

IMPORTANT INSTITUTIONS

Indian Polity

Central Vigilance Commission (CVC)

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Central Vigilance Commission is the apex vigilance institution, free of control from any executive authority, monitoring **all vigilance activity under the Central Government** and advising various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilance work.

Vigilance means to ensure clean and prompt administrative action towards achieving efficiency and effectiveness of the employees in particular and the organization in general, as lack of Vigilance leads to waste, losses and economic decline.

The CVC was set up by the Government in February, 1964 on the recommendations of the **Committee on Prevention of Corruption**, headed by **Shri K. Santhanam**. In 2003, the Parliament enacted **CVC Act** conferring **statutory status on the CVC**.

The CVC is not controlled by any Ministry/Department. It is an independent body which is only **responsible to the Parliament**.

Functions

- The CVC receives complaints on corruption or misuse of office and to **recommend appropriate action**. Following institutions, bodies, or a person can approach to CVC:
 - Central government
 - Lokpal
 - Whistle blowers
 - A whistleblower is a person, who could be an employee of a company, or a government agency, or an outsider (like media, higher government officials, or police) disclosing information to the public or some higher authority about any wrongdoing, which could be in the form of fraud, corruption. etc.

- **It is not an investigating agency.** The CVC either gets the investigation done through the CBI or through chief vigilance officers (CVO) in government offices.
- It is empowered to inquire into **offences** alleged to have been committed under the **Prevention of Corruption Act, 1988** by certain categories of public servants.
- Its **annual report** gives the details of the work done by the commission and points to systemic failures which lead to corruption in government departments.
 - **Improvements and preventive measures** are also suggested in report.

History

- **The Special Police Establishment (SPE)** which was set up in **1941** by the Government of India.
 - The functions of the SPE then were to investigate cases of **bribery and corruption** in transactions with the **War & Supply Department of India during World War II.**
 - Even after the end of the War, the need for a Central Government agency to investigate cases of bribery and corruption by Central Government employees was felt.
 - **The Delhi Special Police Establishment Act** was therefore brought into force in 1946.
- After promulgation of the Act, **superintendence of SPE** was **transferred to the Home Department** and its functions were enlarged to cover all departments of the Government of India.
 - The jurisdiction of SPE was **extended to all the Union territories** and the Act provided for its extension **to States with the consent** of the State Government.
- **By 1963**, the SPE was authorised to **investigate offences under 91 different sections** of Indian Penal Code (**IPC**) and **16 other Central Acts**

besides offences under the **Prevention of Corruption Act 1947**.

- **A growing need** was felt for a **Central Police Agency** at disposal of the Central Government which could investigate **not only cases of bribery and corruption**, but also:
 - violation of Central fiscal laws,
 - major frauds relating to Government of India departments,
 - public joint stock companies,
 - passport frauds,
 - crimes on the high seas,
 - crimes on the Airlines,
 - and serious crimes committed by organised gangs and professional criminals.

- On the recommendations of the Santhanam Committee on Prevention of Corruption, **Central Bureau of Investigation (CBI)** was established by a resolution of the Ministry of Home Affairs on April 1, 1963.
 - Later, it was **transferred to the Ministry of Personnel** and now it enjoys the status of an attached office.

- **In 1964, the Central Vigilance Commission (CVC)** was set up by the Government on the recommendations of Santhanam Committee, **to advise and guide Central Government agencies in the field of vigilance**.

- The Supreme Court in the judgement of **Vineet Narain & Others vs. Union of India (1997)**, gave directions regarding the **superior role of CVC**.
 - In this case the role of the Central Bureau of Investigation was criticised and the court directed that **CVC should be given a supervisory role over CBI**.

- The Government promulgated **an Ordinance in 1998**, conferring statutory status to the CVC and the powers **to exercise superintendence over functioning** of the Delhi Special Police Establishment (CBI), and also to **review the progress of the investigations** pertaining to:

to review the progress of the investigations pertaining to:

- alleged **offences** under the **Prevention of Corruption Act, 1988** conducted by them.
- The Commission was given **statutory status** by the enactment of “**The Central Vigilance Commission Act, 2003**” .
 - After enactment of CVC Act, 2003, the Commission became a multi-member body consisting of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members), to be appointed by the President.
- The Supreme Court in a **Writ Petition** filed after the murder of **Shri Satyendra Dubey** in 2003, a whistle-blower, directed that a machinery be put in place for acting on complaints from whistle-blowers till a law is enacted.
 - In pursuance of that direction, the Government of India notified the **Public Interest Disclosure and Protection of Informers Resolution (PIDPI), 2004**:
 - This Resolution is popularly known as “**Whistle Blowers’ Resolution**” and it designated the Central Vigilance Commission as the agency to receive and act on complaints or disclosure on any allegation of corruption or misuse of office from whistle blowers.
 - The Commission has been entrusted with the **responsibility of keeping the identity** of the complainant **secret** while lodging a complaint under PIDPI Resolution, in order to provide **protection to whistle blowers from victimisation**.
 - The Public Interest Disclosure and Protection to Person Making the Disclosures (**PIDPPMD) Bill 2010** renamed as “The Whistle Blowers’ Protection Bill, 2011” was enacted by the Central Government in Parliament as “**The Whistle Blowers’ Protection Act, 2014**”.
- **Through subsequent ordinances and legislations** the Government has **added to the functions and powers** of the Commission.
- In 2013, the Parliament enacted **the Lokpal and Lokayuktas Act, 2013**.

- This act has amended **CVC Act, 2003** whereby the Commission has been empowered to conduct preliminary inquiry and further investigation into complaints referred by the Lokpal.
- On the issue of **overlap of jurisdiction** between the **CVC Act and The Lokpal and Lokayuktas Act**, the Commission has communicated **its suggestions** to the Department-Related **Parliamentary Standing Committee** on Personnel, Public Grievances, Law and Justice during its examination of the Lokpal and Lokayuktas and Other Related Law (Amendment) Bill, 2014.

Governance

The Central Vigilance Commission has its own Secretariat, Chief Technical Examiners' Wing (CTE) and a wing of Commissioners for Departmental Inquiries (CDI). For investigation work, CVC has to depend on two external sources CBI and Chief Vigilance Officers (CVO).

The Central Vigilance Commission

- **Multi-member Commission** consists of a Central Vigilance Commissioner (Chairperson) and not more than **two Vigilance Commissioners** (Member).
- The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President on the recommendations of a Committee consisting of the Prime Minister (Chairperson), the Minister of Home Affairs (Member) and the Leader of the Opposition in the House of the People (Member).
- **The term of office** of the Central Vigilance Commissioner and the Vigilance Commissioners is **four years** from the date on which they enter their office or **till they attain the age of 65 years, whichever is earlier**.

Secretariat

- The Secretariat consists of a Secretary, four Additional Secretaries, thirty Directors/Deputy Secretaries (including two Officers on Special Duty), four Under Secretaries and office staff.

Chief Technical Examiners' Organisation (CTEO)

- The Chief Technical Examiner's Organisation constitutes **the technical**

wing of the Central Vigilance Commission and is **manned by two Engineers** of the rank of Chief Engineers (designated as Chief Technical Examiners) **with supporting engineering staff**. The main functions assigned to this organisation are:

- **Technical audit of construction works** of Governmental organisations **from a vigilance angle**; Investigation of specific cases of complaints relating to construction works;
 - Extension of **assistance to CBI** in their investigations **involving technical matters** and for evaluation of properties in Delhi;
 - and **Tendering of advice/assistance** to the Commission and **Chief Vigilance Officers** in **vigilance cases involving technical matters**.
- During the year 2017, **CTEO undertook intensive examinations of 66 procurement cases**, covering 52 organizations. Some of the organizations where intensive examinations were undertaken are:
- Ministry of Road Transport & Highways (MoRT&H),
 - Central Public Works Department (CPWD),
 - All India Institute of Medical Sciences (AIIMS),
 - Employees' State Insurance Corporation (ESIC),
 - Central University of Punjab, Airports Authority of India (AAI),
 - North Delhi Municipal Corporation (NDMC),
 - Oil and Natural Gas Corporation (ONGC),
 - Bank of Baroda (BoB)

Commissioners for Departmental Inquiries (CDIs)

- There are **fourteen posts of Commissioners** for Departmental Inquiries (CDI) in the Commission, 11 in the rank of Director and 03 in the rank of Deputy Secretary.
- The CDIs function as Inquiry Officers **to conduct Oral inquiries in departmental proceeding initiated against public servants**.

- IID reflects the transparent, accountable and efficient governance of public organisations.
- CVC has appointed the **Indian Institute of Management Ahmedabad** to undertake a research-based approach to create an integrity index that various organizations can use to measure themselves and which will evolve with changing needs.

CVC Investigation by External Agencies

CVC has no investigation wing of its own as it depends on the CBI and the Chief Vigilance Officers (CVO) of central organizations, while **CBI has its own investigation wing** drawing its powers from **Delhi Special Police Establishment Act**.

Chief Vigilance Officers (CVO)

- **Vigilance administration in Departments/Organisations is headed by the Chief Vigilance Officers (CVO) and the Commission's activities concerning inquiry or causing inquiry are supported by/carried out through the CVOs.**
- Complaints received in the Commission are scrutinised thoroughly and wherever specific and verifiable allegations of vigilance nature are noticed, **the complaints are forwarded to the CVO/CBI** to conduct inquiry/investigation into the matter and report to the Commission expeditiously.
- **CVOs in all Departments/organisations are appointed after prior consultation with the Commission.**

Central Bureau of Investigation (CBI)

- CBI works under the **overall supervision of CVC** in matters related to the **Prevention of Corruption Act, 1988**.
 - The important role of CBI is prevention of corruption and maintaining integrity in administration.
- The CVC act provides for a security of two year tenure in office for CBI Director.
- The CVC heads the Committee for the **selection of the Director of CBI** and other **officers of the rank of SP and above in the CBI (DSPF-An**

... officers of the rank of E-7 and above in the CBI (CBI is an investigation wing of CBI).



CVC's Jurisdiction

CVC Act 2003

- **Members of All India Service** serving in connection with the affairs of the Union and Group A officers of the Central Government
- Officers of the rank of Scale V and above in the Public Sector Banks
- **Officers in Grade D and above** in Reserve Bank of India, NABARD and SIDBI
- Chief Executives and Executives on the Board and other officers of E-8 and above in Schedule 'A' and 'B' Public Sector Undertakings
- Chief Executives and Executives on the Board and other officers of E-7 and above in Schedule 'C' and 'D' Public Sector Undertakings
- Managers and above in General Insurance Companies
- Senior Divisional Managers and above in Life Insurance Corporations
- Officers drawing salary of Rs.8700/- p.m. and above on Central Government D.A. (**Dearness Allowance**) pattern, as on the date of the notification and as **may be revised from time to time in Societies and other Local Authorities.**

The Lokpal and Lokayuktas Act, 2013

- The Act has **amended some provisions of CVC Act, 2003** whereby the **Commission** has been **empowered to conduct preliminary inquiry** into complaints **referred by Lokpal** in respect of officers and officials of Group 'B', 'C' & 'D', besides:
 - Group 'A' officers, for which a **Directorate of Inquiry** for making preliminary inquiry is to be set up in the Commission.
- **The preliminary inquiry reports** in such matters referred by Lokpal in respect of Group A and B officers are required to **be sent to the Lokpal by the**

Commission.

- The Commission is also mandated to cause **further investigation** (after preliminary enquiry) into such Lokpal references in respect of Group 'C' & 'D' officials and decide on further course of action against them.

The Whistleblowers Protection Act, 2014

- **The Whistleblowers Protection Act, 2014** empowers the Commission as the competent authority:
 - **to receive complaints** relating to **disclosure on any allegation of corruption** or wilful misuse of power or wilful misuse of discretion against any public servant and to inquire or cause an inquiry into such disclosure,
 - and to **provide adequate safeguards against victimisation** of the person making such complaint and for matters connected therewith and incidental thereto.

Limitations of CVC

- CVC is often considered a powerless agency as it is **treated as an advisory body** only with no power to register criminal case against government officials or direct CBI to initiate inquiries against any officer of the level of Joint Secretary and above.
- Although CVC is “relatively independent” in its functioning, it **neither has the resources nor the power to take action on complaints of corruption.**

Conclusion

In the recent past, India has emerged as a progressive and vibrant economy. With the rapid growth in all sectors of the economy, huge investments were made in country's infrastructure; construction, retail and many other sectors in the government. Rapid growth in economy throws up CVCs' challenges in the fight against the menace of corruption.

There is greater need in such times to address the shortcomings in the system of CVC.