

Module 2

Vigilance Administration

Chapter 1

Vigilance Administration in India- Aim and Evolution

The evolution of State over centuries and its increasing role in affairs of the citizens provides opportunity to State authorities for abuse of power vested in them. Chanakya, the noted Statesman in his treatise on Public Administration named “Arthashastra”, written in 4th Century B.C, has elaborated on various forms of corruption and methods for prevention of corruption. Arthashastra, besides describing the importance of ethical values, emphasizes on giving key posts in administration only to those, who have been tested and found to be of impeccable integrity.

Corruption has the potential to undermine and vitiate the relationship between the citizen and the state. Despite importance being given to righteous conduct, corruption exists in all societies. In India, in the pre-independence era, some steps were taken to establish a mechanism for handling cases of corruption, but they proved to be inadequate as they were only ad-hoc steps taken to fulfil some urgent requirements. In, what can be considered as a preliminary effort to curb corruption, Special Police Establishment (SPE) was set up in 1941, to investigate large scale corruption in transactions of War & Supply Department of Government of India, during the 2nd World War. After the war, the Delhi Special Police Establishment (DSPE) Act was brought into force in 1946, expanding its scope to cover all departments of Government of India.

However, the need to fight corruption by bringing about systemic reforms was highlighted by several reports and studies during the 1950s. Among them, the Report *on the Efficient Conduct of State Enterprises* (A.D. Gorawala, 1951) *Railways Corruption Enquiry Committee* (J. B. Kripalani , 1955) were prominent. It was felt to adopt a more comprehensive and holistic approach to fight and eliminate corruption.

Initially, Administrative Vigilance Division was set up in Ministry of Home Affairs in August 1955, giving it the responsibility to coordinate efforts of different ministries / departments of central governments in adoption of anti-corruption measures. Administrative Vigilance Division had a limited mandate,

which proved to be inadequate in the fight against corruption as functions of governance were expanding and becoming increasingly complex. An incident of major financial irregularity in a Central Government owned company in 1957 raised concerns and there was huge debate in Parliament. In response, the Government formed a committee to review the existing mechanism of handling cases of inappropriate conduct by public servants and suggest measures for improvement in it. The committee, setup under the Chairmanship of Shri K. Santhanam, Member of Parliament, came to be known as Santhanam Committee.

The Committee's aim was to review the existing arrangements for checking corruption in the central services and to suggest measures necessary to curb corruption in Government organisations. The Committee in its report submitted in 1964 identified four major causes of corruption as:

- ❖ Administrative delays.
- ❖ Government taking up work more than it could handle.
- ❖ Increasing amount of discretionary powers placed at the hands of Government servants.
- ❖ Cumbersome procedures adopted by the bureaucracy.

After due deliberations, the committee recommended creation of the institution of Central Vigilance Commission with the aim of exercising superintendence over vigilance administration in matters to which the executive power of the Union of India extended. The Santhanam Committee was of the view that Central Vigilance Commission would evolve and apply common standard in matters relating to prosecution, departmental action and the award of punishment and would put the entire vigilance Organization on a proper and adequate basis.

The Government of India accepted the recommendations of the Santhanam Committee and vide Resolution No. 24/7/64-AVD dated 11.02.1964, constituted Central Vigilance Commission with the following objectives: -

- ❖ To deal comprehensively with the problems of (a) prevention of corruption & maintenance of integrity; and (b) ensuring just and fair exercise of administrative powers vested in various authorities.
- ❖ To give it power and responsibility to tender advice in disciplinary matters.
- ❖ To ensure prevention of corruption and maintenance of integrity in public services.
- ❖ To deal with complaints of failure of justice or oppression or abuse of authority suffered by the citizens.

The birth of the Central Vigilance Commission on 11th February, 1964, heralded a new era in Indian public administration. A watchdog came into being to provide corruption-free governance. Over the next three decades CVC played a very crucial role in evolving mechanisms of sound vigilance administration through conducting inquiries, advising punitive actions, developing systems, and procedures across organizations of Central Government. However, the menace of corruption was also evolving into and manifesting in new forms. It was realized that more was required to be done to control and curb the evils of corruption.

Meanwhile, in September 1997, Government of India set up an Independent Review Committee comprising Shri B.G. Deshmukh, former Cabinet Secretary; Shri N.N. Vohra, Principal Secretary to the Prime Minister, and Shri S.V. Giri, Central Vigilance Commissioner to examine the functioning of anti-corruption agencies in India particularly the CVC, CBI, and the Enforcement Directorate. The Committee in its report of December 1997 made various recommendations to insulate investigating agencies from the Government. It recommended that the CVC should be given a statutory status and the selection of Central Vigilance Commissioner should be made by a High-Powered Committee. Similarly, to ensure independent and fair investigation by the CBI, it recommended that the CVC be made responsible for the efficient and independent functioning of the anti-corruption wing of the CBI.

Separately, the Supreme Court while deciding the writ petition filed by Shri Vineet Narain, a journalist, praying for examination of role of investigating agencies and systemic correction directed the Government that statutory and independent status should be conferred on the CVC and the Commission should be entrusted with the superintendence over the CBI about anti-corruption matters to ensure free and fair investigation by the CBI. Accordingly, the Government promulgated an ordinance on 25th August 1998 conferring statutory status to the Commission and bringing the CBI under its supervision. The ordinance of August 1998 after its lapse was followed by another ordinance dated 8th January 1999. It was followed by a resolution in April 1999, under which the CVC continued to function until the enactment of the Central Vigilance Commission Act, 2003, which came into effect from 11th September 2003. With this enactment, the Commission assumed a new role to fulfil its comprehensive mandate.

CVC exercise superintendence over vigilance administration through the Chief Vigilance Officers (CVOs) who head the Vigilance Division of the organization concerned and acts as an advisor to the chief executive in all matters pertaining to vigilance. He also provides a link between organization and the Central Vigilance Commission on one hand and his organization and the Central Bureau of Investigation on the other. Vigilance functions to be performed by the CVO are of wide sweep and include collecting intelligence about the corrupt practices committed, or likely to be committed by the employees of the organization; investigating or causing an investigation to be made into verifiable allegations reported to him; processing investigation reports for further consideration of the disciplinary authority concerned; referring the matters to the Commission for advice wherever necessary; taking steps to prevent improper practices or commission of misconducts; examining audit, inspection and other reports from the point of vigilance angle, etc. Thus, the CVO's functions further extend and strengthen vigilance administration across organizations. There are approx. 190 full time CVOs and around 885 posts of part time CVOs.

In the year 2013, the Parliament also passed Lokpal and Lokayuktas Act, 2013 to inquire and investigate into allegations of corruption against

certain categories of public functionaries covered within the scope and ambit of the Lokpal and Lokayuktas Act. The term Lokpal was first discussed in the Indian Parliament in 1963, as a concept of constitutional ombudsman. The first Jan Lokpal Bill was introduced and passed in the 4th Loksabha in 1969 but could not get through the Rajya Sabha. After several attempts, finally the Lokpal and Lokayuktas Act, 2013 was enacted by the Parliament in December, 2013.

On the basis of the Jan Lokpal Bill of 1969, several states had enacted legislations to set up the institution of Lokayuktas in their states. The State of Maharashtra became the first ever State Government in India to establish the institution of Lokayukta. After that many states followed and set up the institution of Lokayukta in their respective territories. After the enactment of Lokpal and Lokayuktas Act, 2013, now it has become mandatory on the part of each State Government to establish a body known as Lokayukta for the respective state.

The system of vigilance administration is continuously evolving, based on the new challenges that surface from time to time, necessitating adoption of newer methods. Use of technology, constant review/updation of existing systems and adoption of innovative methods play an important role in evolution of vigilance administration so that it can match the fast-changing scenario. However, all said and done, alert and aware citizens human beings remain at the core of fight against corruption. Strong moral and ethical values/conduct is and will remain the strongest weapon in the fight against corruption.
