



Rajasthan School of Law for Women, Jaipur

University of Rajasthan, Jaipur

Session

2021 – 22

Syllabus
Semester V

SEMESTER - V

Paper 5.21 : FAMILY LAW - I

Total Marks: 100(80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam, 10 Project & Viva)

Objective of the Course

The course structure is designed mainly with three objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religious but as the one cutting across the religious lines and eventually enabling us to fulfil the constitutional directive of uniform civil code. Such as restructuring would make the study of familial relations more meaningful.

Module No. 1

- (a) Application of Hindu Law
 - i. Who are Hindus
 - ii. Followers of Jainism, Sikhism and Buddhism
 - iii. Hindus by declaration, Birth
 - iv. Converts and reconverts to Hinduism
- (b) i. When one or both parents are Hindus
- ii. Persons who are not Muslims, Christians, Parsis or Jains by Religion Schedule Tribe

Module No. 2

- (a) Concept of Marriage
 - i. Hindu Marriage a Sacrament or Contract
 - ii. Marriage under Hindu Marriage Act, 1955
 - iii. Forms of Marriage
- (b) i. Capacity to Marry : Mental Capacity : Age
- ii. Ceremonies of Marriage
- iii. Guardianship in Marriage
- iv. Intercaste and Inter religious Marriages
- v. Marriages between Hindu and Non Hindu

Module No. 3

- (a) i. Sapinda Relationship and Degree of Prohibited Relationship
- ii. Bigamy : Should bigamy be permitted in some limited cases
- (b) i. Matrimonial Remedies
- ii. Nullity of Marriages
- iii. Option of Puberty
- iv. Restitution of Conjugal Rights
- v. Judicial Separation

Module No. 4

- (a) i. Divorce : Desertion, Cruelty, Adultery and Other ground for matrimonial relief
- ii. Wife's special grounds of divorce
- (b) i. Divorce by Mutual Consent
- ii. Theories of Divorce : Guilt Theory, Consent Theory, Irretrievable Breakdown of Marriage Theory of Divorce

Module No. 5

- (a) i. Bars of Matrimonial Relief
- ii. Doctrine of Strict Proof
- (b) i. Taking Advantage of one's own wrong
- ii. Accessory
- iii. Connivance
- iv. Condonation
- v. Collusion
- vi. Delay
- vii. Other legal grounds, reconciliation

Module No. 6**Muslim Marriage**

- (a) i. Concept of Marriage
- ii. Capacity to Marry
- iii. Kinds of Marriage
- (b) i. Classification of Marriage
- ii. Shahih Marriage
- iii. Batil Marriage
- iv. Fasid Marriage
- v. Guardianship in Marriage
- vi. Essential Validity

Module No. 7

- (a) i. Mahr
- ii. Specified and Proper
- iii. Dower as Debt : Its nature and enforcement
- (b) i. Divorce
- ii. Express Talaq
- iii. Implied and Contingent Talaq
- iv. Delegated Talaq
- v. Formalities of Talaq
- vi. Talaq at the Instance of Wife

Case Laws :

1. Bhaurao v. State of Maharashtra, AIR 1965 SC 1564
2. Mahendra v. Sushila, AIR 1965 SC 364
3. Shamim Ara v. State of U.P., 2002(4) RCR Civil 340
4. Kailashwati v. Ayodhia Prakash, 1977 PLR 216
5. M.M. Malhotra v. VOI & Others, AIR 2006 SC 80
6. Seema v. Ashwani Kumar, AIR 2006 SC 1159
7. Vinita Saxena v. Pankaj Pandit, AIR 2006 SC 1662
8. Naveen Kohli v. Neelu Kohli, AIR 2006 SC 1676
9. Mohd. Ahmed Khan v. Shah Bano Bagum, AIR 1985 SC 945
10. Daiel Latifi v. UOI, 2001 (7) SC 40

Reference :

1. Paras Diwan, Hindu Law (1985)
2. Paras Diwan, Muslim Law
3. Mulla, Muslim Law
4. Fyzee, Outlines of Muslim Law
5. Tahir Mahmood, Hindu Law
6. Jaspal Singh, Law of Marriage and Divorce in India
7. N.D. Basu Law of Succession

Paper 5.22 : LABOUR LAW - I

Total Marks: 100(80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam, 10 Project & Viva)

Module No. 1

The Industrial Disputes Act, 1947

- (a) Historical Development of Industrial Disputes Legislation in India
- (b) Object, scope and reasons
- (c) Definition of important terms

Module No. 2

- (a) Various modes of settlement of disputes under I.D. Act, 1947
- (b) Voluntary Arbitration and compulsory Adjudication

Module No. 3

- (a) Strike and lock-out
- (b) Lay off and Retrenchment

Module No. 4

The Trade Union Act, 1926

- (a) i. Definitions
ii. Registration of Trade Unions
- (b) i. Rights and Liabilities of Registered Trade unions
ii. Recognition of Trade Unions

Module No. 5

The Minimum Wages Act, 1948

- (a) i. Concept of Wage
ii. Minimum, Fair and Living Wages
- (b) Fixation of revision of minimum wages

Module No. 6

Maternity Benefits Act, 1961

- (a) Nature of benefits, eligibility, other privileges and available
- (b) Forfeiture of maternity benefit, rule of inspectors

Module No. 7

The Payment of Bonus Act, 1965

- (a) Concept and basis of the calculation of bonus
- (b) Eligibility and disqualification for bonus

Suggested Readings

1. Vaid K.N. : Labour Welfare in India
2. Kothari G.L. : Wages Dearness Allowances and Bonus
3. Chopra D.S. : Payment of Bonus Act, 1963
4. Misra S.N. Labour and Industrial Laws
5. Srivastava K.D. : Commentary on Industrial Disputes Act, 1947
6. Srivastava K.D. : Commentary on Minimum Wages Act, 1948
7. Srivastava K.D. : Commentary on Trade Union Act, 1926
8. Seth D.D. : Commentary on Industrial Disputes Act, 1948
9. O.P. Malhotra : The Law of Industrial Disputes
10. O.P. Malhotra : Law of Industrial Disputes
11. Bagri – Industrial Disputes Act

Paper 5.23 : ECONOMICS – III

Total Marks: 100(80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam, 10 Project & Viva)

Module No. 1

- (a) An introduction of Law and Economics
- (b) Brief review of micro and macro-economic theory

Module No. 2

- (a) Comparison of Tort v. Contract Law, Breach of Duty, Proximate Cause of Harm
- (b) Hand Rule (Cost-Benefit Analysis), Economic Theory of Tort Law : Product Liability

Module No. 3

- (a) Legally enforceable contracts, principal-agent problem (introduction of game theory)
- (b) Principal – agent problem (introduction of game theory)

Module No. 4

- (a) Rule of Hadley, Economic Theory of Contract Law
- (b) Judicial Approach of Economic Efficiency

Module No. 5

- (a) Elements of a Crime, Comparison of Criminal v. Tort Law
- (b) Economic analysis of crime and criminal

Module No. 6

- (a) Ownership : Private, Public, Possession, Intellectual Property Rights
- (b) Economic Theory of Property

Module No. 7

- (a) Indian Economic System : Chief Characteristics
- (b) Challenges of India Economic System

Text and References :

1. Robert Cooter, Thomas ulem : Law and Economics
2. Gopal Krishanan : Law and Economics
3. Mitchell Polinsky : Handbook of Law and Economics

Paper 5.24 : SOCIOLOGY – III

Total Marks: 100(80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam, 10 Project & Viva)

Module No. 1

- (a) Development of Indian Society Development from Vedic and Post Vedic Society, Indian traditional order Ashram and Varna System, Sanskars
- (b) Features of Indian Society

Module No. 2

- (a) Composition of Indian Society Rural and Urban Society, Meaning and their characteristics, Rural-Urban Linkage
- (b) Religious and ethnic minorities

Module No. 3

- (a) Basic of social stratification in Indian society-caste, class and tribes; d. scheduled caste, scheduled tribe and other backward classes
- (b) Positive discrimination and affirmative action

Module No. 4

- (a) Joint family : meaning, characteristics, merits and demerits
- (b) Kinship – definition and forms; kinship system in north and south India – important features

Module No. 5

- (a) Trends of social change in India : A shift from Traditional to Modernity
- (b) Process of Westernization, Modernization, Globalization, Liberalization

Module No. 6

- (a) Social justice in India, Children and youth, aged, physically challenged members of the society
- (b) National building and women empowerment

Module No. 7

- (a) Social change through sanskritization, universalization and parochilization
- (b) Change initial through state agencies – education, administrative policies, development process

Book Recommended

1. Mandelbaum, D.G. Society in India : Volume I and Volume II ; Popular Prakashan, Mumbai; 1992
2. Bhushan, V. and D.R. Sachdeva an Introduction to Sociology ; KitabMahal, Allahabad; 1999
3. Prabhu, H.P. Hindu Social organization : A study in socio-psychological and ideological foundations; Popular Prakashan, Bombay; 1963 (with effect from the academic session 2008-2009) 31
4. Beteille, A, Caste, Class and Power: Changing Patterns of Stratification in a Tajore Village; Oxford University Press, New Delhi; 2002
5. Singh, Y. Social Change in India : Crisis and Resilience; her-Anand Publications Pvt. Ltd. New Delhi ; 1993
6. Srinivas, M.N. Social Change in Modern India ; Orient Logman Ltd. 1980
7. Sabharwal, G. Ethnicity and Class : Social Divisions in an Indian City; Oxford University Press; New Delhi; 2006
8. Vir, Dharam Kinship, Family and Marriage : Changing Perspectives (Edited); New Academic Pub. New Delhi; 2006

Paper 5.25 : POLITICAL SCIENCE – V

Total Marks: 100(80+20)

External Exam: 80

Internal Marks: 20 (10 Internal Exam, 10 Project & Viva)

Module No. 1

- (a) **Plato** : Life and Works, Ideal State, Rule of Philosopher King, Theory of Education
- (b) **Plato** : Communism of wives and property, theory of justice, changes in platonic and stand from 'The Statesman' to 'The Laws', Plato's Contribution to Political Thought

Module No. 2

- (a) **Aristotle** : Life and Works, Theory of State and Ideal State or the Best State, Theory of Justice
- (b) **Aristotle** : Revolution, Slavery, Citizenship, Aristotle's Contribution to Political Thought

Module No. 3

- (a) **Nicolo Machiavelli** : Life and works, Machiavelli as a Modern Thinker, Machiavelli on Human Nature, Ideas Morality and Religion, Ideas on State and Its Preservation as reflected in Price, Machiavelli's Contribution to Political Thought
- (b) **Thomas Hobbes** : Ideas on Human Nature, State of Nature, Social Contract, Ideas on Sovereignty, Law, Rights and Liberties, Hobbes as an Individualist as well as absolutist, Hobbes' Contribution to Political Thought

Module No. 4

- (a) **John Locke** : Ideas on Human Nature, State of Nature, Social Contract, Theory of Rights, Locke as an Individualist, Locke's Contribution to Political Thought
- (b) **Jean Jacques Rousseau** : Life and Works, Ideas on Human Nature, State of Nature, Social Contract, Theory of General will and Popular Sovereignty, Rousseau's Contribution to Political Thought

Module No. 5

- (a) **Jeremy Bentham** : Life and Works, Utilitarianism of Bentham, Bentham on State and Government
- (b) **Bentham** : On Reforms in Law and Justice Administration System, on Punishment and Prison Reforms, Bentham's Contribution to Political Thought

Module No. 6

- (a) **John Stuart Mill** : Life and Works, Utilitarianism of Mill, Mill's Ideas on Liberty
- (b) **John Stuart Mill** : Ideas on State and Representative Government, Mill as a champion of Women's Rights, Mill's Contribution to Political Thought

Module No. 7

- (a) **Hegel** : Life and Works, Dialectical Idealism, views on state
- (b) **Karl Marx** : Life and Works, Dialectical Materialism, Class struggle, Economic Determinism, theory of Surplus Value, Communism, Contribution to Political Thought

Text Book

1. Mukhi, H.R. : Western Political Thought, Delhi, SBD Publisher's Distributors

Reference Books

1. Mukherjee, S. & Ramaswamy, S. : A History of Political Thought – Plato to Marx, New Delhi, Prentice Hall
2. Sabine, G.H. & Thomsan, T.L. : A History of Political Theory, New Delhi, Oxford & IBH
3. Sigh, S. : Western Political Thought, Vol I & II, New Delhi, Rastogi Publishers