

Simran

Subject : Property Law

Date of Commencement: 11th Feb. 2019

2018-19

COURSE PLAN

Class : III BALLB-A, III BALLB-B

COURSE OBJECTIVE

The focus of this course is on the study of the concept of 'Property', the 'nature of property rights' and the general principles governing the transfer of property. The main objective of the course is to study in detail the substantive law relating to particular transfers, such as sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken. The course also includes an exposure into the concept of trust.

Modules/Units	Topic	Number of hours	Teaching Methods	Prerequisites- Readings/Assignments	Supplementary readings	Unit Outcomes
UNIT -1	Introduction about subject	1	Lecture			Under this unit the students will be introduced to the concept of Property and understand the essentials of valid transfer of property, transferable and non transferable property under the Act and up to what extent the transferor can impose the conditions over transferee.
	General principles of Transfer of Property by Act of parties <i>inter vivos</i>	1	Lecture, Presentation			
	Concept and meaning of immovable property	2	Lecture, Presentation			
	Persons Competent to transfer	1	Discussion, Lecture, Presentation	1)Mulla, Transfer of Property Act, 1882., 2)Shah, Principles of the Law of Property	1)The Indian Registration Act, 1908 2)The General Clauses Act, 1897	
	Operation of Transfer	1	Lecture, Presentation			
	Conditions restraining alienation and restrictions repugnant to the interest created	2	Lecture, Presentation			
	Rule against perpetuity and exceptions-	2	Lecture, Presentation			
UNIT- II	Direction for accumulation-	1	Lecture, Presentation			At the end of this unit the students will have an
	Vested and Contingent interest.	2	Lecture, Presentation			
	Doctrine of election-	3	Lecture, Presentation	1)Mulla, Transfer of Property Act,		

	Transfer by ostensible and co-owner-	2	Lecture	1882.		understanding about how the non owner can transfer a property, what are the rights of the transferee, & validity of the transfer of property where dispute is pending in court
	Apportionment- Priority of rights-	1	Lecture		<i>Transfer of Property Act, 1882</i>	
	Rent paid to holder under defective title	2	Lecture			
	Improvements made by <i>bonafide</i> holder-	2	Lecture			
	Doctrine of <i>Lis pendens</i>	2	Discussion, Lecture			
	Fraudulent transfer and part-performance	3	Lecture			
	Mortgages of Immovable property & Kinds of mortgages and their features-	3	Lecture			
UNIT - III	Rights and liabilities of mortgagor and mortgagee-	4	Lecture	1)Mulla, Transfer of Property Act, 1882. 2)Shukla, Transfer of Property Act	<i>Transfer of Property Act, 1882</i>	At the end of this unit the students will have an understanding of what is mortgage of immovable property and the various rights and liabilities of the parties
	Priority of securities & Marshalling and contribution-	2	Lecture			
	Charges.	2	Lecture			
	Sale of immovable property & Difference between sale and contract for sale;	2	Student Presentation			
	Rights and liabilities of seller and buyer before and after completion of sale-	2	Lecture			
UNIT - IV	Leases of immovable property: Definition- Scope-	2	Student Presentation	1)Mulla, Transfer of Property Act, 1882. 2)Shukla, Transfer of Property Act	1) <i>The Registration Act, 1908</i> 2) <i>The Limitation Act, 1963</i>	At the end of this unit the students will have an understanding about the various modes of transfer of property
	Creation of lease-	2	Lecture			
	Rights and liabilities of lessor and lessee-	2	Lecture			
	Determination and holding over;	2	Lecture			

	Exchange: Definition and mode- Actionable Claims; Gifts: Scope- meaning- mode of transfer- universal gifts- onerous gifts.	1 1 1	Lecture Lecture Discussion			
	Law of Trusts with Fiduciary Relations: Definitions of Trust and its comparison with other relationships like Debt, Ownership, Bailment, Agency and Contract; Kinds of Trusts-	1 2	Library visit Lecture			
UNIT - V	Creation of Trust & Appointment of Trustees-	1	Writing exercises	1)M. P. Tandon - Indian Trust Act. 2)M.RamJohn- Law of Trust <i>Indian Trust Act, 1882</i>		At the end of this unit the students will have an understanding regarding the creation of trust and the several rights, duties and liabilities of the parties involved in the trust.
	Duties and Liabilities of Trustees-	1	Lecture			
	Rights and Powers of Trustees & Disabilities of Trustee	1	Lecture			
	Rights and Liabilities of the Beneficiary-	1	Lecture			
	Vacating the office of trustee and Extinction of Trusts.	1	Lecture			
	Internal test	3				
	Revision and solving of question paper	10				
	Total No. of Classes	75				

No. of Teaching Hrs=62
 No. of Library Hrs=01
 No. of assessment Hrs.=03
 No. of Hrs. for revision and solving of question paper=10
 No. of documentaries to be screened =00
 Service Learning if any=Creating awareness in the general public about the precautions to be taken by the parties during the transfer of property.

No. of student presentations=06
 No. of hand outs=06
 No. of writing exercises=03
 No. of case studies=00

Guest lecturers if any= 01



Any links= 0

Course outcome:

Industry/ Professional skills:

This subject will be helpful to the students who want to practice in the area of property related matters or of conveyancing. There are various modes of transfer of property like sale, gift, mortgage, lease etc. however to prepare the draft of DEED, basically the lawyer should have an expertise in this area. Thus under this subject students will learn various kinds skills related to the transfer of property.

Human Values:

For the transfer of property there should be a contract between the transferor and the transferee of the property but more than a contract it is the trust between the parties that they repose between each other is crucial to carry out their contract. Thus under this subject the students can learn about how the parties of the contract should fairly interact and keep the cordial relationship between each other by discharging their duties honestly.

Prescribed Books:

Mulla, *Transfer of Property Act*, (Delhi: Universal, 1999)

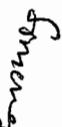
Tandon, M.P., *Indian Trust Act, 1882*, 21st Edition, (Allahabad Law Agency, 2012)


Reference Books:


Subbarao, *Transfer of Property*, (Madras: Subbiah Chetty, 1994)

Shukla, S.N., *Transfer of Property Act*, 28th Edition, (Jain Book Agency, 2014)

Tripathi, G.P., *The Transfer of Property Act*, 18th Edition, (Jain Book Agency, 2014)


Course Teacher


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