Chapter – V
SUMMARY AND CONCLUSION

The present study is to find the origin of “Vigilance” and its “Uniqueness in India”. In order to achieve the objective, an in-depth Review of Literature has been made. As many as 73 Reports of various commissions / committees set-up and appointed by the Government of India on Administration from the Year 1812 to 2004 have been studied.

The annual report of the CVC from the year 1964 onwards was perused for possible clues on the research. The Annual Reports of the Central Vigilance Commission deal with the set-up of the Commission and the circumstances under which it was set up. The Annual Reports of the CVC gave an excellent lead to reach the report of the Committee of Prevention of Corruption, famously known as ‘Santhanam Committee’. The Santhanam Committee can be termed as the ‘The mother of anti-corruption agencies in India’ because the Central Vigilance Commission, the Central Bureau of Investigation (earlier DSPE) and the Enforcement Directorate (ED) were born out of it. Unfortunately, the eldest child, ‘the Lokpal’ recommended by the Santhanam Committee is yet to be born.

A study on Anti-Corruption Agencies across the world was made to see whether the concept of Vigilance relating to anti-corruption exists in any other country. It was observed that none of the countries have the anti-corruption mechanism named after ‘vigilance’ except India.
The history and evolution of the Anti Corruption Agencies in India was analysed to reach the origin of Vigilance in India. Based on these studies a Questionnaire was designed and interviews were taken from the anti-corruption experts, practioners and administrators from India and from countries other than India. Subsequently these primary data were analysed and interpreted vis-à-vis the reports of the Committees and the Commissions to check the veracity of the feed back. Further the study of current trends and past history including data available in the public domain (web sites / publications) were also made.

The whole research is focussed on (i) the origin of “vigilance” and (ii) the uniqueness of vigilance in India. Based on the research as enumerated in the previous chapters supported by views and expert opinions on anti-corruption experts in India as well as other countries and also on the supporting materials available in the various reports and publications, the following conclusions are drawn.

5.1 Origin of Vigilance

The Origin of Vigilance in India goes beyond the setting up of the Central Vigilance Commission in 1964 based on the recommendation of the Santhanam Committee. There were a number of Committees set up by the Government immediately after independence as discussed in Chapter I and it was the early 1950s that is attributable to the origin of vigilance as a mechanism to tackle the issue of corruption in India. In fact, the Administrative Vigilance Division (AVD) came into existence under the then Ministry of Home Affairs during August 1955, as an establishment to assume overall
responsibility to direct and coordinate anti-corruption activities of all the Ministries in the Government of India. This was based on the detailed report in the First Five Year Plan (1951-56) on “Integrity in Administration” with one of the suggestions “Heads of departments should keep under constant review possibilities for corruption which current policies and procedures may provide and should maintain a watchful eye on the extent and forms of corruption which may, at any time, prevail within their organisations”. This suggestion on maintaining a watchful eye has paved way to coin the word “Vigilance” which literally means “watchfulness”. This is supported by the fact that simultaneously during the same period, based on one of the recommendations of the Railway Corruption Enquiry Committee known as Acharya Kripalani Committee report dated 9th July 1955, the existing anti-corruption departments were re-named as Vigilance units for greater effectiveness. Further, it was observed that none of the reports of the Committees and the Commissions set up in the pre-independence and post-independence era relating to public administration till this period - 1950s, refer to something called ‘Vigilance’. This fact has emerged out of the reports of the Committees and the Commissions studied under ‘Review of Literature’. In a nutshell, the review of literature greatly helped the researcher to narrow down to the exact period in the timeline when the concept of ‘Vigilance’ was adopted in India and thus determined the ‘Origin of Vigilance in India’.

Therefore, it can be concluded that the Origin of Vigilance in India as an anti-corruption tool dates back to the period of First Five Year Plan of the Planning Commission of India - 1951-56, particularly 8th August 1955, when the Ministry of Home
Affairs proposed the creation of the Administrative Vigilance Organisation for dealing with corruption in the public services to co-ordinate the works of the Vigilance Officers to be nominated in all the Ministries and the Departments.

5.2 Uniqueness of Vigilance in India

From the analysis and interpretation of the various reports and the expert opinions and views of anti-corruption practitioners, it is evident that none of the countries other than India has the mechanism called “VIGILANCE” to tackle the issue of Corruption.

This Uniqueness of Vigilance is not only in its terminology in India, but also in the functions attached to it as is evident from one of the main recommendations of the Santhanam Committee on setting up of the Central Vigilance Commission as discussed in Chapter I which is as follows:

“The Central Vigilance Commission should consist of three Directorates, one to deal with general complaints of citizens (Directorate of General Complaints and Redress), another to deal with all vigilance matters (Directorate of Vigilance) and the third the Central Police Organisation which would exercise the powers now exercised by the Delhi Special Police Establishment till such time as the Central Bureau of Investigation is set up”.

(Para 2 of Annexure VI of the Santhanam Committee’s Report)

Santhanam Committee through this recommendation made a lucid differentiation between complaint redressal on general complaints, vigilance activities and criminal
action on corruption. The data collection and analysis also confirmed that the Vigilance Organisations such as CVC at the macro level and the CVOs at the micro level do handle anti-corruption cases which are called vigilance cases. While the primary role of vigilance organisations is ‘preventive’, these anti-corruption cases constitute the role of ‘punitive’. These views are supported by the anti-corruption experts in response to the Questionnaire administered, as discussed in Chapter IV.

While evolving vigilance mechanism in India, the government had also put in place the CDA Rules (Conduct, Discipline and Appeal Rules) in the departments/organisations. With this arrangement, the vigilance department’s recommendations of the vigilance department became a key input for the disciplinary authorities (DA), designated under the respective CDA Rules, who were vested with the powers to take penal action against the erring public servants. The CDA Rules which were initially meant for the civil servants, mainly the officers of the All India Services were gradually extended to all the public servants working in the Central government departments. Subsequently, the CDA Rules were made applicable to all the Public Sector Enterprises also. Today, all the central government departments and organisations are covered under the CDA Rules either of their own or by that of the Central Government and the State governments are no way an exception to this.

The CDA Rules empower the heads of departments to maintain a watchful eye - Vigilance over the extent and forms of corruption and take corrective action including penal action within the department as envisaged in the First Five Year Plan.
Therefore, Vigilance is not only unique to India as a terminology but also as a preventive inbuilt mechanism within the Organisation to tackle the issue of Corruption. In view of the above, it can be concluded that India is the only country to have evolved a mechanism called ‘Vigilance’ to address the issue of corruption.

While any research is focussed on arriving at a logical conclusion of the research problem, in the interest of the Nation, particularly when the research problem is relating to an issue like corruption, which is current and debated more frequently than in the past, it would be appropriate for the researcher to highlight or recommend certain observations made during the research. Accordingly, the following observations which the researcher came across during the research are worth mentioning and could be taken as recommendation for future action.

1. The recommendation No.71 of the Santhanam Committee reads as follows:

“71. Sub-offices of the Central Vigilance Commission may be established at Bombay, Calcutta, Delhi and Madras in charge of serving Government servants of a sufficiently high rank and to discharge such functions and duties as may be allotted to them by the Central Vigilance Commission.’

It is worthwhile that the above recommendation of the Santhanam Committee should be implemented.
Jurisdiction of the Central Vigilance Commission is presently restricted to the departments and organisations which are coming under the Union of India. Perhaps the CVC should take up the issue further to place itself at par with the Chief Election Commission (CEC) which is responsible for the State Elections to cover the anti-corruption measures all over the country including the States. For this purpose, the CVC needs to be given the Constitutional status with the State Vigilance Commissions under its fold. There is a sound logic behind this recommendation as the money flows to the State from the Union government under the RBI regulations and therefore there is an overall responsibility of the Union to be accountable for all the funds transferred to the State and hence the CVC could be made as the anti corruption apex body of India covering both Union and State Government.

2. One of the recommendations of the Interim Report of the Administrative Reforms Commission on Problems of Redress of Citizens’ Grievances was to set up of two institutions to be designated the ‘Lokpal’ and the Lokayukta. The Lokpal will look into complaints against administrative acts of Ministers and Secretaries to Government – at the Centre and in the States. The Lokayukta, one to be appointed in each State and one at the Centre, will look into complaints against the administrative acts of other authorities. The main features of the institutions of Lokpal and Lokayukta would be the following:

a. They should be demonstrably independent and impartial.
b. Their investigations and proceedings should be conducted in private and should be informal in character.

c. Their appointment should, as far as possible, be non-political.

d. Their status should compare with the highest judicial functionaries in the country.

e. They should deal with matters in the discretionary field involving acts of injustice, corruption or favouritism.

f. Their proceedings should not be subjected to judicial interference and they should have the maximum latitude and powers in obtaining information relevant to their duties.

g. They should not look forward to any benefit or pecuniary advantage from the executive Government.

Had this been implemented and a Lokpal set up along with the CVC in 1964, India, perhaps, would have been a different country altogether as far as the issue of high level corruption is concerned. Even now, the CVC itself could take the avatar of Lokpal. Instead of creating yet another organisation in the name of Lokpal, which would ultimately have to be manned by people from the same society, it would be prudent to rename the CVC itself as Lokpal and provide requisite autonomy and authority as envisaged.

3. The Commission may also consider taking officials on deputation from the State Governments, so that such officials could carry home the vigilance experience which
could be utilised for the state governments by entrusting them with the vigilance work in the state government departments.

4. There is yet another opportunity available in taking officers from various central services on deputation to the CVC. For the purpose of deputation to the CVC, there should be a condition in such a way that the officers who are taken on deputation to the CVC should initially work in the CVC for a period of 2-3 years and then would be posted as the CVO in some organisation/department depending upon the need / choice. This in a way would be like an internship in the CVC followed by a practical regular work in the organisations.

5. The CVC, with its in-house repository of knowledge available by way of handling thousands of complaints, cases and tendering advice over half a century, could set up a Vigilance Academy for the benefit of the Nation and the international community as well.

The above recommendations, if implemented will go a long way in ensuring integrity in administration in India.

Appendix I

BIBLIOGRAPHY

BOOKS:


60. Narasimhan C V – “Strategies to deal with corruption in Organisations” DEC 2000, VIGILANCE PROFESSIONAL – VOLUME 1


64. Prasanna Gettu., Corruption – A Public View, Theses submitted to University of Madras, 1989.


71. Shriram Maheshwari, Administrative Reforms in India, New Delhi, MACMILLAN India Limited, 1981.
75. Suresh G – “Equation for a Bribe – A Newton’s Approach” Sep 2003, VIGILANCE PROFESSIONAL – VOLUME III
REPORTS:

83. Central Vigilance Commission’s Annual Report – 1964
84. Report on Public Administration” – 1951
85. Reports on the Re-organisation of Central Government - 1945 – 46
86. Special Chapter on Vigilance Management in Public Sector Enterprises – July 1999
   – issued by the Central Vigilance Commission
88. The Administrative Reforms Commission – 1970
89. The Committee on Prevention of Corruption – 1962
90. The Government of India Secretariat Committee – 1937
91. The Railway Corruption Enquiry Committee - 1955
92. The Reforms Enquiry Committee- 1924

WEBSITE:

93. www.worldbank.org
94. http://cvc.nic.in/vigman