

CRITICAL STUDY ON CENTRAL VIGILANCE COMMISSION IN INDIA

AUTHOR – BHARKAVI.S, SCHOLAR FROM THE TAMILNADU DR AMBEDKAR LAW UNIVERSITY (SOEL)

BEST CITATION – BHARKAVI.S, CRITICAL STUDY ON CENTRAL VIGILANCE COMMISSION IN INDIA, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (3) OF 2024, PG. 272-278, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT:

The Central Vigilance Commission (CVC) was established in 1964 in accordance with the suggestions made by the Santhanam Committee on Corruption Prevention. The CVC is responsible for monitoring government agency integrity and making sure public employees are held accountable. Reducing opportunities for corruption is done through methodical reforms. This research critically looks at the central vigilance commission's necessity. The criticism of the Central Vigilance Commission and its history are also examined in this paper. The study's ultimate goal is to shed light on the functions of the Central Vigilance Commission and the anti-corruption initiatives it undertakes.

Keyword: central vigilance commission, systematic reforms, corruption.

INTRODUCTION:

Public administration has long struggled with a serious problem of corruption, which threatens global growth and governance. Based on the recommendations of the Santhanam Committee on Prevention of Corruption, attempts to combat corruption in India resulted in the creation of the Central Vigilance Commission (CVC) in 1964. The CVC was intended to be an impartial organisation tasked with advancing accountability, openness, and integrity in public sector organisations and government bodies. By eliminating systemic vulnerabilities that encourage corrupt acts, the CVC seeks to promote transparency, accountability, and justice in government operations. The CVC has developed into a crucial institution in India's governance structure throughout time, cooperating with the Central Bureau of Investigation (CBI) and other departmental vigilance units as well as other anticorruption agencies.

It also supervises the Central Bureau of Investigation's operations. The CVC is in charge of keeping an eye on investigations, offering advice on disciplinary measures, and guaranteeing that public employees follow

moral guidelines.

This research examines the CVC's development and necessity in relation to Indian governance. The study looks into the historical background of the CVC's formation, the reforms it has led, and the complaints made about its efficacy and shortcomings. This study aims to provide light on the CVC's role in improving public accountability and governance by examining its actions and how they affect anticorruption initiatives in India. The report also underlines the difficulties still facing the fight against corruption and the CVC's ongoing applicability in addressing these issues.

OBJECTIVES OF THE STUDY:

- To evaluate the need for the central vigilance commission in India.
- To analyse the history and evolution of central vigilance commission.
- To assess the challenges faced by central vigilance commission to combat corruption.

HYPOTHESIS:

The study posits that the Central Vigilance Commission (CVC) plays a crucial role in reducing corruption within Indian government agencies, aligning its structure and functioning with transparency, accountability, and fairness.

It further evaluates whether systematic reforms initiated by the CVC effectively minimize corruption and enhance governance efficiency. However, it also acknowledges that despite these contributions, the CVC faces limitations in its ability to combat corruption due to constraints in investigative powers and external resistance, which may undermine its overall efficiency.

RESEARCH METHODOLOGY:

The research methodology for the actions of central vigilance commission against corruption and its development in India. It also includes a historical analysis, a qualitative approach, data collection from primary sources like records, government reports, and official documentation, sampling key time periods, analyzing themes like political influence, bureaucratic control, accountability, and reforms, and evaluating the effectiveness, challenges, and reforms of central vigilance commission. The study also oversees the major challenges faced by vigilance commission.

HISTORY OF CENTRAL VIGILANCE COMMISSION:

The Official Secrets Act, 1923, was enacted by the British government prior to India's independence and was primarily designed to maintain confidentiality and safeguard official records. Although it wasn't developed with corruption in mind explicitly, it did contribute to keeping administrative procedures disciplined. In 1941, the British created the Special Police Establishment (SPE) in response to growing corruption in the setting of wartime procurement and supply lines. Its main responsibility was to look into allegations of corruption and bribery in the War and Supply Department. The Indian government realised after the war that the SPE needed to be kept in place in order to combat corruption in a number of government agencies. In order to formally create the Delhi Special Police Establishment (DSPE), which later became the Central Bureau of Investigation (CBI), the Delhi Special Police Establishment (DSPE) Act, 1946 was passed. Corruption in public administration

became a major worry in the post-independence era. The Santhanam Committee on Prevention of Corruption (1962–1964) was established to investigate and suggest ways to reduce corruption in order to address this problem. The Santhanam Committee emphasised how common corruption is and recommended setting up an independent, high-level organisation to supervise watchdog operations in public institutions. An executive resolution created the Central Vigilance Commission (CVC) in 1964 based on its recommendations.

The CVC was established as an advisory group with no formal status and no independent investigation authority. As a supervisory body for internal vigilance officers and units within various ministries and departments, the CVC's primary responsibilities were limited to supervising vigilance activities and making recommendations for disciplinary actions in cases of corruption in central government departments and public sector enterprises. However, the CVC was only able to enforce its recommendations and was not empowered to enforce its decisions.

Following the **Vineet Narain v. Union of India (1997)** case, the CVC saw an immense change in its development. This case originated from the Jain Hawala Scandal, which revealed grave accusations of corruption and poor oversight during the investigation of high-profile cases. The Supreme Court's historic ruling in this case brought to light the shortcomings and lack of independence in anti-corruption agencies such as the CVC and the CBI. In order to guarantee efficient investigation and prosecution of corruption cases, it emphasised the necessity of functional independence, openness, and immunity from political influence. The CVC was given statutory standing in 1998 by an ordinance in response to the Vineet Narain ruling, giving it the ability to independently supervise government organisations' vigilance efforts free from influence from the executive branch. In 2003, the Central Vigilance Commission Act, 2003 was approved, which

codified the CVC's role as an independent statutory authority. The Act gave the CVC a formal legal basis, established its organisational framework, and broadened its purview to encompass supervision of the Central Bureau of Investigation (CBI) in matters pertaining to corruption.

Whistleblower Protection Act:

the murder of Satyendra Dubey is a crucial instance in the history of whistleblowing in India, demonstrating the severe risks faced by individuals who expose wrongdoing in the system. It was essential in the final way of the 2014 Whistle Blowers Protection Act. The details of Satyendra Dubey's case and the legal action that followed to protect whistleblowers are crucial to comprehending the relationship between this tragic event and the legislation.

The Case of Satyendra Dubey:

Satyendra Dubey, an IIT Kanpur engineering graduate, was employed by the National Highways Authority of India (NHAI) as a project director for the Golden Quadrilateral Project, which planned to build a highway network connecting India's major cities. Dubey discovered widespread corruption and poor building techniques when he was in office. He saw firsthand how authorities, contractors, and middlemen embezzled public monies and undermined the project's quality.

Dubey made the decision to report these anomalies out of a strong feeling of responsibility and honesty. He specifically asked for anonymity in a letter he wrote to the Prime Minister's Office (PMO) in November 2002, detailing the wrongdoing in the project and expressing his fear of reprisals should his identity be revealed. His identity was revealed to the NHAI by the Ministry of Road Transport and Highways, who received the letter in defiance of his request. Dubey was assassinated in Gaya, Bihar, on November 27, 2003, following his return from a site inspection.

All around the nation, people were shocked by Satyendra Dubey's murder. The topic of

whistleblower protection gained attention due to media revelations and public outcry, which prompted calls for legislative actions to safeguard people who reveal corruption. His case showed the systemic shortcomings in defending whistleblowers and underscored the necessity for statutory protection. In India, extensive laws protecting whistleblowers were passed as a result of the killing of Satyendra Dubey and other high-profile incidents involving whistleblowers. The Whistle Blowers Protection Act was finally passed in 2014.

NEED FOR CENTRAL VIGILANCE COMMISSION:

An crucial organisation in India's attempts to combat corruption and advance integrity in public administration is the Central Vigilance Commission (CVC). Such a body is necessary for the following reasons:

1. Corrupt practices are common:

In India, corruption has always been a problem that compromises the effectiveness and impartiality of governmental processes. The CVC is required to monitor and stop corrupt activities in public sector organisations and government agencies.

2. Ensuring Accountability:

In order to make public officials answerable for their actions, the CVC is essential. It makes sure that public employees who commit misbehaviour are held accountable by looking into complaints and suggesting disciplinary action.

3. Promoting Transparency:

By keeping an eye on operations, examining regulations, and guaranteeing that public servants follow moral guidelines, the CVC promotes transparency in government operations. The public's confidence in governance depends on this transparency.

4. Self-Reliant Supervision:

By exercising independent supervision over a number of government agencies, the CVC reduces the impact of special interests on corruption investigations. Its independence

guarantees impartial and equitable examination of governmental acts.

5. Collaboration with Other Organisations:

The Central Bureau of Investigation (CBI) and other anticorruption organisations collaborate with the CVC to guarantee a thorough strategy to combating corruption. Its assistance in advising government agencies and making reform recommendations strengthens the overall governance structure.

6. Strengthening Good Governance:

A strong system to prevent corruption and guarantee public servants' moral behaviour is necessary for good governance. By upholding alertness, limiting potential for corruption, and guaranteeing that government functions are just and transparent, the CVC fosters good governance.

7. Proactive Care:

The CVC not only looks into corruption but also emphasises preventive vigilance by pointing out structural flaws and suggesting fixes to close the holes that let corrupt activities continue.

8. Public Trust:

The public is more confident in the government's commitment to combating corruption when organisations like the CVC exist. It contributes to the restoration of public confidence in government institutions and procedures by guaranteeing accountability and fostering openness.

MAJOR CHALLENGES FACED BY CENTRAL VIGILANCE COMMISSION:

1. limited investigating Authority:

- Direct investigating authority is not granted to the CVC. Its only authority is to oversee and suggest measures for investigations carried out by other organisations, such as the Central Bureau of Investigation (CBI). Its authority is diminished and its capacity

for independent action is constrained by this dependence on outside entities.

2. Absence of Enforcement Power:

- The CVC is limited to offering suggestions for disciplinary measures; they are not legally enforceable. Its suggestions may be implemented at the discretion of the relevant government agencies, which could cause delays and noncompliance.

3. political interference:

- Political meddling diminishes the CVC's efficiency and independence in relation to appointments, transfers, and the operations of investigative agencies falling under its jurisdiction, such the CBI. This issue is made worse by the frequent involvement of political figures in high-profile corruption scandals.

4. Cross-Over Jurisdiction:

- Occasionally, the CVC's jurisdictional boundaries with those of other anti-corruption organisations, such as the CBI, Lokpal, and departmental vigilance sections, can lead to misunderstandings, hold-ups, and confrontations. The ineffective handling of corruption cases may result from this unclear division of responsibilities.

5. Limited Manpower and Resources:

- The CVC's ability to supervise and manage thousands of government agencies and personnel is frequently hindered by a lack of staff and funding. Its capacity to carry out exhaustive investigations and follow-ups is impacted by this shortfall.

6. Lack of a separate prosecution wing:

- In contrast to other anti-corruption organisations like the Lokpal, the CVC is lacking of an unbiased prosecution division. It is dependent on outside organisations, like as the CBI or corresponding departmental vigilance

units, which might not always be unbiased or effective.

7. Bureaucratic red tape and delayed decision-making:

- The bureaucratic structure of government operations, in combination with procedural hold-ups, causes a delay in decision-making and the implementation of the CVC's suggested anti-corruption measures.

8. Insufficient Safety for Informants:

- Despite being passed, the Whistleblowers Protection Act of 2014 is still not being properly implemented. This delays the CVC's capacity to obtain important information and discourages possible whistleblowers from coming forward.

9. Lack of Public Awareness:

- There is a lack of knowledge among the public about the CVC's functions, authority, and complaint procedures, which results in a low volume of corruption reports. Furthermore, the public's impression of the CVC as a helpless organisation prevents people from requesting its assistance.

10. Dependency on the Government for Budget and Support:

- The CVC is dependent on the federal government for staffing and budgetary allocations because to its restricted financial and administrative autonomy. Its operational efficiency and impartiality may be impacted by this dependence.

FINDINGS:

The evolution, difficulties, and recommended improvements of the Central Vigilance Commission are analysed, and the following important conclusions are drawn:

The Central Vigilance Commission (CVC) underwent a prominent evolution from its establishment as an advisory body in 1964 to becoming a statutory institution with broader powers and enhanced independence after the

Central Vigilance Commission Act of 2003. Its increasing significance within India's anti-corruption system is shown in its evolution.

1. Inadequate Investigative Powers Restrict Effectiveness:

- The CVC's lack of direct investigative authority is one of its main problems. Because it is a supervisory body, its ability to take independent action and respond quickly to corruption cases is compromised by its heavy reliance on the Central Bureau of Investigation (CBI) and other departmental vigilance sections for investigations.

2. Political Interference Is Still a Problem:

- Political interfering frequently jeopardises the commission's independence, especially in well-exposed corruption cases involving powerful public figures. Its independence and impartiality may be jeopardised by such interfering, which would diminish the legitimacy of its activities.

3. Weak Whistleblower Protection Mechanism:

- The Whistleblowers Protection Act of 2014 was passed, but it has not been effectively implemented, and the protection procedures are insufficient to deter potential informers from coming forward. This makes it more difficult for the CVC to obtain important data and discourage unethical behaviour.

4. Low Public Awareness Decreases Citizen Participation:

- The public is generally unaware of the CVC's duties, authority, and channels for filing complaints. As a result, there are few corruption cases reported, which makes it difficult for the CVC to interact with the public and resolve complaints.

SUGGESTIONS:

The Central Vigilance Commission (CVC) has been instrumental in India's fight against corruption. The suggestions are:

1. Improving Autonomy and Independence:

- The CVC's dependence on organisations such as the CBI for enquiries frequently causes delays, even though it is a statutory body. The CVC should have more freedom to carry out independent investigations with its own investigative team. Its legal framework should also be strengthened to reduce bureaucratic red tape and delays in putting its recommendations into action.

2. Enhancing Coordination Across Agencies:

- Investigations into corruption may proceed more quickly if the CVC, CBI, and Enforcement Directorate (ED) work together more effectively. When several agencies are involved in a complex case, a joint task force may be formed.
- To avoid repetition and guarantee effective resource utilisation, these organisations should have clear standards about jurisdiction.

3. Investigation and Resolution More Quickly:

- Simplifying the procedure to facilitate investigations more quickly. Setting strict timetables for the investigation, report submission, and implementation of recommendations will ensure prompt justice.
- Expanding the number of digital channels available for monitoring complaints and investigation status would help to make the process more responsible and transparent.

4. Programs for Preventive Vigilance and Awareness:

- The CVC ought to collaborate proactively with departments to strengthen preventive vigilance protocols by locating and addressing

structural flaws that facilitate corruption.

Provide education and training on moral behaviour, the CVC's role in preventing corruption, to people and employees of the government.

CONCLUSION:

The Central Vigilance Commission (CVC) has been a key player in India's attempts to ensure accountability in public institutions and to combat corruption. The CVC was established in 1964 as an advisory body, and since then, it has developed into a strong legislative authority with the responsibility of supervising the vigilance management of public sector companies and central government agencies. Its increased authority and statutory standing have allowed it to improve openness, bolster vigilance procedures, and foster a sense of integrity in government. Though it has made progress, the CVC still confronts a number of obstacles that limit how well it can operate. Some of the main obstacles impeding its influence are its limited investigation authority, the proposals' lack of legal enforceability, political meddling, overlapping authorities, and resource limitations. Reforms are required to provide the CVC direct investigative powers, give its recommendations enforceable authority, and create a distinct prosecution branch in order to get beyond these challenges and improve its efficacy. Improving its independence and streamlining its operations would also require addressing political meddling and defining its boundaries with other anti-corruption organisations. Furthermore, gaining financial and administrative independence, implementing cutting-edge technology, and raising public awareness will all be critical to enabling the CVC to carry out its mission more effectively.

In conclusion, even though the CVC has significantly improved India's anti-corruption framework, resolving these structural and operational issues would be necessary for the CVC to be successful in fighting corruption. The

CVC has the potential to grow into a more potent and autonomous organisation that can guarantee greater standards of accountability, transparency, and integrity in public administration with the correct reforms and sufficient funding.

REFERENCES:

1. Prakash, Kailash. "The Vigilance Set-Up of the Government of India—Some Proposals for Reform." *Indian Journal of Public Administration* 18.4 (1972): 533-562.
2. Pande, Sanjay, and Neetu Jain. "Central Vigilance Commission: A Perspective Based on Historical Indian World View and Statecraft." *Indian Journal of Public Administration* 67.1 (2021): 117-125.
3. Bhatia, L. M. "Central Vigilance Commission—Its Role in Administrative Vigilance." *Indian Journal of Public Administration* 17.1 (1971): 65-75.
4. Patel, U. "Preventive Vigilance—The Key Tool of Good Governance at Public Sector Institutions." *Speech presented at the Central Vigilance Commission* (2018).
5. Shukla, K. S. "Vigilance in Public Administration in India." *Essays on Indology, Polity, and Administration in Honour of Padmabhusan Sh. RK Trivedi* 2 (1989): 479.
6. Gopinath, P. K. "Central Vigilance Commission: A Profile." *Indian Journal of Public Administration* 43.3 (1997): 421-433.
7. Agarwal, U. C. "Galloping Corruption: Need for Effective Vigilance." *Indian Journal of Public Administration* 43.3 (1997): 434-440.