
SERIOUS ORGANISED CRIMES- A GROWING THREAT TO NATIONAL SECURITY

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Introduction

Serious organized crime poses a substantial and growing threat to national and international security, with dire consequences for public safety, public health, democratic institutions, and economic stability across the globe. Not only are criminal networks expanding, but they also are diversifying their activities, resulting in the union of threats that were once distinct and today have explosive and destabilizing effects. This *approach* systematizes the nation to combat these crime networks that pose a serious threat to nation. Though laws have been framed for the civilized and well-disciplined society, yet our society is not free from the crimes. Many crimes have been committed in our society and every year they are increasing steadily. With the advancement in technology, techniques of commission of crimes have been changed. Crime has been committed either by individuals or by group with organised manner, which has been known as Organised Crimes. Organised crime means an act, which is committed by two or more criminals as joint ventures in a systematically organised manner. It is an illegal act, which the members of an unlawful association commit with mutual cooperation and adventures.¹

Technological developments and economic markets and also new communication devices are the major factors for this new crime trend. In order to exploit these favorable situations, criminals acquire expertise and join together with other criminals in gangs and operate in organised way.²

SCOPE OF ORGANISED CRIME

Meanings

¹ N.V. Paranjape, *Criminology and Penology With Victimology*, 111 (2012).

² C.K. Gandhirajan, *Organized Crime*, 1 (2004).

Organised crime has aggravated the nature of crime as they are operated strategically and in an organized, well-thought manner. Different authorities and countries have defined the concept of organized crime as follows: -

*United Nation's Convention defines*³ “Organized criminal group shall mean a structural group of three or more persons existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences.....in order to obtain directly or indirectly, a financial or other material benefit”.

In the *United States*, the Organised Crime Control Act, 1970⁴ explain it as “ The unlawful activities of the members a highly organized, disciplines association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, racketeering and other unlawful activities of such association.

*Conference of American Law Enforcement Agents*⁵ suggest that organized crimes as the “product of a self perpetuating criminal conspiracy to bring exorbitant profits from our society by any means fair or foul, legal or illegal. Despite personal changes the conspiratorial entity continues. It is a malignant parasite, which fattens on human weakness. It survives on fear and corruption. By one or other means it obtains a high degree of immunity from law.

*Black Law Dictionary*⁶ also defines organised crime is a widespread criminal activity that is controlled through a central syndicate. Persons involved in the criminal activities, a syndicate of criminals, rely on their unlawful activities for income. It usually evolves and involves a system or specially defined relationship with mutual obligations and privileges.

In *India*, the Maharashtra Government under the *Maharashtra Control of Organised Crime Act, 1999*⁷ defined organised crimeas, “any continuing unlawful activity by an individuals, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by

³ Available at www.unodc.org/en/organised_crime, (accessed on February22, 2013).

⁴ “Global Studies on Organised Crime”, available at www.uncjin.org/cicp/gsoc_e.pdf, (accessed on March 21, 2013).

⁵ Quoted in Alan Wright, *Organized Crime*, 3-4(2006).

⁶ Quoted in TikaramShrawanBhal, *Organised Crime and its Impact on National Security*, 26(2009).

⁷ Maharashtra Control of organized Crime Act, 1999.

use of violence or threat of violence or intimidation or coercion, or other unlawful means with the objective of gaining pecuniary benefits, or gaining undue economic or other advantage for himself or any other person or promoting insurgency”.

As observed there is no universal definition of Organised crime exists. The evolution and the forms of organised crime differ from one country to another, which may be the result of different social, economic, historical and legal factors.

DISTINCTIVE FEATURES OF ORGANISED CRIME

Organised Crime is a dynamic force, everyday its focus may change and adopt according to the counter measures taken by the Government against them. Many authors given the characteristic of organized crime as follow⁸: -

- It is an association of criminals for the purpose of committing illegal act for profit, may be permanent or for a period of time.
- Authority is centralised in the hands of one or few members.
- Create fund to serve as capital for the gang criminal enterprise.
- It is an organisation of group, involving division of labor, delegation of duties and response Criminal gangs seek to expand their activities beyond their borders to secure monopoly throughout the area in which they operate.
- Adopt measures to protect the group and to guard against the interruption of its activities.
- Organised crime required discipline, efficiency, obedience and loyalty and mutual confidence.

PREVALENT NATURE OF CRIMINAL ORGANIZATIONS

There are different kinds of criminal organizations carried on, in India, which can be categorized into the following heads: -

Organised Predatory Crime: Predatory crimes are those crimes, which are committed by two or more persons co-operatively for their own gain including the monetary one without any benefit

⁸Supra note 2 at 11-12.



to others. The robbery, theft, burglary, counterfeiting etc. are such offences. The people are victims of these offences; they do not want these crimes to be committed. The criminals not only harm the members of the society by their acts but they also attempt to corrupt the administrative and judicial system.⁹ Predatory crimes are committed with the desire to gain money, power or heroism. The juveniles who commit the crimes are generally the doers of such crimes and they continue to be so in their adult life also. This leads to segregation of them from the rest of the society with more serious misbehavior.¹⁰

Crime Syndicate: The term ‘crime syndicate’ refers to a gang of criminals engaged in the business of providing some forbidden or illegal service to the customers who are desirous of having it and are willing to pay for that service. Crime syndicates operate because of the availability of market for certain illegal prohibited services. Thus gambling, bootlegging, prostitution, supply of narcotic drugs etc. are mostly carried on by the syndicate of criminals.¹¹

Criminal Racket:Extorting money from legitimate or illegitimate business amount is known as racketeering. This is achieved by intimidation or actual force. Those in illegal business like prostitution, gambling and drug trafficking are especially vulnerable to racketeering since they cannot approach the police and other authorities for protection.¹²

Racketeering differs from a predatory crime, as some kind of service is essentially involved in it and therefore, it is not completely exploitative. It also differs from a criminal syndicate as the service involved in a racket is rendered to those who are normally engaged in legitimate activities while in case of syndicate the service is altogether illegal and prohibited.¹³The public support is also less to the predatory crimes but support to racketeering is proportionate to its market because it cannot flourish otherwise.¹⁴

⁹ Dr. S.S. Srivastava, *Criminology and Criminal Administration*, 32(2002).

¹⁰*Ibid.*

¹¹*Supra* note 1 at 114.

¹² Ahmad Siddique, *Criminology & Penology*, 472, Ed. 6th (2011).

¹³*Supra* note 8.

¹⁴*Supra* Note 12 at 33.

Political Graft: There is a general belief that persons of high status carrying on some legitimate business and professional criminals are inter-connected through political grafts. In order to assume political power and party's victory at polls, the politicians generally seek the support of notorious criminals by the politicians for political gains is commonly known as 'political graft'. Thus 'vote buying' is an example of political graft.¹⁵

DIFFERENTIATION AMONG ORDINARY CRIME AND ORGANISED CRIME

Organised crime is different from other types of crimes. The criminality of persons in organised crime differs from that of conventional criminals because their organization allows them to commit crimes of different varieties on a larger scale than their less organised colleagues. The difference between ordinary criminal activities and organized crime is that the latter seek to govern and control the whole economic structure of the underworld. The notion of organized crime brings in itself an idea of 'exclusivity' or to use a more focused term of monopoly. The very core of the activities of the criminal organization is to acquire a rule-making role in a given area (geographical or economic) so as to levy taxes and impose regulations over legitimate and illicit businesses. It also requires the use of violence, either through threats or actions, not only to extort from illegal firms but also to impose a monopoly of violence over a given area.¹⁶

REASONS FOLLOWING THE GROWTH OF ORGANISED CRIME

There are many factors responsible for the increasing scale of organised crime in recent years. These are: -

Prohibition Policies: - Most States, in world, impose prohibition on the import and export of gold, silver, diamonds and other commodities. This led not only to the smuggling operations but also to the growth of criminal groups to ensure the safe landing, transportation and payments for the contraband jewels, protection from arrest for retailers, and the liquidation of informers.¹⁷

¹⁵G.B.Vold, *Theoretical Criminology*, 231(1958).

¹⁶ Ed. Gianluca Fiorentini and Sam Peltzman, *The Economics of Organised Crime*, 4(1995).

¹⁷ Available at www.plex86.org/computer_2/india_org_crime, (accessed on February 11, 2014).



World Economy: The emergence of cutting edge technology, growing businesses, and political pressures has opened up new avenues for these criminal organisations to prosper. The introduction of rapid money transfer on a global scale has opened up opportunities for illicit money to trickle into legitimate accounts through manipulation of the system. A complete understanding of the causes needs to be attained in order to combat the crime groups. The culture and ethnicity provide an environment where trust and communication between criminals can be efficient and secure. This may ultimately lead to a competitive advantage for some groups, however it is inaccurate to adopt this as the only determinant of classification in organised crime.¹⁸

Poverty and Unemployment: In many cases poverty and unemployment do not just provide a greater supply of potential illegal labor for organised criminal activities, but they also create a favorable environment for criminals to exploit the social fabric of countries as a foundation for organised crime. In some cases (in the South of Italy, for example), organised crime forces legal businesses to generate employment for a fee paid to criminal syndicates.¹⁹

Political Factor: The political factors are also influencing the criminal activities that lead to disruption and instability, violation of immigration policies and human rights by the State. Poor governance, limited law enforcement or implementation of labor standards also enhances criminal activities.²⁰

Social Factors: The social- structural factors influencing and determining these circumstances are industrialization and economic crises, economic decline, underdevelopment, economic policies such as privatization, liberalisation, the withdrawal of subsidies and the commercialization of agriculture.²¹

¹⁸ Available at www.org.crime.php, (accessed on March 25, 2013).

¹⁹ Edgardo Buscaglia and Jan Van Dijk, "Controlling Organised Crime and Corruption in the Public Sector". *Forum on Crime and Society*, Vol. 3, 7 (2003).

²⁰ P. M. Nair, *Trafficking in Women and Children in India*, 8 (2005).

²¹ *Ibid.*



Globalization: Globalization has contributed to the growth of criminal organisations in numerous ways. Technological advances have provided significant opportunities to criminals. Instantaneous electronic communication is utilized by these criminal groups to recruit members, coordinate attacks and build alliances with other organizations and criminal networks.²²

Modernization and Technological Era: Modernization and new technology allows funds to be sent across the world rapidly by electronic transfer. Documents, video recording and text messages are sent via high-speed communication devices through laptops and mobile phones. Criminal groups use advanced communication technologies during the planning, coordination and execution of their illegal activities.²³ The modernization has been a silent partner in crime. Within a contracting world, crime and its traditional boundaries are transforming into predictable and active features of globalization.²⁴

So, globalization has provided various tools for the criminal activities, modern communication system such as the Internet enables their instantaneous transmission. Due to these reasons/factors organized crime has become transnational crime.

EFFECT OF ORGANISED CRIME AT NATIONAL AND INTERNATIONAL LEVEL

National level: Organised crime has a particularly vicious impact on the State it can create strong bonds with larger segments of the population, which sometimes State fails to gain. Many people face with inadequate or problematic State governance, great poverty, and social and political disparities dependent on illicit economies for their livelihood. Criminal group provides the population employment and opportunities for their social advancement. They can also provide a level of security, suppressing robberies, thefts, kidnapping, and murders as well as providing informal Courts, despite there being instigators of crime and instability in the first place. As a

²² Robert Imre, T. Brian Mooney and Benjamin Clarke, *Responding to Terrorism*, 39(2009).

²³ *Ibid* at 131.

²⁴ Mark Findlay, *The Globalisation of Crime*, 1-2 (1999).

result, criminal entities can gain political support from local communities.²⁵ In democratic countries, organised crime and democracy work according to guiding principles, which are in direct conflict with one another. The relationship between organised crime and the democratic State finds that the growth of one negatively affects the growth of the other, that is, consolidation of democracy taking place concomitantly at the local and national levels impedes the growth of organised crime.

International level: At International transnational organised crime groups pose more of a threat to international financial markets as the world economy becomes increasingly interdependent. Laundering billions of dollars in organised crime money worsens national debt problems because the large sums of money are then lost as tax revenue to that country's government. The fear generated by organised crime monopolies in certain industries, such as the agriculture and construction markets, damages the overall economy because it discourages legitimate, innovative business and entrepreneur (foreign or domestic) from entering the market. Global Organised Crime has a damaging effect on political structures, especially on the democratic countries. Fear of organised crime undermines the credibility of political reform and may encourage support for anti democratic, hardline politicians.²⁶

Victimization: Another impact is immediate and direct costs to the victims of organised crime. These costs are financial, more importantly; they are physical in nature as well as mentally and emotionally traumatic. The losses suffered by victims through such things as the violation of their sense of personal safety and security is long lasting and difficult to measure. The Victim of organised crime can be found everywhere as this type of crime knows no boundaries and carries out its activities in communities of all sizes.

Organised crime affects everyone, whether it is through financial, legal or political means. The price of goods and services vary depending upon influence asserted by some mafia

²⁵Vanda Felbab Brown, "Organised Criminal Won't Fade Away", available at www.brooking.edu/research/articles/2012/8/drugs_crime_felbabrown, (accessed on March 27, 2013).

²⁶Mora Stephens, "Global Organised Crime", available at <http://www.fas-org/irp/eprint/synder/globalcrime.html>, (accessed on March 27, 2013).



organizations. Insurance payments increase partly due to fraud, while everyday products prices may change depending on the financial losses that the manufacturing companies incurs due to white collar crime. Organised crime groups seek out corrupt public officials in executive, law enforcement and judicial roles so that their activities can avoid or at least receive early warnings about, investigation and prosecution.²⁷

The threat posed by organised crime is not confined to serious crimes such as racketeering the global drug trade or human trafficking. For many developing countries and fragile State, powerful transnational criminal networks constitute a direct threat to the State itself, not through open confrontation but by penetrating State institutions through bribery and corruption and by subverting or undermining them from within governments that lack the capacity to counter such penetration or that acquiesce in it, run the risk of becoming criminalized or “captured” State. The consequences of organised crime on democratic countries, particularly developing and weak states, are more damaging where criminal organisations have penetrated the political domain in order to better consolidate or expand their economic opportunities and in order to limit competition. Democracy around the globe facing formidable challenges today, not from the external martial forces but internal subversive militants too. Democracy is infected by pernicious affliction initiated and propagated by organised crime that gains control progressively, First they begins as communal criminal gang, later on transform itself into a market driven force, eventually infiltrating the legitimate government at all levels, and finally rendering the government powerless.²⁸

Organised crime has only an economic agenda, to make money. With money, undoubtedly, comes violence, a form of violence, which has the power to immobilize civil society and to control business deals. These two elements necessarily go hand in hand, and although organised crime gangs have become more sophisticated in their legal activities they still deal predominantly in illegal activities as their main source of capital, using violence very often as a way of doing business. In this sphere, violence remains their main currency. Even more

²⁷ Available at www.org.crime.php, (accessed on January 22,2014).

²⁸ Rudy Giuliani, “ Organised Crime Investigation”, available at [www. Detromoconmor.com/3220/3220.html](http://www.Detromoconmor.com/3220/3220.html), (accessed on March 24,2013).

importantly, it is the spread of illegality within the legal economy, which makes it more dangerous and more difficult to detect and combat. Organised crime gangs have mostly appeared and developed in situations of political upheaval, economic chaos and/or social confusion. Author further said that the globalization process has direct impact on the structure, activities and alliances of organised crime groups. These groups are impinging on local, national and international political system and interfering with the everyday functioning of democracies.²⁹

WHY ORGANISED CRIME IS GROWING THREAT ?

Presently organised crime is a big challenge or threat for law makers and investigating authorities as organised crime is not a localized phenomenon rather it pervades all over the globe. In our society many types of organized crimes are prevalent in the form of human trafficking, drug trafficking, prostitution; money laundering, smuggling etc. that is very difficult to trace.

At present information technology and globalization have given fillip to various existing crimes and have evolved into new one like cyber crimes, terrorist attack, money laundering and organ trafficking etc. These organised crimes are also posing threat to internal security of the countries in globalised world.

They use the monetary profits earned by these criminal groups by involving in these illegal activities in protecting themselves from law enforcement agencies. By using their money power they influence the politicians and other authorities and take their shield.

The concept of organised crime is difficult to understand specifically and clearly, as there is no universal definition of organised crime. Many government authorities and sociologist defines it differently, according to their social, economic or political conditions. Moreover, in all the societies, organized crimes are committed in hidden form that's why it is very difficult for law enforcement agencies to combat or control these crimes.

²⁹ Eds. Felia Allum and Renate Siebert, *Organised Crime and the Challenge to Democracy*, 34(2003).



CONCLUSION AND SUGGESTIONS

Undoubtedly, the modern society has to face the serious problem of organized crime in the context of internal peace and national security. Organized criminal groups have increasingly expanded and diversified their activities and these activities are increased transnational in character. It has assumed its virulent form in present times due to several social, economic and political factors and advances in science and technology. There are need to strengthening of criminal laws, criminal justice system, must combat organized crime institutionalizing a national and State level coordinating mechanism, Establish independent, specialized serious crimes units, Enhance police cooperation between different States and also law enforcement agencies should utilize special investigation tools, Enhance the role of media and need for public assistance or awareness to tackle this problem. The growth in transnational organized crime poses a threat to international security. Thus it is more important that a comprehensive coordinated approach on an international level is made to fight with the growing problem of organized crime in the twenty first century.