



3.1 SOVEREIGNTY

Introduction

3.1.1 Let us discuss about Sovereignty

Sovereignty, the term has been derived from the Latin word 'superanus' which means 'supreme' or 'paramount'. Roman jurist and the civilians during the middle ages employed the term 'summa potestas' and 'Plenitude potestas' to designate the supreme power of the state. In political science the use of the term 'sovereignty' dates back to the publication of **Bodin's** 'The Republic' in 1576.

The stability of a nation depends on the supremacy of the sovereignty the nation enjoys. Sovereignty as a concept represents the legal supremacy of the state. Constitution lays down rules and laws of the state and the constitution of the state is just the representation of the sovereignty. The word sovereign in the preamble of the constitution of India means that the state has the power to legislate on any subjects in conformity with constitutional limitations.

3.1.2. Characteristics of Sovereignty.

1. Permanence

The chief characteristic of sovereignty is permanence. Sovereignty lasts as long as the state lasts. The death of the king or the overthrow of the government does not affect sovereignty. Hence, the people of England say 'King is dead, Long live the king'.



Learning Objectives

- ❖ The meaning and characteristics of Sovereignty
- ❖ The aspects and kinds of Sovereignty
- ❖ Meaning and dawn of Pluralism

2. Exclusiveness

Exclusiveness here implies that there cannot be two sovereign in one independent state and if it exists the unity of the state will be destroyed.

3. All comprehensiveness

Every individual and every association of the individual is subject to the sovereignty of the state. However rich or powerful association or group may be, it cannot resist or disobey the sovereign authority.

4. Inalienability

Sovereignty is the life and soul of the state and it cannot be alienated without destroying the state itself.

5. Unity and Everlasting

The spirit of sovereignty lies in its unity. Sovereignty is not bound by time and lasts until the state lasts.

6. Indivisibility

Indivisibility is the life line of sovereignty.

7. Absoluteness

Sovereignty is unconditional and unlimited. Sovereignty is beyond obedience and it is entitled to do whatever it likes.

8. Originality

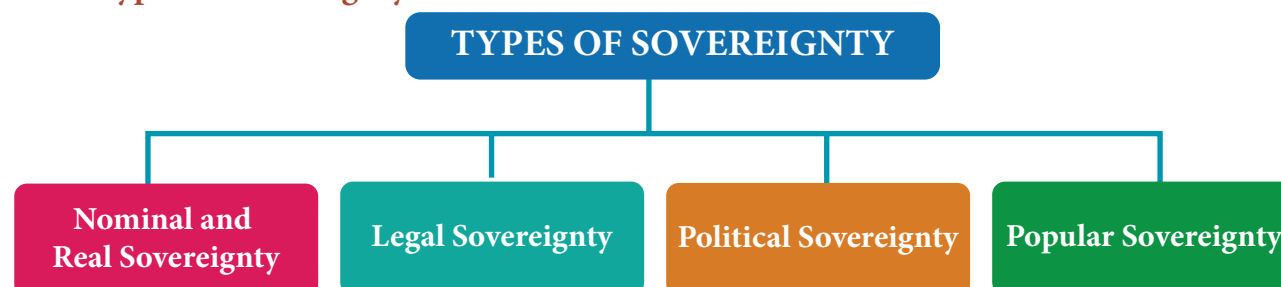
Sovereignty wields power by virtue of its own right and not by anybody's mercy.

3.1.3 Two aspects of Sovereignty

Internal sovereignty: This sovereignty exercises its absolute authority over all individuals or associations of the individuals in the state.

External sovereignty: In simple terms external sovereignty means National Freedom. Every state enjoys absolute liberty to determine its foreign policy and join any power block it likes. External sovereignty implies that every state is independent of other states.

3.1.4 Types of Sovereignty



Have you read about the different types of Sovereignty? Let us together learn about them.

Nominal and Real Sovereignty	Legal Sovereignty	Political Sovereignty	Popular Sovereignty
a. Ancient times many states had monarchs. Kings exercised real sovereignty and were considered Real Sovereigns	a. The authority of the state has the legal power to issue final commands	a. Political Sovereign in the representative democracy is understood as the whole mass of the people, i.e. electorate or the public opinion.	a. Popular sovereignty designates public as supreme
b. The French revolution transformed the situation.	b. The power which has the legal authority to issue and enforce these law is legal sovereignty	b. Political sovereignty rests in that class of people under whose influence the mass of the people are with.	b. During ancient period popular sovereignty was used as a weapon to challenge the absolutism of the monarchs.
c. The Council of Ministers were considered the Real Sovereign while the King enjoyed only nominal power.	c. The legal sovereign is always definite and determinate and the authority of sovereign is absolute and supreme.		



“De-facto and De-jure sovereignty”

De-facto sovereignty

De-facto sovereign is one who has no legal claim to sovereignty but possesses it in fact and exercises necessary force to make and enforce its laws.

Sovereignty

“Sovereignty is the absolute and perpetual power of the state that is, the greatest power to command.”

- *Jean Bodin*

De-jure sovereignty

De-jure sovereign is one who has a legal claim to sovereignty but does not possess it in fact.



Sovereignty can no more be alienated than a tree can alienate its right to sprout or a man can transfer his life or personality to another without self destruction - *Lieber*

Here is an interesting piece of information!

Napoleon became the de facto sovereign after he had overthrown the directory. Franco became the de facto sovereign after he had dislodged the legal sovereign in Spain after Mussolini's black shirt march on October 28, 1922. Mussolini became the prime minister in the legal manner. He ruled the parliament and ruled the country through parliament. Parliament remained the legal sovereign but he was the actual or de facto sovereign. Hitler also did the same in Germany. He controlled the legal sovereign and became the de facto sovereign.

Quotable quote

Sovereignty of the people therefore can mean nothing more the power of the majority of the electorate, in a system of approximate universal suffrage prevails, acting through legally established channels to express their will and make it prevail.

-*Dr. Garner*

3.1.5 What is Pluralism?

Pluralism is a powerful protest against the monistic theory of sovereignty, which endows the state with supreme and unlimited power.

Exponents of pluralist theory

- ❖ Harold J. Laski
- ❖ J.N. Figgis
- ❖ Ernest Barker
- ❖ G.H. Cole
- ❖ Maciver

Pluralist Theory

The nature of the state is such it attempts to resolve the disputes or conflicts that arise between these various groups in a way that is in everyone's best interests.



The dawn of pluralist theory

With the advent of the welfare state there came a rapid increase in the functions of the state and there remained no sphere of life with which the state did not interfere, the sovereign and the supreme state also

faced revolt and reaction. This reaction against the sovereign and supreme state resulted into the dawn of pluralism.

John Austin (1780-1859) the English Jurist, gave an elaborate exposition of the Legal Theory of sovereignty in his book 'Lectures on Jurisprudence' published in 1832. He is regarded as a greatest exponent of Monistic Theory.



Is Pluralism important?

- ❖ Pluralism upholds the importance of associations and claim more autonomy for it.
- ❖ For democracy to flourish the sovereign state must not be subject to any legal authority.
- ❖ Division of sovereignty leads to the destruction of sovereignty and in the absence of sovereignty, anarchy will prevail in society.

Indian Constitution and Sovereignty

In *Indira Gandhi Vs Raj Narain* (1975) case Supreme Court added, 'India as a Sovereign democratic republic' as one of the fundamental elements of the basic structure of the constitution. It is understood that Indian constitution enshrines 'sovereignty' as an important aspect of constitution and the preamble makes the people sovereign. In simple term it is said that sovereignty lies in the constitution and people are the ultimate source of the constitution.

What are the criticisms for Pluralism?

- ❖ It is the Sovereign state that brings about unity and regulates all the associations existing in society.
- ❖ Laws are framed by the state unlike the belief of pluralist.
- ❖ State is needed for protecting people from the excess of associations.

3.2 EQUALITY

Introduction

Understanding Equality

The idea that human beings are equal is enigmatic. A nation that seeks equality creates laws to bring change in its society. A law for equality is inadequate



and opposed where pluralistic pattern of society has become the order of the day whether it's a developed or under developed nation. Liberty and rights lead to a third principle in political theory, which is of equality. Equality determines how rights are to be distributed amongst the individuals as citizens and groups, both whether equally or unequally.

3.2.1 Meaning of Equality

Equality, which means state of being equal, is derived from *aequus/aequalis*, meaning fair. It signifies 'having the same rights, privileges, treatments, status, and opportunities'. Equality is treated as something that relates to distributive principle because of which rights, treatments, and opportunities are distributed amongst the beneficiaries in a fair manner. Fairness



Discuss the visuals



does not mean all to be treated equally in all circumstances. In fact it very well means unequal treatment for those who are unequal. Essentially it relates to the principle of justice because it requires fair distributive principle.

3.2.2 Importance of Equality

Why equality is important?

The concept of equality as a political ideal invokes the idea that all human beings have an equal worth regardless of their color, gender, race, or nationality. It urges among human beings equal consideration and respect because of the common humanity. The belief in this notion of humanity led us to the declaration of universal human rights.

Equality became the slogan in the struggle against states and social institutions which uphold inequalities of rank, wealth, status or privilege, among people during the modern period. In the eighteenth century, the French revolutionaries used the slogan 'Liberty, Equality and Fraternity' to revolt against the landed feudal aristocracy and the monarchy. The demand for equality was also raised during anti-colonial struggle in Asia and Africa during the twentieth century. It continues to be raised by struggling group such as women or dalits who feel marginalized in our society.

Equality now has become a widely accepted ideal which is embodied in the constitutions and laws in the world. However the most visible and disturbing factor around us in the world and as well in our society is inequality. We can see in country slums existing side by side with luxury housing, schools which may lack even drinking water facilities or toilets, waste of food as well as starvation. There are visible difference between what law promises and what we see around us.

India through its constitution attempts to fill the gap between equal and

unequal with the principle of equality as enshrined in the constitution.

What is distributive justice?

Distributive justice requires a principle of equality in which unequal distribution is effected to ensure the principle of equality. The state for example should not tax a poor and a rich equally.

3.2.3 Dimensions of Equality

What is Equality?

We live amidst distinctions between human beings on the ground of race and color, knowing well it is unacceptable. In fact such distinctions violate our intuitive understanding of equality which tells us that all human beings are entitled to similar respect and consideration because of their common humanity. No society treats all its members in exactly the same way under all circumstances. There can be no identity of treatment so long as men are different in wants, capacities, and needs. Injustice arises much from treating unequal's equally as from treating equals unequally. And most importantly apart from the natural inequalities, there are inequalities created by the society- inequality based upon birth, wealth, knowledge and religion.

The movement of history is not towards greater equality because as fast as we eliminate one inequality, we create another one: the difference being that the one we discard is unjustifiable while the one we create seems reasonable. Hence the social political, educational equalities are always in need of reinforcement and reinterpretation by every new generation.

Like liberty, equality can also be understood in its negative and positive aspects. Negative equality was associated with the end of such privileges and positively it meant the availability of opportunity.

A state divided into a small number of rich and large number of poor will always develop a government manipulated by the rich to protect the amenities represented by their property.



- *Harold laski*

According to Laski equality means:

- ❖ Absence of privileges. It means that will of one is equal to the will of any other. It means equality of rights
- ❖ Adequate opportunities are laid open to all. Opportunities should be given to all to realize the implications of his personality.
- ❖ All must have access to social benefits and no one should be restricted on any ground. The inequalities by birth or because of parentage and hereditary causes are unreasonable
- ❖ Absence of economic and social exploitation

According to Barker, the concept of equality means

- ❖ Fundamental equalities of all
- ❖ Equality of opportunity
- ❖ Equality of conditions where there is an attempt to make the conditions of life equal
- ❖ Equality of outcome of results

Equality of opportunities

The concept of equality implies that all people as human being are entitled to the same rights and opportunities to develop the skills and talents, to pursue their goals and ambitions.

Natural inequality and social inequality

Natural inequalities are those that emerge between people as a result of their different capabilities and talents. These kinds of inequalities are different from socially produced inequalities which emerge as a consequence of inequalities of opportunity or the exploitation of some groups in a society by others. Natural inequalities are considered to be the result of the different characteristics and abilities with which people are born with. Social inequalities on the other hand are those created by society. Unequal treatment in society based on race, color, gender and caste are of social inequalities. Women were denied equal rights for centuries similarly, Blacks were treated as slaves until the institution of slavery was questioned. Even people born with disability with

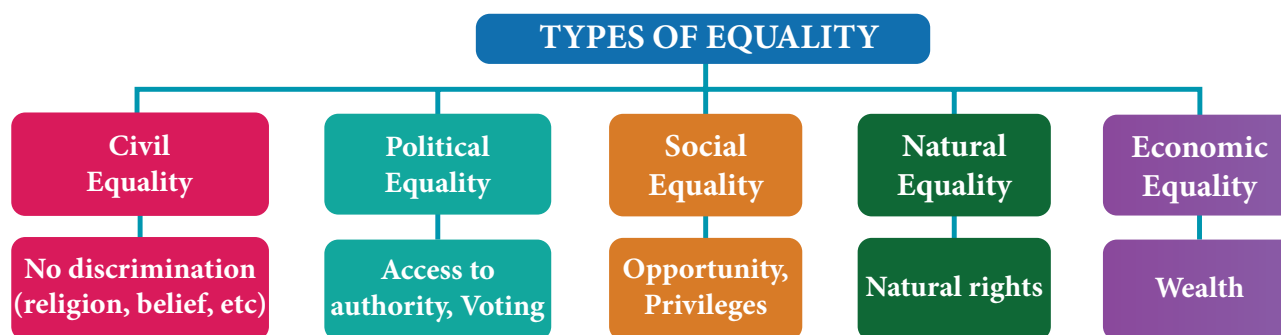
modern technological innovations are able to contribute like any other normal person.



Stephen Hawking's contribution despite his disability is remarkable. Political philosophers have contributed various theories, philosophies and ideologies for further understanding and innovation to place society on equal platform.



Read the cartoon and identify the context of what type of inequalities are represented in this cartoon?



(i) Social Equality

Social equality means no one should be discriminated in the distribution of rights, privileges and opportunities based on birth, caste, religion, race, colour, gender or social status. Each one should be given equal opportunity to develop

his personality. Social equality implies few important aspects. They are: removal of discrimination based on social status, absence of special privileges to few and finally ensuring equal opportunity in terms of acquiring education.



Martin Luther king Jr. was an unquestioned leader of nonviolent civil Rights movement in USA. Civil right movement was a struggle for social justice happened during the 1950s and 1960s for blacks to gain equal rights under the law in the United states. Similarly Dr.B.R.Ambedkars liberation movement for millions of dalits was a historic movement in India. A seed for the movement for social equality

French declaration of Rights of Man and citizens declared that 'men are born and always continue free and equal in their rights. The United Nations organization on 10th December, 1948, declared the charter of human rights which laid stress on social equality.

(ii) Civil Equality

The word 'civil' is derived from the Latin word civilis or civis, which means citizen. Civil equality means equality in which each citizen is provided with equal civil rights and liberties. Civil equality consists of similar civil liberties and civil rights by all the citizens. Civil laws should treat all the individuals equally.

There should not be any discrimination of superior and inferior, the rich and the poor, caste and creed, colour and race, clans and tribes, groups and classes.

How is the 'Rule of law' related to civil equality?

**Quotable
quote**

"What good is freedom to a starving man? He cannot eat freedom or drink it".

– **Thomas Hobbes**



Case Study

Economic Inequality and Arab Uprising

Poverty is an issue that can threaten the stability of the country. For example, the Jasmine Revolution takes the authoritarian rulers in Tunisia by surprise and triggers anti-government protests across the Arab world. The 29-day-long struggle ended Ben Ali's 23- year rule. The self-immolation by Mohammad Bouazizi, an unemployed man who was harassed by the police in the Tunisian town of Sidi Bouzid on December 17, 2010 was the spark that ignited the Arab street. It first started the "Jasmine" Revolution (Jasmine is Tunisia's national flower). The residents of the sleepy town, who were already angry about routine police brutality and the lack of economic opportunities, took to the streets spontaneously with "a rock in one hand and a cellphone" in the other...

A great wave of anger, frustration, defiance and democratic demand is sweeping across the Arab world. The upsurge in Arab world is not simply about democracy versus dictatorship. It is also a revolt against a manifestly unjust economic order.

Courtesy : Frontline, Feb.26, 2011.

(iii) Political Equality

Political Equality means equal right of all citizens, without any distinction, allowed to participate in the affairs of the state. Political right of all citizen is ensured through universal adult franchise.

The other factors that ensure the political rights of citizens are:

- ❖ Right to vote
- ❖ Right to contest in election
- ❖ Right to hold public office
- ❖ Right to petition the government and criticize public policy

Political equality is actually the test on the experiments of democracy. It is also believed that political equality in itself is not adequate to disperse political power, it also needs socio-economic equality to achieve political equality.

**Quotable
quote**

“Economic Equality is the attempt to expunge all differences in wealth, allotting to every man and woman an equal share in worldly goods”.

—Lord Bryce

(iv) Economic Equality

Economic equality is justifiable only when all people have reasonable opportunities to develop themselves fully. Economic equality is meaningful only when there is an adequate scope for employment, reasonable wages, adequate leisure and equal share in the management of economic concern. Professor Laski explains economic equality, “Political equality is, therefore, never real unless it is accompanied with virtual economic liberty; political power otherwise is bound to be the hand-maid of economic power”.

Economic equality here means the provision of equal opportunities to all so that they may be able to make their economy progress. Ideologically this is possible in Socialism and not in Capitalism.

(v) Equality of opportunity and education

Equality of opportunity and education means, all the citizens should be given equal and similar opportunities by the state. All the citizens should have similar chances to receive education and equal opportunities be given to develop their personality. Social inequalities such as race, caste, religion, language, rich, poor and gender based discrimination should be eradicated. In India, constitution provides provisions for equal opportunities and equal education.

3.2.4 Relation between Liberty and Equality

There is no value of liberty in the absence of equality. They are understood from different perspectives by political thinkers such as *Lord Acton*, *De Tocqueville* and *Harold J. Laski*. *Lord Acton* and *Alexis De Tocqueville* were the ardent advocates of liberty.

Professor *H.J. Laski* in his remark said that ‘Where there are rich and poor, educated and uneducated, we always find a relation of master and servant’.

Laissez faire is an economic system in which transaction between private parties are free from government intervention such as regulation, privileges, tariffs and subsidies.

Adam Smith was the ardent supporter of the view that the Individualists maintained that there should be a free competition between the capitalists and labor leaders. They did not want the government to involve in the economic matters. Formula of



Demand and Supply was adopted. It was expected that the economic difficulties will be removed by this formula, but resulted in dangerous consequences in Europe.

The capitalists exploited the opportunity to the core and as a result of it, the gap between rich poor got wider. The labor class was worst affected and the reaction against individualism resulted in the dawn of Socialism. Socialism rose to condemn and refute the principles of Individualism. The transition made clear that Liberty is meaningless in the absence of economic equality.

Economic equality is essential for the existence of political freedom. Otherwise it will be a **capitalist democracy** in which the laborers will have right to vote but they will not get their purpose served. Hence liberty is possible only in **socialistic democracy** where liberty and equality go together. There is only one solution to liberty. It lies in equality. Thus liberty and equality are complimentary to each other said Pollard.

How Equality can be promoted

A few methods for promoting equality. They are,

- ❖ Establishing formal equality
- ❖ Equality through Differential Treatment
- ❖ Affirmative action

Perspectives of various Ideologies on Equality by Andrew Heywood

Liberals believe that people are 'born' equal in the sense that they are of equal moral worth. This implies formal equality,

notably Legal and political equality of opportunity, but social equality is likely to be purchased at the expense of freedom and through the penalizing of tablet.

Conservatives have traditionally viewed society as natural hierarchical and have thus dismissed equality as an abstract and unachievable goal.

Socialist regards equality as a fundamental value and in particular, endorse social equality. Despite shifts within social democracy towards a liberal belief of opportunity, social equality, whether in its relative (social democratic) or absolute (communist) sense, has been seen as essential to ensuring social cohesion and fraternity, establishing justice or equity and enlarging freedom in a positive sense.

Anarchists place a particular stress upon political equality, understood as an equality and absolute right to personal autonomy, implying that all forms of political inequality amount to oppression. Anarcho-communists believe in absolute social equality achieved through the collective ownership of productive wealth.

Fascists believe that humankind is marked by racial inequality, both between leaders and followers and between the various nations or race of the world. Nevertheless, the emphasis on the nation or race implies that all members are equal, at least in terms of their core identity.

Feminists take equality to mean sexual equality, in the sense of equal rights and equal opportunities (liberal feminism) or equal social, economic power (social feminism?) irrespective of gender.

Ecologist advance the notion of bio centric equality, which emphasizes that all life forms have an equal right to 'live and blossom'.

3.2.5 Equality in Indian Constitution

The concept of Equality in Indian constitution

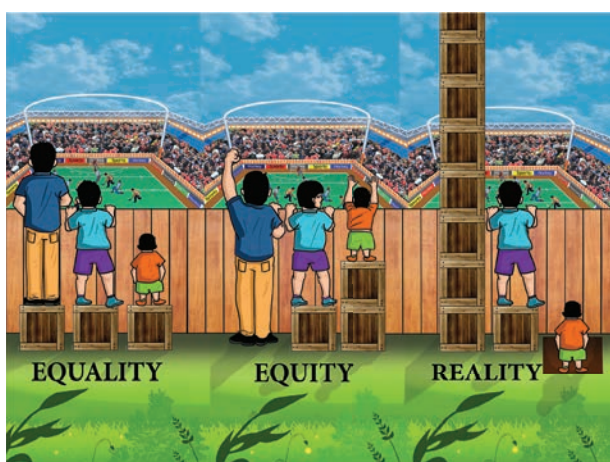
The Indian constitution under article 14 provides for equality before law or the equal protection of laws to all persons. This is a statement of formal equality and gives meaning to what preamble seeks to ensure in terms of 'equality of status and of opportunity'. This also means that laws of the land will apply to all equally and there should not be discrimination on grounds of birth, caste, color, gender,

language, race, religion, etc. in fact article 15 of the constitution substantiates article 14 further by prohibiting any such discrimination.

Equality before law and equal protection of law have been further strengthened in the Indian constitution under article 21. It ensures that 'No Person shall be deprived of his life or personal liberty except according to procedure established by law. This means that a reasonable fair and just procedure should be followed for depriving a person of his personal liberty and life. It admits no arbitrariness, discriminatory procedure or unequal treatment for different individuals'.

Right to Equality (Article 14-18)

- ❖ Equality before law (Article 14)
- ❖ Prohibition of discrimination on grounds of religion (Article 15)
- ❖ Equality of opportunity in matters of public employments (Article 16)
- ❖ Abolition of Untouchability (Article 17)
- ❖ Abolition of titles (Article 18)



How Equality can be achieved through differential treatment?

It is necessary sometime to treat people differently in order to ensure that they can enjoy equal rights. Certain

differences may have to be taken into account for this need. Similarly some of the policies are needed to overcome the hindrances of equality by the government. For example, India follows the principle of reservation and other countries follow affirmative action.

3.3 LIBERTY



Learning Objectives

- ❖ The importance of liberty is introduced by briefing the meaning and various views of exponents of liberty.



- ❖ While learning the classification of liberty students, are actually introduced to different forms of freedom and they way state views liberty.
- ❖ The concept of liberty is so important that it helps every citizen realize the value of freedom in a society where state is empowered with constitutional authority.
- ❖ Students are given a direction here that some form of restrictions such as law are also a form of liberty.
- ❖ The safe guards of liberty especially democracy and independents of judiciary are few key factors that inculcates the value of liberty.

Introduction to Liberty

Liberty remained an essential element for both man and state for progress. History records very well the cruelty of absolute monarchy that ignored the claims of liberty in ancient and medieval ages of England. People could no longer tolerate and rose in revolt against the absolute monarchy. The struggle continued until Emperor John had to bow down and ensure freedom for his subjects. Attempt of emperors after Tudor and Stuart, and the continued absolute monarchy resulted in civil war. King Charles was beheaded and even during the period of Cromwell people could not attain freedom.

This resulted in the famous “Glorious revolution” in England in the year 1688, containing the absolute monarchy for some period and later led to the outbreak of French revolution in 1789.

However it had not given a desired liberty. The successors of Napoleon

behaved like monarchs. The fall of Napoleon III, resulted in establishing the Third Republic. After the fall of Third Republic in 1940 and Fourth Republic in 1958, Fifth republic was established. Struggle against countries that colonized got liberated after a long struggle for independence. Italy in nineteenth century and India in twentieth century made untold sacrifices for attaining national liberty.

Meaning Of Liberty

The term ‘liberty’ has been derived from the Latin word ‘Liber’ which means free from all shackles. The Latin word ‘Liber’ denotes the absence of all restraints. It means one can do whatever one likes, regardless of all conditions.

Quotable quote

Liberty is the eager maintenance of that atmosphere in which men have the opportunity to be their best selves.

-Harold J. Laski

Exponents views on Liberty

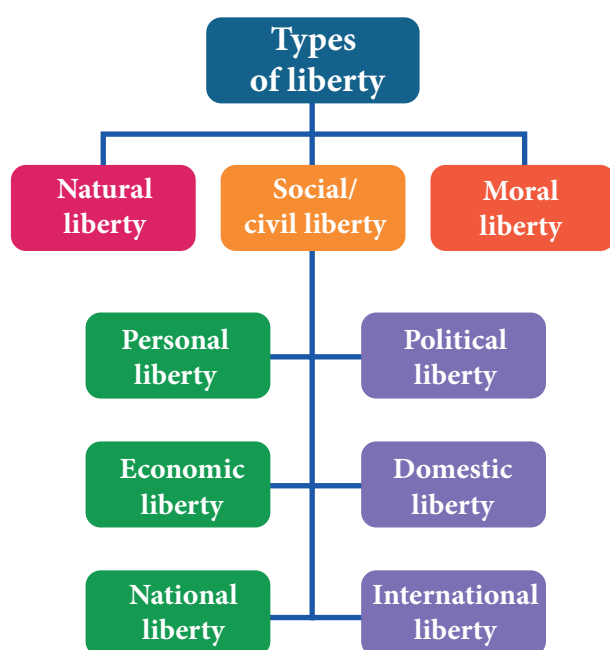
- ❖ “Liberty is the positive power of doing and enjoying those things which are worthy of enjoyment and work” - Gettel
- ❖ “Liberty is the freedom of the individual to express without external hindrances to personality” - Professor G.D.H. Cole.
- ❖ “Liberty does not means the absence of restraint but it lies in development of liberty” - Mahatma Gandhi
- ❖ “Without right then cannot be liberty, because without rights, men are the subjects of law unrelated to the needs of personality”. - Harold. J. Laski

- ❖ Liberty is usually defined as the Freedom from arbitrary or undue external restraint.
- ❖ By applying the legal maxim, **Ejusdem Generis**, the general word 'freedom' under article 19 derives its color and texture from the particular words used with it whereas under article 21, there are no such particular words used.

Two Phases Of Liberty

Positive liberty: Positive liberty mean freedom to do something that the individual should have rights and opportunities to develop his personality.

Negative Liberty: For *J.S. Mill* liberty means Negative liberty He submitted that there should not be any restraint imposed upon man and his actions. He also asserted that there should not be any hindrance in the path of man.



i. Natural Liberty

Natural liberty means absence of all restraint –an unrestrained freedom to do whatever one likes.



ii. Civil Liberty

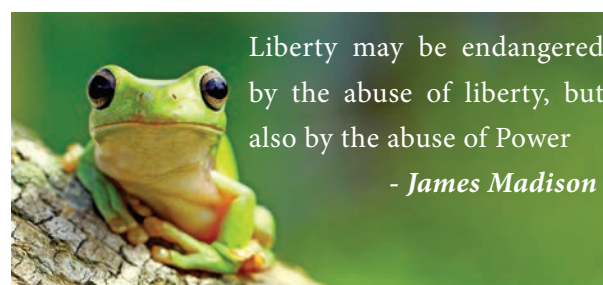
The concept of civil liberty reflects “Rule of law”. It denotes the enjoyment of our rights within the limits of law. The protection of civil liberty is guaranteed by the laws of the state.

iii. Political Liberty

The concept of political liberty means liberty of citizen to participate in the political life and the affairs of the state. These rights are the right to vote, the right to contest elections, the right to hold public views and criticize the government and right to petitions.

iv. Personal Liberty

The individual can act as he pleases without being under any type of arbitrary and illegitimate restraint. It also means that every individual has the right not to permit any other individual to interfere in the affairs of his personal life . Every individual should have the the liberty to dress, food, standard of living, marriage and education of children etc. The state should not interfere in the personal matters.



v. Economic Liberty

The concept of economic liberty means the liberty to earn one's daily bread. Beyond the distinction of caste, colour, creed and gender every individual should have liberty to earn his daily bread by fair means.

The shepherd drives the wolf from the sheep's throat, for which the sheep thanks the shepherd as a liberator, while the wolf denounces him for the same act as the destroyer of liberty, especially as the sheep was a black one. Plainly the sheep and the wolf are not agreed upon a definition of the word liberty; and precisely the same difference prevails today among us human creatures.



- *Abraham Lincoln*

vi. Fiscal Liberty

According to this principle; there should be no taxation without representation. It was the slogan given by middle classes who claimed that they should be allowed to decide as to how and on whom their money was to be spent.

vii. Domestic Liberty

It covers equal right for women and children. They need to be protected against maltreatment, cruelty and exploitation. They were also have the right to education.

viii. National Liberty:

"Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety."



- *Benjamin Franklin*

It means the liberty of the country. National liberties exist where the nation is independence and sovereign.

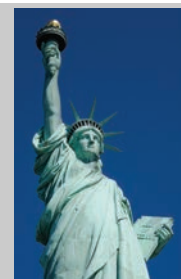
'Liberty does not descend upon a person. People must raise themselves to liberty. Liberty is a blessing that must be earned in order to be enjoyed' engraved on the building of central secretariat New Delhi.

ix. International Liberty

This concept implies peace and international cooperation and the formation of world federation of states.

Symbolic Meaning

The statue of liberty has a universal reminder of freedom, it embodies 'hope' for American citizens.



How are liberty, sovereignty and law are related to each other?

Liberty exist only in a state in order. The state makes law and the sovereign state operates through these laws. There exist a close relationship between liberty, sovereignty and law.

Quotable quote

"Where there is no law there is no freedom"

- *John Locke*

How does law protect liberty?

- Law punish criminal and defends the rights of the individuals.
- Law guarantee the enjoyment of individual rights and duties and protect them. The state punishes the individual who causes harm to others and hinders path of others.

- iii. Constitution is custodian of liberty and it confines the authority of the state and protects the fundamental right of the people.

How liberty is safeguarded?

i. Democracy

Liberty is safer in democracy than in any other form of government. Democratic government is the government of the people. Opposite parties are given due respects in democracy.

ii. Constitution

Authority of the state dwells in the constitution of the respective nation.

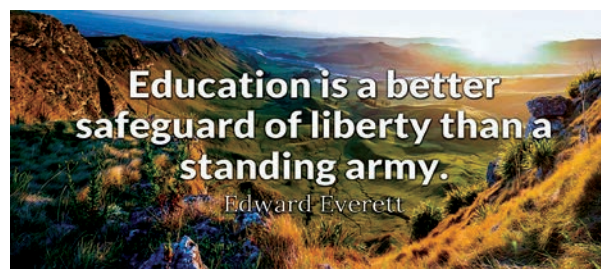
The Preamble of Constitution reads like a poem on democracy. It contains the philosophy on which the entire Constitution has been built. It provides a standard to examine and evaluate any law and action of government, to find out whether it is good or bad. It is the soul of the Indian Constitution.

iii. Fundamental Rights

Fundamental rights confines the authority of the state. Fundamental rights assure us that the state cannot interfere in the matters of personal life .

The Fundamental Rights

- i) Right to Equality (Article 14-18)
- ii) Right to Freedom (Article 19-22)
- iii) Right against exploitation (Article 23-24)
- iv) Right to freedom of Religion (Article 25-28)
- v) Cultural and Educational Rights (Article 29-30)
- vi) Rights to Constitutional Remedies (Article 32-35)



iv. Decentralization of powers

Decentralization of power is required for the safeguard of liberty. Power should be divided into central, provincial and local government and such decentralization leads to efficient administration.

v. Independent Judiciary

Safeguard of Liberty depends upon the independence of judiciary. It should be free from the control of the executive. In the communist countries or in the countries which have dictatorship, fundamental rights are given to the people but judiciary is not free from the influence of the executive. In such countries, the safeguard and security of fundamental rights, liberty and constitution is not possible.

INDEPENDENT JUDICIARY

The constitution of India makes provisions for the independence of judiciary because only independent judiciary can safeguard the rights and liberties of the people, can protect the supremacy of the constitution

- i. An impartial method has been adopted for the appointment of the judges.
- ii. High qualifications have been fixed for the judges.
- iii. The judges of the Supreme Court stay in office till 65 years of age and of High courts till 62 years of age.

vi. Economic Security

Economic security is a condition to liberty. *"Where there are rich and poor, educated and uneducated, we always find a relation of master and servant". - Laski*

vii. Rule of Law

Rule of law is established in England, USA and India Rule of law mean that there should not be any distinction of caste and creed colour and race . In the eyes of law all are equal and all are liable to be punished if they commit crime.

viii. Political education and eternal vigilance

Permanent safeguard of liberty is possible. Educated are acutely aware of their rights and duties. Eternal vigilance is the price of liberty and in its absence one can act according to his will whenever the government crosses the barrier of its authority and interference in the personal life of the people, may rise in revolt against the government.

Glossary

Sovereignty: The supreme power which cannot be distorted and divided.

Universal Suffrage: Voting rights to all the people invariable of gender, caste, color, religion, property and other divisive factors.

Statutes: A written law passed by the legislative body of a country. It is also added in the parliamentary laws after having had appropriate discussion.

Justice: Justice is the main phenomenon which has to be maintained regardless of all kinds of discriminations.

State of Nature: The stage of antiquity in which there was no organized form of government and society.

De-jure: On accordance with law.

De-facto: Factually, one who rules really and concretely.

Evaluation

I Choose the correct answer

1. Who is known to be the father of sovereignty?

- a) Bodin b) Austin c) Plato d) Aristotle

2. Monistic theory of sovereignty propounded by

- a) Austin b) Hegel c) Merriam d) Willoughby

3. In democracy sovereignty resides with

- a) State b) Government c) People d) Media

4. Who said "I am the state"?

- a) James II b) Napoleon I c) Louis XIV d) Bismarck

5. Double citizenship exists in

- a) USA b) China c) Japan d) Australia

6. "Sovereignty resides with General Will" said by

- a) Rousseau b) T.H.Green c) Austin d) Bodin





7. “On Liberty” book written by

- a) J.S.Mill b) Locke c) Rousseau d) Bodin

8. The main objective of rule of law is to ensure:

- a) Freedom of Press b) Liberty of citizens
c) Independence of Judiciary d) All the above

9. Fundamental rights of India drawn from?

- a) USA b) France c) Britain d) Russia

10. “Religion is opium” stated by

- a) Marx b) Galileo c) Russell d) Bagat Singh

11. “Das Capital” book written by?

- a) Marx b) Kropotkin c) Owen d) Netaji

II Answer the following questions very shortly

1. Define sovereignty.
2. What are the types of Sovereignty?
3. Write a note on discrimination.

III Answer the following questions shortly

1. Write a note on Negative liberty.
2. What is anarchism?
3. Discuss about caste discrimination.
4. What are Human Rights?

IV Answer the following questions in detail

1. 19. Examine the features of the concept of sovereignty.
2. 20. Explain the factors of violation of liberty.
3. 21. Explain about equality in the Indian constitution.

Reference books



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Further readings



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2. Bakshi, P. Constitution of India, New Delhi, 1990.
3. Basu, Durga Das: Introduction to the constitution of India, New Delhi, 1997.