

ORGANISED CRIME IN INDIA

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BY

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INDEX

Foreward	Page
Acknowledgement	
CHAPTER1 - ORGANISED CRIME IN INDIA	1
1.1. Objectives	3
1.2. Cruelty and Terror	4
CHAPTER 2 - ORGANISED CRIME AN OVERVIEW	7
CHAPTER 3 - DEFINITIONS	10
CHAPTER 4 - INCEPTION OF ORGANISED CRIME IN INDIA	14
4.1. Indian Dons - Vardharajan Mudaliar	17
4.2. Dawood Ibrahim	19
4.3. Rajan Nair	28
4.4. Abdul Latif.	28
CHAPTER 5 - EVOLUTION OF ORGANISED CRIMINICAL GANGS IN INDIA	31
CHAPTER 6 - CAUSES FOR THE GROWTH OF ORGANISED CRIME	36
CHAPTER 7 - THE LAW IN RELATION TO ORGANISED CRIME	42 ✓
CHAPTER 8 - POLICE Vs. ORGANISED GANGS	48
CHAPTER 9 - THE SUCCESSFUL GANG LEADER - A PROFILE	53

CHAPTER 10 - RECRUITMENT	57
CHAPTER 11 - ORGANISED CRIME IN THE STATES	61
<i>11.1. The Gujarat Scenario</i>	60
<i>11.2. The Situation in Bihar</i>	62
<i>11.3. The Scene in Uttar Pradesh</i>	64
<i>11.4. Babloo Shrivastav Gang</i>	66
<i>11.5. Sri Prakash Shukla Gang</i>	68
<i>11.6. Special Task Force (STF) UP</i>	71
CHAPTER 12- INDIAN UNDERWORLD AND THE PAKISTAN ISI	74
CHAPTER 13 - ANALYSIS OF SOLUTIONS OFFERED EARLIER	77
CHAPTER 14 - SOLUTIONS	81
<i>14.1. Political Will</i>	83
<i>14.2. Neutralising the Abettors</i>	83
<i>14.3. Suggested Course of Action</i>	88
<i>14.4. Suggested Composition of Task Force</i>	90
STRAWS IN THE WIND	92
ANNEXURES	
BIBLIOGRAPHY	

FOREWORD

In any research project the researcher has the advantage of banking upon material and data from previously published papers, books and articles. Unfortunately on the subject of "Organised Crime in India" there is hardly any material available in the form of books. There are any number of books on the American Mafia and organised crime in other countries. About organised crime in India the only worthwhile paper I could locate was written by Shri.V.K.Saraf, retired DGP from Maharashtra. There are some other works by police officers but they are not in-depth studies and are mostly off the cuff efforts probably due to lack of time.

Another hinderance in this kind of a subject of study is that people who are interviewed or asked to answer a questionnaire are very reluctant to come out with the knowledge that they possess. Even police officers, I have found, are very reluctant to divulge any special information that they may have with them. Out of dozens of questionnaires given by me to police officers in Maharashtra and Gujrat I did not receive back even a single one duly filled up. Therefore, one has to depend a great deal on information gathered from police records, friends, colleagues, acquaintances and the general public through informal conversations. Another source is through newspaper reports and articles. Most of these sources have a certain amount of inaccuracies because transmission from person to person is bound to distort the information to some extent. In order to reduce the inaccuracies, efforts have been made to corroborate such information from other independent sources where possible.

However in a paper of this kind the accuracy of the information, facts and figures are of comparatively lesser importance than those topics dealing with subjects where statistics indicate the trends. If the reader is able to understand the implications of organised crime in India and become aware of its impact on Indian society, economy, polity and morality. I think the purpose of this paper is fully served.

It is up to the powers that be, and to those who matter in the Nation's scheme of things to decide on a course of action to check this menace which, I personally feel, has been neglected to a dangerous limit.

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V. K. Deuskar

CHAPTER 1

ORGANISED CRIME IN INDIA

The term "Organised Crime" began to be widely used from the 1930s onwards in the USA. Organised gangs of criminals started their criminal activities just after the imposition of prohibition. Immediately after prohibition came into effect a large number of illicit liquor distilleries sprang up all over the country and a number of bootleggers embarked upon a highly profitable business of production and sale of illicit liquor. Initially, each bootlegger had a small gang of workers which managed the entire work of distillation, transportation and sale of their product. The profits made by the bootleggers were very high because of the low cost of production, negligible investment, no overhead costs and the high price of the prohibited liquor. These bootlegger gangs formed, prospered and proliferated with the active assistance and consent of the enforcement authorities who were also benefited by their pound of flesh. The high profits resulted in accumulation of wealth and they started expanding their areas of activity which led to their encroachment into other bootlegger's business areas. This led to violent skirmishes between rival gangs ending in a lot of blood shed. The accumulation of wealth also gave rise to another type of criminal activity. It was hijacking of liquor consignments of the bootleggers as well as extortion, or what was known as protection money, collected from the bootleggers and their distributors.

This situation continued for sometime till the more powerful gangs gradually managed to subdue the weaker ones and merged them into their own thereby annexing their territory also. When they became big enough and powerful enough they began providing a protective cover to the smaller gangs against hijackers as well as the enforcement agencies. Over the years these gangs became very rich and powerful and started diversifying into other criminal activities like dealing in drugs, running of brothels, slave trade, gambling dens etc. which again multiplied their income.

This was the period when industry in America was getting mechanised, labour unions were getting organised, and the general trend of American society was one of modernization. In keeping with this trend, the criminal gangs also got themselves organised, and went in for specialisation with delegation of work and forming a chain of command. They began fitting the right man into the right job based on an accurate assessment of his skills and attitudes. And so the organised criminal gangs came into existence.

A large number of very rich Americans who have gone down in history as great men originally amassed wealth through lawlessness and violence. John Jacob Astor made his initial millions through violence against the Red Indians in the fur trade. This money he invested in real estate in New York and with the help of corrupt officials he became America's biggest "Slum Lord" fleecing money from the poor tenants. He became the richest man in America in the 1930's. The Carnegie Steel Co. wanted to control its labour unions, so he instigated a strike and ruthlessly crushed it by using the Pinkerton's police and even the Federal Troops. 14 persons were killed and 163 seriously wounded. After this for the next 34 years there were no labour unions in American steel factories, and workers worked twelve hours a day, seven days a week. John D. Rockefeller of Standard Oil conspired with the Railway authorities to drive out his rivals through illegal actions and finally bought them up using coercive methods. J.P. Morgan drove independent coal producers out of business and then raised the coal prices and made millions. Morgan also bought defective Carbines from the Government and sold them back to the government at enormous profit. E.I. Dupont was the largest producer of gunpowder in the USA. Competitors were driven out of business by cut throat competition. If that did not work, sabotage and bribes were used and many companies had unexplained explosions and had to close down. Henry Ford propounded a philosophical explanation for the association of business and crime as, "There is something sacred about big business. Anything which is economically right is morally right". He hired an ex boxer, Harry Bennett as "Director Services" and Bennet employed a gang of criminals and ex convicts. The work-

ers in the Ford plant were terrorised by them and any union activity was ruthlessly crushed.

All these illustrious men have left behind legacies which are now known world wide, thus exposing another facet of their personality. From Carnegie we have the Carnegie Corporation, Carnegie Endowment for World Peace, the Carnegie Institute of Technology and the Carnegie Institute of Washington. Daniel Drew's legacy is the Drew University in Madison. John D. Rockefeller created the Rockefeller Foundation and the Rockefeller University. Ford gave the Ford Foundation and Vanderbilt gave the Vanderbilt University. We may also one day have a Dawood Institute of Technology, A Haji Mastan Foundation and an Arun Gowli University, for all we know.

The situation in India is not much different. Only that this process started here about twenty five years later. It has been growing very speedily and has reached such proportion that it requires immediate attention. The causes for the fast growth of organised crime in India and its attainment of enormous power in terms of money, muscle and political clout are many as we shall discuss in the following pages.

✓ 1.1. OBJECTIVES

This study of Organised Crime in India has been taken up with the following objectives :

- 1 To study the nature and characteristics of organised crime as it obtains in India.
- 2 To analyse the causes for the formation and growth of the organised criminal gangs.
3. To study the composition of these gangs, their management and control systems, and their administrative set up.
4. To study their sources of income and its utilisation, and the means by which these gangs manage to survive and also gain power and strength to be able to have almost a parallel economy if not a parallel government.

5. To study their strengths and weaknesses, and suggest measures to keep the Indian society free of their influence.

In order to understand the phenomenon of organised crime we need to look back into history, not only of our country, but of the whole of the civilised world. We also need to delve into human nature and human psychology, specially with reference to violence in human society, the lust for power, and the thirst for ego satisfaction.

There is nothing modern or recent about organised crime, as it is widely believed. It has only assumed a new garb and a new name. The crimes committed by the present day organised gangs are exactly the same as those committed by the organised criminals in the past centuries. Banditry on the roads and piracy on the high seas have existed for centuries. The rampaging hordes of Ghengis Khan and Attila the Hun need no repetition. The rural gangsters of Europe committed cattle thefts, vandalised vineyards, kidnapped rich family's members for ransom. Gang leaders like Mahmood of Ghazni and Mohammed Ghori lived by plunder of richer communities. The thugs and Pindaris killed hundreds or thousands of innocent travellers and looted their belongings. All of them had their own closely knit groups, either on the basis of caste or tribe, or on the basis of a common profession. I do not wish to go into the individual criminal acts committed by the various groups throughout history as they are chronicled in detail in a number of books. One such book is entitled 'A Criminal History of Mankind' written by Colin Wilson. Moreover for the purposes of this study we are only drawing parallels of human criminal activity from the past to the present.

1.2. CRUELTY AND TERROR

The Homo Sapien is a unique creature on this planet which tortures and kills its own species for reasons other than for his own survival. Man kills man out of greed, jealousy, hatred and anger. No other animal on Earth kills its own kith and kin for these reasons. They may kill for the protection of their young or for encroachment on their territory but this sort of killing is rare. If the adversary backs down he is allowed to retreat safely. He is never tortured or subjected to humiliation once he is defeated. The emotions of jealousy, anger,

greed and hatred exist among animals also, as anyone who keeps pets normally experiences. But these emotions never drive them to kill each other except in extremely rare occasions.

Another aspect of organised crime which needs to be studied is the acts of violence indulged in by the gangs which are extraordinarily cruel and inhuman, specially those acts committed to avenge an insult or a perceived insult, or to punish an act of betrayal. In some cases even a perceived disobedience may result in an act of inhuman cruelty. There are a large number of theories regarding human cruelty propounded by various psychologists over the years. Some attributed such behaviour to the genes and felt that cruelty was an inherited trait. Some of them lay the blame on deep rooted psychological disorders, specially due to traumatic experiences during childhood or adolescence. Some claim that such acts are related to sex, either for sexual satisfaction through violence or due to sexual jealousy. There is yet another school of thought that such violent acts are a result of a person's need for recognition of some sort, even if it is the notoriety of being a killer; the more important the victim, the greater the reputation of the killer. This is based on Abraham Maslow's theory of human motivation and the Hierarchy of Needs. When the human needs of food, clothing, shelter and security are satisfied, the need for recognition gains prominence. If this need remains unsatisfied and a person cannot rationalise this non-satisfaction, he tends to seek satisfaction in deviant behaviour.

Each of these theories has some basis and some applicability but none of them cover all acts of human cruelty. When these theories are applied to case histories of various violent criminals who have been unusually cruel we find that different persons fit into different theories. Therefore one is bound to come to the conclusion that none of the theories are all pervasive or universally applicable, yet to some extent they do explain some of the acts of deviant behaviour related to violence and cruelty. We shall deal with this aspect of organised crime in subsequent chapters when we analyse individual cases.

Another interesting factor in the operation of organised crime is the blind obedience of the underlings to the orders of their superiors.

Brutal murders and tortures are committed under orders and the gangsters who carry out these heinous crimes, do so without any feeling of pity or remorse. What makes these people such robots, devoid of all human feelings to commit such acts mechanically is what needs looking into.

Throughout history we find a series of tales of terrible cruelty committed by rulers, warlords, tribal chiefs and sometimes single individuals. Kindnapping for human sacrifice, the eating of human brains for enhancing intelligence or sexual prowess, capturing of slaves for labour or for sexual gratification, torture for the sake of amusement are all part of human history, and that too, not so long ago.

Today we live in a very safe environment. We have a set of laws which protect our lives and property. We also have a fairly efficient police to enforce the law. Compare this situation with that of the common man a century or more ago. He lived in a village and when attacked by raiding criminals he had to protect himself and his family alone or with the help of able bodied fellow villagers who had the courage to stand up and fight. There were no police stations, police patrols or courts of law. Even when some form of policing existed under the local ruler, the so called police was not much better than the raiders. We take the protection of the law for granted. We are not willing to stick out our necks even an inch to protect life and property of our fellow men and sometimes even our own. We are concerned mostly with what the police is doing without ever bothering to lend a helping hand. The old saying "God helps those who help themselves" does not seem to have percolated into the Indian way of thinking.

CHAPTER 2

ORGANIZED CRIME - AN OVERVIEW

The term "Organised Crime " is, in a sense, a misnomer. It is in fact a business or an industry dealing in the supply of goods and services which are barred by law. The crime part is a byproduct which is necessary to carry on the business profitably. The main aim of this business is to earn the maximum profits in the shortest possible time span. The profits aimed at are so enormous that it is not possible to achieve them in the normal, legal kind of business.

In common parlance whenever organised crime is talked about we visualise an organisation which is large, evil, cruel and violent. A hazy organisation which we are aware of but which we cannot clearly see, because it remains in the murky areas of dark lanes and alleys. We immediately recall the brutal and senseless murders and beatings that we read in the papers or see on television. In the meanwhile organised crime is taking place right in front of our eyes, every day of our lives and we tend to ignore it, or take it as a part of life, and sometimes even participate in it.

The boys selling cinema tickets in the black market, in front of cinema halls, the man writing Satta chits on street corners, the man in the bylanes selling bottles or packets of illicit liquor, the pan shop owner selling ganja on the sly, the pimps procuring customers for brothels, the smuggler selling foreign currency or smuggled goods in dinghy lanes, the loan shark who gives loans at exorbitant rates of interest, are all parts of a big money making machine which is what we call organised crime.

The important point which generally gets lost sight of is, that taken individually, the cutting edge of organised crime is seen by us as a petty offence, or just regarded as mischief whereas, when taken collectively, it is a giant wild creature which seems invincible. When a young man sells cinema tickets in the black market it is an innocu-

ous act, but when the cinema hall manager is brutally murdered by the criminals who organise the sale, because he stops the black marketing, everyone is horrified.

The brutality with which some murders and assaults are committed by the gangsters, appear to be senseless acts committed by deranged minds. But if viewed in the right perspective one will find that there is a method in this madness. The success and survival of a criminal gang depends on its efficiency and the ability to carry out its plans without any hitch. Failure would mean very heavy losses in terms of money and could also mean long prison terms for those involved. If one consignment of smuggled goods is lost or caught it is a loss of lakhs, or may be crores of rupees. In addition some gang members would go to jail. Money would have to be spent on lawyers to fight their cases and their families would have to be supported in their absence. Similarly in all other underworld operations failure means a heavy loss to the gang. Apart from the monetary loss there is a loss of credibility which may affect their future business. Therefore high efficiency and a high success rate has to be maintained at all costs. Each member of the gang has to perform at his peak efficiency, with perfect discipline and resourcefulness at all times so that every operation is a success. Such a high degree of efficiency and discipline can only be maintained through a system of high reward and heavy punishment. The rewards are heavy payments, and the punishments are brutal. It is therefore with this system of terror that the gangs are able to keep a strict control over their own men as well as deter their competitors from encroaching upon their areas of operation, or 'territory' as it is generally known in the underworld. Victims of gang crimes are also controlled through this system of terror. A man from whom money is being extorted is terrified of the consequences in case he reports the matter to the police, or tries to avoid making payments to the gang. Terror forces him into submission even if it ruins him financially. Therefore it is not surprising that acts of brutality are committed by gangs to maintain the terror level among their victims also.

Organized crime is a business with heavy profits in the shortest period of time carried out by a group of people who do not brook any kind of interference in their activities, legal or illegal and who adopt criminal means to deal with persons indulging in such interference.

These are not the acts of psychopaths or maniacs, but are well planned and systematic business administration techniques, adopted to keep the wheels of their industry well oiled and functioning smoothly. They would be willing to go to any extent to ensure that their business continues uninterrupted and the inflow of illegitimate profits keeps pouring in. The money at stake is enormous, and at present the total take through organised crime in Bombay alone would be crores of rupees per day.

The most important feature of modern organised crime, which makes it very difficult for the law enforcer to control, is their multi tiered chain of command. This is most often lost sight of by the police while dealing with crimes committed by organised gangs. The planning of the crimes is done at the very top level of the gang, by the gang leader and his close coterie consisting of a handful of persons in the upper echelons. The orders for the commission of the crime are passed downwards through two or three or even more layers of the hierarchy to the petty criminal who commits the actual crime and, if caught, takes the punishment. It is almost an impossible task to link the crime to the planners as such evidence is not possible to obtain. Even if some evidence is found it is not good enough to stand in the court of law and get a conviction. The gang bosses are therefore immune to the operation of the law, if not in theory, at least in practice.

This system of committing crime by "remote control" is the new concept in organised crime, for which neither the existing laws nor the law enforcement agencies have a satisfactory answer.

DEFINITIONS

The crimes committed by organised gangs are the same as the crimes committed by traditional criminals, like Murder, Dacoity, Kidnaping, Smuggling, Bootlegging etc. and come under the purview of the Indian Penal Code, the CrPC and the Evidence Act. Normally, in both cases the objective is monetary gain. But one can be dealt with easily in the normal process by the police and the other becomes almost impossible to control.

In order to combat organised crime it is necessary to be able to identify it. To identify and categorise it, it is necessary to define it. Organised crime has been defined by various authors and various organisations since the last three decades. Some of the important ones are quoted below:

- Ralf Salerno - New York detective

" Organised crime is a self-perpetuating, continuing criminal conspiracy, for profit and power, using fear and corruption and seeking immunity from law"

- Report on Organised Crime 1967 - Task Force.

"Organised crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals, working within structures as complex as those of legitimate governments. Its actions are not impulsive but rather the result of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits."

-The President's Commission on law enforcement and Administration of Justice - Oyster Bay conferences - 1960s

" The product of self-perpetuating criminal conspiracy to wring exorbitant profits from our society by any means - fair and foul, legal and illegal.....It survives on fear and corruption....It is a totalitarian Organisation....it imposes rigid discipline on underlings who do the dirty work while the top men... are generally insulated from the criminal act."

- The Federal Bureau of Alcohol, Tobacco, and Firearms:-

" Organised Crime" refers to those self-perpetuating, structured, and disciplined associations of individuals, or groups, combined together for the purpose of obtaining commercial or monetary gains or profits, wholly or in part by illegal means, while protecting their activities through a pattern of graft and corruption.

(Organised crime groups possess ^{following} certain characteristics) which include but are not limited to the following :

- 1. Their illegal activities are conspiratorial;*
- 2. In atleast part of their activities, they commit or threaten to commit acts of violence or other acts which are likely to intimidate;*
- 3. They conduct their activities in a methodical, systematic, or highly disciplined and secret fashion.*
- 4. They insulate their leadership from direct involvement in illegal activities by their intricate organisational structure;*
- 5. They attempt to gain influence in Government, politics and commerce through corruption, graft , and legitimate means;*
- 6. They have economic gain as their primary goal, not only from patently illegal enterprises such as drugs, gambling and loan sharking, but also from such activities as laundering illegal money through investment in legitimate business".*

The Federal Bureau of Alcohol, Tobacco, and Firearms provides the above definition of organised crime which is part definition, and

part, a statement of the characteristics of organised crime. Although this definition covers most aspects of organised crime, it does not enable us to classify a particular criminal act as to whether it is organised crime or not .

The reason for this lack of clarity appears to be a problems of semantics because of the connotation of the word 'Organised Crime'. What we really mean by this term is Organised Criminals. It is the criminals that are organised; the crime is the same traditional criminal act.

In other words, (an organised criminal gang is an association of persons with the following characteristics :

- ✓ 1. It is engaged in illegal, unlawful or criminal activities.
2. It has a heirarchy and chain of command.
3. Its objective is to earn wealth through crime.
4. It uses bribery, terror and violence to overcome obstacles in the commission of crimes and also to protect themselves from legal action.

Any group of two or more persons which has the above characteristics is an "Organised Criminal Gang".

Any criminal act committed by a member or members of an Organised Criminal Gang is an "Organised Crime".)

With this corollary it becomes easy to identify which criminal act is a part of organised crime and which one is not.

✓ To clarify it further we could define it as :- ^{Definition} ("Organised Crime is a criminal act or a series of criminal acts committed by a member or members of an organised criminal gang".)

(*"An organised criminal gang is an association of persons, with a hierarchy and chain of command, engaged in unlawful activities with the objective of earning large amounts of money through such activities. They achieve their objective by the use of bribery, terror or violence and protect themselves from legal action by the use of bribery*

or terror or political pressure or a combination of all these three means".

As mentioned earlier, organised crime in India, as well as other parts of the world has been in existence for centuries. It existed in the form of Thugs, Pindarees, and in many other forms indulging in Dacoities, Robberies, Highway Robberies, House breakings, Gambling and Prostitution. The Basic difference between the organised crime of the past and what has evolved now is that, in the past it was a profession for a livelihood for the criminally inclined groups of persons. The modern version of organised crime is operating more on the lines of a corporate business house. Today crime has become a business, not unlike the Medical profession. If we go a step further even religion has become a business and so has politics. You make an investment, develop your business, and rake in the profits. We shall, however, confine our study to organised crime as we see it in India in its modern form.

INCEPTION OF ORGANISED CRIME IN INDIA

The birth of modern organised criminal gangs in India can be attributed to the decisions of some of the State Governments to impose prohibition on the production and consumption of liquor. It started with Bombay, or rather Maharashtra State, where prohibition was strictly imposed for the first time in the fifties.

It is interesting to note that large scale organised criminal gang formation in the United States also took place with the imposition of prohibition on liquor in the 1920s.

Liquor is one commodity which has been a part of human life since centuries. Kings and Emperors who had the power of life and death were unable to stop the consumption of liquor by their subjects. Therefore to stop the consumption of liquor in a democratic setup just by legislation is something which can be termed as highly ambitious, if not simply impossible. However the Governments were of the opinion that liquor should be banned and prohibition was imposed.

The immediate result was that a number of clandestine distilleries sprang up all over the state, and in areas just across the border, to meet the demand of the public. The economic laws came into operation and when the legitimate source of supply got banned an illegitimate source of supply took birth. This new source had no controls or any sort of checks. Being a banned commodity it fetched exorbitant prices. It was a bonanza for the bootlegger. In such a situation any enterprising individual who has the courage to take small risks is attracted like a magnet.

Therefore a large number of petty criminals and unsocial elements took to production and sale of illicit liquor. Initially most of those who entered this business made large profits and grew rich. One cannot ignore nature and its checks and balances. Wherever wealth accu-

mulates in a substantial quantity, vultures and parasites appear. A number of such parasites appeared in the form of highjackers who highjacked the consignments of illicit liquor while it was in transit. Since the merchandise for them was free of cost the entire sale proceeds were net profit for them. The highjackers were small time criminals and anti social elements and they also started getting rich and powerful. As long as the highjackings were occasional occurrences, the bootleggers did not mind, but when they became too frequent, they began to feel the pinch and started finding ways and means of safeguarding their interests. This gave rise to another form of organised criminal industry i.e. providing protection to illicit liquor in transit till it safely reached its destination, of course, for a hefty price. This business was further extended to providing protection to smuggled goods in transit as these consignments also started getting highjacked. There was a great demand for strong arm men to protect these consignments of illicit liquor, drugs and other smuggled goods, so once again enterprising men came forward to take up these assignments.

To begin with, in Bombay, Vardharajan Mudaliar, who was himself a bootlegger, began to provide protection to other bootlegger's consignments. Without his protective umbrella liquor consignments were highly vulnerable to hijackings. With the bootlegging and protection racket in his control Vardharajan gradually became so powerful that he controlled the entire smuggling and bootlegging racket in Bombay and became the first ever "Don" of organised crime in Bombay city.

Vardharajan Mudaliar's case is an ideal one to study the formation and growth of an organised criminal gang. His tactics brought him rich dividends. He was an excellent P.R. man and maintained very good relations with all the Law Enforcement Agencies at all levels. He had an uncanny knack of winning over persons in authority with bribery or other means and it is said that during his heydays he virtually owned the Bombay Airport. He could smuggle in, any contraband goods, in any quantity and at any time he wished without a hitch. He avoided any kind of confrontation with the police as well

as the other law enforcement agencies. Starting life as a Railway station coolie he built up an enormous criminal empire and ruled the Bombay underworld for nearly two decades.

Gradually the criminal gangs began to expand their area of activities. They realised that they had acquired enough power to terrorise anyone into submission to their will. This realisation gave rise to the system of extortion, or what was known as the protection racket in the United States. All those indulging in unlawful activities like running brothels, or gambling dens were compelled to pay these gangs or else they would not be allowed to carry on their business, or the Police would carry out raids. These operators had no other alternative but to pay the money demanded and buy their peace.

Many persons who possessed black money invested in money lending. When the borrowers defaulted in their repayments they could not recover their money through the normal procedure of court proceedings. These criminal gangs offered to recover the loans for them for a fee, often ranging from 40% to 50% of the loan amount. This diversification also began to prove very lucrative.

The tenancy laws in India are always in favour of the tenant. The landlord who owns the property by way of inheritance or by investing his life's savings has hardly any say in the matter. The tenants do not pay their rents, or pay ridiculously low rents fixed decades ago. The legal process to evict a tenant could take anything from five to fifteen years through the court of law. These criminal gangs found it a profitable business to get the tenants evicted by using strong arm methods for a hefty price paid by the landlord.

The latest diversification of the organised gangs is their entry into the business of kidnapping for ransom. This is one of the easiest methods of getting a great deal of money with the minimum of effort and very little risk. Rich families are targeted and a member of the family is kidnapped and a demand for money is made to release the kidnapped person. The demand for the ransom money is in the tune of crores of rupees when a person of a very wealthy family is kidnapped.

Kidnapping for ransom has become a very popular gang activity because of the ease with which it can be carried out and because of the enormous income it generates. Apart from the gangsters, some senior politicians are also said to have joined hands in this enterprise. According to one source who wishes to remain anonymous a rich businessman of Delhi was kidnapped and a demand for a ransom of rupees two crores was made by the kidnapers. After negotiations the ransom was fixed at rupees one crore. A close relative of the family who was a defence services officer was nominated by the family to carry out the negotiations and to hand over the ransom amount. While the negotiations were going on the officer wanted a guarantee from the kidnapers that once the ransom amount was paid the kidnapped person would be returned safely. The kidnapers told the officer to contact a Union Minister in this regard. The Minister was contacted by the officer and he assured the officer that there was nothing to worry about the safety of the relative and that he would be released once the amount was paid. The ransom money was delivered and the kidnappee was released.

The formation and growth of all organised criminal gangs always have a nucleus in the shape of a single dynamic person. At least in India this holds good. It is therefore very helpful to study the careers of the known big gang leaders if we are to study the inner social, interpersonal and behavioural atmosphere in which a gang functions. Their behavioural norms and value systems are absolutely alien to the normal societal norms. The very definition of good and evil are totally different. Therefore we shall study a few gang leaders who have been successful in raising big gangs and have successfully operated for years and ended up as mafia Dons.

4.1. INDIAN DONS

VARDHARAJA MUNISWAMY MUDALIAR

Vardharaja Mudaliar also called Vardha or Vardhabhai started his career as a coolie on Victoria Terminus Railway station in Bombay. He started operating in the Bombay dockyard committing theft of imported materials which was a common practice among dock workers.

This pilferage continues even today. Haji Mastan who later became a big name in the Bombay underworld was at that time a small operator and ran a gang of thieves in the dockyard. Vardha worked for him. Later Vardha took to bootlegging in collaboration with another bootlegger from Mutunga called Lambu Muttu. However this partnership did not last long and they fell out. Vardha arranged to get Lambu Muttu killed and after his murder assumed leadership of the gang. He was a gifted leader and a shrewd operator who quickly exploited his talents and took advantage of the opportunities which presented themselves.

During prohibition a large number of people took to distillation of illicit liquor. Simultaneously quite a few gangs of rowdies also came into existence who highjacked the consignments of the bootleggers illicit liquor. Vardha saw this opportunity and offered to provide protection to these consignments as well as to the distilleries manufacturing illicit liquor. This setup suited everyone and soon most of the gangs came under the protective umbrella of Vardha's gang. He then went on to organise illicit distillation in the outskirts of Bombay in deserted places. Having succeeded in the bootlegging business he began diversifying and entered the smuggling racket, Matka, extortion and Supari killings or contract killings.

The secret of Vardha's success can be attributed to his ability to win over and corrupt enforcement officers of all categories. He had access to officers from the Police, Excise, Customs, Municipal Corporation & Airport. Surprisingly, apart from the lower level officers he had contacts with officers in the upper echelons of most departments. As a result he could smuggle contraband through air or sea, run gambling joints and supply illicit liquor with impunity. He would avoid any kind of a confrontation with the authorities and somehow manage to win them over with bribery.

Vardha was a typical Godfather. He posed as a religious person and was a philanthropist, helping the poor and the needy with a liberal hand. He brought a lot of Tamil young boys and provided them jobs in his gang. He was very popular with the Tamil community in

Matunga area. At the same time he was ruthless with his gang members if they were disloyal or even if they were suspected to be so.

He reigned supreme for nearly two decades in the underworld of Bombay till a Deputy Commissioner of Police, Y.C. Pawar, began a crusade against Vardha and his gang.

Vardha did not go in for confrontation but in retaliation he started filing criminal cases against Pawar in order to harass him. But finally he realised that he could not fight the police and he quietly withdrew to Madras and died there of some ailment. After his death Vardharajan's gang soon disintegrated as there was no able leader to hold it together.

4.2. DAWOOD IBRAHIM KHAKSAR *

Son of a Police Head Constable of Bombay Police, a Konkani Muslim hailing from Ratnagiri district, who went wayward and became a musclem. He joined the gang of Abdul Karim Sher Khan @ Karim Lala and escorted consignments of smuggled goods to their destination safely. His jobs were to recover dues from petty gangsters who were defaulters and owed money to the smugglers. Two other gangsters, Alamzeb and Amirzada who were brothers, and were the nephews of Karim Lala, were also in the same business as Dawood Ibrahim.

Once Alamzeb and Amirzada kidnapped a Customs Officer who had misappropriated smuggled gold and a deal was struck for Rs. two lakhs for his release. Dawood Ibrahim was deputed as the person to receive the money but when he received the amount he kept most of it himself and gave only a small amount to the two brothers. This led to bad blood between Dawood and the two Pathans and they fell out. A gang war started and in the feud a lot of men from both factions got killed. Haji Mastan and Karim Lala both tried to bring about a truce between the two warring groups but they failed and the gang war continued. Dawood had become very powerful by this time as he had amassed wealth and had established an efficient network of smuggling in Bombay. He had his four brothers Shabbir, Iqbal, Anees and Noora to help him in his new enterprise. He had also recruited a

number of young goondas who were personally selected by him for their abilities and formed a powerful gang which operated in Maharashtra, Gujarat, Karnataka and Konkan areas.

Haji Mastan and Yousuf Patel who dominated the smuggling operations in and around Bombay retired when they saw that the law enforcement agencies were relentless in chasing them. Haji Mastan took to politics and Yousuf Patel became a builder leaving the field open for Dawood to become the undisputed Don of the Bombay underworld.

The rivalry between Dawood Ibrahim and Alamzeb continued to fester . In 1978 Dawood and his henchmen attacked Sayeed Batla, of the Alamzeb gang but he survived. In return Alamzeb attacked Dawood and his aides but were unsuccessful in killing him. In both cases arrests were made but all of them were released on bail . Bail was granted liberally due to the famous judgement of Justice Krishna Iyer in 1977 adopting the policy of "Bail instead of Jail." In 1981 Alamzeb made a desperate attempt to wipe out Dawood and his gang and in this attack his men managed to kill Dawood's elder brother Shabbir. Their simultaneous attack on Dawood at his house failed and once again he survived. After this attack Dawood single mindedly went in for revenge and started hunting for Alamzeb and his gang. Alamzeb who was logistically weaker than Dawood soon realised that he could not fight Dawood on equal terms took flight and settled in Gujarat where he felt safe as he had a good base there and had contacts in the enforcement agencies. At the same time Dawood expanded his activities to Gujarat and made an alliance with a smuggler called Lallu Jogi who operated in Gujarat. Dawood tried to establish his network in Gujarat to facilitate his hunt for Alamzeb. In 1983 he got a false case registered against Alamzeb in Gujarat in order to trap him by using the Police. However this act rebounded and Dawood himself was arrested by the Police along with his colleagues Lallu Jogi and Sharad Sheety for carrying illicit arms. They were later detained under COFEPOSA. The same year Alamzebs gang again attacked 'Dawood' and his men and in the shoot out two of Dawood's henchmen were wounded. After this Dawood realised that Alamzeb

was too powerful in Gujrat and he couldn't face him in a straight fight here.

He waited for an opportunity till 6.9.83 when Amirzada was to attend the sessions court as an accused. Dawood utilised the services of Rajan Nair who provided a hit man named David Pardesi. Amirzada was shot and killed by David Pardesi in the session courts premises and David himself was injured and arrested by a police officer present in the court.

Dawood was convicted in a criminal case with 4 years R.I. and his appeal against the conviction was pending before the High Court. In 1984 his advocate, Shamrao Samant, applied for anticipatory bail for Dawood in another case. The Public Prosecutor brought it to the notice of the Court that Dawood was a convicted criminal and was on bail, and while being on bail he had committed five more offences which were under investigation. Despite all this Dawood was granted anticipatory bail by the Sessions Court. After grant of this anticipatory bail Dawood went on a spree of kidnappings of businessmen and extortion of money from big builders as well as stepping up his smuggling activities. This huge amount of money was invested by him in property and financing Film producers in Bombay. A list of Dawood's known investments is given at Pages 26 & 27. Dawood's appeal against his conviction to 4 years R.I. resulted in his acquittal. But the police went up in appeal to the Supreme Court and the appeal was admitted. Notices were issued to Dawood and the other accused. Dawood got wind of this and expecting to be arrested again, went underground and fled to Dubai. This was in 1985. Since then he has been in Dubai under the protective umbrella of the ruling elite there. Dawood has been leading a life of luxury with the enormous fortune at his disposal and is famous for his lavish hospitality to visiting Indian film stars, politicians and other dignitaries. His affair with an Indian film actress through whom he had a daughter was also the talk of the town in Bombay some time ago.

Dawood's flight to Dubai has not affected his power or control over his criminal activities in India in the least. On the contrary, he is operating far more efficiently through his trusted henchmen in India

and has been able to establish his men in Bombay, Gujarat, Rajasthan, Uttar Pradesh, Bihar, Delhi, Hyderabad & Bangalore. Recent arrests of his gangsters in these places confirms this fact. There may be many more links which have not yet been discovered by the police. The recent arrest of Romesh Sharma has brought out his links in the top echelons in the Indian political setup. Abdul Latif, the Don of Ahmadabad, who was recently killed by the police while attempting escape from custody was a Dawood lieutenant. Babloo Shrivastav of U.P. who is a kidnaping expert and who introduced kidnaping in Bombay is a Dawood hit man. He has eliminated a number of people at Dawoods behest. He has similar agents committing crime at his orders in many parts of India. There are numerous safe houses for his gangsters to take shelter when the heat is on after an offence. These are spread out all over the country and all his associates have access to them.

✧ Dawood never allows grass to grow under his feet. When he fled to Dubai, his henchman, Ramya Naik in Bombay carried out a number of killings on Dawood's orders. But with Dawood away in Dubai, Ramya Naik was becoming more and more powerful in his own right and Dawood who is ever vigilant, decided to cut Ramya down to size. He got Ramya's right hand man, Babu Rashim murdered in a daring manner while Babu was in a police lockup. But cunningly Dawood informed Ramya that the man behind the killing was one Mahesh Dholakia of Bombay. Therefore Ramya got Dholakia killed by Arun Gowli who was then a member of Ramya's gang. It was only later that Ramya came to know the truth. When Ramya realised that Dawood was bent upon cutting his wings he started encroaching upon Dawood's area of operation and went into open revolt by extorting money from the big builders whom Dawood had set up as his proteges. Dawood retaliated by revealing Ramya's hideout to the police and Ramya was killed in a police encounter in 1988.

After Ramya Naik's death Arun Gowli took over the leadership of Ramya's gang. There was no love lost between Arun Gowli and Dawood and Arun Gowli continued his crusade against Dawood. He got Satish Rajan a trusted and intelligent aide of Dawood in Bombay

who controlled a large portion of Dawood's operations in Bombay, murdered. This was a big set back to Dawood so he retaliated by getting Arun Gowli's close associate Ashok Joshi, and four others of his gang killed. But Arun Gowli was undaunted and kept harassing Dawood's supporters and clients . He also built up the strength of his gang by recruitment as well as by acquiring weapons like revolvers and sten guns. He even organised shooting practices for his men in clandestine, sound proofed, shooting ranges or by using loud speaker music to drown the noise of firing. In 1989 Gowli kidnapped Mahendra Choradia, who was Dawood's Hawala manager and later got him murdered. In retaliation Dawood got Arun Gowli's younger brother, Kishore killed, by Manoj Kulkarni and some others. Arun Gowli's gang then killed Manoj Kulkarni. This kind of killings an counter killings between Arun Gowli and Dawood gangs continued and are taking place even today. However, Arun Gowli was arrested along with some of his colleagues in a raid and was in jail until recently. While in jail he enjoyed all the privileges of a VIP like good food an other comforts, free access to his gang members, use of a cellular phone etc. From the jail he had been controlling his operations of extortion, kidnaping, contract killing etc. with the connivance of the jail staff. He was so secure and comfortable in the jail that although he was granted bail he continued to remain in jail to avoid getting killed by Dawood's gang.

Dawood by tipping off the police got Tantia Koli, a close associate of Arun Gowli, arrested and a number of sophisticated weapons were seized from them. In 1992 Arun Gowli's gang murdered Dawood's brother in law, Ibrahim Ismail Parker through their hit man Sailesh Haldanker and in turn Dawood got Haldankar killed. One Moulana Bukhari, a small time political worker who had access to other politicians and was a close associate of Dawood for a long time was murdered under Arun Gowli's orders because Gowli felt that he was protecting Dawood from serious police action through his political connections. The war between the two gangs continues till today. Dawood operated from Dubai and lately from Pakistan and Arun Gowli operated from Yerwada Jail. The Arun Gowli - Dawood Ibra-

him feud has political and communal overtones also as the Shiv Sena in Bombay is reported to be supporting Gowli as a foil for Dawood.

The facts that emerge from this study are that criminal gang leaders who have made a mark in the criminal history of this country have all come from humble beginnings. Vardharajan Mudaliar was a railway station coolie, Haji Mastan was a dock worker, Dawood Ibrahim was the wayward son of a Police Head Constable and the same applies to most of the criminal Dons.

The managerial and administrative abilities and the leadership qualities of Dawood Ibrahim are something to be taken note of. As a fugitive living in Dubai and now in Pakistan, he has been able to manage a network of more than 5000 gangsters spread out all over the country for the last thirteen years which in itself is a commendable feat. His plans are executed flawlessly. The illegitimate income continues to flow in without getting embezzled, his men remain loyal in his absence and he maintains his international contacts though he is uneducated and has only recently learnt to speak a little English.

Most successful Dons have maintained a dual personality. On the one hand they are ruthless autocrats who would not hesitate to get their own gang members killed in the most inhuman manner for the simplest disobedience or dishonesty, whether real or suspected, and on the other hand they are extraordinarily generous to people of their own locality or caste and help them out financially in their times of difficulty thereby gaining their loyalty and respect. Their welfare measures for the gang members are better than the most well known industrial houses in this regard. An injured gang member is provided the best possible medical attention that money can buy even if it runs into lakhs of rupees. If a member is jailed his family continues to be supported by them in the same manner as when the member was working. While the member is in jail he is provided with the best lawyers and also every possible comfort inside the jail like home cooked food, liquor, cigarettes or anything he may want. According to the statement of Arun Gowli he spends around five lakh rupees a month to ensure the comforts for himself and his gang members in jail.

Dawood also maintains his gang in the same manner and at the same time is ruthless enough to murder his closest associate if he has the slightest suspicion about his loyalty or honesty. At the same time he is said to be a devout Muslim, a kind and loving father and husband, devoted to his wife, and a respectful and devoted son. It is said that when his father visited him in Dubai, if Dawood returned home late in the night he would quietly enter the house through a back door rather than face his father. At least for appearances sake Dawood was a patriot. While attending cricket matches in Sharjah he had two miniature Indian National flags placed in front of him in his reserved Box.

However things seem to have changed with the demolition of the Babri Masjid. Dawood was responsible for smuggling the RDX into India through Gujarat by sea and for the blasts in Bombay organised through his agent Tiger Memon. The Bombay blasts had another effect, that of polarisation of Dawood's gang on communal lines. Most of the Hindu members of Dawood's gang started leaving and the Hindu-Muslim divide became well defined. The other fallout of the Babri Masjid episode was that the Muslims in Gujarat became very insecure and a large quantity of sophisticated arms and explosives were smuggled in for them. A lot of it have been seized by the enforcement agencies but one can safely assume that a much larger portion remains undetected.

Even as this paper is being written, Dawood carries on the business of his criminal syndicate in India. His terror is as effective as before and as late as March 1999, there are numerous newspaper reports of kidnappings and killings on Dawoods' orders. The Zee TV News Channel came out with a news item on 12th August'99 that the Telecom Advisory Committee of Hazaribagh, Bihar, has made allegations that the long distance telephone unit of Hazaribagh, Department of Telecommunications, is providing communications to Dawood Ibrahim for Bombay, Delhi and other places in India and the Middle East countries on payment illegally, and is functioning as his private telephone exchange. They alleged the involvement of senior officers of

the Department of Telecommunications and have demanded an investigation by the C.B.I.

Dawood's annual turnover in 1995 according to the CBI was estimated to be about 2000 crores. Today it can roughly be estimated to be around Rs.6000 crores which gives him a tremendous amount of power to purchase anyone he wants. Despite whatever we may say, almost everyone has a price, be it the Police, Customs, Excise, Jail staff, the Bureaucracy, the Judiciary, or the Politician. He has the money to buy them and he has members of each of these services on his payroll. He has an efficient network of criminal gangs all over the country through whom he can get anyone killed, kidnapped or harassed any time. He has the blessings of the ISI of Pakistan and with their added military, political and financial backing he can prove to be an extremely dangerous entity for the country.

DAWOOD IBRAHIM'S INVESTMENTS (KNOWN)

S.No	Name of the Firm	Location	Managed/Owned by
01.	Mohd. Anees Trading Co.	Dubai	Dawood/Iqbal/Anees
02.	MOIN'S Garments	Dubai	Mustaquim & Humayun
03.	Alfa Electronics	Sharjah	Iqbal
04.	Choce Electronics	Dubai	Noora
05.	Diwan Shopping Centre	Bombay	
06.	Bombay Garage	Bombay	Mustafa Manju/Mohd. Dosa/Nathubhai Desai
07.	Diamond Rock Hotel	Bombay	Lalit Dholakia
08.	Casino in Solti Oberoi	Kathmandu	
09.	Suhail Travels	Bombay	Noora

S.No	Name of the Firm	Location	Managed/Owned by
10.	East West Airlines	Bombay	Dawood Ibrahim
11.	East West Travels	do	do
12.	Trade Links	do	do
13.	Abu Travels	do	do
14.	United Travels	do	do
15.	Merchant Travels	do	do
16.	Altaf Travels	do	do
17.	Gulf Manpower Agency	do	do
18.	Plots in Vasavi and suburbs	do	do
19.	Number of sea going vessels	do	do

His investments are in Shipping, Food Processing, Garment export, hotels, real estate and construction. He has offices in London, Switzerland, Lagos, and many in Dubai and Bombay.

He provides loans to up coming film producers at his rates of interest. In some recent magazines articles have come out exposing the inner workings of filmdom. It appears that the plots and scripts of films financed by the gangsters have to be approved by them. The glorification of criminals and crime and the impact on youngsters needs immediate attention of the government. The hidden hand of foreign agencies cannot be ruled out. Recently the film censors in Karnataka who had ordered some cuts in a film depicting undesirable scenes were subjected to threats by gangsters and the films were passed without any cuts. This just goes to show the kind of power these criminal gangs wield.

4.3. RAJAN NAIR

Rajan Nair started his career as a Lathe Machine turner in Larsen & Turbo in 1972. From there he resigned and took to a life of crime and anti social activities. In 1976 he attacked a police Inspector who was effectively checking black marketing of cinema tickets. Between 1976 and 1983 he had committed a number of serious offences including murder. Dawood Ibrahim and Amirzada had parted ways and were sworn enemies thirsting for each other's blood. Dawood enrolled Rajan Nair and entrusted him with the task of killing Amirzada. Rajan got Amirzada murdered through one of his hit men named David. Amirzada was shot dead in a daring manner while he was being transported to court under police custody. The accused persons in the Amirzada murder included Balram Venugopal and Ali Abdulla Antulay both affiliated to Dawood . They were arrested but later released by the Bombay High Court on bail. They were represented by a leading lawyer Ram Jethmalani. After Amirzada's murder Rajan Nair became a trusted right hand man of Dawood. Having received this patronage of Dawood he became bolder and started settling scores with his own rivals. He killed Philip Pandre and Abdul Kunju, both criminals, and also some others with whom he had disputes over territory. In 1983 Rajan was arrested by the Bombay Police for being in possession of a revolver. He was also arrested in the Amirzada murder. Amirzada's brother Alamzeb was on the lookout to take revenge for his brother's murder. He could not get to Dawood but he got Rajan Nair killed by one Chandrashekhar Safalika who shot Rajan when he was being taken to court in the Amirzada case. Chandrashekhar was arrested on the spot.

After the death of Rajan Nair, Chota Rajan took over the leadership of the gang and is still active in Bombay.

4.4. ABDUL LATIF

Abdul Latif was a resident of Ahmedabad city in the area known as Dariapur. He started his criminal career as a daily wage worker, in the mid 1970s, in an illicit liquor den of a bootlegger called Manzoor Ali Bux. By 1982 he had established himself as an independent boot-

legger and had managed to win over the local police. With their support he got rid of all competition by driving out all the other bootleggers in the area and became the undisputed bootlegger within the limits of Kalupur police station. He then entered into a partnership with a liquor contractor of Rajasthan initially for the supply of IMFL and later for production of IMFL in Udaipur and Kota districts in Rajasthan.

About this time he came into contact with a notorious smuggler from Bombay, named Alamzeb. Alamzeb was initially an associate of Dawood Ibrahim but later on, due to a dispute over money, they fell out and became sworn enemies. This led to a gang war between Dawood and Alamzeb and a lot of blood was shed from both sides. In 1983 Dawood was brought to Ahmedabad in police custody along with some of his gang members when Alamzeb's gang attacked Dawood and fired upon them. Dawood escaped unhurt but two of his henchmen were injured in the firing. Latif is suspected to be one of the members who fired on Dawood.

In March 1985 there was an anti reservation agitation in Gujarat, centered in Ahmedabad, being the capital. Abdul Latif and his associates from the Muslim community instigated a mob of Muslims of Dariapur area and a communal riot broke out which lasted for about four months. Because of his role in the riots, a detention order was issued for Latif by the Commissioner of Police, Ahmedabad. Latif got wind of this and went underground and could not be arrested. In May 1985, while the communal disturbances were on, Latif fired upon a Sub-Inspector of police of P.S.Kalupur but could not be arrested until November 1985. He contested the detention order, and due to various procedural lacunas the order was revoked. In 1986 a fresh detention order was issued and was also confirmed by the advisory Board. Latif put up a writ petition in the Supreme Court against this order. he was represented by the famous lawyer Ram Jethmalani who also used to be the counsel for Dawood Ibrahim and his gang.

While Latif was in jail, in 1986 December, the Municipal elections were held. Latif filed his nomination from five wards where the

muslims were in majority. He achieved a landslide victory in all the five wards and became the hero of the muslim community. He was released on parole for the elections and later the detention order was cancelled by the Supreme Court on his petition. He began to address public meetings and attended public receptions in the muslim dominated areas of Ahmedabad.

In 1987 Latif was arrested for disregarding an externment order passed against him. On his arrest the muslims of the area went on a rampage of arson and looting which caused a Hindu backlash and the police had to resort to firing to control the situation.

By this time Latif had become a sort of political figure due to his muslim support and at the same time he had established his criminal gang and had developed strong links with Dawood Ibrahim. Apart from his bootlegging activities he went in for Arms smugglings, drugs, extortion, and kidnapping for ransom. His was the biggest gang in Gujarat. The Gujarat police has traced out Latif's links in Jammu & Kashmir, Rajasthan, Madhya Pradesh, Maharashtra and Utter Pradesh. The gang has safe houses in all these states and most of these hideouts are the same as those used by Dawood Ibrahim's gang.

Latif was arrested again in 1995 October but escaped from police custody. He was killed in a police encounter on 29-11-1997 while attempting to escape from custody.

EVOLUTION OF ORGANISED CRIMINAL GANGS IN INDIA

On going through the evolutionary history of organised criminal gangs one tends to find a pattern of development which is similar in most respects, whether it is India or the USA or any other country.

- * The gangs generally start with one enterprising person who takes to crime and recruits a few underlings. He succeeds in making money through his chosen *modus operandi*, be it smuggling or bootlegging or any other criminal profession. Once he establishes himself in his area of operation, which is initially quite small, he manages to buy protection for himself and his henchmen by bribing the law enforcement agencies of his area, generally the local police station and local customs and excise staff. Once this stage is reached, the other small time criminals in the area flock around him and seek cover under his protective umbrella. This arrangement takes place either by these petty criminals joining his gang as regular members, or by regular payments of protection money and retaining their identity. Their area of operation is however confined to a limited area agreed to by both sides. The bigger gang leader thereby increases his membership as well as his income and has a number of satellite gangs under his tutelage.

The illegal income keeps increasing as newer areas of the city are exploited. Sometimes there is resistance from other gangs from the new areas which results in gang wars and bloodshed and eventually the bigger and more ruthless gang takes over the new area under its control very much in the same manner as bigger kingdoms invaded the smaller kingdoms in history. The income from the various illegal activities is large enough for the gang leaders to acquire the means by which they can evade the police. They purchase fast cars, boats and equip themselves with the latest communication equipment. They also possess sophisticated weapons and powerful explosives. For hid-

ing their members when they are hunted by the police they acquire or hire a number of safe houses where the wanted criminals hide in safety. The bigger gangs are known to possess a number of such safe houses in many cities in India and also in neighbouring countries like Nepal and Singapore.

The vast amount of funds which accumulate with the gangs are invested in legitimate businesses like hotels, cinema halls, high rise apartment blocks, travel agencies transport companies etc. and the gang bosses attain an aura of respectability in society as rich and successful businessmen. They entertain senior government officials from the bureaucracy and the police and cultivate politicians by providing them with election funds and muscle power to win the elections. They can afford to engage the best legal help available in the market to defend their members in case they are caught by the police. Some leading lawyers like Shri Ram Jethmalani have been defence lawyers for Dawood Ibrahim and his men. Some gangs have sufficient clout to influence the courts and obtain bail and acquittals despite all kinds of evidence against them. With the attainment of this kind of status where the entire criminal justice system is subverted these organised gangs become almost invincible and the gang boss gets to be known as a Don.

No criminal gang, however big or powerful can survive without police protection or police indifference. All gang bosses are aware of this fact and most of them are careful not to antagonise the police force or have a confrontation with them. They would prefer to win them over with their vast fortunes. However all policemen are not purchasable or dishonest, therefore the bosses have to find ways and means to neutralise such officers if they are to survive. The only body of men who can influence the police or force them into inaction are the politicians in power. Therefore they are the first targets of the gangs.

A politician is basically a very insecure person as his well being depends entirely on winning elections. He is willing to clutch at any straw when he has to face the electorate. In India votes can be gar-

nered mostly by the following three methods. Firstly, the candidate should have such a high standing in society that the public votes for him without any hesitation. Such candidates are very rare today. The second alternative is to have enough money to buy the votes through vote brokers who are available all over the country, although they cannot be fully relied on. The third alternative is to terrorise the voters to vote for them, or to stay away from the voting booths so that their votes can be cast by imposters. The voting booth staff are also terrorised into submission.

The second and the third alternatives can be achieved by the organised gangs who can afford to buy the votes or alternatively terrorise the voters. Under these conditions the politician finds it very convenient to utilise the criminal gangs for winning elections and attaining power. The price they have to pay is to provide protection to the gangs from police action.

The police force is after all a collection of government servants whose careers are dependant on the political executive for the simple reason that their postings, transfers, promotions etc. are all subject to their approval either formal or informal. By this very fact the entire police force gets subjugated to the political will. What can be a better set up for a gang boss than to have a politician giving him protection from the police. Apart from the police, this situation holds good for all the law enforcement agencies like the Customs, Excise, Revenue and others. The law enforcement officer is faced with a very difficult choice. If he succumbs to pressure he has good postings, authority, respect and power as well as substantial amount of financial benefits. If he does not toe the line, he has to remain in unwanted charges, deprived of even normal perks and facilities, and have a generally frustrating and disgruntled career. Under these circumstances it is just not feasible to expect an average enforcement officer to perform his duties in an upright manner.

The judiciary which is the ultimate refuge of the law abiding, also does not present a very clean image, specially where organised crime or terrorism is concerned. The less said about the judiciary dur-

ing the Punjab terrorism period the better. The situation in the terrorism and organised crime prone states is no better.

While the public and the criminal justice system is in a comatic state the large cities in India are afflicted with organised crime. The hoard of illegal wealth with the organised gangs keeps growing each day. The annual turnover of Dawood Ibrahim alone was estimated by the CBI to be Rs.2000 crores per annum. This was five five years ago. The present day combined earnings of all organised criminal gangs in India can safely be estimated to be not less than Rs.50,000 crores per annum. About 50 to 60 per cent of the total income would probably be spent on gang members salaries and maintenance of their assets like cars, ships, safe houses, communication equipment, weapons etc. It would also cover legal expenses for apprehended members, payments to the police, customs ,excise, airport and port staff and security and the jail authorities. According to the statement of Arun Gowli, the Bombay gang boss, he pays Rs.5 lakhs a month to the jail staff where he is imprisoned to ensure that he and his gangsters are well looked after in the jail. The rest of the money goes into legitimate investment like real estate, and other businesses. Any business started by a gang cannot fail for the simple reason that there is no competition to contend with as all competitors are made to withdraw from the competition. There is also no dearth of money to tide over difficult periods during which many honest companies would go into liquidation. There is a kind of Midas Touch in Organised crime and wealth keeps pouring in from whatever it touches. A perusal of the list of the known investments of Dawood Ibrahim will show the magnitude of the money involved.

With this kind of money at their disposal the mafia is in a position to buy practically anyone. There are numerous examples of top ranking politicians who are in direct link with the Mafia and are beholden to them for remaining in their chairs. To sum up the Indian Mafia today consists of the Dons, the politicians, the police, the customs, the excise, the revenue as well as the judiciary to some extent . They have made in-roads into all these agencies to a considerable ex-

tent, atleast substantial enough to be able to nullify all the efforts of law enforcement and ensure the success of the Mafia.

In this scenario it becomes extremely difficult to find ways and means to combat organised crime. By and large the law enforcement agencies have the desire to put an end to organised crime. They also have the capability of doing it. Somehow the spirit is willing but the flesh is weak.

CAUSES FOR THE GROWTH OF ORGANISED CRIME

A study of the growth of organised crime, with the formation of large organised gangs with the membership going into thousands, both in India and in the USA, reveals that there are certain conditions, social, economic and political which need to exist in order to provide a viable climate for its growth. These are :

1. The existence of a public demand for illegal goods and services.
2. Negligence and/or collusion of the law enforcement agencies.
3. Lack of political will and/or political patronage to the criminal gangs.

Without the existence of the above three criteria it is extremely difficult for any criminal gang to survive or grow for more than a few months. To analyse the criteria in depth :-

1. Public demand for illegal goods and services.

a) There is a public demand for illegal goods and illegal services for which the public is willing to pay prices which are much higher than what the prices would have been if such services and goods were legally available. There is a demand for liquor in prohibited areas, for drugs, smuggled electronic goods, machinery, perfumes etc. There is even a demand for cinema tickets in the black market.

There is demand for brothels, specially in the cities where migrant labour come to earn a living leaving behind their families for long periods. Rich youngsters also patronise brothels and pick up girls and pay well. The gamblers need a place to gamble away their money and are willing to pay for it. The drug addict will pay any-

thing to satisfy his urge for the drug. the list goes on and organised crime provides all these illegal goods and services to the customers without any risk to them.

b) Persons indulging in tax evasion generally accumulate large sums of black money which they invest in the form of loans to other businessmen. In case the borrowers default in repayment the lender cannot seek redress from the courts. Therefore the services of the gangland toughs are needed to recover the loaned amounts. The service charges for such recoveries are said to be about 40% of the recovered amount.

c) Sometimes political or business rivals or personal enemies need to be eliminated and there is a demand for some specialists who take a contract for such killings. In the underworld this is commonly known as the 'Supari.'

d) Expensive old properties in prime business areas are occupied by tenants who have been living in them for decades paying ridiculously low rents. Eviction through the courts may take a few more decades. So the landlords seek gang services to evict the tenants by strong arm methods.

e) Factory owners employing large labour force have to deal with inconvenient unions. In order to keep the unions under control with terror tactics the services of these criminal gangs are required.

2. Negligence and/or collusion of the law enforcement agencies.

When liquor is sold in prohibited areas, smuggled goods are sold in the market, cinema tickets are sold in the black market, brothels operate peacefully in some areas or someone quietly runs a gambling den quite often the police turns a blind eye. The reason for this inaction could be due to any one or all three reasons below:

- a) To allow the public to have a little fun.
- b) To avoid creating unnecessary work for themselves.
- c) In return for receipt of bribes.

Whatever may be the reason, the result is that once these businesses are allowed to grow unchecked they tend to throw up criminal Dons like Vardharajan, Haji Mastan or Dawood Ibrahim.

Organised Crimes And Government Servants

So far we have studied organised crime as being the activity of organised criminals. The criminals have figured as the main villains in the play. The role of the government functionaries has not been highlighted. Given below is a list of the major organised criminal activities:

1. Theft of Govt. property , Railways, Shipping etc.
2. Smuggling.
3. Drugs, production, sale and smuggling.
4. Bootlegging.
5. Gambling.
6. Pornography.
7. Bank Frauds.
8. Extortion.
9. Illegal travel documents.
10. Employment rackets.
11. Export of antiquities.
12. Hawala transactions.
13. Land grabbing.
14. Settlement of property disputes.
15. Dealing in animal skins.
16. Gun running.
17. Prostitution.
18. Contract killings.
19. Insurance frauds.

20. Mines thefts.
21. Export of labour, girls and children.
22. Booth capturing and rigging.
23. Piracy.
24. Dacoities and robberies.

From the perusal of the above list it can easily be seen that almost 75% of the criminal activities of the criminal gangs would require the active support or connivance of the government servants of the departments related to the particular activity. This high involvement of the government employees in organised crime remains unrecognised even today. It masquerades under the guise of "Corruption". No organised gang can survive or thrive without the connivance of the government agency which is meant to monitor that area of activity. Therefore, the fight against organised crime will have to begin by cleaning up our own house. This can only be done through a process of supporting the honest government servants and isolating and penalising the corrupt ones. The present system is functioning in exactly the opposite direction. If the involvement of government servants in organised crime can be effectively stopped half the battle is already won.

3. Lack of political will and/or political patronage .

The links between organised criminal gangs and some unscrupulous politicians has been highlighted enough in the media with overwhelming evidence, so that its existence cannot be denied. This nexus started with an interdependence on each other for their survival. The politician needs money, votes and the suppression of political rivals to remain in power and depends on the gangs for these. The garnering of votes by good performance and a clean image is a thing of the past. Today votes have to be bought, or cast by proxy, or by terrorising the voter into voting for a particular candidate. There is no better agency today, to gather votes, than the organised gangs. In return the politician has to provide protection to the gangsters from the law, and political clout comes in very handy for this purpose. Gradually the

criminals take to political careers as a side line so that they have the best of both worlds. As a result, to day the Legislatures of some states have a high percentage of members with long criminal records.

4. Public Docility

The Indian public is very docile and will tolerate a great deal of wrongs if things do not affect them personally. Kidnappings, extortions and killings are taking place on a regular basis in cities like Bombay, Delhi and other big cities in India but there is hardly any public outcry. Even the media, apart from occasional whimpers, is mostly silent.

5. No action against amassed illegal wealth.

It is common public knowledge that many large buildings are constructed with underworld money. Big hotels, companies, and industries are financed by the same tainted money. yet somehow these businesses remain untouched by the revenue and tax authorities. Some years ago the CBI had estimated Dawood Ibrahim's annual turnover to be of the tune of Rs.2,000 crores. It would be interesting to study how much of these illegal investments have been seized by the tax authorities.

6. The inadequacy of existing laws.

The existing laws under which the underworld could be dealt with are thoroughly inadequate as discussed in the next chapter. The only criminals who can be booked under the existing laws are the peripheral petty criminals of the gangs who are in any case, considered as expendable by the gang bosses. The bosses continue their criminal activities undeterred as they consider themselves, and are immune to the law of the land.

7. Aura of terror.

Organised crime operates through terror. The average Indian is timid and any form of terror paralyses him into inactivity or surrender. Most of this timidity is born out of lack of faith in the police and its ability to protect them. This lack of faith is also quite justified because, more often than not, the names of police informers get

disclosed to the gangsters who retaliate swiftly and brutally. In the case of anonymously given information action is hardly ever taken, thereby discouraging the informer from giving information again. The criminal gangs take advantage of this public timidity to enhance their incomes through extortion and other pressure tactics.

8. Opportunity to get rich quick.

* Organised crime generates large sums of money. As a result the gang members are handsomely paid even at the lowest rungs of the ladder. They are able to maintain a life style which they would never have achieved by honest work. This opportunity to earn a large amount of money with reasonably small risk attracts the criminally inclined youngsters to join the gangs. There is never any dearth of recruits for the organised gangs.

A summary of the causes for the growth of organised crime in India indicates that it is one of the most lucrative businesses existing today. It provides enormous amounts of money and power, a luxurious life style, the opportunity to be a philanthropist with unlimited money to distribute as largesse and win public support.

The risks involved are nominal. If a junior gangster is arrested he gets the best legal aid, he is well looked after in jail and his family continues to get the same amount of money each month as and when he was on the job. If he is ill or injured, he gets the best possible medical attention that money can buy. The police, the customs, excise and all other enforcement agencies tend to cooperate in making the business a success, of course for a fee. Political support and protection is often available. The cases launched by the police rarely end in conviction, and the liberal provisions of bail are always available. All in all the organised gangs hold all the cases.

THE LAW IN RELATION TO ORGANISED CRIME

Organised gangs commit the same crimes which are committed by ordinary criminals, like kidnapping, extortion and murder. They also provide the public with illicit liquor, drugs, gambling dens, prostitutes and weapons and foreign exchange when needed. All these offences are covered by the various laws like the IPC and other Special Acts. Therefore these offences, when reported to the police are registered under the relevant laws and taken up for investigation. Some cases do get detected and arrests are made and the culprits are prosecuted. Very few of them get convicted.

The offender who gets convicted is a mere pawn in the game, a small time crook employed by the gang bosses to commit an offence. His conviction is compensated by grant of money, free legal protection and full financial support to the family in addition to a comfortable period in jail. Therefore in real terms the criminal justice system has not achieved any success by the conviction. Another criminal replaces the convict and the crimes continue.

The reasons for the poor rate of conviction are many. They can be listed as under :

1. There is hardly any evidence of witnesses available because of the reluctance of the witnesses to give evidence in court for fear of reprisals by the gangs.

2. The criminals escape after the commission of the offence and go to far away safe houses and by the time they are arrested sufficient time has elapsed for them to be able to destroy the evidence and to scare away the witnesses. If the witness is adamant he may even be eliminated.

3. There is enough money available with the gangs to provide the accused with the best legal aid and even to manipulate court records etc.

4. In case the gang boss is also charge sheeted no evidence is available to connect him with the crime as there are a number of layers in the chain of command between the boss and the actual perpetrator of the crime. The bosses are careful to avoid any direct connection with the real culprit. The underlings operate under the 'need to know' basis and are generally unaware of the plans and activities of the gang boss and are unable to divulge any important information to the police on interrogation.

5. Because of the ease with which bail is granted by the courts, there is no pressure on the courts to expedite the disposal of the cases while the accused is on bail. Therefore the cases continue for years. The prosecution loses interest, the witnesses forget facts, evidence gets destroyed and the cases end in acquittal.

Unless the gang bosses are prosecuted and convicted there is not going to be any check on the organised gangs. The use of Sec.120 A&B or Sec.114 (Criminal Conspiracy and Abetment) does not meet the requirements of the courts to obtain a conviction as it is next to impossible to prove the existence of a conspiracy between the gang boss and the actual offender. Similarly it is not possible to prove the abetment of the offence by the gang boss as there are no written orders or any records and all instructions are oral and passed on from one level of command to the other till the hit man gets the order from his immediate superior.

The use of TADA was resorted to by the police as this Act has a wide definition of a Terrorist Act and the organised gang crimes could easily be brought under the purview of this Act. However there was a certain amount of misuse of this Act by the police as it was used in ordinary cases also. The Act provides the police with some advantages in dealing with gang offences as under :

TADA :

- Gang crimes fit into the definition of a "terrorist act" as per TADA.
- Confession to a police officer of the rank of SP, can be recorded by him.
- Investigation beyond 180 days without putting chargesheet and accused remain in custody
- No bail without hearing the public prosecutor and after the hearing still the court comes to the conclusion that no case is made out.

In Bombay out of 294 charge sheets there were only 10 convictions and 96 cases pending. i.e. 10 convictions in 198 decided cases

With all these laws the Bombay Police has by and large fought a losing battle with the underworld and 1998 was the high watermark as far as gang crimes are concerned. The killings and kidnappings go on unabated and organised crime continues to thrive.

* The State of Maharashtra has at long last brought out an Ordinance called "The Maharashtra Control of Organised Crime Ordinance 1999" in February 1999. The Ordinance caters for most of the requirements and the conditions necessary to combat organised crime and is reproduced at Appendix A. The salient features of this Ordinance are :

1. "Organised Crime " and "Organised Gangs" have been defined and differentiated from other normal crimes so that they can be identified and dealt with separately.

2. The punishments provided in the Ordinance cater for minimum terms of imprisonment and minimum amounts of fine. A minimum of 5 years imprisonment and a minimum fine of Rs. 1 lakh to Rs.5 lakhs has been provided for various offences under this Ordinance. Abetment of crimes under this ordinance and possession of wealth and property acquired through organised crime has also been made punishable with deterrent punishments.

3. Authorisation for interception of wire, electronic and oral communications has been provided for.

4. Presumptions by the Court

- unaccounted wealth or property owned by a gangster has been acquired through illegal means.
- a person kidnapped or abducted has been kidnapped for ransom.

5. Confessions made to a police officer, not below the rank of an S.P. to be admissible as evidence.

6. Protection of witnesses by keeping their identities secret. Anyone disclosing their identity is punishable by one years imprisonment and fine of Rs.1000/-.

7. Forfeiture of property of convicted persons. Attachment of property during trial. Issue of proclamation in case of absconding accused and attachment of his property.

8. Detention of the accused during investigation extended to 180 days.

9. No grant of bail without consultation of public prosecutor and without his clearance.

10. Presumption by court

- on recovery of unlawful arms or other material from the accused or finding of his fingerprints on the scene of crime the court will presume that the accused has committed the crime

11. Presumption by court

- if anyone gives financial assistance to a gangster for commission of a crime, such person has committed the offence.

12. Public servants aiding and abetting organised crime by act or omission punishable with three years imprisonment and fine.

This Ordinance appears to have enough teeth to enable the police to deal with organised crime effectively. It is yet to be seen how far the police is able to utilise it in controlling the mafia. It is also yet

to be seen how far the courts will dilute this ordinance. Six months have passed since the promulgation of this Ordinance but so far no noticeable change is visible in the Bombay scenario. We can only wait and watch.

In order to deal effectively with organised crime the entire Criminal Justice System will have to look at the problem from an entirely different angle. Crimes committed by organised gangs have built-in safety measures to protect the criminals from punishment as we have seen in the previous chapters. The real criminals who are the gang bosses are absolutely safe from any kind of legal action against them. This is for the simple reason that the kind of evidence required to punish them just can not be obtained by the police despite all the suggestions offered by various experts for collecting such evidence. Telephone tapping, photography, listening devices etc. have been recommended to gather evidence against the gang bosses but all such evidence can be torn down to shreds by a good lawyer in the court. In order to get a conviction against a gang boss it has to be proved beyond doubt that the crime (Say kidnapping for ransom) was planned by him. Then it has to be proved that he had ordered the commission of the crime to the second line gang leader. Further it has to be proved that the second line leader, in compliance of the bosses' orders, ordered the actual kidnappers to commit the offence. The ransom money which is collected by an entirely different party or through hawala transaction is again impossible to be linked to the gang boss. Under such circumstances no Indian court is likely to convict any gang boss unless he commits a crime himself, which he is most unlikely to do.

Unfortunately courts in India are concerned more with evidence than the truth. Their concentration is not on dispensing justice but on delivering judgements. In a vast majority of criminal cases the evidence available is not able to meet the requirements of our courts although it may be more than enough to establish the guilt of the accused as per the norms of natural justice and to convince the person sitting on judgement. Therefore even if the judge is personally convinced that the accused has committed the crime he would still look for absolute cast iron evidence to convict him. It is therefore

very necessary to bring about a change in this attitude of the courts to make them justice oriented rather than be evidence oriented.

Under these conditions the possibility of controlling organised crime through the normal process of the law is non existent. The only other alternative for the police is to give up the fight against the gangs, or to join them and share the loot. In fact this is exactly what has happened in the underworld capital of India, Bombay. The police have realised that neither the politician, nor the bureaucrat or the courts are interested in combating organised crime. Therefore there is no point in the police to fight alone. It is much safer and more lucrative to look the other way and share the loot. In case of occasional public outrage or media pressure they go through the motions of being energetically active for a week or so and arrest a few stool pigeons. Then things come back to normal and the same set up continues.

The liberal attitude of the courts in matters of bail and acquittals has led to a new system of justice dispensation based on the assumption that nobody gets convicted unless he is an imbecile. The newspapers regularly carry reports of person accused of murder who are acquitted by the courts, being killed by the relatives or friends of the victim immediately on his release from jail. Is this the kind of justice we want where the aggrieved party dispenses justice to the aggressor as he deems fit? If this concept is allowed to spread and take root as it has done in some states like Bihar, then the day is not far when any judge who convicts a criminal will get murdered the next day. The feeling in the general public that whatever crime one may commit will not result in any sort of punishment, provided you have enough funds to finance your defence through good lawyers or have political clout, is taking firm root. This is not at all desirable for any healthy society as it undermines the very authority of the rule of law.

It is clear that the ball is in the judicial court to decide whether it would want to dispence justice or adhere to the rules of evidence and leave the dispensation of justice to the man in the street to wield his own weapon, for the purpose.

CHAPTER 8

POLICE Vs. ORGANISED GANGS

In the battle between organised criminal gangs and the police in India so far, the gangs have come out on top for the last decade or so. Some small time gangsters have been arrested and convicted or have been killed by the police in encounters. This does not even scratch the surface as far as combating organised crime is concerned because this does not effect the gang's operational ability or cause any crippling damage to the gang.

The reason for this failure of the police can be attributed to the fact that they are neither tactically nor logistically equipped to handle this problem. The modern organised gangs are entirely different from the traditional criminals that the police has been dealing with for the last so many years. In order to have a clear picture of the unequal capabilities of the organised gangs and the police it is necessary to examine the cold facts as they exist on the ground.

1. The physical facilities available to the gangs are far superior to those with the police. Firstly the gangs have access to abundant resources of money which enables them to acquire the best transport facilities like cars, boats, air travel, latest communication equipment, sophisticated weapons etc. Moreover, they do not have any red tape. If a vehicle is required urgently by them it can be procured in a matter of hours by purchasing one or by stealing one. For the police, procuring a vehicle may take days, months, or even years. When a gang commits a serious offence the perpetrators can afford to leave the city by the first available flight to a far away state where they can hide in safe houses or live in posh hotels posing as tourists. This availability of funds makes the gangs very mobile and highly efficient.

2. The reward and punishment in the gangs brings about a high degree of loyalty to the leader and an extremely high level of efficiency. The boss's orders are carried out to the last detail and in the

allotted time. To the gang member, success in an operation is vital to his career and to his survival. He would prefer to risk his life rather than fail in an operation because punishment for failure in the gangs can be very severe. Similarly, the reward for a job well done is usually very high. Any hint or suspicion of disloyalty, treachery or dishonesty would result in a brutal killing. The motivation to succeed is indeed very high.

In the police it matters little whether one succeeds or fails. At the most, the punishment for a series of failures could be a transfer. Success also does not bring about any great rewards. It is widely believed, and may be rightly so, that the criminal gangs have more information about what the police is planning and doing, than what the police know about the gang's activities. The number of informers in the police setup who keep the gangs apprised of all police plans is much higher than the informers that the police has for gang information. It is a common occurrence that an informer from the public is soon exposed to the gang and gets brutally punished. Obviously, honest officers, with such members in the team, are seriously handicapped in combating organised crime.

3. The laws are clearly tilted in favour of the criminal. The interpretation or application of the law sometimes appears to be even more tilted. Whether it is a matter of bail, handcuffing, remand, recording of confessions, search, seizure, burden of proof or admissibility of evidence the criminal is the favoured party. Therefore the police is badly handicapped by the existing laws.

4. The gangster can impose his will on anyone, to make him do or refrain from doing something by the use of terror. Witnesses can be stopped from giving evidence, doctors can be forced into giving wrong reports in cases or attending on injured gangsters on the run, important evidence can be made to disappear, forensic experts can be made to give favourable reports, innocent people can be coerced into giving shelter to criminals just by the use of terror. The police has no solution to this kind of terror. All they can do is register another case.

5. All organised gangs have a number of regular hideouts for their members to take refuge in when they are being hunted for by the police. It would be a difficult task for say, the Bombay police to trace out and arrest a wanted criminal living in a safe house in Kathmandu or Shillong. The organised gangs ensure that their men after committing a serious offence leave the city immediately afterwards for a distant hideout. Take the case of the Bombay blasts.

6. The underworld Dons with their illegal fortunes are in a position to start large businesses and pose as prosperous businessmen and develop connections with powerful politicians and, not so scrupulous, officers. This inhibits the normal functioning of subordinates officers who are dealing with gang crime, even if the subordinate are honest. Romesh Sharma and Chandraswamy are a case in point.

7. Apart from dealing with organised crime, the police force is engaged in performing a number of other duties like law and order, fairs and festivals, VIP visits, communal tensions, routine crime work which takes up a considerable part of their time and energy. The gangs have no other diversion except concentrate on the planning and executing their criminal activities and enjoying their ill gotten wealth.

8. The organised gangs, with their unlimited resources of money, political and bureaucratic clout have been able to bring about a great deal of change in the thinking of law enforcement officers. The temptation of making a fast buck and thereafter live in anxietyless luxury with an assurance of a comfortable retired life and a secure future for the children is indeed very great and would require a saint to be able to resist it. An average law enforcement officer is, most likely to succumb to it and many have already done so. The other alternative for an officer is a drab retired life with no security against an unknown quantum of inflation. All he may have to show at the end of 35 years of honest service is a farewell retirement gift from his colleagues and a nagging doubt at the back of his mind whether he has done the right thing by being upright.

The incapacity of the police to successfully deal with modern organised crime, as I have stated earlier, is because of the fact that it is

vastly different from the traditional forms of crime that they have been dealing with so far. The following comparative chart brings out the differences very clearly.

TRADITIONAL CRIME	ORGANISED CRIME
1. It was a profession	1. It is a business like any other corporate business house.
2. There is no use of terror. The common man is not in awe of the gangsters.	2. Everyone is terrorised because of the brutal acts of the gangs and their vengeful attitude against all those who oppose their interest.
3. They have no leadership backup on any legal back up as they have no funds to afford them.	3. They have huge resources to be able to get the best legal aid and a leadership which is powerful financially and politically.
4. They have no facilities of transport communications or safe hideouts.	4. They have all the resources.
5. They have no political clout	5. They have political clout.
6. Their funds are very limited	6. They have unlimited funds.
7. They are not vengeful	7. If they are harmed or opposed they will take revenge even months or years after the event.
8. They are afraid of the police	8. They are not so afraid of the police and if need be they will face the police in an encounter and sometimes fare better because of better weapons.
9. They have no information of police activities or their plans	9. They have accurate information of police plans and activities.

10. There is very little or no collusion with the police.	10. They have the cooperation of most of the law enforcement agencies.
11. The leader is directly involved in the crime and can be punished	11. The leadership is not directly involved in criminal acts and can not be easily punished.

The above comparative chart will clearly indicate why the law enforcement agencies have not been able to control the menace of organised crime and why it has become a major threat to the country.

THE SUCCESSFUL GANG LEADER - A PROFILE

The life of a gang leader is a rat race. Only the strongest, the wiliest and the most alert survive beyond the age of forty years. In the criminal set up of the organised variety there is very little favouritism or nepotism. To succeed one has to deliver the goods. There is no other alternative. One has also to be lucky.

A close look at the life and career of any of the big underworld Dons shows that they all possessed extraordinary qualities of leadership, the ability to work hard, a sort of animal cunning and foresight and the courage to take risks. Most of them also appear to possess the ability to sense danger like animals in the wild.

Whether it is Vardharajan Mudaliar or Haji Mastan or Dawood Ibrahim or Arun Gowli, all started life from very humble backgrounds, verging on poverty. Vardharajan began as a coolie, Haji Mastan and Yousaf Patel were in Bombay port and pilfered imported goods awaiting customs clearance. Nayak ran a Matk Den while Rajan Nair and Chota Rajan sold cinema tickets in the black market. Each one is worth crores today. Similarly Arun Gowli's father was a mill hand and Amar Naik's father was a vegetable vendor and so it goes on. Whether it is India or America the stories are almost identical.

Each of these big time gang leaders took to petty crime at a young age and gradually collected small gangs and began accumulating money. They were all ruthless in business even with their own henchmen and none of them would tolerate any disloyalty or disobedience. All had highly suspicious natures and if any gang member came under the slightest suspicion of disloyalty it meant his elimination in a brutal manner which served as an example to the others. Almost all of them possessed the ability to win over the law enforcement officers be it the police, the excise or customs, by means of bribes or a combination of bribes and threats.

Their man management policies and motivational techniques can serve as examples in Management text books. Using a combination of rewards and punishments and a caring attitude towards subordinates in distress, they are able to win their unshakeable loyalty and also obtain peak performance from them. The degree of motivation seen among the gangsters for performing given tasks to the complete satisfaction of the boss cannot be found in the best of corporate businesses who are reputed for their man management. They have brought the use of terror and rewards to a fine art.

All big Dons have been achievers and result oriented in their outlook. At the same time they are meticulous in covering their tracks in such a manner that they cannot be touched by the law. Their defence system is fool proof; they take extraordinary precautions against physical attacks and engage a battery of heavily paid top notch lawyers, corrupt police and other law enforcement officers, and in some cases the judiciary also in order to meet legal challenges.

Strangely enough, despite being ruthless criminals, most of the gang leaders exhibit faith in some diety or the other. In fact most gangsters after committing a heinous offence go to a place of pilgrimage possibly to seek forgiveness for their sins. Quite a few of the Dons like Vardharajan projected a public image of being kind and generous philanthropists and spent substantial amounts of money in public service like giving donations for public utilities and on charity in helping people perform their childrens' marriages or for treatment. Some do it on communal basis like Latif of Ahmedabad who became a Messiah of the Muslims in Gujarat.

Most of the Dons avoided any kind of confrontation with the police or other law enforcement departments and preferred to buy them over, whatever the price. They cultivated politicians and senior bureaucrats by lavish parties and gifts and bribes or catering to their basic needs if such a situation arose.

Not much information is available about their personal lives but from the little information gathered they appear to have normal family ties and are average husbands, fathers and sons in the family.

The Average Gangster.

The general impression of the common man is that gangsters are strong, well built persons with a domineering personality and a face which will strike terror in an average person if he comes across him. On the contrary, most of the gangsters are very ordinary looking persons who will remain unnoticed in a crowd. In my own experience of 34 years in the police I have come across a large number of decoits, murderers, highway robbers and dadas with whom I have dealt with personally. My own reaction on meeting them face to face has almost always been one of surprise because their build and bearing did not match the acts committed by them or the descriptions given by the victims in any way. The victims always tend to describe them as being much bigger, stronger and more vicious looking than they actually are. Probably it is their perception as they encounter the gangsters in a state of fear and tension and the gangsters are in a more aggressive frame of mind at the time of commission of the crime.

A majority of the gangsters are school or college dropouts who fall into bad company and turn into petty criminals. Eventually they get picked up by some gang and join in search of easy money. Most of them come from the poorer sections of society and are children of low level employees like peons, mill workers, railway workers etc. Usually they are disgruntled youngsters who feel that they do not have a future or their families are in monetary difficulties.

Gangsters are generally cool headed persons who are after quick and easy money. They also want to belong to an organisation which is powerful enough to protect them from the law as well as other enemies, should they get into any kind of trouble with them. They are at the same time very egoistic and selfish. Most of them would go to great lengths to use violence in the most gruesome manner if their interests are threatened or if they feel they have been slighted. They have a dog like loyalty towards their leader and crave for his appreciation for a job well done. After some time spent as gangsters they tend to lose their sense of compassion or pity and become capable of inflicting gruesome torture on others without feeling any re-

morse or aversion, even if the victim is an innocent stranger to them. They will commit such acts merely on the orders of the boss. This kind of blind, unflinching loyalty is also found among pack animals in the wild like wolves and wild dogs. It is a means of survival for themselves individually, and the pack as a whole.

In a research paper written by Shri V.K.Saraf he has found on the basis of statistics that the vast majority of gangsters are in the age group of 19 to 28 years (66%). About 26% are in age group of 29 to 38 years. Only 6.5% are above 40 years of age and those below 18 are less than 1%. He states that most of the gangsters get killed before they reach the age of 40 years, either by other gangsters or by the police. A small number leave the gang and retire and settle down with their ill-gotten gains into some legitimate means of livelihood which again is generally on the outer fringes of the law. The study of the Bombay gangs revealed that 29% of the gangsters hail from the Konkan region, 41% from other regions of Maharashtra and 30% from outside the state.

RECRUITMENT

The strength of most criminal gangs keeps getting depleted due to arrests of gang members and deaths due to gang wars and police encounters. Therefore the numbers have to be made up regularly by taking in fresh recruits. Unlike the USA where the gang membership is based on blood relationships or relationships through marriage or on the basis of the country of origin, the Indian gangs are more cosmopolitan in nature. We find Hindus, Muslims, Christians and people hailing from different regions and communities in the same gang.

The American gangs are very closely knit and members belong either to the same family, clan or nationality with very few exceptions. The links of the members with gang are generally for life and the enunciation of a new member into the gang is done in a ritualistic manner not unlike the commissioning ceremony of an army officer. In some cases, specially in the Sicilian gangs the rituals are elaborate with the mixing of blood and other rituals followed by a grand party in celebration.

In India the recruits are generally from the lower echelons of society who take to rowdyism and crime from a young age. They hang around the bars and gambling joints frequented by the gangsters and listen to stories of their escapades. The gangsters have a lot of money to throw around and naturally become the role models of the young delinquents.

The lower level leaders in the gangs generally keep a look out for promising young criminals who have the required temperament to become efficient and ruthless gangsters. Once they are spotted, the youngsters are initially employed on a 'per job' basis and given simple tasks as "watchers" and "carriers" of messages. Gradually they are allotted more difficult and dangerous assignments and once he proves himself he graduates to committing serious crimes. Once he

has committed a heinous offence, the youngster becomes dependent on the gang for protection from the police or retaliation from rival gangs or the victims people. Once inducted into the gang, he has to depend on his own resourcefulness and efficiency to rise in the gang hierarchy.

Some young criminals volunteer to join a gang. Such persons are made to commit a heinous offence like murder after which he becomes dependent on the gang for protection and support. In some cases youngsters get into trouble and are arrested. If they show promise the gang may help them get bail and enroll them as a member. In other cases a fugitive from justice may seek shelter from a gang and get enrolled or some other powerful gang may be chasing him for revenge and he is given asylum and made a member.

Another source of recruitment is the jails. Single criminals who get convicted or are under trial in jail come into contact with gang members who are also in jail and friendships develop. On release they are introduced to the gang higher ups, and if found suitable, are inducted into the gang.

There are many ways in which a criminal may be recruited by a gang but the underlying criteria is, that he must possess the requisite qualities essential for a member to survive in the gang. The qualities looked for are, intelligence, courage, ruthlessness, loyalty and the ability to commit violent acts without hesitation.

In the Indian organised gangs there are no initiation rites as it is found in the USA. The only ritual is that he is required to commit a heinous offence which is a sort of baptism for him. Some new members are made "stool pigeons" that is, they are surrendered to the police in place of the real criminals who are wanted. The police having made an arrest discontinue their hunt for the real culprits who lie low for some time, and then resume their activities. The stool pigeons are got released on bail and paid for their troubles. The police are also quite often involved in this arrangement because the public outcry subsides after the arrest and the press becomes silent. For the police the heat is off, the public is mollified, the senior police officers are

satisfied and the gang recruits a new member who is obligated to them. There is all round satisfaction and no one is seriously concerned whether the arrested criminals are convicted or not in the end.

The earnings of gangsters are high. At the lowest rung of the ladder the monthly income would be about Rs.5,000/- and at the middle level it would be Rs.25,000/- and above. Even the part time errand boys make between Rs.1000/- to 2000/- per month. In addition to this regular income they get handsome bonuses whenever a lucrative crime is successfully committed, like a kidnapping or a contract killing or a big consignment of contraband is safely delivered. The other benefits which a gang member derives are safe houses maintained by the gangs for the gangsters to hide in when they are being hunted for the police. Such houses are usually rented at high prices to keep the landlords quiet. In case a gangster is arrested, legal aid is provided by the gang to him for getting bail and to fight the case in court. While in jail his family continues to get his monthly emoluments. To ensure his comfort in jail, the jail staff is bribed to provide them with all possible comforts like home cooked food, liquor and drugs if needed .

It is evident that maintaining a gang is an expensive proposition and therefore the gangs wish to keep their numbers low but with people of high quality. The whole system is not unlike the recruitment policy of a large business house.

ORGANISED CRIME IN THE STATES

11.1. GUJRAT SCENARIO

Organised criminal activity in Gujarat in the 1960S and 1970s was mostly restricted to smuggling of foreign goods and liquor. Other IPC crime was very nominal as most criminals found enough money coming in from bootlegging and smuggling. Because of affluence in the state the leaning is more towards white collar crime like cheating and fraud where much more money can be made with very little risk as compared to money from violent crime.

The violent crimes by organised gangs started when the politicians started using these gangs for winning elections and neutralising opponents. They also shared the booty with the politician in exchange for protection against police action. The gangs were also used to recover debts through strong arm methods.

The demolition of the Babri Masjid and L.K.Advani's Rath Yatras was the turning point in the organised crime scene. The muslims in Gujarat felt threatened and the Hindus became aggressive. Due to socio-economic reasons the organised gangs comprised mostly of muslims. The muslim community out of fear began collecting arms for self defence and the gangs started smuggling in modern weapons. This was a very lucrative trade and also amounted to community service. Once the arms smuggling trade got established some weapons were supplied to Punjab and probably to other terrorist groups in India, like the PWG and the eastern states.

Recently, large quantities of RDX seized in Hyderabad, in Andhra Pradesh was found to have come via Gujarat and in the follow up action some RDX was seized in Kutch. Gujarat has a long coastal border and is close to Pakistan by sea. The involvement of the ISI in Punjab and the J&K is established. The statements of various gangsters arrested also confirm the fact that the arms and explosives brought in from the Gujarat coast were from Pakistan. Latif gang, in

collaboration with the Dubai based Dawood, have smuggled in large quantities of arms and explosives into India. The seizures so far are substantial, therefore one can safely assume that the amount of arms and explosives which escaped detection must be much more and most probably are still stashed away all over the country.

There have been some cases of kidnaping for ransom lately. The Abdul Latif and the Abdul Wahab gangs were responsible for them. After the elimination of Latif and the arrest of Wahab these offences have reduced and no major gang has emerged as yet.

Organised crime in Gujarat is actually an extension of the Bombay underworld. As investigations proceed and more information about the underworld is getting known to the police, a sinister network of organised criminals all over the country is coming into focus. The network is not only confined to India but also has international links as can be seen from the seized documents and telephone lists given in the appendices. ✓

11.2. THE SITUATION IN BIHAR

The Organised Crime situation in Bihar is slightly different from what obtains in Bombay. Because of the large coal and steel industry in the state, and lack of police or bureaucratic control the gangs find easy money by milking these industries and cornering lucrative Government and Company contracts. Political patronage is granted in a much more open manner and quite a few MPs and Ministers are openly associated with criminal gangs. The state of Bihar is also ridden with caste feelings and gangs are also composed on caste lines. The help and patronage given to the gangs is also on caste considerations. A Thakur (Rajput) gang will automatically get the support of the Thakur community. Similarly a Thakur gang will not take on a contract killing of a Thakur victim. The Dhanbad colliery area has had a mafia operating for the past decades. In the 1970s the Dhanbad mafia was Rajput dominated, with Suraj Deo Singh at the helm of affairs. To day the Yadav gangs dominate the coal belt in Bihar. ✓

In the steel industry in Jamshedpur, the Tata Steel Plant produces tons of slag daily which is stacked in a large dump outside the plant

and sold by inviting tenders. The local mafia ensure that the contracts are awarded to one of their own men by using bribery and intimidation. With the collusion of the Steel Plant personnel other expensive items are thrown out along with the slag and sold outside. The same modus operandi is used for cornering Railway Contracts for various works in which tenders are invited by the Railways. The administration in Bihar appears to have no control over these illegal operations and the gangs continue to operate without any hinderance.

In addition to the business of cornering contracts, the gangs indulge in contract killings and kidnapping for ransom. In the past few years there have been a number of gang killings of political rivals and some important persons which created quite a stir in the media. An MLA, Ajit Sarkar was killed and the case is being investigated by the C.B.I. A number of businessmen have been kidnapped for ransom in which cases have been registered by the police. But this is no indication of the extent of this crime because in a majority of the cases the families of the hostage do not report the kidnapping to the police out of fear of harm to the kidnappee. They prefer to negotiate directly with the kidnappers and pay the ransom money quietly and get the person released. Most of the victims families are rich businessmen who possess black money and are not in a position to account for the source of the huge ransom amounts paid by them. They therefore prefer not to inform the police and also deny having paid any ransom money if questioned. The recent kidnappings of Sitaram Raigarhia and Rungta have been sensational and widely reported in the press. A new feature in cases of kidnapping was noticed in Bihar where there is delegation and specialisation. The gang which actually kidnaps the victim specialises in the kidnap process. The victim is handed over by them to another gang which specialises in keeping the victim hidden and who have developed the infrastructure for this purpose. In some cases there may be a third specialist who does the negotiations with the victims family and procures the ransom amount. Each specialist gets his share of the booty. This system makes it even more difficult for the police to obtain evidence in case the kidnappers are caught and are to be prosecuted.

In a kidnapping case of Darbhanga district, committed by a gangster Atik-ur-Rehman, investigations revealed that he had links with the Dawood Ibrahim gang of Bombay. The team leader of the gang is a bihari named Fazal ur Rehman of Darbhanga who lives in Dubai but visits Bihar often, probably on Dawood's errands. On interrogation of Atik ur Rehman he admitted that the local MP, Fatimi, had given him a Fax machine for maintaining communications. In December 1998 five criminals from Darbhanga were arrested by the Delhi police and in their confessions confirmed the involvement of Fazal ur Rehman in various crimes. Irfan Ghogha, a Dawood henchman, who was recently killed in Dubai also hails from this area although detailed information about him is not available with the police.

Political leaders with criminal records continue to be elected to Parliament and the State Legislature. Some have even become Ministers in the Bihar Government. Some important names in this category are S/Shri. Shahabuddin M.P., Fatimi M.P., Brij Behari Prasad Minister, and Taslimuddin M.P. who have criminal records and have direct links with the mafia.

✓ The criminal gangs of Uttar Pradesh are also active in Bihar and operate freely, sometimes in league with the local gangs. The gangsters recognise no regional or state boundaries and have links with other gangs in other states. Seizures of mobile phones and documents in Gujrat by the Gujrat police reveal that there is regular contact of the Bombay and Gujrat gangs with the gangs in U.P. and Bihar and the links extend to Nepal which is used as a safe heaven for gangsters on the run and for smuggling in weapons and narcotics .

Narcotics and weapons are smuggled in through the Bihar- Nepal border into India for supply to militants in the North- East. The Narcotics are shifted to Maharashtra and Gujrat for onward transshipment to western countries. The Drug route can be traced from Nepal to Maharashtra involving gangs in Bihar, U.P., M.P., and Gujrat.

✓ The prominent criminal gangs operating in Bihar are Chottan Shukla (killed) now headed by his successor, Suraj Bhan (in jail), Brijesh Rajput, Hidayat Khan, Remnants of Sri Prakash Shukla gang.

11.3. THE SCENE IN UTTAR PRADESH

The State of U.P. has its share of organised crime and, similar to Bihar, the important areas of criminal operation are extortion, contract killings, kidnapping for ransom, land and property grabbing and monopolisation of contracts. Traditional organised crimes of smuggling, gambling, prostitution and bootlegging take a back seat.

✓ The growth of organised criminal gangs in U.P. can be attributed to political instability in the state which caused serious disruption in the police working. Frequent transfers of police officers resulted in lack of attention being paid to the growing incidence of crimes committed by organised gangs. The criminal gangs, in the meanwhile, were able to grow unchecked and amassed wealth and in collusion with the policemen and politicians were able to build up a powerful criminal network. The Politician-Government Servant-Criminal nexus which has been so clearly brought out in the Vohra Committee Report, grew strong bonds and now it has become too strong to be broken easily. ✓

The gangs commit sensational crimes which create an aura of terror in the public mind. They are bold enough to attack police pickets and outposts and are able to extort money from rich persons merely by making telephonic demands which none dares to refuse. They openly claim political patronage, and if need be, are willing to provide proof of the existence of such patronage.

With this newly acquired strength the gangs have embarked upon a crime spree of kidnappings, killings, forcible occupation of property in possession of widows or weak landlords and all the other offences mentioned earlier. ✓ The extortion money in U.P. is called "Goonda Tax" and in Bihar it is known as "Rangdari Tax". Individuals who obstruct or resist their criminal activities are terrorised by threats and assaults or sometimes eliminated by hired killers. A number of educated and strong college students have been engaged by the gangs to commit crimes and later inducted into the gang. The police, in the absence of political will, had almost been reduced to mere spectators. In order to save face they did catch a few street level gangsters and

eliminated some small fry in encounters, but it amounted only to cosmetic action and achieved nothing but statistics.

✓ In the last few years there has been a spate of sensational killings like the murder of Brahm Dutt Tiwari (Ex Minister) Om Prakash Paswan (Ex M.P), Chandrashekar Singh (Ex M.P.), and Sharda Prasad Rawat (Ex Minister). A number of big businessmen have also been kidnapped or killed. These kidnappings and killings created a panic situation in the state. The action by the law enforcement agencies to contain these gang crimes was almost zero. These killings of important persons appears to have stirred up the Government and the police into action and a Special Task Force (STF) has been created with the specific objective of dealing with gang crimes. This force has started off well and has met with some success in arresting and eliminating some gangsters but again, as mentioned in earlier chapters, their success is restricted to the outer fringes of the gangs which includes only the foot soldiers. The Generals who have political clout are as yet untouched. It is yet to be seen how far the STF is able to succeed in catching the big fish specially as it will mean a threat to the careers of some political big wigs. ✓

Singh Some of the well known gangs operating in U.P. are the Brijesh Tiwari Tribhuvan Singh gang of Varanasi, Mukhtar Ansari gang of Varanasi, Babloo Shrivastav gang, Abhay Singh gang of Lucknow and the remnants of the Sri Prakash Shukla gang. Apart from these there are many small local gangs which operate independently or sometimes in league with the bigger gangs and if they remain unchecked will shortly join the roll of honour with the big gangs. ✓

The short pen picture given in the previous pages of the present situation in Bihar and U.P. is intended to acquaint the reader with the present organised crime situation in the two large Hindi speaking states. We shall now study one or two gangs which have been notoriously active in this area for a number of years and try to analyse the causes as to why they were permitted to become so big despite all the forces being available to the State Governments.

11.4. BABLOO SHRIVASTAV GANG

Om Prakash Shrivastav, alias Arun Kumar Singh, alias Arun Agarwal S/o Vishwanath Shrivastav was born in Lucknow in 1960. He comes from an educated family and is himself a graduate. Since his college days he has been of a violent nature indulging in fights and bullying people. He took to drinking and gambling at a young age and is fond of good liquor and India King cigarettes. He is also reputed to be a womaniser.

He started his career as a member of the Raju Bhatnager gang. Later due to some differences he turned into a police informer and got Raju Bhatnager killed in a police encounter. On Bhatnagar's death he took over the command of the Bhatnagar gang and started contract killings and extortion. He earned notoriety in the U.P. underworld with the killing of dreaded gang leader Subhash Bhandari of Lucknow in 1988. After this a number of political leaders started having connections with him in which ex M.L.C. Ram Gopal Mishra's name is mentioned frequently. Babloo did some contract killings for him on political rivalry in which the murderous attack on MLA Arun Shankar Shukla @ Anna and the killing of his brother are well known. In 1990 he was arrested for assault and rioting in the D.R.M.'s office under P.S. Hazratgunj jurisdiction. As he became more notorious police pressure to arrest him increased and in 1992 he left Lucknow and started living with the famous tantrik Chandraswamy in Delhi. There he came into contact with Dawood Ibrahim of Bombay.

On 2nd August 1992, along with his associate Mange Sardar, he carried out a contract killing of a Delhi businessman Lalit Suneja at the behest of a Bombay businessman, Nitinji Shah for which he was paid heavily. Another contract killing committed by Babloo was that of Additional Collector, Customs and Central Excise, Allahabad, L.D, Arora. The contract for this killing was from Dawood Ibrahim. This killing was carried out by Mange Sardar and K.K.Saini, associates of Babloo in 1993. Saini is in Naini Jail and Mange Sardar was injured in an encounter with the police in Calcutta in December 1998 and is in Alipur jail.

After the Bombay blasts Dawood Ibrahim and Abu Salem got isolated specially by the Hindu gangsters and Babloo Shrivastav, Chota Rajan and Irfan Ghoga left Dawood and formed a separate group. During the last few years Babloo and Irfan Ghoga committed a number of kidnappings for ransom in the big cities but most of them remained unreported to the police and the victims quietly paid up. Some kidnap attempts were unsuccessful and the police was able to get information about them. Babloo's gang carried out kidnappings in Bombay, Delhi, Calcutta, Poona, Ahmedabad, Indore, Hubli, Muzaffarpur and Darbhanga.

The system followed by them in carrying out a kidnapping was to send one or two gang members to the city of the targetted victim to study his habits and timings of commuting to his work and back. The victim was chosen by Babloo or Irfan or Sanjay Khanna @ Chunki. The next step was to hire one or two houses in good localities in fictitious names and also purchase a car and a couple of scooters / motor cycles again on fictitious names. To assist the two gangsters sent in the advance party another six small time gangsters were sent by Babloo. These six came from two or three different cities and all of them knew each other by fictitious names. They did not know where the two advance party members stayed. These helpers were accommodated in Holiday Inns or hotels and the advance party contacted them on mobile phones which had Sim Cards on fictitious names. Most of the kidnappings were carried out either early in the morning, during morning walks or late in the evening while the victim was returning home. In some odd cases victims were kidnapped from their offices. Immediately after the kidnapping the hostage was taken to one of the hired houses in a drugged state and kept there. Soon Irfan Ghoga from Dubai or Sanjay Khanna would contact the family on phone with the ransom demand payable through hawala. Only a couple of gangsters would remain in the city to guard the hostage and the rest of the gang would leave the city immediately after the kidnapping. The payment of the ransom money usually took four to five days and once the amount was collected, the two remaining gangsters would release the hostage and disappear.

Babloo Shrivastav has been hunted for by the police for the last ten years or so during which he has committed any number of offences. Finally he was arrested in Singapore in April 1995 and was extradited and brought to India in August 95 . He has been in jail ever since in U.P. Like other big gangsters he has been planning and organising kidnappings through his henchmen while in jail.

This very fact speaks volumes about our legal system that a notorious murderer and kidnapper is alive in custody, most probably living in comfort, for the last four years without getting punished with capital punishment. But this comes as no surprise because it took us nearly 8 years to punish the killer of our Prime Minister when the murder was committed in front of dozens of eye witnesses.

11.5. SRI PRAKASH SHUKLA GANG

Sri Prakash Shukla was son of a retired Warrant Officer of the Indian Air Force living in Gorakhpur. He had studied upto B.A. He was short tempered and possessed a violent nature and these characteristics became evident from his teens while he was in college. In 1992 while he was doing his B.A. at Gorakhpur he became friendly with two of his college mates Anand Pandey and Rajan Tiwari who later became members of the gang.

A local bully, Rakesh Tiwari, lived in the same locality as Sri Prakash. One day he teased Sri Prakash's sister and when Sri Prakash objected he was beaten up by Rakesh Tiwari and his friends. Sri Prakash took his father's revolver and shot and killed Rakesh Tiwari. He committed his first murder at the age of 19. He was arrested and was in jail for 6-7 months after which he was released on bail. On coming out from jail, Sri Prakash, Anand Pande, Rajan Tiwari, Sudhir Tripathi, Anuj Pratap Singh, Nina Yadav, Hriday Chand and Akhilesh Tripathi formed into a criminal gang which was bold enough to challenge the established and seasoned gangs of Virendra Shahi and Hari Shankar Tiwari. Babloo Dube, Kamla Singh and Guddu Singh were also his gang members and together they indulged in extortion. Babloo introduced Sri Prakash and Anand Pande to one Suraj Bhan of Mokamah (Bihar) a big time criminal who extorted money from

Railway contractors. Babloo Dube used to extort money from the rich gentry of Gorakhpur.

Sri Prakash was a ruthless criminal and for some reason he wanted to eliminate Babloo Dube. He invited him for dinner and after dinner when Babloo, Kamla Singh and Guddu Singh went to sleep he riddled them with bullets and their bodies were never found. Most probably they were thrown in the adjoining Ganges. This triple murder was committed in Mokamah at Suraj Bhan's place. Sri Prakash did this to impress Suraj Bhan as well as the rich victims of Babloo in Gorakhpur.

In 1996 the Railways had called for a tender for works amounting to Rs.14 crores. Ram Lakhan Singh of Bihar, who was supported by Suraj Bhan had come to Gorakhpur to submit his tender for the contract. Another contractor from Bihar, Ratan Singh, who was a competitor of Ram Lakhan had come to Gorakhpur to fill up a tender for the contract. But when he saw Ram Lakhan Singh along with Suraj Bhan and Sri Prakash's gang decided not to submit the tender. A third contractor, Vivek Singh, who was the protege of gangster Virendra Pratap Shahi, against the advice of Ratan Singh, purchased the tender form. The same evening Vivek Singh was killed in the market place by Suraj Bhan, Sri Prakash and his gang. About three months later, Suraj Bhan, along with Sri Prakash gang went to Gorakhpur, to eliminate his rival Virendra Shahi, who competed for the Railway contracts. They fired at him from a moving vehicle with an AK-47 and although Shahi was injured, he survived but his gunman was killed. An AK-47 was used for the first time in Gorakhpur. After this incident the gang went to Faizabad and took refuge in the house of Shiv Sena MLA, Pawan Pande, and later went to Lucknow. Pawan Pande wanted his rival, Satyendra Singh eliminated and Sri Prakash and his gang killed him in Maharajgunj. Pawan Pande had provided the AK-47 for the killing. After this incident the gang stayed at Lucknow and during this period a lottery operator, Vivek Shrivastav was murdered by them. This murder is also related to Railway contracts.

Virendra Pratap Shahi who had earlier survived the attempt to kill him was on the gangs hit list and they were on the look out for him.

Finally, on 31st March 1997 he was killed by Sri Prakash and his gang. A contractor from Gorakhpur, Bhanu Mishra was also attacked by the gang in which he and three others received bullet injuries and one Vivek Shukla was killed. After this incident Sri Prakash and Anand Pande hid in the Engineering College hostel staying with two Gorakhpur students. Later the gang moved to Lucknow.

Shortly afterwards Sri Prakash and Anand Pande quarrelled over sharing of ransom money amounting to Rs.25 lakhs which was taken in the kidnapping of one Mul Raj Arora. Anand was given only two lakhs and he wanted more but Sri Prakash refused.

✓ Sri Prakash had committed a number of sensational murders on behalf of Suraj Bhan in Mokamah and Patna and his presence in Lucknow created a lot of ripples in the U.P. underworld. On 1st August 1997 he created a commotion by firing the AK-47 in a hotel just half a kilometer from the U.P. assembly which was in session. After this incident the U.P. police started a hunt for this gang and on 9th September '97 the gang was spotted in Hazratgunj. The police tried to trap him but Sri Prakash sensing the trap opened fire killing a Sub Inspector of police and took away his 9 mm pistol. In the shooting a gang member, Tunna Ram, was killed by S.P. City, Lucknow, Satyendra Veer Singh. Some cars were also seized and a gang member was arrested. The same month the police raided a hide-out of Suraj Bhan where Sri Prakash was suspected to be present. Sri Prakash managed to escape but a car and the 9 mm pistol taken from the Sub Inspector was recovered.

By now the Sri Prakash Shukla gang was an established name in the underworld of U.P., Bihar and Delhi. In June 98 Brij Bihari Prasad, a minister in the RJD Government was murdered by the Sri Prakash gang. This murder brought the Bihar police into action and Sri Prakash shifted to Delhi.

✓ The Special Task Force raised in U.P. took up the chase of the Sri Prakash gang and by monitoring telephones and the mobile phones used by the gang traced them to a house near Vasant Kunj area in Delhi. A check post was established on the Delhi - Gaziabad road and on 22-9-98 a Cielo car driven by Sri Prakash accompanied by

Sudhir Tripathi and Anuj Pratap Singh was stopptèd by the police. The gangsters fired on the police party and tried to escape but in the exchange of fire all the three gangsters were killed.

✓11.6. SPECIAL TASK FORCE (STF) U.P.

As mentioned earlier in the chapter on U.P. scenario the organised criminal groups had been committing a series of sensational crimes of murder, kidnapping and extortion. Eventually because of the murder of some political leaders the administration woke upto the realization of the growing organized crime in the state. In pursuance of this realization a Special Task Force (STF) was raised in U.P. with the specific objective of combating organised criminal gangs. The objectives of the STF have been given as :

1. Collection of information about the organized gangs, their activities and their members and to take legal action against them.
2. To take action against the organised gangs in cases of monopolizing of contracts.
3. To establish channels of communication for information about the gangs at the district, zonal, state, national and international level. Investigating heinous offences committed by the gangs under the supervision of the IG STF.

The STF formally came into existence on 4th May 98 by a UP Govt. order and it was clarified in the order that his unit has been formed as a special force and the district police will continue to deal with crime and criminals in their respective areas. This force will only assist the district police and exchange information. If needed, they can be called for by the district police to assist them in dealing with organized gangs.

The STF was formed by transferring those police officers who volunteered for it and as an incentive they were granted 30% Risk allowance. The STF consisted of one IG, one SSP and 4 DySPs. in the Senior ranks, and 5 Insptors, 10 S.Is, 11 H.Cs and 17 Constables in the subordinate ranks. They have been provided with new vehicles and good weapons.

The STF has started off well and adopted all available technological methods of gathering information about the criminals for identification, for monitoring their activities and for tracing them out in their hideouts. Because of this they have achieved quite a few successes in this short span of one year.

Just two months after its formation on 26.7.98, they were able to eliminate noted gangster Sagir of Lucknow for whom a reward of Rs.20,000/- had been declared. After another 3 weeks on 16.8.98 another dreaded criminal Oneil Robert was arrested who carried a reward of Rs.20,000/- and was wanted in many heinous cases in Lucknow. A week later another noted criminal, Vinod Singh, who carried a reward of Rs.50,000/- was shot by the STF.

On 6.9.98 a notorious criminal Pyare Yadav was killed in an encounter in Varanasi. On 12.9.98 a gang of counterfeiters was caught in Gaziabad and Rs.100/- notes worth Rs.86,000/- were seized and 4 persons arrested. The Agra team of STF and Agra Police together killed bank dacoit Yousuf. The Agra team also caught a gang of car robbers.

Apart from within the state of U.P. the STF has been operating in other states also. On 11-9-98 a notorious criminal of Delhi, Munna Bajrangi who carried a reward of Rs.50,000 was arrested and his associate Yatinder Gujar was killed in the encounter.

Ten days later the notorious gang leader Sri Prakash Shukla and his two gang members Anuj Pratap Singh and Sudhir Tripathi were killed in an encounter in Delhi. The U.P. Govt had declared a reward of Rs.2,00,000/- for Sri Prakash Shukla.

* A notorious criminal Manjit Singh who had murdered LD Arora, Addl. Collector Customs, was reported to be in Calcutta. They located Manjit Singh through electronic surveillance and on 14-12-98 in an encounter Manjit Singh was injured and arrested and four members of his gang were killed. A few days after this encounter the STF and Delhi Police in a joint operation arrested Rajan Tiwari another notorious criminal who was responsible for the murder of MLA Ajit Sankar and Inspector Pritam Singh.

The STF was called to Allahabad where on 18.3.98 they were able to rescue a kidnapped student, Mayank Singh and arrest the three kidnappers. They solved another kidnapping case in Hyderabad by using electronic surveillance. All these successes have been achieved by this small group within the span of one year of its formation. This just goes to demonstrate that the police force if given a free hand to operate according to law without any political or other restraints or interferences can control the organized gangs. There have been no public complaints on the encounters by the STF and no enquiries have been instituted so far. On the contrary there has been appreciation of their work in the print and electronic media and in the public at large.

Some of the officers of the STF have been given out of turn promotions for the excellent work they have done. Three Sub Inspectors, one Head Constables, three Constables and six Commandants have been given such promotions so far.

We can only hope that the vested interests are not able to hamper the work of the STF by bringing about various kinds of pressures on them. It will be a sad day for the state of U.P. if this does happen.

INDIAN UNDERWORLD AND THE PAKISTANI I.S.I

THE CONSPIRACY AND THE INVOLVEMENT OF PAKISTAN I.S.I.

The involvement of ISI of Pakistan with the Indian under world specially with the Dawood Ibrahim Gang was suspected quite some-time ago. However, this linkage was confirmed by the Bombay blasts where it has been established. Blasts were organised by Dawood Ibrahim in collusion with the ISI through his hench men in Bombay. The Bombay organisers were the Memon Brothers and their colleagues. The collusion of the Pakistan ISI and the Dawood Ibrahim gang is further confirmed by the statement of some gang members' recorded by the Gujarat police when they were captured. Extracts of the statements are reproduced below :

" When Babri Masjid was demolished on 6th December, 1992 there was a great resentment among Muslims in India and abroad. Pakistan saw this opportunity to create a scenario where a civil riot could be engineered and for that purpose the smugglers and underworld dons were contacted in Dubai. .

Usman Gani S/o. Noor Mohammed Merchant @ Munna says in his confessional statement, "Dawood Ibrahim has a number of Pakistani friends and associates viz., Dawood Jatt, Taufiq, Haji Jikar and Aslam Bhatti...

After the demolition of Babri Masjid, there was a lot of resentment in the Muslim population... and express their anger. A demonstration was also taken out by a few thousand persons in Dubai which went to Indian Consulate at Dubai and a memorandum was submitted. I had also taken part in this demonstration. Dawood Ibrahim, Mustafa Dosa and Haji Ismail had also taken part. Between 11th and 15th January 1993, one day I had gone to the house of Dawood Ibrahim, where Anis Lambu and Anis Ibrahim, brothers of Dawood Ibrahim were already present. Some more persons were also called by

Dawood Ibrahim for attending a meeting. Accordingly a meeting was held in the house of Dawood Ibrahim which was attended by the following persons:

1. Dawood Ibrahim 2. Anis Ibrahim 3. Haji Ahmed Ibrahim 4. Chhota Shakil 5. Anees Lambu @ Anees Aligadi @ CM 6. Tiger Memon 7. Abdul Sattar Abdul Rahim Panja 8. Mustafa Majnu @ Mustafa Dosa 9. Ejaz Pathan 10. Usman Gani @ Munna.

The meeting started at 11.30 p.m. and lasted till about 2:30 a.m. In the meeting it was discussed that, Hindus had committed atrocities on Muslims in Bombay and other places in India. Therefore, revenge is to be taken and something was to be done in retaliation. Dawood Ibrahim said that, arms, explosives, automatic rifles, cartridges and hand grenades etc. have been received from Pakistan to take revenge on Hindus and these have been sent to India in the launches of Mustafa Majnu. Dawood Ibrahim further said, that these arms were to be lifted and distributed among Muslims in India so that these may be used against Hindus. He has told that, men may be sent for receiving training in handling the arms and ammunitions etc. in Pakistan. Tiger Memon, Anees Ibrahim and Chhota Shakil took the responsibilities of lifting and distribution of arms and ammunition. Tiger Memon, Haji Ahmed Memon, Chhota Shakil, Anees Ibrahim, Ejaz Pathan and Mustafa Majnu took the responsibilities of arranging for manpower and assured that they will be sending men who could be sent for training in Pakistan. In this meeting, it was also discussed that, arms will be used in the Hindu dominated localities. In the meeting, Mustafa Majnu also stated that the arms had already reached India.... Dawood Ibrahim had left for Karachi on the Id day of March 1992. He is at present residing at Karachi and has got settled in Karachi with the help of Taufiq. Dawood Ibrahim is also close to MAJ.KHALID & MAJ. AKBAR of Pakistan. He has also close relations with RAJA ASHFAQ, an ex-minister who was member in the cabinet of Nawaz Sharif... "

The whole sequence of events as stated by USAMAN OMAR KOREJA and other crew members in their confessional statements are as follows:

"I am working in the gang of Mustafa Dosa and Mohammad Dosa since April 1991, the other gang members are Raju., Mohammad Kalia @ Mechanic Chacha, Salim Kutta, Firoz, Arif, Taiyab, Javed, Anwar, Mahemood, Asraf, Iqbal, Rashid, Lala, Jilani, Gafar Raja, Ghulam Chisti etc. I was introduced to this gang by Junus Lotto @ Farooq r/o. Mandvi Salaya (KUTCH). I was sent to Dubai on the fishing trawler with a fake sea man's card. I started working as a captain on the launches of Mustafa Majnu and I started smuggling Silver from Dubai to India. In the beginning of January 1993, Mustafa Majnu instructed me to take "SADA AL BAHAR" launch and go in the mid sea and there I was instructed by Mustafa Majnu on Satellite Telephone to go towards Karachi. I was informed that, from there I have to lift some consignments from a Pakistani boat. Later I went towards Karachi and I contacted the other side on VHF set. When I reached near Karachi, then a launch belonging to Pakistani Navy / Marine Security came towards our launch and loaded 120 bags of black powder, 45 boxes of hand grenades, 90 AK-47 rifles, 10 to 20 boxes of pencil detonators and 1 box of pistols. After loading all this stuff, we started for India. In the high seas Mustafa Majnu instructed me on Satellite Telephone to wait in the mid sea and wait for two other launches viz. BISMILLAH AND MARWAN. Later the consignments of the above explosives was divided into two parts and one was shifted on BISMILLAH. After that BISMILLAH proceeded towards south Gujarat. Our launch waited for 24 hours at the same place and as per Mustafa Majnu's instructions next day, we moved towards Porbandar and came to the coast at 69 degrees and 40 minutes longitude, 21 degrees 30 minutes latitude and delivered the consignment to Mamu Miya Panju Miya and his gang."

The diary of Mohammad Dosa being maintained by Mohammad Hanif @ RAJU revealed that one MAJOR ALTAF was in close contact of Mohammad Dosa gang on Karachi Ph No. 718828 & 718826.

The Gujarat and Bombay police have gathered considerable information about the gangs related to Dawood Ibrahim and a portion of this information is given at Appendix C. Such information needs to be worked out and followed up meticulously by special police team. How far this is being done is anybody's guess.

ANALYSIS OF SOLUTIONS OFFERED EARLIER

A variety of solutions have been offered by various authors of books and papers for dealing with organised crime. We are concerned more with the Indian version of organised crime as there are many basic differences in the crime set up in India and other western countries. One of the most detailed set of solutions suggested are by Shri.V.K. Saraf who did a study on the subject in 1995 and submitted his report. He has suggested the following :

a) Formation of a Special Task Force, specifically for the purpose of dealing with organised criminal gangs. The personnel for this force have to be hand picked for their proficiency in investigation, high degree of integrity, sound knowledge of law and procedure and those who can use forensic science and modern gadgetry to collect evidence to link up the gang leaders who take cover behind layers of levels of command. He suggests the STF should be made up of three wings:

- i) The investigative wing.
- ii) The legal wing.
- iii) The Criminal Intelligence wing.

In addition to these three wings he suggests a back up of a Commando Unit for actual operations against the gangs for rescue of kidnapped persons or for affecting arrests of armed gangsters.

The Investigative Wing would be responsible for the investigation of crimes. The legal wing would give legal guidance during the investigation as well as in prosecution, and the Criminal Intelligence Wing would gather information about the gangs in detail about their members, their hierarchy, their operational plans, their hideouts and harbourers, their cars, ships, telephones and other assets. The idea of setting up the STF was to change the present type of police investigation which treats each gang crime as another IPC offence, and are

satisfied if the criminal who commits the crime is arrested. They completely ignore the fact that the real criminal is the gang leader who plans and organises the crime and gets the lion's share of the booty gained through the offence.

The suggestions are basically sound and may succeed if properly executed. However one big problem with these suggestions is that there are too many provisions attached. They are based on the presumptions that :-

1. Sufficient funds will be made available by the State Government to raise, equip and train the STF.
2. Suitable personnel will be available and willing to join the STF. Forced postings are bound to effect the motivation level.
3. The three wings of the STF will act together as a team and extend complete cooperation to each other.
4. The Intelligence wing will be able to penetrate the gangs to be able to get the kind of information that is expected to be collected by them.
5. All the gadgets like miniature cameras, bugging devices, transmitter locating devices, telephone and cell phone tapping equipment and sufficient staff would be available to the STF.
6. None of the members of the STF will fall prey to the fabulous bribes that the underworld is capable of giving.
7. The existing laws will be amended to cater for the following :
 - gangsters arrested for serious crime will not get bail easily.
 - provisions in the law will be made to enable the police to rope in the gang leaders along with the street level gangsters and prosecute them.
 - laws will be enacted to enable the law enforcement agencies to seize the ill gotten wealth of the gangs in the shape of benami property, businesses, assets, cash, jewelry etc.

confessions made to a police officer would be made admissible in court.

- criminal cases against gangsters would be disposed off by holding hearings in quick succession and completed expeditiously.

8. The judges will not succumb to threats by the gangs.

9. The public will cooperate with the police in their fight against organised gangs.

As anyone, even remotely aware of the way the Government machinery functions in India, can see at a glance that the above conditions required to implement the suggestions can never be achieved. Therefore, every hope that the suggested plan of action can be put into action has to be abandoned. In fact the STF formed in Maharashtra for combating organised crime has proved to be a non starter. Therefore one has to look for some other solutions which are more practicable and likely to prove effective in this grave situation.

Organised crime operates through violence and terror. This fact cannot be denied. It also operates through corrupting the criminal justice system. This fact also cannot be denied. The underworld bosses and the upper echelon criminals who run the gangs have acquired a certain degree of political patronage which helps them in evading police action. This is another fact which is abundantly evident and cannot be denied.

The solution we have to look for is one which will halt the violence, eliminate the terror, prevent corruption in the law enforcement, and it should also prevent political pressure from protecting the gangsters from police action and the operation of the law. In the hopeless situation that we find ourselves in today the people, the Government, the economy of the country, or rather, the country itself is held to ransom by a handful of rich and ruthless criminals and murderers. This is no time or place to be upright, fair and just. Fairplay is the correct thing when your opponent also plays fair. It is not a luxury to indulge in when the opponent plays foul, specially when the lives of innocent people are at stake. The law enforcement organisations com-

mit an act of great dereliction of duty if they allow innocent lives to be snuffed out by ruthless criminals if they insist on the adherence to law and its crippling procedures while hunting down such criminals.

Could the situation in Punjab have ever been retrieved without the excessive measures used by the police. Violence has to be fought with violence and terror with terror. The gangsters have to be terrified into stopping their criminal activities. The rich booty that they gather through crime has to be snatched away from him to make him realise that all his efforts and risks have been in vain and crime does not pay. The corrupt officials and politicians who abet and harbour these criminals have to be made to realise that they cannot escape retribution. This is the only means to combat organised crime.

SOLUTIONS

The initial requirement is to define and identify organized crime and the organized criminals without which we would be fighting a faceless, nameless and invisible enemy. The criminals who form the organized criminal set up have to be identified, listed and legally made responsible for their criminal acts. Without this fixing of identity and responsibility a murder is a murder and a kidnapping is just a kidnapping as per the existing laws today. By the same yardstick, a gang is a gang as per law which does not differentiate between an ordinary gang of wandering criminals and an organized gang. It has been convincingly proved in the last two decades that the normal laws are absolutely ineffective in dealing with organized gangs and normal police investigation, and prosecution has no affect on their operation.

Therefore, the first step in combating organized crime has to be the creation of a system of segregating it from the other normal crimes and segregating the organized criminals from the normal traditional criminals. In order to do this a law is required to define an organized criminal gang, and the members of such gangs. Those criminals and criminal gangs who come under this definition will require to be notified and a new set of stringent laws should be made applicable to them under which the law enforcement authorities need to be given special powers to deal with them. The main provisions of the new laws should cater for the following.

1. Provision of bail for notified criminals should be amended.
2. Dealing with abettors - govt. servants, professionals and harbourers.
3. Seizure of wealth and property obtained or suspected to be obtained through Organized Crime.
4. Protection to police officers from frivolous charges and enquiries and HRC.

5. Investigation time for charge sheeting to be increased.
6. Powers of search and seizure of property and records to be amended.
7. Onus to prove source of wealth should be on the criminal.
8. Speedy trials.

The "Maharashtra Control of Organised Crime Ordinance 1999" is an admirable first step in this direction .It caters for all the above requirements. A central law needs to be enacted on the same lines immediately. (Annexure A.)

In addition to these laws provisions should be made for special High Security jails in each state when the arrested gangsters can be kept under close watch and the possibility of their controlling crime or acquiring undue comforts are eliminated. The capacity of accommodation in these jails may not exceed 100 and will not be a big burden on the states. The staff to man these jails will, of course, have to be handpicked and their work monitored.

A small but effective audit wing will have to be created to investigate the vast properties both moveable and immoveable possessed by the gang members, their relatives and agents. This audit wing should be placed under the Special Task Force.

Some people may feel that the Plan of Action being suggested to control the menace of organised crime in India are in some ways unethical or illegal and some may consider them impractical. Some may even feel that the solutions are as bad as the malady or may be even worse. For such people I would like to point out that there are some ailments where the only cure is the amputation of a limb if the life of the patient is to be saved.* Organised crime is one such ailment in our society today. It is a difficult decision to be taken by the powers that be as the entire criminal lobby spread all over the country will oppose it tooth and nail. It will require courage and determination. If this decision cannot be taken then we might as well close the book here and learn to live in fear and humiliation. At the present juncture

there appears to be no other set of measures which can eradicate this menace.

14.1. POLITICAL WILL:

* The first and most vital requirement for successfully combating organised crime is the existence of political will. As we have seen in the previous chapters that there is a definite involvement of the law enforcement agencies as well as the political executive with the organised criminal gangs, because of which all efforts of the police and other agencies who are genuinely trying to neutralise the gangs get nullified. If we are to get rid of this menace the solitary efforts of some honest police officers and other enforcement officers are not enough.

Presuming that there is political will to root out organised crime and the authorities at the helm of affairs are genuinely keen to do so, a multi pronged assault will have to be made on the existing criminal empire that has grown in India.

The first step would be to focus on the weak points of the underworld, or rather their sources of power which have to be weakened before delivering the final death blow.

14.2. NEUTRALISING THE ABETTORS :

To begin with the problem that needs to be dealt with is the nexus that has formed over the years between the organised gangs and corrupt Government servants in the law enforcement and revenue departments. These include corrupt police, revenue, customs and excise personnel and those professionals like, lawyers, chartered accountants, doctors, businessmen, politicians, house owners, cell phone companies and others. All such persons have to be identified. This is not such a difficult task as a large number of them are already known not only to the police but even to the common public. All such known government servants should be immediately isolated by transfer to ineffective posts and action started against them. The professionals should be put through detailed interrogation which will divulge a great deal of information that can be used to gather clinching evidence in the court of law to get them convicted. In this operation

the jails will require special attention as the jails have been converted by the gangsters into rest houses and safe havens and in some cases have even become their headquarters from where they plan and execute their crimes. The involvement of politicians with the gangs, wherever established should be widely publicised and wherever possible criminal prosecution be launched.

It will prove useful to compile a record of all enforcement officers during whose tenures organised criminal gangs proliferated in their jurisdiction. A compilation of the records of bails granted and acquittals of gangsters on flimsy grounds, bails despite representation by the prosecution, the names of the lawyers who defended them and the names of the judges who presided is likely to be quite revealing. If this exercise is carried out in all the affected states it may help in pin pointing the areas where the fault lies and prevent future miscarriage of justice. The methodology for compiling this information is suggested by means of four formats given at Annexure B

Secondly it is the power of vast amount of wealth with which they are able to buy their immunity. This is in the form of cash or invested in legitimate business or salted away in foreign countries. This wealth has to be located and seized and frozen. For this purpose two things are essential; enactment of a law for seizure of all money, movable and immovable property and benami assets for which there is prima facie evidence to presume that it has been acquired through money from organised crime. Secondly, it will require the whole hearted and sincere efforts of the revenue departments working along with police investigators to unearth and seize these funds. This ought not to be such a difficult task because some work has already been done by agencies like the CBI and the major investments of such money are known to the public also. All that would be required is a minute probe into the sources of investments.

The next chink in the armour to be found is in the invincibility of the gang leaders, which needs to be pierced. The gang leaders hide behind a chain of command so that legally they cannot be linked to the crimes that they plan and get executed through their underlings. They may be able to evade legal action by the police and the prose-

cutors, and may even manage to influence the judicial system. However they are not immune to police bullets. Once this fact of life is brought home to them with convincing force the entire criminal empire will come crashing down like a house of cards.

This would be the first phase of the assault on the criminal empire. Some elaboration is required on how this can be achieved. Each of the actions will require a team of honest, capable and dedicated men who would not be subverted by any threat or bribe. They should be given as much motivating benefits and protection as possible for the simple reason that they would be performing a very difficult, painstaking and dangerous task. Expenditure should not be a matter of consideration in providing them any facility that they may need to perform the task given to them. At the same time their results need to be closely monitored by senior and responsible officers who will also guide their activities. Needless to say that the senior officers also have to be hand picked. The team need not be large, in fact the more compact it is the better. It may be made up of just about half a dozen officers from the Revenue, Police and Audit with a few supporting staff of subordinates to assist in the laborious work of auditing of accounts and correspondence. The modalities of their operations can be worked out by each team according to the need of each case being investigated, pertaining to illegal wealth.

The second phase of the Action Plan would be the most important, the most difficult, the most dangerous but also the most effective as it will strike at the root of the problem that is, the gang leaders, who are really the base on which the entire underworld structure stands. This operation would involve the arrest, interrogation and/or prosecution and/or elimination of the gang bosses if they resist arrest or attack the police or take to any violent act. This operation would also need hand picked officers and men with courage and dedication and the ability to withstand pressure. They would need a great deal of support and encouragement, both from the higher authorities and the media in building up public support. They will also need legal cover to keep them free from legal hitches which are bound to be created by the powerful lawyers hired by the gangsters. The human

rights activists who are mostly seen to be most concerned with human right of murderers, gangsters and terrorists will also need some attention. There is a need to conduct some enquiries into their activities and links with the gangsters and their sources of income. If some connection is found then they should also be treated at par with the criminals as abettors.

The gangleaders should be apprehended and interrogated in detail to ascertain their areas of activity, their crimes, details of the gangs membership, their chain of command, the assets possessed by them in the shape of cars, ships, communication equipment, weapons, informers, contacts in the police, jails, courts, their safe houses, means of secret communications and whatever information that is possible to be extracted out of them before sending them to judicial custody. If possible a situation can be created where like Arun Gowli, the gang leaders would prefer to remain in jail because their future life could be counted in hours if they came out on bail. Every gangster boss has enough rivals and past victims thirsting for his blood if only they could get an opportunity. All the police has to do is to provide them this opportunity and they will do the rest in a befitting manner.

Whenever taking on an adversary one has to study his psychological make up. It helps in anticipation his reaction to whatever action we take. If the anticipation is correct the adversary can be made to commit mistake after mistake till he ceases to be an adversary. We have seen that the average gangster, and specially the gang leaders are very vain persons with highly bloated egos. They would go to extremes to avenge an insult. If they are treated as common criminals and subjected to humiliation specially before their rank and file he would have two alternatives before him. One, to take resort to a violent act against the police which would lead to his elimination. The other alternative would be to forget the episode and try to pick up the threads and try to continue leading the gang in which case he is finished as a gang leader with charisma. As most experienced police officers, who have dealt with dadas will confirm that this is a universal phenomenon.

In the preceding paragraphs the three initial steps have been listed as one, two and three. This does not mean that they should be carried out one after the other but all three actions should be taken simultaneously otherwise the action plan is not likely to succeed effectively. There is a need for secrecy to be maintained about the methodology being adopted and the plans being put into operation. Each team should work in isolation till the first phase of the Action Plan is completed i.e. the raids and seizures are completed and the arrests are made. During this period, only the senior officers should coordinate the planning and the actions of the three teams. Information should be made available purely on the 'need to know' basis. Leakage of any information about the plans should be severely dealt with.

Since the gangs operate on an inter state basis the Action Plan will require to be put into operation simultaneously in many states. A careful selection will have to be made of the strike points and strike teams and their actions coordinated and fine tuned to achieve maximum results.

Once this sort of action commences and the public is aware that the law enforcement agencies are seriously determined to eradicate organised gangs there is every possibility that a flood of information about the criminals will start pouring in and spontaneous public cooperation is likely to be available in abundance. But before we hope to get the cooperation of the public in the shape of evidence and information we have to convince them of our earnestness in the fight against these organised gangs. They have to be convinced that their identities as informers will be kept secret and they will be protected if they give evidence in court. So far our record has been dismal and any number of witnesses and police informers have had to pay for their cooperation with their lives all because of corrupt and greedy police officers and other law enforcement officers of their kind.

The formation of such a Special Task Force and the teams as recommended above involve a certain amount of risk and some pitfalls. Therefore a good deal of caution and close monitoring is required by the team of senior officers and the operations should be planned and monitored by them. In fact they should be the team

leaders, and work closely linked with the team to guide and motivate them. They should ensure that the teams acquire the required levels of knowledge and expertise for the job to be performed. They should maintain utmost secrecy of their information and their plans of action because any leakage will lead to the criminals going underground and important evidence being destroyed thus making the task much more difficult and time consuming.

14.3. SUGGESTED COURSE OF ACTION

1. Enactment of a Central Law on the lines of the Maharashtra Control of Organised Crime Ordinance 1999.

2. Listing of all Govt. functionaries in the enforcement who are known or suspected to have links with the underworld and transferring them to ineffective posts and instituting enquiries to establish their guilt.

3. Listing of all gang bosses and their 2nd line leaders. Detailed and sustained interrogation of all such persons in the list including raids to trace out their links and assets. The basis for their interrogation will have to be found or created by linking them with some offence or on disproportionate assets. Well planned raids and searches are bound to produce results and provide a lever for conducting interrogations.

Resistance to arrest or searches should be dealt with the maximum sternness and use of force. One cannot afford to be squeamish while dealing with dangerous criminals.

4. Seizure of all property known or suspected to be acquired through crime. Detailed and thorough enquiry into the explanation given about the source of wealth. The assets of the gangster and the assets of their close relatives and colleagues should be investigated and explanations sought as to the source through which such wealth was acquired.

5. For a nation-wide action to combat organised crime funds will have to be earmarked specially for this purpose. A sum of at least R.200 crores by the centre and Rs.20 crores by each effected state for

the first year would appear to be the bare minimum. To destroy a criminal empire with an annual turn over of more than 50,000 crores this budget is negligible.

The budgeted amount should only be spent on the operations against organised gangs and not diverted to any other cause. Misuse or diversion of these funds should be severely dealt with and recovered from the defaulting officer. These funds should not be subjected to normal audit but subjected to internal departmental monitoring like the expenditure by defence services in the operational areas.

6. Heavy rewards be declared to apprehend absconding gangsters. Informers who lead to their arrest should be properly rewarded and their identities protected. The STF should hunt out the absconders using all means at their command and arrest them or eliminate them if they resist arrest.

7. All police, Excise, Customs, Audit and other personnel deputed with the STF should be granted special allowances, non-taxable, ranging from Rs. 5000/- p.m. to Rs. 15000/- p.m. Poor performance or any action which hampers or damage the effort of the STF should result in removal from the STF. The tenure of an officer in the STF should not exceed 2 years as such sustained pressure cannot be borne by a person for more than this period without loss of efficiency. There should be a six monthly evaluation of the results of each STF team and a weekly feedback session to ascertain the progress made during the week.

Needless to mention that work in the STF would be back breaking and highly risky. Therefore, the rewards should be commensurate with the risks and the hard work. In other words the enforcement agency is to function on the same lines as the organised gangs if they are to succeed.

8. The STF personnel should be put through a rigorous training programme specially in investigation and use of gadgets like radio sets, telephone tapping etc. They should be trained in shadowing persons and in the use of a variety of weapons. The selection of persons for the STF should be done on the basis of high IQ, physical

fitness and integrity. They should be people with a sense of adventure and not be timid. The police officers should play a role in the investigation of assets and wealth of the gangsters also and not leave it entirely to the audit people.

9. Free insurance to all STF staff of Rs. 3 to 10 lakhs for a period of 10 years from the date of joining STF. Premium to be paid by the Govt. The quantum of Insurance be rank wise.

14.4. SUGGESTED COMPOSITION OF TASK FORCE

The Special Task Force to deal with the organised gangs should be divided into small, independent, self contained units. The number of such units should be formed as per the requirements of each state. The suggested composition, logistics, and equipment etc are given below :

1. Unit Strength : (Police) SP-1, Dy.SP -2, Insp-2, PSI-2, HC-10, Const-10, Drivers-7, Wireless Operators-2, (Others) - Auditors-2, Assistants-2, Clerical-2.

2. Vehicles : Cars-4, Gypsy-2, M/c-2, Scooters-2, Maruti Van-1, Small Truck-1. (All Vehicles should have fake number plates and be changeable)

3. Weapons : Revolvers/Pistols - 20, Stens-5, AK 47-6, SLRs-10, Hand Grenades, Tear Gas, LMG - 2, Telescopic sights for sniper rifle.

4. Equipment : Telephones, Tape recorders, Cell phones (with Secret Nos), Wireless sets, Walkie talkies, Credit cards, fake photo identity cards (three each), mini Cameras, Video cameras, Binoculars, electronic beepers to trace cars etc.

5. Housing : Hired house for office with enough accommodation to house the unit if required. A safe house in the outskirts for interrogation etc.

6. Funds : Rs.10,00,000/- per unit per annum for SS Fund

7. Special Pay : Const/3000/- p.m., HC/5000/- p.m. Insp/SI/ 6,000/- p.m DySI/10,000/- p.m. SP/15000/- p.m., DIG/IG - 10,000 p.m.

The above logistics etc. are given only as suggestions. They can be modified to suit local requirements,

The composition, equipment, weapons and funds suggested for the STF may appear, to some people, as exorbitant. But one has to realise that the organised gangs have at least ten times more funds and resources available with them to operate. Moreover, the losses to the govt. Treasury through organised crime works out to some thousands of crores per year. If organised crime is controlled these losses will be wiped out. The expenditure on the operations would be a mere fraction of the savings in revenue.

Having gone through all the important factors related to organised Crime in India, the logical ending would be to study and assess the impact it has on the country and its people. To briefly summerise;

1. Organised Crime tends to have a corrupting influence on every Governmental organisation it comes into contact with. To begin with, all enforcement agencies dealing with the particular brand of criminal activity get corrupted. But the matter does not end there because other Government organisations, even if remotely connected, tend to get contaminated with the virus. A situation gradually develops where no official work of the common public gets done without illegal gratification. Even the honest Govt. servants tend to get sucked into this whirlpool of corruption.

2. The Mafia operate through terror and amasses wealth. The ordinary small time criminals are tempted to use the same methodology, and the use of terror for committing all kinds of crime becomes widespread. It gets to be so common that even ordinary people find it useful to achieve their objectives through terror tactics. This leads to unnecessary spread of violence, use of weapons and explosives, etc. even to settle private disputes, to evict tenants or to win college elections. Terror becomes a part of daily life.

3. Organised Criminal gangs do not pay any Taxes. The quantum of evasion of Taxes and Duties which would normally come into the Treasury runs into thousands of Crores. This deficit of Excise and Customs Duty, Taxes on imports, foreign exchange transactions etc. has to be met by the common man. The other alternative is deficit financing and inflation which again hits the common man.

4. With the alliance of the Underworld and Politics, the political set up eventually gets to be controlled by the Mafia to a considerable extent. The decisions on matters of policy, location of industries, selection of areas for development and investment by government, even the enactment of Laws gradually gets influenced by the Mafia. In other words the Mafia gets to become an influential partner in the process of governance of the country. The resultant effect needs no elaboration.

5. Films and the TV have a great influence on the psyche of the adolescents. Their behaviour, thinking, culture, dress are all influenced by what they see on the screen. The film industry in India is controlled to a considerable extent by the underworld due to their financing of films. They have a say in every aspect of production of the films which includes casting, direction, story etc. and up to a certain extent they even control the censorship. The blatant glorification of the life style, wealth and power of gangsters tends to influence the minds of the younger set. This increases the level of criminality, violence and promiscuity. This corruption of a whole generation is bound to have far reaching effects on Indian society in the future.

Haven't we all been witness to all the above in the last fifteen years? Do we not find that any work in a Government office cannot be done without bribes? Are we not able to see extortion in every walk of life including pooja and school admission, committed by students and teachers, and the common man pays without a murmur? Don't we see the senseless violence even in petty disputes of a few rupees and the spread of violence in the atmosphere specially in the cities? Are we and our children not exposed to scenes of cruelty and violence in films and TV serials? Do we not read very often about

youngsters posing as naxalities or mafia men and extorting money from people? Do we not find that there is widespread use of illegal weapons even by people who are not criminals? Can we ignore the ostentatious life-style of people with tainted money acquired through crime and tax evasion, and not feel a twinge of envy? Don't we see people with criminal records getting elected and heading departments like the police department and other enforcement departments?

One could go on and on with such questions about our country and no one will give 'No' as an answer to even one of them. The basic question that arises is, do we want our country to continue to grow in this fashion and let our future generations live in this kind of a country? Or are we going to do something about it?

STRAWS IN THE WIND

Some interesting news paper clippings and extracts have been reproduced in this annexure which reinforce the contents of the paper in highlighting the tremendous power that the underworld has acquired in India. These reports also indicate the extent to which this menace has permeated into all parts of the country.

Considering the fact that the mafia in India has deep rooted links with the ISI of Pakistan, we can only imagine its destructive capability. It is like sitting on a carton of dynamite with the fuse ready to be lit.

When will we wake up to this fact and do something about it? It is for the law enforcement agencies and the government to decide.

GANGSTERS AND POLITICIANS

TIMES OF INDIA

Dated 27.10.91

MAFIA DONS IN UP POLL FRAY

The determined bid of the alleged Mafia dons to re-enter state politics will be yet another significant feature of the coming byelections. An unrepentent D.P. Yada, is contesting on the SJP ticket for the Bulandshahr assembly seat even though the JD leaders have refused to oblige Mr. Mulayam Singh's close associate by leaving the seat for the SJP. D.P. Yadav is contesting from jail where he is being detained under the National Security Act as part of the Kalyan Singh government's anti-Mafia drive.

OTHER CONTENDERS : Two other gangsters, Madan Gopal alias Madan Bhaiya and Ashok Tyagi, have filed their papers from jail for the Khekra assembly seat. While Madan Bhaiya is the SJP nominee. Ashok Tyagi has filed his papers as an Independent candidate. The Congress has fielded Rajkumar Kasana, the state Youth Congress treasurer, who too has a criminal background.

THE STATESMAN

Dated: 21.10.94

PLAN TO CURB THE UNDERWORLD

The panel headed by the former Union Home Secretary, Mr.N.N.Vohra, constituted in May, 1993, submitted its report within five months in September. The report, which contains some startling revelations including the connexion between people in high places and the underworld, has not been made public.

THE HINDU

Dated : 24.8.97

CAN POLICE REIN IN THE MAFIA

By Mr. Thackeray's own admission, all old Hindu criminals like Babu Reshim, Rama Naik and Arun Gawli are "all former Shiv Sainiks."

Mr.Mendonca has a tightrope walk- between the Sena and the BJP, alliance partners ; between the vested interest among the ranks and the mafia; between the need to run an efficient force and reform it but not buckle under pressure. The pitch is already badly queered, even if an upright official like Mr.Mendonca is brought in -- most of the personnel at police station level are political nominees. And they encouraged mafia gangs to flourish to meet the venal needs of the khakhi force which is not the outfit it was reputed to be in the past. Could Mr.Mendonca rein police in and inculcate in them a sense of scruples, fair- mindedness and uprightness to enable them to crush the mafia ?

THE HINDUSTAN TIMES

Dated :16.9.97

FIGHT AGAINST THE MAFIA

One must accept the reality that organised crime generates huge funds. Part of these funds are used to subvert a section of the political and administrative system. The police will not be able to deal with them effectively when their political masters have forged an unholy alliance with them.

THE INDIAN EXPRESS

Dated:21.10.98

RAID ON DAWOOD AIDE REVEALS MANIFOLD RICHES

A property dealer-turned politician, Romesh Sharma, suspected to have links with underworld don Dawood Ibrahim was arrested by a joint team of the Delhi police, the CBI and the income tax authorities from his house in Mayfair Colony here last night.

Documents of property worth Rs.500 crore were recovered from the house and a helicopter from his Chattarpur farmhouse. He has been remanded to custody for three days.

The team has recovered documents indicating that he is a front-man of the Dubai-based underworld don Dawood Ibrahim. Sadi the joint commissioner of police (southern range):"Sharma did sundry jobs at Sadar Bazaar 20 years ago. Though we have recovered enormous assets from his house, he still has no known source of income. We suspect that Sharma might have made this kind of money from his Dubai connections."

DECCAN CHRONICLE

Dated:13.2.99

GANGSTER NABBED FROM MP'S HOUSE IN DELHI

Delhi police on Friday claimed to have arrested a member of the notorious Shriprakash Shukla gang, allegedly involved in the murder of several politicians including two Bihar MLAs and a former UP legislator, from the official residence of a BJP Mp here.

The accused, Rajan Tewari was arrested by a joint team of Delhi and UP police from the official residence of BJP MP Gangaram Koli at Ferozeshah Road in the heart of the capital, additional commissioner of police (crime) B.K. Gupta told reporters.

Dated :8.3.99

CHARGES GALORE BUT NO ANSWERS

The other day, former naval chief, Admiral Vishnu Bhagwat, who was sacked under mysterious circumstances, held a press conference in the capital. He made a string of startling disclosures and levelled grave charges, against Fernandes and Ajit Kumar, the man who had been the Defence Secretary when Bhagwat headed the Navy. Bhagwat virtually accused Fernandes of being in the pocket of arms dealers, singling out a company run by a former Indian naval chief, Admiral Nanda and his son. Bhagwat also said Fernandes was harbouring militants belonging to terrorist groups, like the LTTE, Assam's Ulfa and Burmese and Tibetan dissidents in his residence. Bhagwat went on to reveal that just two days before the Pokhran nuclear tests, the Prime Minister had taken the three armed services chiefs into confidence but told them not to tell Fernandes about the impending test. In other words, the Prime Minister did not trust his own Defence Minister!

Yet another shocking revelation made by Bhagwat was that the Defence Secretary had instructed the service chiefs not to intercept a boat in the Andamans area that was carrying illegal arms and narcotics. Bhagwat also produced a letter signed by the Defence Secretary to this effect. When Fernandes was asked by the Press to respond to these extremely grave charges apart from denying that LTTE militants found refuge in his residence, he simply said that he had nothing to say. That's not good enough.

DAWOOD'S TENTACLES IN HYDERABAD, CALCUTTA & DELHI

DECCAN CHRONICLE

Dated :8.3.99

CITY POLICE ARREST DAWOOD MAN ON AN EXTORTION SPREE

Hyderabad : The city police on Saturday nabbed Saghir Ahmed Shaik, believed to be a trusted lieutenant of underworld don Dawood Ibrahim, while he was trying to extort huge money from city businessmen.

Though an official press release issued here on Sunday by the City Police Commissioner S.R.Sukumura made no mention of his contacts with the Dawood gang, it is learnt that Sagir Ahmed Shaik, who had access to Dawood, approached some prominent businessmen in the city a few days ago and demanded huge amounts.

During interrogation, Saghir Shaik Ahmed reportedly confessed to the police that he had spoken to Dawood over the cell phone. Investigations revealed that the accused with the help of one Syed Javed, resident of Bahadurpura here, hatched a plan to demand ransom from local businessmen in the Old City.

DECCAN CHRONICLE

Dated :6.4.99

DAWOOD'S HAND SUSPECTED IN GANGULY CASE

The Calcutta police, which believes that Ganguly's mysterious disappearance last week is a result of the fallout between Exide company owner Rajan Raheja and Dubai-based mafia don Dawood Ibrahim, called up the top brass of the Mumbai police on Monday afternoon to apprise them of the situation.

Ganguly's abduction sent shock-waves through Calcutta as this is the third time in three months that a corporate head has been abducted.

THE HINDUSTAN TIMES

Dated : 30.11.94

DAWOOD GANG PLAN FOILED, SIX ARRESTED

Disclosing it to newsmen, Mr.M.B. Kaushal, Commissioner of Delhi Police, said one Bachi Singh, a notorious member of the Dawood Ibrahim gang along with his accomplices was in the Capital city on an assignment to facilitate the escape of another notorious criminal Subhash Thakur from Tihar jail.

On interrogation, Bachi Singh disclosed that he came to Delhi on Nov.15 and registered himself in a hotel in Paharganj area in the name of Vipin Sharma. His other accomplices joined him later. The gang had been conducting recce of Tihar jail, the courts and the route taken by the jail van from court to Tihar jail.

He admitted that he was involved in many heinous crimes and his group was involved in many hired killings and other gang wars at the instance of Subhash Thakur and Dawood Ibrahim. They also indulged in extortion of money from various builders and passport and visa racketeers in Bombay.

TIMES OF INDIA

Dated: 15.10 94

THE MAFIA IN BOMBAY

CONTRACT KILLERS' GANG BUSTED

Among the contract killings carried out by the Sheru gang were the shooting of Amar Suvarna at Kala Ghoda, South Bombay, in February 1994, and Saidullah Khan at Nagpada, Central Bombay, in October 1992.

Iqbal Mirchi, a major drug-runner, allegedly paid Rs.3.5 lakhs to kill Suvarna, a former employee, as he was suspected of leaking se-

crets to the police. Saidullah Khan, a customs informer, was allegedly killed at the behest of Dawood Ibrahim's brother, Anees, for a "supari" of Rs. 3 lakhs. He was travelling in a car with Mr. Farooq Batatawala, a customs inspector when he was shot.

THE HINDU

Dated :25.11.95

BOMBAY'S AWESOME MAFIA

The observation of the designated TADA court judge, Mr.J.N. Patel, that the city is totally controlled by the mafia and that the law enforcement machinery has become inoperative clearly points to the deteriorating situation .

TIMES OF INDIA

Dated: 20.8.97

BUILDER SHOT DEAD AS MAFIA STRIKES AGAIN

Mumbai : Prominent builder Natwarlal Mohanlal Desai was shot dead outside his Nariman Point office by two unidentified men at 2.30 p.m. on Tuesday afternoon.

The killing of Mr.Desai is widely seen as the latest in a series of executions by the underworld. At least 15 Mumbai builders have been killed in the last three years. "We suspect Arun Gawli's had behind this killing," Mumbai police commissioner Subhash Malhotra said later in the evening . However, no arrests have been made so far.

THE TIMES OF INDIA

Dated : .10.98

CASH-STRAPPED GANGSTERS 'WIDEN TAX BASE'

Until recently, these gangs had focused on builders, film producers, bar owners and brothel keepers. But now, doctors, engineers, company executives and advocates have become fair game.

Recently, a number of doctors in central Mumbai received threats from members of the Arun Gawli gang which demanded "contribu-

tions" for the Navratri festival. The demands ranged from a few thousand rupees to Rs.2 lakhs.

A leading advocate recounted how taken aback he was when a member of the Amar Naik gang recently telephoned him and demanded Rs.5 lakhs. The gang member had evidently got wind of the impending wedding celebrations of the advocate's daughter at a spacious venue in Worli and wanted payment for that "happy occasion".

What appears to be worrying the hotel industry is that the gangs are zeroing in even on the owners of Udipi hotels.

THE TIMES OF INDIA

Dated :21.10.98

BUILDER IS SHOT DEAD IN HIS VERSOVA OFFICE

Mr.Sohail Hussain (44), was the third from a family of builders to fall victim to the bullets of the underworld. The police suspect the Chhota Rajan gang to be behind the murder.

Mr.Hussain's brothers had been killed by gangsters, the police said" His brother, Rajji Hussain, who was alleged to be a lieutenant of Dawood Ibrahim, was killed by the Arun Gawli gang at Bandra Reclamation on May 31, 1991. Another brother, Farid Hussain was gunned down at Mohammed Ali Road on October 7, 1996, allegedly by the Chhota Rajan gang.

THE HINDU

Dated :2.8.95

MAFIA RUNNING PARALLEL GOV. : VOHRA PANEL *Crime Syndicate*

A report on the nexus between the Bombay city police and the Bombay under-world was prepared by CBI in 1986. The CBI has reported that all over India crimes syndicates have become a law unto themselves. The nexus between the criminal gangs, police, bureaucracy and politicians has come out clearly in various parts of the country. The existing criminal justice system, which was essentially designed to

deal with the individual offences/crimes, is unable to deal with the activities of the mafia:

To elucidate this point, the Director CBI has given the example of Iqbal Mirchi of Bombay who, till the late 80's was merely a visitor to passenger and carrier ships to obtain liquor and cigarettes for selling the same at a profit. In the last 3-4 years Mirchi acquired real estate valuing crores of rupees; he has many bank accounts and has been paying lakhs of rupees to his carriers. The growth of Mirchi is due to the fact that the concerned Enforcement agencies did not take timely action against him and later, this perhaps became difficult on account of the enormous patronage that he had developed.

The DIB has stated that the network of the mafia is virtually running a parallel Government, pushing the State apparatus into irrelevance.

Dated :20.10.98

2 SUSPECTED CHHOTA RAJAN MEN ARE SHOT IN WORLI

In yet another gangland shootout on Monday afternoon, two men allegedly belonging to the Chhota Rajan gang were shot at by two unidentified persons near the Worli traffic junction. The police suspect the rival Chhota Shakeel gang to be behind the killings. It was the 13th firing incident by criminals in the past 18 days.

MAFIA IN FILMS

THE INDIAN EXPRESS

Dated: 10.4.97

CRIMINALISATION OF THE FILM INDUSTRY

THE MEDIUM AND THE MAFIA

It is no secret that criminals began financing popular Bombay films in a big way from the mid-Seventies, nor that they soon came to have a decisive say on the choice of stories, the latter's depiction on the screen, as well as the selection of actors, actresses and direc-

tors. It is not surprising then that the character of Hindi films made in Bombay also began to change drastically from about the same time.

Films like Janzeer, Deewar, Sholay, Don, Amar Akbar Anthony, Muquddar Ka Sikandar, Mr Natwarlal, Qurbani, Dostaana, Ram Balram and Shaan heralded a new genre glorifying crime, criminals and violence. Their heroes were from society's criminal fringes and, as in Bemissal, readily adopted criminal methods. Even policemen were shown as justifying the means by the ends.

Things have become worse over the years. According to reports real life rowdies played prominent roles in a recent kanada film. Also, members of the Censor Board, who wanted a few scenes cut, were threatened into retaining them. This was not an isolated instance. The glorification of crime, criminals and violence, depiction of obscene sex, and the featuring of vulgar songs and dialogue are increasingly common place in Kannada films because Censor Board members are said to be either bribed or are too scared to act. Earlier members of the Censor Board in Bombay, who were too scare to reveal their identities, had complained about threats from criminals.

The close links a segment of the underworld here has with Pakistan's Inter-Services intelligence in no secret. Nor is it a mere coincidence that a sharp increase in narcotics smuggling to punjab from Pakistan in the early seventies preceded the eruption of secessionist terrorism there. It was in those days that the smuggler- ISI supply channels to the terrorists in the state were apparently built.

STATESMAN NEWS SERVICE

Dated: 2.3.97

GHAZIABAD MAFIA'S REIGN OF TERROR

The businessmen who have set up their units in Ghaziabad are regretting their decision to move into the area as they are at the mercy of local strongmen, reportedly flourishing under the patronage of politicians. It is learnt that they were members of gangs of former mafia lords, most of whom are either in jails or have been killed.

Until recently, Ghaziabad district in UP was notorious for gang warfare, kidnapping for ransom and supari killing but the police claim an improvement in the crime scenario. The Senior Superintendent of Police, Nr. Pramod K Tewari, says there are no major gangs operating in the area now. "Out of the eight listed mafia dons, five have been arrested while the remaining (were) killed in encounter", he said.

Residents, however, have a different perception, especially with the recent abduction of Mr. Vineet Jain, a builder's son. He was abducted by AK-47 wielding gangsters while driving to a construction site. He returned to his family, reportedly after paying a hefty ransom though the police maintained there were no ransom demands.

THE HINDUSTAN TIMES

Dated :14.8.97

UNDERWORLD NEXUS RECOILS ON BOLLYWOOD

Coming close on the heels of the murder of film producer Mukesh Duggal and the extortion threats to top director Rajiv Rai and Subhash Ghai, it has become abundantly clear with yesterday's killing that armed gangsters are increasingly targetting the cash cows of the entertainment industry. The industry's close nexus with the underworld has come home to roost, underworld watchers pointed out, and the attacks and blackmail have assumed alarming proportions.

The casting couch with respect to the success of several heroines is not a myth, thanks to this nexus. It led to a situation where Raj Kapoor's heroine Mandakini gave birth to a son, reportedly from Dawood Ibrahim. She was later provided with a farmhouse at Bangalore. Several other heroines have had to travel to Dubai as and when required. There is ample evidence of these visits in CBI records.

The clout of the underworld was demonstrated to telling effect when a leading starlet was dropped from four movies after she declined an invitation to Dubai. She relented after her boyfriend was severely beaten up by gangsters.

It is also well known that a popular Bollywood hero was made to dance at a party thrown by Dawood and his men in Dubai. When

this Janta hero returned to Mumbai, the hapless star was literally intercepted at the airport by a rival gang, who made him dance for them too just because he had danced for Dawood. The hero was detained for 17 hours. And literally made to dance to the tune of the dons for most this time.

HINDUSTAN TIMES

Dated :3/8/97

DELHI LEADS THE NATION IN CRIME TOO

In specific crimes covered under the IPC, Delhi's graph is marked with an appreciable increase over the last four years with a net hike of 25.6 per cent from 1993 to 1996.

Significantly, nearly 88.7 per cent of the total crimes in the city were under the category 'kidnapping and abduction' of children. In net terms, crimes of this nature increased by 64.35 per cent over the previous year.

HINDU

Dated : 19/4/97

RUSSIA'S CRIME NETWORKS

There are an estimated 4,000 gangs in Russia, of which approximately one in ten are major groups operating across regional and national borders. Moscow admits that the mafia controls 40 per cent of the country's economy.

As of January 1997, there were an estimated 4,000 gangs in Russia of which approximately one in 10 were major groups operating across regional and national borders. Although such figures can be only broadly indicative, Moscow admits that the Mafiya controls around 40 per cent of Russia's economy.

THE RISE AND RISE OF ORGANIZED CRIME

An extradition request with respect to Dawood is gathering dust with the Dubai authorities. The don now spends a lot of his time in Karachi.

He operates in Bombay through his proteges and hitmen, Chhota Shakeel and Abu Salem, now wanted for the killing of Gulshan Kumar. Interpol notices and requests for extradition have been issued for both these sharpshooters, who have assumed the role of executioners and extortionists for the D-Company in Bombay.

Amongst their targets are film personalities. They are also engaged in intense warfare with rival gangs, particularly that Chhota Rajan. Both, though based in Dubai, are in no small measure responsible for the current upswing in underworld activity in Bombay. Abu Salem operates under the direct instructions of Anis Kaskar, Dawood's younger brother.

Shakeel and Abu Salem are wanted in connection with the revenge killings of industrialist Sunit Khatau and film producer Mukesh Duggal as also the murders of BJP leaders Rajinder Gupta and Ram Das Naik. Inter-gang killings started with the gunning down of Dawood's "law minister" Sunil Sawant in Dubai in August 1995 by the Chhota Rajan gang, which also provoked hostilities by killing the East-West Airlines chief Thakiuddin Wahid in November 1995. Wahid in November 1995. Wahid, and the operations of the Airlines, were closely associated with the D-company.

But the most expensive and elusive manhunt in Indian history has been for forest brigand Kuse Munisamy Veerappa Gounder alias Veerappan. Variouslly described as a Bandit King and forest brigand, the 50-year-old sandalwood smuggler and elephant poacher has led the Karnataka and Tamil Nadu Government on a merry chase for the better part of two decades.

A sum of Rs.40 crore has already been spent on chasing him. He has been charged with 119 murders, including those of 32 police and

10 forest officials. Veerappan has also killed 2,000 tuskers for ivory worth Rs.12 crore and denuded sandalwood forests of timber worth Rs.100 crore.

A 6,000 square km stretch of the Western Ghats stretching across Karnataka, Tamil Nadu and Kerala is Veerappan country.

HINDUSTAN TIMES

Dated:4/4/98

RETURN OF THE DONS

Many of the tainted politicians have been re-elected. By and large the voter has ignored the criminal charges against them. Facing serious charges of corruption, the more notorious among them have done rather well at the justings. They are now strutting about on the national scene as king-makers.

It will be short-sighted to ignore the danger to Indian democracy. The danger signals are on. The country cannot be governed by persons with such dubious reputations. There is something radically wrong with a system that allows law-breakers to become law-makers in such large numbers.

What choice does an Indian voter have ? He is asked to choose between one set of rogues and another. He knows that the rich and powerful seldom get caught, and even if they do sometimes get into the clutches of law the cases against them rarely end in conviction.

The remedy lies not to scrapping the democratic institutions, but in strengthening the criminal justice system. While every care should be taken to ensure that no innocent persons is punished, today's situation demands a system in which the guilty do not go unpunished so easily. The rise of the armed senas, especially in Bihar, is the direct consequence of the failure of the system. Having lost faith in the effectiveness and fairness of the system, a common man looks up to the mafia dons, organised on caste and religious lines, to provide him with security and justice.

Continuing the status quo will be fatal. The danger is very real. The criminal justice system is breaking down and may collapse. The

process of reforms must start immediately. The impulse for reforms, however, will have to come from the ruling party. It cannot come from the harassed and demoralised bureaucracy. Time is not on the new government's side. It cannot enjoy the luxury of doing nothing because it does not enjoy a stable majority in Parliament. Delaying the process will mean more problems and not less.

THE HINDU

Dated: 7/12/98

CRIME AND PUNISHMENT

"A bullet for a bullet" is the policy recommended by the Maharashtra Home Minister, Mr. Gopinath Munde, to tackle the underground. But what is not being discussed is the extent to which politics has distorted, demoralised and rendered ineffectual a perfectly capable police force.

For instance, one of the most important suggestions by the National Police Commission (NPC) in its 1981 report was that all States should set up an independent, autonomous State Security Commission (SSC) which would function as a watchdog on politicians, bureaucrats and the police. Officers of the rank of Superintendent of Police and above would not be transferred prematurely without the Commission's clearance. It would guarantee transparency by preparing and releasing reports about the police functioning to the public through the media.

Not a single Chief Minister has agreed with the NPC's repeated suggestion, which has been further endorsed by the Law Commission and the National Human Rights Commission for setting up the SSC. It is clear from this negative response that at the operational level, no political party wants to relinquish the power of controlling the law-enforcing machinery.

CRIME - POLITICS NEXUS

The Crucial Business Link

Probe Warranted

The government's hypocrisy is compounded by its November 22 offer to disclose "in confidence" to the Supreme Court information gathered by investigative and intelligence agencies on crime-politics links. Evidently, the government treats this as something of a private matter. Nothing can demolish its claim to democratic legitimacy and reveal its contempt for the public more effectively. It is particularly reprehensible that this should happen after Babloo Srivastava's disclosures about Chandraswami, his shocking performance before the Jain Commission, repeated calls for his arrest by a former minister of state for home, no less; and Mr. Arif Mohammed Khan's November 21 testimony about a 1988 "conspiracy" headed by Zail Singh to dismiss Rajiv Gandhi.

It would be irrational, in the absence of hard evidence, to believe these allegations, but both their gravity and their source warrant serious investigation by an independent body. The so-called nodal agency of the government does not remotely meet this requirement. Going by the affidavits filed before the Supreme Court, the agency has only met twice and produced little except the conclusion that further action is only possible in the "political sphere", i.e. through discussions with political leaders to evolve a future code of conduct. This misses the entire point, first, about documenting the crime-politics nexus as it has evolved, and then speedily prosecuting the guilty and awarding them exemplary punishment. There are strong reasons to believe that the government possesses adequate material, prepared by its own agencies, to do this. But it wants to erase and suppress its own knowledge.

This is indicated by a note on East-West Airlines prepared by an official agency as part of its submission before the Vohra Committee, as well as the disclosure (The Economic Times, Nov 24) that Mr. Rakesh Pilot last year strongly recommended action against the airline for

its alleged links with mafioso Dawood Ibrahim, but the proposal was shot down. The classified note makes electrifying reading, documenting links and transactions between Ibrahim, smugglers and gangsters such as Tiger Memon, Usman Gani, Guru Satam, Islam Kiratpuri, Anil Parab, hawala operator Moolchand Shah (also accused in the Bombay bomb case); a former Central minister of state for finance, former Maharashtra and Gujarat Chief Ministers and Home Ministers; and relatives and associates of the highest in the land, including two Union ministers.

It states that a former civil aviation secretary wrote that he believes that "a noted smuggler" (was) "...behind the Bmbay bomb blasts and ...East West Airlines". and mentions that people with high connections interceded on East-West's behalf to stall its prosecution under FERA, income-tax and other violations. Amongh those involved two of Bombay's most successful builders, and a certain minister who favoured East West with a lucrative Haj pilgrimage contract. A tantrik figures prominently in the report.

Organic Links

Official agencies have similar information on scores of companies, criminals and politicians. A clear pattern is discernible.

DECCAN CHRONICLE

Dated 18/9/96

CRIME-POLITICS

PARTIES RIDING PIGGYBACK ON CRIMINALS IN UP

Lucknow :

Mafia dons and persons with criminal antecedents figure prominently in the lists of candidates of all major political parties for the coming Assembly elections in Uttar Pradesh. The Samajwadi Party tops the list with more than 30 candidates having criminal background, followed by the Bharatiya Janata Party whose list has nearly 20 underworld dons.

The Samajwadi Party has given tickets to the five party activists who were involved in the infamous State Guest House incident in

Lucknow in which the former Bahujan Samak Party chief minister, Ms Mayawati, was locked up in a room on June 2 last year, to contest the elections.

Among those prominent persons with criminal background selected by the Samajwadi Party to contest the polls are Mr.Veer Abhimanyu (Khaga), Mr.Atiq Ahmed (Allahabad), Mr.Madan Bhaiyya (Khakhra), Mr Om Prakash Gupta (Misrikh), Mr.Vijay Singh (Dudhi), Mr. Om Prakash Singh (Dildarnagar), Mr. Umakant Yadav (Khuthan), Mr. Sri-ram Yadav (Rari), Mr.Ramtej Yadav (Kaiserganj), Mr. Ram Karan Arya (Nagarpurab), Mr Sangram Yadav (Chilkahar), Mr.Mehboob Ali (Amroha), Mr.Durga Yadav (Azamgarh), Mr.Safdar Raza (Sultanpur), Mr. Rakesh Sachan (Ghatampur) Mr.Vinod Singh (Gonda), Mr.Shabbir Ahmed (Charda), Mr.Aziz Hasan Khan (Sandila) and Mr. Shiv Kumar Beriya (Bilhauri)

Criminal cases are also pending against two former ministers of the erstwhile Yadav Cabinet, Mr. Mohammad Azam Khan (Rampur) and Mr.Dinanth Bhaskar (Bhadohi), who have been renominated to contest the polls. Mr. Bhaskar, a former BSP activist in Varanasi, had joined the Samajwadi Party some time ago. Some police cases are pending against another Samajwadi Party candidate, Mr.Mitrasen Yadav (Milkipur) , a former CPI State secretary.

The Samajwadi Party has given tickets to three relatives of known criminals. Mr.Umed Singh, husband of former Bandit Queen Phoolan Devi, has been fielded from Pipraich.

Ms Phoolan Devi herself had successfully contested the Lok Sabha polls from Mirzapur in Uttar Pradesh on the Samajwadi party ticket. Mr.Kailash Shankar Shukla, brother of a known mafia don of Lucknow, Arun Shanker Shukla alias "Anna", is the party's nominee in a city constituency where he will fight against a BJP heavyweight and former minister, Mr.Lalji Tandon. "Anna" himself had unsuccessfully contested the Assembly elections in 1993 from the seat on the Samajwadi Party ticket.

The Samajwadi Party has nominated Mr.Jitendra Yadav, nephew of Mr.D.P.Yadav, a mafia don from Ghaziabad.

The later was in Samajwadi party but left it and is now a BSP Lok Sabha member from Ghaziabad.

The Congress(T), Samajwadi Party's ally in the United Front, has fielded three persons with underworld connections.

They are Mr.Hari Shankar Tiwari (Chillupar), Mr.Dharamganj Singh (Hardoi) and Mr Bhola Pande (Doaba). Mr. Pande, an associate of the late Sanjay Gandhi, had hijacked a home flight during the Janata Party rule demanding the release of the latter.

Mr.Tiwari is a known mafia don in eastern Uttar Pradesh. He first won in Chillupar in 1989 on a Congress (I) ticket. When the BJP came to power in 1991 after the Assembly elections, he was put behind the bars in its bid to "keep the State clean from the criminals".

But despite its declared tirade against the criminalisation of politics, the BJP has also given tickets to nearly 20 persons having police cases against them. Among them are Mr.Ajai Rai (Kolasala), Mr.Gomti Yadav (Mahona), Mr.Anand Misra (Bhadohi), Mr. Suresh Khanna (Shahjahanpur), Mr. Ajai Pratap Singh (Colonelganj), Mr. Tripal Dhama (Barnawa), Mr.K.K. Navman (Aligarh), Mr.Tilak Raj (Haldwani), Mr.Shiv Bhahadur Saxena (Swar Tanda), Mr.Prem Prakash Tiwari (Dumariyaganj), Mr.Dhanraj Yadav (Navgarh), Mr.Rakesh Sonkar (Sisamau), Mr Ram Sewek Singh (Binawar), Mr. Sunder Lal Dixit (Haidergarh), Mr. Tej Bhan Singh (Gauriganj) and Mr.R.P. Tripathi (Chibramau).

There was some opposition from the rank and file of the BJP in giving tickets to persons having criminal antecedents. The party was forced to change its nominee in Manipuri, Mr.Updesh Singh Chauhan, who has been arrested in connection with the murder of a Samajwadi Party leader recently. Mr.Chauhan, whose name figures in police records, is in the Mainpuri jail now.

The third major contender for power, the BSP has also fielded several candidates with underworld connections. They include Mr.Nafiz Anseri (Mairana), Mr.Ashok Dixit (Fatehabad), Mr.Munnawar Husain (Patiali) and Mr.Shivraj Singh (Bhongaon). In Mau, the party has put up a gangster, Mr.Mukhtar Ansari, who is now in jail. In Khuthan, the BSP has fielded a mafia don, Mr.Vinod Singh, to fight against another person with a criminal background, Mr.Umakant Yadav of the Samajwadi Party.

Annexure A

**MAHARASHTRA CONTROL OF ORGANISED
CRIME ORDINANCE 1999**

HOME DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 24th February, 1999

MAHARASHTRA ORDINANCE NO.III OF 1999

AN ORDINANCE

To make special provisions for prevention and control of , and for coping with, criminal activity by organised crime syndicate or gang, and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to make special provisions for prevention and control of, and for coping with, criminal activity by organised crime syndicate or gang, and for matters connected therewith or incidental thereto ;

AND WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make a law for the purposes aforesaid;

AND WHEREAS the instructions of the President under the proviso to clause (1) of article 213 of the Constitution of India have been obtained;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :-

1. Short title, extent and commencement -

(1) This Ordinance may be called the 'Maharashtra Control of Organised Crime Ordinance, 1999.' (2). It extends to the whole of the State of Maharashtra. (3). It shall come into force at once.

2. Definitions :-

(1) In this Ordinance, unless the context otherwise requires,-

(a) "abet", with its grammatical variations and cognate expressions, includes -

- (i) the communication or association with any person with the actual knowledge or having reason to believe that such person is engaged in assisting in any manner, an organised crime syndicate;
- (ii) the passing on or publication of, without any lawful authority, any information likely to assist the organised crime syndicate and the passing on or publication of or distribution of any document or matter obtained from the organised crime syndicate ; and

(iii) the rendering of any assistance, whether financial or otherwise, to the organised crime syndicate;

(b) "Code" means the Code of Criminal Procedure, 1973;

(c) "Competent Authority" means the Competent Authority appointed under section 13;

(d) "continuing unlawful activity" means an activity prohibited by law for the time being in force, which is a cognizable offence 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'

(e) "organised crime" means 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;

(f) "organised crime syndicate" means a group of two or more persons who, acting either singly or collectively, as a syndicate or gang indulge in activities of organised crime;

(g) "Special Court" means the Special Court constituted under section 5.

(2) Words and expressions used but not defined in this Ordinance and defined in the Code shall have the meanings respectively assigned to them in the Code.

(3) Punishment for organised crime - (1) whoever commits an offence of organised crime shall,_____

(i) if such offence has resulted in the death of any person, be punishable with death or imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees one lakh;

(ii) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lacks.

(2) Whoever conspires or attempts to commit or advocates, abets or knowingly facilitates the commission of an organised crime or any act preparatory to organised crime, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lacks.

(3) Whoever harbours or conceals or attempts to harbour or conceal, any member of an organised crime syndicate shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to a fine, subject to a minimum fine of rupees five lacs.

(4) Any person who is a member of an organised crime syndicate shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lacs.

(5) Whoever holds any property derived or obtained from commission of an organised crime or which has been acquired through the organised crime syndicate funds shall be punishable with a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine, subject to a minimum fine of rupees two lacs.

4. Punishment for possessing unaccountable wealth on behalf of member of organised crime syndicate -

If any person on behalf of a member of an organised crime syndicate is, or, at any time has been, in possession of movable or immovable property which he cannot satisfactorily account for, he shall be punishable with minimum imprisonment for three years which may extend to imprisonment for ten years and shall also be liable to fine, subject to a minimum fine of rupees one lac and such property shall also be liable for attachment and forfeiture, as provided by section 20.

5. Special Courts-

(1) The State Government may, by notification in the Official Gazette, constitute one or more Special Courts for such area or areas, or for such case or class or group cases, as may be specified in the notification.

(2) Where any question arises to the jurisdiction of any Special Court, it shall be referred to the State Government whose decision shall be final.

(3) A Special Court shall be presided over by a judge to be appointed by the State Government, with the concurrence of the Chief Justice of the Bombay High Court. The State Government may also appoint, with the concurrence of the Chief Justice of the Bombay High Court, additional judges to exercise jurisdiction in a Special Court.

(4) A person shall not be qualified for appointment as a judge or an additional judge of a Special Court, unless he immediately before such appointment, is a sessions judge or an additional sessions judge.

(5) Where any additional judge is or additional judges are appointed in a Special Court, the judge of the Special Court may, from time to time, by general or special order in writing, provide for the distribution of the business of the Special Court among himself and the additional judge or additional judges and also for the disposal of urgent business in the event of his absence or the absence of any additional judges.

(6) Jurisdiction of Special Court -

Notwithstanding anything contained in the Code, every offence punishable under this Ordinance shall be triable only by the Special Court within whose local jurisdiction it was committed, or as the case may be, by the Special Court constituted for trying such offence under sub-section (1) of section 5.

(7) Power of Special Courts with respect to other offences-

- (a) When trying any offence punishable under this Ordinance, a Special Court may also try any other offence with which the accused may, under the Code, be charged at the same trial, if the offence is connected with such other offence.
- (b) If, in the course of any trial of any offence under this Ordinance, it is found that the accused persons have committed any other offence under

this Ordinance or under any other law, the Special Court may convict such person of such other offence and may pass any sentence authorised by this Ordinance or, as the case may be, such other law, for the punishment thereof.

(8) Public Prosecutor -

- (a) For every Special Court, the State Government shall appoint a person to be the Public Prosecutor and may appoint one or more persons to be the Additional Public Prosecutor or Additional Public Prosecutors. Provided that the State Government may also appoint for any case or group of cases, a Special Public Prosecutor.
- (b) A person shall not be qualified to be appointed as a Public Prosecutor, an Additional Public Prosecutor or a Special Public Prosecutor unless he has been in practice as an Advocate for not less than ten years.
- (c) Every person appointed as a Public Prosecutor or Additional Public Prosecutor or Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause of section 2 of the Code, and the provisions of the Code shall have effect accordingly.

(9) Procedure and powers of Special Court -

- (a) A Special Court may take cognizance of any offence without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence or upon a police report of such facts.
- (b) Where an offence triable by a Special Court is punishable with imprisonment for a term not exceeding three years or with fine or with both, the Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code shall, as far as may be, apply to such trial:

Provided that, where in the course of a summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try in a summary way, the Special Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner provided by the provision of the Code for the trial of such offence and the said provision shall apply to and in relation, to a Special Court as they apply to and in relation, to a Magistrate.

Provided further that, in case of any conviction in a summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding two years.

- (c) A Special Court may, with a view to obtaining the evidence of any person, supposed to have been directly or indirectly concerned in or privy to an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof, and any pardon so tendered shall, for the purposes of section 308 of the Code, be deemed to have been tendered under section 307 thereof.

- (d) Subject to other provisions of this Ordinance, a Special Court shall, for the purpose of trial of any offence, have all the powers of the Court of Session and shall try such offence as if it were a Court of Session, so far as may be, in accordance with the procedure prescribed in the Code for the trial before a Court of Session.

10. Trial by Special Courts to have precedence -

The trial of any offence under this Ordinance by a Special Court shall have precedence over the trial of any other case against the accused in any other Court (not being a Special Court) and shall be concluded in preference of the trial of such other case and accordingly the trial of such other cases shall remain in abeyance.

11. Power to transfer cases to regular Courts -

Where, after taking cognizance of an offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to any Court having jurisdiction under the Code and the Court to which the case is transferred may proceed with the trial of the offence as if it had taken cognizance of the offence.

12. Appeal -

(a) Notwithstanding anything contained in the Code, an appeal shall lie from any judgement, sentence or order, not being an interlocutory order, of a Special Court to the High Court.

(b) Every appeal under this section shall be preferred within thirty days from the date of the judgement, sentence or order.

13. Appointment of Competent Authority -

The State Government may appoint any of its officer, in Home Department, not below the rank of Secretary to Government, to be the Competent Authority for the purposes of section 14.

14. Authorization of interception of wire, electronic or oral communication -

(1) A police officer not below the rank of Superintendent of Police supervising the investigation of an organised crime under this Ordinance may submit an application in writing to the Competent Authority for an order authorizing or approving the interception of wire, electronic or oral communication by the investigating officer when such interception may provide or has provided evidence of any offence involving an organised crime.

(2) Each application shall include the following information:-

- (a) the identity of the investigative or law enforcement officer making the application, and the head of the department authorizing the application;
- (b) a statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including-
 - (i) details as to the offence of organised crime that has been, is being , or is about to be committed;
 - (ii) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted;

- (iii) a particular description of the type of communications sought to be intercepted; and
- (iv) the identity of the person, if known, committing the offence of organised crime whose communications, are to be intercepted;
- (c) a statement as to whether or not other modes of enquiry or intelligence gathering have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous or is likely to expose the identity of those connected with the operation of interception;
- (d) a statement of the period of time for which the interception is required to be maintained. If the nature of the enquiry is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;
- (e) a statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to the Competent Authority for authorization to intercept, or for approval of interceptions of, wire, electronic or oral communications involving any of the same persons, facilities or places specified in the application and the action taken by the Competent Authority on each such application; and
- (f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results.

(3) The Competent Authority may require the applicant to furnish additional oral or documentary evidence in support of the application.

(4) Upon such application, the Competent Authority may after recording the reasons in writing reject the application, or issue an order, as requested or as modified, authorising or approving interception of wire, electronic or oral communications, if the Competent Authority determines on the basis of the facts submitted by the applicant that-

- a) there is a probable cause for belief that an individual is committing, has committed, or is about to commit a particular offence described and made punishable under sections 3 and 4 of this Ordinance;
- c) normal modes of enquiry and intelligence gathering have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous or is likely to expose the identity of those connected with the operation of interception;
- d) there is probable cause for belief that the facilities from which, or the place where, the wire, electronic or oral communications are to be intercepted or be used or are about to be used, in connection with the commission of such offence, leased to, or are listed in the name of or commonly used by such person.

(5) Each order by the Competent Authority authorizing or approving the interception of any wire, electronic or oral communication under this section shall specify-

- a) the identity of the person, if known, whose communications are to be intercepted;

- b) the nature and location of the communication facilities as to which, or the place where, authority to intercept is granted;
- c) a particular description of the type of communication sought to be intercepted, and a statement of the particular offence to which it relates;
- d) the identity of the agency authorized to intercept the communications, and of the person authorizing the application, and
- e) the period of time during which such interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

(6) The Competent Authority shall immediately after passing the order under sub-section (4), but in any case not later than seven days from the passing of the order, submit a copy of the same to the Review Committee constituted under section 15 alongwith all the relevant underlying papers, record and his own findings, tc., in respect of the said order, for consideration and approval of the order by the Review Committee.

(7) An order authorizing the interception of a wire, electronic or oral communication under this section shall, upon request of the applicant, direct that a provider a wire or electronic communication service, landlord, custodian or other person shall furnish to the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such service provider, landlord, custodian, or person is providing to the person whose communications are to be intercepted.

(8) No order issued under this section may authorize or approve the interception of any wire, electronic or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than sixty days. Such sixty days period shall begin on the day immediately preceding the day on which the investigative or law enforcement officer first begins to conduct an interception under the order or ten days after the order is issued, whichever is earlier. Extension of an order may be granted, but only upon an application for an extension is made in accordance with sub-section (1) and the Competent Authority making the findings required by sub-section (4). The period of extension shall be no longer than the Competent Authority deems necessary to achieve the purposes for which it was granted and in no event for longer than sixty days at a time. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable and shall be conducted in such a way or manner as to minimize the interception of communication not otherwise subject to interception under this section and must terminate upon attainment of the authorized objective, or in any event on expiry of the period of order. In the event the intercepted communication is in a code or foreign language, and an expert in that foreign language or code is not reasonably available during the interception period, minimization may be accomplished as soon as practicable after such interception. An interception under this section may be conducted in whole or in part by public servant, or by an individual operating under a contract with the State Government, acting under the supervision of the investigative or law enforcement officer authorized to conduct the interception.

(9) Whenever an order authorizing interception is issued pursuant to this section, the order may require to be made to the Competent Authority who issued the order showing that progress has been made towards achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the Competent Authority may require.

(10) Notwithstanding anything contained in any other provision of this section, an Officer not below the rank of Additional Director General of Police who reasonably determines that-

- a) an emergency situation exists that involves-
 - i) immediate danger of death or serious physical injury to any person;
 - ii) conspiratorial activities threatening the security or interest of the State;
or
 - iii) conspiratorial activities, characteristic of organized crime, that requires a wire, electronic or oral communication to be intercepted before an order from the Competent Authority authorizing such interception can, with due diligence, be obtained, and
- b) there are grounds upon which an order could be issued under this section to authorize such interception, may authorize, in writing, the investigating Police Officer to intercept such wire, electronic or oral communication, if an application for an order approving the interception is made in accordance with the provisions of sub-sections (1) and (2) within forty-eight hours after the interception has occurred, or begins to occur.

(11) In the absence of an order approving the interception made under sub-section (10), such interception shall immediately terminate when the communication sought is obtained or when the application for the order is rejected, whichever is earlier. In the event where an application for permitting interception is rejected under sub-section (4) or an application under sub-section (10) for approval is rejected, or in any other case where the interception is terminated without an order having been issued, the contents of any wire, electronic or oral communication intercepted shall be treated as having been obtained in violation of this section.

2) a) The contents of any wire, electronic or oral communication intercepted by any means authorized by this section shall, if possible, be recorded on tape or wire or other comparable device. Recording of the contents of any wire, electronic or oral communication under this sub-section shall be done in such a way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of order, or extension thereof, such recordings shall be made available to the Competent Authority issuing such order and shall be sealed under his directions. Custody of the recordings shall be wherever the Competent Authority orders. They shall not be destroyed except upon an order of the Competent Authority and in any event shall be kept for ten years.

- b) Applications made and orders issued under this section shall be sealed by the Competent Authority. Custody of the applications and orders shall be wherever the Competent Authority directs, and shall not be destroyed except on an order of the Competent Authority, and in any event shall be kept for ten years.

The Competent Authority upon the filing of a motion, may in his discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications and orders as the Competent Authority determines to be in the interest of justice.

(13) Notwithstanding anything in the Code or in any other law for the time being in force, the evidence collected through the interception or wire, electronic or oral communication under this section shall be admissible as evidence against the accused in the Court during the trial of a case:

Provided that, the contents of any wire, electronic or oral communication intercepted pursuant to this section or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in any court unless each party, not less than ten days before trial, hearing or proceeding, has been furnished with a copy or the order of the Competent Authority, and accompanying application, under which the interception was authorized or approved:

Provided further that, this ten days period may be waived by the judge, trying the matter, if he finds that it was not possible to furnish the party with the above information ten days before the trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving such information.

Explanation - For the purposes of this section-

(a) 'wire communication' means any aural transfer made in whole or part through the use of facilities for the transmission of communications by the aid of wire, cable or other like connection between the point of origin and the point of connection, between the point of origin and the point of reception (including the use of such connection in switching station) and such term includes any electronic storage of such communication;

(b) 'oral communication' means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation but such term does not include any electronic communication;

(c) 'electronic communication' means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system that affects inland or foreign commerce but does not include, -

- i) the radio portion of a cordless telephone communication that is transmitted between the wireless telephone hand-set and the base unit;
 - ii) any wire or oral communication;
 - iii) any communication made through a tone only paging device; or
 - iv) any communication from a tracking device;
- (d) 'intercept' means the aural or other acquisition of the contents by wire, electronic or oral communication through the use of any electronic, mechanical or other device.

(15) Constitution of Review Committee for review of authorization orders-

(1) There shall be a Review Committee to review every order passed by the Competent Authority under section 14.

(2) The Review Committee shall consist of the following ex officio members, namely:-

- i) the Chief Secretary to Government - Chairman
- ii) the Additional Chief Secretary or the Senior most Principal Secretary, as the case may be, in the Home Department - Member
- iii) Principal Secretary or Secretary and Remembrance of Legal Affairs, Law and Judiciary Department - Member

(3) Every order passed by the Competent Authority under section 14, placed before the Review Committee shall be considered by the Review Committee within

ten days after its receipt, to decide whether the order, authorising or approving the application under sub-section (4) of section 14, for interception or disapproving the interception made under sub-section (10) of that section in emergency situation, passed by the Competent Authority was necessary, reasonable and justified.

(4) The Review Committee, after examining the entire record and holding such enquiry, if any, deemed necessary may, by order in writing, either approve the order passed by the Competent Authority or may issue order disapproving the same. On issue of an order of disapproval by the Review Committee, the interception, if any, already commenced shall be forthwith discontinued. The intercepted communication, if any, in the form of tape, wire or other device shall, thereupon, not be admissible as evidence in any case and shall be directed to be destroyed.

16. Interception, and disclosure of wire, electronic or oral communications prohibited-

Except as otherwise specifically provided in section 14, any police officer who-

- a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire, electronic or oral communication;
- b) intentionally uses, endeavours to use, or procures any other person to use or endeavours to use any electronic, mechanical or other device to intercept any oral communication when-
 - i) such device is affixed to, or otherwise transmits a signal through a wire, cable, or other like connection used in wire communication; or
 - ii) such device transmits communications by radio, or interferes with the transmission of such communication;
- (c) intentionally discloses, or endeavours to disclose, to any other person the contents of any wire, electronic or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or oral communication in violation of this sub-section;
- (d) intentionally uses, or endeavours to use, the contents of any wire, electronic or oral communication, knowing or having reason to know that the information was obtained through the interception of a wire, electronic or oral communication in violation of this sub-section; or
- (e)
 - (i) intentionally discloses, or endeavours to disclose, to any other person the contents of any wire, electronic or oral communication, intercepted by means authorized by section 14;
 - ii) knowing or having reason to know that the information was obtained through the interception of such a communication in connection with a criminal investigation under this Ordinance;
 - iii) having obtained or received the information in connection with a criminal investigation ; and
 - iv) with intent to improperly obstruct, impede, or interfere with a duly authorised criminal investigation; or
- (f) intentionally continues the interception of wire, electronic or oral communication after the issue of an order of disapproval by the Review Committee under sub-section (4) of section 15, shall for such violation

be punishable with imprisonment for a term which may extend to one year and with fine upto rupees fifty thousand.

(17) Special Rules of evidence -

(1) Notwithstanding anything to the contrary contained in the Code, or the Indian Evidence Act, 1872, for the purposes of trial and punishment for offences under this Ordinance or connected offences, the Court may take into consideration as having probative value, the fact that the accused was-

- a) on any previous occasion bound under section 107 or section 110 of the Code;
- b) detained under any law relating to preventive detention; or
- c) on any previous occasion was prosecuted in the Special Court under this ordinance.

(2) Where it is proved that any person involved in an organised crime or any person on his behalf is or has at any time been in possession of movable or immovable property which he cannot satisfactorily account for, the Special Court shall, unless contrary is proved, presume that such property or pecuniary resources have been acquired or derived by his illegal activities.

(3) Where it is proved that the accused has kidnapped or abducted any person, the Special Court shall presume that it was for ransom.

(18) Certain confessions made to police officer to be taken into consideration-

(1) Notwithstanding anything in the Code or in the Indian Evidence Act, 1872, but subject to the provisions of this section, a confession made by a person before a police officer not below the rank of the Superintendent of Police and recorded by such police officer either in writing or any mechanical devices like cassettes, tapes or sound tracks from which sounds or images can be reproduced, shall be admissible in the trial of such person or co-accused, abettor or conspirator:

Provided that, the co-accused, abettor or conspirator is charged and tried in the same case together with the accused.

(2) The confession shall be recorded in a free atmosphere in the same language in which the person is examined and as narrated by him.

(3) The police officer shall, before recording any confession under sub-section (1), explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him and such police officer shall not record any such confession unless upon questioning the person making it, he is satisfied that it is being made voluntarily. The concerned police officer shall, after recording such voluntary confession, certify in writing below the confession about his personal satisfaction of the voluntary character of such confession, putting the date and time of the same;

(4) Every confession recorded under sub-section(1) shall be sent forthwith to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate having jurisdiction over the area in which such confession has been recorded and such Magistrate shall forward the recorded confession so received to the Special Court which may take cognizance of the offence.

(5) The person from whom a confession has been recorded under sub-section (1) shall also be produced before the Chief Metropolitan Magistrate or the Chief Ju-

dicial Magistrate to whom the confession is required to be sent under sub-section (4) alongwith the original statement of confession, written or recorded on mechanical device without unreasonable delay.

(6) The Chief Metropolitan magistrate or the Chief Judicial Magistrate shall scrupulously record the statement, if any, made the accused so produced and get his signature and in case of any complaint of torture, the person shall be directed to be produced for medical examination before a Medical Officer not lower in rank than of an Assistant Civil Surgeon.

(19) Protection of witnesses-

(1) Notwithstanding anything contained in the Code, the proceedings under this Ordinance may be held in Camera, if the Special Court so desires.

(2) A Special Court may, on an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, take such measures as it deems fit for keeping the identity and address of any witness secret.

(3) In particular, and without prejudice to the generality of the provisions of sub-section (2), the measures which a Special Court may take under that sub-section may include,-

- a) the holding of the proceedings at a place to be decided by the Special Court;
- b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to public;
- c) the issuing of any directions for securing that the identity and addresses of the witnesses are not disclosed;
- d) that, it is in the public interest to order that all or any of the proceedings pending before such a Court shall not be published in any manner.

(4) Any person who contravenes any direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to one thousand rupees.

(20) Forfeiture and attachment of property-

(1) Where a person has been convicted of any offence punishable under this Ordinance, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the accused and specified in the order, shall stand forfeited to the State Government, free from all encumbrances.

(2) Where any person is accused of any offence under this Ordinance, it shall be open to the Special Court trying him, to pass an order that all or any properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the properties so attached, and where such trial ends in conviction, the properties so attached shall stand forfeited to the State Government, free from all encumbrances.

(3) (a) If, upon a report in writing made by an investigation police officer with the approval of the supervisory officer referred to in sub-section (1) of section 14, any Special Court has reason to believe that any person, who has committed an offence punishable under this Ordinance has absconded or is concealing himself so that he may not be apprehended, such Court may, notwithstanding anything contained in

section 82 of the Code, publish a written proclamation requiring him to appear at a specified place and at a specified time not less than fifteen days but not more than thirty days from the publication of such proclamation:

Provided that, if the investigating police officer concerned fails to arrest the accused, who has absconded or is concealing himself, within a period of three months from the date of registering the offence against such person, the officer shall, on the expiry of the said period, make a report to the Special Court for issuing the proclamation.

(b) The Special Court issuing a proclamation under clause (a) may, at any time, under the attachment of any property, movable or immovable or both, belonging to the proclaimed person, and thereupon the provisions of sections 83 to 85 of the Code shall apply to such attachment as if such attachment were made under that Code.

(c) If, within six months from the date of attachment, any person, whose property is, or has been, at the disposal of the State Government under sub-section (2) of section 85 of the Code, appears voluntarily or is apprehended and brought before the Special Court by whose order the property was attached, or the Court to which such Court is subordinate, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding apprehension and that he had not received such notice of the proclamation as to enable him to attend within the specified time therein, such property or, if the same has been sold, the net proceeds of the same and the residue of the property, shall, after satisfying therefrom all costs incurred in consequence of the attachment, be delivered to him.

(21) Modified application of certain provisions of the Code-

(1) Notwithstanding anything contained in the Code or in other law, every offence punishable under this Ordinance, shall be deemed to be a cognizable offence within the meaning of clause (c) of section 2 of the Code and "cognizable case" as defined in that clause shall be construed accordingly.

(2) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Ordinance subject to the modifications that, in sub-section (2),—

- a) the references to "fifteen days", and "sixty days", wherever they occur, shall be construed as references to "thirty days" and "ninety days", respectively;
- b) after the proviso, the following proviso shall be inserted, namely :-

"Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Special Court shall extend the said period upto one hundred and eighty days, on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of ninety days".

(3) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence punishable under this Ordinance.

(4) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Ordinance shall, if in custody, be released on bail or on his own bond, unless-

- a) the Public Prosecutor has been given an opportunity to oppose the application of such release; and

- b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(5) Notwithstanding anything contained in the Code, the accused shall not be granted bail if it is noticed by the Court that he was on bail in an offence under this Ordinance, or under any other Act, on the date of the offence in question.

(6) The limitations on granting of bail specified in sub-section (4) are in addition to the limitations under the Code or any other law for the time being in force on the granting of bail.

(7) The police officer seeking the custody of any person for pre-indictment or pre-trial interrogation from the judicial custody shall file a written statement explaining the reason for seeking such custody and also for the delay, if any, in seeking the police custody.

(22) Presumption as to offences under section 3-

(1) In a prosecution for an offence of organised crime punishable under section 3, if it is proved-

- a) that unlawful arms and other material including documents or papers were recovered from the possession of the accused and there is reason to believe that such unlawful arms and other material including documents or papers were used in the commission of such offence; or
- b) that by the evidence of an expert, the finger prints of the accused were found at the site of the offence or on anything including unlawful arms and other material including documents or papers and vehicle used in connection with commission of such offence, the Special Court shall presume, unless the contrary is proved, that the accused had committed such offence.

(2) In prosecution for an offence of organised crime punishable under sub-section (2) of section 3, if it is proved that the accused rendered any financial assistance to a person accused of, or reasonably suspected of, an offence of organised crime, the Special Court shall presume, unless the contrary is proved, that such person has committed the offence under the said sub-section (2)

(23) Cognizance of, and investigation into, an offence-

(1) Notwithstanding anything contained in the Code-

- a) no information about the commission of an offence of organised crime under this Ordinance, shall be recorded by a police officer without the prior approval of the police officer not below the rank of the Deputy Inspector General of Police;
- b) no investigation of an offence under the provisions of this Ordinance shall be carried out by a police officer below the rank of the Deputy Superintendent of Police.

(2) No Special Court shall take cognizance of any offence under this Ordinance without the previous sanction of the police officer not below the rank of Additional Director General of Police.

(24) Punishment for public servants failing in the discharge of their duties.

-Whoever being a public servant renders any help or support in any manner in the commission of organised crime as defined in clause (e) of section 2, whether before or after the commission of any offence by a member of an organized crime syndicate or abstains from taking lawful measures under this Ordinance or intentionally avoids to carry out the directions of any Court or of the superior police officers in this respect, shall be punished with imprisonment of either description for a term which may extend to three years and also with fine.

(25) Overriding effects :

The provisions of this Ordinance or any rule made thereunder or any order made under any such rule shall, have effect notwithstanding anything inconsistent therewith contained in any other law for sometime being in force or in any instrument having the force of law.

(26) Protection of action taken in good faith-

No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority of the State Government for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rule made thereunder or any order issued under any such rule.

(27) Annual Report of Interceptions.-

(1) The State Government shall cause an annual report to be prepared giving a full account of:-

- (i) the number of applications for authorization of interceptions received by the Competent Authority from the Police Department in which prosecutions have been launched;
- (ii) the number of such applications permitted or rejected;
- (iii) the number of interceptions carried out in emergency situations and the number of ex-post-facto authorisations or approvals granted or rejected in such matters;
- (iv) the number of prosecutions launched based on such interceptions and convictions resulting from such interceptions, alongwith an explanatory memorandum giving general assessment of the utility and importance of the interceptions authorised.

(2) Such annual report shall be laid by the State Government before each House of the State Legislature within three months of the completion of every calendar year;

Provided that, if the State Government is of the opinion that the inclusion of any matter in the annual report would be prejudicial to the security of the State or to the prevention or detection of any organised crime, the State Government may exclude such matter from being included in such annual report.

(28) Power of High Court to make rules-

The High Court may, by notification in the Official Gazette, make such rules as it may deem necessary for carrying out the provisions of this Ordinance relating to the Special Courts.

(29) Powers of State Government to make rules-

(1) Without prejudice to the powers of the High Court to make rules under section 28, the State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session modification in the rule or both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT

Organised Crime has for quite some years now come up as a very serious threat to our society. It knows no national boundaries and is fueled by illegal wealth generated by contract killings, extortion, smuggling in contrabands, illegal trade in narcotics, kidnappings for ransom, collection of protection money and money laundering, etc. The illegal wealth and black money generated by the organised crime is very huge and has serious adverse effect on our economy. It is seen that the organised criminal syndicates make a common cause with terrorist gangs and foster narco terrorism which extend beyond the national boundaries. There is reason to believe that organised criminal gangs are operating in the State and thus there is immediate need to curb their activities.

It is also noticed that the organised criminals make extensive use of wire and oral communications in their criminal activities. The interception of such communications to obtain evidence of the commission of crimes or to prevent their commission is an indispensable and to law enforcement and the administration of justice.

2. The existing legal frame work 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 the organised crime.

3. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make a law for the purposes aforesaid, this Ordinance is promulgated.

P.C.ALEXANDER,

Mumbai, Governor of Maharashtra

Dated : The 22nd February, 1999.

By order and in the name of the Governor of Maharashtra

K.C. SRIVASTAVA

Addl.Chief Secretary to Govt.

SUGGESTED FORMATS FOR PINPOINTING THE COLLUSION OF GOVERNMENT AGENCIES WITH ORGANISED CRIME. SIMILAR FORMATS CAN BE USED FOR OTHER DEPARTMENTS OF THE GOVERNMENT LIKE CUSTOMS, EXCISE ETC.

1. TEN YEAR RECORD OF GROWTH OF GANGS

Name of the Gang	All P.S. Jurisdictions where gangs operated/has /headquarters	Names of SHOs and periods of posting in the P.S.in last 10 years	Names of Dy. SPs in charge of these P.S.s with posting dates	Names of S.Ps of the districts with posting dates

2. PROPERTY OWNED BY GANGS

Name of gang and gang members	Property known to be owned by each member officially	Property owned by close relatives of gang members	Property suspected to be owned or generally believed to be owned by gang in benami manner	Note : Property includes: Buildings, land, flats, shops, business goodowns,cars, ships, aircraft, and all other assets of value

3. TEN YEAR RECORD OF BAIL GRANTED TO GANGSTERS

Name of gangster	P.S/Cr.No. U/s.	Date of arrest	Date of bail	Opposed by P.P. or not Name of P.P	Name of lawyer representing gangster	Name of Judge granting bail.

4. TEN YEAR RECORD OF AQUITTALS

[illegible]

Annexure C

**OTHER DETAILS OF THE MOHAMMAD DOSA,
MUSTAFA MAJNU GANG WHO LANDED THE RDX &
WEAPONS AT PORBANDAR IN JANUARY, 1993.**

A. THE LAUNCHES OWNED BY MUSTAFA MAJNU IN DUBAI

Which are fitted with satellite telephone communication, VHF sets, global position finder, radar and homing devices. All these launches are registered on fake names at Diba port in U.A.E.

- 1. BISMILLAH
- 2. SADA AL BAHAR
- 3. MARWAN
- 4. JOSHILA
- 5. REHIMEE
- 6. KARIMEE
- 7. MASHA ALLAH
- 8. BILAL

B. OFFICE OF THESE ORGANISATIONS IN BOMBAY ARE :

1. Near Dastgur STD PCO, Naakhuda Mohalla, Mohammad Ali Road (Nagdevi Street) Tel 3449440, 3445250, 3437883, 3422527, 3420151, 3446965, 3438504.

2. White House, Naakhuda Mohalla, Mohammad Ali Road, Tel:3438521, 3439255.

3. Near Raja STD Centre Building, Ground Floor, Manih Market.

C. OFFICE IN DUBAI ARE :

1. Ghera Towers, 11th Floor, Dubai. Tel:009714 - 236945, 236725 Fax : 009714 254631

2. Other Office Tel : 009714 267500.

D.GODOWNS IN BOMBAY :

1. In front of Dastagur PCO there is a 3 story building . In that building on the second floor weapons used to be stored during January riots in Bombay.

2. In the house of Juber, Near Hotel Heritage, Bombay. In this house below the floor there is one unused sewerage gutter which was used for storing goods.

3. There is a godown of scrap in Madanpura area of Bombay.

4. One Plastic Factory located in Kural is used for storage purpose.

5. The house of Ayub in Murgji Mohalla, Dongri, Bombay.

6. A to Z Industrial Estate, Worli, Bombay.

E. VEHICLES OWNED BY THESE ORGANIZATIONS :

Trucks

- 1. C 11 7288
- 2. MMK 1051
- 3. KH 12 135
- 4. MC 7 3551
- 5. C 11 1277
- 6. MH 01687
- 7. GJ 5 1970

Swaraj Mazda

- 1. MH 01 0036

JEEPS :

- 1. GGG 1315
- 2. MH 01 687
- 3. MH 12 7625
- 4. GJ 12 B 8814

Maruti Car

- 1. BL 01 CE 0827 White Color
- 2. MA S 5447 or 4754 Red Color
- 3. DL 3 C 4169 White Color

Scooter

- 1. MH 01 1453
- 2. MH 02 5299
- 3. Mh 01 9255
- 4. GBK 7131

Maruti Van of buiscuit colour the number is not available.

F. NAMES OF LANDING AGENTS IN GUJARAT KERALA, MAHARASHTRA, KARNATAKA AND WEST BENGAL :

1. Mummuya Panjumiya in Porbandar, Gujarat.
2. Anumiya Malek Sagar Transport, Porbandar, Gujarat Te. :23263
3. Sujat Miya Bachumiya Sayyad, Mangrol, Gujarat.

4. Jakab Bava Pathiyar, Vill. Nudhatad, Bhuj, Kutch Gujarat.
5. Pragji Amarshinh Jadeja, Vinjan Village, Taluka Abadasa, Kutch, Gujarat.
6. Sushil At : Tadi Chiplan, Goaghar, Goa, Tel : 2159.
7. Uttam Fauzdar, Raigadh, Maharashtra. Arrested in Bombay Bomb Blast.
8. Kedarbhai Bombay. Tel : 6203883, 6288350, 623550
9. Jeeyabhai Bombay. Tel : 7665302. He is a landing agent for smuggling through containers by Bomba port.
10. Anwar Hussain Calcutta. Tel : 2445301.
11. Ansari Mulla, Bhatkal, Karnataka. Tel : 8193.

G. PLACES OF LANDING IN 1992-93

1. Mangrol, Gujarat.
2. Porbandar, Gujarat.
3. Chachchi in Kutch, Gujarat.
4. Chiploon Maharashtra, Goa
5. Masla, Maharashtra.
6. Bhatkal, Karnataka
7. Haldiya, West Bengal
8. Bombay.

H. THE PURCHASERS OF SILVER IN GUJARAT, RAJASTHAN, MADHYAPRADESH AND MAHARASHTRA ARE :

1. Dilip @ Ajay Choksi, Surat, Gujarat. Tel : 24359, 42677, 34939, 27212.
2. Chandubhai Shah @ Sohan @ Dayaram @ Babu Flat No. G-3, Naimish Park, Opp Old Police Line Low Garden Ahmedabad. Tel 441040.
3. Ahmedbhai Rehmanbhai, Vyaver, Rajasthan. Tel : 22694, 21086, 20096, 21286
4. Jay Kaushal & Kiran, Ratlam, Madhya Pradesh.
5. Jani, Sarafa Building, Indore, Madhya Pradesh. Tel : 61840.
6. Gafoor @ Yogesh @ Baba Behind Crime Branch, 26, Joy Old Plasiya Road, Indore M.P.
7. Jani, Sharaf bldg. indore M.P. Tel : 432432.
8. Jayanbhai Bombay. Tel: 2080859, 2352360, 2068043.

9. Mukundbhai Bombay. Tel: 6127301, 37533987, 3711669
10. Mahesh, Bombay Tel : 3097070.
11. Nemichand, Bombay. Tel : 890705
12. P.Chandrakant, Bombay Tel : 3432319
13. Prakash, Bombay. Tel : 3727358, 3764631
14. K.B. Bombay. Tel: 3072076, 4948900, 4924423
16. Mahavir Bombay Tel: 2625332, 2611098
17. Thakkar Bombay Tel: 3083799, 3076036.

I. LOCATION OF STORAGE FACILITY OF SMUGGLED GOODS ON RENTAL BASIS IN BOMBAY.

1. Abbas Salim, Bombay Tel : 3759713, 3719484, 3072632, 3711140
2. Abdul Rehman, Bombay Tel : 2619247, 2622143, 2626698
3. Chino, Bombay. Tel: 396440
4. Illahi, Bombay. Tel : 4923664, 4982017
5. Pappa Chino, Bombay Tel : 30785503
6. Rashid Sajid, Bombay Tel : 2621134, 2626261, 3714409, 30888971

J. BANKERS OF THESE ORGANIZATIONS AND OTHER BANKERS OF BOMBAY AND DUBAI WHO DEAL IN UNDER WORLD ACCOUNT AND INDULGE IN MONEY LAUNDERING FROM AND IN INDIA.

1. Moolchand Choksi, Bombay.

Mohammad Dosa Gang used to keep bank account in the name of Robert. Tel : 2069087. 9412609. 2863116, 2066698.

Moolchand Choksi was arrested in Bombay blast case and presently in Jail in Bombay. But his under world bank and money laundering business is going on, as it is reported that money transaction by Mohammad Hanif to Mohammad Kaaliya from Bombay to Bangalore has taken place in the month of June, 1993 through this bank.

- 2 .C.M. Trishool, Bombay. Tel : 3708508, 3761507, 3769249, 30900323
3. M.P. Bombay. Tel : 3755494, 3754257, 3724187, 3728407
4. Abdulla Munna, Dubai Tel : 009714 220714.
5. A.K.Banker, Bombay. Tel :3717315, 3430651

6. Awami Bank, Bombay. Tel:3427383, 3445875, 3445820, 3433052 headed by A Gaffar.

K. HAWALA DEALERS IN INDIA, WHO HAVE TRANSACTION ALL OVER THE WORLD

1. Ahmedkutty, Bombay Tel : 3721237, 3725513, 3765896
2. Devendra, Bombay Tel : 3423460, 3433358
3. Mohammad Malbari, bombay. Tel :3725984 Dubai Tel :237383
4. Abdul Munna, Dubai. Tel: 009714 220714
5. A.K.Banker, Bombay. Tel : 3717315, 3430651

6. Awami Bank, Bombay. Tel : 3427383, 3445875, 3445820, 3433052 Headed by A.Gaffar.

L. HAWAL DEALERS IN INDIA, WHO HAVE TRANSACTION ALL OVER THE WORLD.

1. Ahmedkutty, Bombay. Tel : 3721237, 3725513, 3765896
2. Devendra, Bombay Tel :3423460, 3433358
3. Mohammad Malbari, Bombay Tel : 3725984 Dubai Tel : 237283
4. Raffic (manu Bajaj) Bombay. Tel: 3718132
5. Iqbalbhai, Bombay. Tel 3767411
6. Kunju Ahmed, Bombay, Tel : 3765031
7. Babu Bansal, Bombay. Tel: 3753097, 3757711
9. Shreeji, Bombay. Tel : 3882906

M. ANGADIYA SERVICES WITH NETWORK ALL OVER THE COUNTRY AND AT THE SERVICES OF THE ORGANIZATIONS ARE :

1. Amba Hargovind Bombay. Tel : 3621235, 3614325
2. A.K.Angadia, Bombay. Tel : 296371
3. Jayanti Amba, Bombay Tel : 2057556, 2010447
4. N.C. Angadiya, bombay. Tel 3789934, 3758408
5. R.K. Angadiya, Bombay Tel : 293826, 313025
6. R.M.Angadiya, Bombay. Tel : 3755399, 375953
7. Eswar Becher, Bombay. Tel : 2087959, 250172 (Ahmedabad)

8. Kanti Narayan, Bombay. Tel : 290457, 310031

N. INTERNATIONAL CONNECTION OF THESE ORGANIZATIONSS

A. DUBAI

A.1. Mustafa Majnu, Dubai, 009714 - 236945 (O), 254631 (O), 224158 (R), 228129 (R)

A.2. Mohammad Dosa, Dubai 009714 - 267500 (O), 234890 (R), 278529 (R)

A.3. A. Latif Dubai. 009714 - 213865

A.4. Sabhirbhai, Dubai 009714 - 228071

A.5. Shakilbhai, Dubai 009714 - 218158, 233843, 549146, 272578

B. PAKISTAN

B.1. Major Altaf of Marine Security Agency of I.S.I. Karachi, Tel : 718828, 718826

C.NEPAL :

C.1. Ishwarman Joshi, Maharajganj - Tel: 41812

C.2. Salim Shah, Geharidhara, Kathmandu - Tel : 411970

C.3. Arifa Ban Shah, Geharidhara, Kathmandu - Tel : 417769

C.4. Ahmadin Chattrapathi, Kathmandu - Tel : 211994

C.5. Narayan Prasad, Belbara, Kathmandu Tel : 523865

C.6. Damodar Shamsheer, BJP Pahor Darbar, Kathmandu - Tel :220299

C.7. Gopal Mansingh, Maharajganj, Kathmandu - Tel :222472

C.8. Nepal Commercial Agency, Dharmapath, Kathmandu - Tel : 221289

C.9. Gyaneshwar Chawl (Hide Out) Kathmandu - Tel : 418487

C.10. Sanepa Agency, Kathmandu - Tel 526933

C.11. Hotel Karnali, Maharajgangj Kathmandu - Tel 41688, 41906

C.12. Prem Babu, Kathmandu - Tel : 221289, 22472

There are many more names, addresses and telephone numbers available with the police forces which need to be investigated.