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A Study on the Central Vigilance Commission in India

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ABSTRACT

The Central Vigilance Commission (CVC) is an important institution established to promote integrity, transparency and accountability in public administration in India. Initially established in 1964 on the recommendations of the Santhanam Committee, the CVC was granted statutory status under the Central Vigilance Commission Act, 2003. The Commission plays a significant role in supervising vigilance administration, advising government organisations on vigilance matters and monitoring corruption-related investigations. This study examines the origin, composition, powers, functions and jurisdiction of the Central Vigilance Commission within the framework of Administrative Law. It also analyses the relationship between the CVC and other investigative and administrative authorities, particularly the Central Bureau of Investigation (CBI). The study further considers the role of the CVC in ensuring administrative accountability, preventing corruption and promoting good governance. Through an examination of relevant legal provisions and judicial decisions, the study evaluates the effectiveness and limitations of the Commission. It concludes by suggesting measures to strengthen its independence, efficiency and effectiveness in maintaining integrity in public administration. The study also focuses on the challenges faced by the Commission in exercising its statutory functions and examines the extent to which its recommendations contribute to effective administrative control. It further considers the importance of institutional independence, procedural fairness and coordination with other anti-corruption agencies. The study highlights the need for strengthening the existing vigilance mechanism to ensure timely action against corruption and administrative misconduct. Overall, the study seeks to assess the effectiveness of the CVC in promoting ethical, transparent and accountable governance in India. The study further examines the role of the CVC in promoting ethical standards among public servants and strengthening preventive vigilance mechanisms. It considers how effective monitoring of administrative activities can reduce opportunities for corruption and misuse of public resources. The study also highlights the significance of public complaints, vigilance awareness and institutional oversight in maintaining administrative integrity. Particular attention is given to the relationship between the CVC and the CBI and the limitations on the Commission's powers under the existing legal framework. The study also considers the role of judicial decisions in shaping the functioning and independence of vigilance institutions. Finally, it emphasises the need for continuous reforms, technological advancement and stronger enforcement mechanisms to make the CVC more effective in achieving transparent, accountable and corruption-free administration.

KEYWORDS: Central Vigilance Commission, Administrative Law, Vigilance Administration, Corruption, Accountability, Transparency, Good Governance, CVC Act, 2003.

INTRODUCTION

Corruption has always been a challenge. Every country has traditionally dealt with corruption in some form or another. There are disparities in corruption levels between countries.

According to a commonly held view, no task, no matter how big or little, can be finished today without someone in every government institution accepting a bribe. In our country, corruption has been ingrained in every element of daily life, including interactions with the police, local government, and educational institutions like schools and colleges. The average person must deal with corruption on every level and in every area of their existence.

Corruption is the advance payment for future work. It is the most accepted form of giving money or any other gifts to get favours at work. The World Bank's most popular definition of corruption is the misuse of public position for personal benefit, which is understood to pose a danger to the rule of law, democracy, and human rights, undermine good governance, and impede economic progress.¹

According to the Santhanam Committee "Any action or inaction on the part of a government employee while performing their duties for financial gain is considered corruption."² In the context of any organization, vigilance would entail keeping a close check on the officers' and officials' activities to guarantee personnel integrity in their official dealings. To maintain the efficiency and effectiveness of the employees in particular and the company as a

¹ The Citizen Guide to Fighting Corruption", Central Vigilance Commission Publication, New Delhi, 2001, p.7.

² Naresh Gupta "Corruption: An Inside Energy of Indian Legacy", A. Ranga Reddy (ed.). Dimensions of Crime and Corruption in India', Serials publications, 2005, p.3.

whole, vigilance is to ensure clean and fast administrative activity. Lack of vigilance tends to waste, losses, and economic decline³. Administration-wide corruption is a significant issue that has an impact on Indian politics.

This article aims to find out the role of the Central Vigilance Commission in reducing corruption in public services their efficacy of working and mention the changes made by them. The Central Vigilance Commission is a statutory body that plays a vital role in trying to check corruption until now the Government of India Organisations are concerned.

REVIEW OF LITERATURE

The Law Commission of India (1998), in its 161st Report on Central Vigilance Commission and Allied Bodies, examined the history, structure and functioning of the Central Vigilance Commission. The report traced the origin of the CVC to the recommendations of the Santhanam Committee and highlighted its role in maintaining integrity in public administration. It also examined the need for granting statutory status to the Commission and strengthening its institutional framework. The report is significant in understanding the legal and administrative development of the CVC and its relationship with other anti-corruption agencies.⁴

The Central Vigilance Commission Annual Report provides an important institutional perspective on the functioning of the Commission. The report describes the CVC as the apex integrity institution responsible for promoting integrity and preventing corruption in Central Government organisations. It discusses the Commission's powers relating to vigilance administration, investigation of corruption-related offences, preventive vigilance and promotion of transparency and accountability. The report also highlights systemic weaknesses that may contribute to corruption and the importance of preventive measures in improving public administration.⁵

The decision of the Supreme Court in *Vineet Narain v. Union of India* is an important judicial contribution to the development of the vigilance framework in India. The Court recognised the need for greater independence and accountability in institutions dealing with corruption and directed that statutory status be given to the Central Vigilance Commission. The judgment also laid down important directions concerning the supervision of the CBI and the functioning of anti-corruption mechanisms. This decision played a significant role in the subsequent development of the statutory framework of the CVC and ultimately contributed to the enactment of the Central Vigilance Commission Act, 2003.⁶

OBJECTIVE OF THE STUDY

1. To study the origin and evolution of Central Vigilance Commission in India.
2. To examine the powers, functions and jurisdictions of the CVC.
3. To analyse the role of CVC in preventing corruption in public administration.
4. To examine the legal and administrative framework governing the CVC.
5. To identify the limitations and challenges faced by the CVC and suggest measures for improvement.

METHODOLOGY

The study adopts a doctrinal and descriptive research methodology. It is primarily based on secondary sources of information. Relevant provisions of the Central Vigilance Commission Act, 2003 are examined. Judicial decisions and case laws relating to vigilance and corruption are analysed. Books, journals, research articles and government reports are referred to.

Information published by the Central Vigilance Commission is also considered. The collected information is analysed to assess the role and effectiveness of the CVC in Indian Administration.

SIGNIFICANCE OF THE STUDY

The study is significant as it examines the role of the Central Vigilance Commission in maintaining integrity and accountability in public administration. It helps to understand the importance of an effective vigilance mechanism in controlling corruption and misuse of administrative power. The study provides an understanding of the legal framework governing the CVC under the Central Vigilance Commission Act, 2003. It also highlights the contribution of the CVC towards transparency and good governance. Further, the study analyses the relationship between vigilance administration and the principles of Administrative Law. It helps identify the practical challenges faced by the Commission in performing its functions. The study may also be useful for understanding the effectiveness of anti-corruption institutions in India.

³ Biplab Kumar Lenin, Scholar, Rajiv Gandhi School of Intellectual Property Law, IIT Kharagpur Handbook of General Vigilance for officers.

⁴ Law Commission of India, CVC and Allied Bodies, 161st Report, Chapter IV, 1998.

⁵ Central Vigilance Commission, Annual Report 2016, Chapter I – "Mandate of the Commission," Government of India.

⁶ *Vineet Narain & Others v. Union of India & Another*, (1998) 1 SCC 226.

HYPOTHESIS OF THE STUDY

The study hypothesizes that the Central Vigilance Commission plays an important role in promoting transparency, accountability and integrity in Indian public administration. It is assumed that the statutory framework provided by the Central Vigilance Commission Act, 2003 has strengthened the functioning of the Commission. However, the effectiveness of the CVC may be affected by limitations in its powers, jurisdiction and implementation of its recommendations. The study further assumes that greater institutional independence and effective enforcement mechanisms can improve the performance of the CVC. Therefore, strengthening the vigilance mechanism may contribute significantly to reducing corruption and improving administrative governance in India.

LIMITATIONS OF THE STUDY

The study is mainly based on secondary sources such as statutes, case laws, books, journals, government reports and publications of the Central Vigilance Commission. Therefore, it does not include primary field research or interviews with officials. The study is limited to the role and functioning of the CVC within the framework of Indian Administrative Law. It does not provide an exhaustive analysis of all anti-corruption institutions in India. The effectiveness of the CVC is also influenced by other administrative and investigative agencies, which are considered only to the extent relevant to the study. Changes in laws, policies and administrative practices may also affect some findings of the study. Despite these limitations, the study provides a general understanding of the legal framework, functions, significance and challenges of the Central Vigilance Commission.

HISTORY OF CREATION OF CVC

In 1963, by an executive resolution, The Government established the Central Bureau of Investigation. Before 1963, there existed the special Police establishment under the Delhi Special Police Establishment Act, 1946 to investigate offences committed by the Central Government servants while discharging their official duties. With the creation of CBI, SPE was made a wing of the CBI for purposes of investigation; the CBI derives its power from the Delhi Police Establishment Act, 1946⁷. Under CVC, there existed the Chief vigilance Officer in each ministry/department having a number of vigilance officers under him. There existed Commissioners for departmental enquiries attached to the ministry of Home Affairs for the purpose of conducting enquiries in disciplinary proceedings against Government servants.

After formation of Commission, following changes were made: Commissioners for dept. inquiry was transferred to administrative control of the commission. Vigilance officer in each ministry came to be appointed in consultation with the commission. But its role is limited. It is only advisory. The main tasks are coordination, supervision and advisory rather than investigating the complaints itself, it has no adjudicating power nor power to give sanctions for criminal prosecutions for offences committed by public servants while discharging their official functions⁸. It has no machinery to investigate or enquire into complaints of corruption except to a limited extent.

COMPOSITION OF CVC

1. CENTRAL VIGILANCE COMMISSIONER

The Central Vigilance Commission consists of a Central Vigilance Commissioner (CVC) as its Chairperson. The Central Vigilance Commissioner heads the Commission and is responsible for guiding and supervising its overall functioning. The appointment is made by the President of India on the recommendation of a committee consisting of the Prime Minister, the Union Minister of Home Affairs and the Leader of the Opposition in the House of the People.

2. VIGILANCE COMMISSIONERS

The Commission may have not more than two Vigilance Commissioners as Members. They assist the Central Vigilance Commissioner in performing the functions of the Commission. Together, the Central Vigilance Commissioner and the Vigilance Commissioners constitute the Central Vigilance Commission.

3. APPOINTMENT AND TENURE

Under the Central Vigilance Commission Act, 2003⁹, the Central Vigilance Commissioner and Vigilance Commissioners are appointed by the President of India based on the recommendation of the high-level committee mentioned above. They hold office for a term of four years or until attaining the age of 65 years, whichever is earlier. They are not eligible for reappointment to the same office. The Act also provides safeguards regarding their removal, thereby helping to maintain the independence of the Commission.

⁷ Kartikeya Tanna (Tanna associates), Research paper Reforms in the central bureau of investigation and Establishment of independent prosecuting entity.

⁸ In Jammu & Kashmir, the Government Servants' prevention of Corruption of 1975 provides for an anti-corruption Tribunal to conduct inquiries into allegations of corruption and to recommended appropriate action and a vigilance commission to conduct the investigations. The Tamil Nadu public Men (Criminal misconduct) Act of 1973 covered only political corruption, but it was repealed in 1977.

⁹ Central Vigilance Commission Act, 2003, Section 4 and 5.

POWERS AND FUNCTIONS OF THE CENTRAL VIGILANCE COMMISSION

1. SUPERINTENDENCE OVER VIGILANCE ADMINISTRATION

The CVC exercises superintendence over the vigilance administration of Central Government organisations and specified authorities. It monitors the functioning of vigilance departments and seeks to ensure that vigilance mechanisms operate effectively and impartially.

2. ADVISING CENTRAL GOVERNMENT ORGANISATIONS

The Commission advises Central Government organisations on vigilance matters. It provides advice regarding disciplinary proceedings, corruption-related cases and other matters involving vigilance administration. Although much of its advice is recommendatory, it plays an important role in maintaining uniformity in vigilance procedures.

3. INVESTIGATION OF CORRUPTION-RELATED MATTERS

The CVC may inquire into or cause an inquiry or investigation into offences alleged to have been committed by specified categories of public servants under the Prevention of Corruption Act, 1988. It can also call for reports and information relating to such investigations.

4. SUPERVISION OF THE CBI IN SPECIFIED CORRUPTION MATTERS

The CVC exercises superintendence over the functioning of the Delhi Special Police Establishment (CBI) in relation to investigations of offences under the Prevention of Corruption Act, 1988, subject to the limits prescribed by law. This helps provide institutional oversight over corruption investigations.

JURISDICTION OF CENTRAL VIGILANCE COMMISSION

The jurisdiction of the Central Vigilance Commission is primarily governed by the Central Vigilance Commission Act, 2003. The Commission deals with vigilance and corruption-related matters concerning specified categories of Central Government organisations and public servants. Section 8 of the Act sets out its functions and powers.

1. CENTRAL GOVERNMENT DEPARTMENTS

The CVC exercises vigilance jurisdiction over Central Government Ministries and Departments. It supervises vigilance administration, examines complaints relating to corruption and advises the concerned authorities in disciplinary and vigilance matters. This jurisdiction helps ensure integrity and accountability among Central Government officials.

Case- Vineet Narain v. Union of India, (1998) 1 SCC 226¹⁰: The Supreme Court emphasised the need for effective institutional mechanisms to ensure that corruption investigations involving public officials are conducted fairly and expeditiously.

2. PUBLIC SECTOR UNDERTAKINGS

The CVC has jurisdiction over specified Central Public Sector Undertakings (PSUs) and their employees in vigilance matters. It monitors vigilance administration and advises the competent authorities in cases involving corruption, misconduct and disciplinary proceedings. **Case – Vineet Narain v. Union of India:** The judgment considered corruption investigations involving officers of Government departments and Public Sector Undertakings, highlighting the need for an effective and independent vigilance mechanism.

3. GOVERNMENT COMPANIES AND CORPORATIONS

Specified Government companies, corporations and other Central Government-controlled organisations also come within the vigilance framework of the CVC, subject to the statutory coverage and applicable government notifications. The CVC may examine vigilance matters and issue advice to the concerned organisations.

Case – Vineet Narain v. Union of India: The Supreme Court's directions concerning the CVC and CBI were intended to strengthen mechanisms for dealing with corruption in public administration and public-sector institutions.

4. OTHER BODIES COVERED UNDER THE CVC ACT

The CVC Act also covers other specified bodies and categories of public servants falling within the statutory jurisdiction of the Commission. The precise scope is determined by the provisions of the Act, particularly Section 8, and the applicable notifications/rules. The Commission can conduct or cause inquiries and, in specified circumstances, exercise powers similar to those of a civil court while conducting an inquiry.

LEGAL ISSUES RELATING TO CIVIL VIGILANCE COMMISSION

ISSUE 1: Whether the CVC can function independently and without political or executive interference?

¹⁰ (1998) 1 SCC 226

Since the CVC deals with corruption involving public officials and government organisations, its independence is extremely important. If the institution is influenced by the same Executive establishment whose officials it may have to scrutinise, its effectiveness can be weakened. In *Vineet Narain v. Union of India* (1998)¹¹ The Supreme Court considered allegations concerning corruption and interference with investigative agencies. The Court emphasised the need for independence of institution dealing with corruption. So, the effectiveness of an anti-corruption institution ultimately depends not merely on the powers given to it on paper, but on its ability to exercise those powers independently.

ISSUE 2: Whether the advisory nature of CVC recommendations weakens accountability by allowing administrative authorities to disagree with or depart from its advice?

The CVC is primarily a vigilance, supervisory and advisory institution; it is not a court or a general disciplinary tribunal. Section 8 of the CVC Act, 2003¹² provides for the Commission to tender advice to specified Central Government bodies and organisations on vigilance matters. The advisory nature of its role preserves the decision-making authority of the competent disciplinary or administrative authority. However, it can also create a practical concern: if an authority departs from vigilance advice without adequate explanation, the purpose of seeking independent vigilance scrutiny may be undermined. The appropriate solution is not necessarily to make every CVC recommendation automatically binding.

Instead, the system should ensure that departures from its advice are reasoned, recorded and open to appropriate review. This balances administrative discretion with accountability.

ISSUE 3: Whether overlapping statutory functions of the CVC, Lokpal, CBI and departmental vigilance authorities create duplication, delays and uncertainty in handling corruption complaints?

India's anti-corruption framework involves several institutions with different but interconnected responsibilities. The CVC supervises vigilance administration and exercises specified statutory powers; the Lokpal deals with corruption complaints falling within its jurisdiction; the CBI investigates criminal offences within its legal authority; and departmental vigilance authorities address internal vigilance matters. The Lokpal and Lokayuktas Act, 2013¹³, particularly Section 20, provides a mechanism through which complaints may be referred to the CVC for preliminary inquiry. For Group A and Group B public servants, the CVC submits its report to the Lokpal under the applicable procedure, while Group C and Group D matters are dealt with under the CVC Act's framework. This arrangement creates coordination between institutions rather than necessarily creating a legal conflict. Nevertheless, unclear procedures, repeated inquiries, delayed transfers and poor information-sharing can reduce efficiency.

In *Centre for Public Interest Litigation v. Union of India* (2011)- The Supreme Court examined the legality of appointment of P.J. Thomas as Central Vigilance Commissioner and emphasised institutional integrity in the appointment process. The case is relevant to the credibility and independence of anti-corruption institutions, although it did not directly decide every question concerning overlapping jurisdiction.

RECOMMENDATIONS FOR THE ISSUES

ISSUE 1: The CVC should be given greater functional, financial and administrative independence. Political or Executive interference in vigilance matters should be minimised. The commission should have adequate staff and resources. Its decisions and functioning should be transparent and accountable.

ISSUE 2: Authorities departing from CVC advice should record their reasons in writing, subject to applicable law. Significant departures should be examined by an appropriate higher authority where warranted. Departments should document whether advice was accepted, modified or rejected. Decisions on vigilance advice should not remain pending indefinitely.

ISSUE 3: Publish guidelines identifying which institution handles each stage of a complaint. Introduce secure digital tracking to reduce duplicate inquiries and improve information-sharing. Establish clear timelines for referring complaints between the Lokpal, CVC and investigative agencies. Conduct regular institutional reviews to resolve jurisdictional and procedural difficulties. Ensure that coordination does not compromise confidentiality, fair investigation or the rights of persons accused.

SUGGESTIONS

1. Strengthen the independence of the CVC by ensuring greater functional and administrative autonomy in its decision-making.
2. Ensure timely implementation of CVC recommendations by making concerned authorities provide clear reasons where its advice is not accepted.
3. Improve coordination between the CVC, CBI and other vigilance agencies to ensure faster and more effective investigation of corruption cases.
4. Reduce delays in vigilance and disciplinary proceedings through fixed timelines and regular monitoring of pending cases.
5. Increase transparency through digital technology by strengthening online complaint systems, case tracking and disclosure of vigilance-related information.

¹¹ (1998) 1 SCC 226

¹² The Central Vigilance Commission Act, 2003, Section 8(1)(g)

¹³ The Lokpal and Lokayuktas Act, 2013, Section 20(1)

6. Strengthen preventive vigilance and public awareness through ethics training, vigilance-awareness programmes and effective mechanisms for reporting corruption.

CONCLUSION

The Central Vigilance Commission has emerged as an important institution for maintaining integrity, accountability and transparency in Indian public administration. Since its establishment in 1964 and its subsequent statutory recognition under the Central Vigilance Commission Act, 2003, the Commission has played a significant role in preventing corruption and promoting vigilance administration. Its powers relating to supervision, monitoring, investigation and advisory functions contribute to controlling the misuse of administrative power. The study shows that the CVC has an important connection with the principles of Administrative Law, particularly rule of law, natural justice, accountability, fairness and good governance. Its relationship with the CBI further strengthens the institutional framework for dealing with corruption-related matters. Judicial decisions, particularly *Vineet Narain v. Union of India*, have also contributed to strengthening the independence and effectiveness of vigilance institutions.

The legal issues discussed in this study highlight the need to strengthen the institutional framework of the Central Vigilance Commission. The question of independence remains important because the effectiveness of vigilance administration depends on the Commission's ability to function without undue external influence. Similarly, the advisory nature of its recommendations raises concerns regarding their implementation and the accountability of administrative authorities.

Further, the overlapping functions of the CVC, Lokpal and other vigilance authorities indicate the need for clear jurisdictional boundaries and better coordination. Appropriate reforms, including transparent appointments, timely disposal of complaints, reasoned decisions and effective monitoring mechanisms, can improve the practical functioning of the Commission.

The success of the CVC ultimately depends not only on the legal powers conferred upon it but also on the willingness of public authorities to cooperate with its functions and implement appropriate vigilance measures. Therefore, continuous institutional development and effective enforcement mechanisms are necessary to ensure that the objectives of the Central Vigilance Commission Act, 2003, are achieved in practice. However, certain limitations, including the advisory nature of several functions, delays in disciplinary proceedings and dependence on other authorities for implementation, affect its overall effectiveness.

Therefore, strengthening the independence of the CVC, ensuring timely implementation of its recommendations and improving coordination with investigative agencies are necessary.

In conclusion, the Central Vigilance Commission remains an essential component of India's anti-corruption and administrative accountability framework. A stronger, more independent and efficient CVC can significantly contribute to clean administration, protection of public interest, transparency and good governance.

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