

Bill Summary

The National Investigation Agency (Amendment) Bill, 2019

- The National Investigation Agency (Amendment) Bill, 2019 was introduced in Lok Sabha by the Minister for Home Affairs, Mr. Amit Shah, on July 8, 2019. The Bill amends the National Investigation Agency (NIA) Act, 2008. The Act provides for a national-level agency to investigate and prosecute offences listed in a schedule (scheduled offences). Further, the Act allows for creation of Special Courts for the trial of scheduled offences.
- **Scheduled offences:** The schedule to the Act specifies a list of offences which are to be investigated and prosecuted by the NIA. These include offences under Acts such as the Atomic Energy Act, 1962, and the Unlawful Activities Prevention Act, 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 Act provides for the creation of the NIA to investigate and prosecute offences specified in the schedule. The officers of the NIA have the same powers as other police officers in relation to investigation of such offences, across India. The Bill states that in 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. The central government is required to consult the Chief Justice of the High Court under which the Sessions Court is functioning, before designating it as a Special Court. When more than one Special Court has been designated for any area, the senior-most judge will distribute cases among the courts. Further, state governments may also designate Sessions Courts as Special Courts for the trial of scheduled offences.

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