

Investigation of Mafia perpetrated Kidnap cases

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Organised crime in India is on the rise. Extortions, kidnappings for ransom, gun running, illicit trafficking, narcotics trade, money laundering using the Hawala network, every conceivable kind of cheating and fraud, bank scams and so on, not only spread a sense of insecurity in the common man but also drain the country of thousands of crores of rupees.

One of the main sources of the Underworld to acquire money for its unlawful activities is extortion, ransom by kidnapping/abducting selected persons. The state of Andhra Pradesh is also no exception for these activities of the Mafia, as Hyderabad City witnessed the kidnap of a girl Sumedha from Jubilee Hills, Hyderabad on 27-3-2001, a boy Satish Kumar from Langerhouz, Hyderabad on 12.02.2004 and several other cases of failed kidnap/extortion attempts and a suspected murder for non payment of ransom during the last four years. All these crimes have been perpetrated by the Underworld operating from Mumbai and Dubai.

Even though the leading Underworld dons Dawood Ibrahim, Chota Rajan & their confidants are on the run, they continue to remote operate from Dubai, Karachi and the South East Asia. Their henchmen still extort huge sums of money from rich businessmen, builders and film producers, resort to supari (contract) killings and settle disputes for a consideration. Organised crime is characterized by a strong and ruthless leader, a hierarchy, and a strong code of conduct for its members and, above all, the goal of power and profit. Corrupt police and public officials, attorneys and judicial officers, political leaders and businessmen comprise the protectors. Sharpshooters, telecom experts, casino operators, computer wizards and so on provide the specialist support. What makes organized crime organized is its ability to serve as a government for the Underworld, providing services, allocating resources and territories and settling disputes.

The Bombay Underworld dons have over time become role models for other mafia leaders in the country. Similar mafias in most Indian states are worrying the law enforcing agencies with their ability to network with each other. However, what jolted the nation and brought the Underworld in sharp focus were the serial blasts in Bombay in March '93, which left 257 dead, 713 maimed and property worth hundreds of crores damaged.

Nexus between Underworld and Pak ISI:

The Mumbai serial blasts brought to focus the nexus between the ISI sponsored terrorists and the Underworld. Demolition of Babri Masjid in 1992 and subsequent riots also spread communalism to the Mumbai Underworld, which led to the split in the 'D' Company with Chota Rajan, forming a separate group. The 1993 Serial bomb blasts in Mumbai, divulged the ISI conspiracy of utilizing the Underworld in causing the most terrible act of terror ever in the financial capital of the country. Since then the ISI has been exploiting the organizational capabilities of Underworld groups, which can select and execute significant targets.

Modus Operandi:

Kidnappers employ new modus operandi, resorting to different methods in the selection of victims and extort money. The latest & effective weapon of the Underworld has now turned out to be a handset for communication i.e., Mobile Phone. The chief conspirators sitting in Dubai organize this network mostly using Satellite Phones (INMARSAT) and Cell Phones by frequently changing the SIM cards. Often, they also alter their local conduits, using them as "Cut-outs". These cutouts could be those who are desperate to go to the Gulf for employment or have returned from the Gulf (mostly Dubai) after losing their jobs. Such frantic youth are identified and lured with a promise of easy money. These people in turn group their contacts, having criminal background and allure them with easy money. After a group is formed, they are instructed to identify affluent parties and make arrangements to kidnap/abduct vulnerable members of the identified families. The conspirators in Dubai then instruct the local conduits to

go ahead with the operation by alerting other gangs working for them at different places for keeping the victim till the ransom is materialized. Here again the local conduits use different cell phones frequently changing the SIM cards. It is also observed that they acquire Prepaid mobile connections by providing false identify proofs. Even stolen mobile phones are also used in the operations. At times, they depend on Public Call Offices (PCOs) to call among themselves and also their mentors in Dubai.

After the victim is kidnapped successfully, the plotters call the relatives from Dubai and demand payment of ransom through Hawala to a foreign country, mostly to UK or Middle East countries threatening to do away with the victim in case of any deviation from their directives. They do not hesitate to take the lives of the victims even after the payment of ransom, if their identity is exposed.

In a recent kidnap case reported in Hyderabad, the victim boy was first picked up near his residence in Hyderabad, kept in a farmhouse on the outskirts of the city and was shifted to Pune (Maharashtra), where another gang took possession of the boy. Some of the Hyderabad gang members went to Kanpur (U.P.) to seek shelter from a conduit working for the Dubai based Underworld operative. However, the Hyderabad gang does not have any knowledge about the Pune Gang but the entire operation was coordinated under the directions of the Dubai operatives. In turn, the Pune Gang handed over the victim to another group for custody in a remote village. Under these circumstances, neither the Hyderabad gang, which actually kidnapped the boy nor the Pune gang and even the kingpins in Dubai, could have the details of the exact whereabouts of the victim. Hence it is very difficult for the Police to locate and rescue the victim even if some of the gang members are arrested, as they are also unaware of the location/phone numbers of the other gangs. Thus the case, which spread over A.P., Maharashtra and U.P., requires good coordination among these states to rescue the victim and arrest the accused.

Ill-gotten (ransom) money used for Jihad:

A part of the ransom money was reportedly used to finance the jihadi strikes like those on September 11 terrorists attack on WTC and possibly the one on India's Parliament on December 13, 2001. Partho Roy Burman, owner of Kolkata's Khadims Shoes, was abducted on July 25, 2001 while on way to his warehouse, kept hostage somewhere on the Indo-Bangladesh border and released after a ransom of Rs 4 crore was paid to the conduits (here Hawala brokers) in Hyderabad and the same was paid to the main conspirator Aftab Ansari in Dubai.

The man who remote-controlled the operations from Dubai was Aftab Ansari n/o Varanasi, U.P., who owed allegiance to the terrorist organisation Harkat-ul-Jehadi-Islam. Ansari known as a journalist in Dubai, frequently fled between Dubai and Karachi and developed links with Syed Omar Sheikh, one of the three terrorists released by India in exchange for the hostages of the hijacked Indian Airlines Flight IC 814. One alleged e-mail message from Ansari to Asif Reza Khan (SIMI leader and a close aide of Ansari, subsequently killed in an encounter) said, "Bhai maine ek lakh dollar Sheikh Omar ko de diya hai (I've paid \$100,000 to Sheikh). Sheikh's links with the Harkat-ul-Jehadi-Islam & Jaish-e-Mohammed and his handling of the Burman ransom money indicate that some of the money might have been used to finance terrorist groups.

Earlier the ISI-terrorists network used the Underworld and now the mafia is hooking up with terrorists in Pakistan.

Approach:

A specialized organised crime unit needs to be created, at least at the state if not district level. This could be a part of the existing crime branches or set up as new independent units. Officers and men manning these units would require special training, the latest equipment and other resources to make them into effective fighting outfits.

There has to be a central nodal agency to coordinate their efforts and to act as an interface between them. It would be the job of this agency to collect information from all units, analyse it and then pass it on for operational purposes. A wide area network on organised crime and criminals should be put in place connecting the central nodal agency and units. This could be

made a part of the ongoing computerization plan of the police to cut on costs and avoid unnecessary duplication.

As the kidnappings/extortions are being perpetrated by the Underworld from the foreign soil, it has become indispensable to have a matured co-ordination with the CBI to handle such cases when the state units are unable to investigate effectively for unforeseen reasons viz., case spreading over different states, compilation of ownership details of Satellite phones, extradition of the accused etc.,

Investigation:

American law enforcement was able to achieve dramatic successes against the mafia and put in place a legal system capable of fighting organised crime from a position of strength by the Organised Crime Control Act (OCCA) in 1970. The U.S. experience has been a role model for many countries and in the Indian context as well.

The first step should be to study the phenomenon of organised crime in its entirety. Identification of types of organised crimes prevalent in the country, the various gangs operating, their modus operandi, networking, inadequacies in law enforcement and the legal system, and measures to be taken there of.

Global experience has shown that organised crime groups use the most hi-tech facilities available in communication equipments, computers, transport, arms etc. Law enforcement agencies should not only match them, but also ideally be several steps ahead. Even in our country, the police have achieved impressive success against organised criminals in recent years because of the expertise developed in technical surveillance like phone-tapping, telephone call analysis and so on. However, this needs to be further upgraded in a systematic manner. It was the time that the investigating agencies are permitted by law to use bugs and wire-tapping devices to bring the Mafiosi to book.

The existing laws were inadequate to deal with the situation, which did not exist, in this magnitude at the time the Indian Penal Code was written. The Maharashtra Government has done well to introduce a new Maharashtra Control of Organised Crime Control Act (MCOCA-2000) to fight organized crime. This was indeed a revolutionary step. On similar lines, the Govt. of Andhra Pradesh enacted APCOCA-2001.

This act has not only incorporated all the positive features of the TADA, since scrapped, but has gone several steps ahead, making evidence collected through technical surveillance admissible, possession of wealth on behalf of organised criminals punishable and so on. Significantly, it is for the first time that organised crime has been defined in the Indian statute. However, there is still a crying need for a central act in our country, which would set the pace for anti-organised crime efforts at the national level. Even bolder measures like a witness protection programme should be introduced in the central act.

Assuming that the new central act would provide for special courts, exclusively trying cases under the new act, as has been done in Maharashtra, it should also be possible to have a committed band of competent prosecutors as part of the organised crime unit of every state. Special prosecutors could be drawn from the bar after careful screening for the purpose. A panel of such prosecutors could be made available in each state. Even the presiding officers for the designated courts need to be specially chosen. They have to be men of calibre, integrity and most importantly of courage, because it is not uncommon for judges to wilt against a fear of the Underworld.

Mafia perpetrated kidnap/extortion & attempted cases reported in Hyderabad

Sl. No.	Case details	Remarks
1.	Cr. No. 42/2004, u/s 364 (A) and 506, 341 r/w 120-B IPC, Sec. 25 of Indian Arms Act and Sec. 7 (1) (a) of CrL. Law Amendment Act 1932 & Sec. 3 of APCOCA of PS Langerhouz, Hyd.	The kidnapped boy Satish was rescued after 12 days without paying any ransom. Eleven accused arrested so far.
2.	Cr. No. 45/2004, u/s 399, 420 IPC, Sec. 27 of Indian Arms Act of PS Malakpet, Hyd.	The attempt to abduct a realtor Krishna Reddy at Malakpet has been foiled by the Police. Six accused arrested so far.
3.	Cr. No. 1188/2003 u/s Man Missing of PS S.R. Nagar Hyderabad and Cr. No. 68/2003 u/s 302, 201 IPC of PS Jainath, Adilabad Dist.	The victim Tirupathi Reddy was abducted from his office at SR Nagar, Hyderabad and his body was found at Mandagada river in Jainath Mandal. The case is yet to be detected.
4.	Cr. No. 144/2003 U/S 506, 507 of PS Langerhouz, Hyd.	The family of Jitender Gupta was constantly threatened from Dubai and Mumbai on phones and demanded for an amount of Rs. 5 Crores and when there was no response, Petrol bombs were thrown at the house and factory. The case is yet to be detected.
5.	Cr. No. 76/2001 u/s 364 A, 347, 384 r/w 120 B IPC of PS Jubilee Hills, Hyd.	The kidnapped girl Sumedha was rescued without paying any ransom. Ten accused arrested so far.