

## Corruption in Administration: Evaluating the Kautilyan Antecedents

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### ***Summary***

The Arthashastra of Kautilya thus shows that the ancient system of governance and administration was quite contemporary in operational guidelines when dealing with corruption. It also quite convincingly demonstrates that corruption is not an exclusive feature of modern times alone. The fact that the menace has survived and thrived through the ages speaks volumes about its endurance. Governments of all historical eras have recognised its illegality and devised legal instruments to tackle the problem, but they have not been able to overcome its spread as well as acceptability in society. If corruption has persisted through centuries, what is it that has stopped administrative systems from eradicating it?

Corruption is not a recent phenomenon. It has precisely been defined as a deviant human behaviour, associated with the motivation of private gain at public expense<sup>1</sup> and, as such, has persisted for centuries. Corruption promotes illegality, unethicalism, subjectivity, inequity, injustice, waste, inefficiency and inconsistency in administrative conduct and behaviour.<sup>2</sup> It destroys the moral fabric of society and erodes the faith of the common man in the legitimacy of the politico-administrative set up.

There are several references to the prevalence of official corruption in ancient India.<sup>3</sup> But the text that provides an elaborate description of the menace is the *Arthashastra* of Kautilya. This sophisticated and detailed treatise on statecraft is essentially prescriptive or normative in nature, belonging to a genre of literature that suggests what the state ought to be and not what it really was. Nevertheless, one should realise that norms are prescribed only when digressions or abnormalities exist. This confirms the fact that corruption was rampant enough in ancient India to necessitate expert advice on how to tame it.

Kautilya<sup>4</sup> was a sagacious minister in the Kingdom of Chandragupta Maurya (324/321-297 Before the Common Era). He expressed his views on a range of issues including state, war, social structures, diplomacy, ethics, and politics. He believed that “men are naturally fickle minded” and are comparable to “horses at work [who] exhibit constant change in their temper”.<sup>5</sup> This means that honesty is not a virtue that would remain consistent lifelong and the temptation to make easy gains through corrupt means can override the trait of honesty any time. Similarly, he compared the process of generation and collection of revenue (by officials) with honey or poison on the tip of the tongue, which becomes impossible not

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<sup>1</sup> Joseph Nye, “Corruption and Political Development: A Cost-Benefit Analysis” in A.J. Heidenheimer et.al., *Political Corruption* (New Brunswick, N.J., Transaction Books, 1967), p. 967. Carl J. Friedrich gives a more qualified definition of corruption that enlarges the scope of ‘private gains’ by including both monetary and non-monetary benefits. See Carl J. Friedrich “Corruption Concepts in Historical Perspective”, in A.J. Heidenheimer, Michael Johnston and Victor T. Levine, eds. *Political Corruption: A Handbook* (New Brunswick, Transaction Publishers, 1989).

<sup>2</sup> The listed ill-effects of corruption and its wider ramifications have been well known. See Ramesh K. Arora and Rajni Goyal, *Indian Public Administration: Institutions and Issues* (New Delhi, Wishwa Prakashan, 1996).

<sup>3</sup> The famous Vedic prayer ( Rg I, 4, 10.8) addressed to the divine power reads, “Oh Lord, knowing everybody and everything in the most accurate manner, thou knowest the regenerate of good conduct and the degenerate, the destroyers of good works for general public. Do Thou exterminate the latter from their roots.” This shows that even in Vedic times corrupt practices probably existed. Divinity was invoked to use its knowledge and power to exterminate the degenerate, the criminal and the corrupt for the sake of humanity. The reference is available at <http://cbi.nic.in/coffeetable/1.pdf>, accessed September 24, 2012.

<sup>4</sup> Kautilya is also known as Chanakya or Vishnugupta.

<sup>5</sup> R. Shamasastri, *Kautilya Arthashastra*, 2005, p. 127.

to taste.<sup>6</sup> Based on such sweeping, albeit questionable, generalisations about the nature of human beings, he prescribed a strict vigil even over the superintendents of government departments in relation to the place, time, nature, output and *modus operandi* of work.<sup>7</sup> All this is perhaps indicative of widespread corruption in the Kingdom's administration at various levels.

Corruption is so obvious, and yet so mysterious. Even Kautilya reflected serious concerns about opacity in the operations of the world of the corrupt. Illegal transactions were so shrouded in mist that he compared embezzlers to fish moving under water and the virtual impossibility of detecting when exactly the fish is drinking water.<sup>8</sup> He also noted that while it is possible to ascertain the movements of bird flying in the sky, it is difficult to gauge the corrupt activities of government officials.<sup>9</sup>

During Mauryan times, superintendents were the highest officials, a position they received for possessing the desired 'individual capacity' and adequate 'ministerial qualifications'.<sup>10</sup> 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.

Kautilya was a great administrative thinker of his times. As he argued, too much of personal interaction or union among the higher executives leads to departmental goals being compromised and leads to corruption. This is because human emotions and personal concerns act as impediments to the successful running of an administration, which is basically a rule-based impersonal affair. Similarly, dissension among executives when team effort is required results in a poor outcome.<sup>11</sup> Kautilya suggested that the decline in output and corruption can be curbed by promoting professionalism at work. The superintendents should execute work with the subordinate officials such as accountants, writers, coin-examiners, treasurers and military officers in a team spirit.<sup>12</sup> Such an effort creates a sense of belonging among members of the department who start identifying and synchronising their goals with the larger goals of the organisation, thereby contributing to the eventual success of the state.

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<sup>6</sup> Ibid, p. 130.

<sup>7</sup> Ibid, p. 127.

<sup>8</sup> Ibid, p. 130.

<sup>9</sup> Ibid, p. 130.

<sup>10</sup> Ibid, p. 127.

<sup>11</sup> Ibid, p. 127.

<sup>12</sup> Ibid, p. 129.

Kautilya provides a comprehensive list of 40 kinds of embezzlement. In all these cases, the concerned functionaries such as the treasurer (*nidhayaka*), the prescriber (*nibandhaka*), the receiver (*pratigrahaka*), the payer (*dayak*), the person who caused the payment (*dapaka*) and the ministerial servants (*mantri-vaiyavriyakara*) were to be separately interrogated. In case any of these officials were to lie, their punishment was to be enhanced to the level meted out to the chief officer (*yukta*) mainly responsible for the crime. After the enquiry, a public proclamation (*prachara*) was to be made asking the common people to claim compensation in case they were aggrieved and suffered from the embezzlement.<sup>13</sup> Thus, Kautilya was concerned about carrying the cases of fraud to their logical conclusion.

The *Arthashastra* states that an increase in expenditure and lower revenue collection (*parihapan*) was an indication of embezzlement of funds by corrupt officials.<sup>14</sup> Kautilya was sensitive enough to acknowledge the waste of labour of the workforce involved in generating revenues.<sup>15</sup> He defined self enjoyment (*upbhoga*) by government functionaries as making use of or causing others to enjoy what belongs to the king.<sup>16</sup> He was perhaps alluding to the current practice of misusing government offices for selfish motives such as unduly benefitting the self, family members, friends and relatives either in monetary or non-monetary form which harms the larger public good.

Kautilya was also not unaware of corruption in the judicial administration. 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, arbitrarily dismissing responses provided to questions raised by the judge himself, unnecessarily delaying the trial or giving unjust punishments.<sup>17</sup> This shows that there were incidents of judicial pronouncements being biased, favouring one party to the detriment of others. In an atmosphere of corruption prevailing in the judicial administration as well, Kautilya perhaps wanted to ensure that the litigants are encouraged and given voice to air their legitimate grievances. He expected judges to be more receptive to the complaints and be fair in delivering justice.

Kautilya prescribed reliance on an elaborate espionage network for detecting financial misappropriation and judicial impropriety. Spies were recruited for their honesty and good conduct.<sup>18</sup> They were to keep a watch even over the activities of accountants and clerks for reporting cases of fabrication of accounts (*avastara*).<sup>19</sup> On successful detection of

<sup>13</sup> Ibid, pp. 123-125.

<sup>14</sup> Ibid, p. 121.

<sup>15</sup> Ibid, p. 128.

<sup>16</sup> Ibid, p. 121.

<sup>17</sup> Ibid, p. 447.

<sup>18</sup> Ibid, p. 130.

<sup>19</sup> Ibid, pp. 121, 130.

embezzlement cases, Kautilya advocated hefty fines to be imposed apart from the confiscation of ill-earned hordes. If a functionary was charged and proved even of a single offence, he was made answerable for all other associated offences related to the case.<sup>20</sup> Since taxes paid by the people are utilised for their welfare, any loss of revenue affects the welfare of the society at large. This is precisely the reason why Kautilya explicitly argued that the fines imposed should be “in proportion to the value of work done, the number of days taken, the amount of capital spent and the amount of daily wages paid”.<sup>21</sup>

The threat of fines being imposed and subsequent public embarrassment do deter judicial officials, to some extent, from resorting to corrupt practices. But Kautilya was proactive in laying down traps to catch public functionaries with loose morals and inclination to resort to bribery or seek undue favour. The strategy he prescribed was for secret agents to take a judge into confidence through informal channels and ask him to pronounce judgments favouring their party in return for a payment.<sup>22</sup> If the deal was fixed, the judge was treated as accepting the bribe and prosecuted accordingly.

Interestingly, Kautilya also dealt with the concept of whistleblowers. Any informant (*suchaka*) who provided details about financial wrongdoing was entitled an award of one-sixth of the amount in question. If the informant happened to be a government servant (*bhritaka*), he was to be given only one twelfth of the total amount.<sup>23</sup> The former's share was more because exposing corruption while being outside the system was more challenging. But in the case of *bhritakas*, striving for a corruption free administration was considered more of a duty that was ideally expected of them.

Kautilya also warned at the same time about providing wrong information or not being able to prove the accusations. He advocated either monetary or corporal punishment for such informants so that the tool could not be misused for settling personal scores and harassing genuine officials. If an informant himself were to backtrack on the assertions he made against the accused, Kautilya suggested the death penalty for him.<sup>24</sup> This provision was not only draconian, but would have effectively discouraged whistleblowers. While such provisions would certainly make people think twice before levelling accusations, the threat of capital punishment was too harsh to help people root out the corrupt.

In an atmosphere of all round corruption, honesty becomes a virtue and not a desired duty. Kautilya argued for advertising the cases of increase in revenue due to the honest

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<sup>20</sup> Ibid, p. 125.

<sup>21</sup> Ibid, p. 128.

<sup>22</sup> Ibid, pp. 421-22.

<sup>23</sup> Ibid, p. 126.

<sup>24</sup> Ibid, p. 126.

and dedicated efforts of the superintendents by giving rewards and promotions.<sup>25</sup> Bestowing public honour creates a sense of pride and boosts the motivation and morale of honest officials. They act as role models for ideal youngsters who wish to join the administration and serve the state.

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 positions was to be reserved as an award granted by the king to those who help augment revenue rather than eating up hard earned resources.<sup>26</sup> Kautilya also favoured the periodic transfer of government servants from one place to another.<sup>27</sup> This was done with the intention of not giving them enough time to pick holes in the system and manipulate it to their advantage.

Kautilya wrote that “dispensing with (the service of too many) government servants...[is] conducive to financial prosperity”.<sup>28</sup> This is not only because of the reduction in expenditure on salary but rightsizing the bureaucracy also results in faster decision making and the transaction of government business without unnecessary delay and red tape. This effectively reduces the scope for bribery in particular and corruption in general.

It is interesting to note that the superintendents could not undertake any new initiative (except remedial measures against imminent danger) without the knowledge of the king. Kautilya, therefore, laid emphasis on some kind of an accountability mechanism. Apart from using the services of spies for unearthing cases of fraud, Kautilya also talked about an intra-departmental, self-scrutinising mechanism under the headship of chief officer (*adhikarna*) to detect and deter imminent cases of corruption.<sup>29</sup>

The *Arthashastra* of Kautilya thus shows that the ancient system of governance and administration was quite contemporary in operational guidelines when dealing with corruption. It also quite convincingly demonstrates that corruption is not an exclusive feature of modern times alone. The fact that the menace has survived and thrived through the ages speaks volumes about its endurance. Governments of all historical eras have recognised its illegality and devised legal instruments to tackle the problem, but they have not been able to overcome its spread as well as acceptability in society. If corruption has persisted through centuries, what is it that has stopped administrative systems from eradicating it?

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<sup>25</sup> Ibid, p. 128.

<sup>26</sup> Ibid, p. 131.

<sup>27</sup> Ibid, p. 131.

<sup>28</sup> Ibid, p. 121.

<sup>29</sup> Ibid, p. 128.

Was Kautilya right in his generalisation that 'humans are fickle-minded'? The majority would disagree. Interestingly, however, even Kautilya, despite having such an understanding of human nature and behaviour, never used it to justify corruption. Rather, he realised its inevitability<sup>30</sup> but chose to remain positive and committed to root it out in the administration through elaborate and strict measures. This is the real significance of the *Arthashastra* as far as the issue of corruption in contemporary times is concerned.

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<sup>30</sup> The Corruption Perception Index (2011) released by Transparency International accorded New Zealand the first rank for being the least corrupt country in the world. New Zealand scored 9.5 on a scale ranging from 0 to 10. This shows that even this country is not absolutely corruption free and the scope for illegality exists in public dealings. This ranking can be accessed at [//http://cpi.transparency.org/cpi2011/results/](http://cpi.transparency.org/cpi2011/results/).