

# VIGILANCE SET UP IN GOVERNMENT AND ROLE OF CVC , CBI AND UPSC IN VIGILANCE SET UP

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# VIGILANCE ANGLE AT A GLANCE

1. Demanding and/or accepting gratification other than legal remuneration in respect of an official act .
2. Obtained valuable thing without consideration or with inadequate consideration from a person with whom he has or likely to have official dealing or his subordinate have official dealing or where he can exert influence.
3. Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
4. Disproportionate assets.
5. Forgery or cheating or other criminal offences

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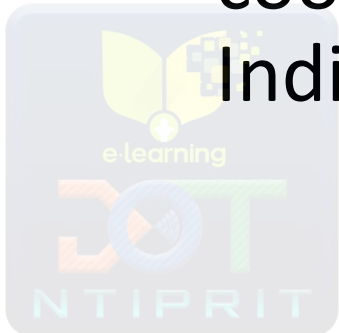
# Central Government Vigilance set up

1. Administrative Vigilance Division (AVD) in DOPT.
2. Central Bureau of Investigation (CBI)
3. Vigilance Units in Government Department and PSU headed by CVO.
4. Disciplinary Authority
5. Central Vigilance Commission (CVC)



# DVD Division in DOPT

1. AVD (DOPT Division) under MHA was set up in August 1955.
2. Overall responsibility of anti-corruption measure before establishment of CVC.
3. After formation of CVC , AVD is responsible for the formulation and implimentation of policies of the central government in field of vigilance and provide guidance and coordination to ministries /Deptt of Govt of India in matters requiring decision of GOI



# Central Vigilance Commission(CVC)

1. CVC was set up by GOI by a resolution on Dated 11.02.1964 on recommendation of *Santhanam committee* for prevention of corruption.
2. The commission was accord statutory status with effect from 25-08-1998 through “The Central Vigilance Commission ordinance 1998”
3. CVC Act 2003 came into effect from 11<sup>th</sup> September 2003.



# CVC set up

1. CVC consist one Chief vigilance commissioner and two vigilance commissioners .
2. The Chief vigilance commissioner (K .V. Chowdary (IRS 1978)) and two vigilance commissioners ( ) and Sh T M Bhasin( Ex CMD Indian Bank ) Sh Rajiv( IPS-1975))are appointed by the president by warrant under his hand and seal for a term of four years from the assumption of charges or till they attain the age of 65 yrs whichever is earlier.
3. The Central Vigilance Commission has its own Secretariat, Chief Technical Examiners' Wing (CTE) and a wing of Commissioners for Departmental Inquiries (CDI).



# CVC Secratariat

1. Secretary – 01 (AS Rank)
2. 04 Joint Secretary
3. 30 Director and Dy Secretary



# Function and Power of CVC

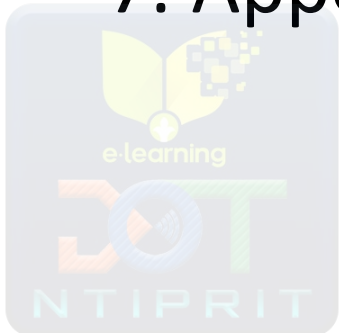
1. To exercise superintendence over the functioning of CBI .
2. To inquire or cause an inquiry or investigation to be made into any complaint against any official belonging to the following category of official
  - a. Members of All India Services serving in connection with the affairs of the union.
  - b. Grp 'A' officers of the central Government
  - c. Officers of scale V and above of PSU banks.
3. To review the progress of investigation conducted by CBI into offences alleged to have been committed under PC act.





# Function and Power of CVC

4. To review the progress of applications pending with the competent authorities for sanction of prosecution under PC act.
5. To tender advice to the central government.
6. Supervise Vigilance administration of central government.
7. Appointment of CVO's and writing their ACR's



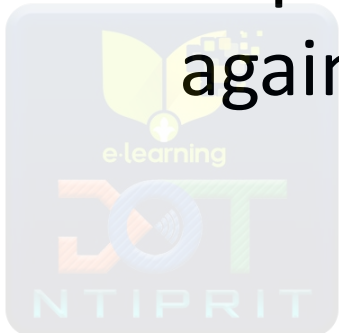
# Chief Technical Examiners' Wing (CTE)

The Chief Technical Examiner's Organisation constitutes the technical wing of the Central Vigilance Commission (India) and is manned by two Engineers of the rank of Chief Engineers (designated as Chief Technical Examiners) with supporting engineering staff. The main functions assigned to this organisation are:

1. Technical audit of construction works of Governmental organisations from a vigilance angle;
2. Investigation of specific cases of complaints relating to construction works;
3. Extension of assistance to CBI in their investigations involving technical matters
4. Tendering of advice/assistance to the Commission and Chief Vigilance Officers in vigilance cases involving technical matters.

# Commissioners for Departmental Inquiries (CDIs)

There are fourteen posts of Commissioners for Departmental Inquiries (CDI) in the Commission, 11 in the rank of Director and 03 in the rank of Deputy Secretary. The CDIs function as Inquiry Officers to conduct Oral inquiries in departmental proceeding initiated against public servants



# CVC Annual report

The commission is required to present annual report to the President as to the work done by it within six month of the close of the year report .The report contain a separate part on the superintendence by the commission on the functioning of Delhi special police establishment. The president shall cause the same to be laid before each House of Parliament



# Chief Vigilance Officer's

CVO heads the vigilance unit of the Organization and acts as a special assistant/advisor to the chief executive in all matters pertaining to vigilance.

CVO functions

1. Preventive Vigilance
2. Punitive Vigilance
3. Surveillance and detection

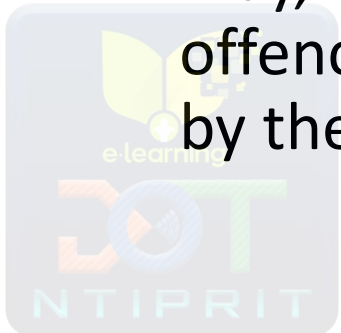


# Central Bureau of Investigation (CBI)

The CBI was constituted under the GOI resolution Dated 01-04-1963.

The investigation work is done through SPE ( Special police establishment ) wing of the CBI, Which derives its powers from the DSPE ( Delhi special police establishment ) Act 1946 to inquire and to investigate certain specified offences or classes of offences pertaining to corruption and other kinds of malpractices involving public servants with a view to bring them to book.

Section 3 of the Act provides that the central government may, by notification in the official gazette specify the offences or class of offences which are to be investigated by the CBI.



# Central Bureau of Investigation (CBI)

- SPE wing of CBI has two Divisions
  1. Anti corruption Division :
  2. Special Crimes Division



# Anti corruption Division

- Anti corruption Division of CBI investigate all cases registered under PC act 1988.If an offence under any other section of IPC or any other law is committed along with offence of bribery and corruption it will also be investigated by the anti corruption Division .
- The ACD will also investigate the cases pertaining to serious irregularities allegedly committed by public servants
- ACD will also investigate cases against public servants belonging to state govt if entrusted to CBI.



# Special Crimes Division

- Special Crimes Division investigate all cases of Economic offences and all cases of conventional crimes such as offences related to internal security ,sabotage ,murders, cheating, forgeries and other offences under IPC and other laws notified under section 3 of DSPE act.



# CBI Directorate

- The administration of (DSPE) vests in the Director of CBI who is appointed on the recommendation of a committee headed by the Chief Vigilance Commissioner .
- Director CBI holds the office for a period not less than 2 years from the date of assumption of charges.
- The Director CBI shall exercise in respect of DSPE such of the powers exercisable by An IG of police in respect of police force .



There are irregularities where circumstances will have to be weighted carefully to take a view whether officer integrity is in doubt.

When there is a difference of opinion between the Disciplinary authority and the CVO the matter would be referred to the commission for advise.



# UPSC

- **Art. 320** of the constitution of India have categorically enumerated the functions of the Union Public Service Commission. Which includes advice to the Presidents on

*“ All disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matter”*



# UPSC contd.

- UPSC must be consulted before the decision to take action against him is made.
- A convention has developed that the advice tendered by the UPSC is normally accepted although the advice is not binding .



THANK YOU

