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National Investigation Agency

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- The National Investigation Agency (NIA) was constituted under the **National Investigation Agency (NIA) Act, 2008**.
- **Headquarters:** New Delhi
- It is a central agency to **investigate and prosecute offences** related to terrorism and certain other Act **post-2008 Mumbai terror attacks** such as:
 - Affecting the **sovereignty, security and integrity of India**, security of State, friendly relations with foreign States.
 - Against **atomic and nuclear facilities**.
 - Smuggling in High-Quality **Counterfeit Indian Currency**.
- It **implements international treaties, agreements, conventions and resolutions** of the United Nations, its agencies and other international organisations.
- Its objective is also to **combat terror in India**. It acts as the **Central Counter-Terrorism Law Enforcement Agency**.
 - Assist all States and other investigating agencies in the **investigation of terrorist cases**.
 - **Build a database** of all terrorist-related information and share the database available with the States and other agencies.
 - Study and analyse laws relating to terrorism in other countries and regularly **evaluate the adequacy of existing laws** in India and propose changes as and when necessary.
 - To execute in-depth professional investigation **of scheduled offences** using the latest scientific methods of investigation.

Scheduled Offences

- The schedule to the Act specifies a **list of offences** which are to be investigated and prosecuted by the NIA.
- These include offences under Acts such as the **Atomic Energy Act, 1962, and the Unlawful Activities Prevention Act, 1967**.

Mandate of NIA

- The cases are assigned to the NIA by the Central Government in accordance with **section VI of the NIA Act, 2008.**
- The investigation of the cases is done by the Agency **independently.**
- After investigation, the cases are placed before **the NIA Special Court.**
- It is empowered to deal **with terror-related crimes across states without special permission from the states.**

Recent Amendments

The various features or provisions of the **NIA (Amendment) ACT, 2019** are as follows:

- It applied the provisions of the NIA Act **also to persons who commit a scheduled offence beyond India** against Indian citizens or affecting the interest of India.
- It provided that the officers of the NIA shall have the similar powers, duties, privies and liabilities being exercised by the **police officers in connection with the investigation of offences**, not only in India but also outside India.
- It empowered the central government, with respect to a scheduled offence committed outside India, to direct the NIA to register the case and take up investigation as if **such offence had taken place in India.**
- It provided that the central government and the state governments may designate **Sessions Courts as Special Courts for conducting the trial of offences** under the NIA Act.
- It inserted certain new offences in the **Schedule of the NIA Act.** Consequently, the NIA is also empowered to probe the offences relating to
 - human trafficking,
 - counterfeit currency or bank notes,
 - manufacture or sale of prohibited arms,
 - cyber-terrorism and
 - explosive substances.

Issues in the Recent Amendments

- Under schedule VII of the Constitution, the maintenance of **public order and police forces are matters of state list.**

However, **Criminal law forms part of the concurrent list** and national security comes under the domains of the union list.

- The Central government gets the authority to have the NIA take over the investigation of crimes, which involve allegations of human trafficking, offences under the Explosives Act, and certain offences under the Arms Act.

However, **not every criminal offence in the above act is a threat to national security and sovereignty** and consequently, states have the competence to deal with the same.
- The Amendment Bill puts **Section 66F of the Information Technology Act, 2000** into the Schedule listing offences. Section 66F deals with **cyber terrorism**.

But India **does not have a data protection act** and there is **no definition of cyber terrorism**.
- The amendment to the NIA Act also gives the agency authority to investigate crimes committed by persons which are against Indian citizens or "**affecting the interest of India**".
 - However, the term "affecting the interest of India" is **undefined** and can be **misused by governments** to curb freedom of speech and expression.
 - Further, the laws, under which the NIA has the authority to investigate, themselves **do not mention "affecting the interest of India" as an offence**.

Source: TH