

Gangs and Special Laws Dealing with Gang Crimes in India

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Abstract – A coordinated crime is one in which at least two persons work together in a systematic manner to carry out a protest. It is usually carried out by gang members or members of an affiliation who assist one another and commit crimes together. As a result, it tends to be a group of individuals with a company whose main goal is to make money is to get revenue via illegal activity. Because these protests are carried out by a group of individuals, they are sometimes referred to as gang crimes or organised crimes. In this case, organised crime refers to a group of generally outstanding families that form a mafia to commit crimes. Coordinated Crime has the following characteristics. Their illegal protests are usually conspiratorial in nature. They plan or actually carry out atrocities that have a violent and terrifying tone to them. Despite the fact that they submit activities that are clearly illegal, the path is very difficult. They are very meticulous, efficient, and methodical. They defend their authority against direct involvement in criminal activity. They are very well-liked by the general people and often engage in legislative debates.

Usually, their purpose was to do anything unlawful. Economic gain is the ultimate purpose of every gang crime. This may be obtained by a variety of means, including narcotics, gambling, loan sharking, and money laundering.

Keywords – Crimes, Criminology, Gangs, Special Law.

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INTRODUCTION

Any gang crime has a specific goal in mind: to make more money. This may be obtained by a variety of means, including narcotics, betting, advance sharking, and unlawful tax evasion. Regardless of whether it is India, the United States, or another country, the transformational history of organised organisations of hoodlums will in general uncover an example of progress that is analogous in many ways. Generally, gangs start with a single ambitious person who turns to crime and recruits a few minions. It wins when it comes to bringing in money via his chosen business as usual, whether it's pirating, smuggling, or any other illegal activity.

All gang bosses are aware of the police compulsion or have had a contact with them. They'd want to use their incredible wealth to sway them. However, since not all police officers are accessible or opportunistic, the supervisors must find available tools to eliminate such officers if they are to survive. The politicians in power are the only group of individuals who can influence the cops or compel them to do nothing. As a result, they are the primary targets of the gangs. A legislator is inherently untrustworthy since his livelihood is dependent entirely on winning decisions. When he has to address the electorate, he'll grab at any straw. In India, the three tactics listed below may

be used to collect votes. Right away, the challenger should have a strong presence in the public arena, ensuring that the public votes decisively in his favour. Today, such rivals are quite rare.

The next alternative is to have enough money to buy votes from vote brokers, who are located across the country but cannot be totally trusted. The third alternative is to threaten electors with violence if they do not vote in their favour, or to avoid democratic areas so that their votes may be projected by fakers. Similarly, the democratic corner staff is under fear of being compelled to compromise. The second and third options may be carried out by organised gangs willing to buy votes or intimidate voters. In these circumstances, the legislator believes that using gangs of hoodlums to make choices and gain power is tremendously beneficial. The price they must pay is to assure the gangs that they will not be targeted by the police.

An act performed by two or more persons as a joint endeavour in a systematic way is referred to as organised crime. It is frequently carried out by gang members or members of an organisation who assist each other out and commit crimes together. As a result, it may be a collection of people with a corporate structure whose main goal is to make money by engaging in unlawful acts. Because these activities are carried out by a group of people, they

are frequently referred to as gang crimes or organised crime. As a result, organised crime refers to a group of generally strong families that band together to create a mafia and participate in illegal activity. The following are characteristics of organised crime. Their illicit activities are frequently planned in advance. They try or actually conduct crimes that have a violent and intimidating feel about them. They perform things that are very unlawful, yet they do them in a clever way. They are thorough, methodical, and systematic. They protect their leaders from being directly involved in criminal activity. They are very powerful members of society who often engage in politics. Economic gain is the ultimate purpose of every gang crime. This may be obtained by a variety of means, including narcotics, gambling, loan sharking, and money laundering.

"Those engaged, generally cooperating with others, in continuing significant illegal actions for large profit, elsewhere" is how organised crime is characterised. An organised crime gang is a group of criminals who work together throughout the course of a criminal action or series of crimes. Murders, contract killings, smuggling, illegal weapon supply, bootlegging, ransom, abduction, prostitution, and other operations are mostly carried out by these gangs.

Gangs have a well-defined hierarchy, with the leader at the top, followed by his closest allies, and finally the rest of the gang. Depending on the kind of job they do, they may earn a lot of money.

Youth and delinquent gangs, as well as street and criminal gangs, have become a pervasive menace to communities throughout the United States. Gangs, which were formerly thought to be primarily a city problem, have begun to appear in smaller towns, posing a serious threat to local resources. All gang issues are confined to a certain geographic area. Most gangs are intrinsically local, whether they are established in communities, represent a rite of passage, or provide surrogate families or economic opportunities. Even large-scale gangs with well-known countrywide networks recruit local adolescents and exploit local chances for gang activity.

The gang-problem triangle is a strategy for assessing or creating a greater knowledge of local gang issues, as well as pointing to promising solution options. Before gang-related violence may occur, three components must be present: an offender, a victim, and a location. If each piece is seen as a side of a triangle, it is easy to see how removing one of the triangle's sides would cause the triangle to collapse. Recognizing that there are third parties with responsibilities on each side of the triangle is an essential aspect of the gang-problem triangle. Controllers are those who strive to prevent prospective offenders from committing crimes by acting in their best interests. Guardians are persons who endeavour to keep prospective victims safe from harm. Managers are in charge of overseeing areas

where there is a risk of damage. If communities seek to lessen and prevent future gang issues, they must identify the persons responsible for victims, offenders, and locations and include them in the formulation of strategies and initiatives.

2. THE EVOLUTION OF ORGANIZED CRIME IN INDIA

Whether it is India, the United States, or any other nation, the evolutionary history of organised criminal gangs tends to uncover a pattern of growth that is comparable in most ways. The gangs usually begin with a single innovative individual who turns to crime and attracts a few followers. He is successful in earning money via his chosen method of operation, whether it be smuggling, bootlegging, or any other illegal activity. He buys security for himself and his subordinates by paying the law enforcement authorities in his region, usually the local police station and local customs and excise employees, after he has established himself in his area of operation, which is initially relatively limited. Once he reaches this level, the area's other small-time crooks congregate around him, seeking shelter beneath his protective umbrella. This is accomplished either by these small criminals becoming regular members of his group or by frequent payments of protection money while maintaining their identities. Their operating region, on the other hand, is restricted to an agreed-upon area between both parties.

Without police protection or apathy, no criminal group, no matter how large or strong, can exist. Every gang leader is aware of the police force or has had a run-in with one. They'd rather woo them with their enormous wealth. However, since not all police officers can be bought or are dishonest, the bosses must devise methods to neutralise such cops if they are to survive. The politicians in authority are the only group of guys who can sway the cops or make them do nothing. As a result, gangs attack them first. Because his livelihood is wholly dependent on winning elections, a politician is inherently unstable. When confronted with the electorate, he is eager to grasp at any straw. The following three approaches are often used in India to get votes: To begin with, the candidate must have such a high social standing that the general public would vote for him without reservation. Such people are hard to come by nowadays. The second option is to have enough money to purchase votes from vote brokers who are located around the nation, albeit they cannot be completely trusted. The third option is to terrorise people into voting for them or to remain away from polling booths so that imposters may cast their ballots. Staff members working at the polling booth are also terrorised.

The second and third options may be accomplished by organised gangs with the

financial means to purchase votes or terrorise voters. In these circumstances, it is incredibly easy for politicians to use criminal gangs to win elections and gain power. They have to pay a price in order to safeguard the gangs from police intervention. The mafia can purchase almost anybody with such a large sum of money at their disposal. There are countless instances of high-ranking politicians that have direct ties to the Mafia and are reliant on them to stay in power. To summarise, the Indian Mafia now comprises of Dons, politicians, police, customs, excise, revenue, and, to some degree, the court. They have made significant inroads within all of these agencies, at least significant enough to negate all law enforcement attempts and assure the Mafia's success. In this situation, finding strategies and means to tackle organised crime becomes incredibly challenging. The majority of law enforcement authorities want to put an end to organised crime. They have the capacity to do it as well. Despite the fact that the spirit is willing, the body is weak.

3. THE LAW IN THE CONTEXT OF ORGANIZED CRIME

The police force is after all of the many government employees whose jobs are dependent on the political leader for the simple reason that their postings, movements, promotions, and so on are all subject to their official or informal approval. Because of this reality, the whole police force is enslaved to the political will. What could be a better setup for a gang boss than having a lawmaker provide him with police insurance? Apart from the police, the current situation is beneficial to all law enforcement agencies such as Customs, Excise, Revenue, and others.

A difficult choice must be made by the police officer. He has tremendous position, authority, esteem, and force, as well as a considerable quantity of monetary rewards, if he succumbs to pressure. If he doesn't comply, he will be held in deplorable conditions, denied even basic privileges and positions, and will have a generally perplexing and disappointing career. It is just not realistic to expect a standard required officer to carry out his duties in a lawful manner under these circumstances. The judicial system, which serves as a last refuge for the truthful, does not provide a flawless image of organised crime. The less mentioned about the legal executive during the unlawful intimidation time in Punjab, the better. While the general public and the criminal justice system are both in a condition of insensibility, India's vast metropolitan regions are plagued by organised crime.

Every day, the swarm of illegal abundance with organised gangs becomes larger. Dawood Ibrahim's annual revenue was estimated by the CBI to be Rs.2000 crores per year. This happened five years ago. The present annual combined revenue of all coordinated groups of thugs in India may be safely estimated to be at least Rs.50,000 crores. Around 50 to 60% of total salary would most likely be spent on

gang members' remuneration and the care of their assets, such as cars, ships, safe homes, communication devices, weapons, and so on. It would also cover legal expenses for persons apprehended, as well as payments to the police, customs, extract, air terminal and port personnel, and security and jail professionals.

4. INDIA'S POSITION

The criminals have wreaked havoc on India. The 1993 Mumbai Bombing and the assassination of music mogul Gulshan Kumar are outstanding illustrations of how much the mafia controls India. Some outstanding instances of gangsters are Hazi Mastan, Dawood Ibrahim, and Chhota Rajan in Mumbai; Abu Salem in Uttar Pradesh; Abdul Latif in Gujarat; and Faheem Khan in Jharkhand.

Despite the fact that gangs are heavily involved in criminal activity, there is no national regulation in this area. The Uttar Pradesh Gangsters and Anti-social Activities (Prevention) Act, 1986, is a state-specific legislation. This statute imposes a three-to-ten-year jail sentence for gang offences. A number of additional major legislation address particular aspects of organised crime. The Customs Act of 1962, the ND and PS Act of 1884, the IT (Prevention) Act of 1956, the FER Act of 1973, and the PG Act of 1867, to name a few, are among them. In addition, the State Government has enacted legislation on topics like as taxes, prohibition, and gaming, among others.

5. GANG DRUG AND VIOLENCE INVOLVEMENT

The media and gangs benefit from exaggerated representations of gangs and gang life. The media strives to supplement its profits by distributing sensationalized crime and violence news to the general population. By attributing these instances to gangs, the media is progressively fulfilling this goal. Gang members build a reputation for being tough and intelligent as long as the media presents them in a negative light, which improves their social status.

The ethnic and racial mix of gangs is often misrepresented in the media. Gangs aren't just a small issue. The bulk of research have related gangs and their troubles to social structure elements like the social environment or the opportunities that come with belonging to a certain socioeconomic class. Gangs and violence are associated with urban poor, and gang involvement is seen as a kind of social identity in the face of difficult living conditions. Furthermore, the social and economic opportunities and living conditions of many people have not improved—or have deteriorated.. Members of the gang are now.

A number of gangs are engaged in both using and selling narcotics, while others sell but do not allow gang members to use them. Some gangs are well-organized, while others are fragmented, with individuals involved in drug trafficking but operating independently of the organisation. Other gangs and their members, on the other hand, consume drugs but do not sell them.. There is minimal evidence of a link between drug use and aggressive conduct in general, according to the community. Drug addicts, on the other hand, commit crimes to fund their addictions, which may escalate to violent crime such as robberies on the street. The illegal sale and distribution of drugs is a cause of systemic violence linked to gangs. The feeling of community in an area is destroyed by gang violence, and innocent bystanders are placed in risk..

Despite the fact that gang-related violence seems to be on the rise, there is no evidence to support the assumption that gang participation in the drug trade is to blame for a significant number of killings. Furthermore, Some historians contend that media representations of street gangs, drug sales, and violence have inflated the ties between them, notably during the mid-1980s when gangs were involved in the crack cocaine trade. The majority of the time, gangs participation in violence and murder is motivated by territory rather than drugs. In one report, just 8 of 288 gang-motivated homicides were determined to be drug-related. According to a 1992 study on the relationship between gangs, drug sales, and violence, gang-motivated murders were less likely to include drugs than other homicides, while drug-motivated homicides were less likely to have a gang member. Moreover, victims of gang-related homicides were no more likely than other victims to have a criminal record involving drugs.

6. THE INDIAN PENAL CODE, 1860, HAS A LAW DEALING TO ORGANISED CRIME

- Criminal conspiracy is defined in Section 120-A of the IPC as:

"When two or more people agree to conduct, or cause to be done, an unlawful act, or an act that is not illegal but is carried out in an illegal manner." Such an agreement is referred to as a criminal conspiracy: "provided, however, that no agreement other than an agreement to commit an offence shall constitute a criminal conspiracy unless one or more parties to such agreement perform some act other than the agreement in furtherance of that object merely incidental to that object."

- Criminal conspiracy is punishable under Section 120-B of the Indian Penal Code.

Where this Code makes no express provision for the punishment of such a conspiracy, anyone who is a party to a criminal conspiracy to commit an offence punishable by death, life imprisonment, or rigorous

imprisonment for a term of two years or more is punished in the same way as if he had abetted the offence. Whoever is a party to a criminal conspiracy that is not a criminal conspiracy to commit an offence punishable as aforesaid shall be punished by imprisonment for not more than six months, a fine, or both. There would be no check on organised gangs until the gang commanders are tried and punished. The employment of Sections 120A&B or 114 (Criminal Conspiracy and Abetment) does not fulfil the court's standards for a conviction since proving the existence of a conspiracy between the gang leader and the actual perpetrator is very difficult. Similarly, there is no way to show the gang boss's complicity in the crime since there are no written orders or records, and all commands are given orally and handed down from one level of command to the next until the kill man receives the order from his immediate superior.

7. THERE ARE A FEW OF ADDITIONAL UNIQUE LAWS:

A. Terrorist and Disruptive (Prevention) Act

The police resorted to using the TDA (Prevention) Act because it has a wide definition of a terrorist act and could readily be used to prosecute organised gang offences. However, there was some misuse of this Act by the police, since it was employed in regular instances as well. The Act gives police considerable benefits in dealing with gang crimes, as described below.

- Gang crimes are classified as terrorist acts under the Terrorist and Disruptive Activities (Prevention) Act.
- His confession may be reported to a police officer with the rank of SP.
- The suspects have been in detention for almost 180 days without a charge sheet being filed.
- No bail unless the public prosecutor is heard and the court determines after the trial that no case has been made out.

B. National Security Act, 1980

The Act empowers the federal government, state governments, and any state authorities to hold a person in order to protect him from harming others. As a result, it empowers the government to hold someone without a warrant.

The detention warrant is usually issued for a period of one year. This procedure has been implemented to guarantee that the person does not act in a way that jeopardises the country's security, endangers the defence forces, or harms

international relations. This order must be approved by a board led by a High Court Judge. This is an advisory body, and it must strike a balance between individual rights and national interests. Terrorists, anti-nationals, and criminals who are afraid of leaving the country often exploit this Act. The order's detention is an executive action, and no hearing is held.

C. Narcotics Drugs and Psychotropic Substances Act

The goal of this law is to control the unlawful distribution of psychotropic pharmaceuticals and narcotic narcotics. Individuals and even others are at risk from narcotic and psychotropic substances, which have long-term consequences for their health. Individuals involved in the illegal trade of narcotic drugs and psychotropic substances may be prosecuted under the Prohibition of Illegal Trade of ND and PS Act 1988. Persons participating in the illegal trade of narcotic drugs and psychotropic medications may be prosecuted under the Prohibition of Illicit Trade of PD and PM Act 1988.

D. Gang Problems Needs Assessments

The first step in developing a complete solution to the "gang issue" is frequently a requirements assessment. It may aid in the discovery of hidden issues, the setting of priorities, and (possibly most importantly) the development of a community-wide agreement on what to do. Needs assessments give a different, independent source of information to local governments. This knowledge is critical if politicians and service providers are to spend their time and resources wisely. In many regions, the needs assessment's function in fostering agreement has been particularly beneficial. Communication, coordination, and collaboration among service providers are required to reduce redundancy and guarantee that the individuals with the highest needs are serviced as long as financing for social programmes remains low.

The next phase in a needs assessment is to figure out what services are being provided, where, when, to whom, and, if feasible, with what impact. Assessors also need to know how much services cost and who is responsible for paying for them.

In surveys of community leaders and service providers, interviewing is probably definitely the most effective strategy. Contracting with a local university or market business to conduct in-person or telephone interviews with adolescents and parents is the safest course of action.

Maintaining a high response rate necessitates keeping a close eye on return rates and sending follow-up letters or phone calls as appropriate. The main findings of a needs assessment survey may generally be summarised in a few pages of text

(possibly six or eight) that includes a few basic tables to back up the main findings and linkages.

The collecting of social indicators—basic data that reflect the degree of undesirable outcomes—is a second way to selecting the greatest priority.

For instance, the police department may provide the number of aggravated assaults in which the victim was under the age of 20, which is a reliable indicator of gang activity in many regions. For each school and grade, the school system can track the number of fights in the classroom and the dropout rate. The young unemployment rate may be obtained from the state employment office. These data may then be used to monitor the magnitude of the issue over time and to compare the size of the problem in other cities.

The long-term viability of gang prevention and reduction activities depends on building agreement on a set of goals. The answer will very certainly need sustained and focused work over a long period of time, and a firm vision supported by broad consensus is vital to success.

8. ISSUES AND RECOMMENDATIONS FOR DEALING WITH GANG CRIMES

To successfully deal with organised crime, the Criminal Justice System as a whole will have to approach the issue from a new perspective. Organised gang crimes have built-in safeguards to shield the perpetrators from punishment. The true culprits, the gang commanders, are completely immune to any judicial retribution. This is due to the fact that, despite all of the proposals made by numerous experts, the kind of evidence necessary to prosecute them simply cannot be gathered by the police. Telephone tapping, photographs, listening devices, and other methods of gathering evidence against gang leaders have been suggested, but any such evidence may be shredded by a smart lawyer in court. To convict a gang leader, it must be shown beyond a reasonable doubt that the offence was committed. Assume he planned an abduction for ransom. Then it must be shown that he directed the crime to be committed by the second-line gang leader. It must also be shown that the second line commander, acting on directions from the supervisors, instructed the real kidnappers to perform the crime. The ransom money is hard to trace to the gang leader since it is collected by a third party or via a hawala transaction.

The widespread perception that whatever crime one does will not result in any punishment if one has enough money to hire skilled attorneys or political power is gaining traction. This is not acceptable in any healthy community since it weakens the rule of law's power.

9. CONCLUSION

As a result, we may conclude that the number of gang crimes in India has increased dramatically. The government has been attempting to minimise it by enacting a number of effective measures. As citizens, we must also recognise that it is our responsibility to report any suspicious activity. Let us join together to assist our government and courts in reducing gang violence and delivering high-quality justice. Gang crimes are a fact that is acknowledged by those who have to deal with them. But the main concern is that we haven't been able to stop them. No one is born a criminal; they become one as a result of their circumstances. Due to a lack of knowledge, resources, unemployment, and poverty, many resort to shady means of making money. According to the VK Saraf committee's findings, just 5% of gangsters have completed a college degree. We (the society) will continue to nurture gangs and gangsters as long as there is income disparity, poverty, and lawlessness.

Organized crime is a significant issue in the nation. The need for a resolution and legal system to regulate it is urgent because to its vastness and expanding dimensions. To keep track of gang crimes, the states must develop an institutionalised co-ordinating structure amongst the different states. Furthermore, it is evident that it is up to the judicial courts to determine whether they wish to administer justice or follow the norms of evidence and leave justice to the man on the street to administer. As a result, although fighting organised crime is a difficult undertaking, it should be shared by all branches of government. If the gang manager is also charged, there is no evidence linking him to the crime since there are many tiers of command between the chief and the true criminal. The supervisors are careful to keep a strategic distance from any direct contact with the real perpetrator. The subordinates operate on the premise of "need to know," and are mostly unaware of the gang chief's plans and activities, as well as their inability to provide any important information to the police during cross examination.

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