

## COVERING MIDDLE AND JUNIOR LEVEL PUBLIC SERVANTS

### Amending the Central Vigilance Commission Act, 2003

1. The Lokpal Bill of the Government, as introduced in Parliament on August 4, 2011, has jurisdiction over only group A public servants of the Central Government, corporations etc. However, there is no mention of how the remaining public servants (other than group A) would be covered.
2. We believe that all public servants should be adequately covered under appropriate anti-corruption institutions. Towards that end, we are proposing that a revamped Central Vigilance Commission play a critical role in providing such a cover. This is especially so as, at the moment, the primary function of the CVC is to receive and investigate or have investigated complaints against group A officers of the Central Government. Once the Lokpal is set up, complaints against group A officers would be handled exclusively by the Lokpal, freeing the CVC for other functions.
3. We propose that all Central Government public servants not covered under the Lokpal bill be covered by the CVC as follows:
  - a. Where an offence is alleged under the Prevention of Corruption Act (PCA) that prima facie has caused a loss to the public exchequer of an amount greater than a specified amount (say rupees ten lakh), then a complaint can be directly filed with the CVC, which would be empowered and adequately staffed to conduct a preliminary enquiry, an investigation, and prosecute appropriately.
  - b. Where an offence is alleged under the Prevention of Corruption Act (PCA) that prima facie has resulted in a public servant demanding or receiving illegal gratification of an amount greater than a specified amount (say rupees one lakh), then a complaint can be directly filed with the CVC, which would be empowered and adequately staffed to conduct a preliminary enquiry, an investigation, and prosecute appropriately.
  - c. In all other cases of a complaint under the PCA, the original complaint would be with the police and the CVC would be the first appellate body against faulty or delayed investigation or prosecution.
4. To ensure the proper functioning of the CVC, it would be made independent of the government in a manner similar to that suggested for the Lokpal, and its appointment would also be through the same committee and process as that suggested for the Lokpal.
5. It would be empowered and resourced to set up its own investigation and prosecution wings, and require no permission from anyone to investigate or prosecute a public servant under its jurisdiction.
6. In order to facilitate the appellate functions of the CVC (3c above), a detailed protocol laying out the prescribed procedures for investigating complaints and prosecuting cases under the PCA, including mandatory time frames, would be codified. Any violation of these would entitle the complainant to move the CVC as an appellate authority.
7. The CVC would have all the powers, while investigating complaints or prosecuting cases, as provided to the Lokpal in the proposed Lokpal bill.
8. There would be set up, in each state, a State Vigilance Commission (SVC), which would play a similar role as the CVC in relation to the public servants of the state not covered by the proposed state lokayuktas.

9. The state vigilance commissions would be selected through a process similar to that being proposed for the CVC, with central functionaries being replaced by corresponding state functionaries.
10. The SVCs would also have all the powers and appropriate resources, as proposed for the CVC and would be independent of the state government in the same way as the revamped CVC.