

The role of the National Investigation Agency in combating terrorism in India

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Abstract

The **NIA** has been at the forefront of combating anti-national and terrorist activities in India since the year 2008, when it was formed. This organisation has to its credit; many sensitive cases being solved.

The agency has its offices spread across several cities in the country. These offices handle cases pertaining to that particular jurisdiction. The NIA has its own courts to handle cases, thereby ensuring that there is lesser burden on the mainstream courts.

The NIA has prevented many terror attacks by raiding terrorist hideouts with the help of a strong network of informers. These informers are connected through a strong network of security through which the information is carried out and conveyed.

The NIA in its very short period of existence, has carried out anti-terror operations in a very professional and straightforward manner. Due to their presence and quick-thinking abilities, the country has been saved and protected from several brutal terrorist attacks.

In this paper, I will analyse the role of the NIA in combating terrorism in India.

1. Introduction

Since its independence and partition, India has faced a lot of terrorist attacks and acts of external aggression along with internal conflicts which has affected the security of the nation and endangered the life of the citizens of the country.

For the ease of governance, certain aspects of governance are divided into three parts in India. They are: -

- **Union List-** Subjects that are handled by the Union Government of the country fall under this list.
- **State List-** Subjects that are handled by the various state governments fall under this list.
- **Concurrent List-** Subjects that are handled by both the state and the union governments fall under this list. In case there is a dispute over the decision, the decision made by the central government prevails.

Police and **Public order** are state subjects under the Seventh Schedule of the Constitution of India. The onus is upon the state government to ensure that law and order is maintained by ensuring the deployment of police personnel and look into the fact that there is no situation of chaos and anarchy in the state.

Despite all the efforts, a reality that no one can deny is the fact that there is a shortage of police personnel in India¹. In 2019, the country faced a shortage of police personnel, a problem that is slowly getting resolved but a one which needs more attention.

In such a scenario, one cannot expect quick and immediate response from the police personnel and the department in general if there is a case of a terror attack. Although, according to protocols, they should be the first ones to reach the scene of crime and take stock of the situation.

In order to prevent this unprofessional behaviour and maintain a certain protocol which can be followed to handle such cases of terror or Naxal attacks or Maoists attacks either by the medium of investigation or through the medium of early detection and prevention, the National Investigation Agency was formed in the year **2008**.

The **National Investigation Agency** is a **specialised counter-terrorism law enforcement agency** in India. The bill to create this organisation was passed in the year 2008 by the then **UPA-1 Government**. The NIA specialises in the following: -

- Investigating terror attacks.
- Stopping the circulation of fake currencies
- Preventing the trading of illegal firearms
- Investigating cyber-terrorism.

The NIA handles sensitive matters only. It has a knack for cracking cases secretly without letting the society know. They do their work in a very quiet manner². The NIA bill was amended in the year the year **2019**. This bill provides the NIA, the power to investigate crimes that affect India but have taken place abroad. This bill later received a lot of criticism and was passed in the parliament, surprisingly, even a few opposition parties voted in favour of it.

The NIA has its offices located in the following cities³: -

- **New Delhi**
- **Hyderabad**
- **Guwahati**
- **Kochi**
- **Lucknow**

¹ [5.4 lakh police posts vacant in India, 1.3 lakh in UP alone | India News - Times of India \(indiatimes.com\)](https://www.indiatimes.com/News/5.4-lakh-police-posts-vacant-in-India-1.3-lakh-in-UP-alone-India-News-Times-of-India/indiatimes.com)

² [National Investigation Agency News: NIA busts Ballari-based IS module, arrests 8 during raids in 4 states | Bengaluru News - Times of India \(indiatimes.com\)](https://www.indiatimes.com/News/National-Investigation-Agency-News-NIA-busts-Ballari-based-IS-module-arrests-8-during-raids-in-4-states-Bengaluru-News-Times-of-India/indiatimes.com)

³ [Branch Offices | National Investigation Agency \(nia.gov.in\)](https://nia.gov.in/branch-offices)

- **Mumbai**
- **Kolkata**
- **Raipur**
- **Jammu**
- **Chandigarh**
- **Ranchi**
- **Chennai**
- **Imphal**
- **Bengaluru**
- **Patna**
- **Bhubaneshwar**
- **Jaipur**
- **Bhopal**
- **Ahmedabad**

Objectives of Study

The objectives of my research paper are: -

- To understand the procedure to hand over cases to the NIA.
- To analyse the procedure followed by the NIA to solve cases.
- To understand any jurisdictional issues faced by the agencies.

Research Problem

There is a shortage of good literature that analyses the role of the NIA in combating terrorism in India.

Research Questions

My research questions for the research paper are: -

- Whether the NIA has been effective in coordinating with other Indian law enforcement agencies in order to ensure a professional way of handling cases?
- Whether the NIA needs to be given a free hand to investigate cases?
- Whether the NIA needs any reforms to increase its proficiency?

Research Methodology

Research methodology refers to the method of research carried out to collect data. There are various methodologies of research such as: -

- **Experimental⁴:** - Experimental research is a form of comparative analysis in which two or more variables are observed and studied by a group under various circumstances and various conditions. By analysing and understanding the various results of this study, one can determine the correlations between the variables applied and their effect on each group. The scientific method is used by the experimental research group to accomplish their objectives.
- **Questionnaires or surveys⁵:** - Researchers may use this method of research wherein, surveys are used to understand data within a short period of time. Surveys work in a very simple way. They have a set of questions with selected responses. They are used for qualitative research, as the data is not used to store numbers. The results can then be used to form a graph.
- **Observation:** - Observation-based methodology of research is often used for measuring a range of emotions to a particular scenario. This means that they produce **qualitative results**. The process involves collecting a variety of test subjects from various backgrounds, questioning them and observing their body-language during a task. Usually, psychology papers have these examples, since the researcher collects a set of qualitative emotional responses due to observations they make while looking at a particular image. Although researchers can mix this with quantitative methodology, since researchers may convert emotional responses into a series of graphs;

There are other methodologies for research such as: -

- **Doctrinal**
- **Secondary Data-Analysis**
- **Mixed-methodology**

My methodology of research for this paper is **Doctrinal methodology** of research. In this methodology of research, the main source of reference is journals and books, analysis is the primary purpose of this method of research. The other methodology of research is mixed methodology of research, wherein, data collected from survey and information from books is used.

2. Literature Review

1. **India's counter-terrorism policy against Jihadist Terror: Challenges and prospects- Binay Kaura- Sardar Patel University of Police, Security, and Criminal Justice, Rajasthan, India- <https://www.policeuniversity.ac.in/>- Partnership for peace consortium of defence academies and security studies institutes- JSTOR- <https://www.jstor.org/stable/10.2307/26867926>- 2017-** This research paper analyses the role of India in countering Jihad. Jihad is an Islamic term used to signify a divine war. This war is usually carried out by Muslims. It involves the use of force and therefore, is very dangerous. The primary aim of Jihad is to cause harm to non-believers, that is, non-Muslims.

⁴ Experimental methods are primarily used for practical subjects.

⁵ Primarily used in Economics.

Many countries have taken notice of this, and are therefore, treating this as a threat to national security. In India, this has led to a lot of problems as many youths are getting radicalised which poses a threat to the peace of the society. As this is a threat to national security, the NIA is deputed with the task of handling these cases. They are successful in this as well as they have bust many sleeper cells and arrested radicals.

The NIA has an enviable network of informers to crack cases of national importance. They then have to collaborate and coordinate with the local police of the respective states in order to arrest the accused. And not to forget, it has to be kept confidential in order to prevent any sort of chaos. India has always followed a policy of zero-tolerance against any sort of terrorism. India has always maintained that terrorism is a global threat and not just a domestic issue.

This research paper is very well written as it covers all the important aspects of the problem of terrorism and the role of the NIA in combating terrorism. The NIA has its offices in various parts of the country like **Bangalore, Kochi, Delhi** and various other cities.

The author explains all the concepts in a very straightforward manner without any bias or showing any sort of favouritism. Therefore, reading this is recommended.

2. Anti-Terrorism Courts and Procedural (In) Justice: The Case of the National Investigation Agency (NIA) Special Courts in South Chhattisgarh, India- Shikha Pandey- Socio-Legal Review- National Law School of India University- Volume 16, Issue 1- Anti-Terrorism Courts and Procedural (In)Justice: The Case of the National Investigation Agency (NIA) Special Courts in South Chhattisgarh, India (nls.ac.in)- September 2022- This research paper talks about the bill that was instrumental in setting up the NIA. It also briefly studies the following legislations: -

- **The Unlawful Activities (Prevention) Act, 1967.**
- **The Indian Penal Code, 1867.**
- **The Explosive Substances Act, 1908.**

The author mainly speaks of Section 22 of the NIA Act. This Section designates the **State Government to set up special courts to handle cases that are investigated by the NIA**. The author takes the case study of **Bastar in Chhattisgarh** as an example. Although she believes that NIA setting up its office has been helpful for the sake of the area and has been useful in bringing some sort of stability in the conflict-hit area, it still doesn't make complete sense for her.

The author believes that ambiguity of the Section is a reason why the laws are misused to harm innocent people. This research paper is worth reading as the author analyses different aspects of the law-enforcing agencies in a simple and interesting manner.

This paper also analyses the ways in which the National Investigation Agency functions in a very perfect and professional manner without creating any unnecessary chaos or mess. This is the biggest positive of having an organisation that handles national security in a very peaceful manner and without any problems. There have been cases where in the police has been complacent in handling matters, but the NIA has ensured that there are no such issues.

- 3. The Role of NIA in the War on Terror: An Appraisal of National Investigation Act, 2008- R. Bhanu Krishna Kiran- ST Andrews Research repository-** The role of NIA in the War on Terror: an appraisal of National Investigation Act (st-andrews.ac.uk)- **2013-** India has faced several terror attacks and the NIA has been instrumental in tackling these issues. This research paper analyses the legislations that enables the NIA to handle such issues efficiently.

The NIA has handled several issues in a very swift and perfect manner, they investigated the bomb blast that occurred in Bangalore on new year's eve, investigated terror attacks with the army in Kashmir and are therefore, well equipped to handle these issues. However, a lot of legal experts have an issue with the NIA legislation, in this paper, the author analyses all these things in detail.

- 4. India: A Security State: JSTOR- A.G. Noorani-** India: A Security State on JSTOR- **2009-** This research journal provides a birds eye view of the security structure in place to guard the internal and external territory of India. Guarding such a large country requires a coordinated effort from all the law-enforcing agencies, which includes the police, NIA and the army.

This paper analyses the policy of security framed by the various governments in India in order to prevent any untoward incidents in the country. Some succeeded with their policies, some failed. Some of the Indian Intelligence agencies are: -

- **Research and Analysis Wing**
- **Intelligence Bureau**
- **National Cyber Coordination Centre**
- **Directorate of revenue intelligence**

This research paper analyses the importance of all the intelligence and law-enforcement agencies in maintaining stability in the country. This research article is very well written and I recommend people who are interested in reading the history of the evolution of the law enforcement agencies in the country to read this to clear any doubts that one has.

- 5. India and the Crime-Terrorism Nexus- JSTOR-Ramesh Balakrishnan- Counter terror trends and analysis-** India and the Crime-Terrorism Nexus on JSTOR- **September 2018-** In this research article, the author studies the various unrests faced by India. They are of the following types: -

- **Naxalist insurgency**
- **Maoism**
- **Fundamentalism**
- **Terrorism**
- **Drug smuggling**

All these unrests have, to some extent, caused unrest and riots in the country. This research paper takes a neutral path in dissecting all these issues without ruffling any feathers. He also analyses the role of the police, CBI, NIA and the army in tackling this menace.

Analysis

The NIA is a central government-controlled organisation. Since defence and security is a subject that falls in the category of the union list⁶, the Central Government gets to decide as to which case can be handled by this organisation, as seen in a very recent case⁷. After all, it was formed post the deadly **2008 Parliamentary terror attacks**. Their main motto is prevention of terror attacks. One aspect of the NIA that sets the agency apart from the other investigative agencies is the professional mannerism in which it functions. A most wanted list is maintained to keep a track of criminals on the hunt. This segment of the research paper dissects the various ways in this agency functions.

Procedure to hand over cases

Various provisions such as Section 6 of the National Investigation Agency Act, 2008 allow the respective State Governments to hand over the cases within their respective states to the NIA. However, for this to happen, certain other procedures have to be followed. They are: -

- On receiving any information, if the station officer feels the need for external help in investigation, then the officer will have to prepare a report and forward it to the State Government.
- The Central Government shall have Fifteen days' time to decide if the case falls within any of the scheduled offences, if it does, then the central government can hand over the case to the NIA.
- Apart from this, the central government can hand over cases to the NIA on a Suo-Moto basis.
- Until the cases are taken over, it is the job of the station officer to handle the case.

Procedure followed in solving cases.

The NIA follows the procedure in handling and solving cases: -

- The investigating team collects all the evidences.
- Based on this evidence, arrests are made.
- Confession statements and testimonies are recorded.
- The evidence that is collected is then sent for forensic analysis.
- Based on the confessions and the testimonies, a chargesheet is filed.

Jurisdiction and its issues

The problem with a country like India that faces several issues of radicalism is that conducting raids and arrests. It is a large country and therefore, there are several jurisdictional issues that rise out of this and this acts as a dampener to the perfectionism of this agency.

A lot of state governments that have ideological differences with the centre, believe that the NIA is used as a tool for defaming the state by carrying out raids⁸. The main basis for opposing the NIA is that **law**

⁶ 7TH Schedule of the Indian Constitution

⁷ [Kerala blasts: NIA takes over investigation, NSG bomb disposal unit rushes from Delhi – India TV \(indiatvnews.com\)](http://indiatvnews.com)

⁸ [Maharashtra, other states oppose free hand for NIA | Mumbai News - Times of India \(indiatimes.com\)](http://indiatimes.com)

and order is a state subject, this is an argument that makes zero sense as matters relating to national security is no joke, however, despite all the chaos, the NIA has managed to work just fine.

Understanding NIA and its coordination with other agencies

Has the NIA been successful in coordinating with other agencies? To an extent yes. It definitely has a much better network of informers than the police, they also have a reasonable amount of liberty when it comes to jurisdiction and certainly don't have to worry about trials as they have their own courts to handle convictions and acquittals.

However, with new areas of crimes evolving, such as **Cyber Crime, financial frauds** or even new and modern methods of **money laundering**, the NIA will have to collaborate with organisations like the **Central Bureau of Investigation** and **Forensic laboratories** to handle these issues.

Is there is a need to grant free hand to investigate cases?

Yes, definitely. In fact, this is one such area which needs massive improvement. The current procedure is long and tedious, the 15-day window is sufficient to ensure that all evidences are wiped out and that all the accused can escape, all this despite the fact that the local police officer will still be investigating the case.

These are some major aspects on which amendments are needed, an amendment was brought in in the year 2019, which was supported by many parties. But the amendments were made only to the additional types of crimes that would be investigated by the NIA. Therefore, a little bit of corrections is all that is needed to set things right.

Need for reforms

Ever since its evolution in the year 2008, the organisation has been striving hard to ensure that any sort of extremism and fundamentalism is tackled and that the country doesn't suffer from any instability. The NIA has a group of professional officers within its roster to handle all these issues and crimes.

The NIA has to stay updated with the changing times and evolving societies. All the investigating officers and employees need to be trained in the field of technology and Artificial Intelligence. This will be helpful in preventing any sort of exploitation or crime through the medium of social media.

NIA Courts

NIA courts are special courts set up to conduct trial on the cases investigated by the NIA. These courts are situated across the entire country in all the states and union territories. Trials are conducted after scientific evidence is produced, this ensures that there is no loophole in the trial and also ensures that the criminal doesn't get a chance to get a bail.

Famous cases handled by the NIA

Some of the famous cases handled by the NIA are: -

- **Kanhaiya Lal murder case**
- **Attack on a CRPF convoy**

- **Uri Attack**
- **Chopping of the palm of a professor**

NIA vs its overseas counterparts

Some of the organisations similar to the NIA are: -

- **FBI- USA**
- **Australian Security and Intelligence organisation- Australia**
- **Counter terrorism centre alert police- Georgia**

3. Conclusion

The National Investigation Agency has been at the forefront of **fighting terrorism, extremism, Naxal insurgency and left-sponsored violence** in the country. The agency has its own courts to handle these cases and carry out trials. This is a very good initiative as it reduces the burden on the mainstream judiciary which is already suffering due to a shortage of judges.

The NIA, when compared to other agencies has a free hand in investigating cases, if the union government feels that a certain case cannot be handled by the state police, then it can always ask the NIA to investigate the matter.

Similarly, state governments can hand over their cases to the NIA if they feel that the particular case is an act of terror. This proves that there is a clarity of thought in which the procedure for starting an investigation is carried out. This is a necessity to prevent any sort of miscommunication.

The NIA, in some cases, collaborates with other international agencies to arrest criminals and stop any potential mishaps in the future. This is a very welcome initiative as terrorism isn't just a national issue but a global issue as well, it affects the entire world and therefore, the entire world must come together to combat this menace.

In this research paper, I have analysed the role of the NIA in combating terrorism in India. I have also carried out a detailed analysis of the procedure followed to investigate cases as well. This paper also analyses the need for some revamping of the NIA in order to combat any sort of crimes that may take place in the future.

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