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**CENTRAL VIGILANCE  
COMMISSION (CVC) AND LOKPAL:  
DUAL PILLARS OF INDIA'S  
COLLECTIVE ANTI-CORRUPTION  
FRAMEWORK**

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**ABSTRACT:**

The Central Vigilance Commission was created based on the recommendations of the Santhanam Committee in 1964 and was eventually given statutory status in 2003. The CVC is the highest watchdog over the executive branch. What makes it strong is its in-depth understanding of the government machinery. The CVC ensures that the vigilance wings of Central Government ministries and Public Sector Undertaking (PSUs) are carrying out their work properly. In this way, the CVC is helping to put transparency right into the bureaucratic workflow. It plays the important immune system role of detecting procedural loopholes and governance dark patterns that could lead to corruption.

Corruption still poses a serious challenge that hamper the development of democracy and leads to economic stagnation. In India, combating corruption in institutions has changed from one department checking another in a disjointed manner to a comprehensive, multi-layered system. Here, the collaboration between Central Vigilance Commission (CVC) and Lokpal as the main driving forces of India's anti-corruption system is analysed. The Central Vigilance Commission (CVC) acts as the ultimate watchdog for maintaining integrity within the executive branch.

It mainly deals with preventive vigilance and making administration more transparent. However, the Lokpal represents a major move towards public

accountability as it has the power to probe charges against the highest echelons of the government including the Prime Minister and the Union Ministers. After thoroughly examining their functions, this paper understands that the two agencies are changing the story of anti-corruption from a series of checks on individual officials by bureaucracies to a unified institution front.

The investigation also looks into the operational points where CVC is serving as the investigating agency on Lokpal's referral. It challenges the CVC to give civil servants an internal immunity and the Lokpal, an external enforcer of the public's trust. At the end of the day, the author demonstrates that the success of this two-pillar model depends on the besides, the paper points out that the efficiency of such a two-pillar system depends a lot on the cooperation.

**KEYWORDS:** Central Vigilance Commission, Lokpal, Accountability

**INTRODUCTION**

Corruption has been seen traditionally as a major hurdle to balanced development, good governance, and the rule of law in India. Being one of the biggest democracies in the world, the nation has always been trying to build its institutional defences against misconduct in its public services. The reaction has generated and shaped a multi-layered anti-corruption structure, within which two bodies that is the Central Vigilance Commission (CVC) and the Lokpal emerge as central pillars.

This article examines the roles and cooperation between the Central Vigilance Commission (CVC) and the Lokpal as the two main institutional pillars of India's group anti-corruption framework at the Union level. Set up as a statutory organization on the Santhanam Committee (1964) recommendations, the CVC is the highest vigilance organization, operating mainly through preventive vigilance, overseeing the vigilance administration of central government departments, and holding inquiries against central



government personnel (excluding Ministers/MPs).<sup>1</sup> On the other hand, the Lokpal established under the Lokpal and Lokayuktas Act, 2013, is a modern, high-powered investigative and adjudicatory body with the duty to investigate allegations of corruption against high-level public officials, including the Prime Minister (with protection), Union Ministers, Members of Parliament, and senior government servants.<sup>2</sup>

### ORIGIN AND LEGAL BASIS OF THE TWO INSTITUTIONS- CVC AND LOKPAL

#### Central Vigilance Commission (CVC): The Preventive Watchdog

**Origin:** Executive Decision as per the Santhanam Committee

The CVC traces its origins to the recommendations of the Committee on Prevention of Corruption (1962-1964), also more popularly known as the Santhanam Committee. The Committee had suggested an autonomous body to monitor vigilance activity in the Union administration. The CVC was thus established in February 1964 as a result of an Executive Resolution of the Central Government. Initially, it was only an advisory agency, without any statutory foundation, confining its role.

**Legal Provisions:** The Central Vigilance Commission Act, 2003

The CVC achieved its statutory, autonomy-based character after the Supreme Court's seminal judgement in Vineet Narain v. Union of India (1997) wherein the institutional autonomy of investigative agencies was stressed. There was an Ordinance in 1998, which was later replaced by the Central Vigilance Commission Act, 2003 (CVC Act 2003).<sup>3</sup>

#### Lokpal: The Investigative Ombudsman

**Origin:** Decades of Demand and the Jan Lokpal Movement

The concept of a national ombudsman, first employed as 'Lokpal' by legal scholar L.M. Singhvi in 1963 and formally suggested by the First Administrative Reforms Commission (ARC) in 1966, is a chequered but long-haul one in India. The demand for the Lokpal was front-page material with the huge 'India Against Corruption' (IAC) movement in 2011, which whipped up support for a strong, high-powered anti-corruption agency.

**Legal Framework:** The Lokpal and Lokayuktas Act, 2013 After long-parliamentary efforts and strong public pressure, the institution of the Lokpal was finally cemented by the enactment of The Lokpal and Lokayuktas Act, 2013 (Lokpal Act 2013).<sup>4</sup> The Act provided for the institution of the Lokpal at the Centre and directed the institution of the Lokayukta in the states.

### STRUCTURE, POWERS, AND SENTINEL ROLE IN GOVERNANCE

#### The Central Vigilance Commission

The quest for clean and transparent governance led to the necessity of a specialized mechanism in order to keep an eye on and check bureaucratic corruption in India. This necessity led to the formation of the Central Vigilance Commission (CVC), which is currently the premier integrity organization that monitors the vigilance administration of the Union Government.

#### I. Origin and Statutory Foundation

Established in February 1964 on the recommendation of the K. Santhanam Committee on Prevention of

<sup>1</sup> *Report of the Committee on Prevention of Corruption* (Ministry of Home Affairs, Government of India 1964) (The Santhanam Committee Report); *Central Vigilance Commission Act 2003* (hereafter CVC Act 2003), s 8(1).

<sup>2</sup> *Lokpal and Lokayuktas Act 2013* (hereafter Lokpal Act 2013), Preamble and s 14(1).

<sup>3</sup> *Report of the Committee on Prevention of Corruption* (Ministry of Home Affairs, Government of India 1964) (The Santhanam Committee Report); *Central Vigilance Commission Act 2003* (hereafter CVC Act 2003).

<sup>4</sup> *Lokpal and Lokayuktas Act 2013* (hereafter Lokpal Act 2013).



Corruption (1962–64).<sup>5</sup> First established by an executive order of the Government of India, the CVC had no statutory support and was, therefore, constrained in its effectiveness. But, after the landmark Vineet Narain judgement (1997) of the Supreme Court, which stressed the importance of the provision of an institutional setting to provide operational autonomy to the CBI, the CVC was eventually given statutory status through the Central Vigilance Commission Act, 2003.<sup>6</sup> The Act gives the Commission the statutory authority and independence that it needs in order to fulfill its functions effectively.

## II. Structure and Composition

The CVC is a multi-member panel intended to be unbiased and apolitical, with security of tenure and autonomy.

### Composition

The Commission shall comprise a maximum of three members. They are:

- The Central Vigilance Commissioner (CVC), who is the Chairperson.
- Not exceeding Two Vigilance Commissioners (Members).

### Appointment and Tenure

The Members and Chairperson are appointed by the President of India by warrant under his hand and seal on the recommendation of a high-powered committee.<sup>7</sup> It consists of:

- The Prime Minister (Chairperson)
- The Union Minister of Home Affairs (Member)
- The Leader of the Opposition in the House of the People (Lok Sabha) (Member)

They hold office for a term of four years from the date of their assumption of office, or till they reach the age

<sup>5</sup> Report of the Committee on Prevention of Corruption (Santhanam Committee), Ministry of Home Affairs, Government of India, 1964.

<sup>6</sup> The Central Vigilance Commission Act, 2003 (No. 45 of 2003), Ministry of Law and Justice, Government of India.

of sixty-five years, whichever is sooner. They are not eligible after their tenure for further employment under the Central or State Governments.

## III. Powers and Functions

The CVC's major mandate is supervision, inquiry, and recommendation, but not prosecution, as such, its function is essentially advisory.

### A. Supervisory and Advisory Function

The Commission also functions as an advisor to these organizations in planning, implementing, monitoring, and reorganization of their vigilance activities.<sup>8</sup>

### B. Oversight over Investigating Agencies

Oversight function with regard to the Central Bureau of Investigation (CBI):

- It has superintendence over the operations of the CBI in relation to investigations under the Prevention of Corruption Act, 1988 (PCA).<sup>9</sup>
- It scrutinizes the investigation progress done by the CBI on PCA offenses and examination progress pending with competent authorities for prosecution sanction under the PCA.

### C. Inquiry and Investigation

The CVC can ask or order a questionnaire or investigation to be made into charges of corruption or abuse of office by certain categories of government servants:

- Members of All India Services working in relation to the Union affairs, and Group 'A' officers of the Central Government.
- Officers of specified Public Sector Banks, Reserve Bank of India, and other public authorities.

The CVC is also the Designated Authority to accept and respond to written complaints for disclosure on

<sup>7</sup> Section 4(1) of The Central Vigilance Commission Act, 2003.

<sup>8</sup> Section 8(1)(d) of The Central Vigilance Commission Act, 2003.

<sup>9</sup> Section 8(1)(a) of The Central Vigilance Commission Act, 2003.



any corruption allegation under the Public Interest Disclosure and Protection of Informers' Resolution (PIDPI), commonly referred to as the Whistle Blowers Resolution.<sup>10</sup>

#### D. Quasi-Judicial Powers

In carrying out an inquiry, the CVC is endowed with all the powers of a Civil Court under the Code of Civil Procedure, 1908. This enables it to compel the attendance of any individual and enforce their presence, examine them on oath, and order the discovery and production of documents.

### The Lokpal

#### I. Introduction and Genesis

The institution of the Lokpal is the central ombudsman for anti-corruption in India. This concept, which has its parallel in the Scandinavian Ombudsman, was first advocated formally by the Administrative Reforms Commission (ARC) in 1966.<sup>11</sup> But it required several decades of relentless pressure from civil society through a nationwide mass movement to get the idea through legislation. Its official birth through The Lokpal and Lokayuktas Act 2013<sup>12</sup> was to provide an independent statutory mechanism which would have powers of investigation and prosecution against corruption allegations against some of the highest public functionaries of the nation. The Lokpal, therefore, is an important sentinel for ensuring ethical governance at the Union level.

#### II. Structure and Composition

The design principle for the Lokpal structure is built on independence, represented by a high-powered commission with multiple members who are representative of various fields.

#### Composition

A minimum of fifty percent of the Members shall be from the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes, the Minorities and women.

#### Selection and Tenure

The Chairperson and Members are appointed by the President of India based on the recommendations of a high-level Selection Committee. This Committee includes, inter alia, the Prime Minister, the Speaker of the Lok Sabha, the Leader of the Opposition in the Lok Sabha, the Chief Justice of India, and one eminent jurist. Members hold office for a fixed term of five years or until they attain the age of seventy years.

#### III. Powers and Functions

Powers under the Lokpal are consciously designed to be wide-ranging, making it autonomous and operationally capable of carrying out its mandate against systemic corruption.

##### A. Jurisdiction

The Lokpal shall have jurisdiction over the entire central governance system, covering the following categories of public servants:

- The Prime Minister, Union Ministers, and Members of Parliament (with limited exceptions regarding corruption allegations related to international relations, security, and public order)
- All categories of Central Government employees (Groups A, B, C and D).
- Chairpersons, directors, managers, or secretaries of any body or society established by a central Act or financed/controlled by the Central Government.

##### B. Investigation, Prosecution, and Confiscation

**Inquiry and Prosecution Wings:** The Act provides for an Inquiry Wing for preliminary inquiries, as well as a Prosecution Wing headed by a Director of Prosecution. This double capacity is one of the salient features which differentiates this body from previous advisory anti-corruption bodies as it enables the

<sup>10</sup> Public Interest Disclosure and Protection of Informers' Resolution (PIDPI), 2004, Ministry of Personnel, Public Grievances and Pension

<sup>11</sup> Administrative Reforms Commission, *Ethics in Governance* (4th Report, January 2007) 4.1

<sup>12</sup> *The Lokpal and Lokayuktas Act 2013*, India.



Lokpal to institute proceedings and file charge-sheets in Special Courts.

**Powers of a Civil Court:** The Lokpal has the powers of a Civil Court under the Code of Civil Procedure, 1908, to summon and examine witnesses and compel the discovery and production of documents.

**Confiscation of Assets:** The Lokpal has the authority, in unique cases, to recommend attachment, confiscation, and forfeiture of assets and proceeds resulting from corruption. This prerogative ensures that the spoils of corruption fall into the hands of the State without much delay.

### C. Superintendence over Investigative Agencies

It is in this regard significant that the Lokpal has been invested with superintendence over, and the authority to issue directions to, the CBI in respect of cases referred to it by the Lokpal. The independence of the investigative function has indeed been a long-standing jurisprudential principle upheld by the courts themselves.<sup>13</sup>

### COMPLEMENTARITY BETWEEN THE CENTRAL VIGILANCE COMMISSION AND THE LOKPAL: TWIN PILLARS OF INDIA'S INTEGRITY SYSTEM

In India, anti-corruption governance is designed as a multi-layered model, with different mandates resting in different institutions. The Central Vigilance Commission (CVC) serves as the systemic integrity watch at the top of the model, while the Lokpal is the high-level anti-corruption ombudsman institution. Both institutions share the overarching purpose of curtailing malfeasance in public life, although both can be considered as being complementary to each other, rather than competing.

### I. Different Mandates and Jurisdictional Boundaries

The integral complementary of the CVC and Lokpal arise from their distinct origins and legislative mandates.<sup>14</sup> By understanding their different jurisdictions, we can understand their collaborative role.

#### A. The CVC: Systemic Vigilance and Advising

The CVC, established statutorily through the Central Vigilance Commission Act 2003 (CVC Act) is fundamentally a vigilance authority.<sup>15</sup> It is fundamentally a supervisory and advising agency. The CVC is responsible for the overall vigilance administration of the Union government, keeping an eye on practices and recommending changes. While the CVC exercises superintendence over the Central Bureau of Investigation (CBI) in matters arising from the Prevention of Corruption Act, 1988, the CVC rarely acts against public servants, other than advising the disciplinary authority on penalties. The CVC's main strength lies in its system-wide jurisdiction and preventive role.

#### B. The Lokpal: Investigation and High-Level Oversight

The Lokpal has been established under The Lokpal and Lokayuktas Act 2013 (Lokpal Act) and is characterized by its considerable punitive and prosecutorial authority. The Lokpal Act is concerned solely with public functionaries, in particular, the Prime Minister, Ministers and Members of Parliament. Differently than the CVC, the Lokpal has its own Inquiry and Prosecution Wings and can refer matters for prosecution in Special Courts. The Lokpal is focused on the decisive, punitive end of the spectrum when dealing with allegations of corruption.

<sup>13</sup> *State of Maharashtra v Mahesh K Jethmalani* (2009) 3 SCC 469, para 33.

<sup>14</sup> The Administrative Reforms Commission's recommendation for an Ombudsman was distinct from the CVC, which was an executive resolution initially,

illustrating separate, though related, institutional goals.

<sup>15</sup> *The Central Vigilance Commission Act 2003*, India.



## RECENT DEVELOPMENTS AND CASE EXAMPLES

### Historical Journey & Legislative Milestones

India's anti-corruption architecture has evolved tremendously post-independence. The CVC (Central Vigilance Commission) was created in 1964, originally conceived as an ombudsman to investigate cases of maladministration and corruption.<sup>16</sup> But the idea of Lokpal began back in 1966 when the Administrative Reforms Commission first recommended establishing the office.<sup>17</sup>

The journey to the establishment of Lokpal was long and arduous. There were numerous unsuccessful attempts to introduce Lokpal legislation in Parliament in 1968, 1971, 1977, 1985, 1989, 1996, 1998, and 2001.<sup>3</sup> These four decades of sustained effort reflected the political impediment to a structure for anti-corruption without government oversight.

### Corruption Scandals as Other Depends

The period between 2010-2013 saw a series of mega-scandals that were watershed moments for India's anti-corruption movement. In 2010, the Commonwealth Games scandal and the trade of telecom spectrum (2G Spectrum scandal) came to the forefront, and then the publicity around the "Coalgate" report fiascos followed.<sup>18</sup> Scandals of this magnitude indicated the level and scope of corruption in the landscape of corruption and showed the total inadequacy of the anti-corruption frameworks.

### Breakthrough in Legislation, Obstacles in Implementation

The sustained public pressure finally resulted in the passage of the Lokpal and Lokayukta Bill by the Parliament on 18 December 2013. The President gave assent to the Bill on 1 January 2014, and it came into force on 16 January 2014.<sup>19</sup> However, despite the triumph of the legislation, the establishment of the Lokpal body was delayed. This also showed that the government was unwilling to sincerely operationalize the institution.

### Institutions were Limited and the Importantly Framework of Systems was Caught Up in the Challenges they Faced

The existing anti-corruption system is plagued by deep-seated structural limitations. The CVC is independent but it has no powers to punish anyone and can only examine complaints of misconduct by officials within the ambit of public office to prosecute someone for corruption.<sup>20</sup> The Central Bureau of Investigation, on the other hand, can conduct investigations and has far-reaching powers, but is vulnerable to political pressure because it is an agency under the Ministry of Personnel, Public Grievances and Pensions.<sup>21</sup>

Hence, there is a paradox in the statement the "CVC is independent but it does not have powers while the CBI has power but is not independent," the result is that the "CVC cannot punish anyone while the CBI cannot independently investigate."<sup>22</sup>

<sup>16</sup> F. Khan and R. Sudarshan, "Enactment and Enforcement of Anti-Corruption in India" (2020).

<sup>17</sup> R. Jha, "India's Anti-corruption Authorities: Lokpal and Lokayukta," *European Journal of Research in Applied Sciences* (2018).

<sup>18</sup> T. Raj, "Unfinished Fight for Transparent India: Indian Ombudsman 'Lokpal'," *Contemporary Social Science* (2018).

<sup>19</sup> T. Raj, "Unfinished Fight for Transparent India: Indian Ombudsman 'Lokpal'," *Contemporary Social Science* (2018).

<sup>20</sup> Atanu Mohapatra, "Lokpal and the Role of Media in Propping up Anti-Corruption Movement in India" (2013).

<sup>21</sup> Shrishaila Mudhol, "The Importance of Establishing a Lokpal in India; Lokpal Vitality in Democracy-Device for Combating Administrative Lawlessness," *Current Approaches in Science and Technology Research Vol. 10* (2021).

<sup>22</sup> Atanu Mohapatra, "Lokpal and the Role of Media in Propping up Anti-Corruption Movement in India" (2013).



### Media Contribution to Anti-Corruption Mobilization

Mainstream and social media contributed significantly to the anti-corruption movement. The media intervention transformed the local grievances into a pan-Indian movement, especially when new corruption scandals were revealed at various levels of government.<sup>23</sup>

### Progress during the Modi Government

The political party, Bharatiya Janata Party or BJP, led by Modi, made fighting corruption a key plank of their electoral strategy in the 2014 elections in which it won by a substantial majority. In the first five years of the Modi government, from 2014-2019, fighting corruption became a priority, even if the evidence of substantial achievements is somewhat mixed.<sup>24</sup>

### Present Circumstances and Future Directions

While Lokpal made legislative strides, it has yet to be operationalized. Bureaucratic delays and political reluctance have delayed the establishment of a fully operational anti-corruption regime. The ascendant anti-corruption mobilization in Indian society indicates that the public is demanding action, but institutional and political problems remain.<sup>25</sup>

The dual anti-corruption framework of the CVC and the Lokpal demonstrate India's commitment to address corruption, but the success of both depends on political will, independence from political power, and sustained public enthusiasm for public accountability and transparency of public governance.

### INDIA'S MODEL IN COMPARATIVE CONTEXT

India's anti-corruption framework relies on the specialized division of labor between the Central Vigilance Commission (CVC) and the Lokpal to ensure accountability at all levels of the bureaucracy. The CVC performs as the systemic to integrity, emphasizing preventive and oversight functions at a department level,<sup>26</sup> and the Lokpal performs as the high-level anti-corruption ombudsman, with necessary punitive powers for senior public officials, thus taking a two-part approach that separates it from all-together simpler models like the Swedish Parliamentary Ombudsman.<sup>27</sup> The Lokpal Act has a referral of complaints embedded in the obligation for the Lokpal to refer cases against lower-level (Groups C and D) officials to existing channels administered through the CVC,<sup>28</sup> so the Lokpal may effectively use its limited resources as a designated apex filter for top-level corruption (Groups A and B).<sup>29</sup> Recent developments confirm that this, practically speaking, is also binding; the CVC has sharpened its preventive responsibility and oversight mandate, as evident in the new Technology Strategy (Integrity Index Development (IID) project),<sup>30</sup> and it also has assumed the administrative responsibilities to assure compliance with rules governing the scrutiny of Asset Declaration, ultimately forwarding cases of noncompliance for enforcement to the Lokpal.<sup>31</sup> Thus, CVC and Lokpal are not parallel competitors in accountability, but complementing systemic pillars of reform with heightened levels of accountability.

<sup>23</sup> Atanu Mohapatra, "Lokpal and the Role of Media in Propping up Anti-Corruption Movement in India" (2013).

<sup>24</sup> Krishna K. Tummala, "India's Continuing Fight Against Corruption: The Modi Regime's First Five-Year Saga" (2021).

<sup>25</sup> Shrishaila Mudhol, "The Importance of Establishing a Lokpal in India; Lokpal Vitality in Democracy-Device for Combating Administrative Lawlessness," *Current Approaches in Science and Technology Research* Vol. 10 (2021).

<sup>26</sup> *The Central Vigilance Commission Act 2003*, India, s 8(1)(d).

<sup>27</sup> Marc L. Zalkin, 'The Ombudsman in the Swedish Administrative System' (1976) 29(4) *Administrative Law Review* 443, 445-446.

<sup>28</sup> *The Lokpal and Lokayuktas Act 2013*, s 20(3).

<sup>29</sup> The Lokpal, *Rules of Procedure of the Lokpal* (2020), Rule 12.

<sup>30</sup> Central Vigilance Commission, *Annual Report* (2023) 15.

<sup>31</sup> *The Lokpal and Lokayuktas Act 2013*, s 44(2).



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**IMPLEMENTABLE RECOMMENDATIONS**

In order to realize the full value of this dual framework, the following some actions are suggested:

**Standardize Referral Processes:** Require a single, digital input field for all complaint intake and automatically categorize all Group C and D cases on the consumer portal, and route them directly to the CVC, reducing lag during the Lokpal step.

**Increase Resources for CVC Technical Area:** Create additional allocations and staffing for the Chief Technical Examiners' Wing (CTE) of the CVC, which will allow for better forensic technical audits and more proactive reviews of systems (e.g., preventive vigilance).

**Fully Staffed** Expedite the hire of the Inquiry and Prosecution Wings of the Lokpal as required under the Lokpal Act 2013 in order to lessen reliance on agencies/organizations such as the CBI for its core functions.

**CONCLUSION**

In conclusion, India's anti-corruption structure is primarily defined not by an administrative authority alone, but rather by the coordinated coexistence of the Central Vigilance Commission (CVC) and the Lokpal. It functions as a dual-model structure (or differs on utilising complementary approaches), whereby the CVC is a systemic integrity body, to support prevention and administrative reform, and the Lokpal is a central authority, which acts as a filter for high-level accountability. The operational coordination (via a mandatory referral process and the monitoring of asset filings) reinforces the shared accountability they can deliver, covering both aspects of systemic reform from abuse of power or accountability measures for the systems' leaders.<sup>32</sup>

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<sup>32</sup> *The Central Vigilance Commission Act 2003 and The Lokpal and Lokayuktas Act 2013.*