NIA – India's Significant Counter-Terror Architecture

Mains: *GS III – Various Security Forces and Agencies and their Mandate.*

Why in News?

Recently, The National Investigation Agency (NIA) on Wednesday arrested a man for allegedly harbouring and providing logistical support to Dr Umar Nabi, who drove the car that exploded outside the Red Fort Metro station in Delhi on November 10, killing at least 12 people and injuring several others.

How the NIA was created?

- **Establishment** – The aftermath of the 26/11 Mumbai terror attacks, led to the creation of the NIA.
- **Need** – It was created to address the critical need for a specialised agency capable of investigating complex, inter-state, and trans-national terror plots.
    - **Gap in security infrastructure** – The terrorist attack on Mumbai on 26 November 2008, which claimed the lives of 166 people, exposed gaping holes in India's security infrastructure.
    - **Lack of coordination** – State police forces and other central agencies were not able to effectively coordinate and investigate crimes with a transnational or inter-state terror dimension.
- **The NIA Act of 2008** – It was enacted immediately after the attack, established the NIA under the administrative control of the Ministry of Home Affairs (MHA).
- NIA acts as a specialised, central agency capable of investigating transnational and complex terror plots.
- **Major role** – The agency's primary function is to investigate and prosecute scheduled offences (mentioned in the NIA Act, 2008), which are serious crimes involving national security and those under the UAPA (Unlawful Activities Prevention Act, 1967).

How 2019 amendments strengthened NIA's authority?

- **Focus on broader networks of terrorism** – This includes the financial and logistical wings of terror networks, including organised criminal gangs, narco-terrorism and financing of terror activities, under its purview.
- **Specialised cells** – To tackle crimes emerging threats, the NIA has now established specialised cells such as:
    - The Terror Funding and Fake Currency (TFFC) Cell.
    - Anti-Cyber Terrorism Division (ACTD).
    - The Anti Human Trafficking Division (AHTD).

- **Jurisdiction & prior permission** – The agency *has jurisdiction over all states* and can take over the investigation of scheduled offences anywhere in India *without prior permission or consent from state governments.*
- This ensures operational efficiency and eliminates jurisdictional hurdles in inter-state and trans-state cases.
- **Special courts** – The cases investigated by NIA are tried by *NIA Special Courts*, ensuring a framework for a speedy trial on terrorism and national security-related offences.
- **The NIA (Amendment) Act, 2019** – It further expanded the agency's mandate and powers:
    - **Extra-territorial jurisdictions** – The NIA was now empowered to investigate scheduled offences committed outside India, provided they are directed against Indian citizens or affect Indian interests, subject to international treaties.
    - **Expanded list of scheduled offences** – The scope of the agency was expanded by adding human trafficking, counterfeiting of currency, manufacture and sale of prohibited arms, and cyber-terrorism to the list of scheduled offences.
    - **Designation of Special Courts** – The amendment empowered the centre and state governments to designate sessions courts as NIA special courts for the trial of scheduled offences in consultation with the Chief Justice of the High Court under which the sessions court falls.

What are the evolving mandate?

- **Conviction rate** – It has established a strong track record with a high *conviction rate of around 95%,* which bolsters public confidence and serves as a deterrent to terror outfits.
- **Repository & Information sharing** – This agency also acts as a repository of terrorism-related intelligence and *facilitates intelligence sharing and coordination between central and state agencies.*
- **Training programmes** – The NIA also conducts regular training programmes for police forces across India with a view to enhancing national counter-terrorism capabilities.
- **Disruption of terror groups** – It has been instrumental in apprehending several terror groups, disrupting various terror modules, and preventing some attempted attacks.
- **Dismantling financial networks** – The agency is also credited with cutting off key financial networks that support terror outfits and fuel terror operations that contributed to the unrest in Jammu and Kashmir.

What are the challenges?

- **Overreach of powers** – Although state governments can refer the cases pertaining to the scheduled offences for NIA investigation, the Central government may also, suo motu, direct the agency to take up/over the probe.
- This has, at times, raised concerns, especially because law and order is a state subject.
- **Heavy requirement of infrastructure** – As the agency's mandate expands, it will require more funding, recruitment, and specialised technical expertise, particularly for

addressing domains such as cyberterrorism and counterfeiting.
- **Diplomatic barriers** – All actions of the NIA beyond Indian borders need to be carried out through diplomatic channels and in accordance with international treaties on legal assistance.

What needs to be done?

- **Permanent cadre** – The creation of a permanent cadre of specialised NIA officers rather than relying on officers deputed from the IPS and other police and services.
- **Intelligence sharing system** – The creation of a system of intelligence sharing between the NIA, the state Anti Terror Squads (ATS), and police forces.
- This will lead to effective communication and avoid duplication of effort.
- **Increasing the investment** – Continuous and heavy investment in cutting-edge technology that keeps up with technological advancement, especially in view of the ever evolving nature of crimes like cyber terrorism, narco-terrorism, and encrypted communication.
- This includes advanced forensic analysis and digital investigation tools that can match the sophistication of new terror modules.

What lies ahead?

- The NIA remains the cornerstone of India's counter-terror architecture.
- Its ability to adapt, evolve, and continually upgrade both human resources and technological capabilities will further strengthen its effectiveness in an increasingly complex national security landscape.

Reference

The Indian Express| NIA and Anti-terror Measures

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