

EVA STALIN IAS ACADEMY – BEST IAS COACHING IN CHENNAI

12/24, Muthurangan Muthali St, West Tambaram, Chennai - 600045

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NATIONAL INVESTIGATION AGENCY:

- **About NIA:**

- It is a key organisation responsible for looking into and prosecuting crimes that compromise India's sovereignty, security, and integrity as well as the safety of the State and good relations with other countries.
- It puts into effect the conventions, treaties, and resolutions of other international organisations as well as the United Nations and its agencies.
- Its goal is to fight terrorism in India.
- It serves as the main law enforcement organisation against terrorism.
- Administration: New Delhi
- Hyderabad, Guwahati, Kochi, Lucknow, Mumbai, Kolkata, Raipur, and Jammu are among the branches.

- **Mission of NIA:**

- To conduct thorough professional investigations into the scheduled offences utilising the most recent investigative scientific techniques.
- Upholding the Indian Constitution and the law.
- Protection of human rights and respect for individual dignity are of utmost significance.
- By providing regular training and exposure to the latest practises and processes, creating a competent staff.
- Ensuring a quick and efficient trial.
- In accordance with the NIA Act's legal requirements, maintaining respectful and professional relationships with the governments of States, Union Territories, and other law enforcement organisations.
- help in the investigation of terrorist cases by all States and other investigating bodies.

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- Create a database of all information relating to terrorists and make it accessible to the States and other agencies.
- Study and examine terrorism-related legislation in other nations. Regularly assess the suitability of Indian legislation. Propose amendments as required.

• Scheduled Offences:

- A list of offences that must be looked into and prosecuted by the NIA is listed in the schedule to the Act.
- These include offences committed in violation of laws like the Unlawful Activities Prevention Act of 1967 and the Atomic Energy Act of 1962.

• Functioning of NIA:

- In accordance with section VI of the NIA Act, 2008, the cases are given to the NIA by the Central Government.
- The Agency independently conducts the case investigations.
- The NIA Special Court hears the cases after an inquiry.
- The Agency requests permission from the Central Government to prosecute the accused under the Unlawful Activities (Prevention) Act of 1967 (UAPA) and a few other listed offences.
- According to section 45 (2) of the UAPA, the "Authority" was established, and its report served as the basis for the censure.
- It has the authority to handle terrorism-related offences in all states without the states' consent.
- Smuggling and Funding of Terrorism
- The High-Quality Counterfeit Indian Currency Smuggling Offences are now covered within the definition of terrorism under the NIA Act's revisions.
- The NIA has established a Terror Funding and Fake Currency Cell (TFFC) to combat various facets of terrorism financing.
- The Cell keeps track of cases of fake Indian currency notes and financing for terrorism in its database (FICN).
- The TFFC also looks into the financing of terrorism components of routine cases that the NIA looks into.
- The TFFC Cell checks the suspects' financial accounts who have ties to Naxalite organisations.

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- An dedicated Left Wing Extremism (LWE) unit has been established to deal with instances involving the financing of terrorism by Naxalite organisations.
- The Ministry of Home Affairs (MHA) periodically assesses the NIA's resource, funding, and infrastructural needs.
- **Recent Changes:**
- Parliament approved the NIA (Amendment) Bill, 2019, which modifies the original Act of 2008.
- **The Bill aims to provide the NIA authority to look into the new offences listed below:**
- Human exploitation
- Crimes with fake cash or banknotes
- Production or sale of a prohibited weapon
- Cyber-terrorism, and
- Explosive Substances Act of 1908 offences
- **Authority of the NIA:**
- In relation to the investigation of such offences, NIA personnel in India have the same authority as other police officers.
- The NIA's officials would have the authority to look into specified offences that were committed outside of India, subject to international agreements and other nations' domestic laws.
- The NIA may be instructed by the central government to examine these cases as if the crime had been committed in India.
- These matters will fall within the purview of the Special Court in New Delhi.
- **About Special Courts:**
- In accordance with Sections 11 and 22 of the NIA Act 2008, the Central Government establishes one or more Special Courts for the trial of Scheduled Offenses.
- A judge to be selected by the Central Government on the suggestion of the Chief Justice of the High Court would preside over the Special Court.
- On the proposal of the Chief Justice of the High Court, the Central Government may, if necessary, appoint one or more additional judges to the Special Court.
- Special Courts' Authority:

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- In accordance with the 1973 Code of Criminal Procedure, the Special Courts have all the authority of the court of sessions.
- Any time there is a doubt about a Special Court's authority, it must be brought to the attention of the Central Government, whose judgement is definitive.
- In some unusual circumstances where it is not possible to conduct a quiet, fair, impartial, and quick trial, the Supreme Court may transfer a case now ongoing before a Special Court to any other Special Court within that State or any other State.
- Similar to that, the High Court has the authority to transfer an ongoing matter from one Special Court in a State to another Special Court in that State.
- **Problems with Recent Amendments:**
- The upkeep of public order and the operation of police forces are considered matters of state under section VII of the Constitution.
- Criminal law is included in the concurrent list, although national security is listed under the domains of the union.
- The NIA is given the power to lead investigations into crimes including claims of human trafficking, offences under the Explosives Act, and specific offences under the Arms Act by the Central government.
- Nevertheless, not all of the criminal offences under the aforementioned act pose a risk to the nation's security or sovereignty, and as a result, nations are competent to deal with them.
- The Information Technology Act's Section 66F is added to the Schedule listing offences by the Amendment Bill.
- However, neither a data protection laws nor a concept of cyber terrorism exist in India.
- The NIA Act has been amended to allow the organisation to look into crimes against Indian citizens or those "affecting the interest of India."
- However, "affecting the interest of India" is a vague phrase that can be abused by governments to stifle free speech.
- Furthermore, "affecting the interest of India" is not specifically mentioned as an offence under the laws that provide the NIA the jurisdiction to conduct investigations.
- **Mains Question:**
- **What are the powers and mandate of the NIA? What are some suggestions to further improve its functioning?**