

- The most obvious distinction between organized crime and other forms of criminal conduct is that it is "organized."
 - In general terms, it does not include random, unplanned, individual criminal acts. Instead, it focuses exclusively on planned, rational acts that reflect the effort of groups of individuals.
 - Term "Organised Crime" started to use in USA, since 1930s
 - There are many definitions of organized crime.
 - Analysis reveals that several characteristics of organized crime are common among these definitions (Albanese, 2016; Finckenauer, 2005; Hagan, 1983; Maltz, 1985).
 - These characteristics include the purpose of organized crime to financially profit through crime. Organized crime mainly responds to public demand for services. Corruption is an enabler that protects organized crime operations.
 - Sometimes intimidation, threats and/or force are also needed to protect those operations. These elements comprise organized crime as a continuing criminal enterprise.
 - Organized crime is a continuing criminal enterprise that rationally works to profit from illicit activities that are often in great public demand. Its continuing existence is maintained through corruption of public officials and the use of intimidation, threats or force to protect its operations.
 - A general definition has limitations, as organized crime activity varies across countries, regions, crime-types, and nature of its organization. Therefore, it is important to know the general elements of organized crime, but greater knowledge is needed to understand how it manifests in different locations & criminal contexts.
 - The realization that not a single country, no matter how powerful, can fight organized crime across borders in isolation, led to the passage of the United Nations Convention against Transnational Organized Crime, which came into force in 2003.
 - The negotiations leading up to this Convention caused Member States to consider the definition of organized crime in setting the stage for international action.
 - The Convention does not contain a definition of transnational organized crime
 - Instead, the Convention defines "an organized criminal group." A precise definition is required because the Convention aims at directing policy, law & practice in preventing and combating organized crime.
 - Under the Convention (article 2a), an "organized criminal group" is defined using four criteria:
1. A structured group of three or more persons;

2. The group exists for a period of time;
 3. It acts in concert with the aim of committing at least one serious crime;
 4. To obtain, directly or indirectly, a financial or other material benefit.
- For purposes of the Convention, serious crime means an offence punishable by a maximum penalty of incarceration of at least four years (article 2b).
 - While it recognizes that criminal codes vary widely around the world in prescribing incarceration for various offences.
 - The US Task Force Report of 1967 described organised crime as "a society that seeks to operate outside the control of the American people and their government."

SIMILARITIES & DIFFERENCES BETWEEN ORGANISED & OTHER CRIMES

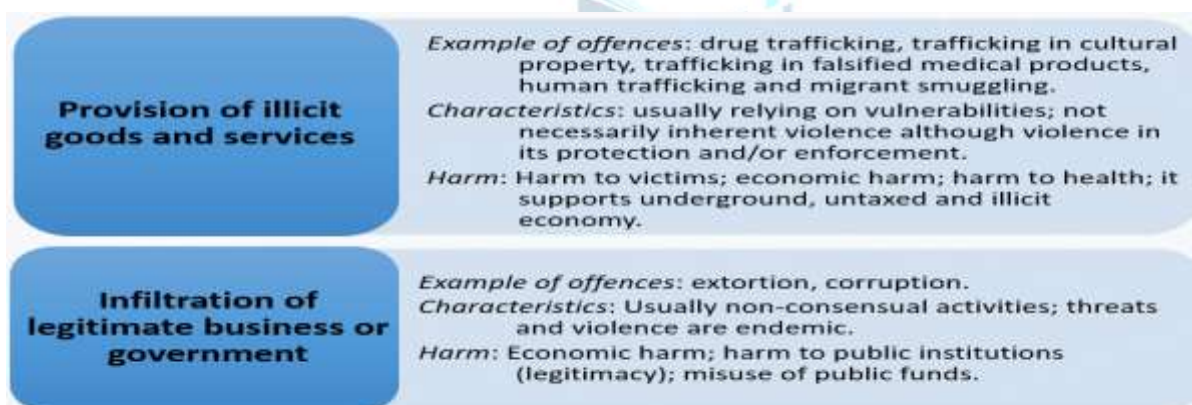
- White-collar crime occurs as a deviation from legitimate business activity, whereas organized crime occurs as a continuing criminal enterprise that exists to profit primarily from illicit activity. .
- White-collar crime can be carried out by an individual whereas organized crime requires more people and planning in order to carry out offences on a more systematic basis
- White-collar crime can also be carried out by organized criminal groups. There has been much research comparing the linkages between organized crime and white-collar crime (Kegö, Leijonmarck and Molcean, 2011; Tusikov, 2012)
- Governmental bodies & politicians can also be considered offenders of organized crime if the elements of the general definition are met. .
- Not only individuals but also legal persons, such as corporations, can carry out crimes during the course of business
- Serious crime is frequently committed under the cover of legal entities. Complex structures can effectively hide the true ownership, clients or particular transactions.
- Legal persons may also be used to shield natural persons from liability, and complex structures may be used to conceal illegal activity.
- The role of legal persons in illegal activity may span the whole range of organized transnational crimes, from trafficking in persons, drugs or arms to corruption and money laundering.
- Ensuring the liability of legal persons is therefore an important component in combating transnational organized crime.
- Terrorism is another form of "organized" criminal behaviour, but it is distinct from organized crime.
- In general terms, terrorism involves crimes committed with the objective of intimidating a population or

compelling a government or international organization with a view to achieving political or social objectives

- Organized crime, always seeks to obtain a financial or other material benefit, whereas power and control can be secondary motives.
- Organized crime can involve violence and coercion, but the objective in organized crime remains profit.
- The definition of "organized criminal group" in the Organized Crime Convention only includes groups that through their activities seek to obtain, a "financial or other material benefit."
- Organized crime cannot be committed by a single person – while a terrorist act can be.
- There is no definition agreed on by all Members States on terrorism. Instead, there are 19 universal legal instruments against terrorism negotiated over the last 50 years.
- Organized criminal groups, however, may also adopt terrorist tactics of indiscriminate violence and large-scale public intimidation.
- The nature of these alliances varies broadly and can include one-off, short-term, and long-term relationships.
- With time, criminal and terrorist groups may develop a capacity to engage in both criminal and terrorist

activities, thus forming entities that display the characteristics of both groups.

- Organised criminal activity has existed in different forms since ancient times, but contemporary patterns of organised crime are infinitely more complex than they have been in the history.
- Contemporary technologies and the emerging world order have undermined the conventional parameters of state sovereignty and the inviolability of national boundaries.
- The communications and information revolution, and expanding processes of interaction, transportation and transaction have dramatically enhanced accessibility across borders, creating increasing levels of information and unprecedented opportunities for both good and evil.
- Patterns of 'development' have also contributed to a plethora of problems in terms of population explosion, competition for survival and scarce resources, and the struggle for existence.
- There are pathological outcomes of such processes of development, including poverty, unemployment, deviance.
- It is in this context that organised crime has established itself as one of the most serious and violent manifestations of the modern criminal world



THE CASE OF INDIA

- Elaborating on the nature and extent of organised crime, M.N. Singh, Commissioner of Mumbai Police, stated, "organised crime is a planned commission of criminal offences inspired by the pursuit of profit and power. It is also a resisting form of criminal activity that brings together a client-public relationship which demands a range of goods and services which are illegal.
- The Maharashtra Control of Organised Crime (MCOC) Act of 1999 defines organised crime as any continuing unlawful activity by an individual, singly or jointly, either as member of an organised crime syndicate or on behalf of such syndicate by use of violence or threat of violence or intimidation or coercion, or other unlawful means with the objective of gaining primary benefits or gaining undue economic or other advantage for himself or any other person promoting insurgency
- The criminal group operates beyond the lifetime of individual members and is structured to survive changes in leadership.
- Criminal gangs have been operating in India since ancient times. The operation of 'thugs' during the British period is well documented.
- The dacoits of the Chambal region till recent times. Several such gangs used to operate in the States of Madhya Pradesh and Uttar Pradesh, and were neutralised as a result of police action and the social reform movement
- In the modern urban world, the gap between aspiration and fulfilment is widening.
- The year 1991 was a watershed in India's economic resurgence. Liberalisation and globalisation of the economy allowed a free flow of foreign goods and capital into the country, and the dramatic growth in computerisation and e-business that followed have led to the emergence of cyber-crime

- All schemes introduced to boost the country's foreign exchange reserves are open to manipulation.
- This is best illustrated by the Value Based Advance License (VABAL) scheme, where up to 60 per cent of the value of exports was allowed at zero import duty and with no income tax on the foreign exchange earning.
- This led to the hawala (illegal money transfer system) racket, where unscrupulous exporters started obtaining export license on the strength of bogus export orders, and made huge profit by arranging foreign remittances through hawala channels.
- M.N. Singh estimates that total hawala transactions in the country stood at Rs. 305 billion a year in 1994.
- The Mumbai bomb blast-case accused, such as Tiger Memon and Moolchand Shah alias Choksi, channelised their illegal earnings through this hawala route, which they also used to fund their bombing operations
- Varadarajan Mudaliar, who started as a porter at the Victoria Terminus (VT) Railway station, took to committing theft at the Mumbai Docks and later graduated to bootlegging in the nineteen sixties.
- In the mid nineteen eighties, he became so influential that he used to hold durbars (conclaves) in his area of influence to settle disputes.
- Similarly, Haji Mastan and Yusuf Patel began as small-scale criminals and later took to smuggling gold and silver.
- They made a lot of money and invested it in 'legitimate' business ventures, primarily construction and real estate.
- As there is no extradition treaty between India and Dubai or Pakistan, and authorities in these countries have refused to extradite, criminals like Dawood Ibrahim
- Operator of organised crime, like Ibrahim got into legitimate business ventures by making investments in ventures like Diwan Shopping Centre in Mumbai, financial stakes in the Diamond Rock Hotel in Mumbai.. East West Airlines , with a collective empire of Rs. 2000 crore

FROM NATIONAL CRIME RECORD BUREAU

Year	Total Cognisable Crimes	Population (Million)	Crime Rate
1953	6,01,964	361.0	160
1963	6,58,830	458.9	143.5
1973	10,77,181	573.4	187.9
1983	13,49,866	720.4	187.4
1993	54,33,574	883.8	184.4
2003	54,94,814	1,068.2	514.4
2013	66,40,378	1,228.7	540.4
2023	58,24,946	1,379.7	422.2

Source: NCRB Annual Reports

- After 1993 Mumbai blast incident the organized crime groups got divided on communal lines – lead to severe gang wars .
- V.K. Saraf developed the following profile of membership and activities:

PROFILE OF ORGANIZED CRIME GROUP MEMBERS

- 66.5 percent of gangsters in his sample were in the age group of 19-28 years; 26 per cent in the 29 to 38 years category; and 6.5 per cent were above 40 years.
- 29 per cent studied up to primary school, 42.5 percent up to secondary school and 5 per cent had college education.
- A majority were drawn from a poor economic background and were propelled into the world of crime due to economic difficulties.
- A majority of the gangsters hailed from outside Mumbai and approximately 30 per cent came from outside the State of Maharashtra.
- The gangs were not based on region or religion, but after the 1993 serial blasts, Hindu gangsters have largely disassociated themselves from the Dawood Ibrahim gang.
- A typical Mumbai gangster is a cool-headed schemer and ruthless and unhesitatingly employs terrorist tactics when he perceives his interest is being jeopardised. He is prone to violence at the slightest provocation.
- The gang leaders have a caring attitude towards the members. The families are well looked after by the leadership when the members are killed or are in jail.
- A gang leader is not a total autocrat. He consults experienced people in the gang.
- There is evidence of a loose confederation of gangsters. A smaller gang may merge into a bigger gang but does not lose its identity completely.
- The gangsters are required to display unflinching loyalty to the boss. Lack of loyalty means death.
- The gangsters are divided into three categories, namely, sharpshooters, money collectors and liaison agents. The liaison agents deal with lawyers and law enforcement officials and assist in legal problems relating to incarcerated gangsters.

Table 2: Crime in Indian Cities

Year (Number of Cities)	Total Cog Crimes	Population Percentage	Crime Rate	National Crime Rate
1993 (23)	2,33,374	8.7	303.1	184.4
2003 (35)	2,91,246	10	270	160.7
2013 (53)	5,56,024	13.3	345.9	215.5
2023 (19)	6,20,356	8.12	553.70	258.1

Source: NCRB Annual Reports

- According to the 2023 report, the 19 metropolitan cities are home to 8.12 percent of India's population but report 14.65 percent of all cognisable crimes. This also means that crime rates in large cities substantially exceed the national crime rate average.
- This corroborates the widely acknowledged finding by criminologists that crime rates are much higher in larger cities than in smaller towns and villages, and that cities are more prone to crime.
- This is perhaps due to the greater opportunity to commit crimes on account of wider access to wealth, and the lower probability of recognition, detection, and arrest.
- Global experiences corroborate this fact. For instance, the crime victimisation rate in the US in 2021 was 24.5 for urban and 11.1 for rural areas
- Additionally, the number of violent crimes in urban areas is rising across the US.
- Similarly, in the European Union, people living in cities across the 27 member states report three times more crime than those in rural areas.
- Not all 19 metropolitan areas showcase the same patterns.
- According to the data in the 2023 report, the cities of Jaipur, Indore, Kochi, Patna, Mumbai, Surat, Ahmedabad, Bengaluru, Kanpur, Ghaziabad, Nagpur, and Lucknow exceed the average crime rate of their states.
- However, Kolkata, Chennai, Coimbatore, Pune, Hyderabad, and Kozhikode have lower crime rates than their state average
- Larger cities have a higher crime rate than smaller ones holds in India.
- According to the 2023 report, Delhi exceeds all other cities studied in terms of the crime rate, at 1832.6, which is 3.36 times the national city average of 544.
- Jaipur (916.7), Indore (767.7), Kochi (626.7), and Patna (611.7) have the next highest crime rates.
- Kolkata is the most peaceful city, with a low crime rate of 78.2.
- Additionally, Chennai (211.2), Coimbatore (211.2), Surat (215.3), Pune (219.3), Hyderabad (266.7), Bengaluru (337.3), Ahmedabad (360.1), Mumbai (367.3), Kozhikode (397.5), Kanpur (401.4), Ghaziabad (418.0), Nagpur (516), and Lucknow (521) have crime rates lower than the national city average.
- The murder rate was highest in Patna (5.2 per lakh population), followed by Lucknow (4.5), Jaipur (4.3), Indore (3.3), and Ghaziabad (3.1). Kolkata (0.2), Kozhikode (0.3), Mumbai (0.7), and Kochi (0.8) have less than one murder per lakh population.
- As a percentage, the 19 urban agglomerations accounted for 7.12 percent of all nationwide murders
- The rate of kidnapping and abduction was highest in Delhi (34.2), followed by Patna (32.4), and Indore (31.1).
- Chennai (0.4), Coimbatore (0.4), and Kochi (0.9) had the lowest rates of kidnapping and abduction per lakh population.
- The 19 cities recorded higher kidnapping and abduction rates as a percentage of their population than the rest of the country (12.99 percent).
- Crime rates against women were the highest in Jaipur (239.3), Delhi (186.9), and Lucknow (161.4). According to the 2023 report, gender crime increased by over 12.3 percent over 2021
- Coimbatore (12.9), Chennai (17.1) and Kolkata (27.8) emerged as the most women-friendly cities.
- Delhi recorded the most crimes against children (7,400), followed by Mumbai (3178) and Bengaluru (1578), while Coimbatore (83), Patna (127) and Kochi (206) were at the bottom of the list
- Additionally, 3,996 cases of crimes against senior citizens were registered in the 19 cities, with Delhi (1313), Mumbai (572), and Bengaluru (458) accounting for the most cases, while Patna, Lucknow, Ghaziabad, and Kanpur had no recorded cases.
- In the area of economic offences, 40,760 cases were registered in the 19 metropolitan cities, a jump of 15.8 percent over 2021.
- Of these, 88.4 percent of cases were of forgery, cheating, and fraud, with the 19 cities responsible for 21.07 percent of all such cases recorded countrywide.
- Additionally, the 19 cities recorded 37.06 percent of all cyber crimes in India, with a total of 24,420 cases registered.

NEED OF A CLASSIFIED DATA

- While the NCRB data is the most comprehensive set of statistics in India, it has some deficits that should be rectified
- The NCRB data is entirely secondary, a mere collection of statistics on crime as supplied by the State Crime Records Bureaus
- NCRB does not independently verify any data by conducting its own research. For instance, the US Bureau of Justice Statistics (primary statistical agency) conducts an annual 'National Crime Victimization Survey' covering around 150,000 households.
- Not all crimes are reported. Criminologists have stated that people's reporting behaviour impacts crime statistics in India
- They also suggest that higher literacy rates lead to higher reporting
- The state-wise literacy rate in 2023, based on the National Statistical Office Survey, varied from 66.4 percent (Andhra Pradesh) to 96.2 percent (Kerala). This is not captured in India's crime statistics, leading to distortions and erroneous inter-state comparisons.
- Burying of crime : – Police authorities not registering an FIR on a crime to present a better picture of crime rates
- There is no cross-verification mechanism to check field data.
- The NCRB states that the gravity or nature of the crime does not receive any weightage and that all crimes are treated equally
- The unavailability of data on all urban areas in the country.
- A starting point is to collect and compile the data generated by the 71 police commissionerates across the country
- The nature of crime is evolving; newer kinds of crime are emerging, and more laws are being enacted, resulting in more heads of crime under which data is collected
- More research must be conducted on the causes of crime in India.



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