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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

LEGAL REFORMS AND POLICY GAPS – THE NEED FOR A COMPREHENSIVE FRAMEWORK TO COUNTER NARCOS TERRORISM IN INDIA

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Abstract

This paper studies the legal framework in India and points out the major gaps. This research clearly shows that India must create a well-connected policy system which does not deal the fight against the Drugs and Terrorism separately and not like a two different topic, instead of this deal with them in one framework with intel sharing, anti-drug law and counter terrorism strategies. The link between the drug trafficking and terrorism in India is shows a serious weakness in the current legal framework. Today, narcotic offences are dealt with Narcotic drug and Psychotropic substance (NDPS) act, 1985, while terrorist's activities are dealt with Unlawful activities (prevention) act, 1967, and with some provision of Bhartiya Nyaya Sanhita (BNS), 2023. All the laws governing these offenses work separately and there is no coordination even if the incidents/offenses are of the same reasons or share the same base. This separation creates procedural gaps, which helps the offenders and their legal representatives to exploit loopholes during the trial and investigations. Narco-Terrorism is most dangerous threats to India's internal security, because of the illegal drug trade in India and terrorist groups are use the smuggling and sale of drugs for their funds. This research paper suggests reforms such as establishing narco-terrorism courts and suggests enhancing or improving the border surveillance and improving the inter-agency coordination.¹

Synopsis

This study highlights the intertwined threats of the drug trafficking and narco – terrorism, emphasizing how illicit drug economies directly support the militant and insurgent activities. This study highlights the policy gaps and lack of coordination in India's current policy and legislative framework, such as NDPS act, UAPA, which are frequently carried out in isolation despite the

¹ Shubhra Sanyal, *Narco-Terrorism: A Persistent Thread* (SSRN, June 4, 2025), <https://ssrn.com/abstract=5341801>.

danger's integrated nature. It provides this issue by drawing on legal, governmental, and global reports. In order to successfully break the link between organized crime and terrorism and improve national security, this paper makes the case of immediate implementation of a comprehensive legal operational strategy that includes specialized courts inter agency intelligence sharing, and strict surveillance at the border.

Introduction

Narco- Terrorism is a highly dangerous hybrid threat that combines terrorism and drug trafficking. India is highly susceptible because of its closeness to the Golden Triangle and Golden Crescent two important drug- producing regions.² The money made from the illegal drug trade funds insurgent activities, finances extremist organizations, and undermines government stability in border states.³

Nonetheless, terrorism and drugs are treated as distinct issues under the current Indian legal system. In India, drug related offences are governed by the Narcotic Drugs and Psychotropic Substances (NDPS) Act of 1985, whereas terrorism is covered under the Unlawful Activities (Prevention) Act of 1967. Despite being a more contemporary penal code, Bhartiya Nyaya Sanhita (BNS), 2023, does not yet have a cohesive structure or framework that connects these areas.

The ability of states to react properly and effectively becomes impaired by the enforcement and procedural errors and mistakes that this disjunction causes. Indian Penal Code (IPC) from the colonial era, was replaced by the Bhartiya Nyaya Sanhita (BNS), 2023, as part of the government's recent efforts to enhance country's Criminal Justice System. Even the BNS, though, fails to address narco – terrorism as an integrated threat. This indicates how urgently a comprehensive legislative and policy system that integrates counterterrorism, and anti- narcotics measures must be developed.

² N.K. Singh, Drug Trafficking and Narco-terrorism as Security Threats: A Study of India's North-East, **69 Indian Q.** **65** (2013).

³ Kshitij Prabha, Narco-Terrorism and India's Security, **Strategic Analysis** (Inst. for Def. Stud. & Analyses, Oct. 22, 1998).

Law enforcement, intelligence sharing, monetary surveillance and legal procedures should all be coordinated under such a framework. Significant initiatives toward accomplishing the goal consists of setting up specialized narco- terrorism courts, establishing a National Narco Terrorism Coordination Centre (NNTCC), and encouraging international collaboration through agencies such as UNDOC and Interpol.

Objective

This research paper aims to determine the investigation of the legal and policy gaps caused by anti-terror and anti-drug and agencies being kept apart. And to examine how drug money supports extremist activities and affects internal security of India, as well as the connection between drug trafficking and terrorism. This paper also highlights the provision of the NDPS Act 1985, UAPA 1967, and Bhartiya Nyaya Sanhita (BNS) 2023, are examined in order to evaluate how well they address the issues of Narco- terrorism.

Research Methodology

This research is doctrine-focused, analytical, qualitative, in its nature. It seeks to critically analyze the institutional structures, laws, and policies currently in place in india that deal with terrorism and drugs, as well as investigate the connections between the two phenomena, which are collectively referred to as narco-terrorism.

In order to create a cohesive and complete strategy to combat narco-terrorism, the study aims to draw attention to the shortcomings and gaps in the existing legal structure and suggest reforms.

Review of existing research

Since the 1980s, when the phrase first used to characterize insurgent groups in Latin America, like the FARC in Columbia, that financed their operations through drug trafficking, narco-terrorism has gained international recognition. Similar conditions have been noted in Afghanistan and Myanmar where networks of militants are financed by the illicit trade in opium.

In India, there have been reports of link between drugs and terrorism in areas such as the northeast, Punjab, and Jammu Kashmir. Enforcement is dispersed as a result of the National Investigation Agency (NIA), Intelligence Bureau (IB) and Narcotics Control Bureau (NCB) frequently working in silos.

According to studies conducted by the National Security Council secretariat (NSCS) and the Institute for Defense Studies and Analysis (IDSA), hostile organizations use cross border drug trafficking to undermine India's economy and society.

Existing legal frameworks

In the Narcotic Drugs and Psychotropic Substances Act, 1985, Production, sale, Possession, transportation of narcotics drugs and psychotropic substances are illegal. NDPS act imposes severe penalties, but it fails to address national security issues and only addresses the drug trade.⁴

The Unlawful activities (prevention) Act assigns authorities the power to stop terrorist activities and seize money linked to terrorism. It does not, however, contain provision for inspecting into prosecuting cases in which drug trafficking is used to fund terrorism.

Although the Indian Penal Code (IPC) has been taken over by the BNS with upgraded and modified provisions, narco-terrorism is not specifically defined or tackled as separate offence. Offenders know how to take advantage of legal ambiguities because of this gap.

Identified Policy Gaps

Lack of an integrated framework. There is no common or centralized operational or investigative framework between the NDPS and UAPA. And there is lack of data sharing among state police, NCB, NIA, and BSF. Because of this, there is weaker intelligence inter- agency coordination.

In some areas India's borders with countries such as Pakistan, Bangladesh and Myanmar are unmonitored and porous. Because illicit substances and terrorism are treated as separate crimes by court, these cases frequently result in disjointed trials and shaky convictions.

⁴ Press Info. Bureau, Gov't of India, *Drug Trafficking in the Country* (July 23, 2024), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2036398>.

There is lack of specialized training when it comes to looking into the financial ties that link drug cartels to terrorists' organizations, law enforcement is inexperienced.

The Narco- terror Nexus in India

One of the most challenging security issues facing India is the relationship between drugs and terrorism. Drug trafficking is no longer just a criminal activity; hostile state and non-state actors use it as a strategic tool to weaken national integrity, fund extremist activities, destabilize India's economy, and compromise youth security.

Especially in border and conflict-affected areas, terrorist networks use drug trafficking as a means of recruiting vulnerable people, establishing cross-border smuggling routes, and raising money.

Because of their proximity to Pakistan and delicate geopolitical location, Punjab and Jammu & Kashmir continue to be the epicenters of narco-terrorism. Security agencies have discovered multiple cases in the last ten years where drug cartels collaborate with terrorist groups like Hizbul Mujahideen and Lashkar-e-Taiba. Handlers based in Pakistan use drug routes as a hybrid warfare tactic to weaken India's youth through addiction in addition to making money.⁵

New developments in smuggling include:

- Drones being used to drop weapons and drugs along the international border.
- Coordination across borders between local agents and traffickers from Pakistan.
- The NIA and BSF have discovered connections between drug proceeds and terror financing modules.
- In border villages, radicalization networks combine extremist influence with drug supply chains.

Myanmar, a major part of the Golden Triangle, one of the biggest heroin-producing regions in the world, and northeastern India have porous borders. There has been a spike in heroin and synthetic drugs like methamphetamine ("Yaba" tablets) in states like Manipur, Mizoram, and Nagaland.

⁵ U.S. Dep't of State, *Country Reports on Terrorism 2022: India* (Mar. 4, 2025), <https://www.state.gov/reports/country-reports-on-terrorism-2022/india>.

Important nexus components consist of:

- Routes used for trafficking between Myanmar, Manipur/Mizoram, Assam, and mainland India.
- The Northeast's insurgent groups are being financed by the drug trade.
- Cross-border ethnic networks that make it easier for drugs to travel safely.
- Organized syndicates backed by anti-Indian organizations and foreign handlers.

The drug economy fuels criminal networks and militant groups, which in turn fuels extortion, arms trafficking, and insurgency cycles. A severe new threat to national security is the increasing production of synthetic drugs in Myanmar and their trafficking through India.

India's vast coastline gives drug traffickers many weak points of entry. Fishing boats, cargo ships, and unregistered marine craft are used by maritime smuggling networks from Sri Lanka, Pakistan, the Maldives, and West Asia to smuggle illicit substances into coastal states like Gujarat, Maharashtra, Tamil Nadu, and Kerala.

Among the new trends are:

- Consignments of heroin transported by sea linked to illicit networks in Pakistan.
- Indian coastal gangs are working together with criminal syndicates from Sri Lanka and the Maldives.
- Drug trafficking from Afghanistan to Africa and Southeast Asia through the Indian Ocean, with India serving as a transit country.
- Links between extremist groups and coastal smugglers looking for logistical and financial support.

These maritime networks pose a multifaceted threat to India's maritime security architecture because they coexist with illicit arms trafficking, human smuggling, and counterfeit currency operations.

Drug trafficking in India is not a singular criminal activity, according to evidence from border, coastal, and insurgency-affected areas. It is a component of a broader asymmetric warfare strategy in which adversaries use drugs as weapons to:

- Support separatist and extremist organizations.
- Institutional corruption and weakened governance.
- Take advantage of young people's weaknesses to cause social disorders.
- Establish illicit parallel economies that subvert governmental power.

Because it includes organized crime, espionage, external aggression, and internal destabilization, the narco-terror nexus is a hybrid threat. A comprehensive national security strategy that incorporates border vigilance, technology-driven surveillance, legal reforms, intelligence coordination, and sociopsychological interventions is required to meet this challenge.

Suggestions & Recommendations

A systematic and comprehensive approach must be taken to effectively deal with the growing threat of narco-terrorism in India. International cooperation, technologically advanced intelligence systems, and institutional strengthening must be combined with legal reforms. The following suggestions seek to create a cohesive and strong framework that can handle the relationship between drugs and terrorism.

Creation of Courts for Narco-Terrorism-

The establishment of specialized fast-track courts devoted solely to narco-terrorism cases is vital. The recently introduced "Comprehensive Narco-Terrorism (Control and Prevention) Act," which defines drug-related terrorism as a separate and severe offense, should govern these courts' operations.

Important characteristics should consist of:

- Special judges with backgrounds in both drug and terrorism law.
- quick trial processes in cases of high severity.
- More robust work provisions for handling digital evidence and cross-border intelligence.
- Mechanisms for safeguarding confidential information from witnesses.
- Strict guidelines for sentences, which include asset forfeiture, financial seizure, and severe imprisonment.

By implementing immediate prosecution and deterrence, these tribunals would stop criminals from taking advantage of procedural weaknesses in regular criminal courts.

Database of National Intelligence and Unified Command-

For the breakdown of institutional silos, a centralized command structure is essential. For an organized and timely response, the National Narco-Terrorism Coordination Center (NNTCC) must be established.

This body would:

- Combine data obtained from the State Police, Customs, NIA, NCB, ED, IB, RAW, and BSF. Make it possible to share data and intelligence in real time via safe online channels.
- Establish cooperative efforts between states and agencies.
- Periodically evaluate threats and send out alerts.

To guarantee decentralized field implementation, each state should establish State Narco-Terror Units (SNTUs) that are directly supervised by the NNTCC.

More Effective Maritime and Border Surveillance-

India must strengthen surveillance along its most vulnerable borders, especially in the Northeast (border with Myanmar), the coastal areas, and Punjab-J&K-Rajasthan (border with Pakistan).

Among the measures are:

- deployment of thermal sensors, night vision equipment, satellite monitoring, and drones with AI capabilities.
- Modernizing surveillance and fencing along important border crossings.
- Establishing integrated command and control centers for the Indian Army, BSF, CRPF, and state police.
- To better monitor maritime routes, the Coast Guard, Navy, and local marine police should coordinate more.
- Setting up automated vessel tracking systems and intelligent maritime radars
- Training border security personnel in counterterrorism intelligence and financial tracking.

By taking these actions, drug infiltration will be decreased, narco-routes will be identified early, and land and coastal borders will be shielded from exploitation.

Strengthened Operational Framework and Legal Amendments-

India's legal system needs to change in order to tackle the narco-terror threat from all angles.

Changes that are suggested including:

- Amend UAPA to explicitly incorporate drug-financed terrorism and narco-terror monetary components.
- Add clauses that relate drug trafficking to threats to national security.
- Permit more extensive monitoring in cases of narcoterrorism.
- Extend Bhartiya Nyaya Sanhita (BNS) 2023 to align anti-terror legislation with criminal procedure
- Enhance the PMLA's 2002 asset seizure provisions to seize illicit drug proceeds connected to financing terrorism.
- Make forensic financial audits a requirement for all significant drug cases.
- Give drone-generated evidence and electronic surveillance legal recognition.

These changes would establish a unified and cohesive legal system that can deal with narco-terrorism in its entirety.

Increasing Diplomatic Engagement and International Cooperation-

India needs to step up international cooperation because drug-terror networks are transnational.

Among the strategic measures are:

- Boost collaboration with SAARC Drug Monitoring organizations, FATF, Interpol, and UNODC⁶. Sign bilateral agreements with Afghanistan, Myanmar, Sri Lanka, and the Maldives regarding drug control and counterterrorism.
- Engage in active participation in international drug intelligence networks and task forces. To prosecute foreign-based agents, strengthen mutual legal assistance treaties (MLATs) and extradition treaties⁷.
- Interact with coastal states in Africa and the Gulf to obstruct maritime drug routes. Create a Narco-Terrorism Intelligence Grid in South Asia with allies.

⁶ U.N. Office of the High Comm'r for Human Rights, Human Rights, Terrorism and Counterterrorism, Fact Sheet No. 32 (2008).

⁷ U.N. Office on Drugs & Crime, India: INCB Annual Report 2023 Highlights Linkages Between Drug Trade, Terrorism and the Internet (Aug. 2, 2023).

India will be better equipped to track down money, break up international supply chains, and take down transnational criminal organizations with the help of other countries.

A cohesive legal system, specially trained judicial and law enforcement institutions, cutting-edge surveillance tools, robust border management, and extensive international alliances are all necessary for effective counter-narco-terrorism. India can greatly improve its defense situation against one of the most contemporary hybrid dangers to national security through putting these reforms into effect.

Conclusion

One of the most advanced and hazardous hybrid threats facing India today is narco-terrorism. It is a deliberate assault on our nation's internal security, governance framework, financial stability, and overall prosperity instead of just a criminal or law-and-order issue.

Opposing state and non-state actors seek to strategically weaken India by weaponizing drugs to finance and enable terrorism. They do this by destroying India's youth capital through addiction, breaking in through illegal trade, and undermining its governmental structures through corrupt practices and criminal networks.

Even though India has powerful independent legal frameworks that include the PMLA, BNS, UAPA, and NDPS Act, they currently function independently of one another, leading to inconsistent enforcement and procedural flaws⁸. Operational inefficiencies are caused by a lack of a specific narco-terror legal framework, inadequate interagency coordination, and a lack of intelligence coordination.

These difficulties are made worse by changing trafficking routes, the growing use of drones and internet-based services, porous borders, and international criminal-terror networks that take advantage of modern technology and cross-border connections.

⁸ Gov't of India, National Narcotics Coordination Portal (NCORD) (May 14, 2025).

To combat this converging threat, India needs to immediately implement a cohesive national strategy. This includes enhancing the surveillance of borders with advanced technology, launching a National Narco-Terrorism Coordination Centre (NNTCC), establishing specialized narco-terror courts, improving international cooperation, and updating the present law to specifically identify and penalize narco-terror networks. Strict enforcement must also coexist with youth awareness initiatives, community-based de-addiction programs, and neighborhood intelligence improving in border areas.

It is crucial to take an integrated strategy that integrates military, diplomatic, legal, intelligence, and social and economic initiatives. The fight against narco-terrorism requires a preventative, preventive, and intelligence-based approach in addition to harsh measures.

India's ability to eliminate the narco-terror ecosystem at all levels from regional distributors to global financiers and foreign handlers is critical to the country's national security.

To put it simply, protecting India from narco-terrorism is a battle to preserve the country's social cohesion, youth, financial future, and sovereignty. India will be protected against this ongoing and changing threat by a cohesive and robust framework supported by institutional synergy and political will.

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