

India's Anti-Corruption Agencies: Policy Reforms for Improving their Effectiveness

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Abstract

This article explains why corruption remains a serious problem in India in spite of the various anti-corruption measures implemented during the past 75 years. After identifying the major causes of corruption and evaluating the effectiveness of India's two major anti-corruption agencies, the article recommends five policy reforms for improving their effectiveness.

Keywords: Central Bureau of Investigation, Central Vigilance Commission, causes of corruption, India

Introduction

Corruption remains a "wicked problem"¹ in India in spite of the many anti-corruption measures implemented after the creation of the Delhi Special Police Establishment (DSPE) in 1941 to "investigate cases of bribery and corruption in transactions" involving the War and Supply Departments (Palmier, 1985, p. 30). Corruption was made an offence in the Indian Penal Code in 1860 and in March 1947, the Prevention of Corruption Act incorporated relevant sections of the Indian Penal Code and became law (Quah, 2008, p. 245). Gurnek Bains (2015, pp. 82, 108), a psychologist who is originally from India but lives in London now, observes that Westerners would "be jolted by the crass materialism, dishonesty, corruption" when they visit India, and businessmen would discover that "Indian officials have taken corruption to the level of a fine art." Vijay Anand, an Indian activist, complained that: "From birth to death, an Indian citizen has to go through the corruption cycle" (quoted in Gentile, 2010). Similarly, Varun Mishra, a software engineer, described the daily routine of petty corruption faced by many citizens in India in their interactions with corrupt civil servants and public agencies responsible for delivering essential services thus: "You pay for a birth certificate, a death certificate. All your life you pay. And for what? For things that should be free" (quoted in Burke, 2011). According to S.S. Gill (1998, pp. 125, 127), a retired senior civil servant, there is no sphere of public administration in India which is "not infested with corruption" because corruption "infects the whole system" with every level devising "its own methods of extortion."

Many Indian scholars have analysed the problem of corruption in India and proposed various solutions. For example, the late Samuel Paul (1997, pp. 286-304)

recommended "a strategic agenda for action" to minimise corruption in India. Sixteen years later, he presented "a set of actionable ideas on the way forward to fight corruption" in India (Paul, 2013, p. 271). N. Vittal (2012, pp. 37, 225), the Civil Service Commissioner from 1998-2002, contended that the "persistent disease" of corruption "led to a multiple organ failure in governance" and suggested a combination of the engineering and medical approaches to end corruption in India. However, he admits that there are "umpteen studies offering solutions to our challenges but these have never been translated into action" (Vittal, 2012, p. 225).

The Right to Information (RTI) Act No. 22 of 2005 was enacted on 15 June and implemented on 12 October 2005 to provide citizens in India with the right to access information from all "public authorities" which are required to provide the requested information within 30 days.² Madhav Godbole (2013, p. 113), a former Home Secretary and Secretary of Justice in India, described the RTI Act as "a ray of hope" and "an important tool in the fight against corruption" because "a great deal of corruption has come to light through the efforts of RTI activists." In 1968, the lower House of Parliament or *Lok Sabha* introduced a bill to establish the *Lokpal* or Ombudsman. Different versions of the bill were considered during the next 43 years until the ninth version of the *Lokpal* and *Lokayukta* Bill was passed in December 2011 and became an Act in 2013 after the demand to create a *Lokpal* at the central level by the activist Anna Harare in 2010 (Godbole, 2013, p. 105; Tummala, 2016, pp. 9-10). However, to date, the *Lokpal* has not been established yet.

The RTI Act of 2005 and the *Lokpal* when it is established will be important tools in India's battle against corruption. However, this article focuses instead on the two anti-corruption agencies (ACAs) the Central Bureau of Investigation (CBI) and the Central Vigilance Commission (CVC) instead because of their important and direct role in combating corruption in India.

Why is corruption still a serious problem in India today after the implementation of various anti-corruption initiatives during the past 75 years? What can be done to minimise corruption in India? This article addresses these questions by identifying the causes of corruption, evaluating the performance of the CBI and CVC, and recommending five policy reforms to improve their effectiveness.

Causes of Corruption in India

There are five major causes of corruption in India namely, the low salaries of civil servants, red tape, the low probability of detecting and punishing corrupt offenders, cultural values and practices, and the difficult governance environment.

Low salaries

Low salaries contribute to corruption because poorly paid civil servants rely on their positions to accept bribes to make ends meet, especially "when the expected cost of being caught is low" (Mauro, 1997, p. 5). It is impossible to combat corruption "on

an empty stomach" and "when salaries are below real living standards" (Passas, 2015). A survey of civil service compensation in Bangladesh, India, Nepal, Pakistan and Sri Lanka from 1977-1987 found that "despite salary revisions and dearness allowances, [the] starting basic salaries" of their civil servants were very low by international standards. Consequently, corruption became "an unsavoury response" to the "falling or low real salary scales" in these countries and was widespread and viewed as "inevitable and incurable by the public" (Chew, 1992, pp. 2, 78, 101). In other words, corruption is "a coping strategy to compensate for economic hardship" for poorly paid civil servants in many countries, including India (Lindner, 2013, p. 2).

The Third Pay Commission (1970-1973) in India "confidently stated that the payment of a salary which does not satisfy the minimum reasonable needs of a government servant is a direct invitation to corruption" (Das, 2001, p. 105). In the same vein, Chief Justice K.G. Balakrishnan (2009) contends that a major cause of corruption in India is the wide disparity in salaries offered in the public and private sectors. Since then, public sector salaries in India are increased periodically, with the most recent increase announced by the Seventh Pay Commission on 26 July 2016. Table 1 provides details of the new salary structure of the Indian Administrative Service (IAS). Even though civil service salaries in India have improved in recent years, they are still relatively low compared with the salaries of civil servants in Singapore, Hong Kong SAR, Japan, Taiwan and South Korea (Quah, 2011, p. 465).

Table 1: Salary Structure of the Indian Administrative Service, July 2016

Grade	Position in state governments or central government	Monthly pay scale ^a	Year of service
Cabinet Secretary Grade	Cabinet Secretary of India	Rs 255,000 (US\$3,800)	35 th year (only 1 post)
Apex Scale	Chief Secretary of States, Secretary (Union Secretaries in charge) of ministries of Government of India	Rs 255,000 (US\$3,800)	31 st year
Above Super Time Scale	Principal Secretary in the State Government or Additional Secretary to Government of India	Rs 200,000 (US\$2,980)	24 th year
Super Time Scale	Divisional Commissioner in a division or Secretary in State government or Joint Secretary to Government of India	Rs 175,000 (US\$2,608)	17 th year
Selection Grade	District Magistrate/Collector/Deputy Commissioner of a District or Special Secretary in the State government or Director in Government of India	Rs 118,000 (US\$1,758)	11 th year
Junior Administrative Grade	District Manager/Collector/Deputy Commissioner of a District or Additional Secretary in the State government or Joint Director/Deputy Secretary, Government of India, Private Secretary, Government of India	Rs 78,800 (US\$1,174)	6 th year
Senior Time Scale	Additional District Magistrate/ Additional Collector/Additional Deputy Commissioner of a District or Under Secretary in State Government or Deputy Secretary, Government of India	Rs 65,000 (US\$969)	4 th year
Junior Time Scale	Sub-Divisional Magistrate in a sub-division of a district/Section Officer in state secretariat (Entry)/Assistant Director, Government of India	Rs 56,000 (US\$835)	Initial year

^aRs 1 = US\$0.015 (on 24 August 2016).
Source: Wikipedia (2016).

Red tape

Red tape is the pejorative description of "bureaucratic procedures characterised by mechanical adherence to regulations, excessive formality and attention to routine, and the compilation of large amounts of extraneous information resulting in prolonged delay or inaction" (Chandler and Plano, 1988, p. 233). Civil servants are tempted "by opportunities to sell their official discretion and information" and "by the opportunities to extort payments" because "permits can be delayed, licences held up, deliberations protracted, proceedings prolonged, unless rewards are offered" (Kaufman, 1977, pp. 51-53).

The "penchant for ritualistic thinking and pedantic detail" among Indians has resulted in "the mind-numbingly high levels of procedural delay and bureaucracy anyone conducting business" faces in India. Bains (2015, p. 118) illustrates the serious problem of red tape in India with these examples:

Something as simple as buying a train ticket in an Indian train station can quickly become a Kafkaesque exercise, requiring the negotiation of various arcane layers of bureaucracy. Doing anything official in India typically involves dealing with frustratingly rigid and unerring unempathetic officials who pass you around from one desk to the other. Tasks like opening a bank account or retrieving a birth certificate can take months, often requiring several visits and endless reserves of patience.

Consequently, red tape gives poorly paid civil servants the excuse to extort bribes from those members of the public who are willing to pay "speed money" to cut red tape and reduce delay by expediting their applications for licences or permits (Quah, 2009, pp. 820-821).

Table 2: The Speed Money Phenomenon in Six Public Agencies in Bangalore, 1994

Public Agency	Proportion of respondents who paid bribes	Average amount of bribe paid per transaction
Regional Transport Office	33%	Rs 648 (US\$21.60)
Bangalore City Corporation	21%	Rs 656 (US\$21.90)
Public hospitals	17%	Rs 396 (US\$13.20)
Bangalore Water Supply and Sewerage Board	12%	Rs 275 (US\$9.17)
Karnataka Electricity Board	11%	Rs 206 (US\$6.87)
Bangalore Telecom	4%	Rs 110 (US\$3.67)

Source: Paul (2002, p. 45)

The late Samuel Paul pioneered the use of a report card to collect feedback from 1,130 citizens using public services on the extent of "retail" corruption in six public agencies in Bangalore, India in 1993-1994. He found that 33 per cent of the respondents paid "speed money" to the officials in the Regional Transport Office to expedite the

provision of services. However, Table 2 shows that the bribes paid to the Bangalore City Corporation officials were the highest, with an average amount of Rs 656 (US\$21.90) per transaction. The most surprising finding was that 32 per cent of the poorer respondents admitted that they had to pay bribes to solve their problems (Paul, 2002, pp. 33-35, 50). A more recent study by Subhash Bhatnagar (2013, pp. 225-226) has confirmed that corruption "hurts disproportionately" the poor Indian citizens who have to pay bribes ranging from Rs 100 to the police in Bangalore for a traffic violation to Rs 5,000 to the police in Noida City for a first incidence report on a stolen car.

Table 3: Ease of Doing Business Rank in India, 2007 and 2016

Indicator	2007 (N=175)	2016 (N=189)	Difference
Ease of doing business rank	134	130	+4
Starting a business rank	88	155	-67
No. of procedures	11	12.9	+1.9
Time (days)	35	29	-6
Dealing with construction permits rank	155	183	-28
No. of procedures	20	33.6	+13.6
Time (days)	270	191.5	-78.5
Registering property rank	110	138	-28
No. of procedures	6	7	+1
Time (days)	62	90.1	+28.1

Sources: World Bank (2006, p. 118; 2016c, p. 208).

Since 2004, the World Bank has conducted an annual survey on the ease of doing business in many countries around the world. The ease of doing business in a country is a measure of the extent of red tape as it would be difficult to do business in those countries afflicted with this problem. Table 3 confirms that red tape remains a serious problem in India even though its ease of doing business rank has improved from 134th position among 175 countries in 2007 to 130th position among 189 countries in 2016. India's rank in starting a business deteriorated from 88th to 155th positions during the same period even though the number of days needed was reduced from 35 days to 29 days. Its rank in getting construction permits also declined from 155th to 183rd positions even though the time taken was cut from 270 days to 191.5 days. Finally, India's rank in registering property dropped from 110th to 138th positions as the time required was increased from 62 days to 90.1 days.

Bhatnagar (2013, pp. 240, 247) contends that e-governance is "a powerful tool, which if utilised forcefully, thoughtfully and imaginatively" can reduce bribery in the delivery of government services in India by introducing "efficiency-less trips, less waiting time and reduced elapsed time for delivering" these services. However, he laments that even though there is increased efficiency, bribes are extorted because "enough discretion still remains with the bureaucrats in e-Governance projects to delay or deny service."

Low probability of detecting and punishing corrupt offenders

In her analysis of corruption in post-Communist countries, Rasma Karklins (2005, p. 160) contends that for an anti-corruption strategy "to send a clear signal that corrupt practices will be curtailed" corrupt acts must be deterred by ensuring that "it is highly probable that people who engage in them will be called to account and will pay a significant price." Palmier (1985, p. 280) found that the insufficient policing devoted to curbing corruption was an important cause of corruption in India. As the probability of detecting and punishing corrupt offenders is low in India, the public perceives corruption as a "low risk, high reward activity" as they are unlikely to be detected and punished (Quah, 2011, p. 90).

According to P.C. Alexander (1995, p. 79), the major cause of corruption in the Indian Civil Service is "the ease with which corrupt officials are able to get away without punishment [that is] commensurate with their offence." He explains that the complicated procedures involved in the disciplinary enquiries provide not only protection for the honest official but also "a loophole for the corrupt to escape" because "when punishments are not prompt and deterrent, they cease to be disincentives for the dishonest" (Alexander, 1995, p. 80). In January 2008, Joginder Singh, a former CBI Director, lamented that those persons involved in the corruption scandal of five health care projects in India would not be prosecuted because "the legal system in this country is such that this is not going to happen and they will merrily keep the money" (quoted in Gentleman, 2008, p. 2).

In their comparative study of Bangladesh, India and Sri Lanka, Ahmad and Brookins observed that "official punitive action has seldom been taken against corrupt officials" in spite of the large number of corruption reports. They analysed the number of corruption reports in three major newspapers in Dhaka, Mumbai and Colombo from November to December 1996. In the case of India, they found that only 18 cases (15 per cent) of the 119 cases of corruption reported in the *Times of India* in Mumbai had resulted in official punitive action. They concluded that for genuine anti-corruption reform in the three countries to succeed, there must be "greater effort to make corrupt persons accountable for their actions" (Ahmad and Brookins, 2004, p. 29).

Table 4: Outcomes of Corruption Cases in Court in India, 2010-2014

Outcome	2010	2011	2012	2013	2014
Conviction	468	497	743	763	635
Acquittal	178	209	345	301	258
Discharge	15	35	20	48	27
Disposal	85	154	80	113	86
Total no. of cases	746	895	1,188	1,225	1,006
Conviction rate ^a	70.8%	67%	67%	68.6%	69%

^aThis is calculated by excluding the number of cases disposed of for other reasons. Sources: CBI (2011, p. 23; 2012, p. 32; 2013, p. 38; 2014, p. 55; 2015, p. 40).

An analysis of corruption cases brought to court by the CBI from 2010-2014 in Table 4 shows that the conviction rate ranges from 67 per cent in 2011 and 2012 to 70.8 per cent in 2010, or an average of 68.5 per cent for this period. However, the combined effect of "poor evidence and judicial delays" makes corruption a low-risk activity in India. To illustrate, it would take the courts in Orissa decades to clear the backlog of cases because only 70 (or 35 per cent) of the 200 cases handled annually are disposed by them. Consequently, it is not surprising that 12 per cent of the defendants in Orissa "die before their case comes to trial; the evidence base collapses and memories blur, making prosecution an impossible task" (Menon, 2006, p. 345). In March 2010, Justice V.V. Rao, an Andhra Pradesh High Court judge, estimated that the judiciary would take 320 years to clear the backlog of 31.28 million cases pending in various courts in India (Times of India, 2010).

Cultural values and practices

Culture contributes to corruption when traditional practices like gift-giving and family ties influence individuals to give or receive bribes, and make them tolerate corrupt practices. Gift-giving is an important social tradition in India and is practised during festivals like Diwali and Holi, and such events as weddings, anniversaries, birthdays and funerals (Sharma *et al.*, 2015, p. 114). Gift-giving encourages reciprocity in social relations and as it is also difficult to distinguish between a gift and a bribe, there are regulations to prevent civil servants from accepting gifts and to prevent vote-buying during elections.

Section 11 of the All India Services (Conduct) Rules 1968 stipulates that all government employees may accept gifts from their relatives and personal friends with whom they have no official dealings on social and religious events like weddings and funerals but they must report those gifts whose value exceed Rs 25,000 (US\$375). A "gift" includes free transport, free boarding, free lodging or any other service or pecuniary advantage provided by a person who is not a relative or personal friend but excludes a casual meal, casual lift or other social hospitality. All civil servants are prohibited from accepting any gift without government approval if its value exceeds Rs 5,000 (US\$75). They are also not allowed to accept lavish or frequent hospitality from those persons with official dealings with them or from commercial or industrial organisations.³

To prevent vote-buying in elections, political parties in India are forbidden from providing gifts to voters during the campaign period. However, such regulations are not enforced as vote-buying is widespread as "be it laptops, TVs or even goats, party promises of gifts and special privileges are the norm in Indian politics." Three weeks after announcing the election dates in March 2014, the Election Department revealed that it had seized US\$36 million in cash, more than 10 million litres of liquor, and 100 kilogrammes of heroin that were used for buying votes (Paul, 2014). This is not surprising as Robert Wade (1985, p. 487) has observed that Indians "vote for whom they think can give them most favours in a particularist way."

Hinduism is the most important religion in India as, according to the 2011 census, 79.8 per cent of the total population are Hindus (Singh, 2015). Tummala (2002, pp. 45-46, 64) contends that Hinduism encourages tolerance and forgiveness as "the Hindu system of life, as being not only absorbing but also forgiving in itself appears to be a hurdle" in combating corruption because "a corrupt official can always count on the benevolence of a superior authority." Vittal (2003, p. 19) agrees with this view and attributes the "social roots of corruption" in India to Hinduism's "eternal message of tolerance, the sense of forgiveness, the hope held for sinners to come to the right path [which] probably have also led to the tolerance of a sin like corruption." Furthermore, the fatalism of Indians and their acceptance of corruption also hinder the fight against corruption because their fatalism "becomes a self-fulfilling prophecy" as they have become so fatalistic that they "no longer even seem to suffer a guilty conscience" when they give or accept bribes (Raghunathan, 2006, p. 46).

Difficult governance environment

Gill (1998, p. 251) has astutely observed that "God seems to have taken special care to make India ungovernable." More recently, the journalist Edward Luce (2013, p. 85) believes that "sixty-five years after independence, the task of governing India from the center gets more difficult by the year." Indeed, India's policy context is unfavourable for curbing corruption for five reasons. First, India is a sub-continent and the seventh largest country in the world with a land area of 3,287,263 sq. km (*Economist*, 2015, pp. 14, 156). Second, it has the second largest population of 1,311,051,000 in 2015, according to the World Bank (2016a, p. 1). Third, as India's gross domestic product (GDP) per capita in 2015 is US\$1,582 (World Bank, 2016b), this means that the central and state governments cannot afford to pay their civil servants adequate wages to prevent corruption. Furthermore, there is also a great deal of poverty, especially in the rural areas as the Planning Commission estimated in 2014 that 363 million Indians or 29.5 per cent of the total population were living below the poverty line of US\$2.40 per day in 2011-2012 (Katyal, 2015).

Table 5: Performance of India on World Bank's Governance Indicators, 1996 and 2014

Indicator	1996		2014		Difference in Percentile rank
	Score	Percentile rank	Score	Percentile rank	
Voice and accountability	0.40	62.02	0.42	61.08	- 0.94
Political stability	-0.91	19.23	-0.96	13.59	- 5.64
Government effectiveness	-0.08	53.66	-0.20	45.19	- 8.47
Regulatory quality	-0.44	32.35	-0.45	34.62	+ 2.27
Rule of law	0.26	59.33	-0.09	54.33	- 5.00
Control of corruption	-0.40	40.00	-0.46	38.94	- 1.06
Total	-	266.59	-	247.75	- 18.84

Source: Compiled from World Bank (2015).

The fourth and most important obstacle for combating corruption in India is its poor quality of governance as reflected in its performance on the World Bank's six governance indicators in 1996 and 2014. Table 5 shows that India's total percentile rank has decreased from 266.59 in 1996 to 247.75 in 2014. Except for the marginal improvement in percentile rank for regulatory quality, the percentile ranks for the other five indicators declined, with the most serious decrease in government effectiveness (8.47), followed by political stability (5.64), rule of law (5.00), control of corruption (1.06) and voice and accountability (0.94). Finally, India is ranked 68th among 178 countries with a "warning" score of 79.4 on a scale of "very sustainable" (0-20) to "very high alert" (110-120) on the Fragile States Index (FSI) 2015⁴ (Messner, 2015, p. 5). In sum, India's difficult governance environment for combating corruption is reflected in its high level of corruption, political instability, government ineffectiveness, low regulatory quality, and low level of the rule of law.

India's Anti-Corruption Agencies

Unlike Singapore and Hong Kong, which rely on a single independent ACA, India relies on many ACAs, including the CBI, CVC, anti-corruption bureaus (ACBs), and state vigilance commissions (SVCs) in the 28 states. However, this section focuses only on the CBI (the lead ACA) and the CVC.

Central Bureau of Investigation

Corruption was made an offence in the Indian Penal Code in 1860 and defined as "acceptance by public servants of any gratification, other than remuneration, in exchange for an official act" (Shunglu, 2000, p. 13). However, as mentioned above, India began her battle against corruption with the creation of the DSPE in 1941. The CBI was established by the Government of India (GOI) in April 1963 by incorporating the DSPE as the Investigation and Anti-Corruption Division, with these five divisions: Technical Division; Crime Records and Statistics Division; Research Division; Legal and General Division; and Administration Division.

In February 1964, the Economic Offences Wing was added to the CBI to deal with cases of violation of fiscal laws. Seven months later, the Food Offences Wing was formed to collect data on hoarding, black marketing, smuggling, and profiteering in food grains. These two wings were merged in 1968 to form the Economic Offences Wing. The CBI's increased workload resulted in the establishment of the Anti-Corruption Division and the Special Crimes Division to deal with conventional crimes and economic offences. As the liberalization of India's economy led to the vast increase in securities scam cases and economic offences, the Economic Crimes Division was created in 1994 to deal with these cases and offences. The Special Crimes Division was responsible for handling terrorism cases, bomb blasts, homicides, kidnapping, and organised crime (CBI, 2010, pp. 3-4).

The CBI performs these functions: (1) combating public sector corruption and

curbing economic and violent crimes through investigation and prosecution; (2) ensuring "effective systems and procedures for successful investigation and prosecution of cases in various law courts"; (3) fighting cyber and high technology crime; (4) supporting state police organisations and law enforcement agencies regarding enquiries and investigation of cases; and (5) playing the lead role in combating national and transnational organised crime (CBI, 2015, p. iii). Accordingly, the CBI is divided into seven divisions today: Anti-Corruption Division; Economic Offences Division; Special Crimes Division; Policy and International Police Cooperation Division; Administration Division; Directorate of Prosecution; and Central Forensic Science Laboratory. The CBI's Director, who is also the Inspector General of Police, DSPE, is responsible for administering the CBI (CBI, 2015, pp. 4-5)

The CBI has 16 investigative zones and 60 investigative branches under these zones. This means that each state has at least a branch or unit of the CBI at the state capital or at a major city (CBI, 2015, p. 6). The 28 states in India also have their own ACBs for dealing with anti-corruption work and these ACBs derive their investigation powers from the Police Act because they are regular police units (Quah, 2011, p. 97).

The CBI is a Type B ACA because it performs both anti-corruption and non-corruption-related functions as reflected in the workload of its first three divisions. The Anti-Corruption Division is responsible for investigating corruption and fraud cases committed by public servants working for the central government. The Economic Crimes Division investigates bank and financial frauds, import export and foreign exchange violations, large-scale smuggling of narcotics, antiques, cultural property, and smuggling of other contraband items. The Special Crimes Division deals with cases of terrorism, bomb blasts, sensational homicides, kidnapping for ransom and organised crime (CBI, 2015, p. 4).

Central Vigilance Commission

The Santhanam Committee was appointed in June 1962 to review the anti-corruption measures employed in India and to make recommendations for improving their effectiveness. The Santhanam Report recommended the establishment of the CVC to "investigate any complaint or suspicion of improper behaviour" against a civil servant and the appointment of a Chief Vigilance Officer (CVO) in each ministry or department to supervise its vigilance staff (Quah, 2011, p. 94).

The GOI accepted the Santhanam Report and created the CVC in February 1964 to perform these four functions: (1) investigating improper transactions by public servants; (2) examining complaints of corruption, misconduct, lack of integrity or other malpractices committed by public servants; (3) supervising the vigilance and anti-corruption work of ministries, departments, and public enterprises by requesting and checking their reports on these activities; and (4) requesting the CBI to investigate a case, or entrust the complaint, information or case for inquiry to the CBI, or to the ministry, department, or public enterprise concerned (Narasimhan, 1997, pp. 264-265).

The Hawala scandal of 1991 involved the payment of US\$18 million to several politicians by four hawala brokers, including the Jain brothers. A "hawala" is an illegal transaction in foreign currency and an economic offence punishable under the Foreign Exchange Regulation Act, 1973 (Singh, 1999, p. 164). According to N.K. Singh (1999, pp. 162-163), a former CBI Joint Director, the Hawala scandal discredited the CBI for what it "did and what it failed to do" and for "the flippant and reckless way in which it launched prosecutions, totally disregarding its age-old work culture." The Supreme Court of India found that the CBI did not follow the proper procedure in investigating the Hawala scandal because the alleged offenders were powerful persons. Consequently, it directed on 18 December 1997 that the CBI's supervision should be transferred from the central government to the CVC, which should be given a statutory status. The CVC Ordinance was enacted on 25 August 1998 to comply with the Supreme Court's directions. The central government promulgated another Ordinance on 8 January 1999, and the CVC functioned under the Resolution of 4 April 1999 until the CVC Act 2003 was passed in Parliament on 11 September 2003 and transformed the CVC into a statutory body to supervise the operations of the CBI (CVC, 2009, p. 1).

As a statutory body, the CVC supervises the CBI's operations by conducting monthly meetings with the CBI Director to review the progress and quality of the cases investigated. Furthermore, it advises the disciplinary and other agencies in disciplinary cases involving vigilance at the investigation and inquiry stages. It also supervises the vigilance and anti-corruption work in the ministries and departments of the central government. The CVOs in the ministries and departments provide advice on vigilance administration and the establishment of effective systems and procedures to remove systemic failures or loopholes. They submit monthly and annual reports to the CVC, which holds annual zonal meetings to review and monitor their performance (CVC, 2009, pp. 2, 6).

The SVCs in the 28 states focus on vigilance work and are patterned after the CVC. They are assisted by the special police establishments in conducting investigations. The SVCs play an advisory role and their jurisdiction includes matters within the executive power of the states but excludes cases of political corruption. The SVCs investigate those transactions where public servants are suspected or alleged to be involved in corrupt behaviour (Sharma and Sharma, 2009, pp. 437-438).

Evaluation of CBI and CVC

The high level of perceived extent of corruption in India is reflected in its poor performance on the eight indicators shown in Table 6. First, India has a score of -0.5 with a percentile rank of 38.9 for the control of corruption in 2014. Second it was ranked 76th among the 168 countries included in the CPI in 2015 with a score of 38. Third, the Political and Economic Risk Consultancy (PERC) annual survey in 2016 ranked India last among 16 countries with a score of 8.13. Fourth, India also scores poorly on the five indicators from the *Global Competitiveness Report 2015-2016*.

India's poor performance on these eight indicators is not surprising as the CBI and CVC are ineffective ACAs, as shown below.

Table 6: Perceived extent of corruption in India, 2014-2016

Indicator	India's Performance
Control of corruption 2014	-0.5 (38.9 percentile rank)
Corruption Perceptions Index 2015	76/168 (38/100)
PERC annual survey 2016	16/16 (8.13/10)
Diversion of public funds 2015	4.1/7 (40/140)
Irregular payments and bribes 2015	4.1/7 (63/140)
Organised crime 2015	3.9/7 (119/140)
Ethical behaviour of firms 2015	4.2/7 (44/140)
Public trust in politicians 2015	4.0/7 (31/140)

Sources: World Bank (2015); Beddow (2016, p. 4); *Asian Intelligence* (2016, p. 1); and Schwab (2015, p. 201).

Transparency International's *Global Corruption Barometer 2013* has confirmed the high levels of perceived corruption in these institutions in India: political parties (4.4); police (4.1); parliament and civil servants (3.8); education system (3.7); medical and health (3.6); business sector (3.4); judiciary and religious bodies (3.3) and media (3.2). Table 7 also shows that the nongovernmental organisations (NGOs) (2.9) and the military (2.5) were perceived to be the least corrupt institutions in India.

Table 7: Perceptions of Corruption in India by Institution, 2013

Institution	Score ^a	Institution	Score
Political parties	4.4	Business sector	3.4
Police	4.1	Judiciary	3.3
Parliament	3.8	Religious bodies	3.3
Civil servants	3.8	Media	3.2
Education system	3.7	NGOs	2.9
Medical and health	3.6	Military	2.5

^aScore ranges from 1 (not at all corrupt) to 5 (extremely corrupt).

Source: Transparency International (2013, p. 36).

Limitations of CBI

First, the CBI's Achilles' heel is that it is a police agency because it derives its investigating powers from the DSPE Act of 1946. This means that, unlike Singapore's Corrupt Practices Investigation Bureau (CPIB) or Hong Kong's Independent Commission Against Corruption (ICAC), the GOI has continued to employ the traditional British colonial government's method of relying on the police to curb corruption in India since 1963 even though this method is ineffective. The experiences of the CPIB and ICAC have confirmed the folly of relying on the police to curb corruption when they are corrupt. Indeed, the "golden rule" is that "the police cannot

and should not be responsible for investigating their own deviance and crimes" (Punch, 2009, p. 245).

Singapore's experience in curbing corruption has shown that during 1937-1951, the Anti-Corruption Branch of the Criminal Investigation Department (CID) of the Singapore Police Force was ineffective because of its limited resources and the prevalence of police corruption. The Opium Hijacking scandal of October 1951, which involved the robbery of S\$400,000 (US\$133,330) of opium by three police detectives and some senior police officers, made the British colonial government realise the necessity of removing the responsibility of corruption control from the police. Consequently, the CPIB was formed as an ACA independent of the police in October 1952 (Quah, 2007, pp. 14-16).

The British colonial government employed the same method of corruption control in Hong Kong with the creation of the Anti-Corruption Branch in 1948 as a special unit of the CID of the Royal Hong Kong Police Force (RHKPF) to deal with the investigation and prosecution of corruption cases (Kuan, 1981, p. 24). The enactment of the Prevention of Bribery Ordinance in May 1971 resulted in the establishment of the Anti-Corruption Office (ACO) but its lack of independence from the RHKPF remained a serious obstacle. However, the ACO's credibility was undermined on 8 June 1973, when a corruption suspect, Chief Superintendent Peter F. Godber, escaped to the United Kingdom while he was under investigation. Godber's escape angered the public in Hong Kong and the government appointed the Blair-Kerr Commission of Inquiry to investigate the circumstances leading to his escape. The Governor, Sir Murray MacLehose, was forced by public criticism to accept the Blair-Kerr Commission's recommendation to establish an independent agency, separate from the RHKPF, to fight corruption. In October 1973, MacLehose informed the Legislative Council of his decision and the ICAC was formed on 15 February 1974 (Quah, 2011, pp. 252-253).

In short, the success of Singapore and Hong Kong in combating corruption can be attributed to their rejection of the British colonial government's method of relying on the police to curb corruption and their reliance instead on the CPIB and ICAC, respectively. Singapore has taken 15 years (1937-1952) and Hong Kong has taken 26 years (1948-1974) to learn this important lesson: do not rely on the police to curb corruption, especially when police corruption is rampant as "this would be like giving candy to a child" and expecting him not to eat it (Quah, 2004, p. 2). Unfortunately, the GOI has not learnt this important lesson yet, as it still relies on the CBI, which is a police agency, to fight corruption in the midst of widespread police corruption in India.

Second, unlike the CPIB and ICAC, which are Type A ACAs performing only anti-corruption functions, the CBI is a Type B ACA that performs both anti-corruption and non-corruption-related functions. Indeed, the CBI is a police agency rather an ACA because apart from combating corruption it is also responsible for dealing with economic crimes and special crimes, including organised crime and terrorism. After the Mumbai terrorist attacks in November 2008 and the current international concern with

combating terrorism, it will be difficult for the CBI to focus exclusively on its anti-corruption functions because of the competing demands on its limited resources. In other words, combating corruption would be accorded much lower priority than combating terrorism by the CBI.

Table 8: Growth of CBI's Personnel, 2002-2014

Year	Establishment	Actual Strength	Vacant Positions
2002	5,920 (100%)	4,908 (82.9%)	1,012 (17.1%)
2003	5,886 (100%)	4,938 (83.9%)	948 (16.1%)
2004	5,891 (100%)	4,811 (81.7%)	1,080 (18.3%)
2005	5,891 (100%)	4,711 (80.0%)	1,180 (20.0%)
2006	5,959 (100%)	4,652 (78.1%)	1,307 (21.9%)
2007	5,959 (100%)	4,623 (77.6%)	1,336 (22.4%)
2008	5,960 (100%)	4,874 (81.8%)	1086 (18.2%)
2009	5,961 (100%)	5,242 (87.9%)	719 (12.1%)
2010	6,526 (100%)	5,147 (78.9%)	1,379 (21.1%)
2011	6,590 (100%)	5,666 (86.0%)	924 (14.0%)
2012	6,586 (100%)	5,755 (87.4%)	831 (12.6%)
2013	6,674 (100%)	5,796 (86.8%)	878 (13.2%)
2014	6,676 (100%)	5,676 (85.0%)	1,000 (15.0%)

Sources: CBI (2005, p. 29; 2006, p. 38; 2008, p. 45; 2010, p. 56; 2011, p. 41; 2012, p. 62; 2015, p. 84).

Third, the CBI is both under-staffed and poorly funded to perform its various functions. Table 8 shows that while the CBI's establishment has increased from 5,886 in 2003 to 6,676 in 2014, its actual strength varies from 4,623 in 2007 to 5,796 in 2013. This means that the number of vacant positions ranges from 719 (12.1 per cent) in 2009 to 1,379 (21.1 per cent) in 2010. The CBI's inability to fill its many vacant positions during 2002 to 2014 reflects its serious staff shortage. B.R. Lall (2007, pp. 230-231), a former CBI Joint Director, described the CBI as "a very small organisation as compared to the quantum of crimes" committed in India and recommended the expansion of its personnel by 20 per cent annually for the next decade.

Arising from its staff shortage, it is not surprising that the CBI's staff-population ratio is unfavourable and ranges from 1:234,217 in 2005 to 1:228,206 in 2014. Table 9 also shows that even though the CBI's budget has grown from US\$30.3 million in 2005 to US\$65.5 million in 2014, its per capita expenditure has increased marginally from US\$0.03 to US\$0.05 during the same period. The CBI's inadequate personnel and budget is a reflection of the GOI's weak political will in combating corruption in India. By contrast, the strong political will of Singapore's government in curbing corruption is reflected in the CPIB's favourable staff-population ratio of 1:24,638 and higher per capita expenditure of US\$5.68 in 2014.⁵

Table 9: CBI's staff-population ratio and per capita expenditure, 2005-2014

CBI	2005	2008	2014
Personnel	4,711	4,874	5,676
Budget	US\$30.3 million	US\$52.1 million	US\$65.5 million
India's population	1,103.4 million	1,186.2 million	1,295.3 million
Staff-population ratio	1:234,217	1:243,373	1:228,206
Per capita expenditure	US\$0.03	US\$0.04	US\$0.05

Source: Compiled by the author from the CBI's budget and personnel provided in CBI (2006, pp. 38, 44; 2009, pp. 56, 65; 2015, pp. 84, 94).

The CBI's fourth limitation is that it cannot investigate corruption cases at the state level because the Constitution of India states that law and order come under the jurisdiction of the states. Section 5 of the DSPE Act of 1946 gives the CBI investigating powers and indicates that the central government can empower it to investigate the notified offences in any state with the consent of the government of that state (Narasimhan, 1997, p. 255). The CBI did not encounter any problem with this arrangement when the Congress Party was in power in the states and centre during the post-independent period. However, with the decline in power of the Congress Party, some state governments had withdrawn the consent given by their predecessors "whenever they felt that an investigation taken up by the CBI was politically embarrassing or uncomfortable for them." C.V. Narasimhan (1997, p. 256), a former CBI Director, contends that the CBI's "unstable" status as an investigating agency within a state depends on the latter's mercy and is "a serious handicap" in developing a national network of anti-corruption investigating units.

The fifth limitation is the CBI's lack of independence because it is "an administrative nightmare" to serve "multiple masters," including the Ministry of Home Affairs for the appointment of the Director; the Ministry of Personnel, Training and Public Grievances for its budget; the Union Public Service Commission for the appointment of CBI officers above the rank of Superintendent of Police; the CVC which supervises its investigation of corruption cases; and the Ministry of Law and Justice, which pays the salaries of those officers prosecuting corruption cases for the CBI (Tummala, 2016, p. 7).

Limitations of CVC

The CVC consists of three Commissioners, 238 personnel (with 58 vacant positions) and relies on 199 full-time CVOs and 438 part-time CVOs in 2014 (CVC, 2015, p. xi). However, the CVC and the internal vigilance machinery in the ministries and government departments are under-staffed to handle its heavy workload, as reflected in the complaints and vigilance cases received and disposed by the CVC from 2010-2014. Table 10 shows that the CVC has received 164,022 complaints and disposed 162,140 complaints during this period. Similarly, Table 11 confirms that the CVC has received 27,343 vigilance cases and disposed 27,251 of these cases during the same period.

Table 10: Complaints received and disposed by CVC, 2010-2014

Year	Complaints received	Complaints disposed
2010	16,260	16,211
2011	16,929	17,238
2012	37,039	33,308
2013	31,432	33,284
2014	62,362	62,099
Total	164,022	162,140

Source: CVC (2015, pp. 23-24).

Table 11: Vigilance cases received and disposed by CVC, 2010-2014

Year	Cases received	Cases disposed
2010	5,327	5,522
2011	5,573	5,341
2012	5,528	5,720
2013	5,423	4,801
2014	5,492	5,867
Total	27,343	27,251

Source: CVC (2015, p. 14).

In addition to its severe staff shortage, the CVC's Achilles' heel is that it is an advisory body that relies on other public agencies to investigate the complaints of misconduct by civil servants it receives. Consequently, given the CVC's limited budget and personnel, it has no alternative but "to continue to rely on vigilance divisions in government organisations and public sector units, which remain weak" (Menon, 2006, p. 339).

Policy Reforms

Like AIDS, corruption in India "continuously erodes all normal systems of immunity against malgovernance in the body politic" (Vittal, 2012, p. 231) as reflected not only in the further decline in the country's poor quality of governance from 1996 to 2014 (Table 5) but also in the prevalence of many corruption scams. Vittal (2012, p. 18) has identified 24 corruption scams in India from 1976 to 2010. As corruption is a "wicked problem" in India, the GOI must have the political will and capacity to address the five causes of corruption discussed in the second section. However, as the CBI and CVC are the most important ACAs in India, this concluding section recommends five policy reforms for the policy-makers to improve their effectiveness by rectifying their limitations identified in the fourth section.

1. Establish the Anti-Corruption Agency of India

As the CBI is a police agency and a Type B ACA that performs both anti-corruption and non-corruption-related functions, the GOI should establish a new ACA known as the Anti-Corruption Agency of India (ACAI) to replace the CBI as India's

lead ACA. Unlike the CBI, the proposed ACAI should be independent of the police to avoid the conflict of interest in dealing with police corruption cases. To address the CBI's inability to investigate corruption cases at the state level without the consent of the state government, the Constitution of India must be amended to empower the ACAI to investigate corruption cases at both the central government and state governments. Above all, the ACAI should not serve several masters like the CBI, but be accountable only to Parliament for its budget and appointment of its personnel.

In short, the GOI should abandon the ineffective traditional British colonial government's method of relying on the CBI to curb corruption when police corruption is rampant. It should emulate the success of Singapore and Hong Kong by establishing the ACAI as the lead ACA that is independent of the police and provide it with adequate budget and personnel to perform its anti-corruption functions effectively. Unlike the CBI, the ACAI would be a Type ACA concerned only with combating corruption and provided with the operational independence to investigate all corruption cases without fear or favour.

2. The CBI should focus only on its law enforcement functions

The CBI is an ineffective law enforcement agency not only because of its limited budget and personnel but also because it is over-burdened with many responsibilities. Fred Riggs (1970, pp. 129-130) explains that "administrative capacities can be enhanced by reducing the number of problems to be solved by government as well as by strengthening the capacity of government to solve problems." In other words, the CBI's effectiveness can be enhanced by improving its capacity or by reducing its workload. With the transfer of its anti-corruption functions to the ACAI, the CBI can concentrate instead on combating economic crimes, organised crime, terrorism, and its other non-corruption-related functions.

3. The ACAI should be provided with adequate budget and personnel

Learning from the CBI's inadequate budget and personnel in curbing corruption, the GOI should allocate the ACAI with sufficient financial and human resources to enable it to combat corruption more effectively. As shown above, the CBI had an unfavourable staff-population ratio of 1:288,206 and a low per capita expenditure of US\$0.05 in 2014. A comparison of the staff-population ratios and per capita expenditures of nine Asian ACAs in 2008 found that the CBI had the lowest per capita expenditure of US\$0.04 and the second most unfavourable staff-population ratio of 1:243,373 (Quah, 2011, pp. 455-456).

4. The CVC should be provided with more manpower to perform its functions

Tables 10 and 11 above confirm that the CVC has a heavy workload in terms of the complaints and vigilance cases received and disposed. However, the three Commissioners, 238 personnel, 199 CVOs and 438 part-time CVOs are inadequate to

enable the CVC to handle its heavy workload effectively. Given its heavy workload, the CVC and the internal vigilance machinery in the ministries and government departments should be provided with more personnel to perform their functions.

5. The GOI must address the causes of corruption in India

In the final analysis, to address the causes of corruption in India, the GOI must improve the salaries of civil servants to minimise petty corruption, increase the probability of detecting and punishing corrupt offenders by enforcing the anti-corruption laws impartially and reducing the delay in prosecuting offenders, and reducing the opportunities for corruption by cutting red tape and relying on e-governance to enhance accountability and transparency. By addressing these four causes, the GOI will also improve the difficult governance environment, which is the fifth cause of corruption in India.

Needless to say, the implementation of these five policy reforms will not be welcomed but will be strongly resisted by those stakeholders who will benefit from maintaining the status quo in India. As the GOI has relied on the ineffective DSPE and CBI to combat corruption since 1941, it must be rational and demonstrate its political will by establishing the ACAI and strengthening the CVC and providing both agencies with adequate budgets and personnel to enable these ACAs to perform their functions effectively. Failure to implement these policy reforms would mean "business as usual" as the GOI continues to rely on the same ineffective anti-corruption strategy it has employed for the past 75 years.

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Notes

1. Rittel and Webber (1973, p. 160) contend that societal problems are 'inherently wicked' and 'ill-defined' and rely on 'elusive political judgment for resolution.'
2. Details of the RTI Act 2005 are provided on its website at: <http://www.rti.gov.in> (accessed 18 September 2016).
3. The complete text of the All India Services (Conduct) Rules 1968 is available at: http://ipr.ias.nic.in/Docs/AIS_ConductRules1968.pdf (accessed 22 August 2016).
4. The FSI is based on 12 indicators: four social indicators; two economic indicators; and six political and military indicators.
5. The CPIB's staff-population ratio and per capita expenditure in 2014 are calculated from its personnel and budget provided in Republic of Singapore (2014, p. 359).

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