

Organized Crime: An Analysis with Reference to State Legislation of Madhya Pradesh to Deal with Organized Crime

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Abstract – In the system of government winning in India it is possible for the councils of the States additionally to make a law with respect to an issue not secured by the Central Legislature. As needs be separated from the enactment recently requested by the Union Legislature there is enactment initiated by the State Legislatures with respect to terrorism. Terrorism secured by this enactment isn't of a comparable kind as is secured by the focal enactment anyway is a kind of issue which is much equivalent to the issue of terrorism. The discourse in this section is thusly to the crimes of related nature, particularly the 'sorted out crimes' which is comparable to the wrongdoing of terrorism. More than one State in India has embraced enactment on the like wrongs. The purpose of this part is to depict the nature and scope of the State enactment on the related offenses which for all purposes are comprehended under the rubric of 'terrorism' The method followed in this section is to exhibit first the wrongdoing issue of the States in view of which they felt the need of having a law and a short time later discussion about the components which constitute the wrongdoing and the punishment that is endorsed in the enactment.

Keywords: Justice System, Criminal Policy, Crime Control

INTRODUCTION

Criminal gangs have been operating in India since antiquated occasions. The gangs of 'hooligans' more often than not went after voyagers or wayfarers while navigating forlorn districts that went through thick wildernesses. The 'hooligans' went in gangs, huge or little, more often than not un-outfitted and giving off an impression of being explorers, religious zealots or different innocuous wayfarers. By methods for in virtuoso traps and falsifications, they won the certainty of their intended unfortunate casualties who were plundered and murdered. Sir William Sleeman was for the most part in charge of wrecking the 'thugg' association. Ruler William Bentinck passed a progression of uncommon enactment to pulverize the gangs. Sir William Sleeman in his book "Meanders and Recollections" guarantees that between 1831-1837, upwards of 3,206 hooligans were continued against; 418 out of that number being hanged and 483 taken as approvers. Approvers and their descendants were detained for a long time in an exceptional foundation at Jabalpur. The hooligan crime is practically wiped out at this point.

Dacoity was a serious hazard in certain pieces of the nation, especially in the Chambal gorges (trijunction of the present States of Madhya Pradesh, Uttar

Pradesh and Rajasthan) in the 1940's and 1950s. Some dacoit chiefs like Man Singh moved toward becoming legends throughout their life time because of their Robin-hood picture. A few such gangs kept on operating in the States of Madhya Pradesh and Uttar Pradesh which have pretty much been neutralized now both because of police activity and social change developments. Plunders of criminal gangs in Bombay constrained the primary Governor of the island to constitute a Special Force comprising of around 600 men in 1669 to control the hazard of the criminal gangs who robbed the residents and visiting mariners alike.

No systematic investigation of organized crime has been directed in India either from a sociological or criminological edge. There is no firm information to indicate the quantity of organized criminal gangs operating in the nation, their enrollment, their modus operandi and the regions of their activity. It would not be wide off the imprint to state that a great many organized gangs operate in the farmland. Their structure and initiative patterns may not carefully fall into the classical Italian Mafia module, and they may at times be operating in free structures, however the thefts of such criminal gangs are excessively notable to be related. Be

that as it may, the most basic normal for organized crime i.e profiting or "boost of benefits" and securing political influence through such cash, exists in a large portion of the gangs. The purpose of organized crime in India, as somewhere else on the planet, is fiscal increase and this is the thing that makes it an imposing power in the present socio-political set up. In perspective on the intricacy of the issue, the mainland size of the nation and lack of authentic information, it is beyond the realm of imagination to expect to cover all, or besides even major, organized criminal gangs in this paper. I have, in any case, attempted to give profiles to some things up, of a portion of the real gangs in metropolitan regions which impressively influence the country's life.

THE MADHYA PRADESH RAJYA SURAKSHA ADHINIYAM, 1990

The State of Madhya Pradesh likewise has enacted a law to provide for the security of the State, maintenance of open request and the related matters which is known as the Madhya Pradesh Rajya Suraksha Adhiniyam, 1990. The Statement of Objects and Reasons supporting this Statute disclose to us the reason which prompted the State Legislature to set out on such an enactment, which read as pursues:-

- "(1) For need of sufficient enabling provisions in existing laws for making effective preventive move to check exercises of hostile to social elements Government have been handicapped to keep up law and request. So as to make convenient and effective preventive move it is felt that the Government ought to be armed with sufficient power to nip the trouble in the bud so peace, tranquility and orderly government may not be endangered.
- (2) Recently the incidence of offenses against adivasis and harijans and ladies are on the expansion and they need all protection against abominations to which they are susceptible. Communal pressure likewise will in general bother peace cherishing natives and that too should be in any way dealt with at the fitting time counteracting its flare up over a wide region. Certain associations bestow preparing to young people on class or position premise which will in general breed hatred and hostility between various networks. Their exercises if not controlled are probably going to endanger security of the State.
- (3) The Madhya Pradesh Rajya Suraksha Tatha Lok Vyavastha Adhiniyam, 1980 was enacted for the purpose yet the equivalent has expired. Consequently the need of new enactment. It is in this way proposed to have

a comprehensive enactment regarding the matter to arm the Government as aforesaid."

This Act contains countless provisions in regards to the powers of the District Magistrates and the State Government for managing the people who are as of now convicted of offenses or the individuals who have the criminal inclination and may whenever resort to perpetrating an offense. Part III of the Act contains the provisions about dispersal of groups and collections of people, expulsion of people going to submit offense and the evacuation of people convicted of certain offenses. With respect to every one of these matters the District Magistrate, has been empowered by this Act to arrange the dispersal of such persons.

The Act empowers the State Government to practice certain powers for keeping up open safety and request. For instance, it empowers the Government to control camps, drills, parades and so on. It says, "If the State Government is satisfied that it is essential in light of a legitimate concern for open security or maintenance of open request to do as such, it might, by general or special request prohibit or confine in any region holding of camps or any activity developments, advancement or drill of a military nature determined in the order." It likewise empowers the State Government to control the utilization of uniforms and prohibit or limit the utilization of pathway, street etc.

THE MADHYA PRADESH DAKAITI AUR VYAPHARAN PRABHAVIT KSHETRA ADHINIYAM, 1981

One more Statute gone by the Legislature of the State of Madhya Pradesh is the Madhya Pradesh Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam, 1981. The Preamble of this Statute spells out the points and objects of the legislation, by saying that it is "an Act to make arrangement for determining certain offenses in the dacoity and kidnapping affected territories of Madhya Pradesh and in regard of punishments subsequently and quick trial thereof so as to control adequately the commission of such specified offenses and to make arrangement for the attachment of properties obtained through the commission of specified offenses and for issues associated therewith or incidental thereto.

The Act empowers the State Government to declare a specific territory as dacoity and kidnapping affected region. It says, "If having respect to the rate of specified offenses in a locale or regions or part or parts thereof, or on getting the report of the police officer or other information in regard thereof, the State Government thinks about that a circumstance has emerged in which the region changed over by such region or regions or part or parts thereof ought to be declared to be a dacoity and kidnapping affected zone for the

purposes of this Act, the State Government may, by notification, declare the region or areas or part thereof specified in that, to be a dacoity and kidnapping area."

The Act empowers the State Government to constitute Special Courts in meeting with the High Court. Where at least two uncommon courts are constituted for any dacoity and kidnapping affected territory or zones, the State Government may, in conference with the High Court, manage the circulation of business among them, including the power of remand.

The Act additionally empowers the District Magistrate to connect property of the individual living in a dacoity and kidnapping affected region if the District Magistrate has motivation to feel that the individual living around there holds property for which he can't satisfactorily represent.

CRIME CONTROL AND CRIMINAL POLICY

Society is determined by the economic, political, social and social conditions and struggle against crime is also determined by those factors. The struggle against crime is the exertion coordinated to the liquidation of criminality. To this end, first, means of criminal law are accessible, and, secondly, non-lawful means, i.e., governmental and social measures sufficient for keeping a criminal offense from being committed. Furthermore, what the struggle against criminality has so far been assigned to, and straightforwardly the purpose of anticipation, is served by the governmental and social measures which on establishing the causes and conditions of criminality eliminate or neutralize circumstances which otherwise would propel the commissions of offences. The non-lawful means do assume a fundamental role in crime control; causation of crime and its control always depends on the measures adopted by government and society to eliminate or limit incidences of neediness, joblessness and injustice. So the non lawful means absolves the basic necessity of a person which makes him a reputable resident (by satisfying his basic needs through its programs) and keeps the society fit as a fiddle by undesirable elements. Aside from the above it is critical to have a strong criminal law which deters the person from enjoying hostile to social activities.

The object of criminal law is to protect the privilege to personal freedom of individuals against the invasion of it by others. It aims at protecting the weak from the strong, the honest from the lawless, and the peaceful from the violent. To accomplish this, the State has set out specific rules of conduct, sanctions for their violation, special machinery to enforce these sanctions and method to protect the system completely. The State steps in for the protection of the citizens' rights when selfishness, eagerness and intolerance achieve intolerable levels prompting hardship of life, freedom and property of different

citizens. When we come to ask why rules of conduct, anyway hard, irksome, or unwelcome, are complied; what makes private life, economic cooperation, and open events run so smoothly; of what, in short, consist the forces of law and order? "There are two general ways in which the social request maintains similarity and copes with the problems arising when individuals veer off in ways that harm or irritate others. One way relies to a great extent on the person's enforcing social rules on himself. The person is, essentially, his own police man, and on the off chance that he violates, he becomes his own punisher (regulating control). The second way, which appears to have arisen in response to a breakdown of the first, relies on kick the bucket risk of punishment to forestall violations, and on the use of suffering to weaken, the guilty party or to deflect him later on (lawful control).

CRIMINAL LAW -PAST AND PRESENT

The idea of crime is essentially worried about the conduct of individuals in the society. As man by nature is social, his interests are best protected as an individual from the society. Each individual possesses certain rights and privileges which he expects others to respect; then again he also has certain duties towards his fellowmen. Self preservation was the first instinct of crime, and individuals pursued "A tooth for a tooth, tit for tat, and a life forever", which denoted a distinct step towards criminal justice. With the development of humanity from primitive stage to that of a social welfare state, the administration of criminal law has assumed extraordinary significance. As long as the people were "God Fearing" and trusted that their actions were being viewed by the "All-powerful" the requirement for the administration of criminal justice was not felt. Anyway with the passage of time and the general population ending up increasingly materialistic, a section of the society consisting of misguided and discontented people lost confidence in the "All-powerful" and scorned celestial mediation. These misguided persons enjoyed criminal activities which prompted the necessity for administration of criminal justice. Moreover, the activities to be named as "criminal activities" have also experienced change with the passage of time. What was respected not destructive fifty years prior has turned into the greatest evil of the day in perspective on changed circumstances, new researches, new reasoning and a cutting edge method for life. Historically, the idea of crime has always been changing with the variations in social conditions during the evolutionary stages of human society. The first civilizations for the most part did not distinguish among common and criminal law.

CRIMINAL JUSTICE SYSTEM

The Criminal Justice System is the system of practices, and organizations, used by national and nearby governments, coordinated at maintaining social control, to deflect and control crime, and punish those who abuse laws with criminal penalties. The essential agencies accused of these responsibilities are, law enforcement bodies i.e., police, prosecution, courts, defense attorneys, neighborhood jails and prisons which administer the strategy for arrest, bringing charges against violators, settling and punishment for those found guilty. While processing the accused through the criminal justice system, the government keeps itself inside the framework of the law that protects individual rights. The pursuit of criminal justice is, similar to all forms of "justice," and "fairness", the Criminal Justice System, when all is said in done, has to ensure, promote and improve the philosophy of value and reasonable play amongst its interdependent subsystems for speedy, just and reasonable conveyance of justice to individuals on the loose. From the beginning of time, criminal justice has taken a wide range of forms which regularly reflect the social foundation of society.

SELF-INTEREST IN CRIMINAL JUSTICE

Self interest is a perplexing concept. Basically it refers to the wide going set of personal aspirations that persuade human conduct. We say that individual's demonstration in their self-interest when they are concerned essentially with advantages to themselves instead of the needs of other individuals or the benefit of the society. Over the centuries the analyses of numerous political philosophers have assumed the power of self-interest. Thomas Hobbes who has been known as the originator of the scientific way to deal with the study of politics, state that the instinct for self-preservation lies behind every human movement, life, as per Hobbes, is an endless pursuit of the means for survival, a constant struggle for self protection and because the security acquired is always destructive in a moment, the quest for power to accommodate future security is insatiable.

CONCLUSION

It is evident that transnational organized crime groups have broadly implemented their activities in India judging from the research and analysis provided in the paper. This is mostly caused by the geo-social situation in the country. Indeed, the political and law environment of India has been the primary factor that has facilitated the proliferation of transnational organized crime. Although globalization rate has contributed a lot to TOC increase, the corruption rate, poor governance, poverty, high illiteracy level and unemployment has also equally added to the issue. Many individuals are unpatriotic to their country and willing to do anything to enrich

themselves, given the poor conditions they live in due to inequality of wealth distribution. As a result, curtailing TOCs has remained to be a significant issue in India. There is need to put efforts in keeping the crime rates within reasonable bounds through law-enforcement pressure. There is need for law collaboration at the state level as well as establishment of effective policies that address TOC in the country.

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