

National Investigation Agency (NIA)

July 5, 2022

In news– The NIA has taken over the probe into the June 28 killing of tailor Kanhaiyya Lal in Rajasthan's Udaipur over a social media post.

About National Investigation Agency (NIA)-

- It is the **designated National Counter Terrorism Law Enforcement Agency in India.**
- It is **mandated to investigate all the offences affecting the sovereignty, security and integrity of India, friendly relations with foreign states, and 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.
- These include **terror acts and their possible links** with crimes like smuggling of arms, drugs and fake Indian currency and infiltration from across the borders. The agency has the power to search, seize, arrest and prosecute those involved in such offences.
- **Headquartered in Delhi**, the NIA has its branches in Hyderabad, Guwahati, Kochi, Lucknow, Mumbai, Kolkata, Raipur, Jammu, Chandigarh, Ranchi, Chennai, Imphal, Bengaluru and Patna.
- **NIA came into being in the wake of the 26/11 Mumbai terror attack in 2008** during UPA government with NIA Act and started its functioning in 2009.
- The Home Minister had then said the agency would deal with only eight laws mentioned in the schedule and that a balance had been struck between the right of the State

and duties of the Central government to investigate the more important 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.
- Currently, NIA **works under the Ministry of Home Affairs.**

What are the scheduled offences?

The list includes the 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 and relevant offences under the Indian Penal Code, Arms Act and the Information Technology Act.

The NIA (Amendment) Bill 2019 was passed by the parliament that **aimed to give more teeth to the investigating powers of the NIA. It empowered the NIA to probe terror attacks targeting Indians and Indian interests abroad.**

In September 2020, the Centre empowered the NIA to also probe offences under the Narcotic Drugs and Psychotropic Substances Act that are connected to terror cases.

How does the NIA take up a probe?

- **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.
- Even 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/over the probe.**
- 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.
- **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.