

**“Face of Organised Crime”**

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The criminal behavior has been prevalent in the conscious mind of every human being. Though it might not show up in the normal situations but it gets revealed when the human body craves to fulfill its needs and motives. The inter-relation of this criminal behavior with the society can be traced way back, even in the time of transition from an animal to a social animal. It is always said that ‘Crime Does Not Pay’, but is quite debatable in the prevalent conditions in India. Crimes were a part of society, even when in the period of Mahatma Gandhi. Crime is not static, it evolves with the limitations pushed by the dire needs. With this evolving process, at the early stages there were more of what we call ‘Petty’ crimes which included several torts, stealing, robbery, theft, assault, trespass and so on. As it is earlier said, crime is evolving process, as the situation in India right now is horrendous as the petty crimes are hard to get registered with the police, high intensity crimes are on the run. Murder, Grievous Hurt, Kidnapping, Extortion, Dacoity are now very common crimes committed in India. Organized crime has its roots embedded in India by its subordinate forms. The central theme on which organized crime works is to give out illegally the services and the goods to uncountable. Organized crime creates an aura in which the thirst of money and power is so high that people tend to the unethical routes. The fundamental of these organized crimes is to create resistance to the power and hold of the government by taking up illegal methods and to create monopoly or a close monopoly in the market, tax evasion, extortion and terrorism can be termed to be the main elements in the organized crimes just to squeeze out the illegal forced profits out of the public hands. In Indian context, protection money, extorted money, robbery money, ransom, gambling, prostitution are some ways to get these profits out of the government. This money seeking then goes on to centralize the power in the wrong hands and therefore this crime makes the government legislation and power

weak. The democratic India is broken down to pieces when such organized crime is consistent. The accumulation of money leads to gain power and authority, which in turn leads to violent methods to accumulate wealth. Thereafter this money is then used for the purpose to infiltrate legal methods carried on by the government. The most stingy turn is when the government officials gets inducted in these crimes as they see this unethical route to be secured to gain money. As the past experiences have given a sour example of the uncontrollable condition of Organized crimes in India, the most affected part is the land of dreams i.e Mumbai. Mumbai has the high living standards as compared to any other state in India thus attracts most of the money and most criminals. Killing of big shot's has made secure the thrusting power and fear in the minds of the people.

Organized crime is not a state related problem or a country based issue; it is a transitional problem for the whole world. This is reflected when crimes like Drug Trafficking, Money Laundering, Terrorism and Arms Illegal trade have made their move onto the interlink-age of the countries.

The basic three-fold structure of the organized crime is:

- Nefarious Group
- Backup Group
- Expert Group

Nefarious groups are those criminal minded people's association type groups in which they have the same motive and to deprive the government of it's power authority. The centralization of power is never seen in such group, no such person heads or chairs this type of group and the power holding ability is for the whole group not just an individual. Thus, it is very abstract to say that there is one who is the Leader. These groups believe in non-stop process and are operated even after the death of a certain member. It is so intertwined that the hierarchical arrangement in these groups are as such, to obtain and clear the main objective of that group. The induction of the members of these groups is very rigorous and selective, as they can't have loose ends. Members having same interest and of acclaimed criminal record holders can be said

to be inducted in these groups. As the risk is too high as to what a person may be behind their back, every inducted person has to prove his worth for the benefit of that particular group. Successfully inducted person is still bound by norms and functions of the group, which includes secrecy. This individual has some other duties as well. Main of which is that he has to do any act or omission for the betterment and safeguarding of the group and in return gets economic benefits out of it and some respect in that group and also keeping the law enforcements at bay. Criminal mentality leads to the unstoppable urge of commencement of crimes. This then becomes their basic income generating method. Criminal conspiracy is inherent within these groups. For the income generation, it can be further subdivided into two parts. As there can be the sources relating to the direct revenue and some other can be the ability of the clan or the group to produce income. Crimes as illegal trafficking of goods and drugs lead to direct revenue while crimes like murder and robbery tests the hand of the members at production of Income. The main aim and objective is to maximize the profits of the group so that the society bows down to the violent methods used by such gangs. Thus increase in these types of gangs and clans in the society have made the pillars of democratic system hollow.

Backup groups are termed as the supporters of such criminalized groups who have a social standing and a political power in their hands. Basically targeting the corrupt politicians and other government post holders. Their main aim to support these criminal groups, not openly but in a hidden manner. As being on the political or a in a government job they indirectly help these groups from getting into fight with the law. Corruption can be the only method used by these officials to provide their group with some funds or security deposits.

Thirdly the experts group is that group in which only the experts handle the tasks. Such as for example a professional sharp shooter is given the job of murder. Thus people of these groups are on ad hoc basis the whole foundation lies on the expertise people. All the big corrupt officials rely on these men.

## Legal Scenario

In India organized crime started with petty crimes and torts, which later became more affixed with monetary and political benefits. India was lacking with various law enforcements in the late 1800's and was crippled by the weak and non-stringent laws. As the time passed by India overcame the problem of stringent laws but still lacks on its enforcements. With the spinning of time, India came up with evolving developments in the science and technology, thus India now suffers from the organized crimes in its varied forms. In Indian scenario there is no such particular law to evade these large-scale crimes thus no law no statue particularly on organized crimes. But it's not like India does not shades away from the fact that these crimes are prevalent in India. Thus to suppress these crimes there are some by laws in India.

According to the Indian Penal Code, Criminal Conspiracy, described under section 120-A defines conspiracy as-

“When two or more persons agree to do, or cause to be done- (1) An illegal act, or (2) An Act which is not illegal by illegal means. Such an agreement is designated as criminal conspiracy: provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof. Merely incidental to that object”. And the Section 120-B describes the punishment for the Criminal Conspiracy.

Now, Dacoity is treated as the oldest form of crime in India and thus relates to looting or extortion. IPC defines Dacoity(Section 391) as-

“When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of Persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt amount to five or more, every person so committing, attempting or aiding is said to commit ‘dacoity’.”<sup>1</sup>

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<sup>1</sup> Indian Penal Code 1860

As the most prominent place of crimes, Maharashtra has to enact an act against the organized crime in India and remains the first and last to do so. MCOCA or the Maharashtra Control of Organised Crime Act enacted by the state legislature in 1999. The preamble to MCOCA says that "the existing legal framework, i.e. the penal and procedural laws and the adjudicatory system, are found to be rather inadequate to curb or control the menace of organised crime. Government has, therefore, decided to enact a special law with stringent and deterrent provisions including in certain circumstances power to intercept wire, electronic or oral communication to control the menace of organised crime"<sup>2</sup>

In this act and not as likely as the other acts which does not consider the confessions made before the Police Officers, here is admissible in the court of law this is used not only against the person who confesses in front of the police but also is used against that person or persons to whom in his confession he refers to do that criminal act. No anticipatory bail shall be applicable to the accused for a period of 6 months. As being very persuading to the fact of curbing these organized crimes, this Act was in 2002 was extended to New Delhi by the department of Union Home Ministry. Not only limited to these sections and laws, Indian legislative powers have interlinked and with far-sightedness have enacted several other laws which can in turn aid the organized crime sector. Laws such as The Gambling Act 1867, Foreign Exchange Regulation Act, Narcotics Drugs, Arms and Ammunition act, Immoral Trafficking Act 1956. The National Security Act 1980 was inducted which incorporated the detention by Central or the State Government if any person is found to be indulged into such criminal gangs or any crime relating to the organized crimes. This detention has to be provided by a presiding High Court Judge with the approval of the Advisory Board. The person, if is under the preventive detention act cannot plead for the trial of his matter because the seriousness is of high intensity, as illicit trafficking and narcotics and

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2. Special: Lawyer Shrikant Bhat Control of Organised Crime Act"

drug abuse are something which is harmful for the society as well as the Indian Economy.

Taking a look to the Indian context, examples such as the big name of 'Dawood Abraham'. No one in India is unaware of the status and name Dawood is known for. He is by far the most feared name in the underworld. Maharashtra was the origin of such underworld king. Born to a Bombay crime branch head constable, he started off his career as being a petty criminal where he stole stuffs and later on came up smuggling gold and silver. In the 1970's the other gangs were relatively weak so as a result of which he took the stage and made the total outcome of the situation. He then started contract killing and cut throat many of his competitors. He became that fearless demi god in eyes of criminals. As a result of which many small criminals came under his shelter. Iqbal, a low profile person, looks after his legitimate business activities including share markets in Hong Kong and jewellery and gold businesses. 25% come from Uttar Pradesh, including Abu Salem, his right hand man. He almost inducted four-five thousand members in his gang. People of high reputation and social and political image also feared him. As there are evidences, where he was found socializing with the Bollywood's top actors and actresses and many would have to pay him for the security reasons. Extortion and other big money dealings went under his eyes. He invested heavily in a mall at Mumbai and his brother is also a businessman in Dubai. Dawood's gang was secular in character before 1993 and used to attract volunteers from both the Hindu and Muslim communities. However, after his involvement in serial blasts in Bombay in 1993, most of the Hindu gangsters have parted company with him. The Chota Rajan gang shot Sunil Samant, a dreaded gangster who continued to be loyal to him, dead in Dubai in 1995. Apart from his brothers, who are his chief counsellors, he now runs his empire through Abu Salem and Chota Shakeel.

According to the Crime in Asian country report for the year 1998, the whole range of incidents of crime reported within the country was half dozen, 180,996, wherein 1.779 million cases were reported beneath the Indian legal code (IPC), followed by four,401,855 beneath the State laws, that showed AN overall increase within

the incidences of crime over the preceding 5 years. Table one reveals that, over the decades, there's a big trend particularly with respect to violent crime, property crimes and economic offence, with percentage/change in 1991 over 1961 being 341.9 within the case of violent crime. In property crimes, it is 39.33 percent and in economic offences eighty three per cent whereas share amendment in 1991 over 1981 in violent crimes and economic crimes area unit twenty seven point four percent and 25.6 per cent severally. Overall, total cognizable crimes (consisting of 3 major classes viz. violent, property and economic offence) share have modified in 1991 over 1961 (i.e. over 3 decades to concerning 168.3 per cent).

The increasing incidence in property crime and economic offences is connected to the widening vary of union networks of crime in Asian country, that area unit bit by bit obtaining a lot of and a lot of complicated thanks to the ever-changing nature and mode of operations in terms of refined instrumentality, money group action and communication systems. Thus, cheating, a non-violent variety of offence (38,173 incidences registered within the year 1998) showed a steep rise of sixty eight.1 percent over the last decade one 1988-98. At the opposite finish, a significant quite union crime like narco traffic, beneath the Narcotic Drug and mind-blowing Substances (NDPS) Act of 1986, conjointly witnessed an increase of thirty six.8 per cent within the decade of 1988-98. Similarly, beneath the Explosive and Explosive Substances Act, there's a rise of thirty one.7 percent cases throughout the last decade 1988-98. it's necessary to say that within the cases involving arms, drugs, and explosives and explosive substances, state has reported the very best range of incidences. it might be fascinating to notice that the information on the market from Crime Branch, Mumbai, (up to Gregorian calendar month 2001) shows that, in Mumbai's gang land activities, an outsized range of recruitments area unit from the State of state.

Now, relating to the American Aspect of the organized crime scenario. The Americans are not very shaded to the fact of the organized crimes as it all began with the creation of thugs.

The American mafia or the organized crime network of Italy and America grew at a large pace during prohibition period of 1920's in America. The prohibition era gave the mafia a new trade of illegal liquor trade, which paved the way of mafias to enter America successfully and form operation networks throughout American cities such as New York and Chicago. Mafias are not formed in a day or two instead it's a well-managed and well-organized group of powerful individuals who control the secondary criminal activities such as gambling, Drug trafficking and fraud. The word mafia was first used for the criminal society of Sicily and was originated there itself. Hence because of this word the similar criminal societies also came to be know as mafias or the mafia such the Russian mafia the Chinese mafia etc. these organization don't have any such prescribed goals but the very own goal of these mafias are to enrich themselves through organized crime. Organized crime does not have one person or a face to be recognized as a criminal instead it involves a number of people who forms a group and control some other people who work for the higher authority in this crime network the crime is done or accomplished by people who are working on the saying of there bosses or the boss of the bosses these people who does crime are mostly the immigrants unemployed people who want to make money fast in this thing the saying that crime dose not pay is totally false. The organize crime is source of fast money making. From being limited within a national boundary organized crime has taken the characteristic of transnational or international nature because of open borders, globalization, growth of Internet etc. organized crime threatens the economic health of the country and also weakens the national security and boundaries also another thing which is so related or had a connection with organized crime is terrorism for this we can take the example of September 11 attacks which was a well organized attack on the united states by Al-Qaeda as said before this crime does not have one individual or one face in this also many faces were involved such as Khalid Sheik Mohammed, Osama Bin Laden and other members of Al-Qaeda who were 19 in number identified up till today.

## **The Origin of Organized Crime in America**

The framework of organized crime starts in Italy, which was just a geographic term before it got its official status in 1871. As Italy is invaded by many empires such as Roman, Greeks, the Western Empire, the Lombard Kingdom. Because of the invasion of many empires and change in ethnicity of the people of Italy many a times the people got does not believe in authority and solved the problem in personal level the decision of the family was binding on all and this hence became the rule for all. Another thing which should be noticed is that if in any country there is so much or turmoil and war these situations leads to the emergence of immigrants in large number to American society and in today's time the Italian immigrants forms the 5<sup>th</sup> largest ethnic group of America. These immigrants were mostly the poor peasants and artisans from Sicily with no education and no fluent English or understanding of the American system hence leading to be an easy target of the la mano nera group to join them.

## **THE SPREAD OF THE BLACK HAND**

The Black Hand or the "La Mano Nera" as called in Italy is an American Italy mafia group the roots of which are traced back to Sicily and to the kingdom of Naples (1750s). The south Italian immigrants in United States also these Black Hand people outraged new reign of terror in United States establish the English name of the organization. New York, Chicago, Olean, Detroit, Philadelphia, Scranton, New Orleans and San Francisco were the major cities where the Black Hand people were firmly established and the headquarters was exposed in Hillsville in west of New Castle. For many a years it was believed that nothing as Black Hand exist in America but in June 1912 it was reported in a newspaper "New York Tribune" about the existence of black hand.

These black hand people used some special tactics of their own to threaten people and one of these were to send a letter to the party to threaten them and jotting down everything about where the money was to be handed to them its delivery time and every small thing. Also these letters used to have an illuminating effect of threatening

symbols such as guns, knife, hangman nose and was mostly signed with hand with thick black ink (another reason they were known black hand society) as signal of warning to the pigeon who is threatened of kidnapping, murder, arson or any other bodily harm. These people mainly threatened their own people or millionaire groups and not the natives of America. As the situation in America described is same in every country the organized crime takes support of the immigrants by threatening and the natives of the nation. Thus this pictures the vulnerability of the immigrants of any nation and this situation continues to the time the immigrants are not well settled in their place and this takes generations.

### **The formation of the Five Families**

The migration of the people of Sicilian brought in many people of the family one of them being 'Mustache Pete' member of mafia group and the establisher of the five families. The mafia in Sicily was a kind of brotherhood or religion for native people or locals it was also known as honored society. Also this society took the control of all government practices in Sicily the same was the objective of the five families for there new city New York. The main purpose was to exploit Italian people itself and not the natives. The member of these families began to take part in government proceeding so as to control the economy of New York. The Sicilian people describe their mafia as "Cosa Nostra" (Our thing) and not mafia. This name was revealed by Joseph Valachi a member of mafia who then turned into a public informer he also revealed the structure of mafia and who ran it. Accordingly mafia was made of hundreds of man properly structured to do there work in different crime families which were also divided accordingly .The most active or marked member were the boss Joe and Salvatore Maranzano. The five families namely were:

1. Bananno or Massino Family (1<sup>st</sup> January 1931)

The founding father or the godfather of this family was Joe Bonanno and the current boss of this family is Michael Mancuso 'the nose'. This family mainly runs its business in Brooklyn, the Bronx, Staten Island and queens.

2. Profaci or Colombo family (5th December 1928)

The founder of this family was Joseph Colombo and the current boss is Alphonse Persico 'little allie boy'.

3. Mangano or Gambino family (1<sup>st</sup> January 1931)

The patron of this family was Carlo Gambino and now it is headed by Frank Cali.

4. Luciano or Genovese family (15<sup>th</sup> April 1931)

The establisher of this family was Vito Genovese and currently it is in control of Liborio Bellomo.

5. Gagliano or Lucchese family (5<sup>th</sup> September 1931)

The founder of this family was Tommy Lucchese and the current boss is Victor Amuso.

The main or the center of these families where they run or operate their extortion rackets are Queens, New York, Brooklyn, Staten Island, Manhattan, the Bronx, New Jersey, Florida, Long Island, Massachusetts, Westchester County, Las Vegas, Connecticut and California. The organization of these families was such that it was 1<sup>st</sup> divided into 20 families when Lucky Luciano came to power after murdering Salvatore Maranzano who declared himself as Capo di Tutti Capi meaning boss of all the bosses. The formation or organization of families was the mastermind of Luciano to get a well-structured mafia gang in his hand after dividing the twenty families. His thought was that for every city where the mafia ran there must be one crime family but afterwards when New York became the organized crime capital of the country the five main families were made and this was not only a thing to structure the mafia gang of America but also a commission was set up to vote on important topics of mafia and these five families also got the right to vote in it. The commission also used to set up the policies and all kinds of misunderstanding or animosity within the family. These families had their hierarchy within themselves: in the first position the boss, under it the underboss, and at last the capos. The membership within the families was limited and the person who was inducted into a family has performed some rituals.

**Dominance of Mafia**

The XVIII amendment act of the American constitution, which prohibited the alcohol production, its sale and transport gave a new money making business to mafia, which was so profitable and advantageous. As the laws relating to alcohol was so stringent and people were not allowed to produce alcohol how would they consume it, as consumption was still legal this thing seemed to be very profitable to practice so the mafia group started the black marketing of alcohol. This trade of alcohol made so much of money for the mafia groups. There were small network of people in each town who used to help in the production and transportation of the alcohol. This was the time when the organization crime of the mafia was at its peak the reason being the illicit trade of alcohol but soon after in 1933 when the XVIII act was repealed and another act came into being relating to alcohol the mafia lost its market in alcohol transportation and production but in these many years this business made so much of money to them so it was easy for the mafia to move to any other business or market such as drug trafficking, labor trafficking and also the mafia moved into legal business such as construction, giving loans and most biggest work was the new york garment industry. Because of the nationwide network of mafia and the information of sea roots the mafia was of so help to government during the World War II. The mafia gave the information to the navy and supported the operation husky of the navy also as there were many small groups of people in every town the mafia helped to reveal the Nazi spies within the country because of these good works of mafia and supporting the government one of the main member of mafia lucky Luciano who was in jail was released and was freed from all charges.

**The findings of FBI**

The FBI came in when the members of the mafia became the informers of the practices of mafia and betrayed the mafia knowing abbot the punishment they will get if they do so whenever any person who betrayed mafia was killed in a way that every other person who thinks to betray mafia gets a lesson or warning from it. The FBI agency worked so hard to burst the racket and dedicated itself to the work one of the

Chief officer J. Edgar Hoover disclosed many secrets related to mafia and the organized crime going on by the mafia in New York. There was a time when the country was ruined by the by robbers and other gangsters and the citizens were told the same as the warfare of gangsters was so common. To fight the mafia FBI requested for new police men and these were the agents of FBI and these became the heroes for the natives as they disclosed many mafia bosses such as machine gun Kelly, Dillinger and pretty boy Floyd every time they kill a organized crime bandit they used hang the corpse in public and this way many gangsters were murdered. But the mafia was also so clever they would buy and control police and the politician who use to run police.

### **Taking down mafia**

By 1980s it was not the same mafia as it same or used to be before the mafia BEFORE the prohibition of alcohol act the mafia does not stop it evolved over time and involved in the drug trafficking but it was not as powerful as it used to be. The mafia mainly used to deal with narcotics but in this business many other mobs was included. The mafia was internally divided and used to have animosity within them after 1980s the commission never met this was all its result. The FBI the set up a racketeer influenced and corrupt organization act (RICO) with the help of congress in 1970 which led to the decline of mafia and destruction of it the RICO act were so rigid that they swallowed many monsters of mafia. By the 21<sup>st</sup> century the mafia in America was just a shadow and not an active mafia as it used to be. The department of justice defined organized crime and other illicit practices. The organized crime control act also came into force in 1970s under U.S President Richard Nixon. According to racketeer influenced and corrupt organization act if someone was found guilty of the organized crime then that person was convicted and given a imprisonment of twenty years with a fine of dollar 250,000. The RICO act scrubbed many of the mobsters from America resulting in decline of the mafia and its power. The families of the mafia also declined with its effect and only one family was left named Gambino family who made so much money. The RICO was successful to convict the members of the family and it took two decapods to jail all the heads of the family. These incidents lead to the decline of the quality and quantity of the gangsters.

However we cannot say that organized crime has died or mafia is all finished it exists now also but in a decayed and poor condition it is with organized crime it is not wiped out but is practiced at a lower level that it used to be. For example we can take so what if the mafia don't have a hold on narcotics it has hold on smuggling of heroine. The 2011,16 indictment charged 127 people and arrested 110 people. This operation was one of the largest operations of all the time in United States against mafia to convict the people. In these days mafia is most active in northeastern United States and Chicago these are place where even today the mafia is a dominating power with smaller families than before.

Thus at a concluding end, the world has seen crime since the beginning of the thought of accumulation of money and power in the society and has every time seem a revolutionized form of crimes. Thus crimes are an inevitable form of the human society, which can only be cubed through the effectiveness of the Judicial and Legislative processes.