



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. 1st Semester

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Lecture-17



Characteristics or Attributes of Sovereignty:

According to Dr. Garner, following are the characteristics or attributes of Sovereignty:

- (1) Permanence.
- (2) Exclusiveness.
- (3) All-Comprehensiveness.
- (4) Inalienability.
- (5) Unity.
- (6) Imprescriptibility.
- (7) Indivisibility.
- (8) Absoluteness or illimitability.
- (9) Originality.

(1) Permanence:

Permanence is the chief characteristics of sovereignty. Sovereignty lasts as long as an independent state lasts. The death of the king, the overthrow of the government and the addition of power does not lead to the destruction of sovereignty.

We should keep in mind the basic fact that the king or the ruler exercises sovereign power on behalf of the state and, therefore, sovereignty lasts as long as the state lasts. The death of the king or the overthrow of the government does not affect sovereignty. This is the reason why people in England used to say "The King is dead, long live the King".

Dr. Garner has beautifully summed up this idea in the following manner:

"Sovereignty does not cease with the death or temporary dispossession of a particular bearer or the re-organisation of the state but shifts immediately to a new bearer, as the centre of gravity shifts from one part of physical body to another when it undergoes external change".

(2) Exclusiveness:

By exclusiveness we mean that there can be two sovereigns, in one independent state and if the two sovereigns exist in a state, the unity of that state will be destroyed. There cannot exist another sovereign state within the existing sovereign state.

(3) All Comprehensiveness:

The State is all comprehensive and the sovereign power is universally applicable. Every individual and every association of individual is subject to the sovereignty of the state. No association or group of individuals, however, rich or powerful it may be, can resist or disobey the sovereign authority.

Sovereignty makes no exception and grants no exemption to anyone. It grants exemptions only in the case of foreign embassies and diplomatic representatives of foreign countries on the reciprocal basis. This does not in any way restrict the sovereignty of the state in the legal sense. The state can abolish and withdraw the diplomatic privileges granted to foreigners.

(4) Inalienability:

Inalienability is another characteristic of sovereignty. Sovereignty is inalienable. By inalienability we mean that the State cannot part with its sovereignty. In other words, we can say that the sovereign does not remain the sovereign or the sovereign state, if he or the state transfers his or its sovereignty to any other person or any other state.

Sovereignty is the life and soul of the state and it cannot be alienated without destroying the state itself. Lieber has very aptly remarked in this connection: "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".

(5) Unity:

Unity is the very spirit of Sovereignty. The sovereign state is united just as we are united.

(6) Imprescriptibility:

By imprescriptibility, we mean that if the sovereign does not exercise his sovereignty for a certain period of time, it does not lead to the destruction of sovereignty. It lasts as long as the state lasts.

(7) Indivisibility:

Indivisibility is the life-blood of sovereignty. Sovereignty cannot be divided state, American statesman Calhoun has declared, "Sovereignty is an entire thing; to divide it is to destroy it. It is the supreme power in a state and we might just well divide it is to destroy it.

It is the supreme power in a state and we might just well speak of half square or half a triangle as half a sovereignty". Gettell, has also very aptly remarked in this regard, "If sovereignty is not absolute, no state exists. If sovereignty is divided, more than one state exists".

(8) Absoluteness:

Sovereignty is absolute and unlimited. The sovereign is entitled to do whatsoever he likes. Sovereignty is subject to none.

(9) Originality:

By originality we mean that the sovereign wields power by virtue of his own right and not by virtue of anybody's mercy.

MCQ

1. Who said that sovereign should be determinate human superior?

- A. Grotius
- B. Bodin
- C. Locke
- D. Austin
- E. Rousseau

2.. Pluralists attack on sovereignty has come in the writings of:

- A. Maitland
- B. Sorel
- C. Herbert Spencer
- D. J.S. Mill

3.. Lectures on Jurisprudence is a book written by:

- A. Laski
- B. Grotius
- C. Maitland
- D. Austin
- E. Montesquieu

4.. If sovereignty is not absolute no state can exist. This is a statement made by:

- A. Laski
- B. Gettell
- C. Austin
- D. Barker

5. According to whom sovereignty is not absolute and authority is shared by the state with other associations and groups?

- A. Hegel
- B. Bentham
- C. Maitland
- D. Austin