

OFFICE MEMORANDUM

Subject: National Counter Terrorism Centre (Organisation, Functions, Powers and Duties) Order, 2012

Whereas terrorism has become one of the gravest threats to internal security;

Whereas a Group of Ministers that reviewed the internal security systems in the aftermath of the Kargil conflict had recommended the establishment of a Multi Agency Centre in the Intelligence Bureau;

Whereas the Group of Ministers recommended the establishment of a permanent Joint Task Force on Intelligence and an Inter-State Intelligence Support System;

Whereas instructions were issued vide letter No. III-11039/25(XI)/2001-G dated December 6, 2001 and the Multi Agency Centre was set up;

Whereas by Office Memorandum dated December 31, 2008 the Central Government prescribed the functions, powers and duties of the Multi Agency Centre;

Whereas the Second Administrative Reforms Commission in its report titled 'Combating Terrorism' submitted in June, 2008 had recommended that "the Multi Agency Centre should be converted into a National Centre for Counter Terrorism with personnel drawn from different intelligence and security agencies";

Whereas a review of the current architecture of counter terrorism has revealed several gaps and deficiencies;

Whereas a need has been felt to have a single and effective point of control and coordination of all counter terrorism measures to be called the National Counter Terrorism Centre;

Whereas it is considered necessary and desirable that such counter terrorism measures should include measures for (i) integrating all intelligence pertaining to terrorism, (ii) analysis and (iii) effective response;

Whereas it is also considered necessary and desirable that the proposed National Counter Terrorism Centre should not duplicate the roles of other agencies and that it should work through the existing agencies in the country;

Whereas it is necessary and expedient to provide adequate legal authority to the proposed National Counter Terrorism Centre under the Unlawful Activities (Prevention) Act, 1967;

Now, therefore, in exercise of its powers under Article 73 of the Constitution of India and all other powers enabling thereto, the Central Government hereby makes the following:

ORDER

- 1.1 This Order may be called The National Counter Terrorism Centre (Organisation, Functions, Powers and Duties) Order, 2012
- 1.2 It shall come into force with effect from March 1, 2012.
- 1.3 The provisions of this Order shall be in addition to and not in derogation of any other law, order or instruction for the time being in force.
- 2.1 There shall be a National Counter Terrorism Centre (NCTC) located in the Intelligence Bureau (IB).
- 2.2 The Head of the NCTC shall be called Director, NCTC and shall be an officer in the rank of Additional Director, IB.
- 2.3 NCTC shall have a core staff drawn from the personnel of the IB or directly recruited to the IB and posted in the NCTC. NCTC shall also have officers on deputation/secondment from other agencies such as R&AW, JIC, NTRO, DIA, DGMI, DAI, DNI, CEIB, CBDT, CBEC, NCB etc.
- 2.4 NCTC shall have three divisions each headed by an officer in the rank of Joint Director, IB or equivalent rank. The three divisions will be responsible for (i) Collection and dissemination of intelligence; (ii) Analysis; and (iii) Operations.
- 2.5 The duties and functions of NCTC shall be:
 - (i) to draw up plans and coordinate actions for counter terrorism;
 - (ii) to integrate intelligence pertaining to terrorism; analyse the same; pursue or mandate other agencies to pursue the different leads; and to coordinate with the existing agencies for an effective response;
 - (iii) to maintain a comprehensive data base of terrorists and their associates, friends, families and supporters; of terrorist modules and gangs; and of all information pertaining to terrorists;
 - (iv) to prescribe counter terrorism priorities for each stakeholder;
 - (v) to ensure that all agencies have access to and receive source intelligence support that is necessary to execute counter terrorism plans and accomplish their assigned tasks;
 - (vi) to coordinate with existing investigation and intelligence agencies to ensure that all terrorist cases are solved and the perpetrators are brought to justice; and

- (vii) to prepare daily threat assessment reviews and disseminate them to the appropriate levels in the Central Government and to the State Governments.
- 3.1 The Director, NCTC shall be specified as the Designated Authority under Section 2(e) of the Unlawful Activities (Prevention) Act, 1967.
 - 3.2 The officers of the Operations division of the NCTC shall have the power to arrest and the power to search under Section 43A of the Unlawful Activities (Prevention) Act, 1967.
 - 3.3 NCTC shall have the power to set up Inter-State Intelligence Support Teams (INSIST).
 - 3.4 NCTC shall have the power to requisition the services of the National Security Guard (NSG) or any other special forces.
 - 3.5 The NCTC shall, for the purposes of discharging its functions under this Order, have the power to seek information, including documents, reports, transcripts, cyber information and information of every other kind in whatever form, from any agency furnishing or obliged to furnish such information. The agency furnishing or obliged to furnish the information may do so under such conditions of confidentiality as may be reasonable in the circumstances of the case.
- 4.1 The Multi Agency Centre shall be subsumed in and be a part of the NCTC. The Multi Agency Centre (Functions, Powers and Duties) Order, 2008 dated December 31, 2008 shall, except in respect of any inconsistency with the provisions of this Order, continue in force.
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- 5.1 All civil authorities in the territory of India and all authorities of the Government of India located outside India shall act in aid of the NCTC in respect of the duties and functions entrusted to the NCTC.
- 6.1 There shall be a Standing Council consisting of the Director, NCTC, the three Joint Directors, NCTC and the Heads of the Anti Terrorist Organisation or Force in each State. The Standing Council shall meet as often as necessary and may also meet through video conference. The Standing Council shall ensure that NCTC is the single and effective point of control and coordination of all counter terrorism measures.