SOVEREIGNTY

Sovereignty is one of the most important elements of state.The term sovereignty is derived from the Latin term`superanus` meaning supreme.Sovereignty of the state means the supreme power of the state beyond which no other power exists. The concept of sovereignty has been view by scholars from different angles and they have offered different definitions.

Laski: The sovereign is legally sovereign over any individual or group and possesses supreme coercive power.

Bodin: The supreme power of the state over citizens and subjects unrestrained by law

Burgess: It is the original, absolute and unlimited power over individual subjects and over all other associations of the subjects.

 The various definitions of sovereignty indicates the following characteristics:-

1. Absoluteness: Absoluteness of sovereignty means that there is no legal power within the state or outside the state superior to it. The authority of the sovereign is not subject to any internal or external limitations.
2. Permanence: Sovereignty is as permanent as the state itself .It does not come to an end with the death of a ruler or the change of a particular system of govt. It last as long as the state exists.
3. Universality: Universality implies that all the persons and associations falling within the jurisdiction of the sovereign are subject to its authority and do not fall beyond its control.
4. Inalienability: It means that state cannot transfer its sovereignty without destroying itself. Its alienability resulted to commiting suicide on its part. The sovereignty is the very essence of the personality of the state.
5. Exclusiveness: The sovereign power is the exclusive prerogative of the state and is not share by any other authority or group.In a state there can be only one sovereign who can legally compel obedience from all persons and associations within its territorial jurisdiction.
6. Indivisibility: Sovereignty is indivisible and there cannot be more than than one sovereign in a state.Sovereignty is an entire thing, to divide it is to destroy it.Sovereingty remains intact.

Kinds of Sovereingty:-

1. Internal and External sovereignty: Internal sovereignty means the power of the state to enforce laws within its territorial limits.It can issue commands and enforce obedience from persons and associations.There is no legal limitations on its authority.Whereas External sovereignty implies the freedom of the state to act without outside interferrance in the external sphere.
2. Nominal and Real Sovereignty: This type of distinction is generally found in Parliamentary Democratic system of govt. Nominal sovereignty means sovereignty by title only. It is also called Titular sovereignty.Nominal sovereign is a person who is the symbol of state authority and exercise the sovereign power in name only.In theory nominal sovereign enjoys very extensive powers but in reality these power are exercise by the real sovereign.example of nominal sovereign are Queen of England and President of India.Real Sovereignty means the person or body of persons who actually exercise the power of the state.e.g President of USA,PM of UK and India.
3. De facto and De jure sovereignty: De facto sovereignty means sovereignty in fact.This means the sovereign whose authority is actually acknowledged by the people even though he does not enjoy any legal or constitutional basis.His authority rests on the fact that he is able to force people to obey him.On the otherhand De jure sovereign has its foundations in law. It is the sovereign which is recognized by the law or the constitution of the country.The real sanction behind the de jure sovereign is not actual force but legal sanction.
4. Legal and Political Sovereignty: The legal sovereign means the body which enjoys supreme law making powers in the state. The authority of legal sovereignty is absolute and unlimited.Its location is always definite and precise.Behind the legal sovereign, there is another sovereign before whom the legal sovereign must bow.This sovereign is the political sovereign.It is not recognized by law. It is difficult to locate because it is vague and undetermined.simply speaking electorate is the political sovereign.
5. Popular sovereignty: The concept of popular sovereignty was popularized by Rousseau in the social contract.Popular sovereignty means that the ultimate authority rests with the people in their corporate capacity. It is considered as the basis and watchword of representative democracy.