

Central Vigilance Commission – An Instrument against Corruption

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Understanding corruption

Corruption is one of those activities that is tough to define and almost impossible to remove. It has varying degree of impact on the organization and in a larger scale on the society, whether it appears separately or cumulatively. While an act of corruption by an individual or a private organization or a single institution, may not have a deeper impact in a larger scale, it trespasses the line of moral sanctity.

Corruption gives indulgence to a course of actions which violates the rules of society and encourage people to think more about their personal gain by taking undue and hidden advantages of someone else's position, status, monetary or other conditions, even at the cost of cheating or endangering others. "In short, corruption can weaken the fabric of society until it frays to the point of destruction."¹

Corruption can occur on many different scales. There is corruption that occurs as small favours between a small number of people (petty corruption), while there is the corruption that affects the government on a large scale (grand corruption), and corruption that is so prevalent that it is part of the everyday structure of society (systemic corruption).

Standard codes of conduct established in any society definitely condemn corrupt practices; people whisper against corruption; despite this, corrupt practices occur in every sphere of life. There are some manifested acts of corruption, such as bribery, conspiracy, embezzlement, fraud, racketeering, theft, treason etc. , as well as, some other cleverly conceived acts of corruption, which operate quietly below the visible spectrum. In the later cases often corruption begins in the disguise of innocence, latently or in subtle form. People agree that corruption is worthy of crushing wherever is found, but what if a corrupt apple is covered with a costly aluminum foil, leading slowly, but steadily the entire barrel to be rotten. "More often than not, victims suffer from it long before they realize that they have been damaged and well before a perpetrator is held to account for his behavior."²

The first casualty of corruption is governance. Public sector corruption is one of the more dangerous forms of corruption and corruption of the management body can lead to widespread effects. There is a general

¹ Harris, Godfrey, *Corruption*, New Delhi, Viva Books Pvt. Ltd.,2005, p. 8

² *Ibid.* p. 32

impression that corruption pervades all spheres of public administration. The qualities of a government servant of integrity and probity in public service are at a great discount. Concern has been expressed against the menace of corruption from all quarters.

In the countries of Asia, Africa, Latin America, as well as in the United States of America, Germany, United Kingdom corruption is present, even in public offices, irrespective of the possession of the wealth of the countries or GDP/GNP/PCI in the countries. Indira Gandhi, when asked about corruption, shot back: ‘Corruption is a global phenomenon.’³ However, two points must be noted :

1. Globalisation has led to a new focus on corruption and
2. All countries do not have same level or degree of corruption in governance.

The global anti-corruption watchdog, Transparency International, has released the eighth edition of its corruption barometer report in 2013. The report asked people around the world whether they think corruption in the country they live in has worsened or improved in the past 12 months. The previous edition of the report, released in 2011, found that 74% of Indians surveyed felt that corruption had increased over the preceding three years. The situation has been found more critical as India has been racked in recent years by numerous allegations of corruption against top government ministers and politicians. According to anti-corruption groups, such high-level graft in India won't reduce until prosecutions result in convictions and jail terms, creating a chilling effect.

The Central Bureau of Investigation, India's federal investigator, is the main agency for examining serious corruption allegations against senior government officials. According to data from the National Crime Records Bureau released in June, 2013, the agency had 1,246 ongoing corruption investigations last year, of which it completed 648. As of the end of the year, there were nearly 7,000 cases pending for trial. Out of the 865 trials completed last year, there were 535 individuals convicted. Some of the most prominent corruption investigations of recent years have remained in the “pending” category.

A 2005 study conducted by Transparency International in India found that more than 62% of Indians had firsthand experience of paying bribes or influence peddling to get jobs done in public offices successfully⁴. In its 2008 study, Transparency International reports about 40% of Indians had firsthand experience of paying bribes or using a contact to get a job done in public office⁵. In 2010 India has ranked 87th out of 178

³ Vittal ,N., *Ending Corruption? How to clean up India*, New Delhi, Penguin, 2012, p. 29

⁴ Centre for Media Studies, *India Corruption Study 2005: To Improve Governance: Volume I – Key Highlights*, New Delhi: Transparency International India, 30 June 2005 (see pages 1-3).

⁵ "India Corruption Study – 2008". Transparency International. 2008.

countries in Transparency International's Corruption Perceptions Index, tied with Albania, Jamaica, Liberia, placing it with more corrupt countries⁶. 2011 -2013 reports have failed to show any marked improvement as regards the occurrence of corruption in different fields of governance in India, raising questions against the measures taken by the government in India, both federal and the states.

Corruption cannot be stopped only by making better and harsher laws. Laws need to be implemented efficiently and this can happen with good governance. A better way to reduce corruption is for each of us to reduce our greed. With reduced greed and better implementation of existing laws, corruption can be effectively capped.

Prevention of corruption

A variety of organisations have been created in India to actively fight against corrupt government and institutional malpractices; The Members of Parliament in the Parliamentary debate in June, 1962, expressed serious concern on "Growing menace of corruption in administration" , culminating in the formation of a Committee on Prevention of Corruption, popularly known as Santhanam Committee; the committee was supposed to review the problem, diagnosis the symptoms and prescribe possible suggestions. The Santhanam Committee observed that corruption as a persistent disease in our body politic had been gradually leading to a multi organ failure in governance. Corruption was viewed as the lack of integrity - whether intellectual, moral or financial; the committee, in this connection, also noticed that there was the conspicuous absence of a dynamic integration between the vigilance units in various Ministries and the Administrative Vigilance Division in the Ministry of Home Affairs. The Committee also raised an important issue that the Administration could not be a judge of its own conduct. The Central Vigilance Commission was, therefore, conceptualized as an apex body for exercising general superintendence and control over vigilance matters in administration under Government of India Resolution dated 11.02.1964. It was set up by the Government of India in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam, to advise and guide Central Government agencies in the field of vigilance.

The establishment of the Commission was considered essential for evolving and applying common standards in deciding cases involving lack of probity and integrity in Administration. In response to the Writ Petition filed in Public Interest by Shri Vineet Narain and others in Hawala case, the Supreme Court on 18 December, 1997 gave the direction to the government for constituting the Central Vigilance Commission with statutory status, following which the government issued an Ordinance dated 25.08.1998, which was amended on 27.10.1998. The Ordinance, inter-alia, conferred almost similar powers, as was given by the

<http://cpi.transparency.org/cpi2012/results/>

⁶ Transparency International Annual Report, 2010

1964 government resolution; the Ordinance empowered the Central Vigilance Commission to exercise superintendence over the functioning of Delhi Special Police Establishment and review the progress of investigations being conducted by them in so far as it pertains to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988. Subsequently, in order to replace the Ordinance, the Government introduced the Central Vigilance Commission Bill, 1998 in Lok Sabha on 7th December 1998. The Central Vigilance Commission Ordinance was also re-promulgated on 08.01.1999. The CVC Bill was passed by the Lok Sabha on 15.03.1999 and was kept pending before the Rajya Sabha. Meanwhile, the CVC Ordinance, 1999, was to expire on 05.04.1999. Therefore, the Central Government resolved, on 04.04.1999, that the Central Vigilance Commission constituted under the Ordinance would continue to function under the Resolution even after the expiry of the Ordinance.

The Government, once again, introduced the Central Vigilance Commission Bill, 1999 [Bill No.137 of 1999] in the Lok Sabha on 20th December 1999. It was referred to a Joint Committee of both Houses of Parliament. The Bill remained with the Parliament till September 2003 and became an Act after being duly passed in both the Houses of Parliament and with the President's assent; it came to be known as the Central Vigilance Commission Act, 2003⁷.

Nittoor Srinivasa Rau, was selected as the first Chief Central Vigilance Commissioner, appointed in February, 1964.

The current Central Vigilance Commissioner is Pradeep Kumar, and the Vigilance Commissioners are R Sri Kumar and J M Garg.

Appointment

The appointments of the CVC and the VCs, are made by the President by warrant under his hand and seal on the recommendations of a committee consisting of (i) The Prime Minister(Chairperson), (ii) The Minister of Home Affairs(Member) and (iii) Leader of the Opposition in the House of People(Member)⁸.

Removal

The Central Vigilance Commissioner or any Vigilance Commissioner can be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Central Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought to be removed.

Organisation

⁷ <http://cvc.nic.in/introduction.html>

⁸ "CVC Act". CVC. Retrieved April 30, 2012. (Section 4, sub section 2- No appointment of a Central Vigilance Commissioner or a Vigilance Commissioner shall be invalid merely by reason of any vacancy in the Committee.)

The Commission was accorded statutory status through an Ordinance dated 25.08.1998, amended vide Notification No.47 dated 27.10.1998. The Ordinance envisaged the Commission to be a multi-member Commission, consisting of the Central Vigilance Commissioner (Chairman) and not more than four Vigilance Commissioners as its members. Under CVC Act, 2003, there is one Central Vigilance Commissioner and two Vigilance Commissioners. The term of office of the Central Vigilance Commissioner and the Vigilance Commissioners would be four years from the date on which they enter their office or till they attain the age of 65 years, whichever is earlier.

The Central Vigilance Commission has its own Secretariat, Chief Technical Examiners' Wing (CTE) and wing of Commissioners for Departmental Inquiries (CDI).

Functions and Powers of the Central Vigilance Commission

The Government of India (Ministry of Home Affairs) Resolution No.24/7/64-AVD dated the 11th February, 1964, sets out the basic powers and functions assigned to the Commission. The Commission, while conducting the inquiry, shall have all the powers of a Civil Court with respect to certain aspects. CVC Act, 2003 has empowered the Central Vigilance Commission to act in following manner:-

- Exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI) insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988; or an offence under the Cr.PC for certain categories of public servants – section 8(1)(a);
- Give directions to the DSPE in Special Police Establishment (CBI) for superintendence insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988 – section 8(1)(b);
- To inquire or cause an inquiry or investigation to be made on a reference by the Central Government – section 8(1)(c);
- To inquire or cause an inquiry or investigation to be made into any complaint received against any official belonging to such category of officials specified in sub-section 2 of Section 8 of the CVC Act, 2003 – section 8(1)(d);
- Review the progress of investigations conducted by the DSPE into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence under the Cr.PC – section 8(1)(e);
- Review the progress of the applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988 – section 8(1)(f);
- Tender advice to the Central Government and its organizations on such matters as may be referred to it by them – section 8(1)(g);

- Exercise superintendence over the vigilance administrations of the various Central Government Ministries, Departments and organizations of the Central Government – section 8(1)(h);
- Shall have all the powers of a Civil court while conducting any inquiry – section 11;
- Respond to Central Government on mandatory consultation with the Commission before making any rules or regulations governing the vigilance or disciplinary matters relating to the persons appointed to the public services and posts in connection with the affairs of the Union or to members of the All India Services – section 19;
- The Central Vigilance Commissioner (CVC) is also the Chairperson of the two Committees, on whose recommendations, the Central Government appoints the Director of the Delhi Special Police Establishment and the Director of Enforcement –section 25 and section 26;
- The Committee concerned with the appointment of the Director CBI is also empowered to recommend, after consultation with the Director (CBI), appointment of officers to the posts of the level of SP and above in DSPE –section 26;
- The Committee concerned with the appointment of the Director of Enforcement is also empowered to recommend, after consultation with the Director of Enforcement appointment of officers to the posts of the level of Deputy Director and above in the Directorate of Enforcement – section 25.

In the Commission's view, delayed handling of vigilance cases at different stages is largely responsible for a negative connotation of vigilance. The Commission has made efforts to tender advice within the definite time limit of three weeks after complete information has been furnished. The CDIs have also been advised to complete departmental inquiries within the time limit of six months. The objective is to underline the timeliness, speed, consistence and objectivity in Commission's approach to vigilance matters.

As per the CVC Ordinance 1998, the Commission can undertake an inquiry or cause an inquiry or investigation to be made into any complaint against any official belonging to the following categories of officials wherein it is alleged that he has committed an offence under the Prevention of Corruption Act, 1988:-

(a) Group "A" officers of the Central Government

(b) Such level of officers of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification⁹ in the Official Gazette, specify in this behalf:

⁹ Provided that till such time a notification is issued under this clause, all the officers of the said corporations, companies, societies and local authorities shall be the persons referred above.

If there is a difference of opinion between the CBI and the concerned administrative authorities as regards the further course of action to be taken in respect of the employees, who are not within the normal jurisdiction of the Commission, the difference of opinion is resolved by the Commission by tendering appropriate advice.

Jurisdiction

As per the CVC Act, 2003, the Central Vigilance Commission is empowered to

(a) exercise superintendence over the functioning of the Delhi Special Police Establishment (DSPE) insofar it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988;

(b) review the progress of investigations conducted by the DSPE into offences alleged to have been committed under the PC Act;

(c) exercise the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, while inquiring, or causing an inquiry or investigation to be made, into any complaint against a public servant; the commission possesses following powers related to make inquiries:-

[11.- Power relating to inquiries.- The Commission shall, while conducting any inquiry referred to in clauses (b) and (c) of sub- section

(1) of section 8, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) and in particular, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or other documents; and

(f) any other matter which may be prescribed.]

(d) head the committees to make recommendations for the appointments to the posts of the Director, CBI and the Director of Enforcement.

The advisory jurisdiction of the Commission extends to all organisations to which the executive control of the Union extends. However, for practical reasons it has been decided that the Commission will for the present advise only on vigilance cases pertaining to the following categories of employees;

1. Members of All India Services serving in connection with the affairs of the Union and gazetted officers of the Central Government.
2. Board level appointees and other senior officers upto two grades below the Board level, in the Public Sector Undertakings of the Central Government;

3. Officers of the rank of Scale V and above in the Public Sector Banks;
4. Officers of the rank of Assistant Manager and above in the Insurance Sector (covered by LIC and GIC and four non-life insurance companies in the Public sector); and
5. Officers drawing basic pay of Rs. 8700/- (Pre-revised) per month and above in autonomous bodies/local authorities or societies owned or controlled by the Central Government.

Nonetheless, the Commission retains its residuary powers to call for any individual case in respect of employees other than those who are within its normal jurisdiction.

[12]. Proceedings before Commission to be judicial proceedings.- The Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974) and every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code (45 of 1860).

Problems and possibilities

Central Vigilance Commission (CVC) is an apex Indian governmental body created in 1964 to address governmental corruption. Subsequently CVC Act, 2003 was enacted which theoretically, provided the commission with the status of an autonomous body, free of control from any executive authority, charged with monitoring all vigilance activity under the Central Government of India, and advising various authorities in central Government organizations in planning, executing, reviewing and reforming their vigilance work.

Care was taken to draft the CVC Act,2003 and it was designed to be an instrument against corruption in Indian public administration. To maintain independence in its functioning, section 1 of the act has uttered that expenses of Commission are to be charged on the Consolidated Fund of India¹⁰.

In reality, the Commission's role is advisory and in the exercise of its powers and functions, it has the same measure of independence and autonomy as the Union Public Service Commission (UPSC).

The CVC is not an investigating agency, and works through either the CBI or through the Departmental Chief Vigilance Officers. The only investigation carried out by the CVC is that of examining Civil Works of the Government which is done through the Chief Technical Officer.

Corruption investigations against government officials can proceed only after the government permits them. The CVC publishes a list of cases where permissions are pending, some of which may be more than a year old.

¹⁰ 13.Expenses of Commission to be charged on the Consolidated Fund of India.- The expenses of the Commission, including any salaries, allowances and pensions payable to or in respect of the Central Vigilance Commissioner, the Vigilance Commissioners, Secretary and the staff of the Commission, shall be charged on the Consolidated Fund of India.

The CVC has also been publishing a list of corrupt government officials against which it has recommended punitive action¹¹, but in most of the cases actions are yet to be taken. It confirms the fact that CVC is only an advisory body. Central Government Departments are free to either accept or reject CVC's advice in corruption cases¹².

CVC does not have adequate resources compared with number of complaints that it receives. It is a very small set up with a sanctioned staff strength of 299¹³, whereas, it is supposed to check corruption in more than 1500 central government departments and ministries¹⁴.

CVC has supervisory powers over CBI. However, CVC does not have the power to call for any file from CBI or to direct CBI to investigate any case in a particular manner. CBI is under administrative control of Department of Personnel and Training (DoPT), which means that, the powers to appoint, transfer, suspend CBI officers lie with DoPT. CVC cannot direct CBI to initiate inquiries against any officer of the level of Joint Secretary and above on its own. Such a permission has to be obtained from the concerned department.

CVC does not have powers to register criminal case. It deals only with vigilance or disciplinary cases.

Appointments to CVC are indirectly under the control of Govt of India, though the leader of the Opposition (in Lok Sabha) is a member of the Committee to select CVC and VCs. But the Committee considers candidates put up before it. These candidates are decided by the Government.

Under the authority of Government of India's Resolution dated 11.02.1964, the Commission was empowered to undertake an inquiry into any transaction in which a public servant was suspected or alleged to have acted for an improper purpose or in a corrupt manner irrespective of his status. It was only through subsequent administrative instructions that the Commission's jurisdiction was restricted to certain categories of employees for the purposes of its advice. Even in that situation, the Commission could call for a report on any complaint of corruption, misconduct, lack of integrity, misdemeanor, etc. against any public servant irrespective of his status. While the intention of the Supreme Court's judgement in Vineet Narain's case to accord statutory status to CVC appeared to strengthen the organisation, the provision in the CVC Act, restricting its jurisdiction to inquire into or cause an inquiry or investigation to be made into the alleged commission of offences under the PC Act and Code of Criminal Procedure only, and that too against certain categories of employees, in fact, tantamount to weakening its authority. CVC's jurisdiction is confined to Group A or Class I officers or public servants of the Government of India, the public sector enterprises of the government and the nationalized public sector banks and institutions. Even in these limited cases the

¹¹ 121 officers named in 2011 and in 2009

¹² "Make Lokpal, Lokayukta apex, independent agencies" . The Hindu. 02 Sept, 2010.

¹³ "CVC - Introduction". cvc. gov.in. Retrieved 20 June 2012.

¹⁴ "What is the Staff Strength of CVC?". indiacurrentaffairs.org. August 24, 2011.

final authority to punish a corrupt officer lies with his own department. N. Vittal, former CVC thus questions, 'if his advice is not heeded, of what use is the CVC then?' ¹⁵

Further, the Commission has been given powers to exercise superintendence over the vigilance administration of various Ministries of Central Government, PSUs, societies, autonomous organisation etc. The restriction upon the jurisdiction of the Commission to call for suo moto reports on the complaints will only hamper its functioning. The Government of India should, therefore, reconsider their proposal and authorise the Commission to call for suo moto reports on complaints irrespective of the status of the official named therein.

However, where considered necessary, the Commission is within its powers to call for individual cases in respect of employees other than those within its normally exercised jurisdiction and tender appropriate advice, but experts feel that this advisory power is not at all significant.

It has also been laid down that if there is a disagreement between the CBI and administrative authorities concerned as regards the future course of action to be taken, in respect of employees who are not within the normal jurisdiction of the Commission, the difference of opinion shall be resolved by the Commission.

The advisory jurisdiction of the Commission in respect of Central public sector undertakings was restricted in October, 1986 to Board level appointees only. The Commission has been of the view that the exclusion of other senior levels that are vested with substantial delegated powers in these enterprises considerably reduces the effectiveness of vigilance cover in these organisations.

It was envisaged in the Government of India's Resolution dated 11.02.1964 that the relevant rules under the All India Services Act would be amended in consultation with the State Governments in order to bring the Members of those Services under the purview of the Commission. However, even in the millennium years, the All India Services Officers, particularly the Members of the IAS, IPS and Indian Forest Service, do not fall within the Commission's jurisdiction if the alleged irregularities committed by them are connected with the affairs of the State Governments; it is one of the main causes for which corruption at the State level has flourished in recent years; If these officers are brought within the purview of the CVC, there is likely to be some psychological check on corruption.

Although CVC is relatively independent in its functioning, it has neither resources nor powers to inquire and take action on complaints of corruption that may act as an effective deterrence against corruption.

In the Commission's view, delayed handling of vigilance cases at different stages is largely responsible for a negative connotation of vigilance. The Commission has made efforts to tender advice within the definite time limit of three weeks when complete information has been furnished. The CDIs have also been advised to complete departmental inquiries within the time limit of six months. The objective is to underline the

¹⁵ Vittal, N., opcit, p. 2

timeliness, speed, consistence and objectivity in Commission's approach to vigilance matters. But this advice, if not given due importance, is nothing but mere paper works and in such a situation there is, perhaps, no use of maintaining a costly establishment in a poverty ridden country.

The public sectors have been addressed by the Commission indicating that there are some vital concerns which can be detrimental to the long term vigilance health of public enterprises. This fall within the advisory jurisdiction of the Commission and create only some amount of moral pressure on a democratic government. Despite all these limitations, the Commission has been experiencing a steep increase in the intake of the number of advice cases. Besides, the Commission has the onerous responsibility of supervising and monitoring the vigilance and anti-corruption work of more than 600 organisations through the set-up of Chief Vigilance Officers. More recently, the functions of according vigilance clearance for board level and higher board level appointments in PSUs and Banks require the Commission to check/scrutinise the antecedents of persons for these appointments. To cope with the pressure of work, the Commission has undertaken computerisation of its day-to-day functioning in a systematic manner, strengthening its control over vigilance activities, day-to-day monitoring and reporting system on vigilance matters etc. with the help of the National Informatics Centre (NIC).

Perhaps due to this growing importance of the CVC the government is worried regarding the appointment in the posts of Central Vigilance Commissioner and the Vigilance Commissioners. Recently, India has witnessed such a controversial situation in connection with the appointment of the Chief Vigilance Commissioner.

PJ Thomas was appointed as the Chief Vigilance Commissioner in September 2010, on the recommendation of a High Powered Committee (HPC) headed by the Prime Minister of India. The selection of the new CVC was marked by controversies, after Sushma Swaraj, who was part of three-member selection committee, objected to the choice of Thomas, citing the pending charge sheet against him. A public interest litigation was filed in the Supreme Court of India by Centre for Public Interest Litigation and India Rejuvenation Initiative.

On March 3, 2011, the Supreme Court quashed the appointment of Thomas as the Chief Vigilance Commissioner, noting that the HPC did not consider the relevant materials on the pending charge sheet. Subsequently, Mr. Thomas resigned¹⁶.

The Commission comprises of a Central Vigilance Commissioner and two vigilance commissioners. At present, K.V. Chowdary is the CVC and T.M. Bhasin is the other vigilance commissioner. According to an official order, Mr. Kumar has been appointed vigilance commissioner in the Central Vigilance Commission

¹⁶ "Thomas Resigns As CVC". Outlook India. March 3, 2011.

for a term of four years or till he attains the age of 65. The post was lying vacant since February. According to the rules, Mr. Kumar's tenure will come to an end in October 2020.

The following initiatives have been taken by CVC:- 1. National Anticorruption Strategy 2. Leveraging Technology to Prevent Corruption 3. Integrity in Public procurement 4. Awareness Campaign 5. Provision for Whistle Blowers 6. Improving the Standard of Vigilance Work 7. Computerisation of Commission's Work 8. Modern Preventive Vigilance Framework 9. International Cooperation. Etc. But CVC has to function with lots of limitations, which may raise questions regarding its credibility and utility,

- CVC is only an advisory body. Central Government Departments are free to either accept or reject CVC's advice in corruption cases.
- CVC does not have adequate resources compared with number of complaints that it receives.
- CVC has supervisory powers over CBI. But CVC cannot direct CBI to initiate inquiries against any officer of the level of Joint Secretary and above on its own. Such a permission has to be obtained from the concerned department. CVC does not have the power to call for any file from CBI or to direct CBI to investigate any case in a particular manner. CBI is under administrative control of Department of Personnel and Training (DoPT), which means that, the powers to appoint, transfer, suspend CBI officers lie with DoPT
- CVC does not have powers to register criminal case. It deals only with vigilance or disciplinary cases.

Most importantly the appointments to CVC are indirectly under the control of Govt of India, though the leader of the Opposition (in Lok Sabha) is a member of the Committee to select CVC and VCs. But the Committee considers candidates put up before it. These candidates are decided by the Government. As a result, regarding complaints of corruption against government CVC may have to go through the hurdles.

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