

Vigilance Awareness: Issues and Challenges

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ABSTRACT

Central Vigilance Commission is the apex vigilance institution, free of control from any executive authority, monitoring all vigilance activity under the Central Government and advising various authorities in Central Government organizations in planning, executing, reviewing and reforming their vigilance work. Vigilance means to ensure clean and prompt administrative action towards achieving efficiency and effectiveness of the employees in particular and the organization in general, as lack of Vigilance leads to waste, losses and economic decline. The CVC was set up by the Government in February, 1964 on the recommendations of the Committee on Prevention of Corruption, headed by Shri K. Santhanam. In 2003, the Parliament enacted CVC Act conferring statutory status on the CVC. The CVC is not controlled by any Ministry/Department. It is an independent body which is only responsible to the Parliament.

Keywords: Vigilance, Corruption, Commission, CVC, Indian Constitution

"If we cannot make India corruption-free, then the vision of making the nation develop by 2020 would remain as a dream."

- Dr. A.P. Abdul Kalam.

In India after Independence despite its overall progress and development, corruption has simultaneously assumed such alarming proportions that it has become a veritable threat to India's democracy and socio-economic advancement. Though corruption in public life has been witnessed ever since the beginning of human civilization, it has become an all-pervasive phenomenon only in recent years. Its linkages and interconnections, quite often cross local boundaries and, at times, involve a number of nations and their citizens, governments and business concerns. We may recall just by way of example Harshad Mehta Bank scam, sugar scandal, Jain Hawala. JMM MPs' bribery case, urea scam, Lakhubhai cheating case, the Bihar animal husbandry scam, Government accommodation (out of turn) allotment scam, allotments of gas agencies and petrol pumps from the discretionary quota petroleum minister and many more other scams, they have not been confined strictly to the four corners of one nation, with globalization of economic and financial relations, the ramification of corruption have become more complex and deeper. There is hardly any country in the world untouched by the virus of

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corruption and not even the most stringent punishment of execution (as in China) has been able to curb the disease of white collar corruption. In 2012 India has ranked 94th out of 176 countries in Transparency International corruption Perceptions Index, tied with Benin, Colombia, Djibouti, Greece, Moldova, Mongolia and Sengal.

ANTI-CORRUPTION FRAMEWORK IN INDIA

Certain public sector anti-corruption safeguards in India perform very well while others do not. India's performance on the *2009 Global Integrity Index* indicates a huge gap between anti-corruption policies and practice. The legal and institutional framework to curb corruption is well developed and the country receives high scores in terms of anti-corruption law and institutions. This was testified by an analysis conducted by *Transparency India* in 2007 to identify possible gaps between the *UN Convention against Corruption (UNCAC)* and the legal and institutional framework of India. The biggest substantial gap identified by the report was in the area of whistleblower protection. Thus, the law enforcement is significantly weak, suggesting a lack of political will to effectively address corruption challenges in the country.

THE INSTITUTIONAL FRAMEWORK

The Central Vigilance Commission (CVC) is the apex watchdog agency established in 1964. The CVC can investigate complaints against high level public officials at the central level; not at the state level. In 2005-09, CVC slapped penalties on 13,061 CASES (average 2612 per year).

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LOOPHOLES IN THE CENTRAL VIGILANCE COMMISSION (CVC)

Instead of Nobel character of C.V.C. there are many loopholes which are responsible for lowering down estimation of C.V.C. they are as follows:

- Though C.V.C. is an advisory body, but the Government is not bound to act according to the advice of the commission. The CVC in its 1982 annual report has mentioned several cases where the advice of the commission or imposing penalty on the erring officials have not been accepted by the Government.
- It is a non-statutory body, established by resolution only.
- The commission has restricted itself to the cases pertaining only to the Gazetted officers and employees of the public undertakings and nationalized banks.
- The C.V. Commissioner has no adjudicatory function as such in disciplinary proceedings against the Government. It is not competent for giving sanction for criminal prosecution of offence committed by public servant while discharging their official functions.

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- CVC never investigate itself but depends upon the report on the investigation of the C.B.I. or ministry or department concern.
- Though it is said that CVC function independently without Govt. interference but-in actual practice the picture becomes different, the ministers interference in the working of CVC and use of their influence many a time suppress any report of corruption.

CHALLENGES IN THE CENTRAL VIGILANCE COMMISSION (CVC)

In my view, the CVC is bogged with the following challenges:

- Fairness and Transparency in selection and appointment of Chief Vigilance officers.
- Its function is only, not advisory, not investigate. It solely depends upon the investigate machinery of the organization concerned that is mostly led by the biases, prejudices and directions of the high ups of the organization. So, danger of lack of transparency and justice looms large even in the recommendations of the CVC based on the investigations and the reports of the Departmental inquiries.
- Emphasis cannot be laid on finding of Vigilance Commissioner.
- Safeguard from wrong, biased and prejudiced actions against honest and sincere employees cannot be ensured by the CVC.
- Protection of lives of the Whistle blowers against the corrupt officers cannot be ensured.
- No, yardstick to identify the false complaints against innocent employees has yet been evolved.
- Use of catalytic attitude in one and all cases reported by the organisations, instead of being analytical in cases reported for vigilance advice.
- Stress on stringent penalties in most of the cases received for Vigilance advice, rather than evolving methods of reformation of the acts and behaviours of the employees:
- Lack of initiatives in involving methods of preventive vigilance to curb frauds and corruption in various organisations. The CVC restricts mostly up to the publishing of the articles of the CVOs containing their theoretical perceptions, instead of practical measures taken or to be adopted to prevent frauds and corruption.

CONCLUSION

In the recent past, India has emerged as a progressive and vibrant economy. With the rapid growth in all sectors of the economy, huge investments were made in country's infrastructure; construction, retail and many other sectors in the government. Rapid growth in economy throws up CVCs' challenges in the fight against the menace of corruption. There is greater need in such times to address the shortcomings in the system of CVC.

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Conflict of Interest

The author declared no conflict of interest.

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