CONCLUSION

This thesis underlines the need to understand the systemic nature of political corruption and focuses more on its effects rather than its manifestations. It does not seek to present any grand theory of political corruption, nor a watertight set of prescription for how to end corruption, rather it has tried to question the popular understanding of corruption that relates it to actions of few individuals by arguing that a more objective and useful approach is to consider political corruption as a systemic problem. It is also argued that institutional reform is not enough to curb political corruption and that there is a need to look beyond institutions. It is important to first find out where and what kind of reforms can be most effective in the Indian context, which is possible through a democratic audit. The thesis argues that the link between political institutions and corruption and also between politics and corruption is tied to the way corruption is understood and when this understanding is not well formulated, measures suggested to tackle the problem will be deficient in significant ways.

It is against this background that the need for a democratic audit is highlighted and is argued that a well designed audit framework can go a long way in addressing political corruption in India. Democratic audit as an assessment tool is used by the International Institute for Democracy and Electoral Assistance (IDEA) that developed a State of Democracy (SOD) methodology that was intended to assess the state of democracy in the world. The methodology is based on the UK Democratic Audit, developed by Stuart Weir and David Beetham.¹ IDEA has made available in the public domain an assessment tool that is robust enough to be applied to different political environments and flexible enough to be adapted to a myriad of purposes. The foregoing analysis in this thesis has made a modest attempt to adopt and adapt this framework to the study of political

corruption in India, arguably a new venture in this field. Democratic audit as a research exercise works at two levels — conceptual and operational. The former comprising the designing part of the audit and the latter comprising the implementation of that design. The focus of this thesis has been on the former.

The big scams that have come to light since independence are enough to prove that corruption is deeply embedded in the Indian political system and that anti-corruption measures taken so far have not been enough to curb corruption. These scams often triggered off anti-corruption campaigns. The anti-corruption campaigns in India have been essentially political phenomena as they serve as an instrument for the political leaders to strengthen their position and undermine that of the opposition.2 Gillespie and Okruhlik call this “corruption cleanups”.3 While various anti-corruption agencies are engaged in their anti-corruption efforts, some of the Indian political leaders and governments believe that launching anti-corruption campaigns or ‘clean-up drives’ at regular intervals may be politically advantageous for them. In 1989, the National Front alliance led by V. P. Singh, defeated the Congress (I) government almost solely on the issue of corruption by waging a nation-wide campaign against the Congress government. The Bofors case4 was highlighted to such an extent that the National Front went on to state in its election manifesto titled ‘Root Out Corruption, Save Nation,’ that “Bofors, corruption and Rajiv Gandhi are synonymous.”5 Even during the 1991 elections, the leader of the opposition Bhartiya Janata Party (BJP), A. B. Vajpayee, criticised the election manifesto of Congress (I) for not adopting a public stand on

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4 Bofors was a Swedish arms company with which illegal defense deals were allegedly made by some of the top leaders of the Congress (I) government.
the issue of corruption and accused the Congress (I) government for nursing a corrupt system.

What is important to mention here is that the pre-election period provides ideal conditions for the political leaders to launch such campaign and can be termed as “pre-election cleanups”. Similarly there can be other ideal political contexts in which politicians initiate anti-corruption campaigns like incumbent, post-succession and post-election periods. In an incumbent context, those who hold power do not try to discredit the previous government but try to enhance their own legitimacy. The incumbent cleanups are also common in India which was evident when in 1990 the Chief Minister of Orissa, Biju Patnaik, expressed his helplessness in running the administration because of widespread corruption and went on to make a call to the general public to beat up corrupt officials and make them accountable. Though this step was widely criticized, the campaign started by Patnaik was intended to stir up public support for his government and present him as an anti-corruption crusader. The post-succession cleanups refer to the steps taken by the government that take forward the campaign of earlier government so that a perception of continuity is ensured among the public. In India, however, a slightly modified version can be seen as post-succession cleanups have not necessarily been a continuation of the previous regime. In 1985, for example, when Rajiv Gandhi succeeded Indira Gandhi as Prime Minister of India, he was projected as the leader of a new generation with the image of ‘Mr. Clean.’ Thus, in this case the cleanup campaign did not start when the succession occurred, rather, it started after Rajiv Gandhi came to power and was used to build

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6 Pavarala, op. cit, pp. 199-200.

7 Gillespie and Okruhlik on the basis of a survey of 25 Middle Eastern and North African countries delineated five political contexts in which politicians initiate anti-corruption campaigns: post-coup, post-revolution, incumbent, post-succession, and post-election. (Gillespie and Okruhlik, op. cit) The post-coup and post-revolution contexts are not relevant for India.

8 “Call to “beat up” Corrupt Officials: Biju’s Appeal Catching on”, The Indian Express, 20th December, 1990, p. 11.
a popular mandate around the issue of controlling corruption.\textsuperscript{9} During the post-election cleanups the government tries to fulfil its campaign promises and create conducive conditions for its re-election. Such cleanups may be used by government to discredit the previous government. What is to be noted in all these cleanup campaigns is that they are meant to serve private political interests. Gillespie and Okruhlik argue that these cleanups are “a tool by which elites attempt to fulfil that most basic of political instincts, self-preservation.”\textsuperscript{10} Thus, efforts by the political elite against corruption are usually used to highlight the problem merely for political gains associated with it without any intention of making the system free of corruption. In this context, different measures that are suggested to tackle political corruption often originate outside the political class.

The solutions suggested to tackle political corruption vary considerably as the perception of the problem and its causes differ. Even when there is some agreement over the nature and cause of the problem, the solutions suggested from different quarters might vary. This happens because, as Raymond. W. Pong argues, the debates about causality usually take place at a theoretical level while the solutions that are suggested are mostly outcome-oriented.\textsuperscript{11} Functionalists’ contention that corruption is beneficial and hence it does not require a solution can be rejected on the ground that corruption benefits only those who have adequate resources to indulge in corrupt transactions and also because of its harmful impact on democracy. In this vein, various theorists and scholars have suggested different measures to tackle corruption. The three-pronged strategy adopted in Hong Kong that focussed on enforcement, prevention and education is a well developed strategy against corruption. The anti-corruption effort in Singapore show how a bunch of committed leadership can contribute effectively

\begin{itemize}
\item \textsuperscript{9} Pavarala, op. cit, p. 199.
\item \textsuperscript{10} Gillespie and Okruhlik, op. cit, p. 92.
\end{itemize}
towards tackling corruption combined with wide powers of enforcement for
government and reduction of incentives for corruption.

There are theorists who have raised doubt over the effectiveness of the
governmental agencies and also citizen group campaign in controlling corruption. Among others, Carino and Guzman point out in their study of corruption in Philippines that instead of presidential investigating offices, purges, agency cleanups, and citizen campaigns, a multi-pronged strategy involving procedural changes, reducing discretionary powers of officials, increasing transparency, effective monitoring system, salary reform is required to address the problem effectively.\(^\text{12}\) Robin Theobald, in the context of developing countries, discusses anti-corruption efforts in terms of purges and campaigns, legal-administrative measures, de-politicization, moral re-armament, accountability, and privatization.\(^\text{13}\) Purges and campaigns are meant to discredit political opponents and gain support for the current regime. Legal and administrative measures involve setting up of specialized bodies to fight corruption like that of ICAC (Independent Commission Against Corruption) in Hong Kong and Lok Ayukta or the proposed Lok Pal in India. De-politicization refers to various activities undertaken by the government to eliminate or restrict competitive politics arguing that political pressures created on the administration causes corruption. Moral re-armament means a kind of ethical or moral revolution like that of the Cultural Revolution in China intended to bring about far reaching changes in attitudes and morals. Ensuring accountability through proper checks on abuse of power can be effective in fighting corruption. Reliance on privatization for fighting corruption basically derives from the belief that corruption results from over regulated state and if state control over economy is reduced corruption would not follow. Apart


from this, the power-sharing approach and the big-bang approach, discussed in this study, also present useful methods for understanding anti-corruption efforts in a holistic manner. Some of these approaches have been adopted either partially or fully in India but have produced limited results. The problem with anti-corruption efforts in India lies not much in the institutions created to tackle it but in the way this issue is approached. This ineffectiveness is due to lack of sufficient research on the subject. Political corruption is under-theorised, especially in India, which has led to partial or distorted understanding of the problem. This has also created a gap in theoretical and empirical study of the problem and there is need to conquer this divide. It is important to see how connections can be drawn between theoretical and empirical study of corruption, lack of which has adversely affected systematic studies on corruption in India. New anti-corruption institutions are created and new reforms are introduced without doing proper research on the subject, which results in the introduction of inefficient institutions and reforms. Existing indices of corruption too do not guide effective anti-corruption strategy. There is a dearth of effective anti-corruption strategy, without which no reform can work. In order to come up with effective anti-corruption reform process there is a need to draw connections between theory and empirical research, as both form important parts of the research on corruption. This becomes even more difficult in the case of corruption because of its hidden nature. In this context the thesis brings out the need of democratic audit as a tool to bridge the gap between the theoretical and practical understandings of political corruption and emphasises on conducting proper research, probing causal relations, using efficient techniques and starting off processes of debates and awareness to enhance effective people’s participation, which this thesis considers crucial for carving out an institutional mechanism of accountability best suited to tackle political corruption. Hence, the point of consideration is that, this thesis does not seek to put forward an approach that is against institutions but tries to bring into notice the loopholes because of
which institutions are not able to handle the problem of corruption, the reason being absence of democratic audit.

In the Indian context recent debates on constituting an independent institution, Lok Pal\textsuperscript{14}, to fight corruption clearly spells out the gap between theoretical and empirical understanding of corruption in India. Various studies have shown the ineffectiveness of a similar body, Lok Ayukta, constituted in some of the Indian states. In a study of anti-corruption efforts in the state of Andhra Pradesh, Vinod Pavarala asserts that the Lok Ayukta constituted in the state as the nodal body to fight corruption, suffered with “a high degree of politicization, both instrumental and symbolic.”\textsuperscript{15} Though the Lok Ayukta undertook investigations against some ministers, they had only symbolic consequences. Pavarala has shown in his study that the effect of Lok Ayukta in controlling corruption was minimal.\textsuperscript{16} Studying the history of Indian political system in terms of the approaches discussed in this thesis, it can be found that there are serious flaws in the anti-corruption approach adopted by the Indian government. Though institutions have been created to tackle corruption they often have overlapping jurisdiction and cannot function independently. The power sharing model in terms of decentralization and coalition politics too has not been effective in checking abuse of power by political leaders. Recently one of the solutions for addressing corruption in India that received popular acceptance was the constitution of the Lok Pal, which is similar to the single-agency approach applied in Hong Kong and Singapore. But there is a need to examine whether such institutional changes or the creation of a strong anti-corruption agency can

\textsuperscript{14} The Santhanam Committee in 1964 had recommended that a permanent government body is important to be constituted to deal with the problem of corruption. In 1966 the Administrative Reforms Commission recommended the establishment of a Lok Pal at the central level and Lok Ayuktas at the state level. A Lok Pal bill was introduced in the Parliament in 1968 and since then it has been introduced several times but has failed to become a reality.

\textsuperscript{15} Pavarala, op. cit, p. 190.

\textsuperscript{16} Ibid., p. 188.
become an effective tool to fight corruption in India. The Lok Pal is backed with an expectation to overcome the deficiencies of existing institutional setting, which is often charged with either inefficiency or lack of autonomy or both, to look into the matter of corruption. The huge support that the Lok Pal gathers is mostly because of the fact that the state or the system has not been efficient enough in punishing the corrupt especially in high profile cases and it is expected that the Lok Pal would bring in efficiency and effectiveness as it would be an autonomous body.

It is, however, important to realise the fact that any institutional design cannot work effectively and efficiently by just bringing them into existence. It is equally important that it gets integrated into the domain of civil society. The popular support for Lok Pal lacks a sound conceptual base and is actually unstructured. It is important to understand that a successful fight against corruption is not in place not because there is any dearth of anti-corruption laws but because there is lack of political will. A successful fight against corruption requires a critical probe into the link between the political institutions and corruption and there is need to acknowledge the link between reducing corruption and the broader process of democratization. Though the Lok Pal Bill is a welcome initiative for the future of Indian democracy, in the sense that the government and civil society has come together on an issue that requires urgent attention, it has lost its democratic fervour in whatever that followed thereafter. Questions have been raised on the constitution of the drafting committee of the bill. It has been alleged that the “team Anna” does not represent civil society and the government representatives in the drafting committee do not represent diverse opinions in the Parliament. Even questions have been raised on the democratic nature of the method of protest and agitation adopted by the “team Anna” to push their demands. Most importantly, questions have been raised directly on the democratic
nature of the Jan Lok Pal\textsuperscript{17} and it has been argued that the Jan Lok Pal would be a kind of “super-institution” that will undermine the existing judiciary system whose accountability cannot be ensured. It is further argued that since it engulfs all existing anti-corruption agencies and brings within itself overriding powers, it becomes unsuitable for a functioning democracy like India. The purpose of the Lok Pal should be to improve governance and empower citizen but it is argued that such purposes would remain unfulfilled through the present Lok Pal, as there is centralization of power.

In contrast to the above viewpoint regarding the authoritative nature of Lok Pal, there is another way to look at it which is demonstrated by those who have drafted the Jan Lok Pal Bill, who argue that the Jan Lok Pal has powers to only investigate and start the prosecution and it has no judicial powers, as the judgment will be given by the ordinary courts. For them the proposed bill is intended to just keep the Lok Pal away from political pressures. The question of accountability of the Lok Pal is addressed by arguing that whatever order is passed can be reviewed in higher courts and the members of the Lok Pal will be answerable to the Supreme Court and can be removed by a five-member bench of Supreme Court on charges of misconduct. In response to the sceptic’s idea of Lok Pal’s inability to undertake such extensive responsibilities, the supporters of the Jan Lok Pal draw attention to the integrative nature of corruption and argue that since the matters relating to corruption are often interrelated and even several other matters are actually results of corruption, it would be pointless to have a separate institution to deal with different aspects of corruption. They have also focused upon the structural arrangement instituted in Lok Pal which will provide a systemic process to deal with the grievances of the people and these grievances will go through this structure and the Lok Pal will be restricted to administrative and supervisory

\textsuperscript{17} The “team Anna”, that strongly advocated for constituting a Lok Pal, drafted a Lok Pal Bill and presented it to the government of India for consideration which was christened — “The Jan Lok Pal Bill”.

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control over this structure. The bottom line of the supporters of the Jan Lok Pal Bill is that leaving everything on the elected representatives is not democracy in the real sense of terms; true democracy exists when people take part in decision making and decisions reflect their true interests. In other words people should take decisions themselves.

The discussion over having a new institution like Lok Pal led to the debate considering two things — whether there is actually a need of a new law to tackle corruption or the existing laws are sufficient and a new law is not required. The popular perception, as well as according to the government, there is a need of a new law but at the same time it is also important to consider that if a new law on establishing a body to tackle corruption is required, is there any point in having a new law with old deficiencies? If the institution of Lok Pal is created, it has to have something more than the existing institutions responsible for tackling corruption because creating a new institution with old deficiencies won’t be of much help. If the Lok Pal is not empowered enough to prosecute the guilty then it will again develop the feeling of immunity among the corrupt, as it will again be the old legal process that does not give the desired results. The discussion so far raises few questions in this regard — will the Lok Pal be able to perform the huge responsibilities? Will it not again fall into the web of institutions and would gradually start facing the same problems that other institutions face? Will it actually serve the larger goal of preventing corruption or will it just reduce to a punishing authority? In other words, does it have the right kind of approach towards the problem of corruption? And finally, is there any other alternative to act upon?

The above discussion demonstrates that a strong anti-corruption law is important but not sufficient to tackle political corruption in India. This view is also shared by Simcha Werner who argues that institutionalized or systemic corruption cannot be controlled effectively through legal and police measures and
the objectives of anti-corruption effort should be to develop an atmosphere of reform that may be consolidated by law. The present approach of the government and civil society to tackle the problem is subjective in nature, in the sense that it focuses on individuals who indulge in corrupt acts. The problem lies in the fact that corruption is seen as problem of individuals, which makes the approach to tackle corruption reactive and the solution that is generally provided is restricted to remove the official from the office and in some cases even legal punishments are given to the wrong doer. Even the political class tries to socialise people in such a way that they start conceiving corruption as a problem of just few individuals and consider that justice is done when those individuals are punished or removed from the office that they hold, which is a false belief that people have. It is important to realise the fact that corruption results only when there are loopholes in the system and it is the system that provides opportunities for corruption making it a systemic problem. The popular approach overlooks the systemic nature and the effects of corruption. The present Lok Pal or the Jan Lok Pal is also based on the same flawed approach which focuses only on punishment of the corrupt and this approach is followed by the government, civil society and people, which actually highlights the fact that the way the nature of corruption is understood is problematic. Corruption, within this understanding, is seen as a problem of just few leaders or officials and not as anti-people or anti-human which is one of the reasons for sustenance of corruption.

It is important to understand that corruption takes away the rights of the people as citizen of the nation. Corruption puts at stake the basic rights of life, liberty, equality and dignity, which constitute the basic human rights of people and hence it also becomes important to consider corruption as violation of human rights. Considering corruption as a violation of human rights can positively work towards empowering the people and would add impetus to the on-going struggle

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against corruption in India. High levels of corruption in any society disable the state from fulfilling its duties to respect, protect and fulfil the human rights of its citizen. Corruption undermines the ability of states to comply with its human rights obligations because it erodes the capacity and confidence of a state to deliver services to the public. Corruption not only depletes the resources available for public spending it also weakens government’s ability to deliver on various other services like health, education and welfare services.\textsuperscript{19} In such a situation economically and politically disadvantaged suffer from the consequences of corruption as they are largely depended on public goods. Various scandals and scams that have been exposed show that even when government actually spends money on social programs to benefit the poor, the possibility of such projects being hijacked by well to do Indians is very high. A human rights perspective enables the policy makers to understand the impacts of the anti-corruption policies from the point of view of the disadvantaged. Though corruption affects all those who experience it, its impact on the disadvantaged is worst. For the groups like minorities, indigenous people, migrant workers, disabled people, refugees, prisoners and poor, corruption reinforces their exclusion and discrimination. It also happens that because of their vulnerability they become easy victims of corruption.\textsuperscript{20}

With such consequences of corruption there can be no two opinions to the fact that its existence in a democracy makes a state less democratic. However, whether there is a negative correlation between corruption and democracy is something on which theorists have different opinions. Some recent studies of Transparency International and Freedom House on the effect of regime type on levels of corruption, revealed that there is a negative relationship between democratization and corruption but this correlation is not very strong as this is a


statistical relationship and not necessarily a causal one.\textsuperscript{21} Paldam too believes that direct effect of democratization on corruption is spurious. In his study he found that corruption would generally decrease with increasing levels of democracy, but this covariance depends upon the level of democracy or upon the stage of democratic transition. In the similar vein, through a cross national study on corruption, Daniel Treisman came up with the hypothesis that democratic countries with freedom of press and vigorous civil society can have greater ability to expose corruption and thus will have lower levels of corruption, as freedom of press and association help in monitoring public officials and exposing abuse of power. Interestingly the study found that the relationship between democracy and corruption can be established not by just looking at the present condition of a country’s political system or by just looking at the fact that a country is democratic in the present time. How corrupt a country is, can be decided only by looking at whether or not it has been democratic for decades. He is of the opinion that countries with long duration of democracy had some impact on reducing corruption.\textsuperscript{22} In the recent past with growing social movements and non-party political process, Indian democracy is being challenged and is also being redefined. The established structures of governance are being questioned and there is a growing demand for bringing about basic structural changes in the Indian political system. While there is wide consensus on the nature, causes and consequences on issues like poverty, hunger, and other social and political problems, there is no such consensus on the issue of corruption, which weakens any struggle against corruption, and hence demands concerning the anti-corruption reform that originate outside the state structures have very little influence on the policy makers. The recent anti-corruption movement led by Anna Hazare was a rare effort in the history of social movements in India since

independence that spurred countrywide struggle against corruption. This movement can be seen as a positive effort in terms of raising awareness among people regarding widespread corruption in the functioning of government, which was lacking till now. It is important to understand that without such consciousness raising, efforts to tackle corruption will have minimal effect.

This thesis tries to bring the issue of corruption within the realm of democratic theory and emphasises that true democracy is when people have effective control over the decision making process. However, in a representative democracy like India decisions are taken by the representatives chosen by the people and hence for people democracy is realised when they are able to exercise control over these representatives and hold them accountable. In order to realise the basic principles of democracy identified in this research as popular control over decision makers and decision making and equality in exercising that control in a representative democracy the study identifies three mediating values — accountability, transparency, and responsiveness. This thesis has identified failure of accountability as one of the primary causes of political corruption and it is argued that accountability is crucial if elected representatives are to act as agents of the people rather than their masters and without transparency no effective accountability is possible. Responsiveness to public needs is a key indicator of the level of controlling influences which people have over government. Thus, these three mediating values are crucial variables to study political corruption and to put it within the realm of democratic theory.

Recent research on corruption has proved that existence of corruption transcends all political systems and ideologies and causes of corruption cannot be associated with the level of development or the ideological systems that govern a nation. This thesis questions the popular explanations for existence of corruption and argues that the basic problem with such explanations is that they assume that corruption can be studied as a ‘phenomenon’ overlooking the underlying complex
‘processes’ of corruption. This thesis attempts to highlight the systemic nature of corruption by arguing that the problem lies in the system itself and that corruption occurs because there are loopholes in the system. The central question that this thesis undertook — why the present institutional set up has failed to tackle political corruption in India? — has been addressed by bringing in various theoretical and empirical studies on corruption and on the working of democracy. Various arguments and debates discussed in this thesis has tried to bring forward the point that institutional reforms are not enough to tackle political corruption and that any reform brought about in a context where there is lack of proper understanding about the problem will be ineffective. There is lack of a comprehensive strategy against corruption which is because of partial or inadequate research on the subject. Democratic audit will contribute towards raising awareness about the problem. It is important to understand that the purpose of democratic audit is not to set out precise proposals or blueprints for change and the purpose of the audit is restricted to consciousness raising, influencing public debate, agenda setting for reform and program evaluation. Apart from opening up new questions and considerations to be debated at practical level, the purpose of this dissertation is also to recommend a fresh direction for undertaking any anti-corruption policy and research. Democratic audit, as a tool in anti-corruption reform process, is a fresh attempt in the context of India and if successful it will go a long way in identifying innovative problem solving techniques.