

No. 003/VGL/27
Government of India
Central Vigilance Commission

Satkarkta Bhawan, Block 'A'
GPO Complex, INA
New Delhi 110 023.
Dated the 11th March 2004.

Office Order No. 15/03/04

To

- (i) Secretaries to all Ministries/Departments
- (ii) Chief Executives of all PSEs/Banks/Organisations
- (iii) All Chief Vigilance Officers

Subject:- Court cases against Central Vigilance Commission.

It has come to the notice of the commission that the commission is being made as party (Respondent) in the legal proceedings. Section 15 of Central Vigilance Commission Act 2003 lays down that no suit, prosecution or other legal proceedings shall lie against the Commission, the Central Vigilance Commissioner, any Vigilance Commissioner, the Secretary or against any staff of the Commission in respect of anything which is in good faith done or intended to be done under the Act. Under Section 11 the Central Vigilance Commission is vested with the powers of a Civil Court and under Section 12 of the said Act the Commission shall be deemed to be a Civil Court for the purpose of Section 195 and Chapter XXVI of the CrPC 1973 and every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 and for the purpose of Section 196 of the IPC. Same provisions exist in the CVC Ordinance of 1998 and 1999.

2. It has, therefore, been decided that in future, whenever the Commission is made a party in any Court proceedings, the provision contained in Section 11,12 and 15 may be brought to the notice of the concerned Court through the concerned government pleader to delete the name of Commission/ Central Vigilance Commissioner/any Vigilance Commission/the Secretary or any officer or staff of the Commission, as the case may be, from the list of parties.

Sd/-
(Anjana Dube)
Deputy Secretary.