# FROM KAUTILYA TO OSINT: RECURRING PROBLEMS OF SOURCE, DECEPTION AND JUDGEMENT IN INTELLIGENCE-LED CRIME PREVENTION

Vaijayanti Lele, MIT-WPU School of Law;
Research Intern, Centre for Crime Sciences and Forensic Intelligence (CCSFI)

## ABSTRACT

This article develops a comparative historical stress-test to examine how recurring epistemic problems in intelligence practice can inform contemporary Intelligence-Led Policing (ILP) and Open-Source Intelligence (OSINT) without assuming historical continuity. Using a qualitative comparative historical methodology, it examines six historically distinct contexts: Kautilya's Arthashastra , Sun Tzu's Art of War, Mughal and Maratha information arrangements, British colonial intelligence, and Bengal revolutionary organisations. Three analytical stress tests examine source plurality under deception, information flow and decision receptivity, and institutionalisation, coercion and archival power. The comparison identifies recurring vulnerabilities in source reliability, corroboration, deception, analytical uncertainty and decision-making, while recognising fundamental differences in institutional scale, legal accountability, technology and organisational form. The article argues that continuity lies in recognisable epistemic vulnerabilities rather than institutional lineage. It contributes a comparative framework with qualified contemporary implications for ILP and OSINT, identifying diagnostic safeguards concerning source evaluation, decision receptivity, institutional restraint and accountability while recognising that constitutional, legal and ethical constraints limit direct historical comparison.

**Keywords:** Kautilya; Arthashastra; Art of War; Source Reliability; Colonial Intelligence; Intelligence-Led Policing (ILP); Open-Source Intelligence (OSINT).

## Introduction

In contemporary society, intelligence has become increasingly institutionalised through intelligence-led policing, surveillance systems, predictive analytics, Open-Source Intelligence (OSINT), and inter-agency coordination. Modern crime-prevention strategies increasingly depend on data analysis, risk assessment and anticipatory investigation. Despite technological and institutional change, contemporary intelligence systems continue to confront recurring challenges of source evaluation, uncertainty, deception and decision-making (Heuer, 1999; ODNI, 2015).

Historically, intelligence gathering served as a crucial tool for governance, warfare, territorial control, and public order. Historical traditions ranging from Kautilya's *Arthashastra* and Sun Tzu's *Art of War* to Mughal, Maratha and Colonial information arrangements illustrate the recurring concerns regarding source credibility, deception, information flows and politics influenced decision-making despite their own distinctive features.

Historical intelligence traditions are often examined through their administrative, military or political functions, while contemporary scholarship addresses intelligence-led policing, criminal intelligence and digital surveillance; less attention is given to comparing the recurring epistemic problems across these contexts. This article addresses this gap by treating specific historical contexts as comparative stress tests to examine the recurring challenges relating to source reliability, corroboration, deception, analytical bias and decision-making and examining them under varying political and administrative conditions. Examining these recurring problems provides a more useful basis for evaluating intelligence-led policing than claims of historical continuity. The article's contribution is a comparative stress-test framework and four diagnostic propositions for evaluating contemporary ILP and OSINT without assuming historical continuity.

This article develops a comparative historical stress-test for contemporary intelligence-led crime prevention by examining how selected intelligence traditions confronted source reliability, deception, analytical uncertainty and decision failure, while identifying the limits of translating ruler-centred or coercive practices into rights governed policing. This is examined through the following question: 'Which epistemic and institutional problems recur across selected historical intelligence systems, and how far can these recurrences inform contemporary ILP and OSINT without collapsing important legal, political and technological

differences?' This is supported by two subsidiary questions:

1. How did selected systems organise collection, corroboration, deception management, dissemination and decision-making?

2. Which apparent continuities survive scrutiny once differences in scale, purpose, legality and accountability are considered?

## Research Methodology and Conceptual Framework

### Methodology

This article adopts a qualitative comparative historical methodology to examine recurring epistemic challenges across the selected historical-political contexts. Rather than studying chronological evolution, the study compares how different political contexts confronted issues of source reliability, corroboration, deception and judgement formation.

The units of comparison are normative texts, historically reconstructed information arrangements, reporting arrangements, source relationships and documented decision processes, examined through common dimensions of source evaluation and judgement formation, information flow and decision-making. The contexts were purposively selected to provide variation in political authority, communication technology, source organisation, documentary practice and accountability.

Kautilya and Sun Tzu are treated as normative or prescriptive texts, not transparent descriptions of actual historical practice. Mughal, Maratha and colonial arrangements are historical institutional reconstructions derived largely from secondary scholarship and surviving records. Bengal revolutionary organisations are reconstructed through an archive disproportionately produced by the authority surveilling and prosecuting them. This asymmetry is acknowledged as a methodological limitation, and the evidence is not treated as equivalent across cases. The study therefore employs stress tests that assess whether apparent similarities remain persuasive.

Kautilya's *Arthashastra* is examined through Patrick Olivelle's annotated translation, while Sun Tzu's *Art of War* is examined through Lionel Giles' translation. Mughal and Maratha reconstructions rely principally on the works of Farhat Hasan and Stewart Gordon respectively. Jadunath Sarkar is read alongside recent scholarship to identify historiographical limitations.

Colonial intelligence is treated as documentary material shaped by colonial administrative priorities, while Bengal revolutionary activity is reconstructed from fragmented archives alongside modern scholarship, including Durba Ghosh.

The sources are therefore used to identify and stress-test recurrent analytical challenges, not to establish historical continuity. A recurrence claim weakens where an apparent similarity disappears after accounting for political purpose, source access, legal authority, institutional form or documentary conditions. The article accordingly examines qualified functional recurrence and contrast, not direct institutional transmission from ancient texts to contemporary policing.

## Conceptual Framework

### Information, Intelligence and Investigation

UNODC distinguishes information from intelligence by the degree of evaluation and analytical use. Information can be understood as unevaluated material from which intelligence is subsequently derived. It may include observations, reports, records, or surveillance outputs that have not been sufficiently assessed for reliability, relevance or significance. Intelligence can be understood as information evaluated and analysed for decision use that reduces uncertainty and supports informed decision-making. Investigation is a structured inquiry directed towards establishing facts concerning an event, offence, person or responsibility. Surveillance is a specialised method of systematic observation and information collection. Intelligence may generate leads, priorities or suspicion without itself constituting admissible evidence; evidentiary use requires lawful acquisition, authentication, preservation, contextual interpretation and compliance with applicable legal rules. (UNODC, 2011a; Heuer, 1999).

### Intelligence Cycle

The Intelligence Cycle is used here as a contemporary heuristic for analysing the transformation of information to intelligence. The cycle provides a contemporary framework for organising questions concerning direction, collection, processing, analysis, dissemination and feedback according to institutional priorities (UNODC, 2011). Critics argue that the model is structurally linear (Davies, Gustafson, & Rigden, 2013). It is used as a heuristic for comparison, not as evidence that historical systems followed an equivalent sequence.

## Analytic Bias and Discipline control

Intelligence failure can occur at any stage of the process: direction, collection, processing, analysis, dissemination and feedback. This study concentrates on source evaluation, analytical interpretation and decision receptivity. Analytical discipline can reduce some forms of error (ODNI, 2015). This involves cognitive techniques and professional standards intended to reduce some forms of unexamined bias and improve analytical transparency. (CIA, 2009; Heuer, 1999; ODNI, 2015). Contemporary intelligence analysts emphasise transparent reasoning, explicit treatments of uncertainty, source evaluation and systematic testing of competing explanations. Techniques such as Analysis of Competing Hypotheses structure the analytical process. Assessments should distinguish judgement from certainty and communicate relevant levels of confidence. This framework guides comparison of the recurring problems: source reliability, corroboration, deception, uncertainty and executive decision-making under different political-administrative contexts.

## Historical Stress Tests: Recurring Intelligence Problems Across Time

Rather than comparing the texts and empires chronologically, this study evaluates the historical contexts through three comparative stress tests, each examining a specific dimension of intelligence practice: source plurality under deception, information flow and decision receptivity, and institutionalisation, coercion and archival power.

## Stress Test 1: Source plurality and Deception

The first test examines whether source plurality can improve reliability by reducing dependence on individual sources. However, deception complicates this assumption because multiple sources can themselves become manipulated. The question is, "Can plurality still produce reliable intelligence when the adversary deliberately contaminates the information environment?"

The texts tested are Kautilya's *Arthashastra* (Olivelle, 2013) and Sun Tzu's *Art of War* (Sun Tzu, trans. Giles). Both texts treat deception as an integral feature of strategic conduct. Yet they prescribe different approaches to producing reliable intelligence, making them useful for comparison.

The *Arthashastra* addresses information reliability through administration, source plurality,

agent testing, information verification and ruler-centred control (Olivelle, 2013, Book I, Chs. 10–12, pp. 75–80). It presents intelligence as an administrative function embedded within governance rather than confined to military activity and prescribes particular forms of agent testing, cross-checking and surveillance of spies (Olivelle, 2013, Book I, Chs. 10–14). It presents a model in which intelligence gathering serves governance and state security. The *Arthashastra* therefore addresses deception through observation, cross-checking and internal evaluation (Olivelle, 2013, Book I, Chs. 10–12, pp. 75–80). Sun Tzu instead links intelligence to foreknowledge and strategic infiltration of the enemy's network (Sun Tzu, trans. Giles, Chapter XIII, §§7–8).

In the *Art of War*, Sun Tzu states, "Now this foreknowledge cannot be elicited from spirits; it cannot be obtained inductively from experience" indicating that foreknowledge depends on sources possessing knowledge of the enemy's situation (Sun Tzu, trans. Giles, Chapter XIII, §§5–6). Unlike Kautilya, whose text foresees deception as a problem to be managed by administrative observation, Sun Tzu situates intelligence in a strategic environment shaped by deception. Sun Tzu mentions converted spies among the 'Five Classes of Spies'(Sun Tzu, trans. Giles, Chapter XIII, §§ 7–8). He illustrates that human sources perform distinct functions. Converted spies serve a distinct function in enabling easy infiltration and counter-deception. (Sun Tzu, trans. Giles, Chapter XIII, §§21–25).

Both texts treat deception as an inherent component of information gathering. However, they solve reliability differently. While t*he Arthashastra* foresees plurality as mechanism of verification, Sun Tzu assigns different spy categories to infiltrate enemy networks. Therefore, source plurality remains conditionally useful. Its reliability depends on source access, independence, motivation, information validity and the possibility of coordinated deception.

**Stress Test 2: Information Flow and Decision Receptivity**

Intelligence has limited decision value when it cannot inform strategic decision-making. Decision receptivity here refers to a political system's capability to absorb, interpret, and act upon incoming information. The question for this test is: "Can an information arrangement transform local observations into timely strategic decisions without unacceptable distortion?" (Ratcliffe, 2023; OSCE, 2017)

Extensive local knowledge has limited decision value if political filtering, communication

constraints or fragmented authority obstruct its use (Ratcliffe, 2023, Hasan, 2004, pp. 1–4). The Mughal and Maratha cases permit comparison because both relied on local socio-political networks, while differing across particular periods and institutional arrangements.

The study treats Mughal information flow as mediated through relationships between the state and local actors, rather than it being a merely centralised process influenced by social and political interactions (Hasan, 2004, pp. 91–109).

Hasan's analysis suggests that local actors, merchants, and other regional power-holders contributed to the state's knowledge of local conditions (Hasan, 2004, pp. 91–109). The imperial centre was therefore dependent on local networks for information. The Kantur episode illustrates that local documentary claims could reach the imperial court, where they prompted imperial intervention (Hasan, 2021, p. 107). This bears directly on decision receptivity because the Kantur episode shows that the existence of documentary communication and imperial intervention did not necessarily produce effective resolution at local level (Hasan, 2021, p. 107).

The Mughal case demonstrates routinised documentary practices and state–local communication whereas, the Maratha case illustrates changing political and administrative arrangements across Shivaji Maharaj's reign, Peshwa Baji Rao I's expansion and later Maratha administration (Gordon, 1993).

Under Shivaji, the political organisation remained connected to local heads like the Deshmukhs and Patils, whose administrative, fiscal and military responsibilities connected the central authority to local society (Gordon, 1993, pp. 59–90). Gordon notes that Shivaji sought to integrate these elites rather than simply eliminate them because their co-operation was necessary for governance (Gordon, 1993, pp. 80–81). Baji Rao I's expansion changed the relationship between campaigning and territorial administration as Maratha expansion produced larger military formations and new territorial demands. He notes that Peshwa's conquest of Malwa shifted from independent raiding to territorial revenue administration, requiring a literate bureaucracy (Gordon, 1993, pp. 126–129). In later Maratha administration, this process continued through increasingly differentiated political and administrative structures rather than a uniformly decentralised system (Gordon, 1993, pp. 132–153).

The comparison therefore does not establish that Mughal documentation was slower or that

Maratha mobility was naturally more responsive. Rather, it shows how information was mediated through political and social relationships. Information scarcity was therefore not the only vulnerability; transmission, filtering, interpretation and coordination could remain decisive where local information existed.

**Stress Test 3: Institutionalisation, Coercion and Archival Power**

As intelligence systems became institutionalised, they extended beyond information collection into coordination, surveillance, classification and administrative control. This stress test therefore asks whether institutionalisation improves intelligence capacity, while creating new power dimensions, coercion and bias. The comparison examines colonial intelligence in the nineteenth century British India with particular focus on information and warning problems surrounding the 1857 uprising alongside Bengal revolutionary networks after 1919.

Bayly (1996) argues that colonial intelligence should not be understood as a wholly European administrative achievement. The British administration relied upon existing Indian networks of merchants, village elites, revenue officials, informants and intermediaries (Bayly, 1996). Institutionalisation enabled dispersed local knowledge to be turned into administratively useful intelligence (Bayly, 1996). Yet, Bayly (1996) also cautions against equating the accumulation of information with accurate understanding. His discussion of the 1857 uprising shows that extensive reporting did not eliminate interpretive difficulties: officials struggled to interpret the fragmented information amid changing political circumstances (Bayly, 1996).

Intelligence was embedded within police administration, preventive surveillance and legal authority (Bayly, 1996). Intelligence therefore possessed coercive consequences beyond strategic decision-making. At the same time, these practices produced documents that reflected what colonial authorities observed, classified and considered significant.

The Bengal revolutionary networks examined by Ghosh (2017) after 1919 operated under conditions of secrecy, infiltration and colonial surveillance while relying on secrecy, compartmentalisation and interpersonal trust, restricting knowledge to reduce the consequences of infiltration (Ghosh, 2017). Their practices therefore prioritised concealment and organisational resilience over preservation. Colonial surveillance sought to penetrate these networks through informants, intercepted correspondence, police investigations and intelligence files (Ghosh, 2017). Ghosh (2017) consequently shows that the archive is not a

neutral repository: much surviving knowledge of revolutionary activity was produced through surveillance, investigation and prosecution. Colonial institutions appear well documented because institutional power shaped what was recorded while clandestine organisations often left fewer records (Bayly, 1996; Ghosh, 2017). Archival silence may be consistent with successful concealment, although it cannot independently establish that such operations occurred (Ghosh, 2017).

This comparison therefore qualifies any straightforward relationship between institutionalisation and intelligence effectiveness. Institutionalisation can increase collection, coordination and preservation, while producing rigidity, duplication, coercive reach and interpretive distortion. Intelligence should consequently be evaluated through the authority that produces, filters and preserves it. The colonial archive is therefore not simply evidence of intelligence practice; it is itself one of intelligence's most enduring products.

***Table 1. Comparative Stress Tests and Qualified Contemporary Relevance***

| **Stress test** | **Cases** | **Recurring Vulnerability** | **Major Discontinuity** | **Qualified Contemporary Relevance and Limit of Comparison** |
|---|---|---|---|---|
| **Source Plurality and Deception** | Kautilya; Sun Tzu | Multiple sources may remain manipulated or dependent | Prescriptive ruler/war contexts; disputed historical implementation | Test source independence, access, motivation and coordinated deception; historical warfare or ruler-centred surveillance cannot establish lawful police practice |
| **Information Flow and Decision Receptivity** | Mughal; Maratha | Information may be filtered or fragmented before action. | Different periods, political structures and communication conditions | Trace tasking, transmission, dissent and executive response; broad civilisational binaries require episode-specific evidence |

| **Stress test** | **Cases** | **Recurring Vulnerability** | **Major Discontinuity** | **Qualified Contemporary Relevance and Limit of Comparison** |
|---|---|---|---|---|
| **Institutionalisation, Coercion and Archival Power** | Colonial state; Bengal networks | Collection capacity and archives reflect unequal institutional power | Colonial coercion and clandestine resistance are not normatively equivalent | Audit classification, coercive consequences and archival bias; administrative efficiency cannot confer democratic legitimacy |

**Contemporary Translation: ILP, OSINT and the Limits of Historical Comparison**

Contemporary intelligence differs from the historical contexts not because intelligence itself has fundamentally changed, but because the conditions under which it operates have been transformed. The historical systems frequently struggled against scarcity of information and resources, delayed communication and restricted observation scope, while contemporary intelligence confronts unprecedented informational abundance. Yet abundance does not eliminate scarcity: encrypted communications, inaccessible data, collection gaps and contradictory reporting can still limit intelligence. Modern intelligence frameworks therefore increasingly emphasise structured analytical processes that guide organisational decisions rather than the simple accumulation of information (Heuer, 1999; ODNI, 2015). Modern intelligence frameworks seek to reduce some analytical errors through source credibility, confidence assessment, alternative hypotheses and structured analytic techniques that improve analytical transparency (CIA, 2009; Heuer, 1999; ODNI, 2015; UNODC, 2011a).

Intelligence-Led Policing (ILP) provides a contemporary framework in which intelligence informs organisational objectives, its operational priorities and resource allocation (Ratcliffe, 2023). The OSCE similarly describes ILP as a management framework which connects intelligence with organisational planning, prioritisation and resource allocation (OSCE, 2017). However, intelligence can exceed organisational capacity. ILP therefore requires prioritisation of prolific offenders, organised crimes, serious harm and high-risk targets (Ratcliffe, 2023; OSCE, 2017). The analyst-leader distinction clarifies responsibility but does not preserve accountability. Tasking, analytical confidence, dissent, dissemination and executive action must remain traceable, otherwise responsibility may be displaced between analysts and

decision-makers.

This problem is particularly visible in predictive policing. Recorded crime data partly reflects previous patterns of police deployment. Deployment then produces further recorded observations which may reinforce the original pattern and produce a feedback loop (Ensign et al., 2018). A risk indicator may consequently be treated as a proxy for evidence. Responsibility is therefore distributed across data designers, analysts, commanders and officers rather than residing solely in the algorithm. The historical stress tests reinforce the need to examine how institutional processes shape information on which decisions are made.

OSINT addresses a different contemporary challenge: how reliable intelligence can be produced from overwhelming quantities of publicly available information (ODNI, 2024). Publicly available information should not be treated as synonymous with OSINT; OSINT should not be treated as evidence. A useful distinction is between publicly and commercially available information, raw collected material, preserved material, verified open-source information and analysed or finished OSINT and material capable of evidentiary use (ODNI, 2024; OHCHR & UC Berkeley, 2022). The Berkeley Protocol is particularly relevant because it provides methodological guidance for digital open-source investigations concerning international criminal law, human rights law and international humanitarian-law violations, rather than functioning as a universal rulebook for every police OSINT activity. It emphasises planning, collection, verification, preservation and reporting.

Information abundance nevertheless creates new reliability issues. Duplication, synthetic media, AI-generated content and political manipulation can influence visibility and interpretation (ODNI, 2024). Consequently, collection capacity does not guarantee reliable intelligence. Publicly available information may nevertheless engage constitutional privacy interests where State collection or use implicates protected rights (*Puttaswamy*, ¶ 325).

The contemporary translation of the historical lessons is therefore not that modern systems are simply superior. Contemporary intelligence possesses greater capacity to collect, correlate, preserve and analyse information, but also new forms of abundance, manipulation and institutional feedback. It struggles to determine what deserves attention, what can be trusted, how scarce organisational resources should be deployed, and how those decisions remain accountable. ILP and OSINT demonstrate that intelligence remains valuable only when information can be validated, prioritised and connected to accountable decision-making under

uncertainty.

**Comparative Propositions for Contemporary Intelligence**

Across the *Arthashastra*, the *Art of War*, Mughal and Maratha cases, Colonial intelligence, Intelligence-Led Policing and OSINT, recurring analytical challenges appear despite substantial differences in technology, institutional form and political priorities. These lessons yield four propositions that refine the understanding of intelligence as a process of managing uncertainty rather than accumulating information.

**Proposition 1: Additional Sources May Reduce Uncertainty but Can Impose Verification And Prioritisation Costs.**

The *Arthashastra* prescribes multiple agents and mechanisms for testing information and agents, indicating that wider collection also creates verification demands (Olivelle, 2013, Book I, Chs. 10–12, pp. 75–80). Sun Tzu locates foreknowledge in human sources and assigns differentiated functions to five classes of spies, rather than equating greater collection with reliable knowledge (Sun Tzu, trans. Giles, Chapter XIII, §§7–8). Bayly shows that extensive reporting networks did not prevent misunderstanding or interpretive failure (Bayly, 1996, Chs. 2–3, 9). Modern OSINT confronts unprecedented information volume, including duplication, synthetic media, provenance problems, search bias and disappearing material, which increases verification and prioritisation costs (ODNI, 2024). Additional collection may reduce uncertainty, but as source volume increases, relevance, provenance, verification and prioritisation become more demanding, potentially exceeding analytical capacity and leaving contradictions unresolved. The residual risk is that contradictions or provenance gaps remain despite expanded collection; disciplined source evaluation and prioritisation are the safeguards.

**Proposition 2: Corroboration Is Necessary but Not Sufficient**

Multiple reports improve confidence only when they are genuinely independent. The *Arthashastra* foresees multiple agents and information checks, indicating that source plurality was connected to testing rather than simple numerical repetition (Olivelle, 2013, Book I, Ch. 10, pp. 75–76). Its provisions for testing ministers and agents also show source reliability was a concern itself (Olivelle, 2013, Book I, Ch. 10, pp. 75–76). Sun Tzu assigned converted spies a different role within the broad architecture of human sources (Sun Tzu, trans. Giles, XIII,

§§7–8, 21–25). In OSINT, thousands of posts repeating the same claim may represent a single originating rumour rather than independent information (ODNI, 2024). Verification therefore concerns source independence, not numerical repetition. The critical unit of analysis is independence, not quantity. Corroboration therefore depends upon independence of sources rather than repetitive claims. The safeguard is deliberate testing of source independence; the residual risk is coordinated deception across apparently separate information streams.

**Proposition 3: Warning Can Fail at the Decision Interface Even After Successful Collection and Analysis**

Successful collection does not guarantee successful intelligence. The Mughal Kantur episode shows that documentary transmission to the imperial centre did not necessarily produce effective local resolution (Hasan, 2021, p.107). The Maratha cases likewise show that changing political and military arrangements altered the institutional context in which information was used (Gordon, 1993, Chs. 3, 5–7). Bayly's discussion of 1857 shows that warning failure cannot be reduced to absent intelligence. In contemporary systems, analysts may provide assessments while decision-makers allocate resources; this does not itself guarantee accountability. Consequently, warning can fail when leaders ignore it, institutions delay it or political priorities reshape its interpretation. Distortion, however, is possible at any stage of the process (Ratcliffe, 2023; OSCE, 2017). Effective warning therefore depends not only on analytical quality but also on institutional receptivity to warning and traceability of tasking, dissent, dissemination and executive action. The safeguard here is a traceable decision interface, while the residual risk is that politically unwelcome warnings remain ignored or are displaced through institutional responsibility.

**Proposition 4**: **Intelligence Effectiveness Does Not Establish Legitimacy**

Historical cases show that intelligence can coexist with serious ethical and political issues. The *Arthashastra* prescribes internal surveillance and control within governance (Olivelle, 2013, Book I, Chs. 11–14, pp. 76–84). Colonial intelligence expanded administrative penetration, classification and surveillance while serving coercive imperial control. The Bengal revolutionary case shows that the archive itself could become an instrument of state power. Contemporary ILP frameworks therefore emphasise accountability, proportionality, governance and oversight (Ratcliffe, 2023; OSCE, 2017). But at the same time, publicly available information may raise privacy concerns where State collection or use engages

protected interests (*Puttaswamy*, ¶ 325). Therefore, intelligence cannot establish legitimacy; legitimacy depends on purpose, legality, accountability and proportionality. The residual risk here is that effective anticipation and intervention can intensify domination, for which lawful oversight and meaningful opportunities to challenge intelligence-enabled decisions are the safeguards.

Across selected cases, intelligence appears less as a discovery of objective certainty than as the managed reduction of uncertainty under conditions of incomplete knowledge; the four propositions therefore identify recurring analytical constraints: more collection does not necessarily reduce uncertainty, corroboration is necessary but not sufficient, warnings can fail at the decision interface and intelligence effectiveness does not necessarily establish legitimacy.

**Ethical Limits and Safeguards for Intelligence**

Ethical governance is not merely a modern constraint; it responds to recurring problems of surveillance, error, coercion and accountability. The comparison therefore suggests safeguards addressing recurring failures in oversight, interpretation and decision-making.

**Legality, Legitimate Purpose and Necessity**

Selected cases justified surveillance through claims of ruler preservation, dynastic stability or imperial security. In contemporary constitutional systems, however, intelligence collection requires justification beyond operational effectiveness. The law requires legality, a legitimate State aim and proportionality (*Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1, ¶ 325).

**Proportionality**

The second question is how much intrusion is justified. Colonial surveillance could expand beyond identifiable threats, while predictive systems create similar risks of expansion. Proportionality therefore operates as a legal safeguard against excessive and unnecessary interference. *Puttaswamy* requires a rational nexus between the objective and the means adopted (*Puttaswamy*, ¶ 325). Restraint is an intelligence capability; it may require limiting collection, choosing less intrusive sources, qualifying confidence, preserving dissent, or delaying action pending verification.

### Source and Model Auditability

Historically, the *Arthashastra* prescribes agent testing, Sun Tzu values differentiated human sources and Bayly shows extensive reporting did not eliminate misinterpretation (Olivelle, 2013; Giles, XIII; Bayly, 1996). Similarly, OSINT requires provenance (ODNI, 2024; OHCHR & UC Berkeley, 2022). A rights-governed intelligence framework should permit examination of source provenance, analytical methods and, where AI is used, model inputs, assumptions and outputs. Human review is meaningful only when officers can understand and challenge model-generated assessments; otherwise, review may merely legitimise automation bias.

### Decision Traceability

As the preceding analysis suggests, warning can fail at the decision interface even after successful collection and analysis (Ratcliffe, 2023; OSCE, 2017). Accountability must therefore extend beyond analysts to those who task, interpret, authorise and act upon intelligence. Decision traceability should preserve the difference between analytical advice and executive direction while making the process reviewable.

### Contestability and Correction

Colonial intelligence privileged administrative interpretation. A rights-governed system should provide mechanisms to identify and correct errors. These safeguards should include purpose limitation, data minimisation, retention/deletion periods, correction of data inaccuracies, restrictions on onward sharing and reuse, and limits on combining datasets to prevent intrusive profiling.

### Independent Oversight

The comparison also suggests that internal review alone may be insufficient to detect or constrain abuse, as illustrated by colonial intelligence. In contemporary predictive policing, judicial independence or statutory oversight can provide external scrutiny of collection, deployment and model-enabled decisions. Article 5(1)(d) of the EU AI Act prohibits certain AI-based criminal risk assessment based solely on profiling or personality traits, subject to limited exception for objective, verifiable facts linked to criminal activity (Regulation (EU) 2024/1689).

The historical comparison suggests that ethical risks intensify when information-collection capacity outpaces accountability. These safeguards keep intelligence capacity subject to a lawful purpose, review and challenge. The value of intelligence should therefore be assessed not only by predictive accuracy but also by constitutional legitimacy.

## Conclusion

This study concludes that selected epistemic vulnerabilities recur in recognisable but historically altered forms despite profound institutional and technological change. Across the selected cases, recurring vulnerabilities concern source reliability, deception, analytical uncertainty and the translation of information into decisions. What changed were the institutional and technological conditions in which these vulnerabilities were managed, including digital scale, bureaucratic organisation and constitutional constraints. Historical cases should therefore be treated not as a lineage for modern practice but as comparative stress tests. Their qualified contemporary implications concern source evaluation, corroboration, structured analysis and organisational receptivity to warning. These comparisons do not provide legitimacy for ruler-centred surveillance, colonial coercion or extra-legal intelligence practices in democratic policing. The article's contribution is a comparative framework distinguishing recurring epistemic vulnerabilities from historically contingent institutions, with diagnostic implications for ILP, OSINT and intelligence governance. The instruments of intelligence have advanced more rapidly than institutions have learned to eliminate deception, uncertainty and the corrupting effects of power.

## REFERENCES

Bayly, C. A. (1996). *Empire and information: Intelligence gathering and social communication in India, 1780–1870*. Cambridge University Press. https://doi.org/10.1017/CBO9780511583285

Central Intelligence Agency. (2009). *A tradecraft primer: Structured analytic techniques for improving intelligence analysis*. Center for the Study of Intelligence. https://www.cia.gov/resources/csi/books-monographs/a-tradecraft-primer/

Davies, P. H. J., Gustafson, K., & Rigden, I. (2013). The intelligence cycle is dead, long live the intelligence cycle: Rethinking intelligence fundamentals for a new intelligence doctrine. In M. Phythian (Ed.), *Understanding the intelligence cycle* (pp. 56–75). Routledge. https://bura.brunel.ac.uk/handle/2438/11901

European Union. (2024). *Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act). Official Journal of the European Union*, L, 2024/1689. https://eur-lex.europa.eu/eli/reg/2024/1689/oj

Ensign, D., Friedler, S.A., Neville, S., Scheidegger, C. & Venkatasubramanian, S. (2018). Runaway Feedback Loops in Predictive Policing. *Proceedings of the 1st Conference on Fairness, Accountability and Transparency in Proceedings of Machine Learning Research* 81:160-171 https://proceedings.mlr.press/v81/ensign18a.html.

Ghosh, D. (2017). *Gentlemanly terrorists: Political violence and the colonial state in India, 1919–1947*. Cambridge University Press. https://doi.org/10.1017/9781316890806

Gordon, S. (1993). *The Marathas, 1600–1818*. Cambridge University Press. https://doi.org/10.1017/CHOL9780521268837

Hasan, F. (2004). *State and locality in Mughal India: Power relations in western India, c. 1572–1730*. Cambridge University Press. https://books.google.co.in/books?id=4TbxNT70UPEC&redir_esc=y

Hasan, F. (2021). *Paper, performance, and the state: Social change and political culture in*

*Mughal India*. Cambridge University Press. https://doi.org/10.1017/9781009025256

Heuer, R. J., Jr. (1999). *Psychology of intelligence analysis*. Center for the Study of Intelligence, Central Intelligence Agency. https://www.cia.gov/resources/csi/books-monographs/psychology-of-intelligence-analysis/

*Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (India) https://indiankanoon.org/doc/91938676/*

Kautilya. (2013). *King, governance, and law in ancient India: Kautilya's Arthashastra* (P. Olivelle, Trans.) Oxford University Press. https://doi.org/10.1093/acprof:osobl/9780199891825.001.0001

Office of the Director of National Intelligence. (2015). *Intelligence Community Directive 203: Analytic standards*. https://www.dni.gov/files/documents/ICD/ICD-203.pdf

Office of the Director of National Intelligence. (2024). *The IC OSINT strategy 2024–2026*. https://www.dni.gov/index.php/newsroom/reports-publications/reports-publications-2024/3785-the-ic-osint-strategy-2024-2026

Office of the United Nations High Commissioner for Human Rights, & Human Rights Center, University of California, Berkeley. (2022). *Berkeley protocol on digital open source investigations*. United Nations. https://www.ohchr.org/en/publications/policy-and-methodological-publications/berkeley-protocol-digital-open-source

Organization for Security and Co-operation in Europe. (2017). *Guidebook on intelligence-led policing*. OSCE Secretariat, Transnational Threats Department. https://www.osce.org/chairmanship/327476

Ratcliffe, J. H. (2023). *Intelligence-led policing* (3rd ed.). Routledge. https://www.routledge.com/Intelligence-Led-Policing/Ratcliffe/p/book/9781032764368

Sarkar, J. (1920). *Shivaji and his times* (2nd ed., rev. and enl.). Longmans, Green and Co. https://archive.org/details/shivajihistimes00sarkrich

Sun Tzu. (1910). *The Art of War* (L. Giles, Trans.). Project Gutenberg. https://www.gutenberg.org/ebooks/132

United Nations Office on Drugs and Crime. (2011a). *Criminal intelligence: Manual for analysts*. United Nations. https://www.unodc.org/documents/organized-crime/Law-Enforcement/Criminal_Intelligence_for_Analysts.pdf

United Nations Office on Drugs and Crime. (2011b). *Police information and intelligence systems: Criminal intelligence manual for managers*. United Nations. https://www.unodc.org/documents/organized-crime/Law-Enforcement/Criminal_Intelligence_for_Managers.pdf