

# NIA Amendment Bill

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**Source:** *The Hindu*

## Manifest pedagogy

This particular news item has to be read with other articles in the Manifest-11 initiative on [Terrorism](#) and issues surrounding [National Security Act](#) to get a comprehensive worldviews surrounding the issue described below

## In news

- NIA (Amendment) bill, 2019 cleared by both the Houses of Parliament

## Placing it in syllabus

- Security agencies and their mandate

## Static dimensions

- Provisions of NIA Act
- Indian Polity- Fundamental Rights

## Current dimensions

- Amendments to the Act
- Concerns about the bill
- How will it help?

## Content

The Lok Sabha and Rajya Sabha have passed The National Investigative Agency (Amendment) Bill, 2019 which gives NIA officers power to investigate offences committed outside India too, and mandates the setting up of Special Courts. The bill is awaiting President's assent to become an act

## Provisions of NIA Act

The National Investigation Agency (NIA) is a central agency established by the Indian Government to combat terror in India. It acts as the **Central Counter Terrorism Law Enforcement Agency**. The agency is empowered to deal with terror related crimes across states without special permission from the states. The Agency came into existence in December, 2008 with the enactment of the NIA Act 2008. It was created post 2008 Mumbai terror attacks as need for a central agency to combat terrorism was realised

- The Agency has been empowered to conduct investigation and prosecution of offences under the Acts specified in the Schedule of the NIA Act.
- A State Government may request the Central Government to hand over the investigation of a case to the NIA, provided the case has been registered for the offences as contained in the schedule to the NIA Act.
- Central Government can also order NIA to take over investigation of any scheduled offense anywhere in India.
- Officers of the NIA have all powers, privileges and liabilities which the police officers have in connection with investigation of any offense

### **NIA (Amendment) bill, 2019**

The Bill amends the National Investigation Agency (NIA) Act, 2008. The Bill says it wants to facilitate the speedy investigation and prosecution of Scheduled Offences, including those committed outside India against the Indian citizens or affecting the interest of India and to insert certain new offences in the Schedule to the Act as Scheduled Offences which adversely affect the national security

### **Key changes in the bill**

Scheduled offences The schedule to the Act specifies a list of offences under Acts such as the Atomic Energy Act, 1962, and

the Unlawful Activities Prevention Act (UAPA), 1967. The Bill seeks to allow the NIA to investigate the following offences, in addition (i) **human trafficking, (ii) offences related to counterfeit currency or bank notes, (iii) manufacture or sale of prohibited arms, (iv) cyber-terrorism, and (v) offences under the Explosive Substances Act, 1908**

Jurisdiction of the NIA The Bill states addition, **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 Act allows the central government to constitute Special Courts for the trial of scheduled offences. The Bill amends this to state that the **central government may designate Sessions Courts as Special Courts for the trial of scheduled offences** after consulting the Chief Justice of the High Court under which the Sessions Court is functioning. Further, state governments may also designate Sessions Courts as Special Courts for the trial of scheduled offences

### **Concerns about the bill**

- Several opposition parties have alleged that the bill will be used specifically against people of one religion.
- The objectivity of the organisation itself is doubtful.
- When there is no Data Protection Act or the definition of terrorism how an act of violence be designated as a terrorist act?
- As the bill seeks to increase the jurisdiction of NIA to investigate scheduled offences committed outside India, opposition blamed that the Union government was attempting to turn India into a “police state” with a

bunch of legislations beginning with the NIA Amendment Bill.

- The provision of widening of the territorial ambit of the law, extending to foreign countries is criticized as concept of universal jurisdiction does apply only in cases of crime against humanity or genocide.
- It is appalling to note that majority of those who are charged under Anti-terror laws (TADA Act, UAPA Act, NIA Act) till date are the people belonging to SC,ST and minority communities

However opposition MPs who objected to the amendments ended up voting in favour of them as the parties did not want to come across as being 'pro-terror'

The government has assured that the bill will not be misused against any community on the basis of caste, religion and region. Home minister iterated that it was necessary to pass the bill in order to send out a message that Parliament is unanimous in the fight against terrorism

### **How the amendment would help?**

- It gives India's anti-terror agency power to investigate cases of terrorism targeting Indians as well as Indian assets abroad.
- The amendments will allow the NIA to probe cyber-crimes and cases of human trafficking which are posing to be serious crimes these days.
- This was imperative for the government's policy of zero-tolerance against terrorism