

## 6. National Investigation Agency (NIA)

**Prelims Syllabus:** Constitutional Bodies, Regulatory Bodies

**Mains Syllabus:** GS-II Government policies and interventions for development in various sectors and Issues Arising out of their design and Implementation.

### Context:

- Recently, a petition filed to order the **National Investigation Agency (NIA)** to find out the “anti-national forces” behind the agitations and to probe the role of People’s Front of India (PFI).

### About NIA:

- It is constituted under the National Investigation Agency (NIA) Act, 2008.
- It is 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.
- Its **objective** is to combat terror in India. It acts as the Central Counter-Terrorism Law Enforcement Agency.
- Its headquarters is at New Delhi and branches located at Hyderabad, Guwahati, Kochi, Lucknow, Mumbai, Kolkata, Raipur and Jammu.

### About the Mandate of NIA:

- The Central Government assign the cases in accordance with **section VI** of the NIA Act, 2008.
- The investigation of the cases is done by the Agency independently and placed before the **NIA Special Court**.
- The **sanction** is granted under the **Unlawful Activities (Prevention) Act, 1967** 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.

- To curb various aspects of terrorist financing, a **Terror Funding and Fake Currency Cell (TFFC)** has been created in the NIA.
- **TFFC** maintains a database of terror financing and cases of Fake Indian Currency Notes (FICN). It also conducts a part investigation into terror financing aspects of regular cases investigated by the NIA. Its Cell conducts verifications of bank accounts of the suspects that are linked with Naxalite groups.
- NIA also has 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.

#### **About the NIA (Amendment) Bill, 2019:**

- It was passed by Parliament amending the original Act of 2008.
- It seeks to allow the NIA to investigate the following additional offences:
  - ✓ Human trafficking
  - ✓ Manufacture or sale of prohibited arms
  - ✓ Cyber-terrorism, and
  - ✓ Offences under the Explosive Substances Act, 1908

#### **About Jurisdiction-NIA:**

- The officers have the same powers as other police officers in relation to the investigation of such offences, across India.
- They 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.
- **Scheduled Offences** are the list of offences specific to the acts such as the **Atomic Energy Act, 1962, and h**, which are to be investigated and prosecuted by NIA.

#### **About Jurisdiction - Special Courts:**

- The 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**

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**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.

- It has 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.
- Likewise, 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.

