



## Anti-Corruption Movements & Measures in India

<sup>a</sup>Sudhir K.S. Yadav\*, Sunita Chopra<sup>b</sup>

<sup>a</sup>Department of Commerce & Business Administration  
Meerut College, Meerut, (U.P.), India  
Email Id: sudhiryadaomeerut@gmail.com

<sup>b</sup>Deptt. of commerce, Govt. P.G. College, safidon, Jist. Jind, Haryana, India

### Abstract

Corruption is a double jeopardy for the poor, who are hardest hit by economic decline, are most reliant on the provision of public services and are least capable of paying the extra costs associated with bribery, fraud and the misappropriation of economic privileges. This paper provides a study of the current status of corruption in the country, various forms of bribery faced and efforts made by them toward the compliance program. It also indicates the impact of corruption on the economy, sector-wise corruption and how poor enforcement of existing laws has led to corruption. What is interesting to know in the paper are the different ways through which manipulations are done for their short term gains. There This paper analysed various scams and movements. This paper also looks into the various legislations and government policies against corruption.

**Keywords:** Bribery, bureaucracy, public officials, bureaucracy, lack of penalties for corruption of public officials,

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## 1. INTRODUCTION

*"An uncorrupted individual in a corrupted system will finally end up being corrupted himself except and unless he is constantly fighting against the corruption." - Jhurry Muhammad Anas*

Corruption can be defined as Wrongdoing on the part of an or through that are illegitimate, immoral or incompatible with. Corruption often from backup and is with. It can result in the diversion of public resources to private consumption and thus in the overall loss of the impacts that were intended to be of wider benefit. Thus, it results in social inequality and widened gap between the rich and poor.

Given the state of India's economic development, good governance is absolutely critical to give us a competitive edge and sustain growth. It is becoming increasingly evident that it is impossible to separate good governance and sustainable development. Public opinion suggests that high levels of corruption are associated with lower levels of investment. Corruption is a double jeopardy for the poor, who are hardest hit by economic decline, are most reliant on the provision of public services and are least capable of paying the extra costs associated with bribery, fraud and the misappropriation of economic privileges.

### **Very heavy amount corruption scams held in India:**

- 2G Spectrum Scam of Rs 1658 crore.
- Commonwealth Games Scam of Rs.70000 crore.
- Telgi Scamo of Rs.20000 Crore
- Satyam Scam of Rs. 14000crore
- Bofors Scam Rs 4000
- The Fodder Scam of Rs 950 crore
- The Hawala Scandal of US\$18 million
- IPL Scam
- Rs 4,000 crore Harshad Mehta & Ketan Parekh Stock Market Scam

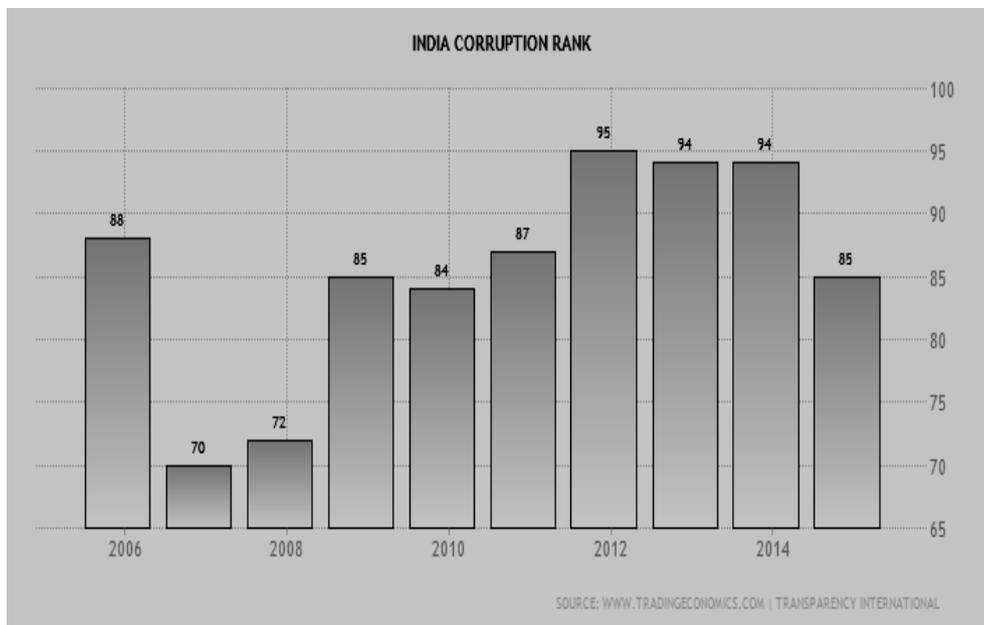
Today, India is one of the most sought-after investment destinations. Several reports place India among the top three countries globally in terms of an attractive investment destination ranked by global corporations. While several positive factors such as a large and growing domestic market, favourable demographic profile and the availability of large pool of skilled manpower, have brought global investors to India, in terms of "ease of doing business", India still has a long way to go.

India is the 85 least corrupt nation out of 175 countries, according to the 2014 Corruption Perceptions Index reported by Transparency International. Corruption Rank in India averaged 75.10 from 1995 until 2014, reaching an all time high of 95 in 2011 and a record low of 35 in 1995. Corruption Rank in India is reported by the Transparency International.

COUNTRIES	Corruption Rank	Reference	Previous	Highest	Lowest
Australia	11.00	Dec/14	9.00	13.00	7.00
Brazil	69.00	Dec/14	72.00	80.00	36.00
Canada	10.00	Dec/14	9.00	14.00	5.00
China	100.00	Dec/14	80.00	100.00	40.00

<b>France</b>	26.00	Dec/14	22.00	26.00	18.00
<b>Germany</b>	12.00	Dec/14	12.00	20.00	12.00
<b>India</b>	85.00	Dec/14	94.00	95.00	35.00
<b>Indonesia</b>	107.00	Dec/14	114.00	143.00	41.00
<b>Italy</b>	69.00	Dec/14	69.00	72.00	29.00
<b>Japan</b>	15.00	Dec/14	18.00	25.00	14.00
<b>Mexico</b>	103.00	Dec/14	106.00	106.00	32.00
<b>Netherlands</b>	8.00	Dec/14	8.00	11.00	6.00
<b>Russia</b>	136.00	Dec/14	127.00	154.00	47.00
<b>South Korea</b>	43.00	Dec/14	46.00	52.00	27.00
<b>Spain</b>	37.00	Dec/14	40.00	40.00	20.00
<b>Switzerland</b>	5.00	Dec/14	7.00	12.00	5.00
<b>Turkey</b>	64.00	Dec/14	53.00	77.00	29.00
<b>United Kingdom</b>	14.00	Dec/14	14.00	20.00	10.00
<b>United States</b>	17.00	Dec/14	19.00	24.00	14.00

Source:www.tranparency.com.org



Corruption is growing by leaps bound in India as the nation grows; the corrupt invent new methods of cheating the Government and public. In May 2011, India ratified the United Nations Convention against corruption (UNCAC), an instrument that legally binds all the state parties, to take appropriate punitive and preventive measures to address the problem of corruption.

The draft Indian Penal Code (Amendments) Bill 2011 encompasses graft by an Individual firm, society, trust, association of individuals or company, whether incorporated or not, that undertakes any economic, financial and commercial activity.

## **2. FACTORS CONTRIBUTING TO CORRUPTION IN INDIA**

In a 2011 report on Corruption in India, one of the world's largest audit and compliance firms KPMG notes several causes that encourage corruption in India. The report indicates major causes as.

- High Taxes,
- Complex and Excessive Regulation,
- Bureaucracy
- Emergence of Political elite
- Artificial Scarcity
- Change in the value system and ethical qualities
- Absence of strong public forum
- Over population and widespread illiteracy

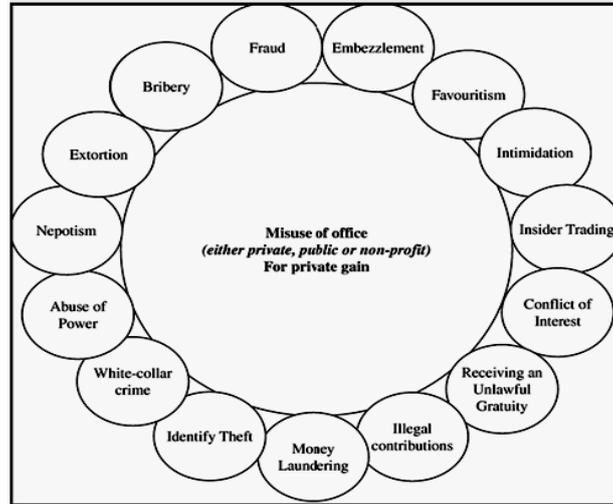
India has high marginal tax rates and numerous regulatory bodies with the power to stop any citizen or business from going about their daily affairs.

The desire to pay lower taxes than those demanded by the state explains the demand side of corruption. The net result is that the corrupt officials collect bribes, the government fails to collect taxes for its own budget, and corruption grows. The report suggests regulatory reforms, process simplification and lower taxes as means to increase tax receipts and reduce causes of corruption.

In addition to tax rates and regulatory burden, the KPMG report claims corruption results from opaque process and paperwork on the part of the government. Lack of transparency allows room for manoeuvre for both the demanders and suppliers of corruption. Whenever objective standards and transparent processes are missing, and subjective opinion driven regulators and opaque/hidden processes are present, the conditions encourage corruption.

Vito Tanzi in an International Monetary Fund study suggests that in India, like other countries in the world, **corruption is caused by excessive regulations and authorisation requirements, complicated taxes and licensing systems, mandated spending programmes, lack of competitive free markets, monopoly of certain goods and service providers by government controlled institutions, bureaucracy, lack of penalties for corruption of public officials, and lack of transparent laws and processes.** A Harvard University study finds these to be some of the causes of corruption and underground economy in India.

### 3. TYPES OF CORRUPTION



The above type of corruptions can be put into the following types:

- i. **Petty Corruption:** This is the everyday corruption that takes place at the execution end of politics to implement existing laws, rules and regulations. It can be defined as the use of public office for private benefit in the course of delivering a public service. This is practiced on a smaller scale. The direct victim of this kind of corruption is the citizen.
- ii. **Corruption:** Grand corruption is at the top levels of the public sphere, where policies and rules are made in the first place and is considered the most dangerous type of corruption. Public officers in high positions (such as councilors) usually accept bribes in the process of making decisions of significant economic value and ensure that tenders or contracts are awarded to specific contractors. This occurs at financial, political and administrative centers of power.
- iii. **Business Corruption:** Business corruption is considered only as a means to accelerate business processes and often not regarded as a crime. Patrons claim that the end result is not affected but can be achieved quickly. Includes bribery, insider trading, money laundering, embezzlement, tax evasion and accounting irregularities.
- iv. **Political Corruption:** Political corruption is any transaction between private and public sector through which collective goods are illegally converted into private-regarding payoffs. This takes place at the high levels of the political system, when politicians and state agents use their authority to sustain their power, status and wealth. Political corruption not only leads to the improper allocation of resources, but also falsifies the manner in which decisions are made. It includes:
  - voting irregularities
  - nepotism (favouritism granted to relatives regardless of merit) and cronyism (favouritism granted to old friends regardless of merit)
  - rule of a few

- false political promises
  - paying journalists for favourable coverage of candidates and parties influencing voters by the distribution of money, food and/or drink
  - holding on to power against the will of the people
- v. **Organized Corruption:** A well-organized system of corruption in which there is a clear idea:
- of whom to bribe
  - how much should be offered
  - and are confident that they will receive the favor in return
  - Organized corruption is often carried out by crime gangs and syndicates and includes white-collar crime and identity theft.
- vi. **Chaotic Corruption:** A disorganized system where there is no clarity regarding whom to bribe and how much should be offered. Entrepreneurs may need to bribe several officials, but with no guarantee that they will not face further demands for bribes or that the things will be done.

#### 4. CONSEQUENCES OF CORRUPTION

The consequences of corruption have many dimensions related to political, economic, social and environmental effects.

- i. **Political effects:** Corruption retards democracy and the rule of law. Corruption may also result in negative consequences such as encoring acrimony and reducing political competition, interest of participation and the transparency of decision making, political instability, distorting political development and sustaining political activity based on patronage, clientelism and money, etc.
- ii. **Economic effects:** The economic effects of corruption have serious impact on the individual community and country. First and foremost, corruption leads to the depletion of national wealth. It is often responsible for increased costs of goods and services, the channeling of scarce public resources to uneconomic high profile projects at the expense of the much needed projects such as schools, hospitals and roads, or the supply of potable water, diversion and misallocation of resources, conversion of public wealth to private and personal property, inflation, imbalanced economic development and weakling work ethics and professionalism. Large scale corruption hurts the economy and impoverishes entire population.
- iii. **Social effects:** Social effects can have a strong effect on individual behavior. Corruption discourages people to work together for any good cause. Demanding and paying bribes becomes the tradition. Frustration and general indifference among the public result in a weak civil society. Laws cannot be enforced if officials can easily be bribed. The same applies to social rights worker protection, unorganization prevention, and child labor. Violation of these laws and rights enables corrupt countries to gain illegal economic advantage in the international market.
- iv. **Environmental effects:** Corruption facilitates trafficking in wildlife and other natural resources, depletion of natural resources and pollution of environment through bribery in environmental inspections and permitting system. Corruption also contributes to the

development of environmentally damaging policies and practices and to unlawful allocation of resources that leads to environmentally harmful practices.

- v. **Loss of credibility:** A study on Bribery and Corruption in India conducted in 2013 by one of the largest global professional services firms Ernst & Young (EY), a majority of the survey respondents from PE firms said that a company operating in a sector which is perceived as highly corrupt, may lose ground when it comes to fair valuation of its business, as investors bargain hard and factor in the cost of corruption at the time of transaction.

According to a report by KPMG, "high-level corruption and scams are now threatening to derail the country's its credibility and [its] economic boom".

**Economic loss:** Corruption may lead to further bureaucratic delay and inefficiency as corrupted bureaucrats may introduce red tape in order to extort more bribes. Such inadequacies in institutional efficiency could affect growth indirectly by lowering the private marginal product of capital and investment rate. Levine and Renelt showed that investment rate is a robust determinant of economic growth. According to the neoclassical growth model, institutional variables contribute to determining steady-state per capita income levels and speed of convergence to its steady state, hence affecting its growth rate.

Bureaucratic inefficiency also affects growth directly, such as through misallocation of investments in the economy. Additionally, corruption results in lower economic growth for a given level of income.

- vi. Lower corruption, higher growth rates: If corruption levels in India were reduced to levels in developed economies such as Singapore or the United Kingdom, India's GDP growth rate could increase at a higher rate annually. C. K. Prahalad estimates the lost opportunity caused by corruption, in terms of investment, growth and jobs for India is over US\$50 billion a year.

## 5. MYTHS AND FACTS ABOUT CORRUPTION

Find below some of the myths and facts about corruption given by the Irish Association of Non-Governmental Development Organizations.

**Myth:** Corruption is predominantly an African problem.

**Fact:** Corruption occurs everywhere where the risk of getting caught is low, and the rewards are high. Corruption is prevalent in all countries but corruption on a scale that threatens human rights and economic development is most likely where state structures are very weak, have broken down or are changing rapidly.

**Myth:** It is better to channel aid through NGOs rather than governments, who might waste it.

**Fact:** By-passing government systems effectively means undermining those governments own efforts to improve planning, budgeting and delivering services that reach all citizens. A study conducted by the OECD in 2006 found no evidence that aid channelled through developing countries governments is any more or less vulnerable to corruption than aid delivered through other channels. Monitoring and tracking expenditure, providing technical support to government accountability bodies, strengthening parliament's role in providing oversight, and supporting civil society watchdog groups are all effective ways to ensure that aid reaches those for whom it is intended.

**Myth:** Corruption is a matter of culture.

**Fact:** Corruption happens anywhere there is the right mix of opportunity and inclination; where those with power and influence can take advantage of others for their own private gain. Few would argue that Switzerland's secretive banking system is in their culture, in light of demands by Swiss NGOs to return money stolen by corrupt leaders to nations whom it was stolen from. Neither is it the case that Africans have a different understanding of corruption than ours. Afro barometer, an independent group that measures political attitudes in Africa, found that a significant majority of citizens condemn public officials who locate development projects where friends and supporters live, who demand favors for state services and who give jobs to unqualified family members and friends.

**Myth:** People in developing countries can do little to curtail corruption.

**Fact:** Civil society watchdog groups and investigative journalists are active across the developing world in tracking the activities of governments, public sector bodies and private companies. Transparency is the greatest enemy of corruption: Given the right information and support, political parties and local organizations can do great job of monitoring public spending and demanding accountable administration. Fighting corruption, in both its demand and supply sides, is not simply a matter of cutting aid: The best way to fight corruption is to strengthen formal and informal systems and mechanisms for checks and balances: free and independent media, an effective judiciary system and active citizenship in fighting corruption. To fight corruption, investment is needed: Investment in education, in democracy, in legislation and in free media. And rich countries can help further, by introducing legislation ratifying the UN Convention Against Corruption; by pressing for better transparency and accountability in the World Bank, the UN and the EU; and by helping to make sure that no Irish companies give or take bribes to secure business.

## **6. INDIAN ANTI CORRUPTION MOVEMENT**

The peaceful movement led by Hazare was supported by the entire country. For the first time in decades it saw the urban middle class emerge spontaneously on the streets in huge numbers for a political cause.

The 74-year old Hazare, whose struggle is deeply inspired by Mahatma Gandhi, had wanted to stage an indefinite hunger strike in a park in New Delhi, vowing to fast until death unless the government accepted the movements demand to create an independent anti-corruption agency with sweeping powers, a so-called Lokpal, or ombudsman.

Attempts made by the Indian government to restrain anti-corruption movement in the country had backfired. After arrest of some 2,600 protesters, including the high-profile anti-corruption activist Anna Hazare, millions of Indians poured out into the streets to fight for a strong anti-corruption law.

The Jan Lokpal Bill, also referred to as the citizens' ombudsman bill, is a proposed independent anti-corruption law in India.

### **The salient features of Jan Lokpal Bill:**

- An institution called LOKPAL at the centre and LOKAYUKTA in each state will be set up.
- Like Supreme Court and Election Commission, they will be completely independent of the governments. No minister or bureaucrat will be able to influence their investigations.

- Cases against corrupt people will not linger on for years anymore: Investigations in any case will have to be completed in one year. Trial should be completed in next one year so that the corrupt politician, officer or judge is sent to jail within two years.
- The loss that a corrupt person caused to the government will be recovered at the time of conviction.
- How will it help a common citizen: If any work of any citizen is not done in prescribed time in any government office, Lokpal will impose financial penalty on guilty officers, which will be given as compensation to the complainant.
- So, anybody could approach Lokpal if his ration card or passport or voter card is not being made or if police is not registering his case or any other work is not being done in prescribed time. Lokpal will have to get it done in a month's time. We could also report any case of corruption to Lokpal like ration being siphoned off, poor quality roads been constructed or panchayat funds being siphoned off. Lokpal will have to complete its investigations in a year, trial will be over in next one year and the guilty will go to jail within two years.
- But would not the government appoints corrupt and weak people as Lokpal members? That would not possible because its members will be selected by judges, citizens and constitutional authorities and not by politicians, through a completely transparent and participatory process.
- What if some officer in Lokpal becomes corrupt? The entire functioning of Lokpal/ Lokayukta will be completely transparent. Any complaint against any officer of Lokpal shall be investigated and the officer dismissed within two months.
- What will happen to existing anti-corruption agencies? CVC, departmental vigilance and anti-corruption branch of CBI will be merged into Lokpal. Lokpal will have complete powers and machinery to independently investigate and prosecute any officer, judge or politician.
- It will be the duty of the Lokpal to provide protection to those who are being victimized for raising their voice against corruption.

#### **Other Anti-corruption efforts made in India**

- Right to Information Act:** The 2005 Right to Information Act required government officials to provide information requested by citizens or face punitive action, as well as the computerisation of services and the establishment of vigilance commissions. This considerably reduced corruption and opened up avenues to redress grievances.
- Right to public services legislation:** Right to Public Services legislation, which has been enacted in 19 states of India, guarantee time bound delivery of services for various public services rendered by the Government to citizen and provides mechanism for punishing the errant public servant who is deficient in providing the service stipulated under the statute. Right to Service legislation are meant to reduce corruption among the government officials and to increase transparency and public accountability.
- Anti-corruption laws in India:** Public servants in India can be penalised for corruption under the
  - Indian Penal Code, 1860
  - Prosecution section of Income Tax Act, 1961
  - The Prevention of Corruption Act, 1988

- The Benami Transactions (Prohibition) Act, 1988 to prohibit benami transactions.
- Prevention of Money Laundering Act, 2002

India is also a signatory to the United Nations Convention against Corruption since 2005 (ratified 2011). The Convention covers a wide range of acts of corruption and also proposes certain preventive policies.

**The Lokpal and Lokayuktas Act, 2013** which came into force from 16 January 2014, seeks to provide for the establishment of the institution of Lokpal to inquire into allegations of corruption against certain public functionaries in India.

**Whistle Blowers Protection Act, 2011**, which provides a mechanism to investigate alleged corruption and misuse of power by public servants and also protect anyone who exposes alleged wrongdoing in government bodies, projects and offices, has received the assent of the President of India on 9 May 2014, and (as of 02 August) is pending for notification by the Central Government.

**The Prevention of Money Laundering Act, 2002** provides that the properties of corrupt public servants shall be confiscated. However, the Government is considering incorporating provisions for confiscation or forfeiture of the property of corrupt public servant in the Prevention of Corruption Act, 1988 to make it more self-contained and comprehensive.

**The Companies Act, 2013**, contains certain provisions to regulate frauds by corporations, including, increased penalties for frauds, giving more powers to Serious Fraud Investigation Office, mandatory responsibility of auditors to reveal frauds, and increased responsibilities of independent directors. The Companies Act, 2013 also provides for mandatory vigil mechanism which allows directors and employees to report concerns and whistleblower protection mechanism for every listed company and any other companies which accepts deposits from public or has taken loans more than 50 crore rupees from banks and financial institutions. This intended to avoid accounting scandals such as the Satyam scandal which have plagued India. It replaces The Companies Act, 1956 which was proven outmoded in terms of handling 21st century problems.

In 2015, the Parliament passed the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Bill, 2015 to curb and impose penalty on black money hoarded abroad. The Act is pending for assent of the President of India.

## **7. ANTI-CORRUPTION POLICE AND COURTS**

The Directorate General of Income Tax Investigation, Central Vigilance Commission and Central Bureau of Investigation all deal with anti-corruption initiatives. Certain states such as Andhra Pradesh (Anti-Corruption Bureau, Andhra Pradesh) and Karnataka (Lokayukta) also have their own anti-corruption agencies and courts.

Andhra Pradesh's Anti Corruption Bureau (ACB) has launched a large scale investigation in the "cash-for-bail" scam. CBI court judge Talluri Pattabhirama Rao was arrested on 19 June 2012 for taking a bribe to grant bail to former Karnataka Minister Gali Janardhan Reddy, who was allegedly amassing assets disproportionate to his known sources of income. Investigation revealed that India Cements - one of India's largest cement - had been investing in Reddy's businesses in return for government contracts. A case has also been opened against seven other individuals under the Indian Penal Code and the Prevention of Corruption Act.

## 8. SUGGESTIONS TO MINIMIZE CORRUPTION

- The first tool is education. We can minimize corruption with the help of education. According to a survey conducted by India today the least corrupt state is Kerala, the reason being that in Kerala literacy rate is highest in India.
- We need to change the government processes. In India there is a rule that no person as a criminal shall be allowed as the MP or MLA. Unfortunately, a fairly large number of them are a part of it. Therefore a major shift in the government processes and administrative policies can make them more public oriented.
- We can reduce corruption by increasing direct contact between government and the governed. E-governance could help a lot towards this direction. Sivraj Patil said that the Right to information can ensure transparency. We have legal rights to know any information. According to this act, (Right to Information Act, 2005), generally people should follow the procedure of law given to them when there is no transparency and accountability in the working of public authority. This act would be of great help in order to control corruption.
- Revising the act for its better implementation. Strong and stringent laws need to be implemented which gives no room for the guilty to escape.
- Individual effort. We should be honest to ourselves. Until and unless we will not be honest, we cannot control corruption.

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