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### Strengthening National Security: Addressing Organised Crimes and Terrorist act under New Criminal Laws of India

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#### Abstract

The Parliament of India enacted three comprehensive legislative reforms, representing the most significant transformation of India's criminal justice system. The Bhartiya Nyaya Sanhita, 2023 (BNS), the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS), and the Bhartiya Sakshya Adhiniyam, 2023 (BSA), replace the old laws Indian Penal Code, 1860, The Code of Criminal Procedure, 1973, and The Indian Evidence Act, 1872, which were based on colonial rules. These laws establish a uniform legal framework designed to combat organised crime and terrorism, thereby addressing current security issues that threaten the nation's stability. During the legislative reform process, India is confronting significant security challenges, including transnational terrorism, cyber warfare, organised crime syndicates, and ideological extremism. The new rules aim to enhance the regulation of investigations concerning organised crime and terrorism in India while still upholding individual liberties and rights. The recent legislative advancements enhance India's national security framework through improved legal instruments and procedural mechanisms, thereby augmenting the state's institutional capacity to effectively investigate, prosecute, and deter terrorism and organised crime.

**Keywords:** *Organised crime, terrorism, Bharatiya Nyaya Sanhita, national security, legal reforms.*

### Meaning of Organised Crime and Terrorist act

Section 111 of the Bharatiya Nyaya Sanhita, 2023, defines organised crime as continual illegal activities, including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, and other economic crimes committed by a group of criminals seeking financial gains either via force, threats, or intimidation. The law creates a detailed plan to fight organised crime that aims for money or supports rebellion, covering both old crimes like kidnapping and robbery, as well as newer economic crimes, which means organised crime includes both traditional offenses and modern economic activities done by groups instead of just individuals<sup>1</sup>.

Petty organised crime is defined in Bharatiya Nyaya Sanhita Section 112 as any stealing, snatching, cheating, ticket sales without authorization, unlawful betting or gambling, sales of test question papers, or similar activities carried out either alone or in concert by a group member. Emphasizing the group aspect of the offenders operating under gangs or organizations, the legislation largely targets organised but small criminal behavior involving group participation; it differentiates these accusations from individual criminal activities. Since gang members coordinate and utilize a systematic strategy that compromises public order and safety, this paragraph warrants more severe repercussions than identical acts carried out by single individuals. When organised groups are involved, even relatively minor crimes carry greater significance.<sup>2</sup>

Section 113 of the Bharatiya Nyaya Sanhita, 2023, defines a terrorist act as any act carried out with the aim to strike fear or likely to strike terror in the people or to endanger or likely to harm the unity, integrity, sovereignty, security, or economic security of India or with the intent. The legislation includes activities carried out using explosives, dynamite, explosive compounds, weapons, deadly weapons, toxic gasses, chemicals, or any hazardous biological, radioactive, or nuclear material creating death, injury, or property damage, thereby disrupting India's financial stability via counterfeiting. The law defines severe penalties for planning, helping, running training camps, being part of terrorist organizations, hiding terrorists, and owning property acquired from terrorist activities as also including illegal threats against public officials using force, kidnapping, or abduction to pressure governments or organizations. There are provisions in the legislation permitting the creation of a thorough strategy to combat numerous types of terrorism. Actually, under Section 113 of the Bharatiya Nyaya Sanhita, 2023, there are multiple subsections encompassing many aspects of activities connected to terrorism. The section includes subsection (1), which

defines the Basic Terrorism Act; subsection (2), which prescribes punishments for terrorist acts; subsection (3), which addresses conspiracy and abetment; subsection (4), which covers organizing training camps; subsection (5), which deals with membership in terrorist organizations; subsection (6), which addresses harboring terrorists; and subsection (7), which covers possession of terrorist property. Thus, even though all these provisions relate to Section 113, they are distinct elements of the all-encompassing anti-terrorism framework retained within one single legislative chapter.<sup>3</sup>

### Enhanced Definition and Scope of Terrorism

The Bharatiya Nyaya Sanhita significantly increases the statutory definition of terrorism outside the constrained parameters established in past legislative systems. Terrorist acts covered by Section 113 of the BNS statutorily define any activity compromising or threatening India's unity, territorial integrity, sovereignty, national security, or economic security.<sup>4</sup> Cyberterrorism, tactics for economic warfare, and hybrid threat strategies modern terrorist groups actually employ are among the expanded definitional scope items here. The legislation recognizes terrorism as a multidimensional criminal phenomenon encompassing acts intended to cause terror among civilian populations, endanger human life, disturb social harmony between religious groups, or compromise basic public services and infrastructure. Law enforcement authorities are enabled by this all-encompassing legal approach to investigate and punish newly emerging terrorism variants that exploit globalization processes and technology developments.<sup>5</sup> Additionally included in the BNS are specific legislative clauses covering state-sponsored terrorism and international criminal activity. Section 152 particularly specifies higher criminal penalties and sets accelerated extradition procedures for targeting terrorist acts carried out by foreign nationals or groups against Indian interests.<sup>6</sup> These clauses improve India's legal capacity to punish organised crime and cross-border terrorism using better legal mechanisms and international cooperation frameworks by increasing its legal capacity to properly react to state-sponsored terrorism and transnational criminal networks running across national boundaries.

### Strengthened Framework Against Organised Crime

The revised criminal law builds a comprehensive legal framework to combat syndicated organised crime that seriously compromises national security and state authority. The Bharatiya Nyaya Sanhita

<sup>1</sup> Section 111 of the Bharatiya Nyaya Sanhita, 2023

<sup>2</sup> Section 112 of the Bharatiya Nyaya Sanhita, 2023

<sup>3</sup> Section 113 of the Bharatiya Nyaya Sanhita, 2023

<sup>4</sup> Bharatiya Nyaya Sanhita, 2023, Section 113.

<sup>5</sup> Ibid., Section 113(2).

<sup>6</sup> Ibid., Section 152.

legally describes organised crime as planned illegal activities carried out by people connected to criminal groups or gangs<sup>7</sup>, which include various crimes like drug trafficking, human trafficking, money laundering, and economic crimes that systematically weaken government power and public safety. Understanding that organised crime works through big networks of individual criminals and needs strong legal tools to dismantle entire criminal groups, Section 111 of the BNS specifically focuses on organised crime by setting tougher punishments for syndicate members and their associates.<sup>8</sup> The tougher penalties serve as strong legal warnings, even though judges have different sentencing choices based on how involved someone was in the organised crime activities. The law also incorporates regulations that allow law enforcement to seize money and property obtained from organised crime, thereby undermining these criminal groups financially. This aspect of economic enforcement reduces the likelihood that criminal groups can bribe public officials, finance additional crimes, or maintain their operations by specifically targeting their financial resources.<sup>9</sup> This disruption undermines the financial rewards and support systems that enable organised crime to threaten national security and weaken legitimate government authority.

#### **Advanced Investigative Powers and Procedures**

The Bharatiya Nagarik Suraksha Sanhita drastically alters investigative procedures by combining modern technologies and strategies required to properly fight advanced terrorist organizations and criminal networks. Section 176 statutorily permits law enforcement agencies to use electronic evidence in terrorism investigations, digital forensics tools, and advanced surveillance technologies<sup>10</sup>. Legally, these clauses enable investigative authorities to routinely gather, analyze, and document evidence extracted from digital devices, communication networks, and online platforms frequently used by criminal organizations and terrorist groups for operational needs. The new laws establish specialized investigation teams with more legal authority to engage in cross-jurisdictional operations all around India, free from territorial limits or jurisdictional boundaries.<sup>13</sup> This clause addresses a basic structural weakness in India's security system whereby criminal networks methodically used interstate jurisdictional complexity to avoid criminal prosecution and enforcement actions. The new investigative powers include legal rules for managing operations, careful monitoring, and gathering information that protect

people's rights while giving police the necessary tools to effectively investigate and prosecute crimes. Particularly meant to handle prosecutions of organised crime and terrorism, Section 195 of the BNSS establishes extensive witness protection programs.<sup>14</sup>

These programs methodically address problems of witness intimidation that routinely compromise efforts at prosecution in high-stakes national security cases by providing legal frameworks for witness safety and cooperation. The entire witness protection system includes laws for moving witnesses, keeping their identities safe, and providing financial help to encourage people to cooperate in national security investigations, all while ensuring the safety of witnesses and the success of prosecutions in terrorism and organised crime cases.

#### **Streamlined Legal Procedures and Expedited Trials**

The updated criminal legislation addresses systemic procedural delays that have historically made it more difficult for India to effectively respond to threats from terrorism and organised crime. The Bharatiya Nagarik Suraksha Sanhita has established fast-track courts with specialized jurisdiction over the prosecution of terrorism and organised crime.<sup>11</sup> Under streamlined procedural frameworks designed to ensure timely justice delivery while upholding the accused parties' constitutional rights and fundamental due process protections, these specialized judicial forums operate. Section 356 of the BNSS, which lays out exact statutory deadlines for different stages of the legal process, mandates time-bound investigations and trials for terrorism cases.<sup>12</sup> The statute requires law enforcement agencies to finish investigations within 90 days and judicial authorities to conclude trials within a year, unless there are exceptional circumstances that legally justify extensions beyond these specified timeframes. This timeline-driven legal approach prevents terrorism cases from stalling in the legal system and guarantees that prompt justice serves as an effective deterrent against terrorist activities and organised criminal conduct. The law also establishes statutory provisions for incamera trials and video conferencing procedures to protect witnesses and victims and maintain fair legal proceedings.<sup>13</sup> These protections carefully tackle security problems that often complicate terrorism trials by ensuring safe ways for witnesses to give their testimony and for evidence to be shown, while also keeping the court process fair, responsible, and in line with constitutional rights. This achieves a balance between the protection of fundamental rights in cases

<sup>7</sup> Ibid., Section 111(1).

<sup>8</sup> Ibid., Section 111.

<sup>9</sup> Bharatiya Nagarik Suraksha Sanhita, 2023, Chapter XV.

<sup>10</sup> Ibid., Section 176. <sup>13</sup> Ibid., Section 178 <sup>14</sup> Ibid., Section 195.

<sup>11</sup> Ibid., Section 356.

<sup>12</sup> Ibid., Section 356(2).

<sup>13</sup> Ibid., Section 357.

involving organised crime and terrorism and the demands of national security.

### **Enhanced International Cooperation Mechanisms**

Acknowledging the transnational aspect of modern terrorism and organised crime, the revised criminal laws improve India's institutional capacity for international cooperation in criminal justice concerns. Section 289 of the BNSS establishes expeditious protocols for extraditions, mutual legal assistance, and information flow between foreign law enforcement authorities.<sup>14</sup> These legislative clauses enable the government to respond quickly to requests for foreign aid and facilitate coordinated joint operations against transnational criminal networks that operate across multiple nations. The Bharatiya Sakshya Adhiniyam contains comprehensive clauses that allow the admittance of evidence, including digital evidence and witness testimony gathered through official legal assistance channels and international cooperation.<sup>15</sup> This evidentiary enhancement helps to solve technical and procedural challenges that formerly complicated successful prosecution of criminal cases involving international elements, cross-border activities, and transnational criminal enterprises. The updated legal framework not only protects private national security data and classified intelligence sources but also establishes clear guidelines for distributing intelligence information and planning operational activities with overseas partners.<sup>16</sup> By making legal systems better and improving diplomatic teamwork, these cooperative methods allow India to take part in global efforts against terrorism and crime while keeping control over important information and protecting national security, thus balancing the need for international cooperation with the need to ensure safety at home when dealing with international terrorism and organised crime.

### **Technology Integration and Cyber Security**

The updated criminal law recognizes organised crime as an inherent element of modern terrorism and cyber threats. Cyberterrorism is specifically mentioned in Section 319 of the BNS, which defines it as the intentional use of computers, computer networks, or digital devices to create major disruptions, damage infrastructure, or instill fear in the public.<sup>17</sup> This clause addresses planned attacks against government computer systems, financial networks, and critical infrastructure systems that might cause significant operational disruption and grave compromise of national security and public safety. The Bharatiya Sakshya Adhiniyam builds comprehensive legal frameworks for digital evidence collecting,

preservation methods, and courtroom presentation practices.<sup>18</sup> These legislative clauses ensure that electronic evidence conforms to accepted legal admissibility criteria and supports the successful prosecution of criminal activity that produces mostly digital evidentiary traces and electronic records. The laws address challenging procedural issues involving fast-developing digital technologies criminals use for operational needs, cross-border data storage systems, and data encryption technologies. Under constitutional protection rules and mandatory judicial supervision, the revised laws also empower law enforcement agencies to monitor electronic communications in real time during terrorism investigations.<sup>19</sup> These investigative powers, while maintaining institutional checks and balances to prevent governmental abuse of surveillance powers, enable security authorities to prevent terrorist attacks and methodically disrupt criminal networks through electronic surveillance. This approach balances national security imperatives with constitutional privacy protections and civil liberties in cyberterrorism and digital crime investigations.

### **Challenges and Constitutional Considerations**

While the new criminal law greatly strengthens India's national security system, implementation problems demand careful institutional review and a methodical approach. Critics question the possible misuse of enhanced government power and its negative consequences for fundamental civil liberties.<sup>20</sup> There may be administrative overreach should authorities use the expansive statutory definitions of terrorism and organised crime without appropriate institutional safeguards and consistent judicial supervision. The effectiveness of these new laws will be much influenced by the institutional capacity and specialized training of law enforcement agencies to properly apply enhanced powers while preserving strict adherence to constitutional rights and procedural protections. Modern terrorism and organised crime have operational complexity that requires particular knowledge and technical ability many law enforcement agencies now lack.<sup>21</sup> Effective application of these upgraded legal frameworks and investigative powers depends on comprehensive training programs and methodical institutional development projects. Government spending on technical infrastructure and human resource development must be significant in order to integrate contemporary technological systems with

<sup>14</sup> Ibid., Section 289.

<sup>15</sup> Bharatiya Sakshya Adhiniyam, 2023, Section 63.

<sup>16</sup> Bharatiya Nagarik Suraksha Sanhita, 2023, Section 290.

<sup>17</sup> Bharatiya Nyaya Sanhita, 2023, Section 319.

<sup>18</sup> Bharatiya Sakshya Adhiniyam, 2023, Chapter VI.

<sup>19</sup> Bharatiya Nagarik Suraksha Sanhita, 2023, Section 179.

<sup>20</sup> Supreme Court Bar Association, "Analysis of New Criminal Laws," Legal Journal of India, Vol. 45, No. 3 (2024), pp. 156-178.

<sup>21</sup> National Police Academy, "Training Requirements for New Criminal Laws," Internal Report, 2024.

international cooperation mechanisms.<sup>22</sup> The government needs to ensure proper funding and strong technical support systems to fully achieve the benefits of these legal changes, allowing for better counter-terrorism and organised crime prevention while maintaining constitutional rights and accountability in national security efforts.

### **Impact on National Security Architecture**

From reactive response systems to proactive prevention and deterrent strategies, the revised criminal laws reflect a basic paradigm change in India's national security approach. By means of improved investigative authority and simplified procedural systems, security agencies can identify, evaluate, and neutralize potential hazards before they become actual terrorist events or criminal activity.<sup>23</sup> Dealing with ideological radicalization processes and recruitment activities carried out by terrorist organizations targeting sensitive groups depends especially on this proactive security approach. Often sharing financial resources, operational networks, and tactical strategies, the whole legal framework for combating organised crime methodically disturbs the operational nexus between criminal enterprises and terrorist organizations.<sup>24</sup> The changed laws lessen the capacity of the criminal and terrorist activities of these networks to endanger national security by concentrating on the organizational bases and financial support for them. The legislative focus on international cooperation improves India's institutional capacity to control transnational hazards crossing national boundaries and facilitates the country being a more effective partner in global security projects.<sup>25</sup> By using coordinated global strategies and working together in international security systems, this improved international reputation allows for better sharing of intelligence and agreements for cooperation, which boosts India's overall security abilities and helps in the fight against terrorism and organised crime worldwide.

### **Conclusion**

India's new criminal laws reflect a whole government response to shifting threats to public order and national security. The Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhinyam provide law enforcement authorities with better legal tools for fighting organised crime and terrorism by incorporating

modern investigative methods and international cooperation strategies into India's criminal justice system. These legislative changes solve significant structural problems in India's security architecture and position the nation to respond appropriately to modern security challenges by means of improved legal foundations and institutional capacity. The success of these revised laws depends on careful implementation that balances national security needs with constitutional guarantees of fundamental rights. Law enforcement agencies, courts, and monitoring bodies must cooperate methodically to ensure that enhanced governmental powers support national security goals while preserving democratic values and individual rights protections ingrained in India's constitutional framework. With these comprehensive legal changes, India's criminal justice system is making significant progress towards creating a safer and stronger nation that can effectively handle today's security challenges through better legal processes and institutional strength. Through combined strategies and teamwork, these extensive reforms—which cover criminal law, procedures, and evidence rules—build a clear legal system that tackles different types of today's security challenges. As India puts these new criminal laws into action, ongoing checks and improvements will be essential to ensure they work well while maintaining the right balance between national security and the freedoms protected by the constitution, which are key to democratic governance and the rule of law in modern India.

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<sup>22</sup> Ministry of Home Affairs, "Implementation Budget for New Criminal Laws," Budget Document 2024-25.

<sup>23</sup> National Security Advisory Board, "Assessment of New Criminal Laws," Strategic Review, 2024.

<sup>24</sup> Intelligence Bureau, "Organised Crime and Terrorism Nexus," Classified Report, 2024.

<sup>25</sup> Ministry of External Affairs, "International Cooperation under New Criminal Laws," Policy Paper, 2024.