

## 62 National Investigation Agency

### ESTABLISHMENT OF THE NIA

The National Investigation Agency (NIA) was constituted in 2009 under the provisions of the National Investigation Agency Act, 2008 (NIA Act). It is the central counter-terrorism law enforcement agency in the country.

The NIA was established in the backdrop of the 2008 Mumbai terror attacks, popularly known as the 26/11 incident. This national horror led to the realisation of the need for a separate federal agency to deal with terror-related crimes in the country.

The headquarters of the NIA is at New Delhi. The branch offices of the NIA are located at Hyderabad, Guwahati, Mumbai, Lucknow, Kochi, Kolkata, Jammu and Raipur. In addition, the NIA has a separate specialised cell known as TFFC Cell dealing with the subjects of fake currency notes and terror funding.

The NIA is headed by a Director-General. He is appointed by the central government. His powers are similar to the powers exercisable by a Director-General of Police in respect of the police force in a state.

The NIA works under the administrative control of the Ministry of Home Affairs, Government of India. The state government extends all assistance and co-operation to the NIA for investigation of the offences specified under the NIA Act.

## **RATIONALE OF THE NIA**

While introducing the NIA Bill in the Parliament, the Government of India gave the following reasons for creating the NIA<sup>1</sup> :

1. Over the past several years, India has been the victim of large-scale terrorism sponsored from across the borders. There have been innumerable incidents of terrorist attacks, not only in the militancy and insurgency affected areas and areas affected by left-wing extremism, but also in the form of terrorist attacks and bomb blasts, etc., in various parts of the hinterland and major cities, etc.
2. A large number of such incidents are found to have complex inter-state and international linkages, and possible connection with other activities like the smuggling of arms and drugs, pushing in and circulation of fake Indian currency, infiltration from across the borders, etc.
3. Keeping all these in view, it was felt that there was a need for setting up of an agency at the central level for the investigation of offences related to terrorism and certain other Acts, which have national ramifications.
4. Several expert committees and the Second Administrative Reforms Commission<sup>2</sup> have also made recommendations for establishing such an agency.
5. The Government, after due consideration and examination of the issues involved, proposed to enact a legislation to make provisions for establishment of an NIA in a concurrent jurisdiction framework, with provisions for taking up specific cases under specific Acts for investigation. These provisions are proposed to be incorporated in the National Investigation Agency Bill, 2008.

## **FUNCTIONS OF THE NIA**

The NIA is mandated to investigate and prosecute offences under the various Acts mentioned in the Schedule of the NIA Act. In pursuance of its mandate, the NIA collects, collates and analyses counter-terrorism investigation. It also shares inputs with its sister intelligence agencies and law enforcement units both at central and state governments level.

In more detail, the functions assigned to the NIA are as follows<sup>3</sup> :

- (a) To investigate and prosecute offences in respect of the Acts specified in the Schedule of the NIA Act.
- (b) To provide assistance to, and seek assistance from, other intelligence and investigation agencies of the central government and state governments.
- (c) To take other such measures which may be necessary for speedy and effective implementation of the provisions of the NIA Act.

## VISION OF THE NIA

The following points highlight the vision of the NIA:

1. The NIA aims to be a thoroughly professional investigative agency matching the best international standards.
2. The NIA aims to set the standards of excellence in counter-terrorism and other national security-related investigations at the national level by developing into a highly trained, partnership-oriented workforce.
3. The NIA aims at creating deterrence for existing and potential terrorist groups/ individuals.
4. The NIA aims to develop as a storehouse of all terrorist-related information.

## MISSION OF THE NIA

The mission of the NIA is as follows:

1. In-depth professional investigation of scheduled offences using the latest scientific methods of investigation and setting up such standards as to ensure that all cases entrusted to the NIA are detected.
2. Ensuring effective and speedy trial.
3. Developing into a thoroughly professional, result-oriented organisation, upholding the Constitution of India and laws of the land, giving prime importance to the protection of human rights and dignity of the individual.
4. Developing a professional workforce through regular training and exposure to the best practices and procedures.
5. Displaying scientific temper and progressive spirit while discharging the duties assigned.
6. Inducting modern methods and latest technology in every sphere of activities of the agency.
7. Maintaining professional and cordial relations with the governments of states and union territories and other law enforcement agencies in compliance with the legal provisions of the NIA Act.
8. Assisting all states and other investigating agencies in investigation of terrorist cases.
9. Building a database on all terrorist-related information and sharing the available database with the states and other agencies.
10. Studying and analysing laws relating to terrorism in other countries and regularly evaluating the adequacy of existing laws in India and proposing changes as and when necessary.
11. Winning the confidence of the citizens of India through selfless and fearless endeavours.

## JURISDICTION OF THE NIA

The NIA has concurrent jurisdiction to investigate and prosecute the offences affecting the sovereignty, security and integrity of India, security of state, friendly relations with foreign states and offences under various Acts enacted to implement international treaties, agreements, conventions and resolutions of the UNO, its agencies and other international organisations.

The NIA is empowered to probe terror attacks including bomb blasts, hijacking of aircrafts and ships, attacks on nuclear installations and use of weapons of mass destruction.

In 2019, the jurisdiction of the NIA was extended<sup>4</sup>. Consequently, the NIA is also empowered to probe the offences relating to human trafficking, counterfeit currency or bank notes, manufacture or sale of prohibited arms, cyber-terrorism and explosive substances.

## **NIA (AMENDMENT) ACT, 2019**

The various features or provisions of the amendment are as follows<sup>5</sup> :

1. It applied the provisions of the NIA Act **also to persons who commit a scheduled offence beyond India** against Indian citizens or affecting the interest of India.
2. It provided that the officers of the NIA shall have the similar powers, duties, privies and liabilities being exercised by the police officers in connection with the investigation of offences, not only in India but also outside India.
3. It empowered the central government, with respect to a scheduled offence committed outside India, to direct the NIA to register the case and take up investigation as if such offence has taken place in India.
4. It provided that the central government and the state governments may designate Sessions Courts as Special Courts for conducting the trial of offences under the NIA Act.
5. It inserted certain new offences in the Schedule of the NIA Act<sup>6</sup> .

### **NOTES AND REFERENCES**

1. Based on the statement of objects and reasons appended to the NIA Bill, 2008.
2. The second Administrative Reforms Commission (Chairman: Veerappa Moily), 2005–09, in its report entitled 'Combating Terrorism' (2008).
3. The National Investigation Agency (Manner of Constitution) Rules, 2008.
4. Vide the NIA (Amendment) Act, 2019.
5. Based on the Statement of Objects and Reasons appended to the NIA (Amendment) Bill, 2019.
6. See the last paragraph under the above heading (Jurisdiction of the NIA).