

ORGANIZED CRIME

- Organized crime is defined as "those involved, normally working with others, in continuing serious criminal activities for substantial profit, elsewhere".
- Organized criminals that work together for the duration of a particular criminal activity or activities are what we call an organized crime group. Organized crime group structures vary.
- The core organized crime activity is the supply of illegal goods and services to countless numbers of citizen customers.
- It employs illegitimate methods-monopolization, terrorism, extortion and tax-evasion to drive out or control lawful ownership and leadership, and to extract illegal profits from the public.

Types of Organized Crime

- Drug Abuse and Drug Trafficking:** It is perhaps the most serious organized crime affecting the country and is truly transnational in character. India is geographically situated between the countries of Golden Triangle and Golden Crescent and is a transit point for narcotic drugs produced in these regions to the West, India also produces a considerable amount of licit opium, part of which also finds place in the illicit market in different forms. Illicit drug trade in India centres around five major substances, namely, heroin, hashish, opium, cannabis and methaqualone.
- Smuggling:** Smuggling, which consists of clandestine operations leading to unrecorded trade, is another major economic offence. The volume of smuggling depends on the nature of fiscal policies pursued by the Government.
- Money Laundering & Hawala:** Money laundering means conversion of illegal and ill-gotten money into seemingly legal money so that it can be integrated into the legitimate economy. Besides, tax evasion and violation of exchange regulations play an important role in merging this ill-gotten money with tax evaded so as to obscure its origin.
- Terrorism & Narco-Terrorism:** Terrorism is a serious problem which India is facing. Conceptually, terrorism does not fall in the category of organized crime, as the dominant motive behind terrorism is political and/or ideological and not the acquisition of money-power. The Indian experience, however, shows that the criminals are perpetrating all kinds of crimes, such as killings, rapes, kidnappings, gun-running and drug trafficking, under the umbrella of terrorist organizations.
- Contract Killings:** The offence of murder is punishable under section 302 IPC by life imprisonment or death sentence. Conviction rate in murder cases is about 38%. The chance of detection in contract killings is quite low. The method adopted in contract killings is by engaging a professional gang for a monetary consideration.
- Kidnapping for Ransom:** Kidnapping for ransom is a highly organized crime in urban conglomerates. There are several local as well as inter-State gangs involved in it as the financial rewards are immense vis-a-vis the labour and risk involved.
- Illegal-Immigration:** A large number of Indians are working abroad, particularly in the Gulf region. Young people want to move to foreign countries for lucrative jobs. Large scale migration is fostered by the high rate of unemployment in the country and higher wage levels in foreign lands.

- h) **Prostitution:** Trading in sex and girl-running is a very profitable business in which the underworld plays an important part.

Problems in controlling organized crimes

- a) **Inadequate Legal Structure:** India does not have a special law to control/ suppress organized crime. The existing law is inadequate as it targets individuals and not the criminal groups or criminal enterprises.
- b) **Difficulties in Obtaining Proof:** The witnesses are not willing to depose for fear of their lives and there is no law to provide protection to the witnesses against organized gangs.
- c) **Slow Pace of Trials & Low Conviction Rate:** The pace of trials in India is very slow. The average time of trial in grave offences varies from State to State but it is quite substantial and may run into years. This, coupled with other factors, has resulted in low conviction rates.
- d) **Lack of Resources & Training:** In our Constitutional frame-work, the police are the State's subject. Investigation of cases, their prosecution and the setting up of the criminal courts is the responsibility of the State Government concerned. The number of police personnel posted in police stations is inadequate. Moreover, they are vulnerable to frequent transfers resulting in discontinuity in prosecution efforts.
- e) **Lack of Co-ordination:** India does not have a national level agency to co-ordinate the efforts of the State/ city police organizations as well as central enforcement agencies, for combating organized crime.
- f) **Dual Criminality:** Certain crimes, particularly drug trafficking, are planned in one part of the world and executed in another. Criminals also move fast from one part of the globe to another. Different nations have different legal structures

Combating organized crimes

- a) Strengthening of Criminal Laws
- b) Improving Co-ordination and Setting Up Specialized Units
- c) Enhancing International Cooperation
- d) Political Commitment
- e) Public Awareness
- f) Role of Mass Media

Linkage of Terrorism and Organized Crime in India

There is a linkage between terrorism and organized crime. An organized crime group cannot exist without an extensive peripheral network. In that peripheral network that will involve the bankers, politicians and police; basically the portals into the illicit world that protects the core of the organized crime group, which revolves around business activity. With such a network territorial possessions come into play, and again, popular support is needed. That doesn't necessarily mean population condones the violence committed by the cartels but it does mean that the cartels can effectively intimidate the population to tolerate activity and allow business to go on as usual.

By contrast a terrorist group does not need to rely on as extensive network. By definition terrorism is primarily driven by political aims. The financial aspect of their activities is a means to an end, so this place is very different constraints on the terrorist group and allows the terrorist group to engage in much bolder, riskier and violent acts than an organized crime group would.

In India, the linkages between the two exist at national and transnational levels. At the national level, both terrorists and those involved in organized crime are within India.

In India's northeast, almost all the militant groups run a parallel government or have their areas of influence and are involved in collecting money directly from the people. Terrorist organizations in the northeast, mobilize funds by becoming couriers of illegal drugs and arms and at times even human beings from one point to another within the country.

In the case of Jammu and Kashmir external funds reach the militant organizations through various means. For instance, enormous funds that are mobilized in Pakistan and other Muslim countries, especially in the Gulf, are channeled through various organizations in Pakistan to Kashmir. Markaz dawa al Arshad, for example, mobilizes funds from inside and outside Pakistan, to support its militant wing, Lashkar-e-Toiba. Besides, external funds are also routed through select organizations and individuals in Kashmir, which finally reach the militants. Money laundering plays a significant role. Hawala (money laundering) transactions take place swiftly and effectively in Kashmir. Besides, it is also believed that the ISI uses drug money to fund militant activities in Kashmir.

Thus the intersection of criminal networks and terrorist organizations can be broadly grouped into three categories - coexistence (they coincidentally occupy and operate in the same geographic space at the same time), cooperation (they decide that their mutual interests are both served, or at not least severely threatened, by temporarily working together) and convergence (each begins to engage in behavior(s) that is/are more commonly associated with the other).