

Week 5: State, Society & Constitution

- The state is the most universal and most powerful of all social institutions. It is a natural institution.
- The state is the highest form of human association. It is necessary because it comes into existence out of the basic needs of life. It continues to remain for the sake of good life.
- The whims, desires and aspirations of human beings are translated into action through state.
- The modern term 'state' is derived from the word 'status'.

⇒ Elements of the State

Physical bases of the state:

1. Population
2. Territory

Political bases of the state:

1. Government
2. Sovereignty

1. Population

- It is the people who make the state. Population is essential for the state.
- Population number should be neither too large nor too small.
It should be large enough to be self-sufficing and small enough to be well governed.
- Population has the power to elect representatives.

2. Territory

- There can be no state without a fixed territory.
- People need territory to organize themselves socially and politically.
- Territory of the state includes land, water and air-space.
- Territory is necessary for citizenship.
- As in the case of population, no definite size with regard to extent of area of the state can be fixed. There are small and big states.
- 'Territorial sovereignty or the supremacy of state overall within its boundaries and complete freedom from external control has been a fundamental principle of the modern state life' Prof Eliot.

3. Government


- There can be no state without govt.
- Govt. is the working agency of the state. It is the political organization of the state.
- Govt. is the agency through which the will of the state is formulated.
- It has supreme authority to make and enforce laws.
- It is responsible to form public policies/schemes/ goals for the social and economic well being of all.

4. Sovereignty

- Sovereignty means, 'Supreme and final legal authority above and beyond which no legal power exists.'
- Sovereignty has two aspects
 1. Internal sovereignty: means that the state is supreme over all its citizens and associations.
 2. External sovereignty: state is independent + free from foreign or outside control.

→ Chart

Society
Politics
State
Govt



Society is the outermost & Govt. is the innermost.

→ State & Society

- State came into existence after the origin of society
- Scope of state is limited (society wide)
- State has fixed territory (unlike society)
- Purpose

State is a political organization or a legal association which acts for the single purpose of making and enforcing a permanent system of law and order.

Society is a social organization, comprising of a plurality of associations, which act for various purposes other than legal. such as intellectual, moral, religious, economic, aesthetic, recreational.

Unlike state, society has no power to enforce laws.

To sum up,

- From the point of view of organization the state is a single organization - legal whereas society comprises within itself many organizations.
- With regard to methods, state employs the method of coercion or compulsion, society employs method of voluntary actions.

→ State & Nation

State

- It existed not only at present but also in the ancient period.
- It is legal political
- People organized by law within a definite territory.
- Inhabited by heterogeneous groups of people.

Nation

- Modern phenomenon.
- It is racial culture.
- People having common descent, language, ideas are psychologically joined together with common will to live together.
- People continues a nation even if they do not remain sovereign.
- Inhabited by homogeneous groups of people.

If a nation with self Govt. becomes Independent, a nation state comes into existence.

→ State & Government

State

- State consists of population, territory, govt + sovereignty
- State possesses original powers
- State is permanent and continues forever
- State is abstract and invisible

Govt.

- Govt. is part of state.
- Powers of the Govt. are derived from state
- Govt. is temporary, it may come & go.
- Govt. is concrete + visible.

Pillars/Organs/Branches of Government

1. Executive
2. Legislature
3. Judiciary
4. Media

1. Executive

- State functions through the executive, namely the Govt. It is the duty of the executive to execute or enforce the laws passed by the legislature.
- The executives who exercise real power is the real executive. The executive who has nominal power is the nominal executive.
- Executive is chosen from the legislature + is responsible to the legislature.

↳ Parliamentary

Powers and functions of executives are:

1. Enforcing law
2. Maintaining peace and order
3. Repelling aggression
4. Building friendly relations with other states.
5. When necessary to wage war to protect the country.
6. Making appointments to higher posts.
7. Raising money and spending them.
8. Convening the sessions of the legislature and conducting business
9. Issues ordinance whenever the legislature is not in session
10. Implement schemes and projects to improve the social and economic conditions of the people.
11. Power to grant pardon, reprieve or remission of punishment.

Prime Minister (Head of Govt.)

President (head of state.)

2. Legislature

- It is the law making branch.
- Legislature has an important role in the amendment of the constitution.
- It is a deliberative body where matters of social, economic and political concerns are discussed, debated and decided.
- Law making is not the only function of legislature but its real function is to watch the process of administration to safeguard the liberties of private citizens.

• functions of legislature

- > enact laws
- > oversee administration
- > pass the budget
- > hear public grievances
- > discuss subjects like
 - development plans
 - national policies
 - international relations.

→ Parliament ^{equality}
> Senate (Upper house)
> National Assembly
↓ (Lower house)
depend on
population
elected by people

3. ~~Legislat~~ Judiciary.

- main function is to interpret laws and administer justice
- Judiciary is one of the pillars of democracy. Its interpretations ensures justice, equality and liberty to all its citizens. An independent & impartial judiciary is an essential feature of a democratic setup.

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functions

1. Administration of justice

2. to determine what is law and what is the scope and meaning of it.

3. to give advisory opinions on matters referred to it.

(pardons or punishes)

4. to issue orders or writs for the purposes of preventing violation of rights & laws.

5. To act as guardians of the constitution.

4. Media

Watch dog.