**THE STATE AND ITS ELEMENTS**

**Definitions :**

The state is the most universal and most powerful of all social institutions. The state is a natural institution. Aristotle said man is a social animal and by nature he is a political being. To him, to live in the state and to be a man were indentical.

The modern term 'state' is derived from the word 'status'. It was Niccolo Machiavelli ( 1469 - 1527) who first used the term 'state' in his writings. His important work is titled as 'Prince'.

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 aims, desires and aspirations of human beings are translated into action through the state. Though the state is a necessary institution, no two writers agree on its definition.

To **Woodrow Wilson,** 'State is a people organized for law within a definite territory.'

**Aristotle**defined the state as a 'union of familiesand villages having for its end a perfect and self - sufficing life by which it meant a happy and honourable life'.

To **Holland,** the state is 'a numerous assemblage of human beings generally occupying a certain territory amongst whom the will of the majority or class is made to privail against any of their number who oppose it.'

**Burgess**defines the state as 'a particular portion of mankind According to **Sidgwick.** 'State is a combination or association of persons in the form of government and governed and united together into a politically organized people of a definite territory.'

According to **Garner,** 'State is a community of people occupying a definite form of territory free of external control and possessing an organized government to which people show habitual obedience.'

**Prof. Laski**defines 'state as a territorial societydivided into government and subjects whose relationships are determined by the exercise of supreme coercive power.'

**Elements :**

From the above definitions, it is clear that the following are the elements of the state :-

*Physical bases of the State*

1.Population

2. Territory

*Political bases of the State*

1.Government

2.Soverignty

Elements of the State

**Population :**

It is the people who make the state. Population is essential for the state. Greek thinkers were of the view that the population should neither be too big nor too small. According to Plato the ideal number would be 5040.

According to **Aristotle,** the 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. **Rousseau**

determined 10,000 to be an ideal number for a state. Greek thinkers like **Plato** and **Aristotle** thinking on the number was based on small city - states like Athens and Sparta. Modern states vary in population. India has a population of 102,70,15,247 people according to 2001 census.

**Territory :**

There can be no state without a fixed territory. People need territory to live and organize themselves socially and politically. It may be remembered that the territory of the state includes land, water and air - space.

The modern states differ in their sizes. 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.

In the words of **Prof. Elliott** 'territorial sovereignty or the Superiority of state overall within its boundaries and complete freedom from external control has been a fundamental principle of the modern state life'.

India has an area of 32,87,263 sq. km. Approximately India occupies 2.4% of the global area.

**Government :**

Government is the third element of the state. There can be no state without government. Government is the working agency of the state. It is the political organization of the state.

**Prof. Appadorai**defined government as the agencythrough which the will of the State is formulated, expressed and realized.

According to **C.F. Strong,** in order to make and enforce laws the state must have supreme authority. This is called the government.

**Sovereignty :**

The fourth essential element of the state is sovereignty.

The word 'sovereignty' means supreme and final legal authority above and beyond which no legal power exists.

The concept of 'sovereignty' was developed in conjunction with the rise of the modern state. The term Sovereignty is derived from the Latin word superanus which means supreme. the father of modern theory of sovereignty was Jean Bodin (1530 - 1597) a French political thinker.

Sovereignty has two aspects :

1)    Internal sovereignty

2)    External sovereignty

Internal sovereignty means that the State is supreme over all its citizens, and associations.

External sovereignty means that the state is independent and free from foreign or outside control.

According to **Harold J. Laski,** 'It is by possession of sovereignty that the state is distinguished from all other

forms of human association.

The diagram given below shows that the society is the outer most and the government is the inner most.

***Government***

1. Government is part of the state.

2. Powers of the government are derived from the state.

3. Government is temporary. It may come and go.

4. Government is concrete and is visible.

**Branches of government**

Legislature  : Make laws

Executive :  Veto legislation Recommend legislation

Judiciary : Review legislative acts

Legislature  : Confirm exective appointments Overide excutive veto

Executive :  Enforece laws

Judiciary : Review Executive acts Issues injunctions

Legislature  : Impeach Create or eliminate courts

Executive :  Grand pardons Nominate judges

Judiciary : Interpret laws

**Executive:**

It is one of the three branches of government as given

above.

State functions through the executive, the namely the government. It is the duty of the executive or enforce the laws passed by the legislature.

The executive who exercise real power is the real executive. The executive who has nominal power is the normal executive.

The President of India is the nominal executive. The union council of ministers led by the Prime Minister of India is the real executive.

Parliamentary executive is chosen from the legislature and is responsible to the legislature. The executive in India is parliamentary in its character.

**Powers and functions of executive 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 ordinances whenever the legislature is to in session.

10.    Implement schemes and projects to improve he social and economic conditions of the people.

11.       Power to grant pardon, reprieve or remission of punishment.

**Legislature :**

The legislature is the law making branch. The legislature has an important role in the amendment of the constitution. The legislature is a deliberative body where matters of social, economic and political concerns are discussed, debated and decided.

The British parliament is said to be 'the mother of parliaments'. It is the oldest legislature in the world.

According to **Prof. Laski,** law- making is not the only function of the legislature but its real function is to watch the process of administration to safeguard the liberties of private citizens. The legislature of the union is called the parliament in India. It consists of two chambers.

 The House of the People or the Lok Sabha as the Lower House.

The Council of State or the Rajya Sabha as the Upper House

The functions of legislature are

a)                 Enact laws

b)                Oversee administration

c)                 Pass the budget

d)                Hear public grieveances.

e)                 Discuss subjects like

**Judiciary:**

Judiciary is the third important organ of the government machinery. Its main function is to interrupter laws and administer justice.

**Lord Bryce**has said that there is to better test ofexcellence of government than the efficiency of its judicial system.The welfare of citizens depends to a larger extent upon the judiciary.

Judiciary is one of the pillars of democracy. Its interpretation ensures justice, equality and liberty to all its citizens. An independent and impartial judiciary is an essential feature of a democratic setup.

The Supreme Court of India consists of a Chief Justice and other judges. The Supreme Court has its permanent seat in Delhi.

According to **Justice Hughes,** 'we are under a constitution, but the constitution is what the judges say it is'.

**Functions of Judiciary:**

1. Administration of justice.

2. To determine what is law and what is the cope and meaning of it.

3. To give advisory opinion on matters referred to it.

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