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# **ORGANISED CRIMES IN INDIA – NEED FOR A COMPREHENSIVE LEGAL FRAMEWORK**

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## **ABSTRACT**

Organised crime in India has become a serious threat to law and order, economic development, and national security. Criminal groups today operate in a planned and continuous manner and are involved in activities such as drug trafficking, human trafficking, cybercrime, and money laundering. The existing legal system in India deals with these crimes through different laws, but there is no single comprehensive law to address organised crime as a whole. This paper examines the concept, causes, and growth of organised crime in India and analyses the effectiveness of the present legal framework. It also highlights the problems faced by law enforcement agencies and the judiciary. The study concludes that there is a strong need for a unified and effective legal framework to control organised crime in India.

## **KEYWORDS**

Organised Crime, Legal Framework, Cybercrime, Criminal Law, India, Law Enforcement

## **1. INTRODUCTION**

Organised crime has become a serious problem in India in recent years. It refers to criminal activities carried out by a group of persons who work together in a planned and continuous manner for financial gain or power. These groups are usually well-structured and operate secretly, making it difficult for law enforcement agencies to control them<sup>1</sup>.

Earlier, organised crime in India was mostly limited to activities like smuggling and illegal trade. However, with the growth of technology and globalization, it has expanded into areas

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<sup>1</sup> N V Paranjape, Criminology and Penology (Central Law Publications 2019).

such as cybercrime, money laundering, drug trafficking, and human trafficking<sup>2</sup>. These crimes affect not only individuals but also the economy and national security.

The growth of organised crime is closely connected with problems like poverty, unemployment, corruption, and delay in the justice system. Although India has many laws to deal with different crimes, there is no single law that completely deals with organised crime. This creates difficulties in effective enforcement.

Therefore, this study focuses on understanding organised crime and analysing the need for a comprehensive legal framework in India.

## **2. CONCEPT OF ORGANISED CRIME**

Organised crime refers to illegal activities carried out by a group of individuals in a systematic and planned manner<sup>3</sup>. These groups are often structured like an organization, where each member performs a specific role. Their main aim is to earn illegal profits and maintain control over certain activities.

Unlike ordinary crimes, organised crime is continuous and involves long-term planning. These groups use violence, threats, and corruption to achieve their objectives and avoid detection.

Common forms of organised crime include drug trafficking, human trafficking, arms smuggling, money laundering, and cybercrime. In recent times, organised crime has also become international in nature, operating across borders.

Secrecy and use of modern technology make these crimes difficult to detect and control. Hence, organised crime is a serious issue affecting society, economy, and governance.

## **3. CAUSES OF ORGANISED CRIME**

There are several reasons for the growth of organised crime in India. Poverty and unemployment are major factors, as people may turn to illegal activities for income<sup>4</sup>. Lack of education also makes individuals vulnerable to recruitment by criminal groups.

Corruption plays a key role, as it allows criminals to escape punishment. Weak enforcement of laws and lack of accountability further increase the problem.

Technological development has made it easier for criminals to commit crimes such as online fraud and hacking. Delay in the judicial system also reduces fear of punishment.

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<sup>2</sup> National Crime Records Bureau, Crime in India Report 2022 (Ministry of Home Affairs, Government of India).

<sup>3</sup> Edwin H Sutherland, Principles of Criminology (11th edn, McGraw-Hill 1992).

<sup>4</sup> K D Gaur, Criminal Law: Cases and Materials (LexisNexis 2020).

Thus, organised crime is caused by a combination of social, economic, and institutional factors.

#### **4. LEGAL FRAMEWORK IN INDIA**

India has several laws to deal with organised crime, but they are not unified<sup>5</sup>. The Indian Penal Code (now replaced by the Bharatiya Nyaya Sanhita) deals with general criminal offences.

The Code of Criminal Procedure (now Bharatiya Nagarik Suraksha Sanhita) provides procedural rules for investigation and trial.

Special laws like the Unlawful Activities (Prevention) Act, Prevention of Money Laundering Act, NDPS Act, and Information Technology Act deal with specific crimes.

However, the absence of a single comprehensive law creates gaps and lack of coordination among agencies.

#### **5. JUDICIAL APPROACH**

The judiciary has played an important role in controlling organised crime. In *State of Maharashtra v. Bharat Shah*, the court upheld strict laws against organised crime.

In *Ranjitsing Brahmajeetsing Sharma v. State of Maharashtra*, the Supreme Court stressed the importance of proper safeguards while dealing with such cases.

These cases show that courts support strict action but also ensure protection of rights.

#### **6. PROBLEMS IN CURRENT SYSTEM**

The existing system for controlling organised crime in India faces several practical difficulties. One of the major problems is the absence of a single comprehensive law that directly deals with organised crime at the national level. Different laws are applied for different offences, which creates confusion and lack of coordination among enforcement agencies. In addition, delay in the judicial process weakens the effectiveness of the legal system, as cases take a long time to be resolved and reduce the fear of punishment among offenders. Corruption within the system also allows criminal groups to operate more freely, thereby affecting the credibility of law enforcement agencies. Further, lack of proper training, modern technology, and coordination between central and state authorities makes it difficult to investigate and control organised criminal activities effectively<sup>6</sup>.

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<sup>5</sup> Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing 1982).

<sup>6</sup> Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing 1982).

## 7. SUGGESTIONS

In order to effectively control organised crime in India, certain measures need to be taken. Firstly, there is a need to introduce a comprehensive and uniform law at the national level that specifically deals with organised crime. Such a law would help in improving coordination and ensuring uniform application of legal provisions. Secondly, the investigation system must be strengthened by providing better training, modern technology, and sufficient resources to enforcement agencies. It is also important to ensure faster disposal of cases by establishing special or fast-track courts, which would help in reducing delay and increasing the efficiency of the justice system. Moreover, strict action must be taken to reduce corruption and improve accountability within the system. Finally, increasing public awareness about the rule of law and the harmful effects of organised crime can play an important role in preventing such activities<sup>7</sup>.

## 8. CONCLUSION

Organised crime is a serious threat to India's legal and social system. Although various laws exist, they are not sufficient to deal with the problem in a comprehensive manner. A strong and unified legal framework is necessary to effectively prevent and control organised crime<sup>8</sup>. Proper enforcement, judicial support, and public cooperation are also essential to tackle this issue.

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<sup>7</sup> United Nations, United Nations Convention against Transnational Organized Crime (2000).

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