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Why Democracies Choose Bad Policies

BRYAN CAPLAN

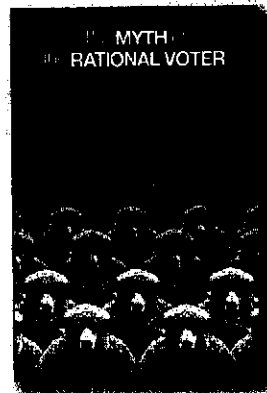
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18. For example, annual growth (at constant prices) between 2002 and 2004 was 15.4 percent in Gujarat, 7.3 percent in Maharashtra, 22.3 percent in Rajasthan, and 7.4 percent in West Bengal. See <https://reservebank.org.in/cdbms/servelet/login>.

19. In some districts of Punjab and Haryana there are only 77 women for every 100 men. This low ratio springs from the growth of ultrasound-facilitated sex-selection abortions, a regionally specific preference for sons, and arguably, increasing dowry costs spurred by demands for consumer items such as cars and television sets.

20. Cited in Nagesh Kumar, "Indian Software Industry Development: International and National Perspective," *Economic and Political Weekly*, 10 November 2001, 4287.

21. Rob Jenkins, "Labor Policy and the Second Generation of Economic Reform in India," *India Review* 3 (October 2004): 340.

22. Shiv Sena also recruited its cadres from displaced textile workers in Mumbai. See Darryl D'Monte, *Ripping the Fabric: The Decline of Mumbai and Its Mills* (Delhi: Oxford University Press, 2002).

23. Sujata Patel, "Urbanization, Development and Communalization of Society in Gujarat," in Takashi Shinoda, ed., *The Other Gujarat* (Mumbai: Popular Prakashan, 2002).

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26. Agricultural expenditures (excluding fertilizer) rose by 31.8 percent from 2004 to 2005 and by 18.5 percent in 2006. A similar rise was evident for health and education. These figures have been calculated from budget documents that can be found at <http://indiabudget.nic.in>.

## India's Unlikely Democracy

### CIVIL SOCIETY VERSUS CORRUPTION

Rob Jenkins

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Not least among the achievements of India's sixty-year-old democratic experiment is the sheer durability of its liberal constitutional system. Almost no other country that attained independence in the post-Second World War wave of decolonization has managed continuously to hold free and fair elections, protect and augment fundamental rights, and maintain civilian control of the military.

But many Indians insist that their democracy be held to a higher standard and thus judged against the world's most successful democracies, not the dysfunctional postcolonial countries that happened to come of age at the same historical moment. The relevant yardstick from this perspective—the quality shared by the world's most mature democracies—is the ability to deepen democracy, that is, to make politics more *inclusive* and the state more *accountable*. Democratic deepening in India has undoubtedly been impressive. But as we shall see, it has progressed much further in terms of inclusiveness than with respect to accountability.

Indian democracy's signal achievement has been to broaden the narrow social base on which its representative institutions stood at the time of independence in 1947. India's initial crop of political parties was dominated by English-speaking professionals from elite backgrounds. India's legislatures were disproportionately populated by the richer and better-educated groups in the Hindu social order, the so-called upper castes. The Indian National Congress (also known as the Congress party) dominated the first two decades of postindependence politics, receiving its first major jolt from power in the 1967 state-level elections. Another decade elapsed before Congress first lost power at the national level—to a coalition government that barely managed two

years in office, from 1977 to 1979. Congress then ruled for almost the entire 1980s and the first half of the 1990s, at which point India entered its current era of coalition governance.

Throughout the 1970s and 1980s, parties dedicated to advancing the interests of the lower castes emerged on a large scale, a trend that accelerated rapidly during the 1990s. By the mid-1990s, not only was unchallenged Congress dominance a thing of the past; so was control over electoral politics by social elites. What Christophe Jaffrelot calls "the silent revolution"<sup>1</sup>—the process by which India's political leadership became more broadly representative—is an accomplishment of which many Indians are rightly proud. It is against this backdrop that efforts to address the problem of corruption in India must be assessed. For if the success of India's democratic experiment has frequently been justified by pointing to the rise of parties led by and ostensibly dedicated to the advancement of historically disadvantaged communities, the bribe-taking politician has become the preeminent symbol of India's democratic malaise. The persistence of corruption is a constant reminder that democracy is deepening in some respects but not others—that inclusiveness and accountability do not necessarily accompany one another.

### Corruption and the Quality of Governance

There is an ambivalent relationship between two analytical tendencies—between the belief that the successful incorporation of nonelites into electoral politics represents a profound deepening of Indian democracy, and the view that pervasive corruption epitomizes how shallow India's democratic pretensions are in practice. On the one hand, it is possible to see these as essentially distinct if conflicting conclusions: Choosing to emphasize one or the other of these two dimensions of India's contemporary political reality would thus indicate nothing more than an inclination to see the glass of democracy as either half full or half empty.

But another way of reconciling these two competing assessments of India's democracy is to argue that they are less contradictory than at first they might appear: Nonelites would not have been able to build parties and consolidate electoral gains—thus making politics more inclusive—had they not engaged in systematic corruption when given the opportunity that even limited shares of state power conferred. Promising voters favored treatment is the stock-in-trade of political clientelism, and to the extent that such transactions take place on a group basis (where politicians are aggregated into parties, and voters into social groups defined by ethnicity), there should be little surprise that the rise of lower-caste politics has relied on the distribution of patronage. This dynamic is of course not limited to parties based on lower-caste identity. Kanchan Chandra calls India a "patronage democracy,"

arguing that both voters and politicians face almost impossible-to-resist incentives to continue interacting through an identity-based form of clientelism.<sup>2</sup> Pratap Bhanu Mehta has gone so far as to say that corruption has become a key channel of social mobility in India, and that corruption enjoys a kind of popular legitimacy as a result.<sup>3</sup>

Yet even if the distribution of goods, services, and official posts to members of specified groups is accepted as part of the means by which historically disadvantaged communities have taken power in their own right (rather than as junior partners in broader catch-all parties such as Congress), and even if this process is seen to have legitimated much of the routine corruption that is practiced in Indian politics, it does not necessarily follow that public opinion will be forever forgiving of what is still understood as criminal behavior. A convincing case can be made that the emergence of movements against corruption in the 1990s was originally a reaction *against* the notion that corruption was acceptable because it gave subaltern groups the means to build successful independent parties. India's anticorruption movements have since then continued to wage an uphill fight against a potent narrative that excuses graft as an unavoidable accompaniment to democratic deepening under Indian conditions.

That corruption could ever have been regarded as necessary will come as a surprise to observers of democratization in countries other than India. Public-opinion surveys in Latin America, for instance, have cast corruption as a serious obstacle to the consolidation of that region's third-wave democracies. Based on his reading of survey data from several parts of the world, Larry Diamond concludes that, as a result of "mounting citizen disgust with corruption worldwide, the global democratic trend is at greater risk of reversal than at any time since the end of the Cold War."<sup>4</sup> Diamond's analysis contrasts "the wealthy, established democracies of North America, Europe, and Japan" with "the less established democracies, where the legitimacy of democracy is not so deeply rooted." While in the former, corruption undermines faith in politicians, in the latter, "political corruption scandals are much more likely to erode public faith in democracy itself and thereby to destabilize the entire system."<sup>5</sup>

India does not fit comfortably into this typology. Despite its relative poverty, India possesses democratic institutions that have reached levels of consolidation (depending on one's measure) approaching those of the industrialized world. As a result, unlike in many developing-world democracies, corruption in India is not generally considered to be a threat to its democratic regime. Indians have firsthand experience of democracy's ability to weather crises: several wars, periodic economic meltdowns, communal riots, and the two-year internal state of emergency imposed by Prime Minister Indira Gandhi from 1975 to 1977. The Indian case highlights the need to distinguish between the contention that corruption is undermining popular commitment to India's demo-

cratic form of government and the argument that corruption is undermining the quality of governance produced by democratic politics. It is the latter argument that India's anticorruption activists have sought to advance over the past dozen or so years.

### Pioneers of Anticorruption Activism

Ironically, the work of anticorruption activist groups in Indian civil society since the mid-1990s stands as one of the strongest indications that India's democracy is deepening in ways which go beyond the "silent revolution" of expanded political representation for marginalized social groups.

Corruption was not of course invented in the 1990s, when the first of two succeeding waves of anticorruption activism was unleashed. Allegations of scandal plagued the 17-year tenure of India's first prime minister, Jawaharlal Nehru. Two of Nehru's ministers resigned under an ethical cloud, and Nehru was often criticized for indulging corrupt allies whom many thought he ought to have jettisoned. During the reign of Nehru's daughter, Indira Gandhi, corruption began to become more extortionate, a development largely attributable to the wholesale induction of organized-crime figures into Indian politics by Sanjay Gandhi, Indira Gandhi's son and presumed political heir until his death in a 1980 plane crash.<sup>6</sup>

Corruption remains a staple of political discussion in India. Little has changed in the two decades since the Bofors affair (a scandal involving allegations of kickbacks in defense procurement) helped to sink Rajiv Gandhi's government in the 1989 general election. Print and broadcast media, not to mention parliamentary debates, are filled with charges of corruption and heated discussions about how best to combat it. Anticorruption activism is nothing new in India either. One of Nehru's most forceful detractors throughout his premiership was Ram Manohar Lohia, a one-time comrade in the freedom struggle who became a key figure in the development of Indian socialism. Throughout the 1950s, Lohia railed against high-level corruption "and its pervasive effect on India's morality and economy."<sup>7</sup> Lohia sought not only to shame political leaders into taking action to punish the most egregiously corrupt, but also to build a grassroots movement for probity in public office to overcome what he regarded as growing indifference to corruption. Few leaders were susceptible to shaming; the movement never materialized.

Throughout the 1990s, India witnessed a seemingly endless procession of "scams," as the Indian media labeled them—the stock-market scam, the urea scam, the telecom scam, the sugar scam, the fodder scam, and others too numerous to mention. There was also the 1996 discovery of an industrialist's diary that was alleged to show payments to politicians, whose names were indicated by the use of initials. The "Jain

Diaries" were captivating both because they appeared to be convincing primary-source documents and because they revealed how readily an entrepreneur could come to see corruption as just another business expense to be recorded.

It was amid this atmosphere that a new type of anticorruption activism emerged in the mid-1990s. Rather than focusing on the collective misdeeds of a ruling party, or directing their energies toward the strengthening of state-accountability institutions such as the auditor-general's office, the oversight committees of Parliament, and the Central Vigilance Commission, some anticorruption campaigners began to chart a different course. The key elements of their new strategy were to expose specific acts of corruption (rather than to condemn broad patterns of misrule); to do so by utilizing the investigative energies of ordinary people (rather than mobilizing in response to accusations leveled by the press or by opposition politicians); and to focus on the local level, where routinized corruption was a daily curse, where the theft of public resources was personal, and where citizens themselves could do the most to expose the precise mechanisms through which corruption took place.

The paradigmatic grassroots movement of the mid-to-late 1990s dedicated to exposing local corruption was the Mazdoor Kisan Shakti Sangathan (MKSS, or Organization for the Empowerment of Workers and Peasants), a people's organization active mainly in the northern state of Rajasthan.<sup>8</sup> The MKSS was based in a rural part of a poor state, and its approach emphasized the impact of corruption on poorer citizens and the direct role that they could play in punishing those who engaged in it.

The MKSS's campaign during the early 1990s to secure the payment of back wages owed to day-laborers on government drought-relief programs revealed the role of corruption in the workers' ongoing predicament. Access even to rudimentary data on local allocations made it clear that officials were billing the government for amounts far in excess of what workers were being paid for building roads, digging irrigation canals, and creating other small-scale public works. But to expose the specific acts of fraud that were involved (wage payments to ghost workers, or the substitution of poor-quality materials for those specified in purchase orders), the MKSS needed access to detailed government financial records, which officials had long kept secret. Among the documents sought were "muster rolls," the forms on which labor supervisors daily recorded the names of workers for each job site, the hours worked, wages owed, and payments made. The information contained in these records could then be crosschecked against other sources of information to reveal discrepancies.

Throughout the late 1990s, MKSS activists faced great resistance when trying to gain access to government-held information. They obtained some documents by appealing to the moral virtue of several mid-

level civil servants. Leaks from sympathetic clerks in run-down government offices at the periphery of the rural-development bureaucracy yielded more data. But the information needed to expose specific acts of fraud remained available only on an extremely ad hoc basis. After Rajasthan's state-level Right to Information Act was passed in 2000 (thanks largely to intense MKSS lobbying), activists could seek documents through official channels with greater assertiveness, though ingenious forms of bureaucratic resistance meant that obtaining information remained a struggle.

The MKSS's key innovation, however, was to develop a novel means by which information found in government records could be shared and collectively verified: the *jan sunwai* (public hearing). A *jan sunwai* is a publicly accessible forum, often held in a large open-sided tent pitched on a highly visible spot, at which government records are presented alongside testimony by local people with firsthand knowledge of the development projects that these records purport to document. Key pieces of information from project documents are read aloud. Those with direct knowledge of the specific government projects under investigation are invited to testify on any apparent discrepancies between the official record and their own experiences as laborers on public-works projects or applicants for means-tested antipoverty schemes. Through this direct form of "social audit," many drought-relief workers discovered that they had been listed as beneficiaries of antipoverty schemes despite never having received payments, which presumably were pocketed by the officials who authorized the disbursements. Others learned that certain well-connected villagers, who performed no labor at all, were nevertheless listed as workers and often paid more than those who actually worked. Local people were astonished (and, increasingly, angered) to learn of large payments to building contractors for construction projects that existed only on paper—in project documents held in inaccessible government files.

While citizens have traditionally been relegated to participating in vertical channels of accountability (by voting or engaging in advocacy), the MKSS and other anticorruption groups mobilized poor people to substitute their own investigative energies where horizontal institutions of accountability (state agencies that monitor the performance of other state entities) were demonstrably failing.<sup>9</sup> By participating in popular audits of government spending, people were able to assume new roles as citizen-auditors, blurring the conventional distinction between vertical and horizontal channels of accountability. The MKSS and other groups that emulated its success forged a new, "hybrid" form of accountability.<sup>10</sup> This has subsequently been incorporated, by statute, into Rajasthan's system of local government: Village-level accounts now *must* be subjected to scrutiny by regular village meetings to which all residents are invited. Similar provisions were enacted in other states

such as Kerala, and are found in the legislation that in 2005 created one of India's most ambitious antipoverty initiatives, the National Rural Employment Guarantee program.

Thanks to the demonstration effect generated by the work of MKSS and groups like the Bhrashtachar Virodhi Jan Andolan (BVJA, or People's Movement Against Corruption),<sup>11</sup> based in the western state of Maharashtra, the link between access to government-held information and the ability of ordinary people to combat corruption at levels that afflict them in direct personal terms became firmly established in public discourse. Prime Minister Atal Bihari Vajpayee's government enacted India's first nationwide freedom-of-information legislation in 2003. Though used by some groups to open up the workings of government, the Freedom of Information Act's provisions were too forgiving of official secrecy. A coalition of activists subsequently pressed the succeeding government, headed by Prime Minister Manmohan Singh, to produce more substantial legislation. In June 2005 a new Right to Information Act was enacted.

Although the first wave of activism (1995–2000) developed innovative techniques for exposing corruption, its overall impact was limited. The movement's prospects were not helped by a broader discursive shift that had begun to redefine the relationship between corruption and market-oriented economic reform, one of the most controversial issues on the public agenda. When the MKSS began organizing public hearings in the mid-1990s, the debate on reform and corruption seemed to be going their way: It had quickly become clear that market reform would not extinguish corruption. Activists thought that once people came to this realization, they would seek alternatives, and perhaps join a movement that harnessed the potential of ordinary members of the public.

As the 1990s came to an end, however, a new cynicism arose in discussions about corruption. Some began to feel that if India's economy could perform as well as it was despite the prevailing culture of graft, then perhaps corruption was less growth-retarding than commonly thought. Historical accounts of the process by which corruption was tamed in today's wealthy democracies supported this view: Countries like the United States and South Korea brought corruption under control *after* they gained their riches.<sup>12</sup> Thus it was easy to dismiss corruption as a problem that development would solve. By the late 1990s, rising indifference toward corruption started becoming a serious drag on recruitment of new activists.

Anticorruption activism might not have survived this blow had not another twist in the public debate about corruption and reform taken place around the same time. It was not long after the turn of the new millennium that concern increased sharply about the uneven consequences of India's economic reforms. This fueled worries about the political sustainability of reform. To nip rising political discontent with

liberalization in the bud, politicians (particularly those up for reelection) poured funds into antipoverty programs. When, in 2003, even careful political management of such programs did not prevent voters from ousting two seemingly popular and responsive state governments—partly due to corruption in the schemes' implementation—the relationship between economic reform and corruption began to be seriously rethought. The sense of urgency was reinforced when Prime Minister Vajpayee's governing coalition lost to Singh's Congress-led alliance in the 2004 national election amid an apparent wave of disgust among India's have-nots. The fear was no longer that corruption unduly impeded growth, but that it silted up the channels through which antipoverty resources were supposed to flow to those adversely affected by economic liberalization. Corruption thus threatened to render ineffective the ameliorative programs necessary to prevent antireform sentiment from coalescing into an effective political movement.

### A Second Wave of Anticorruption Activism

In response to this shifting discursive landscape, anticorruption campaigners launched a second wave of activism. While the first wave (c.1995–2000) helped to blur the boundary between horizontal and vertical accountability, the second wave of activism (c.2001–2006) bridged divisions within the anticorruption movement itself, gaps that had hampered its effectiveness. Four such divides are discussed here.

1) *The poor and the middle class.* The first divide that the new wave of anticorruption activism began to bridge was between the poor and the middle class. First-wave anticorruption movements had not shied away from accusing middle-class groups of not supporting campaigns against forms of corruption that particularly afflicted the poor, or from blaming this failure of nerve on the middle class's desire to preserve its privileges. Middle-class people, in turn, blamed the poor for being unreliable allies in the struggle for better governance, too easily bought off with populist gestures. During the second wave of activism, however, parts of these two omnibus socioeconomic categories have sometimes been able to contain their mutual animosity long enough to work together. Cooperative instincts have been evidenced mainly among subgroups situated alongside the categorical border. This includes, from within the poor, not the truly destitute but the upwardly mobile "aspirational" poor, and from the middle class, not the prosperous end of this capacious category—in India the middle class is often synonymous with the economic superelite—but the vulnerable lower-middle class, many of whom are sole proprietors of microenterprises or low-level clerks in the public or private sectors.

A good example of how poor and middle-class people have begun to forge alliances to fight corruption is Parivartan, a New Delhi-based

civic association formed in 2000 primarily by retired professionals. Their goal was to combat the corruption that was (and remains) rampant in the capital's public institutions. Parivartan originally focused on quintessentially middle-class issues, its first campaign targeting corruption in the income-tax bureaucracy. In India, only the comparatively wealthy are subject to income tax. Parivartan's methods also reflected the social profile of its supporters. Parivartan urged citizens to refuse to pay bribes solicited by income-tax officials and to report the details of any such solicitation to the association, which would assist in filing grievances against the officials concerned. Grievances would be communicated to higher-level income-tax officials, a technique effective only for an association brimming with retired civil servants and other well-connected professionals.

Within two years, however, Parivartan had begun addressing issues of more widespread concern, such as corruption-induced problems within Delhi's municipal electricity utility. But the service-delivery improvements that the group's initial complaints had generated were proving short-lived. Parivartan was learning the essential lesson that failing to expand the circle of beneficiaries from governance reforms undermines their longer-term viability, *even in middle-class areas where results may initially have appeared promising*. New political alignments and the natural turnover of officials tend to erode the original impetus for reforms. Parivartan's efforts to combat graft in public-service provision achieved far greater success when the group reached out to community-based organizations representing slum-dwellers, who faced far more acute service-delivery issues. The sheer numbers of slum-dwellers in Delhi, and their geographic concentration within certain electoral wards, attracted the attention of politicians eager to nurture "vote banks" within their constituencies. Parivartan gradually formed its approach around using the Freedom of Information Act that came into force in 2003 (and subsequently the stronger 2005 Right to Information Act). The group now helps poor people use these and various official-redress mechanisms to combat police harassment of street vendors, illegal slum-clearance drives, and irregularities in the supply of subsidized food. This has won Parivartan's activists valuable new allies in their daily battles for cleaner government.

Theories of democracy have long emphasized the key role played by an emerging middle class in both establishing and consolidating government by consent.<sup>13</sup> As they become increasingly prosperous and influential, middle-class groups are expected to find a political voice sufficiently autonomous to demand more accountable governance. Indeed, parts of India's rising middle class (whose members have been the main beneficiaries of economic reform since 1991) have begun to do what middle classes have historically done—namely, demand that public authorities treat them less arbitrarily. Others have played it safe,

looking to fulfill their needs through private means rather than making enemies in the service of a losing cause: reform of India's public sector. The Parivartan example suggests that the urge to reform state institutions will founder without conscious efforts to overcome the differences that prevent poor and middle-class groups from collaborating.<sup>14</sup>

2) *NGOs and people's movements.* The second gap that the new wave of anticorruption activists has helped to close separates nongovernmental organizations (NGOs) from people's movements. Both types of association mobilize citizens to fight graft, but they have tended to remain aloof from one another. Indeed a good deal of enmity has characterized their relations in India since the 1970s. Within India's activist community, civic groups that are not "people's movements" are regarded as NGOs, a kind of lesser species of nonpolitical or even depoliticized social action. This perspective is best described as movement populism—an ideological orientation stemming from a belief that the more formal organizational forms embodied by NGOs fail to prioritize poor people's concerns and thus merely perpetuate elite biases. The origins of movement populism lie in the widespread discrediting of NGOs that took place in the early 1980s, when sections of the Indian left began to attack foreign-funded NGOs (and Indians who worked for or with them) as "agents of imperialism,"<sup>15</sup> and activist groups began avoiding the NGO label. The "movement" descriptor is a prized symbol of legitimacy for activists who believe that they are proposing radical alternatives to existing modes of political action. It is thus not surprising to find Parivartan, for instance, identifying itself with conspicuous emphasis as "*not* an NGO . . . [but] a people's movement for reinforcement of democratic values."<sup>16</sup>

In the late 1990s, many groups working to fight corruption tried to enhance their grassroots credentials by distancing themselves from the NGO sector, even though several NGOs were pursuing similar goals, in some cases through more or less identical means. During the second wave of anticorruption activism, however, at least one span of the ideological wall separating people's movements from NGOs was breached. Hybrid organizations emerged, borrowing elements from both types of association. The gradual evolution of several anticorruption groups whose movement credentials are beyond reproach has made this bridging of the NGO-movement gap possible.

NGOs working to combat corruption are, for the most part, eager to support like-minded movement groups, partly in the hope of associating themselves with a more radical form of civic engagement. NGO backing occurs informally—through the provision of meeting space, office help, transport, or accommodation—though often with systematic regularity. Rarely are distinctions made locally between prominent NGOs in a given vicinity and movement groups with which they may have forged durable, if informal, ties. In Rajasthan, the movement-ori-

ented MKSS was closely linked to the Social Work and Resource Centre, one of the region's largest NGOs. The movement-like activities of veteran campaigner Anna Hazare's BVJA in Maharashtra were often difficult, if not impossible, to disentangle from the affairs of the Hind Swaraj Trust, an NGO that Hazare also helped to run. In Mumbai, the Rationing Kruti Samiti (RKS, or Committee to Save Rationing), a campaign to fight corruption in India's main food-subsidy program, stemmed from the work of (and relied on logistical support from) Apnalaya, an NGO that remained organizationally separate from the RKS. These NGO-movement partnerships represent a powerful combination. Even one of the NGO sector's most outspoken critics concedes that "when they have tied up with oppositional social movements," occasionally India's "NGOs have been able to transform political agendas."<sup>17</sup>

3) *Civil society and the state.* The third division that the new wave of anticorruption activism has at least partly transcended is between state officials and civil society actors (whether of the movement or NGO variety). It has already been noted that the MKSS and other organizations frequently relied on sympathetic bureaucrats to leak information helpful in exposing corruption. But in seeking to combat broader patterns of unaccountable governance in which corruption is a key component, civic groups have forged even more creative alliances with state actors. In some cases, alliances proved short-lived, as did the joint-monitoring program established in the 1990s between the RKS in Mumbai and the state-government official responsible for managing the city's food-subsidy program.<sup>18</sup>

Second-wave campaigners have sought models for state-civic engagement that are more durable and less likely to erode their hard-won autonomy. A notable example was the public-interest litigation that a coalition of activist and nongovernmental groups brought against the Indian government in 2000. The petitioners maintained that the government was not meeting its obligation to ensure that nutrition and food-subsidy programs were implemented as transparently and effectively as possible. The petitioners made specific reference to the stocks of food grains held by the Food Corporation of India and other government entities.<sup>19</sup> In a surprise "interim order" issued in 2001, the Supreme Court found that the government of India as well as several state governments had failed in their duties, and had in fact violated citizens' right to food, which the court located within the "right to life" provision of the Indian constitution.

While India's progressive jurisprudence has long been celebrated both at home and abroad, the record of court orders being implemented is far less impressive. In the so-called Right to Food case, however, the court's interim order specified what the activist-petitioners quickly recognized as a promising implementation mechanism: the appointment of a "food commissioner" who would monitor the actions taken by pub-



lic authorities to comply with the Court's ruling. A vast array of government programs and departments came under the food commissioner's purview, and his office was empowered to undertake fact-finding missions to locations where government agencies were suspected of continuing to violate citizens' fundamental rights.

Activists have been criticized, in India and elsewhere, for relying excessively on litigation to right social wrongs. The charge, leveled with equal vigor by social-movement groups and right-wing critics of "judicial activism," is that court rulings are no substitute for effective political mobilization. The Right to Food case might well have been vulnerable to such an accusation had not the litigation spawned a fruitful ongoing collaboration between the food commissioner and activist groups seeking to combat corruption in the food and nutrition programs covered by the court's interim ruling.<sup>20</sup> In order to root out cases of official abuse in these programs, the food commissioner worked in cooperation with a far-flung network of activists that had been mobilized by groups involved with filing the suit. Through the investigative powers conferred on the food commissioner (a retired civil servant), activists gained access to documentation necessary to expose pilfering of resources intended for people suffering from acute food insecurity. The commissioner's reports led to further judicial orders, which kept the pressure on government agencies to improve their performance. The bridging of the gap between civil society and the state led, in this case, not to cooptation, but to ordinary people enhancing their capacity to oppose local manifestations of corruption.<sup>21</sup>

4) *Activists and partisans.* The fourth gap that has been bridged is between what might be termed the activist and partisan domains of anti-corruption politics. The relationship between party politics and civic activism became a growing source of controversy as the second wave of activism began. The debate continues. One view is that activists trying to expose corruption should steer clear of opposition parties, which naturally seek to embarrass ruling-party politicians but are themselves compromised by corruption accusations leveled against their own members. On the other hand, is not exposing the misdeeds of state powerholders what democratic competition is all about? For anticorruption activists to avoid this central feature of political life is to register a huge vote of no confidence in the democratic process. Party politicians can help anti-corruption campaigners by asking questions in the legislature, advising on investigative strategy, providing legal and accounting expertise, and using their vast networks of influence to pry information from leaky bureaucracies which, after all, are staffed by people from all parties.

An example from the state of Goa illustrates the complex relationship between partisan politicians and local efforts to expose corruption. In this case, anticorruption activism became enmeshed in clientelist politics, giving rise to what is best described as "anticorruption clientelism."

As the 1990s came to a close, a resident of a village in northern Goa, less than ten miles from the state capital, sought to expose what he suspected were abuses by the elected village council. Citing Goa's 1997 Right to Information Act, the activist asked the council to supply financial records related to various development programs. When it refused, the activist complained to higher administrative authorities, including state-government departments. This produced no results either.

Only when he failed to elicit assistance from members of the party then in power in Goa—to which the allegedly corrupt chairman of his local council also belonged—did the activist turn for help to a state legislator from the opposition party. It was by invoking this powerful partisan patron, who clearly had an interest in embarrassing a village council controlled by the party then governing the state, that the activist finally obtained bureaucratic cooperation in his efforts to force the local council to divulge financial and administrative records. Following advice from his patron, the activist began framing his informational requests in ways that yielded more valuable data. In a departure from his earlier haphazard methods, the activist began grouping the information he sought into clearly demarcated categories—everything from the costs incurred by the council for the "disposal of dead bodies" to "expenses on stationery."<sup>22</sup> He was attempting to expose discrepancies between the council's accounts and the contractor's books much as the MKSS had done in Rajasthan. But in the absence of a people's organization to support him in obtaining and crosschecking the information, the activist had turned for assistance to a political boss.

This case demonstrates the way in which transparency reforms can create incentives for political collaboration that resemble a modified version of the traditional patron-client political relationship—ironically, one of the chief structural underpinnings of the very corruption that activists are trying to eradicate. Instead of being built around corrupt transactions (promises of special treatment in exchange for votes), anticorruption clientelism centers on the voluntary and mutually beneficial relationship between a local activist and a party politician. Politicians render assistance to activists' efforts to expose corrupt acts by the patron's political rivals, and in exchange, the patron stands to win credit within his party for any scalps claimed by activist-led investigations that he supported. Anticorruption activists implicitly reserve the right to turn against their patron if he or his party engages in corruption, just as the patron retains the freedom not to expend resources seeking out corruption within his own party.

Yet the Goa case also demonstrates the complications that arise in relationships characterized by "diffuse reciprocity." Over time, the activist-client's focus became influenced by his patron's agenda. The target of the information-seeking was increasingly the council's chairman rather than others (some from the patron's party) who were crucial ac-

complices. This fueled rumors that the activist's investigations were politically motivated, blunting their edge considerably. Still, the activist's work was regarded as having heightened popular awareness about the state's freedom-of-information legislation and various administrative procedures required to make it work. The success of the partisan patron, who went on to hold high office, motivated other aspiring politicians to engage in anticorruption clientelism—a phenomenon that bears watching over the next decade.

The activists who over the past dozen years have sought to curtail the everyday forms of corruption that afflict poorer Indians have not made much headway in immediate practical terms. Nevertheless, India's anticorruption campaigners have overcome formidable odds in redefining the public's role in holding governments accountable, as well as in bridging rifts within the movement that constrain its ability to fight corruption effectively. It is to this still-untapped reservoir of political energy that we must look for signs of India's continued democratic vitality. The entry of historically disadvantaged groups into positions of political power is a necessary but insufficient condition for the deepening of India's democracy. When corruption ceases to present the obstacle that it currently does to the provision of public goods, India's democratic transformation will indeed have penetrated to a deeper level. Civic engagement alone cannot bring about this transformation—but flexible alliances that empower people to expose corruption will remain essential to making the Indian state more accountable and competitive politics more inclusive.

#### NOTES

1. Christophe Jaffrelot, *India's Silent Revolution: The Rise of the Lower Castes in North India* (London: Hurst, 2003).
2. Kanchan Chandra, *Why Ethnic Parties Succeed: Patronage and Ethnic Head Counts in India* (Cambridge: Cambridge University Press, 2004).
3. Pratap Bhanu Mehta, *The Burden of Democracy* (New Delhi: Penguin, 2003).
4. Larry Diamond, "Advancing Democratic Governance: A Global Perspective on the Status of Democracy and Directions for International Assistance," unpubl. ms., 4, at [www.stanford.edu/ldiamond/papers/advancing\\_democ\\_%20governance.pdf](http://www.stanford.edu/ldiamond/papers/advancing_democ_%20governance.pdf).
5. Diamond, "Advancing Democratic Governance," 13.
6. After Sanjay's death, Rajiv Gandhi, Indira Gandhi's other son and ultimately her successor, was thrust into the limelight along with his Italian-born wife Sonia. Rajiv was murdered in 1991; Sonia Gandhi is currently leader of the Congress party, which heads the United Progressive Alliance coalition government that took power following the 2004 general election.
7. "Question of Income and Expenditure," 3 June 1957, republished in Ram Manohar Lohia, *Rs. 25,000 a Day* (Hyderabad: Navahind, 1963), 17.

8. Rob Jenkins and Anne Marie Goetz, "Accounts and Accountability: Theoretical Implications of the Right-to-Information Movement in India," *Third World Quarterly* 20 (June 1999): 603–22.
9. Key conceptual distinctions are explained in Andreas Schedler, "Conceptualizing Accountability," in Andreas Schedler, Larry Diamond, and Marc F. Plattner, eds., *The Self-Restraining State: Power and Accountability in New Democracies* (Boulder, Colo.: Lynne Rienner, 1999).
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11. The BVJA is analyzed in Rob Jenkins, "In Varying States of Decay: The Politics of Anticorruption in Maharashtra and Rajasthan," in Rob Jenkins, ed., *Regional Reflections: Comparing Politics Across India's States* (Oxford University Press, 2004), 219–52.
12. Mushtaq Khan, "Corruption and Governance in Early Capitalism: World Bank Strategies and Their Limitations," in J.R. Pincus and J.A. Winters, eds., *Reinventing the World Bank* (Ithaca, N.Y.: Cornell University Press, 2002), 164–84.
13. The *locus classicus* is Barrington Moore, Jr., *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon, 1966).
14. Other impediments are detailed in Rob Jenkins and Anne Marie Goetz, "Constraints on Civil Society's Capacity to Curb Corruption: Lessons from the Indian Experience," *IDS Bulletin* 29 (October 1999): 39–49.
15. See the article by Prakash Karat of the Communist Party of India—Marxist: "Action Groups/Voluntary Organizations: A Factor in Imperialist Strategy," *The Marxist* 2 (April–June 1984): 51–63.
16. This description is positioned prominently in the "About Us" section of the organization's website, at [www.parivartan.com](http://www.parivartan.com).
17. Neera Chandhoke, *The Conceits of Civil Society* (Delhi: Oxford University Press, 2003), 71.
18. Rob Jenkins and Anne Marie Goetz, "Civil Society Engagement and India's Public Distribution System: Lessons from the Rationing Kruti Samiti in Mumbai," Consultation Paper for the World Bank, *World Development Report 2004: Making Services Work for Poor People* (Washington, D.C.: World Bank, 2003).
19. George Cheriyan, "Enforcing Right to Food in India: Bottlenecks in Delivering the Expected Outcome—Focusing on Corruption and the Resultant Failure of Various Welfare Schemes," paper presented at the Second International Workshop of the ICSSR-WIDER/UNV Joint Project on Food Security, Helsinki, Finland, 12–14 October 2005.
20. See Jean Dreze, "Right to Food: From the Court to the Streets," at [www.righttofoodindia.org](http://www.righttofoodindia.org).
21. Much of this interpretation emerged in the author's interview with N.C. Saxena, court-appointed food commissioner, New Delhi, 14 December 2004.
22. Letter from the activist concerned to the local council's chief administrative officer, 8 April 1999. Names withheld to preserve confidentiality.