

SUBJECT: POLITICAL SCIENCE I

COURSE: BA LLB SEMESTER I

LECTURER: MS. DEEPIKA GAHATRAJ

MODULE: MODULE I, POLITICAL SCIENCE: NATURE AND SCOPE AND IT'S RELATION TO LAW

Structure:

- Political Science and it's relevance to Law

RELEVANCE OF POLITICAL SCIENCE TO THE STUDY OF LAW

The study of law and justice does not treat the affairs of jurisprudence only but is linked to the State as the State is regarded to be the maintainer of an effective and equitable system of law and order. Matters relating to the organisation, jurisdiction and independence of judicial institutions, therefore, become an essential concern of a political thought.

Politics treat organised society, not as a social or political phenomenon but as a purely judicial regime, an ensemble of public law, rights and obligations founded on a system of pure logic and reason.

Law covers the entire behaviour of man's social, economic and political actions. Previously, law was a branch of political science. As both law and political science deal with both State and man, political science has its relevance in the study of law due to the following reasons:

- (i) **A study of State:** Law is made and implemented by the State. State is a very essential institution without which man's civilised life becomes impossible. State is essential for the maintenance of peace and the development of people. Aristotle says that State exists for the sake of orderly life. It is necessary to know the State in all its aspects-what it has been, what it is and what it ought to be. By studying politics we can know how the State has reached its present form, what are its functions, its purpose, etc. Politics helps us to understand the past to explain the present and to direct the future course of human life.
- (ii) **A study of man:** the ultimate aim law is to make a man as law-binding citizen. The State exists for the sake of man. The end of State is the development and progress of man. For free and full development of individual personality, rights are essential. So it is the duty of State to guarantee some rights to the people. Without rights one loses one's identity and simply becomes a unit, a slave. He who has rights and duties is called a citizen. Thus, politics studies man as citizen.

- (iii) **A study of Government:** To govern law, Government, an agent of the State is required. It is through the government the State exercises its authority. Politics studies the various activities of government and its organisation, law-making process in various States, different form of government and its merit and defects. The government consists of three organs, namely, legislature (law making body), executive (the law implementing authority) and the judiciary (law-giving organ). The main function of the government is related to law only.
- (iv) **A study of political ideas:** Law is not a static one but a dynamic subject. It changes basing on political philosophies. Law is viewed differently by individualists or liberals, socialists, communists and democrats. Politics deals with the theories forwarded by political thinkers regarding individualism, socialism and democracy. Thus, part of politics may be called 'political philosophy'.
- (v) **A study of political concepts:** The source of law are customs, religion, equality, legislature, codification and interpretations. All these issues are dependent on the political concepts like sovereignty, liberty, equality, power, authority, legitimacy, justice, rights and duties.
- (vi) **A study of Constitution:** The basis of legal system is Constitution. Different countries from their own Constitutions. However, there are similarities regarding the organs of executive, legislature and judiciary through the function of these organs may be in different ways. Constitutions give guarantee to fundamental rights, which are protected by law. Constitution provides the guidance regarding the formation and function of legislature, administration and judiciary.

REFERENCE:

- Myneni. S.R. (2018), *Political Science for Law Students*, Allahabad Law Agency, Faridabad