



National Investigation Agency

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The National Investigation Agency (NIA) was constituted under the **National Investigation Agency (NIA) Act, 2008**.

- It is a **central agency to investigate and prosecute offences:**
 - 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.
- It's objective is also to combat terror in India.
- It acts as the Central Counter-Terrorism Law Enforcement Agency.
- **Headquarters:** New Delhi
Branches: Hyderabad, Guwahati, Kochi, Lucknow, Mumbai, Kolkata, Raipur and Jammu.

Goals of NIA

- To execute in-depth professional investigation of scheduled offences using the latest scientific methods of investigation.
- Upholding the constitution of India and laws of the land.
- Prime importance to the protection of Human Rights and dignity of the individual.
- Developing a professional workforce through regular training and exposure to the best practices and procedures.
- Ensuring effective and speedy trial.

- Maintaining professional and cordial relations with the governments of States and Union Territories and other law enforcement agencies in compliance with the legal provisions of the NIA Act.
 - 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.

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.

Need of NIA

The terrorist incidents are found to have complex inter-State and international linkages, and possible connection with organised crime, for example, the smuggling of arms and drugs, circulation of fake Indian currency etc.

The agency at the Central level was created for investigation of offences related to terrorism and certain other **Act post-2008 Mumbai terror attacks**.

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.
 - 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.

- It is empowered to deal with terror-related crimes across states without special permission from the states.

Smuggling and Terror Funding

- The amendments to the NIA Act has brought the offences related to the smuggling in High-Quality Counterfeit Indian Currency under the definition of a terrorist Act.

- To curb various aspects of terrorist financing, a Terror Funding and Fake Currency Cell (TFFC) has been created in the NIA.
 - The Cell maintains a database of terror financing and cases of Fake Indian Currency Notes (FICN).
 - TFFC also conducts a part investigation into terror financing aspects of regular cases investigated by the NIA.
 - TFFC Cell conducts verifications of bank accounts of the suspects that are linked with Naxalite groups.
- There is an **exclusive Left Wing Extremism (LWE)** cell to effectively deal with cases related to terror financing aspects of Naxalite groups.
- The **Ministry of Home Affairs (MHA)** reviews the manpower, financial and infrastructure requirements of NIA from time to time.

Recent Amendment

- The **NIA (Amendment) Bill, 2019** was passed by Parliament amending the original Act of 2008.
- The Bill seeks to allow the NIA to investigate the following additional offences:
 - Human trafficking
 - Offences related to counterfeit currency or banknotes
 - Manufacture or sale of prohibited arms
 - Cyber-terrorism, and
 - Offences under the Explosive Substances Act, 1908
- **Jurisdiction of the NIA**
 - The officers of the NIA have the same powers as other police officers in relation to the investigation of such offences, across India.
 - The officers of the NIA will have the power to investigate scheduled offences committed outside India, subject to international treaties and domestic laws of other countries.
 - The central government may direct the NIA to investigate such cases as if the offence has been committed in India.
 - The Special Court in New Delhi will have jurisdiction over these cases.

Special Courts

- The Central Government for the trial of Scheduled Offences, constitute one or more Special Courts under **Section 11 and 22 of the NIA Act 2008**.
- **Composition:** 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**.

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 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** 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.