

THE ROLE OF ANTI-CORRUPTION AGENCIES IN THE PREVENTION AND CONTROL OF CORRUPTION IN INDIA

Dr. Sanjay Jadhav

Associate Professor,
 Department of Law University of Mumbai.

Shrikant Oza

Research Student M. Phil,
 University of Mumbai.

Abstract :

This article mainly deals with the structure and functioning of anti-corruption agencies in India. Agencies like C.B.I., C.V.C., E.D. and other state agencies have been discussed in this article. The main purpose of this article is to highlight impact of corruption from Socio Economical perspective in India and the role of anti-corruption agencies in the prevention and control of corruption in India.



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General View : The Researcher has experienced that, the overall history of corruption has curbed not only the nation but the whole world. Central and state has taken a necessary step through the formation of various agencies but could not succeed, even though their sincere efforts to minimize the corruption movement is worth appreciating as well as United Nation Organization (UNO) and many international countries too.

Here, the researcher has keenly observed that content remains the same, containers go on changing according to the need of time, place and situations. History speaks that it's a chronic disease which can be cured with the help of acidic preventive measures, which was started by certain nations mainly China, Egypt and Roman Civilization¹ and they introduced the hardest punishment.

Movement: Against anti-corruption movement, it has been anticipated at all levels i.e. international, national, regional and local levels too. Wherein, various agencies/institutions/organizations (United Nations Organization (UNO), World Bank (WB), International Monetary Fund (IMF), Organization for Economic Co-operation & Development (OECD), United Nation Development (UND),

¹Gill S.S., 'Pathology of Corruption xiii' "The Roman Empire provides some of the most startling examples of corruption. A senator guilty of embezzlement was fined the amount of money he had gained from his position and governors extracted money from this provinces and used their loot to pay off the judges they would stand in front of in the near future." (1998). Last Visited on 20.05.2022. <https://www.amazon.in/Pathology-Corruption-S-S-Gill/dp/8172233590>

Transparency International (TI) etc..) is involved as well as various agencies at international levels i.e. Asia, Europe, Africa, Latin America etc.. too.

Sources of corruption: Finance which is known as “Black Money” (amount without paying taxes) plays an important role in corruption; affecting the national economy very badly. Secondly, it is identified as a parallel economy or inflationary economy too.

The basic Norms of the said economy are having:

1. Inflationary Value is artificial value.
2. Induced to increase the purchasing power.
3. Imbalance in demand and supply, quality, quantity and price.
4. Class differentiation – richer become richer and poorer become poorer.
5. Inducing factors are loans, Easy Monthly Installment and other facilities too.
6. Middle-class people in the unorganized sector are the main source of generating black money.

The main source of corruption is largely the position of resources is siphoned the funds in various firms i.e. pilferage, malpractices, leakage of information's etc..

Assessing the mode of corruption in various countries:

- i. **Developed countries:** They are facing the severe problems of corruption; they have developed various mechanisms to fight against corruption.
- ii. **Less developed countries:** Lack of such mechanism, high profile corruption from Government level. Therefore, they are suffering. e.g. Countries like Africa, Somalia, etc. United Nations Organization and other international organizations are helping them to control the corruption.
- iii. **Developing countries:** In the list of developing countries, India is one of them. India began its anti-corruption movement from day one to till date. Prima facie evidence says our legislation is totally failure in controlling corruption. In the present example of COVID 19, during this period the corruption movement was at its peak even though appreciated their so-called sincere efforts.

Development of anti-corruption agencies in India:

- i. Formation of a committee was necessary for the government to abolish corruption in the public sector. In lieu of that Santhnam Committee was formed and framed the norms for Prevention and Control of Corruption. The result which government setup an institution namely Central Vigilance Committee on 11th February 1964.
- ii. **There are 2 divisions of agencies Central & State Government:**
 - a. **Central Level:** Agencies are Central Vigilance Commission 1964 (CVC), Central Bureau of Investigation 1963 (CBI), Comptroller and Audit General (CAG) and Lokpal.
 - b. **State Level:** Agencies are Anti-Corruption Bureau (ACB), Lokayukta and Crime Investigation Department (CID). Merely forming the anti-corruption laws and agencies

cannot serve the purpose of controlling corruption. It requires a strong mechanism for implementation too and its executions are very effective in combating corruption in India.

Functions of Anti-Corruption agencies at National & State Level:

Central Vigilance Committee (CVC):

- a. Formation by Government of India as per clause 24 of Central Vigilance Commission (CVC) ordinance of 1992 which was resolved on 11th February 1964.
- b. Performance: Task is as per the given assignment.
- c. Assigned task: Mainly related to the involvement of government and public servants working in any organization such as Commissioners for departmental inquiries, which is controlled by the Government of India.
 - i. Suspected and alleged to have acted for corruption. To commence inquiry, a reason to inquiry or investigation to be made or appeal or review, etc.
 - ii. Independently and impartially advice to the authorities as and when asked for in the concerned matter.
 - iii. Any of the movements concerned in matter through officers as well of the concerned department.
 - iv. Exercising their power for routine check-ups and supervision over vigilance and anti-corruption work in ministries or other departments of the Government of India.
 - v. Initiating at such interval, suitably and reviewing the matter as it relates to maintaining the integrity of administration.
 - vi. Investigation proceeding is through the independent chief technical examiners.
- d. Central Vigilance Commission 1964 (CVC) has the following jurisdiction:
 - Central Vigilance Commission 1964 (CVC) has been empowered to do an investigation of all the government organization, which is directly covered under government control. Timely Central Vigilance Commission 1964 (CVC) advises only in vigilance cases pertaining to certain categories of the employees namely: Gazette officer of public sector undertaking of the central government.
 - Officer of the rank scale III and public sector banks.
 - Manager and another related post of Life Insurance Corporation of India (LIC) & General Insurance Corporation of India (GICI). All India service staff i.e. Indian Administrative Service (IAS), Indian Public Service (IPS), and Indian Forest Services (IFS) is not covered under the Central Vigilance Commission 1964 (CVC).
- e. Central Vigilance Commission 1964 (CVC) jurisdiction is according to the administrative instructions. Central Vigilance Commission 1964 (CVC) can ask for reports related to corruption, misconduct, lack of integrity etc. from the department against any public servant

irrespective of his status under the prevention of corruption act 1998 & criminal procedure code.

- f. Central Vigilance Commission 1964 (CVC) has the following powers exercising superintendence over the vigilance, administrations over ministers of the central government, public sectors, unions, societies, autonomous organizations etc.
- g. Appointment of Central Vigilance Staff: The commission was accorded statutory status through an ordinance on 25th August 1998 and was amended on 27th October 1998 vide notification number 47 by the president and the committee consists of the following members: Prime Minister, Minister of Home Affairs, and Leader of the opposition in the house. They are appointing 1 commissioner and 1 vigilance commissioner. Additional 2 members i.e. Central Vigilance Commissioner & Vigilance Commissioner. Appointment of staff:
 1. Secretary of the rank of additional secretary of the Government of India.
 2. Additional secretaries who are of the rank of joint secretaries to the Government of India.
 3. 10 officers of the rank of director or deputy secretaries and officers on special duties.
 4. Four under-secretaries and other staff.
 5. 14 officers designated as commissioner for departmental inquirers relating to major penalties, and proceedings on behalf of the disciplinary authorities in a serious and important disciplinary case.
 6. Central Vigilance Commission 1964 (CVC) has the following technical staff: 2 chief technical examiners of the rank of Chief Engineer, 8 technical examiners of the rank of executive engineer, 6 assistant examiners of the rank of assistant engineers and other subordinate staff.
- h. The main function of assigned staff is as under
 1. Central Vigilance Commission 1964 (CVC) does the technical audit from a vigilance angle.
 2. Central Vigilance Commission 1964 (CVC) does investigation of specific types and complaints.
 3. Central Vigilance Commission 1964 (CVC) is assisting the Central Bureau of Investigation 1963 (CBI) in their investigation involving technical matters as well evaluation of properties in Delhi. Central Vigilance Commission 1964 (CVC) to do assistance in advising the commissioner and the Chief Vigilance Officers in vigilance cases involving technical matters.
- i. Central Vigilance Commission Act 2003: The agency namely Central Vigilance Commission currently is the highest anti-corruption body in India, and acquires its legal authority from the

Central Vigilance Commission (CVC) Act 2003. The act provides limited power of commission and raises speculations about its ability to fight destructive influences, so the act controls the power of investigation of the Central Vigilance Commission 1964 (CVC). The Central Bureau of Investigation 1963 (CBI) re-instating a requirement of prior sanctions for investigating high-rank officials².

The restoration of the prior sanction requirement known as the single directive contradicts the 1977 Indian Apex ruling in Vinit Narayan Case, which is been struck down by the single directive³. In the case, the court applied the same initiatives as United Nations (UN) conventions against anti-corruption article 6 & 36 viz. it has circumvented the court judgement as well the spirit of article 6 requirement of an independent anti-corruption body and article 36 requirements of independent detection and investigation agencies.

- j. Anti-corruption investigation and laws evolved in the country are AD-HOC and partial in nature. There are punitive rather than preventive. Besides, there is a lack of strong political will and administrative will to tackle this menace effectively⁴.

Central Bureau of Investigation 1963 (CBI):

- Formation and historical background: During the II World War Government of India issued an ordinance in 1943, forming a special police force to investigate certain offences committed in connection with the affairs of the central government. The said was lapsed at the end of II World War, and was connected during 1946 by the government as Delhi Special Police Establishment 1946 (DSPE) for the purpose of special investigation in specified offences. Section 5 of the act says the government can extend the jurisdiction with the consent of the state, as well can do investigations with the consent of the state to read section 5 with section 3 of the act.
- Formation of Central Bureau of Investigation 1963 (CBI): Came into force in 1963, through the special resolution which was passed by the central government, further Central Bureau of Investigation 1963 (CBI) was parted into specific type of cases which could be for the investigation purpose which of course continue to desire its legal power of investigation from the said act⁵. Delhi Special Police Establishment Act 1946 (DSPE). Central Bureau of Investigation 1963 (CBI) is the sources of the police organization Delhi Special Police

²CVC Act, 45 of 2003 @ 26 (6A) (1). [Last Visited on 22.05.2022.https://cvc.gov.in/sites/default/files/cvcact_0.pdf](https://cvc.gov.in/sites/default/files/cvcact_0.pdf)

³AIR (1998) SCC 226 – 243.

⁴Sangeetha S.N., “Institutional Arrangement for Controlling Corruption in Public Life: Karnataka experience” Indian Journal of Public Administration XLI (1) (January – March 2000) pp 45-67. [Last Visitedon 23.05.2022.http://ijmsrr.com/downloads/0108201514.pdf](http://ijmsrr.com/downloads/0108201514.pdf)

⁵Law Commission of India, One hundred sixty first report on Central Vigilance Commission and Allied Bodies, 1998. [Last Visited on 23.05.2022.http://www.bareactslive.com/LCR/LC161.HTM](http://www.bareactslive.com/LCR/LC161.HTM)

Establishment 1946 (DSPE). The Delhi Special Police Establishment 1946 (DSPE) Act granted investigation of certain types of cases in which the state gave consent for investigations of alleged crimes committed by the Central Government employees or offences which are committed by the department of the government. As India's economy is continuously growing so that the number of investigations would be increased. Therefore, the government passes resolution number 4/31/61/T in 1963, creating the Central Bureau of Investigation 1963 (CBI) and merging it with the Delhi Special Police Establishment 1946 (DSPE)⁶.

- Jurisdiction of the Central Bureau of Investigation 1963 (CBI) has been extended all over India, subject to the offence which is notified by the central government as per the Delhi Special Police Establishment (DSPE) Act 1946⁷. Further, jurisdiction extended to the other state also, who argued for this augmentation of control. Initially, the Central Bureau of Investigation 1963 (CBI) had limited power to investigate offences in the Union Territories⁸. As the first step in this direction the Government of India decides to set-up with effect from 1st April 1963 at Delhi. Over the years the character of the Central Bureau of Investigation 1963 (CBI) has undergone significant changes. Its role is no longer restricted to anti-corruption activities⁹.
- Mission, Motto & Vision:
 Mission: To uphold the constitution of India and the law of the land to act as nodal agencies for enhancing interstate and inter pole cooperation in law enforcement.
 Motto: Impartiality and integrity.
 Vision: To accept and implement develop professionalism, transparency, adaptability to change and use of science and technology.
- Functions of Central Bureau of Investigation 1963 (CBI): Central Bureau of Investigation 1963 (CBI) is the prime investigating police agency in India. It's an elite force playing a

⁶In fact, with the establishment of CBI on 1st April, 1963, the Delhi Special Police Establishment was made one of its divisions, viz. investigation and Anti-Corruption division. CBI Manual, 182, Para. 1.6. <https://cvc.gov.in/sites/default/files/Vigilance%20Manual%28updated%202021%29-Hyperlinked.pdf> Last visited on 24.05.2022.

⁷The CBI's manual states: the act confers concurrent and co-extensive powers, duties, privileges and liabilities on the members of Delhi Special Police Establishment known as CBI with Police Officers of the Union Territories in relation to the investigation of offences notified by the Central Government under Section 3 of the act and arrest of persons concerned in such offences. CBI manual, 182, Para. 1.7. <https://cvc.gov.in/sites/default/files/Vigilance%20Manual%28updated%202021%29-Hyperlinked.pdf> Last visited on 24.05.2022.

⁸DSPE Act, no. 25 of 1946 p. 2 (India). Last Visited on 26.05.2022. <https://cbi.gov.in/Delhi-Special-Police-Establishment-DSPE-Act-1946>

⁹P.V. Rama Krishna P.V, "A treatise on Anti-Corruption Laws in India" Hyderabad S. Gogia and Company (2009) p. 1907. Last Visited on 24.05.2022. <http://www.commonlii.org/in/journals/NALSARLawRw/2013/5.pdf>

major role in the prevention of value in public life, as well as ensuring the health of the national economy. Central Bureau of Investigation 1963 (CBI) is coordinating with inter pole members in the investigation. Central Bureau of Investigation 1963 (CBI) mainly works for major investigations in the country.

- Administration & investigation pattern of Central Bureau of Investigation 1963 (CBI) is as follows:
 - i. Investigation in the corruption cases into the corruption cases. Wherein directly or indirectly involvement of public servants e.g. interest in the central government, public sector project, public undertaking company, any statutory corporation or body set-up and financed by the government of India are part of it. Central Bureau of Investigation 1963 (CBI) to investigate breaches of central laws e.g. Export Import Bank (EXIM) policy, Foreign Exchange Regulation Act 1999 (FERA), Foreign Exchange Management Act 1999 (FEMA), and Passport fraud. Central Bureau of Investigation 1963 (CBI) to investigate serious frauds cheating relating to the railway, post and telegraph, airlines, high seas, and public joint ventures. Central Bureau of Investigation 1963 (CBI) attends to the other cases of serious nature, which are committed by an organized gang or professional criminals like drugs, kidnapping etc.
 - ii. Technical divisions of Central Bureau of Investigation 1963 (CBI). Relates to technical assistance in the investigation of cases involving accounts example IT, Income Tax, Excise, Railway, Post & Telegraph, communication etc..
 - iii. Central Bureau of Investigation 1963 (CBI) maintains the record related to crime, corruption, fraud, cheating etc. and maintains statistical information as well doing analysis of the same and studying in a professional manner. Further Central Bureau of Investigation 1963 (CBI) also entertained the matter like serious crimes among the tribal people, social factors in crime, industrialization and crime, juvenile delinquencies, and kidnapping of women and children.
 - iv. Central Bureau of Investigation 1963 (CBI) functions in the legal and general division of administration:
 - a. Legal Division: Central Bureau of Investigation 1963 (CBI) to give advice in the case which is investigated by the investigation and anti-corruption division. Central Bureau of Investigation 1963 (CBI) conducting prosecution in important cases does a review of judicial decisions relating to criminal law and coordination of laws relating to crime in various states.
 - b. General Division: Central Bureau of Investigation 1963 (CBI) performs the following activities.

- Matters relating to organization policies and procedures.
 - Interstate conferences.
 - Update with the concerned ministry.
 - Training courses.
 - Update of photographs and cyber cell details etc.
 - Update information in CENTRAL BUREAU OF INVESTIGATION (CBI) gazettes.
- c. Administration: In the administration part Central Bureau of Investigation 1963 (CBI) interact with all government establishment and accounts matter. Central Bureau of Investigation 1963 (CBI) investigations have a major impact on the government department. The following main categories of criminal cases are handled by the Central Bureau of Investigation 1963 (CBI) namely
- Anti-Corruption offences
 - Economical crime offences
 - Social crime offences
- The Central Bureau of Investigation 1963 (CBI) is the principal investigative agency of the Union Government in Anti-Corruption matters.
- d. Rate of convictions of Central Bureau of Investigation 1963 (CBI) is nominal even though conviction rate is not up to the mark, this shows there are so many lacunas in investigation and prosecution division. This raises a doubt about the sincerity of the Central Bureau of Investigation 1963 (CBI). Even though it is worth appreciating the sincere efforts of the Central Bureau of Investigation 1963 (CBI).

Comptroller and Auditor General (CAG): It's the supreme audit institution of India. Auditing financial management, government expenses and revenue. Comptroller and Audit General (CAG) is the guiding factor in the matter of transparency, accountability and proficient use of financial resources. Comptroller and Audit General (CAG) reports are very informative for the government in management, mal administration of corruption. Comptroller and Audit General (CAG) are empowered for detecting power for specific instances of corruption made possible through various sources. Comptroller and Audit General (CAG) collect information from reliable sources through agencies like Income Tax returns, Goods & Service Tax, gift tax and indirect taxes etc.

- Legal status of the Comptroller and Audit General (CAG): Comptroller and Audit General (CAG) is a constitutional body to prevent corruption as anti-corruption agencies under the article 148 of the constitution. As an independent body play a special role and responsibility to take independent decisions without fear and favour. Article 148 - Comptroller and Auditor-General of India.

- Comptroller and Auditor-General (CAG) of India shall be appointed by the President of India by the warrant, under his hand and seal, and shall be removed from office in like manner and on like grounds as a Judge of the Supreme Court.
 - Each and every person appointed in the chair of Comptroller and Auditor-General of India, shall make and subscribe before the President or some person appointed on that behalf by him, take an oath or affirmation according to the form set out for the purpose in the Third Schedule.
 - The salary and other conditions of service of the Comptroller and Auditor-General shall be such as may be determined by Parliament by law and, until they are so determined, shall be as specified in the Second Schedule: Provided that neither the salary of a Comptroller and Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.
 - The Comptroller and Auditor-General shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.
 - Subject to the provisions of this Constitution and of any law made by parliament, the conditions of service of persons serving in the Indian Audit and Accounts Department and the administrative powers of the Comptroller and Auditor-General shall be such as may be prescribed by rules made by the President after consultation with the Comptroller and Auditor-General.
 - The administrative expenses of the office of the Comptroller and Auditor-General including all salaries, allowances and pensions payable to or in respect of persons serving in that office, shall be charged upon the Consolidated Fund of India.
- Jurisdiction: Under the article 149 of the Indian Constitution Comptroller and Audit General (CAG) is the highest functioning on the audit side and its duty is to see the money used by parliament and by state legislation. Its duty is to ensure and see that the money spent by parliament and by state legislation is spent only for the purpose specified by the appropriate Acts¹⁰. Applications exercised of such special power allotted by the constitution, in relation to the accounts of the Union and of the state as were conferred or exercisable by the Comptroller and Audit General (CAG) immediately before the commencement of constitution in relation to the accounts of the domain of India and of the province respectively.

¹⁰Ibid

Duties and Powers of the Comptroller and Auditor-General (Article 149): The Comptroller and Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States and of any other authority or body as may be prescribed by or under any law made by Parliament and, until provision in that behalf are so made, shall perform such duties and exercise such powers in relation to the accounts of the Union and of the States as were conferred on or exercisable by the Auditor-General of India immediately before the commencement of this Constitution in relation to the accounts of the Dominion of India and of the provinces respectively.

Lokpal: Lokpal & Lokayukt act was enacted on 1st January 2014 after the 10th attempt. Background: The administrative reforms commission had recommended the establishment of the institution of the Lokpal.

- **Supervisor Body:** The Lokpal is supposed to be the supervisor body over the integrity of ministers and the members of parliament. The Indian Lokpal was intended to be the institution of Ombudsman existing in Scandinavian countries. It has emerged as BULL WORK of the democratic government against unity functions with a mechanism for filing complaints and conducting inquiries etc.
- **The powers of the lokpal:** The Lokpal should deal with the allegations of corruption against Ministers and Members of Parliament, allegations of corruption against government officials are dealt with the deputy and also by the Central Bureau of Investigation 1963 (CBI) under Central Vigilance Commission 1964 (CVC). In some cases of corruption, there may be collusion between the ministers and the officers. Therefore, there should be link between the Lokpal and the Central Vigilance Commission 1964 (CVC).
- **Appointment of the members in the Lokpal Committee:** The Lokpal has 3 members in the committee.
 1. The Chairman: The Chairman should be from the High Court (Either acting or retired)
 2. 2nd member should be an eminent jurist
 3. 3rd member should be ex officio of the Central Vigilance Commission 1964 (CVC)
- **Jurisdiction of the Lokpal:** Whether the office of the Prime Minister's Office (PMO) should be brought under the Lokpal? India is still discussing through debate only, yet no decision has been taken because of a lack of political will. While countries like Independent Commission Against Corruption (ICAC) of Hong Kong, Corrupt Practices Investigation Bureau (CIPB) of Singapore, Independent Commission Against Corruption (ICAC) of New South Wales and Australia have similar mandates.

In the light of the successful experience, of these countries with anti-corruption efforts by associating the public in general, private sector and the civil society. The

commission would like to recommend that such activities should be taken by the Lokpal. Concluding the said Lokpal act being given constitutional status, will provide a constitutional safeguard, appropriate for such an important institution. Which is expected to be a supervisory body against wrong doing by high political authorities, therefore, Prime Minister (PM) & Prime Minister's Office (PMO) should be included in the Lokpal Act.

Lokayukta& Up Lokayukta:

- **Background and history of Lokayukta&UpLokayukta:** On 13th December 1963 the former Home Minister Shri. Gulzarilal Nanda expressed his view that instead of old method, new method should be introduced to curb the corruption. In lieu of the above the administrative reforms commission was headed by Late Shri. Morarjee Desai. He recommended Lokayukta&Lokpal in the Centre and State. Further, the said movement was taken up by eminent personalities like Honorable Justice Mr. GajendraGadkari, Former Chief Justice of India C. M. Shitalwad, Former Attorney General of India etc. They raised the issue to evolve such machinery to curb corruption.

Formations of the committee: Parliamentary committee is headed by Late. Shri. K. Santhnam was to submit his report to the parliament to control the menace. He recommended constituting a vigilance commission in every state. Soon as it was realized by the machinery which is part and parcel of the state government, it cannot inspire the confidence in the people.

The Lokpal Bill: After the recommendation of the Santhnam Committee report a Bill was introduced in Lok Sabha, 5 times (1971, 1977, 1985, 1989 & 1991). But the bill was not passed due to the lack of political will.³⁸⁵ At last after the 10th attempt the said bill was enacted on 1st January 2014 as act i.e. Lokpal&Lokayukta Act 2014.

- **Power of Lokpal:**
 - Prime Minister, a Minister in the Union government, a Member of Parliament, or all categories of public servants, as well as Group A, B, C and D officers come under the ambit of Lokpal's jurisdiction.
 - Lokpal has the power to seize the assets, proceeds, receipts, and benefits of any official which are acquired by corrupt means.
 - Lokpal is conferred with power to recommend the transfer or suspension of civil servants connected with charges of corruption.
 - Lokpal has the power to give directions to avert the destruction of records during the preliminary investigation.

- It has the powers of superintendence over, and to give direction to the Central Bureau of Investigation 1963 (CBI) and it also contains several provisions which are aimed at making the Central Bureau of Investigation (CBI) stronger.
- The inquiry Wing of the Lokpal has been authorized with the powers of a civil court in certain cases.
- Lokpal has the authority to grant sanction for prosecution of public servants in place of the Government or competent authority.
- **Functions of Lokpal:**
 - The Lokpal keeps a watch over all public officials and can take suitable action against them if they do not function in accordance with the law.
 - It can act either on the basis of any complaint made by a private person or suo moto (i.e. on his own initiative). The Lokpal can summon or question any public official if there exists a prima facie case against the person, even before an investigation agency (such as Central Vigilance Commission 1964 (CVC) or Central Bureau of Investigation 1963 (CBI) has begun an inquiry.
 - It can also recommend his findings to be enforced into action.
 - Lokpal to function as the appellate authority for appeals arising out of any other law for the time being in force.
 - It has to protect any action taken in good faith by any public servant or other officials. It has to provide adequate protection to those who are being exploited for raising their voice against corruption.
- **Jurisdiction of Lokpal:**
 - Jurisdiction of Lokpal includes Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central Government.
 - Apart from the allegations of corruption relating to international relations, security, public order, atomic energy and space, the jurisdiction of the Lokpal included the Prime Minister.
 - As per the Lokpal no jurisdiction implies over Ministers and MPs in the matter of anything said in Parliament or a vote given there.
 - Its jurisdiction also includes any person who is or has been in charge (director/ manager/ secretary) of anybody/ society set up by central act or any other body financed/ controlled by central government and any other person involved in act of abetting, bribe giving or bribe-taking.
 - The Lokpal Act mandates that all public officials should furnish the assets and liabilities\themselves as well as their respective dependents.

- **Power of Lokayukta:**

- In states like Himachal Pradesh, Andhra Pradesh, Madhya Pradesh and Gujarat the chief minister is included within the jurisdiction of Lokayukta while he is exempted from the purview of Lokayukta in the states of Orissa, Bihar, Rajasthan, Uttar Pradesh and Maharashtra.
- Ministers and higher public servants are also included under the ambit of Lokayukta in almost all the states.
- It has the power to raid the houses and offices of corrupt officials at the state level.
- It can call for relevant files and documents from the state government departments.
- It also enjoys the power to inspect and visit government organisations, which are being investigated.
- Lokayukta may investigate any action taken by the public servant if it is referred by the state government.
- It has the authority to suggest punishment against the culprit to the administration, but it is up to the state to either accept the suggestions or modify them.

- **Functions of Lokayukta:**

- Lokayukta is tasked with speedy redressal of public grievances against politicians and officers in the government service.
- It investigates allegations of corruption, abuse of power, maladministration or lack of integrity against public functionaries at the state level, and once proved recommends action.
- A consolidated report will be presented by the Lokayukta and Uplokayukta about their functions to the Governor of the state. Hence, they are responsible to the state legislature.
- Another crucial function is to keep a check on the investigation of anti-corruption agencies and authorities.
- It carries out fair and impartial investigations, based on facts against the accused person by taking the assistance of a special investigating officer.

- **Jurisdiction of Lokayukta:**

- There is no uniformity in the case of the jurisdiction of Lokayukta.
- For instance, The Chief Minister is subject to Lokayukta's jurisdiction in Himachal Pradesh, Andhra Pradesh, Madhya Pradesh, and Gujarat, but not in Maharashtra, Uttar Pradesh, Rajasthan, or Bihar.
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- In the majority of states, the Lokayukta has jurisdiction over ministers and higher government officers. Former ministers and civil bureaucrats have also been included in Maharashtra.
- Lokayukta is responsible to the state legislature. Its annual report is presented in the legislature, and conventionally its recommendations are accepted by the House.

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Unique CHAPTER-5 ROLE OF ANTI-CORRUPTION AGENCIES AND INSTITUTION IN INDIA 5/I/a.

Unique General View: The Researcher has experienced that, the overall history of corruptio....

Unique Central and state has taken a necessary step through the formation of various agenc....

Unique Here, the researcher has keenly observed that content remains the same, containers

Unique History speaks that it's a chronic disease which can be cured with the help of acid....

Unique Movement: Against anti-corruption movement, it has been anticipated at all levels i. e.

Unique international, national, regional and local levels too.

Unique Wherein, various agencies/institutions/organizations (United Nations Organization (....

Unique) is involved as well as various agencies at international levels i. e.

Unique Asia, Europe, Africa, Latin America etc..too. 5/I/c.

Unique Sources of corruption: Finance which is known as “Black Money” (amount without payi....

Unique Secondly, it is identified as a parallel economy or inflationary economy too.

Unique The basic Norms of the said economy are having 1.

Unique Inflationary Value is artificial value. 2.

Unique Induced to increase the purchasing power. 3.

Unique Imbalance in demand and supply, quality, quantity and price. 4.

Unique Class differentiation – richer become richer and poorer become poorer. 5.

Unique Inducing factors are loans, Easy Monthly Installment and other facilities too. 6.

Unique Middle-class people in the unorganized sector are the main source of generating bla....

Unique The main source of corruption is largely the position of resources is siphoned the

Unique pilferage, malpractices, leakage of information's etc..5/I/d.

Unique Assessing the mode of corruption in various countries i.

Unique Developed countries: They are facing the severe problems of corruption; they have d....

Unique Less developed countries: Lack of such mechanism, high profile corruption from Gove....

Unique Therefore, they are suffering. e. g.

Unique Countries like Africa, Somalia, etc.

Unique United Nations Organization and other international organizations are helping them

Unique Developing countries: In the list of developing countries, India is one of them.

Unique India began its anti-corruption movement from day one to till date.

Unique Prima facie evidence says our legislation is totally failure in controlling corruption.

Unique In the present example of COVID 19, during this period the corruption movement was

Unique Development of anti-corruption agencies in India: i.

Unique Formation of a committee was necessary for the government to abolish corruption in

Unique In lieu of that Santhnam Committee was formed and framed the norms for Prevention a....

Unique The result which government setup an institution namely Central Vigilance Committee....

Unique There are 2 divisions of agencies Central & State Government: a.

unique Central Level: Agencies are Central Vigilance Commission 1964 (CVC), Central Bureau....

unique State Level: Agencies are Anti-Corruption Bureau (ACB), Lokayukta and Crime Investi....

unique Merely forming the anti-corruption laws and agencies cannot serve the purpose of co....

unique It requires a strong mechanism for implementation too and its executions are very e....

unique Functions of Anti-Corruption agencies at National & State Level: 5/I/f/i.

unique Central Vigilance Committee (CVC): a.

unique Formation by Government of India as per clause 24 of Central Vigilance Commission (....

unique Performance: Task is as per the given assignment. c.

unique Assigned task: Mainly related to the involvement of government and public servants

unique Suspected and alleged to have acted for corruption.

Unique To commence inquiry, a reason to inquiry or investigation to be made or appeal or r....

Unique Independently and impartially advice to the authorities as and when asked for in th....

Unique Any of the movements concerned in matter through officers as well of the concerned

Unique Exercising their power for routine check-ups and supervision over vigilance and ant....

Unique Initiating at such interval, suitably and reviewing the matter as it relates to mai....

Unique Investigation proceeding is through the independent chief technical examiners. d.

Unique Central Vigilance Commission 1964 (CVC) has the following jurisdiction: • Central V....

Unique Timely Central Vigilance Commission 1964 (CVC) advises only in vigilance cases pert....

Unique • Officer of the rank scale III and public sector banks.

Unique • Manager and another related post of Life Insurance Corporation of India (LICI) &a....

Unique All India service staff i. e.

Unique Indian Administrative Service (IAS), Indian Public Service (IPS), and Indian Forest....

Unique Central Vigilance Commission 1964 (CVC) jurisdiction is according to the administra....

Unique Central Vigilance Commission 1964 (CVC) can ask for reports related to corruption,

Unique from the department against any public servant irrespective of his status under the....

Unique Central Vigilance Commission 1964 (CVC) has the following powers exercising superin....

Unique Appointment of Central Vigilance Staff: The commission was accorded statutory statu....

Unique They are appointing 1 commissioner and 1 vigilance commissioner.

Unique Additional 2 members. e.

Plagiarized Central Vigilance Commissioner & Vigilance Commissioner.

Unique Appointment of staff: 1.

Unique Secretary of the rank of additional secretary of the Government of India. 2.

Unique Additional secretaries who are of the rank of joint secretaries to the Government o....

Unique 10 officers of the rank of director or deputy secretaries and officers on special d....

Unique Four under-secretaries and other staff. 5.

Unique 14 officers designated as commissioner for departmental inquirers relating to major....

Unique Central Vigilance Commission 1964 (CVC) has the following technical staff: 2 chief

Unique The main function of assigned staff is as under 1.

Unique Central Vigilance Commission 1964 (CVC) does the technical audit from a vigilance a....

Unique Central Vigilance Commission 1964 (CVC) does investigation of specific types and co....

Unique Central Vigilance Commission 1964 (CVC) is assisting the Central Bureau of Investig....

Unique Central Vigilance Commission 1964 (CVC) to do assistance in advising the commission....

Unique Central Vigilance Commission Act 2003: The agency namely Central Vigilance Commissi....

Unique The act provides limited power of commission and raises speculations about its abil....

Unique The Central Bureau of Investigation 1963 (CBI) re-instating a requirement of prior

Unique In the case, the court applied the same initiatives as United Nations (UN) conventi....

Unique it has circumvented the court judgement as well the spirit of article 6 requirement....

Unique Anti-corruption investigation and laws evolved in the country are AD-HOC and partia....

Unique There are punitive rather than preventive.

Unique Besides, there is a lack of strong political will and administrative will to tackle....

Unique Central Bureau of Investigation 1963 (CBI)