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# Combating Narco-Terrorism: An Analytical Study of India's Legal Framework

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## ABSTRACT

*In India, this entails a comprehensive approach involving legal measures and operational capabilities to combat narco-terrorism at the cellular level. The existing legal framework under the NDPS Act and UAPA provides a strong legal base but requires periodic reforms to fill legal loopholes. To achieve this, institutional capacities need to be strengthened with greater resources, training and through the establishment of specialized units, and there is a need for enhanced inter-agency coordination. India also needs to build bridges with other countries to foster case-based international cooperation. Socio-economic interventions would go a long way in addressing economic grievances, creating more employment opportunities and contributing to the welfare of the society. Furthermore, technological advancements can help in overcoming the difficulties associated with intelligence gathering and operations. Despite the successful outcome of various investigations and operations, the threat of narco-terrorism remains rife. The country continues to witness the drug trade, which is responsible for causing immense harm across the nation. Legal loopholes, procedural lapses, resource deficiencies and corruption have remained potent challenges. Thus, an institutional approach incorporating legal reforms, institutional enhancement, inter-agency coordination, international cooperation and socio-economic intervention along with technology would assist in countering narco-terror activities and help attain national security and public order.*

**Keywords:** Narco-terrorism, NDPS Act, UAPA, PITNDPS, drug trafficking, terrorism, India.

## I. INTRODUCTION

Narco-terrorism is a portmanteau word that symbolizes this complex nexus in which drug trafficking and terrorist activities mutually promote and reinforce each other. Narco-terrorism is more than mere logistical collaboration between drug cartels and terrorist groups, it refers to a convergence in which the latter finances itself via the former, while the former uses terror to expand and protect their commercial interests. The resulting convergence – usually conducted

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through alliances of convenience – poses multiple threats, including undermining the state, hollowing out institutions, and pushing macro-economic systems to the brink. Consider the operative aspects of narco-terrorism. It tends to be violent, coercive and corrupt, which helps to facilitate the movement of narcotics, while likewise often procuring vast sums of money from the illicit drug trade to finance terrorism, buy arms and sustain extremist agendas.

Given the strategic geographical location of India and its socio-political conundrum with a strong concocted saffron nationalism, the deeply troubled region of the Subcontinent is a major victim of narco-terrorism, both as a fallout of terrorism and as a tool for funding terrorist activities. In part, this owes to the India's strategic geographical location as well as its socio-political news-making; it is easy prey, with overflowing narcotics from the Golden Crescent – the name given to the opium-producing countries of Afghanistan, Iran and Pakistan – and the Golden Triangle – Myanmar, Laos and Thailand. India is a particularly vulnerable country due to four factors. First, the porous nature of international borders deeply affects its security geopolitically and demographically. Second, the country's large and youthful population, with almost half of its 1.3 billion people being below the age of 25, also render India particularly prone to infiltration by foreign groups, mostly Taliban from Afghanistan and Pakistan, who are engaged in drug trade and have illicit business connections. Third, India's multitude of coumarin plants and the high influx of smuggled drugs augur poorly for national security, internal stability and public health. Fourth is the neighboring landlocked, remote, war-mongered country of Afghanistan in India's north-west, and the neighboring north-east with China and Myanmar, which marked with the upsurge of narcotics, proliferation of small arms smuggling, jihadist infiltrations, drugs addiction, trafficking and crime, especially, in the Punjab, and the states of India's north-east.

The legal regime is evolving to make India enabling to ward off narco-terror India's major statute in this vein is its Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act).

Legal provisions for drug control under this NDPS Act (1985) are robust in nature and criminalize almost all operations pertaining to narcotic drugs, psychotropic substances and precursor chemicals. From time to time, amendments have also been added to the Act and the punishment for offences involving excess quantity of such drugs has increased gradually. The recent amendments followed the trend and it is evidence of how the Indian legislature takes the idea of narco-terrorism very seriously. The second very important legislation passed for protecting India from drug proliferation is the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (Act 27 of 1988). It empowers the police to detain a person involved in trafficking of drugs.

Judicial interpretations have been equally important in shaping India's responses to the narco-terrorism discourse. In *State of Punjab v. Baldev Singh* the Supreme Court emphasized that the 'basic procedural safeguard which are operational' under the NDPS Act cannot be 'bypassed and scuttled in the name of exigencies of war against trafficking in prohibited drugs aimed at neutralizing constitutional guarantees. In *Gurbaksh Singh Sibbia v. State of Punjab* the Supreme Court prefaced the restrictions on anticipatory release for drug-related offences as follows: The concepts of liberty enshrined in constitutional safeguards have to be balanced with the necessities of sound administration of justice for the attainment of effective law enforcement.

This legislation, in turn, is a vital instrument in criminalizing the emerging potent threat of narco-terrorism, which targets a trillion-dollar illicit drug trade within and beyond our borders. India's terrorist legislations comprise of the Unlawful Activities (Prevention) Act, 1967 (UAPA), which aims to prevent certain unlawful activities of persons and associations that are prejudicial to the harmony and integrity of the country and adversely affect the sovereignty and integrity of the country, and also inhibits the raising of armed forces with intentions to capitulate the sovereignty and integrity of the nation. Further, numerous provisions of the Act are designed to prevent and combat terrorism, including narco-terrorism. The Act identifies the person or organization who commits, participates in, conspires, or abets any act – for terrorist acts – including narcoterrorism, persons indulging in terrorist acts or terrorists. Countries such as India have grappled with diverse threats emanating from transborder trade in substances, including drugs such as heroin, cocaine, and other psychoactive drugs and narcotics. Other facets in this terror nexus implicate weapons-smuggling, human trafficking and smuggling from north to south, and possibly, even in reverse.

## **II. HISTORICAL BACKGROUND**

The development and global diffusion of narco-terrorism is a fairly recent phenomenon, directly linked to the convergence and interactions that have emerged between the worlds of drugs and terror in the latter half of the 20th century. In its original phases, this collaboration pretty much exclusively took place in the Latin American context, starting in Colombia and Peru in the 1980s. Here, a symbiotic relationship emerged between the two necessary conditions for the burgeoning of narco-terrorism as a hybrid phenomenon. The first condition, a desire for collaboration was quickly followed by the second: substance. But initially, like the first bites of new food, the result was not particularly complex. The Revolutionary Armed Forces of Colombia (FARC) and the Colombian Medellín and Cali cartels offer an example of this type of symbiotic relationship. FARC was engaged in an extensive insurgency against the

Colombian state, and its operational capabilities were increasingly funded through drug trafficking investments. The protection of trafficking routes, and indeed the small percentage of proceeds that it could tax, allowed the Revolutionary Armed Forces of Colombia (FARC) to sustain its combat activities. On the other hand, the presence of Colombian traffickers operating in the jungle and in the peripheries of the Colombian state also allowed FARC to keep up its level of violence against the state.

The consequences of narco-terrorism have also been felt in countries around the world, where factors such as global geopolitical instability, economic inequality and weak or failing state structures have facilitated the rise of narco terrorists. In Afghanistan, the Taliban have relied on proceeds from the opium trade to fund insurgent activities. Opium production and the ensuing global flow of narcotics from Afghanistan have become potent sources of regional instability, as well as a sustained challenge to international security and terrorism. The global nature of supply-side and demand-side drug markets, in which elements of the terrorist enterprise are now an active participant, is also evident in the high level of interconnectedness between drug traffickers, mafias and terrorist groups around the world.

The Indian context is unique as what and how narco-terrorism evolved in the country was a function of its specific geo-political and socio-economic circumstances. India lies close to the two major narcotic-producing areas, the Golden Crescent and the Golden Triangle. Due to this, India has always been a major transit and destination country for narcotics. This has facilitated the growth of narco-terrorism in the country. The northeastern states of India, which share borders with Myanmar and Bangladesh, are often seen as major conduits for the trafficking of heroin and methamphetamine. Analogously, the major rise in international drug trafficking in Punjab, which shares a long border with Pakistan, has been for a few years matched with cross-border terrorism. Drug peddling and terrorism have risen in Punjab because that state has also become an intense field of operations for so-called Jihadi militant groups such as Lashkar-e-Taiba (LeT) and Jaish-e-Mohammed (JeM), that use this drug money for their anti-India operations.

How India responded to narco-terror with statutes have had to change synchronic to the times. The Narcotic Drugs and Psychotropic Substances Act, or the NDPS Act, which was enacted in 1985 to give a legal meaning to narcotic control or regulation and to the production, possession, sale and import/export under policy or licence, giving statutes for narcotic offences and relating it to anaesthetics, stimulants, hallucinogens and patterns of offences committed in particular areas. Over the years, it's been amended in relation to increases in deterrents and provisions to give powers to law-enforcing agencies to crack down the areas under the Act more effectively,

eg, there are increased statutes for giving stringent punishments to offences committed after the detection of drugs in large hauls, or under undercover or stealth of dark operations, and punishments prescribed are increasingly scaled up. Some statutes aimed more to control drug offences specially became stringent modes relieving the courts from giving bail to those persons who were alleged to commit narco-offences. Courts in India are obliged to publish the name, picture and address of those convicted of narco-offences to create general awareness and make it public. Also, property forfeiture from the proceeds of narco-trade became yet another requirement. By the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988, enforcement agencies were empowered to detain illicit business.

India's fight against narco-terrorism also depends on multilateral engagements especially in terms of bilateral treaties with other countries. Partnership with other countries along the borders and through different international fora such as the United Nations Office on Drugs and Crime (UNODC) play vital roles in addressing the transnational dimensions of narco-terrorism. More specific cooperation, exchange of intelligence and coordinated management of boundaries and joint operations aim at disrupting the drug trafficking and terror networks. The nuclear illuminations on the ever-evolving menaces of narco-terrorism demands greater legal and enforcement maneuvers to fortify the existing penal laws in view of this dual menace and safeguard the national security.

### **III. UNDERSTANDING THE NEXUS BETWEEN NARCOTICS AND TERRORISM**

The relationship between drugs and terror can be traced to financial relationship Terrorist groups often rely on drug trafficking to fund their operations. Trafficking narcotics is a lucrative business and comes with relatively low risk compared with other forms of criminal endeavors. Drug revenues provide the resources to wage attacks, buy weapons, as well as to recruit and train militants and engage in propaganda activities. In Afghanistan, the Taliban relies on the opium trade. According to a report by the UN drug agency, in 2017 opium harvest were worth \$65.5 billion and dominated the national economy, representing more than 10 per cent of gross domestic product. Likewise, the revenues generated by the cultivation, processing and trafficking of opium in Myanmar are used to fund a violent insurgency. Without drug revenues, terrorist groups would have a much harder time carrying on their violent activities. The more successful drug trafficking operations are, the more capable these terrorist groups will be of sustaining their operations.

The financial interlinkages between narcotics and terrorism were most obvious in the state of Jammu and Kashmir in India, and in the northeastern states, where separatist militant groups

used drug trafficking as a source of revenue to fund their activities. The proceeds from drug trafficking were used to buy sophisticated weaponry, fund logistics, and sustain prolonged armed insurgencies that terrorists still deploy to threaten India's national security. Understanding this nexus, as important as it was to India's national security, caused Delhi to legislate on the subject. The NDPS Act, besides equipping the police with the power to search and seize drugs, has provisions for the forfeiture of property used in the commission of narcotic crimes and the confiscation of property, namely proceeds from the sale of illegal drugs. The Prevention of Money Laundering Act, 2002 (PMLA) went further and allowed the authorities to arrest perpetrators of terrorism.

#### **(A) Operational Interlinkages**

This operational interlinkage between narcotrafficking and terrorism represents an additional challenge to countering narco-terrorism. For instance, narcotraffickers share logistics, networks and routes with terrorists, sometimes even exploiting the same routes for smuggling both narcotics and arms. Terrorist groups collaborate with organized crime to facilitate the smuggling of narcotics across borders through the same channels that are used to smuggle arms and explosives. Operationally, this collusion optimizes the profit and reach of both drug traffickers and terrorists, making it very difficult to target one without also affecting the other.

With India's porous borders with Pakistan, Myanmar and Bangladesh presenting these opportunities for such operational interlinkages, militant infiltrations in Jammu and Kashmir have also taken place along the narcotics smuggling routes. This points to operational symbiosis between narcotics and arms movements, with frequently arrests of cross-border smugglers showing interlinkages between narcotics and arms smugglers across the border. Many Indian militants have also smuggled their weapons alongside such routes. Clearly, the NDPS Act's provisions for strict border controls and the involvement of security forces like the Border Security Force (BSF) and other enforcement agencies are significant for dealing with such operational interlinkages. Likewise, sharing of intelligence and conducting joint operations with neighboring States is an important and critical part of not only Indian efforts to degrade these interlinked networks.

#### **(B) Impact on National Security and Public Order**

These two activities prima-facie have an interconnected relationship and also are synergistic. The impact of their nexus on national security and public order is manifold, multifaceted, complementary, reciprocal and thus causative. First, in addition to the impact on internal security and public order as standalone activities, the dual threat from these intertwined

activities impacts both, getting casualties (terrorism) and addicts (narcotics). And worse enough, the impact of a narcotic activity through intrusion into society at large is manifold and multifaceted-widespread addiction, rampant crime, and decimation of the social fabric, and even worse, terrorist activities further exacerbate the public sense of insecurity.

One needs to look no further than the northern Indian state of Punjab to witness a geographic distribution of narcotics use that is more directly related to the violence of narco-terrorism. With the highest drug dependence rates in India, Punjab continues to suffer from the fallout of substance use and misuse, both in terms of rampant addiction and as an environment where militant groups acquiring ideologies to once again revive Punjab's democratic secession threaten terrorist activity within and beyond their borders.

These issues are addressed under the Indian legal regime, a confluence of draconian laws and a formidable enforcement mechanism. The punishments specified under the NDPS Act are stiff for offences involving drug trafficking, including an award of capital sentence for repeat offenders engaged in large-scale trafficking. Terrorist operations such as those enabled through drug trafficking find their place under the juicy clauses of Unlawful Activities (Prevention) Act (UAPA) where it is possible to outlaw a terrorist organization and freeze its assets sans confiscation. Narco-terror cases are investigated and prosecuted by The National Investigation Agency (NIA). The NIA coordinates overall response.

### **1. The Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act)**

The NDPS Act, 1985 continues to be the 'statutory act' which provides for Indian law on trafficking and narco-terror – and importantly seeks to provide for prevention of illicit traffic and trade in narcotic drugs and psychotropic substances through the introduction of an effective mechanism to control and regulate operations involved in such traffic and trade. It makes punishable under the law the following activities: production and manufacture; possession; sale and purchase; transport; warehousing; use and consumption; import inter-State; export inter-State; import into India; export from India or transit as well as forfeiture of property from the proceeds of the illicit traffic of drugs. Importantly, the NDPS continues to carry a death penalty for certain repeat offenders. Other provisions continue to carry penalties for recidivist drug traffickers. Forfeiture of property from the illicit traffic of drugs also continues to remain part of the NDPS. The NDPS has been repeatedly interpreted by the Supreme Court as stressing that procedural compliance helps the enforcement agencies combat trafficking in narcotic drugs, psychotropic substances and related crimes, but without violating legal safeguards. In a reasoned judgment in 1994 in the case *State of Punjab v. Balbir Singh*, the court pointed out



that any breach of mandatory procedure provided by the Act requiring an independent witness to be present at the time of the search and seizure necessarily renders the evidence admissible thus preserving legality and sanctity of the law as also its respect.

## **2. The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (PITNDPS)**

In doing so, the preventive detention clause under the PITNDPS Act ensures the ‘control of the nexus behind the illicit trafficking of narcotic drugs and psychotropic substances.’ Depending on how it is implemented, the PITNDPS Act could be used for the detention of those involved in ‘illicit trafficking in narcotic drugs and psychotropic substances’, and extends the period for detention of the perpetrators to a maximum of two years, with protections for periodic review by an advisory board reporting to the Home Ministry to ensure the power is not used arbitrarily. The preventive power will work better to actually make the nodes of the operational infrastructure of the drug supply chain dysfunctional – by ensuring it is subject to more regulatory and legal disciplining. Besides, by regulating drug supply nodes, it is likely that it will also impact directly on the other nodes, which might work in line with each other, and might lead to possible linkages or partial control on one over another. This in turn provides the extra dimension by also enabling unregulated spread and proliferation of firearms and other weapons of mass destruction while escalating the danger involved in drug trafficking. This outcome is not wholly surprising given the inherent embeddedness between the worlds of drug trafficking, money laundering and terror.

## **3. The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988**

By becoming a signatory to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, India has committed to a worldwide regimen of joint efforts to fight drug trafficking with stringent legal enforcement and action by international cooperation. The UN Convention on Illicit Traffic seeks to target the problem on a global scale with the criminalization of trafficking narcotics and psychotropic substances, extradition and mutual legal assistance, and confiscations of the proceeds of the trade in drugs. India has enshrined the spirit and precepts of the international convention by enacting its Narcotics Drugs and Psychotropic Substances Act (NDPS Act) in line with the provisions of the international legal standard. This convention prepares international ground for intelligence sharing, joint operations and training programmes to strengthen global efforts to fight narco-terrorism.

#### **4. The SAARC Convention on Narcotic Drugs and Psychotropic Substances**

Under the South Asian Association for Regional Cooperation (SAARC) Convention on Narcotic Drugs and Psychotropic Substances to which India is a party, regional cooperation between the SAARC member states assumes importance in view of the growing trend of transnational criminal networks and the need for mutual legal assistance, harmonizing of national drug laws and operational strategies between them. Considering the criminal cartels and drug mafia becoming more active in South Asia, member states must give serious attention to cooperation in law enforcement, border control and intelligence-sharing to effectively counter narco-terrorism.

#### **IV. LANDMARK CASE LAWS**

Drawing a complex way to the narco-terrorism originating in India has been provided through a chain of incidents marked by certain judicial pronouncements, more of landmark orders issued by Indian courts, to the best of the authors' knowledge, that proved to be ahead where other countries lag behind, especially in the multifaceted legal regime to address the evil nexus of narco-terrorism, denied to be a single monolithic and uniform entity. Every incident stands to mark a hallmark of legal-enforcement response to different scenarios of narco-terrorism.

A good illustration is with respect to the procedural safeguards embodied in the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) and the influence of such procedural safeguards to decisions that resulted in criminalizing production, possession, consumption and other acts related to drugs. The judges in the case *State of Punjab v. Baldev Singh* specifically noticed the statutory registration requirement under the NDPS Act in relation to search and seizures in narcotics case, and that the searches and seizures also require independent witnesses in the search and seizure. They held that 'any non-compliance with the mandatory provisions of the Act would make the evidence inadmissible before the Court'. It was through enforcing the procedural safeguards to that extent that the judges in *State of Punjab v. Baldev Singh* (1999) ensured that the constitutional rights of the accused shall not be trampled in the name of 'rigorous enforcement'.

In *Gurbaksh Singh Sibbia v. State of Punjab* (1980), the Supreme Court had dealt with the problem of anticipatory bail in drug-trafficking cases. The courts outlined the contours of what was and what was not permissible in granting anticipatory bail, particularly in grave offences involving narcotics – stating that while it should ordinarily not be granted as of right, each case can be decided on its own merits: the rights of the accused must be balanced with the seriousness of the crime with which he is charged... This judgment is often quoted by courts trying cases

of narco-terrorism.

In *State of Maharashtra v. Natwarlal Damodardas Soni*, the Supreme Court examined the question of the cognizance of the special courts set up under the NDPS Act in the regular criminal courts. In this case, the Court held that special courts had exclusive jurisdiction to try offences under the NDPS Act. These emancipatory measures ensured that cases relating to narcotics would be dealt with by specialized courts and judges in a swift and expeditious manner. This decision was especially important in cleaning up the judicial viaduct of cases relating to narco-terrorism.

The other is *Union of India v. Abdulla*, decided in 2015, concerned with the forfeiture of property resulting from the trade in narcotic drugs, psychotropic substances and cannabis (NDPS Act). The Supreme Court held good the provisions allowing for seizure of property derived from the commission of an offence, including forfeiture, thereby making it such that ‘a willful act or intent will have to be shown to forfeit the property’. The Court emphasized the need to take action against the funds used to sustain such activities as narco-terrorism and dismantle their financial bases. The judgment permitted the deterrent effects in the NDPS Act to fully play out in waging the ‘war against drugs. Drugs fund terror, not just because narco sells hangout with terrorists, but because drugs pose a substantial economic threat to terrorism.

## **V. EFFECTIVENESS OF CURRENT LEGAL MEASURES**

In this broader understanding of what constitutes narco-terrorism, India’s legal structure has had considerable successes – particularly with major seizures and arrests. Clear developments in surveillance, intelligence-sharing across police and strategic coordination between different agencies has resulted in major drug busts and the arrest of some of the key actors responsible for trafficking in drugs. The Directorate of Revenue Intelligence (DRI) and the Narcotics Control Bureau (NCB) have both conducted high-profile raids, seizing thousands of kg of drugs – both heroin, cocaine and synthetic drugs. Some of the large trafficking networks have been broken, aiming to reduce the supply of narcotics supplies to terrorist organizations. Successful prosecutions have consistently been undertaken under the NDPS Act, the highest level of criminal activity, showing the judiciary’s willingness to enforce the ‘draconian’ tenets of the law. Major cases being convicted has acted as a strong deterrent to prospective drug smugglers, signifying the legal structures standing sternly against narco-terrorists.

Notwithstanding these successes, the legal architecture is confronted with broad challenges and constraints. The loopholes in the legal structure are exploited by the narcotics trafficking syndicates, which – especially at the macro-level – have become sophisticated. Ambiguities in

the interpretation of various provisions of the NDPS Act result in variance in the methods of enforcement and legal outcomes, which in turn leads to gaps in implementation. For instance, the adherence to the strictness of procedural protections, which is the sine qua non for protecting human rights, results in settings where the investigative process fails technically, leading to acquittals. There are several technical hurdles – prolonged judicial processes, poor collection and preservation of evidence, and judicial training for legal officers – which undermine the prosecution of narco-terrorism cases and thereby lower conviction rates and the disincentive brought by legal measures.

A second critical constraint is the acute paucity of resources, which hurt the efficacy of Indian legal regime against narco-terrorism. Law enforcement agencies do not always have the required funds and manpower at their disposal to carry out investigations, maintain vigil and undertake interdiction. They do not always have the required resources to procure modern tools of technology and develop forensic capacities to gather and analyses key evidence. The lacuna, for instance, is particularly glaring in the border areas as also interior areas which are not adequately patrolled by security forces and where modern infrastructure is lacking in the form of roads, railway lines and so on. The country's judiciary is also burdened with the huge number and scales of the drug cases.

Narco-terrorism also faces strong resistance because of corrupt practices within the police and the political class. Bribes, the mismanagement of seized assets, and the underhanded involvement of officials in the lucrative business of moving drugs reinforce the extent to which corrupt practices infect the legal and enforcement systems. Such endemic corruption makes it easier for drug-trafficking cartels to evade arrest and for terrorist groups to infiltrate them.

## **VI. SUGGESTIONS**

To really tackle narco-terrorism, we need to made some changes in the system. Here's some suggestions:

1. Modify the existing laws, including the NDPS Act and the Unlawful Activities (Prevention) Act (UAPA), by filling the existing judicial gaps where no crime exists.
2. Define crimes more clearly and impose severe punishment to repeat offenders.
3. Simplify procedures to ensure quick and decisive action against criminals.
4. Well-tested and comprehensive legislation concerning financial crimes Legal provisions specifically addressing financial crimes relating to drug trafficking should be enacted.
5. Give law enforcement more money and people.

6. Offer regular training in modern investigative techniques to law enforcement personnel.
7. Expand forensic facilities and improve infrastructure, especially in border areas.
8. Create specialized units within existing agencies to focus solely on narco-terrorism.
9. Enhance cooperation between agencies like the NCB, NIA, and BSF.
10. Develop integrated databases and real-time information-sharing platforms.
11. Hold regular inter-agency meetings and form joint task forces to improve synergy.
12. Actively participate in global forums like the UNODC and FATF.
13. Forge bilateral and multilateral agreements for joint operations and intelligence sharing.
14. Strengthen extradition treaties and mutual legal assistance agreements.
15. Design development programmes such as training and job placement for communities that grow illicit crops.
16. Develop comprehensive rehabilitation and de-addiction programs to reduce narcotics demand.
17. Use surveillance drones, satellite imagery, and data analytics for monitoring and interception.
18. 'Hotspot' monitoring through automated monitoring devices and AI to track and build data on trafficking routes.

Monitor and shut down sites that belong to the digital drug trade and terrorist financing.

These suggestions are proposed to empower India's legal regime and modus operandi to fight against the deadly shadow of narco-terrorism. Narco-terrorism being a multi-faceted phenomenon, the counter strategy of narco-terrorism should spread its tentacles in maximum forms of legal reforms, institution building, coordination, international collaboration, socio-economic interventions, technological intervention and such in order to safeguard the national security and public order.

## **VII. CONCLUSION**

Indeed, it is arguably India's thorniest international headache, with its most devastating ramifications unfurled on our city and town streets. The challenge calls for a calibrated multidimensional response to the polyvalent causal complexities. The prohibition regime that India has kept with for the past eight decades is fundamentally sound. However, it needs to be enriched. We operate under the aegis of narcotic laws that have been comprehensively evolved

over the past decade and a half to encompass mature laws. The statutory architecture of the regimen is embodied in the Narcotic Drugs and Psychotropic Substances Act (NDPS, 1985) and the Unlawful Activities (Prevention) Act, 1967(UAPA), besides other related acts. The efficacy of these and related laws – part of India’s prohibition regime – provides for the severest penal provisions where death sentence could be awarded, and life imprisonment and very long incarcerations. Processes are initiated under the NDPS or the UAPA against the nexus of drug families: against the manufacturers of drugs (in an Indian context – alongside opium poppy – morphine, heroin, cocaine, dextrose methamphetamine, amphetamine, 3,4-methylenedioxyamphetamine (MDMA, commonly known as ecstasy), lysergic acid diethylamide (LSD) and ketamine), traders and suppliers, against private market financier(s), financier(s) of drug barons, kingpins, smuggling networks and drug mafias. India traditionally has destroyed a large number of opium factories and high-grade heroin labs; and massively incarcerated nark, heroin, cocaine and other smugglers and traffickers. For decades the country’s prohibition regime has also made short work of market financiers, drug barons, kingpins and nark mafias. The country’s judiciary has been a pivotal force in enhancing the success of the prohibition regime often becoming a swing factor more democratic and humane than our politicians. In certain grey areas, however, the law needs to be tidied up.

The financial issues reflected in the semiotics of narco-terrorism show that urgent legislative reform is required to improve the quality of textual instruments. Legislative ‘holes and ambiguities must be plugged, definitions consolidated, penalties lowered for repeat offenders, and procedures made more operative so as to accommodate efficient operation against the perpetrators. Even more importantly, however, legislation and the penalization that should work upstream in the financial stream to dismantle the narcotics-trafficking associated with narco-terror should be significantly enhanced so as to target the very economic basis of narco-terrorism.

Institutional capacities should also be built. Police departments should be equipped with better facilities and equipment training in the latest investigative techniques and specialized analytical tools. The establishment of vertical entities that specialize in a particular crime or function – for example, narco-terrorism – may help improve operational efficiency, especially in border areas. Narco-terrorism generates vast amounts of illegal drug money. Consistent with the principle of division of labor among agencies, the national agencies with different functions and capabilities – for example, the Narcotics Control Bureau, the National Investigation Agency and the Border Security Force – must co-ordinate their work through common advanced integrated databases, real-time information sharing, and frequent inter-agency meetings, joint task forces and reviews

of their work.

Critical is international cooperation. Due to the global nature of narco-terrorism, India needs to keep up its active work with the UNODC and the Financial Action Task Force (FATF), and instigate and maintain bilateral and multilateral agreements for joint operations, intelligence-sharing and exchanges for building up capacities. More could be done to deepen the extradition treaties and mutual legal assistance agreements, to enable more prosecution of traffickers operating across borders.

Similarly, it is equally crucial to make a shift in focus and tackle the socio-economic dimensions. By providing an alternative livelihood for the communities that grow poppies, coca leaves, and such other illicit produce, we can help reduce the supply of narcotics while a calibrated suite of rehabilitation and de-addiction programmes can reduce demand, which ultimately diminishes the market that keeps narcotics traffickers in business and terrorism as a viable option for funding.

However, technological advances should never be ignored. Surveillance drones or images from satellites and data analytics could enhance surveillance and interception of trafficking operations. Better tracking devices, combined with artificial intelligence to analyses data and receive early warnings would supplement enforcement. Greater cyber-security against drug sales from the dark web would help to choke off the trade and its links to terrorism.

Consequently, while the legal regime in India has achieved considerable success in countering narco-terrorism, the strategies adopted should be constantly updated to respond to the changing trends in drug trafficking and maintain an appropriate balance. In order to stay proactive in effectively countering the menace with drug control laws and public policy, it would be imperative to prepare proactively in anticipation of the future challenges. This could be best done through a combined use of all possible legal and non-legal instruments – legislative reforms, institutional empowerment and coordination of various agency levels involved at different stages of investigation matters, international cooperation, adequate social-economic interventions and technological interventions. This would ensure the country's national security, along with maintenance of public order and peaceful functioning of society. Any failure to address the various dimensions of the narco-terror menace only through a drug control law would have fallouts on public health, administration and national security. A comprehensive and multi-dimensional legal regime could be the best answer to combat this dual menace, in order to ensure a safe and healthy future.

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