

CERTIFICATE COURSE IN DOCUMENTATION

PAPER I

GENERAL PRINCIPLES OF PROPERTY LAW AND SUCCESSION

PART - A

PROPERTY LAW

- UNIT I** : **PROPERTY:**
Introduction - Classification Ownership: Definition - Kinds - Ownership of Land and Soil - Modes of acquiring ownership; Possession: Classification - Elements of a valid possession - Modes of acquiring possession.
- UNIT II** : **TRANSFER OF PROPERTY BY ACT OF PARTIES:**
Definition - 'Transfer of Property' - What may be transferred - persons competent to transfer - operation of transfer - oral transfer - condition restraining alienation - Transfer for benefit of unborn person - Rule against perpetuity - Conditional transfer
- UNIT III** : **TRANSFER OF IMMOVABLE PROPERTY:**
Transfer by person authorized only under certain circumstances to transfer - Power of attorney
Restrictive Covenant
Transfer by Ostensible owner - Doctrine of Feeding estopped - Transfer of Property pending Suit relating thereto (Lis Pendens) - Fraudulent transfer - Part performance
- UNIT IV** : **SPECIFIC TRANSFERS:**
Sale, mortgage, lease exchange, gift and actionable claims.
(i) Sale : Definition - Difference between Sale and Contract for sale - Doctrine of Marshalling - Rights and liabilities of Seller and Buyers
(ii) Mortgage : Definition - Types of Mortgages - Right of Redemption - Right to foreclosure or Sale - Rights and liabilities of mortgagor and mortgagee - Marshalling - Contribution - Subrogation - Charges

(iii) Lease: Definition – Lease now made – determination of lease – distinction between lease and license – Tenancy at will – Tenancy by sufferance – Rights and liabilities of lessor and lessee.

(iv) Exchange: Definition – Rights and liabilities of parties

(v) Gift: Definition – Ingredients – Gift of existing and future property – Suspension and revocation of gift.

Universal Donnee – onerous gift – Donation mortis Causa (Death – Bed – Gifts)

Under Muslim Law (Hiba)

Definition – Elements – Formalities – Revocation of gifts – Gifts involving return (Ewaz) – Marz Ul Maut.

(vi) Transfer of Actionable Claims

UNIT V : **INDIAN TRUST ACT, 1882**
Meaning – Definition – Classification : Express Trust – Implied Trust; Necessity for a written instrument – Requisites for creation of trust.

UNIT VI : **BEQUEST TO CHARITY**
(i) Public Trust – Under Indian Law
(ii) Wakf – Under Mohammeden Law (Wakf Act, 1954)
(iii) Private Trust
Introduction – Definition – Essentials – Wakfs haow created – kinds – Nutawalli.

UNIT VII : **THE TAMIL NADU LAND REFORMS (FIXATION OF CEILING ON LAND) ACT, 1961**
Object – Salient Features – Definitions – Fixation of ceiling on land holdings – Exemptions under the Act.

PART - B

SUCCESSION

UNIT - VIII

Introduction - Kinds - Testamentary and Intestate Succession Indian Succession Act, 1925

- (i) To whom applicable - definitions : will, testator/testatrix, executor, administrator, Curator, Codicil, Probate, letter of administration
- (ii) Kinds of Will : Privileged, unprivileged, Mutual, Joint, Holograph, Noncupative, duplicate
- (iii) Characteristic - Revocability
- (iv) Domicile
- (v) Wills and Codicils:
Testamentary Capacity - Execution of unprivileged Will - Construction of Will (Testator's Armchair Rule/Golden Rule) - Privileged Will: who can execute - Mode of making - Rule for execution.
- (vi) Legacy - Specific legacies, demonstrative legacies, Ademption of legacies lapse of legacy

UNIT - IX : **BEQUESTS**

Onerous bequest - Contingent bequests - Conditional bequest - void bequests

UNIT - X :

- (1) Probate & Letter of Administration - Protection of Property of deceased - Grant and revocation of Probate and letter of administration.
- (2) Succession Certificate : Application - Procedure - Contents of Certificate Revocation
- (3) Succession by Adoption : Requirements - who can adopt - who can be taken into adoption - requirements.

Books Prescribed:

Transfer of Property Act by G.C.V.Subbarow

PAPER - II

REGISTRATION ACT

- UNIT I** : Preliminary - of the Registration - Establishment - of Registrable Documents - of the Time of Presentation - of the place of Registration
- UNIT II** : Of Presenting Documents for Registration - of Enforcing the Appearance of executants and Witnesses
- UNIT III** : Of Presenting Wills and Authorities to Adopt - of the Deposit of Wills
- UNIT IV** : Of the Effects of Registration and Non-Registration - of the Duties and Powers of Registering Officers - of Refusal to Register
- UNIT V** : Of the Fees for Registration, Searches and Copies - of Penalties - Miscellaneous

Books Prescribed:

1. Tamil Nadu Registration Manual by M.Arulselvam
2. Mulla on The Indian Registration Act by Dileep Dalal

PAPER - III

THE STAMP ACT AND RELATED LAWS

- UNIT I** : Object of the Act - Meaning of Stamps - Kinds of Stamps - Stamp Duties : (a) of the liability of instruments to duty; (b) of Stamps and the mode of using them; (c) of the time of Stamping instruments; (d) of valuations for duty and (e) Duty by whom payable - Adjudication - as to Stamps - Stamp Duty payable on Instruments (Corrected upto T.N. Act 31/2004)
- UNIT II** : Instruments not duly Stamped (See 33 to 48)
- UNIT III** : Allowances for Stamps in certain cases (See 40 to 55) - Reference and Revisions (See 56 to 61)
- UNIT IV** : Criminal Offences and Procedures (See 62 to 72) - Supplemental Provisions (See 73 to 79)
- UNIT V** : The Indian Stamp Rules, 1925 (as in force in the State of Tamil Nadu) Description of Stamps - of impressed Stamps - of Adhesive Stamps - Appendices I, II & III
- UNIT VI** : The Tamil Nadu Stamp (Prevention of under valuation of Instruments) Rules, 1968

Books Prescribed:

1. The Indian Stamp Act by M.Arulselvam

PAPER - IV

PRACTICAL : DRAFTING OF CONVEYANCES

- (i) Agreement to Sell
- (ii) Deed of Sale
- (iii) Deed of Exchange
- (iv) Deed of Gift
- (v) Deed of Settlement
- (vi) Deed of Partition
- (vii) Deed of Release
- (viii) Deed of Partnership
- (ix) Deed of Dissolutions of Partnership
- (x) Deed of Mortgages
- (xi) Deed of Lease/Rent
- (xii) Deed of License
- (xiii) Wills - Different kinds

N.B. Students are expected to become well conversant in the art of drafting the above Deeds and other Instruments.

Books Prescribed:

Lifco's Documents - Drafting & Registration