

No. 24/7/64-AVD  
Government of India  
Ministry of Home Affairs  
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New Delhi-11, February 11, 1964.

**RESOLUTION**

On a careful consideration of the recommendations made by the Committee on Prevention of Corruption under the chairmanship of Shri K. Santhanam, the Government have decided to set up a Central Vigilance Commission which will be headed by the Central Vigilance Commissioner.

2. The powers and functions of the Central Vigilance Commission will be as follows:-

The Central Vigilance Commission will have jurisdiction and powers in respect of matters to which the executive powers of the Union extends -

- (i) to undertake an inquiry into any transaction in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner;
- (ii) to cause an inquiry or investigation to be made into –
  - (a) any complaint that a public servant had exercised or refrained from exercising his powers for improper or corrupt purposes;
  - (b) any complaint of corruption, misconduct, lack of integrity or other kinds of malpractices or misdemeanour on the part of a public servant including members of the All India Services even if such members are for the time being serving in connection with the affairs of a State Government;

(The relevant rules under the All India Services Act will be amended in consultation with the State Governments in order to bring the members of those Services under the purview of the Commission).

- (iii) to call for reports, returns and statements from all Ministries/ Departments/ Corporate Central undertakings so as to enable it to exercise general check and supervision over the vigilance and anti-corruption work in the Ministries/ Departments/ undertakings;
- (iv) to take over under its direct control such complaints, information or cases as it may consider necessary for further action which may be either:

- (a) to ask the Central Bureau of investigation to register a regular case and investigate it, or
- (b) to entrust the complaint, information or case for inquiry-
  - (1) to the Central Bureau of Investigation; or
  - (2) to the Ministry/ Department/ undertaking concerned;
- (v) in cases referred to in paragraph (iv) (b) above the report of the inquiry will be forwarded to the Commission so that on a consideration of the report and other relevant records, it may advise the concerned Ministry/ Department/ undertaking as to further action;
- (vi) the Central Bureau of Investigation will forward to the Ministry of Home Affairs through the Commission the final report in all cases investigated by the Bureau in which it considers that a prosecution should be launched, provided that sanction for such prosecution is required under any law to be issued in the name of the President; and the Bureau will simultaneously send a copy to the Ministry/ Department/ undertaking concerned for any comments which it may wish to forward to the Commission;
- (vii)
  - (a) the Commission will advise the Ministry of Home Affairs, after examining the case and considering any comments received from the concerned Ministry/ Department/ undertaking, whether or not prosecution should be sanctioned. (Orders will, thereafter, be issued by the Ministry of Home Affairs in whom the power to accord such a sanction will be vested);
  - (b) in cases where an authority other than the President is competent to sanction prosecution and the authority does not propose to accord the sanction sought for by the Central Bureau of Investigation the case will be reported to the Commission and the authority will take further action after considering the Commission's advice;
- (viii) the Commission will have the power to require that the oral inquiry in any departmental proceedings, except in petty cases, should be entrusted to one of the Commissioners for Departmental Enquiries. (A suitable number of Commissioners for Departmental Enquiries will be attached to the Central Vigilance Commission);
- (ix) the Commission will examine the report of the Commissioner for Departmental Enquiries, which will in all cases be submitted by the Commissioner for Departmental Enquiries to the Central Vigilance Commission, and the Commission will forward the record of the case to the appropriate disciplinary authority with its advice as to further action;
- (x) in any case where it appears that discretionary powers had been exercised for an improper or corrupt purpose the Commission will advise the Ministry/ Department/ undertaking that suitable action may be taken

against the public servant concerned; and if it appears that the procedure or practice is such as affords scope or facilities for corruption or misconduct the Commission may advise that such procedure or practice be appropriately changed, or changed in a particular manner;

- (xi) the Commission may initiate at such intervals as it considers suitable review of procedures and practices of administration in so far as they relate to maintenance of integrity in administration;
- (xii) the Commission may collect such statistics and other information as may be necessary;
- (xiii) the Commission may obtain information about action taken on its recommendations;
- (xiv) the Commission will submit an annual report to the Ministry of Home Affairs about its activities drawing particular attention to any recommendation made by it which had not been accepted or acted upon; and a copy of the report together with a memorandum explaining the reasons for non-acceptance of any recommendations of the Commission will be laid by the Ministry of Home Affairs before each House of Parliament.

### 3.The Central Vigilance Commissioner –

- (a) [will be appointed by the President by warrant under his hand and seal;] (\*)  
the proposal for the appointment of the Central Vigilance Commissioner shall be initiated by the Cabinet Secretary and approved by the Prime Minister; (\*)

(\*) *vide DOPT's Resolution No. 247/2/95-AVD-II dated 1.11.1995*

- (b) will not be removed or suspended from office except in the manner provided for the removal or suspension of the Chairman or a Member of the Union Public Service Commission;

- (c) [will ordinarily hold office for a term of three years;] (\*\*)

[Provided that the Central Government may, by order, when the public interest so requires, extend the term of office of the Central Vigilance Commissioner for such further period, not exceeding two years, as may be specified in the order;] (^)

(^) *inserted vide Resolution No. 254/8/76-AVD-II dated 22.02.1977*

will hold office for a term of five years; (\*\*)

(\*\*) *vide DOPT's Resolution No. 247/1/90-AVD-II dated 21.5.1990*

- (d) on ceasing to hold the office of the Central Vigilance Commissioner, shall not accept any further employment under the Union or a State Government or accept any political public office.

Provided that the Central Government may in exceptional circumstances, when the public interest so requires, permit a person who has held the office of the Central Vigilance Commissioner to accept any such employment or office.

[Proviso inserted vide Department of Personnel Resolution No. 262/2/72-AVD-II dated 15.2.1972].

4. The Central Vigilance Commission will, for the present, be attached to the Ministry of Home Affairs, but in the exercise of its powers and functions it will not be subordinate to any Ministry/ Department and will have the same measure of independence and autonomy as the Union Public Service Commission.

5. The Central Vigilance Commissioner will be responsible for the proper performance of the duties and responsibilities assigned to the Commission and for generally co-ordinating the work of and advising the Ministries/ Departments/ undertakings in respect of all matters pertaining to maintenance of integrity in administration.

6. The Chief Vigilance Officer in Ministries/ Departments will be appointed in consultation with the Central Vigilance Commission and no person whose appointment as the Chief Vigilance Officer is objected to by the Central Vigilance Commission will be so appointed.

7. The Central Vigilance Commissioner will have the power to assess the work of the Chief Vigilance Officers and Vigilance Officers and the assessment will be recorded in the character rolls of the officers.

8. The Central Vigilance Commission will take the initiative in prosecuting persons who are found to have made false complaints of corruption or lack of integrity against public servants.

## **ORDER**

ORDERED that a copy of this Resolution be communicated to all State Governments, all Ministries of the Government of India, etc., and also that the Resolution be published in the Gazette of India.

L.P. SINGH  
Special Secretary to the Govt. of India