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Topic : **Corruption & Central Vigilance Commission Lok Adalat's – Controller and Auditor General of India**

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**Commissioner,
Department of Employment and Training.**

CORRUPTION & CENTRAL VIGILANCE COMMISSION LOK ADALAT'S - CONTROLLER AND AUDITOR GENERAL OF INDIA

CORRUPTION

CORRUPTION - Latin word "to break"

Definition:

It is the use of public power for private profit in a way that constitutes a breach of law or a deviation from the norms of society.

Forms of Corruption:

1. Bribery : Accepting gift /cash using power.
2. Misappropriation : Using public money for private gain.
3. Patronage : Wrong support / encouragement
4. Favouritism : undue favour to preferred person
5. Nepotism : Favour Relatives

Impact of Corruption:

1. Retarded economic development of country.
2. Violence and lawlessness.
3. Gives rise to casteism, linguism, communalism

4. black money in country.

5. Destabilized government

6. Widen imbalance between rich & poor

International Anti-Corruption Day has been observed annually, on 9 December, since the passage of the United Nations Convention Against Corruption on 31 October 2003

THE CENTRAL BUREAU OF INVESTIGATION

CBI – Director – Alok Kumar Verma

Origin:

- ❖ The Central Bureau of Investigation traces its origin to the Special Police Establishment (SPE) which was set up in 1941 by the Government of India.
- ❖ The functions of the SPE then were to investigate cases of bribery and corruption in transactions with the War &

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| <p>Supply Department of India during World War II.</p> <p>❖ The DSPE (Delhi special police establishment) acquired its popular current name, Central Bureau of Investigation (CBI), through a Home Ministry resolution dated 1.4.1963.</p> | <p>a) Chief Vigilance Commissioner – chairperson</p> <p>b) Vigilance Commissioners – members</p> <p>c) Secretary, Home Ministry – member</p> <p>d) Secretary (Coordination and Public Grievances) in the Cabinet Secretariat – member</p> |
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Organisational structure:

The CBI is headed by a director, an IPS officer with a rank of Director General of Police or Commissioner of Police (State). The director is selected based on the CVC Act 2003, and has a two-year term. Other ranks in the CBI which may be staffed by the IPS or the IRS are Special director, Additional director, Joint director, Deputy inspector general of police, Senior superintendent of police and Superintendent of police.

Selection Committee:

According to the CVC Act 2003, the committee recommends a panel of officers for director of the CBI. It consists of:

When making recommendations, the committee considers the views of the outgoing director. Final selection is made by the Appointments Committee of the Cabinet from the panel recommended by the selection committee.

Jurisdiction, powers and restrictions:

- ❖ The legal powers of investigation of the CBI are derived from the DSPE Act 1946, which confers powers, duties, privileges and liabilities on the Delhi Special Police Establishment (CBI) and officers of the Union Territories.
- ❖ The central government may extend to any area (except Union Territories) the powers and

jurisdiction of the CBI for investigation, subject to the consent of the government of the concerned state. Members of the CBI at or above the rank of sub-inspector may be considered officers in charge of police stations. Under the act, the CBI can investigate only with notification by the central government.

Relationship to state police

Maintaining law and order is a state responsibility as "police" is a State subject, and the jurisdiction to investigate crime lies with the state police exclusively. The CBI being a Union subject may investigate:

- ❖ Offenses against central-government employees, or concerning affairs of the central government and employees of central public-sector undertakings and public-sector banks
- ❖ Cases involving the financial interests of the central government

- ❖ Breaches of central laws enforceable by the Government of India
- ❖ Major fraud or embezzlement; multi-state organised crime
- ❖ Multi - agency or international cases

COMPTROLLER & AUDITOR

GENERAL (CAG)

- ❖ The constitution of India (Article 148) provides for an independent office of the Comptroller and Auditor General of India (CAG). He is the head of the Indian Audit and Accounts Department. He is the guardian of the public purse. Appointed by the President.
- ❖ Holds office for 6 years or till 65 years of age.
- ❖ The President can remove him only on the recommendation of the two houses of Parliament (as in case of judge of Supreme Court).
- ❖ He is not eligible for further office, either under the Government of India or of any state, after he ceases to hold his office.
- ❖ His salary is equal to that of a judge of the Supreme Court.

13th – CAG of India
(Rajiv Mehrishi)
Present – Shashikant Sharma

Duties and Powers:

- ❖ His duties are to audit the accounts of the Union and the States and to ensure that nothing is spent out of the Consolidated Fund of India or of the States without the sanction of the Parliament or the respective State Legislatures.
- ❖ The Constitution (Article 149) authorises the Parliament to prescribe the duties and powers of the CAG in relation to the accounts of the Union and of the states and of any other authority or body.
- ❖ He advises the President with regard to prescription of the form in which the accounts of the centre and the states shall be kept (Article 150).
- ❖ He submits an audit report of the Union to the President who shall lay it before the Parliament and the audit reports of the States to
- ❖ the respective Governors who shall lay it before the respective State Legislatures (Article 151).
- ❖ The CAG submits three audit reports to the President – audit report on appropriation accounts, audit report on finance accounts, and audit report on public undertakings. The president lays these reports before both the Houses of Parliament.
- ❖ He is responsible only to the Parliament. In short the CAG acts as the custodian & trustee of public money.

ATTORNEY-GENERAL

- ❖ The Constitution (Article 76) has provided for the office of the Attorney General for India. He is the highest law officer in the country. Appointed by the President.
- ❖ The person should be qualified to be appointed a judge on these.

Present – K.K. Venugopal

No.	Comptroller and Auditor General of India	Year tenure began	Year tenure ended
1	V. Narahari Rao	1948	1954
2	A. K. Chanda	1954	1960
3	A. K. Roy	1960	1966
4	S. Ranganathan	1966	1972
5	A. Bakshi	1972	1978
6	Gian Prakash	1978	1984
7	T. N. Chaturvedi	1984	1990
8	C. G. Somiah	1990	1996
9	V. K. Shunglu	1996	2002
10	VN Kaul	2002	2008
11	Vinod Rai	2008	2013
12	Shashi Kant Sharma	2013	Incumbent (6 years tenure or 65 years of age, whichever is earlier]

Rights and Limitations:

- ❖ He is entitled to audience in all courts of the country & can take part in the proceedings of the Parliament and its committees. However, he is not given the right to vote.
- ❖ He is also allowed to take up private practice provided the other party is not the State. Because of

this, he is not paid salary but a retainer to be determined by the President.

- ❖ The Attorney General is assisted by two Solicitors-General and four Additional Solicitors-General.
- ❖ The Attorney General gets a retainer equivalent to the salary of a judge of the Supreme Court.

Functions:

- ❖ Gives advice on all such legal matters which may be referred or assigned to him by the President.
- ❖ Appears before the Supreme Court and various High Courts in cases involving the Govt. Of India. [Every state shall have an Advocate-General to advice the govt. On legal matters – Article 165].

first State to introduce the institution of Lokayukta in 1971. There are no Lokayuktas in Arunachal Pradesh, Jammu Kashmir, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tamil Nadu, Tripura and West Bengal. The process to set up Lokayukta in Goa is in progress.

- ❖ Karnataka's Lokayukta is considered one of the strongest..

LOKAYUKTA

- ❖ The Lokayukta is an anti-corruption authority ombudsman (An ombudsman is an official, appointed by the government or by parliament to represent the interests of the public). He works along with the Income Tax Department and the Anti Corruption Bureau. The Lokayukta (sometimes referred to the institution itself) investigates allegations of corruption and mal-administration against public servants and is tasked with speedy redressal of public grievances.

Appointment

- ❖ The Lokayukta is usually a former High Court Chief Justice or former Supreme Court judge and has a fixed tenure.

Roles

- ❖ Any citizen can make his/her complaints of corruption directly to the Lokayukta against any government official or elected representative. Lokayukta's power varies from State to State. In some States, the Lokayukta inquires into allegations against public functionaries including Chief Minister, Ministers and MLAs. While some has the power to investigate into civil servants/bureaucrats, judiciary and police.

States that have this authority:

- ❖ Only 19 Indian States have Lokayukta. Maharashtra was the

CENTRAL VIGILANCE COMMISSION

- ❖ The Central Vigilance Commission (CVC) is the main agency for preventing corruption in the Central governments. It was established in 1964 by an executive resolution of the Central government and it was recommended by the Santhanam Committee on Prevention of Corruption (1962-64).
- ❖ Thus, originally the CVC was neither a constitutional body nor a statutory body. Recently, in September 2003, the Parliament enacted a law conferring statutory status on the CVC.

Composition:

The Commission shall consist of

- ❖ A Central Vigilance Commissioner - Chairperson;
- ❖ Not more than two Vigilance Commissioners - Members;

Appointment:

By the President on the recommendation of a three-member committee consisting of

1. The prime Minister as its head

2. The Union Minister of Home affairs
3. The Leader of the Opposition in the Lok Sabha

Present, CVC

- **Shri KV Chowdary**

Other Vigilance Commissioners

- **Shri Rajiv**
- **Tejendra Mohan Bhasin**

Term and Tenure:

- ❖ They hold office for a term of four years or until they attain the age of sixty five years whichever is earlier.
- ❖ After their tenure, they are not eligible for further employment under the Central or a state government.

Salary:

Similar to those of the Chairman of UPSC and that of the vigilance commissioner are similar to those of a member of UPSC.

Functions:

- ❖ To inquire or cause an inquiry or investigation to be conducted on a reference made by the Central government wherein it is alleged

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- ◆ that a public servant being an employee of the Central government or its authorities, has committed an offence under the Prevention of Corruption Act, 1988.
 - ❖ To exercise superintendence over the functioning of Delhi special police establishment.
 - ❖ To give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under the Delhi Special Police Establishment Act, 1946.
 - ❖ To tender advice to the Central government and its authorities on such matters as are referred to it by them.
 - ❖ To exercise superintendence over the vigilance administration in the ministries of the Central Government or its authorities.

Working:

- ❖ The CVC conducts its proceedings at its headquarters (New Delhi).
- ❖ It has all the powers of a civil court and its proceedings have a judicial character.
- ❖ The CVC, on receipt of the report of the inquiry undertaken to the

president a report on its performance. The president places this report before each House of Parliament.

