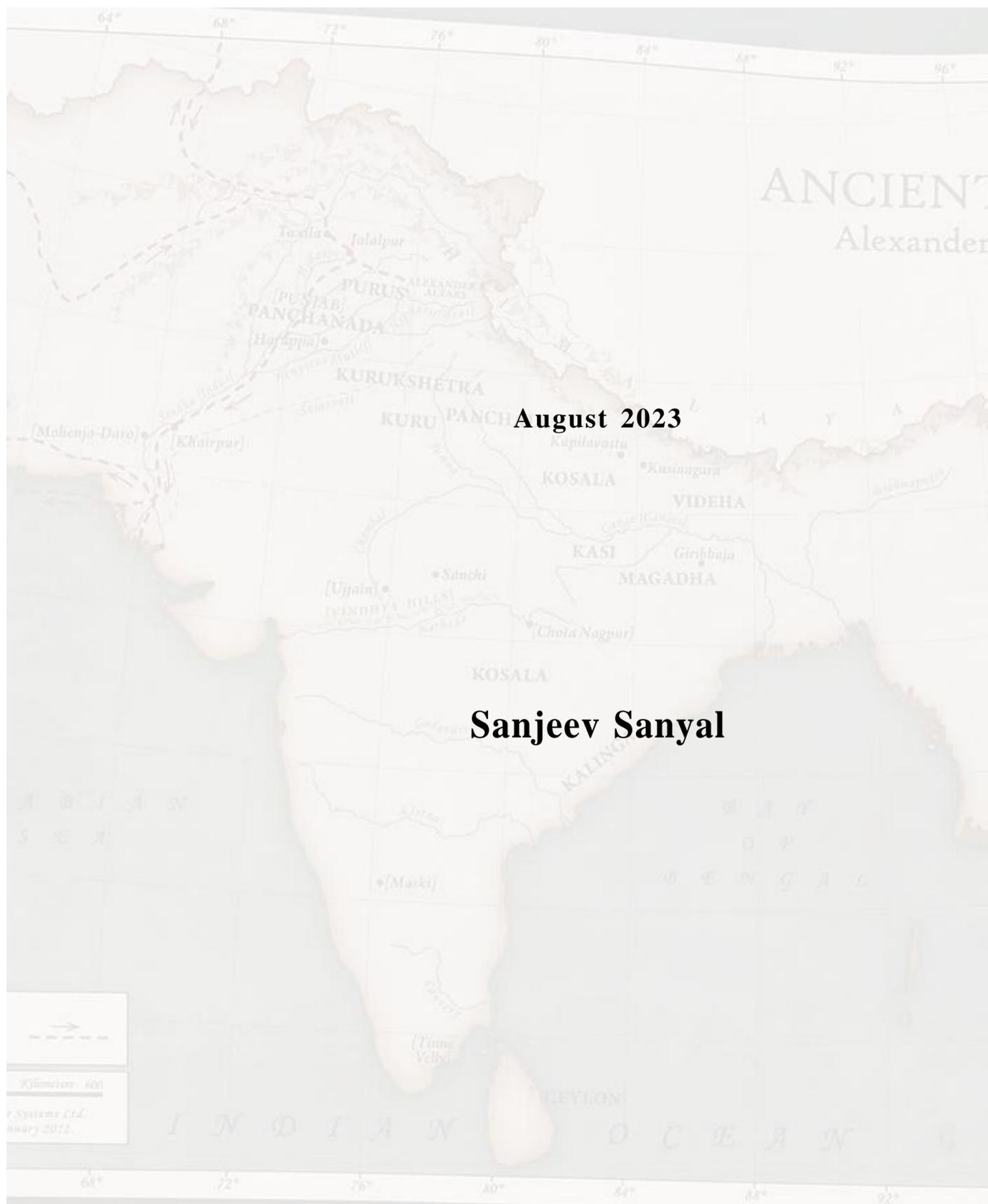




A Brief History of the Indian Theory of Governance



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ABSTRACT

The intellectual history of governance in India can be traced back to principles mentioned in the Epics, the early schools of Shukra and Brihaspati, Kautilya's Arthashastra, Kamandak's Nitisara and to the lectures delivered by Raja Madhava Rao to the young Sayaji Rao Gaekwad III in the late nineteenth century. Unfortunately, most of the academic attention has been directed at Kautilya's Arthashastra in isolation rather than as part of a chain of thought that spans thousands of years. Moreover, research has largely focused on the form and architecture of the state – kingdoms or republics, the layers of officialdom, and so on. This paper, instead, looks at the intellectual principles, the philosophical debates, and the end objectives of governance that animated the long tradition of Indian thinking about governance and the role of the State.

Key Words: Ancient Governance Schools, Indian History, History of Governance in India, History of Political Economy.

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Introduction

As an ancient civilization that has experimented with governance over thousands of years, India has a rich tradition of thinking about the principles that a well-run state should adopt. These include principles mentioned in the epics, the early schools of thought, Kautilya's Arthashastra, and Kamandak's Nitisara, all the way to the lectures delivered by Raja Madhava Rao to the young Sayaji Rao Gaekwad III in the late nineteenth century.

Unfortunately, this corpus of thought has not been systematically mined for insights about the art of governance. Most of the academic attention is limited to Kautilya's Arthashastra as if it was a stand-alone document. However, as Kautilya himself mentions, he was partaking in a long chain of systematic thinking that long pre-dated him. Moreover, it did not end with him but was followed by other thinkers. To the extent that other research exists, it focuses on the form and architecture of the state – kingdoms or republics, the layers of officialdom, and so on. There is very little about the philosophical frameworks, intellectual principles, and end objectives of governance. This paper will focus on this set of issues.

As we shall see, the major problem is that much of the early corpus has been lost or exists only in fragments or a very corrupted form. This implies that many of the debates and ideas have to be discerned indirectly from the surviving material. Nonetheless, it is a fascinating story.

In the beginning

The earliest history of Indian civilization derives from two major sources – the Vedic texts and the archaeological remains of the Harappan settlements (perhaps one could also add recently discovered settlements in the Gangetic plains). They are both from the Bronze Age and occupy the same geography in India's north-west but there has been a long-running debate about how they are related. It is beyond the scope of this paper to resolve this debate. The bigger problem for our present purposes is that

neither the Vedic texts, nor the Harappan sites tell us much about the principles of governance.

We can discern from the Vedic texts that north-western India was divided into tribal homelands ruled by chieftains. These chieftains were helped or restrained by two bodies – samiti (a general body) and sabha (an smaller executive council or advisory committee). Notice how the meanings of these words have switched in modern times. The chieftain was also expected to listen to the advice of a royal priest or sage. However, we can say a little more for sure about how the Vedic states were run. The Vedic texts are concerned with philosophy, ritual and culture and not directly with governance. Therefore, we should not be surprised by this lacuna.

There is a similar problem with the Harappan remains. We can see that there was a great emphasis on municipal management and standardisation, but we know very little about how this was achieved. There is also a lot of evidence that shows domestic and international commerce, but we know almost nothing about the policies that allowed this to flourish. All we can tell is that there was a ruling elite since the larger cities all have an “upper town” that contained public buildings and the better dwellings. However, we know little about who they were and what governance principles they used.

The Epics

By the time India’s great epics – Ramayan and Mahabharat – were composed in the early Iron Age, we can clearly see that the idea of a state has significantly evolved. Both the epics contain aphorisms and advice on how an ideal kingdom should be run. The *Raja Dharma Parva* of the Mahabharata, for example, contains several segments that relate to the behaviour of an ideal king.¹ However, there is no explicit enunciation of an intellectual framework of governance. Thus, one must indirectly derive the overall understanding of the role of the state from certain concepts that appear in these texts.

¹The Mahabharata Volume 8, translated by Bibek Debroy, Penguin 2013.

One concept pervades these early texts is “Matsyanyaya” or Law of the Fish – where the large fish eat the small fish (i.e. the law of the jungle). The avoidance of Matsyanyaya was the key role not just of the state but of the wider civilizational idea of “Dharma”.

Another concept that comes up frequently is that the king must not rule a kingdom for himself but for the betterment of his people, and that the best way to do this is to adhere to the principles of “Dharma”. The word “Dharma” is not easily translated and has a wide meaning. The epics themselves delve extensively into the moral and ethical implications of dharma, but the general applications to governance are not always clear. According to Meenakshi Jain, one practical application of the dharma principle was the acceptance of common practice, conventions, contracts and rules.² In effect, this is akin to the “common law” system that is practiced today in former British colonies including India. This allowed for contextual and evolving solutions to governance problems. Therefore, a rigid social “code” such as a Dharma Shastra was meant at best as opinions for reference rather than as bodies of enforceable law.

Nonetheless, there were important debates on general principles that pervade the epics. One important issue that seems to have become important in the age of the epics is the importance of contract and legal enforcement. The main protagonist of the Ramayan, Rama is constantly shown to adhere to a promise or a rule despite the fact that it is unfair and against his personal interests. It would appear that at the time that this particular epic was composed, strict enforcement of contracts and laws was seen as key to avoiding Matsyanyaya. Indeed, it was important enough to the adherents of this line of thinking that a full new chapter was added to the Ramayan–the Uttarkand– to emphasize this. This section relates to what happened after Rama returned to Ayodhya and became the king. Most scholars agree that this was not part of Valmiki’s original Ramayan. It describes “Ram-Rajya” or the Kingdom of Rama as a place where the people are prosperous because the rulers apply the laws to themselves. The citizens of Ayodhya benefit from this form of governance but,

²The Hindus of Hindustan, Meenakshi Jain, Aryan Books 2023

ironically, King Rama himself lives in misery pining for his beloved wife Sita.

A few generations later, when the Mahabharat was composed, the debate had shifted to the distinction between the word and spirit of the law. Yudhishtir, the eldest of the Pandava brothers, always tries to follow the rules but this does not always lead to good outcomes – and eventually ends in a terrible war. Therefore, the Mahabharat seems to argue that Matsyanyaya cannot be avoided just by blindly following rules. There is now a conception of “natural justice” or ex-post outcomes outside of the wording of a rule, promise or contract. Thus, we find several instances where the rule or contract is twisted on a technicality to serve natural justice or some other purpose. Thus, one can argue that the two epics echo how the debates about governance were evolving through the Iron Age. Note that the debate between the word and spirit of the law rages to this day.

The *Raja Dharma Parva* of the Mahabharat also contains a long discourse where Bhishma, lying on a bed of arrows, instructs Yudhishtir on the art of governance: “The eternal duty of kings is to ensure the pleasure of the subjects, protecting the truth and uprightness in conduct. He must not cause harm to the possessions of others. At the right time, he must give what should be given. A king who is brave, truthful in his speech and forgiving, does not deviate from the path to be trodden”³

Although this section of the epic contained many wise aphorisms, the problem is that the text still does not add up to a concrete, internally consistent framework for actually running a state. This requires a clear method of trade-offs and priorities. What Bhishma does, however, is refer to two great thinkers - Brihaspati and Shukra.

The Schools of Shukra and Brihaspati

Many ancient Indian texts mention two major competing schools of thought. One of the schools was that of Brihaspati, the guru of the devas or gods, and the other

³The Mahabharata Volume 8, translated by Bibek Debroy, Penguin 2013

belonged to Shukra, the guru of the asuras or anti-gods⁴. Both schools of thought were respected equally, and the epics allude to the two gurus. However, the two schools appear to have formalized a corpus of ideas only in the late Iron Age. The Sukra school were legalists who emphasized the importance of laws/contracts and their strict enforcement as the key to good governance. The Brihaspati school accepted the importance of laws but emphasized active policy-making, especially those in commercial and economic matters.

The ideas of the two schools were contained in two texts that are often mentioned by other ancient texts – the Brihaspati Sutra and the Sukra Nitisara. Unfortunately, no good copy of either text has survived to the best of my knowledge. The Brihaspati Sutra only survives as a fragment. An English translation by Dr. F.W. Thomas was published in 1921, and does not provide a meaningful sense of the wider document or of the underlying philosophy of governance.⁵

The Sukra Nitisara survives as a late medieval abridgement. An English translation by Prof. Benoy Sarkar was published in 1913. Unlike the other text, even the abridged version is a substantial text but seems to have been severely corrupted over the centuries (for example, it mentions guns and gunpowder that certainly did not exist in the original). As a result, the original legalist approach of the Sukra school is not clearly visible in the surviving text but only shows through in patches. For instance, when listing the functions of the king (i.e., the state), the very first function is stated thus: “The king should punish the wicked by administering justice.”⁶ There are also some instructions on the judicial process. However, it does not seem to add up to a coherent framework; the original clarity has been lost. The same problem exists with Manu Smriti, as the available text is clearly from a later period.

⁴The depiction of the asuras as demons is from much later times. The original idea of tension between devas and asuras is that of two opposing but equally important principles, sort of like the yin-yang distinction of Chinese philosophy.

⁵Brihaspati Sutra, Dr. FW Thomas, Punjab Sanskrit Book Depot 1921

⁶The Sacred Books of Hindus: Sukra-Niti-Sara, Prof Benoy Sarkar, Indian Press, Allahabad 1913

Kautilya's Arthashastra

Given the problems with the above surviving texts, the earliest fully extant treatise on governance and economics is Kautilya's Arthashastra (i.e. Treatise on Wealth)⁷. It was written by Vishnugupt Kautilya, also known as Chanakya, at the end of the fourth century BCE. The text was probably composed when he was still a professor of political economy at Takshashila University before he helped found the Mauryan empire (circa 322 BCE). It provides very comprehensive and detailed instructions on how a kingdom should be run: municipal laws, taxation, urban management, legal system, military organisation, international relations and so on. Moreover, the approach is internally consistent and has a clear intellectual framework. We are not concerned here with the extent to which this text informed actual management of the empire but with the ideas contained in it (although it almost certainly provided a blueprint since Chanakya would serve as the first Prime Minister of the Mauryan empire).

Kautilya's Arthashastra begins with salutations to both Sukra and Brihaspati. It is made clear that the author is drawing on a pre-existing corpus of ideas and debates. Interestingly, Kautilya provides a clear distinction between different schools of thought. He says that the governance of a kingdom requires four areas of knowledge:

- *Dandaniti* (Rule of Law);
- *Varta* (Policy, especially economic/commercial policy);
- *Anvikshaki* (philosophical frameworks; for instance, today we use frameworks like socialism, capitalism etc.);
- *Trayi* (literally the first three Vedas, but more generally cultural context).

Kautilya then lists out how the main schools of thought differed from each other:

- The school of Sukra focused on Dandaniti, and felt that good laws and their strict enforcement were the main tool of governance.
- The school of Brihasparti emphasized both Varta and Dandniti, hence expected the state to use both law and economic policy interventions.

⁷Kautilya's Arthashatra, VachaspatiGairola, Chaukhamba Vidyabhawan, Varanasi 2017 (in Hindi)

- The school of Manu accepted the importance of Varta and Dandaniti, but believed that Trayi was also important. Manu's school also felt that a knowledge of the cultural context automatically provided the intellectual framework (i.e. there was no need to study Anvikshaki separately).
- Finally, Kautilya states that he disagreed with his predecessors and argues that one needs to understand all four areas in order to provide good governance. He argues that exclusively relying on any one area of knowledge would not succeed. For example, he states that the excessive use of laws and punishment would be counter-productive.

It is not possible in this essay to summarise a large and complex text like the Arthashastra. The main thing to remember is that Kautilya makes the case for a strong but limited state. His approach is that of a realist rather than an idealist. The role of the state (i.e. the king) is to provide security from internal and external threats, administer justice, provide infrastructure and municipal services, both regulate and encourage commercial activity, and to collect taxes. The Kautilyan state does not allow for any laxity in these areas. Indeed, Kautilya has no sense of humour when it comes to the maintenance of law and order, national security and delivery of justice, as these are seen as the key to avoiding Matsyanyaya. In contrast, he does not see explicit welfarist interventions as part of the duties of the state except when it comes to relief during emergencies like natural calamities. The state is mostly there to create the framework for civilization to function.

One of the reasons that Kautilya limits the role of the state appears to be his deep suspicion of government officials. Indeed, Kautilya goes so far as to state that an official who brings in too much tax revenue should be investigated as he may be squeezing taxpayers too much⁸. In Western traditions of political thought, arguments for limiting the state are usually based on the rights and freedoms of individuals. Kautilya's approach is based on much more Indian reasoning – the problem of corruption and misuse of power. He argues that it is no more possible to monitor official corruption than to measure how much water a fish is drinking: “Just as it is

⁸The Arthashastra by Kautilya, LN Rangarajan, Penguin 1992

impossible to know when a fish is drinking water while it is swimming, so it is impossible to find out when government servants misappropriate money”.⁹

A good example of the Kautilyan approach to economic policy is stated thus: “The king shall promote trade and commerce by setting up trade routes by land and by water as well as market towns/ports. Trade routes should be kept free from harassment by courtiers, state officials, thieves and frontier guards, and from being damaged by herds of cattle.” At the same time, Kautilya argues for strict enforcement of customer rights against unscrupulous merchants. Interestingly, Kautilya lays out strict regulation of vice sectors such as prostitution and alcohol consumption, but does not propose prohibition. The general principle is to tightly regulate rather than ban such activities.

As one can see, Kautilya’s Arthashastra puts forward a no-nonsense, realist approach to governance. While his exact measures and prescriptions are no longer valid for modern times, the general principles can still be applied.

Ashoka’s Rebellion

The first two Mauryan emperors, Chandragupta and Bindusara, ran an empire that would have been run on largely Kautilyan lines, as Chanakya is said to have served them both. However, in 274 BCE, Bindusara died suddenly and a prince called Ashoka usurped the throne by killing the crown prince Sushima and all other claimants to the throne. Chanakya was long dead by now and would not have been around to avert the civil war. After ruthlessly crushing a rebellion in the province of Kalinga, Ashoka would consolidate his power. There is a widely held view that he was struck by his own cruelty and now became a Buddhist and a pacifist. This view is contested. The conversion to Buddhism is well attested to have taken place before the bloody war in Kalinga, and his shift to pacifism is disputed as the evidence suggests otherwise¹⁰. For our present purposes, however, what is of importance is that Emperor Ashoka would break from Chanakya’s approach to governance.

⁹Adapted from The Arthashastra by Kautilya, LN Rangarajan, Penguin 1992

¹⁰The Ocean of Churn, Sanjeev Sanyal, Penguin 2016

Kautilya's king was the self-restrained enforcer of laws, but Ashoka declares in his edicts that: "All men are my children". He then goes further and literally argues for a welfarist, nanny state: "Just as a parent entrusts his child to a wet nurse, the Rajjuka officials have been appointed by me for the welfare and happiness of the people." Readers will appreciate the complete shift in opinions about government officials. Kautilya would never have approved of this expansion of the state or this level of trust in bureaucracy.

As evidenced by the edicts, Ashoka then proceeded to introduce a large number of rules that interfered with daily life: "On the eighth of every fortnight, on the fourteenth and fifteenth, on Tisa, Punarvasu, the three Chaturmasis and other auspicious days, bulls are not to be castrated; goats, rams, boars and other animals that are castrated are not to be. On Tisa, Punarvasu and the fortnight of Chaturmasis, horses and bullocks are not to be branded." Again, this is very different from the practical rule-making of the Arthashastra. What difference does it make to the bull, the realist Kautilya would have wondered, what day of the month he is castrated?

Ashoka's expansion of the purview of the state eventually expanded to the creation of a cadre of Dharma Mahamatras (i.e. religious police) who were supposed to make sure that people were pious and did "good deeds". Although Ashoka is at pains to say that the Dharma Mahamatras would not enforce Buddhist religious laws on other groups and would be respectful towards non-Buddhists, the very fact that such a form of social control existed is itself worrying.

The expansion of the state under Ashoka came with a large fiscal cost, and we know that the empire began to crumble while he was still alive¹¹. There was open conflict within the royal household. The central government's grip on the empire began to slip. Thus, the shift from Kautilya's strong but limited state to Ashoka's weak but all-pervasive state ended in tears. Within a few years of Ashoka's death, the Mauryan empire fell apart. India's first experiment with big government ended in disaster.

¹¹This is attested by all sources. Even Ashoka's eulogists like Charles Allen admit to this. Read: Ashoka, Charles Allen, 2012.

Kamandakiya Nitisara

The centuries after Kautilya saw the Arthashastra becoming the standard text for governance, although the earlier schools of thought continued to be studied and debated. A set of texts called the Dharma Shastras were composed or compiled along the way. The ideas of the school of Manu are similarly compiled into the Manu Smriti. These tend to focus on personal laws, including those related to the caste system (which was becoming more rigid), but do not provide an intellectual framework of governance and economic management comparable to the Arthashastra. Nonetheless, at least one text did attempt to take forward Kautilya's legacy – Kamandak's Nitisara.¹²

There is some uncertainty about the identity of Kamandak. He was either a scholar or a minister who probably lived in the fifth century CE, after the Gupta empire was well established and probably past its peak expansionist phase. Unlike Kautilya, who was disrupting an established order and creating an empire from scratch, Kamandak seems to be trying to maintain a pre-existing order. Thus, the former seems more open to deploying talent wherever he found it, while the latter seems partial to well-born aristocrats. Nonetheless, the broad line of thinking is very similar, as Kamandak explicitly states that he is merely continuing Kautilya's work.

The Nitisara (which roughly translates to "Essence of Policy-making"), begins by paying homage to Vishnugupt Kautilya. It is obvious that, even after seven centuries, people remembered the great scholar and his role in helping Chandragupta build the Mauryan empire. Given his obvious admiration of Kautilya, it should not be surprising that Kamandak broadly reiterates many of Kautilya's ideas. The text of the Nitisara, however, is shorter than Arthashastra and has a tilt towards military affairs and international relations. Thus, it does not delve as much into economic policy, municipal issues, taxation and other governance-related issues. For our present purposes, therefore, it has more limited applicability than the earlier text.

¹²Kamandakiya Nitisara, Manmath Nath Dutt, HC Dass, 1896

Importantly, the Nitisara sees the role of the king revert to that of a self-restrained enforcer of the law. However, the impact of Ashoka's welfarist ideas may not have been entirely lost. Unlike Kautilya, who restricted state safety nets to support during calamities, Kamandak includes a few statements that sound more like Ashoka's edicts: "Nursing tenderest compassion in his heart, and without deviating from the path of duty, a king should wipe away the tears of the oppressed and the helpless." It appears that Indian thought on governance, despite having rejected Ashoka's overall framework (he is not even mentioned by Kamandak), had nevertheless incorporated the idea that direct welfarist intervention was necessary. At the very least, it saw advantage in asking the political establishment to use softer words compared to Kautilya's dry realism.

Madhav Rao's Lectures

After Kamandak, we have various commentaries but none that provides original ideas or a comprehensive framework. One example of such a medieval text is Somadeva's Nitivakyamritam from the 10th century.¹³ Somadeva was a Jain scholar and his text is a continuation of the general line of thought from Kautilya. However, it follows a common pattern of medieval texts of listing a series of aphorisms without giving the reasoning or specific policies. For example, Somadeva states: "A minister who is a spendthrift and generates little revenues eats away the wealth of a king". While such a statement is generally indicative of fiscal restraint, it does not provide a transparent framework for governance. This is a problem with most texts from this period. It is possible that such texts exist in the lakhs of unexplored and untranslated manuscripts scattered across India, but we do not currently know about them.

The late medieval Mughal and Turkic rulers derived their ideas of governance largely from pre-existing Islamic ideas imported from central Asia or Persia. Sometimes they incorporated ideas from their Hindu subjects. Texts from this period have extensive descriptions of how the empire was run but do not explicitly explain the theory of

¹³ Nitivakyamritam by Somadeva, translated by Dr. S.K.Gupta, Prakriti Bharati Foundation 1987

governance. Abul-Fazl's *Ain-i-Akbari* is a good example of a Mughal text that contains large amounts of information ranging from history to the customs of the times. It describes the levels of government, the wages of labourers, and the cost of house-building, but does not spell out any principles of governance.¹⁴ Culling out the policy debates of the times and understanding them in the Islamic framework may be possible from available texts but beyond the scope of this short essay. The *Ajnapatra* written by Maratha-era minister Ramchandra Pant, similarly, is too short and general to provide a clear intellectual framework for governance. Given the plethora of Maratha-era documents, the material could be mined to work out the theory of governance as well as the extent to which it was derived from ancient Indian thought. Again, this is beyond the scope of this essay.

Thus, we have to skip to the nineteenth century to find another comprehensive effort to lay out the rules of governance: *Hints on the Art and Science of Government* by Raja Madhava Rao.¹⁵ It consists of a set of lectures delivered by Rao in 1881 to Sayaji Rao Gaekwad III, the young maharaja of Baroda. Madhava Rao was the dewan (i.e. Prime Minister) of several princely states including Travancore, Indore and Baroda. In these lectures, he brings together the ancient idea of a ruler who upholds dharma with the modern European idea of limited sovereignty. Moreover, the instructions were given in the context of British colonial overlordship, and Rao warns the young prince against taking on the mighty empire (as an aside, Sayaji would heed this advice in letter but not in spirit, and would prove to be quite subversive in his own way).¹⁶ Thus, the collection of lectures makes for very interesting reading.

Just like Kautilya and Kamandak, Rao also tries to instill the idea that a king must work for his people and must practice self-restraint. However, the role of enforcer of the law is no longer with the prince because an independent judiciary has been set up. Rao, therefore, states: "Now we have succeeded in establishing in these territories a series of judicial tribunals such as the country requires. The judicial tribunals have

¹⁴The *Ain-i-Akbari*, Abul-Fazl Allami, translated by H. Blochmann, 1927

¹⁵The *Progressive Maharaja: Sir Madhava Rao's Hints on the Art and Science of Government*, Rahul Sagar, Harper Collins 2022

¹⁶*Revolutionaries: The other story of how India won its freedom*, Sanjeev Sanyal, Harper Collins 2023

been working well and fulfilling their objectives.....Let me inform Your Highness of the clear result of my study and experience, namely, that any Maharaja who undertakes to administer public justice personally must inevitably fail.”¹⁷

With Dandaniti taken away, Rao focuses the young Sayaji’s attention on Varta – public works and infrastructure, commerce and industry, education and health, and so on. This advice would eventually lead Baroda to become one of the better-run princely states in India. One other piece of advice would have a big impact on Indian history – the need to attract talent to the service of Baroda: “There is a large demand in British India for educated and upright men. The remuneration which we offer must not be less than what the British government offers.” This approach would later lead Sayaji to support many outstanding individuals, including Aurobindo Ghosh (one of the founding fathers of India’s freedom struggle) and Bhimrao Ambedkar (the key architect of India’s Constitution).

To conclude, India has a long and rich history of thinking about the principles of governance (as distinct from the form of government). This short essay attempts to provide a brief overview of this history as well as a sense of the evolution of the main principles, debates and disagreements. Importantly, we can see that ancient writers had a sense of the continuity of the traditions; Kautilya references Shukra, Manu and Brihaspati while Kamandak mentions Kautilya. Even when we are dealing with fragmentary or corrupted texts from the medieval period, we still see an attempt by writers to link themselves to earlier schools of thought. Indeed, the concept of Raj Dharma, mentioned in Iron Age epics, echoes in the nineteenth-century lectures of Madhava Rao. In this way a long intellectual tradition has stayed alive. The purpose of this essay is to arouse interest in current and future generations of Indians in this tradition, and the author hopes that they will both keep it alive and add to it.

¹⁷The Progressive Maharaja: Sir Madhava Rao’s Hints on the Art and Science of Government, Rahul Sagar, Harper Collins 2022