

Suggested Reforms to the Central Vigilance Commission Act, 2003

Origins of CVC

- Set-up by Central Government for Prevention of Corruption by a resolution of 1964.
- Was set-up on the recommendation of the *Santhanam Committee*.
- Committee had recommended that study regarding scope and mode of corruption and remedial measures should be done for each department
- Statutory status conferred with effect from 2003.

Current Structure of the CVC

- nodal statutory authority to oversee vigilance administration and to a certain extent working on of CBI
- Each department has a vigilance setup under a CVO which can be whole time or a part time responsibility.

- Mainly carrying out an investigative role and a general supervision over the vigilance administration of various Ministries/Departments.
- Makes enquiry or investigation into any complaint against an officer alleging that an offence has been committed under the Prevention of Corruption Act, 1988.
- Government has power to issue directions with respect to vigilance matters and CVC cannot go at contrary to it.

Proposed structure of the CVC

- Process of appointment would be the same as that envisaged for other commissions.
- The following structure is envisaged

Central Vigilance Commission



Reports to

Chief Vigilance Officer



Reports to

Vigilance Officer (VO)

Scope and Coverage

- Would cover all officers except Ministers, Class A officers and Class IV officers.
- Would cover corruption related cases such as those under the Prevention of Corruption Act.

- The VO would investigate a complaint and examine whether a prima facie case is made out of corruption. Once it reaches a conclusion that a case is made out, it would have the power to investigate and prosecute on its own in special Courts for corruption as is proposed in the Lokpal Bill.
- Anyone aggrieved by the decision of the VO would be able to appeal to the CVO. If aggrieved by the decision of CVO, the appeal would lie to the CVC.

Process

- Currently the Chief Vigilance Officer is an officer who is part of the department and often does vigilance functions part time. The CVO reports to the secretary
- proposed that the Chief Vigilance Officer would be a full time officer who would report to the CVC independently. The CVC would now be a independent structure exercising supervision and control over the CVO

- Like the Lokpal a separate prosecution and investigation agency also to be under the control of the CVC.
- There would be State Vigilance Commission at the state level where the same structure as above would be replicated

Issues

- Whether the Vigilance Officer and the CVO should continue to be under the control of the concerned department.- department should have a chance to sort out Vigilance issues internally before they are looked into by the CVC.
- Once the CVO has looked into the issue then the person aggrieved can approach the secretary. If still not satisfied he can approach the CVC. The idea being that if the Secretary is ultimately held responsible and is also accountable to the CVC then to ensure that his position is not jeopardized he would ensure that the departmental investigation is carried out effectively.

- Having a separate structure would lead to complications and friction between the Vigilance agencies and the department. The department would be reluctant to cooperate with the vigilance agency.
- What level of officers should be covered. The CVC should not be swamped with cases.