

CORRUPTION IN INDIA

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Corruption is usually defined as the abuse of public office or entrusted power for private gain, and it happens all over the world. Scandals involving Enron, BAE Systems and Bofors remind us that *grand corruption* can be as pervasive in rich countries as it is in some poor countries, where *petty corruption* is often more common. It is also widely recognized that everyday corruption can be a spur to action in bureaucracies that otherwise are characterized by torpor or seeming incompetence. Samuel Huntington (1968: 69) suggested that, 'In terms of economic growth, the only thing worse than a society with a rigid, over-centralised, dishonest bureaucracy is one with a rigid, over-centralized, honest bureaucracy.' More recently, the development economist Ha Joon Chang (2002) has argued that no rich country became rich while abiding by the rules of what is now called good governance. Corruption is a natural bedfellow of what Schumpeter called 'creative destruction' and what Marx called 'accumulation by dispossession.' Corruption served this purpose in the nineteenth century in Europe and the USA, and it has done so again in the Tiger economies of East Asia. It is not so much corruption that should worry us, says Chang, or even crony capitalism, but what happens to the proceeds of corruption and crony capitalism (see also Khan and Jomo 2000; Fisman and Svensson 2007). So long as corrupt proceeds are used to finance accumulation and economic growth, rather than conspicuous consumption, it should not be an overriding concern.

Perhaps this is the case in East Asia, although public protests against both *bureaucratic corruption* and *political corruption* suggest that Chang's view is too sanguine. Corruption is no friend of the poor or transparency. In any case in India it is unlikely that corruption did foster much growth before the era of economic reforms. Dirigiste forms of development create scarcities and pervasive rent-seeking opportunities. Speed money then circulates as a response to these distortions. Whether corruption is now being curbed as gross domestic product (GDP) growth rates soar is hard to judge. Anecdotal evidence suggests that the location, type and onward distribution of corrupt transactions have changed more than its simple incidence. In Chang's terms, corruption in India might be in the process of becoming more productive. Instead of procuring licenses, some business people are now procuring land—legally and illegally—for special economic zones or construction projects.

Given the pervasiveness of corruption in India it is surprising that public protest has remained a low-key affair. The right to information movement has disturbed the landscape in some

respects, but mostly for the urban middle classes, and so too in 2011 did the promised 'fast unto death' by the social activist and anti-corruption campaigner, Anna Hazare. Poor people mainly challenge corruption when the sums exacted from them depart from the figures they expect to pay and which they build into transactions. They also fight back against corrupt land acquisitions and what are considered to be new bureaucratic scams. Public policies which fail to attend to the experiential dimensions of corruption are unlikely to be successful.

In the rest of this chapter we first examine the political economy of corruption in India. The analysis here is mainly macro. Next we consider a growing case study literature on how corruption works in practice and is experienced on the ground. The analysis here is micro and we introduce a gender dimension. Finally, we consider how corruption is being challenged in India by social movements and through public policy.

A political economy of corruption in India

India in 2009 stood 84th among 180 countries in Transparency International's annual survey of perceptions of corruption among public officials and politicians. Its 'cleanliness' score of 3.4 was closer to Somalia's bottom score of 1.1 than it was to top scores of over 9.0 (out of 10) in countries like Denmark, Sweden, Singapore and New Zealand. India remains a country where business people, not to mention less privileged citizens, expect to pay bribes to public officials on a routine basis. Many of these bribes are described in the literature as *voluntary* or *collusive* payments: for example, bribes to gain access to a decent power connection or to avoid a fine. The politicians or bureaucrats receiving these bribes are expected to provide favors in return for cash or kind payments. They do so mainly by exercising power over choke-points in the economy or polity. So long as the favor is performed properly the main loser is the public at large. In contrast, *coercive* bribes occur when the bribe giver is directly cheated. This happens, for example, when a police officer takes money to release an innocent person. *Corruption as theft* is also common in infrastructure projects across India. It is relatively easy to cheat laborers in the absence of well-kept accounts that are available to both parties. It is also not difficult for public officials and their supporters to steal some of the commodities necessary for the building of schools, roads and hospitals.

The pervasiveness of corruption in India is sometimes explained with reference to cultural norms. In a world of 'limited-group morality' cheating the system for individual or social group advancement is not frowned upon in the way that it is in societies characterized by 'generalized morality' (Platteau 1994; see also Corbridge 2004 and Ramanujan 1989). Due process and respect for distant strangers play second fiddle to the need to promote kith and kin. Many backward caste men and women also feel that it is now their turn to milk the state, after years of observing India's forward castes doing likewise. Yet another sort of morality is in play here.

Economists and political scientists prefer to explain corruption in India with reference to the development of a permit and license raj. The intuition is that competitive market transactions are less supportive of corruption than are transactions which arise in situations of regulated scarcity (informational and material). India's permit and license raj was built up in the 1950s as a way of protecting strategic and infant industries from unwanted competition. Foreign exchange controls and high tariff barriers allowed domestic industries to be developed in their lee. Meanwhile, different sectors of the economy were reserved for industrial units on the basis of size and location, amongst other factors. Regional policy sat alongside industrial policy in Nehru's India, as it did in the India of Indira and Rajiv Gandhi. It wasn't long, however, before these regulations were observed to have perverse effects. Lack of competition stymied innovation. Rajan (2010: 60) has observed that the Ambassador car came in 'only five different models [over

nearly four decades] ... and the sole differences between them seemed to be the headlights and the shape of the grill.' Over-regulation, meanwhile, forced business people to chase precious permits and licenses, the securing of which was often best effected through speed money.

Many of these relationships became routinized. Leading business houses came to enjoy the patronage of leading politicians and bureaucrats, and vice versa. All of this was evident by the time that the government of India set up its first major enquiry into corruption in the country—the Santhanam Committee on Prevention of Corruption, which reported in 1964. Changing a system which benefits a large number of powerful actors is not easy, however. Corruption generates a halo effect which can make oppositional collective action not only difficult but unproductive. Corruption that is squeezed from one enterprise or sector can re-appear elsewhere. Different politicians emerged in India in the 1970s and 1980s to take on the mantle of Mr (or Mrs) Clean, including Jayaprakash Narayan, but even prime ministers like Rajiv Gandhi and V.P. Singh found it hard to dismantle networks of collusive corruption. (Rajiv Gandhi's reputation suffered for a long time because of the Bofors scandal. He was accused of taking bribes from the Swedish arms company. Mr Gandhi was posthumously acquitted of this charge by the Delhi High Court in 2004.)

The commissions that are channeled to high-ranking officials in New Delhi are mirrored at state and local levels by widespread payments from ordinary citizens to their representatives and local bureaucrats. When corruption takes hold in the political sphere the benefits of competition can break down. The deepening of India's democracy may even contribute to a worsening of some forms of corruption as politicians seek to build up electoral war chests. Salman Rushdie once quipped: 'Indian democracy: one man, one bribe' (see Jeffrey 2010). The scale of funds that can be funneled upwards through a linked chain of corrupt transactions has also attracted criminals into politics, something that has been observed widely in north India. As yet, the costs of political competition do not seem to be outweighed by its advantages: notably, the promotion of citizen voice and accountability mechanisms.

Exactly how much money finds its way into corrupt transactions is impossible to say. The incidence of corruption varies by region, sector and type. Anne Krueger (1974) estimated that rents—not all of them illegal, of course—made up 7.3% of India's national income in 1964. Most of these rents derived from control over import licenses. More recently, Edward Luce (2006: 83) has claimed that 'more than 80 per cent' of subsidized food for the poor in Bihar is stolen, as against 20% in Kerala and Tamil Nadu (this might be changing as Nitish Kumar, the present Chief Minister of Bihar, improves government efficiency and opportunities for citizen voice). It is clear, too, that Indian citizens expect their politicians and police to be more corrupt than the military or High Court judges. School principals, forest guards and Indian Administrative Service officers fall somewhere in between. World Bank and Transparency International (TI) survey data suggest that bribes in India are more often coercive than they are collusive, while Bardhan (1997: 1321) notes that bribe givers often fail to get the services for which they pay: they fall foul of the fact that many government actions have to be sanctioned by more than one person.

It is also not easy to say whether things are getting better. The annual league tables produced by Transparency International suffer from selection bias and autocorrelation: they mainly sample the perceptions of business people, and perceptions in any one year may be influenced by previous TI scores. It is even possible that TI scores add to corruption's halo effect. Business people reading TI surveys might form an expectation of having to pay a bribe in a country like India and act accordingly. TI is probably right to suggest, even so, that the incidence of corruption in India has remained fairly stable even as its vectors have begun to change. In part, this is because the probability of facing sanctions for engaging in corrupt behavior remains low,

notwithstanding some innovations that are reported below. The rewards meanwhile remain high and may be growing in some areas. In part, too, it is because the liberalization of the Indian economy post-1991 has created new bottlenecks amid more rapid economic growth. Many permits and licenses have disappeared. In their place are new choke points—in the courts, in real estate markets, in admissions to top-notch schools and universities, and so on. The poor quality of public officials in India remains a problem in many line departments, not least at the lower levels of the public services where wages are often low. However, what also drives corruption is simple scarcity, for example of power and infrastructure, or of higher education places, construction sites and affordable, middle-class housing.

Everyday corruption and the poor

Trying to work out the total value of corrupt transactions is a thankless task. It also tells us rather little about the different uses to which corrupt proceeds are put. Numbers are more telling when they can be linked to the lives of ordinary Indians. This is even more the case when those numbers are expressed in units that are meaningful to both bribe givers and takers.

Case study work has established that retail corruption in India is extremely well organized, to the point of being predictable. Writing in the mid-1980s, Robert Wade developed both a theoretical and an empirical account of how a market for public office might work in India, and with what consequences. His key driver of corruption is the system of transference which allows public officials to remain in post (or not). Officials estimate how long they might remain in a given post and how much rent they can expect to gain from misusing a public office. Information on these tariffs circulates widely and determines how much an individual will pay for a post. Officials then extract enough funds from their subordinates to pay off their superiors and make a profit. Wade (1985: 475) reports that Assistant Engineers who were paid about 23,000 rupees a year in the late 1970s to work in the Irrigation Department of a south Indian state had to pay local politicians about the same amount for a posting in the Construction or Operation and Maintenance wings of the Department. Ultimately, of course, the money that is passed upwards in the irrigation bureaucracy and to local politicians is squeezed out of irrigation users. These users include *Gram Panchayats* as well as individual farmers. Citizen-clients come to know very well the charges that are due to different government servants: the forest guard, the Block Development Officer, the policeman or the Assistant Engineer. Cuts are regularized and they elicit protest most often when the standard tariff is not charged. Craig Jeffrey (2002) reports similar patterns of charging and behavior in his surveys of the police and higher education institutions in Meerut, Uttar Pradesh.

Everyday corruption of this type has non-private consequences, not all of which are easily anticipated. Downstream users of a surface irrigation system will be seriously disadvantaged by upstream users if the latter communities organize themselves collectively to pay or to cheat the local irrigation bureaucracy. Crop yields in potentially fertile downstream fields can be reduced as a result. Bribing tax inspectors not to prosecute a family or firm for tax evasion will have consequences for fiscal policy. Corbridge and Kumar (2002) report the perverse consequences of a highly regulated trade in timber in Jharkhand. Legislation that was intended to protect 'innocent' Adivasis (Scheduled Tribes, or STs) from 'unscrupulous' Hindu merchants made it difficult for households to chop down and sell trees from their homestead land (note, this is not Forest Department land). A local schoolteacher, Polus B., wanted to sell 10 jackfruit trees. In the early 1990s these trees were worth about 100,000 rupees, or 80,000 rupees net of stumpage and transportation costs. Before the trees could be cut, however, Polus needed to make a large number of trips to Ranchi, some 40 kilometers away, to gain permits from the

Revenue and Forest Departments. Payments had to be made to various government officials, as can be seen in Table 19.1. In the end, Polus sold his trees to a local *dalaal* (broker) for 20,000 rupees rather than incur high time and financial costs himself. Polus also worried about a possible risk of prosecution for an entirely legal activity. Corbridge and Kumar observe that this regime of ‘environmental/ethnic protection’ ensured that old trees were not being harvested and new trees were not being planted. When the tree trade was briefly liberalized, tree cutting peaked for a while but timber loss was soon offset by new plantings. People invested in afforestation when it became profitable.

Lastly, it is worth noting that corruption is gendered in key respects. The idea that women might be less corrupt than men has become a favorite topic of investigation (Swamy *et al.* 2000; Dollar *et al.* 2001). The driving intuition is that women behave more ethically than men, including in the provision of government services and public goods. The evidence for this viewpoint is patchy at best. It is more likely that women learn to be corrupt once they occupy public offices that offer opportunities for bribe taking. (Whether women target the distribution of public goods more effectively than men is a related but different question. It has been examined in the Indian context by two main teams of researchers: Beaman, Chattopadhyay, Duflo, Pande and Topolova, working in West Bengal and Rajasthan; and Ban, Besley, Pande, Rahman and Rao, working in south India. Chattopadhyay and Duflo (2004) report that female *pradhans* respond well to women’s perceived needs. Duflo and Topolova (2004) suggest that villagers offer fewer bribes in

Table 19.1 Rent seeking in the trade of privately grown trees; commissions paid where the *dalaal* chooses to log the tree himself and deliver the timber to the Forest Department depot

Local sarkar	Revenue Department (Circle office)	Forest Department territorial wing (Range office)	(Superior office)		Other expenses
1	2	3	4	5	6
Mukhiya ¹	Clerk (Rs.1,000)	Range forest officer Rs.4,000) ²	Clerks (Rs.4,500)	Officer in Charge (Rs.2,000)	Miscellaneous payments (Rs.1,500)
	Amin (Rs.1,000)	Clerk (Rs.500)	Officers (Rs.5,000)	Check posts (Rs.500)	Daily expense and transport for himself @ 150 x 40 trips (Rs.6,000)
	C.I. (Rs.1,000)	B.O. (Rs.1,000)	Others (Rs.500)		Transport for verification officers @ 350 x 3 trips (Rs.1,050)
	Circle officer (Rs.2,000)	Forest guard (Rs.1,000)			Contingency/ <i>chai-pami</i> (Rs.1,000)
		Check posts (Rs.500)			Logging and transport (Rs.20,000)

Notes: Summary: estimated net receipt from the State Trading Office: 100,000 rupees; expected total expenses: 54,050 rupees; payment to owner: 20,000 rupees; expected profits for *dalaal*: 25,950 rupees or 650 rupees per day of labor.

This table is a generic model. The monetary sums here roughly equate to those spent in the story of Polus B., but are by no means exactly the same (for reasons of confidentiality). They equate to the reported ‘going rate.’

¹ This payment will often be in the form of a political donation or other favor.

² The range officer might use some of this money to procure genuine administrative facilities which are not provided by the bureaucracy because of a lack of funds.

Source: Reproduced from Corbridge and Kumar 2002.

Gram Panchayats with women leaders. Ban and Rao (2008: 526) report that women panchayat presidents 'never perform worse than men,' while noting, significantly, that women interact less well than men with higher-level officials.) What has been explored less systematically—indeed, hardly at all—is whether and by how much corruption transfers funds in net terms from women to men. The intuition here has to do with power and powerlessness. Women own much less immovable property than men in India, or indeed worldwide (Agarwal 1994). Literacy rates for Indian women have been improving, but they still lag those of men by 15%. This in turn affects female employment chances, as does simple discrimination. The chances for women to receive bribes are correspondingly less than for men, while the reverse is probably true for bribe giving. This is certainly true where women form a target population—receiving a widow's pension, for example, or benefits from the Ministry of Women and Child Development. Women continue to be hugely under-represented in government jobs in India.

Anecdotal evidence from eastern India also suggests that women define and experience corruption in ways that don't entirely map on to the experiences of men. Women report sexual humiliation in encounters with public officials, for example; men do not. Women have told the author that humiliation itself is a form of corruption, whether or not money changes hands. This picks up another definition of corruption: to be or to become rotten. Likewise, some women refer to corruption in terms of time spent waiting, or passing time. Women often have to wait longer than men of comparable social standing to see a public official. In some cases, too, they have to pay a male intermediary to make contact with that public official (Corbridge *et al.* 2005). Thinking about corruption only in terms of cash or kind payments is a mistake. Corruption is, finally, about power and powerlessness, and the ways these identities are constructed, lived, understood and contested. It is a key mechanism for the reproduction of inequalities.

Challenging corruption

Corruption is difficult to fight when it is widely entrenched and where it offers high rates of return to powerful actors. Ordinary people might hold back from challenging bribe payments that appear to be a charge like any other: reasonably limited and predictable, like a sales tax (*retail corruption*). It is likely they will object rather more when other conceptions of fairness are breached: for example, when monetary payments are coupled to forms of private or public humiliation, or when the possibility for bribery is dependent on membership of a named community. Corruption with theft is strongly resented. At the same time, corruption offers an opportunity for some poor people to become brokers themselves. It is also not uncommon for people to use caste, gender and other particularistic markers to decide how much another person should pay as a bribe (*parochial corruption* in Scott's terms; Scott 1972).

Both exit and voice strategies have been commended as ways of dealing with endemic corruption (Campos and Pradhan 2007). In the Indian context the exit option is often linked to liberalization. Again, the intuition is that people can escape corrupt transactions when they can make informed choices in competitive markets. Consider corruption in the field of real estate transactions. One way to reduce this form of corruption would be to strip back the zoning, rent and tenancy laws that distort India's urban land markets and which create artificially inflated land prices. Simplifying the legal architecture that surrounds land transfers would have the secondary benefit of reducing pressures on India's courts. This in turn might reduce opportunities for corruption among legal professionals. Bad lawyers can take advantage of the extraordinarily long time lags that exist between filing a case and having it adjudicated.

Exit strategies generally focus on the supply side of corruption. The idea is to close the opportunities that exist for actors to behave corruptly. Choke points in an economic or political

system have to be unblocked. This can be done by providing more or better-regulated service providers: better businesses for sure, but also better politicians. The hope is that the good drives out the bad, and not vice versa. Measures can also be taken to increase the moral cost of misconduct. Some business leaders are already stamping down on corruption in their ranks and refusing to pay bribes. Wipro, headed by Azim Premji, is often mentioned in this regard, along with the Tatas (Ramamurti and Singh 2008).

Voice strategies, in contrast, focus on the demand side of corruption. They seek to promote collective actions among bribe givers or those who are cheated of public funds. Some of these collective actions take the form of social movements. Others are coordinated by government and embrace a broader agenda for democratic accountability through decentralization.

The right to information movement has grown significantly in India over the past two decades. Important work was undertaken in the 1990s by the Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan, among other bodies. Members of the MKSS sought access to official expenditure documents and used citizen activists to check reported spending against actual spending patterns (Jenkins and Goetz 1999). It also used village-based ‘court’ hearings—*jan sunwais*—to place the local state under public scrutiny. Partly in response to pressures from the MKSS, the Rajasthan legislature passed a Right to Information Law in May 2000. Goa and Tamil Nadu passed similar laws in the 1990s. The right to information movement gathered force after 2000 and led to the passing of a national Right to Information Act (RIA) in 2005. For a small filing fee (10 rupees in 2006), citizens can request access to non-classified public information from a Public Information Officer (PIO). The PIO has 30 days to make a first reply to the initial request.

Detailed accounts of Right to Information requests and subsequent actions are only just beginning to emerge. Initial filings suggest a strong urban bias, which is to be expected (see website of the Comptroller and Auditor General of India, www.cag.gov.in). In rural areas, the government has been hoping that politicians and contractors can be held to account by an active audit culture. Better inspection of muster rolls for work performed as part of the National Rural Employment Guarantee scheme has been demanded. More generally, the devolution of spending powers to Gram Panchayats is intended to increase opportunities for citizens to check where government monies finally end up. Whether such devolution leads instead to the decentralization of corruption is a moot point (see Véron *et al.* 2006). Much depends on local education levels and the severity of social cleavages. Information without power of redress remains a critical issue. In the longer run, of course, the government expects new information technologies to empower citizen clients. Computerized government records, text messaging by observant citizens, and unique identity cards all have been proposed as means by which government might be better held to account. Social scientists will be kept busy over the next few years monitoring the success of these interventions.

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