

Government of Jammu and Kashmir
Home Department
Civil Secretariat, Srinagar.

Subject: Constitution of State Investigation Agency (SIA).

Government Order No.: 286-Home of 2021

Dated: 01.11.2021.

Sanction is hereby accorded to the constitution of a specialized agency to be called the State Investigation Agency (SIA) for investigation and prosecution of the offences specified in Annexure to this order. The SIA shall be the Nodal Agency for coordinating with the National Investigation Agency (NIA) and other Central Agencies and shall take such other measures as may be necessary for speedy and effective investigation and prosecution of terrorism related cases.

The SIA shall consist of a Director and such number of officers and employees as are deputed by the Government from time to time.

The CID, CIK and CID, CIJ, already notified as police stations vide notification bearing SRO-230 of 1977 dated 19.05.1977, shall also be the police stations for the purposes of registering and investigation of cases, mentioned in the Annexure to this Order.

It is further ordered that:

- 
- (i) all the officers In-charge of the Police Stations shall mandatorily intimate the SIA immediately upon registration of terrorism related cases, including those specified in the Annexure to this Government order, and also about such cases where any terrorism linkage surfaces during the investigation; and
 - (ii) wherever, upon intimation u/s 6 of the National Investigation Act, 2008, the investigation is not taken up by the NIA, the DGP, J&K shall, having regard to the gravity of the offence, progress of investigation and other relevant factors, determine in consultation with the SIA whether the case is fit to be investigated by SIA & transfer the investigation of the such case at any point of time during its investigation; however, if there is difference of opinion, the DGP shall take a decision, while recording the reasons in writing;
 - (iii) in such cases, where the investigation is not transferred to the SIA, the PHQ shall ensure that the SIA is kept informed about the progress of investigation at regular intervals, preferably on fortnightly basis;

- (iv) where SIA is of the opinion that an offence specified in Annexure to this order has been committed, which is fit to be investigated by it, the SIA shall register an FIR, *suo motu*, while keeping the DGP, J&K informed.
- (v) the SIA shall also be the agency for investigation and trial of offences in cases which are transferred to the State Government in terms of section 7 of the National Investigation Act, 2008.

It is also ordered that:

- (i) The head of CID wing shall be the ex-officio Director of the SIA.
- (ii) The Director SIA shall, to the extent it pertains to the functioning of the SIA, exercise such powers as may be specified by the Government from time to time.
- (iii) A special incentive @ 25% of the basic pay shall be paid to the employees who are posted in the SIA.

By order of the Government of Jammu and Kashmir.

(Khalid Majeed) KAS

Special Secretary to the Government

Dated: 01.11.2021

No: HOME-ISA/261/2021-05-HOME

Copy to the:

1. Director General of Police, J&K.
2. Principal Secretary to the Hon'ble Lt. Governor.
3. Special Director General of Police, CID, J&K.
4. Additional Secretary (JKL), Ministry of Home Affairs, Government of India.
5. Director Information, J&K.
6. Director, Archives, Archaeology and Museums, J&K, Jammu.
7. Private Secretary to the Chief Secretary.
8. Private Secretary to the Principal Secretary to Government, Home Department.
9. I/c website, Home Department.
10. Government Order file/stock file.

Annexure to Government Order No.286-Home of 2021 dated 01.11.2021

1. The Explosive Substances Act, 1908 (6 of 1908);
2. The Atomic Energy Act, 1962 (33 of 1962);
3. The Unlawful Activities (Prevention) Act, 1967 (37 of 1967);
4. The Anti-Hijacking Act, 2016(30 of 2016);
5. The Suppression of Unlawful acts against Safety of Civil Aviation Act, 1982 (66 of 1982);
6. The SAARC Convention (Suppression of Terrorism) Act, 1993 (36 of 1993);
7. The Suppression of Unlawful acts against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002 (69 of 2002);
8. The Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005 (21 of 2005);
9. Offences under—
 - a) Chapter VI of the Indian Penal Code (45 of 1860) [sections 121 to 130 (both inclusive)];
 - b) Sections 370 and 370A of Chapter XVI of the Indian Penal Code (45 of 1860);
 - c) Sections 489-A to 489-E (both inclusive) of the Indian Penal Code (45 of 1860);
 - d) Sub-section (1AA) of section 25 of Chapter V of the Arms Act, 1959 (54 of 1959);
 - e) Section 66F of Chapter XI of the Information Technology Act, 2000 (21 of 2000).
10. Offences having terrorism linkage; all terrorist acts including Terrorist Financing and circulation of High Quality Fake India Currency Notes Cases;
11. Terrorism related larger conspiracy cases;
12. Terrorist Financing and terrorism linked NDPS cases;
13. Terrorism linked kidnapping and murder cases;
14. Terrorism linked thefts/extortions, ATM/bank robbery cases;
15. Terrorism linked weapon snatching/robbery cases;
16. Cases relating to terrorism linked propaganda, false narrative, large scale incitement, spreading of disaffection, enmity against the Indian Union.