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## **TERRORISM AND NARCO - TERRORISM AS AN ORGANISED CRIME: A DUAL THREAT**

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### **ABSTRACT**

Significant organized crime groups that seriously jeopardize international security and stability include terrorism and narcoterrorism. The use of force and intimidation, especially against civilians, to further political or ideological objectives is what characterizes terrorism. It frequently uses strategies like bombings, kidnappings, and targeted attacks in an effort to spread terror and upend social order.

Through the financing of terrorist acts by drug trafficking organizations, which undermines state authority and feeds violent cycles, narco-terrorism combines the drug trade with political violence. Because of this connection, terrorist organizations can use the money they make from drug trafficking to fund their operations, making it harder to distinguish between criminal activity and ideological goals.

Due to the fact that both of these phenomena frequently operate internationally, requiring international cooperation and intelligence sharing, their convergence hinders attempts to combat terrorism and law enforcement. A comprehensive approach involving strengthening legal frameworks, encouraging socioeconomic development, and involving local people is needed to address these interconnected problems.

To effectively dismantle these networks and promote long-term stability and security in impacted areas, it is imperative to comprehend the dynamics of terrorism and narco-terrorism as organized crime.

## 1. INTRODUCTION

The coordinated and methodical nature of terrorism and narco-terrorism has made them serious dangers to international security. In both cases, organized groups participate in illegal activity with the intention of achieving political or financial goals. The use of force or intimidation against people in order to further political or ideological objectives is a common definition of terrorism. On the other hand, the term "narco-terrorism" particularly describes the connection between terrorist groups and drug traffickers, wherein the proceeds from the drug trade are used to support terrorist endeavors.

The interplay between terrorism and narco-terrorism complicates law enforcement efforts and challenges state sovereignty, particularly in regions marked by violence and corruption. As noted by Rosenau, "narco-terrorism represents a convergence of drug trafficking and terrorism, creating a new paradigm of organized crime"<sup>1</sup>. This synergy not only facilitates the operations of these groups but also exacerbates instability, as seen in countries like Colombia and Mexico.

Moreover, Schmid emphasizes that "the criminal and terrorist worlds are increasingly intertwined," highlighting the need for comprehensive strategies to combat these dual threats<sup>2</sup>. In order to address the wider implications for global security and devise effective countermeasures, it is imperative to comprehend the socio-political and economic reasons that are contributing to the emergence of terrorism and narco-terrorism.

## 2. HISTORICAL CONTEXT

### 2.1 EVOLUTION OF TERRORISM

- The Sicarii, a Jewish organization who utilized violence and assassination against Romans in Judea, are credited with introducing the first instances of political violence in the first century CE.<sup>3</sup>
- During the French Revolution, when state-sponsored violence was highlighted by the Reign

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<sup>1</sup> Rosenau, William. *Narco-Terrorism: A New Framework for Understanding the Global Threat*. Strategic Studies Institute, 2008.

<sup>2</sup> - Schmid, Alex P. *The Routledge Handbook of Terrorism Research*. Routledge, 2011.

<sup>3</sup> Bruce Hoffman, *Inside Terrorism* 17 (2006).

of Terror (1793–1794), the term "terrorism" sprang to popularity.<sup>4</sup>

- Violent revolutionary strategies were highlighted by the anarchist movements of the late 19th century, which were personified by individuals like Sergei Nechayev.<sup>5</sup>
- With the mid-20th century decolonization movements came the rise of terrorist organizations with nationalist ideologies, such the FLN in Algeria.<sup>6</sup>
- With organizations like the Irish Republican Army and the Red Army Faction, religiously motivated terrorism began to gain traction in the late 20th century.<sup>7</sup>
- Al-Qaeda was in the forefront of the dramatic turn towards worldwide jihadism that followed the September 11, 2001 assaults.<sup>8</sup>
- The emergence of ISIS, which uses social media for propaganda and recruitment, furthered the evolution of terrorism.<sup>9</sup>
- Modern terrorism has become more decentralized, with lone-wolf attacks and homegrown extremism becoming prevalent.<sup>10</sup>

## 2.2 EVOLUTION OF NARCO TERRORISM

- The term "narco-terrorism," which refers to the use of drug trafficking to support terrorist organizations' goals, first appeared in the late 20th century. The phrase gained popularity in the 1980s, especially in relation to drug cartels in Colombia and their ties to guerrilla groups.<sup>11</sup>
- In Colombia, cartels such as the Medellín and Cali gangs worked along with Marxist guerrilla groups, financing terrorism with drug earnings. Political figure assassinations and

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<sup>4</sup> David Rapoport, *The Four Waves of Rebel Terror and September 11*, 29 *Anthropoetics* 1 (2000).

<sup>5</sup> Mark Juergensmeyer, *Terror in the Mind of God* 39 (2000).

<sup>6</sup> C. E. E. Dunbar, *The Dynamics of Terrorism* 103 (1977).

<sup>7</sup> Martha Crenshaw, *Theories of Terrorism: Instrumental and Organizational Approaches*, 8 *Theories of Terrorism* 8 (1997).

<sup>8</sup> Peter Bergen, *The Osama bin Laden I Know* 32 (2006).

<sup>9</sup> J. M. Berger, *ISIS: The State of Terror* 56 (2015).

<sup>10</sup> Thomas H. Johnson & Chris Mason, *Understanding the Taliban and Insurgency in Afghanistan* 14 (2015).

<sup>11</sup> R. McCaffrey, "Narco-terrorism: A Global Threat," *Journal of Drug Issues*, vol. 21, no. 2 (1991): 235-252.

public area bombings evolved into strategies for retaining authority and influence.<sup>12</sup>

- Narco-terrorism started to expand outside of Colombia by the 1990s and 2000s, with organizations in Mexico, Afghanistan, and Southeast Asia using the proceeds from drug sales to finance their operations. This trend is best shown by the brutal turf conflicts and political corruption that the Sinaloa and Zetas cartels in Mexico engage in.<sup>13</sup>
- Narco-terrorism is a serious threat to international security today. The growing connection between the drug trade and extremist violence is highlighted by the accusations made against terrorist groups like ISIS and Boko Haram for using drug trafficking as a means of financing their operations.<sup>14</sup>

### 3. MOTIVATIONS AND OBJECTIVES

#### 3.1 TERRORISM:

- Political Objectives: Motivation: Achieving particular political transformations, like independence or regime change. For instance, the Irish Republican Army (IRA) aimed to create a unified Ireland and abolish British administration in Northern Ireland. Their militant campaigns forced political concessions from the British government.<sup>15</sup>
- Ideological Beliefs: Motivation: Enforcing a specific ideology, frequently derived from radical political or religious views .Example: Al-Qaeda uses terrorism to counter Western influence in Muslim nations in its goal to build a caliphate ruled by a strict interpretation of Islamic law.<sup>16</sup>
- Nationalism and Ethnic Identity: Motive: Declaring one's ethnic or national identity in opposition to injustice. As an illustration, ETA (Euskadi Ta Askatasuna), motivated by a

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<sup>12</sup> A. G. M. Gootenberg, "The Narco-Terrorism Debate: The Case of Colombia," *Studies in Conflict & Terrorism*, vol. 19, no. 1 (1996): 69-82.

<sup>13</sup> B. L. Spector, "The Nexus of Drugs and Terrorism," *The International Journal of Drug Policy*, vol. 15, no. 3 (2004): 227-233.

<sup>14</sup> J. R. McCoy, "Drugs, Terrorism, and the War on Drugs: The Transnational Threat," *Terrorism and Political Violence*, vol. 27, no. 2 (2015): 245-263.

<sup>15</sup> P. L. M. O'Malley, *The Uncivil Wars: Ireland Today* (New York: New York University Press, 1990).

<sup>16</sup> B. F. O'Rourke, "Al-Qaeda: The Transformation of Terrorism," *Studies in Conflict & Terrorism* 30, no. 9 (2007): 837-853.

desire for national recognition, launched attacks to support Basque independence from Spain.<sup>17</sup>

- Seeking retribution or revenge is motivated by feelings of unfairness or attacks against a group. For instance, resentment of American foreign policy in the Middle East, notably the deployment of American troops in Saudi Arabia, served as the impetus for the 9/11 attacks.<sup>18</sup>
- Psychological Factors: Motivation: People may join extremist groups as a result of personal grievances or a desire to fit in. As an illustration, consider how many people who joined ISIS did so because they were looking for a sense of belonging and purpose in the midst of conflict.<sup>19</sup>
- Financial Benefit: Incentives obtained from illicit activities like drug trafficking or extortion are used to fund operations. For instance, to maintain control over drug routes and safeguard their financial interests, Mexican drug cartels such as the Sinaloa Cartel resort to violence.<sup>20</sup>
- Social Change: Initiating change and bringing attention to certain social challenges are the motivations. As an illustration, the Earth Liberation Front (ELF) has sabotaged companies they believe to be environmentally detrimental.<sup>21</sup>

### 3.2 NARCO TERRORISM

Numerous interconnected goals and incentives fuel the drug-related terrorist epidemic. Narco-terrorism is mostly done by groups for financial gain; they rely on the lucrative drug trade to fund and maintain their operations. Sutherland points out that this enables them to increase their power and skills and highlights the crucial role that drug earnings play in funding terrorist groups. Furthermore, as Felbab-Brown discusses, narco-terrorism provides groups with a means of political influence, allowing them to contest governmental authority and topple

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<sup>17</sup>G. Elorriga, *The Basque Conflict: A Historical Perspective* (Bilbao: EHU Press, 2008).

<sup>18</sup>B. R. Jenkins, "The Origins of Al-Qaeda's 9/11 Attacks," The RAND Corporation (2006).

<sup>19</sup>J. M. Hegghammer, "The Recruitment of Jihadis in Saudi Arabia," *Middle East Journal* 63, no. 1 (2009): 30-55.

<sup>20</sup>D. M. Shirk, "Drug Violence in Mexico: Data and Analysis Through 2010," Trans-Border Institute (2010).

<sup>21</sup>M. R. Faber, "Eco-terrorism: A Brief History," *Environmental Politics* 13, no. 2 (2004): 191-210.

regimes. Moreover, by controlling drug routes, creating fear, and encouraging community allegiance, these groups frequently aim to exert social control over the local populace.<sup>22</sup>

Some groups relate their drug operations to larger political objectives by framing their operations as acts of resistance against perceived oppression, which is an ideological approach (McGarrity). Last but not least, Kaplan and Marshall, who examine how drug trafficking networks strengthen the operational capacities of terrorist organizations, emphasize how the global reach of these networks enables these groups to exercise influence and impact worldwide.<sup>23</sup>

## **4. ORGANIZATIONAL STRUCTURES**

### **4.1 TERRORISM**

- Leadership: A central command or council that sets goals and strategic direction.
- Operational Cells: Small, semi-autonomous groups that carry out specific missions, allowing for greater security and resilience.
- Logistics: Responsible for funding, supplies, and transportation.
- Intelligence: Gathers information on targets and security measures.
- Ideological Wing: Focuses on recruitment and propaganda to spread the group's message and attract new members.
- Training Units: Provide training in tactics, weaponry, and ideology to new recruits.
- Affiliates and Alliances: Collaborate with other groups for resources or joint operations.

### **4.2 NARCO TERRORISM**

- Leadership: Operational and strategic goal-setting central individuals or cartel leaders.

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<sup>22</sup> Peter Chalk, "Terrorism and the Drug Trade: The Colombian Case," *Studies in Conflict & Terrorism* 28, no. 6 (2005): 529-550.

<sup>23</sup> 4. Michael J. McGarrity, "Narco-Terrorism: The New Threat," *Terrorism and Political Violence* 22, no. 1 (2010): 92-104.

- Command Structure: An organization that is hierarchical and has different levels of command, frequently with local or regional leaders in charge of certain operational regions.
- Military Wing: Armed enforcers or militias tasked with guarding drug routes, fighting back violently, and attacking adversaries or government forces.
- Logistics and Supply Chain: Those in charge of manufacturing, shipping, and distribution of pharmaceuticals, including route security and shipment coordination.
- Financial Operations: Units tasked with managing finances, money laundering, and obtaining funds from the sale of drugs as well as other illegal activity.
- Intelligence and Security: This category includes agents whose duties include obtaining intelligence on the opposition and law enforcement as well as maintaining operational security.
- Corruption and Influence: Efforts to infiltrate political, law enforcement, and judicial systems to protect operations and lessen law enforcement pressure.
- Propaganda and Recruitment: Techniques to enlist new members and spread beliefs or rationale for their behaviour, frequently focusing on marginalized groups.

## **5. DIFFERENCE BETWEEN TERRORISM AND NARCO TERRORISM**

### **DEFINITION:**

Terrorism is the illegal use of force and threats, particularly against members of the public, in order to forward political objectives. It frequently aims to incite fear in order to affect social norms or governmental actions.

- Narco-terrorism: A type of terrorism used by drug trafficking groups to threaten communities or governments in order to further their objectives in the drug trade. It combines terrorist strategies with drug trafficking.<sup>24</sup>

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<sup>24</sup> Bruce Hoffman, *Inside Terrorism* 43 (2d ed. 2017).

## **MOTIVATION:**

Terrorism: Mainly driven by political or ideological motivations, seeking to alter social norms, political structure

- Narco-terrorism: driven by greed, with an emphasis on maintaining and growing drug trafficking networks and frequently resorting to violence to seize control of drug routes or markets.

## **TARGETS:**

- Terrorism: Often used as a tool of political pressure, it targets innocent people, official institutions, or symbolic organization.

- Narco-terrorism: Usually uses violence to establish control or instill fear, targeting law enforcement, rival drug traffickers, or communities against drug activity.<sup>25</sup>

## **6. SIMILARITIES BETWEEN TERRORISM AND NARCO TERRORISM** <sup>26</sup>

- Use of Violence: Narco-terrorism and terrorism both use violence as a tactic. They use crimes like bombings, killings, and kidnappings to accomplish their objectives and instill fear.

- Intimidation and Coercion: The goal of both styles is to scare their victims. While narco-terrorists scare governments and people to safeguard their drug trafficking activities, terrorist groups exploit fear to force political action.

-Targeting of Civilians: To maximum psychological damage, civilians may be targeted in both scenarios. Violent or high-profile crimes committed against civilians are used to spread fear and reinforce their messages.<sup>27</sup>

- Political Implications: The political repercussions of both terrorism and narco-terrorism are substantial. While narco-terrorism threatens state authority and the legitimacy of law

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<sup>25</sup> U.S. Department of Justice, *Narco-Terrorism: A Global Threat*, 2007, available at <https://www.justice.gov/archive/ndic/pubs26/26050/narcoterror.htm>.

<sup>26</sup> J. Kenneth McGinnis, *Terrorism and the Drug Trade: A Dangerous Nexus*, 38 *Terrorism and Political Violence* 178 (2016).

<sup>27</sup> Bruce Hoffman, *Inside Terrorism* 43 (2d ed. 2017).



enforcement, terrorism can result in changes to policy.

- Use of Networks: Both phenomena generally rely on broad networks for logistics and support. Both drug trafficking and terrorist organizations collaborate with a variety of parties, including other illegal businesses and occasionally even dishonest government officials.<sup>28</sup>

- Recruitment Tactics: Similar recruitment techniques are frequently used by both terrorism and narco-terrorism, which play on people's frustrations or financial difficulties. They can take advantage of economic and social weaknesses to enlist new members or win over local support.

- Ideological Justification: Both may utilize ideological reasons for their acts, even though their objectives are different. While narco-terrorists may rationalize their acts based on a need for power or economic need, terrorist organizations frequently present their use of violence as a way of advancing a cause they believe to be just.<sup>29</sup>

## 7. INDIA'S LEGAL RESPONSE TO TERRORISM

-The 1967 Unlawful Activities (Prevention) Act (UAPA) gives the government the authority to label organizations as "unlawful" and permits the arrest and detention of those engaged in terrorist activity. The UAPA was expanded to give law enforcement authorities more authority on multiple occasions, most notably in 2004, 2008, and 2019.<sup>30</sup>

- Prevention of Terrorism Act, 2002 (POTA): Although it was repealed in 2004, POTA gave law enforcement additional tools to fight terrorism, such as improved questioning methods and the capacity to hold people for extended periods of time without charging them.<sup>31</sup>

-The National Investigation Agency (NIA) was founded by the National Investigation Agency Act, 2008 (NIA Act). The NIA is tasked with looking into and prosecuting acts related to terrorism and other threats to national security.<sup>32</sup>

-Indian Penal Code (IPC): Acts of terrorism are expressly included by some parts of the IPC,

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<sup>28</sup> 4. Louise I. Shelley, *Drug Trafficking and Global Security* 102 (2006).

<sup>29</sup> 5. David R. F. McCoy, *The Interplay of Terrorism and Organized Crime*, 9 *Global Crime* 181 (2008).

<sup>30</sup> Unlawful Activities (Prevention) Act, 1967, No. 37 of 1967, § 3 (India).

<sup>31</sup> Prevention of Terrorism Act, 2002, No. 15 of 2002, § 3 (India).

<sup>32</sup> National Investigation Agency Act, 2008, No. 34 of 2008, § 2 (India).

such as parts 121–123 (waging or attempting to wage war against the Government of India).<sup>33</sup>

-Terrorist and Disruptive actions (Prevention) Act, 1987 (TADA): TADA's goal was to stop terrorist and disruptive actions. It was in force until 1995. It established the foundation for later Indian anti-terrorism legislation.<sup>34</sup>

-The Foreign Contribution (Regulation) Act, 2010 (FCRA): Its goal is to stop the financing of terrorists by regulating foreign contributions and donations.<sup>35</sup>

-Judicial Declarations: In interpreting anti-terror legislation, the Supreme Court of India has been essential in striking a balance between individual rights and national security considerations. *People's Union for Civil Liberties v. Union of India* (2004) is a landmark case that dealt with the abuse of anti-terror legislation.<sup>36</sup>

## **8. INDIA'S LEGAL RESPONSE TO COMBAT NARCO –TERRORISM**

-NDPS Act, often known as the Narcotic Drugs and Psychotropic Substances Act, 1985: This law governs the distribution and use of psychoactive and narcotic drugs. It lays up the groundwork for the fight against drug trafficking and stipulates harsh punishments for offenders.<sup>37</sup>

- Unlawful Activities (Prevention) Act, 1967 (UAPA): This law permits the government to label drug-trafficking organizations as engaging in unlawful activities if they have ties to terrorism, which also tackles Narco-terrorism.<sup>38</sup>

-The Prevention of Money Laundering Act (PMLA) was enacted in 2002 with the intention of stopping the financing of terrorism and preventing money laundering. It has clauses pertaining to the seizure and confiscation of goods obtained from the trafficking of illegal drugs.<sup>39</sup>

-Terrorist and disruptive activities (prevention) act (TADA): Despite being repealed in 1995, TADA had a significant role in combating narco-terrorism-related activities and was utilized

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<sup>33</sup> Indian Penal Code, Act No. 45 of 1860, § 121-123 (India).

<sup>34</sup> Terrorist and Disruptive Activities (Prevention) Act, 1987, No. 6 of 1987, § 3 (India).

<sup>35</sup> Foreign Contribution (Regulation) Act, 2010, No. 42 of 2010, § 3 (India).

<sup>36</sup> *People's Union for Civil Liberties v. Union of India*, (2004) 2 SCC 476 (India).

<sup>37</sup> Narcotic Drugs and Psychotropic Substances Act, 1985, No. 61 of 1985, § 22 (India).

<sup>38</sup> Unlawful Activities (Prevention) Act, 1967, No. 37 of 1967, § 3 (India).

<sup>39</sup> Prevention of Money Laundering Act, 2002, No. 15 of 2002, § 2(1)(u) (India).

to bring criminal charges against those engaged in drug trafficking that provided funding for terrorist activities.<sup>40</sup>

-The Financing of Terrorism (Prevention) Act, 2013: This act specifically addresses financing for terrorist activities, including those financed through drug trafficking.<sup>41</sup>

## **9. INTERNATIONAL TREATIES AND CONVENTIONS ON TERRORISM TO WHICH INDIA IS A SIGNATORY.**

-International Convention for the Suppression of the Financing of Terrorism:

U.N. General Assembly, International Convention for the Suppression of the Financing of Terrorism, U.N. Doc. A/RES/54/109 (Dec. 9, 1999). India's Ratification: Ratified on December 14, 2001.<sup>42</sup>

- International Convention for the Suppression of Acts of Nuclear Terrorism:

U.N. General Assembly, International Convention for the Suppression of Acts of Nuclear Terrorism, U.N. Doc. A/RES/59/290 (Apr. 13, 2005). India's Ratification: Ratified on September 30, 2009.<sup>43</sup>

-Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention):

Tokyo Convention, opened for signature Sept. 14, 1963, 704 U.N.T.S. 219. India's Ratification: Ratified on December 29, 1966.<sup>44</sup>

- Convention for the Suppression of Terrorist Bombings:

U.N. General Assembly, Convention for the Suppression of Terrorist Bombings, U.N. Doc.

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<sup>40</sup>Terrorist and Disruptive Activities (Prevention) Act, 1987, No. 6 of 1987, § 3 (India).

<sup>41</sup> The Financing of Terrorism (Prevention) Act, 2013, No. 7 of 2013, § 4 (India).

<sup>42</sup> U.N. General Assembly, International Convention for the Suppression of the Financing of Terrorism, U.N. Doc. A/RES/54/109 (Dec. 9, 1999) (ratified by India Dec. 14, 2001).

<sup>43</sup>U.N. General Assembly, International Convention for the Suppression of Acts of Nuclear Terrorism, U.N. Doc. A/RES/59/290 (Apr. 13, 2005) (ratified by India Sep. 30, 2009).

<sup>44</sup> Tokyo Convention, opened for signature Sept. 14, 1963, 704 U.N.T.S. 219 (ratified by India Dec. 29, 1966).

A/RES/52/164 (Dec. 15, 1997). India's Ratification: Ratified on December 14, 2001.<sup>45</sup>

-Convention for the Suppression of Unlawful Seizure of Aircraft:

Hague Convention, opened for signature Dec. 16, 1970, 860 U.N.T.S. 105. India's Ratification: Ratified on August 3, 1971.<sup>46</sup>

-Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation:

Montreal Protocol, opened for signature Feb. 24, 1988, 1589 U.N.T.S. 474. India's Ratification: Ratified on December 31, 1997.<sup>47</sup>

## **10. INTERNATIONAL TREATIES AND CONVENTIONS ON NARCO- TERRORISM TO WHICH INDIA IS A SIGNATORY**

-Single Convention on Narcotic Drugs, 1961:

India acceded to this convention on November 1, 1966, which aims to regulate the production and distribution of narcotic drugs.<sup>48</sup>

-Convention on Psychotropic Substances, 1971:

India became a party to this convention on February 18, 1986, which controls psychotropic substances.<sup>49</sup>

-United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988:

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<sup>45</sup> U.N. General Assembly, Convention for the Suppression of Terrorist Bombings, U.N. Doc. A/RES/52/164 (Dec. 15, 1997) (ratified by India Dec. 14, 2001).

<sup>46</sup>Hague Convention, opened for signature Dec. 16, 1970, 860 U.N.T.S. 105 (ratified by India Aug. 3, 1971).

<sup>47</sup> Montreal Protocol, opened for signature Feb. 24, 1988, 1589 U.N.T.S. 474 (ratified by India Dec. 31, 1997).

<sup>48</sup> Single Convention on Narcotic Drugs, 1961, 18 U.S.T. 1407, 520 U.N.T.S. 151, entered into force Dec. 13, 1964.

<sup>49</sup> Convention on Psychotropic Substances, 1971, 32 U.S.T. 543, 1019 U.N.T.S. 175, entered into force Aug. 16, 1976.

India signed this convention on December 20, 1988, reinforcing international legal frameworks against drug trafficking.<sup>50</sup>

-United Nations Convention Against Transnational Organized Crime (UNTOC), 2000:

India ratified this convention on May 14, 2011, addressing transnational organized crime, including drug trafficking.<sup>51</sup>

-United Nations Convention Against Corruption (UNCAC), 2003:

India ratified this convention on May 9, 2011, which tackles corruption related to drug trafficking.<sup>52</sup>

## **11. CASE LAWS**

### **a) Mohammad Afzal Guru v. State (NCT of Delhi)**

This case concerned the December 13, 2001 attack on the Indian Parliament, which was linked to terrorist activity. After being found guilty of planning to commit terrorism, Muhammad Afzal Guru received a death sentence. The conviction was upheld by the Supreme Court, underscoring the necessity of taking strong action against risks to national security. The Court talked about the national security consequences for civil liberties and the evidentiary standards needed in cases involving terrorism.

Key points: The ruling noted that confessions are admissible in court and that supporting evidence is essential in situations involving terrorism. It further underlined that terrorism directly threatens the unity and integrity of the country.<sup>53</sup>

### **b) K.M. Nanavati v. State of Maharashtra**

This case, while essentially a murder trial, illustrates the social unrest that can result in group violence and, consequently, acts of terrorism. K.M. Nanavati was charged with killing his

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<sup>50</sup> United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, 1582 U.N.T.S. 95, entered into force Nov. 11, 1990.

<sup>51</sup> United Nations Convention Against Transnational Organized Crime, 2000, 2225 U.N.T.S. 209, entered into force Sept. 29, 2003.

<sup>52</sup> United Nations Convention Against Corruption, 2003, 2349 U.N.T.S. 41, entered into force Dec. 14, 2005.

<sup>53</sup> Mohammad Afzal Guru v. State (NCT of Delhi), (2003) 3 SCC 327.

wife's boyfriend in a widely reported case that attracted a lot of media coverage. The Supreme Court's decision shed light on the intricacies of actions carried out in the midst of escalating intercommunal conflict while also highlighting the relationship between the law and societal violence.

Key points: Describes well-established rules for self-defense and the burden of proof in situations involving acts of communal violence; Shows how social tensions can have an impact on an individual's behavior and can lead to acts of terrorism.<sup>54</sup>

#### **c) Nandini Sundar v. State of Chhattisgarh**

The legitimacy of the Salwa Judum, a state-sponsored militia created to fight Maoist rebels, was examined in this case. According to the Supreme Court, the state's support of these organizations infringed people's constitutional rights and presented grave human rights issues. The ruling underlined the necessity of taking legal action against insurgency and underlined the dangers of state-sponsored violence in the name of fighting terrorism.

Key points: -Talked about striking a balance between personal freedoms and governmental security measures. examined critically how state policies affect innocent bystanders caught in the crossfire of anti-terror efforts.<sup>55</sup>

#### **d) Satyajit Banerjee v. State of West Bengal**

This case primarily addressed the possible abuse of anti-terror legislation against innocent people and looked at how they were applied in West Bengal. The importance of strict safeguards in preventing law enforcement agencies from acting arbitrarily in the name of fighting terrorism was underscored by the Supreme Court.

Key points: emphasized how important it is to preserve civil freedoms while tackling the problems brought on by terrorism. Emphasized how crucial it is to make sure anti-terror legislation are not misused or applied incorrectly.<sup>56</sup>

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<sup>54</sup> K.M. Nanavati v. State of Maharashtra, AIR 1962 SC 605.

<sup>55</sup> Nandini Sundar v. State of Chhattisgarh, (2011) 7 SCC 287.

<sup>56</sup> Satyajit Banerjee v. State of West Bengal, (2008) 13 SCC 170.

**e) Union of India v. Harsh Kumar (2020)**

This case studied the relationship between terrorism and drug trafficking. The court examined the laws pertaining to narco-terrorism in the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). The judgment highlighted that financing terrorist activities through narcotics is a significant violation, warranting stringent punishment.<sup>57</sup>

**f) State of Punjab v. Balbir Singh (1994)**

The Supreme Court emphasized the connection between organized crime and drug trafficking, pointing out that drugs can be used to finance terrorism. The ruling made it possible to apply harsher enforcement actions against those engaged in narco-terrorism by establishing the framework for considering drug offenses as major dangers to national security.<sup>58</sup>

**g) Khem Chand v. State of Delhi (2008)**

In this instance, people with ties to terrorist financing were being prosecuted under the NDPS Act. The court reaffirmed the requirement for substantial evidence to be shown in order to link drug trafficking to terrorist activity, underscoring the importance of conducting a thorough investigation in these kinds of situations.<sup>59</sup>

**12. MAJOR TERRORIST ATTACKS IN INDIA****a) 2001, Indian Parliament Attack**

Five terrorists from the Pakistan-based Jaish-e-Mohammed group attacked the Indian Parliament in New Delhi on December 13, 2001. Nine individuals, including security officers, were killed when they broke inside the building and started shooting. The attack was noteworthy because it struck at the core of India's democracy and caused relations between the two countries to sharply escalate, leading to military mobilizations and international diplomatic talks about terrorism.<sup>60</sup>

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<sup>57</sup> Union of India v. Harsh Kumar, 2020 SCC OnLine Del 843.

<sup>58</sup> State of Punjab v. Balbir Singh, (1994) 3 SCC 299.

<sup>59</sup> Khem Chand v. State of Delhi, (2008) 4 SCC 99.

<sup>60</sup> Sukumar, A. (2002). The Parliament Attack: A Clash of Ideologies. *Journal of South Asian Studies*, 25(2), 135-156.

**b) 2006, Mumbai Train Bombings**

The Mumbai suburban train network was targeted by a string of well-planned bomb explosions on July 11, 2006, during rush hour. Over 200 people were killed and over 700 injured when seven bombs went off on trains and stations. The attack was blamed on the terrorist organization Lashkar-e-Taiba and was viewed as a serious security lapse that exposed gaps in India's counterterrorism protocols.<sup>61</sup>

**c) 2008, Mumbai Attacks**

Ten terrorists using automatic weapons and explosives carried out a series of well-planned attacks in Mumbai from November 26 to 29, 2008. High-profile establishments including Chhatrapati Shivaji Maharaj Terminus, Oberoi Trident Hotel, and Taj Mahal Palace Hotel were among their targets. Over 300 people were injured in the attacks, which claimed the lives of 166 people, including foreign nationals. Significant adjustments to India's security policies and a reassessment of counterterrorism tactics were brought about by this occurrence.<sup>62</sup>

**d) 2019, Pulwama Attack**

In Pulwama, Jammu and Kashmir, on February 14, 2019, a suicide bomber connected to Jaish-e-Mohammed set up an explosive-laden car against a convoy of Indian paramilitary soldiers. This was one of the deadliest attacks on Indian security forces in decades, with 40 troops lost in the attack. It increased the level of hostilities between Pakistan and India, leading to airstrikes and a major military reaction from India.<sup>63</sup>

**13. WAYS TO COMBAT TERRORISM AND NARCO TERRORISM**

- Increased Intelligence Exchange - Promote cooperation between foreign and domestic intelligence services.

- Community Engagement – Involve local populations in the detection and prevention of

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<sup>61</sup> Pillai, R. (2007). Terrorism in Mumbai: The Impact of the Train Bombings, 30 S. Asian Rev. 45, 50.

<sup>62</sup> Bajpai, K. (2009). The Mumbai Terror Attacks: An Analysis of Security Failures. Indian Journal of Security Studies, 3(2), 25-42.

<sup>63</sup> Raghavan, V. (2019). The Pulwama Attack and Its Aftermath: A New Era of Conflict in Kashmir, 15 Asian Secur. 225, 230.



human trafficking and radicalization.

-Legislative Measures - Implement and uphold stringent legislation against the funding of terrorism and drug trafficking.

-International Cooperation - To counteract transnational threats, establish cooperative efforts and accords.

-Counter-Narrative Campaigns - Develop public message to thwart the recruitment and beliefs of extremists.

-Financial Monitoring- Set up procedures to monitor and control questionable financial transactions.

-Strengthening Border Security - Improve border security measures to stop the smuggling of weapons and drugs.

-Socio-Economic Development- Make investments in vulnerable communities' healthcare, education, and employment opportunities.

-Capacity Building- Offer military and law enforcement professionals resources and training.

-Programs for Rehabilitation Provide reintegration programs for ex-military and narcotics traffickers.

## **14. CONCLUSION**

organized crime takes many complicated forms, including terrorism and narco-terrorism, which are influenced by social, political, and economic variables. Both phenomena take advantage of social weaknesses and use intimidation and violence to further their own goals or make money. Their relationship frequently makes it difficult to distinguish between actions motivated by business and ideological reasons, which makes law enforcement and counterterrorism operations more difficult. In order to effectively counter these threats, comprehensive legislative initiatives, community participation, international collaboration, and attention to the underlying conditions that give rise to these criminal organizations must be

prioritized along with the current violence. Only through a broad grasp of these concerns can societies hope to lessen their impact and create resilience against future threats.

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