

B.A.ESPA
IV Semester
Public Administration

Unit V

REDRESSAL OF PUBLIC GRIEVANCES

Directorate of Vigilance and Anti-Corruption (DVAC)

The Government of Tamil Nadu set up the Directorate of Vigilance and Anti-Corruption (DVAC) as the first organised measure towards tackling corruption in public administration. The DVAC comes under the administrative control of the Government in Personnel and Administrative Reforms (N) Department. With regard to matters of enquiry and investigation against Public Servants, the reports on the result of enquiries/investigations are sent to the Vigilance Commissioner for further action.

The main functions of the DVAC are :

- a) **To conduct enquiries into the allegations of corruption and allied misconducts referred to by the State Vigilance Commission/Government.**
- b) **To furnish the State Vigilance Commission, information and statistics gathered by the Directorate**
- c) **To institute enquiries on the complaints made by members of public regarding the alleged corrupt practices by public servants**
- d) **To collect intelligence for detection of cases of bribery and corruption and to investigate offences falling within the purview of the Prevention of Corruption Act, 1988 and the Amended Act w.e.f. 26/07/2018.**
- e) **On specific complaints, traps are organised after complying with the formalities and the corrupt Government servants are caught red handed while accepting the bribe.**

Now, there are 39 detachments throughout the State of Tamil Nadu.

In order to ensure speedy trial, the Government have established four special courts, one each at Chennai, Madurai, Coimbatore and Trichy exclusively for conducting trial in cases falling under the Prevention of Corruption Act, in the year 2011. During the year 2013-14, four more Special Courts were constituted one each at, Villupuram, Salem, Sivagangai and Tirunelveli.

On 10.09.2014, the Government have empowered the CJM/SJ in the Special Courts/Sub Judge in the respective Districts throughout the State of Tamil Nadu to deal with cases arising under the Prevention of Corruption Act 1988. There are totally 39 Courts.

As a proactive measure, the Government have issued instructions to all Heads of Departments to display the following message on the Notice Boards in all Government undertakings.

"Bribery is against the law. The complaints about corruption may be sent to the Directorate of Vigilance and Anti-Corruption ".

Anti-Corruption Bureau

The Anti-Corruption Bureau is a specialized agency responsible for collection of intelligence with regard to corruption, maintaining liaison with the various Departments of Government through their Vigilance Officers, enquiries into complaints about bribery and corruption, investigation and prosecution of offences pertaining to bribery and corruption and tasks relating to preventive aspects of corruption.

The Bureau handles all cases registered under the provisions of Prevention of Corruption Act, 1988. Besides this, the Bureau conducts enquiries based on the information/petitions received from various agencies like Government, Lokayukta, etc. and also on the information/petitions received from the public containing specific and verifiable allegations of corruption against Public Servants.

Establishment

This Bureau was established on 14th March 2016 and functions directly under the administrative control of the DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS (DPAR) of Karnataka state Government.

Composition

The Bureau is headed by a senior IPS Officer of the rank of Addl. Director General of Police. An Officer of the rank of Inspector General of Police in turn assists ADGP. The Bureau is having two S.Ps. i.e., SP, Headquarters and SP, Administration.

The Bureau is divided into 7 Ranges in the State. i.e Central Range, Southern Range, Eastern Range, Western Range, Northern Range, North-Eastern Range, Bellari Range.

Each range is headed by a rank of Superintendent of Police and comprises 3-4 Districts. Each District has a ACB Police Station headed by Officer of the rank of Dy. Superintendent of Police who is the Station House Officer.

The Bureau is also having Technical Officers like Engineers, Tahasildars, Finance Officers to look-after various technical, administrative and financial matters. It is also having Legal Cell to tender advice on legal matters and conduct prosecution in Courts

Functions

1. The Bureau basically enforces the provisions of the Prevention of Corruption Act, 1988.
2. The Bureau has Suo-Moto powers to collect information, conduct enquiries and register cases on Public Servants.
3. The Bureau investigates Disproportionate Assets Cases of Criminal Misconduct and Misappropriation.
4. For every complaint other than trap case, a preliminary enquiry is conducted before registration of FIR.

5. Apart from this, the Bureau also conducts enquiries in the form of Regular Enquiries, Discreet Enquiries and also conducts Surprise Checks.

Investigation

After preliminary enquiry, the Anti-Corruption Bureau, files First Information Report with the concerned jurisdictional special courts and take up investigation. During investigations, evidences are collected and if the charges are proved, Charge Sheet are filed in the Special Courts for prosecution after obtaining sanction from competent authority. If the evidence is not enough for launching prosecution in a case, the case is referred to the concerned Departments for initiating Disciplinary Proceedings against the Public Servant for taking further action by dealing with the Public Servant on charges of misconduct, possessing disproportionate assets and violation Karnataka Civil Services (conduct) Rules, 1966.

Conviction in a Court may lead to dismissal of the convicted Public Servant, whereas in departmental action the Public Servant is awarded a major punishment or a minor punishment depending on the gravity of the delinquency under the Karnataka State Civil (CCA) Rules, 1959.

Major punishment involves dismissal, removal, reduction in Rank, withholding of increments with cumulative effect, cut or stoppage of pension for retired employees, etc. Minor punishments are withholding of increments without cumulative effect, censure, recorded warning, etc.

How-to-complain

Any person can approach and submit a complaint to the nearby ACB police stations at city and district level as listed in the contact Us column of the page. Approach the Dy.Superintendent of Police/Inspector of Police (SHO) or the senior officers at the Head Office of ACB at Khanija Bhavan, Race Course Road, Bangalore. As far as possible, the complaint should be a written or typed one by the complainant. There is no need of any stamp fees or any other payment for making a complaint.

If the complainant is illiterate, he can get his complaint written by a scribe, whose name and address should also be written at the end of the complaint, and the scribe should also certify in writing that the contents were read over and explained to the complainant and found to be correct. The complainant should also affix his left thumb impression at the end.

If the complainant is literate, his signatures should be taken at the end of the complaint.

Normally action will not be initiated on anonymous and pseudonymous complaints. However, if they contain verifiable and specific allegations, they may be probed into.

Written complaints/information can also be sent by Post (preferably by registered post). The officers of ACB can also be contacted by telephone.

Lokayukta

Appointment

- For the purpose of conducting investigations and enquiries in accordance with the provisions of this Act, the Governor shall appoint a person to be known as the Lokayukta
- A person to be appointed as the Lokayukta shall be a person who has held the office of a Judge of the Supreme Court or that of the Chief Justice of a High Court and
- shall be appointed on the advice tendered by the Chief Minister in consultation with the Chief Justice of the High Court of Karnataka, the Chairman, Karnataka Legislative Council, the Speaker, Karnataka Legislative Assembly, the Leader of the Opposition in the Karnataka Legislative Council and the Leader of the Opposition in the Karnataka Legislative Assembly.

Term of office and other conditions of service of Lokayukta:

- A person appointed as the Lokayukta shall hold office for a term of five years from the date on which he enters upon his office; Provided that.-
- the Lokayukta may, by writing under his hand addressed to the Governor, resign his office;
- There shall be paid to the Lokayukta every month a salary equal to that of the Chief Justice of a High Court.

Removal of Lokayukta:-

- The Lokayukta shall not be removed from his office except by an order of the Governor passed after an address by each House of the State Legislature supported by a majority of the total membership of the House and by a majority of not less than two thirds of the members of that House present and voting has been presented to the Governor in the same session for such removal on the ground of proved misbehaviour or incapacity.

(Powers and Functions) Matters which may be investigated by the Lokayukta and an Upalokayukta.-

Subject to the provisions of this Act, the Lokayukta may investigate any action which is taken by or with the general or specific approval of ;

- I. the Chief Minister, a Minister; a member of the State Legislature.
- II. the Chairman and Vice-Chairman (by whatever name called) or a member of an authority, board, or a committee, a statutory or non statutory body or a corporation established by or under any law of the State Legislature including a society, cooperative society or a Government company .

- III. Any other public servant holding a post or office carrying a fixed pay, salary or remuneration.