
LAWS FOR PREVENTION OF ORGANISED CRIMES IN INDIA: A COMPREHENSIVE ANALYSIS

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ABSTRACT

The social, economic, and political fabric of all countries, including India, is seriously threatened by organized crime. The present abstract offers a synopsis of the various approaches utilized by the Indian government and law enforcement departments to deter and counteract organized crime inside their territorial boundaries.

This article investigates the origins and expressions of organized crime in India, encompassing drug trafficking, human trafficking, extortion, and money laundering, among other activities, by drawing on in-depth study and analysis of the body of current literature. The statement highlights the complex web of local and international criminal organizations that function without consequences, taking advantage of weaknesses in the system and unethical behaviors.

The article emphasizes how important it is for governments to take action against organized crime through legislation, law enforcement campaigns, and international collaboration. It explores the legislative framework that the Indian government put in place, including the passage of the Narcotic Drugs and Psychotropic Substances Act (NDPS) and the Prevention of Money Laundering Act (PMLA), which are intended to break up criminal networks and seize illicit assets.

The article also examines the tactics used by law enforcement organizations to disrupt and dismantle organized criminal syndicates, such as intelligence gathering, surveillance, and interagency coordination. Additionally, it evaluates the effectiveness of specialized agencies like the Narcotics Control Bureau (NCB), the Directorate of Revenue Intelligence (DRI), and the Central Bureau of Investigation (CBI) in carrying out focused operations against well-known offenders.

Also, the abstract emphasizes the importance of preventive actions in addressing the underlying socio-economic conditions that fuel the growth of

organized crime, such as public awareness campaigns, community participation, and socio-economic interventions.

Last but not least, the abstract provides insights on the obstacles and limitations facing India's efforts to curb organized crime, from institutional capacity limitations and resource shortages to widespread corruption and political meddling. In order to effectively combat organized crime and protect India's security and stability, it ends by arguing for a comprehensive and integrated approach that includes socioeconomic interventions, law enforcement advancements, and legislative reforms.

India's national security, economic growth, and social order are all still seriously threatened by organized crime. This summary offers a thorough examination of the various tactics used in the Indian setting to deter and combat organized crime.

This article finds the fundamental causes of organized crime's spread throughout India by carefully examining academic literature, official reports, and case studies. These elements include socioeconomic inequality, inadequate governance frameworks, systemic corruption, and permeable borders that encourage international criminal activity. The legislative actions taken by the Indian government to fortify its legal system against organized crime are highlighted in the abstract. Important laws like the Unlawful Activities Prevention Act (UAPA), the Prevention of Money Laundering Act (PMLA), and modifications to the Indian Penal Code (IPC) give law enforcement agencies more resources to pursue and dismantle criminal syndicates.

The article also looks at the operational tactics used by Indian law enforcement organizations, highlighting the value of focused investigations, intelligence-led policing, and international collaboration. Coordination of attempts to combat organized crime across state borders is vital, and specialized agencies like the National Investigation Agency (NIA) and the Financial Intelligence Unit-India (FIU-IND) play a key role in this regard.

1. INTRODUCTION

On a global scale organized crime poses a constant and complex threat to the social, political, and economic stability of entire nations. Organized crime is a serious issue in India, with far-reaching effects on businesses, communities, and political institutions. The entanglements of organized crime are extensive, utilizing weaknesses in society to carry out schemes such as drug trafficking, extortion, human trafficking, and money laundering.

The framework for a thorough examination of the tactics used in India to deter and combat organized crime is established by this introduction. It starts off by setting the scene for the prevalence of organized crime, stressing its different manifestations and the damaging effects they have on India's path to progress. Also, it emphasizes how urgent it is to handle organized crime as a complicated socio-economic phenomenon entwined with problems of inequality, corruption, and governance, rather than just as a law enforcement issue.¹

In light of this, the introduction describes the goals of the analysis that follows. It attempts to explore the legislative actions, tactics used by law enforcement, and preventive measures implemented by the Indian government and its agencies in order to effectively combat organized crime. Additionally, it aims to evaluate how well these actions are working to lessen the threat that criminal syndicates pose and strengthen Indian society's defenses against organized crime.

In addition, the introduction highlights the necessity of a multifaceted strategy that addresses the underlying causes of organized crime and goes beyond conventional law enforcement methods. It asks for comprehensive answers that address the root causes of crime and stop it from spreading, including socioeconomic development, community involvement, and international collaboration. The abstract emphasizes the importance of preventive actions targeted at tackling the underlying causes of organized crime, in addition to law enforcement tactics. A comprehensive approach to prevention must include community policing, youth engagement initiatives, and initiatives to improve socioeconomic possibilities in underprivileged populations.

¹ JUSTIN KOTZÉ, ANTHONY LLOYD, GEORGIOS A ANTONOPOULOS, "COVID-19 and organized crime: an introduction to the special issue", (2023), <https://pubmed.ncbi.nlm.nih.gov/36721627/>

However, recognize the ongoing difficulties that preventive initiatives face, such as institutional flaws, resource shortages, and the adaptability of criminal networks. Organized crime poses a serious threat to India's legal system and social cohesion, influencing many aspects of the country's existence. The presence of criminal syndicates casts a shadow over everything from the busy streets of urban areas to the isolated nooks of rural hinterlands, fostering a climate of impunity, terror, and exploitation. The intricacy and flexibility of networks of organized crime, in conjunction with inherent faults and inadequacies in systems, present formidable obstacles to the successful prevention and enforcement of laws.

The Indian government has taken a broad strategy to lessening the impact and prevalence of organized crime in recent years after realizing how vital it is to address the issue head-on. The approach includes preventive measures, law enforcement tactics, and legislative changes with the goals of breaking up criminal networks, stopping illegal activity, and addressing the socioeconomic causes of crime. This introduction aims to provide a contextualized understanding of the issue of organized crime prevention in India by placing it within the larger socio-economic and political framework of the nation.²

2. HISTORY OF ORGANISED CRIMES IN INDIA

India's social, political, and economic histories are intricately entwined with that of organized crime. Although there have been organized criminal activities in India for centuries, organized crime as we know it now started to take shape during the colonial era and has changed dramatically over time. This is a summary of how organized crime has changed throughout time in India:

1. 17th–20th Century Colonial Period:

- a. Smuggling networks, dacoit gangs, and thuggee cults were among the many criminal groups that arose during British colonial authority.
- b. Thuggee cults, notorious for their ceremonial robberies and strangulations, functioned covertly throughout India and presented a serious threat to British authority.

² “ORGANIZED CRIME”, <https://www.unodc.org/e4j/en/organized-crime/module-1/introduction-learning-outcomes.html>

- c. Armed bandit gangs known as dacoit gangs plagued rural areas, plundering communities and committing violent and extortionate actions.
- d. Along India's vast coastline and borders, smuggling flourished, with the clandestine traffic in goods including salt, textiles, and opium.

2. Period following Independence (1947–present):

- a. India saw the rise of contemporary criminal syndicates engaged in a variety of illicit operations after gaining independence in 1947.
- b. The Mumbai underworld, or organized criminal syndicates, emerged in Mumbai (formerly Bombay) throughout the 1960s and 1970s. Gangsters that controlled illicit enterprises like extortion, bootlegging, and smuggling included Haji Mastan, Varadarajan Mudaliar, and Karim Lala.
- c. Increased violence and territorial conflicts between rival gangs in Mumbai, particularly between the D-Company and Dawood Ibrahim, were prevalent during the 1980s and 1990s. The city developed into a center for contract assassinations, armaments smuggling, and drug trafficking.
- d. Mumbai had several high-profile bombings and terrorist assaults during the 1990s, notably the 1993 Mumbai bombings carried out by the D-Company, which were organized crime syndicates working with terrorist groups.
- e. Beyond Mumbai, organized crime spread throughout India, with local criminal syndicates forming in places like Delhi, Kolkata, and Chennai. These syndicates were involved in political corruption, land grabbing, and extortion.
- f. With the rise of cybercrime, human trafficking, and international criminal networks, organized crime in India has become more diverse and globalized in the twenty-first century.

India's history of organized crime has been influenced by a number of issues, such as socioeconomic inequality, poverty, corruption, lax law enforcement, and law enforcement.

Law enforcement organizations in India are still striving to destroy criminal organizations and preserve the rule of law in spite of these obstacles.³

3. INDIA'S VARIOUS CLASSES OF ORGANISED CRIME-

In India, there is a broad definition of organized crime, which includes any illegal activity that criminal syndicates partake in in order to gain power, accumulate wealth, and grow their business. Several notable forms of organized crime are common in India and include:

1. **Drug Trafficking:** India is a key hub for the transit of drugs, including synthetic substances, heroin, and cocaine. Criminal syndicates take advantage of weaknesses along India's extensive borders and coastline to engage in the production, distribution, smuggling, and cultivation of illegal substances.
2. **Human trafficking:** Vulnerable people, such as women and children, are frequently used by criminals for forced labor, sexual exploitation, and the trafficking of organs. Human trafficking is still a major issue in India. Trafficking networks continue the cycle of abuse and exploitation by operating both domestically and internationally.
3. **Extortion and Protection Rackets:** For financial advantage, organized crime syndicates target businesses, industries, and individuals in their extortion and protection rackets. Criminals force victims to pay "protection money" in exchange for safety or immunity from danger through threats, intimidation, and violence.
4. **Illegal Wildlife trafficking:** The trafficking in wildlife and wildlife items, such as ivory, exotic pets, and endangered species, is rife in India. The poaching, smuggling, and trade of wildlife by organized criminal networks is a serious danger to biodiversity and conservation initiatives.⁴
5. **Cybercrime:** With the widespread use of digital connectivity and technology, cybercrime has become a significant type of organized crime in India. Criminal

³ MADAN LAL SHARMA, "Organised Crime in India: Problems & Perspectives (From UNAFEI Resource Material Series No. 54, P 82-129, 1999 -- See NCJ-190077)", (1999), <https://www.ojp.gov/ncjrs/virtual-library/abstracts/organised-crime-india-problems-perspectives-unafei-resource>

⁴ "Transnational organized crime: the globalized illegal economy", <https://www.unodc.org/toc/en/crimes/organized-crime.html>

syndicates use cyberspace weaknesses to carry out illegal activities like hacking, identity theft, online fraud, and cyber espionage.

6. **Financial Fraud and Money Laundering:** To steal money illegally, organized crime groups participate in financial fraud schemes, such as Ponzi schemes, investment scams, and bank frauds. To make it easier for proceeds from criminal activity to be incorporated into the legal economy, money laundering techniques are used to hide their illegal origins.
7. **Illegal Arms Trafficking:** In India, the illegal trade in weapons and ammunition represents a significant risk to both national security and public safety. Organized crime groups exacerbate armed violence and contribute to the spread of small guns by smuggling and trading illicit firearms, many of which are supplied from conflict areas or foreign arms markets.
8. **Counterfeiting and Intellectual Property Theft:** Organized crime groups engage in the production and distribution of counterfeit goods, including counterfeit pharmaceuticals, consumer goods, and luxury items. Intellectual property theft, including software piracy and copyright infringement, also constitutes a significant form of organized crime, resulting in substantial economic losses and undermining innovation and creativity.
9. **Illegal Gambling and Betting:** Organized crime syndicates operate clandestine gambling and betting operations, including casinos, sports betting rings, and online gambling platforms. These activities often involve large sums of money and are associated with corruption, money laundering, and social harm.
10. **Smuggling:** India's porous borders provide opportunities for organized crime groups to engage in the smuggling of contraband goods, including gold, electronics, cigarettes, and counterfeit currency. Smuggling networks exploit vulnerabilities in border security and customs enforcement to facilitate the illicit transportation and distribution of smuggled goods.
11. **Contract Killing and Assassinations:** For a variety of reasons, such as destroying competitors, resolving conflicts, and frightening enemies, organized criminal syndicates carry out contract killings and assassinations. Hitmen employed by criminal

networks carry out targeted killings; they frequently use guns or other deadly tools to complete their tasks.

12. **Illegal Trade in Timber and Sandalwood:** Due to its abundant forest resources and high biodiversity, India is a target for illegal logging and the trafficking of important timber species, including sandalwood. Organized crime groups use forestry regulations' loopholes and corrupt officials to pillage forest resources unlawfully, resulting in habitat loss and environmental deterioration.

The wide range of illegal activities carried out by criminal syndicates in India is demonstrated by these additional types of organized crime. Law enforcement organizations, government agencies, civil society organizations, and foreign partners must work together to disrupt criminal networks, shut down illegal operations, and protect the rule of law in order to meet these difficulties.⁵

4. INDIA'S VARIOUS LAWS AGAINST ORGANISED CRIMES

To prevent organized crime and ensure that anyone engaging in such activities are prosecuted, India has passed a number of laws. Key legislative initiatives to combat organized crime in India include the following:

1. **MCOCA, or the Maharashtra Control of Organised Crime Act:** The Maharashtra Crime Offences Commission Act (MCOCA), which was passed by the state in 1999, calls for the harsh punishment of organized crime syndicates and individuals who engage in such activities. It gives law enforcement organizations the authority to spy on people, intercept communications, and seize property from people they suspect of being involved in organized crime.
2. **The PMLA, or the Prevention of Money Laundering Act,** The PMLA was passed in 2002 with the intention of stopping money laundering and seizing illicit gains that come from organized crime. It calls for the creation of the Enforcement Directorate, which

⁵ HAMAAD HABIBULLAH, "Explained: Why Human Trafficking Remains One Of The Top Organised Crimes In India", (2021), <https://www.indiatimes.com/explainers/news/human-trafficking-in-india-552763.html>

will look into and prosecute money laundering crimes, especially those involving organized crime.

3. The UAPA, or Unlawful Activities Prevention Act, The UAPA, which was first passed in 1967 and has since been revised, aims to stop illegal activity, such as terrorism and organized crime. It gives law enforcement agencies the authority to label people and groups as "terrorists" and take preventative measures against them, such as detaining them and seizing their property.
4. The NDPS Act (Narcotic Drugs and Psychotropic Substances): The NDPS Act, which was passed in 1985, attempts to stop drug trafficking as well as the misuse of narcotics and psychoactive substances. It stipulates severe punishments for offenses involving the manufacture, distribution, and use of illegal narcotics, especially organized crime.
5. The Indian Penal Code (IPC): The IPC includes provisions pertaining to a number of crimes linked to organized crime, such as criminal conspiracy, extortion, unlawful gun possession, and other offenses. In cases involving organized crime, sections like 120B (criminal conspiracy), 384 (extortion), and 420 (cheating) are frequently used.⁶
6. The Arms Act: This 1959 law, which has since been revised, governs the sale, purchase, and possession of weapons and ammunition in India. Its objectives are to stop the spread of illicit firearms and to stop organized crime's use of weapons.
7. The 1972 Wildlife Protection Act was passed with the intention of safeguarding wildlife and preventing the illegal trade in wildlife and wildlife products. It forbids the hunting, poaching, and trafficking of endangered animals, which are frequently used as a prop by syndicates of organized crime.
8. The Immoral Traffic (Prevention) Act, the Bonded Labor System (Abolition) Act, and the Child Labour (Prohibition and Regulation) Act are just a few of the anti-human trafficking laws that India has passed. These legal measures seek to shield victims, stop

⁶ DEVESH K. PANDEY, "Bharatiya Nyaya Sanhita has specific provisions on organised crime, in a first for national laws", (2024), <https://www.thehindu.com/news/national/bharatiya-nyaya-sanhita-has-specific-provisions-on-organised-crime-in-a-first-for-national-laws/article67755898.ece>

human trafficking, and bring charges against those who engage in organized crime networks.

9. The Companies Act, which was passed in 2013 and later revised, attempts to control how businesses operate and guard against corporate wrongdoing and fraud. It stipulates severe punishments for crimes including insider trading, fraud, and money laundering—all of which are frequently connected to the operations of organized crime.
10. The POCSO Act, which protects children from sexual offenses: The POCSO Act was passed in 2012 with the intention of shielding kids from sexual abuse and exploitation, especially that which is done by organized crime groups. It stipulates severe punishments for crimes like child pornography, child trafficking, and minor sexual abuse.

These legislative actions, when combined with the previously listed ones, create an all-encompassing legal framework that addresses organized crime in India. To effectively combat the difficulties presented by organized crime syndicates, law enforcement authorities must continue to coordinate, implement, and enforce their policies. The legal foundation for fighting organized crime in India is provided, among other things, by these legislative initiatives. Law enforcement organizations, such as the police, the Enforcement Directorate (ED), the FBI, and other specialized divisions⁷

5. THE UNLAWFUL ACTIVITIES PREVENTION ACT (UAPA) OF 1967

One of the most important legislative instruments used by the Indian government to combat terrorism, organized crime, and unlawful activities is the Unlawful Activities Prevention Act (UAPA) of 1967. The UAPA has undergone a number of revisions over time in order to improve its efficacy in handling new threats and to strengthen its provisions. An outline of government policies and initiatives pertaining to organized crime is provided below, with particular emphasis on the Unlawful Activities Prevention Act:

1. Prosecution and Preventive Detention: The UAPA gives law enforcement agencies the authority to take preventative action against people or groups who they believe to be involved in illegal activity, such as terrorism and organized crime. Law enforcement

⁷ *ibid*

authorities may hold suspects for up to 180 days under the UAPA without filing official charges, however this period may be reviewed by an advisory body. Authorities may detain anyone proactively who they suspect of being involved in organized crime under this law.

2. **Identification of Terrorist Groups:** According to the UAPA, people and groups can be labeled as "terrorists" or "terrorist organizations" if they engage in illegal activity, such as organized crime and terrorism. Strict penalties, such as asset freezes, travel bans, and prosecution under the UAPA for their involvement in organized crime, are imposed on designated persons and groups.
3. **Increased Penalties and Statutory Requirements:** Provisions for harsher punishments for organized crime-related activities, including as conspiracy, recruiting, fundraising, and support for terrorist groups, are included in the UAPA. The scope of chargeable offenses has been increased by amendments to the UAPA, which have also added rules for witness protection, the admissibility of electronic evidence, and special courts for the expeditious adjudication of cases involving organized crime and terrorism.
4. **Global Collaboration and Counterterrorism Initiatives:** In order to effectively tackle organized crime and terrorism, the Indian government has pursued bilateral and multilateral collaboration with other nations and international organizations. The UAPA makes it easier for foreign governments to work together in the investigation, prosecution, and extradition of people who cross international borders as part of organized crime and terrorism.
5. **Operations against Insurgencies and Security Protocols:** In order to combat terrorist organizations and organized crime syndicates, law enforcement and security agencies implement counter-insurgency operations and security measures, which are supported legally by the UAPA. The UAPA's provisions are used by specialized agencies like the National Investigation Agency (NIA) and state police counterterrorism units to carry out investigations, obtain intelligence, and detain those engaged in both organized crime and terrorist activity.
6. **Public Knowledge and Involvement in the Community:** To galvanize popular support in the combat against terrorism and organized crime, the government has started public

awareness campaigns and community involvement programs. These programs seek to raise public awareness of the risks posed by organized crime, foster community watchfulness, and foster collaboration with law enforcement in the reporting of questionable conduct and persons.

Government policies and initiatives, in conjunction with the Unlawful Activities Prevention Act (UAPA) of 1967, are critical in India's fight against terrorism and organized crime. The UAPA fortifies the legal framework for tackling the issues presented by terrorist organizations and organized crime syndicates by including provisions for heightened punishments, prosecution, designation of terrorist organizations, preventative detention, international collaboration, and security measures.⁸

7. CONCLUSION

In the end, the Unlawful Activities Prevention Act (UAPA) of 1967 is a key component of the Indian government's counterterrorism and organized crime initiatives. Law enforcement authorities are authorized by the UAPA to take preventive and punitive action against persons and organizations involved in illegal actions that endanger public safety and national security, thanks to its strong legal framework and provisions.

India's reaction against organized criminal syndicates and terrorist groups has been fortified by the UAPA's provisions for preventative detention, the naming of terrorist organizations, increased fines, and international collaboration. The UAPA gives authorities the legal support they need to carry out counterterrorism operations, investigations, and prosecutions. This support allows authorities to disrupt and destroy criminal networks, seize offenders, and prosecute them.

The UAPA also acts as a disincentive to people and groups engaged in organized crime, making it abundantly evident that the Indian government is dedicated to preserving the rule of law and defending the country against dangers to its integrity and sovereignty. Notwithstanding the fact that the UAPA is an indispensable weapon in the battle against organized crime, its application must be done so while keeping in mind civil liberties, human rights, and the concepts of justice and fairness.

⁸ THE UNLAWFUL ACTIVITIES PREVENTION ACT (UAPA) OF 1967

There are worries that the law could be abused to silence political opposition and target dissenting voices, which emphasizes the need for strong safeguards and supervision procedures to stop abuse. It is crucial that the government achieve a balance between safeguarding fundamental rights and freedoms and security imperatives. The UAPA and other counterterrorism measures must be applied with transparency, accountability, and respect for the rule of law as their guiding principles.

Sustained efforts are required going ahead to improve the UAPA's efficacy, fix its flaws, and adjust to the changing dangers that terrorist organizations and organized crime syndicates face. To improve collaboration and coordination in the fight against organized crime and terrorism, this calls for ongoing evaluation and updating of the legal system, investments in the skills and resources of law enforcement, and interactions with foreign partners and civil society. In summary, the Unlawful Activities Prevention Act (UAPA) of 1967 is an essential tool in the government's arsenal against organized crime, but its effective application necessitates a comprehensive strategy that upholds the rule of law, defends human rights, and encourages cooperation amongst all parties involved in the pursuit of justice, security, and peace.