



TRANSNATIONAL ORGANISED CRIME IN INDIA: A NEW FRAMEWORK OF ANALYSIS

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Abstract:

Organized Crimes are no longer confined to geographical jurisdictions or national boundaries; instead, they have become transnational problems. Such crimes have existed in different forms, but the contemporary patterns are more complex than they have been in history. Transnational Organized Crimes (TOCs) affect almost every country, and are promoted by various factors including globalization, poverty and unequal wealth distribution, technological innovations, corruption, inadequate governance, geographical location and many others. The study addresses the rising cases of TOC activities in India; the country is currently affected by various criminal activities which are transnational in nature. Such include smuggling, firearms trafficking, human and drug trafficking, prostitution, kidnapping and cybercrimes. Criminal networks are expanding and diversifying their activities. Thus TOCs impair the social and economic development. The study also discusses the impact of TOCs in different sectors of the country. The study further analyses the major challenges the government faces to deal with the problems and recommends how to weaken the criminal network in the country.

Keywords: transnational organized crime, organised crime, politics, human rights, law and order, security, threat, India

1. Introduction

Transnational organized crimes (TOCs) are part of the current issues that face India. It has been reported that TOC activities weaken the economy and undermine the

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development of the country. Different gangs have also been operating in India since ancient times. These networks used to function in regions, such as Uttar Pradesh, Mumbai and States of Madhya Pradesh, although they have been neutralized by social reforms and police action. However, in the recent years, the problem has considerably emerged again. Currently, both transnational organised crime and organized crime present a complex issue in the country, because the gap between fulfilment and aspiration is widening. Further, the socio-political situation since the time the country attained independence and advert from democracy offers a relevant context of strengthening these trends. As such, it will be imperative to identify the challenges the government of India is facing in dealing with TOC. More fundamentally, the discussion will centre on identifying the factors which facilitate to increase TOC in the country.

2. Transnational Organised Crimes (TOCs) in India

There is no unconventional definition of TOC. Nonetheless, the existing ones give the impression that it is the operation of illegal business by entities whose members are bound together by the same desire and interest to gain profits from those activities. TOC refers to activities that entail planning as well as execution of prohibited business undertakings by networks or groups of people working in a country. It involves activities such as laundering, cyber-crimes, human smuggling, human trafficking, body parts weapons and drugs as well as endangered species, or nuclear material (Viano, 2010, p. 34). TOCs in India are stratified, and the networks are linked to the government official and politicians assist them to run their business. Mumbai being of the major financial cities in India is the primary playground of various gangs with constant warfare. These criminal gangs become well organized to run their lucrative business (Viano, 2010, p. 34). TOC in India has come into existence after the land prohibition law was imposed.

India has three major TOC groups which include Dawood Ibrahim Gang, Chhota Rajan Gang, and Babloo Shrivastava Gang. Dawood Ibrahim Gang is the most dreaded mafia group because it has a wide network in India. It is has sustained its existence since 1985 and is involved in the arms and drug trafficking, contract killing and smuggling as well as extortion. Chhota Rajan Gang used to be part of the Dawood Ibrahim but move away in 1993 (Mondol et al., 2015, p. 556). This network indulges in contract killing and drug trafficking. Finally, Babloo Shrivastava is involved in the killing and kidnapping. As such, TOC activities in India mainly encompass illicit drug trafficking and has become the most critical issue. This is because India is one of the major traditional producers of licit opium required in the scientific and medical field. Part of the drugs gets into the illicit market in different forms, for example, illegal

cultivation of the plant (Mondol et al., 2015, p. 556). Also, India is a country with a chemical such as acetic anhydride that is used to manufacture heroin. As such, town, for example, Uttar Pradesh and Madhya Pradesh have become primary ears for the production of illicit opium. At present TOCs are key issues which jeopardize the identity and security of the nation. Some common kinds of crimes which peril the society are discussed below.

2.1 Smuggling

Smuggling is an economic offense which comprises clandestine operations that result in unrecorded trade (Jyosna, 2012). The expansion of smuggling largely depends on the government's nature of fiscal policies. Therefore, the nature and quantity of smuggled items are as well dictated by the existing fiscal policies. India is prone to extensive smuggling of contraband and many other consumable items owing to its open borders with Bhutan and Nepal and the enormous coastline of nearly 7,500 km (Jyosna, 2012). Although it was difficult to measure the amount and value of goods smuggled into the country, it is possible to some extent to have rough estimates of the amount and value of smuggled goods despite the fact that they may comprise a small proportion of smuggling.

2.2 Substance Abuse and Drug Trafficking

Drug abuse and trafficking are actually transnational in character at the same time being perhaps the most dangerous organized crimes that affect the Indian state. India is geographically located between the nations of Golden Crescent and Golden Triangle hence becoming a pass-through point for drugs produced in the aforementioned areas and smuggled to the West. Licit opium is also manufactured in considerable amounts in India and then distributed to the illicit market. Illegal drug trafficking in India focuses around five major substances, namely: hashish, opium, heroin, methaqualone, and cannabis. According to Jyosna (2012), seizures of amphetamine, cocaine, and LSD are insignificant and rare.

2.3 Terrorism and Narco-terrorism

India is facing a serious problem of terrorism. Conceptually, terrorism does not fall under the class of organized crime as its main aim is political or ideological. Therefore, terrorism significantly differs from the motive of the organized crime, that is, the acquisition of financial power. Nevertheless, the Indian experience depicts that the criminals are committing all forms of offenses such as rape, killing, gun running, drug trafficking, and kidnapping under the umbrella of the organized crime organizations (Jyosna 2012, p.3).

2.4 Money Laundering and Hawala

Money laundering is the conversion of illegal and ill-gotten money into a seemingly legal currency that can be incorporated into the legitimate economy (Allum and Stan 2012, p.39). According to Allum and Stan (2012), various researchers show that significant sources of money laundering worldwide come from the proceeds of drug-related crimes. For instance, Joysna (2012) postulates that violation of exchange regulations and tax evasion as well play a significant role in integrating this ill-gotten money with the evaded tax income to obscure its origin. Money laundering motive is achieved through the intricate steps of integration, layering, and placement so that the money incorporated into the legitimate economy can be utilized freely by law violators with no fear of detection. In essence, money laundering sets a serious menace to the entire world, not only to the specific countries' criminal justice systems but also to their sovereignty.

2.5 Contract Killings

In India, the offense associated with murder is always punishable under Sec 302 IPC by neither death sentence nor life imprisonment. A Recent study shows that the conviction rate for murder cases is nearly 38%, and the possibility of contract killings detection is quite low (Van, 2013). The method employed in contract killings is through engaging a specialized gang for monetary considerations.

2.6 Prostitution

Trading sex is a profitable business mostly performed by the underworld. In India, flesh trade has been flourishing in various areas and in different forms. The underworld is intimately connected with call girl rackets and brothels that make plenty of money via prostitution. The criminal class supplies young girls to brothels in various parts of India moving them to and fro to reduce the risk of them being rescued. A study conducted by IHO (Indian Health Organization) reveals that there are more than 1,000,000 prostitutes in Calcutta and an equal amount in Bombay. Pune and Delhi have been estimated to have 40,000 prostitutes each (Farr 2011, p.39).

2.7 Illegal Immigration

A large number of Indians are employed abroad, especially in the Gulf region, as many young individuals want to move elsewhere for higher paying jobs (Van 2013, p.40). Higher wages in foreign countries opposed to higher rates of unemployment in India have fostered large-scale migration. Nevertheless, obtaining valid visas and jobs in a foreign land is not easy for every individual seeking to travel abroad to secure the jobs:

at the end one may fall in a trap of unprincipled employment agencies and travel agents that make individuals engage in malpractices such as organized crime.

3. Factors which facilitate to increase TOCs in India

Organized crime has ever existed in India in some kind or another. However, such crime has assumed its lethal form in the contemporary world due to various political and socio-economic factors, as well as the advancements in science and technology. The major factors which facilitate to increase TOCs in India are discussed below.

3.1 Globalization

Globalization has led to a significant growth of TOC, such as trafficking of people, drugs, smuggling and money laundering in India. Beyond these social problems, there are consequences arising from extension and reconfiguration of the state's power. One of the ways in which globalization affect TOC is through its criminogenic potential, as the simplified process of moving across the national border has created new opportunities for criminals. The globalization encompasses a huge amount of economic activities, between \$65 and \$85 trillion worth of services and goods each year (Kirshner 2013, p. 72). As the volume of the global activities continues to increase, it is constantly becoming difficult to regulate what is being shipped, as well as identified the type of goods passing across national borders. At the same time, it is hard for the current system to know the receiver or sender of those cargos. As such, this makes it significantly easier for organized criminal groups to smuggle people or steal valuable materials from the legitimate producers (Kirshner 2013, p. 72).

Trade and economic liberation that has arisen from globalization process benefit and promotes reforms of various countries, including India, with the intention to boost trade and make an attempt to garner a competitive edge in the world market (Kirshner 2013, p. 72). On the contrary, criminals have taken advantage of this situation of more open and transition market to conduct smuggling, money laundering, and drug trafficking. For example, the multilateral and bilateral agreement aimed at reducing trade barriers between India and nations, such as North America, other Asian and European countries, have substantially increase international trade (Kirshner 2013, p. 72). Organized crime gangs from India have taken the advantage of this to grow their illicit business ventures considerably. Similarly, the process has created lucrative new opportunities for the syndicate.

Telecommunication as a part of globalization has advanced over the past decade significantly. The technology has made it possible for individuals in India to communicate with other people from various parts of the world and vice versa

(Weinstein 2008, p.3). However, it has also played a critical role in the enhancing the ability to organize and make the operations of TOC work effectively in India. Telecommunication assists the criminals in processing, obtaining, and protecting information adequately, as well as evading the investigations of law enforcers.

In addition, through the technology they can plot marketing plans for illicit commodities, such as drugs and firearm, as well as map the most efficient and fastest routes for moving and smuggling money from financial institutions. Also, the technology enables them to create false trails which are used to divert the attention of banking securities and law enforcers in the course of the investigation (Weinstein 2008, p.3). The criminals also take advantage of magnitude and speed of financial transactions with the ability to move huge amounts of money without much scrutiny. As a result, in a country like India, where technology and networking infrastructure is increasing remarkably, it equally leaves the country vulnerable to transnational organized crimes, as it facilitates their operations.

3.2 Corruption

Corruption in India has existed from time in the memorial in one way or the other. Its start can be attributed to the opportunistic nature of the past leaders who did great to the country (Appadurai 2016, p. 1). Actually, in India, there has been a long existing notion that those that work on right principles are foolish and can never get rich. The corruption is mainly a result of the connection between politics, bureaucrats, and criminals. It is interesting that it has gone to a level that currently bribes are not only given to get wrong things, but also right ones. Moreover, it seems as if it has become an acceptable way of behavior in the country (Appadurai, 2016, p. 4). As such, getting to operate criminal activities, such as drug and human trafficking, as well as smuggling other illegal goods, is simple so long as a person has money to bribe the authorities. Of course, most illegal trades fetch individuals a lot of money, since they are both untaxed and always expensive, thereby making the profit earned to be abundant. As a result, money to bribe the authorities is always available which is making the TOC expand at a high rate in India.

Institutions to fight corruption in India are ironically the same that facilitate it. For instance, police sector which has made it challenging for entrepreneurs to run legitimate businesses. The investors regularly have to incur police bribery cost which, at times, prompt them to seek other avenues, such as criminal activities, to keep their businesses running (Appadurai 2016, p. 9). Also, in cases where police officers of integrity make an arrest of individuals operating transnational organized crimes and forward them to the judiciary, convictions are rarely made, thereby encouraging such groups to continue expanding their activities. Judiciary in India, particularly, the courts

at lower levels are at higher risk of corruption. In addition, they are also understaffed which negatively affects their efficiency. Indeed, India is ranked the fourth least efficient system of justice globally (Appadurai 2016, p. 9). Corruption and understaffing make the sentencing of criminals, especially, with immense wealth and political power to be almost impossible, thereby encouraging an increase of TOCs.

3.3 Poor Governance

India suffers from poor governance significantly, as the country is relatively poor. Governance plays the most critical role in the development of a country, as it opens up opportunities to citizens and foreigners in a friendly investing environment (Chakrabarty 2016, p.2). In India, poor governance has advanced to become an albatross that aims at virtually strangulating the entire system. It has been the main cause of nepotism and corruption which have seeped deep into the country's system in all levels. According to a study carried by a UK based firm, known as Maplecroft, India is ranked in the category of high-risk nations (Chakrabarty 2016, p.4). The survey indicated that the decision-making mechanism in India is very poor, such that the country is unable to take timely actions.

The political process is usually greatly undermined by an inability to tackle issues and, as a result, crimes and corruption has equally increased in India to a higher rate. Poor governance has affected security sector all over the country which are the main pillars of a country responsible for keeping the country free of crimes and maintaining order (Chakrabarty 2016, p.5). As a result, borders are left vulnerable to all sorts of crimes. Smuggling illegal commodities across the borders is simple, since the security patrolling the region is inefficient and corrupted. In addition, since the police sector is ineffectively running in India, it is not challenging to criminals, as most of them have connections with political leaders or the heads of various police departments.

3.4 Geo-Strategic Location

The central location of India offers numerous advantages and disadvantages regarding business operations (Malhotra, 2014). The country has a very large coastline of Indian Ocean on the southern part while it borders Pakistan on the west side and Nepal with China in the north to eastern part. This offers several benefits, since the coastline offers a sea route for the nation which assists in sea trade and huge fishing industry (Malhotra, 2014). In addition, bordering China offers many modernization benefits which assist in uplifting the technology.

However, the coastline has also assisted expansion of TOC, as a majority of illegal commodities, such as drugs, are shipped into the country via the sea route. Due to enormous corruption in the public and security sectors, smuggling goods through

the ports in India is relatively easier. In addition, considering that water transport can carry a huge amount of goods, most criminals prefer using this kind of transport. In addition, being a neighboring country to a nation, such as Pakistan, also contributes to increasing of transnational organized crimes, as the latter suffers from the same issues as India (Haken 2011, p. 12).

Corruption in Pakistan is very high and governance is poor, which also makes it an ideal location for most criminals. As such, illegal business is transacted between both countries and, since they can access cheap technologically advanced gadgets, the criminal activities further increases (United Nations Office on Drugs and Crime 2010, p. 15). Furthermore, since the borders of both countries are equally insecure, smuggling goods in both countries is easier which further facilitate the increase of TOC. Furthermore, the criminals, when they become vulnerable to law enforcers in either of the two countries, can take refuge in the other. For instance, those individuals that are haunted by police in India opt to take refuge in Pakistan, where they have associates willing hind them. This makes investigations and arresting of such criminals rather challenging.

3.5 Poverty

28.5 percent of the population of India lives below the poverty line. These individuals are mostly those that earn less than 33 rupees a day (Jacoby 2016, p.2). However, those who are poor are more than this figure, since most of the individuals earn about 40 rupees and below. This class of individuals faces most of the challenges encountered by poverty, since such income is insufficient to sustain most family's needs in a country where prices of commodities are skyrocketing every day.

This poverty rate makes most of the Indians find other ways to make money to supplement their earnings (Jacoby 2016, p.4). Most of them opt to join TOCs which offer better and easier way of making cash that is untaxable. Furthermore, running a genuine business is almost equally the same as illegal once, since one has to bribe the police, irrespective whether activities being carried out are good or bad. In addition, keeping a legal business in India is often costly, since one needs a capital to stock the enterprise which is unavailable to poor families. The fact that individuals only have to join a group of transnational organized crime to start making a considerable amount of money often prompts most poor individuals to carry out illegal acts.

3.6 Lack of Education

Lack of Education in India has been a problem since it attained its independence. Although, the country in recent years has made considerable progress on rates of enrollment and access to schooling in primary education, the number of dropouts is

notably high and the level of learning is still low (Dey 2016, p. 1690). In Countrywide, 29 % of learners drop out before finishing five years of primary school, while 43 % before completing upper primary school (Dey 2016, p. 1690). As such, the number of illiterate remains high (Alagusundaram, Sivakumar and Rajendraprasad 2016, p. 551).

This population is mostly poor and unemployed, since they do not meet the requirements of a job market (Dey 2016, p. 1691). This usually prompts them to join criminal groups to get money for their upkeep. TOC groups offer alternative places of employment these uneducated can take, which further causes an increase of criminal activities. Due to a large portion of population available and willing to work in the network of illegal business, it becomes harder for the authorities in India to control TOCs.

3.7 Unemployment Problem

Unemployment rate in India is a major issue and is becoming a serious problem, since the population of jobless individuals is rising every year (Jacoby 2016, p.4). Many of those who manage to graduate stay for years without getting employed. This makes most of the job seekers get frustrated and hopeless, prompting them to join criminal groups. This further facilitates an increase of transnational organized crimes, as the educated people provide the skills needed to manage the illegal business activities. Some of them are well equipped with a computer and other technological skills required for transacting and erasing any evidence.

4. The Effects of Transnational Organized Crimes in Different Sectors in India

The spreading nature of transnational organized crime in domestic and global commercial marketplaces has a widespread wallop to almost all sectors of the Indian society. The economic, healthcare, financial security, and safety sectors are at the forefront of those fields adversely affected by the scopes of organized crime.

4.1 Effect on the general economy

Transnational organized crime is a growing concern, in particular due to its control over the illegal trade, both domestic and international, that impacts the economic sector. Drug trafficking, for example, has severe implications owing to the massive illegal gains it generates. In various regions where drug production and transit take place, the outlaw groups tend to sabotage state authority and the rule of law by compromising elections, fuelling corruption, and hurting the legal economy (Van 2013, p.42). In all cases, money and criminal influence are both having a substantial impact on the quality of life and mindset of citizens, especially the poor, children and women. Criminals are

usually perceived as aliens. However, it is the interwoven facets of transnational organized crime that make it so hard to detect and control it. This is perfectly joined by contradictions brought forth by the pursuit of free market reforms and banning profitable goods like drugs.

The GDP of India is severely affected: the ordinary activities might be interrupted as a result of the actions of organized crime groups. When the organized crime facilities finance terrorists in attacking a particular country, the country's operations are paralyzed thus affecting its total GDP. An example is a barbaric attack in Mumbai, India, on November 2008, which marked the threat that terrorism subjects entire countries to once again (Shankar 2011, p.2). July 2008 attack on the Indian embassy in Kabul led to numerous innocent lives lost. When the leaders of thought or activists whose objective is to boost the country's economy are assassinated or kidnapped, the country's GDP reduces as the total output produced might not correspond to what could have been recorded due to the wavering economy. Also, calculating the total GDP of a country is hindered by the uncontrolled markets that deal with a significant lump of money indeed. According to Sahni and Shankar (2013), the economic crimes committed by these organized groups cost Indians *"many and many billion dollars each and every year"*.

4.2 Effects on Tourism Sector

Recently, Kerala state has become a major attraction site for tourists all over the world. The domestic and international tourism industry has significantly contributed to India's GDP. A study by the WTO shows that India attracts about 7.7 million of both national and international tourists and has earned \$19.75 billion (World Tourism Organization, 2010). The tourism sector in India has seen unfluctuating growth, with most international tourists coming from the United States. Moreover, Japan and the European Union are also major sources of revenue in the field. Nevertheless, despite the tourists visiting thematic, cultural, and holiday circuits, flourishing prostitution has significantly increased the tourism in India, at the same time hitting high levels of government cooperation and organization. Sex tourism has turned into a business sector for lots of cities like Bombay and Kathmandu (Sahni and Shankar 2013, p. 20).

In India, tourism is the state's chief industry. Sex workers have started to play a significant role in Indian's tourism earnings. One of the main reasons for the rapid growth in the sex trade in South Asia is that sex trade has been clamped down in the similar destinations in the East like Bangkok, with tourists searching for other exotic locations and finally finding out the best option is South Asia. Domestic and international tourism combined have therefore contributed 5.92% of the India's GDP, and 9.3% of its employment (World Tourism Organization, 2010).

On the other hand, in some cases, rampant organized crime can discourage foreign tourists from visiting the country. Security concerns are well known to be among the most crucial considerations for choosing places to visit (World Tourism Organization 1). Tourism is especially sensitive to crime consequences. Furthermore, criminal actions sabotage the ability of the nation to encourage development: they destruct the trust relationships within the society and weaken democracy and assurance in the system of criminal justice.

Wildlife trafficking has a significant impact on the tourism sector as well. The valued species are gradually becoming endangered. For example, the study shows that tigers are extremely poached, perhaps 150 tiger skins and about 1500kg of tiger bones are smuggled: this is likely to result in their extinction in the wild (Allum and Stan 2012, p.5).

4.3 Effects on Industry Sector

According to Shankar (2011), the industry employs 22% of the entire workforce and accounts for 26% of total GDP in India. India's industrial manufacturing has undergone significant changes due to economic liberalization after the 1991 reforms (Shankar, 2011). The latter eradicated import restrictions, led to the privatization of some public sector industries initially owned by the government, introduced foreign competition, foreign direct investment liberalization, and improved infrastructure. However, despite the efforts put by the government to improve the industry outputs, the organized crime groups have rather rebelling motives. They engage in activities that demoralize the industry. Many criminals participate in smuggling, kidnapping for ransom, contract killing, terrorism, illegal immigration and money laundering. The crimes mentioned above in one way or another have adverse but always significant impact on the entire industries, and further push the country towards failure. An example is the criminals smuggling cheaper Chinese goods, which increases the cost of production for the local industries competing for the market (Shankar, 2011). Consequently, the Indian industries face threats which might even lead to their bankruptcy hence pulling down the economy at large. Also, the activity heightens inflation, and balancing import and export becomes a challenge. Moreover, negative impact on the industries has led to reduced employment rates.

4.4 Effects on Agriculture

According to Allum and Stan (2012), India has been ranked second in agricultural output worldwide. Agriculture and its allied sectors such as fishing, forestry, and logging have a positive impact on the GDP and employment rates. India, however, has faced various challenges resulting from the malpractices of the organized crime. The

informal trading, or smuggling, leads to an adverse effect on the entire society. The Indian government has experienced reduced revenue generation due to the entry of cheaper, though smuggled commodities. The informal trading has significantly diminished the competitive advantage of the Indian manufacturers. Furthermore, the capacity of the local economy to bring forth more employment opportunities is negatively affected, and the financial stability of small-scale farmers is also jeopardized due to the excessive advantage of smuggled commodities. The massive bulk of illegal trade, with no doubt, has negatively affected the state's economic position. Consequently, it is essential to examine the extent, nature, and channels of the illegal trade transactions.

Also, trafficking of natural resources is critical to pay attention to. Trading in timber from India to other parts of Asia and the European Union, with the overall export amounting to perhaps 10 million cubic meters, results in deforestation, loss of habitat and species, climate change, increased rural poverty (especially to indigenous people), irregular migration, floods, and soil erosion (Allum and Stan 2012, p.80). Despite the productive nature of India, the transnational organized crimes have significantly impacted the country's GDP because the agricultural sector is amongst the main sectors that boost the economy of the country.

5. Challenges Indian Government Faces to Deal with TOCs

5.1 Inadequate Legal Structure

The government of India faces significant challenges in combating TOC because the country does not have particular control mechanism embedded in law that can be used to combat organized crimes (Mondol et al. 2015, p. 556). The existing laws are inadequate because they target enterprises or groups. In result, there has been the development of conspiracy that the government is handling. Further, the problem persists, because the organized crime groups comprise officials in the criminal justice and politicians in power whose aim is to gain monetary profits.

Similarly, in India, the procedural laws are significantly insufficient in dealing with TOC. For example, under Criminal Procedure Code in section 167, law enforcement agencies expected to file a charge in three days after a person is an arrest, failure to do this means the accused to be bailed out. The problem is also aggravated by the fact that organized crimes are one of the complicated issue in nature and inter-nation, as well as international ramifications that make it hard to perform an extensive investigation within the stipulated timeframe (Allum and Gilmour 2012, p. 263). As an outcome, this leads to filing under-considered charge-sheets during the inquiry. At the same time, a confession usually made before the officers are not admissible under

Indian Evidence Act. Therefore, it is often hard to get evidence from an eye witness who makes the work of police difficult. Further, agencies involved in investigation focuses on obtaining evidence orally and through the documented records during the inquiry. This always poses an obstacle due to the emergence of advanced technology and an accused person is not bound to provide fingerprints, handwriting, and blood samples, as well as intimate or non-intimate body samples, such as saliva (Allum and Gilmour 2012, p. 263).

5.2 Difficulties in Gaining Access to Proof

TOC are hierarchical and structured in a manner which makes it possible to have perpetration of crime convicted, however, it is often hard to proceed past the hierarchy due to the rule of government acquisition of evidence. The issue becomes more problematic for the government of India because people are not always willing to give out evidence for fear of their lives and the country lacking laws that protect them against harm from the gangs (Allum and Gilmour 2012, p. 263). It means that informants are never willing to come forward. Also, in many cases, incidences of witnesses being killed or bribed occur which it make extremely hard for the law enforcing agencies to arrest the members of cartels.

5.3 Lack of Training and Resources

The Indian constitutional framework holds the police responsible for state's subject. Most of the police stations lack adequate resources, and since India is a developing country, the government is often unable to spare any funds for the judicial system. Besides this, no training facilities are existing in this country to allow the police and other agencies to acquire skills they can use when undertaking investigations (Aas 2013, p. 227). These issues become worse because the states lack accurately build cell where they can perform organized crime investigations. As such, the prosecutors neither have the specialized training nor aptitude to conduct organized crime cases as they should. Moreover, many police officers in India are vulnerable to constant transfers, something that results in a discontinuity in an effort put toward prosecution (Aas 2013, p. 227). The issue is exacerbated by an insufficient number of courts, and organized crimes are tried in ordinary courts which lead to an inordinate delay in their disposal because of substantial backlogs.

5.4 Lack of Co-Ordination

India requires an agency at the national level to direct efforts of police organizations and central enforcement agencies. Also, the country has got no sustained mechanism that can be used to pursue perpetrator of organized crimes at the state and national

levels (Aas 2013, p. 227). Therefore, these issues arise due to lack of co-ordination between the state and central governments of India, particular due to the political differences. The problem worsens in cases where different political parties are working from the central and state government levels. As such, it seems that India does not have a sustained effort to fight organized crimes because of the information that reached these two governments is not exchanged, something that significantly undermines efforts for arresting criminals and major clues are often lost in the process (Aas 2013, p. 227).

5.5 Political, Criminal and Bureaucratic Nexus

In India, there has been a growth, as well as the spread of drug mafias, criminal gangs peddlers, armed Senate, and smuggling organizes groups. Over the years these individuals have developed an extensive network of contacts with other government officials and bureaucrat functionaries, media person and politicians, as well as democratically elected at the local levels (Kirshner 2013, p. 72). The issue is also aggravated by the fact that these syndicates also have a link internationally, including foreign intelligence agencies. In some of the states, for instance, Uttar Pradesh, Haryana, and Bihar, some gangs enjoy the patronage of various local politicians cutting across the party lines. Some of the leaders are even the heads of the armed Senate and groups. Such resultant elements have acquired significant political clout, severely jeopardizing a smooth function of the administration, as well as property and life safety of ordinary persons (Kirshner 2013, p. 72). Therefore, because of the influence these syndicates have, the prosecuting and investigating agencies find it difficult to deal with them efficiently. Thus, the law enforcement agencies experience hardship about smashing these networks in the legal framework. This is because of the political and money power linkages of the organized crime groups (Kirshner 2013, p. 72). The problem becomes further compounded in situations where the leaders of the gangs are parliamentarians. As such, India faces a huge problem due to TOC, because the lawmakers are the lawbreakers. Therefore, it is unrealistic to expect a positive outcome from the fight against the crimes and syndicates.

6. Conclusion

It is evident that transnational organized crime groups have broadly implemented their activities in India judging from the research and analysis provided in the paper. This is mostly caused by the geo-social situation in the country. Indeed, the political and law environment of India has been the primary factor that has facilitated the proliferation of transnational organized crime. Although globalization rate has contributed a lot to TOC

increase, the corruption rate, poor governance, poverty, high illiteracy level and unemployment has also equally added to the issue. Many individuals are unpatriotic to their country and willing to do anything to enrich themselves, given the poor conditions they live in due to inequality of wealth distribution. As a result, curtailing TOCs has remained to be a significant issue in India. There is need to put efforts in keeping the crime rates within reasonable bounds through law-enforcement pressure. There is need for law collaboration at the state level as well as establishment of effective policies that address TOC in the country.

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