

CORRUPTION IN ADMINISTRATION: DURING KAUTILYA'S TIME AND CURRENT SCENARIO

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ABSTRACT: We all are well familiar of the corruption and as it is not a new phenomenon in our country. It has taken its roots so deeply in the people's mind. It is interesting to look back into the history of India to find corruption among officers and ministers in those days. The corruption problem in ancient times, along with bribery, kept infesting the society more and more in an increasing rate. The Arthashastra of Kautilya shows that the ancient system of administration is just like today's time when dealing with corruption. Many governments knew that corruption is illegal, but it has spread so quickly that it is not easy to overcome the situation. A common man has lost trust in the administration due to corruption.

CORRUPTION: BACK THEN

Kautilya Arthashastra gives a brief description about prevalence of corruption during those times. Chandragupta Maurya had found a wise minister in form of Chanakya. He gave his view point on matters related to war, foreign policy, state welfare etc to Chandragupta. In the book 2 chapter 8, he has discussed on recovery of revenue, misappropriated by state employees in the form of corruption. The Sanskrit word *bhrash* conveys the sense of corruption better.

Kautilya states, people are bound to think about corruption. It is human psyche. He said that as it is impossible not to taste the honey that falls on the tongue, in a similar manner it is impossible for a government servant not to eat up at least a bit of the King's revenue. The government servant employed by government can never locate corruption. The level of corruption is steady and may be there could have been marginal fluctuations. In addition to this, Kautilya also says that the officers are like fish in water, no one can tell that when fish drank water or how many water fish drank or whether it drank or not. It is an unanswerable question which no one can tell whether till what extent corruption is done by the officers. These examples of Kautilya's make it clear that corruption was existed in those days also. In those days the government's property was directly the king's property. So if anyone found guilty misusing it, it was punished accordingly.

With sufficient ministerial qualifications a person would receive the position of a superintendent, which was considered very high during the mauryan times. Given the general emphasis of Kautilya on observing ethics and morality in relation to the functioning of a state, it seems the selection process would have involved not just a scrutiny of the educational attainments but also the right kind of aptitude for the job including traits of honesty and impartiality. This shows that despite the greatest care taken in recruiting officials, corrupt persons made their way into the system.

There are about forty ways of embezzlement:

- What is realized earlier is entered later on; what is realized later is entered earlier
- What ought to be realized is not realized; what is hard to realize is shown as realised
- What is collected is shown as not collected; what has not been collected is shown as collected
- What is collected in part is entered as collected in full; what is collected in full is entered as collected in part
- What is collected is of one sort, while what is entered is of another sort
- What is realised from one source is shown as realised from another
- What is payable is not paid; what is not payable is paid
- Not paid in time; paid untimely
- Small gifts made large gifts; large gifts made small gifts
- What is gifted is of one sort while what is entered is of another
- The real done is one while the person entered (in the register) as done is another

- What has been taken into (the treasury) is removed while what has not been credited to it is shown as credited
- Raw materials that are not paid for are entered, while those that are paid for are not entered
- An aggregate is scattered in pieces; scattered items are converted into an aggregate
- Commodities of greater value are bartered for those of small value; what is of smaller value is bartered for one of greater value
- Price of commodities enhanced; price of commodities lowered
- Number of nights increased; number of nights decreased
- The year not in harmony with its months; the month not in harmony with its days
- Inconsistency in the transactions carried on with personal supervision
- Misrepresentation of the source of income
- Inconsistency in giving charities
- Incongruity in representing the work turned out
- Inconsistency in dealing with fixed items
- Misrepresentation of test marks or the standard of fineness (of gold and silver)
- Misrepresentation of prices of commodities
- Making use of false weight and measures
- Deception in counting articles.

To gist the above, practices and acts that can be termed corrupt such as:-

Causing loss of government,
 Misuse of government property,
 Misappropriation of revenue,
 Falsification of documents,
 Inequality in work,
 False budgeting,
 Inequality in price, weight, numbering, and quality of the production,
 Obstruction in lawful process,
 Exploiting public,
 Corrupting the officials,
 Taking bribe,
 Failure of expenditure under work,
 False measurement,
 Allocating expenditure under wrong heads,
 Cheating with weights etc.

In all the embezzlement, the involved people such as the subordinate officer, storekeeper ministerial servants, money collectors, the person who pays etc were to be separately interrogated. In case any of these officials were to lie, their punishment was decided on the crime committed. Once the enquiry was done the common people were asked to claim compensation in case they were cheated in any fraud.

In order to find out if an officer is honest and loyal, the earlier teachers had recommended four secret tests, called the Upadhas. Among the four that is:-

- Dharmopadha-It was intended to find out if he is susceptible to suggestions to join a conspiracy against the king after the purohit had been dismissed by the king,
- Bhayopadha- This was to find if he would join conspiracy when along with other officers even he was degraded.
- Kamopadha- Here where in he was prone to entertain the suggestion that the queen is in love with him.
- Arthopadha- sought to find out if he is susceptible when a large gain is promised to him. This showed whether he is likely to be corrupt or not.

Chanakya was aware of corruption in the judicial administration. If there was an increase in expenditure and less collection of revenue it was an indication of embezzlement of funds by corrupt officials. These officials along with

others company like family members, friends and relatives made use of things what belonged to the king. Chanakya was against the use of government offices for selfish motives either in monetary or non-monetary form which harms the public in a large number.

He prescribed the imposition of varying degrees of fines on judges trying to proceed with a trial without evidence, or unjustly maintaining silence, or threatening, defaming or abusing the complainants, unnecessarily delaying the trial or giving unjust punishments. This shows that there were biasness and favourism was practiced. In an atmosphere of corruption prevailing in the judicial administration as well, kautilya expected judges to be more receptive to the complaints and be fair in granting justice.

Spies were appointed to keep a watch over the activities of officers for reporting cases of misuse of accounts. On successful detection of embezzlement cases, Kautilya advocated hefty fines to be imposed. Spies were recruited for their uprightness and good courtesy. Since taxes paid by the people are utilized for their welfare, any loss of revenue affects the welfare of the society at large. The threat of fines being imposed and subsequent public embarrassment make officials think twice, from doing any corrupt practices. Still not completely satisfied, Kautilya asked secret agents to take a judge into confidence indirectly and ask him to favour his team while making decisions and in return his pockets would be filled. If he agreed to the offer, the judge was treated as accepting the bribe and punished accordingly.

Kautilya also looked into matter got up by the whistleblowers. Anyone who provided details about financial wrongdoing was entitled an award of 1/6th of the amount in question. If the information giver was to be a government servant he was to be given only 1/12th of the total amount. The difference in rewarding was because exposing corruption while being outside the system was more challenging. But in the case of government servant, striving for a corruption free administration was considered more of a duty for him.

Kautilya also warned at the same time about providing wrong information. He advocated either monetary or corporal punishment for such informants so that the tool could not be misused for settling personal indifferences and harassing trustworthy officials. Chanakya made death as penalty, which was cruel for those informants who first accused officers and then denied from it.

Kautilya also proposed a number of measures to avoid cases of corruption arising at all. Several positions in each department were to be made temporary. Permanency for such posts was to be reserved as an award granted by the king to those who help save revenue rather than wasting the hard earned resources. Kautilya was also in favour of transfer of government officials from one place to another. This was done so that officials could not make connections deeply with others and give rise to corruption.

It is interesting to note that the superintendents could not undertake any new initiative except remedial measures against some matters without the knowledge of the king. Kautilya, therefore, laid emphasis on some kind of an accountability mechanism. Besides appointing spies, kautilya also asked the chief officer to see and raise an alarm if any corrupt practice was about to take place.

CORRUPTION IN TODAY'S TIME: CAUSES, CONSEQUENCES, ANTI- CORRUPTION STRATEGIES.

Corruption is like mushroom, it grows in darkness.

CAUSES OF CORRUPTION

Insufficiency of goods and services-Extreme poverty, weak industrial activity tends to create a poverty syndrome which is a mindset that is likely to affect a whole range of behavior and interpersonal relationships. Even those who are not poor live under fear of poverty regarding it as a personal threat. This creates a sense of scarcity in minds of people such as job opportunities, money etc.

Lack of Transparency-Darkness in government functioning promotes corruption. Exercise of discretionary powers by political and permanent activities also promote greater darkness in government functioning.

Red tapism and delay-At times, the system actually forces officials to be corrupt. Rules that are supposed to prevent corruption are themselves the cause of this corruption.

Faulty societal value-A significant social catalyst for corruption is increasing social acceptance.

Cultural essentialism-In Indian context, we can say that are cultural conditioning makes us think of only taking bribe as corruption and not offering it. Thus we have very narrow and static definition of corruption.

Uncertainty and instability in the system-Relative instability of government motivates politicians as well as public servants to make hay while sun shines i.e to take advantage while conditions are good.

Faulty electoral practices-When a politician enters election process, he spends a lot of money, far more than legally allowed. He has youths around from a particular locality to help him who usually are unemployed and at some point deal into anti-social activities. Firms also pay black money which is not allowed to fund political parties.

CONSEQUENCES OF CORRUPTION

It causes reduced investment or even disinvestment. In the presence of corruption, investors are often made aware that an upfront bribe is required before an enterprise can be started and then afterwards corrupt officials may lay claim to part of the proceeds from investment.

Corruption reduces the effectiveness of aid flow through diversion of funds. Aid being replaceable, helps support unproductive and wasteful govt. expenditure.

Where corruption looks more lucrative than production work, there is every chance that talent will be misallocated. Financial gain may lure the educated and more talented to engage in money making with adverse consequence for country's growth rate.

When corruption takes form of tax evasion or claiming improper tax exemptions, it brings about loss of tax revenue.

Corruption distorts the composition of government expenditure. It tempts government officials to choose government expenditure less on the basis of public welfare than on opportunity they provide for taking bribes.

The allocation of public procurement contracts through corrupt system leads to lower quality of infrastructure and public services. This can jeopardize health and safety of citizens.

Corruption reduces legitimacy of government in eyes of people.

STRATEGIES TO COMBAT CORRUPTION

Ethical cleansing of society- India retired too early under the name of secularism and today we have 'amoral society'. Moral education should be imparted right from start. The present day mania to get rich quick must be underplayed.

Making accountability stricter for politicians and bureaucrats- T.N. Sheshan is installing discipline and adherence to a code of conduct by holding individual officials solely and personally responsible for all that happened under their jurisdiction.

Reduce discretionary power allowed to ministers-The political heads should have minimum role in positioning, transfer and promotion of officers.

Greater decentralization of power and funds- Remedy is to decentralize both decision making and tax collection so that at each level of government there is adequate autonomy to run affairs within their jurisdiction.

Laws should be made responsive to changing conditions and needs. Obsolete laws should be reviewed or deleted from the books.

Following are some remedies which Kautilya has suggested. Some are followed while some needs to be implemented and practiced by government.

1. Psychology or mental set up of the corrupt officers should be changed so that it should be eliminated forever- Today, to control the spread of corruption one thing needed is willingness and inner voices which corrupt should hear. Earlier corruption was treated as a sin. In today's world to change mindset of corrupt people that the work they do is not good is difficult. They will get a clean chit and come out of a case very easily. But if a person starts to give up corruption and if that chain is followed by other leader's too then corruption will surely decline.
2. To prevent and control corrupt practices and officers, law should be followed strictly.

Some of the Anti-Corruption Laws are as follows:-

IPC, 1860

Prosecution section of IT Act, 1961

The prevention of corruption Act, 1988

Benami Transactions Act, 1988

Prevention of Money Laundering Act, 2002

Lokpal and Lokayukta Act, 2013

Serious Fraud Investigation Office (SFIO) is set up under ministry of corporate affairs and investigates the affairs of companies based on order from central government.

Anti-Corruption Measures

Jan Lokpal Bill- peaceful movement by Anna Hazare

Santhanam Committee-Central Vigilance Commission (CVC)

Project VIGEYE is a citizen-centric initiative, wherein citizens join CVC in fighting corruption.

Anti corruption branch of CBI

RTI Act, 2005

Right to public service legislation- enacted in 19 states.

3. In corruption cases, all the concern senior or junior officers in that particular department should be checked. The non-corrupt supporter of corruption should also be treated as corrupt-hiding a crime of corruption is another crime.

For example-Family members of a corrupt official are equally responsible if they share his ill-gotten wealth, a CBI court in Jabalpur ruled while sentencing a central government official along with his wife, son and daughter-in-law to five years of rigorous imprisonment.

While holding the official guilty of misappropriating funds to the tune of Rs 94 lakh, CBI judge Yogesh Chandra Gupta also slapped a fine of Rs 2.5 lakh each on the four. CBI special public prosecutor Pratish Jain told the court that Surya Kant Gaur, 61, a resident of Jabalpur who was posted as deputy accountant in the defence accounts department, had transferred funds to the accounts of his three relatives. CBI raided Gaur's premises and found records of transactions to the tune of Rs 94 lakh, most of which were disproportionate to his income. The court sentenced the accused after scanning the evidence. Reacting to the verdict, senior government advocate Satish Dinkar said, "There are certain provisions for punishment under Prevention of Corruption Act for such cases if illegal transaction is proved.

4. Working procedure of the officers should be supervised regularly. For that purpose a special supervisory officer should be appointed. This supervisor must be continuously in contact with the head so that the head should know about malpractices taken place in department.
5. In collection of revenue and other cesses, if there should be any difference, the concern officer or public servants should be enquired immediately- PNB scam fits into this example. A fraud of more than 11,000 crore by Nirav Modi if was inspected and done without an attempt of corruption, we could have saved so much of our public money. All the top management and concerned officials should be questioned and punishment should be given accordingly.
6. The public servants should be transferred continuously from one department to another so that they should not get a chance to make corruption boldly in any new department

7. There should be informer in each department. The informer should inform about corruption in any department. A person who is working as Informer should be kept undisclosed- According to me this point needs lot of observation by the government. Whistleblowers are the ones who need lot of protection after they report a scam about someone to the public. Their risk their lives after reporting corrupt practices of the wrong doer. In India some of those who died fighting against corruption are Satyendra Dubey (NHAI scam), Lalit Mehta (NREGA scam), and Satish Shetty (land and real estate scams). While on the other hand we have people like Ashish Chaturvedi even today who have been fighting corruption and have not given up from the last 8 years- Vyapam scam, despite being harassed by the policemen, who are responsible for his safety. I only hope no other whistleblower is discouraged to stand for the truth, when the price to pay is this high. The whistleblowers protection act, 2011 should also be worked upon for maintaining safety of the informants.
8. Kautilya suggested the property of a corrupt officer should be sealed and converted in the government property. Uttar Pradesh CM Yogi Adinath says that the properties of those officials cheating the poor would be seized and they will face compulsory retirement. Also if a government official retires his property and money can be seized. It was becoming very difficult for CBI officials to take actions against corrupt people who have retired. This change will be easy for CBI to enquire and also cases filed with Prevention of Corruption Act.
9. A corrupt person and his crime should be disclosed publicly so that no another person would make a shameful deed. Justifying Kautilya's this statement the following fits well.
Several Indian politicians have been imprisoned for political reasons and a handful have been jailed on corruption charges. J Jayalalithaa is the first CM in office to go to jail on the charges of amassing illegal wealth. Former CMs jailed for corruption are Lalu Prasad, Madhu Koda, B S Yeddyurappa, O P Chautala and Jagannath Mishra. Lalu Prasad was the first former CM to be imprisoned in a corruption case. He was first jailed in July 1997 in one of the fodder scam cases. He was finally convicted in September, 2013. Three-time CM of Bihar Jagannath Mishra was first jailed in 1997. He too was convicted in September 2013. Jharkhand ex-CM Madhu Koda was sent to jail in November 2009, facing charges of having accepted bribes for allotting mining contracts in the state. Karnataka ex-CM B S Yeddyurappa was charged with favouring his sons in land allotments. Om Prakash Chautala, the former CM of Haryana, was charged with taking bribes for recruiting 3,000 teachers and sentenced to 10 years in jail.

CONCLUSION

In every society there is limited room for sinners. Corruption can be minimized and checked but not eradicated altogether and hence it is futile taking a purist view. It has to be accepted that entire masses of people cannot be turned into saints. There has been corruption in all societies in all history, and it has taken various forms. How to keep it to bare minimum level is what ought to concern us, and, in that view of the matter, every step in that direction that promises a reduction in the level of corruption should be welcomed.

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