Chapter: The Concept of Sovereignty

A. UNDERSTANDING SOVEREIGNTY

Introduction:

A State requires an authority that can make and enforce laws within its territory and act independently in its relations with other States. This supreme authority is described as sovereignty. Sovereignty gives the State its legal and political independence and is one of the essential features of statehood.

Why Are We Studying Sovereignty?

The concept helps us understand the authority of the State, the relationship between the State and its citizens, and the independence of a country in the international system. It also helps distinguish the authority of the State from the powers exercised by a particular government. In India, it explains why constitutional institutions exercise public power on behalf of the people and within constitutional limits.

Sovereignty and the State

ELEMENT	ROLE IN THE STATE
People	The population over which public authority is exercised; in a democracy, the people are also the ultimate source of constitutional authority.
Territory	The geographical area within which the State exercises its authority.
Government	The institutions through which the authority of the State is exercised.
Sovereignty	The supreme authority of the State internally and its independence externally.

CONCEPTUAL LINK

PEOPLE + TERRITORY + GOVERNMENT → STATE → SOVEREIGN AUTHORITY → INTERNAL GOVERNANCE + EXTERNAL INDEPENDENCE

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Illustration:

Why Is Sovereignty Essential to a State?

A State makes laws, maintains public order and conducts relations with other countries. These functions require a recognised authority that is supreme within its territory and independent from external control.

For example, India makes its own laws through its constitutional institutions and determines its foreign policy without being legally subordinate to another country.

KEY IDEA: Sovereignty gives the State supreme authority within its territory and independence in external affairs.

B. MEANING AND TYPES OF SOVEREIGNTY

What Is Sovereignty?

DEFINITION

Sovereignty refers to the supreme and independent authority of a State.

1. Internal Sovereignty

Internal sovereignty means the supreme authority of the State within its own territory. No internal individual or institution can claim an authority higher than the authority established by the constitutional and legal order.

Examples: The State makes and enforces laws, maintains law and order, administers justice and regulates activities within its territory through its institutions.

2. External Sovereignty

External sovereignty means the independence of a State from external control. A sovereign State is free to conduct its foreign relations and determine its external policies without being legally subordinate to another State.

Examples: India independently decides its foreign policy, enters into international agreements and establishes diplomatic relations with other countries.

TYPE	CORE IDEA	ILLUSTRATION
Internal sovereignty	Supreme authority within the territory.	Making and enforcing laws; maintaining public order.
External sovereignty	Independence from external control.	Independent foreign policy; diplomatic relations and international agreements.

Illustration:

Internal and External Sovereignty in Practice

When Parliament enacts a law on a subject within its legislative competence, it is an exercise of public authority within India. When India independently decides its position on an international issue or enters into an agreement with another country, it reflects external independence.

Participation in international organisations does not by itself mean that a State has surrendered its sovereignty. The relevant question is whether the State remains legally independent and acts through its own constitutional processes.

KEY IDEA: Internal sovereignty concerns authority within the State; external sovereignty concerns independence in the international sphere.

3. Popular Sovereignty

Popular sovereignty means that ultimate political authority resides in the people. In a democratic constitutional system, the people are the source of the Constitution and the government derives its authority from them.

How Do People Exercise Sovereignty?

MECHANISM	EXPLANATION
Constitution-making	The Constitution derives its authority from the people — reflected in the words “We, the People of India”.
Election of government	People elect their representatives, who constitute and operate representative institutions under the Constitution.
Constitutional change	The Constitution provides a procedure for amendment through its institutions; popular sovereignty does not mean that citizens can individually amend the Constitution outside that procedure.

Important Distinction:

Popular sovereignty identifies the ultimate source of political authority. It does not mean that every government decision is taken directly by the people. In representative democracy, people authorise institutions through elections, and those institutions exercise power within constitutional limits.

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Illustration:

How Are the People Sovereign?

The Preamble begins with “We, the People of India”. This expresses the idea that the Constitution derives its authority from the people.

People elect representatives and thereby authorise the formation of governments. However, elected representatives cannot exercise unlimited power; they remain bound by the Constitution.

KEY IDEA: The people are the source of constitutional authority; constitutional institutions exercise public power on their behalf.

C. SOVEREIGNTY IN THE INDIAN CONSTITUTIONAL FRAMEWORK

1. India as a Sovereign State

The Preamble declares India to be a Sovereign Republic. This signifies that India is internally supreme and externally independent. No foreign power has legal authority over India, and India determines its domestic and foreign policies through its constitutional institutions.

2. Popular Sovereignty — “We, the People of India”

The opening words of the Preamble establish the people as the source of the Constitution’s authority. The government does not possess sovereignty in its own right; it exercises authority derived from the Constitution, whose legitimacy rests on the people.

3. Constitutional Institutions Exercise State Authority

CONSTITUTIONAL PROVISION	LINK WITH SOVEREIGNTY
Preamble	Declares India to be Sovereign and identifies “We, the People of India” as the source of constitutional authority.
Article 1	Declares India, that is Bharat, to be a Union of States; it establishes the constitutional identity and territorial framework of the country.
Articles 245–246	Provide the framework for legislative powers of Parliament and State Legislatures, showing how law-making authority is distributed under the Constitution.
Articles 53 and 154	Vest the executive power of the Union and the States respectively in the President and the Governors, to be exercised in accordance with the Constitution.
Article 368	Provides the procedure for amending the Constitution. The amending power is subject to the basic structure limitation recognised by the Supreme Court.

4. Sovereignty and Constitutional Supremacy

India’s sovereignty does not mean that any institution or government can exercise unlimited power. Public authority is organised and limited by the Constitution. Parliament, the executive and the judiciary exercise their respective powers within the constitutional framework.

Therefore, constitutional supremacy is consistent with popular sovereignty: the Constitution is the legal framework through which authority originating from the people is organised and exercised.

5. Sovereignty and Federalism

India distributes legislative and executive responsibilities between the Union and the States. This distribution does not mean that India’s sovereignty is divided between two independent sovereign States. The Union and State governments exercise constitutionally allocated powers within one sovereign constitutional order.

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Illustration:

Does Federalism Divide India's Sovereignty?

The Union and State governments have separate areas of constitutional responsibility. A State Legislature can make laws on matters within its legislative competence, while Parliament legislates on matters assigned to it by the Constitution.

This distribution of powers is a feature of Indian federalism. It does not make each State an independent sovereign entity or divide India's external sovereignty.

KEY IDEA: Powers are constitutionally distributed; India remains one sovereign State.

D. ILLUSTRATIONS AND CONTEMPORARY RELEVANCE

1. Independent Foreign Policy

India's engagement with different countries and groupings, including the United States, Russia, the European Union and BRICS, illustrates its ability to pursue its national interests and make independent foreign-policy choices. Maintaining relations with different partners does not, by itself, compromise external sovereignty.

2. Law-making and Governance within India

Parliament and State Legislatures make laws within their respective constitutional fields. Government agencies implement those laws, while courts review their constitutionality. This illustrates that internal authority is exercised through constitutional institutions rather than through unlimited discretion.

3. International Organisations and Sovereignty

India's membership of the United Nations and other international organisations involves cooperation and commitments under international law. Such participation does not automatically extinguish sovereignty; India continues to act as an independent State through its constitutional processes.

Illustration:

A Simple Way to Distinguish the Three Dimensions

Internal sovereignty: Who has supreme public authority within the country? The State, acting through constitutional institutions.

External sovereignty: Who decides the country's external relations? The State independently, subject to its international obligations.

Popular sovereignty: From where does the authority of the constitutional system ultimately originate? From the people.

KEY IDEA: State authority, external independence and popular authority are related but distinct dimensions of sovereignty.

E. KEY TAKEAWAYS

DIMENSION	QUICK REVISION
DEFINITION	Sovereignty is the supreme and independent authority of a State.
STATEHOOD	Sovereignty gives authority to the State; it operates in relation to people, territory and government.
INTERNAL SOVEREIGNTY	Supreme authority of the State within its territory — law-making, governance and maintenance of public order.
EXTERNAL SOVEREIGNTY	Independence of the State from external control — independent foreign policy and international relations.

DIMENSION	QUICK REVISION
POPULAR SOVEREIGNTY	Ultimate political authority resides in the people; reflected in “We, the People of India”.
INDIAN CONSTITUTION	India is declared Sovereign in the Preamble; constitutional institutions exercise authority under the Constitution.
FEDERALISM	Distribution of powers between Union and States does not divide India’s sovereignty.
LIMITATION	Sovereignty does not mean unlimited power for Parliament or the executive; public power is subject to the Constitution.

QUICK FLOW

PEOPLE (SOURCE OF AUTHORITY) → CONSTITUTION → CONSTITUTIONAL INSTITUTIONS → EXERCISE OF STATE POWER

SOVEREIGNTY → INTERNAL SUPREMACY + EXTERNAL INDEPENDENCE

F. UPSC PRELIMS PRACTICE

Question

Which one of the following statements is correct regarding the sovereignty of India as envisaged in the Constitution?

(a) Sovereignty of India is divisible between the Union and the States.
(b) Sovereignty of India is exercised by the Parliament without any constitutional limitations.
(c) Sovereignty of India vests in the people and is exercised through constitutional organs.
(d) Sovereignty of India can be fully transferred to an international organisation by a constitutional amendment.

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