

Anti-Corruption Agencies**Central Vigilance Commission:**

- Central Vigilance Commission was established in 1964 under the recommendations of Santhanam Committee, it gained statutory authority in 2003 CVC Act.
- It was envisaged to prevent corruption in governance and hold civil servants responsible for their malafide actions.

Role and Mandate of the CVC:

- It is considered to be the coordinating authority to check Corruption for All India services, Central services, PSUs and other departments.
- It heads the Delhi Special Police in cases of Corruption.
- It reviews the grants of prosecution clearance by the government.
- It recommend disciplinary actions against higher officials of Group A, B, All India services etc.
- It is basically considered to be the nodal agency to tackle corruption at the national level.

Effectiveness of CVC:

- In sync with its mandate CVC has proved to be an effective organization in tackling corruption, it has proved its mettle in the past by the following actions.
 - It has led to smooth appointment of important officers at various posts in the past.
 - It has taken noteworthy action in the past against senior officials, senior personnel and even many politicians.
 - It organises vigilance week every year to create awareness against the menace of Corruption.
 - It acts as a civil court and can act “Suo Motto”

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- The independence of CVC is maintained as it is recruited by an independent committee consisting of PM, Home Minister, Leader of Opposition etc.

Some issues with CVC:

- However, the expectation that CVC will be an institute which can prove to be “One Stop Solution” to tackle Corruption in the country has been proved to be a hoax, due to the following ineffectiveness-
 - The Decisions of the CVC are not binding on the organizations or ministries.
 - Very low conviction rate has reduced the impact of CVC and its effectiveness.
 - There is huge delay in the cases that CVC handles, hence it does not act as an effective deterrent.
 - CVC is often considered a powerless agency as it is treated as an advisory body only with no power to register criminal case against government officials or direct CBI to initiate inquiries against any officer of the level of Joint Secretary and above.
 - Although CVC is “relatively independent” in its functioning, it neither has the resources nor the power to take action on complaints of corruption.
 - In most cases, the domains and the jurisdiction of the organizations is not clear.
 - Multiplicity of organization leads to work duplication and reduces the effectiveness.
 - The post of Central Vigilance Commissioner has remained vacant for a long period of time.
- Corruption is one issue that needs effective institutions to tackle the same, the demand of new institutions like Lokpal is on the rise due to the failure of the existing organization like the CVC.

- The powers of the CVC with respect to its mandate, the financial independence, and increase in the implementation of otherwise the just advisory role of the CVC needs to be tackled.
- Mandate of the CVC.

Lok Adalat

Appearance

- Justice Bhagwati's recommendation
- Legal status under the Legal Services Authorities Act 1987
- 1982-First Lok Adalat set up in Gujarat.

Guidelines

- Article 39A – Free service based on Gandhian principle, no charge.

Purpose

- Justice to the weaker sections
- Consolidation of multiple cases saving time and cost

Organization

- Chairman - 1 (Retired Judge)
- Members – 2 (Lawyer, Sociologist)

Powers

- Its legal authority shall be determined by the District (a) State bodies
- Jurisdiction equivalent to a civil court
- The decision shall be binding on all parties
- There is no appeal if settled in these courts.

Matters included in Lok Adalat:

- Criminology
- Sociology
- Revenue Courts
- Tribunals

Conditions

- If both parties have applied for conciliation, such cases will come before the Lok Adalat

Benefits

- Fast track court
- The court hears pending cases
- An alternative to solving the problem

1996, October 3

- The Supreme (M) High Court conducted Lok Adalat and disposed of thousands of cases.

Ombudsman

Appearance

- 1809 - Introduction in Sweden
- 1966 - Recommendation of Administrative Reform Commission in India
- Creation of Lokpal, Lok Ayukta based on this.

Purpose

- Investigate and administer justice in crimes against central and state government officials

Public grievances

- Public grievances are public grievances such as corruption, disruption of public activities (c) delay.

Grievance Commissioner- 1966

- Regularization of activities of government bodies for redressal of citizens' grievances
- Providing efficient leadership to these
- Grievance rooms were set up in ministries.

Reasons for formation of ombudsman

- Excessive proliferation of government activities
- Discretionary powers vested in officers
- Delegated Acts
- Citizens' expectations from authorities
- Inability to control the executive branch by the legislative branch
- Delays caused by courts are costly
- Loss of confidence in governance among citizens
- The need for independent organization

Characteristics

- The medium is infallible
- Non-political
- Beyond the regular managerial hierarchy

Defects

- Advisory system only
- No administrative function can be modified

Lokpal & Lok Ayukta

Lokpal

- Since 1966, the Administrative Reforms Commission has recommended
- Like Scandi Navion
- Lokpal Bill was enacted in 2014.

Purpose

- Elimination of corruption in public works
- Holding public servants including the Prime Minister accountable

Organization

- Chairman – 1 (Retired Chief Justice of Supreme / High Court)
- Members – 8
- 50% members are caste, minority, women

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- Tenure – 5 years / 70 years
- No reappointment.

Selection Committee

- Prime Minister
- Speaker of the Lok Sabha
- Leader of Opposition in Lok Sabha
- Supreme Court Judge
- Legal expert

16th Constitutional Amendment Act

- All public servants
- Includes non-governmental organizations that receive foreign donations.

Limitations of Lokpal

- The Lokpal itself cannot initiate a case against any government servant.
- Emphasizes the form rather than the nature of the complaint.
- Prevents complaints from coming to Lokpal by providing severe punishment for false & frivolous complaints against government servants.
- Anonymous complaints are not allowed.
- Legal aid to the Government servant against whom the complaint is lodged
- Limitation of 7 years for filing complaints
- A very opaque system of handling complaints against the Prime Minister

Lok Ayukta

- States should set up Lokayukta on the model of Lokpal.
- Ministers of State will investigate crimes against the Chief Minister
- 1971 – First introduced in Maharashtra
- Its authority and function is not uniform across the country.

Duties and Powers

- Supervise and regulate the intelligence agencies including the Central Intelligence Agency

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- Union Ministers including the Prime Minister come under the jurisdiction of Lokpal
- Central Intelligence Agency officers may be reassigned by the Lokpal.
- Special courts will be set up to try the cases
- The Central Bureau of Investigation may appoint a prosecution team with the approval of the Lokpal.
- The complaint is in the language of the 8th Schedule
- Protection of complainant

Defect

- Advisory system only
- No power to punish
- Judiciary, Army, Navy and Intelligence are exempted.
- The success of Lokpal depends on its functioning.
- Its appointment is not free from political influence
- Transparency in appointment is essential process
- Report in 60 days
- Result in 30 days
- Maximum tenure – 2 years

Highlights

- Independent organization
- No political interference
- The investigation is transparent

Right to Information Act – 2005

- The Right to Information Act - 2005 came into force from October 2005.

Purpose:

- To provide the people in all parts of the country with the right to access information from government officials as a fundamental right
- To bring transparency in the functioning of government officials
- Controlling corruption

- Ensuring that government departments and institutions are accountable to the people
- A practical format is given to provide information to the people.
- Repealed the Secrets of Government Documents Act 1923, which prohibits disclosure of information to the public

Jurisdiction

- All the various offices created by the Central, State and Union Territory Governments either on their own or directly or through financial assistance are covered under this Act.

Information

- Includes records, documents, office memos, e-mail, comments, suggestions, and information - data.

Registers are

- All kinds of documents, manuscripts, files
- Microscroll, photocopy, copies of registered document
- Documents produced by devices such as computers

Right to information

- Right to inspect works, documents, records
- Right to receive notes, summaries etc
- Right to take samples
- Parliament and Legislature should not be denied information.
- At no time should law-making bodies be denied information.

Secrets to be protected

- The sovereignty, integrity, security, economic (m) scientific interests of the country, foreign affairs information etc. are to be protected.

Exception

- Intelligence

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- Private companies are not covered under the Act

Right to Information (Amendment) Act – 2019

- Central Information Commissioner
- Revision of Status, Pay, Tenure of State Information Commissioners
- Term – Prescribed by the Central Government.
- Salaries, Allowance, Terms of Service – Prescribed by Central Government

Impact

- Affect the distribution of power
- Its autonomy will be affected
- Affect the federal system
- Affects freedom of expression
- Curbing the independence of Information Commissioners
- This law will weaken

