

A STUDY ON CORPORATE MANSLAUGHTER AND REGULATORY REFORMS
IN PAKISTAN



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A thesis submitted in fulfilment of the
requirements for the award of the degree of

Masters of Law (LL.M)

School of Law

BAHRIA UNIVERSITY ISLAMABAD

2023

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ACKNOWLEDGEMENT

I would like to take this opportunity to thank all those who have helped me in my journey to completing this thesis.

First and foremost, I would like to thank my mother, for her unwavering support and love throughout my life. She has always been there to encourage me and believe in me, even when I doubted myself. I am truly grateful for her sacrifices and love.

I would also like to thank my professor, Dr. Sohaib Mukhtar, for his guidance during my time at the university. He has always been a source of inspiration and knowledge, and I am grateful for his invaluable contributions to my education. His classes were always engaging and thought-provoking, and he always went the extra mile to help his students succeed.

Finally, I would like to thank my thesis supervisor, Mam Amara Amir, for her patience and support during the research and writing of this thesis. She has always been available to answer my questions and provide me with feedback, and I am grateful for her guidance and expertise. Her insights and suggestions were invaluable to me, and I am truly grateful for her willingness to share her knowledge and experience.

I would also like to thank my friends and family for their support and encouragement throughout my studies. I am grateful for their love and friendship, and I would not have been able to complete this thesis without their help.

Without the support of these people, I would not have been able to complete this thesis. I am truly grateful for their help and guidance.

ABSTRACT

In recent years, the phenomenon of Corporate Manslaughter has gained global prominence. These worldwide occurrences highlight the necessity for establishing a legal framework that holds corporations accountable for fatalities stemming from their activities, whether involving employees or members of the public. However, a significant challenge lies in the application of traditional criminal law principles such as *actus reus* and *mens rea* to corporate entities, as criminal law was originally formulated with individual persons in mind. Pakistan faces the significant challenge of effectively addressing corporations responsible for unlawful deaths. The current legal landscape in Pakistan inadequately addresses corporate culpability for such incidents. This thesis aims to provide an in-depth exploration of the theoretical foundations of corporate manslaughter. It will delve into various theories prevalent in different jurisdictions, aiming to determine the most suitable approach for the current circumstances in Pakistan. Additionally, this research analyzes the legal frameworks in other jurisdictions, including the UK, Canada, and Malaysia, pertaining to this issue. In the final chapter, this thesis examines the provisions within Pakistani law that can impose criminal liability on corporations. The research encompasses industrial disasters and the prosecution thereof. It is worth noting that Pakistani criminal law has been significantly influenced by English law, which has well-established regulations for addressing corporate homicide. Furthermore, recent developments in corporate criminal liability in the United Kingdom may serve as a valuable reference for Pakistan as it considers reforming its laws. The goal is not only to effectively address corporate homicide but also to deter corporations from engaging in activities that could lead to loss of life.

Keywords: Corporate Manslaughter, Actus Reus, Mens Rea, Corporate Culpability, Theoretical Foundations, Legal Frameworks, Industrial Disasters, Criminal Liability, English Law, Deterrence.

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LIST OF ABBREVIATIONS

CMCHA -- Corporate Manslaughter and Corporate Homicide Act

DPP -- Director of Public Prosecution

FIR- First Information Report

HSE -- Health and safety Executive

HSE -- Health, Safety and Environment

Ibid -- only cited in the previous page

JIT -- Joint Investigation Team

KESC -- Karachi Electric Supply Corporation

LDA -- Lahore Development Authority

OSHA -- Occupational Safety and Health Act

PPC -- Pakistan Penal Code

PLD -- Pakistan Law Digest

P.Cr.LJ -- Pakistan Criminal Law Journal

UK -- United Kingdom

V -- Versus

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