

ANALYTICAL APPROACH TO ORGANISED CRIME UNDER BNS

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Abstract

Organised crime is now one of the most complex and longest running problems facing legal systems globally, given that organised crime operates through sophisticated operating plans, hierarchy of networks, and transnational operations, and are usually unimpeded by law enforcement intervention. With respect to India's latest criminal law reform, known as the Bharatiya Nyaya Sanhita (BNS), with its objective, among other things, to modernise India's legal system by adopting clear definitions, stronger punishments, preventive measures, as well as new legal processes formulated specifically to deal with organised crime, criminalizing sections of society that engage in illegal acts in any of its various forms of operations. For example, Section 111 specifically defines the conduct that amounts to organised crime, clearly outlines the penalties, and provides further punishments for engaging in organised crime. Cleanly detailed instruments with penalties of no less than five years of imprisonment up to, and possibly, life imprisonment. Further, Section 111 mandates the attachment and forfeiture of property derived from organised crime. In this study's analysis of BNS's ability to deal with criminal organisations, it specifically focuses on the statutory provisions in BNS examining, the collective criminal responsibility provisions, changes to judicial proceedings and investigations, and their ability to promote police effectiveness. This study examines BNS's moments of success through a doctrinal and comparative examination, acknowledging its strength of clarity, comprehensiveness, and conformity with best practices of the world, and its weaknesses, including notions of overreach, procedural hurdles, and implementation failures. The paper also considers opportunities for further building India's legal response to organised and aggravated crime through capacity building, monitoring, and adaptability between law enforcement and regulation, ultimately highlighting BNS as a core improvement towards a resilient, integrated, and social criminal justice system.

Keywords: Organised crime, Bharatiya Nyaya Sanhita, Section 111, criminal law, statutory analysis, law enforcement.

1. INTRODUCTION

Organised crime is when structured organisations work together to commit criminal acts in a planned way. These groups usually have specific positions, hierarchies, and chains of command. These groups are not just loose networks of criminals; they are very well-organised groups with leaders, operational

members, and specialised jobs that help plan, carry out, and hide criminal acts. Their activities often cross regional and national borders, which makes them transnational and much harder to find and punish. These kinds of groups use advanced tactics like bribery, threats, and technology manipulation to avoid being caught by the police and the courts. They typically take advantage of vulnerabilities and inadequacies in the current legal and regulatory systems. These networks are very flexible and strong, which means they can change in reaction to law enforcement actions. This makes it even harder to successfully shut down their operations.

These organised organisations are involved in a wide range of illegal activities, including drug trafficking, human trafficking, extortion, cybercrime, financial fraud, and smuggling. These actions are not isolated events; they are usually part of a larger, coordinated effort to get the most money, power, or social influence possible. Their operational complexity frequently surpasses conventional law enforcement methods, which are typically tailored to tackle isolated offences rather than organised, interconnected criminal activities. Organised crime like this not only puts people's safety and security at risk, but it also erodes trust in institutions, economic stability, and social order. As a result, the complicated and adaptable nature of organised crime shows how important it is to modernise the law, as the Bharatiya Nyaya Sanhita does, by making definitions clearer, increasing accountability, and creating procedures that can effectively fight these complex criminal networks.

1.2 Limitations of Traditional Legal Frameworks in India

People have said that India's traditional criminal law systems, like the Indian Penal Code (IPC) and the Prevention of Organised Crime Acts, are too complicated and don't do enough to stop crime. Investigations under these laws frequently experienced delays because to complicated processes, ambiguity in rules concerning collective accountability, and insufficient emphasis on removing the organisational infrastructure of criminal gangs. These restrictions have caused delays in delivering justice and made it less effective at stopping organised crime. Additionally, the lack of updated laws to deal with changing criminal techniques, such as digital crimes and cross-border operations, showed how important it is to make big changes to the law.

1.3 Emergence of the Bharatiya Nyaya Sanhita (BNS)

The Bharatiya Nyaya Sanhita (BNS), which became law in 2023, changed the way India's criminal laws work. The law tries to bring the legal system up to date by adding explicit definitions, organised punishments, and new ways of doing things that are meant to deal with modern crime problems. Some important parts of BNS are rules that target group crime, harsher punishments for organised crime, and

steps to stop and break up criminal networks before they can start. By putting these things into law, BNS wants to make a more clear and effective way to deal with complicated types of crime while also protecting people's rights.

1.4 Objectives of the Study

The present study aims to provide an analytical examination of organised crime under the BNS framework. The objectives of the study are as follows:

- To critically examine the provisions of BNS related to organised crime.
- To assess the effectiveness of BNS in addressing collective criminal liability and preventive detention.
- To evaluate the enhanced penalties introduced under BNS and their potential deterrent effect.
- To identify procedural innovations and their impact on law enforcement and judicial processes.
- To highlight challenges and limitations in implementing BNS provisions for organised crime.

2. LITERATURE REVIEW

Hanspal, M. S. (2024) undertook an in-depth analysis of the recent legal revisions that were made by the Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nyaya Sanhita Special Statutes (BNSS), and the Bharatiya Safety Act (BSA), highlighting a period of time that was crucial for the protection of women in India. The purpose of this study was to investigate the influence that changes in legislation have on the redefining of protective measures, procedural safeguards, and punitive frameworks that are intended to prevent gender-based violence. It was emphasised by Hanspal that these modifications were not merely cosmetic; rather, they represented a genuine alteration in the way the law provides protection to victims, the criteria for proof, and the responsibilities of law enforcement. As a result of the study, the BNS rules have been modified to include more severe sanctions for crimes committed against women as well as specialised procedures to ensure that investigations and trials are completed in a timely manner. A judicial awareness of the contemporary social dynamics was indicated by the fact that the study placed an emphasis on the incorporation of technical instruments and digital reporting systems in order to increase accessibility for victims. Although the reforms marked a progressive breakthrough, Hanspal pointed out that the successful implementation of these reforms was contingent on judicial sensitivity, the enhancement of law enforcement skills, and public awareness activities in order to accomplish the desired influence on society.

Rajput, T., & Yadav, A. (2025) provided an in-depth analysis of the challenges that witnesses face when interacting with the Indian criminal justice system. Through their research, they were able to shed light on the structural, procedural, and social impediments that commonly prevent witnesses from properly participating in trials. It was said by them that the absence of adequate protection measures, in addition to the fear of retribution and the expectation of being ostracised by society, often rendered the testimony of witnesses less helpful as evidence. The authors investigated the mechanisms that are made available by BNS and the legislation that are related with it in order to address these issues. These mechanisms include witness protection initiatives, anonymisation protocols, and procedural alterations that are targeted at decreasing intimidation. According to the findings of their research, despite the fact that these legislative interventions were implemented, monitored, and allocated resources, there were still gaps in these areas, which limited the practical effectiveness of these interventions. It was established by Rajput and Yadav that a comprehensive plan that included legislative reform, institutional capacity building, and community awareness was required in order to make it possible for witnesses to engage in the criminal justice process in a reliable manner, hence increasing the overall efficiency of the system.

Jadon, D. S. (2024) carried out in order to determine the wide legal and societal repercussions of the document. The purpose of this study was to investigate how the BNS represented a paradigmatic shift from the previous framework of criminal law, bringing together the modernisation of statutes and the protection of basic rights. It was Jadon's contention that the codification was an attempt to improve the coherence, transparency, and accessibility of criminal law, while at the same time addressing contemporary social challenges such as gender-based offences, organised crime, and procedural inefficiencies. The findings of the study demonstrated that the passage of BNS was in accordance with the objectives of the legislators as well as the requirements of society, which include increased accountability, accelerated judicial procedures, and equitable access to justice. In addition, Jadon discussed the possibility that the expectations of society and the needs of the law could overlap. Specifically, he stated that public opinion, cultural norms, and shifting societal attitudes were all significant factors that had a role in determining how well the statutory reforms were welcomed and how effectively they were implemented. Based on the findings of the study, it was determined that the purpose of BNS is to improve the legal framework and to influence social behaviour. This suggests that the judiciary is committed to the progressive growth of society in conjunction with the rigour of the procedures.

Amreen, R. H., & Subramanian, S. R. (2023) carried out an exhaustive analysis of the Bharatiya Nyaya Sanhita (BNS), with a particular focus on the sociological and legal changes that were brought

about by the codification which took place in 2023. In their research, they highlighted the fact that the BNS was a deliberate attempt to reform India's criminal code by adopting current legal principles and addressing the systemic inefficiencies that were prominent in the prior framework. The authors investigated sections that dealt with the reform of procedures, the responsibility of law enforcement, and the enhancement of safeguards for groups that should be protected. It was observed by them that the codification not only attempted to make the procedures for criminal offences more effective, but it also attempted to increase people's trust in the judicial system by making the outcomes of legal proceedings more transparent and predictable. Amreen and Subramanian went deeper into the sociocultural repercussions of BNS, and they made the observation that the reception of the law was influenced by changing public expectations regarding the administration of justice, gender equity, and social accountability. As a result of their research, they came to the conclusion that BNS constituted both a legal modernisation and a sociological realignment. The law acted as a catalyst for broad social transformation while simultaneously retaining constitutional guarantees.

Negi Advocate, C. (2023) offered a thorough historical and analytical narrative of India's legal growth, charting the progression from colonial-era criminal statutes to the recently instituted Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Bill (BSA) of 2023. The research underscored that these legislative amendments represented a substantial divergence from colonial legacies, prioritising indigenous legal principles and socio-legal significance. Negi critically examined the efforts of BNS and its associated statutes to amalgamate contemporary investigative methodologies, established procedural protections, and extensive penal measures to confront modern issues such as organised crime, cyber offences, and gender-based violence. The study highlighted the comprehensive objectives of this legislation, which sought not only to penalise criminal behaviour but also to deter it, foster societal cohesion, and enhance public confidence in the legal framework. Negi observed that this legislative transition exemplified an adaptive legal philosophy, responsive to India's socio-cultural context while conforming to international principles of justice, procedural fairness, and human rights protection.

3. CONCEPTUAL FRAMEWORK OF ORGANISED CRIME

Organised crime is a complicated thing that goes beyond individual criminal acts to create a structured and networked system of illegal operations. These kinds of criminal networks usually have a defined structure, a division of labour, and operations that go on for a long period. The hierarchical structure makes it possible to delegate tasks and responsibilities, which makes cooperation easier and helps

criminals hide their actions from law enforcement. Organised criminal groups have clear goals, and they often try to make money, achieve political power, or dominate others. They utilise coercion, corruption, intimidation, and strategic violence in a systematic way to stay in control, get rid of threats, and avoid getting in trouble with the law. To understand the Bharatiya Nyaya Sanhita (BNS), which tries to hold both individuals and groups accountable, you need to know about these three areas: structure, purpose, and methodology. This is because legal responsibility goes beyond the person who did the crime to the whole criminal network.

4. ORGANISED CRIME UNDER BNS

The Bharatiya Nyaya Sanhita (BNS) takes a broad, multi-faceted strategy to fighting organised crime, which shows both new ideas in the law and real enforcement issues. The law knows that breaking up organised crime networks needs a mix of clear criminalisation, strict punishment, and flexible procedures. BNS wants to make India's legal system better able to deal with organised crime by making collective criminal responsibility law and giving people the tools they need to stop crime before it happens.

4.1.Criminalization of Collective Offences

One of the most important new things about BNS is that it makes it a crime to be part of a criminal syndicate, even if you don't really commit any crimes. This method fills a big hole in old law, when leaders and organisers sometimes got away with not being responsible for crimes by staying away from them. BNS also makes rules for conspiring, assisting, and abetting easier to understand. It puts more focus on holding leaders of criminal organisations accountable. The law makes sure that legal liability is more complete and fairer by addressing both the operational and management parts of criminal networks. This makes people less likely to commit crimes.

4.2. Punitive Measures

BNS adds stricter sentencing rules that are only for organised crime. The law sets harsher punishments for crimes that are part of a group, showing that organised crime is a bigger danger to social stability than individual crimes. BNS also gives the government the right to take away assets that come from illegal businesses, which breaks down the financial networks that support these groups. These punishments aren't just meant to punish; they're also meant to destroy the operational and economic roots of organised crime, making it harder for these groups to keep up long-term criminal activities.

4.3.Procedural Innovations

BNS's new procedures work well with its substantive requirements to make sure that the legal framework is both effective and enforceable. The law sets up special courts and fast-track processes to speed up trials of organised crime cases. This cuts down on delays and makes the legal system work better. Investigative powers are also stronger, with rules for surveillance, data interception, and coordination between law enforcement agencies. At the same time, constitutional protections for individual rights are still in place. BNS also stresses the need of digital evidence being allowed and reliable, which shows how crime is changing in the digital era. These improvements to procedures are very important for helping police deal with complicated criminal networks in a proactive way while still following the law and the Constitution.

5. COMPARATIVE ANALYSIS

To understand the effectiveness of the Bharatiya Nyaya Sanhita (BNS) in addressing organised crime, it is useful to compare it with international legal models and assess its strengths and challenges in implementation.

1. **International Models:** International legal frameworks have long been used as standards for dealing with complicated types of organised crime. Countries such as the United States and Italy have established extensive legislation emphasising collective culpability, preventive strategies, and the dismantling of criminal infrastructure. The United States, for example, passed the Racketeer Influenced and Corrupt Organisations (RICO) Act, which lets those who are part of a criminal organisation be charged even if they didn't do the crimes themselves. Italy's anti-Mafia legislation also go after the operational and managerial levels of criminal groups. They include rules for seizing assets and harsher sentences. These theories show that effective legal strategies depend on going after both people and the organisational network, using both punishment and ways to break down criminal networks.
2. **BNS Comparison:** The Bharatiya Nyaya Sanhita reflects various aspects of these overseas models while tailoring them to India's legal framework. BNS makes it clear that being part of a criminal syndicate, conspiracy, or helping or encouraging others to do so is a crime. This makes sure that leaders and managers in organised crime networks can't avoid judicial investigation. However, BNS puts a lot of stress on following the constitution and being fair in the way things are done. This shows India's commitment to upholding basic rights while implementing harsh penalties. This mixed approach lets BNS keep a balance between justice and deterrence by

combining the best techniques from around the world with the country's legal and social concerns.

3. **Challenges in Implementation:** BNS has a strong framework on paper, but real-world problems can make it less effective. Law enforcement may not be able to investigate and prosecute organised crime networks because they don't have enough people, specialised training, or technology. Backlogs in the courts and delays in procedures can make the law less effective at stopping crime, giving criminal groups chances to take advantage of problems in the system. It is very important for different agencies at the national and state levels to work together, yet this is sometimes hard to do in real life. To make sure that BNS has the desired effect on fighting organised crime, we need to keep investing in capacity building, technology improvements, and changes to institutions.

6. ANALYTICAL INSIGHTS

The analytical examination of the Bharatiya Nyaya Sanhita (BNS) reveals both its strengths and potential limitations in addressing organised crime. Understanding these insights is critical to assessing the law's practical effectiveness and its impact on India's criminal justice system.

1. **Strengths:** One of BNS's best features is its clear and exact legal language, which makes it apparent what organised crime is, who is responsible for it, and what each person's position is in a criminal network. This clarity makes it easier for police and the courts to understand and implement the law consistently. The law also covers all types of collective criminality, which means that leaders, organisers, and members of criminal syndicates can be held responsible even if they weren't actively involved in committing specific crimes. The harsher punishments, such as longer prison sentences and the seizure of assets, are a significant deterrence to crime and show that lawmakers are serious about breaking up organised crime networks. By adding new procedures like fast-track courts and allowing digital evidence, BNS makes it even better at dealing with complicated and changing types of crime.
2. **Limitations:** Despite with these strengths, there are several weaknesses in BNS that could make it hard to put into action. There is a chance of overreach, where broad definitions and wide-ranging authorities could be misused, which could violate people's civil rights. The increased capabilities of investigation, like as monitoring and data interception, are required to fight organised crime, but they could be abused if the right protections aren't in place. It is still hard to find the correct balance between seeking justice and protecting human rights, especially in circumstances of preventative detention or collective criminal culpability. The law may not work as well as it could because of

practical problems like lack of training, lack of resources, and a backlog in the courts. These problems could make it harder to enforce the law on time and make it less effective as a deterrent.

3. **Recommendations:** There are a few suggestions that could help BNS work better. First, law enforcement organisations need to enhance their skills, which includes getting specialised training in digital forensics, researching organised crime, and understanding new laws. Second, public awareness campaigns can assist people learn about their rights, how to report problems, and the protections that BNS offers. This can encourage people to work together and follow the rules. Third, there should be regular monitoring and evaluation of how BNS is being put into place to find any problems, see how well it is working, and suggest changes to the law or the way things are done. These steps will make sure that BNS not only looks good on paper as a strong legal framework, but also makes a real difference in the fight against organised crime and in building public faith in the criminal justice system.

7. CONCLUSION

The Bharatiya Nyaya Sanhita (BNS) is a major step forward in India's legal system for dealing with organised crime. It combines clear statutory language, broad coverage of collective criminality, and new procedures meant to make both enforcement and the courts work better. BNS makes sure that not only the people who commit crimes are held accountable, but also the people who organise, lead, and take part in syndicates. This is in line with international best practices and protects constitutional rights. The statute's provisions for harsher punishments, preventive measures, and asset seizure show that it is a deliberate way to take down the economic and operational bases of organised crime, something conventional laws typically didn't do well. Additionally, procedural improvements such as fast-track courts, the acceptance of digital evidence, and increased investigative powers give law enforcement the tools they need to stay one step ahead of criminals who are using new methods, such as cybercrime and crimes that cross borders. Even with these strengths, BNS's real-world performance still depends on careful execution, proper resource allocation, training for law enforcement officers, and regular monitoring to stop misuse or overreach. Also, the law's success depends on how well it can keep up with new crime patterns, changes in society, and new technologies. In short, BNS not only makes India's laws stronger against organised crime, but it also shows a larger commitment to justice, deterrence, and public safety. This shows that modern criminal law is being approached in a progressive and analytical way.

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