



National Investigation Agency

For Prelims: National Investigation Agency (NIA) Act, 2008, Unlawful Activities (Prevention) Act, SAARC Convention (Suppression of Terrorism) Act, NIA Special Court, Cyberterrorism, Left Wing Extremism (LWE), Counterfeit currency

For Mains: Scheduled offence, NIA Special Courts, Recent Amendments in NIA, Various Security Forces & Agencies & Their Mandate

Why in News?

Recently, the Union Home Ministry handed over the probe into the barbaric killing of a pharmacist at Amravati in Maharashtra to the [National Investigation Agency \(NIA\)](#).

What is the National Investigation Agency (NIA)?

▪ About:

- The **NIA** is the **Central Counter-Terrorism Law Enforcement Agency of India** mandated to investigate all the **offences affecting the sovereignty, security and integrity of India. It includes:**
 - Friendly relations with foreign states.
 - Against atomic and nuclear facilities.
 - **Smuggling of arms, drugs and fake Indian currency** and infiltration from across the borders.
 - The offences under the **statutory laws enacted to implement international treaties, agreements, conventions and resolutions of the [United Nations](#)**, its agencies and other international organisations.
- It was **constituted under the [National Investigation Agency \(NIA\) Act, 2008](#).**
- The agency is empowered to deal with the investigation of terror related crimes across states **without special permission from the states** under **written proclamation from the Ministry of Home Affairs**.
- **Headquarters:** New Delhi

▪ Origin:

- In the **wake of the [26/11 Mumbai terror attack](#) in November 2008**, which shocked the entire world, the then **United Progressive Alliance government decided to establish the NIA**.
 - In **December 2008**, former **Union Home Minister P. Chidambaram introduced the National Investigation Agency Bill**.
- The agency came into existence on 31st December 2008, and started its functioning in 2009. **Till date, the NIA has registered 447 cases.**

▪ Jurisdiction:

- The law under which the agency **operates extends to the whole of India and also applies to Indian citizens outside the country**.
- **Persons in the service of the government** wherever they are posted.
- **Persons on ships and aircraft registered in India** wherever they may be.

- Persons who commit a **scheduled offence** beyond India against the Indian citizen or affecting the interest of India.

What are Scheduled Offences?

- The schedule to the Act specifies a list of offences which are to be investigated and prosecuted by the NIA.
- The list includes
 - [Explosive Substances Act](#)
 - [Atomic Energy Act](#)
 - [Unlawful Activities \(Prevention\) Act](#)
 - [Anti-Hijacking Act](#)
 - [Suppression of Unlawful Acts against Safety of Civil Aviation Act](#)
 - [SAARC Convention \(Suppression of Terrorism\) Act](#)
 - [Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act](#)
 - [Weapons of Mass Destruction and their Delivery Systems \(Prohibition of Unlawful Activities\) Act](#)
 - **Any other relevant offences under the Indian Penal Code, [Arms Act](#) and the [Information Technology Act](#).**
 - [Narcotic Drugs and Psychotropic Substances Act](#)

How does the NIA take up a probe?

- **Referral:**
 - **State government:**
 - As provided under **Section 6 of the Act, State governments can refer the cases** pertaining to the scheduled offences registered **at any police station to the Central government** (Union Home Ministry) **for NIA investigation.**
 - After assessing the details made available, the **Centre can then direct the agency to take over the case.**
 - State governments are required to extend all assistance to the NIA.
 - **Central government:**
 - **In India:** When the Central government is of the **opinion that a scheduled offence has been committed** which is required to be investigated under the Act, it may, suo motu, direct the agency to take up the probe.
 - **Outside India:** Where the Central government finds that a **scheduled offence has been committed at any place outside India** to which this Act extends, it can also **direct the NIA to register the case and take up investigation.**
- **Sanction:**
 - For **prosecuting the accused under the Unlawful Activities (Prevention) Act, 1967 (UAPA)** and certain other scheduled offences, the **Agency seeks the sanction of the Central Government.**
 - The sanction is granted under the UAPA based on the report of the '**Authority**' constituted under section 45 (2) of the UAPA.
- **Other:**
 - There is an **exclusive [Left Wing Extremism \(LWE\)](#) cell** to effectively deal with cases related to **terror financing aspects of Naxalite groups.**
 - While investigating any scheduled offence, **the agency can also investigate any other offence which the accused is alleged to have committed** if the offence is connected to the scheduled offence.
 - After investigation, the cases are placed before the [NIA Special Court](#).

What is NIA Special Courts?

- The Central Government for the trial of Scheduled Offences constitutes **one or more Special**

Courts under Section 11 and 22 of the NIA Act 2008.

- **Composition:**
 - The Special Court shall be presided over by a **judge to be appointed by the Central Government on the recommendation of the [Chief Justice of the High Court](#)**.
 - The Central Government may, if required, appoint an additional judge or additional judges to the Special Court, on the recommendation of the Chief Justice of the High Court.
- **Jurisdiction of Special Courts:**
 - The Special Courts have all powers of the court of sessions under the [Code of Criminal Procedure, 1973](#).
 - Where **any question arises as to the jurisdiction of any Special Court**, it shall be referred to the **Central Government** whose **decision in the matter shall be final**.
 - **The [Supreme Court](#) can transfer a case pending before a Special Court to any other Special Court** within that State or any other State in some exceptional cases where it is not feasible to conduct a peaceful, fair, impartial and speedy trial.
 - Similarly, the [High Court](#) has the power to transfer a case pending before a Special Court in a State to any other Special Court within that State.

What are the Recent Amendments in the NIA Act?

- NIA was **amended in 2019** with the objective of speedy investigation and prosecution of certain offences, including those committed outside India.
- The amendment focussed on three main areas:
 - **Offences outside India:**
 - The **original Act allowed NIA to investigate and prosecute offences within India**.
 - The **Amended Act** empowered the agency to **investigate offences committed outside India**, subject to international treaties and domestic laws of other countries.
 - **Widening the scope of Law:**
 - The amendment has allowed the NIA to investigate, in addition, cases related to:
 - [Human trafficking](#)
 - [Counterfeit currency or banknotes](#)
 - Manufacture or sale of prohibited arms
 - [Cyber-terrorism](#)
 - **Offences under the Explosive Substances Act, 1908.**
 - **Special Courts:**
 - The 2008 Act constituted Special Courts for conducting the trial of offences under the Act.
 - The **2019 amendment allowed the central government to designate [Sessions Courts](#) as Special Courts** for the trial of scheduled offences under the Act.
 - The central government is required to consult the Chief Justice of the High Court under which the Sessions Court is functioning, before designating it as a Special Court.
 - **State governments may also designate Sessions Courts as Special Courts** for the trial of scheduled offences.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. The Stiglitz Commission established by the President of the United Nations General Assembly was in the international news. The commission was supposed to deal with: (2010)

- (a) The challenges posed by the impending global climate change and prepare a road map
- (b) The workings of the global financial systems and to explore ways and means to secure a more sustainable global order
- (c) Global terrorism and prepare a global action plan for the mitigation of terrorism
- (d) Expansion of the United Nations Security Council in the present global scenario

Ans: (b)

Exp:

- The Commission of Experts on Reforms of the International Monetary and Financial System, called the Stiglitz Commission, was convened by the President of the United Nations General Assembly. It was chaired by Joseph Stiglitz.
- The Commission was tasked to review the workings of the global financial system, including major bodies such as the World Bank and the IMF, and to suggest steps to be taken by member States to secure a more sustainable global economic order.
- **Therefore, option (b) is the correct answer.**

[Source: TH](#)

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