IJARSCT
International Journal of Advanced Research in Science, Communication and Technology
International Open-Access, Double-Blind, Peer-Reviewed, Refereed, Multidisciplinary Online Journal
ISSN: 2581-9429
Volume 6, Issue 3, June 2026
Impact Factor: 8.2

Role of Police in International Issues: A Critical Analysis of Legal Framework, International Cooperation, and Enforcement Challenges in India

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Abstract: *Interconnection of nations owing to globalization, technology, business dealings, movement of people, and communication have brought a change in the character of crimes. Criminal acts are not limited within any country's boundaries; rather, they have become multi-jurisdictional, making it difficult for law enforcement agencies to deal with them effectively. International problems like terrorism, cybercrime, narcotics and human trafficking, money laundering, refugees, and organized crimes call for a concerted effort on the part of nations and international organizations. In such a scenario, the police force becomes highly important in ensuring national security, criminal law enforcement, crime prevention, and international cooperation in crime administration.*

This article discusses the involvement of police in dealing with international matters under Indian law. In this connection, it discusses the constitutional and statutory basis of police powers and the changing scope of activities of police forces in dealing with crimes that involve crossing international borders. The importance of international policing systems such as INTERPOL, extradition procedures, mutual legal assistance treaties, exchange of information, and joint investigations has also been analysed. Further, difficulties encountered by police agencies, such as the problem of jurisdiction, lack of technology, and human rights problems have been discussed. This analysis of existing practices has revealed that there is a need for more effective international cooperation, modern technological infrastructure, specialized training, and new policies to be adopted by police forces to meet international challenges specialized training, and new policies to be adopted by police forces to meet international challenges.

Keywords: Police, International Issues, Transnational Crime, Terrorism, Cybercrime, Human Trafficking, INTERPOL, Extradition.

I. INTRODUCTION

The current era has brought about tremendous changes in crime because of globalization and technology. The increasing interdependence of countries across the globe in areas such as international business, digital communication, financial systems, transportation systems, and migration has made significant contributions to economic and social development. At the same time, the advances have created new opportunities for criminal activities, which cut across boundaries and pose challenges to existing law enforcement procedures.[1] Modern day criminals make use of international networks, which take advantage of variations in legal procedures, technology, and jurisdictions to perpetrate their crimes.

Modern international crimes include such serious acts as terrorism, cybercrimes, drug trafficking, human trafficking, money laundering, and organized crimes among others. What is characteristic of such crimes is the fact that they often cross borders, thus complicating their investigation and prosecution. For example, pieces of evidence for such offenses

[1]Phil Williams, Transnational Criminal Networks, in Networks and Netwars 61 (John Arquilla & David Ronfeldt eds., 2001).

may be found in several countries; offenders can perpetrate crimes from other countries and financial transactions may flow through international banking systems. In view of the above, tackling such crimes requires cooperation at both domestic and international levels.

In the Indian context, the police departments are important for tackling international crimes. Cooperation with central agencies investigating the matter, foreign nations, and international agencies for dealing with international crime is required.[2] The legislation regulating such actions includes Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023, Information Technology Act, 2000, Narcotic Drugs and Psychotropic Substances Act, 1985, Prevention of Money Laundering Act, 2002, and Unlawful Activities (Prevention) Act, 1967. The legislation enables the police to investigate crimes, collect evidence, coordinate with other countries and prosecute those who have committed crimes internationally.

Due to the changing nature of international crime, there is a need to evaluate the involvement of the police in handling international problems. The research aims at evaluating the legislative framework, institutions, challenges and opportunities of international policing in India.

II. CONCEPT AND SCOPE OF INTERNATIONAL ISSUES IN POLICING

International policing issues involve criminal and security issues that affect more than one nation and hence need collaboration among various law enforcement agencies. This involves instances whereby the crime itself, the offender, the victim, evidence, and the impact of the crime transcend national borders. Globalization, international migration, technological advancements, and digital technology have led to an increase in crimes that have an international dimension.[3]

Traditionally, policing involved maintenance of law and order within a specific territorial jurisdiction. But in today's world, most criminal acts transcend national borders. In such situations, international collaboration becomes important for dealing with the problem. Hence, police authorities must collaborate not only with their counterparts from foreign nations but also with international bodies and special investigative agencies.[4]

Some examples of international policing issues include terrorism, cybercrime, drug smuggling, human smuggling, money laundering, weapons trafficking, and other types of transnational organized crime.[5]

International policing has expanded its boundaries to include activities beyond mere criminal investigations, and it includes areas like information exchange, extradition, mutual legal assistance, border security, and membership in international law enforcement organizations like INTERPOL. Thus, international policing has become an essential part of modern crime control management systems.

III. LEGAL FRAMEWORK GOVERNING POLICE ACTION IN INTERNATIONAL ISSUES

The efficiency of the police in dealing with international matters is highly dependent on the legal regime that enables the police to investigate, prevent, and prosecute transnational crimes. In the Indian context, the legal regime plays an important role in empowering police activities in relation to matters having international ramifications. Though the police is included in the State List in the Seventh Schedule of the Constitution, international crimes necessitate coordination between the State police, central authorities, and other foreign agencies.[6]

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) provides procedural provisions for the purpose of investigation, arrest, evidence collection, and assistance of foreign authorities. Provisions regarding reciprocity, letter rogatory, and

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[2]United Nations Convention against Transnational Organized Crime, supra note 1.

[3]Malcolm N. Shaw, International Law 1023–25 (8th ed. 2017).

[4]United Nations Convention against Transnational Organized Crime, Nov. 15, 2000, 2225 U.N.T.S. 209.

[5]United Nations Office on Drugs and Crime, Globalization of Crime: A Transnational Organized Crime Threat Assessment (2010).

[6]The Constitution of India, sched. VII, List II.

assistance in investigating criminal matters help the Indian police authorities obtain evidence from foreign territories.[7] It becomes necessary when witnesses, documents, electronic information, or the accused are present abroad.

The offenses listed in the Bharatiya Nyaya Sanhita, 2023 (BNS) include some that have international ramifications, such as those related to organized crime, terrorism, cybercrimes, and financial crimes. The Act reinforces the criminal laws available to the police to counter new challenges in transnational policing.[8]

The Information Technology Act, 2000 is relevant to tackling cybercrimes. Given the international dimension of cybercrimes, the provisions of the IT Act guide police investigations on matters such as hacking, identity theft, cyber terrorism, online fraud, and unauthorized access to computer systems. The legislation recognizes the significance of electronic evidence in criminal investigations.[9]

The Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act) is useful in dealing with international drug trafficking activities. The Act enables the police to undertake search, seizure, arrests, and investigations concerning narcotic drugs and psychotropic substances. Considering that drug trafficking involves activities in more than one nation, it follows that enforcing the NDPS Act should be accompanied by international cooperation.[10]

The Prevention of Money Laundering Act, 2002 (PMLA) helps in tightening the legal provisions for dealing with financial offenses, making it possible for authorities to track, seize, and freeze the proceeds of crime. Cooperation between police departments and other authorities in conducting investigations into money laundering cases related to organized crime and terror financing is common.[11]

Like the UAPA, the Unlawful Activities (Prevention) Act, 1967 (UAPA) is another significant piece of legislation in India regarding acts of terror. This Act grants investigative bodies the power to deal with activities that may threaten national security including terror financing, recruitment, and trans-national terror-related activities. The police play an important role in enforcing the terms of the Act.[12]

Other than domestic legislative provisions, India has signed several international treaties and conventions which allow police cooperation across nations. Mutual Legal Assistance Treaties (MLATs), extradition treaties, and international conventions assist police in information sharing, collecting evidence, and transferring of offenders in matters related to trans-national crimes.[13]

Therefore, the legal framework governing police action in international issues consists of a combination of constitutional provisions, criminal statutes, procedural laws, and international agreements. Together, these mechanisms enable police authorities to effectively investigate and combat transnational crime while ensuring compliance with legal and human-rights standards.

IV. ROLE OF POLICE IN INTERNATIONAL ISSUES

Police play an important part in resolving international concerns and handling transnational criminal activities that pose threats to the country's security, domestic peace, and overall stability in the international community. In recent times, the role of the police has grown outside their regular duties to include international collaboration, gathering information, conducting investigations in cyberspace, implementing counter-terrorism policies, and extradition assistance. Given the nature of crimes, police forces have come to occupy a very important place in international criminal justice administration.[14]

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[7]Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023 (India).

[8]Bharatiya Nyaya Sanhita, No. 45 of 2023 (India).

[9]Information Technology Act, No. 21 of 2000 (India).

[10]Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985 (India).

[11]Prevention of Money Laundering Act, No. 15 of 2003 (India).

[12]Unlawful Activities (Prevention) Act, No. 37 of 1967 (India).

[13]Extradition Act, No. 34 of 1962 (India); United Nations Convention against Transnational Organized Crime, Nov. 15, 2000, 2225 U.N.T.S. 209.

[14]K.D. Gaur, Criminal Law: Cases and Materials (9th ed. 2022).

One of the main roles played by police within international issues is the prevention and investigation of terrorism. Most terrorist groups engage in various activities that involve networking between nations in terms of recruitment, funding, training, and communication. The police gather information about the threats, track any suspicious behaviour and persons linked to terrorist groups, and collaborate with national security services. Effective counter-terrorism policing entails good intelligence gathering and surveillance.[15]

The police have an equally important function in tackling international drug trafficking. International smuggling and trading of narcotic drugs and psychotropic substances take place through the activities of organized criminals that operate in different countries. The police conduct investigations into the trafficking network, seizures and interceptions, and determine the origin and destination of narcotic substances. The assistance of customs and other security agencies and cooperation with international organizations is vital in dealing with the problem.[16]

A third aspect where the police have an important role to play is the prevention of human trafficking. Trafficking in persons encompasses the action of recruiting, transporting, transferring, harbouring, or receiving persons to exploit their labour or other purposes. People become victims of forced labour, sexual exploitation, slavery, or other practices when they are transported from one country to another. The police detect human trafficking networks, rescue victims, conduct investigations, and prosecute the criminals. They also work closely with immigration agencies and other stakeholders.[17]

Cybercrime forms among the most difficult challenges facing international law enforcement bodies. Cyber offenses like hacking, phishing, ransomware attacks, cyber-terrorism, identity theft, and fraud in cyberspace usually emanate from other countries. Police cybercrime units investigate cyber-related crimes using forensics, communication tracing, and analysis of electronic evidence. Since information is stored in foreign servers, it becomes necessary to work with other states to gather evidence and prosecute offenders.[18]

Additionally, the police help in fighting money laundering and economic crimes. Organized criminals often launder their profits by undertaking complicated financial transactions in several countries. The police work with financial intelligence units and other enforcement agencies to investigate money laundering offenses, expose shell corporations and retrieve criminally acquired funds. It is critical to investigate money laundering cases to dismantle the operations of organized criminal syndicates.[19]

Extradition is another crucial area where police officers have played a key role. In many instances, criminals try to avoid prosecution by escaping to other countries. The work of police is instrumental in the identification of fugitives, collection of evidence, drafting extradition requests, and liaison with foreign governments. The extradition process is vital because it enables criminals to be prosecuted regardless of their place of residence.[20]

Police officers play a preventive role in gathering information and intelligence. Intelligence is the initial shield against transnational crimes. Information regarding criminals, terrorist cells, traffickers, and cyberspace criminals is collected and analysed by police personnel. This intelligence can be passed on to other agencies to enhance collaboration and effective enforcement of laws. Intelligence-based policing is one of the strategies used to deal with modern international crime threats.[21]

Another crucial responsibility involves police engagement in international cooperation activities. Police departments work with foreign governments, international institutions, and regional bodies of law-enforcement agencies in undertaking investigations and exchanging information. International organizations like INTERPOL coordinate

[15]Unlawful Activities (Prevention) Act, No. 37 of 1967 (India); Kartar Singh v. State of Punjab, (1994) 3 SCC 569.
[16]Narcotic Drugs and Psychotropic Substances Act, No. 61 of 1985 (India).
[17]Bachpan Bachao Andolan v. Union of India, (2011) 5 SCC 1.
[18]Information Technology Act, No. 21 of 2000 (India).
[19]Prevention of Money Laundering Act, No. 15 of 2003 (India).
[20]Extradition Act, No. 34 of 1962 (India).
[21]V.N. Paranjape, Criminology and Penology (18th ed. 2021).

operations conducted by police institutions through communication networks, databases, and notice systems for locating suspects and sharing information.[22]

Moreover, law enforcers actively engage in capacity building exercises, collaborative missions, and international training programs. Such actions improve professionalism and help law enforcement bodies to efficiently cope with new challenges facing the international community. In cases when the nature of crimes becomes more technologically advanced and international, training and development of policing techniques become critical aspects.[23]

Thus, the police role in the field of international affairs cannot be reduced solely to crime control. Investigation, intelligence, international cooperation, counterterrorism efforts, combating cybercrime, anti-trafficking campaigns, and extradition are only some examples of tasks that police bodies carry out for the sake of security of their country and the international community. The efficiency of such work is critical to make sure that globalization does not serve the goals of criminals.

V. INTERPOL AND INTERNATIONAL COOPERATION

The need for international cooperation arises in the case of crimes having an international dimension. The law enforcement agencies from the various nations collaborate to investigate the crimes, share information, and arrest the offenders.[24]INTERPOL is a useful tool in helping the law enforcement agencies share the criminal intelligence and find fugitives. This organization acts as a platform for communication and cooperation among the member states.[25]

Interpol makes use of Red Notices for helping in finding the criminals who have fled to another nation. Interpol is also helpful in sharing intelligence related to terror activities, cybercrimes, drug trafficking, and human trafficking.[26]Also, there are some extradition treaties and MLATs through which the police authorities can get the evidence against the offenders, track them, and hand them over to another country for their trial.

VI. JUDICIAL PERSPECTIVES AND CASE LAW ANALYSIS

The Indian judiciary has been significant in making sure that the police have used their power as required by law when dealing with international crime.

In the case of Mobarik Ali Ahmed v. State of Bombay, it was established that there can be a situation where the criminal law can be applied to acts carried out outside India where its effect is seen in India.[27]

In Kartar Singh v. State of Punjab, the Supreme Court of India endorsed the steps taken for security against terrorism but at the same time reiterated the importance of safeguarding the constitutionally recognized rights.[28]

In D.K. Basu v. State of West Bengal, the guidelines provided by the court were meant to avoid misuse of power by the police during the process of making arrests and detaining someone.[29]

In the case of Lalita Kumari v. Government of Uttar Pradesh, the Supreme Court declared that registration of an FIR is required in a case where the offense disclosed in the information is cognizable.[30]

[22]Constitution of the International Criminal Police Organization (INTERPOL), art. 2.

[23]United Nations Office on Drugs and Crime, Globalization of Crime: A Transnational Organized Crime Threat Assessment (2010).

[24]United Nations Convention against Transnational Organized Crime, Nov. 15, 2000, 2225 U.N.T.S. 209.

[25]Constitution of the International Criminal Police Organization (INTERPOL), art. 2.

[26]INTERPOL, Notices and Diffusions Guidelines.

[27]Mobarik Ali Ahmed v. State of Bombay, AIR 1957 SC 857.

[28]Kartar Singh v. State of Punjab, (1994) 3 SCC 569.

[29]D.K. Basu v. State of W.B., (1997) 1 SCC 416.

[30]Lalita Kumari v. Gov't of U.P., (2014) 2 SCC 1.

VII. CHALLENGES FACED BY POLICE

The police departments encounter numerous challenges in handling international matters and criminal acts committed across borders. First, jurisdiction remains the most common problem as crimes are committed in more than one nation under different laws and procedures.[31]

The second challenge is cybercrimes where perpetrators remain anonymous in conducting their illegal activities in other nations. In addition, collecting evidence from another country poses a challenge as the procedure involves complicated processes.There is also the delay in extraditing offenders from their jurisdiction and lack of modern technology to investigate crimes. Inability to train police force on specialized fields such as cybersecurity forms another issue.[32]

Finally, the challenge of balancing the need for law enforcement and respecting individuals' human rights remains relevant. This involves ensuring that police follow certain procedures as required by the constitution.[33]In summary, these challenges require concerted efforts to overcome them through improved cooperation among countries and modernization of police departments.

VIII. SUGGESTIONS AND REFORMS

Strengthen International Cooperation: Cooperation needs to be fostered between police organizations and their counterparts as well as international bodies abroad. It becomes easier to investigate and prevent any cross-border crimes when effective coordination is maintained.

Specialized Training for Police Personnel: Training courses should be offered regularly in cybercrime investigation, computer forensics, terrorism, financial crimes, etc. It will enable the police personnel to deal better with such complex cases.

Modernize Technology and Infrastructure: Modern forensic laboratories and other sophisticated equipment like cyber tools should be used by police authorities. The use of technology is crucial in fighting any type of crime nowadays.

Simplify Extradition and Evidence Collection: Police authorities need to streamline the extradition process and Mutual Legal Assistance Treaties for faster extradition and evidence collection from the jurisdiction of another country.

Promote Human Rights-Oriented Policing: Police organizations must conduct investigations keeping in view the constitution as well as respect human rights norms while dealing with suspects of crimes.

IX. CONCLUSION

The globalization of crime has led to the expansion of the functions of police in the contemporary world to a considerable extent. Crimes ranging from terrorism, cybercrime, drug trafficking, human trafficking, and money laundering cannot be effectively dealt with without the help of cross-border coordination. Police organizations have an important part to play in the fight against these challenges through investigations, intelligence gathering, extradition, and collaboration.

India has developed a legal structure that is able to handle international crimes. Nevertheless, there are a few obstacles to dealing with international crimes effectively, including jurisdictional and technical problems, as well as delays in international cooperation.

It can be stated, therefore, that international collaboration, improved technology, and respect for human rights should receive more attention as they can greatly improve the performance of police services internationally.

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[31]Malcolm N. Shaw, International Law 1023–25 (8th ed. 2017).

[32]United Nations Office on Drugs and Crime, Globalization of Crime: A Transnational Organized Crime Threat Assessment (2010).

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