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UNDERSTANDING ORGANIZED CRIME IN INDIA: TYPES, EFFECTS AND LEGISLATIVE PROVISIONS

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1. ABSTRACT

A crime is defined as an activity that violates the criminal law, and the criminal is the person who does it. Organised crime involves individuals committing crimes with the support of others in order to generate a significant profit elsewhere. Criminals sometimes collaborate in groups, either permanently or temporarily, to carry out certain crimes. Organized crime offers a significant danger to the social, economic, and political fabric of countries worldwide, including India. This overview summarizes how the Indian government and law enforcement use several tactics to combat organized crime within their borders. These types of crimes might include a small or huge number of individuals. In India, Parliament made certain Acts Bhartiya Nayaya Sanhita, National Security Act 1980, and Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act 1988 that address the management of organised crime, but no separate statute exists. Some states have adopted particular legislation to address these offences. As the problem has grown global, it should be addressed at an international level.

Key Words: Organized crime, Criminals, Laws, enforcement, government, Legislation

2. INTRODUCTION

The term "organized crime" describes criminal activity committed by highly structured organizations with a defined hierarchy and role division that seek to obtain influence, power, and financial gain through unlawful methods. These acts, which frequently span cities, states, or even nations, are planned, organized, and sustained over time, in contrast to regular crimes. Organized crime is dynamic and adapts to changing circumstances. New technology has made it easier for criminals to communicate, move money, and travel between locations, especially internationally. As a result, crimes have grown more widespread. This problem affects the entire planet, not just a single nation.

Drug trafficking, human trafficking, smuggling of weapons and contraband, cybercrime, extortion, money laundering, counterfeiting, and illegal wildlife trade are just a few of the many unlawful activities carried out by organized criminal networks. These syndicates frequently take advantage of weaknesses in the legal system, society, and government, employing violence, intimidation, and corruption to safeguard their activities and increase their power. Organized crime in India has a long history, ranging from localized gangs and smuggling networks to sophisticated syndicates that take use of contemporary technologies and global trade lines. The rise of organized crime in the country has major social, economic, and political ramifications, including as weakening the rule of law, encouraging corruption, endangering public safety, and establishing alternative power structures that undermine legal authority. Understanding organized crime in all its manifestations is critical for establishing effective prevention, detection, and dismantling methods, as well as building legal frameworks and institutional ability to protect society. Organized crime refers to a group of three or more individuals who work together to conduct a severe crime, either directly or indirectly, using financial or other resources.

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2. TYPES OF ORGANIZED CRIMES

Organized crime may be divided into two types:

2.1 Traditional Organized crime includes

- In India, traditional organized crime refers to planned criminal activity that is carried out by criminal networks in order to make money, exercise power, and keep sway over particular regions or industries. These offences include the manufacture and sale of illegal alcohol, kidnapping, prostitution networks, gambling and betting businesses, trade extortion, and blackmail. The intricacy of these networks is demonstrated by the fact that organized gangs also participate in larger operations like contract killings, pornography production and distribution, and sand and mining mafia activities. Such operations not only create significant illicit wealth, but they also exploit disadvantaged groups, undermine legitimate trade, and promote corruption. Through intimidation and extortion, these illicit businesses retain supremacy, making law enforcement attempts difficult. Overall, conventional organized crime in India poses major dangers to economic stability, social order, and public safety, owing to its pervasive and varied nature.

2.2. Non-traditional organized crimes include transnational crimes such as

- Non-traditional organized crimes are a sophisticated and complicated type of criminal activity that frequently crosses national borders and takes use of technological advances. Unlike conventional organized crimes, which are often localised and entail direct physical intimidation or extortion, these crimes are global in scope, focusing on financial institutions, digital infrastructures, and vulnerable people. Human trafficking exploits social and economic weaknesses, pushing people into labor or sexual exploitation, whereas cybercrime and hacking jeopardize the security of personal, corporate, and government data. Arms and drug smuggling feed violent wars and sustain social instability across nations, while money laundering and the spread of counterfeit currency destabilize financial institutions and threaten economic stability.
- These non-traditional crimes are extremely challenging to identify and stop because they are frequently linked together, with criminal networks using technology, global trade routes, and covert methods to elude law enforcement. To successfully confront the challenges they represent to communities, economies, and governance institutions throughout the world, their transnational character necessitates coordinated international collaboration, advanced investigative techniques, and strong legal frameworks. In India, organised crime refers to illicit actions carried out by criminal syndicates to increase their power, influence, and riches. These behaviours are frequently systematic and represent significant risks to society and the economy**.**

2.3. Major types of organized crime include:

- Contract assassinations and murders
- Protection and extortion schemes
- The illicit trafficking in wildlife
- Financial fraud, money laundering, and cybercrime
- Illegal gaming and betting
- Trafficking in drugs

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- Goods smuggling
- The illicit trade in weapons
- Trafficking in persons
- Illegal timber and sandalwood trade
- Theft and counterfeiting of intellectual property

3. EFFECTS OF ORGANIZED CRIME IN INDIA

Organized crime has a variety of negative consequences in India,

- Organized criminal organizations are responsible for a large portion of crime in India, including murder, extortion, abduction, drug trafficking, and human trafficking. Crime is also on the rise, including cybercrime, corporate fraud, terrorism, and wildlife trafficking. This increases the country's total crime rate, making everyone less safe.
- These crimes may hurt the economy by extorting firms, carrying out illicit operations that undercut legitimate enterprises, and deterring investment. This can cause employment losses, fewer tax income, and a decrease in economic growth.
- Organized crimes may destabilize society by bribing government officials, infiltrating legitimate enterprises, and inciting violence. This can cause societal instability, making it harder for the government to function properly.
- Organized crimes may result in the loss of life and misery for a large number of individuals. This is because organized criminal gangs frequently engage in violent crimes including murder, extortion, and kidnapping. They also frequently deal narcotics and firearms, which can lead to addiction and violence.

4. IMPORTANT COMPONENTS OF ORGANIZED CRIME

- Illegal behavior needs to be continuous. There must be a criminal motive.
- A person or group of people must commit the crime, either alone or in concert.
- The offence must be perpetrated by compulsion, threats, assault, intimidation, or any other illegal method.
- Taking illegal gain must be the primary objective.

5. LEGISLATIVE PROVISIONS

- **Bhartiya Nayaya Sanhita (BNS), 2023:** Organized crime is defined in Section 111 of the BNS as acts of unlawful activity such as kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offences, cybercrimes, people trafficking, drug trafficking, illicit goods or services, weapons, human trafficking racket for prostitution, or ransom. It must be carried out by groups of persons working in concert, either alone or collectively, as members of an organized criminal syndicate or on their behalf. Organized crime is punishable by death or life in jail, as well as a fine of at least 10 lakh rupees. In circumstances when the offence ends in death, a five-year sentence may be extended to life imprisonment and a fine of at least five lakh rupees.

- **The Prevention of Money Laundering Act of 2002 (PMLA**) is another piece of law designed to combat the financial components of organized crime. It focuses on monitoring and seizing assets obtained via illicit actions, as well as holding persons accountable for money laundering.
- **The Karnataka Control of Organized Crime Act, 2000**: This Act applies to those who engage in illegal activities as part of an organized criminal syndicate or on behalf of one.
- Maharashtra The Control of Organized Crime Act, 1999 (MCOCA) is the most major legal measure in this area, passed in 1999. MCOCA establishes strong measures for the control and prevention of organised crime, as well as the seizure of property earned via organised crime.
- **The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988**. The Act aims to imprison those involved in illegal narcotics and psychiatric substance trafficking.
- **The Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS**) includes penalties for organised smugglers.
- **The National Security Act of 1980** This Act allows for the preventive and detention of individuals by the Central or State governments or other entities. The government has assigned this objective. To prohibit anyone from engaging in acts that endanger Indian security or harm diplomatic relations with other countries. The culprit gets jailed for a year. The term "security of India" refers to measures taken against anti-national groups and gangsters. The administration issues detention orders, and the matter is not tried in court.

6. CONCLUSION

Organised crime must be combated by a skilful combination of improving criminal legislation and the criminal justice system, establishing a national and state-level co-ordination framework, and including the media in control efforts. No matter how effective it is, law enforcement cannot thrive without strong political support. Despite various pieces of legislation, the State has been unable to significantly reduce these offences. This is due to a variety of challenges the state is now facing, such as inadequate enforcement, a lack of resources, protracted court hearings, difficulty acquiring evidence, and so on. The Parliament must pass laws specifically targeting organised crime and forge diplomatic relations with other nations because many of these crimes have a worldwide reach. An important danger to India's social, political, and economic fabric is organised crime. Even while the nation has made great strides in passing legislation and putting policies in place to fight organised crime, more can be done. Strong legislative frameworks, improved law enforcement capabilities, and proactive steps to address the underlying causes of criminal activity are all necessary components of the multidimensional strategy needed to combat organised crime.

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