Treaties
Engagements
and Sanads
A Contribution in
Indian Jurisprudence

By
K. R. R. SAstry

Published by the Author
University - Allahabad
Treaties, Engagements and Sanads of Indian States
A Contribution in Indian Jurisprudence

By
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Indian States, 1942

PUBLISHED BY THE AUTHOR

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ALLAHABAD
AUTHOR'S PREFACE

While continuously engaged in studies of several aspects of the problems of Indian States for the past seven years, it appeared that a complete analytical examination of the several Treaties, Engagements and Sanads had not been done thus far. No work has been written which subjects these treaties, engagements, and Sanads to a process of analysis and interpretation.

Certain aspects of the problem of Indian States vis-a-vis responsible Government in India have been attempted in a work of the author published in 1939.* The all-absorbing question of Paramountty and State-subjects had been chosen by this writer for the Sayaji Rao Gaekwar Golden Jubilee Memorial Lectures at Baroda in 1940-41. An objective examination of these treaties, engagements and Sanads was then found to be a fit topic for legal study.

New conceptions in the post-War era (1918-1939) bear abundant testimony to the ingenuity of statesmen; and juristic ideas have to keep pace with novel experiments as the League of Nations and Mandates. India is only semi-sovereign with an anomalous status, and the Indian States can be assigned a status which is sui generis and quasi-international. Thus problems relating to the position of Indian States cannot be satisfactorily discussed with reference to purely juristic criteria.

The chapter on implications of paramountcy has had to be introduced; otherwise an erroneous conception would be given to the foreign observer faced only with treaties and engagements between two states. The treaty relationship started between allies, one of whom grew up into a position of Paramountcy, established through the right of “conquest, operating by assumption and acquiescence.”

This branch of juristic study has got all the characteristics of a combination of law and politics. The branch which is ex faci contractual has alone been selected for examination.

The author is indebted to several leading lawyers in India for helpful suggestions. Conclusions and opinions in the study are entirely his.

All students of “Indian States” are indebted to the monumental works of Aitchison, Sir Lewis Tupper and Sir W. Lee Warner. Besides the books consulted in the Allahabad University and Madras Law College, the author is under obligation to the valuable collection of books at 19, Albert Road, Allahabad.

January 1, 1942
University of Allahabad
Law Department

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OPINION

Sir C. P. Ramaswami Aiyar, K.C.S.I., Dewan of Travancore:—

I must congratulate you on the thoroughness of the research displayed and the analysis that you have made of the progress of the Paramountcy idea and the reactions to it by the Indian States.