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CRIME POLITICS NEXUS IN URBAN INDIA- A CASE ANALYSIS ON THE ARUN GAWLI SYNDICATE

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Abstract

This research paper explores the complex relationship between crime and politics in Urban India by examining the emergence, subsistence and institutionalisation of the Arun Gawli gang in Mumbai. It points towards the intricate overlap between criminal networks and political power within India's urban settings. The Gawli organisation had its roots in the residential hub of Dagdi Chawl and its evolved from engaging in illegal activities to participation in formal governance through the formation of the Akhil Bhartiya Sena.

This study also examines the Arun Gawli phenomenon through the lens of the Robinhood archetype, analysing that how such a narrative resulted into the legitimisation of his authority within marginalised Urban communities. The study also uses interdisciplinary theories to study the operation of the crime politics nexus in Urban India specifically Mumbai.

Adopting a case study methodology, the paper seeks to examine the socio-legal scenario in post-industrial Mumbai that resulted into Gawli emerging as a parallel provider of justice. The research later critically analyses the role of The Maharashtra Control Of Organized Crime Act (MCOCA), 1999 in the eventual conviction of Arun Gulab Gawli and the dissolution the the Gawli syndicate.

Keywords: Crime, Politics, Institutionalization, Archetype, Robinhood, Legitimisation, Justice

RESEARCH METHODOLOGY

This study adopts a case study methodology involving the socio legal and contextual approach to study the trajectory, institutionalisation and the ultimate downfall of the Arun Gawli gang. In the domain of legal research, a black letter law approach often turns out to be insufficient to understand the organized crime in depth. It's important to note that the crimin syndicates evolve under various socioeconomic and spatial backdrops. Therefore this research methodology utilises a synthesised approach to study law in operation and not merely theoretical law.

Research Approach

This research is expository and descriptive in nature pointing towards the socio economic conditions prevailing in the post industrial city of Mumbai that gave rise to the growth the Arun Gawli syndicate. At the same time, the study also adopts a critical framework to analyse the potency of the Maharashtra Control of Organized Crime Act (MCOCA), 1999 that resulted into the conviction of Arun Gawli.

Theoretical Framework

This study uses cross disciplinary theories like Karl Marx's theory of Lumpen Proletariat, Robinhood Theory, Political Clientelism, Newman's Defensible Space Theory and Enterprise Theory of Crime.

Method of Analysis

This study uses a critical, evaluative and comparative method of analysis. It later draws a comparison between the indigenous and transnational archetype drawing a stark contrast between both. It subsequently points towards the way Gawli emerged as an indigenous hero and garnered the tremendous support of the local people in Mumbai.

Introduction

The convergence of organized crime and democratic governance in India poses a significant threat to the constitutional ideal of the Rule of Law. This crime-politics nexus defined by the mutually beneficial relationship between the politicians and the criminal groups has greatly evolved from informal patronage networks to direct participation in the legislative processes. At first, the NN Vohra committee Report first formally exposed the existence of criminal syndicates operating power structures in a parallel way with the support of the state officials. The case of Arun Gulab Gawli stands out as as prominent legal and sociological examples of this phenomenon taking place in India.

The emergence of the Gawli syndicate was not just an instance of criminality but rather a consequence of the institutional breakdown and economic disruptions that followed the decline of Mumbai's textile industry in the 1980s. As a result of which the state failed to ensure social protection and accessible dispute resolution to the urban poor resulting into individuals like Arun Gawli being considered and positioned as alternative authorities in possession of power. By occupying thus governance vacuum, Gawli cultivated a "Robinhood" like image thereby converting localized influence into sustained electoral support

Gawli's evolution from a known criminal offender to a member of the legislative assembly in 2004 through the Akhil Bhartiya Sena underscores critical loopholes within the Representation of the People Act. Despite having multiple criminal charges against his name leveraged legislative office as a means of protection against the state action including the extrajudicial measures and preventive detention.

1. THE SOCIO ECONOMIC BACKDROP BUTTRESSING THE EMERGENCE OF THE ARUN GAWLI GANG

It is to be noted that the rise of the Arun Gawli gang did not take place all of a sudden but rather in a very calculated manner as a response to the breakdown of the industrial structures in Mumbai back in 1982.

1.1) The 1982 Industrial strike

The origin of the Gawli syndicate is linked to the the 1982 mill strike and de industrialisation of Mumbai. The strike was led by Datta Samant and it resulted in the permanent closure of many mills. It was followed by a great amount of workers being unemployed thus creating a fecund ground for organized crime groups to function.

1.2) Emergence of the Lumpen proletariat

As the formal economy collapsed, a shadow economy arose. The descendants of the unemployed mill workers including Gawli found themselves in a socio-legal vacuum where turning towards crime seemed to be a easy way out to continue surviving and thriving. After being ostracized by the formal economy, resorting to a shadow and precarious economy emerged as a rational choice for the unemployed individuals to continue perishing in the face of it all.

2) CRIMINALIZATION OF POLITICS

2.1) The Paradox at the Heart of Democracy

Right at the heart of worlds largest democracy, there exists a paradox. It makes you ask that what happens to a country when the very people you chose to make the laws are in huge numbers accused of breaking them. The number of members of the Parliament with pending criminal cases has escalated immensely since the last 20 years and that's not a blip but rather a consistent and alarming pattern.

2.2) The nexus between money and crime in politics

To put it simply, money is all it takes to become a serious candidate in India. Money does not buy elections but definitely viability. A filthy rich candidate is far more likely to win an election as compared to his other counterparts who lack certain resources and links. With the cost of elections going through the roof, having tons of money does not just provides an edge to the candidate but rather its practically the price of admission. Having a criminal record more than triples one's chances of winning an election. Now this points towards the deeply strange connection between money and criminalization of politics and this apparently is not just about one party. From the ruling Bhartiya Janta Party to the opposition Indian National Congress and all the big regional players, feeding candidates with vast criminal records is a strategy that cuts across the entire political spectrum. The parties need candidates who can pay for their expenses of campaigns and who have the muscle to get themselves out of any given trouble for that matter. But at the end of the day, it's a strategy driven by one simple powerful idea that is vulnerability.

2.3) The Robinhood Complex

One of the very important factors that give rise to the crime-politics nexus is Robinhood Complex. It derives its name from the historical figure Robinhood who used to steal from the rich in order to provide it the poor. In the contemporary scenario the idea is manifested when the political actors and the public at large, justify the occurrence of illegal or criminal activities as a medium to bring welfare to the society. It is important to note that this image is created deliberately by the criminal actors, posing themselves as the patrons of the marginalized communities.

A Robinhood is seen as community protector who gets things done when the state fails to do so or is corrupt. When one feels that the system is rigid or biased against them, then it might actually seem quite rational to choose strongmen who promise protection and representation. The Robinhood complex in the Arun Gawli case point towards the fact that criminal legitimacy is not secured through the way of force only, but rather is achieved when an effective state chooses to stay still and muted.

2.4) Political Clientelism

The Robinhood complex can be further studied in the light of Political Clientelism. It refers to a social political system based on the informal, exchange-based relationship between a patron and the community. Arun Gawli was called 'Daddy' by the people and this Daddy persona had

functional heroism as its base. Gawli was not necessarily a traditional hero like figure for the residents of Dagdi Chawl and nearby areas but rather a functional hero who effectively fulfilled the needs of people by providing physical as well as financial security as well. The vacuum of the welfare state was filled by him as he funded medical emergencies, funded community weddings and provided credit for daily survival along with resolving disputes. Thus in return, the community provided him with democratic validity and immunity from scrutiny through the Akhil Bhartiya Sena (ABS). The people expressed their gratitude by acting as an effective vote bank, therefore bringing Gawli into power

3) DAGDI CHAWL AS A SPATIAL SOCIO STRONGHOLD

If the study of Urban Criminology is considered, then it's important to note that the physical environment can sometimes act as a great instrument of advantage. For the Arun Gawli syndicate, the architecture of the Dagdi Chawl turned out to be quite defensive. The traditional Mumbai Chawl involves a dilapidated housing area having long corridors and many shared spaces. Such an architecture very naturally wipes out privacy but in a crime context, it creates a decentralized surveillance structure. Unlike the formal surveillance that involves CCTV cameras or other devices, the Chawl surveillance was very organic and spontaneous. An outsider, specifically a police officer in normal clothes was identified instantly by the residents. Many criminals including Gawli used the Chawl's social fabric as a means to maintain organisational order and mitigate risks.

3.1) Newman's Defensible Space Theory

Dagdi Chawl not merely being a congregation of homes, was a gated enclave. From a sociological standpoint, the manner in which the Chawl was designed created Oscar Newman's defensible space. The boundaries pointed towards the fact that one, a state official in this regard is being entered into a sovereign zone where the underworld laws stand more important. It in turn acted as a physiological barrier for enforcing laws since entering the Chawl meant getting into a territory where the landscape favoured the apparent protector.

4) IDENTITY POLITICS

If the domain of organized crime is considered, Arun Gawli is known not just for his criminal records but also for successfully forming a nativist identity. While most gangsters are viewed as pure criminals, Arun Gawli for that matter used the "Sons of the Soil" (Marathi Manos)

narrative to convert his syndicate into an emblem of ethnicity protectionism and he turned out to be quite successful in doing so. Aligning himself with identity politics in a strategic way provided him with a licence that in turn protected him from the lea system for a very long time.

4.1) Building Social Legitimacy

The traditional and conventional criminal syndicates used to function by inculcating a sense of fear in the mind of people whereas on the other hand Arun Gawli's group operated by instilling a sense of belonging and affiliation. This resulted into the creation of a social licence and his followers did not see themselves as supporters to a criminal but rather as members to an initiative.

This identity-centric support system was one of the primary reasons for the failure of legal attempts to restrain his syndicate under the Terrorist and Disruptive Activities Prevention Act (TADA). In the court of law, the witnesses are supposed to testify against any given criminal. But when the defendant is viewed as a cultural guardian then the cognitive barrier to testifying becomes formidable. The sons of the soil narrative give rise to deliberate silence that was rooted not just in dread but ill conceived sense of indigenous identity.

4.2) Indigenous vs Transnational Archetype: A Comparison

To understand Gawli's growth it is to be noted that he drew a stark contrast between himself and his rivals particularly Dawood Ibrahim. During the 1990s the Mumbai underworld was seen as a transnational enterprise that was associated with smuggling of gold, global hawala networks and international terrorism. In contrast to that, Arun Gawli branded himself as local and indigenous, someone who is deeply in connect with his roots. Also his physical presence in the heart of Mumbai's working -class's residential areas, he portrayed his activities as acts done in protection of the native interest. Dawood Ibrahim used to operate from Karachi or Dubai whereas in the other hand, Arun Gawli established his Durbar in Byculla. So it can be deduced that his geographical presence provided him with an upper hand and allowed him to take advantage from the labor class who felt crescively sidelined by the transition of the city into a global financial hub.

4.3) Amchi Muley Doctrine as Defence

The Amchi Muley(Our Boys) doctrine was undoubtedly one of the most mighty weapon in Arun Gawli's arsenal. It was popularised by the region based political patronage during the 1980s-90s. The patronage served a purpose dually. It reframed Gawli's gang wars as a defence

of the community. The public viewed his criminal acts like extortion, murder and assault as necessary steps aimed at providing protection to the native sons of the soil from the foreign influences.

It is also to be noted that when a criminal is branded as a protector or saviour of the community then belligerent policing gives rise to political backlash. So it made the encounters and preventive detentions politically detrimental for the state as the supporters of Arun Gawli could portray the lawful actions as selective targeting on the Marathi identity.

5) THE MCOCA SCHEMA

The Maharashtra Control of Organized Crime Act (MCOCA) was passed in 1999 particularly in order to curb the organized crime. The primary purpose of the aforesaid act was to bridge the probative gap that allowed the organized crime syndicate leaders to escape prosecution. Under the Indian Penal Code it was quite difficult to prosecute a gang leader who just issues orders. MCOCA aimed to divert the focus from the individual act to collaborative enterprise. The act also points towards the fact that organized crime is propelled by pecuniary gains. In the context of the Arun Gawli gang, MCOCA allowed the court of law to see the Akhil Bhartiya Sena (ABS) not as a governing body but rather as a façade organization for an organized crime network. The act was basically the legislative answer of the state to the patron problem where the Kingpin remained protected from the conviction.

5.1) Arun Gawli's Conviction

Arun Gawli got convicted on 24th August 2012 by a court authorised under the Maharashtra Control of Organized crime Act (MCOCA). Subsequently on 31st August, 2012, he got sentenced to life imprisonment.

His conviction was linked to the murder of a contractor of the Shiv Sena party Kamlakar Jamsandekar in 2007. It was found out that the motive behind Jamsandekar's murder was driven by political rivalry and disputes related to the real estate. The conspiracy was plotted with the direct approval of Arun Gawli. Gawli had previously escaped numerous times due to the deficiency of evidence or coercing witnesses. But this very time the prosecution successfully used all the necessary elements that eventually led to his conviction.

5.2) Use of MCOCA in his conviction

5.2.1) Continuing unlawful activity Clause

Section 2(1) (d) of MCOCA defines continuing unlawful activity. While the general law can

be invoked for a single incident but MCOCA can't. The requirement includes atleast two charge sheets filed against the accused within a period of 10 years and the court must have taken cognizance of those. In the context of the conviction of Arun Gawli, the prosecution was able to put together Gawli's wife and dispersed history into a coherent and harmonized narrative of Organized crime. It transformed Gawli from a repeat offender to a gang leader in the eyes of law.

5.2.2)The Syndicate Liability Clause

Section 3(1) and 3(2) punishes not just the assailant but anyone who conspires, abets or deliberately facilitates the crime. Though Arun Gawli was not physically present at the crime scene involving the murder of Kamlakar Jamsandekar, he was still convicted under MCOCA. Because under the act, the head is as guilty as the hand legally. It was ruled out that the murder case was a supari i.e contract directed by Gawli to preserve his dominance in both political and economic domains. This proved out to be a classic case involving enterprise liability.

5.2.3) Section 18 of MCOCA

Section 18 of MCOCA is quite disputed and debatable. As per Section 25 of the Indian Evidence Act, confessions made to a police official were not admissible. But MCOCA overrode it. As per Section 18 of MCOCA, a confession made to a police officer not below the rank of DCP i.e Deputy Commissioner of Police is accepted and admissible as a substantive evidence. This has been challenged numerously for violating article 20(3) i.e protection against self incrimination. Nevertheless the Supreme Court has upheld its validity, providing the fact that the process related safeguards are met.

In the trial process of Arun Gawli, the admissions made by the co accused turned out to be quite instrumental linking Gawli to the conspiracy and his eventual conviction.

6) CONCLUSION

The case of Arun Gulab Gawli holds much more significance than merely being a biography of an organized crime gang leader. It rather provided an in-depth view for understanding the structural gaps that are present in the Indian state. The research delineates the fact the organized crime does not emerge in opposition to the state but rather prospers in the institutional voids produced by it. The socio-economic condition of 1982 acted as a primary instigator, thus giving rise to the marginalized labor class turning to organized crime to continue the survival. It was expedited by the spatial stronghold of the Dagdi Chawl which gave rise to a jurisdictional gap that remained inaccessible to the code of criminal procedure. Arun Gawli quite successfully

rolled out the strategy of political Clientelism, effectively making use of the Robinhood paradox to prioritise legitimacy over welfare. By the time the Maharashtra Control of Organized Crime Act came into existence, the Gawli syndicate had already established itself through the democratic procedure. Thereby pointing towards the fact that social licence i.e public acceptance is more robust than legal acceptance.

Organized crime persists in India because the shadow state is quick and efficient than the formal welfare state. In this way the criminal syndicates end up providing social security to the marginalized community. The nexus between money and crime in politics is facilitated by the extravagant cost of elections in India. When the political parties require funds to contest elections they tend to show inclination towards the candidates possessing the financial muscle. In this way the politician provides protection and legitimacy to the criminal whereas on the other hand the criminal provides asset liquidity to the political actor. Also there is a social romanticism surrounding a strongman. In a state that is quite often viewed as a bureaucratic maze, a person who can ease formalities and simplify the procedures is rewarded with public mandate. The social licensing of an individual particularly a criminal plays a great role in making him immune against the prosecution.

The case study revolving around Arun Gulab Gawli point towards the fact that rule of law can't be instituted through some specific statutes only. While MCOCA plays a pivotal role in disbanding the organized crime syndicates, the ultimate resolution for the crime politics nexus lies in the institutional reform. To actually put an end to the organized crime, the formal state must seek to become as linguistically intelligible and socially dependable just like the 'daddies' who seek to take its place. Until the state fills in its own voids the influence of the stronghold will continue to possess hold over the public mandate.