CHAPTER 11

TERRORISM, ORGANISED CRIME AND

FEDERAL CRIMES

Terrorism

Terrorism in its aspect as an instrument of psychological warfare, it is in a class by itself since its principal targets are not the traditional power centers but the innocent masses as a whole. One isolated act of violence, or a series of random disorganized directionless acts, therefore, cannot be called terrorism. Any violence then, could qualify to be called terrorism only if it is organized in such a manner as to serve a particular set of objectives, any, for example, winning national freedom, establishing a race or religion based homeland and bringing about fundamental political change. In other words, a violent act can be said to constitute terrorism only on the basis of the intentions behind it. The choice of men like Bismil, Bhagat Singh, Azad, etc., was extremist violence; and that of Netaji Subhash Chadra Bose was revolutionary insurgency; while non-violence as the pious path of Mahatma Gandhi. Consequently, it is assumed that it is the behavioural propensity or the psychological predisposition of the actor which determines his predisposition to terrorist activity.

Ariel Merari has provided a useful typology of terrorist groups that clarifies the relationships; it is based on a distinction between "xenofighters" and "homofighters", that is, between groups that are fighting with other countries and their own countrymen.' The terrorist consciously kills innocent people.' The terrorist knowingly employs terror as a purifying force and brutalizes through indiscriminate terror. Terrorism is a process of Catharsis. The terrorist spreads panic by maximizing uncertainty.

According to Dobson and Payne while discussing the reasons for terrorism admitted that "some come to it by chance, some by design, for wide is the gate and broad the way". As
pointed out by Gelman and also Lefever the age old anachronistic cliche "One man's terrorist is another man's freedom fighter" still holds much water at the national and international scene as well. According to Sterling and Wilkinson, to draw a line between a genuine freedom movement and terrorism is extremely thin and blurred, causing it too difficult to decide as to when is it crossed. Personal background, temper of the social environment of an individual, ideological fashions at a given time, personal experiences, and an emotionally sensitive evaluation of the structure and attributes of the modern affluent society with disproportionate economic disparities play a vital role in driving men and women with a radical bent of mind along the bloody road to terrorist violence. All individuals have an instinct to violence. In fact, violence becomes a form of human behavior only in special conditions and is not the natural state of civilized human life. This shows that certain internal forces drive a man towards violent behavior.

Terrorists do not become terrorists over night; but they follow a pattern of gradual progression from social alienation to boredom to occasional protest and dissidence, before eventually turning to terrorism. Depression, anxiety, helplessness, isolation and alienation are listed as some of the characteristics of neurotics and psychotics. A higher disorder has symptoms like failure of selective perception, disorganized thought and emotions, delusions, hallucinations, anxiety and panic. Hatred, revenge, territoriality and religious motivation, depravity, commitment to freedom or justice plays a significant role. Some psychologists have identified three personality types which are commonly found in terrorist organizations: Psychotic, extrovert, or hostile personality type who constitute the hardcore of any terrorist group and provide leadership. Neurotic extrovert or greedy personality type who lend active support to the psychotic extrovert and constitute active membership of the terrorist organization. Neurotic introvert or deluded personality type, who forms the support group.
This group is on the periphery and consists of those who are fed up with being at the bottom of society's murky economical pond, and those who are completely baffled with and at a loss to understand as to what is going on in the world.

The socio-economic and political climate does play an important role in reducing and increasing the scope of terrorist activities. Factors that may contribute to propitious environment for terrorism and cause a breakdown of social order, (i) Economical, (ii) Historical, (iii) Cultural, (iv) Ethnic, (v) Technological, (vi) Geographical, (vii) Demographical, (viii) Psychological, and (ix) Political. Some writers have asserted that there is a similarity between paranoid and terrorist behavior, particularly in the case of charismatic leaders. One theory explains terrorism as a pattern of behavior that seeks to deal with a lack of self-respect. Terrorism gives a sense of self-worth to the terrorist; for male terrorist, this may involve a renewed sense of masculinity. Participation in terrorist activities also means merging the self into the larger identity of the group.

Typology suggests three categories: crusaders, criminals and "crazies". The crusader is an idealist whose actions reflect a belief a higher cause. The criminal uses illegal methods to seek personal gain. The "crazy" is driven by reasons that appear irrational to others.

Definition: Giving an authentic and universally acceptable definition of terrorism is not an easy task for its Interpretation is a matter of subjective value orientation causing it to be deeply influenced by ideological considerations and personal preferences. The keynote of all the definitions is that 'terrorism involves the symbolic and systematic use of terror inspiring violence'. According to Brian M. Jenkins and Joseph A. Dowling, 'terrorism is lawless violence and point out that the effects, targets, and tactics of this violence are the most important factors to be considered in deciding as to what constitutes terrorism. Working definition as follows:
"Terrorism is the symbolic use or the threat of the use of marginal violence both sporadic and random-resorted to by some individuals or a group of individuals seeking retribution of some real or perceived grievances, either willingly or under the compulsion of circumstances (all other means having been exhausted or remaining inaccessible to them on account of their own weakness or the character of the political system they seek to oppose), against an instrumental target of considerable public significance, to demonstrate the capability of the precipitator to cause widespread panic, anxiety, fear, with or without terror, as also to communicate the threat of more extreme future violence in the non-capitulation, in order to achieve the ultimate objective of forcing the primary target into capitulating to their designs or to avenge regime repression produced in retaliation to the violence perpetrated by such individuals or groups of individuals". Terrorism is a premeditated rationally contemplated course of action, and not a natural response to some momentarily experienced specific motivation or psychological impulse.

According to the Encyclopedia of Social Science "A term used to describe the method or the theory behind the method whereby an organized group or party seeks to achieve its avowed aims chiefly though the systematic use of violence". "The unlawful use of threat of violence against persons or property to further political or social objectives".

The definition under TADA (Terrorist and Disruptive Activities prevention Act) is much more comprehensive. Most of the definitions contain the following elements:

* A method of combat in which random or symbolic victims are targets of violence.
* Use or credible threat group or class are put in a perpetual state of fear.
* Extra-normal nature of the act of violence leading to creation of an 'audience' beyond the target of terror.
The purpose either to immobilize the target of terror in order to produce disorientation with or without compliance or to mobilize secondary targets of demands (for example government) or targets of attention (e.g., Public opinion).

The Central Intelligence Agency defines terrorism as: 'The threat or use of violence of political purposes by individuals or groups, whether acting far, or in opposition to, established governmental authority; when such actions are intended to shock or intimidate a target group wider than the immediate victims.'

Ingredients of Terrorism

1. The propensive inhumanity of terrorism, or what has been called "the systematic use of violence" or "prediction for violent access" or "intimidation" and "continual bloodshed".
2. Terrorism is the anonymity of its threat, or its "unpredictability".
3. The random selectivity of its targets and the obstinate single-mindedness of its precipitators, or 'symbolic or representative selection of the victims or object' or "indiscriminateness" and "arbitrariness".
4. Disproportionately obstrusive effectiveness.
5. The delusional conventionalism and doctrinal appeal underscoring it. This particular feature is also often called the logic of paranoia taken to its ultimate which is "much influenced by intellectual and doctrinal fashions".
6. Functional taciturnity or its "clandestine" and "secretive" nature.
7. Contagious imitativeness.
8. Utter disregard for moral considerations or its "amoral and antinomian nature".

The Malinath Committee has deliberated on this aspect and the recommendations are reproduced as under:

Organised crime and terrorism have been growing globally and India has not escaped their pernicious effect. The nexus between organized crime and terrorism has also been a cause of serious concern to the country. The Committee has given deep consideration to
inter-twined and inter-dependent professional crimes in Indian as well as the international background. The task of dealing with the organised crime and the terrorism becomes more complicated as structured group in organised crime is enmeshed with its counterpart (of structured group) in terrorism. The former is actuated by financial/commercial propositions whereas the latter is prompted by a wide range of motives and depending on the point in time and the prevailing political ideology. The Committee has given deep consideration to the growth of organised crime, terrorism and their invisible co relationship with the avowed objective to destroy secular and democratic fabric of the country. The Committee feels that time has come to sink political differences for better governance of the country and address the task of dealing with these menaces. In the backdrop of the States reluctance to share political power through legislatures, for enactment of federal law to deal with certain crimes, the Committee has made recommendations to deal with (a) organised crime (b) enactment of central law to tackle federal crimes and (c) terrorism.

Terrorism

A Department of Criminal Justice be established to not only carry out the recommendations of the Committee but also set up a Committee, preferably under an Act of Parliament, to appraise procedural and criminal laws with a view to amend them as and when necessary.

Crime Units comprising dedicated investigators and Prosecutors and special courts by way of Federal Courts be set up to expeditiously deal with the challenges of terrorist and organised crimes.

A comprehensive and inclusive definition of terrorists’ acts, disruptive activities and organised crimes be provided in the Indian Penal Code 1860 so that there is no legal
vacuum in dealing with terrorists, under-world criminals and their activities after special laws are permitted to lapse as in the case of TADA1987.

The sunset provision of POTA, 2002 must be examined in the light of experiences gained since its enactment and necessary amendments carried out to maintain human rights and civil liberties.

Possession of prohibited automatic or semi-automatic weapons (like AK-47, AK-56 Rifles, Machine Guns, etc.) and lethal explosives and devices such as RDX, Landmines detonators, time devices and such other components should be made punishable with a term of up to 10 years. Power of search and seizure be vested in the intelligence agencies in the areas declared as Disturbed Areas under the relevant laws.

As the terrorist activities are deeply rooted in the conflicts of the society due to certain repressive laws, imbalanced socio-economic upheaval, religious fanaticism, political polarization and so forth, it shall be the duty of the state to launch programmes and policy adaptation so as to maintain equality amongst citizens. The root-cause of a particular kind to terrorism is analysed well in time adequate. Measures are to be taken so as to mitigate the propagation of the terrorist activity.

Depending upon the terrorist activity such as `xenofighters' and `homofighters', the national and transnational policies and diplomacy have to be analysed and amicable settlements are arrived at.

The narco-terrorism can be curbed by inflicting stringent punishment and maintaining constant vigil by enforcement agencies. Adequate awareness is created in the minds of the general public by inculcating anti-terrorist measures. Appropriate training is also imparted to the law enforcement agency personnel to combat various kinds of terrorism such as dynamite terrorism, messianic terrorism, nuclear terrorism and religious terrorism.
General public should be educated to develop a response to anti-terrorist measures. The unclaimed and unidentified objects at important congregated places should not be allowed to come in contact with the general public. In a concealed form, it may be an explosive or a bomb which may explode by mere touch of the object, e.g., time bomb, transistor bomb, cycle bomb, dynamites, radioactive material etc. Media can play a significant role in bringing about the awareness to the public.

The role of law enforcement agency is legion. Scrupulous and meticulous checkings and earnest patrolling will yield better results.

The law enforcement agency should have separate cell to collect criminal and terrorist intelligence and disseminate them, well in time so that catastrophes could be averted. Security measures have to be stepped up and redefined with due revamping. In case of terrorist attacks, law enforcement agency should remain in full preparedness to attend to the victims and to bring the culprit to books without any loss of time.

It may look paradoxical to speak about moral education to children, juveniles and adults. But it has an inner appeal. Respect for each other, to honour the human feelings, to develop brotherhood and to uphold the pride of the nation are some of the principles of thumb-rule which will go a long way in the annals of history of a country to march on the progressive path. Hatred, disruptive feelings and terrorist activities can be mitigated by means of moral therapy.

Criminal justice administration should come heavily on the terrorists with a strong-hand to meet the ends of justice.

'Suicide squad'- of late, the fanatic terrorist group started attacking their preplanned targets with suicide squad. By laying down their lives they want to propagate their mission by attacking the vulnerable targets and to commit suicide after their mission:

'Human bomb'- History had witnessed that the dynamites, bombs can be hidden on the person and approach the vulnerable target to explode the target and the person - terrorist who acts as a human bomb.
The enforcement agency has to keep its eyes and ears absolutely in a punctilious manner. It shall be the duty of every citizen to contribute his mite to the progress of the nation. Unity in diversity is possible if only every citizen feels the oneness in the larger perspective of the country. If public order and tranquility prevail, happiness and progress will blossom to make the nation on earth with celestial ecstasies.

**Organised Crime**

The scope, definition and manifestations of organised crime have been lucidly dealt by P.M.Nair in his book *Combating Organised Crime* which is reproduced below. *Scope, Definition, Manifestations*

Interpol, the International Criminal Police organisation, defines organised criminals as "any individuals or group of person engaged in continuing illegal activity which has as its primary purpose, the generation of profits, irrespective of national boundaries.

According to the 'Omnibus Crime Control & Safe Streets Act', enacted by the US Congress in the late sixties, "organised crime includes the unlawful activities of the members of a highly organised, disciplined association engaged in supplying illegal goods and services including but not limited to gambling, prostitution, loan sharking, narcotics, labour racketeering and other unlawful activities of such associations."

The World Ministerial Conference Against Organised Transnational Crime held in Naples under the aegis of the United Nations had in its Declaration provided a working definition of organised crime as "group activities of three or more persons, with hierarchical links or personal relationships, which permit their leaders to earn profits or control territories or markets internal or foreign, by means of violence, intimidation or corruption both in furtherance of criminal activity, and to infiltrate the legitimate economy."

The United Nations Convention Against Transnational Organised Crime, in its session held at Palermo, Italy, during 12 to 15 December 2000, gave the following definition.
"Organised Criminal group shall mean a structured 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 offenses established pursuant to this Convention. In order to obtain, directly, or indirectly, a financial or other material benefit."

William Webster, the then Director. The Federal Bureau of Investigation, USA, had stated that "for the purpose of managing investigations, an organised crime group is defined as any group having some manner of formalised structure whose primary objective is to obtain money through illegal activities and maintains its position through the-use of violence or the threat of violence, corrupt public officials, graft or extortion and has an adverse effect on the people in its locale or region or the country as a whole. The President's Commission on Law Enforcement and Administration of Justice in USA had defined organised crime as a 'society that seeks to operate outside the control of the people and their Government, involving thousands of criminals working within structures as complex as those of any large corporation, subject to laws of their own making more rigidly enforced than those of the legitimate government." Organised crimes are not impulsive but rather the result of intricate conspiracies carried on over years and aimed at gaining control over whole fields of activity in order to amass huge property. The Commission defines organised crime as a continuing structured collectivity of persons, who utilise criminality, violence and a willingness to corrupt, in order to gain and maintain power and profit.

The Maharashtra Control of Organised Crime Act, 1999 enacted on 24th April, 1999 defines organised crime as "any continuing unlawful activity by an individual, singly or jointly, either as a 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 pecuniary benefits or gaining undue economic or other advantage for himself or any other person or promoting insurgency." The Act defines 'continuing unlawful activity' as "an activity prohibited
by law for the time being in force which is a cognizable punishable with
imprisonment of three years or more undertaken either singly or jointly, as a member
of an organised crime syndicate or on behalf of such syndicate in respect of which
more than one charge-sheets have been filed before a competent Court within the
preceding period of ten years and that Court has taken cognizance of such offence."
'Organised crime syndicate' has been defined in the Act to mean "a group of two or
note persons who, acting either singly or collectively, as a syndicate or gang indulge
in activities of organised crime."

Section 416 of Indian Penal Code, speaks about criminal association and 'the
distinction between organised crimes and gang cases. It says that "when three or more
persons associate for the purpose of committing more than one crime, whoever
promotes or constitutes or organises the association, shall be punished, for that alone,
with imprisonment from 3 to 7 years." It is obvious that the definition of 'Criminal
association' u/s 416 IPC does not extend beyond the very act. The criminal act is the
finale. Nothing more. nothing less. Section 391 IPC defines dacoity as "when jive or
more persons jointly commit or attempt to Commit a robbery or where the whole
number of persons jointly 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." Here
also the issues do not transcend beyond time and space in a particular instance, even if it
involves a. series of dacoities where gangsters loot several houses or villages.

Criminals become organised due to many reasons: • Consolidation: The age-old maxim
that 'unity is strength', especially when one has to use coercion and force holds true here
also. The organisational strength is much more than that of the individual. • Sharing:
Organised criminals share not only earnings and responsibility but also liability.
Therefore the perceived psyche, which prevails upon the organisation, is of a lesser
liability and risk than what it actually is.
• Specialisation: The sociological dimensions of the organisational structure facilitate interdependency due to the specialised nature of the job each one performs, making each specialist being, dependent on the other.

• Interdependency: This is a function borne out of not only specialisation, as stated above, but also the aggregate of all the risk factors and responsibilities that confront the criminal, had he been operating alone.

• Anonymity: Since a single criminal does not do all the acts and since most of them perform only the specific jobs assigned to them, probably in a 'need-to-know basis', organised criminals can maintain anonymity to a great extent. Law enforcement officials are also 'misled' or 'unled' in such a way that they find difficulty in linking one criminal to another. Speed and surprise: Organised criminal actions have an in-built undercurrent of speed and surprise. In fact, they flourish due to these aspects. Only when they are organised can they contribute to these features. Speedy action entails many accessories like maintaining anonymity, hideouts, being in hiding for long, ready to retreat any time, i.e., shoot and scoot facility.

• International dimensions: The international relations and international scenario also facilitate criminals being organised. This, in turn, could be due to many factors:
  ➢ There is no international police who has jurisdiction over the globe.
  ➢ International relations between countries, even neighbors, being what it is, organised criminals grow and develop, capitalising on the diplomatic quagmires of hot war, cold war, not-so cold war, animosity, mudslinging, etc.
  ➢ Dual criminality principle is an impediment in various countries accepting or appreciating each other's problem. Laws and legal practices are different in different countries. A crime in India may not be a crime elsewhere. Money laundering is a crime in India but not elsewhere. Prostitution is an offence in India but not everywhere. Financial regulations of various countries are different and may not
facilitate transfer of funds or even evidence on financial transactions, especially through banking channels, to other countries.

- Detection avoidance: Organising oneself facilitates 'detection avoidance.' The novice would like to assimilate himself into the organised gang so that he merges himself and is not noticed.

- Transnational clout: Organised gangs wield international importance as powerbrokers, pressure group lobbyists, financier fund raisers, managers of large scale programmes and events and providers of international security. These factors add to the growth and development of organised criminals.

Keeping in view the manifestations of organised crime across the world, and with a specific focus on the Indian context, the essential features of organised crime/criminals could be listed out.

- Connectivity: The networking among the members will be intricate, wide and mostly invisible. Teamwork is the catchword.

- Communality: The criminal association among the members will be strong, intimate and dedicated. The camaraderie will transcend the overt acts and manifestations.

- Continuity: The criminality continues over a considerable period of time and transcends national boundaries. Even if overt acts are intermittent, the underground activities including planning for further acts will be incessant.

- Hierarchy of command: The command structure will be rigorous and well defined with pyramidal structure of authority and power.

- Hierarchy of control: The central authority will be the repository of controls over all functions. Leadership: It will be effective, authoritarian, dominating and awe-inspiring.

- Insulation of the leadership: The boss is invisible and inaccessible to ordinary members. There will be rigid control on access, which is ensured throughout the hierarchical paraphernalia of access, approach, contact and command.
• Motive: It will be either power or profit or both. Power and profits both imply authority and dominance. Power is mostly illegitimate, self-styled and imposed. Authority is illegal, all pervading, unchallenged and unchallengeable.

• Monopoly: The organised criminal gangs will have adequate potential and tendency to be expansive and be monopolistic. Monopoly could be in a geographical terrain or in particular domain of the crime world.

• Predatory: This aspect is exhibited through use or threat of violence, intimidation, coercion and corruption.

• Specialised support: Support of specialised outfits of various sorts will be available and made use of for carrying out specific jobs. The specialists will be utilized as and when required, and may not necessarily form part of the organized syndicate. Their services will be summoned when need arises and will be dispensed with at the appropriate time. Specialised support systems include specialisation of various sorts like (i) sharpshooters, (ii) legal brains, (iii) financial advisors, (iv) moneychangers who help them to invest in real estates, brothel homes, casinos, etc., especially in foreign countries, and also (u) experts in computer and communication technology, who comfortably handle telephones, computers and other means of communication and modern gadgets. They are even known to engage in illegal wire tapping, snooping and indulge in all espionage activities.

• Division of labour: The gang members themselves will also develop specialisation of specific tasks. Besides the support of specialists, they will also distribute the assignments among themselves. The division may be mostly confidential so that one may not know what the other is doing.

• Public protection: A strange feature of the organised criminals, especially in the Indian context, is the unusual degree of public protection, confidence and support they enjoy. More often, public, at least a large section of them hold them in high esteem and regard, and are ardent followers, even ready to sacrifice. Probably the indebtedness is achieved
through the philanthropic activities indulged in by the organised criminals and their Robin Hood-like image born out of the welfare measures they undertake in the community.

Ruthless enforcement: This is what awaits those who try to up smart themselves. The dissidents and violators of the gang norms will never be tolerated. There is no scope for reformation or explanation for suspects who are eliminated without mercy.

Protective measures: Safeguards against interference from the Government and also the law. Enforcement agencies will be vigorously developed. These measures could be, physical. Financial, emotional. etc.

Laundering: Illicit profits are put to use by infiltrating legitimate economic activity. The process will be subtle and discreet to start with. Once legitimisation of illegitimate money is initiated, the nexus into institutional and public life becomes extremely intertwined and is, therefore, difficult to be identified or distinguished unless specialised investigation is carried out. The benami assets look so natural that only a thorough, in-depth probe can expose the same. Legitimisation of the illegitimate over a period of time gives rise to the facade of acceptability in public mind. The facade gets strengthened thanks to the legitimate activities being indulged by the criminals, in addition to their illegal acts. The organised gangs maintain reserve funds from the profits of the crime. This serves as resource for further operations and also as capital for criminal enterprises. Reserve fund is besides the finances, which are being pumped into the legitimate economy.

Age factor: The average age of the member would be twenties or thirties. The specialised support groups could be of different age groups. The sharpshooters are invariably youngsters. Of late, even teenagers are being employed.

Political links: An alarming feature, especially in the Indian context, is the criminal-politician-official nexus. This nexus, at times is so deep-rooted that it becomes difficult to distinguish between various stakeholders. Moreover, the nexus gives a sense of security to the criminals by protecting their activities from law enforcement agencies.
Conspiracy: Organised crime is a conspiracy on conspiracy. The cabals integrate several distinct illegal acts, each of which could be a conspiracy by itself. The large conspiracy is thus a conglomeration of several conspiracies.

Merchants of death and destruction: The story relating to the new 'merchants of death and destruction', says the Supreme Court of India, [K.T.Thomas and R.P.Sethi.J.J.in State of Maharashtra vs. Bharat Chaganlal Raghani & Others, 2001 (4) Scale, 285 Reflects the "woeful situation prevalent in the society where writs of the organised criminal gangs run which affect the peaceful and innocent citizens of the country. This world of gangsters, popularly known as the 'underworld', comprises of various gangs headed by notorious dons for whom, the only valuable thing in the life is 'wealth' and the worthless thing, the 'life' of others. Deaths are sold by these dons at their asking price and purchased by those who resort to have immediate results for their enrichment with the deflation of their otherwise inflated money bags. To his underworld, the unemployed, thoughtless and dejected youths are attracted and the bosses of the gangsters leave no stone unturned to utilise the services of such frustrated and misled youth for the commission of crimes, to further their evil designs. Contract killings by employing mercenary killers, after receipt of considerations known as 'supari' are the orders of the day, particularly in commercial cities of the country where the race for getting enriched overnight is going on at jet speed."

The depredations of organised criminals are closely linked to the underworld operations through various means, mechanisms and manifestations. Besides the dominant ones listed above, there are many subsidiary and latent functions and activities undertaken by organized criminals, some of which are:

- Extortion from businessmen in the form of monthly tolls.
- Protection money being collected from the rich and the famous.
• Infiltration into contract works related to public activities, especially those relating to development of infrastructure, wherein the contract amounts are huge and, therefore, the stakes are high.
• Nexus with arms dealers, both legal and illegal.
• Nexus with smugglers of contrabands including drugs, arms and other banned items.
• Nexus with brothels, pimps, traffickers in women for commercial sexual exploitation.
• Nexus with financiers, especially those who indulge in large-scale financing of films etc.

*Corrupting public officials and law enforcement agencies. This is an essential requirement of the survival strategy. The nexus gets so much intertwined that the phenomenon of corruption becomes all pervading, institutionalised and corporative.

The Mulimath Committee has dealt with this subject and has given valuable recommendations, which are reproduced below.

Organised crime:

The Government to release a paper delineating the genesis of organised crime in India, its international ramifications and its hold over the society, politics and the economy of the country.

Enabling legislative proposals to be undertaken speedily in order to amend domestic laws to conform to the provisions of the UN Convention on Transnational Organised Crime.

An inter-Ministerial Standing Committee be committed to oversee the implementation of the Convention.
The Nodal Group recommended by the Vohra Committee may be given the status of a National Authority with a legal framework with appropriate composition.

- This Authority may be mandated to change the orientation and perception of law enforcement agencies, sensitise the country to the dimensions of the problem and ensure that investigations of cases falling within the ambit of the Authority are completed within a specified time-frame;
- The Authority should be empowered to obtain full information on any case from any agency of the Central or the State Governments;
- It should also have the power to freeze bank accounts and any other financial accounts of suspects/accused involved in cases under its scrutiny;
- The power to attach the property of any accused.

Suitable amendments to provisions of the Code of Criminal Procedure, the Indian Penal Code, the Indian Evidence Act and such other relevant laws as required may be made to deal with the dangerous nexus between politicians, bureaucrats and criminals.

A special mechanism be put in place to deal with the cases involving a Central Minister or a State Minister. Members of Parliament and State Assemblies to proceed against them for their involvement.

That the Code of Criminal Procedure provide for attachment, seizure and confiscation of immovable properties on the same lines as available in Special Laws. A Central, special legislation be enacted to fight organised crime for a uniform and unified legal statute for the entire country.

Fighting organized crime need a multi disciplinary attack. There should be an amendment to the existing laws to give them more teeth. The Maharashtra Control of Organised Crime Act has proved to be a success and can be emulated in the rest of the country. A new witness protection act should be promulgated to ensure that witnesses are duly protected from intimidation and harm. Media and the general public’s cooperation
ought to be enlisted is this onerous task. Strengthening the various law enforcement agencies and ensuring their neutrality in very much necessary. Social activities by NGO’s PILs, writs in the courts of law will help in creating an atmosphere against organised crime.

**Federal Crime**

Certain crimes, which have interstate trans border ramification, can be designed as federal crimes and brought under the concurrent list of the constitution. The state governments may register and commence the investigation of such crimes but when the central federal agency takes it up the former shall abate. The crimes may include terrorists acts, gun running, drug peddling across states, counterfeiting, bank scams etc which involve more than one state or other countries.

The Malimath Committee has dealt with this subject and its recommendations are very useful and are listed below:

**Federal Law**

That in view of legal complexity of such cases, underworld criminals/ crimes should be tried by federal courts (to be established), as distinguished from the courts set up by the State Governments.

That Government must ensure that End User Certificate for international sales of arms is not misused (as happened in the Purulia Arms Drop).

The banking laws should be so liberalized as to make transparency the cornerstone of transactions which would help in preventing money laundering since India has become a signatory to the UN Convention against Transnational Organised Crime.

That a Federal Law to deal with crimes of interstate and/ or international/ transnational ramification be included in List I (Union List) of the Seventh Schedule to the Constitution of India.
The Padmanabhaiah committee, recommendations are also worth noting in this study. They are as follows:

Certain offences having inter-state, national and inter-national repercussions should be declared "federal offences" to be investigated by the Special Crimes Division of the CBI, which should function under the administrative control of the Ministry of Home Affairs.

Taking into account the wide ramifications of the terrorist crime, there have to be different norms regarding the burden of proof, degree of proof and the legal procedures in regard to trial of terrorist cases. There is a need for a special and a comprehensive law to fight terrorism.

There should be a national counter-terrorism coordinator to prepare a comprehensive counter-terrorism plan and budget.