order to finance their habit. It can also lead to a cycle of crime, including prostitution. As organised crime generates high profits, younger members of society are encouraged to join in, in order to earn these ‘easy’ profits. In order to address this problem the supply chain should be cutoff for example, demand in Europe and North America and the neighbouring countries of Afghanistan needs to be controlled, as does the growing problem of use in Afghanistan itself, and the development of new trafficking routes through Central Asia which, in turn, could address the increase in Injecting Drug Users (IDUs) related HIV infection rates in the region.

“The drug situation is still in a benign stage in India, though moving in dangerous directions”. While cultural norms in rural areas effectively restrict drug use to traditional forms and drug-related HIV is still relatively low within the national context of drug use, current trends suggest increasing levels of problematic non-traditional use and addiction. Drug related problems in India are not only legal but also social and cultural, so the Indian drug policy could be made far more effective and appropriate to national realities.

There is little ground for optimism that current global control systems will lead to eradication or significant reduction of drug use. Extensive production, trafficking and consumption of psychoactive drugs will persist in most parts of the world for the foreseeable future. For us, the challenge is to develop policies and programmes both

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3 Blood transferred through the sharing of drug taking equipment, an effective way of transmitting HIV.


nationally and internationally that can manage the phenomenon of drug use in ways that
minimise the health, economic, social and political costs. The 'war against drugs'
approach aimed to eliminate or, at least, to reduce substantially the use of illicit
substances through tough and uncompromising law enforcement is necessary. The reality
is that this is no longer a credible objective. The aim of drug policy for this century
should be to minimise the harms caused by illicit drugs, with law enforcement, treatment
and prevention of drug addiction are continues to be important means to this end.\(^7\) It is
possible to create a list of policy objectives against which progress can be measured
although there are significant disagreements on their relative importance. A detailed
taxonomy is provided by MacCoun and Reuter, which distinguishes between harms to
users, dealers, intimates, employers, neighborhoods and society. They identify four broad
categories of harm: 'health', 'social and economic functioning', 'safety and public order'
and 'criminal justice'. These categories are further broken down into a vast array of more
specific harms ranging from reduced performance at work or school to corruption of legal
authorities, from mental and physical illness to interference in source countries, and from
devaluation of arrest as a moral sanction to HIV and other disease transmission.\(^8\) This
type of approach is more complex, and will need national and international coordination,
but should yield sustainable benefits.

The Indian drug laws are concentrating predominantly on the punitive aspects of
UN Conventions, the Indian authorities are currently failing to address adequately the

\(^7\) These include direct harms to users, harm to families, neighborhoods, communities and societies, as well as
the unintended harms that can result from the implementation of ill-conceived drug policies, nationally and
internationally.

\(^8\) MacCoun R and Reuter P, 'Drug war heresies - learning from other vices, times and places', *RAND Studies in
issue of drug use within our own borders. Without an urgent change in approach, involving not only the refocusing on resources but also the recognition of traditional attitudes to the use and management of mind-altering substances, the nation may in the future face similar drug-related problems those experienced in other countries in the region. In this context the Indian authorities should strengthen efforts to understand patterns and trends of drug use within the country, especially in rural areas falling along the drug trading routes and those close to cultivating areas and develop methods for supporting socio-cultural controls on drug use. The main hurdle here is the lack of coordination among various enforcement agencies involved in arresting drug related offences; they are not properly trained and not provided with modern gadgets to detect drug trafficking especially in airports and harbours. Yet the timely implementation of pragmatic and culturally appropriate policies within India would surely do much to prevent drug related problems.

A number of transnational organized crime groups are heavily involved in human trafficking; it is also carried out by actors who are not part of TOC groups or even non-transnational organized crime groups. Different criminal groups operate in different criminal structures; how groups are organizationally structured can give an indication of how activities are pursued. For instance, it has been established that the more hierarchical the group is, the more likely it is to engage in violence as an essential element in undertaking their activities. Furthermore, higher structural rigidity has also been shown

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to correlate to higher propensity for corruption and transborder activities. The groups involved may be categorized into three, namely:

a. Amateur or low-level traffickers who are most likely to be involved in the recruitment and trafficking of nationals in their own country. They are likely to be paid for their services as opposed to receiving profit directly through exploitation of their victims.

b. Small groups or medium level traffickers who are likely to be permanent members of the operation, operating at all stages of trafficking through exploitation and re-trafficking, and are likely to profit directly from the exploitation.

c. International or high-level networks having operational capacity in source, transit and destination countries and the capability to perform all aspects of trafficking from the recruitment and exploitation of victims to document forgery, money laundering and high-level corruption. At this level of crime, profits from the trafficking in persons are often reinvested in other transnational organized crimes such as drugs and arms trafficking.10

It is crystal clear that drugs and human trafficking go hand in hand as the traffickers use the same route and invariably criminals involved in drug trafficking are also involved in human trafficking. The threat of insecurity has loomed large among women and children throughout the globe; the downtrodden, economically unstable, the uneducated, are especially victims of trafficking. The present globalization process, on the one hand has created livelihood opportunities in urban areas and in specific sectors,

but on the other hand it has led to diminishing choices in rural settings, forcing them to look to urban areas for better opportunities. The major impact of trafficking is the spread of deadly HIV/AIDS; Asia is home to the second largest number of people living with HIV/AIDS and a region with one of the fastest rates of HIV infection in the world. Though the HIV prevalence rates are still reportedly low, the huge population of the region translates them into large numbers; there are over 7.6 million people living with HIV in South and South East Asia. India alone accounted for 5.7 million infections in 2005.¹¹ All over South Asia there are concentrated epidemics among the vulnerable groups such as sex workers, IDU’s and Men having Sex with Men (MSM). The infection is steadily spreading to the general population, fast shutting the windows of opportunity for prevention. Experience from these regions and other parts of the world clearly show that the apparent low prevalence does not offer any room for complacency.

<table>
<thead>
<tr>
<th>Global Summary of HIV and AIDS epidemic (2005)</th>
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<tr>
<td>Number of People living with HIV in 2005</td>
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<tr>
<td>Total</td>
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<tr>
<td>Adults</td>
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<tr>
<td>Women</td>
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<tr>
<td>Children Under 15 years</td>
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<tr>
<td>People newly infected with HIV in 2005</td>
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<tr>
<td>Total</td>
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<td>Adults</td>
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<td>Children Under 15 years</td>
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<td>AIDS death in 2005</td>
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<td>Total</td>
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<tr>
<td>Adults</td>
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<td>Children Under 15 years</td>
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The above table explains the threat of the disease but more threatening, is the spread of epidemic at a very high rate, mainly targeting children and women from the

¹¹ www.youandaids.org
underdeveloped and developing countries. Trafficked people often suffer from a multitude of physical and psychological health problems. Women are especially vulnerable to reproductive and other gender-specific health problems in trafficking situations as they have little or no access to reproductive health care. The increasing migration, gender discrimination, involvement of organised crime, the brutality inherent in some of the indentured arrangements all speak of the need of a global response to human trafficking.

The Indian approach towards human trafficking is fragile as the issue is not only legal but social, economical and cultural; and fight against human trafficking has been ineffective as the enforcement machineries have failed badly in curbing trafficking. Legislative changes have not taken place according to the changing needs; trafficking is fostered, in part, by social and economic disparities that create a supply of victims seeking to migrate and a demand for sexual and other services that provide the economic impetus for trafficking. So it is very important to address the underlying conditions, which drive both supply and demand. The debate of criminalizing or decriminalizing sex labour (prostitution) does not provide any answers to the problem and women will always be exploited. The gross violation of human rights, if not stopped, will destroy the human values and mutual respect; it is the need of the hour that we gear up ourselves to fight organised criminal elements and protect our mother’s, sisters, wives and children by

12 The major chunk of victims of HIV/AIDS are women and children who are silent as their voices are muted by the dominant group, the males in society
13 They are subjected to constant rape, unwanted pregnancy, abortions, loss of blood, mental torture etc.
14 By increasing attention to the economic side of human trafficking, law enforcement authorities could reduce its profitability and consequently, thereby lessening incentive to become involved in organized crime.
providing them equal opportunity in all spheres of development, a better world to live in with mutual respect and care.

Economic crime is today a global and omnipresent phenomenon, even though countries may define the concept differently in their normative structure. It is highly organised and has become more international than ever before. Not so long ago, criminal justice was exclusively a national issue. Nowadays, when an increasing number of countries openly admit to a growing volume of estimated losses due to economic crime, ‘one-rider’ policies no longer work. Nation states have become too vulnerable. Transnational economic crimes are complex in nature especially as they are often combined with legal activities. This is what makes them difficult to trace and quantify. To date, no systematic method of accounting for these crimes exists at regional, national or international level. Money Laundering is being employed by the organised criminals worldwide to conceal criminal activities especially associated with drug / human trafficking. It is well recognized that through the huge profits the criminals earn from drug/human trafficking and other illegal means, will be laundered to contaminate and corrupt the structure of the state at all levels, this definitely leads to corruption. Further, this adds to constant pursuit of profits and the expansion into new areas of criminal activity. Through money laundering, organized crime diversifies its sources of income and enlarges its sphere of action. The social danger of money laundering consists in the consolidation of the economic power of criminal organizations, enabling them to penetrate the legitimate economy. In advanced societies, crime is increasingly economic in character. Criminal associations now tend to be organized like business enterprises and to follow the same tendencies as legitimate firms; specialization, growth, expansion in international markets and linkage with other
enterprises. The holders of capital of illegal origin are prepared to bear considerable cost in order to legalize its use.\textsuperscript{15}

Action against money laundering is difficult. Perpetrators often mix ‘dirty’ money with proceeds from legitimate businesses. Commercial secrecy, banking confidentiality and off-shore legislation continue to place obstacles to investigations. If the money has been sent overseas, international co-operation to trace it is required. Money laundering is difficult to detect and this makes it difficult to measure, distorting economic data and complicating governments’ efforts to manage economic policy and stability.\textsuperscript{16} Corruption is closely related to money laundering. This is because at some stage, proceeds of the former need to be cleared through the financial system to re-enter the mainstream economy and appear legitimate.

In view of the illicit operations of organised crime, the businesses are not declared for tax purposes. The amount of revenue that a country loses from non-taxable profits is impossible to estimate. Another aim of some organized crime groups is to penetrate the legitimate economy. In its survey of organized criminal groups, UNODC found an extensive cross-over between legitimate and illegitimate activities in almost half of the groups considered such as the Outlaw Motorcycle Gangs (OMCGs); the Hells Angels in Canada for instance are involved in legitimate strip clubs, escort agencies, bars and restaurants, some of which they use for money laundering. OMCGs have also strongly penetrated legitimate economy in Australia, owning and operating restaurants, hotels and security companies. In addition, gangs are active in the construction and adult


\textsuperscript{16} One laundering action was reported to have taken 45 seconds to complete and 18 months to investigate.
entertainment industries and have made property and stock market investments. Also in Australia, the Japanese Yakuza are alleged to have legitimately invested in nightclubs and restaurants, entertainment complexes and golf-course developments.\(^{17}\) The Fuk Ching group is reputed to have made significant investments in the United States economy. Gang members are involved in legitimate business activities in New York’s Chinatown and at the local level some gang members own or operate restaurants, retail stores or car services, while at more senior levels, members own wholesale supply firms, factories and banks.\(^{18}\) In Mumbai the underworld has invested its ill-gotten money into entertainment (movies and small screen), construction activities, share markets, hotel industry, transport and related activities. Money laundering impacts not only economy of nation states but also changes the socio and political scenario.

The onus of controlling OC lies on private sectors also especially in combating money laundering; lack of private sector governance provides a breeding ground for the growth of OC from two perspectives. The first perspective refers to the question of how transparent and effective the banking system is and how feasible it is for business to access financial services within a formal regulatory framework in order to conduct its normal activities. If small or large businesses find it difficult to obtain loans, they will rely on illegal sources for the provision of financial services at higher interest rates (usury). The second perspective concerns the governance of the financial sector and corporations, focusing in particular on the anti-money-laundering legislation coupled


with a regulatory framework and banking supervision practices. This perspective helps
the nation state in enacting and implementing anti money-laundering legislation coupled
with their regulatory practices and banking supervision.

Law against money laundering was enacted only in 2002 (brought into force in
2005; amended in 2009) and the provision of the Act though covers wide ranges of
activities which yields illegally earned money and provides for its confiscation. The
problem lies in the enforcement as, the money is either transacted through ‘Hawala’ or
‘E-banking’; this makes the task more tough as it needs technological support to trace the
money transacted and until banks (private) support the authorities (reporting suspicious
transactions of huge amounts) no law can combat money laundering. The present
scenario is that the enforcement authorities are heavily depended on information provided
by banks; the FIU-IND is responsible for strengthening efforts amongst the intelligence,
investigative, and law enforcement agencies towards reaching global standards to prevent
money laundering and related crimes, but the problem is that it has no specially trained
unit and it works under the finance ministry, and it requires a specialized wing to combat
money laundering with updated technological support.

A number of political and economic developments have brought terrorism and OC
into each other’s territory. There are also a number of clear structural similarities that
would appear to make collaboration advantageous for both of them. In addition, both
types of organization can be expected to attract the kind of personality that reconcile the
two types of criminal activities.\textsuperscript{19} It is more advantageous for organized crime to work

\textsuperscript{19} Frank Bovenkirk and Bashir Abou Chakra, “Terrorism and Organised Crime”, Forum on Crime and Society,
with substantial organizations that really exert political influence than with the lone fanatic who attacks unexpectedly and only generates temporary panic. 20 Both types of organization tend to recruit the majority of their members from the same reservoir of marginal segments of the population, which are subject to social, cultural or political frustration. Both types of organization consist of people who are prepared to take risks, enjoy excitement and thrills and look down on the norms of regular society. There may be a division of labour here. Terrorist groups might bring forth leaders and the criminal underworld that may produce people with the necessary operational and survival skills. The newly emerging hybrid group of “organized criminal terrorists” is likely to be a group of individuals who sponsor, support, and/or actively engage in terrorist activity in order to promote their own personal interests, striving to acquire more power and wealth.

The impact of terrorism is now increasingly felt by all societies; the economic impact of terrorism is huge and includes direct economic losses due to property destruction, extortion payments, theft and sabotage. In addition, there are increased costs due to higher insurance premiums, additional security staff, reinforcement of facilities and hiring security consultants. 21 The total cost to the world is difficult to assess, but probably amounts to several hundreds of billions of dollars; the loss of life resulting directly and indirectly from terrorism has also been substantial. The cost of terrorism to security forces and private companies is just beginning to be measured. 22 The financing of terrorism takes many forms and represents an economic structure that has many of the

same characteristics as TOC. Despite the passage of new laws regarding money-
laundering in several countries, the ability to investigate such transactions is limited at
best. Terrorist and organized crime activities represent a minute and therefore hard to
detect portion of the trillions of dollars in the global banking systems. Major sources of
income for terrorist groups are organized crime and the trafficking of weapons and drugs.
The UN estimates that the drug trade involves about $400 billion a year, and the trade in
light weapons has increased significantly following the end of the cold war.23 The
economic costs are not limited to a single country; they affect developing as well as
developed countries. The costs of terrorism cannot be measured directly as a result of a
single act or group and the major costs may well be in the indirect and lasting effects on
the lives of ordinary citizens who lose family and jobs or find their quality of life
diminished. Although terrorism is not a new phenomenon, the advent of new weapons,
new tactics and different targets has increased the threat. However, economic costs are
but one measure; it is impossible to measure the psychological and emotional toll on
people or the impact on the political stability of many countries. No country can succeed
alone in mounting a counter-terrorism effort, for we live today in an interdependent world
community. Ultimately, the only hope of success in reducing terrorism lies in cooperation
among countries and international organizations involved in fighting terrorism.

The charisma of state's authority is under strain.24 The staggering rise in intra-state
conflicts and the growing tentacles of TOC especially terrorism has raised questions

Schaar has written some thought provoking essays on legitimacy and authority of the state in modern times. He
about state legitimacy. States are no longer considered to be the most effective means of enforcing international norms and order among individuals; ever closer co-operation is therefore needed between policy makers, national law enforcement agencies at all levels and across national boundaries through the region, as well as on an international scale as it is recognised that the battle against OC should be expected to be an arduous and protracted one, requiring attention from national, regional and global levels.

It is evident from what has been discussed that OC is a scourge that must be eradicated. It is argued that legislation is the only vehicle that can effectively be used to combat OC. But legislation is only useful if it is capable of being enforced. Legislation will derive its practical value in circumstances where it is generally recognised and is not hampered by political and other non-legal issues when it comes to enforcement and it is most effective when it is clear and unambiguous, available to everyone, drafted to deal with the crime that it is intended to address; and when it is easy to interpret. Legislation is accordingly extremely useful and is much needed to deal effectively with organised crime. The normative and institutional mechanisms are tied down with the high expectations of common man and interference of political and bureaucratic agencies, which has made it virtually impossible to combat OC at national level; international measures are also not able to fight TOC as it is evident that each nation has its own agenda in fighting OC especially terrorism.

Laws enacted to counter OC (NDPS, ITPA, MLA) seems to be inadequate as it has not changed according to the changing needs (modern
science, communication and technology); TADA and POTA may have been politically and administratively misused but not to have laws to deal with terrorism and insurgencies are courting disaster. Most democracies in the world have more stringent laws compared to TADA and POTA dealing with terrorism, subversion and drugs. States fears are ill founded, for states cannot be autonomous and strong if the nation is unstable. Let us not rush from one extreme to the other. Both the states and the centre have to be strong, a weak centre cannot protect the states from external dangers and internal threats. Only an effective state can protect its people. The state must arm itself adequately to deal with OC, subversion, terrorism and threat posed by narcotics. The threat of OC and our response to this has been purely that of crisis management, over centralization and states abdicating their responsibilities. Structural changes are required in decision making process, to ensure independent functioning of law enforcement agencies and a holistic policy incorporating political, economic, and socio-cultural and law and order aspects. This most of all will require political will. In spite of our failures and derailment of the democratic system, India has survived and made progress due to the resilience of its people. The situation can be redeemed by enlightenment of the society and state functioning in a just and credible fashion and the key elements are good governance and credible politics.

With Globalisation and unprecedented developments in science and technology, the pattern of crime particularly in the economic sector has assumed menacing
proportions. The ease and speed with which economic transactions can be completed across the globe have complicated detection and prevention of economic offences. Even the definition of crime and relevance of conventional punishments are now under dispute. The ordinary policeman is unable to investigate the new types of economic crimes. We need specialists who can employ several disciplines and professional skills to collectively investigate and gather evidence to prove these offences. Even the traditional prosecutor and judge need education to be able to better appreciate the evidence and construct arguments to deal with complex offences like bank and insurance frauds, money laundering and stock market violations, drug and narcotic offences, corruption, company offences and anticompetitive practices. There is thus the need for specialised institutions and specially trained personnel managing them if economic security in a technologically globalised world is to be guaranteed. The largest return for expenditure invested in criminal justice systems may lie in the training of specialized personnel. When countries introduce training and organizational control of decision-making processes through special anti-organized crime units (i.e. higher levels of training allocated to their anti-organized crime officers and prosecutors), significant reductions in OC can be observed.25 An attempt is made by the Government of India by launching a pilot project Organised Crime Intelligence System (OCIS) which aims to create a comprehensive database in respect of criminals involved in activities like smuggling of drugs and arms, manufacture of illicit arms and explosives, counterfeit currency, money-laundering, terrorist activities etc., and underworld elements. The effective coordination among the

police in respect of such activities, sharing of data and preparation of background files on such criminals and organised gangs. OCIS is operational in Haryana, Punjab, Jammu & Kashmir, Uttar Pradesh, West Bengal and Delhi with effect from November, 2005 on the criminal activity of “Theft of Automobiles” and in Andhra Pradesh and Maharashtra for “Trafficking of Women and Children for Prostitution and Maid Services”. States are collecting and compiling the information for OCIS databank in the standard format and also improving the quality of databank. The proposal to rollout the OCIS in remaining States/UTs is under consideration of the Ministry.\textsuperscript{26} The move is on the right direction but still more is to be done in combating OC.

The country does not have a national level agency to co-ordinate the efforts of the state/city police organizations as well as central enforcement agencies, for combating OC. Further, there is no agency to collect and analyze the information and function as a central exchange of information relating to international and inter-state gangs operating within and outside the country. There is no system of sustained pursuit of selected gangs at the national and state level. Apart from lack of institutional framework, there are problems of co-ordination between the Central Government and the State Governments and between one State Government and another State Government due to differences in political perceptions. This problem becomes quite acute when different political parties are in power at the centre and in the States. Thus, there appears be no sustained effort to combat OC. The information that comes into the hands of Central and State investigating agencies is not exchanged and, if exchanged, not in real time. Thus, valuable clues are lost. Negative politics has eroded the law and order machinery; and law

\textsuperscript{26} MHA Annual Report 2006-07
enforcement capacity of the state. It is the political and administrative corruption having its roots and ramifications in society as a whole. The rule of law the foundation of civilised society is the first to crumble when corruption is tolerated. Growing lawlessness strains the state’s ability to provide security for citizens. An increase in crime may further erode the state and its institutions. Where the state lacks the capacity to enforce the law, OC can undermine and replace the authority of the state. OC then becomes a national security problem. Given the intricate network of how OC is committed, it may be virtually impossible to detect without the assistance of ordinary citizens. These citizens will, however, need the protection of the law and to be protected from the criminals. This will help detect where crime is being committed.

The impact and consequences of organised crime, including corruption, is fully appreciated if they are seen in the context of human rights, good governance, democracy and sustainable human development. “Human rights and human development share a common vision and a common purpose that is to secure the freedom, well-being and dignity of all people everywhere.”27 Several national, regional and international human rights instruments have been put in place to protect and promote the enjoyment of these rights and to provide the legal and institutional frameworks to fight organised crime and corruption. There is a clear symbiotic relationship between sustainable human development, human rights, good governance and democracy. These issues are indivisible as human development cannot be sustained without good governance, the respect and enjoyment of human rights, adherence to principles of democratic governance

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27 Included in the freedoms are- freedom from want to enjoy a decent standard of living; freedom from fear of threats to personal security, from torture, arbitrary arrest and other violent acts; freedom from injustice and violations of the rule of law; and freedom for decent work without exploitation.
and the upholding of the rule of law and the fair administration of justice. It is important to note that the Indian sub-continent is characterized by high levels of illiteracy, high unemployment and under-employment, as well as gender and racial inequalities, thus making it difficult to attain satisfactory levels of sustainable human development. OC and corruption contribute significantly to negate efforts aimed at protecting human rights, adherence to a governance process anchored on ethical and professional conduct and standards and respect of the rule of law as well as fair administration of justice.

Despite best efforts, domestic crime spreads into the international arena and the need for international co-operation in suppressing it in the form of expeditious extradition of fugitive criminals, deportation of undesirable aliens; mutual legal assistance in investigations and prosecutions and speedy execution play a vital role in combating OC. In addiction the international community must put their heads together to harmonize extradition and deportation laws and to narrow the scope of ‘political offences’ in extradition laws and the Interpol charter. The fight against TOC is a formidable task, but heightened public consciousness increasing governmental concern and mutually dependent interests of the international community do give us a ray of hope.

OC is a serious threat for the economy and the security of the community. Mafia and other similar criminal organizations are human phenomenon and, like any human phenomenon, they had beginning and they will have an end. Therefore it’s up to us, members of law enforcement, to the international community and also to the worthy leagues of citizens who exercise the social control against crime, have the responsibility

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to support, and if possible accelerate, this process toward a civil society’s development towards the eradication of OC. The primary step in our control efforts should be to keep ordinary crime within reasonable bounds by keeping criminal elements under relentless law-enforcement pressure. If we succeed in this effort, we would have obviated or at least diminished the possibility of unattached criminal networks and the phenomenon of OC. OC, depending upon its intensity will spread and it must be combated by a deft mix of strengthening of criminal laws and criminal justice system; by institutionalizing national and state level coordinating mechanism involving public, mass media and civil society. As OC is for the acquisition of money power, it is imperative that the flow of money to organized criminal groups is dried up through stringent legislative and enforcement action. Law enforcement, however efficient, cannot succeed by itself without strong political commitment.
Measures to Combat Organised Crime

Components
- Legislative/Policy/Research
- Enforcement/Investigation
- Prosecution

Activities/Functions
- Adequate Law/Policies/Consultations
- Research Evaluation/Coordination
- Education/Training
- Basic Infrastructure
- Intelligence/Investigation
- International Cooperation/Assistance
- Legal Support/Advice
- Appointing Dedicated Prosecution team

Outputs
- Legislative policies
- Data, Publications & Reports
- Education/Relevant materials/Sessions
- Databases, Modern equipments
- Partnerships/Intelligence Reports/Investigations
- Evidence/Extradition/court orders
- Advice/court orders
- OC prosecutions

Immediate Outcomes
- Enhanced ability to investigate/Prosecute/OC offences/Groups
- Increased Knowledge and understanding of organised crime issues/Tools
- Improved Detection/Targeting of OC offences/Groups
- Improved case preparation

Immediate Outcomes
- Effective Investigations (National/International)

Ultimate Outcomes
- Disrupt, Dismantle, Deter and Incapacitate Criminal elements/organisations/groups
- Enhanced public safety & security from OC
The above chart aptly summarise the measures that are required to effectively combat organised crime and therefore it is concluded that the Indian criminal policy will incorporate the above elements into its normative and institutional framework.

8.2 Suggestions

It has been observed that the existing system appears to be not efficient enough to protect citizens and the society from the ill effects of organised crime. Therefore, on the basis of the study, the following suggestions may be taken into consideration while combating organised crime.

1. There is a need to establish a conceptual or theoretical framework for understanding the nature of organised crime by clearly distinguishing ordinary crime from organised crime. The attempt made by National Crime Record Bureau (NCRB) appears to be restricted to certain criminal acts and therefore inadequate to develop specific policies relating to combating organised crime.

2. Even the current studies on organised crime concentrates on some specific crimes like drug trafficking, illegal arms trade, human trafficking, etc., ignoring certain other aspects of crime like land grabbing, loan sharking, food adulteration rackets, counterfeiting of currency notes and creating fake documents, political graft. To acquire political power and to ensure party's victory at polls; politicians generally seek the support of organised criminals and utilize their services to accomplish their political ends. These aspects should also be seriously looked into while evolving effective organised crime control policy.
3. The present classification of organised crime makes it difficult to separate the legal and illegal business and profits of crime is being invested into legitimate business; such as stock markets, real estate business and entertainment industry. Unless such investments are effectively prevented organised crime continues to prosper.

4. The development of drug policy is not simply a statistical exercise that can be resolved by social scientists. It is a matter for democratic debate at international level and within individual countries about political priorities, cultural commitments and moral values. Fight against drugs needs comprehensive efforts in all directions; and the issues relating to opium cultivation, production and manufacture of syntactic drugs, transportation, distribution, drug addictions, and rehabilitations of addicts have to be taken seriously. To address these issues the following measures may be adopted.

   a. Develop operational drugs priorities to inhibit the development of drugs abuse, and to disrupt the supply of all illegal drugs especially by targeting the drug routes.

   b. Evolve practical measures in fixing opium prices as the farmers are tempted to give their yield to traffickers who pay them handsomely; the Central Bureau of Narcotics (CBN) should adopt grower friendly systems which can bring positive results in combating drug trafficking.

   c. Drug awareness programmes from grass root (schools) level will definitely yield result and drug victims should be involved in spreading
the threats of drug abuse; governments should ensure adequate financial resources in this regard.

d. What is needed now is a strong political commitment to review progress openly and refine methodologies and ensure that the best evaluative practice is promoted at international and national levels.

5. Successful actions against human trafficking can be achieved if the enforcement machinery is able to dismantle the supply chain by intervention at recruitment level, substantial and continuous investigation and prosecution and through seizure, confiscation, and the like. The fight will be successful if the following measures are put in place:

a. Effective social measures such as poverty alleviation and others to prevent capability failure should be adopted directed against vulnerable groups (women and children). They must be supported by active cooperation of NGO’s and civil society.

b. To establish measures to rehabilitate victims by providing livelihood support through education and employment. Further there is the need to create awareness about human trafficking in the society with the help of victims.

c. The present human trafficking laws appears to be inadequate and there is the need for a strong domestic legislation incorporating special measures such as effective checks at the borders both state and national, verification of the movements of suspects and victims, strict and stringent measures to ensure that travel and identity documents are not misused, falsified,
unlawfully altered, replicated or reissued to ensure the integrity and security of travel and identity documents and to prevent their unlawful creation, issuance and use. To strengthen cooperation among border control agencies by, interalia establishing and maintaining direct channels of communication and providing training to relevant officials in the prevention, prosecution of trafficking in persons and protection of the rights of the victims.

6. Tracing the money trail, including the origin of funds and its transfer involves combating money laundering and it can be done through reduction of bank secrecy requirements and seizures of assets acquired through money laundering. The legislation on forfeiture and confiscation of properties acquired through criminal activities with extensive use of modern technology is the need of the hour. International cooperation is the key to succeed against money laundering as the money is stashed away in foreign tax heavens and banks such as Swiss bank and the like.

7. In the Indian context legislations such as Money Laundering Act needs to be strictly implemented. This requires a special cell on the lines of Economic Intelligence Council (EIC) exclusively dealing with economic offences. There is a need to increase the role of state governments in combating money laundering.

8. Terror's lifeline is, next to ideology and spirit of rebellion, money, the only way to defeat modern terrorism is by developing a strategy to sever ties
between the black market and grey market economy on the one hand and the clean and legitimate one on the other hand. The first step is to wean Western economies from their dependency on laundered money, the second is to encourage Islamic financial and banking institutions to adhere to the rules and regulations of international finance (FATF) by becoming part of it, the third should be rescuing regions from the grip of terrorist and criminal organizations, for example, by drying up supply and demand for the products of narco-traffickers in the Golden Crescent as well as in Latin America and Central Asia without such measures, the new economy of terror will continue to blossom.

9. India’s fight against terrorism is multidimensional; as the Indian neighbors (Pakistan and Bangladesh) state sponsor terrorist activities; Nepal- sponsors Maoist and Naxal movement) pose great threat, by proxy war and sadly our laws (no terror law) have failed to live up to the expectations. It is strongly felt to bring in stringent laws to counter terror overcoming all political considerations for the betterment of the people and the country.

10. International Criminal Court should consider acts of organised criminals as acts against humanity and try the cases; this will definitely deter the perpetrators and create a healthy atmosphere in international arena.

11. It is evident that the country does not have a federal law or a federal force to tackle organised crime. It is high time that the political institution decides to bring in federal law and federal force to combat organised crime and create institutional and operational development with the view to make it compatible
in accordance with the international conventions, agreements and recommendations, as well as national legislations.

12. The study highlights the inadequacy of state agencies involved in combating organised crime namely police, prosecution and judiciary. It is strongly felt that immediate changes should be brought in these agencies.

a. The political interference, lack of professionalism and training has made the police force less effective and therefore there is a need to introduce reforms into police system such as, periodical training, freedom from political and administrative interference and above all creation of highly professional police cells to combat specific organised crimes consisting of specially trained and equipped police personnel.

b. The existing prosecution system consisting of the so-called independent professional lawyers appears to be not accountable to the judiciary and therefore many a time fails to prosecute organised criminals effectively. The prosecution system must be strengthened through hiring of highly skilled, trained and professional attorneys.

c. It is often claimed by the judiciary that in large number of cases the investigating agencies and prosecution have failed to establish the guilt of the accused and also with the help of technical rules governing the criminal justice system, such as burden of proof, presumption of innocence, bail provisions, results in low conviction. However with the help of highly independent and competent judges it is possible to overcome the problems and can successfully combat organised crime.
13. Organised crime often thrives on account of glorification of crime by media and public and through entertainment programmes. There is a need to evolve a code of conduct discouraging them from glorifying crime as an adventurous activity.

14. The ever-increasing organised crime is often attributed to political and religious legitimization of crime to achieve certain goals. It is often claimed that during elections political parties seek the help and support from organised criminals to coerce and intimidate voters. The presence of large number of person with past criminal records in the parliament and state legislatures in India demonstrate the unholy nexus between criminals, politicians and the bureaucrats. Any policy aimed at combating organised crime must be directed against eliminating or minimizing the nexus.

It is believed that if criminal policy and institutional and normative frame work relating to combating organised crime progressively incorporates the above suggestions, it will go a long way in protecting the society from the ill-effects of organised crime.