
INDIAN'S PERSPECTIVE ON TRANSNATIONAL ORGANIZED CRIME

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ABSTRACT

Transnational Organized Crime (TOC) poses significant threats to national security, economic stability, and social welfare globally, including India. The country faces unique challenges in addressing crimes like drug trafficking, human trafficking, arms smuggling, and cybercrime due to its complex geopolitical landscape and internal socio-economic disparities. Despite legislative measures and international cooperation, India still grapples with border security issues, corruption, and technological inadequacies. The article explores India's engagement in multilateral efforts and its participation in global organizations like the United Nations Office on Drugs and Crime (UNODC) and INTERPOL. Through case studies and policy analysis, the article offers insights into India's evolving role in the global fight against TOC and recommends strengthening its approach through regional collaboration and technological innovation.

Keywords: Transnational Organized Crime (TOC), India, Drug Trafficking, Human Trafficking, Arms Smuggling, Cybercrime, Border Security, International Cooperation, UNODC, INTERPOL

1. INTRODUCTION

Transnational Organized Crime (TOC) has an increasing impact on public health, economic stability, and governance, posing a threat to both national and international security. It involves transnational criminal operations like money laundering, arms smuggling, drug and human trafficking, and human trafficking. Because of TOC's flexibility and adaptability, criminal groups are able to take advantage of opportunities in the global economy. According to estimates from the UN Office of Drugs and Crime, TOC contributes 1.5% of the world GDP¹, or about \$870 billion, to the economy each year. It seriously jeopardizes human security and peace by undermining governance, encouraging corruption, and violating human rights. Complex and destabilizing repercussions have resulted from the convergence of various criminal enterprises, especially in areas with poor governance mechanisms.

2. SUBJECT MATTER RELEVANCE IN THE INDIAN AND GLOBAL CONTEXTS

TOC significantly impacts international and national security, leading to corruption, instability, and threats to public safety. The complexity of TOC networks increases their vulnerability and danger, as they often penetrate state institutions, worsening governance and rule of law issues. In India, TOC is a critical issue due to its impact on socioeconomic environments and illegal activities like drug and human trafficking. The Indian government recognizes the need for improved governance and rule of law to combat TOC and improve public health and safety.

3. DEFINITION OF TOC

Transnational organized crime (TOC) is a criminal network operating across national borders, exploiting opportunities in the globalized economy. Key features include operating in multiple countries, using violence, corruption, diversifying activities, exploiting legal institutions, and infiltrating politics through bribery and infiltration.²

¹ United Nations Office on Drugs and Crime. "Transnational Organized Crime: The Globalized Illegal Economy." *Unodc.org.*, www.unodc.org/toc/en/crimes/organized-crime.html. [Accessed 28 Sep. 24]

² Associates, A. (n.d.). *The author(s) shown below used Federal funding provided by the U.S. Department of Justice to prepare the following resource: Document Title: Research on Facilitators of Transnational Organized Crime: Understanding Crime Networks' Logistical Support.* [online] Available at: <https://www.ojp.gov/pdffiles1/nij/grants/254631.pdf> [Accessed 28 Sep. 2024].

GLOBAL IMPACT AND TRENDS IN TOC

The Transnational organized crime (TOC) is a significant threat to global security, public health, economic stability, and democratic institutions, generating \$870 billion annually, equivalent to 1.5% of global GDP. Key impacts include undermining governance, fueling corruption, violating human rights, threatening peace and stability, stealing billions through cybercrime, and expanding into new areas like cybercrime and technological advancements³.

4. CATEGORIES OF TRANSNATIONAL CRIMES

Drug Trafficking:

Drug trafficking is projected to generate \$650 billion worldwide and accounts for 30% of the criminal economy. 90% of the world's heroin is produced in Afghanistan from opium poppies.

Human Trafficking:

About 25 million victims globally, of whom 80% are victims of forced labour and 20% are victims of sex trafficking produces estimated \$150 billion in worldwide revenues each year⁴.

Arms Smuggling:

Ammunition, explosives, and small guns are traded illegally as part of the \$170–320 million yearly arms smuggling industry.

Money Laundering :

Disguises financial resources so that they can be used without the illicit conduct that generated them being discovered. Calculated to be between 2 and 5% of the world GDP, or \$800 billion and \$2 trillion annually.

Cybercrime:

Endures billions of costs for customers every year and jeopardizes government and business

³ *Transnational organized crime (TOC)*. Available at: https://www.dni.gov/files/documents/NIC_toc_foldout.pdf (Accessed: 28 September 2024).

⁴ Drishti IAS (2024a) *Transnational Organised crime*, *Drishti IAS*. Available at: <https://www.drishtiias.com/daily-updates/daily-news-analysis/transnational-organised-crime> (Accessed: 28 September 2024).

networks. Conducted by criminal organizations, many with headquarters in Romania and Russia. TOC networks are becoming more diverse and convergent, which has complicated and unstable global ramifications. Targeting the different forms of TOC necessitates a multifaceted approach to combating it⁵.

5. INDIA'S INSTITUTIONAL AND LEGAL FRAMEWORK:

Principal Acts Concerning TOC in India

Bharatiya Nyaya Sanhita (BNS): The fundamental legal framework for dealing with a variety of criminal offenses, including those connected to organized crime, is provided by the BNS. Particularly pertinent sections for TOC are those that deal with extortion, murder, and conspiracy.

In 2002, the Prevention of Money Laundering Act (PMLA) was passed. The purpose of this legislation is to forbid money laundering and to make provisions for the seizure of assets obtained via it. In order to combat the financial aspects of organized crime, it is important.

The Narcotic Drugs and Psychotropic Substances Act, 1985: This law addresses drug trafficking, a major aspect of TOC, and governs the control and enforcement of narcotic drugs and psychotropic chemicals.

The Unlawful Activities (Prevention) Act (UAPA), 1967: UAPA is designed to prevent unlawful activities that threaten the sovereignty and integrity of India, including terrorism, which often intersects with organized crime.

The Maharashtra Control of Organized Crime Act (MCOCA), 1999: Specifically aimed at combating organized crime, MCOCA provides law enforcement with special powers to tackle organized criminal syndicates, allowing for enhanced surveillance, detention, and prosecution.

The Information Technology Act, 2000: This act addresses cybercrime and electronic

⁵ *Transnational organized crime*. Available at: https://chss.rowan.edu/centers/inter_majors/interdisciplinary_programs/internationalstudies/global_security_resource/global-security-problems-folder/transnational-organized-crime.html (Accessed: 28 September 2024).

commerce, which are increasingly relevant as organized crime expands into cyber domains⁶.

LAW ENFORCEMENT AGENCIES' ROLE:

Central Bureau of Investigation (CBI): Charged with looking into major crimes, including organized crime, the CBI is India's top investigative body. In order to combat TOC, coordination with other agencies and states is essential.

The Narcotics Control Bureau (NCB) is in charge of battling drug addiction and trafficking, upholding the NDPS Act, and working with foreign organizations to combat organized crime related to drugs.

State Police Forces: The major duty of the police forces in each state is to uphold law and order. In order to combat organized crime at the state level, they frequently work in tandem with national organizations such as the NCB and CBI.

Intelligence Agencies: Organizations that monitor and obtain information on organized crime, especially those that links to terrorism and national security threats.

JUDICIAL RESPONSE TO TOC:

The Indian judiciary plays a crucial role in responding to the Toc of Organized Crime (TOC) by interpreting and enforcing laws. Key aspects include special courts, setting precedents, addressing public interest litigations, and collaborating with law enforcement to ensure effective prosecution of organized crime cases, balancing individual rights and addressing

6. INDIA'S CHALLENGES IN COMBATING TOC:

India faces numerous challenges in combating Transnational Organized Crime (TOC), which is compounded by various socio-economic, political, and technological factors. Below are the key challenges categorized into border security and geopolitical issues, corruption, technological limitations, and socioeconomic factors.

Border Security and Geopolitical Challenges: India faces significant challenges in border

⁶ Mahawar, S. (2022) *All you need to know about organised crime in India*, *iPleaders*. Available at: <https://blog.ipleaders.in/all-you-need-know-about-organised-crime-india/> (Accessed: 28 September 2024).

security against TOC due to its geographical location, shared borders with countries with high organized crime rates, and poorly monitored borders with Bangladesh and Myanmar⁷. These borders facilitate the movement of criminal networks, making it difficult for law enforcement to control illegal activities effectively. Geopolitical tensions with neighboring countries can also hinder cooperation in combating TOC, limiting intelligence sharing and collaborative law enforcement efforts⁸.

Corruption and its Impact on Combating TOC: Corruption in India hinders effective combat against TOC by infiltrating government and law enforcement, leading to compromised law enforcement and exploitation of corrupt officials. TOC groups often establish ties with political figures, facilitating their activities and creating a culture of impunity, where criminal activities are overlooked in exchange for political support⁹.

Technological and Resource Limitations: The rapid advancement of technology presents both opportunities and challenges in combating TOC. Criminal organizations are increasingly using sophisticated technologies for communication, money laundering, and operations, complicating law enforcement efforts. Additionally, resource constraints, such as insufficient personnel, training, and technological tools, hinder effective response to evolving tactics of organized crime groups¹⁰.

Socio-Economic Factors Contributing to TOC: The prevalence of TOC in India is influenced by socio-economic factors such as poverty, unemployment, inequality, and lack of education. High levels of poverty and unemployment in rural areas lead to vulnerable populations resorting to organized crime. Inadequate access to education further exacerbates the issue, as marginalized communities lack legitimate opportunities, perpetuating the cycle of

⁷ Samarth. Pathak *United Nations Office on Drugs and Crime, Combating Transnational Organised Crime*. Available at: <https://www.unodc.org/southasia/en/topics/frontpage/2009/combating-transnational-organised-crime.html> (Accessed: 28 September 2024).

⁸ Ahmed, N. *Transnational Organised Crime in India: A new framework of analysis, European Journal of Social Sciences Studies*. Available at: <https://oapub.org/soc/index.php/EJSSS/article/view/123> (Accessed: 28 September 2024).

⁹ *Transnational organized crime: A growing threat to national and international security* National Archives and Records Administration. Available at: <https://obamawhitehouse.archives.gov/administration/eop/nsc/transnational-crime/threat> (Accessed: 28 September 2024).

¹⁰ Ahmed, N. *Transnational Organised Crime in India: A new framework of analysis, European Journal of Social Sciences Studies*. Available at: <https://oapub.org/soc/index.php/EJSSS/article/view/123> (Accessed: 28 September 2024).

organized crime¹¹.

INDIA'S REGIONAL AND INTERNATIONAL COOPERATION:

India actively participates in regional and global bilateral and multilateral cooperation to address a range of issues, including transnational organized crime. In order to cooperate, one must make agreements, take part in international organizations, and work with nations both inside and outside of South Asia. Memorandums of Understanding (MoUs) and other bilateral and multilateral agreements: India has signed a number of MoUs and letters of intent (LoIs) to encourage cooperation in fields like capacity building, security, and information exchange with partner nations and international organizations. Regular discussions at the ministerial, secretary, and joint secretary levels are made easier by these accords.

ENGAGEMENT WITH GLOBAL ORGANIZATIONS :

The United Nations Office on Drugs and Crime (UNODC) is one of the international organizations that India is a member of, and it works to combat transnational organized crime. India takes a proactive role in UNODC programs and activities to target organized crime, including narcotics and human trafficking.

INTERPOL: India works with law enforcement organizations across the globe as a member of INTERPOL to exchange information, plan operations, and capture offenders¹².

SOUTH ASIAN REGIONAL COOPERATION AND BEYOND:

South Asian Association for Regional Cooperation (SAARC): India is a major participant in SAARC and collaborates with other South Asian nations to solve shared issues, such as organized crime.

Association of Southeast Asian Nations (ASEAN): With programs like the "Look East Policy," India has improved its strategic, political, and economic ties with ASEAN nations.

¹¹ (PDF) *Transnational Organized Crime in India: A new framework of analysis*. Available at: https://www.researchgate.net/publication/329862526_TRANSNATIONAL_ORGANIZED_CRIME_IN_INDIA_A_NEW_FRAMEWORK_OF_ANALYSIS (Accessed: 28 September 2024).

¹² *Foreign policy of India (India and Regional Organizations: SAARC, ASEAN & EU – Foreign policy of India)*. Available at: <https://ebooks.inflibnet.ac.in/psp06/chapter/india-and-regional-organizations-saarc-asean-eu/> (Accessed: 28 September 2024).

Shanghai Cooperation Organization (SCO): India's SCO membership offers a forum for security and economic cooperation with Central Asian nations.

SOCIAL IMPACT OF TOC IN INDIA HUMAN:

India is one of the main countries from which people are trafficked, both as a source and as a destination. The most vulnerable groups are women and children. To entice victims into forced labour and sexual exploitation, organized criminal groups take use of factors such as poverty, lack of education, and gender inequity. Globally, human trafficking brings approximately \$150 billion in revenue each year. India is a transit and destination country for drug usage due to its advantageous location between the Golden Crescent and Golden Triangle. To keep power and grow, organized criminal groups resort to intimidation, extortion, and violence. Authorities are no longer trusted, and societal cohesiveness has collapsed as a result.

ECONOMIC IMPACT OF TOC IN INDIA:

Since organized crime groups steal money through real estate, shell corporations, and the unofficial "hawala" banking system, money laundering is a major problem for the world economy. According to World Bank estimates, bribery and corruption cost the world about \$1 trillion a year, with the financial system playing a major role in the money laundering process. This affects the integrity of the financial sector, distorts lawful economic activity, and costs governments money in taxes. Certain areas are less appealing to foreign direct investment when organized crime is present.

7. INDIA'S STRATEGIC APPROACH AND POLICY RECOMMENDATIONS:

Legal Framework: A framework for combating organized crime is provided by important statutes like the Maharashtra Control of Organized Crime Act, the Prevention of Money Laundering Act, and the Narcotic Drugs and Psychotropic Substances Act. But enforcement is still patchy.

Law Enforcement Initiatives: The Narcotics Control Bureau (NCB) and the Central Bureau of Investigation (CBI) are two organizations that have been actively combating organized crime and drug trafficking. Even while there have been achievements, obstacles like resource shortages and corruption make them less effective.

International Cooperation: To improve operational capabilities and intelligence exchange, India works with international organizations including as INTERPOL and the UNODC. Measures such as the creation of. The goal of Border Liaison Offices (BLOs) is to improve regional collaboration.

POLICY GAPS AND AREAS FOR IMPROVEMENT:

- **Inadequate Data Collection:** Appropriate resource allocation and policy formation are hampered by the absence of thorough data on TOC operations. To comprehend the scope and makeup of organized crime, better data gathering and analysis are important.
- **Issues with Governance and Corruption:** Attempts to address Trafficking in Children are hampered by corruption in the governmental and law enforcement sectors. It is imperative to enhance transparency and accountability inside these establishments.
- **Limited Community Engagement:** The value of community involvement in stopping organized crime is frequently overlooked by current solutions. Involving the community can increase support and awareness for law enforcement initiatives.

8. RECOMMENDATIONS FOR STRENGTHENING INDIA'S APPROACH TO TOC:

To combat organized crime, a centralized database should be created to track TOC operations and integrate data from various law enforcement agencies and foreign partners. Strengthening inter-agency coordination and implementing strong anti-corruption measures, such as frequent audits and accountability procedures, is crucial. Community engagement initiatives should be implemented to inform local populations about organized crime threats and promote reporting. Additionally, funding training programs for law enforcement officers can improve their ability to investigate and prosecute cases involving organized crime.

9. ROLE OF TECHNOLOGY AND INNOVATION IN COMBATING TOC:

Implementing secure digital platforms for real-time intelligence sharing among law enforcement agencies can improve coordination and response times. Data analytics and artificial intelligence can identify patterns in organized crime, enabling proactive measures. Strengthening cybersecurity frameworks is crucial to combat cybercrime, which is increasingly

linked to traditional organized crime. Public awareness campaigns using social media and digital platforms can engage the public and encourage community reporting.

10. CONCLUSION:

India's strategic position in South Asia and its growing influence on the global stage necessitate a proactive role in combating TOC. By addressing domestic challenges and enhancing international cooperation, India can contribute significantly to global efforts against organized crime. Strengthening legal frameworks, enhancing law enforcement capabilities, and fostering community engagement will be crucial in building a resilient society capable of resisting the threats posed by TOC. As India continues to navigate the complexities of organized crime, its commitment to a comprehensive and collaborative approach will be vital in shaping a safer and more secure future for its citizens and the region.