

Organized Crime and Terrorism under the Bharatiya Nyaya Sanhita, 2023: Emerging Challenges and Legal Responses

Dr. Shivananda Sahu

Assistant Professor in Law

Vikash Law School, Bargarh, Odisha, India

sahu.shivananda@gmail.com

Abstract

The Bharatiya Nyaya Sanhita, 2023 (BNS) introduces significant reforms in Indian criminal law by replacing the Indian Penal Code, 1860. Among its notable features is the incorporation of specific provisions addressing organized crime and terrorism, reflecting the changing nature of criminal activities and national security threats. The growing sophistication of criminal syndicates, cyber-enabled offences, transnational criminal networks, and technologically advanced terrorist operations necessitated a comprehensive legal framework. This paper examines the provisions relating to organized crime and terrorism under the BNS, analyses their significance, and evaluates the challenges associated with their implementation. It further explores the balance between effective law enforcement and the protection of fundamental rights. The study concludes that while the BNS strengthens India's response to serious crimes, effective implementation, institutional preparedness, and judicial oversight remain essential for achieving its objectives.

Keywords: Bharatiya Nyaya Sanhita, Organized Crime, Terrorism, Criminal Justice Reform, National Security.

Introduction

The twenty-first century has witnessed a remarkable transformation in the nature of crime. Criminal enterprises are no longer confined to local jurisdictions but increasingly operate across state and national boundaries.¹ Organized crime syndicates engage in drug trafficking, human trafficking, money laundering, cyber fraud, and illegal arms trade. Simultaneously, terrorism has emerged as one of the most serious threats to national security, public order, and social harmony.²

Recognizing these challenges, the Government of India enacted the Bharatiya Nyaya Sanhita, 2023, replacing the Indian Penal Code, 1860. The new legislation seeks to modernize criminal law and address contemporary forms of criminality. For the first time, organized crime and terrorist acts have been expressly incorporated into the substantive criminal law framework, thereby strengthening the legal machinery available to investigative and prosecuting agencies.³

Literature Review

Organized crime and terrorism have emerged as significant threats to national security and the administration of criminal justice.⁴ Bruce Hoffman observes that modern terrorism has evolved into a complex phenomenon involving technological innovation, transnational networks, and online radicalization.⁵ Similarly, the United Nations Office on

¹ Chhaya Vimal, Cross-Border Corporate Crime and Jurisdictional Challenges: A Study of India's Position in Global Corporate Prosecutions, *International Journal of Law Management and Humanities*, Published on June 8, 2026, Volume 9, Issue 3, Page 2026 – 2041, <https://ijlmh.com/paper/cross-border-corporate-crime-and-jurisdictional-challenges-a-study-of-indias-position-in-global-corporate-prosecutions/> last accessed on 19.06.2026 at 04:34 pm

² Paolo Campana & Angela Me, Keeping Pace with Organised Crime Seven Reflections on Research and Policy Priorities, *The RUSI Journal*, Published online: 05 Jun 2026, DOI: <https://doi.org/10.1080/03071847.2026.2681442> Last accessed on 20.06.2026 at 10:12 am

³ Dr Uma V, Dr Bindu Pereira S, A Critical Comparison of the Bharatiya Nyaya Sanhita, 2023 and the Indian Penal Code, 1860: Continuities, Contrasts, and Challenges, *Journal of Advanced Homoeopathic Studies (JAHS)*, Volume:02; Issue:01; Jan - Mar 2026, DOI: [10.67062/jahs.v2.i1.6](https://doi.org/10.67062/jahs.v2.i1.6) Last accessed on 19.06.2026 at 07:05 pm

⁴ Abdulrahman O. J. Kaniki, A Global Perspective of Transnational Crimes and National Security, *International Diplomatic Review Journal*, Vol. 1, Issue 1, 2021, pp 1 – 21 DOI: <https://doi.org/10.56279/MXFZ6491> Last accessed on 15.05.2026 at 08:02 am

⁵ Bruce Hoffman, *Inside Terrorism* (3rd edn., Columbia University Press 2017) 284.

Drugs and Crime (UNODC) highlights the growing nexus between organized criminal groups and terrorist organizations through illicit financial activities and cross-border operations.⁶

In the Indian context, K.D. Gaur notes that the Indian Penal Code, 1860 lacked specific provisions addressing organized crime as a distinct offence, necessitating reliance on special statutes and fragmented legal mechanisms.⁷ Recent academic discussions on the Bharatiya Nyaya Sanhita, 2023 have welcomed the introduction of dedicated provisions relating to organized crime and terrorism. However, scholars have also expressed concerns regarding the broad scope of these provisions and their potential implications for civil liberties.⁸

The existing literature primarily focuses on organized crime and terrorism under special legislations such as the Unlawful Activities (Prevention) Act, 1967 and state-specific laws. Limited research has examined the treatment of these offences under the Bharatiya Nyaya Sanhita, 2023. The present study seeks to address this gap.

Research Objectives

The present study seeks to achieve the following objectives:

1. To examine the provisions relating to organized crime and terrorism under the Bharatiya Nyaya Sanhita, 2023.
2. To analyse the emerging challenges posed by organized criminal networks and terrorist activities in contemporary India.
3. To evaluate the effectiveness of the legal responses introduced under the BNS, 2023.
4. To suggest measures for strengthening the implementation of these provisions.

Research Methodology

The study adopts a doctrinal research methodology based on secondary sources. It primarily analyses the provisions of the Bharatiya Nyaya Sanhita, 2023, relevant judicial decisions, books, journal articles, government reports, and international legal instruments. A descriptive and analytical approach has been employed to examine the legal framework governing organized crime and terrorism and to assess its effectiveness in addressing contemporary challenges.

Historical Background and Evolution of Legislation on Organized Crime under the Bharatiya Nyaya Sanhita, 2023

Organized crime has long posed a serious challenge to India's criminal justice system. Prior to the enactment of the Bharatiya Nyaya Sanhita, 2023 (BNS), there was no specific offence of "organized crime" under the Indian Penal Code, 1860 (IPC). Criminal activities carried out by organized syndicates were prosecuted through various general provisions relating to criminal conspiracy, extortion, kidnapping, cheating, and unlawful association. Sections 120B, 384–389, and other related provisions of the IPC were frequently invoked to address such offences. However, these provisions were often inadequate to deal with the complex and continuing nature of organized criminal enterprises.

The need for a specialized legal framework was recognized by several expert bodies. The 41st Report of the Law Commission of India highlighted the growing sophistication of criminal organizations and emphasized the necessity of strengthening criminal laws to address collective criminal activities.⁹ Subsequently, the Committee on Reforms of Criminal Justice System, popularly known as the Malimath Committee, recommended stronger measures to combat organized crime, particularly in view of its links with terrorism, economic offences, and corruption.¹⁰

⁶ United Nations Office on Drugs and Crime (UNODC), *Global Study on Organized Crime* (2023).

⁷ K.D. Gaur, *Textbook on Indian Penal Code* (7th edn., Universal Law Publishing 2024) 95.

⁸ Bharatiya Nyaya Sanhita, 2023, ss. 111 & 113.

⁹ Law Commission of India, *Forty-First Report on the Indian Penal Code* (1969).

¹⁰ Committee on Reforms of Criminal Justice System (Malimath Committee), *Report of the Committee* (Ministry of Home Affairs, Government of India, 2003).

In response to increasing criminal syndicate activities, several states enacted special legislations. The Maharashtra Control of Organised Crime Act, 1999 (MCOCA) became one of the earliest comprehensive laws targeting organized crime. Later, the Gujarat Control of Terrorism and Organised Crime Act, 2015 (GUJCTOC/GUJCOCA) expanded the scope of organized crime by including offences such as land grabbing, financial fraud, and cyber-enabled criminal activities.¹¹

Drawing inspiration from these state enactments and evolving security concerns, Parliament incorporated specific provisions relating to organized crime in the Bharatiya Nyaya Sanhita, 2023. Section 111 of the BNS introduces a statutory definition of organized crime and prescribes stringent punishments for individuals involved in criminal syndicates. The inclusion of these provisions reflects the legislature's intention to address modern forms of organized criminality, including cybercrime, human trafficking, economic offences, and transnational criminal networks.

During parliamentary discussions, concerns were raised regarding the possibility of misuse of these provisions against political opponents or dissenting groups. Nevertheless, supporters argued that a robust legal framework was essential to curb the growing influence of organized criminal syndicates operating in sectors such as real estate, illegal mining, cyber fraud, and financial crimes. The enactment of the BNS thus marks a significant shift in Indian criminal law by providing a comprehensive statutory mechanism to combat organized crime at the national level.¹²

Organized Crime under the Bharatiya Nyaya Sanhita, 2023

One of the major innovations introduced by the Bharatiya Nyaya Sanhita, 2023(BNS) is the explicit recognition of organized crime. Traditionally, organized criminal activities were prosecuted through a combination of general penal provisions and special laws such as the Maharashtra Control of Organised Crime Act (MCOCA). However, the absence of a comprehensive national definition often created legal ambiguities.¹³

Section 111 of the BNS¹⁴ defines organized crime as continuing unlawful activity carried out by individuals or groups acting in concert, involving violence, intimidation, coercion, corruption, or other unlawful means to obtain economic or

¹¹ The Maharashtra Control of Organised Crime Act, 1999; The Gujarat Control of Terrorism and Organised Crime Act, 2015.

¹² Aikaterini Christina Koula, Strengthening the rule of law: the necessity of protecting human rights defenders from criminalisation, *Human Rights Law Review*, Volume 26, Issue 1, March 2026,, <https://doi.org/10.1093/hrlr/ngaf039> Last accessed on 12.06.2026 at 04.09.pm

¹³ Bandu B. Meshram, Manish Kumar Singh, BRIDGING PHYSICAL & CYBER CRIMES IN BHARATIYA NYAYA SANHITA 2023. *Journal of Emerging Technologies and Innovative Research (JETIR)*, August 2024, Volume 11, Issue 8

¹⁴ **Section 111. Organised crime.**

(1) Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber-crimes, trafficking of persons, drugs, weapons or illicit goods or services, human trafficking for prostitution or ransom, by any person or a group of persons acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, or by any other unlawful means to obtain direct or indirect material benefit including a financial benefit, shall constitute organised crime.

Explanation.---For the purposes of this sub-section,---

(i)"organised crime syndicate" means a group of two or more persons who, acting either singly or jointly, as a syndicate or gang indulge in any continuing unlawful activity;

(ii) "continuing unlawful activity" means an activity prohibited by law which is a cognizable offence punishable with imprisonment of three years or more, undertaken by any person, either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent Court within the preceding period of ten years and that Court has taken cognizance of such offence, and includes economic offence;

(iii) "economic offence" includes criminal breach of trust, forgery, counterfeiting of currency-notes, bank-notes and Government stamps, hawala transaction, mass-marketing fraud or running any scheme to defraud several persons or doing any act in any manner with a view to defraud any bank or financial institution or any other institution or organisation for obtaining monetary benefits in any form.

(2) Whoever commits organised crime shall,---

(a) if such offence has resulted in the death of any person, be punished with death or imprisonment for life, and shall also be liable to fine which shall not be less than ten lakh rupees;

(b) in any other case, be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(3) Whoever abets, attempts, conspires or knowingly facilitates the commission of an organised crime, or otherwise engages in any act preparatory to an organised crime, shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

material benefits.¹⁵ The definition encompasses activities such as kidnapping, extortion, cybercrime, trafficking, contract killings, and financial crimes.

The provision recognizes the collective nature of organized criminal enterprises and focuses on the continuity of unlawful activities rather than isolated criminal acts. This approach aligns with international standards, particularly the principles embodied in the United Nations Convention against Transnational Organized Crime (UNTOC).¹⁶

The BNS prescribes stringent punishments for organized crime, including imprisonment for life and substantial fines where such activities result in death. Lesser forms of participation, including membership, harbouring offenders, and facilitating criminal enterprises, also attract criminal liability.¹⁷

Historical Background and Evolution of Legislation on Terrorism under the Bharatiya Nyaya Sanhita, 2023

Terrorism has been one of the most serious challenges to India's sovereignty, national security, and public order since the latter half of the twentieth century. Unlike ordinary crimes, terrorist activities are aimed at creating fear among the public, destabilizing governmental institutions, and threatening the unity and integrity of the nation. Prior to the enactment of the Bharatiya Nyaya Sanhita, 2023 (BNS), the Indian Penal Code, 1860 (IPC) did not contain a specific offence defining or penalizing terrorism. Terrorist acts were primarily addressed through special legislations enacted from time to time.¹⁸

The first major anti-terror legislation was the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA), enacted to deal with insurgency and terrorist violence. Although TADA provided extensive powers to law enforcement agencies, it attracted criticism due to allegations of misuse and violations of civil liberties. Consequently, the Act lapsed in 1995.¹⁹

Following the rise of terrorist incidents, particularly the attack on the Indian Parliament in 2001, Parliament enacted the Prevention of Terrorism Act, 2002 (POTA). The legislation introduced stringent measures for investigation and prosecution of terrorism-related offences. However, concerns regarding its misuse led to its repeal in 2004.²⁰

Thereafter, the Unlawful Activities (Prevention) Act, 1967 (UAPA), originally enacted to curb unlawful associations, was substantially amended to incorporate comprehensive anti-terrorism provisions. Over the years, UAPA became India's principal legislation dealing with terrorist organizations, terrorist financing, and terrorist activities.²¹

(4) Any person who is a member of an organised crime syndicate shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(5) Whoever, intentionally, harbours or conceals any person who has committed the offence of an organised crime shall be punished with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees:

Provided that this sub-section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.

(6) Whoever possesses any property derived or obtained from the commission of an organised crime or proceeds of any organised crime or which has been acquired through the organised crime, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than two lakh rupees.

(7) If any person on behalf of a member of an organised crime syndicate is, or at any time has been in possession of movable or immovable property which he cannot satisfactorily account for, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for ten years and shall also be liable to fine which shall not be less than one lakh rupees.

¹⁵ Bharatiya Nyaya Sanhita, 2023, s. 111.

¹⁶ United Nations Convention against Transnational Organized Crime, 2000.

¹⁷ ADITYA BORKAR. Dr.BHOOPENDRA KARWANDE, Analysis of Organised Crime and petty organised crime under Bharatiya Nyaya Sanhita, 2023. Journal of Advance and Future Research, 2026 JAAFR | Volume 4, Issue 4 April 2026

¹⁸ Dr Uma V, Dr Bindu Pereira S, A Critical Comparison of the Bharatiya Nyaya Sanhita, 2023 and the Indian Penal Code, 1860: Continuities, Contrasts, and Challenges, Journal of Advanced Homoeopathic Studies (JAHS), Volume:02; Issue:01; Jan - Mar 2026, DOI:[10.67062/jahs.v2.i1.6](https://doi.org/10.67062/jahs.v2.i1.6) Last accessed on 19.06.2026 at 07:05 pm

¹⁹ *Kartar Singh v. State of Punjab*, (1994) 3 SCC 569

²⁰ *People's Union for Civil Liberties v. Union of India*, (2004) 9 SCC 580.

²¹ The Unlawful Activities (Prevention) Act, 1967 (as amended in 2004, 2008, 2012 and 2019).

Despite the existence of UAPA, there remained no specific provision relating to terrorism within the general criminal law framework. To address this gap, Parliament introduced Section 113 in the Bharatiya Nyaya Sanhita, 2023, which expressly defines and criminalizes terrorist acts. The provision substantially draws from the definition contained in Section 15 of the UAPA and covers acts intended to threaten the unity, integrity, sovereignty, security, or economic security of India, or to strike terror among the people.²²

The inclusion of terrorism as a substantive offence under the BNS represents a significant shift in India's criminal jurisprudence. During parliamentary debates, supporters argued that terrorism should be recognized as a core offence under the general penal law rather than being confined solely to special legislation. Critics, however, expressed concerns regarding the possibility of overlapping jurisdiction with the UAPA and the potential impact on civil liberties.²³ The enactment of Section 113 of the BNS²⁴ thus marks an important stage in the evolution of India's anti-terrorism laws by

²² Bharatiya Nyaya Sanhita, 2023, s. 113; Unlawful Activities (Prevention) Act, 1967, s. 15.

²³ PRIYANSHU UPADHYAY, Punishing the Unfinished Crime: A Critical

Study of the State of Inchoate Offences

under the Bharatiya Nyaya Sanhita, International Journal of Law Management & Humanities, 2023, [Vol. 9 Iss 3, 2123] pp 2123-2140

²⁴ **Section 113. Terrorist act.**

(1) Whoever does any act with the intent to threaten or likely to threaten the unity, integrity, sovereignty, security, or economic security of India or with the intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country,---

(a) by using bombs, dynamite or other explosive substance or inflammable substance or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substance (whether biological, radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause,---

(i) death of, or injury to, any person or persons; or

(ii) loss of, or damage to, or destruction of, property; or

(iii) disruption of any supplies or services essential to the life of the community in India or in any foreign country; or

(iv) damage to, the monetary stability of India by way of production or smuggling or circulation of counterfeit Indian paper currency, coin or of any other material; or

(v) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or

(b) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or

(c) detains, kidnaps or abducts any person and threatening to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or an international or inter-governmental organisation or any other person to do or abstain from doing any act, commit a terrorist act.

Explanation.---For the purpose of this sub-section,---

(a) "public functionary" means the constitutional authorities or any other functionary notified in the Official Gazette by the Central Government as public functionary;

(b) "counterfeit Indian currency" means the counterfeit currency as may be declared after examination by an authorised or notified forensic authority that such currency imitates or compromises with the key security features of Indian currency.

(2) Whoever commits a terrorist act shall,---

(a) if such offence has resulted in the death of any person, be punished with death or imprisonment for life, and shall also be liable to fine;

(b) in any other case, be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

(3) Whoever conspires or attempts to commit, or advocates, abets, advises or incites, directly or knowingly facilitates the commission of a terrorist act or any act preparatory to the commission of a terrorist act, shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

(4) Whoever organises or causes to be organised any camp or camps for imparting training in terrorist act, or recruits or causes to be recruited any person or persons for commission of a terrorist act, shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

(5) Any person who is a member of an organisation which is involved in terrorist act, shall be punished with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.

(6) Whoever voluntarily harbours or conceals, or attempts to harbour or conceal any person knowing that such person has committed a terrorist act shall be punished with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine:

Provided that this sub-section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.

integrating terrorism into the mainstream criminal justice framework while seeking to provide a more comprehensive legal response to contemporary security threats.²⁵

Terrorism under the Bharatiya Nyaya Sanhita, 2023

The inclusion of terrorism within the BNS framework represents another significant development. Previously, terrorism-related offences were primarily governed by the Unlawful Activities (Prevention) Act, 1967 (UAPA). While UAPA continues to remain in force, the BNS introduces terrorism as a substantive offence within the general criminal law framework.

Section 113 of the BNS defines terrorist acts broadly to include actions intended to threaten the unity, integrity, sovereignty, security, or economic security of India.²⁶ The provision covers acts causing death, bodily injury, destruction of public property, disruption of essential services, and use of explosives, biological agents, or other dangerous substances.

Modern terrorism increasingly relies on digital platforms for recruitment, financing, propaganda, and coordination. The BNS acknowledges these evolving threats by adopting a broad definition capable of accommodating emerging forms of terrorist activities. Severe punishments, including death penalty and life imprisonment in appropriate cases, demonstrate the legislature's commitment to combating terrorism effectively.²⁷

Emerging Challenges

1. Cyber-Enabled Organized Crime

Technological advancement has transformed traditional criminal activities. Organized crime groups now exploit digital technologies for financial fraud, identity theft, ransomware attacks, and cryptocurrency-based money laundering. Criminal networks often operate anonymously across jurisdictions, making detection and prosecution difficult.²⁸

While the BNS includes cybercrime within the ambit of organized crime, enforcement agencies continue to face challenges in tracing digital footprints, obtaining electronic evidence, and identifying perpetrators operating through encrypted networks.²⁹

2. Transnational Criminal Networks

Globalization has facilitated the expansion of criminal enterprises beyond national boundaries. Human trafficking, narcotics trade, arms smuggling, and financial crimes frequently involve actors located in multiple countries. Effective investigation requires international cooperation, extradition arrangements, and mutual legal assistance mechanisms.³⁰

Despite enhanced legal provisions, practical difficulties in securing international cooperation often delay investigations and prosecutions.

(7) Whoever knowingly possesses any property derived or obtained from commission of any terrorist act or acquired through the commission of any terrorist act shall be punished with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.

Explanation.---For the removal of doubts, it is hereby declared that the officer not below the rank of Superintendent of Police shall decide whether to register the case under this section or under the Unlawful Activities (Prevention) Act, 1967 (37 of 1967).

²⁵ S M Aamir Ali, Sarfaraz Ahmed Khan, From extraordinary to ordinary: a critical analysis of the Unlawful Activities (Prevention) Act, 1967 and Section 113 of the Bharatiya Nyaya Sanhita, 2023, Statute Law Review 46(3), December 2025, DOI:[10.1093/slr/hmaf038](https://doi.org/10.1093/slr/hmaf038), Last accessed on 20.06.2026 at 05:40 pm

²⁶ Bharatiya Nyaya Sanhita, 2023, s. 113.

²⁷ The Economic Times News, Redrafted bills broaden definition of terrorism, include threat to economic security, Dec 13, 2023, Available at <https://economictimes.indiatimes.com/news/defence/redrafted-bills-broaden-definition-of-terrorism-include-threat-to-economic-security/articleshow/105952521.cms?from=mdr> Last accessed on 19.06.2026 at 04:34 pm

²⁸ V. Rijmenam, *The Organisation of Cybercrime*, Routledge Publications, 2022, p. 67

²⁹ Rahul Jain, Bhabani Sonowal, Analyzing the Procedure for Investigation in Cybercrime and Admissibility of Electronic Evidence, In book: Cybercrime Unveiled: Technologies for Analysing Legal Complexity (pp.265-289) February 2025, DOI:[10.1007/978-3-031-80557-8_12](https://doi.org/10.1007/978-3-031-80557-8_12) Last accessed on 18.06.2026 at 12:12 pm

³⁰ United Nations Office on Drugs and Crime (UNODC), *Global Report on Organized Crime*, 2023.

3. Radicalization and Online Terrorism

The internet has become a powerful tool for terrorist organizations. Social media platforms enable recruitment, dissemination of extremist ideologies, fundraising, and operational planning. Lone-wolf attacks inspired by online radicalization present unique challenges because perpetrators often act independently without direct organizational control.³¹

Traditional investigative techniques may prove inadequate against decentralized and digitally connected terrorist networks.

4. Collection of Digital Evidence

The successful prosecution of organized crime and terrorism increasingly depends upon digital evidence such as emails, social media communications, surveillance footage, and electronic financial records. Issues concerning authenticity, admissibility, chain of custody, and data privacy frequently arise during trials.³²

Courts must balance evidentiary reliability with constitutional protections relating to privacy and due process.

Legal Responses under the BNS

Strengthening Substantive Criminal Law

The BNS consolidates serious offences within a unified legal framework. By expressly defining organized crime and terrorism, it eliminates ambiguities and provides greater clarity to investigators, prosecutors, and courts.³³

Enhanced Deterrence

Stringent punishments prescribed under Sections 111 and 113 aim to deter participation in criminal syndicates and terrorist activities. The criminalization of support activities such as harbouring offenders, financing operations, and facilitating criminal enterprises broadens the scope of liability.³⁴

Recognition of Economic and Cyber Threats

The BNS recognizes that modern criminality extends beyond physical violence. Economic offences, cybercrime, and digital terrorism can inflict substantial harm upon national security and public welfare. The legislation accordingly adopts a comprehensive approach to criminal liability.³⁵

Improved Coordination with Procedural Reforms

The Bharatiya Nagarik Suraksha Sanhita, 2023 complements the BNS through provisions promoting digital investigations, electronic records, forensic evidence, and technology-driven criminal justice processes. These reforms are expected to strengthen investigations involving organized crime and terrorism.³⁶

³¹ Bruce Hoffman, *Inside Terrorism*, Columbia University Press, 2017, p. 284.

³² Avtar Singh, *Law of Evidence*, 24th ed., Central Law Publications, 2024, p. 512.

³³ KARAN KHANNA, SHAILJA KHOSLA, A Comparative Analysis of BNS and IPC, ICONIC RESEARCH AND ENGINEERING JOURNALS. MAY 2025 | IRE Journals | Volume 8 Issue 11, pp 1740-1777

³⁴ SHAHINA B, SAHNAAJ J S, VARSHINI A, NAVIGATING ORGANISED CRIME: INSIGHTS FROM SECTION 111 OF THE BHARTIYA NYAYA SANHITA, 2023, International Journal Of Novel Research And Development, Volume 9, Issue 10 October 2024

³⁵ Mahendra Kumar, Upendra Grewal, CYBER CRIME AND INDIAN CRIMINAL JUSTICE SYSTEM: A LEGISLATIVE PROTECTIVE APPROACHES, ShodhKosh: Journal of Visual and Performing Arts 7(1), May 2026, DOI:10.29121/shodhkosh.v7.i1.2026.8404 Last accessed on 15.06.2026 at 02:23 pm

³⁶ Arshad Alam, TECHNOLOGICAL TRANSFORMATION IN CRIMINAL INVESTIGATION: NAVIGATING PROGRESS AND PRIVACY UNDER THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023, Indian Journal of Law and Legal Research Volume VII Issue V, Available at <https://www.ijlrr.com/post/technological-transformation-in-criminal-investigation-navigating-progress-and-privacy-under-the-bh> Last accessed on 16.06.2026 at 04:45 pm

Concerns and Criticisms

Despite its progressive features, certain concerns have been raised regarding the implementation of these provisions.

First, the broad definitions of organized crime and terrorism may create risks of over-criminalization. Legal scholars have cautioned that vague or expansive terminology could potentially lead to misuse against political dissenters, activists, or marginalized groups.³⁷

Second, stringent anti-terror measures must remain consistent with constitutional guarantees under Articles 14, 19, and 21 of the Constitution of India. Excessive state power without adequate safeguards may undermine civil liberties.³⁸

Third, effective enforcement requires specialized training, forensic infrastructure, cyber expertise, and inter-agency coordination. Mere legislative reform cannot achieve desired outcomes without corresponding institutional capacity-building.³⁹

Finally, prolonged investigations and delays in trials may weaken the deterrent effect of these provisions. Judicial efficiency remains crucial for ensuring meaningful enforcement.⁴⁰

Suggestions

1. Specialized cybercrime and counter-terrorism units should be strengthened with advanced technological resources.
2. Regular training programs should be conducted for police officers, prosecutors, and judicial officers regarding digital evidence and emerging criminal methodologies.
3. International cooperation mechanisms should be enhanced through bilateral agreements and information-sharing frameworks.
4. Strong judicial oversight should be maintained to prevent misuse of anti-terror and organized crime provisions.
5. Witness protection and victim support mechanisms should be expanded to improve prosecution success rates.
6. Greater investment in forensic laboratories and digital investigation infrastructure is essential.

Conclusion

The Bharatiya Nyaya Sanhita, 2023 represents a significant milestone in India's criminal law reforms. By explicitly recognizing organized crime and terrorism, it responds to evolving threats that challenge public safety, national security, and economic stability. The legislation reflects a modern understanding of criminality, encompassing cyber-enabled offences, transnational criminal networks, and technologically sophisticated terrorist activities.

While the new provisions strengthen the legal framework and enhance deterrence, their effectiveness ultimately depends upon efficient implementation, institutional preparedness, and adherence to constitutional principles. A balanced approach that combines robust law enforcement with protection of fundamental rights will be essential for achieving the

³⁷ K.D. Gaur, *Textbook on Indian Penal Code*, Universal Law Publishing, 2024, p. 98.

³⁸ Dr Princy Singla, TERRORISM AND CRIMINAL LAW: NATIONAL SECURITY VS. CIVIL LIBERTIES, *International Journal of Creative Research Thoughts (IJCRT)*, Volume 13, Issue 4, April 2025,

³⁹ The Protection of Critical Infrastructure Against Terrorist Attacks Compendium of Good Practices 2022 Update, INTERPOL, UNITED NATIONS OFFICE OF COUNTER-TERRORISM, Available at https://www.un.org/counterterrorism/sites/default/files/2225521_compendium_of_good_practice_web.pdf Last accessed on 15.05.2026 at 04:17 pm

⁴⁰ Paul Andrew Bourne, Judicial Delay and Crime Dynamics: An Empirical Analysis of the Criminogenic Effects of Procedural Inefficiency, *Global Journal of Transformation in Law, Human Rights and Social Justice* - Vol. 10, Issue 1 – 2026, https://www.researchgate.net/publication/402020533_Judicial_Delay_and_Crime_Dynamics_An_Empirical_Analysis_of_the_Criminogenic_Effects_of_Procedural_Inefficiency Last accessed on 20.06.2026 at 07:15 pm

objectives of the BNS. As India confronts increasingly complex criminal threats, the success of these reforms will significantly shape the future of criminal justice administration and national security governance.