

## **CORE COURSE 112 PROPERTY LAW**

### **OBJECTIVES OF THE COURSE:**

The course on property conventionally deals with the Transfer of Property Act, 1882. More than a Century has elapsed since the passing of the Act and far-reaching changes have occurred in the field in property laws owing to altered social conditions. While archaic feudal rules enacted by the colonial administration like the rule against perpetuities find a place in the Act, the post, independence development relating to control and use of agricultural land do not find a place. The obsolescence of the Transfer of Property Act can be best illustrated by citing the provisions relating to leases on unmovable properties.

### **Syllabus:**

#### **1. General Principles of Transfer of Property - I**

- 1.1 Kinds of property: Movable, Immovable, Tangible and non-tangible property, Intellectual Property
- 1.2 Which properties may be transferred? – Competency of person to transfer: Transfer for the benefit of unborn child
- 1.3 Rule against perpetuity
- 1.4 Vested Interest and Contingent Interest

#### **2. General Principles of Transfer of Property – II**

- 2.1 Doctrine of Election
- 2.2 Lis Pendens: Principle, Salient Features, application in India, Essential Requirements, Exceptions
- 2.3 Fraudulent Transfer: Essential Requirements, Exceptions
- 2.4 Doctrine of Part-performance: Essentials and Exceptions

#### **3. Specific Transfers**

- 3.1 Sale: Essentials, Rights & Liabilities of Buyer and Seller
- 3.2 Mortgage & Charge: Definition, Kinds of Mortgage, Rights & Liabilities of Mortgager – Mortgagee, Redemption-Clog on Redemption
- 3.3 Lease : Definition, Essentials, Rights & Liabilities of Lessor and Lessee
- 3.4 Gift : Definition, Essential requirements, Kinds of Gift, Onerous Gifts, Universal Donee, Exchange : Definition & Features
- 3.5 Actionable Claim : Definition & transfer of Actionable Claims

#### **4. Easements :**

- 4.1 Easements : Meaning, Nature, Essentials and Characteristics
- 4.2 Kinds of Easements, Incidents of Easements, Creation of Easement
- 4.3 Various Easementary Rights :Right of Way, Right of Air, Right of support, Right of water etc.
- 4.4 Extinction, Suspension and Revival of Easements,
- 4.5 Licences : Meaning, elements, Grant and Revocation of Licences

**SUGGESTED READING:**

1. Mulla, Transfer of Property Act, Universal Delhi
2. Subbarao, Transfer of Property Act, C. Subbiah Chetty, Madras
3. B. Sivaramayya, The equalities and the Law, Eastern Book Co. Lucknow.
4. P.C. Sen. The General Principles of Hindu, Jurisprudence (reprint) Allahabad Law Agency.
5. B.H. Baden- Powell, Land Systems of British India, Vol. 1 to 3 (1892), Oxford V. P. Sarthy, Transfer of Property, Eastern Book Company, Lucknow. Vepa P. Sarathi : Law of Transfer of Property, Eastern Book Company T. R. Desai : The Indian Easements Act, 1982
6. B. B. Katiyar: Easements and Licences, Universal Law Publishing Co.
7. Sanjiva Row : The Indian Easements Act
8. K. Joshi : Easements and Licences Peacock : The Law relating to Easements