbein, J.H. (1978). Torture and plea bargaining, Heinlein 46 University of Chicago Law Review

[8] Tarhule, V.V. (2014). Corrections under Nigerian law, Lagos: Innovative Communications

[9] Miler, H.S, et al, "plea bargaining in the United States" pages 1-1

Aside from the fact that plea bargaining reveals not any standard definition, it is important that, one calm down on some operationally accepted definitions that covers the broad range of practices that can come under the legal umbrella.

It is very important to note here that there exists difference between guilty plea and pleading guilty. The official confession of his culpability of having engaged in criminal act by the offender for which he is accused is called Guilty Plea. Usually Plea bargains end in guilty pleas but not all guilty pleas produce from plea bargains. Plea bargains exhibits in a diverse assortments but commonly include a give-and-take of discounts from the state for the guilty plea of perpetrator. It is very imperative to retain in mind that forbidding plea bargain does not means the abolition of all guilty pleas.

2.1.2. Types of plea bargaining

Plea bargain survives mainly in three types. They can derive from the probable discounts that may grow to a defendant person in interchange for his guilty plea. The discounts or reductions can either be in the form of dropping the charges counter to the defendant or decrease in the form of sentence on the defendant or discount in form of not revealing the aggravating factual circumstances to the court. Further added, there are charge bargain, sentence bargain and fact bargain.

I. Charge Bargain

The one comprises of agreement on some specific charges or crimes which the accused will front at trial and removal of other serious charges against him in return for pleading. It may include the reduction of a charge and withdrawal or stay of other charges or to stay or withdraw charges against third parties. It may also include negotiation to go through on certain counts and advance on others, and to depend on the substantial facts that is maintained as provoking reasons for send to prison drives. It may be decided that the accused confess his guilt to two charges in return for pulling out of the residual three in a five court.

II. Sentence Bargain

The negotiation encompasses the promise of pleading guilty in return for reduced sentence. Prosecutors use it as a time saving tool while it creates a chance of minor punishment for the accused. This can also provide assistance to the prosecutor acquire a persuasion of the accused if for example an accused is fronting grave charges and he is scared of being knockout with the maximum sentence. It may include a joint approval for firm assortment of sentence by a prosecutor and defendant. Ideally, sentence

bargains can only be settled if they are get accepted by the trial judge. Occasionally such type of bargain follow high profile cases, where the prosecutor does not want to condense the charges against the accused person generally for panic of how the broadcasting media and public masses will respond.

III. Fact Bargain

Once prosecutor settles not to divulge any exasperating truthful conditions to the court for that would lead to a compulsory and binding lowest sentence is called fact bargaining. Plea negotiation cannot be applicable until and unless a judges consent and permission.

2.2. History of plea bargaining

Plea bargaining had turned into a well-known and recognised part of the legal system in 1920. Many federations and metropolises had setup crime commissions intended to review the workings of their criminal justice system.[10] Assessments normally described a fixed growth in the degree of guilty plea from the start of the new century. Figures from 1839 disclosed twenty-five pc of verdicts ensued by guilty pleas in New York. The proportion of guilty pleas jumped to forty-five pc after one decade and bounced to seventy pc in 1869. The proportions of guilty pleas sustained to increase with every decade till they flattened around ninety pc in the period of 1920s. This upturn in guilty plea proportions evidently recommends growth in the usage of plea bargaining in order to get rid of criminal cases. An educated findings in 1924 approves the recognition of plea bargaining in the criminal justice system by declaring that "it is mostly touched that an accused who pleads guilty to a crime should have to be given a bit extra compassionate dealing than if he pleads not guilty and is sentenced or fined".

Langbein (1979) make an effort to proposed one of the first theory about the growth of guilty pleas who proclaimed that there were three reasons behind the emergence of guilty plea, firstly there were high complexity and difficulty in trials. Secondly due to complication in procedure of execution and lastly continuous challenging of evidence based verdicts which created the vacuum for the advent of plea bargaining to face with heavy caseloads in criminal law courts. Trials were judge dominated and free from professional barristers and lawyers, hereafter creating the early records convenient in the initial quarter of the 19th century. Fisher (2004) he

[10] See generally Illinois Association for Criminal Justice, The Illinois Crime Survey (1929); Missouri Association For Criminal Justice

disapproved the clarification and understanding of Langsbein's explanation for being lacking of any experiential and empirical evidence.

Fisher (2004) has thrown another interpretation to the floor who claimed that the phenomenon of plea bargaining got so much fame because, it helped in the best interests of all the three main courtroom players: the defendant, the prosecution, and the jury. It was a mean to deal caseloads and create more money comparative to others who worked part time for prosecution.

In 1920, Alschuler have introduced five reasons for the development of plea bargaining.[11] Growing intricacy on the route of trial, spreading out of practical law of mainly liquor ban, aggregate increasing in crime rates, political bribery of urban criminal courts and excessive use of legal experts in the administration of justice. In 1960, plea bargaining had resurfaced as foremost important form of exchange bargain in criminal cases. A twosome reasons accountable for such comeback are firstly, the Second World War created a baby boom "crime wave" in 1960 and the bigger portion of youth bulge in the society and Secondly, the rise in habit of using excessive drugs specially marijuana and other crime cases having no victim.[12] Both the American Bar Association and the President's Commission on Law Enforcement and Administration of Justice renowned the endorsement of plea bargaining in 1967. However, at the start, appreciating plea bargaining was not cheered by the USA Supreme Court on the excuse of surrendering right of free and fair trial. The American Supreme Court explicitly acknowledged plea bargaining as a legal slice of their criminal justice system in 1971.[13]

After succeeding a couple of years of the American Supreme Court's Approval, the elimination of plea bargaining in all shapes were suggested by the National Advisory Commission on Criminal Justice Standards and Goals declaring that "As soon as possible, but in no event later than 1978, negotiations between prosecutors and defendants - either personally or through their attorneys - concerning concessions to be made in return for guilty pleas should be prohibited" but was certainly not touched their objective while there have been numerous tries to put an end to it. Plea bargaining excellently operated certainly in nearly all states of the America.

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[11] Alschuler, Plea Bargaining and Its History, 13 L. &Soc'y Rev. 211, 221 (1979), Referred in Jeff Palmer , Abolishing Plea Bargaining: An End to the Same Old Song and Dance, 26 Am. J. Crim. L. 505

[12] See Jeff Palmer , Abolishing Plea Bargaining: An End to the Same Old Song and Dance, 26 Am. J. Crim. L. 505

[13] See Lawrence M. Friedman, Crime and Punishment in American History 392 (1993) (reasoning that the United States Supreme Court approved plea bargaining because of the increasing criminal case load throughout the nation)

Irrespective of understanding about the evolution of plea bargaining history, the growth of guilty plea procedure as a leading mode of criminal system of justice is not debated and disputed. McConville (1998), accordingly the method which was once treated as alienated technique to the standards and customs of adversarial system of argumentative proceedings were today acclaimed over the norms of trial culture (PP. 580-581). (Sander et al. 2010) a famous researcher and scholar of criminal justice have noted that plea bargaining is now the lead and prevail mode of case temperament and the mass production of guilty plea in the proceeding of criminal matters. In such manners and methods, the culture of guilty plea has ascended and has been afterwards vindicated and justified (P.572).

2.4. Factors affecting plea decision

The choice of pleading guilty by litigants is affected by both legal and extra-legal factors which are displaced by numerous common law dominions in the previous studies. Legal variables denote variables that deals with the case being investigated and examined, such as number of charges against him/her and nature of offence. Extra-legal variables are the variables that apparently do not have to do with the case and do not affect the case, such as sort of legal representation and bail position or status. (Meyer & Grey, 1997) stated legal factors to variables that is directly proportional to the weightiness of the supposed crime and the quantity of charges that the suspect is fronting.[14] Extra-legal factor mentions variables that are not exact to case or explicit case which comprise of defence lawyers individual mood, emotional state of mind (Baldwin et al. 1977) custody imprisonment before trial (Kellough & Wortley, 2002), and demographic characteristics such as gender (Jones, 2011) and race and ethnicity (Albonetti, 1990). Generally there is a gap and inconsistency sandwiched between free autonomy and choice of the defendant that is away from any indecorous burden and pressure ensured to the accused in plea choices making by law linked with inherent features that are a part of our regular day to day criminal process and practice that may force or coerce offender in admitting his guilt or not.

[14] Meyer, J., & Gray, T. (1997). Drunk drivers in the courts: Legal and extra-legal factors affecting pleas and sentences. Journal of Criminal Justice, 25, 155-163.

2.4.1. Legal-Factors

i. Type of offences & Number of Charges

Two interconnected lawful factors, the crime with which the criminal charged with and the number of offences against him or her could influence defendant choice of plea bargaining put by legal practioner or prosecutor. As with other numerous legal powers, the prosecution is the one answerable and accountable on the behalf of state in criminal procedure and that is the prime department that lay charges counter to the offenders.

Meyer and Gray's (1997) discovered that accusers whose crime would end in a more serious punishment, dignified by the supreme sentence in days, were more inclined towards trial by observing 144 plea agreements of numerous crimes of drunk driving in southern California. (Figueira-McDonough, 1985) handling most grim sentences, accusers were more expected to enjoy their likelihoods in trial .On the other hand, (Albonetti et al. 1990) exposed that the quantity of charges that an accused confronted was create to link with a greater tendency towards plead guilty.

Kellough & Wortley (2002) established that extra added charges offered the prosecution with power to involve in charge bargaining where the prosecution can settle to drop some charges in yielding for pleading guilty on the residual charges in Toronto by detecting and witnessing of more than 1,800 cases in two bail courts. (Cheng, K. Y., & Kevin, 2013) discovered a weakness in the above study that it did not take into account the operationalized methodology of plea bargaining and the anonymous nature of prosecutor's discretionary control.

ii. Evidence

Public instinct perception would recommend that strong evidence of both the defence and prosecutor would have an influence on plea decision because of its repercussions on the probability of conviction or exoneration. Physical evidence and an admission to the crime were found to use a robust bright effect on the likelihood of pleading guilty by the defendant. However, the forte of evidence and proofs of prosecution together with defence would have an influence on the decision of pleading because of the possibility of either convicted or exonerated. On the other hand, observer credential and the number of prosecution bystanders were claim to be pessimistically damaging linked with the chance of pleading guilty (Alboneeti, 1990).

In spite of all these practical and technical precautions, scholars have shown their interest in the phenomenon of false confessions. Psychologists claimed that the joint techniques of law enforcement agencies of cross questioning from suspects, that is alienating the suspect, presenting the false implicating evidence and giving false hopes of clemency and mercy in sentence, has a strong psychological bearing influence on innocent persons confessing to crimes that they have not committed (Kassin et al. 2010).

2.4.2. Extra-Legal variables

a) Legal Representation

There have been extra-legal variables that have been institute to ally with plea bargaining choice of the accused apart from the legal variables. Legal representation is the most shocking among them. The defendant's personal legal representative is the one who coerce or compel them in the choice of pleading guilty. (Baldwin and McConville, 1977) conducted interviews from 121 suspects in the Birmingham Crown Court a revolutionary and debatable study nakedly exposed that those who were part of any bargain were the criminals who made a late-night conversion of plea (those that firstly pleaded not guilty but then transformed their minds earlier to trial) and the sole greatest significant reason was pressure from lawyers (nearly 40% reacted this way). This education was illuminating in the logic that it created strict condemnations counter to lawyer's career. (Baldwin & McConville, 1978) noted that offenders were regularly irritated and hostile about the dealing behaviour that they had received from their attorneys and barristers.

Others scholar like Tague (2007a; 2007b; 2008) however made upset with such declarations that accused plead guilty due to coercive pressure from their defence counsel for which he contends that the only way in building the lawyers reputation in the bar Council is to let the client go on the track of trial.

b) Bail Status

Feeley (1979) the choice of pleading guilty by one group in the initial phase of criminal procedure could very well guide in resulting or succeeding the decision from another group. The prosecution and police opposition of bail has been found to affect the product or result of plea made.

The authors concluded that in order to evade the period of dead time in imprisonment during inquiry and investigation, the suspects plead guilty in custody. Dead time mentions period of suspect in custody before trial that may not be calculated to the punishment of the offenders if find guilty and send down (Kellough & Wortley, 2002). Therefore, in order to avoid the extra burden of being spending over months in lockup before trial, the defendant made a decision of pleading guilty.

c) The Court

In adversarial system, the court performs the role of third party umpire that fixes blame or innocence from an impartial and objective perspective. But still judges may circuitously have stimulated the conclusion of pleas. (Roach Anleu & Mack, 2009) identified four main tactics that is *routine adjournment, adjournment with some expectation, setting a trial or pre-trial conference and sentence discount or expedient conclusion* which were used by judges to sustain their reputation of judicial objectivity and detachment in Australian lower courts. These various plans gives a chance to hunt for legal consultation and made a plea and sometimes offers defendant another choice to not went on the track of trial and plead guilty.

McConville and Mirsky (1995) opened an example in their research of an urban New York state court that claimed that schedule jury would force suspect to plead guilty through a public play. They declared that suspects were exposed to look and watch other suspects be given larger sentence after trial, and then given "15 seconds" to take decision time of pleading guilty and admit the short sentence presented by the jury. (Alschuler et al. 1976) hit the same practice in USA that judges were enthusiastically involved in assisting plea bargain decision by the defendant.

Lee (2005) experienced while scrutinizing court records that in America, to keep equilibrium of impartiality and competency to sort out case disposition, the jury play a significant role in smoothing plea bargains. For example, jury may accept the legal right of the accused and unlocked the case with kind and polite way, while later on the jury ruling over the conciliation and plea bargains by handling the plan. To end with, the judges straight forward recommends that the prosecution and defence to involve in plea bargaining.

d) Race/ Ethnicity

Studies have also shown the importance of defendant's demographic characteristics in decision of making plea. Beyond the variables of case related and court technical aspects, one of the utmost endless forecasters of plea bargaining was the race and ethnicity. Ethnic minorities are interested to go for trial due to behaviour of distrusting upon unofficial plea bargaining.

Several researches in USA instituted that Black and Spanish accused were more likely ready to go on the track of trial than white ones (Albonetti et al. 1991). Albonetti (1990) claimed that US criminal system treated minorities in a discriminatory way that's why they were more inclined towards easy going and relaxed plea bargain and are more suspicious about the way they were treated. Mileski (1971) proposed that there may be many times where black accused were wrongly indicted, and less plea bargain option were accessible to them. (Frenzel and Ball, 2007) in evaluating 3,421 legal proceedings of judiciary in Pennsylvania built that black offenders were not offered with opportunity of exchanged plea as frequently as white offenders were related to a bench/jury verdict.

e) Gender

Gender has been recognized as the second demographic independent variable to touch the decision of making plea bargaining. Unambiguously, female offenders were more inclined towards plea bargaining than males due to some reasons. One of the very sensitive logic is one family responsibility, in which women faces with serious trauma when she cannot give proper space to their children and therefore want to sort out case as soon as possible. Other reasons for this is women often involved in plea bargaining decision very early because of their minor offences and are interested in administering and managing the case very speedily and conveniently.

Figueira-McDonough (1985) coped that the procedural arrangement of criminal process is unfavourable to women. Plea bargain were created to be discriminatory as Female offenders were more engage in pleading guilty than men and were not presented with a discount in sentences. A probable ground for this is that most male offenders who engross in plea bargaining are accuse of more severe offences, and females are every so often charged with minor offences and are treated and handled more expediently, they are more probably inclined towards pleading guilty but are less

expected to have a bargain. This backs the perception that Offenders fronting with smaller charges will plead guilty to sort out their cases more speedily.

2.5. The Pros and Cons of plea bargaining

Plea bargaining has no exemption to this reality on earth that everything has pros and cons but its rewards and return are more than its drawbacks. Via plea bargaining, the inadequacies and deficiencies of the court legal procedures can be condensed and justice can be safeguarded more efficiently. A question arises in the mind of every individual that why offenders are attracted to go for plea bargaining? The answers may be vary according to the situation prevails.

The major advantage of plea bargaining is getting a minor sentence for a less severe charge that might result from trail and losing. Through plea bargaining, the poor could save bundle of money of attorney and private lawyer who did not have sufficient money to protect themselves. Adversarial system is always time consuming in bringing a case into trial however, another justly help one could earn from plea bargaining is it took smaller time to resolve. So, the alternative dictum to make known this system is to dump the cases rapidly and thus to lessen the load of courts and minimize the populace of prison.

Theoretical researchers, legal think-tanks, law makers, social analysts and critics have portrayed diverse shades of views to the prestige and dearth of it. On one side of the extreme are the advocates who wants to enjoy the exercise of plea bargaining and on the other extreme are the believers of its utter eradication.

Young (2009) eloquently summarized the opinions on both sides. According to its advocates, it is a tool on the behalf of which perpetrator try to lessen his confinement time (the state of being stayed in prison). He also used the law to increase the probability of diminishing his sentence. Plea bargaining also reduce the fee of legal representation (the case will be dispensed more speedily). Plea bargaining also used as fund saving tool of law for the state like it decreases the expenses of criminal trials, particularly by dodging full trial which are laborious and costly.

On the side of prosecution, it also permits prosecutor to dedicate their full energies to the cases that are considered more central. In a case of trials proofs and evidences, plea bargaining also assurances a degree of “Justice” (P.122). On the opposite side, rivals of plea bargaining claim that it encourages offenders to surrender

their legal and constitutional right of free and fair trial. Instead of getting his legal sentence he or she would receive minor or reduce sentence.

Tarhule (2014) scrutinized some of the arguments in the courtesy and in contrast to plea bargaining. Very firstly, it empowers prosecution to keep focus on grave crimes and back down of less severe crimes through plea bargaining is one of the bulging opinion in the backing of plea. One of the mischievous advocate of this view, Oguche (2012) noted that plea bargain places prosecutor for the tribunal of solemn breaches and felonies, whereas, setting their cards on the bench for less thoughtful crimes. Secondly, it has also been actively claimed that plea bargain is time saving legal procedure of the court, prosecutor and defendant. It evades the requirement of public trail and also decrease or save the government expenditure on trial. Thirdly, according to the supporters of plea bargain, additional opinion in provision of it is that it is not a penalty or sentence but a part of alternative dispute resolution mechanism thus taking it nearer to the reparatory theory of corrections (Tarhule 2014). Fourthly, Oguche (2012) has contended that due to the provision of this law, it takes the shape of undisputable remedy to explain and resolve these glitches and difficulties of prisons, thereby enables the decongestion of prison, level of crowding of prison and poor hygienic system of the prison.

Arguments in contradiction of plea bargaining has been put forwarded by critical scholars and lawyers. (Adeyemi, 2012) one of the toughest criticizer of plea bargain claims vehemently that it treats criminal offenders unethically with dishonesty, it gives the prosecutors a huge power in picking up the charges or even offender to impeach. Sometimes there raises question regarding the evidently or allegedly deterrent value of criminal procedure from the sufferers, who frequently complain the minor sentences that plea bargain crops is the other extra comment counter to plea bargain.

Angwe (2012) explicitly argued that plea bargain is biased and unfair against poor as the wealthy and rich peoples take advantages of it in high profile corruption cases and poor deprived arrested in even petty offences of theft.

Plea bargaining demoralize and weaken the judicial power behind the criminal law in response for exchange settlement. As already stated, this law increase jeopardizes of blameless and guiltless innocent individuals who plead guilty to confirm compassionate penalty. It is a free trial mode of judicial inspection and it is his main

and prime risk. Bohm (2006) the law enforcement agencies like police or prosecution that made any mistakes and blunders will remain hidden and unnoticed.

2.6. Plea bargain in other jurisdictions

The theory of plea bargaining has been in exercise in numerous other dominions from which it got globally status to some other authorities like Pakistan. There are principle debatable opinions that the rehearsal of plea bargain is embedded in common law, from the medieval English Common law court of guilty pardons to partners in serious crimes murder and in contemporary positions. But yet the popularity it has multiplied and the fame it has attained can be map out to the US. The study threw light at how plea bargain is experienced in some of these other commands.

2.6.1. Plea bargain in United States of America

Negotiated Plea or informal mode of pre-trial investigation in some of the capitalist economies especially in United States have been introduced due to heavy and delay workloads in the courts since 1970's. The system is commonly known as "Plea bargaining". Most of the criminal justice reformers, scholars and lawyers termed it more flexible, appropriate and better restoring tool according to the needs of the society, as it might be supportive in getting admission where it might be hard and problematic to demonstrate and prove the charge laid against the accused.

A suspect may be guided to accept part or all of wrongdoings laid in return for a specified sentence or rather go to trial of either release or more serious punishment. Almost 95% of the criminal cases in United States of America have been set under plea bargain mechanism. However, in America the approval from the court is firmly necessary in plea bargaining. Moreover, different states have defined different process and method regarding the application of it. A uniform standard of two kinds of federal centenary rules and procedures were shaped regarding federal offences in the adoption of plea bargaining. A non-binding mode from the court of ordinary recommendation agreement between prosecutor and defendant in which offender plead guilty in exchange for more lenient sentence is the first type. As the approval from the court is not necessary in this type under which the prosecutor recommends the court to directly forward the application to implement the maximum sentence despite with prosecutor choice. The procedure followed because the contract is submitted first to the court for its reception or rejection. The defendant is bound to the sentence parallel to the acceptance of the court while in case if the court shows objection on the agreement then

the defendant goes for full trial and extract himself or herself from the agreement. The court cannot go back from implementing its sentences in level with the agreement after the pleading guilty of the defendant.

Plea bargaining works in America in the form of compromise intervention between the state and a defendant person. A deal agreement is made to an accused person generally through his defence counsel by the prosecutor. The deal agreement typically approaches in the shape of discounts to the defendant that a his or her present offences brought counter to him are throw down will be replaced by a reduced one if the accused pleads guilty. The prosecutor will not mobile for supreme sentence. The prosecutor has the power to decrease the charge in return for a discount of guilt.

American legal system exhibits some attributes that have encouraged the progress and advancement of plea bargain. Firstly, it is the well-recognised and practically useful system of adversarial jurisprudence in the American judicial system. Secondly, the lack of compulsory prosecution has facilitated the system to propagate and become nurtured. The feature of some judicial systems in which pressing charges is made obligatory for the prosecutor when he has enough proofs and evidences to back a conviction is called Compulsory Prosecution. Moreover, there is no sign and signal of private prosecution in the American legal system. In other arguments, the victim or accused cannot decide to prosecute the offences which were committed by himself.

2.6.2. Plea bargaining in India

Plea bargaining emerges in India as a product of reforms in criminal law incorporated in 2005 (*The Criminal Law (Amendment) Act, 2005 (Act 2 of 2006)*). Chapter XXIA was made known to the code having sections 265A to 265L as a result of Amendment Act in section 4 of the Cr.P.C. It got the status of executed law on 5th of July 2006. The process of plea bargaining in India is one way or another different from American system. It is a nascent development in Indian criminal system of justice of India. Plea bargain embraced by Indian criminal code is loose derivative of American form of plea bargaining as US plea bargain needs that the accused plead guilty as part of the contract under which he will be discounted by half of the imprisonment as a reward.

Prosecutor started the process of plea bargaining in the American system while under the Indian system the accused opened it. Earlier the beginning of the trial, the accused puts pen to write an application for plea bargaining any time. An affirmation letter in sustenance of the request is compulsory. The applicant must overthrow to the

datum that he has willingly chosen plea bargaining as a tool and he had not been sentenced on the same allegation earlier. The court will then issue notices to the prosecutor or complainant in order to inspect the accused in camera for the reason of make certain whether the accused has filed the application of his own free will or not. The purpose behind the voluntarily writes the application is important to note as it empowers and strengthen the court to advance with bargain stuck between the parties. If the voluntariness of the accused reflects on the request application satisfied on court proceedings, then the court make available time for the concerned parties to sort it out as mutually satisfactory disposition. Exercise of Plea bargaining put great stress on voluntariness in the entire operation.

The court then also outspreads their jurisdiction to examine that the proceeding of sorting out satisfactory disposition is voluntary and permit the accused to contribute in it. The court then writes a report duly signed by the judge and the concerned parties after the satisfied disposition. From the time when the accused is the first time wrongdoer, regardless of his conviction, the court will have the choice of freeing the accused on probation. Otherwise the court may sentence the accused to half the minimum punishment barred for the offence. Any verdict get out of the bed of plea bargaining shall be final and ultimate and there will be no legal and constitutional right of appeal contrary to it.

The Cr.P.C permits Plea bargaining in criminal cases in India. Plea bargaining can be demanded only for crimes that are punished by sentence less than seven years (265 A). The offender will not be enabled to plea bargaining, if the court earlier found guilty the accused of the parallel offence. Plea bargaining is not offered for the felonies which might disturb the socio-economic settings of the country. Also, plea bargaining is not open for a crime committed counter to a woman or a child under fourteen years of age (265 L). The availability of plea bargaining is not accessible for accused in grave offences like committing murder, rape etc. it also does not spread over to sombre cases in which the penalty is death or life imprisonment or a period over and above than seven years or crimes committed contrary to women or a child under fourteen years (*Section 265 L of CrPC, 1973*).

The Indian government categorically excluded 16 crimes from the exercising domain of plea bargain in 2006. Therefore, no plea bargain is entertained as such sort of charges are eradicated due to its socioeconomic nature of the offence in the country.

E.g. Dowry Prohibition Act, 1961, The Indecent Representation of Women (Prohibition) Act, 1986, The Immoral Traffic (Prevention) Act, 1956, Protection of Women from Domestic Violence Act, 2005, Offences scheduled in sections 23 to 28 of the Juvenile Justice (Care and Protection of Children) Act, 2000, The Army Act, 1950, The Air Force Act, 1950, The Navy Act, 1957 etc.

Plea bargain is not welcomed for the crimes mentioned above. A very restricted units of violations besides trivial cases like a scuffle, misappropriation of accounts, forgery, defamation, illegal threat, rash driving, food contamination and other offences can be resolved with communal consensus of both the parties via the law of plea bargaining. But yet, the charge of unintentional murder is also negotiated under such treatment.

2.6.3. Plea Bargaining In Georgia

Georgia revised its criminal Procedure Code in 2003 to host plea bargaining as a sharing file of anticorruption law. Pleas were exercised merely in corruption cases under umbrella of this law. This method of law restricted the influence on decreasing logjams of cases which leads to severe attack by the opponents. Huge sum by the culprits to evade from criminal persuasions in initial cases vigorously stated by the media in Georgia. These prominent cases built an insight view that pleas itself were an additional form of corruption in existing corrupt legitimate system. This view was tremendously destructive and detrimental to public trust in plea bargaining. Georgia reacted to these alarming criticism with adjustments to law in 2004 and 2005 which extended the scope of plea bargaining to other crimes. The swotted law permitted prosecutors and accused to make an agreement in the form of charge and sentence bargaining.

After embracing plea bargaining, 12.7% of criminal offences were fixed through it in the very first two years. This figure ascended to 50% and then to 95% after accepting plea bargaining in five years and ten years respectively. It helps in dropping case dockets and jail congestion. Georgia demonstrates that states should not supposed to think that plea bargaining would bring rapid positive variations as it may took almost a decade to come into the extensive use. Plea bargaining has facilitated the legal system in many republics by bestowing them improved efficacy, support prosecutor as an instrument to tackle serious prosecutions. Eventually plea bargaining under true situations, can subsidize to a healthier criminal system and enhance approach to justice.

CHAPTER 3

ANTI-CORRUPTION BACKGROUND IN PAKISTAN

Pakistan is suffering from a very rigid time due to its many outward as well as inward dynamic issues that weaken the regulation of legislation, developmental goals and decent governance. An important and substantial portion of these insider issues relates to corruption. While numerous anti-corruption structures have been hosted in Pakistan by the democratic as well as armed administrations, these have been generally useless and unproductive.

Corruption remains a substantial obstacle for Pakistan where it is still perceived to be widespread and systemic. Petty corruption in the form of bribery is prevalent in law enforcement, procurement and the provision of public services. There is a obvious sort of concerns where alarms about corruption rule for onetime and then impeccably other drama issues in media buyout public thoughts. In the meantime corruption show its diverse shape in multiple mask just to illustrate their crown in one or another practice. The remarkable speech of Muhammad Ali Jinnah to his very first constituent assembly on 11 August 1947 is worthy essential to include here in which he said:

"One of the biggest curses from which India is suffering I do not say that other countries are free from it, but, I think our condition is much worse is bribery and corruption. That really is a poison. We must put that down with an iron hand and I hope that you will take adequate measures as soon as it is possible for this Assembly to do so".

3.1. Pakistan's combat against to corruption

Throughout the history, corruption and favouritism look like to be rooted in the cultural and moral beliefs of Pakistan. In its short-lived history, Globally Pakistan has constantly seemed conspicuously on the list of the most corrupt nations. an against corruption law was the major object of legislature endorsed by the assembly almost immediately after independence, But till today even after 70 years of the country's survival the insight indication amid Pakistanis is an extremely corrupt state and the social order preserves. Now the palpable query comes in the mind of every individual that even though despite of huge concern, why has Pakistan botched to minimize corruption efficiently? The answer might be due to dearth of active policies and approaches against corruption. Why Pakistan is found regularly close to the uppermost

nation of the world in the county of corruption? In this chapter we cantered our attention to the struggles and energies to reduce the hazard of corruption from the time when Pakistan came into being till today.

Corruption was documented as a traditional customary crime resting inside the broad taxonomies of fraudulent practices of embezzlement, forgery, crack of trust, cheating public at large etc. prior to 1947. However, this was evidently not enough to play with the current nature and degree of corrupt practices. Several anticorruption agencies and laws were established and formulated in Pakistan but its fruitful execution was always a main hurdle in its development. E.g. the Prevention of Corruption Act 1947, the Public Representatives (Disqualification) Act of 1949 and Elected Bodies (Disqualification) ordinance of 1959. (Schultz, 2007) These all legislations were intentionally neglected and ultimately used to harass and victimize the political opponents. Here are the two tables of anti-corruption leglislation and agencies respectively made by the democratic as well as military goverments in Pakistan.

Anti-Corruption Legislations in Pakistan

Year Enacted	**Title Present**	**Status**
1947	Prevention of Corruption Act	In force
1949	Public Representatives Disqualification Act	Repealed
1958	Elected Bodies Disqualification Ordinance	Repealed
1997	Ehtesab Act	Repealed
2000	National Accountability Ordinance	In force

Source: "The Nature of Corruption and Anti-Corruption Strategies in Pakistan".[15]

[15] See http://www.article2.org/mainfile.php/0901/369/

Anti-Corruption Agencies in Pakistan

Name	Year Established	Jurisdiction	Functions
Anti-Corruption Bureaus	1970	Provincial	Checks on Corruption in Provincial Governments
Federal Investigation Agency (FIA)	1975	Federal	Immigration, Financial and Cyber Crime, Anti-Terrorism
National Accountability Bureau (NAB)	2000	Federal	Public and Private Sector, white-Collar Crimes

Source: "the Nature of Corruption and Anti- Corruption Strategies in Pakistan".

3.1.1 Federal Investigation Agency

A nascent Federal Investigation Agency was setup to block corruption. It was far ahead substituted by Pakistan Special Police Establishment (PSPE) in 1975. Anti-corruption Establishment was also made known in West Pakistan in 1961, which was then divided into Provincial ACE's after the disbanding of One Unit 1970. The extremely complex technical features and too much political interference transmuted these institutions into fruitless tree as they were afflicted with corruption and incompetence. The Anti-Corruption Agencies (ACAs) itself became intertwined in corruption.

3.1.2. The Ehtesab Ordinance 1996

The Ehtesab Ordinance, endorsed in 1996, was the first law to treat corruption in a set manners which were not tailed by the Prevention of Corruption Act 1947. It was propagated to get rid of the corrupt practices from public workplaces and to deliver an active operative interventions for trial prosecution and the speedy disposition of cases comprising corruption. It took within its domains not even the establishment together with political figures, as well as President and Prime Minister. The Ordinance also made known for the very first time the possession of assets and property belongings uneven to the recognized sources of earnings, a crime equally for the bureaucracy and the legislators whose standard of living was much more flashy, showy and pretentious. The

ordinance also professed a general article for those who offered themselves willingly to the concerned establishment within ten days of the portrayal of the law and granted to return the embezzled wealth. Not a single body took the advantages of the endowment provision. The jury consisting of three judges of high court were to exercise the crimes under the umbrella of the stated ordinance and the trail was to be decided within the tenure of thirty days.

This law, which continued in the ground for three years, did not bring about any fruitful outcomes and was viewed as extra tool of aggravation and political discrimination rather than a serious effort to mitigate the threat of corruption. The government, which had ratified the law and was forcefully hunting its competitors, was sacked from corruption itself and the Supreme Court sustained the order of firing the government.

3.1.3 National Accountability Bureau

This time dictatorship was in a position to take a house at civil administration and thus the views of political persecution in indicting corruption was ostensibly no longer in the equation. The outlooks hope of the nation in curbing corruption were very extra ordinary. The subject matter was no longer merely accusing corruption but also of one way or another recuperating the embezzled money mugged by culprit. According to some rough estimates this was same to the entire national foreign debt of over $36 billion.

A National Anti-Corruption Plan was primed and the NAB as the execution agency was equipped with control of investigation and prosecution to antagonize corruption in 2002. The NAB is the significant Anti-corruption body of Pakistan and its primary duty is to wipe out corruption done with inclusive attitude of responsiveness, deterrence and enforcement. It recovers countrywide possessions and belongings embezzled through corruption, power abuse and fraudulent practices. It uses power under the umbrella of NAO 1999. (NAB; Husain, 2007; 7). The chief goal of this foundation was to restrain corruption in order to advance accountability.

It is quite compulsory to make arrangement for the sound procedures of detection mechanism, investigation analysis, quick disposition of cases of corruption, corrupt practices, and exploitation of power in embezzlement of property, taking of bribes, commissions. There is an embryonic necessity for the repossession of the owing

lump sums. There is a burning need for the retrieval of state money and to train and aware the social order about the roots and damaging effects of corruption.

The crime of corruption and corrupt practices was made disciplinary with 14 years severe sentence and the understanding meaning of corruption, though carrying under its umbrella all pockets of public office comprising political figures like in the earlier law, also added that a person who upholds a standard of living not proportionate with his identified means of income shall be found shamefaced of corruption.

Fragile judiciary and worthless anti-corruption interventions tied with Pakistan‘s wobbly political atmosphere have been the major hurdles in the war against corruption. A remarkable point is that the anti-corruption trials have been supposed to be one-sided. It is a common way that most of these trials are instigated against political rivalries and low grade public servants, while the activities of military generals have never been checked and investigated. The National Reconciliation Ordinance 2007 has made immunity from the earlier corrupt practices and build a safe corner to many public servants and politicians from trial. From the time when the NAB is under the influence of army personnel’s and the president who assigns its chairman, the denizens have typically been graded military officers. Still, a distinguished side is that the army officers and respected jury are freed from its domains. The accord compromise is that NAB was shaped for the tyranny of political opponents and outranked civil servants. ‘Blanket immunity’ have been fixed to the judiciary, military officials and alliance buddies of the government from inquiry, investigation or any sort of accountability measures for their conduct. (Chene et al 2008: 1, 8).

Plea bargaining as a special law was injected in NAB ordinance in 2000 due to problem of banks being left no means to recover the evaded total (Section 25-B of NAB Ordinance). The NAB was set an auxiliary role in investigating such loans and to recuperate them (Sec. 25-A inserted by Ord. IV of 2000). The chairman NAB were blessed with extensive powers to I am sorry the defendant if the indicted submits the fraudulent money (Section 26 of NAB Ordinance). This was escorted by a special supplement, for the first time in the history of the country, for settle down matters through ‘plea bargaining’. There was a scornful condemnation of this provision from some stations for allowing offenders to go who merited restrictive penalties. Recovering of embezzled money though was reflected more significant in a country with a flailing economy. The judges and the military personnel’s were intentionally far

away from the parameters of the NAB on the ground that both bodies have inside mechanism of accountability. The ordinance also required to institute its own court of law and came straight in fight with the recognized judiciary on this count.

CHAPTER 4

RESEARCH METHODOLOGY

4.1. Research Strategy

Qualitative and quantitative research differs at their nature of methodological approach. (Bryman, 2014) enlightens that later deals with understanding the insight informations, attitudes, perceptions and behaviour of interviewee and to probe the reply of "how and why" while the former deals with the nature of informations which are quantifiable, calculable and assessable in numerical terms.

The background of the research questions and objectives bound the study to involve in qualitative research in steering the fieldwork as the study put stress mainly on first-hand information through primary sources like interviews, focus group discussion etc. (human inputs) and accurate, genuine data of the public records,

4.2. Research Design

Explanatory Research is the conducted for a problem which was not well researched before, demands priorities, generates operational definitions and provides a better-researched model. It is actually a type of research design which focuses on explaining the aspects of your study in a detailed manner. Explanatory research design is conducted in order to help us find the problem that was not studied before in-depth however, it is not used to give us some conclusive evidence but helps us in understanding the problem more efficiently. Creswell (2009) stated about the research design that it is typically the tactics and strategies of actions for research that range the judgement from wide-ranging conventions to the comprehensive means of data collection and its analysis. These designs allow the study to answer the research questions and explain objectives. The study employed Explanatory Research Design in the study as this will enable him to explain the current status on the research subject. Such sort of methodology made us also understand on different accepted wisdom about plea bargain and recognized its different reasons, causes and their effects.

4.2.1. Units of Data Collection

The strategic and crucial step in research is to ascertain and categorize units of data collection. It can be individuals, communities, professionals and any documents controlled by the study in accord to research track and strategy.

For our analysis the study collected data from the following entities. For the study the researcher have likely branded the subsequent units;

1. NAB officials engage in the administrative process of plea bargaining (8).
2. Prosecutors exercising the legal proceedings of Plea Bargaining (2).
3. Plea bargain beneficiaries (2).
4. Plea bargain data of NAB (2006-2015).

The reasons behind the selection of this units of data collection has been both intentional and pragmatic. Pragmatic reasons for selection are having informal contacts with the officers and officials of the organization and their willingness of cooperation in this research study. Intentional reason are that NAB is the only chief anti-corruption apex organization which enjoy the practices of plea bargain.

4.3. Methods

Following to the research design the study is using subsequent methods in this study

4.3.1. Interviews

Berg (2001) interviewing is demarcated as dialogue exchange with an intention; explicitly the motive is to collect information. The objective of the study is to get detailed understanding of the information mostly in qualitative exploration.

The study used interview guide of 13 unstructured open ended questions to reach the broad meanings of every aspects of study attached at appendix A1 in the end. The study went from general to particular throughout the interviews and discussion. The study adopted the key informant unstructured interviews to elicit information from stakeholders in the exercise of plea bargaining against corruption in NAB. This technique is extensively used to penetrate into the complexity of the subject by appraising the insights and experiences of the relevant peoples or experts. For this study 12 interviews had been conducted in which 8 interviews were conducted with NAB Senior, junior and investigation officers and 2 interviews were conducted with NAB prosecutors while the remaining two were conducted with plea bargain beneficiaries. In this wise, the study also considered very imperative the views of Regional Head NAB Peshawar but due to huge burden of work and time adjustment schedule, it was not made possible.

4.3.2. Focus Group Discussion

Focus Group Discussions were used for constructing the required information on common views and to discover the hidden sense that lies beneath the surface.

For this study the researcher structured one Focus group discussions with NAB officials in order to add expert's opinions to the output of the research to uncover the hidden meaning of the concept and throw light on its socio economic aspects respectively. The focus group discussion conducted with NAB officials of 7 members of every cadre which was held in formal environment. They were very enthusiastic in giving their response, however they were all very reluctant at recording the discussion. The researcher put the derived data in the chapter 6 together with informations collected through interviews.

4.3.3. Document Analysis

It is a practice of qualitative research analysis in which human documented belongings such as books, websites, and official financial reports are understood in order to make firm inferences (Babbie, 2010).

The study also analysed Plea bargain data of NAB (2006-2015) uploaded at the website of NAB for assessment in order to give meaning and voice regarding its recovery mechanism. The data were quantitatively in nature categorically divided by alleged amount, determined amount, agreed amount, and deposited amount. The data were also shared at region wise and year wise. The quantitative data were descriptively divided by some standards of biggest and lowest defaulter, year of default, discrimination in the amount of recovery, prevalence of corruption at region wise and crime type.

4.3.4. Sampling

4.3.5. Purposive Sampling

Kumar (2011) stated that when in order to establish a historic certainty explain a phenomenon or advance some sort of thing about only a bit is known, such type of sampling is exceptionally suitable.

For this study the researcher used purposive sampling technique as the nature of the research questions require it intent to get the best information about plea bargain to meet the objectives of the research. The study has selected NAB Peshawar for convenient sake.

Expert Opinion Sampling

Under the umbrella of Purposive sampling technique, the study used Expert Opinion Sampling as purposive sampling technique as the opinions of experts in any field are considered to be more reliable under study, because their views are regarded as

authoritative and more convincing which can make the data more confident. However the rich informations about plea bargain were provided only through NAB employees who deal with it.

4.4. Detailed Description of the Plan for the study

In this research data were collected through unstructured interviews, focussed group discussions and document analysis. Prior to conducting interviews with officers, I first approached the Regional Head Peshawar, with a letter of authorization from PIDE, which would describes the intention of the study and guaranteed the anonymity and confidentiality of information attached at section of appendix A at the end. The letter would then be forwarded to the NAB Headquarter for seeking permission for conducting research. It was taken care of that selective rank of officers should be included in the interviews. However, the selection were pragmatic as well as based on convenience and the willingness of the officers because for such sensitive issue it is hard to record true opinions.

The study hold himself to the key informant interviews as a primary source to produce information from the participants in NAB. Such sort of In-depth interviews was a major helping share of the study casing the qualitative aspects of the study. Nevertheless the study also focused on plea bargain data as a secondary tool of data collection source. The prime focus of the study was in-depth interviews. The nature of the research study directed expert purposive sampling for the interviews because the information about plea bargain could only be collected from the officials dealing with plea bargain. The study had conducted 12 interviews for the study however, one focus group discussions had also conducted and directed with NAB members. The study for the empirical part of this study asked general questions like what are the nature and the prevalent types of corruption that prosecuted by NAB and what are the strategies for the control of corruption in NAB? In this manner the study went from general to particular like what are the practice and model of plea bargain in NAB and what type of plea bargaining is exercised by the NAB?. In intent to gain access to the complication of the theme by judging the inner understanding and experiences of the relevant experts, such sort of procedure was widely in practiced. In this wise, the study considered very authoritative the views of Regional Head NAB Peshawar, social activists and law professionals in the Universities in order to add expert's opinions and academic flavour to the output of the research respectively.

The study also used Document Analysis technique for NAB official plea bargain data (2006-2015) to make firm inferences regarding its economic effectiveness. The data were quantitatively in nature categorically divided by alleged amount, determined amount, agreed amount, and deposited amount. The data were also shared at region wise and year wise. The researcher thoroughly examined the plea bargain data and deconstruct it into bit to bit pieces. The quantitative data were descriptively divided by some standards of biggest and lowest defaulter, year of default, discrimination in the amount of recovery, prevalence of corruption at region wise and crime type.

CHAPTER 5

DOCUMENT ANALYSIS OF PLEA BARGAIN DATA 2006-2015

5.1. Introduction

The NAO 1999 offer a legal wrapper to plea bargain as a recovery tool of embezzlement money from the culprits. According to the 25-B section of the said ordinance, the process of plea bargain as if the accused bargains to return the illegal money back to the NAB and wanted to compensate at any phase of investigation then it is under the discretionary authority of the chairman NAB to admit his proposal with satisfactory settings or not. In such situations, if the accused come to an agreement to pay back the amount, the head of NAB will direct the case to the endorsement of the court and discharge the accused. The data provided by NAB over the period of 2006-2015 accordingly, plea bargain has been ended in 418 cases. Closing eyes on the detail that plea bargain is an appropriate practice or not. It is very imperative to indicate that building on the records of ten years, average cases of conviction is more than one case per week. Anticipating healthier work in recovery from an institution which was solely recognized to capture accused of corruption and fraud, it is pretty significant to state that above 40% (179) are those belongings in which recovery are below 10 lacs amid 418 cases.

In short, they were the stuffs of minor nature. Likewise, only five thousand have been claimed for one lac in 50 cases out of 179. There should need for comprehensive accountability of the corruption either it is main or petty. Though, NAB was not honoured to resolve cases in such manner of discrimination. Going on the same track, a total of 10 lac to 25 lac has been recovered through plea bargain in residual 84 Cases only. If we reflect the ratio of cases worth below 25 lac through plea bargain, then it only constitute two third (63%) of cases. Constructing on the data of (2006-15), the cases can be classify on the root of amount through plea bargain.

It is interesting to note that the accused have taken advantage more than anyone else in the cases in which the amount of plea bargain is more than one billion. For example, in a case the real amount was 2 billion but the amount of plea bargain was only 880 million. In another case the amount was 8 billion but was decided in 14 million. In spite of that a very little amount was demanded in plea bargain, yet in 5 out

of 6 cases the amount which should be recovered up to 30 June 2015 has not received. All cases belong to 2008, 2009 and 2012 except one.

NAB is under fire for recovering the looted money lesser than the corruption charges faced by the accused who are set free through plea bargain, the statistics reveal that NAB even failed to collect the amount committed by the culprits.

Break down examination of ten-year record (2006-2015) of plea bargain shows that NAB is yet to draw more than 10 billion rupees from 108 such persons with whom an amount worth more than 18 billion was agreed to deposit in the national exchequer. NAB was to recover Rs18.75 billion from the culprits, an amount agreed between the two sides under plea bargain, however, this anti-corruption watch dog could only obtain Rs7.91 billion which means 58% of the remaining agreed amount has yet to be settled.

5.2. Descriptive Analysis of Plea Bargain Data on Corruption

Numerous academic scholars and intellectuals are persuaded that plea bargain, its efficiency as a recovery technique and its proper operational mechanism and concerns associated with these conceptions cannot be dignified with information established from its official documents (Olken, 2005). The logic behind is that these sort of actions are covert and underground in nature, and thus a transparent and crystal clear portrait cannot be captured from such an agency. In several social sciences researches these sort of problems arises, hence the researcher engaged with qualitative tools for get together the required information for hitting such problem.

5.2.1. By Biggest and Lowest Defaulters

The disreputable Double Shah scam tops among all the 108 defaulted cases. As many as Rs8.18 billion has not been deposited to the national exchequer in that case. Victims of the said case seem not to get justice as the main accused Sibtul Hasan Shah known as Double Shah died (Ponzi scheme).

Haroon Ahmed, director of Rauf International Advisory Services, is the 2nd biggest defaulter who owes Rs67.29 million to national exchequer. A corruption case was filed against him by the NAB's Lahore. Izzat Baig, an officer of National Bank of Pakistan, is third in the row of top defaulters. He is yet to pay Rs21.50 million.

Among the lowest amount defaulters of NAB, Nisar Ahmed and others have failed to deposit Rs10, 000. However, they have returned Rs13.10 million. In yet another case of Karachi NAB, Shahzad Ali Shah, and a businessman is yet to deposit Rs.52, 832 in the national exchequer. The amount return by him so far is only Rs193,

680. Abdul Shakir of Karachi is the third lowest defaulter of NAB. He had illegally allotted shops in Karachi Saddar. Out of the amount he agreed, Rs164, 350 has not been paid yet.

5.2.2. By Year of Default

The year 2009 remained the worst in terms of recovery as an amount Rs8.18 billion was defaulted by the corrupt despite plea bargain agreements with the NAB. The 2016 remained the second most damaging year for NAB when an amount of Rs.1.22 billion was defaulted. An amount of Rs.1257000 was defaulted in 2007, the lowest defaulting year for NAB.

5.2.3. By Amount Differences

The following table shows Amount difference of plea bargain

Alleged Amount	**Determined Amount**	**Agreed Amount**	**Deposited Amount**	**Depreciate Amount**
41.07	28.03	18.71	7.32	9.32

While searching on the issue, it was found out that huge differences at 1st stage of evaluation between the alleged and the determined amounts and 2nd at the stage of determined and agreed amount during the last ten years. According to the NAB data, total alleged amount during the said period is Rs41.07 billion; however, after the evaluation an amount Rs28.03 billion has been determined. At the second stage when the evaluation is done between the determined and agreed amount, yet another big difference was noted. Out of Rs28.03 billion amount determined to have been embezzled, the NAB chose to agree on the return of Rs18.71 billion thus writing off Rs9.31 billion as shown in the section of Appendix A chart 01.

5.3. Region Wise Prevalence of Corruption

To breakdown further the data of plea bargain NAB, the study have extended his analysis to the sector wise corruption (public, private), types of crimes committed in each regions and the performances of regional headquarters NAB.

The following table shows region wise performance of plea bargain data from 01-01-2006 to 30-06-2015.

Plea Bargain	Lahore	Peshawar	Karachi	Quetta	Rawalpindi
Alleged amount (in millions)	17633	803	278	490	17506
Determined amount (in millions)	4803	783	199	1100	17444
Agreed amount (in millions)	12723	751	333	595	806
Deposited amount (in millions)	3693	614	306	380	535
Public Sector Crimes (%age)	41	53	72	80	59
Private Sector Crimes (%age)	58	47	28	20	40

5.3.1. Plea Bargain Data of Lahore

By deconstructing the twelve year statistics of plea bargain provided by NAB, total alleged amount of regional headquarter Lahore is 17570 million PKR from 182 accusers, while the amount firmed on accusers are 4740 million PKR. However, the agreed total are 12260 million PKR where the aggregate money dropped into the national exchequer are 3630 million PKR. There exists huge discriminatory pattern between the alleged amount and amount determined. The same pattern have also been observed between the amount agreed and the amount paid. On the other hand, break down sector wise distribution of corruption between the public and private, the number of public sector and private sectors are 83 and 119 respectively. The types of crimes which comes under the umbrella of NAB committed in Lahore region are embezzlement of money from general public, corruption and corrupt practices, illegal allotment of plots, criminal breach of trust, misuse of funds in Insurance institution. To show the data in order to compare the huge discriminatory pattern among amount recovered through alleged, determined, agreed and deposited in percentages column chart has been plotted by the researcher to display the amount in varying slices in the section of appendix A chart 02.

5.3.2. Plea Bargain Data of Peshawar

According to plea bargain statistics provided, 714.4 million PKR have been alleged upon 103 indicters in which 702 million PKR have been determined while later on the agreed total are 664.8 million PKR and the 530 million PKR have been recovered through plea bargain. Slight difference have been observed in this region between amount alleged and determined. To distribute sector wise corruption, the quantity of

public sector crimes are 88 while 77 comes in the destiny of private sector. The crime types committed in Peshawar region published in the plea bargain data of NAB are Cheating Public at large, Timber mafia, Corruption in relief operations in earthquake affected areas, Utility Store Corporation, Communication and work department, Revenue Department. To detect the unfair and biased design of poor recovery structure of NAB Peshawar, Column chart is used to illustrate the data in section of appendix A Chart 03.

5.3.3 Plea Bargain Data of Karachi

The digits provided by NAB Karachi through plea bargain is quite interesting as the alleged sum and determined sum are 184.4 million PKR exactly, where the Agreed and Deposited total are 238.8 and 211.9 million PKR respectively. This shows that deposited amount in national exchequer is more than the amount alleged by the accusers. The number of public sector crimes are 70 where the remaining 17 share comes in the box of private sector. Two central types of crimes committed in this region are illegal allotment of shops in corporative market and Bank scam. In order to better display the recovery mechanism of NAB Karachi, column chart is used to compare the amount of money stated in different phases in the section of appendix A chart 04.

5.3.4. Plea Bargain Data of Quetta

Thorough examination of NAB Quetta plea bargain suggests that the amount alleged and determined amount is 485 and 1098 million PKR discretely. The amount on which the accused agree is 593.8 million PKR whereas, the amount paid to the national exchequer is 378.1 million PKR. This shows that the huge gap exists between the amount determined and the sum deposited. The sector wise quantity of corruption in public sphere is 28 while the private sector corruption is quite minimum in this region as 7. It shows that corruption mostly prevails in public domain. Different sort of crimes like embezzlement of government fund, misuse of authority in food department, corrupt practices in excise taxation department, Quetta development authority, national highway authority fall in this province. There exists change patterns in the money recovered and determined money. In intent to demonstrate the deconstruct analysis of performance of NAB Quetta, column chart is plotted in the section of appendix A chart 05.

5.3.5. Plea Bargain Data of Rawalpindi

In-depth analysis of plea bargain data of regional headquarter NAB Rawalpindi advocates that there exists very minor difference between the alleged amount and determined amount which is 17290 and 17230 million PKR respectively. Though, the amount upon which the offenders agreed is 593.8 million PKR and yet they deposited 378.1 million PKR. This shows the records dual nature. The public sector wise number of crimes is 68 where the remaining 47 comes in the domain of private sector territory. A variety of crimes committed in the satellite town of Islamabad Rawalpindi as illegal allotment of land, corruption in PWD and TMA, Bank Frauds, misuse of public authority in survey of Pakistan, embezzlement of money through property dealers. In intent to associate the percentage amount being recovered by the NAB Rawalpindi, column chart is plotted in the section of Appendix A chart 06.

5.4. Prevalence of Corruption by Crime Type

The following table shows performance of NAB under plea bargain by Crimes type in millions.

Types of Crimes	**Alleged Amount**	**Determined Amount**	**Agreed Amount**	**Deposited Amount**	**Deposited Amount of Crime %**
Cheating Public at Large	478.5	349.2	9440	1259	___
Corrupt Practices & Misappropriation of Funds	823.7	599.9	576.3	520.6	63.20
Bank Fraud	11810	522.5	523.3	491	4.15
Illegal Sale of Shops, Land, Ghee and Electricity	156.8	121.8	94.7	94.2	60.07

The above table shows that amount of crimes deposited in the national exchequer. The crime of cheating public at large is very prominent as amount of 1259 million PKR has been deposited however, there is some amount missing in the alleged and determined section of data. 63% and 60% amount have been recovered out of 823.7and 156.8 million PKR in the crime of corrupt or misappropriation of funds and illegal sale of land, ghee and electricity respectively. However, the least 4.15% has been recovered

out of total amount of 11810 million PKR which is nerve-wracking figure for NAB officials.

5.5. CONCLUSION

According to the law of plea bargain, if a person has the charge of the corruption of 1 billion PKR, he can be bless with clean chit after giving only 10 million PKR. Then that individual is reappointed on the same job. He spoils in the corruption of 2 billion PKR yet again. What sort of law is it then? The law of plea bargain is pretty amazing in Pakistan exercising in section 25-B of the NAB ordinance which lacks element to guarantee impartial and just conduct to punish the offenders. There is huge discrimination between the alleged and determined amount while the same can be seen between the agreed and the amount deposited to the national exchequer.

The corrupt officers are indicted of numerous crimes comprising spending inferior material in the construction of retaining walls, illegal cutting of forest by timber mafia deceitfully listed with Joint Forest Management Committee (JFMC), fraud and bribery in works and services department by contractor, illicit sale and allotment of ghee and shops from utility store corporation and Saddar market Karachi respectively.

The law of plea bargain is vindicated in the NAB's Document preface after thoroughly assessing the data as: "where there is a serious and burning need for the repossession of public money from those stolen or embezzled done with corruption". The aim behind this definition is as it is reflected expedient, short, economic and most importantly an assured mean of influencing the recovery mechanism because, questions immediately blow my mind is that what is the lawful ground of plea bargain? Hasn't it cheered enjoy of corruption? Start with mugging and end with pay back a certain portion of it and then find the safe heaven. In my view, abrupt reform is compulsory in this law.

It was exposed during study that plea bargain are in favours of very grave crimes casing on corruption through flavour of give and take from the document analysis. Hence it is biased and discriminatory in nature towards influential business and political elite class as they were all treated sympathetically. This analysis of NAB running behaviour demonstrate that it is failed to spot the real corruption. Huge discriminatory attitude are found between rich and poor in the plea bargain data from NAB. Every time when NAB initiates any combat to hit political bigwigs, they nurture a huge blaze

against these anti-corruption institutions. Plea bargain in the same way treats elsewhere kindly but somewhere takes vengeance.

Despite of facing huge condemnation in Pakistan from the past 2 to 3 years, its space needs to be broaden and its doors needs to be open to all sort of criminal crimes instead of the only crimes under NAB ordinance. Its foremost goal must be the reduction of work burden and rapid supply of justice in term of recovery. Though, cautious considerations are necessary to rationalize and restructure the reformed law and alleviate the miseries of both the stakeholders. They should finalize its phases of inquiry and investigation time and date wise because some cases are probed very rapidly but some stay closed. This type of discriminatory kindness and arrogance should be patterned. NAB should always be stand by the rules of law in the country.

CHAPTER 6

RESULT AND DISCUSSION

6.1. Introduction

This chapter provides detail discussion about the interview results, conducting from the NAB officials. The interviews stressed mainly on understanding the behavioural pattern of plea bargain in NAB. The section 6.1.1 terms the objective behind the case selection, tailed by concise portrayal of the case under study, following by the section 6.1.2 section, which further enlightens the individualities of the respondents. The next succeeding section 6.2 debates on Understanding the Anti-Corruption Mechanisms in the NAB. The section 6.3 generally expounds the functional mechanism of Plea Bargain in NAB. The remaining sections of the said section 6.3 defines the various aspects of plea bargain regarding its significance, the role of NAB's prosecutor and judges of the accountability courts, factors that influence the decision of plea bargain, Problems and Reforms for the smooth operation of plea bargain in NAB, while lastly section 6.4 sheds light on the validity and reliability of the research results.

6.1.1. Case Selection

In this research study, data and information were assembled through in-depth unstructured interviews, focus group discussion, with officers and document analysis technique. Earlier steering the interviews with officers of the NAB, we first approached to regional head with a letter of permission from PIDE, which defines the target of the study behind and assured the anonymity and cover-up of the information (authorization letter attached at the end). The authority letter was progressed to the NAB headquarter for pursuing approval for directing research. The interviewee assortment had to be reasonable and realistic and was grounded on ease and the will of the interviewees concerned as for such complex matters it is very tough to document accurate views. Some of the interviewees were uncomfortable and did not let the audio recordings. Nevertheless, one focus group discussions were arranged with NAB officers in intent to disclose the unanswered questions through open discussions.

6.1.2. Characteristics of the Respondents of NAB

In this research study, a total of 12 officers' interviews and a focus group discussion are fitted in the domain of NAB. Mainstream officers were in the rank of Deputy Director, followed by Assistant Directors, Investigation Officers and NAB Prosecutors.

It was made possible that both the experts and newly appointed officers be involved in the discussions and interviews. The outcomes of this research can be utilized as a ground for other studies in the coming future.

6.2. Understanding on Anti-Corruption Mechanism

This segment of discussion reveals the answers documented from different interviewees with regard to NAB operationalized organizational procedure. It was observed that NAB is an independent and sovereign in nature, therefore does not operate under any government ministry. The NAB operationalized process is set to divide into four phases of accountability; Complaint Verification (CV), Inquiry Stage, Investigation Stage, Filing of Reference. With reverence to origin of information on the subject of bribery, fraud, misappropriation of public funds, section 18 of NAO (1999) recognizes three basis of information; Complaint, sue motto and stemming from the department itself.

Prior to the initial phase of CV, Complaints can be openly lodged at NAB. When a compliant is boarded, a short term momentary description is arranged in that trend which comprises the complainant's name and that of the official unit or an individual counter to whom the compliant has been lodged. The brief is then thoroughly discussed and put up to Regional Board of directors where sufficient details and explanations are given and shared judgement is declared as to why the compliant may be treated further. The ultimate decision taken is actually the product of think tanks of 5 to 6 personnel's after a number questions answers session established. Here the main determinant is the amount of sum that we cannot overlook while passing shared resolution. While adding supplementary information, categorizing cases under particular kinds and brands is not central for NAB for its in-house records. But yet, at least every case will connect 4 to 5 types at the same time subjected to the different observation. Section 10 of the NAO firmly states that punishment will be certain or penalty will be executed when charge contrary to any type of corruption is proven at the end of day. The time duration of first stage is two months while the tenure of rest of all stages are four months.

The CV follow by inquiry which then proceeds into investigation where NAB has the authority to arrest the accused while in the last, filing of reference is taken for granted. At the time of CV, plenty of proof and evidence are examined enough to cross examine the accused while , while during the course of inquiry, general evidences are being searched like record and bio data of the suspect or accused is hunted from different linked units and departments. The inquiry team cannot go out of the domain

of the compliant. If the allegations in complaint followed by evidence sued upon the accused proves wholly or partially true during the inquiry stage of four months, then the inquiry automatically upgraded to the stage of investigation.

Generally prosecutors investigated the proofs and evidences for the case from each angles against the accused during the course of four months. However, After the approval of investigation, where at any interval earlier or later the instigation of trial or during awaiting of appeal, the accused deals to return the monetary belongings acquired by him through illegal means to the NAB, the NAB chairman exercising his unrestricted control of saying yes or no to him after taking into account the situations and actualities of the case, and if the accused shows his consent to return on the sum hit by the chief, then chairman NAB shall refer the case for the endorsement of the court, or as the case may be, for the discharge of the accused. For investigation, specific prosecutable evidences are searched and investigated.

If for instance, the accused is unable to arrange the total amount on the spot, then the whole amount is distributed into 3 installments in which the first installment shares 34% which is made possible on the spot while the rest of the two installments share 33% each for three months. The sum total dropped by the accused in government account of chairman NAB which then shall be shifted to the federal government account at state bank of Pakistan or as the case may be, a provincial government or the associate bank or any financial business corporation, supportive society or legal body.

An interviewee was of the view that *"the only difference between an accused labels convicted through plea bargain or through court is of the term physical custody".* The accused declared convicted both in plea bargain and court however, in plea bargain the accused enjoy the privilege of non-imprisonment while in case of court trial, he or she could face with imprisonment up to 14 years.

6.2.1. Types of corruption cases prosecuted in NAB

This research was started with the intention to split the types of corruption cases prosecuted in NAB. However, it was hard to categorize that because every type of corruption can be related to 4 to 5 types of corruption. Such data from the department was not readily available. The section 9 of the NAB ordinance identifies twelve different types of violations that NAB can deal with. Therefore, the focus was laid more in identifying the most frequent types of corruption.

While replying to the question of Crimes subjected to plea bargaining in NAB, Majority of the respondents when asked about the types of crimes prosecuted in NAB briefly referred section 9 of the NAO to the researcher rather than particularizing the crimes. Nevertheless, in numerous interviews the term embezzlement, misappropriation, and cheating public at large were regularly mentioned. For instance, one interviewee declared that "*other than misuse of authority, illegal gratification is also one major type of corruption…*"

A significant point need to be revealed here during the interviews was that, certain type of unlawful corrupt behaviour could be simultaneously correlated with other types of behaviour. For instance one of the respondent exposed that *"kickbacks are counted not only under the umbrella of abuse of authority but could also calculated in the area of nepotism or favouritism".*

6.2.2. Most Prevalent Types of corruption cases prosecuted in NAB

This unit illuminates and evaluates the answers from discussions with respects to most widespread type of corruption in NAB. The key intention of the NAB is to recover the robbed money back to the public. Thus, NAB hits types of corruption related mostly in monetary terms and that to recover it in the national account is its utmost responsibility.

Many officers in NAB revealed that most of the complaints of crimes which we handle through plea bargain includes Cheating Public at large, Timber mafia, Corruption in relief operations in earthquake affected areas, Utility Store Corporation, Departmental complaints of communication and work department, land Revenue Department. For instance, a respondent identified that *"cases often linked with assets belongings are commonly dealt with, and then cases concerning with power abuse or misuse of authority take a second slot…"Authority and power abuse can stem either on the tree of fresh assortments of the candidates in government departments…allegations of cheating public at large are more frequently absorbed in the NAB, and such sort of cases comes under embezzlement and misappropriation"*.

Interviewees bring up that it is very hard to ascertain the illicit satisfaction even when the criminal trapped flagrante delicto (it is a word recycled in legal studies to direct that a criminal has been jammed in the act of committing a crime), tied with current system of justice in the country. It was elucidated during the interview that *"Criminals didn't stand convicted even arrested on the spot, the individual who is around to accept the sum total abruptly takes a reverse position and declares that he*

requests to pay back the embezzled sum but other one does not agree to take it. To cope this, a magistrate sort of officer dealing with legal matters is also accompanied to the accountability court of law so that NAB remains vigilant on technical and practical expertise of the jury panel".

Some grievances were documented touching the legal procedure system of the country that condensed the struggle and hard work made by NAB futile and unproductive, as one prosecutor specified that *"the main subject here is that if our accountability jury punish and execute a sentence on the offender, the High Court or Supreme Court release the criminal thus declaring all our fight and struggle wasted and lost. Took into custody is a very robust immunity granted to us; at least it degrades the status of the blamed person thereby make them discouraged."*

6.2.4. Role of NAB Effectiveness in Term of Recovery structure

One of the interviewee has clear understanding upon the NAB effectiveness in term of recovery subsequently after the commencement of NAB, one of its foremost success has been the retrieval of approximately 284 billion PKR which was dropped in the national exchequer which is an extraordinary triumph at all. Many of the NAB's investigation officers mentioned that NAB has experienced about 326,694 public and private complaints in the entire progression of 16 years. Which reveal heightened trust by public upon NAB. One of the interviewee was of the opinion that" *NAB accredited 10,992 complaints for verification, 7,303 inquiries, 3,648 investigations while 2,667 references were filed in the accountability courts during this time*". The inclusive ratio of conviction is about 76 percent.

Standard Operating Procedure (SOP) has been developed by NAB to justify the burden of work and time schedule has been set for efficient, effective and speedy dumping of cases hitting an extreme frontier of 10 months from complaint verification to filing of reference in the accountability court for each case.

6.3. Plea Bargain Operational Procedure

This portion explains the noted replies from numerous applicants with respect to model and practices of plea bargain. It was exposed that NAB is independent and autonomous body free from any governmental or military interventions. Pakistan is actually applying a strict model of plea bargain of Hong Kong, for instance those cases are subjected to the NAB plea bargain process which are monetary and related with corruption in nature and cannot comes in the domain of Civil Procedure Code.

Section 25-B of the NAO clearly stated that in Voluntary Return, any public office holder or private person to the permission of investigation or earlier or later before the commencement of trial against him, willingly and freely comes frontward and bargains to return the illegal properties and belongings made by him, the chairman NAB may granted such proposal and after determination of the amount due from the person and its payment at NAB account, then the NAB give clean chit to that person from all his accountability. While section 25-B of the NAO enlightens the process of plea bargain. Rendering to it, if the investigations besides the accused are permitted but he voluntarily presents NAB the illegal money plus the profits attained by it, then it is under the discretionary power of the chairman NAB that he can say yes to this proposal with satisfactory circumstances. If for instance, the case of corruption is proceeding on the track of trial and the accused want to avail the option, then the final decision of accepting or rejecting plea bargain is in the hand of jury concerned with that case considering the situation. In such situation, if the accused settles to pay back the amount, Chairman NAB will refer his case to the courtroom for endorsement and set free the accused. If for instance, the accused is unable to arrange the whole amount on spot then the amount is distributed into 3 instalments in which 34% share is made possible on the spot for 1st instalment while the rest of 2nd and 3rd instalments share 33% each for three months.

For instance, if the accused steals an amount of 1 billion PKR in the crime of cheating Public at large in 2000, while after 18 years in 2018, if the accused decides to opt for enjoy plea bargain. It does not mean that he will pay back only 1 billion PKR only while surrendering the depreciation of money in said period from the apex agency side. One interviewee claim that *"it's not that much simple as the accused will have to pay back the compound Karachi Inter Bank Offer Rate (KIBOR) adjusted amount which would be significantly more along with any advantages he might have made with those 1 billion PKR in the mentioned time".*

A key discrimination during dealing with those benefited from the reward of voluntary return and plea bargain is that in Voluntary Return, peoples return the agreed sum and hold their authorized status if they are public servants and face no debarment to hold or to be nominated for a public office at election and take place during inquiry stage. While in the phenomenon of plea bargain, the accused gets fired from the public service and barred to hold public office for a term of one decade. According to section

15 of the NAO, any accused persona who has availed the benefit of plea bargain shall be considered to have been found guilty for a crime, and shall immediately terminate to embrace government office if any held by him, and shall stand banned for a term of 1 decade. In addition to this, he cannot withdraw loan from any bank, cannot cast vote in election, or even seeking or from being elected, chosen, appointed or nominated as a participant or demonstrative of any public body or any legislative or authority at local level or in service of Pakistan. Typically, accused exercised the option of plea bargain in investigation stage or any other time before final verdict. Prosecutable evidences are hunted and searched for plea bargain by the prosecutor which might be any lawyer hired by the NAB for prosecution measures. The role played by the judiciary is restricted only to the kind approval of Yes or No. while giving offer of plea bargain to the accused, the chairman NAB has the sole discretionary authority of acceptance the proposal or not in investigation stage while, if the case run from the hand of chairman NAB and goes to trial then the accepting authority will be the judges of the accountability court concerned.

6.3.1. Significance of the Process of Plea Bargaining

The justification behind the exercise of plea bargain was exposed in many interviews as many interviewees demurred the prevalent so called "*Muk Muka*" insights about this Plea bargain legal procedures of the NAB. NAB collects hundreds of complaints on daily basis while our resources are scarce to deal with as a whole. Plea bargain means that we get a conviction without going through a long trail of trial proceedings and without spending much resources, funds and time. One respondent is of the view that "*the simple idea behind the use of Plea Bargain is that it takes place at pilot or initial phase during the course of investigation, and if repossession takes place through such means, then three objectives are rewarded". Immediate retrieval of the money occurs without experiencing extended phases of interrogation and investigation, it is time and cost saving approach, Compulsory commitment of recovery is attained.* He further added that during the course of action the seized money gets devalued and property faces maintenance-related issues and the courts take years to decide such cases.

Many respondents were of the understanding in the same footpath that *"sentence or penalty is the thing which will not pay back embezzled money to the government revenue, therefore NAB sort out cases through plea bargain in which the accused hand over the robbed total on his own and in return he is avoid of exposure to imprisonment".*

One official when questioned argued that *"the money deposited in the national exchequer can be compared with the money which was deposited through the courts explaining their recovery rate is higher than what was done through courts"*.

In reply to query on selection of cases subjected to plea bargain, many officers were of the opinion that *"it's under NAB policy to serve the serving government officers with plea bargain rather voluntary return so that he is penalized or chastised and recovery of money take place"*. While regarding *"cases of cheating public at large, the law of plea bargain may not be entertained and is welcomed with voluntary return so that public money may touch its real owner"*. But yet, there are some exemptions to this policy owing to entrenched social and political circumstances in the country. However, the Supreme Court restrains chairman NAB from exercising "*Voluntary return*" on the ground that allow an offender to go off scot-free after paying a certain amount of the embezzled money.

6.3.2. Role of Prosecution and Judiciary in the Process of Plea bargain

It was revealed in the focus group discussion with the NAB officers, that the primary role of the prosecutor is to prepare the case and searched the sound proofs and evidences for putting the case on the track of trial in accountability court bestowing to the *Qanun-e-Shahadat* of Pakistan. As the request for confession of crime and application for plea bargain comes from the accused side, the prosecutor on the behalf of NAB submitted the overall dealings and inform the accountability jury who may say Yes or No after comprehensively inspection and scrutiny of the facts.

Section 8 of the NAO states that the chairman NAB may hire any individual (lawyer) to perform as the Prosecutor General Accountability (PGA) , who shall provide sound advice to the Chairman NAB upon stuffs which are legitimate and do such other responsibilities of lawful charm as may be allotted to him by the Chairman NAB. He shall have the right of sort out cases in all Accountability Courts and tribunals in Pakistan. The PGA may, with consent of the Chairman NAB, employ Special Prosecutors to sort out prosecution of specific cases under this law for a period of one year. Extension to the prosecutor is made on the basis of his performance in the convictions.

One of the interviewee has the opinion during the interview that "*Prosecutors have non serious and lethargic attitude towards the case during the proceedings, because of their induction on temporary basis."* They show pathetic mess of proof and evidence as a result of which accused declared innocent in the court. One of the respondent when communicated said that *"due to their sluggish behavior, we often tag Prosecution as "Prostitution".*

While enjoying the phenomenon of Plea bargaining in investigation stage before marching on the track of trial by the accused, the final approval of saying yes or no to the bargain comes in the domain of Chairman NAB. But, if the NAB file references against accused in the court and the same comes to plead guilty during trial, then the ultimate decision to accept or reject plea request was at the discretion of Judge provided with actual facts and figures.

Upon getting the appeal for entertaining the accused with the option of plea bargain from the NAB chairman, the court shall confirm and validate the prescribed affairs of its settlement, and if it discovers any deficiency of any required detail, then the court send back the said request to the authority concerned whether it is prosecutor or chairman NAB.

Interviewees bring up that it is very hard to ascertain the illicit satisfaction even when the criminal trapped flagrante delicto (it is a word recycled in legal studies to direct that a criminal has been caught in the act of committing a crime), tied with current system of justice in the country. It was elucidated during the interview that *"criminals didn't stand convicted even when raided or caught red handed, the one who is about to receive the amount suddenly takes a U-turn and he says that he wants to throw the money back but other one does not accept it. To hold this, a judicial officer (magistrate) is also supplemented to the court of law so that NAB remains alert on procedural experience of the judiciary bench."*

Some grievances were documented touching the legal procedure system of the country that condensed the struggle and hard work made by NAB futile and unproductive, as one prosecutor specified that *"the main subject here is that if our accountability jury punish and execute a sentence on the offender, the High Court or Supreme Court release the criminal thus declaring all our fight and struggle wasted and lost. Took into custody is a very robust immunity granted to us; at least it degrades the status of the blamed person thereby make them discouraged."*

6.3.3. Disparity in the Amount of Plea Bargain

The officers are of the opinion that in our experience, the plea bargain don't have any discriminatory pattern towards the accused, as peoples from all walks of life have done plea bargain so far with the NAB. The main discriminatory assortment in between the alleged and determined amount is because the allegation amount is always greater than determined amount. One of the officer claimed that *"the amount determined is actually the proven sum followed by proofs and evidences through court, while the difference between the agreed and deposited amount is due to its instalments structure."* However, first instalment shares 34% whereas 33% are shared by the remaining two instalments each.

6.3.4. Factors that Influence the Accused to Plead Guilty

When question were asked in the focus group discussion about the determinants that control the decision of the accused for pleading guilty, many interviewees were of the opinion that there might be many factors which influence the choice of pleading guilty by the accused in NAB. One of the investigation official claimed that *"the way of no other way and the panic anxiety of getting arrest" are the two main factors contributing to decision of pleading guilty on the accused side."* Apart from staying in imprisonment, that person is still convicted. He still loses his public sector job for ten years, he cannot run any public office or avail any loan from any financial institution and cast vote in any election for the next ten years.

6.3.5. Elements that interrupts the Smooth Operations of Plea Bargain

In developing countries like Pakistan, political instability linked with economic fluctuations, weak infrastructure of institutions, prevalent Corruption, fear of terrorism are the contributing determinants of any country upon which position is forecasted in the near future. One of the interviewee was of the view that *"Political and bureaucratic interventions often pressurizing the practice of plea decisions in NAB".* The corruption cases upon many well-known politicians were mitigated on political give and take. Battle of clash on the Bureaucracy side in many official memorandum is the main hurdle in the smooth operation of Plea bargain in NAB. The bureaucratic establishment could not cooperate in handover information to the NAB in the cases concerned.

Apart from non-delivery of information on the part of bureaucracy, one of the respondent when contacted stated that *"it is the invisible hand which we called Aliens that uses the NAB for their own specific purposes and disturbs the smooth operations*

of plea bargain NAB". When the interviewee was probed on insisting the term invisible hands or Aliens, he was of the interpretation that things cannot change overnight that's the reason for the driving force (*Invisible hand or Aliens*) that manipulate all these sort of activities.

One official highlighted the constraints they face in the legal battle. *"While we can only engage lawyers who are on our payroll whereas the corrupt accused spend a generous amount of money on hiring expensive lawyers who keep seeking adjournment if the situation doesn't go in their favour, Subsequently, the cases continue for years and government gets nothing rather the national exchequer lose more by investing time and money".*

6.3.6. Reforms If You Could Change Your Process of Plea Bargain

According to the Plea bargain experts in NAB, the progressive reformations in procedure of any policy and law is quite necessary for its fruitful operation as plea bargain also needs some improvements. Many investigation officers were of the opinion during focus group discussions that there are certain complications which need immediate reforms.

- To decentralize the powers of Chairman NAB to the head of regional headquarter concerning the pronouncement of plea bargain.
- *"Incentives & Protection for whistle blowers"* a proper way of providing compensatory assistance and witness protection is the utmost important thing to be considered.
- Permanent employment of the prosecutors will be very helpful in realizing the desired conviction ratio.
- *"Kid glove"* behaviour is the only magic bullet to fire from the weapons of NAB to restrict corruption in Pakistan.

6.4. Validity and Reliability of the Research

In the school of social sciences and in sensitive themes like plea bargain and its effectiveness under the umbrella of an apex agency NAB, one of the question jump out of the mind about the validity and consistency of the information shared by the respondents/interviewees. Sometime respondents propagated their answers in such a way that it displays a constructive and progressive image of their organization are usually supposed and believed. To put it in simple words, the likelihood of social desirability biases may appear in their responses. To reduce such prejudices the

interviewees were secured of anonymity and privacy and it was solid certainly with them that the information established from the interviewees must be true and exact. By providing this indemnity and insurance a more intellectual atmosphere was made, so that the applicants becomes nameless and faceless and express themselves openly and freely.

CHAPTER 7

CONCLUSION AND POLICY RECOMMENDATION

7.1. Conclusion

Development and Corruption are two different terms but with different effects on each other. The reality of this contention comes from the serious impact corruption constitutes towards the achievement of development. Corruption in less developed country associated with poor institutions has negative effect on gross domestic product growth. It affects the lives of people and their development in many ways e.g. most of governments diverts their budgets from social valuable goods like education and health and tends to increase public spending on capital intensive investments that's resulted into more opportunities for kickbacks such as defense contracts and undermines public service delivery (World Bank, 2001: 201). As Todaro (1977) related development with economic growth, corruption therefore has direct consequences on both economic and governance (political) perspectives.

Most important obstacle to development in developing countries like Pakistan is rampant corruption. it doesn't only avert means and possessions, but it also bring with us trust deficit upon government establishments, weakens democracy, rule of law and spoils the mechanism of accountability across the board which adds a flavor to undesired development. The 2030 Agenda for Sustainable Development makes an important commitments in the agenda of corruption link with peaceful, just and inclusive societies is "to leave no-one behind", not in the delivery of services, not in decision-making and not in the dispensation of justice. Achieving that ambitious goal will not be possible without tackling corruption in all its forms.

The amalgamation of plea bargain into our criminal justice system of accountability in corruption case is innovate beyond the clouds of doubt. It has no suspicion that the exercise of plea bargain in Pakistan is still not very mature yet, as the advantages are legion. It should not be limited to wealthy class only when it comes in the domain of corruption but with great care. Going by what we have seen in the cases of corruption in Pakistan, the practice of plea bargain in this zone is very dull and irritating. Immediate measures should be taken to make it accessible irrespective of rank position and status.

Notwithstanding with some of the inadequacies in the practical construction of plea bargain so far, the acceptance of plea bargain by NAB in Pakistan in their dealing with cases of corruption like authority abuse, misappropriation of funds etc. may be justified on the necessity of saving the state machinery and prosecution from eating up time, money, energy and resources in putting a case on the track of trial. It is of no hesitation to argue that NAB receives a wide variety of complaints on daily basis. Hence the option of plea bargain trade on sentence reasonably than money. Going by the current situation of law and order in our country, it is very compulsory that our prisons are congested and it will certainly make contribution to decongest the prisons and if the status quo remain the same, soon our courts and prison would stay to be burdened and jammed and justice delayed is justice denied.

7.2. Policy Recommendations

Several standards have to be fulfilled for effective measurement of anti-corruption agencies. At the very first is that they have to be independent. This sort of standard is very tough for the NAB as corruption in Pakistan is correlated mostly to the bureaucratic and political settings However, judiciary and military are exempted from across the board accountability. Secondly, the course of activities of these agencies must be crystal clear and nearby to the hands of each citizen. But, in many sort of cases the NAB turn out to be the guardian of certain governments instead of hanging autonomous. A third gauge in the same track is permanence where NAB will only be efficient if their operations are based on stability and longevity. Fourth criteria is consistency where NAB should need to prudently consider the economic, political, and social dynamics earlier its implementation of plans and strategies. The fifth and last norm of an anti-corruption agency like NAB should be the credibility, where public have firm trust and respect upon the institution however, the public perceptions show that NAB is not the institution of accountability bureau rather it is abbreviated as "*No Accountability Bureau*".

To conclude with, we advised that in the light of the above, what seems to be absent in the battle against corruption is the willingness of the politicians. In intent to mitigate corruption from every corner of the country, political will denotes willingness of the government to stop paying lip service to it, alter their corrupt behaviour and hold integrity, transparency and accountability at all heights is the only way to sincerely start battle against it despite of handling it with soft hearted. By knocking the door of

recommendation for the problems concerned above, legislation should be put in place at the federal and provincial level to sufficiently embrace plea bargain. Decentralization of power, incentives and protection of whistle blower, undying engagement of prosecutor and firing of kid glove behavior are policy recommendations which are quite necessary for the fruitful operation as plea bargain in NAB.

There is an instant need to personalize the battle of corruption to make it efficient. The anti-corruption bureaus and agencies were used as mask of vendetta to tease and threaten the political opponents of his government. Mitigating corruption is not a knockout bullet game with a weapon rather it is a very complex long term responsibility in a country where corruption is part and parcel of its culture and norms. The Pakistani state should needs to move from the fire brigade approach currently implemented. In this way, every Pakistani has a role to play their part. National development will remain fruitless as long as all pertinent establishments must design a collective efforts to tackle it in a holistic manner.

7.3. Critical Analysis

There are some issues which need to be concerned Firstly, There is no such defined criteria of welcoming the case in plea bargain or the case that might go on the track of trial in NAB, as there is no such classification of how to regulate which case is arguable or not.

Secondly, the main critique is on the norm of absence of physical custody in plea bargain. By doing so, this sort of attitude allow any wrongdoer with a reward of fine instead of dragging him/her behind the bars to serve it as a restrictive warning for others. Moreover, this sort of structure underrate the criminal system of justice at the outlay of money and cost saving approach. Thirdly, it is also pragmatic that plea bargain overthrow the crown of sentence penalty as a central target of criminal law by not daunting the criminals and believes that it is a breathing space for absconding the offenders.

7.4. Lessons for Future Research

For this descriptive type study, it was educated that although NAB is an apex accountability agency, yet, it is truly hard and rigid to squeeze out information from the officers for logical and comprehensible causes. In intent to break out the information out of the NAB, an extensive process needs to be embraced.

This research occupied his domain not only to the exercising phenomenon of plea bargaining and its influential factors but also its effectiveness in term of recovery in monetary value. This research study was not conducted among all personnel of the NAB rather among limited designated officials. In intent to broaden the horizon of its results to the whole organization, further other research fieldwork also need to be piloted and channelled. In tallying to that, other departments with identical command of monitoring corruption such as Federal Investigation Agency (FIA) and newly recognized Ehtisaab Commission by KP government, should also be assessed and evaluated. Meanwhile, this research was qualitative in nature, in intent to create the end results more strong and dynamic, some sort of quantitative research work are also recommended.

A significant aspect in this research was the role of accountability jury fighting against corruption in alliance with NAB. In order to pursue the capabilities of these two organizations from each other and to brand NAB, a competent anti-corruption agency, it is proposed that the performance of Accountability courts should also be gauged and evaluated at the same time. It would also be very thought-provoking to find out case studies of corrupt officers and catch the actual situation of the accused that why they go for the option of plea bargain.

References

Abbasi, A. (2011). Public sector governance in Pakistan: Board of Investment (BOI). *International Journal of Politics and Good Governance*, *2*(2.1), 1-28.

Ahmed, N. (2013). The dark side of authority: a critical analysis of anti-corruption frameworks in Pakistan. *Law, Social Justice and Global Development Journal*, *18*(2-25).

Albonetti, C. A. (1990). Race and the probability of pleading guilty. *Journal of Quantitative Criminology*, *6*(3), 315-334.

Almond, G. A. (2000). *Comparative Politics Today, 9/e*. Pearson Education India.

Alschuler, A. W. (1976). The Trial Judge's Role in Plea Bargaining, Part I. *Columbia Law Review*, *76*(7), 1059-1154.

Alschuler, A. W. (1979). Plea bargaining and its history. *Columbia Law Review*, *79*(1), 1-43.

Alschuler, A. W. (1983). Guilty Plea: Plea bargaining, in Encyclopaedia of Crime and Justice, (Sanford H. Kadish ed), 830.

Anleu, S. R., & Mack, K. (2009). Intersections between in-court procedures and the production of guilty pleas. *Australian & New Zealand journal of criminology*, *42*(1), 1-23.

Babbie, E. (2010). *The practice of social research* (12th ed.). Wadsworth: Cengage Learning.

Baldwin, J., & McConville, M. (1977). *Negotiated justice: Pressures to plead guilty*. London: Martin Robertson.

Baldwin, J., & McConville, M. (1978). Conviction by Consent: A Study of Plea Bargaining and Inducements to Plead Guilty in England. *Anglo-American Law Review*, *7*(3), 271-289.

Berg, B. L. (2001). *Qualitative Research Methods for Social Sciences* (4th ed.). Allyn and Bacon.

Black, H. C. (2011). Black's Law Dictionary, rev. *St. Paul, MN: West Publishing Company London*, p.1270.

Bohm, R. M. (2006). "McJustice": On the McDonaldization of criminal justice. *Justice Quarterly*, *23*(1), 127-146.

Bowen, G. A. (2009). Document analysis as a qualitative research method. *Qualitative research journal*, *9*(2), 27-40.

Bryman, A., & Bell, E. (2014). *Research methodology: Business and management contexts*. Oxford University Press Southern Africa.

By, D. (2014). Introducing Plea Bargaining into Post-Conflict Legal Systems.

Campbell, H., Garner, B. A. (1990). Black's law dictionary. *St Paul Minn: West Publishing Co*.

Chui, W. H., & Cheng, K. K. Y. (2013). The mark of an ex-prisoner: perceived discrimination and self-stigma of young men after prison in Hong

Creswell, J. W. (2009). *Research Design: Qualitative, Quantitative and Mixed Method Approaches* (3rd ed.). SAGE .

Egweni V. (2007)., Political Corruption and the Challenges: Some of Sustainable Development in Nigeria, Focus on Third Term Agenda, NASHER, *Journal 5(1) 178-185.*

Feeley, M. M. (1979). *The process is the punishment: Handling cases in a lower criminal court*. Russell Sage Foundation.

Figueira-McDonough, J. (1985). Gender differences in informal processing: A look at charge bargaining and sentence reduction in Washington, DC. *Journal of Research in Crime and Delinquency*, *22*(2), 101-133.

Fisher, G. (2004). *Plea bargaining's triumph: a history of plea bargaining in America*.

Frenzel, E. D., & Ball, J. D. (2008). Effects of individual characteristics on plea negotiations under sentencing guidelines. *Journal of Ethnicity in Criminal Justice*, *5*(4), 59-82.

Friedman, L. (1994). *Crime and punishment in American history*. Basic Books.

Garner, B (1999). Black's law dictionary 7th ed. *St. Paul Minn: West Publishing Company Limited*, p. 1173.

Gill, P., Stewart, K., Treasure, E., & Chadwick, B. (2008). Methods of data collection in qualitative research: interviews and focus groups. *British Dental Journal*, *204*(6), 291.

Grix, J. (2014). *The foundations of research*. Palgrave Macmillan.

Hadnagy, E. M. (2012). *A critical analysis of the effectiveness of anticorruption measures in the Romanian judicial system* (Master's thesis, University of Twente).

Hassan, Y. B., Ogwo, B., & Chijioke, J. O. (2015). The Role of Law in Check-Mating Executive Lawlessness in Nigeria from 1999-2014. *JL Pol'y & Globalization*, *37*, 218.

Huberts, L. W., Kaptein, M., & Lasthuizen, K. (2007). A study of the impact of three leadership styles on integrity violations committed by police officers. *Policing: An International Journal of Police Strategies & Management*, *30*(4), 587-607.

Johnson, B. D. (2003). Racial and ethnic disparities in sentencing departures across modes of conviction. *Criminology*, *41*(2), 449-490.

Jones, S. (2011). Under pressure: Women who plead guilty to crimes they have not committed. *Criminology & Criminal Justice*, *11*(1), 77-90.

Kassin, S. M., & Gudjonsson, G. H. (2004). The psychology of confessions: A review of the literature and issues. *Psychological Science in the Public Interest*, *5*(2), 33-67.

Kassin, S. M., Drizin, S. A., Grisso, T., Gudjonsson, G. H., Leo, R. A., & Redlich, A. D. (2010). Police-induced confessions: Risk factors and recommendations. *Law and human behavior*, *34*(1), 3-38.

Kellough, G., & Wortley, S. (2002). Remand for plea. Bail decisions and plea bargaining as commensurate decisions. *British Journal of Criminology*, *42*(1), 186-210.

Khan, M., Kakakhel, N. A., & Dubnick, M. (2004, March). Prosecuting corruption: The case of Pakistan. In *Ethics Forum, American Society for Public Administration* (pp. 26-27).

Khan, S. A. (2011). Restorative Justice under the Criminal Justice System in India: With Special Reference to Plea Bargaining and Compounding Measures. *Browser Download This Paper*.

Kong. *Deviant Behavior*, *34*(8), 671-684.

Kumar, R. (2011). *Research Methodology: a step by step guide for beginners* (3rd ed.). SAGE Publications Ltd.

La Free, G. D. (1980). Variables affecting guilty pleas and convictions in rape cases: Toward a social theory of rape processing. *Social Forces*, *58*(3), 833-850.

LaFree, G. D. (1985). Adversarial and nonadversarial justice: A comparison of guilty pleas and trials. *Criminology*, *23*(2), 289-312.

Langbein, J. H. (1978). Torture and plea bargaining. *The University of Chicago Law Review*, *46*(1), 3-22.

Langbein, J. H. (1979). Land without plea bargaining: how the Germans do it. *Michigan Law Review*, *78*(2), 204-225.

Lee, S. H. (2005). The scales of justice: balancing neutrality and efficiency in plea-bargaining encounters. *Discourse & Society*, *16*(1), 33-54.

McConville, M. (1994). *Standing Accused: The organisation and practices of criminal defence lawyers in Britain*. Oxford University Press.

Meyer, J. A., & Gray, T. (1997). Drunk drivers in the courts: Legal and extra-legal factors affecting pleas and sentences. *Journal of Criminal Justice*, *25*(2), 155-163.

Mileski, M. (1971). Courtroom encounters: An observation study of a lower criminal court. *Law and Society Review*, 473-538.

Miller, H. S., McDonald, W. F., & Cramer, J. A. (1978). *Plea bargaining in the United States*. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, US Department of Justice.

Mundt, R.J. & O.Aborishade (2004). Political corruption in Nigeria, Almond J. *et al (eds).* Comparative politics today: A world view. India: Pearson.

Oguche, S. Development of Plea Bargaining in the Administration of Criminal in Nigeria: A Evolution, Vaccination again Punishment or Mere Expediency In: Azinge, E and Ani, L (Eds) Plea Bargain in Nigeria: Law and Practice, NIALS, Abuja (2012) page 90.

Olken, B. A. (2005). *Monitoring Corruption: Evidence from a Field Experiment. In in Indonesia."* NBER Working Paper# 11753.

Oshie, U. T. (2014). *An Appraisal Of The Application Of Plea Bargaining Procedure In Nigerian Criminal Justice System* (Doctoral dissertation).
Oxford University Press.

Palmer, J. (1998). Abolishing Plea Bargaining: An End to the Same Old Song and Dance. *Am. J. Crim. L.*, *26*, 505.

Ryan, J. P., & Alfini, J. J. (1979). Trial judges' participation in plea bargaining: An empirical perspective. *Law and Society Review*, 479-507.

Sanders, A., Young, R., & Burton, M. (2010). *Criminal justice* (4th ed.). Oxford:

Santhy, K. V. K. (2013). Plea Bargaining in US and Indian Criminal Law, Confessions for Concessions. *NALSAR L. REV., 7*, 84-101.

Sayeed, A. (2010). The nature of corruption and anti-corruption strategies in Pakistan. *Asian Legal Resource Centre. article2, 9*(1), 33-40.

Shabnam, N. Plea Bargaining: An Analysis of its Prospects in the Criminal Justice Administration of Bangladesh.

Stanford University Press.

Tague, P. W. (2007). Barristers' selfish incentives in counselling defendants over the choice of plea. *The Criminal law review*, 3, 250.

Tague, P. W. (2007). Guilty Pleas and Barristers' Incentives: Lessons from England. *Geo. J. Legal Ethics*, *20*, 287.

Tague, P. W. (2008). Guilty Pleas or Trials: Which Does the Barrister Prefer. *Melb. UL Rev., 32*, 242.

Ted. C Eze & Eze Amaka G. *"*A Critical Appraisal Of The Concept Of Plea Bargaining In Criminal Justice Delivery In Nigeria" *Global Journal of Politics and Law Research* Vol.3, No.4, pp.31-43, August 2015 Published by European Centre for Research Training and Development UK.

Todaro, M. P. (1969). Economic Development in the Third World, New York: Longman Inc.

Gillis, M., Shoup, C., & Sicat, G. P. (2001). *World development report 2000/2001-attacking poverty*. The World Bank.

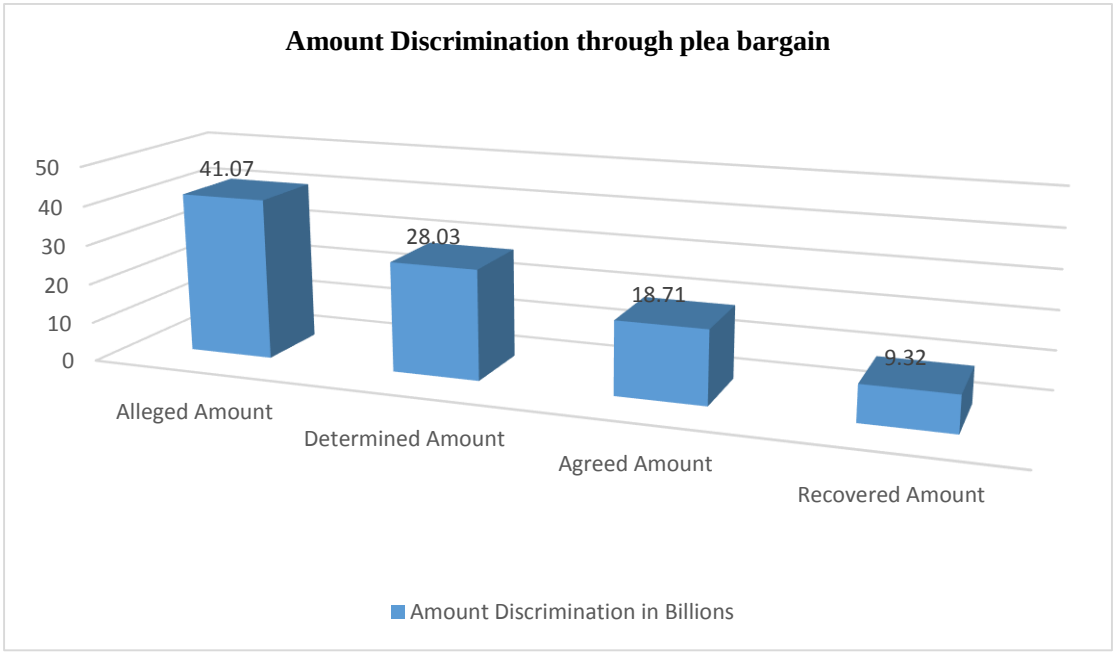
Wishingrad, J. (1973). The plea bargain in historical perspective. *Buff. L. Rev., 23*, 499.

Yekini, A. O. (2008). The Practice of Plea Bargaining and its Effect on the Anti-Corruption Crusade in Nigeria p.15.

Young, S., Gaylord, M. S., Gittings, D., & Traver, H. (2009). Prosecutions division of the Department of Justice. *Introduction to crime, law and justice in Hong Kong*, 111-130.in Gaylord, M. S., Gittings, D., & Traver, H. (Eds.). (2009). *Introduction to crime, law and justice in Hong Kong* (Vol. 1). Hong Kong University Press.

Appendix A (Charts)

Chart 01:



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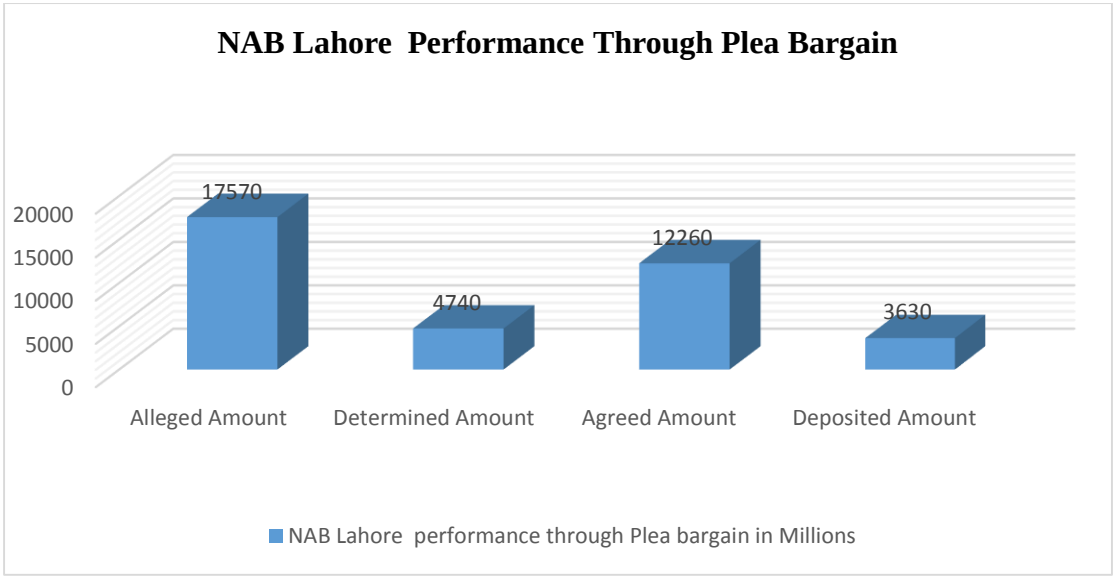

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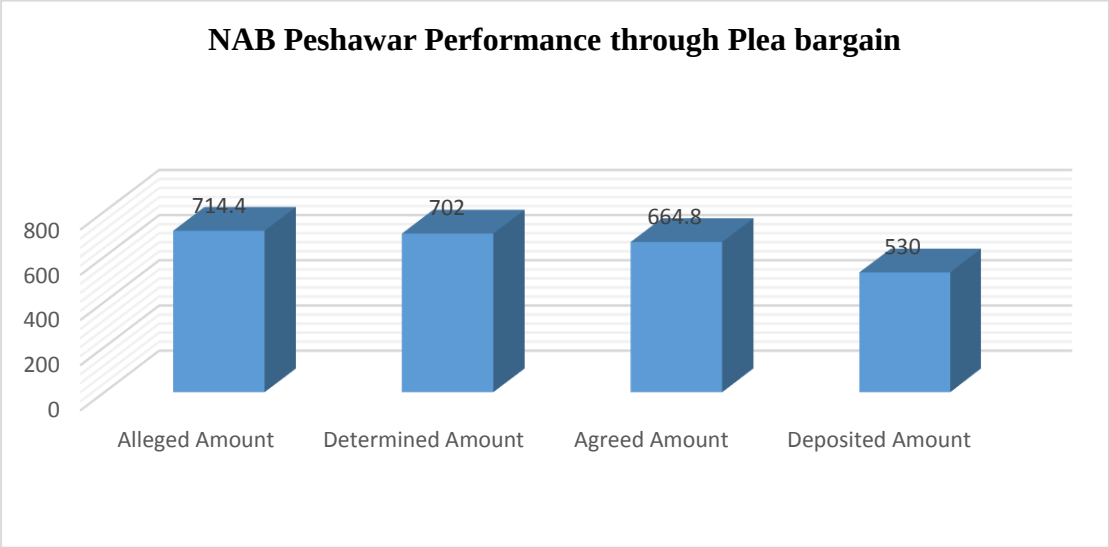

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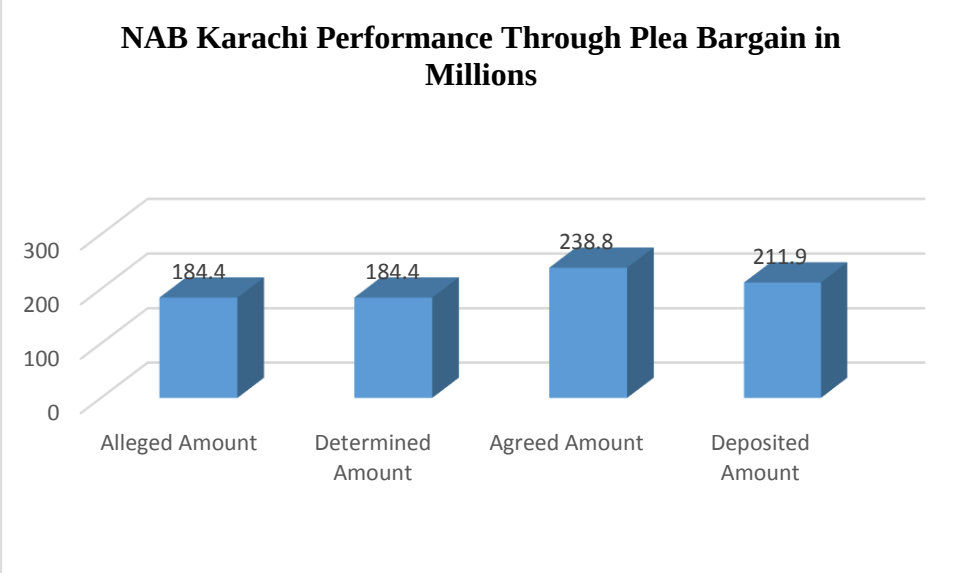

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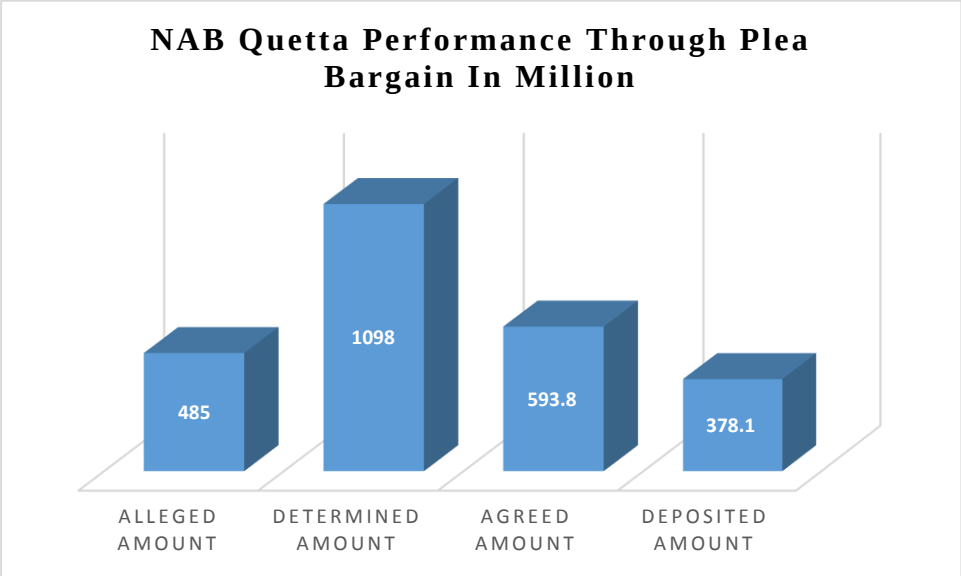

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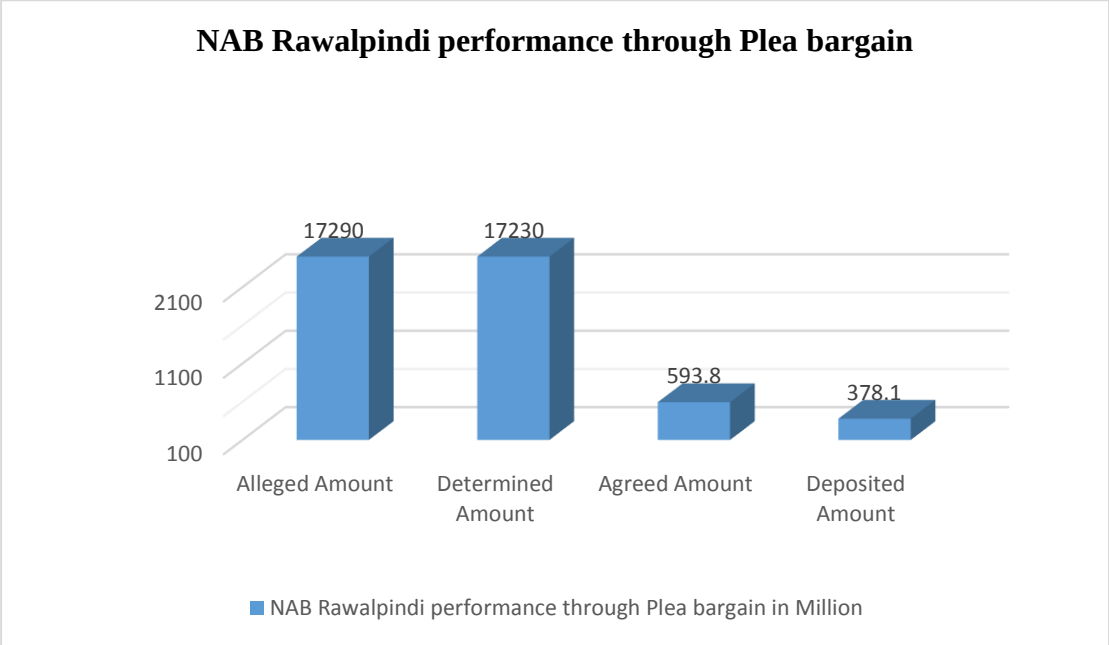

Appendix A1 (Interview Questionnaire Protocol)

Q.No	Interview Guide
01	What are the nature and types of corruption that prosecuted by NAB?
02	What are the strategies for the control of corruption in NAB?
03	What types of corruption are more prevalent in Pakistan?
04	What are the practice and model of plea bargain in NAB?
05	Is plea bargaining discriminatory in nature?
06	Is plea bargaining effective in term of recovery?
07	What are the factors that influence the accused to plead guilty?
08	What are the factors influencing the practice of plea bargain in NAB?
09	What Crimes are subjected to plea bargaining in NAB?
10	What is the role of the prosecutor in the plea bargaining process?
11	What is the role of the judge in the plea bargaining process?
12	What are the problems identified so as to have a smooth operation of plea bargain in NAB?
13	Regarding Reforms if you could change your process of plea bargaining, what would you do?

Appendix A2 (Authorization Letter)

AUTHORIZATION LETTER

Subject: <u>Request for Cooperation for Academic Research Data Collection</u>

This letter authorizes Mr. Ibrar Ali, M.Phil. Scholar at the Pakistan Institute of Development Economics Islamabad, to collect data for his research titled "Corruption Detection Mechanism and Effectiveness of Plea Bargaining in National Accountability Bureau".

Furthermore, I humbly request the officials at NAB regional office Peshawar to kindly assist Mr. Ibrar Ali by providing him sincere information to the questions contained in interviews. All information provided will be treated strictly as confidential and purely for academic purpose.

Thanks

Sincerely

Dr. Karim Khan

Associate Professor

Department of Economics

Pakistan Institute of Development Economics (PIDE) Islamabad