

Central Vigilance Commission

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.

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- 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**.

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- **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.

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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.

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- 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:
- 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”**.

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- 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 .

In pursuance of that direction, the Government of India notified the **Public Interest Disclosure and Protection of Informers Resolution (PIDPI), 2004**:

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**.

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- 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**.

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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.

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**

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:

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Technical audit of construction works of Governmental organisations **from a vigilance angle**; Investigation of specific cases of complaints relating to construction works;

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- 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**.

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:
- 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 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