

The National Investigation Agency

(GS Paper 2, Governance)

Why in news?

- The National Investigation Agency (NIA) has taken over the probe into the killing of tailor Kanhaiyya Lal in Rajasthan's Udaipur over a social media post.
- Now, the Union Home Ministry has handed over to the agency the investigation of a similarly executed murder of pharmacist Umesh Kolhe at Amravati in Maharashtra.



What is the NIA?

- It is a central agency **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.

When did the NIA come into being?

- In the wake of the 26/11 Mumbai terror attack in November 2008, which shocked the entire world, the then United Progressive Alliance government decided to establish the NIA.
- In December 2008, former Union Home Minister P. Chidambaram introduced the National Investigation Agency Bill.
- It 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.
- The agency came into existence on December 31, 2008, and started its functioning in 2009.

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.
- 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 wide is NIA's 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.

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.

Strains on India-Russia defence cooperation **(GS Paper 2, International Relation)**

Context:

- As the war in Ukraine stretches over four months with no end in sight, it has given rise to apprehensions on Russia's ability to adhere to timely deliveries of spares and hardware.

What is the status of India-Russia defence cooperation?

- When the war began in February, the Indian armed forces have stocks of spares and supplies for eight to ten months and the expectation was that the war would end quickly.
- However, as it stretches on with no clear endgame, there are apprehensions on Russia's ability to adhere to the timelines for both spares as well as new deliveries.
- There would not be any dent on the Army's operational preparedness along the borders especially the Line of Actual Control.
- The armed forces have also made significant emergency procurements in the last two years since the standoff in Eastern Ladakh and have stocked up on spares and ammunition. Therefore, there shouldn't be any immediate urgency for spares and other requirements.
- India is also looking at certain alternative mitigation measures and identifying alternate sources from friendly foreign countries while in the long term, this is also an opportunity for the private industry to step up production and meet the requirements.
- Russia has assured India that it would adhere to delivery timelines. However, as the war stretches on there are apprehensions that it could have an impact as the Russian industry would be caught up in replenishing the inventories of their own armed forces.

What is the status of deals underway/new deals pending with Russia?

- The defence trade between India and Russia has crossed \$15 billion since 2018, in the backdrop of some big deals including the \$5.43 billion S-400 long range air defence systems.
- Other major contracts currently under implementation are **construction of four additional stealth frigates in Russia and India, licensed production of the Mango Armor-piercing fin-stabilised discarding sabot (APFSDS) rounds** for the T-90S tanks as also additional T-90S tanks, AK-203 assault rifles among others. However, there is some delay.
- For instance, the delivery of the second regiment of the S-400 is delayed by a few months as also the operationalisation of the agreement for the manufacture of 6.1 lakh AK-203 rifles at Korwa, Amethi in Uttar Pradesh.
- There are also several big ticket deals currently under negotiation but several of them have been deferred by the Defence Ministry as part of the review of all direct import deals. This is in conjunction with efforts to push the 'Make in India' scheme in defence.



What is the status of payments?

- With Russia being shut out of the global SWIFT system for money transfers, India and Russia have agreed to conduct payments through the Rupee-Rouble arrangement. With several big ticket deals including the S-400 under implementation, there are large volume of payments to be made.
- The Central banks of the two countries had extensively discussed this issue, and officials recently said that small payments have been resumed and work is on to resolve larger payments. For the two countries, payments by the Rupee-Rouble arrangement is not new.
- For instance, for the S-400 air defence systems signed in October 2018, with the looming threat of U.S. sanctions under CAATSA (Countering America's Adversaries Through Sanctions Act), the two sides had worked out payments through the Rupee-Rouble exchange. In fact, the delivery schedule got slightly delayed as the payment was tied up. However, at that time Russia was within the SWIFT system.

Reduction in imports:

- While India continues to remain Russia's largest arms buyer with a major chunk of legacy hardware from Russia and the Soviet Union, the volume of imports has reduced in the last decade.

Centre dilutes penal rules in air, water pollution and eco protection laws

(GS Paper 3, Environment)

Why in news?

- The Ministry of Environment, Forest and Climate Change (MoEFCC) has proposed **dilution of penal provisions from three key laws**;
 - a) Environment Protection Act, 1986,
 - b) Air (prevention and control of pollution) Act, 1986 and
 - c) Water (prevention and control of pollution) Act, 1974.

Why amendments have been introduced?

- The amendments have been introduced as “suggestions were received for decriminalisation of the provisions of the said Acts, in order to weed out the fear of imprisonment for simple violations.”
- For the EPA, failure or contravention or non-compliance of the provisions of EPA would be dealt through imposing penalty through a duly authorised adjudicating officer.
- However, in case of serious violations which leads to grievous injury or loss of life, they shall be covered under the provisions of Indian Penal Code, 1860.



Issues in water & air pollution act:

- Similar notification has been issued for the water and air pollution act as well. Under the water pollution act, the Centre has also said there are different processes in states which create confusion among industries and needs to be universalised across jurisdictions.
- Earlier, under EPA in case of non-compliance, the violator was punishable with imprisonment up to five years or with a fine up to Rs 1 lakh, or with both. If it continued further, an additional fine of up to Rs 5,000 for every day during the default period was levied.
- If the violation continued beyond one year after the date of conviction, the offender was punishable with an imprisonment extending to seven years.

Key amendments:

- The Centre has increased the penalty amount to Rs 5 lakh extended up to Rs 5 crore but has removed the provision of jail term from the first default. The penalty amount for repeated offence would be equivalent to the damage caused. There is **imprisonment only after a defaulter fails to pay penalty** and additional penalty.
- The MoEFCC has introduced provision in the Acts that any **aggrieved party can now approach the National Green Tribunal** to appeal against the order passed by any adjudicating officer. Similar changes have been made to the air and water pollution act as well.

Environment Protection Fund’:

- A fund namely ‘**environment protection fund**’ has been created in which the penalty imposed under the three amended Acts by the adjudicating officer would be deposited. This would be utilised for remittance to the affected parties.
- The amendment said the Centre would prescribe the way the Fund would be administered and the manner in which the money shall be drawn.

Universalising the penal provisions:

- Universalising the penal provisions, the Centre has amended the three acts saying, “the provisions of the Code of Criminal Procedure, 1973, would apply to any search or seizures under section 94 of the said Code.”

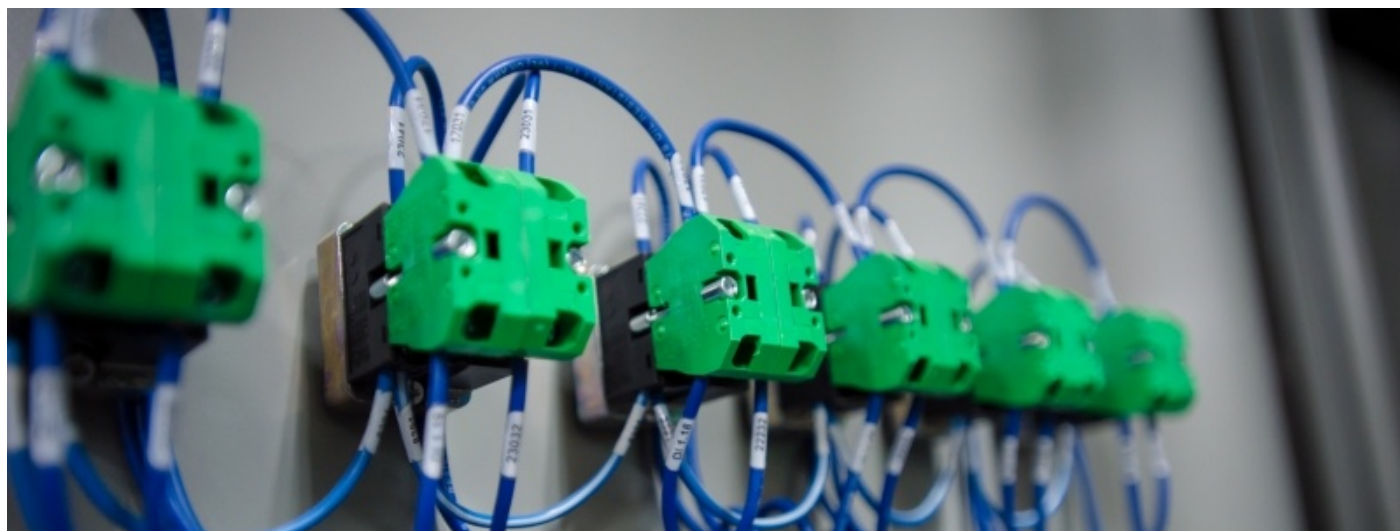
What’s next?

- The Ministry has opened the amendments for public comments to be submitted by July 21, 2022.
- The series of dilutions come in just two years of MoEFCC facing flak over watering down of several provisions of Environment Impact Assessment, wherein the Centre proposed doing away with public hearing for key infra projects.
- After several environment bodies protested against the move, the deadline for comments was extended and the final EIA is yet to be notified.

National plan on electrical safety **(GS Paper 2, Governance)**

Context:

- Since independence, there has been significant growth in infrastructure in Indian power sector.
- Nearly **all households have an electricity connection**, amid promises of providing 24x7 electrical supply and achieving net zero emissions by 2070.
- While these are commendable, there are also many problems that the sector faces, electrical accidents being a tragic one.



Safety issue:

- Understanding the problems and failures is essential for growth and success.

- And it is unfortunate that the increasing rate of electrical accidents is a problem that has not received sufficient attention of those who plan, regulate and operate the electricity sector.
- National or State policies or programmes do not provide targets or specific resource allocation for safety. In some cases where resource is allocated, it is under-utilised or a small portion is spent on staff for safety kits or training.

Rising fatalities:

- As per the data from the National Crime Records Bureau, the number of fatalities and rate of deaths (per lakh population) due to electric shocks and fires has been steadily increasing over the years.
- From 2,957 deaths and 0.36 deaths per lakh population in 1990, it has **increased to 15,258 deaths** and 1.13 deaths per lakh population in 2020.
- It is worth mentioning that **in many developed countries, the number of deaths has been reducing** over the years and the deaths per lakh population is of the order of 0.03 or lower.
- From the analysis of available data, it appears that over 90% of the people who die due to electrical accidents are the general public. Hence, any attempt to reduce such accidents must include the safety of general public as a top priority.

Causes for most accidents:

- Geographically, most of the electrical accidents appear to be taking place in rural areas, but considering the rapid urbanisation, poor urban localities also need attention.
- In electrical terms, most accidents occur in the distribution system and at non-industrial consumer locations. Most fatalities occur at distribution network (specifically 11 kV and Low-Tension systems) and Low-Tension consumer locations, and therefore need higher attention.
- Electrocution due to accidental contact with live conductors is the immediate cause for accidents in a majority of cases. The reason could be **snapping or sagging of conductors**, or exposed switch boards at low heights.
- The second major reason is **fire due to electrical faults**, which accounts for around 12% of the accidents. Poor design, construction, inadequate maintenance, inadequate protection systems and lack of safety awareness are some of the root causes.

Safety checks and balances:

- There are safety regulations prepared by the Central Electricity Authority (CEA), which all electricity utilities are expected to follow. But there is no mechanism to ensure that utilities are following them.

Safety Officers:

- For example, distribution companies are expected to have safety officers and conduct periodic safety audits. These are not done because revenue collection and fault repairs are higher priorities for the companies.
- Electrical inspectors in States are expected to approve connections, provide licences to electricians and conduct enquiries on accidents. But they are heavily under-staffed.
- As for safety professionals, their **focus is on industrial safety, and not on safety aspects of the rural public**. Many well-meaning grass-root organisations focus on ensuring ex gratia for accident victims, not on accident prevention.

Roadmap:

- Electricity safety is a public interest challenge, which can be met only through coordinated action involving all stakeholders.
- The implementation of the current safety regulatory regime can be significantly tightened through better data collection, introducing safety aspects in national programmes, strengthening safety institutions, developing safety metric for distribution companies, involving public and professionals in safety initiatives and utilising technological innovations.

National programme:

- The need of the hour is a national programme to reduce electrical accidents in the distribution sector, with clear scope of work, sufficient resource allocation and robust monitoring and verification mechanism.

- States could identify districts which have reported high accidents in the past few years and chalk out a programme to reduce accidents.
- Only such measures can ensure that electricity supply is not only universal, affordable and good quality, but also safe.