

DANDUPALYA: THE REALITY CHECK ON MODERN CRIME

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Abstract

Crime has now taken on a new avatar. It is new, evolved and now, without reason. At the very inception of this pursuit to go into the depths of modern crimes, it must be said that the study of the notorious gang of ‘Dandupalya’ (India) does not only open the back doors and throw light on the effect of Indian criminal laws alone but also springboards to a much more universal subject which deals with the effectiveness of deterrent values of criminal laws and highlights certain social problems that Indian society is inherent with. Certain parallels have also been drawn with established theories of criminology to try and understand the mindset of the gang itself thus highlighting aspects of education, environment etc. with relation to crime causation in India. The reasons of crime causation have now come to light in a new and unprecedented way all due to the actions of this notorious gang. ‘Dandupalya’ is a small village situated near Bangalore ([India](#)) and was brought into the limelight when a dozen members of an extended family, some of who settled in the village began killing and looting at will. They were known as ‘The Dandupalya Gang.’ This was the first instance of such crime in India where there was barely any motive, no provocation, absolute disregard for consequences and ruthless and large scale murder, rape and theft at will. Shockingly, they had a persistent obsession with slitting throats as well which was the signature trait of the gang itself. A parallel has further been drawn between a restricted scope of organized crime, and the ‘Dandupalya’ crime spree while studying the failure of police functions in this regard and thus exposing the mindset of these criminals with regards to their deviant functioning.

Keywords: Dandupalya, Modern crime

“Even till date the gang members do not repent their crimes.”¹⁶⁹

The Charge Sheet

As many as 112 cases were allotted in 2002 to the court located on the Bangalore Central Prison premises and it was named as the Special Court for Dandupalya gang cases. The Dandupalya gang members gained notoriety for their gruesome crimes where their victims were robbed and had their throats slit. They were arrested by the then Joint Commissioner of Police (Crime) Suresh Babu in 1999. The cases related to Bangalore were investigated by Inspector Chalapati.¹⁷⁰

The shocking crimes include the murder and rape of a woman from whose house a total amount of 2.5 lakhs worth of jewelry was stolen in the Vijayanagar police station limits on the 28th of October 1999. Raksha Shetty was murdered in the Ramamurthy Nagar police station limits on the 20th of February 2000 and the murder case of Nazarbad in Mysore was

¹⁶⁹ The Hindu, Staff Reporter, June 28, 2012

¹⁷⁰ The Hindu, Staff Reporter, Friday, October 1st, 2010

also a charge levied against the gang. Sudhamani, on March 22nd, 2000, was murdered and robbed of jewelry worth 1 lakh in Kamashipalya police station limits.¹⁷¹

The traits of a typical Dandupalya gang operation was slitting the throat, washing the weapons at the place of crime and assaulting those present at the scene¹⁷². A crime by the Dandupalya gang was very evident because of the gruesomeness and monstrous nature of it. Aged people were targeted and on the whole victims were raped, killed and their throats slit. Most times it was for monetary motives but the alarming part of their entire spree was that at times they would not even need to kill or slit throats as the victims would readily give up their money in fear of life thus making it safe to assume that the gang members themselves were deviant to the point of a being obsessed with killing by slitting throat.

The Strategy

The gang's reach spread across Kolar, Bangalore, Mandya and Mysore in Karnataka, Hosur and Denkanikote in Tamil Nadu, Chittoor and Ananthpur in Andhra Pradesh.¹⁷³ What must also be noted is their style of operation was very planned and executed with precision. They would, select lonely houses on the outskirts of a town and target those houses with few members present during the day. One of them, Gangamma, would send her daughters-in-law to survey the area and select a house. The women would go during the day in the guise of toilet-cleaners and bangle-sellers.

Once the target was identified, they would disconnect all their telephone and electricity lines. They would bolt the doors of neighboring houses to prevent others from coming to the victims' help. The most shocking part of their entire crime spree was that they would slit the throat of every one of their victims which eventually started became a trademark of sorts of the crime gang. The numbers just kept increasing and they had a total count of 80 murders and over 110 cases of robbery.¹⁷⁴

Parallel Theories to the Behavior Pattern

The universal phenomenon of anti- social conduct does not merely restrict itself to a function of group life but extends to include the variables of cultural status and social organization of the group.

Edwin Sutherland in his theory of '*Differential Association*'¹⁷⁵ in the early 1900's held that the act of crime and criminal behavior is learnt from others indulging in criminal acts, and especially from those people who directly form ones inter personal groups. Sutherland's theory thus stresses on the following core characteristics that serve as the foundation for '*Differential Association*':¹⁷⁶

Firstly criminal behavior is learnt through the means of communication from one person to another. Secondly this learning takes place through the common medium of an intimate personal group. Further, what is taught is not just the art of committing the crime but also its rationale, attributes, mentality etc. all of which is picked up from the others. Lastly '*Differential Association*' varies in frequency and intensity and there is often a favorable situation that initiates the crime in the mind of the criminal. This situation is so called '*favorable*' by virtue of the fact that the situation itself must portray an easy get away or provides an escape from the stronghold of the law.

¹⁷¹ *Ibid*

¹⁷² The Hindu, Staff Reporter, Wednesday, Sep 01, 2010

¹⁷³ The Hindu, Staff Reporter, Friday, Oct 01, 2010

¹⁷⁴ *Ibid*

¹⁷⁵ Nancy J. Herman, *Deviance: A Symbolic Interactionist Approach*, Chapter 7, pg.64

¹⁷⁶ Edwin Hardin Sutherland, Donald Ray, *Principles of Criminology*, pg. 93

The ‘Dandupalya Gang’ surprisingly was very closely linked to this theory of Sutherland. They were from a common background, essentially the same village. They were all children of poverty and lived their life in the same conditions. They thus, belonged to the same inter personal group, and hence when a few indulged in crime and got away with it, the rest followed suit.

The gang is the living proof of this theory. At the initiation of their crime spree they consisted of about 11 people and were most active between the years of 1997 to 2001. When caught, there were about 75 people on the whole, rowdies, who claimed allegiance to the gang. The gang itself consisted of about 30 people including men, women and children.¹⁷⁷

A parallel must more be importantly drawn to the debate of the Nature theory v. the Nurture theory which highlight causation of crime and tries to determine whether the choice of causing the crime exists in the individual, or in the individual interacting with other individuals or is influenced due to external factors.

The Nature theory essentially states that one of the most important factors that play a role in crime causation is the natural state and intelligence of man. William Healy was the most significant contributor to this theory. William Healy stressed on individual determinism when he stated that "dynamic center of the whole problem of delinquency and crime will ever be the individual offender."¹⁷⁸ Thus stating that an unbiased choice always resides in the individual offender and because of his low intelligence quotient, he indulges in the acts of crime.

On the other hand, the Nurture Theory states that individual intelligence, must be looked as a partly biological phenomenon as seen in the nature theory but most importantly a completely sociological phenomenon¹⁷⁹ because intelligence is not something that is not entirely inherited by birth but is rather a culmination of factors such as environmental, social, home factors, etc.

Sociologists have time and again explained criminal behavior in terms of poverty, broken homes, residential zones, ecological processes, social disorganization, and differential association¹⁸⁰ thus proving the nurture theory in its essentiality.

The nurture theory further overrides the nature theory because one cannot assume that since parents have a low intelligent quotient the child must too,¹⁸¹ as the argument is baseless making the nature theory redundant when compared to the nurture theory.

When we now infuse the nurture theory into the Dandupalya situation, the result is but obvious. Dandupalya is but a small village with barely 400 families where most of the people are ‘*Kuruva*’ (cattle rearers) and belong to the schedule castes who live on a day to day basis.¹⁸² They are thus in the search of salvation from the fires of poverty and hunger and most of them are uneducated due to the lack of infrastructural facility. With these conditions it is but obvious that they would indulge in crime because the lack of education, poverty and the social surrounding lead to the less I.Q which under the nurture theory causes crime.

It would be interesting to note the effect of the *home environment* with regards to the work of David T. Lykens.¹⁸³ The ‘Home environment’ is essentially what makes the personality traits of an individual and in Lykens opinion, was a strong reason for causing crimes. It is because of the home environment itself that some people are more susceptible to

¹⁷⁷ DNA (India), M. Raghu ram, Wednesday, May 27, 2009

¹⁷⁸ William Healey, *The Individual Delinquent*, Boston: 1915, p. 22

¹⁷⁹ Larry J. Siegel, *Criminology: Theories, Patterns, and Typologies*, pg 162

¹⁸⁰ Clarence R. Jeffery, *The Structure of American Criminological Thinking*, 46 J. Crim. L. Criminology & Police Sci. 658 (1955-1956)

¹⁸¹ John Slawson, *The Delinquent Boys*, Boston: Budget Press, 1926

¹⁸² V Shoba, *Dandupalya- The name that stuck*, The Indian Express, Sunday, March 18th, 2012.

¹⁸³ David T. Lykken, *The Antisocial Personalities*, pg. 203

causing crime compared to others. According to the former secretary of Health, Education and Welfare, Louis Sullivan (1992) only 20%-30% of juvenile criminals come from intact families and the rest are all from families that were either broken or incomplete with either parent missing thus portraying the effect of the home environment in the world of crime. It is the home environment that generally opens people to the world of violence and makes them more tolerant towards acts of aggression.

Thus, families in Dandupalya due to poverty and the ecological conditions aim at migrating to the cities for work, which leads to families breaking and can have a very detrimental effect on the youngsters.

Organized Crime

It's surprising to see that even though the gang was not an organized crime group on an international scale, they created an impression and everlasting dent by virtue of a new genre in the world of crime demonstrating that there is a very dire need for new laws on the domestic scale.

The essentiality of the Dandupalya crime spree is that they functioned as a 'gang.' Before dealing with the legal accountability of a 'crime gang' the Dandupalya episode itself can be said to fall under a restricted purview of 'Organized Crime,' but the question posed now is that are the penal provisions of 'Organized Crime' strong enough to handle such modern day crime.

Organized crime is defined as "Long-term criminal activity conducted in a structured and systematic manner, with the aim of generating illicit income".¹⁸⁴ The 'Dandupalya' crime spree was one of the most successful crime sprees to ever run in rural areas and even though the gang is not included under the head of an 'Organized Crime Group'¹⁸⁵ as it is not a transnational crime group in nature, they posed a just as big threat as they were motiveless and killed for the sake of killing. Moreover the structure itself of the crime group was very well established which was another reason why it was so successful in all their crimes and at the same time, successful in avoiding the police. The entire structure was the main reason for their success rate because like any successful organized crime group, the Dandupalya gang consisted of a durable core of key individuals, chief among who was 'Krishna' and around who was a circle of subordinates, specialists, and other transient members. What gave them an added advantage was their group of other disposable associates who would join the core gang from time to time thus making the gang itself like a shade of mist, uncatchable and untraceable.

The Dandupalya gang can be studied in relation to 'The Brinjaree Thugs'¹⁸⁶ who were a gang of notorious thugs but would easily avoid detection due to their nomadic life style. Since, they were always all on the move it would be impossible to trace any crime back to them, and to a large extent the same was true with the Dandupalya Gang too.

This was the first time in India that Organized Crime of such a level had started taking place in rural areas. As of now, if we were to see to the legal provisions dealing with the same, we could start at Section 120 – A of The Indian Penal Code, which defines criminal conspiracy as two or more persons who agree or cause to do an illegal act or a legal act by illegal means. Section 120-B speaks of punishment for the same in the form of fine or imprisonment or both. Section 379 of The Indian Penal Code talks about the punishment for theft wherein whoever commits theft shall be punished with imprisonment of either

¹⁸⁴ Blacks Law Dictionary

¹⁸⁵ Art. 2 of the UN Convention against Transnational Organized Crime (adopted 15 November 2000, entered into

force 29 September 2003) UN Doc. A/55/383

¹⁸⁶ James Hutton, *A Popular Account of the Thugs and Dacoits*, pg 9

description for a term which may extend to three years, or with fine, or with both. Section 302 of The Indian Penal Code awards a death sentence or life imprisonment as a punishment to murder.

Section 396 states the law on 'Dacoity' with murder wherein if any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Hence, from the above references there arises an alarming question which poses a great threat to society even today.

Is Justice truly served?

Is justice truly served if we hold the 'Dandupalya gang' guilty only under the heads of the above given penal provisions and if not, what are the added legal provisions that we can include their crime spree under?

The answer to this question is not a simple one. The 'Dandupalya' crime spree posed a twofold problem. Not only were there joint cases of murder, theft and rape but also for a crime spree like the one caused by the 'Dandupalya' gang, the only thing that they functioned on was their own will and fancy and thus, had little or no regard for any preventive or deterrent effect any law had on them.

Their social status and poverty could be a major reason for the same but in their cases, they at times murdered, for the sake of killing. The obsession of theirs with slitting throats is also sound proof that they were mentally instable. At times they did not even need to kill as families were readily giving up their money to them but yet they committed murder. Thus, when one murders for the sake of murdering, without any financial, sexual or substantial motive, why are the laws not more stringent on them. Agreed that a death penalty is the last and most devastating resort in such circumstances but the law must come down harder in the form of, maybe trying to justify harsher methodology in the worst of the worst cases so as to gain any further information, to such hard willed criminals without motive because the main aspect of criminal laws is to, at the end of the day, provide a deterring effect on other similar willed criminals and by taking a step in this regard against such sort of criminals the state immediately send out a message to other such psycho criminals that when it comes to public interest, nothing is excusable. The 'Dandupalya' gang is definitely not the last of such free willed merciless criminals and if the state needs to cut such criminals in the bud, much more harsh laws are required as of now because crime when on motive is understandable but crime when on free will and fancy, is not and the same message must be sent out by the state while guarding the interest of the public before more and more criminals adhere to the 'Dandupalya' crime methodology.

The Law on Gang Violence

Well, the harsh and bitter truth is that till date there is no such central legislation in this regard. The need to suppress 'Gang Activity' should be the first prerogative of the legislature today because 'Gang Crime' is such a phenomenon that it firstly makes the criminals involved fearless because of the belief that the other gang members will always support each other. Secondly, by virtue of this, the entire purpose of having criminal law as a deterrent is lost and last and most importantly, gang criminal activity is the most influencing sort of criminal activity that is present today to which the 'Dandupalya' case is itself a witness as more than 75 rowdies claimed loyalty and showed their support to the dangerous gang of criminals by the time they were caught.

When functioning in a gang, it is also harder to calculate who and how many members are the key members of any gang and also, how many members are associated with them on the whole. This was proved again by the ‘Dandupalya’ gang because even after they were caught, the then Joint Commissioner of Police (Crime) Suresh Babu (1999) who was responsible for the capture of the infamous crime gang was threatened by the gang members he captured that their ‘friends’ outside jail would kill him¹⁸⁷. Till date nobody is sure whether each and every member of the ‘Dandupalya’ gang was captured or not and the fear is that even today a few members may still be on the loose.

Even after such a reality check on gang violence the legislature fails to take cognizant of this fact and come up with necessary laws. The only saving grace in this regard is ‘The Uttar Pradesh Gangsters and Anti- Social Activities (Prevention) Act, 1986’ which looks to suppress gang activity however, this is applicable to the State of Uttar Pradesh only.

Education and its Rippling Effect

As already proved by the ‘Nurture theory’ stated above that less I.Q and lack of education can play an instrumental role in crime causation. Further, The Dandupalya Gang exposed the existing and alarming gap with regards to education within the urban and rural areas.

Education was put into the concurrent list of India¹⁸⁸ thereby putting substantial responsibility and a need for action on both the State and the Centre respectively.

Further, Article 21-A in the Constitution of India to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine.¹⁸⁹

However The Dandupalya Crime spree exposed another set of problems. Firstly it showed the dire need for proper implementation of the law in rural areas. The law and funding for its implementation does not always penetrate to the lowest level of society. The rural, who the urban treat as outcasts and who are generally left out, in light of the Dandupalya event, show the rippling effect it can have. Education itself is the first step to reduce crime and thus, proper steps must be taken to assure that the youth of today is taught not to indulge in the crime of tomorrow.

Further, post 14 years, there is a lacuna in the law as to what medium of education is to be given to the youth. Way back in 1999 also, it was seen that qualitative data from the PROBE survey suggest that parental interest in education is generally quite high. Most parents would like their children (particularly sons) to be educated, and favour compulsory education for all children.

However, they have a dim view of the schooling system. Low teaching standards are their main complaint and in rural areas this has continued till date with no substantial action being taken by the government thus resulting in the birth of such hard willed criminals from the rural region.¹⁹⁰

An individual with a low level of education is left with little or no alternatives to a livelihood thus being more susceptible to commit a crime than other.¹⁹¹

¹⁸⁷ *Supra*, 2

¹⁸⁸ The Constitution (Forty-second Amendment) Act, 1976

¹⁸⁹ The Constitution (Eighty-sixth Amendment) Act, 2002

¹⁹⁰ Jean Drèz, *School Participation in Rural India*, 1999

¹⁹¹ TJ Rephann, *Links between rural development and crime*, Papers in Regional Science, 1999

The Executive's Job

Police functions of a state are instrumental in carrying out duties to ensure law and order in the state. However, when it came to nabbing the Dandupalya gang, the police efficiency was brought into question.

"The former Police Commissioner, Mr. S.C.Burman, said that as police nabbed more than a dozen members of the Dandupalya gang earlier and gathered information from them, it may not be difficult to apprehend the absconding criminals. ``Despite all these, why police are not been able to catch them is really puzzling," he observed.

The two former Director-General and Inspector-General of Police, Mr. B.N.Garudachar and Mr. K.Ramalingam, suggest that getting a thorough knowledge of the gang and pepping up the crime-detection staff should be the priority of police.

They said the staff should be encouraged and their crime-detection knowledge enhanced. Police should first ascertain the strength of the Dandupalya gang, deploy informants and exchange information with public about the gangsters. They should also compile a list of murders that had taken place in the past three or four years and keep a watch on the movements of those involved in them,"¹⁹²

The crime branch literally took years to nab this gang thus, clearly showing that crimes of this nature need to be looked into and the executive must be more ready to take charge of such issues. Infrastructure, mindset and readiness of the executive officials are indeed the need of the hour if the society requires a faster action to such situations.

Conclusion

In conclusion, it can only be said that the State should stop sleeping on its duty to make effective and dynamic laws that keep evolving with the evolving face of crime in order to protect the society at large. Crime is not anymore about a theft or a murder with a financial or at times a sexual motive. Crime is no more a singular entity act. Crime is not what it used to be. It's time the state wakes up and understands this simple fact. Education in all sectors is a must if our society needs to develop. Development means developing with society as one single unit thus leaving no section behind. Further there is also a need to separate a 'crime gang' statutorily and provide a separate set of penal provisions for the same. Lastly, it is the executives job to ensure the well-being of society. The fact that the police took years to catch an untrained and uneducated set of criminals speaks volumes for itself questioning the response of the police to such matters. There is a need for a better and more efficient system if we are to tackle crimes of such a nature hence forth. Once this is achieved, the average Indian citizen would feel a lot safer as these provisions are a must to tackle such evolving crime. Crime never sleeps and hence neither should our law or its makers.

¹⁹² The Hindu, K.V.Subramanya, Sunday, Aug 5th 2001