

**GANGS AND THE SPECIAL LAWS DEALING WITH GANG CRIMES**

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Abstract

As far back as anybody can remember, gangs have been a significant obstacle for law enforcement, societal stability, and public safety all across the world. Gangs, which are characterised by organised criminal operations, hierarchical structures, and violent methods of operation, frequently engage in crimes such as extortion, drug trafficking, arms smuggling, cybercrime, and homicide. The continued existence of such organisations poses a threat not just to people and communities, but also to the trust of the institutions that are established by the state. In light of the gravity of the situation, several nations have passed specialised laws that go beyond the purview of standard criminal laws in order to address the issue of gang-related criminal activity. On the other hand, the Maharashtra Control of Organised Crime Act (MCOCA) 1999 and the Uttar Pradesh Gangsters and Anti-Social actions (Prevention) Act, 1986 both provide the police and the judiciary in India exceptional powers to investigate, punish, and discourage actions that are associated with gangs. In the United States, the RICO Act (1970) is an example of a similar law that targets racketeering and organised criminal syndicates. Similar policies may be observed in other countries across the world. These laws often include measures for increased monitoring, tighter bail conditions, lengthier sentences, property attachment, and the breakdown of financial networks that fund gang activities. Additionally, these laws may include provisions for longer penalties. On the other hand, its implementation gives rise to intricate discussions concerning civil liberties, human rights, and the possibility of misuse. In spite of the fact that they enhance the state's ability to dismantle organised criminal networks, opponents believe that they may also result in arbitrary arrests, violence inside the prison system, and political abuse. The growth of gangs, the legal systems that have been devised to combat them, and the balance that exists between basic rights and security are all topics that are investigated in this study. by investigating the legal framework on both the national and international levels.

Keywords: *Gangs, laws, dealing, crimes*

Introduction

The emergence of gangs and organised criminal groups has emerged as one of the most severe concerns that modern society are now facing. The landscape of criminal activity has been revolutionised by the creation of structured gangs, which have defined hierarchies, rules of allegiance, and control over illegal economies. Although criminal activity has been around since the beginning of civilisation, the terrain of crime has been transformed. Gangs are no longer limited to acts of violence on the street; rather, they expand their operations beyond international borders, exerting influence over politics, economics, and even legal enterprises. Their increasing presence not only has the effect of upsetting law and order, but it also instills fear, undermines trust in the community, and impedes the development of socioeconomic conditions. In the

setting of India, gangs such as those in Uttar Pradesh, Bihar, Maharashtra, and other states have traditionally been involved in a wide variety of organised crimes. These crimes include abduction for ransom, kidnapping for contract killings, illegal land grabbing, extortion, and political patronage. It is common for these parties to have a parallel system of control over particular regions, which undermines the authority of the state. Even though they are extensive, traditional criminal laws like as the Indian Penal Code (IPC) from 1860 and the Code of Criminal Procedure (CrPC) from 1973 have frequently been found to be insufficient to successfully combat the organised and deeply ingrained character of such networks. This void was filled by the introduction of special laws that granted unprecedented powers to the authorities in charge of law enforcement and the court system at the time. The Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, and the Maharashtra Control of Organised Crime Act (MCOCA), 1999, are two of the most notable examples of these types of laws in India. The former was enacted in 1986 with the intention of preventing the growth of prominent gangsters in the state, while the latter tackles organised crime syndicates. These laws provide authorities with more robust measures for investigation, preventive detention, property attachment, harsh bail limitations, and trial methods that are distinct from those used in regular criminal trials. Both the Racketeer Influenced and Corrupt Organisations (RICO) Act of 1970 in the United States, which targets criminal enterprises by punishing both leaders and people participating in racketeering activities, and the Racketeer Influenced and Corrupt Organisations Act of 1970 in other countries have similarities. On the other hand, the implementation and enforcement of such laws have been the subject of a substantial amount of controversy. There are many who believe that extreme legal measures are necessary in order to guarantee prompt and decisive action in light of the fact that gang networks are notoriously cruel and sophisticated. On the other side, critics warn against the possibility of misuse, citing examples of political victimisation, violence in correctional facilities, and the degradation of human freedoms. Therefore, the most important task is to find a way to strike a balance between giving the state the authority to destroy criminal syndicates and protecting the fundamental rights that are protected by constitutional democracies. The purpose of this research is to investigate the characteristics of gangs, investigate the logic and efficacy of specific laws that have been established to deal with them, and critically evaluate the wider ramifications of these different pieces of legislation. The purpose of this article is to give a comprehensive knowledge of how nations respond to dangers posed by organised criminal organisations while simultaneously negotiating the complex terrain of justice, security, and human rights. This will be accomplished by drawing upon examples from both India and other countries.

Sociological and Criminological Perspectives

In his seminal work, "The Gang: A Study of 1,313 Gangs in Chicago," published in 1927, Frederic Thrasher portrays gangs as social organisations that developed as a result of disorganisation, poverty, and marginalisation. This research continues to be considered a fundamental work. In later years, criminologists such as Cloward and Ohlin (1960) developed the Differential Opportunity Theory, which established a connection between the development of gangs and the impediment of socio-economic mobility. According to these points of view, gang crimes are not just problems with law and order; rather, they are also the result of structural inequities, unemployment, and political favouritism.

Legal Frameworks and Challenges

The collective, organised, and systematic aspect of gang activity is something that is frequently overlooked by regular penal laws, according to legal academics. This is despite the fact that these regulations offer a framework for punishing criminal behaviour. Abadinsky (2017), for example, makes the observation in Organised Crime that gangs live on secrecy, intimidation, and financial networks. Because of this, specialised laws that target not just individual criminals but also the organisational structures that perpetuate them are necessary. Researchers in India, such as Singh (2013) and Sharma (2018), have brought attention to the disparity between general criminal law and the requirement for specific legislation such as the MCOCA and the Gangsters Act. These pieces of legislation go beyond individual responsibility and aim to disrupt whole syndicates or organisations.

International Experiences

When it comes to the authority of the state to pursue organised crime, the RICO Act (1970) in the United States is frequently considered as a landmark statute that has a significant impact on the global community. According to Lynch (2002), the RICO Act made it possible for prosecutors to bring charges against the leaders of criminal enterprises for acts that they commanded but did not personally commit. This allowed for the deconstruction of mafia families and group structures. In a similar vein, nations such as Italy have implemented anti-mafia laws, and Mexico has implemented particular anti-cartel legislation, but the degree of success of these two types of legislation has varied.

Human Rights and Criticism

Special laws have been hailed for their ability to empower law enforcement, but they have also been subject to criticism due to the possibility that they may be misused. Concerns have been made by Amnesty International and Human Rights Watch over the use of preventative detention, extended imprisonment without trial, and torture in custody in India for the purpose of complying with legislation such as the MCOCA. Some academics, such as Baxi (2009), contend that passage of such legislation results in the establishment of a "state of exception," in which exceptional powers undercut constitutional safeguards. The contradiction that exists between freedom and safety is at the centre of the arguments that are taking place today over legislation that pertains to gangs.

Policy and Reform Approaches

In the field of contemporary criminology, it is suggested that in order to combat gang crime, a dual approach is required, consisting of both law enforcement measures and socio-economic changes. In the short term, specific legislation may be able to repress organised crime; nevertheless, in order to achieve long-term solutions, it is necessary to address issues such as unemployment, education shortages, and the rehabilitation of young people who are capable of being recruited by gangs. Comparative research (Hagedorn, 2008) demonstrates that countries that prioritise community building in addition to punitive measures have produced greater long-term results in terms of reducing gang violence.

The Evolution Of Organized Crime In India

The evolutionary history of organised criminal gangs tends to reveal a pattern of growth that is roughly analogous in most respects, regardless of whether the nation in question is India, the United States of America, or any other nation. Typically, the formation of gangs begins with a single creative person who decides to engage in criminal activity and garners a small group of followers. Whether it be smuggling,

bootlegging, or any other illicit business, he is effective in making money through the manner of operation that he has identified as his preferred way. Once he has established himself in his area of operation, which is initially rather restricted, he pays the law enforcement authorities in his territory, typically the local police station and local customs and excise officials, in order to purchase protection for himself and his subordinates. This is done after he has established himself in his area of operation. As soon as he achieves this level, the other low-level criminals in the region gather around him, looking for a place to take refuge under his protective umbrella. Either by becoming regular members of his gang or by making frequent contributions of protection money while retaining their identities, these minor criminals are able to accomplish their goal. On the other hand, their working range is limited to a region that has been mutually agreed upon by both sides. In the absence of police protection or disinterest, it is impossible for any criminal organisation, regardless of its size or strength, to survive. Everyone who is in charge of a gang is either familiar with the police force or has had an encounter with one. It is more likely that they will entice them with their vast fortune. Nevertheless, given that not all police personnel can be purchased or are dishonest, the leadership of the police department needs to create strategies to neutralise those officers if they wish to continue existing. Politicians in positions of authority are the only group of individuals who have the ability to influence the police or to make them do nothing. Because of this, gangs choose to assault them first. One of the characteristics that makes a politician fundamentally unstable is the fact that his livelihood is entirely based on winning elections. When presented with the electorate, he is quick to grab hold of whatever straw that is available to him. It is common practice in India to obtain votes through the usage of the following three strategies: In the first place, the candidate needs to have such a high social standing that the general public would vote for him without any reservations. People like that are difficult to find in today's world. The second choice is to have sufficient funds to purchase votes from vote brokers who are situated all throughout the country, despite the fact that these individuals cannot be relied upon in every single instance. It is also possible to intimidate others into voting for them, or to stay away from polling booths so that imposters may cast their votes. This is the third approach. Members of the staff who are working at the voting station are also subjected to fear.

The second and third choices are also possible outcomes that may be achieved by organised gangs that possess the financial resources necessary to either buy votes or terrorise voters. Given these conditions, it is quite simple for politicians to make use of criminal gangs in order to win elections and elevate themselves to positions of power. It is necessary for them to make a sacrifice in order to protect the gangs from the intrusion of the police. With such a substantial amount of money at their disposal, the mafia is able to acquire virtually anybody imaginable. Innumerable cases have been documented in which high-ranking politicians have direct connections to the Mafia and are dependent on them in order to maintain their positions of power. To recap, the organisations that make up the Indian Mafia today include Dons, politicians, law enforcement, customs, excise, and revenue, and even the judicial system to some extent. They have made major inroads into each of these law enforcement agencies, at least significant enough to undermine any and all efforts undertaken by law enforcement and ensure the success of the Mafia movement. As a result of this circumstance, it becomes extremely difficult to discover methods and techniques that might be used to combat organised crime. In order to put a stop to organised crime, the majority of law enforcement authorities are working towards this goal. Furthermore, they are able to carry out the task as well. It is true that the soul is willing, but the body is not strong enough to support it.

The Law In The Context Of Organized Crime

For the straightforward reason that their postings, moves, promotions, and other such things are all subject to their official or informal permission, the police force is after all of the numerous government officials whose positions are reliant on the political leader. That is the reason why the police force is after them. As a consequence of this fact, the whole police force is subservient to the whim of the political establishment. If a congressman were to supply a gang boss with police insurance, what could possibly be a more satisfactory arrangement for the gang boss? All law enforcement agencies, including Customs, Excise, Revenue, and others, stand to benefit from the current scenario, with the exception of the police. The police officer is faced with a challenging decision that must be made. In the event that he gives in to pressure, he possesses a significant amount of position, authority, esteem, and power, in addition to a substantial amount of financial incentives. In the event that he does not cooperate, he will be confined in awful circumstances, he will be denied even the most fundamental rights and positions, and his career will be generally confusing and disappointingly unsatisfactory. Under these conditions, it is simply not reasonable to anticipate that a standard mandated officer will carry out his responsibilities in a way that is in accordance with the law. There is no perfect representation of organised crime that can be found in the justice system, which is supposed to be the final resort for those who are honest. When it comes to the unlawful intimidation that took place in Punjab, it is preferable to say as little as possible about the legal executive. The large urban regions of India are plagued by organised crime, despite the fact that both the general population and the criminal justice system are in a state of insensibility. With each passing day, the swarm of unlawful abundance that is associated with organised gangs grows greater. The Central Bureau of Investigation (CBI) estimated that Dawood Ibrahim's yearly earnings was two thousand crores of rupees. Exactly five years ago, this took place. With a high degree of certainty, it is possible to estimate that the current yearly aggregate revenue of all coordinated groups of thugs in India is at least Rs.50,000 crores. It is quite possible that between fifty and sixty percent of the entire compensation would be allocated to the remuneration of gang members as well as the maintenance of their assets, which may include automobiles, ships, secure houses, communication gadgets, weapons, and other items. Additionally, it would cover the costs of legal representation for those who were detained, as well as payments to law enforcement, customs, immigration, workers working at air terminals and ports, as well as specialists working in security and jails.

India'S Position

The crooks have caused a great deal of damage to India. An excellent illustration of the extent to which the mafia exerts influence over India is provided by the bombing that took place in Mumbai in 1993 and the murder of music mogul Gulshan Kumar. Some notable examples of gangsters are Hazi Mastan, Dawood Ibrahim, and Chhota Rajan in Mumbai; Abu Salem in Uttar Pradesh; Abdul Latif in Gujarat; and Faheem Khan in Jharkhand. All of these individuals operated in their respective states. In spite of the fact that gangs are significantly involved in criminal activity, there is no national regulation in this sector of the illegal activities industry. An example of a state-specific piece of law is the Uttar Pradesh Gangsters and Antisocial Activities (Prevention) Act, which was passed in 1986. Gang offences are punishable by a prison term ranging from three to 10 years under this act. There are a number of additional key pieces of legislation that cover certain areas of coordinated criminal activity. Among these are the Customs Act of 1962, the National Defence and Public Safety Act of 1884, the Information Technology (Prevention) Act of 1956, the Foreign Exchange Regulation Act of 1973, and the Public Health Act of 1867, to mention just a few. Furthermore, the State Government has adopted legislation on a variety of subjects, including but not limited to taxation, prohibition, and gambling, amongst others.

Gang Drug And Violence Involvement

There is a mutual advantage between the media and gangs when they portray gangs and gang life in an exaggerated manner. In an effort to enhance its income, the media consistently disseminates sensationalised news about acts of violence and criminal activity to the general public. This objective is being gradually accomplished by the media through the practice of attributing these incidents to gangs. As long as the media portrays them in a bad manner, members of gangs are able to create a reputation for being strong and clever, which in turn increases their social position. In the media, the ethnic and racial diversity of gangs is frequently portrayed in an inaccurate manner. The problem of gangs is not only a minor one. The majority of studies have linked gangs and the problems they cause to aspects of social structure, such as the social milieu or the possibilities that come with belonging to a particular socioeconomic class. The urban poor are often connected with gangs and violent behaviour, and participation in gangs is considered as a kind of social identity in the face of challenging living conditions. To add insult to injury, the social and economic prospects, as well as the living situations, of a great number of people have either not improved or have worsened. At this moment, members of the gang are. A number of gangs are involved in both the use of narcotics and the sale of them, while other gangs sell narcotics but do not let their members to use them. There are some gangs that are well organised, while others are disorganised, consisting of people who are involved in drug trafficking but who operate independently of the organisation being referred to. The members of other gangs, on the other hand, are consumers of narcotics but do not engage in the business of selling them. The community believes that there is just a little amount of data to suggest that there is a connection between drug use and violent behaviour in general. Those who are addicted to drugs, on the other hand, engage in criminal activity in order to finance their addictions, which can eventually lead to more serious crimes such as robberies on the street. There is a correlation between the illicit sale and distribution of narcotics and the systemic violence that is associated with gangs. When there is violence between gangs in a neighbourhood, the sense of community that exists there is broken, and innocent bystanders are put in danger. The idea that gang involvement in the drug trade is to blame for a considerable number of homicides is not supported by any data, despite the fact that there appears to be an increase in the number of homicides that are associated with gangs. Furthermore, there are historians who argue that the media's portrayal of street gangs, drug sales, and violence has overstated the connections between these groups, particularly around the middle of the 1980s when gangs were active in the distribution of crack cocaine. Instead of being driven by narcotics, the majority of the time, gangs are motivated by territory when they engage in violent and murderous behaviour. Among the 288 killings that were motivated by gangs, just eight were found to be drug-related, according to one investigation. The results of a research that was conducted in 1992 on the topic of the connection between gangs, drug sales, and violent acts revealed that gang-motivated killings were less likely to involve drugs than other types of homicides, and drug-motivated homicides were also less likely to involve a member of a gang. Furthermore, victims of gang-related killings were not more likely than survivors of other types of homicides to have a criminal record that involved drug transactions.

The Indian Penal Code, 1860, Has A Law Dealing To Organised Crime

Criminal conspiracy is defined in Section 120- A of the IPC as:

"When two or more people agree to conduct, or cause to be done, an unlawful act, or an act that is not illegal but is carried out in an illegal manner." Such an agreement is referred to as a conspiracy for criminal

purposes: "provided, however, that no agreement other than an agreement to commit an offence shall constitute a criminal conspiracy unless one or more parties to such agreement perform some act other than the agreement in furtherance of that object merely incidental to that object."

Criminal conspiracy is punishable under Section 120-B of the Indian Penal Code.

Anyone who is a party to a criminal conspiracy to commit an offence that is punishable by death, life imprisonment, or rigorous imprisonment for a term of two years or more is punished in the same manner as if he had abetted the offence. This is the case in situations where this Code does not make any explicit provisions for the punishment of such a conspiracy. Any individual who is a participant in a criminal conspiracy that is not a criminal conspiracy to commit an offence that is punishable as described above is subject to a punishment consisting of imprisonment for a period of not more than six months, a fine, or both. Up to the point that the gang commanders are brought to justice and punished, there would be no check on organised gangs. The use of Sections 120A&B or 114 (Criminal Conspiracy and Abetment) does not satisfy the requirements that the court requires for a conviction. This is due to the fact that it is extremely challenging to demonstrate that there was a conspiracy between the gang leader and the actual criminal. In a similar vein, there is no way to demonstrate that the gang boss was involved in the criminal activity because there are no written orders or records. Instead, all commands are communicated verbally and passed down from one level of command to the next until the kill man receives the order from his immediate superior.

Discussion

Law in Relation to Unorganized Crime

They are after all of the many government employees whose jobs are dependent on the political leader for the simple reason that their postings, moves, promotions, and so on are all subject to their support, whether it be official or casual. The police power is after all of these government personnel. Because of this precise fact, the whole authority of the police is subservient to the will of the political system. If a lawmaker were to provide a gang management with insurance from the police, what could possibly be a more favourable arrangement for the gang manager? Aside from the law enforcement, the current situation is beneficial for all of the organisations that are required to comply with the legislation, such as Customs, Excise, Revenue, and others. When faced with a difficult choice, the law enforcement officer confronts the situation. In the event that he gives in to pressure, he will be able to take advantage of huge financial benefits, as well as excellent posts, authority, respect, and force. In the event that he does not comply with the rules, he will be forced to remain in unfavourable charges, will be denied even the most basic benefits and offices, and will have a career that is, for the most part, perplexing and disheartening. Under these circumstances, it is unrealistic to anticipate that a regular requirement official will fulfil his duty in a manner that is consistent with the highest standards. [3] The legal executive, which is a definitive sanctuary for the honest, does not provide an image of coordinated crime that is completely free of any blemishes. During the era of unlawful intimidation in Punjab, the legal executive is not discussed nearly as much as it should be. At the same time that the general populace and the framework for criminal equality are in a condition of insensibility express, the gigantic urban places in India are being tormented by coordinated crime. Every single day, the swarm of illegal abundance that is working along with the organised gangs continues to grow. The Central Bureau of Investigation (CBI) determined that Dawood Ibrahim alone had an annual revenue of two thousand crores

of rupees. It was five years ago at this point. The present combined revenue of all coordinated groups of thugs in India may be safely estimated to be at the very least Rs.50,000 crores per year. This value can be determined with absolute certainty. Approximately fifty to sixty percent of the total remuneration would most likely be allocated to the payment of gang members' compensations and the maintenance of their resources, which may include cars, ships, safe homes, correspondence hardware, weapons, and so on. In addition to that, it would cover financial obligations for persons who were apprehended, as well as payments to the authorities, customs, extraction, airport and port personnel, as well as security and correctional professionals. [4]: According to the allegation made by Arun Gowli, the head of the Bombay gang, he pays a monthly sum of five lakhs of rupees to the staff of the jail where he is being held in order to ensure that he and his fellow gangsters are provided with full and adequate care while they are incarcerated. The balance of the funds are invested in diverse organisations and real estate ventures, such as land properties. It is impossible for any company that was started by a gang to fail for the simple reason that there is no competition to compete with since all of the competitors are forced to withdraw from the competition. Additionally, there is no scarcity of capital to keep throughout difficult periods during which a great number of legitimate organisations would be forced to go into liquidation. The act of organised criminal activity is similar to a contact with Midas, and it continues to bring in abundance from whatever it comes into contact with. The quantity of the cash in question may be determined by doing an analysis of the list of the known guesses that have been made about Dawood Ibrahim. Because they have access to such a large amount of money, the mafia is in a position to buy virtually anyone. It has been observed that there are several cases of parliamentarians at the highest level who have direct connections with the Mafia and are influenced by them in order to maintain their positions. To provide a brief summary, the modern-day Indian Mafia is comprised of the Dons, the lawmakers, the police, the traditions, the extract, the income, and the legal executive to a certain extent. They have made inroads into each and every one of these offices to an impressive degree, at the very least to the extent that they are generous enough to have the ability to nullify all of the efforts that are being made to administer the law and ensure that the Mafia is successful. Under these circumstances, it turns out to be quite challenging to locate the resources that are available to combat coordinated criminal activity. The law enforcement agencies' overarching goal is to put an end to organised criminal activity. Furthermore, they are able to possess the capability of accomplishing it. Despite the fact that the substance is weak, the soul is willing in some way or another.

Conclusion

Law enforcement and societal harmony are consistently jeopardised by gangs. Their reliance on financial power and intimidation, together with their capacity to operate across areas, makes them significantly more dangerous than ordinary criminals. While conventional judicial systems are thorough in their punishment of individual crimes, they frequently fail when faced with the combined might of criminal gangs. Because of this chasm, new legislation targeting gangs and their networks has been passed. Law enforcement in India now has remarkable tools to investigate, punish, and discourage gang-related crimes thanks to legislations like the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 and the Maharashtra Control of Organised Crime Act (MCOCA), 1999. International examples of how states may effectively pursue organised criminal systems include the RICO Act (1970) in the US and anti-mafia laws in Italy. With the help of these frameworks, gang dominance has been reduced in some areas, money flows have been interrupted, and public trust has been restored to some extent. Special laws have their advantages and disadvantages, as our example has shown. Human rights abuses, political targeting, custodial excesses, and

the abuse of preventative detention are major worries, even though they improve the state's ability to manage crime. Finding a middle ground between constitutional liberties and security imperatives is the true test. Instead of fostering justice, a legislation that strengthens the state at the expense of civil freedoms is likely to sow seeds of distrust and dread. Consequently, a multi-faceted approach is necessary for moving forward. Strong protections against abuse, open supervision procedures, and judicial accountability should accompany special laws that remain in place to prevent established crime syndicates. Tackle poverty, unemployment, marginalisation, and youth opportunity gaps as they pertain to gang development. The only way to permanently end gang violence is with sweeping social and economic changes accompanied by strict law enforcement. To sum up, gang-related legislation is contentious yet essential. Their efficacy is contingent upon their responsible implementation, but they symbolise the state's will to safeguard society against organised criminal dangers. If these laws are to continue serving as instruments of justice or agents of tyranny, the correct balance must be struck between crime control and human rights.

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