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BEHIND THE VEIL

CRIMINAL GOVERNANCE IN WESTERN UTTAR PRADESH, INDIA

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SUMMARY

Despite two years of intermittent lockdowns, the illicit trade in guns and drugs (particularly opiates and life-saving pharmaceuticals) in western Uttar Pradesh has not declined. On the contrary, production and distribution of these commodities increased. Illicit trade has assumed a consistency with pre-pandemic processes in which the recruitment of youth and the criminalization of poorer communities are used to disguise the scale of trade in illicit commodities. Older illicit economies have taken an upward climb with new lines of credit networks creating a larger pool of debt-ridden labourers who are exploited by these dominant castes and the illegal economies they own. The dominant castes' assertion over land, politics and illicit economies remains, while landless, lower caste Hindus and Muslims have lost most of their livelihood in the last two years. The state government continues to push its anti-crime narrative invoking arbitrary laws largely against political opposition and ethnic minorities, while its welfare schemes to address the impact of the pandemic do not reach those that are most affected. This brief looks at how criminal groups in the Uttar Pradesh region profited from the pandemic as part of a larger collaboration between law enforcement personnel, civil administration officers and gang members.



INTRODUCTION

India's most populated state, Uttar Pradesh, is located in the north of the country, near the capital, New Delhi. Northern Indian provinces depend on agriculture and have been supported by state-sponsored initiatives, such as minimum support prices for crops, which ensure that farmers receive basic remuneration. Although in other states such policies may have prevented farmers from diversifying to other economies, the landscape in Uttar Pradesh is different.

The western area of Uttar Pradesh, which includes the cities of Saharanpur, Meerut, Muzaffarnagar and Shamli, has a long history of manufacturing and distributing arms – both legal and illegal.¹ Over decades, these cities and their surrounding areas have become hotspots of criminal activity, enabling the flow of drugs, alcohol and weapons across the country. Large quantities of counterfeit pharmaceuticals, such as painkillers, steroids and antibiotics, are also produced in these areas.²

In March 2020, when India's prime minister, Narendra Modi, announced a nationwide lockdown to curb the spread of the COVID-19 pandemic, criminal groups in the region benefited from the increased control over border movements, including transportation and distribution of essential commodities mandated by the lockdown. Alongside the mass migration of daily wage workers spread across the country into Uttar Pradesh, this period also revealed how easily illicit economies continued despite the numerous restrictions imposed on the country.

Criminal groups in the region are connected to local politicians and law enforcement actors through kinship ties based on the caste system. This allows members of such groups to exploit border checkpoints and ferry illicit goods into and out of the region. During the lockdown, illicit goods were disguised as essential commodities and moved

In western Uttar Pradesh, COVID-19 lockdowns enabled rather than restricted illicit economies, including flows of drugs and weapons. © Sakib Ali/Hindustan Times via Getty Images



FIGURE 1 Uttar Pradesh state, India.

through the country seamlessly. Not only did existing illicit economies thrive during the lockdown, but they adapted to new demands as the pandemic raged on.

The devastating second COVID-19 wave in India between April and May 2021 coincided with local assembly elections in Uttar Pradesh. Local elections are key to the region's political economy and organized crime, as these positions come with immense power, perpetuating caste dynamics and assertions over land, law, and licit and illicit economies. Election violence escalated during the last election, as the demand and production of guns, alcohol and pharmaceuticals increased exponentially in the region.

This policy brief examines the criminal landscape in Uttar Pradesh situated largely during the pandemic, considering how criminal governance was facilitated by allowing collusion between gang members, law enforcement personnel and local administration officers. The lockdown restrictions and criminal laws were exploited by pre-pandemic political dynamics. Criminal groups and their armed gangs continue to operate with impunity as the number of urban and rural poor continue to rise, falling into debt traps and turning to informal and illicit economies for support.



A web of crime and political patronage

Across agrarian northern India, including in western Uttar Pradesh, social groups rely on kinship networks to assert their control over local economies. Closed kinship networks have historically been enforced and regulated by village assemblies or *panchayats*.³ They arbitrate over village disputes and regulate patriarchal norms, often imposing the will of the dominant caste over less advantaged members of society.

Representatives from village assemblies come together under a larger collective called the *khaps*, with each caste having its own network of *khaps*. In the period following India's independence, *khaps* of the Jats, Gujjars and Rajput castes would form an alliance, or *sarv khap* (union of castes), and meet in large gatherings across important towns in northern India.⁴ Their primary aim was to assert their might over agrarian spaces by posturing as the cultural and social guardians of their respective castes and the agrarian economy.

This is the type of assertion that allowed such social groups to leverage the privatization of the Indian economy in 1991.⁵ Uttar Pradesh cities such as Meerut, Muzaffarnagar

Throughout rural northern India, kinship networks, regulated by village assemblies, assert control over local economies, including agriculture. © Sunil Ghosh/
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and Saharanpur showed signs of prosperity, as bigger farmers began to profit from the marketing of sugar, contracts over distribution of electricity, the manufacture of bricks, sand mining and the timber trade.

Smaller farmers, whether drawn from marginalized sections or tied to dominant caste-kinship networks, could not keep pace with the rapid shift in cropping patterns and practices of cultivation. This was a period of declining consumption of food per capita, which corresponded with the increasing casualization of workers, where employment shifted to short-term contracts and daily wage payments.⁶ Agrarian distress and rising unemployment appeared to coincide with increasing criminal activities. Between 1995 and 2005, western Uttar Pradesh saw a spike in crimes related to highway robberies, extortion and murder. In that period, there was a rise in 'muscle men' – workers acting at the behest of dominant caste groups to compete for government contracts – in towns and cities in western Uttar Pradesh. It set off an informal rent-seeking economy, in which kinship networks found their way into businesses, the police force and politics.⁷

In western Uttar Pradesh, the illicit economy is governed by the Jats and the Gujjars, the predominant caste-based social groups. They are concentrated in urban pockets, controlling thriving informal industries and the criminal networks involved. In the 1990s, the Jats and the Gujjars began to assert themselves over the developing trades, and caste leaders with political aspirations cultivated local gangs and muscle men to claim turf over government contracts, enforce informal contracts and discipline agricultural labour, drawn mainly from daily-wage-earning Muslim communities and lower caste landless Hindu groups.⁸

While the 1990s were a time when gangsters used violence to influence elections, extort and grab government contracts, the first decade of the 2000s saw a change in developments for gangsters from religious and ethnic minorities. Sushil Mooch, who is reportedly one of the region's most prominent gangsters, started out as a muscle man for his fellow Jat caste men, with an active role in gun violence, extortion and facilitating illicit goods into or through the region.⁹ Another prominent criminal in the region, Iqbal (name changed), a self-proclaimed influential drug trader from a religious Muslim minority, also started out as a muscle man for dominant caste groups in the 1990s, but had shifted to the trade in illicit goods by the first decade of the 2000s. However, he maintained relations with armed gangs.

By 2015, the police had identified over 499 gangsters in the region.¹⁰ These are protected by local police and officials who are part of a civil and criminal administration based on kinship alliances. Caste-based gangsters protect the larger interests of the dominant caste over a vast spread of economic interests in the region's agricultural and mining sectors.



PROFITING FROM THE PANDEMIC

The COVID-19 pandemic saw a burgeoning illicit trade in opioids in western Uttar Pradesh, facilitated by armed gangs. © Akram Akhtar Choudhary

Western Uttar Pradesh's porous borders with neighbouring states such as Rajasthan, Delhi, Haryana and Uttarakhand allow for freer movement of goods across this region to other states in northern India. During the lockdown in March 2020, and at the end of the second pandemic wave in August 2021, western Uttar Pradesh emerged as a strategic area for facilitating illicit trade in opioids, guns, alcohol, medicine and oxygen cylinders across the country. The more than three-decades-long history of illicit economies rooted in urban spaces in the region allowed gangs to leverage the opportunities that the pandemic brought.

Between January 2020 and August 2021, coronavirus deaths increased to about 1.4 million people.¹¹ Local quacks (doctors without any medical background) booked large orders of opioids with Iqbal, for instance, who witnessed a burgeoning trade in illegal opioids.¹² Iqbal was able to fulfil these orders by contracting gangs across the country. According to a law enforcement officer posted in the state of Bihar during the lockdown in March 2020, the movement of illicit commodities was made possible because armed gangs offered logistical support to those invested in the trade in illicit drugs, alcohol and guns.¹³ Armed gangs in each state on the route worked alongside lower-level law enforcement officers to allow trucks carrying these commodities to pass.

In numerous instances, in which trucks had been seized, the goods could not be traced to their source.¹⁴ Opioids and other illicit goods – alcohol, timber, sand and arms – were moved in batches with new truck drivers transferring the consignments at regular



FIGURE 2 Opiate trafficking routes through Uttar Pradesh.

intervals. In case of a seizure, police were unable to trace the origin of the consignment, as the truck had been driven by different drivers, each with no knowledge of the previous driver.¹⁵ Moreover, the handlers could not be traced, as the phone details provided by the arrested drivers always appeared to be out of service. Law enforcement officers were unable to connect these consignments to larger syndicates or 'traders', such as Iqbal. This pattern was present long before the pandemic even began. The pandemic-related restrictions only reinforced an existing system that facilitated and enabled the flows of illicit goods.

As Iqbal's operations are spread across India, he has deep pockets to pay to secure trade routes. He stated that his understanding with these gangsters is co-dependent, as Iqbal not only pays the gangs to secure trade routes but also helps launder their money into the real-estate economy and to finance election campaigns. Ten per cent of the goods' value would go to local administrators, including drug inspectors from the state health department and supply inspectors who oversaw the movement of essential commodities during this period.¹⁶ Local officials even collected money from the gangs, calling it *chanda* (funds).



Political affiliations are necessary for facilitating inter-state illicit trade. ‘Traders’ such as Iqbal are responsible for executing the flow of goods across the country, into and out of their specific regions. The lockdown was especially profitable, as some gangs made enough money to pay the local police superintendent, the local administration and political party members. Paying members of a political party has been crucial for gangs to be able to influence them once members have won the elections. Iqbal noted that his political allegiance will change according to the political party that has won the national and state elections.

Iqbal uses his extensive networks with local gangs to ensure that trucks moving his consignments go unchecked. Lockdown enforced border restrictions and multiple check-points could have inconvenienced legal cargo movements, but they did not halt the parallel movement of illicit goods on the same routes. Official reports stated that the total drug seizures across the country increased by 15 per cent between 2019 and 2020 from the year before.¹⁷ However, these seizures, though numerous, involved modest amounts of opioids, with cannabis being the most seized drug. Uttar Pradesh reported the highest amount of cannabis seized in the country and recorded numerous arrests under the national anti-drug-trafficking legislation.¹⁸

Criminals leveraged their connections with members of political parties to ensure the transport of consignments of illicit goods during a period of enforced border restrictions.

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During the COVID-19 pandemic, police were focused on the rise in highway robberies, murder and extortion, largely overlooking the role of armed groups. © Sunil Ghosh/ Hindustan Times via Getty Images

CRIMINALIZATION OF THE POOR

The Indian Constitution allows individual states to legislate and implement laws applicable within state jurisdictions, making law enforcement entirely a state subject. In western Uttar Pradesh, the three most frequently invoked laws dealing with organized crime prior to the pandemic were the Narcotics, Drugs and Psychotropic Substances Act 1985 (NDPS); the Arms Act 1959; and the Gangsters Act and Anti-Social Activities (Prevention) 1985.

The Gangsters Act is a legislation applicable only in Uttar Pradesh. While the NDPS and Arms acts – regulating drugs and guns in the country – define illicit trafficking and contain rigorous sentences, the Gangsters Act can be levelled against anyone with seemingly innocuous, unproven charges, such as petty thieves or even protestors and journalists. This state law, enacted out of an ordinance without parliamentary debate, seeks to differentiate ‘declared criminals’ (gangsters) from ‘ordinary criminals’ (petty thieves), listing 25 offences considered ‘anti-social activities’. Many of these offences overlap with other existing acts, leading to problematic interpretations.

All of these acts provide sweeping executive powers and diverge from India’s Code of Criminal Procedure (COCP), leaving no accountability for officials belonging to an already compromised civil administration. Instead, these laws burden marginalized communities – largely landless daily-wage earners – to prove their innocence with no mechanism that ensures police accountability for wrongful arrests, procedural oversight and even murder. Principles of ‘good faith’ and ‘self-defence’ are tipped heavily in favour of law

enforcement, leading to templated official versions of how an accused has either been killed or injured in an 'encounter'.¹⁹

Armed gangs who offer logistical support to criminals like Iqbal operate with impunity. During the pandemic, the role of criminal groups and their armed gangs were overlooked as the police and local media were focused on the rise in highway robberies, murder and extortions. However, Uttar Pradesh police lodged 5 558 cases under the Gangsters Act between January 2020 and June 2021.²⁰ Although the act has been invoked against protestors and journalists,²¹ it is most frequently brought to bear against people who are being investigated but not yet charged under other criminal laws. The rationale offered in support of the Gangsters Act is that it provides a deterrent to ensure that the accused, while out on bail, does not commit similar crimes.²²

The police have alleged that the return of migrant workers into the region, following the first lockdown, led to a rise in the number of small gangs working autonomously. These new actors, referred to as 'gangs from West Uttar Pradesh', were and still are being held responsible for the rising number of crimes and the smuggling of illicit commodities.²³ However, entrenched gangs and their recruitment patterns remain muted.²⁴ The official line continues to attribute poverty and precarity to a rise in violent crimes and small-gang activity. Proof of this is shown in the arrests and seizures of individuals, paraded as gangsters, which ensured that no further investigations were made to explore either the recruitments that were carried out by existing gangsters or their role in adapting their operations under lockdown.²⁵

Increase in demand for illicit items, including pharmaceuticals during the COVID-19 waves, did open up opportunities of livelihood for the millions of migrants who returned to Uttar Pradesh from other states. The lure of the illicit economy outweighed agrarian work in the region, which saw a depression in wages as the number of distressed migrants and daily-wage workers increased.²⁶ Many found their way to illegal makeshift gun factories, which sprang up in sugarcane fields.²⁷ Underground caves were used to melt, cast and assemble guns that would be trafficked across northern India. Others found work in existing criminal networks, run by gangsters such as Mooch, participating in highway robberies and extortion.²⁸

The number of arrests in the state of Uttar Pradesh between March 2020 and August 2021 for violating lockdown protocol, hoarding and black-marketing medicine and medical equipment, and smuggling liquor and drugs fuelled the established gang networks in prison, perpetuating criminal networks instead of deterring them. Many detained people found support in patronage networks where legal aid was offered in exchange for their services to gang members. While in prison, alleged gangsters such as Mooch continued to run their operations. They even looked to expand their existing networks by recruiting youths so that they would receive lighter sentences should they be arrested for murder, extortion or possession of illegal weapons.²⁹

In instances in which illegal ordnance factories in the sugar-cane fields and trucks smuggling drugs or guns had been seized, according to Iqbal, the police would be 'tipped off' as a result of local and smaller gang rivalries that were competing over residual drugs and alcohol moving in large numbers across the country. 'Tip-offs' would occur when

such gangs lost distribution contracts to similarly placed groups in the locality, a common consequence of inter-gang rivalry in the region.

Despite his profits from the pandemic era, Iqbal's distribution chain was affected by local tip-offs in other states. These inter-relationships between armed gangs and their rivalries were not covered in the media or by local enforcement officials. The media and law enforcement officials have effaced the crucial relationship between the so-called autonomous groups and entrenched gangs, especially in towns and villages known to be controlled by dominant caste gangs.

By 2022, Uttar Pradesh's migrant and daily-wage communities had found themselves in debt traps, as electricity, food and general livelihood costs became untenable. They struggled to recover from the economic impact of the pandemic. Many would earn between US\$3 and US\$6 in the cities, but as low as US\$1.5 in Uttar Pradesh. These communities began turning to informal economies or borrowing money to make ends meet. The government has announced several welfare schemes to support 'persons affected by the pandemic' through housing, bank accounts and cash transfers and food grains, but these schemes are not accessible to all affected people and have evaded a large number of 'intended' beneficiaries.³⁰

Government agencies with the responsibility to implement these schemes rely on *panchayats* at the grassroots level. This endows immense power on local government positions, which are inextricable instruments of caste assertion. Most gangsters and members of criminal groups' overarching goal is to be elected to such positions, at the seat of local power over land, economics and people.



THE POLITICS OF ORGANIZED CRIME

Criminal groups influence local body elections in Uttar Pradesh, seeking control over the award of contracts.

© Photo by Prakash Singh/AFP via Getty Images)

One of the most important events linked to how criminal groups influence political structures are local body elections. These elections in India are different from national and provincial elections in terms of the sheer number of candidates who compete for public office. The votes polled can range from 200 per seat to 10 000, determining the prospects of over a million candidates.³¹ Elected officials hold highly influential positions in the distribution of food and supplies, government contracts and the procurement of essential medicines.

During the local elections held in April 2021, a district supply officer interviewed in Shamli attested to how caste alliances had allowed a nexus to develop between the local *pradhan* (elected village leader) and the government-contracted ration-shop dealers (public-distribution shops).³² The *pradhan* is instrumental in the practice of awarding contracts, often given to common caste members. The interviewed officer stated that the district administration was aware of the numerous instances in which *pradhans* and the ration-shop dealers were diverting relief rations allocated during the lockdown into the black market.

This is just one of many privileges that election to public office offers in the award of contracts and the overseeing of local governance. Elected officials also are also an important bridge that work alongside civil and police administration to arbitrate disputes. The *pradhan* can assist in the release of seized vehicles, obtain bail for violent offences or falsely accuse rival castes of hoarding and trading goods on the black market.



Electoral candidates use arbitrary means, including gun violence, to secure the votes of other caste groups.

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Periodic elections offer the region's dominant castes an opportunity to maintain the status quo in terms of their assertion over the political economy. Members of dominant-caste gangs either enter the election as candidates or work through proxies from common kinship networks to secure their stakes.³³ Votes are determined by caste arithmetic, where candidates first secure the votes of their own caste and then use arbitrary means to secure the votes of other caste groups. Arbitrary means include gun violence, crude bombs, stone-pelting, use of muscle men to coerce and campaign, and the distribution of money and liquor.

Ahead of the local-body elections in April 2021, guns and alcohol were particularly in demand six months before across the 73 administrative divisions of Uttar Pradesh. A senior police official posted in Meerut during the lockdown said that political parties had placed orders with liquor mafias in the neighbouring state of Haryana, which shares a border with western Uttar Pradesh, to procure large quantities of alcohol.³⁴

The ability to bring these resources to bear on the election process requires scores of paid workers who work around the clock to keep the voters engaged. The distribution of money and liquor helps neutralize the contested arithmetic of garnering votes from different caste groups, a strategy that uses a mix of violence and pre-election standard

operating procedures to determine how voters aligned to their respective caste groups agree to vote for a candidate.³⁵

In one city, Iqbal entered the electoral fray using much of his gains from the pandemic to ensure that he contested the election without the backing of a political party, and that he contested candidates backed by both the principal opposition and ruling parties. Party-backed candidates can campaign with the financial support of their party, but independent candidates, on the other hand, can only compete if they have the necessary financial resources.

Iqbal stated that many electoral candidates in other towns benefited from the availability of guns and alcohol. Armed gangs supported polling stations, distributing alcohol and money. The first wave of the pandemic had offered sufficient time for gangs to book large orders with suppliers of arms in the region. As a result, in the run-up to the elections, and soon after, Uttar Pradesh witnessed unprecedented poll-related violence.³⁶

The poll violence was largely muted in the news. Law enforcement attributed the violence to unknown elements, even as opposition parties accused the police of helping grassroots political activists from the ruling party to carry out acts of violence.³⁷ This completed an arc of silence on organized crime in the region and the origins of gun violence by deflecting attention with petty arrests made to implicate alleged criminals involved in the hoarding of essential commodities.

Iqbal was able to win his election in a district of Uttar Pradesh. One of the dominant parties had three winning candidates but needed a total of five votes to be able to secure the majority vote and elect the district chairperson from its party. Iqbal agreed to support the ruling party with his vote in return for protection and funds to recover his electoral expenses. Such negotiations occurred across other hotly contested elections and eventually resulted in the popular mandate being secured by the dominant castes of not just western Uttar Pradesh but across the state. In western Uttar Pradesh, the Jats and the Gujjars won a sizeable number of seats in the areas that surround the towns of Meerut, Muzaffarnagar, Saharanpur and Shamli.

Criminal actors like Iqbal have invested their pandemic gains into electioneering, which often leads to their victory in local elections. The period following the elections resulted in informal economies and criminal economies exploiting potential for sand mining, the land market and government contracts that had stalled during the lockdown. New forms of labour dependencies due to informal credit networks that now support household subsistence have been revealed. Precariously placed persons are exposed to loan sharks who are invested in criminal economies who use credit networks to create conditions of subservience to generate a working labour army that supports the changing trajectory of the criminal economies.



Recommendations for tackling illicit flows include regulating trucks carrying goods, using weight-sensitive technology to determine whether the vehicle's weight has deviated from the point of origin. © Sanjay Kanojia/ AFP via Getty Images.

CONCLUSION AND RECOMMENDATIONS

Politics are at the core of organized crime in western Uttar Pradesh. Large syndicates responsible for the flow of illicit goods have remained untouched, and criminal activities operate tacitly out of hotspots such as Muzzafarnagar and Shamli. Criminal law has proven inadequate in addressing the numerous flows of illicit goods from drugs to arms, but effective in violating human rights for socio-political gains.

The tentacles of organized crime are so pervasive that solutions would need to cut across criminal law and prison systems, labour, land and educational reforms, and policies that regulate the transportation of goods. Proper implementation of law and policies is integral to curbing crime and the trade in illicit goods.

While a plethora of laws do exist to curb drug and arms trafficking, law enforcement rarely follows the required mandate, especially when it concerns rights underlined in the COCP. This has led to criminalization of marginalized communities who have no connection with the bigger syndicates responsible for orchestrating these illicit flows. This enables impunity, where evidence can be planted during seizures, as magistrates who are required by the COCP to oversee seizures are never present.

However, the following recommendations for the national and state governments aim to minimize the reach of criminal governance in the region:

- Avoid keeping gangsters from the region as inmates in prisons located in areas of their operation. Prisons are breeding grounds for caste-based gangs to expand their networks, for inter-gang rivalries, and for violence and custodial torture.

Western Uttar Pradesh jails are filled with convicted gangsters and undertrials, especially minors who are wrongly sent to adult prisons and are recruited by gangs in return for bail and monetary support.

- Provide livelihood support to agrarian labourers. Regularization of wage payments to agrarian labour and the expansion of the National Rural Employment Guarantee Act (which guarantees 100 days of work at minimum wage) are necessary to ensure livelihood support. Fixed location earnings offer the potential to limit migration and reduce the risk of such persons entering criminalized networks to meet subsistence levels.
- Introduce land reforms to keep marginalized members of society away from the criminal economy. Much of Uttar Pradesh's common land, legally attached to the office of the local elected representatives, has been illegally occupied by dominant caste members and awaits eviction procedures. As elected officials are also members of the dominant caste groups who have their investments in illicit economies across the region, the state government may order its local executive officer to confiscate these lands and distribute them to the landless poor.
- Regulate trucks carrying goods. Introduce guidelines into the Indian Motor Vehicles Act and use barcode technology on the trucks to ensure that their weight at the point of origin remains consistent throughout the transit route. This can be monitored by ensuring that toll checkpoints are enabled with weight-sensitive technology to ascertain whether the truck's weight has deviated from the point of origin.
- Conduct electoral reforms. Electoral reforms are necessary to ensure that candidates running for public office are restricted from furthering their own interests, and those of their caste, after the elections. Strengthening grassroots advocacy, social audits and the use of the Right to information Act are productive ways of ensuring that arbitrary decisions regarding the award of public contracts are made more transparent.

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