
UNIT 10 (E) CENTRAL VIGILANCE COMMISSION

Introduction

Central Vigilance Commission (CVC) is an apex Indian governmental body created in 1964 to address governmental corruption. In 2003, the Parliament enacted a law conferring statutory status to the CVC. It has the status of an autonomous body, free of control from any executive authority, and charged with monitoring all vigilance activities in central government organizations. It advises these organisation in planning, executing, review, and refor in their vigilance work activities.

It was set up by the Government of India Resolution on February 11, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri Santhanam.

The Annual Report of the CVC not only gives the details of the work done by it but also brings out the system failures. System improvements, various preventive measures againts systifantion and cases in, which the Commission's advises were ignored etc are also trentioned in the annual report..

Organization

The CVC is headed by a Central Vigilance Commissioner who is assisted by two Vigilance Commissioners.

The CVC has its own Secretariat, Chief Technical Examiners' Wing (CTE), and a wing of Commissioners for Departmental Inquiries (CDI).

The Secretariat consists of a officer of the rank of Additional Secretary to the GoI, one officer of the rank of Joint Secretary to the GoI, ten officers of the rank of Director/Deputy Secretary, four Under Secretaries, and office staff.

The Chief Technical Examiners' Organization constitutes the technical wing of the CVC and has two Engineers of the rank of Chief Engineers (designated as Chief Technical Examiners) with supporting engineering staff. Following are the main functions of this organization:

- 1) Technical audit of construction works of governmental organizations.
- 2) Investigating specific cases of complaints relating to construction works.
- 3) Assisting the CBI in investigations involving technical matters and evaluation of properties in Delhi.
- 4) Assisting the Commission and Chief Vigilance Officers in vigilance cases involving technical matters.

Regarding the Commissioners for Departmental Inquiries (CDI), there are fourteen such posts with 11 in the rank of Director and 03 in the rank of Deputy Secretary. The CDI function, as an Inquiry Officer to conduct inquiries in departmental proceedings initiated against public servants.

Appointment

The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the President on recommendation 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.

Roles

The CVC is not an investigating agency totally. The only investigation carried out by it is of examining civil works of government.

The CVC has also been publishing a list of corrupt government officials against, which it has recommended punitive action. However, permission of government is required to proceed against government officials for investigation in corruption charges. The CVC publishes a list of cases, where permissions are still pending, some of which are more than a year old.

The Ordinance of 1998 conferred statutory status to the CVC and conferred the powers to exercise superintendence over functioning of the Delhi Special Police Establishment. Its basic aim was to review the progress of the investigations pertaining to alleged offences under the Prevention of Corruption Act, 1988 conducted by Delhi Special Police. In 2004, GoI authorized the CVC, as a 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office. There by it recommended appropriate action. It presents its report to the President of India.

Removal

The CVC/VC can be removed from his/her office only by an order of the President on the ground of proved misbehavior or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the CVC/VC, as the case may be, ought to be removed. The President may suspend CVC/VC from office, and if deem necessary prohibit him/her from attending the office during inquiry. The President may, by order, remove from office the CVC or any VC, if CVC/VC, as the case may be:

- 1) is adjudged an insolvent; or
- 2) has been convicted of an offence, which in the opinion of the Central Government, involves moral turpitude; or
- 3) engages, during his/her term of office, in any paid employment outside the duties of his/her office; or
- 4) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or
- 5) has acquired such financial or other interest, as is likely to affect prejudicially his/her functions, as a CVC or a VC.

Limitations

- 1) It is only an advisory body. Central government departments may or may not pay need to its advice.
- 2) It does not have adequate resources to cater to the number of complaints that it receives. It is a very small set up with limited staff strength of around

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299, as compared to more than 1500 central government establishments it is supposed to overview.

- 3) It cannot on its own direct CBI to initiate inquiries against any officer of the level of Joint Secretary and above. The concerned department has to give permission for the same.
- 4) It does not have powers to register criminal cases. It can deal only with vigilance or disciplinary cases.
- 5) It has supervisory powers over CBI. However, it does not have the power to call for any file from CBI or to direct CBI to investigate any case in a particular manner. CBI is under administrative control of Department of Personnel and Training (DoPT), which means that the powers to appoint, transfer, and suspend CBI officers lie with DoPT.
- 6) Appointments to CVC are indirectly under the control of the central government even though the leader of the Opposition (in Lok Sabha) is a member of the Committee to select CVC and VCs.

From the above, it seems that CVC is not as independent and autonomous institutions as expected.

Initiatives

The following initiatives have been taken by CVC:

- 1) National Anticorruption Strategy
- 2) Leveraging Technology to Prevent Corruption
- 3) Integrity in Public Procurement
- 4) Awareness Campaign
- 5) Provision for Whistle Blowers
- 6) Improving the Standard of Vigilance Work
- 7) Computerization of Commission's Work
- 8) Modern Preventive Vigilance Framework
- 9) International Cooperation

Vigilance Awareness Week

Driven by the Central Vigilance Commission, Vigilance Awareness Week (VAW) is being celebrated every year in the last week of October and coincides with the birthday of Sardar Vallabhbhai Patel, a man of high integrity. The CVC informs all the departments and organizations to undertake activities relevant to the theme both within and outside their organization or department and outreach activities for the public and citizens.

Activity

Give some illustrations to substantiate the actual functioning of CVC.

References

<http://www.cvc.nic.in/wikipedia.org>