

NIA- National Investigation Agency

[UPSC Notes]

What is NIA?

The National Investigation Agency is a statutory body established by the National Investigation Agency Act 2008. The National Investigation Agency was established in 2009 after the 26/11 Mumbai attacks and has come up as one of the finest agencies to investigate terror-related incidents.

- NIA comes under the Department of Personnel and Training (DoPT), Ministry of Personnel, Public Grievances, and Pension.
- It has jurisdiction over the entire country of India, Indian citizens living outside of India, and people on ships registered in India.
- The NIA has a mandate to investigate offences that challenge the nation's sovereignty and integrity, such as bomb blasts, hijacking of aircraft and ships, attacks on nuclear installations, and smuggling in counterfeit currency (aimed at damaging the monetary stability of the nation).
- The headquarters of the NIA is in New Delhi, and the National Investigation Agency branch offices are in Hyderabad, Guwahati, Mumbai, Lucknow, Kochi, Kolkata, Jammu, and Raipur.

History of NIA

The National Investigation Agency was established against the backdrop of the 2008 Mumbai terror attack, also known as the 26/11 incident. Due to the absence of any anti-terrorism agency in India, the task of handling the situation was given to the National Security Guard force. Then came the need for a dedicated anti-terrorism force in India, which led to the formation of the National Investigation Agency.

Goals of National Investigation Agency

In-depth professional investigation of the schedule of offences with the help of the latest investigation technology and setting up a standard to ensure that all the cases of the National Investigation Agency are detected.

- Ensuring an effective and speedy trial.
- Developing into a thoroughly professional, result-oriented organization, upholding the Constitution of India and the laws of the land, giving prime importance to the protection of human rights and the dignity of the individual.

- Maintaining cordial relations with the governments of states and union territories.
- While discharging duties, the National Investigation Agency has to display a scientific temper and progressive spirit.
- Helping all states and other investigation agencies in the investigation of terrorist cases.
- Winning the confidence of citizens of India.

Requirements of NIA

Over the past several years, India has been the victim of several terrorist attacks from across the border, not only in militancy, insurgency, or Left Wing Extremism affected areas but also in the form of bomb blasts and terrorist attacks, etc.

- It is seen that terrorist attacks and bomb blasts are connected with activities like arms smuggling, drug smuggling, circulation of fake Indian currency, infiltration across the borders, etc.
- Facing all these situations, it was realized that now there was a need to set up an agency at a central level to investigate challenges to the national sovereignty and integrity of the nation.
- The Second Administrative Reforms Commission has also recommended establishing such an agency.

NIA Functions

The National Investigation Agency is constituted for investigating and prosecuting the offences under the various acts mentioned in the NIA Act Schedule. Along with that, it also shares important and confidential pieces of information with other security agencies like RAW and law enforcement units. NIA may also take any necessary steps to ensure the effective and timely implementation of the provisions of the NIA Act.

Jurisdiction of NIA

Various acts are enacted to implement international treaties, conventions, and resolutions of the United Nations organization and its agencies, as well as the offences under international law that the NIA agency has concurrent jurisdiction to investigate and prosecute.

The National Investigation Agency is strongly empowered to counter the attacks, which include hijacking of aircraft and ships, nuclear installation attacks, bomb blasts, and the pieces of equipment that are used to create mass destruction.

NIA's jurisdiction was extended in 2019; after 2019, it can probe issues related to human trafficking, cyber terrorism, explosive substances, or counterfeit currency.

NIA Amendment Act 2019

The National Investigation Agency Amendment Act 2019 provided the provision that NIA is also applied to persons who commit a scheduled offence outside India against Indian citizens or affect the interests of India.

- The NIA Amendment provided that, in connection with the investigation of offences, NIA officers would have the same powers, duties, and liabilities as police officers in India or abroad.
- It empowers the central government to direct the National Investigation Agency to investigate a scheduled offence that was committed outside India and treat it as if it had taken place in India.
- It has the provision that the central and state governments designate the session court as a special court for trialling offences under the National Investigation Act.
- It inserted certain new offences into the schedule of the National Investigation Agency Act.

NIA Smuggling and Terror Funding

The National Investigation Agency Amendment Act 2019 also empowered the National Investigation Agency to probe offences relating to counterfeit currency or banknotes.

- Terror Funding and Fake Currency Cells (TFFC) have also been created in the NIA to tackle people smuggling and terror funding.
- An exclusive Left Wing Extremism (LWE) cell was created to tackle the cases of the terror financing aspects of Naxalite groups.
- It is the responsibility of the Ministry of Home Affairs to fulfil the National Investigation Agency's infrastructure requirements, manpower, and financial support from time to time.

Recent Amendments to NIA

NIA has concurrent jurisdiction to investigate and prosecute the offences threat to India's sovereignty, security, or integrity.

NIA Jurisdiction- In 2019, the jurisdiction of the National Investigation Agency was extended by the National Investigation Agency Act 2008. As a result, the National Investigation Agency is now authorized to investigate crimes involving

- Human trafficking
- Counterfeit currency or banknotes
- Production or sale of prohibited weapons
- Cyber terrorism, and
- explosive substance.

NIA has concurrent jurisdiction to investigate and prosecute the offences threat to India's sovereignty, security, or integrity.

NIA Special Courts - On the recommendation of the Chief Justice of the High Court, the central government appointed a special court which is presided over by a judge.

- The central government may constitute one or more special courts under sections 11 and 22 of the National Investigation Agency Act 2008 for the trial of scheduled offences.
- There is a provision for the appointment of an additional judge or additional judges to the special court if required by the central government on the recommendation of the Chief Justice of the High Court.

NIA Jurisdiction of Special Courts: The Special Court has all the power of the sessions court under the Criminal Procedure Code 1973.

- If a question about the jurisdiction of a special court arises, the central government will rule on it, and its decision will be final.
- There is the provision of transfer of cases before a special court to any other special court within the state or in any other state on the recommendation of the Supreme Court where it is not feasible to conduct a fair, impartial, peaceful, and speedy trial. Similarly, the High Court also has the power to transfer cases pending before a special court in the state to any other special court within the state.

Issues in Recent Amendments for NIA

The maintenance of law, public order, and police forces come under the state list under schedule 7 of the Constitution of India. However, criminal law comes under the concurrent list, and national security is kept under the union list.

- By the Amendment, the National Investigation Agency is empowered by the central government to take over the investigation of offences relating to the human trafficking, manufacturing, or sale of prohibited arms and offensives under the Explosive Act. However, in the above criminal offences, not everyone threatens India's sovereignty, security, or integrity; the State can deal with the same.
- Even though there is no definition of cyber terrorism in India and no Data Protection Act, the amendment has been added to the list of scheduled offences, section 66(F) of the Information and Technology Act.
- The National Investigation Agency is empowered by an amendment to investigate crimes that are against Indian citizens or "affect the interests of India". However, the term "affecting the interest of India" is undefined, and maybe in the future, the government can misuse it to curb the fundamental freedom provided by the constitution of India.